



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 26 February 2020

Authorised by the Parliament of New South Wales

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LEGISLATIVE ASSEMBLY

Wednesday, 26 February 2020

The Speaker (The Hon. Jonathan Richard O'Dea) took the chair at 09:30.

The Speaker read the prayer and acknowledgement of country.

Notices

PRESENTATION

[*During the giving of notices of motions*]

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

Bills

FIREARMS AND WEAPONS LEGISLATION AMENDMENT (CRIMINAL USE) BILL 2020

First Reading

Bill introduced on motion by Mr David Elliott, read a first time and printed.

Second Reading Speech

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (09:44:06):

I move:

That this bill be now read a second time.

The Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 amends the Firearms Act 1996, the Weapons Prohibition Act 1998 and the Firearms Regulation 2017, to strengthen the provisions relating to illegal manufacture of firearms or prohibited weapons and to clarify police powers when conducting firearms prohibition order searches. As the bill deals with two distinct matters, I will describe each in turn. Firstly, the new offence for "taking part in the manufacture of firearms" will ensure that any person who plays any part in producing an illegal firearm will be subject to a criminal offence. Under the existing "unauthorised manufacture of firearms" offence provisions, if police find an outlaw motorcycle gang clubhouse filled with machining equipment and materials, they may not be able to take action unless they could prove that a functioning firearm was the end result.

Under the new offence provisions, the context and activity of taking part in the steps of the manufacturing process will now enable police to more effectively respond to illegal manufacture. The new offence is also consistent with agreements that have been made at a national level. Following the Martin Place siege joint review, the Ministerial Council for Police and Emergency Management [MCPEM] supported recommendation 9, which states:

... States and Territories should give further consideration to measures to deal with illegal firearms.

The ministerial council agreed to a desktop review of existing firearm manufacturing offences, acknowledging that new technologies have greatly enhanced the capabilities of criminals to manufacture firearms, often with great technical skill. As a result, the Firearms and Weapons Policy Working Group was tasked to consider alternatives to creating new firearms manufacturing offences every time a new device, material or equipment is created. The working group includes representatives from all Australian States and Territories and New Zealand. After an extensive review, the working group proposed an approach by which the "illegal manufacture of firearms" offence would have a broader application and new technologies could be captured.

The report of this national review, led by New South Wales, with input from all jurisdictions, was approved by the ministerial council. Ministers endorsed the approach and noted that each jurisdiction should craft its own legislative provisions to give effect to this collective decision. The review considered research in this area, including the 2012 Australian Institute of Criminology paper titled *Firearm Trafficking and Serious and Organised Crime Gangs*. The paper considered illegal manufacture to be of concern and worthy of further consideration. It also noted:

There is also a need to offset issues around vulnerabilities of firearm parts, as opposed to full firearms, in the illicit trade, particularly if there is an increase in illicit domestic manufacture. Some further standardisation across the state and territory firearms laws as to what constitutes a major firearm part or component for the purposes of regulation may be warranted to prevent instances of firearms being manufactured using non-registrable parts.

Since that paper was published in 2012, law enforcement agencies have continued to see a growth in domestic manufacture of improvised firearms, as well as 3D printing and machine milling of firearms. The bill before the House today is the end result of this nationally endorsed and comprehensive review process and the latest NSW Police Force intelligence concerning the illegal manufacture of firearms. The new offence of "taking part in unauthorised manufacture of firearms or firearm parts" has precedents in at least one other State and in other legislation in New South Wales. It is an integral initiative to respond to serious criminals who have the means and ingenuity to seek alternatives with which to produce a firearm. Finger-proof polymers, moulds for parts such as handgun grips and milling equipment are used in the illegal manufacture of firearms. Upon successful passage of this bill all of these would be captured by a manufacturing offence.

As a result of this bill there will be no requirement for law enforcement to provide evidence that a functioning firearm would result from this manufacturing process. If any firearms or prohibited weapon parts, equipment, or other firearms precursors were found in an outlaw motorcycle gang clubhouse, for example, it would appear fairly obvious to police that the production of firearms or prohibited weapons was the intention. Under this new provision, police may now take action on the basis that the persons involved were knowingly taking part in the illegal manufacture of firearms. The new, broader "take part in" offence addresses issues such as financing, providing premises, equipment and materials of illegal manufacturing.

I turn now to the details of this part of the bill. Schedule 1 deals with amendments to the Firearms Act 1996. For absolute clarity, the bill ensures that the existing provision in section 8, subsection (1) relating to the authority attached to a firearms dealer licence includes the authority to manufacture firearm parts. The authority of the firearms dealer licence is clearly designed to include manufacture of parts in the legitimate manufacture of firearms and reflects the firearms dealer definition in section 4 of the Act. But the authority is not clearly attached to firearms parts in section 8 and as a consequential amendment this will be now clarified. This will put beyond doubt that the new offence does not apply to licensed firearms dealers who manufacture parts within the authority of their licence.

Subsection (1) is further amended in the same vein in relation to theatrical armourers to provide that the licence grants the authority to manufacture firearm parts—among the other prescribed activities—as well as the existing firearms and blank cartridges. The new sections 51J and 51K provide for the new offence of taking part in illegal manufacture of firearms and the police powers to respond to this criminal activity. Section 51J provides for the offence of taking part in unauthorised manufacture of firearms or firearm parts. The new offence will be committed if a person knowingly takes part in the manufacture of a firearm or firearm part, and knows, or ought reasonably to know, that the manufacture of the firearm or part is illegal—that is, is not authorised by a firearms dealer licence or permit. The penalty for this offence is set at the maximum penalty of 20 years in prison. This is consistent with the existing maximum penalty for the offence under section 50A, subsection (2) for unauthorised manufacture of a firearm that is a pistol or prohibited firearm.

A prohibited firearm is described in schedule 1 of the Firearms Act 1996 and includes such things as machine guns, submachine guns, self-loading rifles or pump action shotguns, and lever action shotguns with a magazine capacity of more than five rounds. For example, a fully automatic machine gun or an AK-47 fall into this category as prohibited firearms. For the new offence to apply, the person must be aware that the manufacture is illegal, that it is not authorised under a firearms dealer's licence, and that the process they are taking part in is for the manufacture of firearms. This element relating to knowledge is an important one. It is important to ensure that businesses that are under a genuine belief that they are participating in a lawful manufacturing process are not inadvertently committing a criminal offence.

For example, a business which makes steel tubing may be supplying those to a third party without any knowledge of their intended end use; or they may have been lied to about the ultimate end use. It is not intended that this business would be committing an offence. Again, if the business were supplying the tubes to an authorised firearms manufacturer, knowing they were for barrels but under the genuine belief that the manufacture of these barrels was legal, then they should not be captured by the new offence. However, if that business knew that they were supplying these products for the purposes of becoming firearms barrels and they knew—or ought to have known—that the third party was not authorised to manufacture firearms, then that business operator would, appropriately, be charged with an offence. Ultimately, this offence is not intended to target the distant and unrelated persons who genuinely have no knowledge that they are involved in the illegal manufacture of firearms.

Subsection (2) of section 51J goes on to provide that a person takes part in the manufacture of a firearm or firearm part if: the person takes, or participates in, any step, or causes any step to be taken, in the process of that manufacture; or the person provides or arranges finance for any step in that process; or the person provides the premises in which any step in that process is taken, or permits any step in that process to be taken in those premises; or the person is in possession of a firearm precursor for the purposes of manufacturing a firearm or firearm part. A firearm precursor is a new concept in the Act to describe those things: components, materials,

equipment, moulds, hardware, downloads, software which are not defined as firearm parts, but which are used in the manufacture of firearms, especially in the "homemade" versions. Mere possession of "household items" or hardware found in anyone's garage is not intended to be an offence. However, if these items are knowingly used for the purposes of illegal manufacture they could form part of the broader "take part in" offence. This is similar to existing provisions for drug paraphernalia. A meth lab may have buckets and plastic hoses that in themselves are innocent and may be possessed but added together with all the other items needed to make drugs could result in "knowingly take part in" the manufacture of a prohibited drug offence.

Subsection (3) of section 51J provides that a firearms precursor means any object, device, substance, material or document that is used or is capable of being used in the process of manufacturing a firearm or firearm part, including, but not limited to: moulds for making pistol grips or firearm parts; milling, casting or rifling equipment; digital blueprints within the meaning of section 51F of the Act; and computer software or plans. More broadly, it is expected that a firearms precursor would include those components not defined as parts, such as a barrel or portion of a barrel, a breech including a breech bolt or block, a pistol slide, frame or receiver, a rifle or shotgun frame or receiver, a revolver cylinder, trigger mechanisms, or operating mechanisms. A firearms precursor would also include incomplete components that may require further manufacturing to complete the firearm. Examples of these include: a metal forging, casting or milled item which is the precursor to a major component part which is not reasonably able to be used for any other purpose; a partially complete part of a forging, casting or milled item which is not reasonably able to be used for any other purpose; any plastic or composite version of a major component part as described in metal forgings or parts but is for use in a weapon such as military assault rifles; or similar firearms which are not reasonably able to be used for any other purpose.

Subsection (4) of section 51J provides that the offence applies to a person regardless of whether a firearm or firearm part is actually manufactured. This addresses a major loophole in the current national approach to illegal manufacture of firearms whereby a criminal could have all the parts or components lying around them but can get away with not being charged because there is no complete firearm as a result. This gap will be closed under the new offence. Subsection (5) of section 51J ensures that the offence does not apply to a person who is acting in the course of the person's duties as a member, other than a police officer, of the Police Force. This means a civilian armourer or technician or ballistics expert would not be captured under the offence if manufacturing was part of their duties for the NSW Police Force. This could include re-assembling a firearm that has been taken apart. Section 6 of the Firearms Act and section 6 of the Weapons Prohibition Act already specify occupations that are exempt from offences under those Acts when people are acting in the ordinary course of their duties.

Nothing in these new sections affects the operation of sections 50A or 51F, which relate to the requirement to be authorised by licence to manufacture firearms or the possession and use of digital blueprints. Subsections (6) to (10) of section 51J deal with the principles of double jeopardy. If a person is convicted or acquitted of the new "take part in" offence, that person cannot be convicted of the existing manufacturing offences under section 50A or of section 51F offences on the same evidence used for the "take part in" offence. Likewise, if the person is convicted or acquitted of the manufacture without a licence, section 50A, or digital blueprint, section 51F, offences, they cannot be convicted of the "take part in" offence on the same evidence.

Section 51K subsection (1) provides police with the power to seize firearms, firearm parts and firearm precursors. This section ensures that, having been able to take action for the offence of taking part in illegal manufacture of firearms, the police have the powers they need to keep the community safe from those would-be firearms. It is only logical and necessary that having located the illegal manufacture of firearms—the premises, the people, the equipment and materials—the relevant items can be seized and not left lying around for the next set of criminals to use.

Subsections (2) and (3) of section 51K provide police with the power when seizing or detaining the items related to the offence to direct a person to provide assistance or information to enable the officer to access information. This will include passwords, access codes, login credentials or other encryption or security for devices or computers which hold information contributing to the taking part in the illegal manufacture. These proposed access powers recognise that encryption or security features are used by criminals to hide evidence relating to illicit activities. In times past information may have been held in hard copy or printed-off versions of plans or instructions. These are now much more likely to be on a computer, tablet or smartphone.

While police have some limited technical capability to bypass encryption on seized devices, there may be some delay with specialist units having to first get access to the device. In addition, there may be available methods of encryption that could resist all law enforcement attempts to crack the devices. Without an explicit power to require an owner or person with knowledge of an electronic device to disclose passwords or codes to access electronic equipment, the Police Force may be hamstrung in their investigation when this includes information stored on a device. For example, the seized device might include evidence of correspondence concerning the planning for the firearms manufacture or evidence that identifies other people involved in the

manufacturing or distribution of illegal firearms. Access to this information could be critical for police to fully investigate the criminal activity that is occurring. The proposed powers address this by providing an option for police to facilitate immediate law enforcement access to devices that may contain evidence of the manufacture of firearms. The proposed offence of failing to comply with this requirement without reasonable excuse or to deliberately provide a false password or code so that the offender appears to be complying but is in fact not will ensure that legal action can be taken in respect of persons who thwart police investigations by failing to facilitate police access to the device in question.

Proposed section 51K (4) sets out that division 1 of part 17 of the Law Enforcement (Powers and Responsibilities) Act [LEPRA] 2002 will apply in regard to any items seized under section 51K. This division deals with disposal of dangerous items seized by the police and includes the process by which a person may apply for the return of those items. In essence, a dangerous article which is seized is forfeited to the Crown unless an application for the return of the article is made within 28 days after it is seized or if an appeal about seizure is still pending within the required time. An application for the return of the article may be made to a police area commander or a police district commander. If refused, the person may apply to the Local Court for the return of the article. A police area commander or police district commander may dispose of or destroy an item forfeited to the Crown under section 214 of the Law Enforcement (Powers and Responsibilities) Act 2002 in accordance with the directions of the commissioner.

Schedule 2 to the bill makes amendments to the Weapons Prohibition Act 1998 to introduce an equivalent takes-part-in offence for the illegal manufacture of prohibited weapons. As members would be aware, the Weapons Prohibition Act 1998 mirrors in many respects the Firearms Act 1996. Where a prohibited weapon can be used illegally in the same manner as a firearm, it is logical that the same provisions apply. Except where the current provisions differ between the two Acts, the amendments in schedule 2 to the bill generally are identical to those described earlier for firearms, with the same rationale to provide for the takes-part-in offence of illegal manufacturing of prohibited weapons. New sections 8 and 8 (1) clarify, as with firearms, the authority attached to the weapons dealer permit. Proposed section 25E creates the offence of taking part in the illegal manufacture of prohibited weapons or weapons parts. The provisions in proposed section 25F likewise mirror those I described earlier to give police the power to seize and detain items, to direct a person to provide assistance in accessing devices and to deal with seized items under LEPRA.

Our second matter deals with enhancing the firearms prohibition order [FPO] search powers following a review by the former acting NSW Ombudsman, Professor John McMillan, AO. In 2013 our Government enhanced police powers to conduct searches concerning persons who were subject to a firearms prohibition order. These amendments—set out in the Firearms and Criminal Groups Legislation Amendment Act 2013—were introduced as part of a range of reforms that enhanced the ability of our police to respond to and prevent serious crime, including gun crime. Since 2013 police have had the power, without warrant, to search an FPO subject's person, vehicle and/or premises that the person occupies, controls or manages. These searches are permitted as reasonably required to determine if the FPO subject has committed a relevant offence relating to the possession of a firearm, firearm part or ammunition.

Feedback from the NSW Police Force has been that the FPOs are a very effective tool in reducing gun violence. They prevent firearms coming into the possession of individuals who may later use them for gun violence. FPOs have proven a key element in suppression strategies used against outlaw motorcycle gangs and other organised criminal groups. Their imposition can allow for heightened scrutiny of those engaged in criminal enterprise and, if breached, they provide for serious penalties. Since their introduction, the use of FPOs, with the ability to undertake the searches more efficiently, have increased the positive results in removing illegal firearms from the community and in cracking down on serious crime. As required by the existing legislation, the former acting Ombudsman's report on the review has been tabled in New South Wales Parliament. It is also published on the NSW Ombudsman's website. The report made a number of recommendations and concluded on page 9 that, with some small exceptions, "...it appears that police have largely targeted the cohort of people Parliament intended when conducting searches under the FPO search powers."

This bill implements recommendations directed to the then Minister for Police and Attorney General, which the Government has supported. The Government acknowledges that the NSW Police Force has supported those recommendations directed to them, mainly related to training and procedures, and is committed to ensuring that the search powers are used appropriately and according to law. In New South Wales FPOs and the related search powers provide police with a means to disrupt the illegal firearms market to prevent illegal firearms entering the community. A key law enforcement priority is to use strategies that target individuals, outlaw motorcycle gangs, other organised criminal groups and serious crime offenders who have no valid reason for possessing a firearm, firearm part or ammunition. The search powers allow police to ensure that these criminals do not have firearms in their possession.

At a national level, the Australian Criminal Intelligence Commission [ACIC] has intelligence which indicates that not only are serious and organised crime groups seeking access to firearms but also an increasing number of groups are trafficking firearms with outlaw motorcycle gangs, Middle Eastern organised crime groups and other groups, adding firearms trafficking to their existing drug trade activities. The ACIC provides an analysis of firearms referred to the ACIC for tracing, which indicates that between 2008 and 2016 36.8 per cent of the firearms traced were linked to or seized from individuals associated with high-risk criminal groups. FPOs remain a key disruption technique to keep firearms out of the hands of criminals.

I turn now to the details of this part of the bill. Proposed section 73A of the bill provides for a review of an FPO. Ten years following the date on which an order took effect, the commissioner will now be required to undertake a review of the order and the current circumstances of the subject person to determine if the order should continue or be revoked. Subsection (2) provides that the review must be completed within six months of that 10-year period expiring. This will give the Police Force time to undertake the review at the same time as ensuring the review is conducted in a timely manner. The rationale for the 10-year review is to ensure that 10 years after the order police consider the current status of the subject person.

Subsection (3) provides that for those current FPOs that have already been served for 10 years the NSW Police Force will have 12 months in which to conduct those reviews from commencement. Given the resource impost on the NSW Police Force, the Government accepts that more time is needed to determine which FPOs need reviewing and then time to complete the review. Subsection (4) makes it clear that the order will remain in force while the review is conducted and will remain in place unless the order is revoked. Section 74A is amended to provide clarity on matters the Ombudsman's review believed were ambiguous.

The current section 74A (1) provides that a police officer may search as reasonably required to determine whether the subject person has illegally acquired, possessed or used a firearm or acquired or possessed a firearm part or ammunition. To ensure the search power is used appropriately, this subsection will now provide that the search power may only be exercised if reasonably required to determine whether the subject person has committed an offence under section 74 of the Act. This is consistent with the way police are using these orders in practice, namely, to ensure that a subject person does not have a firearm, ammunition or firearm part in their possession.

In addition, new section 74A (1) (b) clarifies that a search may occur immediately after the subject person has been issued with the order. However, this can only occur if the subject person has been given the opportunity to surrender any lawful firearms, firearm parts or ammunition in their possession before any action is taken against the person. It is extremely rare for a person who is about to be issued an FPO to be a legitimate firearms licence holder. However, in the unlikely event they are, the person must be given the opportunity to surrender legal—that is, registered—firearms in their possession before the police conduct the search. I understand that this is already part of the usual practice undertaken by the NSW Police Force in these situations.

In the event the search then discovers illegal, unregistered firearms or those not related to the genuine reason for the licence, the existing prohibitions will apply. Proposed sections 74A (2A) to (2F) deal with the details of the search itself and the parameters of that search. The inclusion of these provisions will ensure that there is clarity about the bounds of the search powers under section 74A. Proposed section 74A (2A) sets out that a police officer may search any other person who the officer reasonably suspects is in possession of a firearm, firearm part or ammunition and who is present on the premises. This will ensure that the FPO subject cannot quickly hand a firearm over to another person on the premises who is with them at that time to hide the firearm or ammunition to avoid the search.

Proposed section 74A (2A) also sets out that police may, for the same reason, search any other vehicle, vessel or aircraft situated on those premises. This ensures that police are able to search these places that criminals might think are good choices to hide firearms, parts or ammunition when the police arrive at the front door. The property may also have an aircraft or boat in the backyard, particularly in rural areas. Again, criminals might see these as perfect hiding places for firearms. These may also be searched. The vehicle, vessel or aircraft need only be situated on the premises occupied or under the control or management of the FPO subject, and not necessarily owned by the subject.

Proposed section 74A (2B) clarifies that division 4 of part 4 of the Law Enforcement (Powers and Responsibilities) Act 2002 extends to the search of a person conducted under this section. This division of LEPR deals with the conduct of person searches—all of which must apply in an FPO search. The former acting Ombudsman was of the view that this was a matter worth clarifying, and this bill will deliver that clarity. Proposed section 74A (2C) provides that before entering any premises, under subsection (2) police are required to announce that the officer is authorised to enter the premises and to give any person who is present on the premises an opportunity to allow entry. However, subsection (2D) provides that a police officer is not required to comply with subsection (2C) if the officer believes on reasonable grounds that immediate entry is required to ensure the safety of any person or to ensure that the effective execution of the search powers is not frustrated.

Proposed sections 74A (2C) and (2D) are modelled on similar provisions relating to search warrants as set out in sections 68 and 70 (1) of LEPR. Proposed section 74A (2E) will require that the police, as soon as is reasonably practicable, notify the occupier of any premises they have entered under these provisions that they have done so when the occupier was not present. Proposed section 74A (2F) clarifies that reasonable force may be used for the purpose of gaining entry to premises. This provides clarity in situations where the FPO subject attempts to prevent an officer from entering the premises, especially to try to dispose of any firearms prior to the search. Proposed section 74AA provides the power for police to seize and detain such items when conducting an FPO search when they believe these items are evidence of the commission of an offence under section 74. As with the manufacturing offence I have already described, it would be illogical for firearms, firearm parts or ammunition found to be not be seized at the time of search.

While New South Wales has been leading the country in instituting FPO legislation, our colleagues in other jurisdictions are now doing so in greater numbers. Firearms prohibition order legislation is in place in New South Wales, South Australia, Victoria and Tasmania. However, as New South Wales was the first jurisdiction to implement it, there is currently no provision in the New South Wales Firearms Act that provides for mutual recognition of interstate or New Zealand FPOs. To this end, we have included a new section 74AB to provide for the mutual recognition of another jurisdiction's FPO.

If a person has an FPO in their jurisdiction, the provisions under section 74 relating to the effect of the FPO and sections 74A and 74AA relating to the powers of police to search will apply in New South Wales as if it is a New South Wales FPO. Schedule 3 to the bill amends the Firearms Regulation 2017 to ensure that the mutual recognition of firearms prohibition orders of other jurisdictions, namely Victoria, South Australia and Tasmania, are recognised in New South Wales. It is intended that the regulation will be amended to adopt other jurisdictions when they implement FPOs in their jurisdictions. Items [9] and [10] of schedule 1 and item [4] of schedule 2 provide administrative amendments as a result of the amendments above.

The features in this bill, both the manufacturing offence and the FPO provisions, have been part of ongoing national discussions. They build on the exemplary work of the NSW Police Force in cracking down on illegal firearms manufacture and the criminal use of illegal firearms. This ensures we have as consistent an approach to illegal firearms as possible across the country, thereby limiting criminals' capacity to play one jurisdiction off against another. These are important amendments that ensure New South Wales accords to a nationally supported approach to illegal manufacture of firearms and futureproofs those laws for new technologies or equipment or methods.

Our firearms regime needs to be responsive to illegal firearms and those who make the buying, selling and making of illegal firearms a main focus of their criminal business. This bill does not criminalise legitimate firearms owners but is one more step by this Government to keep the community safe from illegal firearms and those who manufacture, possess and, most importantly, use them. Anyone seeking to use or make a profit from illegal firearms is a threat to not only the community, but also our way of life, and should accordingly face the full force of the law. To all those looking to make or use an illegal firearm, rest assured that the Government is committed to ensuring our police have the powers they need to find you, to search you, to arrest you, to prosecute you and to bring you to justice. I commend the bill to the House.

Debate adjourned.

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL 2019

Second Reading Debate

Debate resumed from 22 October 2019.

Ms SOPHIE COTSIS (Canterbury) (10:15:24): I lead for the Opposition on the State Revenue Legislation Further Amendment Bill 2019. Labor will not oppose the bill. I acknowledge Labor's shadow Minister for Finance and Small Business, the Hon. Daniel Mookhey, for his work on this bill and preparing Labor's response. I also acknowledge the Chief Commissioner of State Revenue, who briefed our shadow Minister. The bill's stated purpose is to address anomalies in revenue legislation, close tax loopholes and align the technicalities of certain New South Wales revenue legislation with other jurisdictions' laws. The bill amends the Duties Act 1997, the Land Tax Act 1956 and the Land Tax Management Act 1956. It also makes consequential changes from the State Revenue and Other Legislation Amendment Bill 2019.

I will address the key amendments in turn, starting with the surcharge purchaser duty sections of the Duties Act 1997. The bill provides exemptions from surcharge land and/or surcharge purchaser duties payable on land owned by a discretionary trust which have a foreign person as a trust beneficiary if the discretionary trust irrevocably amends its trust deed to remove the foreign beneficiary or beneficiaries by an unspecified date. Labor is advised that in some cases refunds will be issued for those who paid the extra duty since the commencement of

surcharge purchaser duty on 21 June 2016 if they make the required amendments to the terms of their trust by a specified date.

The Minister said in his second reading speech that the end of 2019 was the cut-off for discretionary trusts to amend their trust deeds. Clearly that date has passed and Labor understands the Government will propose amendments to amend the cut-off date to 31 December 2020, which we believe to be a sensible proposal. A further two-year transitional period is proposed for testamentary trusts to ensure the terms of these trusts comply with the new provisions. The Government has further indicated that it will move an amendment to replace this provision, instead grandfathering this clause whereby it applies only to wills executed after 31 December 2020. Labor will not oppose this amendment for reasons to be outlined later.

We accept that foreign surcharge duties should only be charged to foreigners and that Australian beneficiaries of discretionary trusts were not the intended subjects of the surcharge duty. Labor's support for this provision is conditional on vigorous enforcement by Revenue NSW of the requirement for trusts to irrevocably remove foreign beneficiaries from their trust deeds. Labor laments that for three years the Government's failure to address this technical flaw in the Duties Act has meant that some Australian residents have had to pay an additional surcharge that is otherwise payable by foreigners.

I turn to the landholder duty amendments. The bill adopts the same valuation method of determining liability for landholder tax for freehold and leasehold land, the unencumbered value of land method. This is the method Revenue NSW uses to assess liability for leasehold land. The unimproved value of land method is used to assess the same liability for freehold land. The bill proposes to use the same method for determining liability for both types of land.

For the purposes of valuing land, the bill expressly defines "land" to include items that are fixed to the land, regardless of the common law determination of fixtures. Proposed section 147A further gives the Chief Commissioner of State Revenue discretionary powers to make a determination that land does not include fixtures if they are not owned by the landholder and if they are not used in connection with the use of the land. The Government advises that goods such as livestock, fixtures used in connection to land for primary production or under manufacture, and registered motor vehicles, amongst others, will not be adversely affected. Labor does not object to these changes, but it asks the Minister to spell out in his reply which stakeholders were consulted on these changes and what their advice to the Government was.

The final landholder duty amendment is intended to deter foreign tax evasion. The bill makes Australian landholders jointly liable for duty payable on an acquisition interest. This provides Revenue NSW with the ability to pursue landholder duties owed by foreigners from Australian owners of a unit in the same unit trust scheme that owes the duties. Similar provisions exist in Western Australian, Northern Territory and South Australian revenue laws. Labor supports sensible laws that deter tax evasion. Labor notes that the Government has been in power for nearly a decade and accepts the advice of Revenue NSW, as stated by the Minister, regarding making these provisions prospective. Labor looks forward to an explanation from the Minister about why it has taken so long to make this change.

With regard to the miscellaneous amendments, the bill makes relinquishing options of property to a third party dutiable, payable by the third party, as it is effectively a transfer of land. This stems from the Oak Brick case decision by the Supreme Court in 2016 where the State missed out on \$299,155 plus interest on a transfer of options on a \$3.8 million property due to a loophole in the legislation. Labor supports these reforms to close the loopholes and enforce the original intentions of the Duties Act 1997.

The final changes I will address are consequential from the State Revenue and Other Legislation Amendment Bill, which was passed in June. The indexation of transfer duty impacted the formulation of the First Home Buyer Assistance Scheme—noting changes expected to the commencement date—and the Community Development Fund under the Aboriginal Land Rights Act 1983. The bill provides for indexation in both schemes. These amendments should have occurred in June. Again, the Minister should explain why it has taken the Government so long to make these changes. Finally, I note some issues raised with the Minister for Finance and Small Business by the Property Council of Australia. While Labor will not impede the bill in this House, it calls on the Minister to address the council's concerns. Labor does not oppose the bill and awaits further elucidation in the amendment process.

Mr NATHANIEL SMITH (Wollondilly) (10:20:06): I support the State Revenue Legislation Further Amendment Bill 2019, which will amend revenue legislation anomalies, respond to court decisions, close tax avoidance loopholes and reduce red tape. These amendments include reforms to landholder duty payable when 50 per cent or more—90 per cent in the case of a public entity—is acquired in a company or unit trust that has landholdings at or above the value of \$2 million. This will bring New South Wales into closer alignment with other jurisdictions, ensure taxpayers are treated in a fair and impartial manner and reduce disputes over duty

liability. The amendments also ensure that the calculation of transfer duty concessions for first home buyers remains consistent with the general duties regime following the transfer duty indexation changes made in the State Revenue and Other Legislation Amendment Act 2019.

The Government introduced the foreign persons surcharge in June 2016 to help fund important public services. The surcharge applies to foreign persons who purchase residential land or who own residential land, subject to some exemptions. For the purposes of the surcharges, "foreign person" means a person who is foreign within the meaning of the Commonwealth's Foreign Acquisition and Takeovers Act 1975 and includes a person who does not ordinarily live in Australia; the trustee of a trust in which a person who does not ordinarily live in Australia; a foreign corporation or a foreign government that has a substantial interest; and the trustee of a discretionary trust, where the discretionary object is a foreign person.

A beneficiary holds a substantial interest in a discretionary trust if the beneficiary, with any one or more associates, holds a beneficiary interest of at least 20 per cent of the income or property of the trust. The result is that a beneficiary who is a foreign person will almost always hold a substantial interest in the trust and the trustee will, by law, be deemed to be a foreign person who will be potentially liable for surcharge purchaser duty and land tax surcharge.

With discretionary trusts, there may be situations where the trustee may unknowingly become liable for surcharges. This is because discretionary trusts often give the trustee powers to distribute income and/or capital to a wide range of beneficiaries, including named beneficiaries such as relatives of the settlor, and classes of beneficiaries, such as charities. If any one of the potential beneficiaries is a foreign person, the trustee may be deemed to be a foreign person and therefore liable for surcharge purchaser duty and/or surcharge land tax, even though none of the beneficiaries who actually receive or are likely to receive income is a foreign person.

The surcharges were never intended to tax trustees that genuinely have no intention of distributing property to foreign persons. The bill therefore makes clear that trustees of discretionary trusts will not be subject to surcharge tax if the trust deed meets two requirements: one, it does not allow a foreign person to receive income or assets, that is, the no foreign beneficiary requirement; and, two, it is not capable of being amended to allow a foreign person to receive income or assets, that is, the no amendment requirement. The second requirement is an anti-avoidance measure to ensure that trustees cannot avoid surcharge by simply amending the trust deed to gain the exemption and then further amending to restore an original trust deed.

Trust deeds that are potentially liable but are amended by 31 December 2020 will not incur surcharge purchaser duty or surcharge land tax. In relation to this deadline, I stress that since March 2017 Revenue NSW has published revenue rulings, conducted client education activities and engaged with a broad range of stakeholder groups, including the NSW Law Society. This is to advise taxpayers of their potential liability for surcharge taxes under discretionary trusts and that they may need to make amendments to their trust deeds. Trustees have therefore had a significant amount of time to make any necessary revisions to deeds.

Turning to the transitional provisions, there are some key elements. Firstly, as the bill applies the new provisions retrospectively to the commencement of the surcharges, trustees who have made any necessary amendments to their deeds will not be liable for the surcharges. Accordingly, if a surcharge has been incurred and paid prior to commencement of the legislation it is refundable. Secondly, any deeds that were amended prior to the commencement of this legislation to remove potential foreign beneficiaries, the no foreign beneficiary requirement, will not need to be revised to meet the second requirement, the no amendment requirement.

Thirdly, in relation to testamentary trusts—discretionary trusts arising under a will—the trustee usually has no legal power to amend the deed after the settlor has died, resulting in a potential unintended surcharge liability. The transitional provisions therefore provide surcharge relief for these trusts. Thus, for instance, a trust arising from a will or codicil executed on or before 31 December 2020 will not be liable for surcharge even though the trust does not prevent a foreign person from being a beneficiary. Surcharge purchaser duty and surcharge land tax were introduced in 2016. This made discretionary trusts inadvertently liable for surcharge taxes when that was never the Government's intention. To date, surcharge relief has been provided under an interim administrative device and a variation of statute. This bill now addresses the issue through legislative change to ensure that taxpayers have certainty and that our legislation reflects the true policy intent of surcharge taxes. I am pleased to support this bill.

Mr KEVIN CONOLLY (Riverstone) (10:30:21): I make a contribution to debate on the State Revenue Legislation Further Amendment Bill 2019. Landholder duty is paid when a significant interest is acquired by a company that has landholdings worth at least \$2 million. This ensures that the indirect acquisition of land via an interest in a landholding is subject to the same duty as the direct purchase of land. The amendments in this bill will preserve and enhance the integrity of the landholder duty regime and bring New South Wales into closer

alignment with other jurisdictions. The amendments will ensure that taxpayers are treated fairly and will reduce disputes over liability to pay.

I will start with the first of three key improvements to the landholder duty regime: the threshold value for attracting landholder duty. Currently landholders with landholdings over an unimproved land value threshold of \$2 million fall within the scope of landholder duty. Landholder duty is then calculated on the unencumbered value of the land—that is, the value that the land would be expected to achieve if it were sold on the open market. The valuation methodology for determining if duty is payable is therefore different from the methodology for determining the quantum of the duty that would be paid. This can be confusing for taxpayers and is out of alignment with other jurisdictions, where the unencumbered value is used to determine liability as well as the amount paid.

The current threshold provisions can also be inequitable. Two properties held in freehold that would each sell for more than \$2 million in the market could have entirely different landholder duty outcomes depending on their unimproved land value. Liability for leasehold interests is determined on the basis of unencumbered value, not unimproved value, resulting in such interests receiving less favourable tax treatment than freehold interests. The amendments to use the unencumbered market value to determine if landholder duty is payable will remove these anomalies, make landholder duty easier to understand and align the basis for determining landholder duty liability with all other States and Territories in Australia. The second change is around the definition of land. Liability for landholders is determined using only the land value, but if the threshold is met landholder duty is payable on the combined value of the landholdings and goods of a landholder.

It is critical to identify items owned by a landowner as either land—fixtures—or goods to determine, firstly, if the duty is payable and then the amount of duty payable or whether an exemption will apply. For example, if the value of goods makes up 90 per cent or more of the total value of land and goods, the landholder duty is payable only on the value of the land. However, determining whether items are land or goods can be problematic because of a lack of certainty about what constitutes land, including fixtures, and the need to rely on common law. As a result legal disputes are not uncommon, leading to delays in finalising assessments and costs for taxpayers and the Government. Other jurisdictions have addressed this problem by expressly defining land to include items that are fixed to land, whether or not they would be considered as fixtures under common law. These amendments include a definition of land for landholder duty that includes items that are fixed to the land, but makes it clear that exempt goods such as livestock remain exempt.

The bill also provides the Chief Commissioner of State Revenue with a discretion to exclude items fixed to land from being considered part of the land where they are not owned by the landholder and not used in connection with the land. These changes will reduce ambiguity over what is "land" for the purpose of the Act and what are "goods", and should reduce compliance costs. The final landholder duty improvement is recovering payment of landholder duty. The bill strengthens the Chief Commissioner of State Revenue's ability to recover landholder duty. Acquisitions of landholders through foreign vehicles and structures is increasing, and this can make the recovery of duty from an acquirer particularly difficult. The bill therefore provides the Chief Commissioner with the power to register a charge on the land of the landholder when a tax default occurs. This is consistent with the administration of landholder duty in Western Australia, South Australia, Queensland and the Northern Territory.

The amendments also make the landholding entity jointly liable with the person who has made a relevant acquisition for any outstanding duty, and interest and penalty tax. This is consistent with the administration of landholder duty in Western Australia, South Australia, Victoria and the Northern Territory. In situations where a landholder is held liable to pay landholder duty that is not paid by the acquirer or other relevant parties, the landholder duty will be able to recover that duty as a debt from one or other of those parties. The three changes I have just outlined strengthen the integrity of the landholder duty regime and bring us into closer alignment with other jurisdictions. The objectives of the bill are therefore to improve the efficiency and clarity of the regime and the equity in the way in which it applies to people, and to minimise leakage of the tax base. For all of those reasons I support the bill.

Ms ELENI PETINOS (Miranda) (10:36:14): I support the State Revenue Legislation Further Amendment Bill 2019, which will amend the provisions of the Duties Act 1997, the Land Tax Act 1956 and the Land Tax Management Act 1956 for three key purposes: to avoid discretionary trusts becoming subject to surcharge purchaser duty or surcharge land tax where there is no intention that income or assets in the trust be distributed to foreign persons; to enhance the landholder duty provisions to address inequities and anomalies in their application, bring them into closer alignment with other jurisdictions and fortify them against avoidance through the use of foreign acquisition vehicles; and to ensure consistency between recent changes to provide for the indexation of stamp duty thresholds and stamp duty concessions provided under the First Home Buyers Assistance Scheme.

By amending revenue legislation anomalies, responding to court decisions, closing tax avoidance loopholes and reducing red tape, this bill demonstrates the Government's ongoing commitment to keeping tax legislation effective and up to date. These amendments include reforms to landholder duty, which is payable when 50 per cent or more—or 90 per cent in the case of a public entity—is acquired in a company or unit trust that has landholdings at or above the value of \$2 million, to bring New South Wales into closer alignment with other jurisdictions, ensure taxpayers are treated equitably and reduce disputes over duty liability. The amendments also ensure that the calculation of transfer duty concessions for first home buyers remains consistent with the general duties regime following the transfer duty indexation changes made in the State Revenue and Other Legislation Amendment Act 2019.

The proposed reforms specifically for landholder duty replace the current unimproved land value threshold with an unencumbered land value threshold for the purposes of attracting liability for duty. The reforms also extend the definition of land to include items fixed to the land for attracting and calculating liability for duty, empower the Chief Commissioner of State Revenue to place a charge on land, provide for the landholding entity to be held jointly liable for payment of duty and secure outstanding landholder duty liabilities. Importantly amendments will also close loopholes, reduce red tape and address anomalies.

First, they will ensure that the trustees of discretionary trusts, including trusts made under a will, do not inadvertently attract liability for foreign owner surcharge purchaser duty and/or foreign owner surcharge land tax. Secondly, they will ensure that arrangements with the same effect as a transfer of an option to purchase land are subject to duty. Thirdly, they will eliminate the need for separate stamps on transfer duty and foreign owner surcharge duty. Fourthly, they will address an anomaly created by the indexation of transfer duty thresholds on the duty concession/exemption under the First Home Buyer Assistance scheme. Finally, they will align property value thresholds for the community development levy with transfer duty threshold indexation. State revenue legislation requires regular changes to address loopholes that risk revenue leakage and reduce red tape where appropriate. This bill is no exception, and contains two changes to the Duties Act 1997 that achieve exactly that.

I highlight some of the proposed amendments contained in the bill that will close loopholes. By way of background, an assignment or a transfer of an option to purchase land in New South Wales is a dutiable transaction, as if it were an agreement to transfer property. Current legislation covers two scenarios that are treated as assignment of call options. However, a third scenario has been identified recently. In a Supreme Court decision it was held that the current provisions do not apply to this third scenario, under which option holder A agrees for valuable consideration to relinquish an option and the owner of the property B agrees to sell the dutiable property to a third person C. As the Minister highlighted in his second reading speech, in this case holder A has effectively assigned the rights under the option to person C. Option holders who intend to assign their option are currently able to use this newly identified scenario to avoid paying duty. This bill will amend section 107 of the Act, widening the call option assignment provisions to close this loophole. This is important to ensure the provisions remain effective.

I turn to the changes to the Duties Act 1997 concerning stamping arrangements for transfer duty and surcharge purchaser duty. By way of background, the Duties Act has general provisions about the stamping of instruments. However, the chapter dealing with surcharge purchaser duty has specific stamping provisions, with the result that a document that is either liable for or exempt from both transfer duty and surcharge purchaser duty must be stamped separately to indicate that both duties have been paid or that exemptions have been granted for both. The amendments in this bill will remove the need for separate stamping and allow a single stamp to cover both the transfer duty and surcharge purchaser duty transactions. Separate stamping is unnecessary red tape, as many other members have mentioned.

This amendment will make the administration of stamping simpler and much more efficient. The proposed amendments have not been put before the House without stakeholder consultation. The amendments were approved by Cabinet in 2017 and were subject to consultation with the Law Society of New South Wales, the Property Council of Australia, the Tax Institute, accounting bodies and small business groups. In conclusion, I congratulate the Minister and his staff on bringing such an efficient and essential bill before the House. It delivers on the Government's ongoing commitment to keeping tax legislation effective and up to date. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) (10:43:24): I speak on behalf of The Greens to address the State Revenue Legislation Further Amendment Bill 2019. I acknowledge the contributions of all members and note in particular the issues raised by the member for Canterbury, who is the member leading for the Opposition. I acknowledge the contributions that have highlighted the people and groups that have been consulted on this matter. I appreciate the member and the Minister outlining the answer to that important question. The bill makes relatively minor changes to the administration of the State's stamp duty and land tax regimes. I will not go through all of the specific details, but suffice it to say that the three key areas that The Greens have an interest in, and that

I will address today, are: first, the surplus duties payable on discretionary trusts distributing to foreign investors—which is an administrative change that has been outlined—second, the indirect holdings to attract landholder duty, and landholder duty to be assessed on unencumbered value instead of unimproved value of land; and, third, the further minor tidy-up amendments to cover loopholes and inconsistent results arising from interactions with other legislative provisions.

The Greens do not oppose any of those elements. However, the background is important and the way we deal with taxation is an important part of the functioning of our State. It is important that all members become accustomed to understanding the complex issues around the development of revenue in our State. Members must be vigilant always, particularly when it comes to ensuring that tax lawyers and others involved in the sector are not trying to find loopholes or other inconsistencies to minimise or, in fact, evade taxes.

I turn to the background of the bill. First, it relates to additional duties that may be payable by foreign investors, including where they are beneficiaries of a discretionary trust that holds relevant assets. Those discretionary trusts often distribute to a wide range of investors and it can be difficult to track the location of ultimate beneficiaries. The amendments in the bill enable trusts to avoid payment of surcharge duty where they have prevented foreign investors from holding an interest in the trust. Retrospective benefit is given where the duty was paid. A number of anti-avoidance measures are included.

Secondly, the unencumbered value is always higher than the unimproved value of the land, so this change may result in higher landholder duty being levied overall. However, it creates fairer outcomes where the value of unimproved land versus unencumbered land is very different. In the example given by the Minister, the unimproved land value of a power station might be \$1.5 million—below the \$2 million threshold for duty—with an unencumbered value of \$12 million. Currently, that would result in zero landholder duty being payable. On the other hand, a farm might have an unimproved land value of \$3.5 million and an encumbered value of \$5 million, resulting in landholder duty of \$260,000.

The Greens response is that, firstly, in practice some trusts will be unable to prevent ultimate foreign ownership, with the result that small trusts may benefit while large trusts may not. The Greens are not particularly concerned with the uneven result. We believe that the amendment does not merit opposition in this place. Secondly, the example the Minister gave to demonstrate unfairness between the poorer farmer and the richer energy company and to encourage members to think about the solution—in this case, choosing the unencumbered value—is necessary to ensure the energy company also pays. However, the farm landholder will also be paying more under the changes, increasing their duty from \$260,000 to \$371,000.

In effect, potentially we will have more duty being payable in relation to properties where the primary value of the land is what is built on it, and a smaller increase in relation to properties where the primary value of the land is the land itself. In principle, The Greens encourage taxation of capital and the preservation of the natural qualities of land—rather than what is built on it—so we do not oppose the amendments. We simply note the issues I have outlined. Exemptions from landholder duty are available according to the percentage of the value of land versus goods.

The bill amends the Duties Act 1997 to simplify—that is the language used by the Government—that land includes anything fixed to the land, whether or not a fixture under common law, subject to a number of exemptions. The bill also provides for the duty to be recoverable from the landholder entity where the transaction attracting the duty is the change in ownership structure of the landholder entity, rather than a change in ownership of the land itself. To improve recovery of the duty, especially where the new ultimate owner is a foreign entity, a caveat can be placed on the property until the duty is paid.

The bill contains many worthwhile and important provisions. As the member who led on behalf of the Opposition noted, these reforms have taken a long time. I encourage the Government to address these potential loopholes, inconsistencies and contradictions as soon as possible. Revenue is an important part of everything we do in New South Wales. The Greens have a range of tax measures that could improve the system and reduce negative outcomes. We take a different approach to taxes on investment and taxes on labour. I acknowledge that a lot of work has been done by the Minister's office. Whatever the legislative outcome, I acknowledge the hard work of the staff in this place. I also acknowledge all the stakeholders who have contacted me.

Mr STEPHEN BROMHEAD (Myall Lakes) (10:49:23): I speak in support of the State Revenue Legislation Further Amendment Bill 2019. The purpose of the bill is to make amendments to the Duties Act 1997, the Land Tax Act 1956 and the Land Tax Management Act 1956 for the following purposes. First, it will provide for exemption from and refunds of surcharge purchaser duty and surcharge land tax payable in respect of residential land by the trustee of a discretionary trust if the trust prevents a foreign person from being a beneficiary of the trust. That is to prevent a discretionary trust from inadvertently attracting liability for surcharge duty and tax payable by a foreign trustee. Second, it will make it clear that the Chief Commissioner of State Revenue can

approve a manner of stamping or endorsement of the payment of transfer duty and surcharge purchaser duty that removes the need for separate stamping or endorsement for each kind of duty.

Third, it will extend provisions that treat an assignment to a third person of an option to purchase dutiable property as a transfer of the property for duty purposes so as to include an arrangement for the relinquishment of the option with an agreement to sell to the third person. Fourth, it will change the method of determining the value of the landholdings of a landholder for the purposes of the threshold for provisions that impose duty on the acquisition of an interest in a landholder so that unencumbered value is used instead of unimproved value. That is for consistency with the use of unencumbered value in calculating the duty payable on the acquisition of such an interest.

Fifth, it will provide that, for the purposes of duty payable on the acquisition of an interest in a landholder, land includes anything—whether or not a fixture—that is fixed to the land. Sixth, it will make a landholder jointly liable for the duty payable by a person when the person acquires an interest in the landholder and to provide for the liability of the landholder to be a charge on the land for which a caveat can be registered. Seventh, it will enact consequential savings and transitional provisions—including provisions relating to the indexation of dutiable value thresholds consequent on the enactment of the State Revenue and Other Legislation Amendment Act 2019—and to make miscellaneous minor amendments. Lastly, the bill makes consequential amendments to the Aboriginal Land Rights Regulation 2014.

I will look at several of these points in further detail: firstly, the consequential changes to transfer duty indexation. As part of the 2019-20 budget, the New South Wales Government made changes to the transfer duty thresholds under the Duties Act 1997. Although housing prices were increasing, the duty thresholds were not changing, so more buyers were having to pay duty and more duty than before. The changes provided that from 1 July 2019, the thresholds are indexed each year in line with the consumer price index. Following this, the Government has identified consequential changes that need to be made. I will look at the Duties Act 1997 for the First Home Buyer Assistance Scheme, which provides eligible first home buyers with a duty exemption or concession, depending on the property's value. No exemption or concession is available for properties of \$800,000 or more, or \$450,000 or more for vacant land. The Duties Act 1997 does this by prescribing a separate duty scale for first home buyers who qualify for the scheme.

However, an anomaly has now arisen because of the changes to the transfer duty thresholds: While these thresholds are changing each year, the duty scale for first-time buyers is not. As a result, first home buyers of a narrow range of properties would now pay more duty than a buyer who does not qualify for the scheme. This affects first home buyers of properties priced between \$799,700 and \$800,000, and first home buyers of vacant land priced between \$449,500 and \$450,000. The range of properties is narrow, but this anomaly will increase over time as the transfer duty thresholds are indexed each year. To address this anomaly, the bill revises the separate duty scale for first home buyers under the scheme so that it changes in line with the annual indexation of transfer duty thresholds. This ensures that a duty exemption or concession continues to be available and work as intended for first home buyers under the scheme.

I will address the foreign owners surcharge taxes relating to discretionary trusts. The Government introduced the foreign persons surcharges in June 2016 to help fund important public services. The surcharges apply to foreign persons who purchase residential land or own residential land subject to some exemptions. For the purposes of the surcharges, "foreign person" means a person who is a foreign person within the meaning of the Commonwealth's Foreign Acquisitions and Takeovers Act 1975 and includes a person who does not ordinarily live in Australia; the trustee of a trust in which a person who does not ordinarily live in Australia, a foreign corporation or a foreign government has a substantial interest; or the trustee of a discretionary trust where a discretionary object is a foreign person. A beneficiary holds a substantial interest in a discretionary trust if the beneficiary, with any one or more associates, holds a beneficial interest of at least 20 per cent of the income or property of the trust.

The result is that a beneficiary who is a foreign person will almost always hold a substantial interest in the trust, and the trustee will, by law, be deemed to be a foreign person who potentially will be liable for surcharge purchaser duty and land tax surcharge. With discretionary trusts, there may be situations where the trustee may unknowingly become liable for the surcharges. This is because discretionary trusts often give the trustee powers to distribute income and/or capital to a wide range of beneficiaries, including named beneficiaries such as relatives of the settlor, and classes of beneficiary such as charities.

If any one of the potential beneficiaries is a foreign person, the trustee may be deemed to be a foreign person and therefore liable for surcharge purchaser duty and/or surcharge land tax even though none of the beneficiaries who actually receive or are likely to receive income is a foreign person. The surcharges were never intended to tax trustees who genuinely have no intention of distributing property to foreign persons. The bill therefore makes clear that the trustees of discretionary trusts will not be subject to surcharge tax if the trust deed

meets two requirements: firstly, it does not allow a foreign person to receive income or assets, that is the no foreign beneficiary requirement, and, secondly, it is not capable of being amended to allow a foreign person to receive income or assets, that is the no amendment requirement.

The second requirement is an anti-avoidance measure to ensure that trustees cannot avoid surcharge by simply amending the trust deed to gain the exemption and then further amending to restore an original trust deed. Trust deeds that potentially are liable but are amended by 31 December 2020 will not incur surcharge purchaser duty or surcharge land tax. Regarding this deadline, Revenue NSW has published revenue rulings, conducted client education activities and engaged with a broad range of stakeholder groups, including the Law Society of New South Wales, since March 2017. This is to advise taxpayers of their potential liability for surcharge taxes under discretionary trusts and that they may need to make amendments to their trust deeds. Trustees have therefore had a significant amount of time to make any necessary revisions to deeds.

Regarding the landholder duty improvements, this is paid when a significant interest is acquired in a company that has landholdings worth at least \$2 million. This ensures that the acquisition of land indirectly via an interest in a landholder is subject to the same duty as the direct purchase of land. The amendments in this bill will preserve and enhance the integrity of the landholder duty regime and bring New South Wales into closer alignment with other jurisdictions. They will ensure that taxpayers are fairly treated and will reduce disputes over liability to pay. There are three key improvements to the landholder duty scheme. The first relates to the threshold value for attracting landholder duty. Currently landholders with landholdings over a threshold value of \$2 million unimproved land value will fall within the scope of the landholder duty. The second changes the definition of land and the third changes the recovering payment of landholder duty. The amendments are important, and will make it fairer for all people in New South Wales. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (10:59:33): On behalf of the Government, I speak in support of the State Revenue Legislation Further Amendment Bill 2019. I acknowledge the outstanding contributions to debate on the bill from members representing the electorates of Wollondilly, Riverstone, Miranda and Myall Lakes. I thank the Minister for Finance and Small Business from the other place, the Hon. Damien Tudehope, for this excellent amendment bill. I also thank the Minister for Customer Service and member for Ryde, the Hon. Victor Dominello, for bringing the bill to this place. By way of explanation I will go through the overview of the bill, which states:

The object of this Bill is to make amendments to the Duties Act 1997, the Land Tax Act 1956 and the Land Tax Management Act 1956 for the following purposes—

- (a) to provide for exemption from and refunds of surcharge purchaser duty and surcharge land tax payable in respect of residential land by the trustee of a discretionary trust if the trust prevents a foreign person from being a beneficiary of the trust (so as to prevent a discretionary trust from inadvertently attracting liability for surcharge duty and tax payable by a foreign trustee),
- (b) to make it clear that the Chief Commissioner of State Revenue can approve a manner of stamping or endorsement of the payment of transfer duty and surcharge purchaser duty that removes the need for separate stamping or endorsement for each kind of duty,
- (c) to extend provisions that treat an assignment to a third person of an option to purchase dutiable property as a transfer of the property for duty purposes so as to include an arrangement for the relinquishment of the option with an agreement to sell to the third person,
- (d) to change the method of determining the value of the land holdings of a landholder for the purposes of the threshold for provisions that impose duty on the acquisition of an interest in a landholder so that unencumbered value is used instead of unimproved value (for consistency with the use of unencumbered value in calculating the duty payable on the acquisition of such an interest),
- (e) to provide that, for the purposes of duty payable on the acquisition of an interest in a landholder, land includes anything (whether or not a fixture) that is fixed to land,
- (f) to make a landholder jointly liable for the duty payable by a person when the person acquires an interest in the landholder and to provide for the liability of the landholder to be a charge on the land for which a caveat can be registered,
- (g) to enact consequential savings and transitional provisions (including provisions relating to the indexation of dutiable value thresholds consequent on the enactment of the State Revenue and Other Legislation Amendment Act 2019) and to make miscellaneous minor amendments.

I note that the member for Tweed is present in the Chamber and is very interested in the content of this legislation. I also note the eloquent contribution of the member for Miranda, who is an expert in tax law. As I said, the bill amends the Land Tax Act, the Land Tax Management Act and the Duties Act. I will highlight the consequential changes to transfer duty indexation that will occur through changes to the Duties Act. As part of the 2019-20 budget, the New South Wales Government made changes to the transfer duty thresholds under the Duties Act. Although housing prices were increasing, the duty thresholds were not changing. Therefore, more buyers were

having to pay more duty than before. The changes provided that, from 1 July 2019, the thresholds are indexed each year in line with the consumer price index.

Following this, the Government has identified two consequential changes that need to be made. The first is to the Duties Act for the outstanding First Home Buyers Assistance Scheme, which is readily utilised by first home buyers on the Central Coast. The second change that the Government has identified is to the Aboriginal Land Rights Regulation 2014 for community development. I will focus on the First Home Buyers Assistance Scheme, which is an excellent program. Young homebuyers are flooding to the Central Coast, which is a popular place for young families to establish themselves because it has great affordable living and lifestyle, similar to the Coffs coast and the Tweed. The First Home Buyers Assistance Scheme has helped many people enter the property market. When I am out and about in my electorate, I see so many families that have moved up from western Sydney to areas such as Springfield. They have made a lifestyle choice for great beaches and schools and a wonderful community.

Mr Geoff Provost: And a great local member.

Mr ADAM CROUCH: I wouldn't go so far as to say that but I thank the member for Tweed. The First Home Buyers Assistance Scheme has helped people on the ground get into the market. It is a wonderful initiative from the Government. The scheme provides eligible first home buyers with a duty exemption or concession depending on the property's value. No exemption or concession is available for properties worth \$800,000 or more, or \$450,000 or more for vacant land, which is reasonable. The Duties Act does that by prescribing a separate duty scale for first home buyers who qualify for the scheme. However, an anomaly has now arisen because of the changes to the transfer duty thresholds. While the thresholds are changing each year, the duty scale for first home buyers is not. I note that the Minister for Customer Service has just walked into the Chamber and I welcome him. I am sure his speech in reply will be outstanding as usual.

As a result of the duty scale for first home buyers not changing each year, first home buyers of a narrow range of properties would now pay more duty than a buyer who does not qualify for the scheme. That affects first home buyers of properties worth between \$799,700 and \$800,000, and first home buyers of vacant land worth between \$449,500 and \$450,000. That fits into property values on the Central Coast. I am pleased that the amendment bill is looking at that review. The range of properties is narrow, but over time the anomaly will increase as the transfer duty thresholds are indexed each year. To address the anomaly, the bill revises the separate duty scale for first home buyers under the scheme so that it changes in line with the annual indexation of transfer duty thresholds. This ensures that duty exemption or concession continues to be available and work as intended for valuable first home buyers under the scheme, especially those on the Central Coast who have benefitted from it.

I now address the Aboriginal Lands Rights Regulation 2014. The amendment to that regulation relates to a community development levy that is imposed on dutiable transactions made by Local Aboriginal Land Councils. The councils are exempt from duty but may be liable to pay the levy. The levy is applied to transactions based on thresholds, similar to transfer duty. Firstly, for properties more than \$80,000 and up to \$1 million, the levy payable is equal to 100 per cent of the duty. Secondly, for properties more than \$1 million, the levy is 150 per cent of duty. The thresholds are intended to align with the transfer duty thresholds, though streamlined to only two levels. With the transfer duty indexation changes, the thresholds no longer align and will only become more disparate over time.

The regulation amendment addresses this by directly linking the levy thresholds with the transfer duty thresholds, ensuring that the levy thresholds remain aligned with the transfer duty thresholds even if they are indexed annually. In summary I am pleased that the bill will amend revenue legislation anomalies, respond to court decisions, close tax avoidance loopholes, which is very important, and, vitally, reduce red tape. I again commend Ministers Tudehope and Dominello. I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (11:09:37): In reply: I thank the following members for their informative contributions to the debate on the State Revenue Legislation Further Amendment Bill 2019: the member for Canterbury; the member for Wollondilly; the member for Riverstone; the outstanding member for Terrigal; the member for Miranda, of course; the member for Balmain; and the member for Myall Lakes. As I explained when I introduced the bill, these changes are part of the Government's ongoing revenue reforms to ensure our tax legislation is effective and current. The bill amends the Duties Act 1997, the Land Tax Act 1956, the Land Tax Management Act 1956 and the Aboriginal Land Rights Regulation 2014. There are broadly four key areas of change. The first key area is to foreign owner surcharge purchaser duty and surcharge land tax and how it applies to discretionary trusts.

The reforms address the situation where trustees may inadvertently become liable to surcharge taxes on discretionary trusts. This is achieved by providing an exemption for discretionary trusts that are amended by the

end of 2020 to prevent a foreign person from being a beneficiary. A transitional provision also provides relief for discretionary testamentary trusts created under a will, including where a will or codicil was executed on or before 31 December 2020 and the deceased was not a foreign person. The second key reform is to the landholder duty regime. Those changes enhance the regime's integrity and bring New South Wales into closer alignment with other States and Territories. In determining whether a trust or company meets the land value threshold of \$2 million to trigger landholder duty, the method is changed from unimproved value to unencumbered market value.

In determining a trust or company's landholdings and to calculate the landholder duty payable, the meaning of land is extended to include items fixed to land. Finally, a landholder is made jointly liable for the payment of landholder duty and that liability may be registered as a charge on the landholder's land. The third area of reform consists of two miscellaneous changes to close a duties loophole and reduce red tape, which we all love to see. Those changes are typical of revenue reform bills. The first change is to address a duties loophole involving a transfer of an option to purchase land. Although the legislation already captures two situations that are effectively a transfer of an option, a Supreme Court ruling has found that the legislation does not capture a third scenario that was the subject of the court case. That third scenario was a loophole which posed a revenue risk and is closed by the bill.

The second change is to remove the requirement for separate stamping where a transaction is liable for both transfer duty and surcharge purchaser duty. This change will simplify administration. The fourth and final area of reform in the bill includes two changes that are consequential to the changes to transfer duty thresholds made as part of the Government's 2019-20 budget. The first change is to address an anomaly in the First Home Buyers Assistance Scheme, created by the annual indexation of transfer duty thresholds. This has the unintended effect of making some first home buyers liable for more duty than if they did not apply for a benefit under the scheme. The bill fixes this and preserves the scheme's benefits for first home buyers.

The second change is to the community development levy imposed on dutiable transactions by Local Aboriginal Land Councils. The Aboriginal Land Rights Regulation 2014 sets the levy rates and thresholds, which are intended to align with the duty thresholds. However, this is no longer aligned because of the indexation of transfer duty. The bill fixes this and realigns the levy thresholds with transfer duty thresholds going forward. The Opposition raised an issue in relation to stakeholder engagement. I can inform the House that we consulted with a number of key stakeholders, including the Law Society of New South Wales, the Property Council of Australia, the Tax Institute of Australia and the small business council. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Mr Victor Dominello.

Consideration in Detail

TEMPORARY SPEAKER (Mr Gurmesh Singh): By leave: I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 and 2, and schedules 1 to 4 be agreed to.

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (11:15:02): I move Government amendments Nos 1 to 15 on sheet c2020-001C:

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|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No. 1 | <p>Preparation of budget aggregates for 2 prior years</p> <p>Page 2. Insert after line 5—</p> <p style="text-align: center;">3 Amendment of Government Sector Finance Act 2018 No 55</p> <p style="text-align: center;">Section 4.2 Core content of Budget Papers</p> <p style="text-align: center;">Insert after section 4.2(3)—</p> <p style="text-align: center;">(3A) Subsection (3)(a) does not apply in relation to the budget aggregates for the 2 prior years.</p> |
| No. 2 | <p>Surcharge purchaser duty—exemption date for discretionary trusts</p> <p>Page 5, Schedule 1[8], line 33. Omit "31 December 2019". Insert instead "31 December 2020".</p> |
| No. 3 | <p>Surcharge purchaser duty—exemption date for discretionary trusts</p> <p>Page 5, Schedule 1[8], line 35. Omit "31 December 2019". Insert instead "31 December 2020".</p> |
| No. 4 | <p>Surcharge purchaser duty—exemption date for discretionary trusts</p> <p>Page 5, Schedule 1[8], line 40. Omit "31 December 2019". Insert instead "31 December 2020".</p> |

- No. 5 **Surcharge purchaser duty—exemption for Australian testamentary trusts**
Page 6, Schedule 1[8], lines 1–5. Omit all words on those lines. Insert instead—
- (4) Despite section 104JA, the trustee of an Australian testamentary trust is not in that capacity a foreign trustee for the purposes of Chapter 2A (even if the trust does not prevent a foreign person from being a beneficiary of the trust) if—
- (a) for a trust arising from a will or codicil—the will or codicil was executed on or before 31 December 2020; or
- (b) for a trust arising from the administration of an intestate estate—the deceased died before, or within 2 years after, the commencement of that section; or
- (c) for a trust resulting from an order of a court varying the application of the provisions of a will or codicil or of the rules governing the distribution of an intestate estate—the order was made on or before 31 December 2020.
- No. 6 **Surcharge purchaser duty—exemption date for discretionary trusts**
Page 6, Schedule 1[8], line 9. Omit "31 December 2019". Insert instead "31 December 2020".
- No. 7 **Liability for landholder duty**
Page 6, Schedule 1[8], lines 32 and 33. Omit all words on those lines. Insert instead—
- Section 154 (as substituted by the amending Act) applies to duty chargeable under Chapter 4 on or after the day it is substituted.
- No. 8 **First Home Buyers Assistance Scheme**
Page 6, Schedule 1[8], lines 37 and 38. Omit "1 December 2019". Insert instead "1 July 2020".
- No. 9 **First Home Buyers Assistance Scheme**
Page 6, Schedule 1[8], line 39. Omit "1 December 2019". Insert instead "1 July 2020".
- No. 10 **First Home Buyers Assistance Scheme**
Page 6, Schedule 1[8], line 41. Omit "1 December 2019". Insert instead "1 July 2020".
- No. 11 **Surcharge land tax—exemption date for discretionary trusts**
Page 8, Schedule 3, line 11. Omit "or 2019". Insert instead ", 2019 or 2020".
- No. 12 **Surcharge land tax—exemption date for discretionary trusts**
Page 8, Schedule 3, line 15. Omit "31 December 2019". Insert instead "31 December 2020".
- No. 13 **Surcharge land tax—exemption date for discretionary trusts**
Page 8, Schedule 3, line 19. Omit "31 December 2019". Insert instead "31 December 2020".
- No. 14 **Surcharge land tax—exemption for Australian testamentary trusts**
Page 8, Schedule 3, lines 33–35. Omit all words on those lines. Insert instead—
- (b) any of the following apply (even if the trust does not prevent a foreign person from being a beneficiary of the trust)—
- (i) for a trust arising from a will or codicil—the will or codicil was executed on or before 31 December 2020;
- (ii) for a trust arising from the administration of an intestate estate—the deceased died before, or within 2 years after, the commencement of section 5D of the *Land Tax Act 1956*;
- (iii) for a trust resulting from an order of a court varying the application of the provisions of a will or codicil or of the rules governing the distribution of an intestate estate—the order was made on or before 31 December 2020.
- No. 15 **Surcharge land tax—exemption date for discretionary trusts**
Page 8, Schedule 3, line 39. Omit "31 December 2019". Insert instead "31 December 2020".

The State Revenue Legislation Further Amendment Bill 2019 is a critical part of the Government's ongoing program of keeping our State tax legislation effective and up to date. Since its introduction in this Chamber, the Government has carefully considered a number of matters and proposes to move some amendments to the bill. Some of those amendments simply arise from the fact that the bill did not get debated last year as planned, while others result from productive discussions with stakeholders, particularly the Law Society of New South Wales.

I will now explain the amendments, dealing first with paragraphs 2, 3, 4, 6, surcharge purchaser duty—exemption date for discretionary trusts and paragraphs 11, 12, 13 and 15, surcharge land tax—exemption date for discretionary trusts. One of the purposes of the bill is to make clear that discretionary trusts, including trusts arising

under a will, are liable to foreign person surcharges, unless they prevent a foreign person from receiving trust income or property. However, the Government recognises that some trustees of discretionary trusts may not have been aware of surcharge liabilities incurred since surcharge purchaser duty and surcharge land tax were introduced in 2016. As such, the bill's transitional provisions allow time for existing trust deeds to be amended to avoid such liabilities. The bill currently sets this date as 31 December 2019. This was in anticipation of the bill being debated last year.

However, as the bill is being debated now, I move that this deadline be extended to 31 December 2020. This will provide trustees of affected trusts with further time to consider whether amendments to their trust deeds are necessary. The second amendment to the bill at paragraph 5, surcharge purchaser duty—exemption for Australian testamentary trusts and paragraph 14, surcharge land tax—exemption for Australian testamentary trusts relates to discretionary trusts created under a will called "testamentary trusts". Currently, the bill's transitional provisions provide a grace period of two years for making any necessary amendments to such trusts. Where the settlor of the trust has died before or within two years of the bill's commencement, the trustee will not be liable for surcharge taxes even if the deed does not prevent a foreign person from being a beneficiary.

However, following discussions with the Law Society of New South Wales, the Government acknowledges the significant number of affected wills that may need to be revised. In addition, in some cases wills may not be capable of amendment, such as where the testator lacks capacity. As such, the Government proposes that this transitional provision be replaced. The replacement provision includes a grandfathering clause—or grandmothering clause—whereby wills or codicils executed on or before 31 December 2020 will not be liable for surcharge even if they do not prevent a foreign person from being a beneficiary. Thirdly, as members know, the bill also makes consequential changes to the First Home Buyers Assistance Scheme as outlined in paragraphs 8 to 10 on the amendment sheet. Those changes address an anomaly created by the annual indexation of transfer duty thresholds introduced in the 2019-20 budget.

The bill's transitional provisions provide that those changes are to effect agreements for sale or transfers of property on or after 1 December 2019. Again, this was in anticipation of the bill being debated last year. The Government moves that this commencement date be amended to 1 July 2020. The fourth amendment, liability for landholder duty outlined at paragraph 7 on the amendment sheet, relates to the provision that makes a landholding entity jointly and severally liable for the payment of landholder duty. This amendment seeks to strengthen the power of the Chief Commissioner of State Revenue to enforce payment of landholder duty where the acquiring entity is located offshore with no Australian assets, which is line with provisions in several other Australian jurisdictions.

Concerns have been raised that the associated transitional provision has the effect of making this new section retrospective. I should emphasise that this new section does not make any historical transactions liable for landholder duty that were once not liable. However, it does make landholding entities potentially liable with respect to past transactions. It is this aspect that has caused some disquiet among some stakeholders. The reason for this is that, in some cases, a landholding entity may not have knowledge of the prior transaction. For example, the transaction may have been an indirect acquisition of the landholding entity with several entities interposed between the landholding entity and the actual parties to the transaction.

The Government recognises the concern that if a landholding entity, including current and former directors, can be held liable for an historical transaction of which the entity or its directors are unaware, there could be flow-on impacts for investor confidence in future transactions. Let me stress that it is certainly not the intention of the Government to unfairly impose liability on parties that had no genuine knowledge of prior transactions, and the Chief Commissioner has the means to deal with such situations in a just manner. Nonetheless, we are cognisant of the potential risk to investor confidence and this Government does not want this risk to materialise. After careful deliberation over the arguments raised by some stakeholders, and after consulting with Revenue NSW, we have decided to move an amendment that the new provision apply only prospectively to duty chargeable under the landholder provisions.

Lastly, the Government moves to add a minor provision to the bill. That provision is to amend the definition of "budget aggregates" in section 4.2 of the Government Sector Finance Act 2018. Currently "budget aggregates" is defined as a six-year period, which is inconsistent with the Australian Accounting Standards and contrary to the Act's requirement for consistency with the Australian Accounting Standards. The amended provision changes this definition to a four-year period, consistent with the Australian Accounting Standards. This will ensure that the basis of reporting is consistent across the budget papers and the report on State finances to be released later this year and that the Act's requirement is fulfilled. I conclude by asking this House to support the bill with the amendments that I have just detailed.

Ms SOPHIE COTSIS (Canterbury) (11:22:08): I am thankful for the opportunity to outline the Opposition's position. We will not be opposing the Government's amendment for reasons I will outline. I turn first

to the amendments regarding surcharge purchaser duty and surcharge land tax on discretionary trusts. The Government introduced the bill in October last year, initially with a deadline for amending trust deeds set at 31 December 2019. As that date has passed, it is clearly practicable to update the deadline to 31 December 2020. The consequential amendments arising from this change to the land tax surcharge provisions, allowing an exemption for the 2020 land tax year, is appropriate in the circumstances.

We note that the Government has been toying with the bill since 2017 and, while the Opposition does not want to frustrate this process any further, I again note that the length of time it has taken for the Government to get its ducks in a row has led to a further tax exemption being granted. Further, this amendment proposes replacing the two-year grace period for testamentary trusts to avoid surcharge liability with a grandfathering clause by which only wills executed after 31 December 2020 may be liable for surcharge duty where they irrevocably prevent beneficiaries being foreign persons. This amendment is a prudent change recommended by the Law Society to protect those who may be incapable of revising their will to meet the legislative requirements. Labor will support the amendments and thanks the Law Society for its contribution to strengthening the bill.

Labor will also not be opposing a change of date for the First Home Buyers Assistance Scheme for similar reasons outlined previously, noting that the deadline has since passed. Turning to the recovery of liabilities on landholder duty, Labor will not oppose the amendment in this respect because the Minister has outlined that it arises from advice from Revenue NSW. However, I would like to note some grievances that we in the Opposition have. Firstly, we do not accept that taxation law cannot be applied retrospectively. Precedent tells us otherwise. Secondly, the bill sets out to crack down on loopholes that allow multinational companies to rob our State of duties owed. While the bill is a step in the right direction, this amendment only leads to weakening the legislation in regard to tax avoidance. Nonetheless, we accept that the bill will give Revenue NSW firm ground to enforce landholder duty in the future. We respectfully accept the advice from Revenue NSW about the need for this amendment and therefore will not oppose the amendment.

Finally, we note that the Government seeks to add a minor amendment to the Government Sector Finance Act 2018. The amendment aligns the definition of "budget aggregates" with that of the current Australian Accounting Standards. This brings it from a six-year-period to a four-year period for consistency in the budget papers and State finances report, and that makes a lot of sense. Labor will not oppose the amendment.

TEMPORARY SPEAKER (Mr Gurmesh Singh): The question is that Government amendments Nos 1 to 15 on sheet c2020-001C be agreed to.

Amendments agreed to.

TEMPORARY SPEAKER (Mr Gurmesh Singh): The question is that clauses 1 and 2, and schedules 1 to 4 as amended be agreed to.

Clauses 1 and 2, and schedules 1 to 4 as amended agreed to.

Third Reading

Mr VICTOR DOMINELLO: I move:

That this bill be now read a third time.

Motion agreed to.

WORK HEALTH AND SAFETY AMENDMENT (REVIEW) BILL 2019

Second Reading Debate

Debate resumed from 25 February 2020.

Ms ROBYN PRESTON (Hawkesbury) (11:27:15): I support the Work Health and Safety Amendment (Review) Bill 2019. I thank Minister Anderson for expediting the reforms. I particularly welcome the reforms in the bill which will improve the support that the Government provides to families bereaved by a workplace death. I was greatly moved by the evidence received by the Australian Senate inquiry into the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia and by the observation in its final report: They never came home.

The inquiry received submissions and heard evidence from families bereaved by workplace incidents from across Australia. Their evidence conveyed very clearly the trauma that families experience in the aftermath of a workplace death. That trauma is ongoing and has far-reaching psychological, emotional, physical and financial consequences for those affected. One theme which emerged strongly from that inquiry was the potential for investigation and prosecution processes to compound the trauma experienced by families. A number of the recommendations of the Senate inquiry were directed at addressing this.

The Government agrees that families need to be supported in the immediate aftermath of a workplace fatality, throughout the investigation which follows and during any prosecution relating to the fatality. The bill contains two important reforms directed at those ends. The first ensures that families will have an effective right of review when a regulator decides not to bring a prosecution following a workplace death. When a prosecution does not follow a workplace death, families are left feeling that no-one has been held responsible. The proposed amendment to section 231 of the Work Health and Safety Act will allow families to request that a work health and safety regulator bring a prosecution for a category 1 or 2 offence in relation to a workplace incident up to 18 months after the date of that incident.

If the regulator decides not to bring a prosecution, families can request that the Director of Public Prosecutions review that decision. At present, the time within which a person must make such a request lapses 12 months after the date of the incident. The investigations that follow a workplace death can be complex and, in some cases, take longer than 12 months. If the regulator has not decided whether to bring a prosecution by that time, families can be left without an effective right of review. This amendment will ensure that that is no longer the case.

The second reform will ensure that families who make a request that the regulator bring a prosecution are kept informed while the investigation is ongoing, until a decision is made as to whether to prosecute. The New South Wales work health and safety regulators will be required to update families on the progress of the investigation every three months from receiving the request. Providing regular updates is consistent with current SafeWork NSW practice, but this will give those affected by workplace fatalities—and injured workers themselves—certainty that they will be kept informed.

The reforms will complement the other work that SafeWork does to support families and injured workers. SafeWork NSW has a dedicated Family Liaison Coordinator, who provides support, information and referrals to family members when a person dies in a workplace incident or suffers a serious injury in the workplace. The coordinator can arrange counselling for those who have witnessed fatalities or serious incidents in the initial stages following an incident and if they are required to attend court as witnesses in a subsequent prosecution. The Family Liaison Coordinator is also able to assist families or victims to prepare victim impact statements for use in court proceedings and can connect families with support services, including counselling and financial services.

When someone dies at work their family can be left to deal with legal, judicial and statutory authorities and to navigate unfamiliar administrative processes. SafeWork NSW understands the importance of providing families with information and support in navigating those processes during a time of loss and grief. I hope the reforms in the bill will go some way to ensuring that the pain suffered by families after a workplace death will not be exacerbated by the investigation that follows. I commend the bill to the House.

Mr EDMOND ATALLA (Mount Druitt) (11:32:21): I make a brief contribution to debate on the Work Health and Safety Amendment (Review) Bill 2019. The stated objectives of the proposed amendments are, first, to increase the seriousness of category 1 offences—the most serious offence bracket. As the Minister for Better Regulation and Innovation mentioned in his second reading speech, "the fault element of the offence, recklessness, is too difficult to prove." The amended bill proposes to add "gross negligence" as a fault element for category 1 offences. The intent of this revision is to make it easier for courts to interpret scenarios in order to carry out the prosecution.

The second objective of the proposed amendments is to make entering into indemnity arrangements an offence so as to strengthen compliance with work health and safety laws. The amended bill will increase the price of penalties annually to reflect the annual increase in the consumer price index; increase transparency between the investigators and families in regard to ongoing investigations to reduce the distress experienced by the families affected by workplace injury and death; give inspectors the ability to exercise some of their powers upon entry, without requiring re-entry; and extend the safety regulator's ability to share information between jurisdictions, as restrictions on information sharing can impede the investigation process

The proposed amendments seek to clarify that a person conducting a business or undertaking [PCBU] can both owe a duty of care to their workers and be owed a duty of care by a PCBU in command of them; to clarify that the PCBU can also choose their own work health and safety training provider; to further clarify the court's ability to make orders in relation to discriminatory or coercive conduct; and to clarify that a duty holder can be held accountable, even when not in the workplace. It was acknowledged in the Minister's second reading speech that the current bill from 2011 has provided a strong foundation for, and has proven effective in, allowing businesses to manage their work health and safety. However, clearly, with almost 50 workplace incident related deaths in 2018 and over 30,000 serious injuries, more needs to be done.

This bill, while it is an improvement, does not go far enough. Lawyers acting on behalf of Ms Cassaniti, whose son Christopher lost his life at a Sydney construction site in 2019, have been advocating for the adoption

of industrial manslaughter laws, noting that the use of the term "gross negligence", much like the previous term "reckless to an individual", requires the prosecution to prove that the management is at fault and has engaged in negligent conduct. I acknowledge that the higher the position of those in the business or workplace, the further the disconnect from the base workers will be, increasing the difficulty in prosecuting those in higher positions. This same problem influenced the State Parliament of Queensland to introduce industrial manslaughter laws in the Work Health and Safety and Other Legislation Amendment Act 2017 (Qld).

The problem stems from the fact that a business owner, or director, rarely engages in the negligence directly resulting in the death of an employee. Additionally, under the current laws in New South Wales—and as occurred under the previous laws in Queensland—it is increasingly difficult to convict a company of manslaughter as the law focuses on individual responsibility, not on a corporation as a whole. More so, the main penalty for manslaughter is incarceration, which is obviously quite difficult to enforce on an entire company or business. Consequently, it is rare for companies to be prosecuted for workplace-related deaths due to negligence, meaning that companies are being penalised to a lesser degree than would an individual who themselves caused a death due to gross negligence. In other words, a person whose negligence results in someone else's death would be prosecuted and incarcerated. Why should an employer be exempt from those laws?

The implementation of the term "industrial manslaughter", as suggested in the Boland review, will help to further reconcile those laws. Additionally, with industrial manslaughter already being implemented in both the Australian Capital Territory and Queensland, and its being proposed in Western Australia, the Northern Territory and Victoria, its implementation in New South Wales will help to unify Australia's work health and safety laws and regulations. I understand that Labor intends to move extensive amendments in the other place to include industrial manslaughter provisions and other recommendations from the Boland review. I strongly support any implementation of the many suggested revisions outlined within the Boland review that will ensure the safety of employees in their workplace. I support, in particular, the introduction of an industrial manslaughter law as I believe this law will prove to be extremely valuable in deterring employers from risking the safety of their employees. I commend the bill to the House.

TEMPORARY SPEAKER (Ms Felicity Wilson): I welcome year 11 students from Bomaderry High School who are visiting Parliament House today for a legal studies workshop conducted by staff from Parliamentary Education and Legislative Assembly Committees. I hope they have an opportunity to see the member for Kiama, and Minister, in action today.

Mr DUGALD SAUNDERS (Dubbo) (11:39:00): I speak in support of the Work Health and Safety Amendment (Review) Bill 2019. I commend the Government and the Minister for Better Regulation and Innovation for bringing this bill forward. The bill contains a number of significant reforms to enhance the ability of the Work Health and Safety Act 2011 to protect all people in workplaces from risks to their health and safety. It is worth noting at the start that it will enable the New South Wales workplace health and safety [WHS] regulators, SafeWork NSW and the NSW Resources Regulator, to better address and prevent workplace deaths and improve support for workplace accident victims and their families. Unfortunately, in recent times I have had the experience of working closely with a family who has lost a loved one. The ability to support not just victims who may be incapacitated, but families of victims who lose their lives, is extremely important. It will streamline investigations and clarify important aspects of the New South Wales Work Health and Safety Act.

Many of the reforms before us as part of the bill have broad support from employer and employee representative groups alike. That indicates the reforms are sensible, worthwhile and advance the broader objective of embedding a strong health and safety culture in workplaces in New South Wales. There has been mention, including by the member for Mount Druitt, who spoke before me, of certain families and specific cases. Sadly, many of us know somebody who has been involved in a workplace incident or their families. This is about more than just highlighting specific cases. It needs to be noted upfront that this is about helping as many different families and people as we can across the State.

A key objective of the reforms is to ensure that the most serious WHS provisions are an effective deterrent and will incentivise duty holders to be vigilant in meeting their work health and safety obligations on the job. There is no evidence that an industrial manslaughter offence would lead to fewer risks appearing in the workplace or fewer deaths occurring. There has been no known prosecution in Australia under an industrial manslaughter offence provision. New South Wales had an industrial manslaughter type offence of reckless conduct causing death at a workplace prior to the introduction of the model WHS legislation. But that provision was introduced in 2005 and repealed in 2011; it was never prosecuted.

Other Australian jurisdictions have enacted or introduced bills to enact industrial manslaughter offences. The Australian Capital Territory [ACT] has had an industrial manslaughter offence in its Crimes Act 1900 since 2004. No-one has been prosecuted in the ACT under this provision. Queensland, a model law jurisdiction, introduced an industrial manslaughter offence in 2017. The first prosecution under the Queensland provision

commenced late last year but is unlikely to be finalised for some time. Bills were introduced in four jurisdictions to introduce offences of industrial manslaughter: The Northern Territory legislation commenced on 1 February 2020; the Victorian legislation awaits commencement by 1 July 2020; and bills tabled in Western Australia and South Australia last year are still before their Parliaments. It is simply too early to tell what effect those offences will have in those jurisdictions.

I am aware that the Opposition has foreshadowed that it intends to amend the bill to include industrial manslaughter. The Government has serious reservations about that amendment. I implore the Opposition, if it is going to bring forward an amendment, to do so in this place so that the Parliament and the public have the opportunity to give it the full scrutiny and debate it deserves. Bringing an eleventh-hour amendment of industrial manslaughter in the other place would not facilitate the encompassing debate that this contested issue warrants. If the Opposition is going to bring forward the amendment, it should do so in this place so that it has the proper process it deserves. Failure to do that by the Opposition will represent a serious abrogation of its responsibility to the people it represents.

The work health and safety legislative framework is premised on preventing harm and addressing risk. An industrial manslaughter offence can be prosecuted only when someone has already been killed. New South Wales WHS regulators should not have to wait until someone is dead; they need to be able to prosecute effectively when someone is exposed to a risk of death or serious injury. This is the advantage of amending the category 1 offence rather than introducing industrial manslaughter. It is anticipated that lowering the evidentiary threshold for the category 1 offence to one of gross negligence will incentivise vigilance by all as it will apply to all duty holders under the Work Health and Safety Act. Work health and safety is a shared responsibility. Though it is very dry at times, it is a responsibility we all need to take up.

The WHS model laws and the Work Health and Safety Act 2011 (NSW) impose a health and safety duty on all people at a workplace. The primary duty of care is held by the person or persons conducting a business or undertaking [PCBU] at a workplace, which has been mentioned multiple times. PCBUs must ensure, as far as is reasonably practicable, the health and safety of their workers and other workers is maintained, and that the health and safety of other persons is not put at risk. Officers of PCBUs, such as directors and chief executive officers, also have a health and safety duty. They must exercise due diligence in ensuring that the PCBU complies with its work health and safety duties and obligations. Workers, and in fact anyone who is at a workplace, must take reasonable care for their own health and safety. Essentially, this means they must take reasonable care that their acts or omissions do not adversely affect the health and safety of anyone else.

When an incident or near miss occurs, WHS regulators look closely at the evidence to examine the culpability of all duty holders. I am informed that WHS regulators have taken prosecutions against corporate PCBUs, individual PCBUs, officers and workers. As the Minister for Better Regulation and Innovation stated in his second reading speech, every worker in the State deserves to come home safely at the end of the day. The bill will insert a note to the Act to clarify that workplace deaths can be prosecuted as manslaughter under the Crimes Act 1900, which is not well understood. The bill will make it an offence to provide, enter into or benefit from insurance or indemnity arrangements to cover WHS penalties as the availability of those arrangements undermines the deterrent power of the Act. It will increase penalties to reflect the consumer price index to ensure that penalties maintain their real value as deterrents. It will give families and victims more time—up to 18 months from the date of a workplace incident—to request that the regulator bring forward prosecution, giving families an effective review mechanism for a decision not to prosecute.

It will ensure that families and victims who make a request get three-monthly updates until a decision is made as to whether to prosecute, giving them confidence that they will be kept informed. Families are an important part of this. Specific cases have been mentioned in debate, but this is about ensuring that people across the State get the same representation that others personally affected have received in the past. The bill clarifies that health and safety representatives may choose their course of training but must consult with PCBUs as to time off and reasonable costs associated with any training.

The Minister has done well to bring this bill to the House. As he mentioned in his second reading speech, every single worker across our great State deserves this sort of representation. A person who breaches their duty and exposes a worker to a risk of death is highly culpable, even if the worker does not die. Our laws need to deter this behaviour in order to protect our workers. I commend the bill to the House.

Ms YASMIN CATLEY (Swansea) (11:48:57): In speaking to the Work Health and Safety Amendment (Review) Bill 2019, I start by reiterating that Labor supports the strengthening and expansion of legislation to protect people at work and we also note with a heavy heart some of the recent tragedies that have prompted the Government to bring forward the bill. For instance, last year an 18-year-old apprentice, Christopher Cassaniti, was killed when scaffolding collapsed at a building site that he was working on. His parents, Patrizia and Rob Cassaniti, spoke of their anguish, their heartbreak and shock when they learned their young son had been

killed in a workplace accident. They have spent the months since his tragic death campaigning for changes to the law that would make industrial manslaughter a crime so that every employer, every site manager and every worker takes the issue of safety seriously.

This Government made a commitment to the Cassaniti family that it is about to back down on. The Minister for Better Regulation and Innovation promised Mrs Cassaniti in May last year that the New South Wales Government would lead the way in the push for tougher industrial manslaughter laws and make worksite bosses criminally responsible for gross negligence. But the bill does not achieve that aim. The bill does not deliver that justice. Labor members in this place have a long and proud history of standing up for workers. Those opposite often attack us for our connection to the union movement, but it is only the unions and Labor that stand up for workers who find themselves in unsafe situations on the job.

I recall the former Labor Government's principled and appropriate response to the Gretley mine disaster in 1996. Early in the morning on 14 November 1996 a team of eight mineworkers at the Newcastle Wallsend Coal Company were on night shift. Four men were working a continuous mining machine and four others were in a crib room a short distance away. The four men operating the continuous mining machine were killed when a huge volume of water rushed through a hole in the coalface. An inquiry found that the plan the miners were working off was incorrect. It had wrongly identified the old workings of the Young Wallsend Colliery to be some 100 metres away from where the team had been working. The mining company had failed to do its due diligence properly and identify errors or uncertainties in the mapping of the Young Wallsend Colliery.

Like all workplace deaths, the four fatalities at Gretley were completely preventable. In response to Gretley, Labor's then Attorney General announced that criminal charges would be laid against eight individuals and the Newcastle Wallsend Coal Company. Labor was then, as it is today, determined to see justice done, and the company was successfully convicted for its role in the tragic death of four workers. Clearly, more work is needed and I am proud to be a part of a political and union movement that stands up for workers and their rights, especially the right to come home alive, or indeed uninjured, at the end of a fair day's work. Late last year, the Labor Government in Victoria legislated to make industrial manslaughter a criminal offence. Similar laws exist in Queensland and have done for some time. Therefore, there is no excuse not to harmonise workplace safety laws across the eastern States.

That is why I find it disappointing that the Berejiklian Government has wasted this opportunity for real legislative change and concrete reforms that will criminalise industrial manslaughter in New South Wales. Labor acknowledges that the bill makes some improvements to the status quo and we will not stand in its way. However, it does not achieve the aims and ambitions laid out by the Minister when he committed to reform workplace laws to criminalise industrial manslaughter. It does not achieve what he promised to do. I note the feedback from the Construction Forestry Mining and Energy Union [CFMEU], the union that covers construction workers such as Christopher Cassaniti. The CFMEU has outlined two specific objections to the bill.

Referencing the manslaughter provisions of the Crimes Act does not deal specifically with deaths caused at work. There has never been a workplace safety related charge of manslaughter laid under the Crimes Act. The inclusion of the words "gross negligence" to section 31 (1) (c) does not equal industrial manslaughter either. According to the union, "gross negligence" appears to set a very high hurdle when exposure to death or injury by negligence should be sufficient. The Australian Workers Union, which also represents workers in some of the most dangerous worksites in our State, has made the observation that the simplest and most effective way to give rise to outcomes we seem to all agree upon would be to mirror the arrangements in effect in Queensland.

I also note the objections to the bill made by lawyers on behalf of the Cassaniti family. They make the point that the change in wording still places the onus on the prosecution to prove that a person high up the corporate ladder engaged in conduct that was gross negligence or was reckless to an individual. As we know, it is not about the individual but primarily about systems. The higher you go up the corporate ladder, the more difficult it will be to prove blame or culpability. The lack of a definition for what constitutes "gross negligence" is also problematic. The term "reckless to an individual" almost implies that the prosecution would need to prove that any corporate entity knew that a particular act or non-act would or could result in a threat to an individual. The penalty for these offences is still only a paltry five years imprisonment.

On this basis, it is very difficult to see how the Minister can make the case that the bill before us achieves the outcomes that he promised to deliver and the outcomes that he claims to support. Therefore, Labor will move amendments to the bill to assist the Minister in meeting his own commitments and obligations to those families who have lost loved ones on the job and for whom justice remains elusive. This is not the first time that Labor has had to amend bills brought forward by the Minister because they fail to achieve what they set out to do. I caution the Minister and encourage him to listen to the Cassaniti family, to take on board what the unions are telling him and to work with Labor to either support its amendments or even adopt them as his own. I encourage him to listen

to our members' contributions to debate on the bill and listen to what we are telling him because we are trying to get the outcome here, not the political win.

We want to see industrial manslaughter criminalised in New South Wales and we want to see a change in workplace culture across our State. We want bosses put on notice. We want employers and building site managers to think very carefully before cutting corners or pressing ahead without doing their due diligence. I encourage the Government to strengthen the bill because, at the end of the day, all of us want to ensure that workers come home to their families after a day on the job.

Mr GURMESH SINGH (Coffs Harbour) (11:58:02): I speak in support of the Work Health and Safety Amendment (Review) Bill 2019. I commend Minister Anderson for moving swiftly to address the issues identified by the Senate inquiry into industrial deaths and Marie Boland's 2018 review of the model work health and safety laws. We should not delay improving the work health and safety framework that protects workers and the public in New South Wales. The question has been asked today: Why is the Government amending the Work Health and Safety Act 2011? The Government is amending the Act to expedite implementation of 12 proposals based on recommendations from the 2018 review of the model work health and safety laws. Those changes will contribute to the prevention of workplace deaths, ensure that workers and their families are supported during investigations of work health and safety offences, streamline investigations, and clarify the work of health and safety laws. We are pleased to note, based on recent statements about the bill, that the reforms have attracted broad support from employer and employee representative groups.

The 2018 review was undertaken by an independent reviewer, Ms Marie Boland, who made 34 recommendations for modifications to the model Work Health and Safety [WHS] laws framework. These recommendations were the subject of a consultation regulatory impact statement developed by Safe Work Australia. The New South Wales Work Health and Safety Regulators, SafeWork NSW and the NSW Resources Regulator provided a joint response to the consultation regulatory impact statement in August 2019. The decision regulatory impact statement [DRIS] has been provided by Safe Work Australia to Ministers for consideration. A national meeting of all WHS Ministers—the DRIS meeting—is not anticipated to be scheduled until the second quarter of 2020. The national process is not likely to result in any amendments to the model laws until late 2020.

The problems identified in the Work Health and Safety Act 2011 by the 2018 review and the Senate inquiry into industrial deaths are contributing to risks in workplaces in New South Wales now. Forty-seven people were killed in workplace incidents in New South Wales in 2018 and 62 in 2017. The amendments will enhance the ability of the New South Wales regulator to perform the important role of monitoring and enforcing compliance with the Act and reducing the number of work-related fatalities and the incidence of serious injuries and illnesses in New South Wales workplaces.

Another issue is why only 12 proposals based on recommendations from the 2018 review are being expedited. Careful consideration has been given to the amendments likely to be made at a national level, as well as to the needs of New South Wales now. Several recommendations made by the 2018 review relate to complex issues requiring further review. These include recommendations such as addressing psychological risks, assessing new industries, hazards and working arrangements, incident notification provisions and a review of the National Compliance and Enforcement Policy. Further research and consideration is required to assess the impacts of these recommendations and the form any amendments might take in the model WHS legislation. A decision was made to await the outcome of national discussions.

The amendments that are proposed to the New South Wales Work Health and Safety Act address the issue of workplace deaths, enhance the deterrent effect of WHS penalties and enforcement tools, streamline investigations and clarify the effect of WHS laws. Implementation of these measures at a national level is likely to take some time, but workers, businesses and regulators in New South Wales are expected to benefit from expedited implementation. The proposed amendments strike an appropriate balance between the objective of maintaining nationally consistent work health and safety regulation, and the Government's overarching objective of reducing risks to workers' safety in New South Wales as soon as possible. We are pleased to note, based on recent statements made about the bill, that the bill's reforms have attracted broad support from employer and employee representative groups.

One issue with our WHS laws that was identified by both the Senate inquiry and the 2018 review is insurance that covers monetary penalties imposed for WHS offences. The 2018 review found that currently insurance policies are available that protect an insured company and its directors, principals, partners and employees from liability for fines for breaches of work health and safety legislation. It received evidence from WHS regulators in other jurisdictions that offenders who had been found guilty of a breach of work health and safety laws had their fines paid under an insurance policy. The overwhelming majority of stakeholders who responded to the 2018 review—and the view of the Senate inquiry—was that this practice must cease.

The availability of insurance that protects companies, their officers and employees from liability for WHS fines seriously weakens the deterrent force of the Work Health and Safety Act. The penalties imposed for offences under the Act are intended to provide work health and safety duty holders with a strong incentive to comply with their obligations and to be vigilant about work health and safety. When there is no danger that penalties for breaches of work health and safety legislation will be brought home to those responsible, that incentive is removed. The purposes of the Work Health and Safety Act will be best fulfilled by ensuring that WHS penalties are paid by those who have been culpable in incurring them.

It may be the case that contracts of insurance or indemnity arrangements of this kind are already void under the Act. Section 272 of the Act provides that a term of any agreement or contract that purports to exclude, limit or modify the operation of the Act or any duty owed under it is void. It may be that insurance contracts for work health and safety penalties purport to do exactly that. But an insurance contract covering work health and safety penalties has never been declared void by a court, and is unlikely to be. Neither party to such a contract—the insurer or the insured—has any incentive to bring it to the attention of a court. To stamp out these arrangements, we need to explicitly prohibit them, as New Zealand has done.

This bill achieves that by making it an offence to enter into an insurance or other arrangement that provides indemnity for monetary penalties for work health and safety offences without reasonable excuse. Those who commit the offence will face serious penalties. An individual convicted of entering into an arrangement will be liable to a fine of \$25,000, and a company will face a fine of up to \$125,000. It will also be an offence to provide, or take the benefit of, an insurance or other arrangement that provides indemnity for monetary penalties for work health and safety offences. An individual who commits these offences will be liable to a fine of up to \$50,000. A company that commits those offences will face a fine of up to \$250,000. When a company commits the offence, its officers may also be liable if they were responsible for the company committing the offence. They will face a fine of up to \$125,000.

The Government is not trying to catch anyone out by bringing in these offences. The offence of entering into a prohibited insurance or indemnity arrangement will not apply to arrangements or insurance contracts in place before the Act commences—though it will apply to rollovers and renewals after the Act commences. The offence of taking the benefit of an insurance or indemnity arrangement will apply only where a monetary fine is imposed for a work health and safety offence arising from an incident which occurs after the commencement of these amendments. That is appropriate. I note that the bill does not make it an offence to insure against legal costs that may be incurred in defending a prosecution for a WHS offence. I support that approach. Once a person has been found guilty it is no longer appropriate for them to have the benefit of insurance, but this bill will not affect their ability to defend themselves.

I am pleased that New South Wales is expediting this amendment, which I believe—based on developments in the national review process to date—will in due course also be made to the model laws. The new offences will give work health and safety duty holders strong reason to be diligent about work health and safety and enable courts to impose penalties which fulfil other purposes of sentencing—specifically deterrence, retribution, and rehabilitation. Those morally responsible for putting workers' health and safety at risk should be personally responsible for the penalties imposed by a court for their conduct. It cannot be right to allow a person to use insurance to cover a criminal fine where their negligence has led to the death of a worker. This reform will encourage persons conducting a business or undertaking in this State to be alert and conscientious about their workers' health and safety, as will the other reforms contained in this bill. This bill is about more than just one victim or just one family. This bill is about preventing deaths and serious injuries before they can occur. I commend the bill to the House.

Mr TIM CRAKANTHORP (Newcastle) (12:07:50): The Work Health and Safety Amendment (Review) Bill 2019 is very close to my heart in that it seeks to improve workplace safety. I had a friend, a comrade, who was very well respected in the Newcastle community, but who was killed some years ago on the job on the wharves at Newcastle. His name was Greg Fitzgibbon. He was a working class bloke who lived for his family. He was born and raised in Carrington and he worked on and around ships for most of his life. Tragically he died on a ship in Carrington. He was on a Chinese-registered bulk carrier when a 20-tonne pallet of aluminium being loaded onto the ship fell on him. The effect of workplace accidents on families is absolutely devastating. Greg was a father to daughters Georgia and Taylor, and husband to his childhood sweetheart, Linda. The union and the community were absolutely devastated.

On a positive note, it led to his daughter Georgia becoming the face of a national campaign run by the Maritime Union of Australia to improve safety on the docks. As the lawyers representing Patrizia Cassaniti have expressed, it is news that no parent, child, husband or wife ever wants to hear. When someone walks out the door for a day's work, you want them to come back at the end of the day. While this bill goes a small way towards making New South Wales workplaces safer for everyone, it is certainly deficient and does not go far

enough. The stated objective of the bill is to amend the Work Health and Safety Act 2011 to address risks, prevent harm and improve the Act to better protect workers based on the recommendations of Safe Work Australia's review of the model Work Health and Safety Act on which the New South Wales Act is based.

In his second reading speech the Minister stressed the need to make it easier to prosecute negligence that results in a workplace fatality. I commend the Minister for that. However, the reaction from many stakeholders has been one of disappointment. In particular, the Construction Forestry Maritime Mining and Energy Union [CFMMEU] believes—fairly—that the amendments fall far short of industrial manslaughter laws. It raises two objections. The first is that referencing the manslaughter provisions of the Crimes Act 1900 does not specifically deal with deaths caused at work. To date no workplace safety-related charge of manslaughter has been brought under the Crimes Act. Secondly, the inclusion of the words "gross negligence" in section 31 (1) (c) of the Work Health and Safety Act does not equate to industrial manslaughter. "Gross negligence" appears to set a high hurdle when exposure to death or injury by negligence should be sufficient. The CFMMEU supports the introduction of legislation that specifically deals with deaths caused at work. It believes they should be dealt with in a separate offence provision, rather than under section 31 of the Act.

The Australian Workers' Union believes that the legislation should reflect the manslaughter provisions of the Work Health and Safety Act in Queensland. Any changes to increase the likelihood of prosecution should also include protections for workers. Unions NSW expresses a similar viewpoint. It believes the bill is an improvement on the current legislation but, again, does not go far enough in achieving the outcomes for which the union movement has advocated.

The lawyers representing the Cassanitis have also provided some feedback. Firstly, they note the change in the wording of section 31 still places the onus on the prosecution to prove that a person higher up the corporate ladder engaged in conduct that was gross negligence or was reckless as to the risk to an individual. As we know, it is not about the individual but primarily about systems. The higher you go up the food chain, the more difficult that will be to prove. Secondly, they consider that the lack of definition about what constitutes gross negligence is also problematic, and, thirdly, that the term "reckless to an individual" almost implies that the prosecution would need to prove that any corporate entity knew that a particular act or non-act would or could result in a threat to an individual.

Finally, they note that the penalty for these offences is still only five years imprisonment. In their opinion, an industrial manslaughter offence is uniquely appropriate for the Work Health and Safety Act 2011, as opposed to creating an offence under the Crimes Act 1900 that involves numerous people with little knowledge of the elements surrounding the workplace death and the workplace regulations. Labor does not oppose the bill. However, there is a lot more work to be done. Many people in my Newcastle electorate work in manufacturing, advanced manufacturing, maritime work and in workplaces that use heavy vehicles. Workplace safety is very important to them and should be important to all members of this House. When loved ones leave for work in the morning, we want to see them come through the doorway at night.

Ms WENDY LINDSAY (East Hills) (12:14:07): I contribute to debate on the Work Health and Safety Amendment (Review) Bill 2019. The bill contains a number of significant reforms. It creates new offences and new powers for inspectors. It also reforms existing offences, not only in the Work Health and Safety Act 2011 but also in the regulation, to increase the maximum penalties faced by offenders. For the first time since the Act and regulation commenced in 2012, penalties for over 75 offences in the Act and over 550 offences in the regulation will increase. Over time, penalties lose their deterrent value if they do not keep pace with increases in compliance costs. The costs of complying with work health and safety obligations have continued to rise. Accordingly, the Government is amending the penalties for offences to reflect increases in the consumer price index [CPI] since 2011.

For example, the penalty for a category 1 offence—the most serious offence in the Act—will increase from \$300,000 to almost \$350,000 for an individual and from \$3 million to almost \$3.5 million for a corporation. The increases will ensure that the penalties for work health and safety offences act as significant deterrents against committing those offences. They will also mean that work health and safety offenders face penalties that reflect the seriousness with which the community regards behaviour that puts workers' safety at risk. This reform will do more than bring penalties up to date. It will ensure that work health and safety penalties maintain their deterrent value and keep pace with increases in the consumer price index through a new mechanism that automatically updates penalties each year.

Unlike the practice in other New South Wales legislation, the penalties in the Act and the regulation are expressed in dollar amounts, rather than penalty units, because they are based on the national model. The Government sees advantages in maintaining consistency with penalties for offences in the national model work health and safety Act and regulation, bearing in mind that the 2018 review of the model laws recommended that the penalties for offences should be adjusted to reflect increases in the CPI. Therefore the Government has

tailored an approach to penalties specifically for the Work Health and Safety Act. The bill introduces a penalty unit for work health and safety offences, as distinct from the general New South Wales penalty unit that is referenced in setting the penalties for offences across New South Wales legislation more broadly. Queensland also prescribes a specific penalty unit for its work health and safety legislation that is based on the national model.

New South Wales's work health and safety penalty unit will be permanently linked to the consumer price index. Each year the value of the work health and safety penalty unit will rise in accordance with the CPI, without having to amend the Act or regulation. Each maximum penalty in the Act or regulation will be expressed in penalty units. Initially, the work health and safety penalty unit will be set at \$100. The monetary value of the penalty for an offence will be calculated by multiplying the number of penalty units in the penalty provision by the value of the penalty unit. The number of penalty units for each penalty in the Act and regulation has been set to reflect increases in the CPI in 2011—when penalties were originally set—and 2019. For example, if the current maximum penalty for an individual who commits a category 1 offence were expressed in penalty units rather than dollars, it would be 3,000 penalty units. Instead, the bill sets the penalty at 3,465 penalty units; that is, it increases from \$300,000 to \$346,500.

This approach is administratively efficient and futureproofs the legislation. Parliament will not have to amend the Act or the regulation to increase penalties. It ensures that penalties in New South Wales will not be lower than penalties which may be set by the model laws. Above all it means that monetary penalties for work health and safety offences will maintain their deterrent value over time. To ensure that the community and duty holders always have clarity as to the maximum penalties for offences, at the start of each financial year the NSW Department of Customer Service will publish on its website a list of the increased penalties for each offence. That approach is consistent with the approach taken by the department when increasing fees for services such as licensing under the work health and safety legislation. To complement this reform, the bill makes two related consequential amendments. Firstly, the bill increases the ceiling on the maximum penalty which may be imposed on an offender who is prosecuted in the Local Court from \$50,000 to \$65,000 and links this amount to the consumer price index [CPI].

Secondly, the bill increases the ceiling on the maximum penalty for an offence which may be created by regulation from \$30,000 to \$34,500 and links this amount to the CPI as well. These amendments will ensure that the administrative and judicial processes that support our work health and safety legislation continue to operate smoothly as penalties rise. It is an innovative approach that Minister Anderson has taken to tackling the problem of keeping penalties for work and safety offences up to date. The introduction of this new mechanism means that penalties will not fall behind the costs of compliance and will function as effective deterrents long into the future. The maximum penalties for work health and safety offences will now be set at a level which accords with community expectations and those who endanger workers will face substantial and significant penalties. I commend the bill to the House.

Ms JENNY LEONG (Newtown) (12:20:34): I speak for The Greens on the Work Health and Safety Amendment (Review) Bill 2019. The Greens will not oppose this legislation because it does make improvements, and I will go through those shortly. But it is important to recognise there is currently an upper House inquiry into this bill and bringing this legislation before this Chamber before that inquiry has concluded—before its recommendations can be reviewed—seems back to front. A number of people have made submissions to that inquiry, including strong submissions around the main issue of industrial manslaughter. It is clear, and The Greens strongly believe, that every employee deserves to be safe in their workplace. Going to work should never involve putting lives at risk.

No-one should ever go to work and not return home because of a preventable death in the workplace. Harsh penalties need to be in place to deter employers from cutting corners on workplace safety and the law must provide justice for victims and families and should prevent accidents from occurring in the workplace, particularly those resulting in death. The Greens support legislation to make industrial manslaughter a specific offence and impose harsh penalties on negligent employers in line with legislation in Queensland. We have been pushing for this in a number of different jurisdictions, both nationally and in Western Australia and South Australia for many years. In his second reading speech, the Minister for Better Regulation and Innovation said the aim of the bill was to amend the Work Health and Safety Act 2011 to expedite the implementation of 12 proposals based on the recommendations of the national review. He said the reforms were intended:

.. to make workers in New South Wales safer.

Why are we expediting the process and rushing it through before the inquiry has concluded in the upper House? Secondly, as the unions have pointed out—notably Unions NSW and the Construction, Forestry, Maritime, Mining and Energy Union [CFMMEU]—there is one crucial element recommended in this review that is not addressed by this legislation. That is the issue of industrial manslaughter. Submissions made to the upper House inquiry into this bill—and my Greens colleague David Shoebridge is on that inquiry—by unions, organisations

and industry groups make it clear that we are debating, deciding and being required to vote on a piece of legislation without knowing the outcomes of that inquiry. I want to highlight some concerns—particularly around the issue of industrial manslaughter—that have been raised in those submissions. Regarding industrial manslaughter, the CFMMEU said this in its submission:

The proposed New South Wales bill does not introduce an offence of industrial manslaughter, and instead adds annotation to the effect that workplace deaths may be prosecuted as manslaughter under the *Crimes Act 1900*. Relying on the *Crimes Act 1900* for the prosecution of industrial manslaughter is not practicable. It is doubtful that the inclusion of a notation in the criminal code will bring about the organisational and cultural changes necessary to bring the required focus on the prosecution of industrial deaths in New South Wales. The proposed approach is not consistent with the Boland Review recommendations, which at Recommendation 23b proposed the following:

And let us remember that the Boland review—and apparently we are in the process of expediting the implementation of that review with this legislation when it does not follow the recommendations of that review—states:

Amend the model WHS act to provide for a new offence of industrial manslaughter. The offence should provide for gross negligence causing death and include the following:

The offence can be committed by a PCBU and an officer as defined under section 4 of the Model WHS Act.

The conduct engaged in on behalf of a body corporate is taken to be conduct engaged in by the body corporate.

The body corporate's conduct includes the conduct of the body corporate when viewed as a whole by aggregating the conduct of its employees, agents or offices.

The offence covers the death of an individual to whom a duty is owed.

The Unions NSW submission to the upper House inquiry that has not yet concluded makes it clear that the Australian Council of Trade Unions has called for industrial manslaughter laws to be implemented nationally. This again supports the Boland review's recommendation to introduce an industrial manslaughter offence and Unions NSW supports all the recommendations of that review. It is clear that the issue of industrial manslaughter has a significant impact on people's lives. The fact that people go to work and do not return home because they have died on the job is completely unacceptable and especially so if that death could have been prevented had costs not been cut, risks not been taken and corners not been cut in relation to that person's safety. The Greens have long campaigned for industrial manslaughter legislation to be introduced at a Federal level.

In 2003, for a short time, The Greens had a lower House MP when Michael Organ was the member for Cunningham. During this time while representing the area around Wollongong, he introduced the Industrial Manslaughter Bill that sought to provide Federal protection under the Criminal Code Amendment (Workplace Death and Serious Injury) Bill 2003. Its aim was to put into legislation protections for workers and to strengthen the onus on employers to ensure safe working environments. It was saying that negligent employers had escaped serious penalties for too long and change was long overdue.

Recently colleagues in Western Australia have taken up the fight to address industrial manslaughter protections in that State. My Greens colleague Alison Xamon has made it clear that it is absolutely unacceptable, when it comes to industrial manslaughter, for people to go to work and not return home as a result of their death. If that death could have been prevented, that is what we need to remember. The Greens believe that every employee deserves to be safe at work. It is essential that we make the improvements contained in the bill, but that is not enough. We must legislate to include industrial manslaughter as a specific offence. The Greens will be looking further at the recommendations of the report from the upper House inquiry and will be moving amendments to this bill in the other place to strengthen protections for workers so that they are safe when they are at work and can return home.

Mr NATHANIEL SMITH (Wollondilly) (12:28:59): I support the Work Health and Safety Amendment (Review) Bill 2019. I thank Minister Anderson for introducing the bill, which will increase protection for workers in New South Wales without increasing regulatory burden on small businesses. The Government recognises the valuable role that small businesses play in the New South Wales economy and as employers of workers in this State. The bill is quite close to my heart. When I was 16 I took on a plumbing apprenticeship. I went on to become a tradesman, leading hand and foreman, and then eventually to run my own small business. Things were going well when I was in my 20s until April 2008. I was a leading contractor on a large development site in north-west Sydney. Business was good; I had plenty of work. While working on site I had a split-second lapse in concentration, which led to an accident that nearly severed my left index finger—I nearly lost it.

The doctors said the injury was almost irreparable and that I would lose some function in my left hand. I feared that my business and livelihood would never be the same again. I had an operation later that night. Not long after, I was stitched up and back at work, taking care and pressing ahead. As many members on the Government side of the Chamber know, when you run a small business—when you are the small business—you bear all the responsibility and the risk. It is all on the line and sometimes unexpected events like that happen. I was

determined to not let it set me back. I made a full recovery. I took my role as a small business owner and operator seriously.

In those times the work health and safety regulations were different. It made me realise that the health and welfare of workers is critical. I was determined to ensure that the safety of my workers was paramount. As a business owner, I owed a duty of care to myself and I always ensured that a safe workplace was an essential part of the work environment. Any legislative assistance to small business to simplify and ensure compliance in the workplace is welcome. The majority of businesses in New South Wales take their obligations seriously to ensure the health and safety of their workers and comply with the duties imposed by the Work Health and Safety Act.

The bill does not seek to change the nature of the duties imposed by the Act on businesses and duty holders. Businesses that already comply with their duties will not be held to a higher standard. They will continue to be required to ensure the safety of workers and others who may be affected by work so far as is reasonably practicable. Instead, the bill targets the minority of businesses that are not currently complying with their obligations under the Act. It gives those businesses and duty holders stronger incentives to comply with the Act by significantly increasing its deterrent power. When the bill becomes law, work health and safety duty holders who expose workers or others to a risk of death or serious injury or illness through gross negligence in the workplace will face prosecution for a category 1 offence, which is the most serious offence in the Work Health and Safety Act. Exposing workers to such a risk is already prohibited by the Act.

To avoid prosecution for such an offence, businesses need do no more than comply with their existing obligations. But non-compliant businesses will now face prosecution for an offence, which reflects the seriousness with which the community regards putting workers at risk. The bill will also increase the penalties for offences under the Act by reference to increases in the consumer price index, ensuring that work health and safety duty holders face penalties that maintain their real deterrent value over time. This will not affect duty holders who are already fulfilling those duties. Again, the bill targets the minority who fail to comply with their duties by giving them stronger incentives to comply. The bill will also amend the Work Health and Safety Act to add a note that clarifies that work-related deaths can also be prosecuted as manslaughter under the Crimes Act. That is already the case, but the note will make it clear to duty holders that the consequences of breaching their duties can be extremely serious and include a jail term of up to 25 years.

For small businesses that are complying with the law, there is much to welcome in the bill. I hope it will help to ensure that small businesses that are investing in their workers' health and safety are not competing with businesses that are cutting corners and exposing their workers to danger. The bill will also give small businesses greater clarity as to some of their obligations. For example, it will make clear that a person can be both a worker who is owed duties by persons conducting a business or undertaking, and a person conducting a business or undertaking who owes duties to workers themselves. Small businesses often operate on multibusiness worksites. The clarification will give businesses a firm basis on which to engage with each other to fulfil their shared obligations to ensure the safety of all workers on a site.

Amendments to streamline the investigative process will also benefit businesses. When inspectors need to enter a worksite, it can be disruptive for businesses and even require a part or the whole of the operations to be halted temporarily. Inspectors will no longer need to re-enter a workplace to ask follow-up questions or obtain follow-up documents within 30 days of their last entry. More flexible investigations—for example, not requiring an inspector to attend a worksite in person when the information they need can be provided by email—will benefit regulators and businesses. Efficient and effective investigations benefit workplaces by ensuring that any lessons learnt from an incident can be applied as quickly as possible to avoid further incidents. The legislative reforms in the bill will promote workers' safety without unduly burdening small businesses.

Some of New South Wales' most vital small businesses are our many farms, especially in my electorate of Wollondilly. The Government is committed to supporting the farmers of New South Wales in ensuring that they meet their work health and safety duties. I highlight two SafeWork NSW initiatives targeted at improving work health and safety on farms in particular. The first is the Quad Bike Safety Improvement Program, which focuses on reducing the unacceptably high number of fatalities and serious injuries caused by quad bikes. The program was renewed in 2019 and expanded to enable eligible businesses to access rebates for drones.

SafeWork NSW is encouraging the use of drones on farms as an innovative harm-prevention solution. The use of drones on farms can improve safety by reducing quad bike usage as well as increasing farming efficiency. To date, the Government has paid out more than \$3.39 million in rebates to farmers through the Quad Bike Safety Improvement Program, with farmers investing over \$33.4 million in improving safety on their farms. In addition, over 1,470 participants have attended safety training financed through the Quad Bike Safety Improvement Program.

The A-Z Farm Safety Guide was launched to help farmers improve health and safety across their operations. The guide was designed for farmers by farmers to assist in identifying the main elements of risk on a farm and what workers and duty holders can do to improve safety. In addition to its work with farmers, SafeWork NSW also offers a range of programs and initiatives to support small businesses that align with the New South Wales Government's Small Business Strategy. Two key SafeWork NSW initiatives aimed at helping small businesses are the Easy to do WHS toolkit and the small business safety rebate. Since its initial release in late 2018 the Easy to do WHS toolkit, which makes safety easier for small businesses, has proven popular, with over 50,000 hits on the website.

Over 28,000 small businesses across New South Wales have received the toolkit in a hard copy or soft copy form. The small business safety rebate program offers between \$500 and \$1,000 cashback on the purchase of eligible safety items. Between July and December 2019 a total of 206 small businesses received this rebate, valued at \$93,797. In the 2018-19 financial year SafeWork NSW supported over 428 small businesses through the rebate, valued at \$202,175. The majority of businesses do not need a further deterrent—they already take health and safety seriously. The bill will ensure that New South Wales workers are protected from exposure to risks that breach our existing laws. I commend the bill to the House.

Mr STEPHEN BALI (Blacktown) (12:39:09): Whilst I thank the Minister for placing some advancements in the Work Health and Safety Act before this House, unfortunately they do not go far enough. Although Labor is supporting the bill, we have foreshadowed amendments that I hope the Government will consider seriously. Every speaker in this House has acknowledged the importance of workplace safety and the human cost in getting it wrong. The approach to dealing with safety and enforcement is what seems to separate the conservative approach from the Labor way. I acknowledge and thank the contributions made by shadow Minister and member for Granville, Julia Finn, and the Hon. Adam Searle, MLC, from the other place, and for their diligent work on the bill.

I will focus on two aspects of the bill. Firstly, on the training of workplace health and safety representatives and, secondly, on the need for improvements towards industrial manslaughter. We must give credit where credit is due. The proposed changes to section 72 clearly allow a workplace health and safety representative to make a determination on course selection, as long as costs are reasonable. That can be decided by the workplace inspector if a dispute arises. As a former union official of the mighty Australian Workers' Union, it is clear to me that the intention of the changes to section 72 is to allow the employee to select the course and then consult with the employer; however, this was reinterpreted so that consultation meant agreement and therefore an employer can book the employee into a course of the employer's choice.

Some members in this place may say, "So what? Aren't all workplace health and safety [WHS] representative induction or refresher courses the same?" I do not know how many members of this House have sat through a five-day WHS course loaded with many facts, figures and processes. Even though all the information is important, depending on the delivery techniques and enthusiasm of the trainer, it could be either an exciting course or a very dry course. The WHS course providers recommended by the Australian Workers' Union were innovative and tailored to the needs of the representatives. Often, one day of the course was spent at a worksite, putting into practice the theory learnt. This day was extremely beneficial to course participants and to the worksite employer as valuable feedback and a fresh set of eyes re-examined their systems and processes.

Unfortunately, too many employers would pick the cheapest delivery course that has little practical benefit to the employee. Most employee representatives do not want to argue or dispute with their employer due to fear of retribution. I know conservative members of this House who have no experience of workplace challenges surely would say that this would not happen. But it did and this amendment finally removes the doubt and allows the employee representative to choose the course as long as it is at a reasonable cost. There is plenty of evidence to support the contention that workplaces are a lot safer when unions are involved. The Institute for Work & Health in Canada, in a study entitled *Protecting Construction Worker Health and Safety in Ontario, Canada: Identifying a Union Safety Effect*, found that unionised construction firms experience fewer serious and costly injuries, resulting in lower compensation payments for time away from work than non-union firms.

Having the additional set of eyes and resources on offer from a union, as well as union members on site, encourages reporting occupational injury and reduces risks through training, hazard identification and control. Workers and management are truly treated as equals and partners in identifying and dealing with workplace incidents. A magazine called *Roofing* in the United States [US], which prides itself on being the industry's voice—yes, an employer representative organisation—reported in 2016:

Employees of non-union roofing firms may not report minor injuries or work-related illnesses because they may be afraid of being fired or that reporting would have a negative impact on the company.

Bankrate is another US company that has been around since 1976. Due to its breadth of experience it has a reputation as a trusted financial authority that makes decisions based on fact and experience, not hype and hearsay, as they say. Bankrate has reported that union workplaces deliver higher wages, shorter work weeks, better job security and safer workplaces.

Debate interrupted.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

TEMPORARY SPEAKER (Ms Sonia Hornery): The question is that the House take note of the report.

Ms FELICITY WILSON (North Shore) (12:44:32): As Chair: I address the House on behalf of the Legislation Review Committee on the tenth digest for this Parliament entitled *Legislation Review Digest No. 10/57*, tabled on 25 February. In this digest, the committee examined two bills introduced in the last sitting week of 2019, finding issues in one. The committee also found issues in nine statutory instruments. I will draw the attention of the House to some of the issues raised. The Independent Commission Against Corruption Amendment (Protections for Disclosure of Information) Bill 2019 is a private member's bill, which seeks to adopt recommendations made by the Committee on the Independent Commission Against Corruption in 2017 in its report into voluntary disclosures.

The bill proposes amending section 109 of the Independent Commission Against Corruption Act 1988 to make it clear that individuals who disclose information to ICAC in compliance with the Act, or in making a voluntary disclosure, are protected from criminal or civil liability, or disciplinary action for doing so. The committee noted that this amendment may impact on the rights of others to seek legal redress for wrongs resulting from that disclosure. However, the committee acknowledged the significant public interest in facilitating the detection, exposure and prevention of corrupt conduct, and that this process may be hindered if those making disclosures are not protected in doing so. The committee also noted that it is an offence under the Act to wilfully make a false statement or to mislead ICAC. Accordingly, the committee made no further comment.

I move to one of the regulations examined by the committee, the Conveyancing (Sale of Land) Amendment Regulation 2019. This regulation makes provision with regard to off-the-plan contracts for the sale of residential properties. The regulation expands the obligations of vendors, who are usually developers in the context of residences sold off the plan. The committee noted that this section of the business community could be adversely affected by the increase of vendors' obligations and purchasers' rights. However, the committee also acknowledged the benefits of the regulation, including greater transparency, and protection of transactions for purchasers and the promotion of public confidence in the real estate market. In the circumstances, the committee made no further comment.

I turn now to the Crimes (Administration of Sentences) Amendment (Use of Force) Regulation 2019, which allows a correctional officer to use force to enable treatment to be given to an inmate in accordance with the Mental Health Act 2007. In some instances, the use of force on an inmate may impact on the right to humane treatment in detention. However, the committee acknowledged that there are a number of existing safeguards in relation to the use of force in such circumstances, including only using the degree of force that is reasonably necessary and avoiding injury to the inmate if at all possible.

The committee also noted that the use of force may be necessary in some circumstances for health reasons, so that the inmate receives appropriate treatment. It may also be reasonably necessary for the safety of the correctional officers or other inmates. In the circumstances, the committee made no further comment. Lastly, I mention the Liquor Amendment (Special Licence Conditions) Regulation (No 3) 2019, which updates the list of certain declared premises that must fulfil special requirements involving the service of alcohol, as outlined under schedule 4 to the Liquor Act 2007. The regulation may have some adverse impact on affected members of the business community. However, it is part of a scheme to minimise harm associated with the misuse and abuse of liquor and to encourage its responsible promotion, sale, supply, service and consumption.

Premises are only declared when a significant number of violent incidents have occurred at them in the past 12 months. The committee considered the special licensing conditions were a proportionate response to achieve the scheme's objectives and made no further comment. That concludes my remarks on the tenth digest of this Parliament. I encourage everyone to read the full digest, which is available on the committee's webpage. I thank the secretariat and my fellow members of the committee and commend the digest to the House.

Mr DAVID MEHAN (The Entrance) (12:48:30): I make a contribution to discussion of the tenth digest of this Parliament, dated 24 February. The committee considered two private members' bills. That circumstance is a helpful reminder to the House that the committee will consider all bills, not just Government bills, before the House in its scrutiny of legislation. The committee considered a total of nine regulations. Again, this circumstance is a helpful reminder to the House that the committee will also scrutinise all regulations, that are, as stated in section 9, "subject to disallowance by resolution of either or both Houses of Parliament". I seek leave to incorporate section 9 of the Legislation Review act 1987 into *Hansard*.

Leave granted.

9 Functions with respect to Regulations

1 The functions of the Committee with respect to regulations are:

- (a) to consider all regulations while they are subject to disallowance by resolution of either or both Houses of Parliament,
- (b) to consider whether the special attention of Parliament should be drawn to any such regulation on any ground, including any of the following:
 - i that the regulation trespasses unduly on personal rights and liberties,
 - ii that the regulation may have an adverse impact on the business community,
 - iii that the regulation may not have been within the general objects of the legislation under which it was made,
 - iv that the regulation may not accord with the spirit of the legislation under which it was made, even though it may have been legally made,
 - v that the objective of the regulation could have been achieved by alternative and more effective means,
 - vi that the regulation duplicates, overlaps or conflicts with any other regulation or Act,
 - vii that the form or intention of the regulation calls for elucidation, or
 - viii that any of the requirements of sections 4, 5 and 6 of the *Subordinate Legislation Act 1989*, or of the guidelines and requirements in Schedules 1 and 2 to that Act, appear not to have been complied with, to the extent that they were applicable in relation to the regulation, and
- (c) to make such reports and recommendations to each House of Parliament as it thinks desirable as a result of its consideration of any such regulations, including reports setting out its opinion that a regulation or portion of a regulation ought to be disallowed and the grounds on which it has formed that opinion.

2 Further functions of the Committee are:

- (a) to initiate a systematic review of regulations (whether or not still subject to disallowance by either or both Houses of Parliament), based on the staged repeal of regulations and to report to both Houses of Parliament in relation to the review from time to time, and
- (b) to inquire into, and report to both Houses of Parliament on, any question in connection with regulations (whether or not still subject to disallowance by either or both Houses of Parliament) that is referred to it by a Minister of the Crown.

The functions of the Committee do not include an examination of, inquiry into or report on a matter of Government policy, except in so far as such an examination may be necessary to ascertain whether any regulations implement Government policy or the matter has been specifically referred to the Committee under subsection (2) (b) by a Minister of the Crown.

As I was saying, nine regulations were scrutinised. The committee chose to refer two of those to Parliament for further consideration before the period for disallowance ends. Those were the Natural Resources Access Regulator Amendment Regulation 2019 as well as the Work Health and Safety Amendment (Miscellaneous) Regulation 2019. I particularly refer those to members' attention. The digest is on the table before them. It is a useful document and I encourage all members to peruse it, particularly those regulations that I have outlined before the House today. As usual, I thank my fellow committee members for their work and the secretariat that supports us—we would not be able to do our job without them. I commend the digest the House.

Report noted.

TEMPORARY SPEAKER (Ms Sonia Hornery): There being no further committee reports, I will now leave the chair. The House will resume at 2.15 p.m.

*Visitors***VISITORS**

The SPEAKER: I extend a warm welcome to Robyn Young, who works for the Minister for Health and Medical Research, and member for Wakehurst. I also welcome Rachel Nicoll, Chair of the NSW Young Farmers Council, and NSW Young Farmer Council committee members Hannah Cargill, Brendan Murray, Charlotte Groves and Tim Carroll. I also acknowledge Alexandra Bunton from NSW Farmers in the gallery. They are guests of the Minister for Agriculture and Western NSW, and member for Northern Tablelands, as well as the Minister for Mental Health, Regional Youth and Women in the other place.

I also welcome students and teachers from Carinya Christian School, Tamworth, to the public gallery, guests of the Minister for Better Regulation and Innovation, and member for Tamworth. I acknowledge Bharathi Renga from the Rotary Club of Granville, who I understand has just celebrated his fiftieth birthday, guest of the member for Prospect. Happy birthday. Finally, I acknowledge Charlton Christian College students Axell Gross, Ayden Murray, Jackson Marshall, Georgia Jones, Merrin MacIntyre, James Webster and Jessica Hellyer, and their teacher, Anne Duquemin, guests of the member for Lake Macquarie.

*Announcements***HEARING TESTS**

The SPEAKER: I have been reminded by the Minister for Health and Medical Research that there are resources in the McKell room at the moment to have your hearing tested. I report that the result, which will be made available publicly fairly soon, is that the level of noise in this Chamber is unacceptable and potentially an occupational health and safety issue. I will avoid putting on noise-cancelling earphones and ask people to keep the noise down a little. I encourage members, and other staff who are listening to this, to visit the McKell room and to have their hearing tested.

Ms Jodi McKay: Not right now.

The SPEAKER: Not right now from this place, no—and I hope I will not send anyone there. Please avail yourself of that resource, which has been generously provided through Macquarie University Hearing.

*Rulings***UNPARLIAMENTARY LANGUAGE**

The SPEAKER (14:15:45): It has come to my attention that inappropriate language was used by a member last night, resulting in the member's removal from the Chamber. I remind members of Standing Orders 72 and 74 (1) regarding the use of offensive words. Unparliamentary language will not be tolerated in this place, whether used by members at the table or members interjecting from the benches.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (14:16:00): I would like the member for The Entrance to be given the opportunity to give an apology.

*Personal Explanation***UNPARLIAMENTARY LANGUAGE**

Mr DAVID MEHAN: By leave: I welcome the opportunity to address the House on this issue. I do regret my language. I regret my language inasmuch as it undermines your policy, Mr Speaker, a policy that I support, of trying to improve standards of behaviour in this place and improve the level of debate, and for that reason I do apologise. However, I do not apologise to anybody in the Government—

The SPEAKER: Thank you, that is enough.

Mr DAVID MEHAN: They have let my community down.

The SPEAKER: Thank you.

Mr DAVID MEHAN: My community needs action on flood mitigation and they have got nothing from them, nothing at all.

The SPEAKER: That is enough.

Mr DAVID MEHAN: The Parliamentary Secretary has done nothing.

The SPEAKER: The member for The Entrance will resume his seat. He is about to be placed on a call to order.

Mr DAVID MEHAN: The water Minister does not respond to my representations. They are hopeless.

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

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Mr ANDREW CONSTANCE: On behalf of Ms Gladys Berejiklian: I inform the House that:

- (1) The Treasurer will answer questions today in the absence of the Minister for Jobs, Investment, Tourism and Western Sydney.
- (2) The Minister for Police and Emergency Services will answer questions today in the absence of the Attorney General, and Minister for the Prevention of Domestic Violence.

Question Time

CARBON EMISSIONS TARGET

Ms JODI MCKAY (Strathfield) (14:18:18): My question is directed to the Premier. This Government has a target of net zero emissions by 2050, and the Prime Minister has today offered his praise for that target in New South Wales. Will the Premier explain to the House how it will be achieved?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:18:32): I look forward to the opportunity to talk about an important area of policy. This aspirational target has been in place in New South Wales, from memory, for at least—

Ms Jodi McKay: Point of order—

Ms GLADYS BEREJIKLIAN: What point of order?

The SPEAKER: The Leader of the Opposition will make it quick.

Ms Jodi McKay: In September 2019 the Premier said, "I am happy to delete the word 'aspirational'. This is our target and it is in line with the Paris Agreement."

The SPEAKER: The Leader of the Opposition will resume her seat. I call the Leader of the Opposition to order for the first time. The Premier has the call.

Ms GLADYS BEREJIKLIAN: As I was saying before I was rudely interrupted, this target has been in place in New South Wales in excess of at least four years—four to five years—and I am pleased to say that our State has demonstrated that it has the highest jobs growth, the lowest unemployment and the largest infrastructure pipeline in cities and the regions, and it has demonstrated that these targets can sit alongside jobs growth and appropriate resources in our regions, as well as energy security and as well as the lowest bills in the nation. These are all things we are extremely proud of. We have demonstrated that you can have the right balance—this area of policy always requires good balance—to make sure that we are sensible and we do not hurt people in the process. In fact we enhance the quality of life and job prospects of every person in this State. What we do not do is bleat the hot air those opposite do. When we say we are doing something, we do it.

Yesterday the Treasurer outlined in this place the relative unemployment figures across the nation. New South Wales has by far the lowest unemployment and the highest jobs growth. I am also pleased to say that, notwithstanding the enormous challenges we have in our regions, we are focused on delivering not just infrastructure but also the jobs that are necessary to rebuild our communities, and we will do that in a responsible way. We will do that having an eye on the fact that we want to encourage some new industries in renewables, which are actually burgeoning and creating jobs in some of our rural communities, in places like the Northern Tablelands and other areas where renewable industries are emerging. What our Government has demonstrated in the past four to five years is that you can get the balance right and create jobs, support the regions, support our citizens, reduce bills, reduce emissions, and make sure that New South Wales is at the forefront of industry and also jobs, jobs, jobs.

SCHOOL STUDENT ASSESSMENT RESULTS

Ms MELANIE GIBBONS (Holsworthy) (14:21:37): My question is addressed to the Premier. Will the Premier update the House on the importance of getting back to basics in schools and achieving best practice in our classrooms?

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

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:21:50): For all those who are aware—

The SPEAKER: I call the member for Canterbury to order for the first time. I call the member for Londonderry to order for the second time.

Ms GLADYS BEREJIKLIAN: Our Government is passionate about education—

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

Ms GLADYS BEREJIKLIAN: As a proud product of the public education system, I appreciate that no matter what your background is, no matter what your circumstances are, every student in this State, whether they live in remote communities or they live in the cities, deserves to have best practice education in their classroom. This is something we are passionate about. Last week the Minister for education and I, and others, had the opportunity to participate in a summit that talked about the future of education. I was pleased to outline three areas of reform that our Government is committed to. Firstly, obviously we want to declutter the curriculum. For the first time in 30 years we are reviewing the curriculum. No matter where I go across the State, when we talk to teachers, when we talk to those involved in education policy, the cumulative effect of introducing new components to the curriculum has meant that there is not sufficient focus on the core competencies of literacy, numeracy and science, technology, engineering and mathematics [STEM]. That is why we are committed to this process.

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

Ms GLADYS BEREJIKLIAN: I thank Geoff Masters, who is undertaking the curriculum review on behalf of the New South Wales Government. In his interim review he recommended that the decluttering occur to the rate of at least 30 per cent—at least 30 per cent of the curriculum be decluttered—to ensure that students have the opportunity for in-depth learning of the core competencies of literacy, numeracy and STEM inside the classroom. This is something our Government feels very strongly about.

The second area of reform that we have identified, which we want to really progress, is to ensure that those schools, teachers and principals that excel have those methods applied across our education system. We know that there are outstanding teachers, outstanding principals and outstanding learning environments, and we want to ensure that those learning methods are applied consistently across the education system. We are absolutely focused on raising standards and raising the capacity of those outcomes.

The third component of this reform, which I raised yesterday and which we also feel strongly about, is the importance of transition from school to TAFE or school to university or school to a job. We need to ensure that if students already know what they want to do in life they have the opportunity to achieve that pre-qualification at high school before they have to leave school and start a four-year apprenticeship, instead of having completed two years already at high-school level. Currently it is an optional part of the curriculum and I commend those schools that are providing that opportunity to their students. [*Extension of time*]

When the Minister for Skills and Tertiary Education, the Minister for Education and Early Childhood Learning and I were at Arthur Phillip High School recently we witnessed a hospitality class undertaking their learning in a very modern, new facility. Pleasingly, they were working towards a TAFE qualification during school hours whilst they were at school. Some of those students were using that qualification to find meaningful part-time work whilst they go to university; other students were using that qualification as a career path into the hospitality industry. I cannot emphasise enough how important it is for us to get this right. Not only will this be critical to ensuring that we provide choice, opportunity and quality of life for all of our students, no matter where they are educated across the State—

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

Ms GLADYS BEREJIKLIAN: —but also it is important for our economic future, because if we are serious—which we are—about attracting advanced manufacturing and creating those jobs that currently do not exist, whether it is in the regions, whether it is in the new aerotropolis, whether it is in western Sydney or whether it is in other parts of the State, we need to make sure that all parts of our education system—

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

Ms GLADYS BEREJIKLIAN: —whether it is primary schools, secondary schools or tertiary institutions, are equipped to make this possible.

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

Ms GLADYS BEREJIKLIAN: It is also important to note that we make these comments in the context of the timing being appropriate. It is one in 30 years that we are reviewing the curriculum. I am embarrassingly telling you my age, but I was in year 12 the last time the curriculum was reviewed. There are three significant things happening at the moment that make the timing of reform incredibly—

The SPEAKER: Members will come to order.

Ms GLADYS BEREJIKLIAN: There are three things that are currently very timely in relation to education reform. First, the international results, which show that Australia is slipping behind global standards; secondly, the one-in-30 year curriculum review; and thirdly, because of Gonski we have record funding in New South Wales in both day-to-day school operations and in infrastructure. Those three factors make it extremely timely that our Government should focus our efforts on this once-in-a-generation opportunity to make sure that all our schools and all our learning institutions, whether it is TAFE or universities, are equipped for the future. Those opposite want to stay in the dark ages. We want to create the jobs of the future because we are the party of the workers. We are the party for jobs and we are the party for education.

CARBON EMISSIONS TARGET

Ms YASMIN CATLEY (Swansea) (14:29:01): My question is directed to the Deputy Premier. The Premier and the Prime Minister have supported net zero emissions by 2050, despite the Deputy Premier saying on 14 February that it would mean "the end of agriculture" and "the end of mining". Has not the Deputy Premier just been rolled?

Mr JOHN BARILARO (Monaro—Minister for Regional New South Wales, Industry and Trade, and Deputy Premier) (14:29:36): The pit bull is at the lectern.

The SPEAKER: The Clerk will restart the clock. We will wait for members to be silent.

Mr JOHN BARILARO: Henry Ford once said, "If I had asked people what they wanted, they would have said faster horses." The reality is that sometimes we try to fix today's issues with today's solutions. Around the corner new technology will be available to deal with the crises, the emergencies and the issues that we may face today. Those opposite want to ask a question about emissions targets. I have spoken on radio about aspirational targets. There is nothing wrong with an aspiration to achieve something in our lives. There is a difference between an aspirational target—

Mr Ryan Park: We have got a Premier and a Deputy Premier who don't agree.

Mr JOHN BARILARO: That is not correct. The Premier earlier said—

Ms Jodi McKay: Point of order—

The SPEAKER: I want to know the standing order straightaway, please.

Ms Jodi McKay: It is Standing Order 129. The Premier said in September it was not an aspirational target; she said it was a target. So does this mean that you two are at odds? What is it? Is it the Libs telling the Nats what to do?

The SPEAKER: The Deputy Premier will continue.

Mr JOHN BARILARO: It just proves that the Leader of the Opposition does not listen in question time, because about 5½ minutes ago the Premier spoke of aspirational targets. There is a commitment by this Government—made in 2016—to aspirational targets. Of course, as a government, we should always set the bar high in achieving goals for our community. I ask the question: If I said today we should rip the Swedish panels off the Opera House and put solar panels on, would those opposite agree with that? Would those opposite agree that wind turbines should be attached to the Harbour Bridge of this great city? The answer would be no. Those opposite would like to see the rolling hills of the countryside littered with windfarms and solar farms, because, like always, those in the city want to lecture those in the regions about climate change and renewables.

Mr Greg Warren: Point of order—

The SPEAKER: Make it quick. I want to hear the point of order straightaway.

Mr Greg Warren: It is Standing Order 130. The inner-west wandering baboon is making more sense than the Deputy Premier, and is a bit clearer and certain as well. The question has nothing to do with the Opera House; the question from the Deputy Leader of the Opposition was very clear.

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

Mr JOHN BARILARO: Speaking of baboons, look at the haircut. Sorry, I do apologise to the baboon. There is a serious question and debate currently occurring in our State and across the nation in relation to climate change and the impact of climate change on our communities, there is no question about that. If anyone feels climate change it is the people living in regional and rural New South Wales. If there is anyone in this State who has embraced the opportunity to deal with climate change it is the people in the communities in regional and rural New South Wales.

Following the recent announcement by the Minister for Energy and Environment we have embraced the opportunity for a new renewable zone in the central west because we embrace the opportunity for investment in new technologies such as wind farms, solar farms and hydro as a big part of the network. But we are also pragmatic. You do not shut down baseload generation. There is a pathway and a transition period in this State for coal-fired power stations. A recent announcement was made by the Prime Minister and the Premier about a deal struck by the State Government to fast-track investment and to leverage tax dollars into energy generation in this State. There is an opportunity on the horizon to transition away from coal in the future. Let me make this clear: As long as we still have coal generators, we are not going to sabotage the economy. While we transition from coal generation to a new future, we are not going to destroy what is at the heart of our industry's expression in regional and rural New South Wales.

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

Ms Yasmin Catley: Point of order—

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

Ms Yasmin Catley: It is Standing Order 129. The question was: Haven't you been rolled?

The SPEAKER: The Deputy Premier will continue. The member for Swansea will resume her seat. I call the member for Swansea to order for the first time.

Mr JOHN BARILARO: There is nothing wrong with aspirational targets. This State is leading the charge when it comes to energy generation, downward pressure on prices and guaranteed supply.

Ms YASMIN CATLEY (Swansea) (14:35:05): I ask a supplementary question. My question is directed to the Deputy Premier. Given the Deputy Premier has obviously been rolled on net zero emissions by 2050 by the Prime Minister and the Premier, when will the Deputy Premier finally follow through on his threats to quit the Coalition?

Mr JOHN BARILARO (Monaro—Minister for Regional New South Wales, Industry and Trade, and Deputy Premier) (14:36:00): Oh my goodness. The Premier supports aspirational targets, the Government supports aspirational targets, the Deputy Premier supports aspirational targets. Who has been rolled? Even the Minister for Police and Emergency Services supports aspirational targets.

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

Mr JOHN BARILARO: The problem for Labor is it knows that the Coalition in this State is really strong. First, we have a Premier who understands the needs of regional and rural New South Wales and we have seen significant investment in the bush. Secondly, we are a Coalition. Because we are two separate parties, we have the opportunity to have our own identity and stand for what is right for our regions and our community. We are very proud of that. The success of this Coalition Government across the country has meant three terms in opposition for those opposite. The truth is that another term in opposition is most likely for those opposite, making it 16 years of a Coalition Government.

I am lucky to be working with a Premier who is serving all the people of this State; she is committed to everyone. I have the opportunity as a Deputy Premier and the Leader of The Nationals to make sure that the important issues are at the heart of this Government. Issues such as drought, for instance. The State is still in drought yet this Government has spent \$3.9 billion supporting our farmers right across New South Wales. The Liberal-Nationals Government is delivering to people in the bush.

The SPEAKER: I call the member for Port Stephens to order for the third time. I will not hesitate to throw her out again.

Mr JOHN BARILARO: Because of the management of its budget, the Liberal-Nationals Government has been able to respond to one of the worst fire seasons in the history of this State. The fire season has seen the loss of life, the destruction of homes and the loss of properties.

Ms Yasmin Catley: Point of order—

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

Ms Yasmin Catley: It is Standing Order 129. The question is: When are you going to leave the Coalition? You have threatened it enough times.

The SPEAKER: I am giving the Deputy Premier very wide discretion in answering the question that was asked.

Ms Yasmin Catley: And he is flouting your ruling, Mr Speaker.

The SPEAKER: He is not flouting my ruling. I am giving him a wide remit to answer the question that was asked, which he is doing.

Mr JOHN BARILARO: The question is not a policy question. In question time, questions should be about policies. I have bad news for those opposite: I will not leave this place while I know I can keep you guys on the Opposition benches. I will make sure under my leadership, not only of The Nationals but as part of this Government, that you remain on the Opposition benches. The reason we will do that is because we know that under the Labor Party regional and rural New South Wales was left behind. That is why at the 2011 election it was thrown out of government. That is why at the 2011 election, under a cloud of corruption, you left a litany of legacies that we continue to clean up. Right now at the ICAC some of the big names of the Labor Party are continuing to play it out.

Ms Yasmin Catley: Point of order—

Mr JOHN BARILARO: Their history, their legacy and their story still remain a scar on this State.

The SPEAKER: If the member for Swansea has the same point of order, I do not want to hear it.

Ms Yasmin Catley: He is a feather duster. He says one thing here and he says another thing out there.

The SPEAKER: I call the member for Swansea to order for the second time. The member for Swansea will resume her seat; she will resume her seat now. The Clerk will stop the clock. I will hear from the Leader of the House.

Mr Andrew Constance: I raise Standing Order 79. For members who do not know that standing order, I urge them to brush up on it; it is about demeanour and behaviour in Parliament. Today members have been repeatedly yelling at each other and moving frivolous points of order. I ask that you give a ruling in relation to it. I refer to the fact that you have the ability to bring people to order very quickly.

The SPEAKER: I do have that ability. If the Leader of the House is talking about Standing Order 79, I ask him to be more precise about what part of the standing order he is referring to. In the interests of keeping question time flowing, I am happy to speak with the Leader of the House later. I have called the member for Swansea to order for the second time for interrupting. I agree with the essence of what the Leader of the House is saying. I will continue to put members on calls to order when they interrupt inappropriately. I will hear from the Leader of Opposition Business.

Mr Ryan Park: Further to that issue and that standing order, it is not only members from one side that are yelling out. Members from both sides are yelling out. If members of the Opposition have been placed on calls to order, equally one or two Government members should also be placed on calls to order.

The SPEAKER: I remind the House that the member for Kiama is on a call to order from earlier today. I will not hesitate to place other Government members on calls to order if they continue to interject. I call the member for Oatley to order for the first time.

Mr JOHN BARILARO: At the heart of this, Labor does not have a plan for regional and rural New South Wales. They know The Nationals is delivering in spades—\$4.2 billion for the Snowy Hydro legacy fund; \$1.9 billion invested in the Regional Growth Fund. We are seeing projects, investment, job creation and new industries.

Mr Greg Warren: Point of order—

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

Mr Greg Warren: It is Standing Order 73. We have a plan for rural and regional New South Wales that includes getting rid of you and all your mates on that side and thrusting you to the Opposition benches where you belong.

The SPEAKER: There is no point of order. The member will resume his seat. I call the member for Campbelltown to order for the first time.

Mr JOHN BARILARO: The member for Campbelltown is having an identity crisis. He said he is from a regional and rural New South Wales. Campbelltown is not in regional and rural New South Wales. He would love it. The reality is, mate, under you guys, you would call everything regional and rural New South Wales.

Ms Yasmin Catley: Point of order—

Mr JOHN BARILARO: You would take the money from the bush to spend on the city to sure up your seats against—

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

Ms Yasmin Catley: It is Standing Order 75. The Deputy Premier should not refer to the member for Campbelltown as his mate, because he is not.

The SPEAKER: I uphold the point of order. The member should be referred to by his proper title.

Mr JOHN BARILARO: The member for Swansea does not want me to be friends with the Liberal Party and now she does not want me to be friends with my mate from Campbelltown. The Labor Party is grasping at straws. It has no plans for the regions. It knows that the National Party is delivering in spades because of a strong Coalition and a strong representation by its members. Today the Labor Party has proved, once and for all, that it deserves to stay on the Opposition benches for the next decade.

DROUGHT

Ms STEPH COOKE (Cootamundra) (14:43:00): My question is addressed to the Deputy Premier and Minister responsible for disaster recovery in regional New South Wales. Will the Deputy Premier update the House on current drought conditions across the State?

Mr JOHN BARILARO (Monaro—Minister for Regional New South Wales, Industry and Trade, and Deputy Premier) (14:43:13): I thank the member for Cootamundra for a very good question. That is how you do it. Those opposite could learn a lot from the member for Cootamundra, who has worked very hard for her community. Unfortunately I must inform the House that that area continues to be in drought. In Sydney in excess of 1,200 millimetres fell in the Warragamba catchment. The dam levels went from about 42 per cent to 81 per cent. In some metropolitan areas and on the coast of New South Wales, water storages have increased and we have seen some rainfall.

For so many areas in regional and rural New South Wales, the hope for rain to break the drought has not occurred. Places like Bathurst, which received five millilitres of rain, will soon be on stage five water restrictions. If there is no rain by June, it will be on stage six water restrictions—that means using buckets. While we have seen rain and hope to see the rain continue, the reality is that 98.9 per cent of this State is still in drought and 37 per cent continues to be in severe drought. That impact on regional communities, on the wellbeing of our farmers and the broader regions is one that we continue to face.

As I said in a previous answer, over the past few years this Government has invested in excess of \$3.9 billion in drought support and water infrastructure to ensure our regions do not run out of water, to ensure our farmers have support with items such as freight subsidies, as well as switching off Local Land Services [LLS] fees and removing registration fees from trucks. We know that through the Farm Innovation Fund we are supporting farmers to become resilient for future droughts. More importantly, we are ensuring people on the ground can deal with the health and wellbeing of our farmers and their families.

But this drought has not ended. A couple of days ago I was fortunate enough to travel down south with the member for Goulburn—a fantastic new member—to visit places such as Yass and Boorowa, which continue to be in drought. We got to meet some local farmers. Allison Harker, one of the local farmers, told me that even though they received something like 60 millimetres of rain, it was not sufficient. That amount was well below the average normally received in that region. Anyone who knows the Yass region would know it is a region that is renowned for fine merino wool and for being good country for agriculture. But it is going through one of the worst droughts.

I then had the opportunity to go to Boorowa with the member for Goulburn, where we met a number of farmers. We met a particular farmer who, because of the rain, feels a bit of hope but realises that unless there is more rain his crops this year will not get out of the ground. I had the opportunity to go to Cowra with the member for Cootamundra. It is another area that is feeling the brunt of this drought. It is sad to say, but the drought is not over. If you drive across the countryside to visit regional and rural New South Wales—and I encourage everyone to do that—buy regional, visit regional, take your holidays in regional areas. We need your backing to support our businesses. The truth is, we may see some green on the ground, some shoots in the paddocks but it is still what we call a green drought. That drought continues. We hope for a more than average rainfall in the winter. We believe in historical data. Farmers are confident we can get out of this drought, but the reality is the north of the State is in a very different position to the south of the State. It is very possible that we have got parts of the State going into recovery and other parts that will continue on the long journey of drought. I am very concerned about that.

But we continue to be focused. Through this summer we have been managing the issues around fires. Fires have wreaked havoc on our regions, on our communities, on industries and on our people. As a government we are focused on dealing with not only the crisis but also the recovery, which I take very seriously. It is in my thoughts each and every day as we continue this journey of recovery. But we also remind our farmers that we have not forgotten about them and that the drought is real. The subsidies and support that are in place continue to be in place. I congratulate the agriculture Minister who recognises the impact of this drought; the Northern Tablelands has also felt its impact.

As I said earlier, the impact of the drought is beyond the farm gate. Our farmers are doing it tough. People have destocked. We all have issues when we come out of recovery, but our regional communities are doing it very tough. The flow-on effect is felt in our communities. Hardware and service stores, contractors, subbies, small businesses, cafes, restaurants and service stations are all feeling the impact of the drought. When farmers do not have discretionary income to spend in their community it means all our businesses suffer. That is why as a Government we are still focused on what else we can do to support farmers and our communities in regional and rural New South Wales as we manage this drought. [*Extension of time*]

At the heart of this drought is the lack of water. One of the upsides of the drought is that stock prices for sheep, wool and beef have been very good. That is why farmers continue to buy feed and fodder. That is why they are still prepared to invest in their stock. That is why this Government introduced freight subsidies—to minimise costs so that we can assist them. That is why we switched off Local Land Services [LLS] fees and registration costs. We are supporting farmers in a multitude of ways. The fine produce, food and fibre we produce in New South Wales is still in high demand and prices are good.

At the heart of this drought is the lack of water for communities and our farmers. That is playing havoc. That lack of water is also impacting other industries, such as the mining industry. That is why as a Government we have already invested \$215 million in emergency water infrastructure. We are ensuring our communities do not run out of water. Through the advocacy of the Minister for Regional Transport and Roads, this Government has made a \$12 million investment in the Bathurst community. Initially this was a \$2 million investment to seek options to ensure that Bathurst does not run out of water. Off the back of that, some harvesting opportunities have arisen. Most importantly, we invested an additional \$10 million in a pipeline to ensure that we do not let the people of Bathurst and that region run out of water.

This story can be played out right across the State. If it was not for the Government's intervention to invest \$215 million in water security and water projects, our communities possibly could have run out of water. The big picture item for us going forward is the investment in dams—raising the Wyangala Dam wall is a significant investment down south, the Dungowan Dam at Tamworth is a commitment to ensure we bring water security to that community, and we are doing further work on the Mole River Dam on the border. This is the first time in this State we have a commitment by the State and Federal governments to build water infrastructure, not only for today but also for the future. As I have always said, if we want to see prosperity in the bush, just add water.

WATER MANAGEMENT

Mr DUGALD SAUNDERS (Dubbo) (14:50:24): My question is addressed to the Minister for Water, Property and Housing. Will the Minister please update the House on the State's current water situation?

Mrs MELINDA PAVEY (Oxley—Minister for Water, Property and Housing) (14:50:35): I thank the member for Dubbo for his question. The member for Dubbo knows it is like a tale of two cities or a tale of two States. There is the east coast and there is the western side of the Great Dividing Range. As the Deputy Premier has rightly pointed out, there are so many challenges still left for us on the western side of the Great Dividing Range. In the Dubbo electorate the Government has stood beside the council and community with \$38.5 million in funding for extra bores and to have a new take-out point on Burrendong Dam. Whilst Wyangala Dam has gone—

Mr Clayton Barr: Gone where?

Mrs MELINDA PAVEY: Warragamba Dam is still there and at a beautiful 81 per cent. Burrendong Dam was 1.5 per cent weeks ago and is only at 4 per cent today. The communities of Dubbo and surrounding areas that are reliant on that system, Nyngan, the mining sector and the town of Cobar are still incredibly challenged. It is very important for the people of this State to understand that. The Hume and Dartmouth dams are very low. The member for Albury brought people from the Corrgan Private Irrigation District into Parliament today and is fighting on their behalf to ensure that they can get stock and domestic water from the Murray. That is a huge challenge for that community. Eric Noakes, the mayor of Walcha and guest of the member for Tamworth, was in Parliament today to talk about supply. It is very challenging for our communities going forward. As the

Deputy Premier highlighted, we have spent \$230 million keeping our towns in water across regional New South Wales.

I point out to the member for Myall Lakes that we had a situation on the east coast during the summer when the Manning River had not flowed for 90 days. The previous record was 26 days. While the rain has poured down on the east coast of New South Wales, we still have a lot of challenges in western New South Wales. But I assure members and the communities of regional New South Wales that through good government and through the good management of money we will continue with our support and investment. The member for Bathurst has acknowledged that his community is incredibly challenged. The exciting thing is, we are going to get water down to Lake Wetherill and the Menindee Lakes. It is a very exciting time. It is an incredible change to the way that rain has normally fallen. We usually get rain in the big dam catchments on the western side of the Great Dividing Range, but there have been enormous storm cells and enormous falls in the northern part of Australia.

We have had lots of water coming down the Condamine through St George. We are also seeing some signs that we might get some through the Warrego. But for the first time in the history of New South Wales we put a section 324 order on the State's northern basin. That was a good decision; it was the right decision. Communities were absolutely united that we needed a flow down the Darling River. People who have been on Facebook, using other social media or watching the news have seen for the first time in years water going across the weir at Brewarrina, through Walgett, down to Bourke and on its way to the Menindee Lakes.

It is exciting that the latest calculation from Water NSW is that we should be able to get approximately 100,000 megalitres flow into Lake Wetherill and Menindee, which will find its ways through the Lower Darling system. We are fighting for that and working for that. I thank those communities that were part of the section 324 ban on floodplain harvesting and extraction because we needed to get that river fresh and flowing and healthy again. It is not the first time that the Darling River has not flowed and it will not be the last time it does not, but everybody along that river system knows that we needed to acknowledge and support first flush and a flow down that system. [*Extension of time*]

Mr Clayton Barr: Why did you lift the embargo?

Mrs MELINDA PAVEY: I acknowledge the very ridiculous interjection by the member for Cessnock. On ABC Radio he caused concern and hysteria because he did not know what he was talking about. He said that the great percentage of the rain will never make it to the river because of floodplain harvesting. The member for Cessnock showed that he does not understand the system. He showed that he was wrong. He showed that he was prepared to play politics with the hearts and emotions of people in western New South Wales at a very vulnerable time. That is a very poor attempt from someone who purports to be a shadow Minister.

The simple fact is we have received correspondence—letters from the Mayor of Bourke, the Mayor of Brewarrina and the Murray Darling Association—thanking us for the way that we handled that section 324, which supported our communities. We do not need people who do not live out there and do not understand what is going on getting on the radio and causing hysteria. It is important to remember that we have invested great resources into the Natural Resources Access Regulator [NRAR]. Its job for the past two years has been to ensure compliance with and enforcement of water management legislation in New South Wales. It has been on the ground ensuring that people are doing the right thing in relation to water use, whether it is in the north or the south.

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

Mrs MELINDA PAVEY: It is important for people to understand that NRAR is watching them. If they are doing the wrong thing and taking water they should not be taking, they will be caught. We will stand with the communities until this drought breaks.

STOCKTON BEACH

Mr TIM CRAKANTHORP (Newcastle) (14:57:55): My question is directed to the Minister for Local Government. Why has the Minister failed to meet the deadline she gave on ABC Radio last October to find a long-term solution to the beach erosion at Stockton by the end of 2019?

The SPEAKER: Members will come to order.

Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government) (14:58:41): It may disappoint some members that I do not have much of a voice.

The SPEAKER: Members will respect the fact that the Minister is having trouble with her voice. Please give her a break.

Mrs SHELLEY HANCOCK: I have met my colleague the member for Newcastle many times regarding Stockton Beach. I reiterate that the management of and ultimate responsibility for coastal waterways, including Stockton Beach and all the other 56 coastal councils, rests with local government.

Mr Alister Henskens: Nuatali wants your job, Crackers.

The SPEAKER: I call the member for Ku-ring-gai to order for the first time.

Mrs SHELLEY HANCOCK: Indeed, that could be the case. The member for Newcastle knows very well that I have been to Stockton Beach. Since I saw the erosion there last year I have worked very closely with the local council, which is my responsibility as Minister.

Mr Tim Crakanthorp: You promised the world.

Mrs SHELLEY HANCOCK: There is no need to interject.

Ms Sophie Cotsis: The people of Newcastle are not laughing.

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

Mrs SHELLEY HANCOCK: Have you ever been to Newcastle? I doubt it.

Ms Sophie Cotsis: Have you?

Mrs SHELLEY HANCOCK: Yes, many times; I have relatives.

The SPEAKER: I call the member for Canterbury to order for the third time. If members do not listen in silence, they will be called to order and thrown out if necessary.

Mrs SHELLEY HANCOCK: It is interesting to note that in 2018 Newcastle council completed its coastal zone management plan, and we worked with it on that. We have also spent something like \$2 million assisting the council with various projects as a result of erosion at Stockton Beach. Now we require from Newcastle City Council—and I have issued a directive along these lines—a coastal management program that will indicate to this Government what it wishes to do in the medium and long term.

Mr Tim Crakanthorp: Save the beach.

Mrs SHELLEY HANCOCK: It's not as simple as that, dummy.

Mr Tim Crakanthorp: Point of order—

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

Mr Tim Crakanthorp: I refer to Standing Order 129. The Minister came up and promised the world to the people of Newcastle and came back to Macquarie Street and delivered nothing.

The SPEAKER: The Minister is being relevant to the question and may continue. I call the member for Newcastle to order for the first time.

Mrs SHELLEY HANCOCK: I say to the member for Newcastle that there is nothing further I can do unless the council indicates that it has completed its coastal management program, which is a requirement of every council.

Mr Tim Crakanthorp: Point of order—

The SPEAKER: The member for Newcastle takes a point of order—appropriately this time.

Mr Tim Crakanthorp: I asked specifically why the Minister has failed—

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

Mr Tim Crakanthorp: It is under Standing Order 129.

The SPEAKER: The member for Newcastle will resume his seat.

[*Interruption*]

I call the member for Newcastle to order for the second time. The Minister may continue.

Mrs SHELLEY HANCOCK: I say again to the member for Newcastle that, if he understood the complexity around those applications and the need for the council to complete its coastal management program, he would know full well that I can assist the council if it completes the plan. Because the council had not completed the plan at the beginning of this year, I issued it with a directive to do so. Once that is completed and I know exactly what it wants to do it can apply for, say, offshore sand dredging.

Mr Tim Crakanthorp: Point of order—

The SPEAKER: I warn the member for Newcastle that this had better be good. What is the member's point of order?

Mr Tim Crakanthorp: It is under Standing Order 129.

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

[*Interruption*]

I call the member for Newcastle to order for the third time. I will hear no more points of order from him for the balance of question time.

Mrs SHELLEY HANCOCK: The member for Newcastle needs to do his homework a little better. He has no understanding. He has not worked with his local council at all. I say to him again: Work with your local mayor and understand that one of the options available to that community is offshore sand dredging. There has been no application—nothing. The council needs to take control of its own resource and ask me for assistance, and it has not done that.

HEALTH SYSTEM

Mr MARK TAYLOR (Seven Hills) (15:04:11): My question is addressed to the Minister for Health and Medical Research. Will the Minister update the House on current and future health initiatives?

Ms Jodi McKay: We don't want to hear jokes about baboons.

Mr BRAD HAZZARD (Wakehurst—Minister for Health and Medical Research) (15:04:38): I thank the member for Seven Hills for his question. I appreciate his strong interest in public health in New South Wales. I also appreciate the advice of the Leader of the Opposition that she does not want to hear about baboons but she must be the only one in New South Wales. Before I address the substantive issues of our public health system that serves people—and baboons—so well in New South Wales, it is important to note that yesterday we had the unfortunate circumstance of a male baboon—

Mrs Melinda Pavey: Not so unfortunate for him.

Mr BRAD HAZZARD: No, he was not too unfortunate. He and two of his female companions escaped as they arrived at one of our best public hospitals in New South Wales—the Royal Prince Alfred Hospital. I may have used language that some may not appreciate because I noted that they appeared to be a threesome as they headed off. I have to say I have received Federal support today—

Mr Ryan Park: That would be a first.

Mr BRAD HAZZARD: Yes, that is true. Agreed! I thank the Federal health Minister, Greg Hunt, for his consideration. Today he said that his heart was with the baboons. He also said, "They operated as a modern relationship and I am fine with that." I want to ensure that all members know that the baboons were well looked after yesterday. As a result, I put out a tweet a short time ago. I will read it onto the record so that all members are aware:

Baboon Snippet update: Male baboon's vasectomy delayed from today 4 one day.

A lot of males right across this State are very supportive of that. It continues:

All 3 well & resting. Breakfasted on bananas, capsicum, apple & bread after big day out. The tripping trio will rejoin their family (4 other females) post op. tomorrow.

In other words, they are doing well.

Ms Yasmin Catley: Point of order: Will the Minister advise the House how long the baboons have been on the elective surgery waiting list?

Mr BRAD HAZZARD: That is an excellent question. These three baboons well knew they had no private health cover so they headed to the public hospital system. They were treated immediately, as are all our other patients. I return to the topic. I thank our public health staff right across the State for doing an incredible job. This year's health budget is \$24 billion for recurrent expenses and \$2.7 billion for new capital developments. We have, and are building, the best health system in the country and, indeed, in the world. The number of patients coming into our hospitals has massively increased. In the past seven years alone, the number of patients coming through our emergency departments has increased from two million to three million. That is an indication of the pressure on the system. I thank the doctors and nurses who have done an extraordinary job addressing the

higher demand. I am pleased to confirm that we have the best elective surgery procedure performance since the Bureau of Health Information first reported its data in 2010-2011. We are doing extremely well.

Our health system continues to operate despite all the other issues that arise. Over the past couple of months our farmers and rural communities have been under enormous pressure from the drought, the bushfires—and all the consequences of that—and now coronavirus. Tomorrow the NSW Chief Health Officer and I will make a statement about the coronavirus. I thank everyone in the New South Wales health system. Four cases of novel coronavirus were confirmed in New South Wales. The patients were looked after in our hospitals and have been discharged. Some 20,835 people have been screened at New South Wales entry points and 212 patients are currently under investigation. That is a rolling number. We hope and expect that no more cases of coronavirus will be confirmed. We have done extraordinarily well on the coronavirus issue. I thank NSW Health Pathology for the work it has done not only in doing the testing but also in working to understand the epidemiology of the disease. [*Extension of time*]

The SPEAKER: I have granted the Minister an extension of time as long as he continues in his present vein.

Mr BRAD HAZZARD: I acknowledge the work of NSW Health Pathology in determining how the virus behaves and replicates. That work will enable our clinicians to work on producing a vaccine as soon as possible to address this emerging crisis. On another occasion I will talk about the amazing work being done on infrastructure across the State. Many members know about that. However, members must appreciate that much more work is currently being done than has ever been done in developing our new health infrastructure across the State.

DOMESTIC VIOLENCE

Ms JENNY LEONG (Newtown) (15:10:46): My question is directed to the Premier. Given that, on average, one Australian woman is murdered by her current or former partner every week, is she satisfied that the current level of priority and resourcing for domestic violence services in New South Wales is adequate to protect women from being killed in this State?

The SPEAKER: This is a serious question. The Premier will be heard in silence. The Premier has the call.

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:11:11): I thank the member for Newtown for her question. Across the State and across the nation we were all shocked to the core by the tragic deaths of Hannah Clarke and her three beautiful children. It brought home to us the devastating impacts of domestic violence. If you look at the statistics, too many women—and men—are impacted. Unfortunately, elder abuse is also a big problem now. The numbers are way too high. Of course, all governments can do better. That includes our Government.

It is important to put on record the priority that our Government has given to dealing with domestic violence issues, not only by way of protecting and saving lives but also by ensuring that perpetrators are dealt with in the best possible way. I pay credit to the previous Minister, Pru Goward, who worked on ensuring that domestic violence received whole-of-government priority. I understand that she was the first Minister whose portfolio was specifically dedicated to domestic violence in New South Wales. I also commend the actions of the Attorney General, Mark Speakman, who is very passionate about the issue of domestic violence. He has been at the forefront of debate on the issue within both government and policy areas.

In case members have not seen the Premier's Priorities, I advise them that I identified domestic violence as one of the priorities that I want to focus on and that I want the Government to focus on. As part of the Premier's Priorities, we have set ourselves an ambitious target to reduce the incidence of domestic violence reoffending by 25 per cent. Unfortunately, domestic violence offenders have a tendency to reoffend. In the first instance, we want to address that target. Obviously, we will also look at ways to reduce the incidence. Although the incidence of domestic violence reoffending is declining, we must do more and ensure that all people in the system are protected. I am especially proud of the work that the New South Wales police commissioner did—

Ms Jenny Leong: Point of order: My point of order is taken under Standing Order 129. I appreciate that the Premier is outlining what the Government has already done. All members who pay attention to domestic violence will be thoroughly aware of the Government's current measures. My question is: Is the Premier satisfied that those measures are sufficient to stop women being killed in this State?

The SPEAKER: The Premier has the call.

Ms GLADYS BEREJIKLIAN: In case the member for Newtown did not hear my comment, I said that all governments must do better, including our Government—absolutely. I think that was the first statement I made.

However, I am addressing why we have taken a whole-of-government approach and why we have made domestic violence a Premier's Priority. When a matter is designated a Premier's Priority, all agencies—irrespective of where they sit in government—must aim towards the target because the priority spans a broad range of social issues. Domestic violence is relevant to education and health. A number of Ministers have partial responsibility for this important area of public policy.

I am heartened by the fact that we not only are addressing the social issues that contribute to the scourge but the police commissioner in his former capacity dealt with domestic violence as a priority within the NSW Police Force. He has been instrumental in ensuring that victims can be protected and have the courage to talk about their experience so that people who are offending are dealt with appropriately in the justice system. New South Wales joined Our Watch last year, which is an important organisation with a national approach to dealing with this issue. No jurisdiction has all the answers and we need to identify what is working in certain jurisdictions and apply that across the board. We have introduced legislation and reforms around how perpetrators are held to account and ensuring that victims have the courage to get assistance.

I also commend Ministers involved with supporting victims with accommodation and other support services. We are looking at all those issues to ensure that people have the courage to get out of a relationship if and when they have to so they do not have to confront those ongoing issues. Often concerns for the safety of their children, ensuring they have a roof over their head or economic freedom are all challenges that contribute to someone feeling they cannot change their circumstances. I thank the member for Newtown for her question and stress that of course all governments can do more.

Unfortunately, it is tragedies like this that prompt all of us to think about what more we can do. I assure the member that, whether it is through the justice system or through the social services we provide, we do have a whole-of-government approach. We have targets that we have set. Can we do more? Of course we can. By looking at best practice around Australia and around the world, we can ensure that New South Wales is doing its best to reduce these incidents. Whilst the vast majority of victims are women, we should also be mindful that domestic violence unfortunately affects other people in the family.

TRANSPORT INFRASTRUCTURE

Mr JAMES GRIFFIN (Manly) (15:17:04): My question is addressed to the Minister for Transport and Roads. Will the Minister inform the House how the Government's investment in infrastructure and transport projects is providing jobs and futureproofing the workforce?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (15:17:18): I thank the member for Manly for his question. It is a critical one, particularly for those communities in rural and regional New South Wales where the Government created 38,000 jobs during the drought off the back of infrastructure stimulus. If you look at where the fires occurred throughout the State—particularly over the past year—there is no doubt that infrastructure spending and stimulus will be part of the recovery effort to get our State moving again. There is no doubt it will be an infrastructure-led and housing-led recovery, particularly in the roads and transport space. We will play a key role in the delivery of that infrastructure, providing jobs and certainty to those who, in some circumstances, have lost absolutely everything.

I refer to projects like Berry to Bomaderry, where, due to the Infrastructure Skills Legacy Program, around 20 per cent of the workforce joined that worksite without any skills whatsoever. In many cases, people are getting their first job working on that project so they are upskilled for the rest of the work that is going to happen on the duplication of the highway. Look at the courses that are offered, such as certificate II in Civil Construction through to other short courses in building. Having skills hubs attached to infrastructure projects—whether in Batemans Bay or Nowra or some of the other mega projects around the State—is the most healthy thing government can do in terms of the \$97 billion we are spending creating those jobs.

That is why everybody should be working together to support the rollout of infrastructure across this State. I referenced Batemans Bay Bridge—150 workers there. There is nothing more powerful than meeting an Aboriginal lady in her mid-40s who is working for the first time on a program—her first time working altogether—and making a contribution to her community. That is incredibly important. The Sydney Metro—another major project—has employed some 38,000 people since 2011, including 700 apprentices and trainees. These people had no skills before that project commenced. As part of that program 11,000 people have undertaken accredited training, supporting upskilling and mitigating skills shortages programs to work on the site.

WestConnex has generated 10,000 jobs directly and indirectly, including hundreds of opportunities for apprentices and trainees. During construction of the now-completed new M4 tunnels, more than 16,000 people worked across the delivery of the project, including 4,000 in construction. With WestConnex, we now have a training academy at Mascot that is boosting female participation in the workforce as well as helping jobseekers

from Aboriginal and Torres Strait Islander backgrounds, young people, school leavers, people from western Sydney and people with a disability. This is important work that we need to see in terms of delivering outcomes for our communities. In regional New South Wales we are seeing significant development and employment opportunities for workforces in places like Dubbo, with the introduction of the new regional rail fleet.

The new maintenance facility at Kangy Angy is creating jobs on the Central Coast. There is no doubt that the private sector partnering with TAFE to deliver those training hubs and those skills opportunities is very important. I applaud the Premier and the Minister for speaking this week about those partnerships involving the private sector working with TAFE. I hate to break it to everybody, but the private sector has been involved with TAFE for generations. We bring everybody together, and there is no greater example of that than what is happening right now with the State's infrastructure projects. I encourage everybody who wants to take on an apprentice or a trainee to do so. The infrastructure program is world class and I look forward to more participation from young people, in particular.

Documents

OMBUDSMAN

The SPEAKER: In accordance with section 31AA of the Ombudsman Act 1974, I table an erratum to the *Report of the NSW Ombudsman for the year ended 30 June 2018*. I order that the erratum be incorporated in the report.

Petitions

PETITIONS RECEIVED

The SPEAKER: I announce that the following petition signed by more than 10,000 persons has been lodged for presentation:

Sydney Bus Services

Petition calling on the Government to stop bus privatisation and to focus on better bus services, received from **Dr Marjorie O'Neill**.

The SPEAKER: I set down debate on the petition as an order of the day for a future day.

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

Route 400 Bus Services

Petition requesting the Government to return a route 400 bus stop to its previous location on the block bordered by Gardeners Road and Meeks Street, Kingsford, received from **Mr Michael Daley**.

Tweed Shire Water Management

Petition calling on the Government to improve water preservation in the Tweed shire, such as through the disallowance of water mining, and to make Murwillumbah plastic bottle free through the introduction of water bubblers and water filling stations, received from **Mrs Melinda Pavey**.

Bills

WORK HEALTH AND SAFETY AMENDMENT (REVIEW) BILL 2019

Second Reading Debate

Debate resumed from an earlier hour.

Mr STEPHEN BALI (Blacktown) (15:24:19): Many members, regardless of political persuasion, say words to the effect that everyone who goes to work should be able to go home safely and without injury. But how committed are we to those words? A study by Michael Zoorob of Harvard University looked at the effect of laws reducing union influence and workplace fatalities. Zoorob found that a 1 per cent decline in union coverage sees a 5 per cent increase in the rate of occupational fatalities. In total, the United States laws have led to a 14.2 per cent increase in occupational mortality through decreased unionisation.

Whilst this bill introduces the notion of manslaughter, it adds unnecessary complexity in proving a senior manager was grossly negligent being reckless to an individual. It will be difficult for any action to generate a criminal prosecution. Compare that with the Queensland law introduced in 2017, which requires the prosecution to consider whether the conduct of the persons conducting a business or undertaking [PCBUs] or senior officers can cause the death of the worker—that is, the action or inaction substantially contributes to the death—and

whether the PCBU or senior officer is negligent about causing the death of the worker—that is, the person's action or inaction departs so far from the standard of care required.

When I was an Australian Workers' Union [AWU] official, I had to go to the Kandos cement plant where Colin David Fuller died on 13 September 2009 after being crushed between two hydraulic rams when he stood on an unguarded conveyor belt to dislodge rocks that had become jammed. I pay tribute to Dr Yossi Berger and Bill Casley, who helped me at the time in investigating the incident and making improvements at the site. Dr Yossi Berger, the then AWU National Safety Director, sadly passed away in 2017, but he was an incredible champion for workplace safety and worker representation rights. His knowledge and input following the tragedy led to significant changes in processes and equipment improvements. Bill Casley, an AWU senior delegate, worked at the plant in Kandos for more than 30 years until the closure in 2012. Bill and his wonderful wife, Margaret, still live in Kandos. Bill is a quintessential worker who knew the importance of safety, working conditions and fair representation.

He understood the climate that the business operated in and that the company's success depended upon the input of workers. It is workers such as Bill, union officials such as Yossi and unions such as the AWU that this Government ought to be directly engaging about Work Health and Safety [WHS] Act improvements. At the time of the incident, Cement Australia's chief executive officer said that it was the first death at the plant in 30 years—the plant has been here for 100 years. So the CEO's first reaction seems to indicate that killing a worker every 30 years is not a bad record. He went on to say:

It is very, very upsetting for the company, we pride ourselves in being along with the best in terms of safety in Australia in an industrial context.

In 2013 the NSW Industrial Relations Commission found that Cement Australia had breached the Act by failing to install fixed guarding along the entire length of the feeder and conveyor system as required by Australian safety standards and failing to provide adequate supervision and instruction to Mr Fuller. That is why we need strong, workable laws on WHS. Businesses cannot say they are the best in terms of industrial safety in Australia and then be found to have failed to even meet Australian safety standards, with inadequate supervision and instruction to workers.

So what price do we place on the taking of the life of Colin David Fuller? The penalty was \$190,000 for a company with net assets of approximately \$2 billion. At the time 25 per cent of Cement Australia was owned by the international conglomerate Heidelberg Cement, with net assets of \$30 billion. Its 2009 annual report stated that eight workers had died that year and that it had a goal to have zero deaths by 2020. The report described this as a very ambitious target. [*Extension of time*]

Heidelberg Cement's 2018 annual report—its most recent—showed the company is now approaching \$50 billion in net assets. In that year, two of its employees and eight contractors were killed. That is 10 workers killed when the company was supposed to be heading to zero deaths by 2020. We must get serious in dealing with workplace deaths and injuries. It has become an economic game for some managers and employers. The cost of insurance penalties and business disruptions is compared with the cost—or I would say, the investment—of doing the right thing. The life or injury of a worker has been reduced to unit costs. Since the Liberal-National Government has been in power in New South Wales, 419 workplace deaths and one prosecution have taken place.

In his second reading speech, the Minister outlined that last year 47 workers died and that there were almost 33,000 serious injuries or illnesses in 2016-17. That is 90 additional newly injured workers per day. Many of those workers will have lifetime injuries but only limited coverage under the Workers Compensation Act. How many MPs know the significance of April 28 each year? It is the International Day of Mourning, where countries around the world pause to remember loved ones who have lost their lives due to a workplace incident or occupational disease. Only the unions, led by Unions NSW Secretary Mark Morey, and a small number of councils hold a service on April 28.

Mr Kevin Anderson: I attended that event.

Mr STEPHEN BALI: I am about to address that. Talk is cheap. I hope every member of this Parliament makes a commitment to attend one of those services. On behalf of Mayor Tony Bleasdale of Blacktown City Council, we personally invite and welcome the Minister to attend and speak at the Blacktown memorial service. The amendment bill is a small step in the right direction, but it is time this Parliament stood up and made a significant change for the wellbeing of workers and their families. Unions NSW, the AWU and other unions believe empowering WHS representatives to adequately understand the risks and measures to be undertaken in the workplace will have a significant positive influence for a healthier and safer workplace. I support the bill but call on the Government to consider the Labor amendments.

Mr ALISTER HENSKENS (Ku-ring-gai) (15:32:10): I contribute to the debate in support of the Work Health and Safety Amendment (Review) Bill 2019. Some issues in public life should be above politics and workplace accidents and deaths should be one of them. Members opposite often present themselves as the only authority on personal experience relevant to pieces of legislation such as this one. They insinuate that the Government is full of heartless souls without any relevant life experience.

Two of my very good friends at school lost their fathers in different industrial accidents. When she was a baby Jenny Noon lost her father to a maritime accident. Jon Markovic lost his father when he was electrocuted while working for Shortland Electricity. I was a good enough friend to understand the profound impact that losing a close loved one to an industrial accident had on their lives and families. More recently everyone's heart was touched by the tragic loss of a young man, Christopher Cassaniti, through a scaffolding collapse on a worksite, an accident that should never have happened. I have appeared in many work health and safety prosecutions under the old Occupational Health and Safety Act and believe I have a good idea of the circumstances in which such cases are brought, and the legal principles around them.

During the debate, much has been said by Labor members about whether there should be an industrial manslaughter offence. I draw their attention to the fact that generally people's actions speak louder than their words. I remind the House that prior to the Coalition Government coming to power in 2011, Labor was in government for 49 of the previous 60 years in the State. In those 49 years, Labor was controlled by trade unions much more than the Chinese communist Government, which has so much influence over it now. Under trade union control in those 49 years, the Labor Government never brought to this Parliament legislation for an industrial manslaughter offence. When the member for Newcastle speaks of a lost friend, or the member for Swansea speaks in this debate about the Gretley mine disaster, when four men tragically lost their lives, I point out that the Gretley mine disaster was in 1996.

Labor had 16 years in government after the Gretley mine disaster to introduce an industrial manslaughter offence and never did. The closest Labor got to introducing an industrial manslaughter provision was in 2005, when it introduced section 32A of the then New South Wales Occupational Health and Safety Act. That section 32A offence is virtually exactly the same as the current section 31 of the Work Health and Safety Act. Both the Labor section 32A and the current Coalition section 31 had a five-year maximum jail term penalty but the Coalition offence had much higher monetary penalties.

Both the Labor and Coalition provisions had a test of recklessness. Labor has not told us how it would frame an industrial manslaughter offence because it is a political movement which only speaks in slogans, without substance. Modern Labor is a movement that is only able to speak politics and not details. Through the bill the Coalition Government is seeking to change section 31 of the current Work Health and Safety Act to make it easier for workplace prosecutions arising out of a workplace death to convict defendants than is a more difficult industrial manslaughter offence. The proposed change to section 31 (1) (c) of the current Act is set out on page 3, schedule 1 item [5] to the current print of the bill. It proposes to make the critical mental element of the offence easier to establish by a prosecutor, by omitting what is currently in the legislation and inserting in its place the words:

- (c) the person—
 - (i) engages in the conduct with gross negligence, or
 - (ii) is reckless as to the risk to an individual of death or serious injury or illness.

Under this change, a prosecution can be mounted if there is gross negligence or recklessness. The introduction of gross negligence as an alternative mental element to reasonableness will make prosecutions easier than the sole recklessness test previously enacted by Labor in 2005, and which was repeated in section 31 of the current Act in 2011. The philosophy behind the Coalition decision to introduce a gross negligence standard is that if convictions in prosecutions for unsafe work practices causing death are easier to secure, that is a better way to deter bad conduct on work sites than is a more difficult standard such as recklessness or an unspecified, but one assumes high, standard applying to industrial manslaughter. This legislation will undoubtedly make convictions for breaches of workplace duties causing death easier to obtain.

I also argue that the standard of gross negligence in the amendment proposed by the Government to section 31 is negligence to a criminal standard. If that is accepted, then it is not different in substance from the Victorian Parliament's recently passed industrial manslaughter offence, which is yet to commence operation. Yet again NSW Labor has decided to resort to political arguments rather than support good legislation, such as this. I add a few other observations. Manslaughter cases are prosecuted in the Supreme Court; work health and safety prosecutions are heard in the District Court. Separating industrial manslaughter from other industrial offences, putting an industrial manslaughter offence in the Crimes Act and prosecuting it in a different court than other industrial offences creates inconsistency in practice and sentencing, which is highly undesirable.

Labor has said in the debate that the Boland review recommended an industrial manslaughter provision. The Boland review did not specifically recommend industrial manslaughter. Rather, in recommendation 23 of the report, it gave two alternatives: option 1 was to introduce a gross negligence standard, which is the option that the Government has adopted; or option 2, to introduce industrial manslaughter. The New South Wales Government believes that the option that it has adopted is the best way to protect workers and that an offence of industrial manslaughter is not. The Government wishes to address unsafe workplace behaviour before it leads to a workplace death. A manslaughter offence will apply only to management, which will undermine a comprehensive safe workplace culture where all individuals are invested in safety.

For the reasons already argued, the Government has decided that the first option is the better legislative provision. It is an approach of trying to deter unsafe workplace behaviour, rather than making it more difficult to prosecute breaches of the Act causing death but with a label of industrial manslaughter. I am aware that other Australian jurisdictions have enacted or have introduced bills to enact industrial manslaughter offences. The Australian Capital Territory [ACT] has had an industrial manslaughter offence in its Crimes Act since 2004. It was legislated before the introduction of the model work health and safety legislation. No-one has ever been prosecuted for industrial manslaughter under the ACT provision. Queensland, a model law jurisdiction, unilaterally introduced an industrial manslaughter offence in 2017. The first prosecution under the Queensland provision commenced in late 2019. It is not likely to be finalised for some time.

In 2019 bills were introduced in four jurisdictions to introduce offences of industrial manslaughter: the Northern Territory legislation passed and commenced on 1 February 2020; the Victorian legislation also passed and awaits commencement on 1 July 2020; and the 2019 bills tabled in Western Australia and South Australia are still before Parliament awaiting debate. The offences in the ACT, Queensland, Northern Territory and Victoria and the proposed South Australian and Western Australian offences differ in important respects, including where the offence provisions can be found, who can be held liable, who is protected, the fault element that must be proven and the applicable penalty. The New South Wales Government is confident that enhancing the category 1 offence under section 31 is the most appropriate course. It will enable work health and safety regulators to prosecute for the most serious offending conduct regardless of whether a death has occurred. We want to prevent harm by addressing loss. [*Extension of time*]

I believe that the introduction of the 2011 Act was a significant improvement to the legislation and practice of prosecution of work health and safety offences in New South Wales. But even good legislation can be improved and the desire to have uniform laws throughout Australia is very important. We have a national construction industry with workers and their supervisors who are very mobile as they often move between major infrastructure and high-rise construction around Australia. The desirability of having national consistency is very great. This is not a philosophical issue but a practical one because ultimately workers in the current mobile work environment are best protected through safe practices being standardised throughout the country. The bill expedites implementation of 12 reforms based on recommendations of the national 2018 Review of the Model WHS Laws.

These reforms anticipate reforms that are likely to be made to the national model. The Government is expediting the reforms so that New South Wales workplaces will have the benefit of them as soon as possible, but it remains committed to national harmonisation of work health and safety laws. It will continue to participate in the review process and awaits with interest the outcome of the national process. In addition to the bill before the House today, the New South Wales Government recently developed an app to help improve the reporting of safety risks in workplaces across New South Wales. With the Government's new mobile reporting system "Speak Up. Save Lives", it is now easier to report dangerous work practices and risks to workers' safety.

This new reporting tool will make it easier for workers who see workplace risks that could lead to injury or death to send photos of the situation creating the danger straight to SafeWork NSW. This is a very important initiative and a combination of technological innovation with work safety. I have spoken this afternoon of industrial manslaughter, harmonisation and new reporting technology. I congratulate my good friend Minister Anderson on bringing this legislation to the House and for the great work that he is doing in his portfolio generally. I support the bill.

Dr MARJORIE O'NEILL (Coogee) (15:45:04): I make a contribution to debate on the Work Health and Safety Amendment (Review) Bill 2019. I note that the Opposition will not oppose the passage of this legislation. This stance recognises that any progress in the pursuit of safety for the working people of New South Wales is positive. This bill does not preclude further amendments and, as such, I will be discussing areas that I believe need to be expanded, clarified and changed. In short, we support the Government taking action in this space, but we do not think this piece of legislation goes nearly far enough to properly protect the lives of our workers. For almost 120 years the Labor Party and our affiliated unions have been committed to protecting workers and others from harm in the workplace. Every day the working people of New South Wales go to work

and every day they deserve to come home safely. It is our job, as legislators, to ensure that their health, safety and welfare are protected by law, so that we can minimise the risks that arise from work. Every worker has the right to feel safe at work and to know—and for their family and friends to know—that they are going to come home at the end of the day.

I take this moment to remember and pay tribute to John Kennedy and Sam Meintanis who lost their lives when the Sydney to Melbourne XPT derailed last week in Wallan. I note that the maintenance of the track and signalling mechanisms are things that workers, the Rail, Tram, and Bus Union [RTBU] and the Victorian Nationals Deputy Leader Steph Ryan had raised concerns about after a train had derailed further up the line in January.

The Opposition is concerned that, in 2020, workplace fatalities and serious injuries continue to occur. We believe that, in almost every case, such injuries are completely avoidable. Recent data from the Australian Bureau of Statistics shows that well over half a million workplace injuries occur every year. That is one person hurt every minute during working hours. The physical impact on workers is obvious. Common work-related injuries are among the top five leading causes of disability in Australia. These include back pain and immobility, musculoskeletal disorders and neck pain. Among working-age people, these conditions are associated with the greatest burden of disability, higher than levels of other common health conditions, such as cancer, diabetes, mental health conditions, and cardiovascular and respiratory disease.

The enduring impacts of injury-related health conditions on the individual and on society become an economic and social unit of their own. These include change in health following injury and the extent to which this limits our ability to participate in activities that we usually take for granted, such as housework, driving a car and caring duties. Work-related injury can also impact workers' mental health. Studies show higher rates of anxiety and depression among injured workers. There is also a ripple effect created by injury that extends well beyond the injured person to their family, friends, workmates and even their employers. The emotional and physical tolls of work-related fatalities and injuries on family members and co-workers are almost immeasurable.

The economic cost of such incidents is also clear. In the year 2012-13 alone, Safe Work Australia estimated that work-related injury and disease cost the Australian economy \$61.8 billion, representing 4.1 per cent of the national gross domestic product [GDP]. Injuries accounted for 45 per cent of the total economic cost to the sum of \$28 billion. Given this reality, it is crucial that serious injuries be avoided and that employers take their workplace health and safety duties with the utmost seriousness. I note that a recent campaign run by the Australian Council of Trade Unions [ACTU] called for industrial manslaughter laws to be implemented nationally. This is in support of recommendation 23b of the Boland review to introduce an industrial manslaughter offence. Further to this, Unions NSW supports all of the recommendations of the Boland review, including greater provision to enable the charge of industrial manslaughter to be pursued for workplace deaths.

Turning specifically to the substance of the bill, in his second reading speech the Minister refers to a note that is to be inserted in clause 3 of schedule 1. This note refers to the manslaughter provisions of the Crimes Act. Referencing the manslaughter provisions of the Crimes Act does not directly address deaths caused at work. There has not been a workplace safety-related charge of manslaughter under the Crimes Act. As such, there will exist enduring confusion over territory when it comes to the investigation of workplace fatalities.

The Crimes Act 1900 does operate within the workplace. However, we question why prosecution does not routinely occur when there is no legal impediment to it occurring now. It is suggested that it may not occur because police do not generally attend workplace incidents that have caused fatalities. It is instead viewed as the role of the regulator, SafeWork NSW, to attend. In my view, if the inclusion of the note in clause 3 of schedule 1 is to be effective, both the regulator and the police must attend all fatalities occurring in the workplace or in any other place as a result of work. It is here that I believe the legislation fails to address the fact that workplace fatalities are not treated with the same degree of seriousness as fatalities outside the workplace.

What this legislation does is allow the continuation of the pervasive and erroneous view that workplace deaths are exclusively accidents and, as such, are unpredictable and unavoidable. This section of the legislation allows the belief, held by many employers and employees, that some types of work will involve a degree of risk that cannot be eliminated. In their submission to the inquiry into this bill, Unions NSW summarised that the language used in the section of the bill perpetuates this view and allows for the belief that serious injuries or fatalities at work will continue to occur. The Unions NSW submission also refers to a degree of acceptance from many workers who view violence and other unsociable types of behaviour as a normal part of their work that must be accepted. They note that this is particularly true of nurses, teachers and aged care workers. High population density, along with the presence of four major hospitals, means that many of my constituents work in these industries and face these dangers each time they go to work. That is why I feel so passionately about this section of the legislation and why I support the strengthening of this section.

Secondly, I refer to the inclusion of the words "gross negligence" in section 31. This inclusion does not equate to industrial manslaughter. The term "gross negligence" appears to set a very high hurdle when exposure to death or injury by negligence should be sufficient. Compounding this, the lack of a clear definition of what constitutes gross negligence is problematic, as the ability to pursue a charge of manslaughter may be decided on a classification of negligence made without a definition on which to base the classification.

Finally, in relation to the psychological and emotional effect of workplace trauma, this bill does not address all of the Boland review recommendations relating to mental health, one of the most important being recommendation 2: Make regulations dealing with psychological health, amend the model work health and safety regulations to deal with how to identify the psychological risks associated with psychological injury and the appropriate control measures to manage those risks.

I was disappointed to find the terms of reference did not allow for any changes to work health and safety regulations. This contradicts the recommendations of the Boland review and will simply add to the plethora of information already available and, unfortunately, largely ignored. Mental health is one of the most pressing and concerning issues facing New South Wales today. If we cannot properly legislate for better mental health support in our workplaces, we are failing in our duty to provide a model for all groups of our society to follow. I am thankful for the opportunity to speak to this important bill and I support all the amendments that my colleagues will be moving. The Opposition will not oppose the bill.

Mr ADAM CROUCH (Terrigal) (15:53:32): I support the Work Health and Safety Amendment (Review) Bill 2019. I acknowledge the excellent contributions of the members for the electorates of Albury, Holsworthy, Manly, Hawkesbury and Dubbo, the excellent contributions of the outstanding member for East Hills and of the members for Wollondilly and, most recently, Ku-ring-gai. I speak in support of the Work Health and Safety Amendment (Review) Bill 2019. I note that the Minister for Better Regulation and Innovation is in the Chamber. I commend him for developing and delivering these reforms to the workers of New South Wales. As other speakers have outlined, the bill will enable the New South Wales work health and safety regulator to better address and prevent workplace deaths, improve support for victims of workplace accidents and their families, streamline investigations and clarify important aspects of the New South Wales Work Health and Safety Act.

I strongly support national harmonisation of our work health and safety laws, which is what I will focus on in my contribution to this debate. I am aware that support for harmonisation in the business community remains strong. Consistent regulation of work health and safety enables businesses to operate efficiently across Australia; we know that their staff are their most valuable asset. The Government wants to maintain the harmonised approach to regulating work health and safety issues taken by most Australian jurisdictions. New South Wales signed up to the model work health and safety laws in 2008 and implemented them in 2012. It has taken its obligation to maintain harmonisation of the work health and safety laws seriously.

The statutory review of the New South Wales Work Health and Safety Act conducted in 2017 focused on areas of variation across jurisdictions, which were allowed for in the model laws. Subsequent amendments to the New South Wales Act in 2018 did not materially affect the operation of the model work health and safety laws. The New South Wales work health and safety regulators—SafeWork NSW and the NSW Resources Regulator—have been active contributors to the national review of the model work health and safety laws, which began in 2017, and continue to participate in the review process. But it has been a lengthy process; it is complicated. The independent reviewer, Ms Marie Boland, was appointed in 2017. She conducted extensive consultation with stakeholders on work health and safety issues across the country.

Her review received 136 written submissions. She conducted 81 face-to-face consultations in capital cities and, just as importantly, in regional centres. The final report of the 2018 review was released in February 2019. It identified critical issues in the model work health and safety laws, with the potential to affect workers' safety. It made the case for the important reforms contained in this bill that Minister Anderson is delivering. Safe Work Australia released a Consultation Regulation Impact Statement [RIS] on the recommendations in June 2019. It identified a number of the recommendations as likely to proceed, and some as requiring further work to develop. In August 2019 the New South Wales work health and safety regulators submitted a joint response to the Consultation RIS. That has since been published on the Safe Work Australia website, along with almost 100 further submissions received. Safe Work Australia has now released the Decision Regulation Impact Statement to work health and safety Ministers.

I understand that, in accordance with Commonwealth protocols, that document will remain embargoed until Ministers meet to consider and vote on those recommendations. It is anticipated that the Decision RIS meeting will be held by mid-2020. At that meeting, work health and safety Ministers will determine which recommendations of the 2018 review will be progressed for implementation and what form those reforms will take. Amendments to the model work health and safety laws, which reflect the recommendations of the 2018 review, are not expected to be made before late 2020. It will then take further time before New South Wales

will subsequently consider the amendments to the model laws and progress any further amendments to the New South Wales Act. That is a long time to wait when the case for reform is clear and while the critical issues in our work health and safety laws, identified by the 2018 review, continue to affect safety in New South Wales workplaces.

This is particularly true when the course that will be taken at the national level regarding several recommendations is already apparent. That is the case with most of the proposed reforms. In expediting implementation of these recommendations, the Government is not seeking to permanently diverge from the model work health and safety laws. It is simply seeking to implement the reforms that have already been identified as necessary at a national level—to address risks to workers' safety in New South Wales as soon as possible. On one issue I acknowledge that the approach that is likely to be taken at a national level remains unclear. I am aware that there is a diversity of approach to prosecuting workplace deaths developing in harmonised jurisdictions. The Australian Capital Territory has long had an industrial manslaughter offence in its Crimes Act. Queensland unilaterally introduced an industrial manslaughter offence in 2017. The Northern Territory and Victoria both recently amended their Acts to provide for industrial manslaughter, and bills are currently before Parliament in both South Australia and Western Australia that contain industrial manslaughter provisions. Each of these offences is different.

The 2018 review recommended the introduction of an industrial manslaughter offence. It is not yet clear whether that recommendation will be progressed or what that offence will eventually look like. In these circumstances, it would not be right for New South Wales to add to the growing diversity on this issue by introducing its own industrial manslaughter offence. There is an alternative approach—the one taken by the Minister in introducing this bill—that will ensure the safety of workers in New South Wales and is more likely to maintain harmonisation with the work health and safety laws. That approach is to amend the Category 1 offence to include gross negligence as a fault element. It is a straightforward amendment consistent with the risk-based preventative approach of the model Work Health and Safety Act and it is an amendment recommended by the 2018 review. The form of the New South Wales amendment is unlikely to differ substantially from the amendment that will be made ultimately at a national level.

In the meantime, this amendment will give work health and safety duty holders in New South Wales a strong incentive to comply with the obligations they owe to workers and to the public. The amendment will enable New South Wales regulators to prosecute grossly negligent workplace behaviour that involves a risk of death or serious injury while we await the outcome of the national process, and I commend the Minister for doing that. The national review process—a thorough, rigorous process—has already demonstrated that these reforms are needed. In putting forward this bill, I know the Minister has carefully considered what is likely to happen nationally and has borne in mind the benefits of the harmonisation I mentioned earlier. The Government is acting early to ensure that workers and the public benefit from the proposed reforms now. I look forward to the outcome of the national process, when workplaces across Australia are likely to benefit.

I take this opportunity to acknowledge the outstanding ministerial staff and the departmental members involved in drafting this legislation. They are often the forgotten, tireless workers behind the scenes. I particularly acknowledge Gavin Melvin, the chief of staff, who is here in the Chamber; and Emma Dowsett, who is a senior adviser. I also acknowledge the departmental staff involved: Mary Snell, Rachel White, Jackie Green, Janet Attwood, Maggie Fang, Emily Devers, Chris White, Louise Whitehouse, Chris Kane and Fiona Miller. All of those people have worked tirelessly with the Minister to put this excellent piece of legislation together, and we must thank them for that work.

This is a great piece of reform. I am so proud to be part of a government that has a Minister like this delivering this sort of reform to a very important part of New South Wales and the people who work in it. People should feel safe when they go to work here in New South Wales. The level of construction and development in my own region of the Central Coast is unparalleled. We see local tradies and workers staying on the coast and working in safe environments. That is such a comfort to me as a local member, but also to people who live and work on the Central Coast: They do not need to leave the Central Coast to have those job opportunities. Once again, I commend this Minister and this bill to the House.

Ms JENNY AITCHISON (Maitland) (16:03:43): Nearly every week in New South Wales one family loses a child, a parent, a partner or a sibling to a workplace death. In the 12 months ending 31 March 2019, 48 people lost their lives at work in New South Wales—they never came home—and that is simply unacceptable. Each year my colleagues in the Hunter and I attend the CFMEU's Northern Mining & NSW Energy District's Annual Memorial Day Service at Aberdare. Each year we attend as a gesture of support for those who come from our communities whose family and friends have lost their lives. Some years names are added to this wall and we see the most raw emotions of grief and sadness in their families, their friends, their colleagues and their communities. Regardless of whether we are there to pay our respects to someone whose name is just being etched

on the wall, to join the more than 1,800 names already etched on the Jim Comerford Memorial Wall or someone whose name has been there for many years, we know that the grief, the sense of loss, injustice and pain will always remain for those who are left behind.

On 28 April each year we all mourn across the world, workers who have been killed at work in a series of commemorative services. In New South Wales these are hosted by Unions NSW and Hunter Workers. It disturbs me that neither of these commemorative events has the same official status as many other commemorative days that we mark in our calendars. In fact, I have not seen many people on the Government side of the House at any of those events. We can never forget those who die at, or because of, their work. We must do more to respect them and to act to prevent more of these deaths happening. Looking in the survivor's eyes at one of these events gives you a different perspective from looking at a set of numbers.

The tragic death of Christopher Cassaniti, an 18-year-old apprentice who died at a Sydney construction site in 2019, finally seems to have galvanised this Government into strengthening penalties for deaths at workplaces and making a response to the 2018 safe work review, the Boland Review and the 2018 Senate inquiry into industrial deaths. I pay my respects to the memory of Christopher Cassaniti and his family. I acknowledge the very deep pain that the ongoing discussion of Christopher's death must bring to them. I also pay respects to the two young apprentices who lost their lives in New South Wales this year. I thank the Cassaniti family for their courage and bravery in working to prevent such a tragedy from happening to others. I note the bill purports to be a meeting of the commitment by the Minister made to Mrs Patrizia Cassaniti to introduce legislation in 2019.

I do not seek to go into too much detail regarding the specific aspects of the bill, other than to reflect the concerns of the AWU and the CFMEU. They have the view, and I agree, that these amendments are not acceptable because they fall far short of industrial manslaughter. Simply referencing the manslaughter provisions of the Crimes Act does not deal with deaths caused at work. In addition, the way the bill attempts to place industrial manslaughter within the Crimes Act under section 31 sets too high a burden of proof. Including the words "gross negligence" places the onus on the prosecution to prove that a person high up on the corporate ladder engaged in conduct that was gross negligence or reckless to an individual.

Having owned a business in the very high risk industry of transportation and heavy vehicles, I believe that we must ensure that the standards of proof are not too high to achieve changed behaviours. I have a long commitment to workplace safety and critical incident management as a union delegate official and someone who managed people in risky work. We know that the protection of workers' safety must come from a whole-of-organisation approach and that it must be led by the highest levels within an organisation. This takes time, effort and money, but it is always worth it. It means employers must ensure that everyone in the workplace is properly trained in safety, empowered to work safely and takes responsibility for safety. This is about developing a workplace health and safety culture. Employers must be committed to achieve that. Sadly, sometimes that commitment does not come just from being told what you should do. One of the biggest issues in this whole sector is that often employers do not think this applies to them until they have experienced a critical incident. They do not have the imagination to see what could happen if proper procedures are not followed.

We need a proper regime for dealing with industrial manslaughter. The bill does not provide clear enough definitions of what constitutes gross negligence or recklessness to an individual. Again, the burden of proof lays on the prosecution that the corporate entity knew a particular act or non-act would or could result in a threat to an individual. We have a standard or a community expectation in Australia that people should be able to go to work and come home every time they go to work. That expectation is that employers will guarantee the health and safety of their workers.

Workplace health and safety is not about intention to harm, it is about taking all available steps to stop harm. It is about implementing a strategy and a set of systems that keeps people safe. Therefore, a breach of work health safety that leads to a death is in general an omission rather than a commission of an act. It is an employer omitting their obligation to create a safe work place, omitting to provide proper procedures and systems, omitting to provide proper equipment. Yet having to prove gross negligence or, even worse, recklessness to an individual, implies that there is a commission involved in that, especially when in the modern parlance that is what we would be expecting that to mean and there is no clear pathway in the legislation for us to interpret that in any other way.

We know that workplace cultures and systems around health and safety are vital to saving lives at work, but they have to be explained and something that employers can understand. We need to be clear that these breaches are not because someone has done something wrong, they are because someone has not done the right thing. Someone has not done what was needed to be done. That is the standard to meet. I am not a lawyer, but I have been around this place long enough to know that when we legislate, we must also consider the fitness of the legislation to meet its purpose. We have a whole lot of different laws because we recognise the expertise, the experience and knowledge of those who deal with specific issues. Otherwise we would just have one big Act for New South Wales and it would all be bunched in together.

We need to create a proper industrial manslaughter offence. That is very important. This would be dealt with in the context of a whole body of work that has been done over generations, centuries, led by the mighty trade union movement, supported by communities and ethical employers who said that they would not accept that it is okay or normal or expected that you can lose your life at work. An industrial manslaughter offence would sit within the culture of prevention and ensure that we do not fail to meet our obligations to our workers, a culture that we all have a shared responsibility for workplace health and safety and that we must all be responsible for our actions, but our lack of actions as well.

How can industrial manslaughter be appropriately put as an offence under the Crimes Act 1900, which comes from an era before we as a society started to accept that advice from union and the broader labour movement that people should not die at work? We have two aspects to this. We will end up with criminal lawyers, people with little knowledge of the elements surrounding workplace death and the workplace health and safety regulations administering this law. Further, it will remove the industrial officers, those experts who are fundamental to the emergence and development of industrial and workplace health and safety law in our community, who work in that space every day. This comes from the place where we saw last year that we have a government that seeks to avoid responsibility for work health safety. [*Extension of time*].

The Government fought Labor's fight to introduce presumptive cancer legislation for firefighters and when it finally did introduce the legislation, it placed a cap on eligibility. It is important to note that there are deaths that the Government is failing to prevent right now and that these deaths are preventable. We have seen no definitive action from the Government regarding the emerging danger of silicosis, other than a screening campaign. That is a good start. It is great that the screening has identified 70 cases in the first seven months of operation, so those people are aware of what has happened to them and can take whatever steps they can to try to deal with that diagnosis. It already doubles the rate of 40 cases diagnosed last year. What concerns me is that the Government has no strategy or plan to address the issue. The Government talks a big game on work health safety, but it rarely meets its commitments.

We see half responses designed to pacify workers or grieving parents, but which in actual fact leave them open to unscrupulous, cost-cutting, unsafe employers who do not value people over profit. As the shadow Minister indicated, Labor will seek to make significant amendments as this legislation falls far short of what is needed. Earlier I spoke about 48 deaths in the year to 31 March 2019. I take this opportunity to put on the record and pay respect to those many, many people who have lost their lives to long-term illnesses, diseases and suicides that have been caused by their work. These people will never be counted in the final statistics; they are the forgotten people. However we deal with workplace deaths—the violent immediate deaths that make the news or the long, slow, drawn-out deaths that destroy the lives of people and those all around them—for their sake and those they leave behind, we must do better to stop workplace deaths. Labor supports the Government in as far as it has gone, but on this side of the House we will always go further to protect the lives of workers in New South Wales.

Ms LYNDIA VOLTZ (Auburn) (16:14:13): Like my colleagues I support the Work Health and Safety Amendment (Review) Bill 2019, which amends the Work Health and Safety Act 2011 in line with the 2018 review of the model work health and safety laws. Workers' health and safety is such a fundamentally important issue; it is important to everyone in the State. As I remind my teenage children, and much to our own depression, people spend more time in the workplace than they probably will anywhere else. How they are treated in the workplace is fundamentally important. More and more often people around New South Wales are under increasing pressure.

Within the construction industry, one of our most dangerous industries alongside mining, there is the risk of scaffolding and brick walls collapsing. Truck drivers are under increasing pressure on congested roads around New South Wales. Nurses, teachers and doctors are coping with booming populations. Police officers are often the only frontline response to domestic violence and mental health issues. Quite often police are the only security response on hand to deal with patients with a mental illness. Cleaners are asked to do more in fewer hours. This is all before we even get to the problems of the gig economy.

Unlike what the member for Ku-ring-gai said, the Boland review recommended industrial manslaughter laws. To say that there is no model for this after speaking about what Victoria has been doing is completely untrue. Marie Boland said that a new offence of industrial manslaughter was necessary to address increasing community concerns that there should be a separate industrial manslaughter offence where there is a gross deviation from a reasonable standard of care that leads to a workplace death. We come up with laws all the time. We make criminal offences to deter not the majority of people who do the right thing, but the minority of people who do the wrong thing. It is the reason we have made it illegal for someone who has a blood alcohol reading of .05 to get behind the wheel of a car—it is dangerous. As we know all too well from terrible tragic recent events, it will kill someone.

The same standard should apply in the workplace, in the place where so many of us will spend most of our lives. Every day around the State there are mothers and fathers who wake up, have to get their children up and get them off to school by themselves, put them to bed at night by themselves, and face the Christmas holidays and

school holidays by themselves because their partner is no longer there. More importantly there are people around the State who cannot do some of those things because they are dealing with members of their family who have total or partial incapacity from work injuries, who have paraplegia, who have leg amputations or who have prosthetics. Quite often, some of these people will be cut off workers compensation benefits after a time and they are left to deal with it by themselves.

It is why incrementally—and this legislation is part of that incremental increase—day by day gets us to a better standard. That is why the Labor Party supports this legislation. But the Government should start looking towards industrial manslaughter. We know that the only other thing that works in workplaces is education. We never hear the Government say how it is increasing spending on education in the workplace to reduce accidents. At the end of the day it is the education, inspectors and deterrents through offences like industrial manslaughter that will fundamentally make a difference.

Unlike what the member for Ku-ring-gai said—I think he might have to visit one of the education Minister's maths classes—over the past 60 years Labor has been in power for 31 years and the Coalition has been in power for 29 years. There are opportunities along the way for people to make the legislation better, and it has been just about a 50-50 split over the past 60 years. Incrementally we will get there. Finally, we had the Boland review, which was very clear: Industrial manslaughter is an offence that should be introduced with what the modern community standard is today. The Government should start thinking about how it will introduce that legislation. I commend the bill to the House.

Ms LIESL TESCH (Gosford) (16:20:35): Governments have a primary role to keep our citizens safe. Beyond all other priorities, beyond ideology and beyond spin, it should prevail above all else. I thank the Minister for bringing the bill to the House, yet it is far too premature and way underprepared, especially as the input into appropriate change in New South Wales is still under review in an upper House inquiry. Once again the Government has failed our community. It falls short of community expectations and the expectations that were raised by the Government every time it told the families of someone killed at work that those responsible would be held to account.

Legislation to prosecute industrial manslaughter and a change in approach by employers to embed a culture of workplace safety across New South Wales is what we need. Without industrial manslaughter the bill contains small-scale improvements. It links the Crimes Act where it deals with manslaughter to the Work Health and Safety Act by point of reference only. Employers can be charged with manslaughter under the Crimes Act, but that has not happened in this State and it will not happen under this bill. New South Wales has the highest number of workplace fatalities in Australia, with an average of 56 people killed at work each year under this Government, which is almost one person a week—a breadwinner, a mum, a dad, a wife, a husband, a neighbour, a child, a member of the New South Wales workforce who does not go home to their family after work.

During question time today a report came through of a man in western Sydney being crushed by falling glass. Let us hope that after his time in hospital he goes back home to his family and to work in one piece. Under the nationwide effort to increase the number of people going home to their families after work by the Federal Government, this bill is wishy-washy and not much at all. I extend my condolences to the families, friends and colleagues, and to all who knew the driver and the pilot on the XPT service that derailed in Victoria on Thursday last week. This tragic reminder of the importance of workplace safety highlights government responsibility with businesses and employees in protecting workers and other persons from harm to their health, safety and welfare.

Governments have a great responsibility to provide appropriate leadership to protect workers, including the great New South Wales Government workers who protect the people of New South Wales. I hope that the Government's cost cuts and lack of true accountability regarding the maintenance of the train tracks across New South Wales do not result in another such accident. We are watching. I suggest the Government finds the money needed to correctly repair the Woy Woy tunnel and stops shirking other necessary maintenance requirements across this great State. As usual, the Government calls in the experts and pretends to listen to them.

The bill has let down the Cassaniti family, who lost their son last April in a tragic and avoidable workplace accident. Patrizia Cassaniti lost her son, Chris, on 1 April last year when scaffolding collapsed at his worksite. I thank her for providing so much evidence to try to get these laws right. The inquiry is ongoing in the upper House and its recommendations should have been considered before the bill came into this Chamber. Patrizia observed in her evidence that straight after Christopher's death, SafeWork NSW commenced Operation Scaff Safe targeting unsafe scaffolds by visiting more than 700 construction sites, with shocking results. It issued 832 notices and \$109,000 on-the-spot fines for falls risks. This is no price. When Patrizia asked about industrial manslaughter, the Minister at first said he had never heard about it. Then he said, "Maybe we should look into it." He repeatedly said, "We want to do something," but then went to the media saying, "We're not going to have a provision for industrial manslaughter." That is really disappointing. The Minister also told Patrizia that the Government wants to go over and above the recommendations of the Boland review, but instead New South Wales

is implementing only a small proportion of them. I actually wonder about this Liberal Government's complete disrespect for parliamentary processes at both State and Federal levels, where we have parliamentary procedures to ethically represent our communities: the voice of the people that we represent. The current Minister is basically ignoring the process of the New South Wales Parliament by tabling this bill while the upper House inquiry about this very matter is still going on. It is bizarre!

The Boland review in 2107 was the first independent review of the model work health and safety laws, undertaken by Marie Boland, former Executive Director of SafeWork South Australia. The review presents a framework for best practice for work health and safety, safety regulations and model codes, and recommends examples of consultation arrangements for health and safety representatives and small business work groups to allow entry of unit officials to provide assistance on health and safety risks, and ensures inspectors are there to deal with safety issues on the worksite. The review provides examples of committee constitutions and up-to-date guidance and guidelines to work health and safety dispute resolution. It also recommends aligning the process to ensure clarity and consistency regarding documentation and recommends increasing penalty levels and enhancing category 1 offences. The Boland review also recommends improving workplace health and safety regulator accountability and taking a consistent approach to sentencing.

Those recommendations are about protecting people's safety, and people's lives and wellbeing in their workplace. This Government really does not care about truly protecting workers' lives and many of those important recommendations are not included in the bill. I have many friends whose lives were changed in a moment in a catastrophic workplace injury, and it could happen to any of us. Kahi is a dad, husband and now amputee due to an incident with a forklift. He has two kids and was told he would never have another one. He now has a third child, which made him truly happy, as did representing Australia in weightlifting at the Sydney 2000 Olympics.

John Marshall was injured on the way home from work. He is a quadriplegic, a husband and an absolutely beautiful human. Before he retired, John transitioned back to work as an integral member of the police diving team who coordinated the dive for another friend's leg that was amputated in a workplace ferry accident. Nigel Smith is a great mate of mine who also had a leg amputated in a workplace accident. He played sit volleyball at the Sydney 2000 Olympics. He ticked off that he had read the manual, stepped onto the conveyor belt, which was jammed, and his leg went down into the molten metal. He now has a great false leg. Those guys are real humans whose lives were changed in an instant. They are now part of the icare Paralympian Speaker Program, trying to educate workers and bosses to take the right steps regarding safe work practices and creating safe work places.

I thank everyone involved in the icare Paralympian Speaker Program and encourage them to keep pushing for improved workplace health and safety practices and encouraging, empowering and giving workers a voice to speak up and make the changes we need to see in our workplaces. Not only have the expert reviews been ignored but so too have other stakeholders. The union representing construction workers, some of the most at-risk workers in the country, have said the bill will do little to protect workers and that the amendments fall far short of industrial manslaughter laws. The Construction, Forestry, Maritime, Mining and Energy Union notes that the Government is not going far enough to protect workers by introducing industrial manslaughter laws.

There has not been a workplace safety-related charge of manslaughter under the Crimes Act in New South Wales, yet many cases should be considered as such. Other States have done the right thing. Strong industrial manslaughter laws in Queensland ensures protection for workers and their families. The horrific deaths at Dreamworld have been a catalyst to implementing this legislation. This week I read the Coroner's detailed report about the Thunder River Rapids Ride malfunction. One of those fabulous women who died was from the Central Coast. The report was absolutely damning about the complete lack of investment in safety. Inspections were not being done; no-one really cared what was going on until people died.

As a result, Queensland now has industrial manslaughter laws and people are being prosecuted. Currently the Queensland Government is in the process of extending those industrial manslaughter laws to the mining industry, which has a separate workplace health and safety regime. What will it take for the New South Wales Government to be as gutsy or, should I say, to really show it cares about workers in this State? Thankfully, the bill does address the recommended prohibition on insurance for workplace health and safety fines. I could not believe that insurance could be taken out but that the fines relating to workplace safety influence in a workplace do not have to be paid.

While there is no compensation to make up for loss, there is dignity in having a government care enough about your experiences to enshrine proper care into legislation and acknowledge the State has a role to play in ensuring that employers who do the wrong thing are held accountable for their actions. Whilst I do not oppose the start of necessary changes, I put on record that the Work Health and Safety Amendment (Review) Bill 2019 needs a lot more work before it can protect the safety of New South Wales workers and it should recognise industrial

manslaughter in New South Wales. I look forward to the addition of amendments in both Houses of Parliament to strengthen the intention of the bill.

Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (16:30:36):
In reply: As honourable members have heard, the Government is committed to ensuring that workers in New South Wales have healthy, safe and productive working lives. I acknowledge that all members of this House share the same objective—we all want our workers to return home each day to their families and loved ones. We all want effective laws that ensure vigilance for work health and safety in workplaces. The reforms in the Work Health and Safety Amendment (Review) Bill will contribute to that goal by addressing critical issues in our work health and safety laws that were identified at a national level through the 2018 Review of the model Work Health and Safety laws. It is vital that those reforms take effect in workplaces in New South Wales as soon as possible so that workers are prevented from being exposed to unacceptable risks to their health and safety.

I will comment on issues raised during the debate. What is the most effective deterrent for unsafe workplace practices: category 1 versus industrial manslaughter? Throughout this debate calls were made for the reintroduction in New South Wales of an industrial manslaughter offence. I have heard the views put forward and the reasons for them. I do not believe that industrial manslaughter is an appropriate course for New South Wales for a number of reasons. The Work Health and Safety Act is underpinned by the principle of prevention. It is designed to penalise exposure to risk.

Industrial manslaughter is an outcome-based offence that is fundamentally at odds with the primary object of the Work Health and Safety Act, which is to prevent harm. It is inherent to an industrial manslaughter offence that the prosecutor must prove that the relevant conduct caused a person's death. Questions of causation can introduce further complex matters of proof to a prosecution. We should not need to wait for a death before we prosecute for conduct which exposes workers to a risk of death. We need to step in before anyone is killed so that at the end of every day workers go home to their families and loved ones. This is what I see as the major advantage of enhancing the category 1 offence over industrial manslaughter.

But there are other reasons why I do not believe industrial manslaughter meets the needs of this State. One is that industrial manslaughter laws have not been shown to work in practice. I remind the House that New South Wales had an industrial manslaughter offence in place between 2005 and 2011, and it was never prosecuted. The Australian Capital Territory has had an industrial manslaughter offence on its statute book since 2004. Queensland has had one since 2017. To date we have heard that there have been no convictions in either jurisdiction. One prosecution has been brought in Queensland but is yet to be resolved.

The effectiveness of those provisions remains untested in court. New South Wales needs reforms which the evidence suggests will work in practice, like enhancing category 1. It is true that regulators across the model law jurisdictions have faced challenges in prosecuting the category 1 offence. One of the reasons for this, which our amendment to include an alternative fault element of gross negligence is intended to address, is the difficulty of proving recklessness. This was the finding of the 2018 review.

Proving recklessness is difficult but in the context of the category 1 offence, work health and safety regulators in model jurisdictions have had some success in securing convictions. We are aware of three finalised category 1 prosecutions. One was in New South Wales. It arose from a fatality involving the conviction of a corporate person conducting a business or undertaking [PCBU]. Two were in South Australia. They arose from an incident which involved the bullying of an apprentice by a leading hand and supervisor with a risk of serious injury or death. Recently it was reported that a worker in the Australian Capital Territory, who entered a plea of guilty to a category 1 charge, is to be sentenced in April. A further matter awaits retrial in Queensland. In enhancing the category 1 offence, we are modifying an offence whose basic structure has been proven to work in practice.

The purpose of expediting those reforms is to put in place strong deterrents to unsafe workplace activity as soon as possible. The best deterrent is an offence that can and will be prosecuted when a health and safety duty holder exposes workers to unacceptable risks. It is not an offence that sits in the statute book unused. Health and safety duty holders who fail to fulfil their obligations to workers must know that they will face serious penalties, including jail time, if they do not take their obligations seriously—not in theory but in practice. Again, this is the advantage of the enhanced category 1 over industrial manslaughter.

Since becoming the Minister responsible for work health and safety in New South Wales—and as recently as today—I have met with a number of families of workplace victims to learn from their experiences and to determine how best the New South Wales Government can enact law reform to reduce workplace injuries and deaths. The Cassaniti family is among those families. They have become exceptional advocates for work health and safety law reform and I take their insights very seriously. I want to clarify a suggestion made by some Opposition members in relation to conversations held with the family. My commitment was to carefully consider

all reform options and to introduce tough new laws that would be enforceable and prosecutable—and therefore effective—in deterring unsafe workplace behaviour that endangers workplaces and workers.

In my view industrial manslaughter is a solution that comes too late. That offence is only useful when someone has died in a workplace. I do not want to get to that point. Instead, the bill seeks to impose significant penalties on any individual who breaches the Work Health and Safety Act by creating an unsafe workplace before those breaches lead to an injury or death. That is what makes the bill different. It is about actively deterring dangerous behaviour before it leads to tragedy.

Another reason not to go down this path is that, to a large extent, we would be duplicating an existing offence in the Crimes Act 1900. The note that the bill adds to the Work Health and Safety Act makes clear that work-related deaths may already be prosecuted as manslaughter by criminal negligence under section 18 of the Crimes Act. The purpose of the note is to ensure that this is understood by duty holders and the community so that the offence will more effectively deter unsafe workplace conduct. It would not be appropriate to duplicate the offence itself in the Work Health and Safety Act. The offence applies in many contexts other than workplaces. However, where appropriate, a workplace death can be prosecuted under the Crimes Act and offenders can face jail terms of up to 25 years. Manslaughter by criminal negligence, together with the enhanced category 1 offence, covers the field of offending conduct. The appropriate offence in any particular case will be a matter for the discretion of regulators and prosecutors.

In debate on the bill some members have said that it can be difficult to prosecute a company for manslaughter under the common law offence. That can arise because of the difficulty of aggregating the negligent acts of more than one individual and attributing them to the company at common law. It is suggested that this becomes increasingly difficult as the chain of responsibility is followed from the worker on the ground to the director, who may not be at the workplace, or the company. This is the advantage of having a flexible, two-pronged offence framework. Instead, a company can be prosecuted for the category 1 offence under the Work Health and Safety Act. Section 244 of the Act anticipates the problems of attributing conduct to a company. Section 244 allows conduct engaged in on behalf of a corporation by employees, agents or officers, when they are acting within the actual or apparent scope of their employment or authority, to be attributed to the body corporate.

When the bill becomes law, companies will face significantly higher fines for the category 1 offence, which will carry a maximum penalty for a corporation of just under \$3.5 million. Regulators and prosecutors are able to prosecute individuals responsible for the offending conduct at the same time as the company is prosecuted. This ensures that officers—directors and CEOs—can still be held responsible for a workplace death or negligent workplace behaviour even if the company goes into liquidation or phoenixes to avoid prosecution. Together, manslaughter under the Crimes Act and the offences in the Work Health and Safety Act create a framework in which unsafe workplace conduct can be prosecuted and deterred.

Opposition members have taken issue with the clarifying note in the bill, which explains that when manslaughter occurs in a workplace it can and should be prosecuted as manslaughter under the Crimes Act. Opposition members have contended that there have been no prosecutions of manslaughter charges under the Crimes Act for workplace deaths in New South Wales to date because the criminal law cannot effectively apply to workplace deaths. That is simply not true. In the past it has not been well understood that the criminal law can apply to workplace deaths. If police and prosecutors can prove that manslaughter has occurred in a workplace, that crime should be prosecuted under the criminal law. That is why the bill makes the legal position clear. It makes no sense to treat manslaughter in a workplace any differently to manslaughter on a road, in a park or a home. Workplace manslaughter should be given the full scrutiny of the Supreme Court of New South Wales and the available criminal penalties should apply. SafeWork NSW has bolstered the clarifying note in the bill through an updated memorandum of understanding with the NSW Police Force, which clarifies that police have jurisdiction over manslaughter offences that may occur in the workplace.

Finally, there is the question of harmonisation on this issue. New South Wales remains committed to national harmonisation of work health and safety laws, which has had enormous benefits for businesses in this State. The reforms in the bill are intended to anticipate reforms at the national level. It is not clear what will happen with industrial manslaughter in the model work health and safety laws. I am aware that some jurisdictions have acted unilaterally to introduce an offence and that the 2018 review recommended enacting an industrial manslaughter offence as well as enhancing the category 1 offence. Offences are in place in the Australian Capital Territory, Queensland and the Northern Territory. Victorian provisions await commencement. I understand that bills introducing the offence are presently before the Western Australian Parliament and South Australian Parliament.

Each of those offences is different. The Australian Capital Territory offence is in the Crimes Act, not the Work Health and Safety Act. The Queensland Act applies only to the death of workers, not to the death of

others in the workplace or those who may be affected by work. Some offences have alternative fault elements of recklessness or negligence while others rely on negligence alone. The Victorian offence includes a definition of negligence, aligning with the criminal standard for gross negligence. We have heard members call the adequacy of "gross negligence" into question. As I said in my second reading speech, it is intended that courts will look to the common law in considering its meaning. It is important to note that the same evidentiary threshold has been adopted in Queensland and Victoria in their industrial manslaughter provisions.

Gross negligence is criminal negligence. Given the diversity of those offences, it is not possible for New South Wales to anticipate what will occur nationally, nor is it appropriate to add to this diversity while each of the offences remains untested. The enhanced category 1 offence will enable work health and safety regulators in New South Wales to prosecute grossly negligent conduct that exposes workers to a risk of death or serious injury or illness, whether or not it results in a death. It is a practical, measured reform which, together with manslaughter in the Crimes Act, creates a strong framework within which to capture offending conduct in the workplace.

Work health and safety is a shared responsibility. All persons conducting businesses or undertakings, all officers of corporate PCBUs, all workers and all persons at a workplace need to take responsible care for themselves and others. Everyone is safer when a prosecution for a category 1 offence is a real threat and when the offence is a real deterrent to negligent workplace behaviour.

In developing the reforms, close consideration was given to a number of additional factors. First, New South Wales is committed and strongly supportive of national harmonisation of our work health and safety laws. We are actively participating in the continuing 2018 national review process. The 2018 national review made 34 recommendations. The package of reforms seeks to progress 10 of those recommendations. The reforms in the bill were carefully selected as amendments that could be expedited to enable immediate improvements to the Act to ensure protections for workers without risk to national harmonisation.

The national review process has been lengthy. While a Decision Regulation Impact Statement [DRIS] has been issued to work health and safety Ministers, we are waiting on the scheduling of the DRIS meeting which is likely to be held by mid-2020. At that meeting work health and safety Ministers will determine which recommendations of the 2018 review will be progressed for implementation and what form those reforms will take. However, amendments to the model work health and safety laws are not expected before later this year. The New South Wales Government will then consider those amendments. A further reform package is then likely to be progressed for consideration.

During debate members have referred to the key work health and safety statistics for 2019 recently published by Safe Work Australia in relation to workplace fatalities, injuries and diseases. The highest industry for worker fatalities in 2018 was agriculture, forestry and the fishing sector. Many of the businesses in this sector are small businesses, often family-run. I anticipate that the impact of the reforms on small businesses will be positive. The majority of small businesses in this State are already complying with their health and safety obligations and the amendments will not impose an additional burden on those businesses.

The bill targets noncompliant businesses. Many small businesses operate in multi-business worksites. When one business on their worksite is negligent about health and safety, it is a hazard not only to the safety of its own workers but to the safety of all other workers on that worksite. The Senate inquiry into industrial deaths heard that a workplace death can be devastating for the deceased worker's colleagues who may witness the traumatic event. A traumatic injury fatality can have a long-term impact on a small business and its employees. The cost of workplace injuries takes a real toll on small business and I hope by increasing deterrents to unsafe workplace conduct the reforms will reduce that toll.

Other measures in the bill will assist small business, particularly those which will provide businesses with greater clarity as to their obligations under the Act. This includes the clarification that a person can be both a worker and a person conducting a business or undertaking at the same time, which will assist businesses to understand the nature of their duties in multi-contractor workplaces. The reforms before us have broad support from employer and employee representative groups. I am heartened that members are united in their support to prohibit insurance or indemnity arrangements for work health and safety fines. We must bring an end to this practice in this State.

Similarly, I welcome the support of the House in seeking to swiftly restore the real deterrent value of work health and safety penalties in line with the recommendations of the 2018 review. It recommended that the penalties for offences in the model Work Health and Safety Act, which have not been increased since 2011, be increased to reflect increases in the consumer price index since that time. The Government has identified a unique work health and safety penalty unit as the most administratively efficient means of implementing that recommendation in New South Wales. The bill includes an important amendment that makes clear that health and

safety representatives [HSRs] can choose their own training. Health and safety representatives play an important role in the work health and safety framework. They provide an independent voice on work health and safety issues in their workplace.

As part of their role, HSRs can gather information about work health and safety issues in their work group and resolve those issues in consultation with their PCBUs. They require training to properly exercise their functions. Ensuring that HSRs are well trained will enable them to better support other workers in the workplace. The fear of repercussions is well known as a barrier to raising health and safety concerns in workplaces, particularly amongst young workers. SafeWork NSW launched the Speak Up Save Lives app in October 2019 in recognition of this fear. Its purpose is to make it easier to report dangerous work practices and risks to workers' safety via an anonymous mobile app. SafeWork NSW is the first regulator to engage with customers in this way, allowing workers to raise work health and safety issues anywhere, anytime, without fear of repercussions. Since being launched in October 2019, 541 notifications have been received.

New South Wales has more than half a million young workers aged up to 25. We know that those workers need extra support to stay safe at work. The SafeWork NSW At risk workers' strategy 2018-22 includes an online young workers eToolkit. This provides young workers with easy access to a range of resources specifically developed to support them, their parents and guardians, their educators and their employers. The remaining reforms largely seek to improve the efficiency and effectiveness of investigations to bring relief to affected families whose trauma can be greatly exacerbated by prolonged investigations. Enhancing inspectors' powers, streamlining processes for service of notices, clarifying amendments about inter-jurisdictional sharing of information and orders that can be declared by a court are all reforms that have attracted the support of the House.

There is no doubt that the bill is a welcome step forward for work health and safety. I thank Government and Opposition members for their contributions to the debate. The bill will strengthen our work health and safety regulators' efforts to reduce workplace fatalities and injuries and embed a health and safety landscape in New South Wales workplaces. I thank my team in the ministerial office, Galvin Melvin and Emma Dowsett, as well as all of the department staff headed by Mary Snell for their excellent work. I commend the bill to the House.

The DEPUTY SPEAKER: The question is that the bill now be read a second time.

Motion agreed to.

Consideration in detail requested by Mr Kevin Anderson.

Consideration in Detail

The DEPUTY SPEAKER: By leave: I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 and 2, and schedules 1 to 3 be agreed to.

Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (16:52:15): I move Government amendment No. 1 on sheet c2019-247:

No. 1 **Power to require person to attend to answer questions**

Page 4, Schedule 1. Insert after line 27—

[14] Section 171(1)(c)

Omit the paragraph. Insert instead—

(c) require a person at the workplace to attend before the inspector at a stated reasonable time and place to answer questions put by the inspector.

Currently section 171 gives inspectors the power to require a person to tell an inspector who has custody of or access to documents. Inspectors can also require a person to answer questions and produce documents while an inspector is at the workplace. An important component of the bill is a proposal to broaden an inspector's powers under section 171 to enable the inspector who entered or another inspector to exercise the investigative powers an inspector already has on entry to a workplace for 30 days. The bill responds to the 2018 review and the Australian Senate inquiry into the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia, which highlighted the need for work health and safety regulators to streamline their processes to enable effective and timely investigations of work health and safety incidents.

The bill already proposes that any inspector may continue to exercise their powers under section 171 following entry to a workplace within 30 days of entry. The additional amendment that I propose will confirm that an inspector will be able to require a person to attend and answer questions in that period at a location other than their workplace. This amendment will streamline the investigation at the critical early stages by allowing the

inspector or their colleague to exercise their investigative powers without having to return to the workplace multiple times.

Additionally, and most importantly, witnesses that can assist in the conduct of an investigation are often uncomfortable about being interviewed at the workplace or otherwise may move away from the workplace in the days immediately following the incident. The proposed amendment will allow inspectors to require those people to attend for interview, which will assist in delivering a better investigation in terms of the quality of evidence collected and time lines, which this House knows is vital to people affected by a workplace tragedy. The amendment that I propose mirrors the provision that has been adopted in Queensland. It also reflects the intent of the 2018 review recommendation No. 17 that proposed this expansion of inspector's powers. Making this amendment to the bill now means that the proposed benefits of amending section 171 around streamlining investigation processes will be fully realised. Removing barriers that potentially delay investigation time frames will go some way to assisting injured workers and families of loved ones who have been killed at work through the investigation process.

The DEPUTY SPEAKER: The question is that Government amendment No. 1 on sheet c2019-247 be agreed to.

Amendment agreed to.

The DEPUTY SPEAKER: The question is that clauses 1 and 2, and schedules 1 to 3 as amended be agreed to.

Clauses 1 and 2, and schedules 1 to 3 as amended agreed to.

Third Reading

Mr KEVIN ANDERSON: I move:

That this bill be now read a third time.

Motion agreed to.

Public Interest Debate

BUSHFIRES

Dr JOE McGIRR (Wagga Wagga) (16:56:08): I move:

That this House:

- (1) Notes the effects of the unprecedented and catastrophic bushfire disaster are still being felt across New South Wales, and specifically across the Snowy Valleys and Wagga City Council areas including Laurel Hill, Green Hills, Yaven Creek, Wondalga, Adelong, Talbingo, Batlow, Oberne Creek, Kunama and Gilmore Valley communities.
- (2) Recognises the impact of climate change and other factors contributing to this bushfire disaster period.
- (3) Acknowledges the need for a commitment to a sustained recovery program, ensuring measures:
 - (a) lead to a comprehensive and timely clean-up;
 - (b) support the health and wellbeing of residents impacted in the long term;
 - (c) address the short-, medium- and long-term economic impacts; and
 - (d) seek to prepare communities for the increasing intensity of future disasters, as forecast.

Why have I moved this motion? We have spoken to the condolence motion recognising the efforts and sacrifices made during our black summer, we have acknowledged the sorrow, pain and loss of life, and we have thanked firefighters, volunteers and other emergency personnel. So why speak again? It should be done for two reasons. First, the work of recovery has only just begun and I worry that, as the rest of the State and media focus their attention elsewhere, we will lose the impetus to rebuild our shattered communities. As the tragedy of the bushfires subsides and the news cameras turn away from the bushfire-impacted areas, the suffering of the past few months risks fading from our minds. I do not want that to happen.

I acknowledge the commitments already made by the Government, and the visits of Ministers to our region. I also acknowledge the shadow Cabinet's visits. It is imperative that those efforts continue. The second reason for moving the motion is that we must not delude ourselves into believing what happened with the fire disaster was acceptable. The response and recovery efforts have been good—at times, heroic—but this is not the time to pat backs or boast about a job well done. We must do better to ensure that it does not happen again. To recap the events of the summer in my electorate, the Dunns Road fire turned almost half of the Snowy Valleys local government area to ash—that is, more than 400,000 hectares of forest, parks, farmland, orchards, plantation

and infrastructure. Those numbers represent tragic losses for communities in and around Laurel Hill, Green Hills, Yaven Creek, Wondalga, Adelong, Talbingo, Batlow, Oberne Creek, Kunama and Gilmore Valley.

Shockwaves of anxiety, sadness and anger go hand in hand with the trauma. I have seen that firsthand. What do we need to do now? I believe there are four priorities. The first priority is the immediate clean-up. I acknowledge the Government's appointment of a coordinator for its bushfire clean-up program, with plans to substantially clear the majority of burnt properties before midyear. But any delays fuel anger; the reasons for those delays do not matter. The residents of impacted towns want to get on with their lives and start rebuilding. They have been waiting for the clean-up for almost two months—in some parts of the State, longer. They are angry because every time they walk down the street, they see bricks and mortar reduced to rubble. They want their towns back. Those on farms that have been destroyed want to start working again. They also want trees standing precariously on the edge of their properties to be cleared so they can work safely.

They are tired of driving down dirt tracks tunnelled by a canopy of charcoal. Accelerating the program and ensuring that local contractors and suppliers are engaged as soon as possible would be the single most important action we could take to protect and improve the health and wellbeing of those affected. That brings me to the second priority: health and wellbeing. The immediate terror and anxiety of the disaster has, to some extent, passed. However, our communities remain fragile. According to medical literature, once an immediate crisis passes and the world moves on, a more profound despair can hit. The mental health impacts of the disasters will last for years, so we must ensure that there is a range of ways in which people can be helped now and in the long term.

The recovery centres that are regularly visiting our towns now bring together coordinated services. That is welcome and must be maintained in the long term. The lesson for next time is that those services must be on the ground early and often. We also need to continue initiatives such as community events that bring people together and allow word to spread about the help available. We know that the more we do now, the better it will be in the future. That brings me to the third priority: medium- and long-term support. The Snowy Valleys Council area is unique. I believe the effects of the disastrous fire will extend longer here than possibly anywhere in New South Wales because, in addition to tourism and agriculture, the softwood industry and horticulture in the area have also been impacted.

It will take 20 to 30 years to recover from the loss of close to 40 per cent of its pine plantations. Once the blackwood is harvested, we face a real cliff in the supply of wood and jobs. Batlow's orchards may take up to a decade to recuperate. In the interim, we must develop and implement industry-specific support plans and fund projects that will provide alternative economic sustainability. That includes accommodation and tourism projects as well as training resources for alternative employment opportunities. Finally, once we rebuild—and rebuild we will—we must ensure that it does not happen again. The fourth priority is prevention. We must acknowledge the impact of climate change and its contribution to the bushfires. Firefighting and weather experts warned that this summer would be catastrophic—and it was. We must act to stop climate change.

I welcome the targets announced by the Government for net zero emissions. My Independent colleagues and I have spoken about the need to prepare for the future, developing sensible transition plans ahead of the inevitable decline in coal production, but we must also take steps in the short to medium term to reduce the risk of another severe fire disaster. In recent weeks residents have shared with me other factors that they believe contributed to the disaster, including poor management of overgrowth and weeds in forests, particularly blackberries; inadequate hazard reduction and the need for wider cultural burning; and a decline in the forestry and national parks workforce. Many have criticised outdated equipment in the Rural Fire Service.

Others have questioned how the Dunns Road fire was able to get away in the first place. Given the value of the resources lost and those at risk in the future, is it time we established a separate fire mitigation agency with the powers to force landowners and government departments to have their properties appropriately cleaned and fire risk reduced? I expect the State Government inquiry will examine those suggestions, among others. The long road to recovery and safety is before us—clean up, support, rebuild and ensure that it does not happen again. I commend the motion to the House.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (17:03:28): I thank the member for Wagga Wagga for moving this motion and I also thank members for being in the Chamber. Shane Fitzsimmons said to me the other day—and his words are pertinent—that a good recovery is going to be an honest one. It will be honest if it is particularly driven locally and not necessarily from the top down. The member for Wagga Wagga has outlined to the House a snippet from his community that is reflective of many areas across the State. I know that the member for Lismore, in particular, has a lot of passion in this area, as do members representing electorates up and down the coast.

There are a couple of things. First of all, the member for Wagga Wagga is right about the clean-up. The kids in our household have to get off the school bus every day and look at the six homes that have been destroyed in our lane. The other day Will said to his mum, "Are we safe now from the fire?" because it was raining. For the best part of a month and a half this 10-year-old had not said anything about the fires. It ties in the whole thing; nothing is mutually exclusive. Cleaning up the debris is as important to our mental health and wellbeing as it is to the small businesses that, at the moment, are not being supported because of the ridiculous guidelines that have been put in place for income support.

I am aware of about eight businesses in my community that have closed in the past couple of weeks. A lady in Batemans Bay who has been operating her boutique for 30 years had to shut her doors because of the definition of "fire affected". There were highway closures, tourists hunted out over the season and power outages and she could not sustain her business. The disaster on disaster is something we have to be very careful about. I appeal to every member in this place to reflect on the fact that our community has been so united in survival and is united in recovery. State and Federal politics must not in any way, shape or form forget the importance of everyone coming together to get through this.

Just in the electorate of Bega, over 900 homes are gone and another 400 have been structurally damaged so badly that people cannot live in them. People are sleeping in hotel rooms, in caravan parks and in public areas such as showgrounds. They are staying with family; they are staying with friends. There are people who have still not walked into recovery centres because of the trauma of coming to terms with what happened. Although we have mental health experts descending on our community, that support is not flowing like it should. It is important that these matters get aired. As the member for Wagga Wagga said, we must never, ever forget just because the film crews have left and the political leaders have come through. I am pretty confident in saying that if we get forgotten we will see some very serious economic and social outcomes for tens of thousands of Australians.

The member for Wagga Wagga is right to cite all the industries that have been affected. There is not an industry in my community that has not been belted. In some estuaries the oysters are dying, timber workers in places such as Eden have been put off and dairy farmers cannot make ends meet because \$75,000 cannot help them in the way they need. I can say that recovery is starting to work well for some, but it is not working for everyone just yet. That is an honest assessment. Hopefully, probably 60 per cent to 70 per cent of people have been able to get through the recovery process and receive a little support through the Red Cross or the Salvation Army and we can see the recovery centres working for them. But others who are in less fortunate circumstances are really struggling. I thank the member for Wagga Wagga for bringing this motion before the House today. I fully support and endorse his comments, and I look forward to continuing to work with him into the future to get this right.

Ms YASMIN CATLEY (Swansea) (17:08:47): I thank the member for Wagga Wagga for bringing this topic forward for the public interest debate. The member for Wagga Wagga knows, as we have spoken at length about these matters, that the greatest concern for communities in fire-affected regions of our State is that they be helped to get back on their feet and rebuild their lives. For this reason, Labor recently held shadow Cabinet meetings and undertook extensive community outreach in the Tumut Valley region. My colleagues will talk about their own experiences and what they learned from that trip. But for me, it was incredibly useful to meet with forestry workers and to inspect the State forest and the local mill at Tumberumba with my colleague the member for Wollongong.

We saw the devastation and learned about the impact of the bushfires on jobs in this timber-dependent community. Hyne Timber, one of the largest employers in the region, is at risk of having to let hundreds of workers go if a plan is not put in place to secure the supply of timber for the mill. Where will those people go? So far only the member for Wollongong has put forward a plan for the future. I also had dinner with James and Di Smith, operators of the Talbingo Caravan Park. We were joined by their friends Beryl, Mick and Regina. I had the pleasure of staying overnight in one of their cabins. Some 360 degrees around the town was burnt—everywhere they looked there was fire. They explained to me the economic hit from the drop-off in tourism activity and what their industry needs to stay afloat during this difficult recovery period.

I also met with the Tumut business chamber. Members told me about many farmers who still have to farm their properties but do not have toilets whilst doing their work because their homes have burned to the ground. We must know what those communities are going through. We have visited them and we have listened. We arrived with some of our own ideas but we left having learnt from what they had to tell us, because locals know exactly what they need to survive, recover and flourish. People living in bushfire-affected regions deserve access to essential services such as drinking water, electricity and somewhere to go to the toilet that is safe and secure. As the member for Wagga Wagga said, the burned-out sites must be cleared; that is a priority. Yet it has taken the Government months to start the clean-up in the regions.

Up north, where we saw fires last year, work only started two weeks ago despite the Labor Opposition calling for the Government to do what the Victorians have done and get on with the clean-up immediately. The Victoria Government has already cleared one-third of the properties in that State. Yet the clean-up here only started two weeks ago. It must be done quickly because, as pointed out by both the member for Wagga Wagga and the member for Bega, people are facing that problem every day. Locals also told us that they want the opportunity to tell their stories. They want to be part of the Government's inquiry. They want to make sure they contribute towards ensuring that a bushfire disaster on this scale never happens again and that we, as a State, are better prepared for recovery in the event that it does. But the Government has steadfastly ignored the pleas from bushfire survivors and local government in bushfire-affected regions for an open and transparent public hearing process during the bushfire recovery inquiry.

We know that last night a Mickey Mouse public inquiry/hearing/meeting was held in Lithgow. It was not adequately advertised and there was not a wide range of voices because people were not encouraged or invited to attend. This has to stop. There must be real inquiries so that people have an opportunity to tell their stories. Mayors from local councils such as Blue Mountains and all the way up the North Coast have asked the Deputy Premier to hold a hearing in their fire-affected areas. We cannot let this inquiry be rushed through with the bare minimum of consultation and engagement. My message to the Government today is very clear: People in the affected areas will not listen to excuses. Get out into those communities. Listen, don't talk. Leave your camera at home; it is not required. Find out what those people need to recover and rebuild, and come back here and do it.

Mr STEPHEN BROMHEAD (Myall Lakes) (17:13:55): I speak in support of the motion in this public interest debate and I thank the member for Wagga Wagga for bringing it before the House. Nothing can be more important than the recovery of and help for those affected by the bushfires. We cannot shy away from the fact that 25 lives were lost. Some 5,635 people have registered to have their properties cleaned up, and 1,000 businesses from across New South Wales have put their hands up. There were 2,448 homes destroyed across the State and 880 kilometres of roadway damaged. In northern New South Wales almost 1,000 homes were lost. In my area, 154 homes were lost and there was one death. A school, a Rural Fire Service station and other public infrastructure were also lost and thousands of kilometres of rural fencing will have to be replaced.

The fires in my area started in July, then recurred in August and September, and there were some big ones in October. But on 8 November the fires really hit—such catastrophic fires you would not believe. Others in this place have also experienced those sorts of fires. The community came together almost straightaway and, with the Government, the recovery officer for the north, Euan Ferguson, and the MidCoast Council, the clean-up started within weeks. In Bobin the school was lost but the Government replaced it so that a new school was ready for day one of term one of the school year. The hall across the road was the evacuation centre for the community on that particular night. Below it there is a temporary holding place for the debris that has been removed from all the houses and other infrastructure lost in the area. It is a huge area that is covered in corrugated iron and other rubble that contractors will move to other waste disposal sites.

Laing O'Rourke went to Rainbow Flat in my area two weeks ago to begin recovery and demolition works. But that was not the beginning. It was only the start of that particular program, which we want to roll out everywhere. Work had already started elsewhere. The State Government was already funding and helping the council and others do the work. It is important to understand that. Work was already happening up north. The other point I make is that the community stepped in straightaway. On that night volunteers went to the evacuation centres—whether at Club Taree, Club Old Bar, Tuncurry Bowling Club, Taree showground or Wingham showground—to help the victims. The next day people were coming with bedding and other necessary items, such as food and water. You have to appreciate how great our communities are when you see people coming together like that. It was unbelievable.

What would our communities be without the service clubs—the Country Women's Associations and the Rotary, Lions and Quota clubs? If I miss one they will get upset that I did not mention them, but they were there straightaway. Within days, the council made available the old Masters building, which was filling up with water and food and everything else that the clubs and other volunteers were getting out to the community. People who were not members of service clubs were volunteering. As the member for Wagga Wagga said, this cannot be forgotten. We in the north sometimes feel that the caravan has moved south, but that is not right. We are doing things right across the board. I commend the motion and fully support it.

Mr GREG PIPER (Lake Macquarie) (17:19:01): I am very pleased to participate in this public interest debate. In this day and age there are probably very few things that pique public interest as much as the threat of fire and the impact of the fires that have occurred in the past few months. I acknowledge the member for Myall Lakes. He talked about the wonderful communities we have—and we do. We have incredible communities. The spirit of those communities, both those affected directly by fire and others throughout New South Wales and perhaps Australia, who wanted to find some way to help must be acknowledged. While they may not want me to

do it, I acknowledge all the members from fire-affected areas, whether it be Myall Lakes, Bega, the Blue Mountains or Port Macquarie. I say to each and every one of those members, and obviously to my friend the member for Wagga Wagga: You have done a great job in representing your local community. It is so important that the voices of the people are heard in this place.

I refer specifically to the motion of the member for Wagga Wagga and to his electorate. He referred to the Snowy Valleys and Wagga Wagga City Council areas, but the place I know quite well is Adelong. My family comes from Adelong and Tumbarumba. One night I was communicating with my cousin in Adelong via social media as he watched the mapping of the fire bearing down on the town of Adelong. He might have been all right but he was scared for his town. Later mapping was just ridiculous—there were straight lines where I think the *Marie Bashir* tanker came through and laid down fire retardant in a big V-shape that saved Adelong. What occurred was amazing and the heroes out there who saved those communities were absolutely brilliant.

We have talked about recognising the factors that led to the fires, in particular climate change. We cannot have these discussions without acknowledging it. It beggars belief that there are still arguments, not so much in this House but outside, about climate change. People still want to argue the case but the evidence is overwhelming. I have lived my life largely dependent on science and I have so much respect for Australia's Chief Scientist, the New South Wales chief scientist, the scientists at the Bureau of Meteorology, the CSIRO, our learning institutions and our universities, and international experts from NASA and the United Nations. Let us move on and say that climate change is a factor and we must address it, not for us—not for any of us here because we will probably be all right—but for generations to come. We have an obligation in this area, and we also have an obligation to deal with the issue here and now.

Our communities are looking for recovery and for safety in the future. That is what we need to be talking about. But we do not do one or the other; we do both. I know that we must commence the recovery process immediately. The member for Bega has articulated so well the impact on his people. It is not about possessions; people have lost their communities. It is not the fact that they have lost their house; they have lost their communities, their schools, their shops, their meeting places and their neighbours' houses. We have to do whatever we can to help. I know there is a huge burden on the Environment Protection Authority and other agencies that are on the ground trying to get the recovery started, but we must not let up.

We must also make sure that our firefighters, our volunteers and NSW Fire and Rescue—excellent professionals—have the right equipment. The Rural Fire Service and emergency services volunteers did a fantastic job but I think there is probably some disparity in the level of equipment they have throughout New South Wales. We must address all those sorts of issues. I truly believe what we are talking about here. I know work is happening, but perhaps we have to accelerate it to ensure those communities who are doing it so tough do not feel forgotten. That has been well articulated by those members who represent fire-affected communities. I thank them and call on the Government to keep doing what it is doing, but perhaps accelerate the pace.

Ms TRISH DOYLE (Blue Mountains) (17:24:15): I thank the member for Wagga Wagga for bringing this important motion to the House. Those people we hailed as heroes for months while our State burned are not made of steel, and after the fires were put out they did not go home, have a big meal, a sleep and wake up okay. They suffered financially, emotionally and physically for days on end to protect lives and homes. We must ensure that they, alongside the burnt communities across New South Wales, across the Snowy valleys and Wagga City Council areas, also recover.

Just a few weeks ago I met with some of the emergency services personnel who battled blazes in those areas. I travelled through and to Tumut, Wagga, Adelong, Batlow, Tumbarumba and Maragle, as well as visiting my old stomping ground and family farming land near Kyeamba and Humula. I met people who were tough and resilient, people who gave everything they had to their communities. But they were also people the Government thought it had dealt with through the offering of a bit of financial compensation—tick a box type stuff—but it is not enough. These people tell me that the compensation scheme that the Government set up is difficult to access, it is clunky. Most emergency service personnel either are not eligible or do not have the energy or time to jump through the hoops. It is a cheap and easy way for the Government to be able to say that it is supporting firefighters in this recovery period.

It is not about actual recovery, it is about having something to point to when it gets asked what it is doing to help firefighters recover. A serious approach to recovery would have seen the establishment of a trauma-informed counselling package that has the capacity to deal with the horrors and fatigue that has been endured, particularly for our emergency services personnel, their families and communities. I understand that a proposal to do just that was put to the Government, but has received no response. I wrote to a couple of Ministers requesting they fund it, but have received no response. Failure on that front will have awful consequences and I urge the Government to look at trauma-informed counselling for emergency services personnel.

The next bushfire season, much like the recent one, will probably start early in many parts of New South Wales. This means that Fire and Rescue NSW, the RFS, the SES, NSW National Parks and Wildlife Service and forestry firefighting teams in the Riverina and across all of New South Wales, will need to be ready to go again in just a few months' time. Many volunteer firefighters will barely have recouped the leave they lost over recent months, let alone be able to step into another three-, four- or five-month statewide firefighting campaign. Many paid, professional firefighters have barely taken a breath. As we know, our National Parks and Wildlife teams are too few. We need more fireys and they need reliable, efficient equipment—trucks that will not melt to the ground, adequate respirators, replacement appliances, hoses and uniforms, to name just a few. Recovery must include preparedness.

I have spoken with hundreds of fireys and other emergency service personnel. I have watched and heard grown men sob. I thank those brave and broken souls for their courage in speaking the truth after this prolonged and catastrophic disaster. A lot of these people out in the country are not my people; they vote for members opposite. They tell me that those on the front line have been stripped of their autonomy in decision-making; that it is a case of the dead hand of bureaucracy. All fireys will tell you of the "hurry up and wait" mantra in terms of management of fire response. There is much for us to address. This closing-in of fire seasons, this shortening of winters and lengthening of summers, the dryness, the heat, are consequences of climate change and they are all leading to catastrophic fire conditions and unpredictable fire behaviour, consequently deeming our firefighting capabilities to be under-resourced and unsustainable.

As stated by Greg Mullins and the Emergency Leaders for Climate Action, whom our conservative governments have ignored, the best thing our national government and our States and Territories can do is to look hard at the hundreds of unfunded recommendations from previous bushfire inquiries and set about listening to the people who are on the front line: reduce emissions and cease the burning of fossil fuels. Continuing to burn coal, oil and gas is sending us down a pathway to an even hotter, drier Australia where conditions will get worse. We must drive change in fire management and suppression practices. To continue to ask our firefighters to stand on the front line summer after summer, while doing absolutely nothing to tackle climate change as the root cause of this extreme weather, is shameful.

Mr ALEX GREENWICH (Sydney) (17:29:27): I support the member for Wagga Wagga's motion today. I start by expressing both my constituents and my condolences for those who have lost their lives and for those communities that have been so seriously impacted. In the inner-city areas we only know from hearing from friends or listening to relatives what that devastation has been like in communities across New South Wales during this bushfire season. The member for Wagga Wagga many times has shared that experience in this Chamber and with me and I am grateful for his advocacy for his community and for sharing with me what that experience was like. We have really seen throughout this tragic bushfire season the love that members, including those who have spoken before me, have for their electorates and their closeness to their people, wanting to do everything they can to support them in every way possible.

My constituents and I stand with you all to support them in any way we can. Every community group I can think of in the Sydney electorate has run fundraisers to support efforts, done things for WIRES, knitting possum homes, through to a variety of dinners and other relief efforts. We are here to support in any other way that we can in the future. Like every member here, my office has received correspondence from people concerned about a number of impacts, including air quality, the loss of flora and fauna, the loss of biodiversity, and the impacts on agriculture, tourism and regional communities. The letters, emails and calls I have received have been underpinned by a fear that we need to do more to address climate change, but also that we need to do everything we can to support the recovery efforts that are underway and that will need to continue.

We all hope that we do not see fires of such intensity again, but we cannot guarantee that that will happen. We all need to do more and continue to be more prepared. The member for Wagga Wagga, particularly for his community, has laid out a clear and appropriate plan which is based on consultation with his constituents. He would like to see a comprehensive and timely clean-up occur. He would like to see the support for the health and wellbeing of residents impacted in the long term. He wants to address the short-, medium- and long-term economic impacts and he wants to seek to prepare communities for the increasing intensity of bushfires forecast in the future.

This motion is based on his consultation with and his listening to his community about their needs now and into the future. It is an entirely appropriate use of this Parliament's time to reinforce and support that. On behalf of my constituents, I am here to do that. It is important, following what the member for Lake Macquarie said, that with this motion we put to rest the debate about the impact of climate change. The motion expressly recognises that impact. We need to do everything that we can to see a reduction in emissions and to curb global warming so we do not see these hot and dangerous temperatures. We can do that at the same time as we are leading recovery efforts and supporting those communities who desperately need that support.

I thank the member for Wagga Wagga for bringing this motion. I thank him and all the other members for their dedication to their communities. I again offer on behalf of the constituents of Sydney our help and support in any way whatsoever that is needed.

Dr JOE MCGIRR (Wagga Wagga) (17:33:54): In reply: I acknowledge all those who have spoken in this debate: the member for Bega, the member for Swansea, the member for Myall Lakes, the member for Lake Macquarie, the member for Blue Mountains and the member for Sydney. I also acknowledge in the Chamber the member for Prospect, who fought the fires in my electorate, and I thank him for that. I particularly acknowledge the contribution of the member for Bega. Like many, I have watched in awe his leadership in his electorate in the past terrible months and I very much appreciate the comments he has made. I want to pick up on some of those comments because I think they are really valuable.

The member for Bega made the point that we want to avoid a disaster on a disaster. I guess that is really what drove me to bring this motion as a public interest debate, because as things move on I believe that the people left behind are at great risk of anger and of depression and that if we do not support them things will not go well for them and we will have a worse disaster. Last week in my community there was a suicide. I know that the people in that community think that suicide was due to the fires and they think there will be more. I am sure that is the case throughout New South Wales. So we must support the people of this State in the months and years ahead to avoid that disaster on disaster.

The member for Bega also commented on the fact that recovery needs to be locally driven. My observation is that from the top down things were not too bad, but what was missing in some of our communities was bottom-up coordination. I think next time—and there will be a next time; it might be flood, it might be fire, but we will continue to have disasters—we should consider urgently moving in at a local level as well as having a top-down response. For example, it took a couple of weeks for services to arrive in Batlow after people went back there, and I am sure that was probably the case throughout the State.

The member for Bega also stated that a good recovery is an honest recovery, and I believe that is important. Two things go with that: first, the honesty may be tough for people and they will need support, but, secondly, I think people want to learn from what happened. A very important reason for bringing on this debate was that I do not think we should accept that level of destruction as somehow okay; we need to act to make sure that it does not happen again. It is climate change, but it is a range of other actions. I have outlined some of those and others will be raised in the inquiry. As long as we tackle that, our communities will maintain faith in us, but we must demonstrate honesty in going forward in that area. I commend the motion.

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

Motion agreed to.

Private Members' Statements

INNER WEST FERRY SERVICES

Mr JOHN SIDOTI (Drummoyne—Minister for Sport, Multiculturalism, Seniors and Veterans) (17:37:47): I highlight in the Parliament an important issue causing much angst in my community. Late last year, Transdev, the private operator of the F3 Parramatta River ferry service, began a community consultation period to propose significant changes to the current timetable. Today I condemn the outrageous proposal that Transdev has concocted. The proposed changes are disgraceful in that they greatly inconvenience the people of my electorate and provide very little benefit, if any. I am deeply infuriated that the proposal is seeking to eliminate all direct F3 ferry services to Circular Quay.

The introduction of an interchange at Balmain East Wharf is dumb and impractical and it is ludicrous to propose that every service will terminate at Barangaroo. The draft changes propose that all F3 Parramatta River services will cease operating at Barangaroo. Throughout the correspondence that I have been sent from constituents a common theme has emerged that they find access to other transport services easier at Circular Quay. Furthermore, all ferry customers wishing to travel to Circular Quay or even to Milsons Point and McMahons Point will need to disembark at Balmain East and wait for another ferry to travel from Balmain East to Circular Quay. My constituents are questioning the necessity of such a change when this will add a significant amount of time to the journey.

Commuters are generally seeking efficient and convenient modes of transport, which encourage public transport use. Balmain East Wharf does not have the capacity to hold the large number of commuters that will disembark in the morning and afternoon weekday peaks. It is of the same design and scale as similar wharves along the river and, therefore, not adequately designed to hold the number of commuters who will need to transfer ferries each journey, each day. The propaganda developed by Transdev and Transport for NSW advises that the

wait for the new ferry at Balmain East will be approximately four minutes. There are no absolute guarantees or real concrete information about how Transdev will be able to meet this target.

I find Transdev's lack of a transparent consultation process to be unacceptable, in light of the consultation period being introduced during the Christmas season. And that is not even where it ends. As a constituent, in order to submit feedback about the proposed changes, one needed to head to Transdev's website and follow a convoluted and complex process to register. It was difficult and, for many, just too hard. There was no contact number or postal address for elderly residents and those without a computer or email address to submit their feedback. The lack of transparency and accessibility of the community consultation is very concerning and I hope that Transdev receives scrutiny from the Government in light of its appalling conduct. In addition, the website was lacking concrete information and had no tangible information or response to the questions posed by the community.

I remind the House that in 2011 my first question in the Parliament was to ask about local ferry services. I am still incredibly passionate about this matter and so are my constituents. A community petition started by the Friends of Cabarita was published online less than a month ago with over 1,800 signatures opposing the ludicrous changes. I think Transdev thought they would fly under the radar with this proposal, and that is just simply not the case. The gravity of these changes and the sentiment of my community should be very clear to Transdev. We will not accept this. Abandon this outrageous proposal.

I am working alongside Minister Roberts and Minister Dominello to squash this proposal. I am even working with Canada Bay Council. I have proven many times that I will always place the needs of the community I represent over politics. In this instance I will work with my colleagues to make a strong case to government to ensure that this proposal will not be approved. It is no secret that the Labor Opposition will seek to argue the point about the franchising of the ferry service. In response, I say that this is not an opportunity to play political football or to politicise the issue. Prior to 2011 the ferry services were atrocious. Labor cancelled the ferry service at Birkenhead Point wharf, ferry wharf infrastructure was depleted and inaccessible for a majority of commuters, and the timetable was an absolute mess.

I will continue to represent my community to ensure the best outcome for my constituents. I remain committed to ensuring this abhorrent proposal by Transdev is squashed. I commend the Friends of Cabarita and the community for their honesty, and I thank Minister Roberts and Minister Dominello for their support. This proposal has no merit for my electorate, and the bureaucrats who have devised it should be seriously scrutinised for their lack of understanding about the Parramatta River ferry service. I call upon Transdev to abort this ridiculous proposal and I ask the transport Minister to step in immediately. He has been a great advocate for public transport in my electorate and I would not want this issue to ruin that.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (17:43:00): I thank the member for Drummoyne. I say to his community that his advocacy on this has been incredible. The member for Drummoyne knows that I have been away for the past couple of months, but I know that to be able to meet with him and to get his understanding and for him to have taken this step tonight in such a heartfelt and important way is critical for his community. I can indicate to him and to the community that I will have more to say on this in future. I have taken on board everything he has said privately and publicly. I particularly acknowledge his community and the Friends of Cabarita, local communities who are not playing politics but are coming forward so that their voices are heard. I commend the member for Drummoyne for being the advocate that he is.

BULLI HOSPITAL

Mr RYAN PARK (Keira) (17:44:05): I speak tonight on an issue I have spoken about many times in this place, Bulli Hospital. From when I was announced as a candidate for the electorate of Keira way back in 2010, I made it clear that I thought this hospital had been neglected by governments of all political persuasions. I was committed to fighting alongside my community for the redevelopment and expansion of what I thought had become a neglected hospital and health facility.

The hospital has a proud history in the northern suburbs of the Illawarra. It was built by the community for the community. In many cases the money to build the hospital came from the miners and their families. The community of Keira that I represent and the community my colleague the member for Wollongong represents are proud coalmining communities. Those community members fought very hard and sacrificed an enormous amount in both effort and resources to make the hospital a reality. It was officially opened as the Bulli Cottage Hospital in May 1893 with only seven beds—five for males and two for females. In 1908 additional wards were opened. In 1916 the hospital purchased a horse-drawn ambulance. In 1922 it was renamed Bulli District Memorial Hospital.

In 2011 and 2012 we as a community were very concerned that there would no longer be a hospital in Bulli. The community fight and campaign to maintain that hospital was critical as our population increases greatly

in the summer months. In 2012, with more than 12,000 signatures on a petition, the issue was debated in this place. It was the first petition from the Illawarra to be debated in the House under the new arrangements, something I was very proud of. It was something that the community felt strongly about. I was very pleased that we were able to secure funds for the rebuild of this hospital on which work was supposed to be finished last year, so it is late. The community is waiting on it being formally opened. I thank the health Minister for agreeing to my push to keep the Bulli hospital name and for also agreeing to ensure that the proud history of the hospital is memorialised in the new building. I also thank local community members, local members of the Australian Labor Party and local community groups for their lobbying support over many years.

I cannot stress enough how important it is for the Government to ensure that the urgent care centre—not an emergency department—is properly resourced and staffed and people are informed of what it can and cannot do. The Government should be doing all it can to ensure the staffing levels are in place to ensure it remains open. Historically, when there has been a shortage at Wollongong the first facility to close is Bulli Hospital. The Government needs to ensure there are sufficient staff in the local health district for both to be properly staffed. I am concerned at the Government's immediate insistence to sell off the old site. I strongly urge the Government to hold off and wait and see how the new hospital goes. I am not convinced that there is sufficient parking, and the old site could easily be used for additional parking. I say to the Minister and the Government there is an opportunity to hold off selling this asset until we know how the new hospital works, we know the needs of the local community and how the hospital interacts with an already congested part of the northern suburbs.

I say to the Minister and the Government something I have said many times publicly and in direct correspondence: If any sale is to take place on this old site then the funds must be reinvested in health locally, back into the district the member for Shellharbour, the member for Wollongong, the member for Heathcote, the member for Kiama and I represent. It is a district that is under enormous pressure. Its emergency departments are under enormous pressure. Its mental health wards are under enormous pressure. Its waiting list for elective surgery is at record levels. Given that the only reason the Government has this facility to sell in the first place is thanks to the money of local families from many years ago, please make sure the money is reinvested in the community. It is a community that needs and deserves it. This hospital is unique. There are not many of these hospitals left in New South Wales. It is a hospital built by the coalmining community, by working men and women; it is important that they get the benefits going forward.

STRONGER COUNTRY COMMUNITIES FUND

Mr GEOFF PROVEST (Tweed) (17:49:20): I congratulate the successful recipients of round three of the Stronger Country Communities Fund. I applaud the Deputy Premier, John Barilaro, for establishing the fund, which has seen a significant amount of money go to regional parts of New South Wales, delivering much sought-after infrastructure. I congratulate Cabarita Beach Surf Life Saving Club and Pottsville Beach Neighbourhood Centre working in conjunction with Cabarita Youth Services. To date, rounds one and two of the program have funded more than 1,000 projects across New South Wales. Locals across the Tweed are seeing the benefits of rounds one and two of the fund with projects making a big difference to everyday life, from new playgrounds loved by the children to lights illuminating our pathways and sports fields.

In the latest round Pottsville Beach Neighbourhood Centre will receive a share of \$650,444 for its much-needed Tweed Coast Youthplanted program. On the coast there are a large number of youths who require guidance and support. It is away from the main town of Tweed Heads. Pottsville Beach Neighbourhood Centre's program is designed to provide diverse, inclusive and productive opportunities for Tweed coast youth aged 12 to 24 years to improve their interpersonal, wellbeing, academic and employment outcomes. It was co-designed with young people and the Cabarita Youth Services. Within a mentoring and team support model, the program will provide positive activities focused on youth development over a period of three years.

Principal elements of the program include: Lasting relationships and resilience building, motivational guidance, goals coaching and mental health support, employment skill building and on-the-job training, competency-based learning modules, peer social groups, wellbeing, information technology education and support, practical skills needed to thrive in life and assisted referral and access to services. I have spent time with them on the streets. It is depressing to see young people around 14, 15 or 16 years old coming out in the rain to go to an event. They informed me that they are not welcome at home and without these types of services they would just get alcohol and drink in the street. It is touching and a very good cause.

The Cabarita Beach Surf Life Saving Club is set to receive \$329,535 to allow it to complete alterations and additions to the existing structure. There is a new observation deck, training rooms, gyms, an additional stage, storage areas, a new awning, an emergency control room and a flat roof covering it all. The ridgeline on the first floor will be adjusted to the western elevation with new solar panels and new signage. It is a tremendous surf lifesaving club at Cabba, as locals call it. It does a great job with our local people and is always involved in different programs. It also played a significant role during bushfires many years ago.

Finally, the Kinship Festival is due to be held in Murwillumbah in May. I was delighted to catch up with Lara Bennett and the committee, which is made up of a number of Elders and Aunties, to deliver a \$5,000 cheque to assist in the delivery of the 2020 festival. The festival is designed to connect, to share and to immerse everyone in the wisdom of health, family, strong values and spirited community culture. Everyone is invited to attend to watch dance troupes from the Bundjalung nation, sample some of the local bush tucker and see Indigenous arts and crafts. I am excited about these projects. The Kinship Festival attracts Indigenous people from as far south as Grafton and Byron Bay, all the way up to the Tweed. They do a fabulous job in creating wellbeing and supporting the wider Indigenous community. The Indigenous community is strong in the Tweed. Lara Bennett got married recently and is expecting a child. She is a great driver behind these endeavours. I wish the Elders well in their future endeavours. Goulburn electorate AUSTRALIA DAY awards

Mrs WENDY TUCKERMAN (Goulburn) (17:54:42): On Australia Day 2020 in my electorate we celebrated all things we love about Australia, the land of a fair go, where lifestyle, democracy and freedom are enjoyed by all. As Parliament is already well aware, these past months have reinforced to us that true camaraderie still exists, mateship is alive and well, and our community spirit is second to none. I am so proud of and have so much admiration for our firefighters, both paid and unpaid, our first responders as well as all members of our local communities who have given their time, energy and valuable resources over the past few months, with many continuing to do so.

The best part of Australia Day for me as the local member is the opportunity to partake in award ceremonies for our Local Government Citizens of the Year. These people are generally the warmest, most giving and kind-hearted people I have the pleasure of meeting in my role. In Yass Valley, the Citizen of the Year was Mr John Hedges. John was awarded this honour as a result of his tireless efforts in multiple community and volunteer organisations including Driver Reviver, the State Emergency Service, the NSW Rural Fire Service and Yass Apex Homes. John has been an active member of the Manton Rural Fire Brigade for over 50 years and he has over 25 years' experience with the State Emergency Service, including providing assistance in major emergencies such as the Thredbo landslide, missing person searches, storm clean-ups and flood rescues. By all accounts, Mr Hedges is a hardworking and very community-minded man.

In Goulburn, the Citizen of the Year is Daniel Strickland. Mr Strickland has worked for Mission Australia since 2002 and is currently the Area Manager for South Eastern New South Wales. His passion for helping others in not only his work operations but also his day-to-day personal life is admirable. I have spoken in this House about Mr Strickland previously, as I recently had the pleasure of presenting him with a New South Wales Government award for recognition of his contribution to community service in the Goulburn region. Well done, Dan.

In Boorowa, the Citizen of the Year is Mr Patrick Whale, another very worthy citizen of an Australia Day Award. Patrick is heavily involved with local charity organisations and is actively involved with the Frogmore Hall Committee, the Bush Fire Brigade, the Boorowa Musical and Dramatic Society and the Men's Den. Mr Whale is also known to volunteer his time as part of the local Driver Reviver program. Despite this lengthy resume, Mr Whale is also known to be a reliable and capable gardener and handyman within the Boorowa district. I commend Patrick for his efforts and contribution to the Boorowa community—it is truly valued.

The Upper Lachlan Shire Citizen of the Year is Krsytaal Hinds, recognised for her outstanding contribution to the NSW Rural Fire Service. She has been Captain of Gunning and Fish River Rural Fire Service for six years. Notably, Ms Hinds has increased female membership in her brigade by 30 per cent and is also a finalist for NSW Regional Woman of the Year. The Upper Lachlan also named the following recipients for their efforts in their local villages across the shire: Dorothy Brennan as the Citizen of the Year for Crookwell, due to her lifetime of service with the Country Women's Association Crookwell Evening Branch, Binda Progress Association the Binda Anglican Parish and Crooked Corner Landcare; Cassandra Sava, from Gunning, for her establishment of Dalton District Archers; and Judith Chalker, for her contribution to the Taralga community including works for Sunset Lodge, the Taralga Golf Club and her involvements with the Red Cross.

Finally, the Wingecarribee Shire Council Citizen of the Year is Mr Sidney Jeffrey, for his unrelenting commitment to community and volunteerism. Mr Jeffrey moved to the shire 18 years ago. He is a long-serving member of the Rural Fire Service and the Hill Top Community Centre's 355 Management Committee. I take this opportunity to applaud the efforts of each of the award winners throughout the Goulburn electorate for their concerted efforts to the communities in which they live. Not just to those who won awards, but to all those in our communities who devote so much time and resources to the amazing region in which we live. I thank you.

The ASSISTANT SPEAKER (17:59:08): I also acknowledge Daniel Strickland for receiving one of those awards. He went to my school, Marist Brothers at Peshurst, and was my debating coach.

REGIONAL SENIORS TRAVEL CARD

Ms YASMIN CATLEY (Swansea) (17:59:29): I bring to the attention of the House the disastrous rollout of the Regional Seniors Travel Card and the negative effect it has had on the people in the electorate of Swansea. Since the rollout of this card my office has been inundated with seniors who have been frustrated by the application process or furious that they have been omitted from the scheme. A significant number of seniors have expressed their frustration over the application process as they are unable to apply via the Service NSW website, and as a result have faced call wait times of over two hours. This is simply unacceptable.

When announcing the card the Deputy Premier stated that, "Unless you are a regional MP, you probably don't realise the impediments we have, especially when it comes to the tyranny of distance". Perhaps the Deputy Premier should have voiced those concerns about the challenges regional seniors face to the Minister for Regional Transport and Roads before the rollout of the scheme. One of the impediments regional seniors face is not just a lack of internet access, but the fact that many regional seniors cannot attend a Service NSW centre as a result of the Government's shocking mismanagement of regional transport services, which is certainly the case for the electorate of Swansea where many have restricted licences and Service NSW is outside of the restricted licence zone. This is something that many experience, unfortunately.

One of the major issues continuously raised with my office by constituents was the fact veterans and war widows were excluded from the scheme. The community was disgusted by the Government's decision to exclude veterans from this scheme. I had numerous veterans and their families reach out to my office to express their extreme disappointment at being left behind by the Berejiklian Government. One veteran who is 82 years old and had done two tours of Vietnam was denied a Regional Seniors Travel Card. He found it disgusting. How can the Minister possibly make any case for veterans like this to have been excluded from the scheme? The expansion of the Regional Seniors Travel Card to include veterans and war widows is a major victory for the community, and shows the ability of the community to hold bad governments to account. I encourage all veterans and war widows who have been let down by this Government to reapply for the scheme.

It is important to note that this is not the first time the Berejiklian Government has excluded Department of Veterans' Affairs [DVA] cardholders. Last year DVA cardholders were barred from voting in the My Community Project. While it is a positive step to include veterans and war widows, the Government has failed to expand the program to include some of the most vulnerable seniors in our regional communities. The Government must extend the Regional Seniors Travel Card to include those receiving the disability pension or a carer's payment. These seniors deserve support and should not be simply forgotten by the Government. Many seniors living with a disability face significant barriers to getting around. The \$250 Regional Senior Travel Card could provide much-needed support for these seniors.

I note that the Minister for Regional Transport and Roads, in rejecting the expansion of this scheme to include those on a disability pension or carer's payment, stated that the Government was committed to, "Ensuring the range of existing transport subsidies and support measures we currently have in place, such as the taxi transport subsidy scheme, are servicing the needs of people living in regional areas". I was pleased that the Minister raised the taxi transport subsidy scheme because it is an important scheme, but one, I am sad to say, that seems to be lacking sufficient government support. For instance, last year I asked the Minister for Transport and Roads, "How many interest-free loans have been approved for wheelchair accessible taxi vehicles in Newcastle and Lake Macquarie from the Wheelchair Accessible Taxi interest free loan scheme?" The reply was just four since 2016. I was flabbergasted.

In fact, it is just not my electorate that is not seeing the benefit of this scheme: Just 39 loans have been approved in New South Wales since 2016, despite the Government receiving 88 applications in 2019 alone. The lack of accessible taxis and the challenge of simply getting a taxi for many disabled seniors in the electorate of Swansea really reinforces the tyranny of distance—the very problem that Regional Seniors Travel Card was supposedly established to tackle. I call upon the Government to expand the Wheelchair Accessible Taxi Interest Free Loan Scheme to include those on a disability pension or carer's payment, and prove this program was set up to legitimately support regional seniors and not just as a desperate attempt to save a few electorates held by The Nationals.

TIMBER INDUSTRY

Mr CHRISTOPHER GULAPTIS (Clarence) (18:04:23): I speak in support of the timber industry, and of its importance to my electorate of Clarence and the whole of New South Wales. A number of timber mills are located in my electorate. They produce a range of building materials that are essential to the State—materials that we cannot do without, such as hardwood flooring, doors, external timber cladding, pine framing, landscaping and fencing, decking, laminated beams strong enough to use in timber bridge construction, plywood, formwork, power poles, sleepers, pallets and a range of timber products required by the public.

The mills employ hundreds of skilled workers and supports many hundreds of others such as logging contractors, haulage contractors and the hundreds of workers whose services keep the mills operating. It is one of the foundation industries in my electorate. It still plays a vital role in employment and boosts the local economy. The timber industry is fundamental to many rural communities. Timber has been the building material of choice for thousands of years because it is durable, flexible, long lasting and sustainable. It gives a beautiful finish wherever it is used, whether in construction, flooring, furniture, landscaping or any other built environment. Unfortunately, today it is a much denigrated industry—a far cry from the status it had when the North Coast was first settled by the cedar-getters.

Those hardworking early pioneers were revered. They can be seen in photos standing next to huge logs, with log carts hauled by bullock teams, or holding cross saws. Those pioneer loggers were admired then and they are still admired when their photos are displayed in public buildings. However, for some reason the current generation of loggers and millers are looked on with disdain. People who have little understanding of the industry—and the protocols the industry observes to protect the very environment it relies on—view them as environment destroyers and koala killers. They are not trusted to look after the environment. However, they must have done a good job because the forests they logged were declared national parks due to their wonderful biodiversity. It stands to reason that loggers and millers would protect the source of their primary resource. They would log the forests in compartments and revisit each compartment 20 years later after the timber had regrown. After all, timber is a sustainable resource.

They avoided ecologically sensitive areas and, in particular, koala habitat and koala feed trees. They provided fire trails within the forests and, together with grazing and hazard-reduction burns, the forests have been managed well enough to be included in our national park estate. It is a great story of land management that has been hijacked by political ideology for no sound reason. Logging happens all over the world. Despite having more prescriptive practices imposed on it than anywhere else, the New South Wales timber industry is still maligned by a very vocal sector. The industry is under significant threat from bushfires, which have burnt much of its resource. There is a desperate need for loggers to get into the burnt forests to salvage the black timber before it is rendered useless for milling. This will keep the mills operating and workers in jobs, and ensure the availability of building materials to rebuild houses destroyed by the fires.

The industry understands the sensitivity of working in burnt forests and the potential for machinery to cause erosion in areas with no ground cover. Loggers have done this work after the many forest fires of the past. They know which compartments can be logged sensitively—those that have some ground cover, are not too steep, and where the machine activity will help seed to germinate and the forest to regenerate. It is not rocket science. They have done it before. Government agencies and the vocal minority that stand in the way of the industry's recovery from the bushfires should have faith in the industry—an industry that has looked after the forests for 200 years and provided invaluable building materials since the country was settled. We must give the industry a chance to survive, support workers and help sustain regional communities.

SUPERINTENDENT KAREN HODGES

Ms ROBYN PRESTON (Hawkesbury) (18:09:28): I pay tribute to NSW Rural Fire Service Superintendent Karen Hodges for her leadership, for her response to the massive Gospers Mountain bushfire and for her continued service over the past 31 years to the Rural Fire Service and our community. Karen is our unsung hero. She coordinated the fight against what was the world's largest forest fire from a single ignition point. The fire raged for 79 days, tearing through bushland, destroying homes and killing wildlife. I saw her on an almost daily basis and was in awe at her dedication and ability to lead her team without wavering in commitment.

The devastating and out-of-control bushfire started on 29 October 2019 as a small fire from a lightning strike in rugged bushland. Due to extreme weather conditions it grew and tore through the Hawkesbury, Hunter Valley, Cudgegong, Blue Mountains and Central Coast local government areas. The Gospers Mountain bushfire burnt through one million hectares. At its height it required 2,500 to 3,000 firefighters across the ground. The complexity and rugged terrain of the fire was also an issue. Karen took over control of the fire on 11 November 2019 when the bushfire was declared a section 44 fire, giving it national disaster status.

In addition to coordinating her team, Karen's role involved providing constant, in-depth intelligence briefings to Premier Gladys Berejiklian, Minister for Police and Emergency Services David Elliott, Federal water resources Minister David Littleproud, Governor of New South Wales Margaret Beazley, officials from the Rural Fire Service, and other parliamentarians, officials and organisations. One can imagine the pressure Karen would have been under with the eyes of the world watching how she tackled this unprecedented fire and the dire threat it posed to life, property and wildlife. Thankfully, Karen performed her duties diligently, confidently and competently under the immense pressure of those unprecedented circumstances. We are all better off for her service.

To understand the complexity of Karen's task, it is important to consider how many different organisations, agencies and bodies were involved in fighting this fire. Firefighters from New Zealand, the United States of America and Canada assisted in the fight. Personnel from Fire and Rescue NSW, the NSW National Parks and Wildlife Service and the Forestry Corporation of NSW also assisted. New South Wales police officers, paramedics and State Emergency Service personnel were on duty to deal with traffic control, medical needs and a wide variety of other issues. I extend to them my gratitude for a job well done and for putting their lives on the line to protect our lives, property, businesses and wildlife.

The Gospers Mountain fire was brought under control on 12 January 2020. Most importantly, no lives were lost. We hope that such a disaster is never repeated. However, it is a blessing to have people as distinguished as Karen and the troops behind her. We lost 24 homes in the Hawkesbury bushfire. Karen credits her team, the volunteers and agencies for coming together and shining during this time, and rightfully so. I commend Karen Hodges and wish her all the best.

Mr MARK TAYLOR (Seven Hills) (18:13:11): I commend the member for Hawkesbury for her private member's statement. She has comprehensively outlined the devastation caused by the Gospers Mountain fire and highlighted the great work done by the RFS and the other volunteers. Quite rightly the member identified Karen Hodge's great work. However, she has understated her role as the local member during those disastrous times in her electorate. The member for Hawkesbury was constantly in contact and on the ground in her community. She played a critical role, not only in assisting and providing services to those in need during the disaster, but also in helping her community recover from this most unfortunate event.

TEA GARDENS POLICE STATION

Ms KATE WASHINGTON (Port Stephens) (18:14:08): On 1 June 2018 Premier Gladys Berejiklian visited Tea Gardens in my electorate of Port Stephens. Six months earlier hundreds of residents had rallied in front of Tea Gardens Police Station calling on the Government to commit to keeping the police station open. So the Premier requested a big crowd to greet her and the community obliged. She received a very warm welcome and an even warmer reception when she stood in front of the community and promised a one million dollar upgrade to the police station. The Premier said:

Well-equipped, modern police stations are fundamental to effective policing, and this upgrade will enhance the capability of local police to keep the Tea Gardens community safe.

Two months before the State election then police Minister Troy Grant visited Tea Gardens. Confirming the Government's commitment to the one million dollar upgrade, he said:

We're looking at options at how to incorporate the heritage aspects of the building with the needs of the modern station ... it's important we get it right.

When this funding commitment was made by the Government, I welcomed it. So I was genuinely surprised when the Government released its next budget and only \$117,000 was in that budget. In usual fashion, enter stage right the Hon. Catherine Cusack, the Government's "endearing" Hunter spokesperson despite living 570 kilometres away in Lennox Head. Apparently that distance is a much easier challenge to overcome for the Government than it is to let Michael Johnsen, MP, its only MP from the entire Hunter region, speak for the voters. The Hon. Catherine Cusack went to the papers, telling them I was muddled up and misleading the community. She assured us that the remaining \$883,000 would be spent in 2019. She said the initial \$117,000 was for planning and design only, and the rest of the \$1 million would go towards construction.

We have now seen the extent of the Tea Gardens Police Station upgrade. After all that bluff and bluster from the Hon. Catherine Cusack from Lennox Head, we have seen the upgrade that cost \$117,000 to design and \$883,000 to build. And it is a disgrace, not only to my community—who have been lied to—but also to the local police who were promised a lot more than they got. This is a picture of what we were promised and this is picture of what the Government delivered. The Premier begged people to show up for her announcement in an election year. She promised a significant upgrade. Her Government defended the delay last year and attacked me for supposedly not knowing how to read a budget paper.

If this demountable building—half the size of a shipping container, weirdly clad in timber and plonked next to a heritage building—cost \$117,000 to design, our State is in serious trouble. If it then cost \$883,000 to construct, someone should be going to jail. It is seriously wrong and it shows that, once again, this Government makes promises that it has no intention of keeping. It shows that our local police were used for a political stunt and it shows that residents in Tea Gardens and Hawks Nest were used for a political stunt. It cannot be that \$1 million has been spent on this wood-clad windowless cubby house—or as one resident described it, a Swedish sauna.

To make matters worse, only two days ago I was sent pictures of the new Karuah Police Station. Karuah, which is 20 kilometres west of Tea Gardens, was also promised \$1 million under the Regional Small Police Station Program, and what has been built there is also unbelievable. It is devastating, and I am devastated for the local police officers. The entire Karuah Police Station is now just a Swedish sauna box with no windows, no light and no air. That is it. I thought the Tea Gardens upgrade was bad—and it is. But the Karuah station upgrade is appalling and the Police Association of NSW agrees with me. These windowless, soulless buildings are not fit for purpose. They were not consulted.

These are not appropriate workplaces and they are certainly not worth \$1 million. These are not police stations; these are a humiliation. They are a sign of incompetence and disrespect from the Government, and a sign of dishonour and contempt for our local police and our local communities. The Premier frequently says she is incredibly proud of her Government's record on infrastructure delivery. Well, Premier, I urge you to visit Tea Gardens again. Visit Karuah and the other regional towns across New South Wales where these wooden boxes are going to be constructed. Take a look and tell me whether you are proud of what your Government has delivered. There is nothing here to be proud of.

HEATHCOTE ELECTORATE STATE EMERGENCY SERVICE

Mr LEE EVANS (Heathcote) (18:19:11): Just before Christmas I had the pleasure of attending my local SES awards ceremony and awarding lifetime awards and mementos to its members for their work. During the fires my local SES crews went as far as Batemans Bay, Braidwood, Ulmurra, Casino and the Gaspers Mountain to assist with the fires. I will talk about the crews that work in the Sutherland Shire. Just before Christmas, when I attended the awards ceremony, I said that we were in drought; we had fires, but the rains would come. The head of the SES rang me the other day and said, "Thanks for nothing. Thanks for telling us we would have rain. We are really flat chat now."

I congratulate the men and women of the Sutherland Shire SES—particularly those from my area—namely Kim Austin, Keith Barnes, Justen Bennett, Roger Benson, Mitch Brack, Daryl Brett, Linda Burrow, Fiona Butlin, Andrew Bye, Peter Carrigan, Hayden Charles, Josh Connely, Kevin Corby, Chris Corby, Samuel Corby, Roy Cowley, Verheti Cruickshank, Bill Cunynghame, Anne Davies, Mark Deacon, Steve Flanagan, SES general manager John Gonzalez, Paul Hammond, Teddy Haryjanto, Brad Jacobs, Brett Johnson, Daniel Kent, Karen Kent, Taylor Kerewaro, Julius Maniago, John McAlpine, Tristan McGrath, Sue Nilon, Scott Nurthen, Gilberto Pardo Cortes, Greg Penny, Ossie Perez, Gail Perry, Kevin Perry, Phillip Rasborsek, Hemant Raval, Peter Robinson, Sebastian Rodriguez, Stuart Roy, Barry Wellard, Jeff Weston, Madeline Whitby and Roy Williams.

They are just the Heathcote SES teams. I am terribly proud of these men and women. I had the opportunity to meet them when a chimney blew off our house in strong winds, and it was hanging over the wires next door. They came and saved the local member's embarrassment of ripping the wires from his neighbour's house. I thank them for their work in all areas—they have fast water flood capabilities that have come in handy in recent weeks. Like our firefighters and all of our emergency services, while everyone else is running the other way, the SES is running towards the trouble. I thank them for their help in clearing trees from power lines, moving obstacles and stuff away from the roads, making sure that people are safe and putting covers over people's homes after trees have crashed through their roofs. I congratulate all the men and women from the Sutherland Shire, particularly the Heathcote brigades of the SES.

Mr GEOFF PROVEST (Tweed) (18:24:00): I congratulate the member for Heathcote. A number of years ago as Parliamentary Secretary for Police and Emergency Services, I had the honour to attend the Sutherland Shire SES and also their RFS headquarters. His commitment and dedication to support those hardworking volunteers, the way he responded, his knowledge of what they go through and the way they represent our local communities is second to none. My sister-in-law is a life member of the SES at Sutherland. The member for Heathcote should be applauded for his ongoing commitment to those hardworking volunteers. We need more members like the member for Heathcote. The SES is deeply respectful and thankful for his support.

OATLANDS MOTOR VEHICLE ACCIDENT

Ms JULIA FINN (Granville) (18:24:28): Tonight I pay tribute to the Abdallah family who recently lost three of their children, along with their cousin Veronique, in the awful car accident in Oatlands that has shocked and distressed the entire community, not just those of us who know the family. Danny and Leila Abdallah lost their lovely children Anthony, Angelina and Sienna and their cousin Veronique when a drunk driver mounted the pavement and crashed into them and three other children. Their cousin Charbel Kassas remains in a very serious condition in hospital. They had been walking to the shop to get ice cream on an incredibly hot night.

The outpouring of grief has been immense, from complete strangers touched by the enormity of their awful loss to those of us who know them and what wonderful people they are. They received significant support

from members in this place who attended prayers, condolences and the children's funeral, including the Premier, Leader of the Opposition and members representing the electorates of Lakemba, Parramatta, Blacktown, Canterbury, Baulkham Hills and me as the member for Granville. No-one deserves what the family have been going through. Leila has said publicly that she forgives the man who killed her children, which reflects her strength of faith and her compassion. She has lost so much yet finds it in herself to forgive. Danny has said the same things privately. Danny has also called for a zero blood alcohol limit, which should be carefully considered.

I met the Abdallah family through Team Jesus, a charity in Blacktown that feeds the homeless and prays with them on Fridays. My friend Alain Sassine invited me to join the charity when it was based in Parramatta and I have joined the team a number of times since then and spoken about it in this place before. Danny, Leila and their children, except their youngest, Michael, volunteer with Team Jesus every week. I remember talking to Angelina about Scott Morrison and his Christian faith the day he became Prime Minister. Danny Abdallah and his business partners bought the former Masonic hall in Blacktown and provided it to Team Jesus to support those in need. It is about giving what you can give to help others. Danny is a really practical and an incredibly generous person. Team Jesus is led by David Alessi, who founded a bible study group in 2012 and also began providing for the homeless. Of Danny and his family, he told me:

Once I was preaching in Parramatta Park and I heard a loud 'Amen' from one of the people standing there. It was Daniel Abdallah. His cousin had told him about our weekly homeless food service and he decided to come and see what it was about.

Around 2014, my friendship with Daniel grew stronger and he showed tremendous interest in our faith. He used to come to me with questions and topics for discussions about Christianity, the Bible and other religions.

When Daniel and his business partners bought the Blacktown property, he said to me, 'As soon as we settle, I will hand over the keys to you and you can do whatever you want with the hall.'

And so the homeless feed moved to Blacktown. To my surprise, Daniel and Leila's children showed much love and eagerness for the homeless and the needy. They wanted to help us serve our brothers and sisters.

Not only did Daniel give us the hall, but he also convinced his business partners to support us financially. He also insisted that I ask people at the homeless feed if any of them are looking for work, and offered them work with Danny's construction company, Rock Form Group—jobs from cleaning and sweeping floors all the way up to Site Manager positions.

I've learned so much from Daniel's way of living, where he truly put the word of God into practice. Indeed, Daniel lived his faith, not only himself, but also his wife Leila, and his children Anthony, Angelina and Sienna who were killed in the accident, and Leana and Alex. Alex has to stand on a chair to get to a level with the table so he can serve.

The kids used to push their parents to come to Team Jesus every week. Their favourite time of the week was to serve on Friday night. This is unbelievable considering their age. I haven't met any children with such vigour to serve the needy as these kids had.

Sienna, the little angel who was 8 years old at the time of her death, insisted on spending her last birthday at the feed. Her mum and dad tried to persuade her to have a party with other kids her age, but she only wanted to be at Team Jesus. And they came and she stood up next to me and she prayed 'for the poor people who are hungry that God would provide them with food and shelter and whatever they need.' Now this is nothing short of amazing.

The Abdallah family are people of deep faith, very active in the congregation at Our Lady of Lebanon Church and well known in the Maronite community across the Parramatta and Granville electorates. The tragedy affected the entire church community, according to Father Tony Sarkis. The family attends mass every Sunday and all the children joined the Fersen children's group on Saturdays. Danny has been a very generous supporter of the church. For the past five years Danny Abdallah has also been a patron of PCYC Parramatta and is a very generous supporter of the PCYC at Parramatta and Blacktown, according to Parramatta PCYC President John Chedid.

To Anthony, Angelina and Sienna, you were wonderful children who gave so much to those in need during your short lives. You learnt from your incredible parents values of compassion, generosity and empathy and the importance of living your faith. Danny, Leila, Leana, Alex and Michael, I offer you my sincerest condolences. You are a strong and incredibly generous family, who have helped so many in their time of need. Your loss at this time is immeasurable, but Anthony, Angelina, Sienna and your cousin Veronique will never be forgotten.

The DEPUTY SPEAKER: I thank the member for Granville for providing us with a much better understanding and insight of the Abdallah family, their generosity and their faith. On behalf of the Chamber, I extend to them my sincerest condolences.

Mr MARK TAYLOR (Seven Hills) (18:29:50): I also commend the member for Granville for her private member's statement concerning the tragedy of the Abdallah family. I am aware that the member is very closely connected to the community in which the Abdallah family belongs and is actively involved. A week or so after the incident I attended The Hills Local Area Command at Castle Hill as part of a gathering of the first responders in that incident. I put on record my condolences to the Abdallah family and also the thoughts and prayers from all members of this House, including the member for Granville, for those emergency responders who attended the tragic event.

TRIBUTE TO JOHN JEWELL

Ms MELANIE GIBBONS (Holsworthy) (18:30:45): I pay tribute to a local legend and all-round great man, Mr John Jewell, who passed away just before Christmas. It is a big call but John was one of my favourite people so this speech may be a little hard for me to give. John was a great source of knowledge on our local area and he provided me with a wealth of ideas on how we could improve it. He also gave me so much understanding of our history and where we have come from. The Jewell family and John were some of the first residents of Hammondville when it was initially set up by the Anglican Archdeacon RBS Hammond in the early 1930s. They came at a time when many Australians were suffering during the Great Depression and saw Hammondville as a place of hope.

I recall John speaking fondly of the strong sense of community Hammondville had in those early days, with neighbours really helping out neighbours and sharing food that they had grown themselves in the backyard. They were a real community. John's mother, Constance, was also very involved with creating that strong sense of community, organising local dances and making cakes using her special "Depression recipe". Last year HammondCare opened its Harding cottages just down the road. The cottages are designed specifically to house and cater for people with dementia. The five cottages—Hatton, Morley, Osborne, Winifred and Jewell—are named after original Hammondville families.

I was pleased to attend the event and it was wonderful to see the Jewell family recognised there, not only for their previous contributions but also for what they still do for our community. I know how proud John was when we officially opened the cottages. We all took lots of photos as he caught up with other original families. It was a very special day. As an early resident of our area, John had always talked openly about his love for Hammondville and the greater Moorebank and Holsworthy area. He made sure others loved it too. In 2012 John and I worked closely together to create a brochure celebrating the eightieth anniversary of the founding of Hammondville. John had so much knowledge, and it was a shame that we could put out only a brochure and not a whole book because I know John had the knowledge to fill one.

In the brochure John provided a history of our area and pointed out notable residents such as John Hatton, a former member of this place, and Jim Masterton of Masterton Homes. Even so many years on, I get requests for that document so I know that it was a very worthwhile thing to create for our community. John was a strong advocate of the City of Liverpool and District Historical Society. I believe he was in regular contact with them. He even dressed up as a convict and put himself in the stocks to promote the society. He built the stocks, by the way—he was that kind of guy.

He provided the society with much information, especially on Hammondville. Some of that information is on display at the front section of my electorate office. John's passion for preserving our local history led him to uncover the name of an American air officer who had taken off from Bankstown Aerodrome to defend Australia as Japanese submarines struck Sydney Harbour in 1942. The officer later crashed and passed away after his plane stalled in a park in Hammondville. The air officer's name was not known until 1988, when John uncovered that it was Lieutenant George Cantello. A memorial was then erected to honour Lieutenant Cantello's sacrifice and the park in Hammondville named after him. In 2018 John organised for the family of Lieutenant Cantello to come from America to the site of the memorial and plane crash. Lieutenant Cantello's son, Don, said that he was so proud to call Mr Jewell, who was instrumental in ensuring the pilot was remembered for his bravery, a lifelong friend.

That is a wonderful way in which we can all describe John—as a lifelong friend. It did not matter whether you had just met him or had known him for a long time, it felt like you had known him a lifetime. One of John's passion projects was seeing the introduction of the Moorebank Men's Shed, where he served as the president. John had searched for over three years for a location to start the men's shed and finally in 2014 he got a space to use and share with the Liverpool Men's Shed. I was pleased to attend the opening of the shed with John and saw his absolute joy at having a place for men to come along to chat, target social isolation and support their mental health while creating projects for our community. In the past few years the Liverpool and Moorebank men's sheds merged to create the Liverpool District Men's Shed.

John was a very active member and regularly dropped in to show me photos of his creations. With his wood-turning skills he was very clever and loved making things for people. In fact, he made a pen for me that is now a much-competed-over item in my office and very special. John and the men's shed built the street library out the front of my office after John suggested it be a community project. It is loved by many of our residents. I pass on my sincere thanks to John's wife, Doris, and his family, for providing him with the support to be such a large part of our community. Being a dad and grandad gave him all the more reason to be involved. His funeral brought people of all ages and interests together and was filled with many memories of love. Although I gave them on the day, I again give his family my condolences and my love. We lost a giant of the Liverpool region, but his memory and love for helping people will always live on. Rest in peace, John Jewell, you will be missed.

YERIN ABORIGINAL HEALTH SERVICES

Ms LIESL TESCH (Gosford) (18:36:20): I praise Yerin, a fantastic Aboriginal health service provider on the Central Coast. In fact, Yerin is our only Aboriginal health provider on the coast and we have the highest population of Aboriginal people in New South Wales. The last census identified 3.8 per cent of the coast population, with the next highest population in Mount Druitt. I commend Yerin for its work delivering to a great, strong Aboriginal community. Its service hub is based in the member for Wyong's electorate, but it services people from up and down the coast. Many people in my electorate travel up on the train because they know that they will get culturally appropriate services.

We are really proud because it started in 2015 with 21 staff and now there are 67 staff across six locations. Yerin is probably most famous for its medical health clinic, with 2,600 active clients. I look forward to its expansion so that we have a doctor located down on the peninsula. It also has community programs that involve 850 clients across the coast, a community room that community members use for various meetings and counselling, and a permanency support program that supports 25 children and 19 carers. I also point out that we have 600 children in out-of-home care across the coast. Yerin does a significant job and there are a lot of other wraparound organisations with great responsibility with Aboriginal kids across the coast. I thank all those Aboriginal carers and families that are looking after kids who cannot live with their mum or dad. It has a family preservation program, with five families and 14 kids. It has a dental clinic that has treated 1,070 clients to date. It is really exciting that we are able to provide those services specifically for Aboriginal people in our community.

Branching into the NDIS for Yerin is also a very exciting facility, with 46 participants and carers. I know people who are using other services in our community are keen to get on the books at Yerin. It also has a corporate office and is working hard to build up the corporate capacity of Aboriginal people in our community. I commend the board for its vision and support of our community. However, the lack of service infrastructure and funding for our local Aboriginal community is a gap. The Commonwealth Government spends \$1.40 for every dollar spent on the rest of the population while our Aboriginal and Torres Strait Islander people have 2.3 times the per capita need of the rest of the population because of much higher levels of illness and burden of disease.

This is a tough one because while that sits in the Federal space, our community with the densest population in New South Wales wears the impact. Another big issue I point out to the State Government with the statistics that I have is that Yerin is paying \$29,300 in rent per month. That is \$351,600 a year, which is \$1 million to private landlords every three years. We could work with Yerin and work towards an investment for a location so that Yerin is not forking out that money as private rental skyrockets across the coast. I put on record tonight that a service based in Wyong that is a one-stop shop for everyone in the community is a great goal for this great organisation, but it needs land to build its shop. It would be great to see the Parliamentary Secretary for the Central Coast, the member for Terrigal, put his hand up to support a future one-stop shop, possibly like the Rumbalara model in Shepparton in Victoria, where people can go and everything is delivered in one location. We also possibly need to let the outreach services across the coast help—Wyong, Woy Woy, Umina, The Entrance, Lake Munmorah and Gosford—support the diverse families across the coast.

I thank everyone who works for Yerin and their families for supporting all they do in their journeys to where they are now, and beyond. Yerin successfully bends the silos of white Australia health and caring bureaucracies to gracefully meet the needs of the people using its services, yet it is not eligible for suicide prevention funding. Maybe the Premier, with her promise of zero suicides, should talk to some of her team about the real need when they reject the Yerin grant application next time.

In regard to the link to the Primary Health Networks [PHN], I ask where the PHN relationship is with our Aboriginal community health on the coast. There are not enough doctors on the coast for everyone, and I point out to the Federal member, Lucy Wicks, in this place that this drought of doctors on the coast is having a significant impact on Aboriginal people on the southern and northern ends of the coast. Once again, we have the highest population in New South Wales. I thank all the Aboriginal families so much for providing a solid rock for so many and a hand up to others. We love you.

BUSHFIRE RECOVERY ASSISTANCE

Mr PAUL TOOLE (Bathurst—Minister for Regional Transport and Roads) (18:41:34): I speak about two things in my electorate tonight. Firstly, the bushfires that have hit our community of Lithgow and the surrounding area have certainly had an adverse impact on the local community. They have knocked confidence around and people are not spending money, but we have established a bushfire and resilience recovery fund. That has been given to those communities that have lost homes and that have been devastated. In my local area, Oberon has received \$100,000, Mid-Western Regional Council has received \$100,000 and Lithgow City Council has received \$250,000. That money will go towards building community resilience and providing support for

community projects that will bring the community together—ways in which we can get the community back up on their feet and to support local businesses in the local area.

As I said, as part of this fund we have already given Lithgow City Council \$250,000. I am asking it to use that money to support local events in the local community for the community that the entire community can come along to and be a part of. Some of those suggestions that I am providing to the council include supporting the Lithgow Show. We know that the Lithgow Show will be held this year and I am calling on the council to consider giving free entry or free tickets to members of the Lithgow local government area.

We also have an event that is quite important, known as Ironfest, which will be held in a few months' time. I am also asking the council to consider using some of that money—\$50,000 to \$75,000 of that money—to go towards providing half-price tickets for residents of the Lithgow local government area. We also know that the business chamber is trying to support small businesses and get the community to run a local business campaign—buy a local gift card. By providing support for it to have that card up and running as quickly as possible, it will mean that people will stay in town and spend money to support local businesses in the area.

Another important thing that I think some of that funding should go towards is putting on a thankyou event. We know that some of our community members are looking at ways to support our Rural Fire Service, police, State Emergency Service and all of our emergency services personnel. They want to put on a thankyou event, whether it be a barbecue, a dinner or a parade, to ensure that the community can come together and acknowledge the incredible hard work that our emergency services personnel have done during this bushfire season.

This funding is important; it is important to our local communities, to local businesses and to the people. We have to remember the people who have been through those bushfires, those who have seen the devastation. Clarence and Dargan have lost something like 25 homes just within that locality. Some of the other areas of my electorate have many outbuildings that have been destroyed and farming properties have been impacted. We have lost a lot of rural fences within the locality as well. Jenolan Caves lost a rural fire shed. We know that it is going to take time for people to get back on their feet and recover. About \$450,000 of this money in total is going to councils across my electorate and it is important to ensure that it is delivered to help support communities get back on their feet. That is why I am calling for community projects to be supported. I look forward to having conversations with council members over the coming weeks and seeing what suggestions they have, but we need to make sure that the money gets out the door as quickly as possible to ensure that we get the community back up and running as quickly as possible.

Mr GEOFF PROVEST (Tweed) (18:46:41): I support the Minister and the member for Bathurst, and I praise his commitment to his local community and his support during the dreadful bushfire season. I also support him in his endeavours. Often money from this New South Wales Government is given to local government. It is not meant to subsidise some of their projects, it is meant to support the communities and support grassroots programs. An important part of the healing process, apart from direct support, is supporting various events and functions, and country shows are a big thing in regional New South Wales. The country show brings people together and gives them a chance to relax and unwind, to discuss your issues, both positive and otherwise, with your local people. I support the Minister and the member for Bathurst in his endeavours and also ask his council to listen to their local member because I think he has come up with some really sensible suggestions.

DOMESTIC VIOLENCE

Ms TRISH DOYLE (Blue Mountains) (18:48:01): Violence against women and girls is described by UN Women as a pervasive human rights violation of pandemic proportions. Here are some sad Australian figures: On average, one woman a week is murdered by her current or former partner; one in three Australian women have experienced physical violence since the age of 15; one in five Australian women has experienced sexual violence; and one in six Australian women has experienced physical or sexual violence by a current or former partner. Keeping this in mind, allow me to note some of the concerns, themes and threads raised with me as I have travelled the State and held discussions, forums and roundtables as the shadow Minister for Women and the Prevention of Family and Domestic Violence.

First, primary prevention. We must support communities who are supporting young people to develop respectful relationships by being able to identify the signs of abusive and controlling behaviour in partners. Instilling positive attitudes in younger people to prevent abuse in adulthood is paramount for primary prevention. If we are serious about prevention and early intervention we must fund programs such as Social and Safe, Kinks and Bends and Preventing Abuse in Relationships. As a society we need to change attitudes about power, relationships and violence. Prevention is where it must start.

Secondly, access to more funding for resources to support women and children escaping domestic violence is desperately needed. For example, Jenny's Place in Newcastle, whose Domestic Violence Resource Centre is at risk of imminent closure, needs a few hundred thousand dollars. There has been no funding forthcoming to this important frontline service. And the fantastic proposal put forward by Sally Stevenson, manager of the Illawarra Women's Health Centre, for a Trauma Recovery Centre in partnership with a number of others is exactly what the Government needs to fund—a one-stop service providing cross-sectoral and coordinated wraparound support that allows for an individualised response to women experiencing trauma from domestic and family violence, including medical and health care, therapeutic strategies and non-clinical support, and the legal support that goes along with those issues. That is what communities are crying out for.

Thirdly, we must fix a broken court system, from Family Court decisions to the stress placed on women when testifying and perpetrator conviction rates. The court system and the disconnect between State and Federal jurisdictions re-traumatises women and children over and over again. I am aware of the problems for women and children in the Family Court, and the provisions around child protection and family violence. Family law orders can be inconsistent with apprehended violence orders [AVOs] and child protection orders, placing women and children at risk. Recently I met with advocates from Voices for Change from Domestic Violence NSW and this was one of the issues highlighted by them, and my local community legal centre, the Elizabeth Evatt Community Legal Centre, and the NSW Women's Legal Service. There is also an extreme shortage of housing availability and women are the growing group—the largest percentage of those at risk of homelessness.

Fourthly, there is a desperate need for case management funding to be provided for Aboriginal women and those from culturally and linguistically diverse communities. They need wraparound support and options. Fifthly, we have a service sector under a great amount of pressure. Reform fatigue and job insecurity are taking their toll on this sector. We all stood in this place in silence yesterday to honour Hannah Clarke and her three young children, who were violently murdered in Brisbane last week by her former partner and the father of those children. He was a known domestic violence perpetrator. There existed known coercive control behaviours in him. Hannah had sought help previously. She and her children needed protection. They are now dead. Rosie Batty has said:

This horrific violence is beyond our imagination, comprehension and understanding. How could this happen? And yet it does. And it keeps on happening.

This is the most pressing issue of terrorism our society faces—where at least one woman each week is murdered.

It is too painful and confronting for us to even face and acknowledge how many children are murdered by an abusive parent, but we do know that at least one in four children is affected by violence in their home and the trauma they experience will impact their lives forever.

I am one of those children, a survivor who now finds herself in this place as the shadow Minister for Women and the Prevention of Family and Domestic Violence, and I say: Domestic violence no more. We need to change this world. I note, for the benefit of the House, this fantastic book *Breaking Silent Codes* by Dixie Link Gordon and Belinda Mason:

Without stories, there is silence. Without our stories told, we are voiceless. Without our stories heard, we are invisible ...

Let us change.

BUSHFIRES AND WAGGA WAGGA ELECTORATE

Dr JOE McGIRR (Wagga Wagga) (18:53:12): I offer some additional remarks on the challenges of rebuilding in my electorate after the bushfire disaster. Let me begin by setting the context. According to the Australian Disaster Resilience handbook, an individual's and a community's response to trauma is "not necessarily a single or linear one, but may alter, extend, diminish or recur at different times throughout the recovery process". Once the temporary assistance withdraws and exhaustion sets in, residents begin to feel angry, frustrated and abandoned. This is what is known as the trough of disillusionment, and this is where we are at.

It took days, following the Dunns Road fire, before the 90 per cent of residents who had fled their homes were able to return, and none of them knew if they would even have a home. When they were allowed to re-enter their towns, the support services were not ready. They were not coordinated and they were poorly communicated. Families and individuals were cut off from telecommunications, power and safe access to water. Yet those who had been displaced were expected to go online to get that updated information.

The key to recovery is making sure that communities can get back to their day-to-day lives quickly, with as minimal disruption as possible. In that context, we need a strong, immediate plan to rebuild to ensure that local industries and the environment are supported appropriately. I will give some examples. The softwoods industry has suffered a blow and will take decades to rebuild. An increased workload is expected as businesses seek to salvage blackwood in the next 12 to 18 months, but when the wood is gone the jobs may follow. Freight subsidies,

road repairs and tax relief will provide some support to the softwoods industry during this period as timber importations increase. Educational opportunities should also be explored to ensure that softwoods workers can access alternative career opportunities—for example, at Snowy Hydro, which is expanding.

In Batlow, apple growers are facing a combined loss of about one-third of their orchards, and will take up to a decade to recover. This is a hit not only to the town's income but also to an internationally recognised brand that will require a dedicated, industry-specific support package. Communities will be leaning on tourism during this period of recovery. But we have lost the iconic Sugar Pine Walk at Bago State Forest and the Mount Selwyn ski resort. Where possible, let us rebuild popular attractions and design new ones, ensuring that the replacement infrastructure is better, and let us make getting there easier with improved on-road access.

We need to explore outdated and unfair legislation that forces farmers to cover costs for fence repairs on land that the Government should be responsible for. Neighbours are equally accountable for the upkeep of their shared properties, including the maintenance of fences, control of pests and weeds, and the reduction of fire hazards. So why can the Government not share expenses in this crisis? Environmentally, our wildlife and our national parks have been seriously damaged and will take many, many years to recover. For some endangered species and delicate ecosystems, revival may not be possible. The bee industry, which is so critical to the future of agriculture, has also taken a significant hit in this disaster.

How do we give what remains alive the opportunity to thrive? We must act swiftly to control local pests, feral animals and weeds, and review resourcing needs in forests and national parks to ensure that there are sufficient rangers on the ground, monitoring, maintaining and reporting on those environments and ecosystems. In the long term, we need to ensure that the Snowy Valleys Council has the capacity to support recovery work. I believe the Snowy Valleys Council has played an outstanding role under the leadership of Mayor James Hayes, Deputy Mayor John Larter and General Manager Matt Hyde. They have had to cope with the disaster but they have set about it in a workmanlike fashion, doing what they can and supporting the community. I take my hat off to them for the work they have done. Of course issues have arisen, but they have responded—or they have tried to respond—to them and I think their dedication has been admirable.

I would like to see the Government support the council by clarifying the funding and support available to the council beyond the immediate \$1 million contribution; clarifying the opportunity for betterment funding; and providing the necessary economic stimulus through local procurement contracts, incentives to establish new industry and essential infrastructure projects to attract new industry.

KIAMA ELECTORATE AUSTRALIA DAY AWARDS

Mr GARETH WARD (Kiama—Minister for Families, Communities and Disability Services) (18:58:26): I was very pleased to attend some outstanding events on Sunday 26 January to celebrate Australia Day, starting with a citizenship ceremony hosted by Shellharbour City Council at Reddall Reserve in Lake Illawarra. I then attended a big breakfast hosted by the Rotary Club of Berry at Berry Showground. It was fantastic to catch up with so many local volunteers from the Broughton Vale Rural Fire Service, who were involved in fighting our most recent fires. Then I attended a celebration event hosted by the Rotary Club of Nowra at Nowra Showground.

I offer my congratulations to the winners of Shoalhaven City Council's Australia Day awards presented at the Shoalhaven Entertainment Centre on Thursday 23 January 2020, with award recipients including Citizen of the Year and Shoalhaven Medal recipient Wendy Roberts. I have known Wendy for many years. She lives in Erowal Bay and has dedicated 58 years to supporting her local community through volunteering. Wendy has assisted across a number of organisations and groups in a variety of ways over the years, including the NSW Rural Fire Service at Erowal Bay. Wendy currently volunteers her time at the Crossroads Rural Fire Brigade, Jervis Bay Lions Club, Girl Guides, Camp Quality, War Widows and Meals on Wheels.

Young Citizen of the Year was Miss Alannah Mannix of Meroo Meadow. As a role model for young people, Alannah demonstrates passion and perseverance in her volunteering roles for Take 3 for the Sea and Shoalhaven Heads Surf Life Saving Club. Alannah is also responsible for running her own campaigns and is the founder of two organisations: Visionary Mermaids, which works to protect our oceans and waterways; and Cleaner Cafes, which works to reduce single-use plastics in our cafe culture. The Junior Sports Award went to Karlee Symonds of Shoalhaven Heads. Karlee has an international Paralympic classification of T11 for vision impairment, therefore requiring a guide runner when competing in athletics. Karlee has represented New South Wales at a national level in athletics and cross country. Karlee also plays a training and mentoring role with Guide Dogs NSW and has represented others with vision impairment.

Outstanding Contribution to an Inclusive Shoalhaven went to my good friend Valerie McMahon. As a member of the Shoalhaven Arts Board, Valerie McMahon has dedicated over 30 years to volunteering for the

Shoalhaven Art Society. Outstanding Contribution to Arts and Culture went to Denise Stevens. Internationally recognised as a tapestry artist, Denise Stevens dedicates an extraordinary amount of her time, energy and personal resources to enriching the artistic and cultural life in the Shoalhaven. Outstanding Contribution to the Environment went to Patrick Thompson. Patrick Thompson made a lifelong, unique contribution spanning five decades to the environment and conservation as editor of the Shoalhaven-based *New Bush Telegraph* newspaper and publisher of Envirobooks.

The Outstanding Emerging Artist award went to Shenae Boulton. Shenae is a passionate contributor to performing arts in the Shoalhaven. Shenae's achievements include performing in Junior Albatross Musical group productions such as *Aladdin*, *Junior Oliver*, *Shrek Junior*, *Mary Poppins*, *Wicked* and *Dear Edwina Junior*. Highly Commended awards, also presented on the night, went to Annette Pham of Vincentia and Steve Foord of Shoalhaven PCYC, who each received a highly commended certificate for their valuable contributions to our local community. Annette Pham is a tireless, passionate advocate for people with disabilities and their carers. Her vision is for people with disabilities to have better access to social participation and inclusion. Steve Foord has spent 38 years working tirelessly for the Shoalhaven PCYC to benefit young people and senior citizens.

The Kiama Municipal Council's Australia Day Awards, which were presented at Minnamurra Public School on Sunday 26 January, included Kiama Council Citizen of the Year Mr Andrew Downes, who is the captain of the Gerringong Rural Fire Brigade. Andrew was nominated for his devotion to duty within a volunteer-based organisation that directly benefits all our local communities. Andrew has been an active RFS member for more than a decade and brigade captain since 2017. Andrew has worked tirelessly to ensure that his brigade is well equipped, supported and trained. I mentioned his contribution when I spoke to the bushfires condolence motion.

Kiama Council Young Citizen of the Year Olivia Deans has been recognised for her achievements in karate over more than a decade. Taking up the sport at eight years old—she is now 20—she has amassed great accomplishments, including representing New South Wales, and a collection of gold medals at national and international levels as a result of her efforts. Olivia is currently organising workshops and activities for NDIS participants whilst studying for her teaching degree. The Community Group of the Year was shared by the Kiama Red Cross and Jamberoo Touch Association. The Kiama Branch of the Australian Red Cross has been supporting the community for more than 100 years.

As well as its iconic Red Cross Calling and Red Cross Fun Run fundraisers, it organises street stalls, raffles and barbecues. This helps the branch provide emergency services, refugee integration, and learner driver, breakfast club and young parents programs. The Jamberoo Touch Association started in 1984 as a social competition and has grown to 900 senior and junior players. The association manages a 51-side summer competition, a 32-side winter competition and more than 100 juniors. I congratulate all the award recipients.

MURWILLUMBAH DISTRICT HOSPITAL

Ms JANELLE SAFFIN (Lismore) (19:03:14): Tonight I speak about the wonderful Murwillumbah District Hospital and the challenges it is facing. Recently the Northern NSW Local Health District mooted that it might cut nursing hours in the emergency department by 3.08 full-time equivalent nurses, or 2.2 shifts per day. That may not sound much, but in a small department it represents a 24 per cent cut in nursing hours and will impact significantly on the quality and timeliness of the care that nurses can provide. The staff review was conducted in response to other emergency departments across the local health district rightly requesting staff enhancements due to unsafe staffing levels and increasing workloads. The Murwillumbah branch of the Nurses and Midwives Association, all the staff at the hospital, including the doctors, and the community want to make it clear that they support all of the other emergency departments having safe and appropriate staffing. They object to what everybody says the local health district is proposing in management, robbing Peter to pay Paul.

There has been an increase in medical staff of approximately 25 per cent in the last five years, but there has not been any increase to nursing hours yet it is nurses who provide the bulk of patient care. The Murwillumbah emergency department consistently leads in a range of areas. In New South Wales it meets all of its State targets. It demonstrates timely and excellent clinical care. It is the leader for meeting all the benchmarks in time frames for patients to be seen, triage 1, 2, 3, 4 and 5. It is above average for emergency treatment performance. Its percentage of patients who are in and out of the emergency department within four hours is high. Its emergency treatment performance sits at 90 per cent—the State average is around 80 per cent. It is the second in the State on the patient satisfaction survey, which is massive. That surveys the patient's experience of their care in the emergency department. It experienced the closure of the high dependency unit and the paediatric ward a few years ago, which has meant increased responsibility and workload on the emergency department staff.

The workforce in the emergency department is stable in nursing and medical staff and the use of locum medical officers is minimal due to the existing culture of support in the emergency department. There is minimal

sick leave and WorkCover used at Murwillumbah. It has excellent staff retention facilitated by a core group of senior nurses that act as resources and mentors to ensure that high quality is maintained and junior staff are supported. That adds to the stability and saves in local health district money, which is not always acknowledged or taken into account when these reviews are done. It is currently running 1.3 full-time equivalent position less due to some recent resignations, but has not yet received the approval to recruit. Casual staff are backfilling those vacancies, the continual use of which is not is not cost-effective.

I call on the local health district not to go ahead with this proposed cut because it would impact on them harshly. I call upon the Government to honour its election promise of February 2019 for 5,000 more nurses across the State and other positions for the local health district. The Government promised 280 more nurses and midwives, 32 more doctors, 38 more allied health workers and 50 more hospital support workers in my area and we are yet to see one. The Nationals trumpeted that everywhere—I still have the material that was put out saying how great it was. The Nationals said it would be better than sliced bread. I have not seen one position yet; all I have seen is mooted cuts.

DROUGHT AND REGIONAL NEW SOUTH WALES

Mr PHILIP DONATO (Orange) (19:08:22): I speak tonight to remind the Government that the drought has not gone away. Just like the Government, I hope and pray the drought goes away soon, but it is probably hoping and praying that my colleagues and I go away and stop talking about the realities of the drought too. My Shooters, Fishers and Farmers colleagues and I have addressed this House repeatedly about the drought and the severe impact of this natural disaster on the people, communities, businesses and local economies of rural and regional New South Wales. The truth is that Government has not done enough to assist the people and communities of the bush to mitigate the financial impacts of this drought. Its responses has been significantly delayed and most often very limited. Late last year my colleague the member for Barwon asked the Deputy Premier:

What additional support will the Government provide to keep businesses open and keep people employed to maintain population and economic activity in regional New South Wales?

The Deputy Premier eventually said:

I believe government has a role to play to help our farmers and communities get back on their feet ... if it does not rain in six months or 12 months, we have to map that out. We have to look at the time lines.

It is clear from the Deputy Premier's response that he and The Nationals he leads only purport to represent the bush. The Government has become so city-focused that it thinks it is appropriate to wait another six or 12 months before even getting to the planning stage to address the drought impacts. An effective, efficient government that cares about the impacts of drought on regional areas would be actioning plans as an urgent priority, not just considering planning in the future, or planning to plan as it were. I have successfully pressured the Government to do its job properly and consider the needs of our regional areas in the past. I will continue to do so and, as I said, I will not be quiet and I will not go away. An example is the Government's eventual introduction of freight subsidies, which it finally and reluctantly delivered in response to my relentless lobbying and shaming it into submission. It had responded beforehand by saying farmers did not want them—what hogwash.

Another example is the clear failure of the Government to consider rural and regional economies when it awarded a lucrative government procurement contract to an interstate city-based multinational to construct 30 overtaking lanes along the Newell Highway, which passes through drought-ravaged communities almost completely along its breadth. The Government knowingly signed off on the deal that would see New South Wales State funds profit the multinational and permanently depart our drought-ravaged and economy-ravaged State regions. The deal would bypass financial opportunity for New South Wales rural- and regional-based business and employees who were struggling financially as a result of the drought. It let money flow interstate, the same as it did the water from the Menindee Lakes at a critical time it needed to stay here.

Only after shaming the Government into submission again did it modify policy to apply a bias or weighting to tenders submitted by business providers established in the drought-affected areas where roadworks were being undertaken, just like I had been lobbying for. It is too little and too late, which should be this city-centric Government's trademark regarding the people and communities of the bush. Rather than see the error of its ways and do the right thing, it has limited the biased tenders for local contractors to just one department and to just one project. I understand the country community's frustration, I really do. This was an opportunity for the Government to right its wrong and do what I have pushed for—to introduce a weighted bias to favour tenders submitted by local or postcode-based contractors for all State Government procurement contracts so that locals remain employed and the money goes back into the local rural economies, keeping the profits there.

I recently learned that an RFS and rural-based SES unit attended a small business and presented damaged power tools for the financially-struggling proprietor to provide a quote for repair, declaring that no repair would

ever be forthcoming as the quote was required only to satisfy head office to dispatch a new unit from a city warehouse. This same proprietor is on the verge of letting go a loyal, long-serving employee because it does not have the business to pay the wages. If history is anything to go by, I will have to once again shame the Government into submission. It shows virtually no initiative, no foresight, no care, no consideration and no compassion.

Small businesses, not just those ag-related, are suffering as a result of the drought. Many are being forced to lay off employees or eventually close their doors. I cannot emphasise how serious the situation is. It is obvious what the Government can do. Other than the local government area or postcode-bias for Government procurement contracts I have already discussed, it could offer initiatives and provide rate relief through subsidies. Initiatives for the regional small businesses to keep them going, keeping people employed and keeping money in rural and regional economies.

KU-RING-GAI ELECTORATE AUSTRALIA DAY AWARDS

BUSHFIRES

Mr ALISTER HENSKENS (Ku-ring-gai) (19:13:26): Australia Day is a day for all Australians despite where our personal stories began. We reflect on what it means to be an Australian, celebrate our contemporary and ever-changing country, and acknowledge our history. It is more than a holiday, it is a day where we enjoy the things this great country offers: the land, the sense of a fair go, the lifestyle and democracy. More importantly, it is a day where we acknowledge our people: our local heroes, our families, friends, neighbours and those who have decided to become citizens. In the midst of the bushfire crisis, small moments of clarity have shone through. Our Aussie spirit has never been stronger or more visible.

I take this opportunity to acknowledge those in the Ku-ring-gai community who were recognised for their outstanding citizenship at this year's Ku-ring-gai Council Australia Day Awards. I congratulate Lifeline Harbour to Hawkesbury's Financial Counselling Team, who were the recipients of the group award for Outstanding Services to the Ku-ring-gai community. Congratulations are also in order for Linda Sterling-Levis, Paul Clune, Linda McDonald, Suzanna Kelly, Anne Holmes, Sandy Logie and John Rawson for their dedication and hard work over many years. The service they provide has been offered in the local area for 28 years, and this year alone the team have advocated for, mentored and reassured more than 700 people. These professionally qualified counsellors provide free and confidential support for those experiencing financial difficulties. They volunteer many hours to listen non-judgementally and in a caring manner. We thank them for what they do in our community.

During the past year since completing her degree Turramurra resident Katherine Bowditch has contributed much of her time to the Ku-ring-gai community. At 24 years of age, she received the 2020 award for Young Citizen of the Year. Kate has volunteered with the St Ives Neighbourhood Centre, assisting in the development of a dementia-friendly cafe, organised an anti-ageism parade for the International Day of Older Persons, assisted the elderly to understand falls prevention and advocated for the need for better aged care for our culturally and linguistically diverse citizens. Kate currently works with Home Instead as a caregiver, providing much needed in-home support for our Ku-ring-gai residents. Not to mention, more recently Kate organised a local RFS fundraiser called the Bark Run and spent last Christmas with the Exodus Foundation serving lunch to the homeless. Kate has much to be proud of. We thank her for what she does in our community, and congratulate her.

The final award for the day was the Ku-ring-gai Citizen of the Year Award, which was presented to Wahroonga resident Lucy Dahill. Lucy is an active Ku-ring-gai community member. She heads community projects at the Rotary Club of Wahroonga, is a board member and contributor at Triple H FM community radio station and was the local founder and organiser of International Women's Day and International Men's Day events in Ku-ring-gai. However, it is her passion for youth mental health that does not go unnoticed as she is a youth counsellor at both Turramurra and Ku-ring-gai high schools and has been a co-convenor for StreetWork locally, which involved working with at-risk youth. Lucy has completed a master's degree in health and is now doing a PhD through Western Sydney University in youth mental health. There is no doubt that Lucy deserved this year's Citizen of the Year Award not only for what she does but also for her drive, enthusiasm and for going that extra mile. Congratulations to Lucy.

The recipients of the Australia Day awards are only some of the many citizens in Ku-ring-gai who serve our community on a daily basis. I take this moment to recognise all the nominees and congratulate them on their contributions. I salute their volunteer service and thank them for their dedication. Following the award proceedings we recognised those who were becoming Australian citizens. The decision to become an Australian citizen is a major one and means a lot to me personally as my father became a citizen back in 1956. I am honoured and proud to have participated in the event with the 176 new Australians that day. Ku-ring-gai can only gain from their decision to become fully participating members of our community. Congratulations go not only to Ku-ring-gai's new citizens but also to all new citizens in electorates statewide and nationwide.

Australia Day marks the end of many summer holidays and each year we usually do not want our summers to end. However, this year we did, with the scale of this bushfire season marked as unprecedented and the impact caused catastrophic. To our unsung heroes—our fireys, SES, emergency services and police, and volunteer agencies such as Lifeline and Meals on Wheels—we say thank you. They remind us of former United States President J. F. Kennedy's famous words, "Ask not what your country can do for you—ask what you can do for your country".

OATLANDS MOTOR VEHICLE ACCIDENT

Mr STEPHEN BALI (Blacktown) (19:18:31): I express to the House my profound condolences to the Abdallah and Sakr families on the tragic deaths of four wonderful children in a senseless motor vehicle incident that also resulted in three other children being injured. Antony, 13, Angelina, 12, and Sienna, eight, along with their cousin Veronique, 11, passed away in a horrific traffic incident, which I will not address directly as the matter is before the courts. I and many others are amazed by the strength and forgiving nature of the parents, Danny and Leila Abdallah. I do not know how many of us would have the strength of character or faith in God to calm the crowds and turn hatred into a wake-up call for anyone who drinks not to drive.

The incident has had a major impact on the community, with thousands attending vigils and the funeral service. Danny was very composed while talking to the media—probably in a state of shock and denial. He said, "Drivers please be careful, these children were just walking, enjoying each other's company." Those sentiments were also reflected by his wife, Leila, who spoke of forgiveness. The families have taken some strength from the outpouring of support and prayers, even thanking the crowds at the vigil. The Abdallah family message to the gathering crowd included, "May the power of prayer and our faith in God show some light and comfort to all those affected by this horrific tragedy." Leila said, "Danny and I were so blessed to have six kids, we love our kids so much. We tried to focus on their spiritual side more than anything. We tried to teach them to pray the rosary, to read the *Bible* and to share God's faith." The incident site was covered in flowers, balloons and toys. The funeral was heartbreaking, with three coffins in the church. Part of the Sakr family message was:

Words cannot describe the pain we feel for all the families impacted by this tragedy. Veronique was a vibrant 11-year-old girl, full of life, love and had a maturity well beyond her young years. Veronique brought us all such joy and will be forever remembered. Veronique will remain in our hearts always.

I must say that very few people would have said what Leila said. Leila said she "doesn't hate the driver but I want the court to be fair. It's all about fairness. We hope the court will be fair." I would add that, as well as fairness, justice must also be done.

I have known Danny for a few years. He is a property developer in Blacktown and across the western Sydney area. Danny builds quality buildings. Danny's philosophy is not just about the short-term construction and sales; he wants his buildings to stand the test of time and for the families living in them to be proud of their homes. Danny has always treated his workforce well and welcomes the Construction Forestry Mining and Energy Union to represent his workers. He sees it as a way to ensure that his workers are paid well and have safe work conditions. Danny realises that the construction industry is dangerous and hence working closely with the union, workers and council will produce the best outcomes.

It is a tragic irony that his last message to the children was to be safe by walking together on the footpath. Danny has since pleaded for drivers to drive safely. Sometime ago he purchased the former Masonic hall in Blacktown. When I was mayor we got together to discuss his grand plans for developing the site one day. Danny asked what he could do with the hall in the meantime. We discussed various community activities as well as the need to use the hall to support the vulnerable. Soon after he came back and invited me to the Friday evening feeding of the homeless with Team Jesus. They did it quietly, not looking for any accolades—simply feeding the poor, providing important social interaction and support services. Danny was often there, along with his family, helping out. He saw it is a good way for his family to help the vulnerable but it was a wonderful, uplifting experience for everyone present.

It is a massive tragedy that someone who gives so much to the community in return pays an unbelievable toll in having three of his children and a niece die in a motor vehicle accident. I hope and pray that this family stays strong, particularly at important milestone dates such as birthdays and Christmas. Thank you to the Abdallah Sakr families for being wonderful people in our community. It is time for the community to reciprocate and support their families. Vale, Antony, Angelina, Sienna and Veronique.

SCHOOL ROAD SAFETY

Ms JO HAYLEN (Summer Hill) (19:23:44): The 1970s were a pretty exciting time. It was the decade of Gough Whitlam and disco and psychedelic rock reigned supreme. A house in Sydney only cost \$36,000 and 75 per cent of kids rode or walked to and from school. Flash forward to today and it is a very different story. A recent study conducted by Bicycle NSW found that only 30 per cent of students walk or ride to school. We need

to ask what that means for congestion, for our environment, for public health and for the wellbeing of our kids. The key reason parents and carers do not let their kids walk or ride to school is because they are worried about their safety: They do not want their children to be hit by a car. That fear is not unfounded. In fact, a recent study by the Australian Road Safety Foundation found that the most dangerous time to be on our roads is the afternoon at school pick-up time. Road trauma is the number one killer of children aged 14 and under.

According to the Department of Premier and Cabinet's figures, only 26 per cent of children are active enough to meet our health guidelines. Frankly, that is not good enough. Encouraging more kids to ride or walk to school would not only make them healthier but also would cut emissions, improve air quality and significantly benefit our morning commutes. Every day motorists make millions of short car trips of less than five kilometres. A 5 per cent reduction in those trips would cause traffic speeds on local roads to increase by up to 50 per cent. We would experience the school holiday effect on our roads 365 days a year.

What can we do to make it safer for kids to walk and ride to school? First, we must fix local traffic problems. It is not acceptable that people report problems only to be ignored and that issues fall between bureaucratic cracks or are simply put in the too-hard basket. Secondly, we need to properly invest in the necessary infrastructure to make riding and walking safe. Currently, only 0.38 per cent of the New South Wales budget for new transport infrastructure is allocated to active transport and cycling projects. Our State spends only \$7.20 per person on active transport infrastructure, compared to more than double that amount in Queensland—\$15.08 per person—and \$35 per person in the Australian Capital Territory. The lack of investment in New South Wales is failing our kids and our community. Thirdly, we need to start listening to the experts—the parents, carers, teachers, principals and residents around schools who know what needs to be fixed. They should not be ignored.

State MPs are currently running the New South Wales School Safety Survey. The survey is an important opportunity for locals to report road safety risks near local schools. When I ran the survey in my electorate last year hundreds of residents raised concerns about parking, reckless driving, the inadequacy of pedestrian crossings, school drop-off and pick-up zones, congestion and confusing street signage. Residents noted that pedestrian crossings are often in the wrong places, fail to reflect the routes taken by students and have poor sight lines for motorists. Schools continue to beg for flashing lights to slow down drivers and for crossing guards to make sure kids make it safely across the road. School P&Cs and principals reported that applications for flashing lights or crossing supervisors at busy crossings had been rejected because of the ridiculous formula applied by the Government.

Currently, a school gets a crossing supervisor or lollipop person only if a count demonstrates that a high number of children are crossing unsupervised. Frankly, that is ridiculous. If a crossing is known to be dangerous, what parent is going to let their child cross unsupervised? Perversely, the result is that school communities with the most dangerous crossings miss out on a lollipop person who can keep those kids safe. In other instances students were left to simply fend for themselves. One example in my electorate is Carrington Road, Marrickville, where students at Tempe High School and Tempe Public School are left to run the gauntlet of cars and trucks. I understand that the Inner West Council and the former Roads and Maritime Services agreed to proceed with work before the school year began, but are being held up by Ausgrid works. That work needs to be done. I have asked the energy Minister to work with Ausgrid to get it done so that the kids can travel safely to and from school.

Together, we can solve these problems. I encourage all New South Wales residents to take the survey at nswschoolsafety.com and let their local member know about the school safety issues that need to be addressed. We want to hear from the residents who know what is best for their communities. We can ensure that councils and the State Government are held to account and fix the problems so that more kids can walk and ride to school. Together, we can make it better for our kids.

WINDALE DEVELOPMENT

Ms JODIE HARRISON (Charlestown) (19:28:50): I am proud to be the member of Parliament representing the good people of Windale in this place. Windale is located on the land of the Awabakal people. I pay my respects to their Elders past, present and emerging. As the mayor of the City of Lake Macquarie and in more recent times as the local member, I have participated in, campaigned for and championed some of the transformation that is taking place in the community. During my mayoralty, the council deployed significant resources to develop a master plan to guide the future regeneration and transformation of the suburb. That work was consolidated in 2014 in a new local environment plan and development control plan.

In May 2019 proposals to amend the plans received a gateway determination. They have been publicly exhibited. I recognise that the council's proposals have caused uncertainty and, in some cases, distress and worry for Windale residents. Patricia lives on Cherry Street and speaks for many of my constituents when she says, "I was in shock. We love it here. My seven-year-old has a really good school at Windale Public, really good

friends. This is our community. We are a community-based, family-orientated suburb. We don't want to be moved."

The development proposals contain much that is good. I welcome the vision for urban infill in Windale. This highlights that Windale is a place where people want to live. I also welcome the diversity that a bigger mix of privately owned, rented and public housing will bring to the local community. It is important that the voices and the concerns of my constituents are heard and that communication with them is transparent and clear. It is good that the plans include strategies for the further development and expansion of the Windale shops in order to support a growing population. Windale has a larger proportion of younger people and one-person households than the city average. An increase in medium-density development will supply the one- and two-bedroom homes that people need.

Windale has more people needing assistance than the city average. I regularly fight for accessible upgrades to properties to enable my constituents to remain in their homes. The plan envisages an increase in housing that provides independent living for people with disabilities and an increase in local services. Windale has a lower proportion of seniors and fewer cars per household than the city average. The plan recognises the need to encourage active transport and walking, rather than driving, particularly in the area between the Windale and Mount Hutton shopping precincts. Windale has more public housing and renting households than the city average. Much of the current housing stock, owned by the NSW Land and Housing Corporation, is dilapidated and no longer fit for purpose.

Every day I advocate for the residents of public housing in Windale. Every story of sewage leaking into homes or roofs that are not watertight with resulting mould affects the lives of my constituents. The rezoning plan incorporates an area that includes 151 of the housing corporation properties. I welcome the opportunity for new public housing to replace existing homes. However, I recognise and speak for those who fear that the proposals will be an opportunity for the Government to remove public housing and to move my constituents out of the community that they love. On Monday this week Minister Pavey was quoted in the *Newcastle Herald*. It stated:

We will look after people ... We will not just kick people out. We are also very cognisant that people need to be near the community that they're familiar with, and we will show that respect.

I intend to hold the Government to that commitment. Windale is much more than a suburb; it is a community. These are much more than houses—they are homes, and the people who live in those homes are not simply statistics. They are men and women, boys and girls, husbands and wives, parents and children, partners and friends. I welcome the plans but only insofar as certain safeguards are ensured. The Government must make a commitment that any funds raised through the sell-off of public housing will be reinvested to provide improved, appropriate housing in Windale. Ultimately the success of the regeneration and transformation plans for Windale will be measured by the improvements to the quality of life of the people who live there. No-one can be left behind.

Community Recognition Statements

TURRAMURRA LOOKOUT COMMUNITY GARDEN

Mr ALISTER HENSKENS (Ku-ring-gai) (19:34:08): Getting your hands dirty is all part of the fun for the members of the Turramurra Lookout Community Garden who this year celebrated 10 years of their gardening venture. It is located beside the Pacific Highway; blink and you would drive straight past this oasis that has been serving the local community for a decade. To mark the milestone the garden hosted a crop swap and morning tea. Everyone brought an abundance of fresh, local and delicious goods to swap with their counterparts. It is interesting to point out that crop swap has grown a Sydney audience of thousands and I had the pleasure of speaking with the founder, Laurie Green, at the lookout garden. She said:

It is a free initiative to meet like-minded people, chat to growers, learn where food comes from and develop an ongoing local food loop.

It was a great fun morning and I thank all the members for greeting me so warmly. I am not one with the best green thumb but I can say I appreciate the asparagus seeds they gave me. I wish everyone at the Turramurra Lookout Community Garden many more years of growing their green paradise.

DISABILITY SERVICES AUSTRALIA

Mr STEPHEN BALI (Blacktown) (19:35:22): I congratulate Disability Services Australia [DSA] for being awarded the Blacktown City Community Event of the Year. This is a prestigious award given that thousands of events take place across Blacktown City. DSA held its fifth annual Picnic in the Park at Blacktown Showgrounds to celebrate the International Day of People with Disability. Over 400 community members attended this fabulous free collaborative event that breaks down barriers for people with a disability, helping them feel more valued. The picnic also provides valuable information for the NDIS and local services that can assist

people with a disability. The highlight of the event was the amazing range of stage performances and activities. I thank the DSA for its hard work and amazing dedication to the local community. Congratulations to Disability Services Australia on being awarded the Blacktown City Community Event of the Year.

CHRISTMAS CARD DESIGN COMPETITION

Ms WENDY LINDSAY (East Hills) (19:36:20): Last year I held a Christmas card design competition for primary school students attending schools in the East Hills electorate. I was pleasantly surprised to receive several hundred entries from our local schools. The winning design was drawn by Lucas Zhang, who attends Panania North Public School. Lucas is five years old and his Christmas drawing featured a short-legged reindeer named Rudolph, a colourful Christmas tree and a Christmas stocking. I used this drawing on the front of the Christmas cards sent out to people throughout the festive season. The two runners up were Mia Dagher from Condell Park Christian School and Sehaj Kaur from Revesby Public School. Their designs were displayed on the back of the card. Congratulations to Lucas, Mia and Sehaj and thank you to all the students who entered.

SCHOOL ROAD SAFETY

Ms JODIE HARRISON (Charlestown) (19:37:08): Parents know the health benefits of their kids walking or riding to school but of the approximately one million children travelling to school each day only one-third will arrive by walking or riding their bikes. Many parents believe that it is not safe for their children to walk or ride to school and in some cases they are right. Last week I contacted all the school principals and parents and citizens associations [P&Cs] in my electorate of Charlestown to ask them to help me with a survey that I am undertaking to find out about school safety issues in the local community. The feedback and assistance that I have received from those principals and P&Cs has been overwhelming and I want to recognise them this evening. I acknowledge the many families who are taking the time to go online and participate in my survey. I thank the parents, grandparents and carers who have stopped in the street and talked with me about how they believe travel to school can be made safer. It is through the feedback and actions of local schools and families that change can be achieved for the health of our children.

BATHURST COMBINED PENSIONERS AND SUPERANNUANTS ASSOCIATION

Mrs WENDY TUCKERMAN (Goulburn) (19:38:10): I acknowledge the work of the Bathurst Combined Pensioners and Superannuants Association [CPSA]. In November Mr Les May, a member of the CPSA, heard a Goulburn constituent, Ms Judy Mitchell, on ABC Radio's *Australia All Over with Macca* speaking on the impact of the drought for local business, including her business, the Roundabout Café in Boorowa. Mr Les May was once a truck driver who would stop for meals in Boorowa. This message resonated with him and members of the CPSA. He knew he could help and he did. Mr May coordinated 15 members of the CPSA to take a day-trip to the Boorowa café on Wednesday 18 December where they would provide their business, support and a little hope for Judy and her partner, Tom. Not only did the group go out of its way to bring its business to one that was struggling, the CPSA also raised \$2,000 in one week. They also donated seven bales of hay—purchased locally from Corkhill's Ag Services—for the couple's farm. I congratulate Bathurst Combined Pensioners and Superannuants Association, on their efforts.

WYONG ELECTORATE ROTARY CLUBS

Mr DAVID HARRIS (Wyong) (19:39:22): On 8 December the Wyong Tuggerah and Northlakes Toukley Rotary Clubs came together to deliver a Christmas donation to Wyong and Toukley Neighbourhood Centres. Together the clubs had enough food items to create 100 hampers which were distributed to local families doing it tough at Christmas time. Both of the Rotary clubs are involved with other local clubs on the Central Coast to help fundraise and collect goods for farmers and fire victims. Wyong Tuggerah Rotary Club collected water and soft drinks to be donated to the local volunteer Rural Fire Service appeal for the firefighters who battled blazes at Somersby and Mangrove Mountain. A big thank you to the volunteers involved in the clubs who are making a big difference to our local community.

BONVILLE MEMORIAL HALL

Mr GURMESH SINGH (Coffs Harbour) (19:39:59): A little hall in my electorate houses a big reminder of the sacrifices our war veterans have made. The Bonville Memorial Hall committee is using a \$10,000 grant from the Community War Memorials Fund to conserve and protect two heavy machine guns captured from the German army in World War I. These guns complement the honour rolls for World War I and World War II. Bonville Memorial Hall is at the heart of the community. It is where the local Country Women's Association [CWA] branch meets and Bonville Public School assembles on Anzac Day. The hall's hard-working committee is president Jennifer Helisma, secretary Allan Hindmarsh, Susan Elks and treasurer Sue Hindmarsh. The Bonville CWA branch is led by president Fran Robertson and Dean Burkitt is the proud Bonville Public

School principal. Thank you to Bellinger River RSL sub-branch president Rick Maunder for supporting this Bonville project.

MECCA CAFE

Ms JANELLE SAFFIN (Lismore) (19:40:52): The Mecca Café in Lismore celebrates its ninety-second birthday this year. Established in 1928, this historic café is a true mecca for art deco lovers having retained many of its original features. In the past, the Mecca Café was known for its delicious pies. Today it is popular not only for its thickshakes, eggs benedict and big breakfast but also for its unique American diner-style of black, red and white aesthetics. It is one of a kind. Lots of locals frequent it and have great conversations there. My sister told me recently that she remembered the café very well. Many years ago, when we were younger, we often visited the café together. My son, when he was younger, and I also visited this café many times. He loved the milkshakes. As Lismore's longest-standing retro-style diner, I acknowledge Mecca Café's contribution to the local economy and employment and I congratulate the current owner, Ms Kelly Casey-McLean.

HAWKESBURY ELECTORATE BUSHFIRE RECOVERY ASSISTANCE

Ms ROBYN PRESTON (Hawkesbury) (19:42:03): I thank the Richmond Club for offering itself as a safe place during the recent bushfires and providing refuge for self-evacuees. CEO Kimberley Talbot and her team offered displaced residents free meals and drinks and had kennels set up in air conditioned rooms for pets to rest in. I extend my appreciation to Ross Matheson, president of the Hawkesbury District Agricultural Association and the volunteers at Hawkesbury Showground who gave their time freely to coordinate the intake of horses, goats, lambs and other farm animals that needed shelter. The actions of the Richmond Club and Hawkesbury Showground volunteers are reflective of the wider community spirit that was prevalent during this bushfire period. We had organisations, agencies and individuals going above and beyond to alleviate the pain and suffering of our community and animals. I once again thank the staff at the Richmond Club and Hawkesbury Showground volunteers for their generous and caring assistance at a truly harrowing time.

MARRICKVILLE SPORTING CLUBS

Ms JO HAYLEN (Summer Hill) (19:42:58): Sport unites us. Local Marrickville sports clubs are doing their bit to support tourism and local sport in bushfire-affected communities on the South Coast. Marrickville Golf Club is participating in the Golf for Good campaign, which seeks to inspire other metropolitan clubs from around New South Wales to organise away games in bushfire-affected communities, bolstering city-bush connections and tourism for the area. The club is organising a trip to play and stay around Mollymook Golf Club in the next few weeks. Marrickville Cricket Club is sending three under-13 teams to play matches against Batemans Bay this Sunday. Some 25 families will be heading down the coast on Sunday. As well as playing cricket, they will be buying from local eateries and shopping at wonderful shops in Mollymook and villages around the South Coast. The fires have had a lasting and devastating impact on many children living on the South Coast but I know this will be a fantastic end to the season for the Marrickville and Batemans Bay teams and I wish them all the best of luck for their games.

MARK POWER

Mr ADAM CROUCH (Terrigal) (19:43:59): I am delighted that Mark Power is officially the Central Coast's Volunteer of the Year. Mark was awarded this honour at Central Coast Council's Australia Day awards ceremony on 25 January, which I was proud to attend. For half a century Mark has been serving our community by patrolling Terrigal Beach as a volunteer. Season after season, he has given up his weekends and public holidays to keep local residents and visitors safe at the beach. I am told that Mark has held just about every position at Terrigal Surf Life Saving Club, including president. Currently he is a life member and a co-patroller with my Federal colleague Lucy Wicks. There are so many generous people on the Central Coast. We have the highest proportion of volunteers anywhere in Australia. For Mark to take out the Volunteer of the Year award in the region with Australia's highest proportion of volunteers is an honour indeed. He and Heather are always at Terrigal Beach. I thank Mark for his great contribution to keeping our bathers safe on Terrigal Beach.

SUPERINTENDENT DANIEL SULLIVAN

Ms YASMIN CATLEY (Swansea) (19:45:07): I congratulate Lake Macquarie Police District Commander Superintendent Daniel Sullivan on being awarded the prestigious Australian Police Medal. Superintendent Daniel Sullivan joined the NSW Police Force in 1989 and has performed his duties with outstanding dedication, service, diligence and integrity during his 30-year career, which has included appointments such as General Manager of the Business Technical Services Client Services Command and as Commander of the Radio Operations Unit at the Sydney Police Centre.

During his career, Superintendent Sullivan has successfully developed and implemented strategic reforms for numerous commands, which have led to significant improvements. The NSW Police Force has repeatedly called upon his leadership and advocacy skills on key steering committees and boards, including the Emergency Services Computer-aided Dispatch Steering Committee, the Mobile Technology Steering Committee and the CrimTrac National Police Reference System Board. In 2017 Superintendent Sullivan became Commander of the Lake Macquarie Police District. I thank Danny for his service to our community.

ELLA MURRAY

Mr DUGALD SAUNDERS (Dubbo) (19:46:12): I recognise one of Dubbo's rising sporting stars, Ella Murray. At just 14 years of age, Ella has been playing golf for half of her life. She plays off a handicap of one, and this week she will play in the biggest tournament of her career when the Dubbo Golf Club hosts the 2020 Women's NSW Open. Last year I requested Golf NSW to include Ella in the field for the international event, and in January I was thrilled to tell her the good news. Ella has spent the past month meticulously studying the 18-hole composite course. She admits she is nervous but also very excited. I have no doubt Ella will do us proud at this event and I hope she will inspire more young women to reach for the stars in their chosen sport. None of this would have been possible without the New South Wales Government committing \$1.3 million for irrigation and disability infrastructure upgrades. I thank the Deputy Premier in particular for securing this event for Dubbo. It is a terrific morale boost for a region still gripped by drought.

PETER JOHNSON

Ms TRISH DOYLE (Blue Mountains) (19:47:10): It is with pleasure that I acknowledge Mr Peter Johnson, a remarkable constituent of mine, who began his teaching career in 1978. He has demonstrated a lifelong commitment to public education and its life-changing power in the lives of children and their families. Peter has held many senior leadership roles in the Department of Education, overseeing initiatives to improve quality education and outcomes for Aboriginal children. He has served as the executive director of the department's human resources and business services. He also served as principal of Faulconbridge and Winmalee public schools. Teaching is a family affair for Peter and his wife, Janet, and son, Chris, who are also teachers. Nobody says it better than Peter:

I believe a good teacher has to love teaching, love kids and get huge satisfaction in seeing kids succeed. They also need to be resilient.

On behalf of the people of New South Wales and the Blue Mountains, I congratulate Peter. I thank him for his amazing contribution and pay him and Janet my deepest respect.

ZOE MCLAREN

Ms STEPH COOKE (Cootamundra) (19:48:21): I congratulate Zoe McLaren from Temora, who was announced a regional winner of the Australian Broadcasting Corporation's Heywire storytelling competition. Heywire is open to young people aged 16 to 22 who live in rural and regional Australia. Since 1998 the amazing program has been helping them tell their stories. Every year each regional ABC station selects a winning entry to represent its part of the nation. Recently the winners gathered in Canberra for a Heywire Regional Youth Summit and participated in workshops, developed ideas and shared their stories. Zoe tells the story of her family's dinnertime weather conversations—"To my family and I, rain is like money"—a theme so relevant in these tough, dry times across New South Wales. Congratulations and well done, Zoe.

SYDNEY GAY AND LESBIAN MARDI GRAS

Ms LIESL TESCH (Gosford) (19:49:18): Absolutely happy Mardi Gras to everyone involved this weekend. I am stoked to be part of the Central Coast community, which will be celebrating at Woy Woy Leagues Club in our rainbows this weekend with the Bauhaus dance party. Not only are we celebrating diversity in the Gosford electorate but we will also be partying alongside the Central Coast pride members who have created, and will be dancing on, our Central Coast float on Oxford Street. The rainbow lorikeets flying amongst the waves, with the tagline "Be the change", send a very clear message from the Coastal Twist that the Naughty Noodle movement is gathering fantastic momentum across the Central Coast, New South Wales, Australia and even the world. I congratulate the team behind the scenes, who are exciting, creative, radical and innovative entrepreneurs, and have achieved amazing success to date with passion, drive and very little financial support. We thank them for their commitment and wish all members of the GLBTQIA+ community from across the Central Coast and beyond a fabulous weekend and a fabulous always.

WAUCHOPE-BONNY HILLS SURF LIFE SAVING CLUB

Mrs LESLIE WILLIAMS (Port Macquarie) (19:50:23): I recognise the talented Boatettes from the Wauchope-Bonny Hills Surf Life Saving Club for taking out the 2020 Envirobank NSW Country Championships

held on 1 and 2 February at Kingscliff. Jubilant in their maiden win, the under-23 division team, led by sweep Steve Monaghan and girls Lucy and Grace Monaghan, Jessica Willis and Emma Eggins, recently celebrated their hard-fought victory in Kingscliff against some of the most skilled and professional rowers in New South Wales. The Boatettes' success continued at the carnival, with the team also claiming a silver medal in the open women's division, firmly cementing the Wauchope-Bonny Hills under-23 girls side as serious contenders for teams all over the State to watch and rival.

The girls' next competition weekend was held on 14 to 16 February at Mollymook on the east coast of Australia for the 2020 Australian Surf Rowers League Open where they achieved commendable results against some 325 crews from all around Australia. I congratulate Lucy, Grace, Jesse and Emma on achieving the phenomenal result at the 2020 Envirobank NSW Country Championships, a credit to the Wauchope-Bonny Hills Surf Life Saving Club's superior training program, which is respected and admired by many in Surf Life Saving NSW.

MOGO WILDLIFE PARK

Ms JENNY AITCHISON (Maitland) (19:51:34): Congratulations to Mogo Wildlife Park, which survived the catastrophic South Coast bushfires and will reopen officially this Saturday, 29 February. In January this year following the fires I visited Mogo Wildlife Park and was awed and inspired by the dedication and commitment of the Mogo team, led by zookeeper Chad. Chad Staples, who is also known as Mogo Wildlife Park's managing director, worked with his staff to save all 65 acres and more than 200 animals from fire danger. Then they had to contend with a flood and keep the animals safe, which would have made Noah proud. It is comforting to see Chad and his crew demonstrate such incredible commitment to the park and its animals, continuing the legacy of park founder Sally Padey who retired late last year after 30 years at the helm. Mogo Wildlife Park is in the great hands of Featherdale Wildlife Park, Chad and all his team.

SIAN GOODALL

Mr PETER SIDGREAVES (Camden) (19:52:30): I congratulate Sian Goodall from Leppington Public School, who was selected to compete for New South Wales in the 2019 National School Futsal Championships held in Queensland at the end of last year. Sian competed in the under-10 girls New South Wales team, which was successful in winning the championship after defeating Queensland South Coast in the grand final. The Schools Futsal Championships cater to elite and non-elite students from all schools across Australia and embodies a mix of competition, social interaction and the true meaning of sportsmanship. To be selected to represent New South Wales, competitors play in regional championships held at various locations across Sydney and regional New South Wales throughout the school year. The top athletes are chosen to play in the national championships. I congratulate Sian and her New South Wales teammates on their success at the National School Futsal Championships.

ANNA BAY DRAINAGE UNION

Ms KATE WASHINGTON (Port Stephens) (19:53:34): The Anna Bay Drainage Union was gazetted in 1910 and was initially established to maintain and manage the drainage network of farmers in the area. Since then a lot has changed, but a century on the drainage union's work is more important than ever. Tom and Joan Frost, along with their son John, took over running the drainage union when the last remaining members of the executive team passed away in 1981. The Frost family, along with members such as Monty Bull, Eddie Davis, Russel Antcliffe, Justin Watson and Warren West, ensure that the drainage system operates most efficiently in the growing town of Anna Bay.

Today the drainage union is responsible for the drains covering 2,400 acres from One Mile Beach to Fishermans Bay. The union works with property owners, Port Stephens Council and landholders to ensure that the drains are cleared out and maintained, so that Anna Bay does not go under water. The sandy soil and low-lying areas of the township require a lot of upkeep, and water flows all too often. I acknowledge the tireless work of the Frost family and members of the drainage union, whose tasks often go unnoticed and unappreciated. They are appreciated and we are very grateful.

AUSTRALIAN REPTILE PARK

Mr ADAM CROUCH (Terrigal) (19:54:43): I am delighted to inform the House that the Australian Reptile Park was named as the 2019 Major Tourist Attraction in the New South Wales Tourism Awards. These awards recognise businesses that exemplify quality tourism. The Australian Reptile Park really is a location that attracts tourists. Just last week my wife's family was visiting from Melbourne, and where did they want to go? The reptile park. The reptile park is located at Somersby, which came close to being impacted by the Three Mile Fire in November and December last year. It was remarkable to see the resilience of reptile park staff who worked around the clock to evacuate their animals due to the fire risk. Ironically, just a few weeks later they were

re-evacuating their animals due to flash flooding that impacted their property. I commend all staff at the reptile park and the park director, Tim Faulkner, for his leadership. I note that Tim also received the Excellence in Business and Young Employee of the Year awards at the Central Coast Business Awards last October. Tim and the Australian Reptile Park are worthy recipients indeed. I say to Tim: Keep up the great work, you are doing an excellent job.

SALINA GIOVENCO-ELLEM

Mr STEPHEN BALI (Blacktown) (19:55:44): I congratulate Salina Giovenco-Ellem for being awarded Blacktown City Environmental Citizen of the Year. Salina has delivered invaluable service to the community through her work as a volunteer wildlife rescuer with the local North West branch of NSW Wildlife Information, Rescue and Education Service—WIRES—over the past four years. Salina has rescued approximately 1,600 injured, sick and orphaned native animals during this time from dozens of different species, including threatened and endangered species. The sheer scale of people and animals she has helped through her volunteer work and commitment are the reasons that make her Environmental Citizen of the Year. Congratulations to Salina Giovenco-Ellem on becoming Blacktown City Environmental Citizen of the Year.

DUBBO ELECTORATE SENIORS FESTIVAL EVENTS

Mr DUGALD SAUNDERS (Dubbo) (19:56:41): I recognise all the seniors across the Dubbo electorate who have been taking part in seniors festival events recently. I also commend Dubbo Regional Council for its involvement with the seniors festival event at the convention centre, notably the ballroom dancing event, which catered to standards of all kinds and seniors across the region—it even had me up and dancing! Well done to Cassie and Joel from Fantasy Dubbo DanceSport, Dubbo's only professional dancers. They compete across Australia and do very well. Thanks to Cassie for the dance. I also mention that Mid-Western Regional Council will be holding its Seniors Week celebrations throughout March, celebrating local seniors and their contributions to the region. It is worth noting that the Government has been holding these 2020 seniors festival events to encourage local seniors to get active and do something they enjoy at an array of community events. I also thank councils across the State for hosting these events dedicated to celebrating our senior citizens.

COURTNEY COTTLE

Ms LIESL TESCH (Gosford) (19:57:43): I acknowledge and commend the work of an inspiring young woman from my electorate. Courtney Cottle is just 11 years old and an aspiring artist who is already using her talents for worthy causes. Last year she held an exhibition of her works at The Entrance Gallery, raising funds for the Coastwide Therapy Services Siblings program, which supports the young family members of kids with special needs. Courtney has seen the invaluable contribution this program makes firsthand, as she is part of the family support network for her sister, Harmoni, who lives with autism. Courtney's art expresses her struggles from a time in her childhood when she felt unsupported, prior to being introduced to other kids in the Siblings program who are experiencing the same things as she is experiencing. I thank Courtney so much for her incredible passion and wish her all the very best for future exhibitions. I thank her for her tremendous effort to raise funds to support kids in our community.

GRENFELL LIBRARY

Ms STEPH COOKE (Cootamundra) (19:58:39): I acknowledge the excellent service provided by the Grenfell Library. Librarian Erica Kearnes goes out of her way to create an engaging and stimulating environment for reading and learning, with an impressive range of books for all ages. In preparation for the first day of kindergarten, the Grenfell Library put together a collection of books about starting school, with titles including *How to Behave at School*, *Stuff to Know When You Start School* and *Why I Love School*. The BorrowBox app offered by the Grenfell Library and many libraries across New South Wales is a great way for all ages to access audiobooks. As a member of this library, I can testify firsthand to the great range of history books available. I commend Erica and the Grenfell Library team for their fantastic work.

TRIBUTE TO JILL EMBERSON

Ms JENNY AITCHISON (Maitland) (19:59:36): I pay tribute to Jill Emberson, who died in December last year. Jill is known by so many people throughout Australia and the world for her fantastic advocacy for ovarian cancer. She was diagnosed in 2016 with the eighth most common cancer in the world. Her goal in establishing Pink Meets Teal was to increase the five-year survival rate for ovarian cancer from 46 per cent to 91 per cent. She was a formidable advocate, who built on her distinguished career with the ABC over such a long time. She was announced as Newcastle Citizen of the Year in January 2019. In her role she organised 47,000 petitions. She wrested \$20 million out of the Federal Government for ovarian cancer and did fundraising. But, most importantly, she has left a legacy of openness and voice for this most insidious disease. Vale, Jill.

EVELYN CHATIKOBO

Mrs LESLIE WILLIAMS (Port Macquarie) (20:00:39): I recognise the inspirational journey of Evelyn Chatikobo, who completed her Bachelor of Midwifery at the University of Newcastle, graduating on 4 February at the Port Macquarie Glasshouse. Evelyn is a remarkable woman and a role model to many who have had the pleasure to meet her. She has accomplished so much since migrating to Australia in education and is now an invaluable member of the Port Macquarie Base Hospital midwives unit, supporting the health and wellbeing of newly expectant mothers and their babies.

It is difficult to comprehend the significant challenges that come with migrating from your country of origin, notwithstanding the substantial adjustments to new cultures, laws, language and education. However, Evelyn has done just this and excelled with flying colours. Born in Zimbabwe, Evelyn moved to Australia in 2008 with her husband and two young sons. An accountant by qualification, Evelyn decided to leave her former career to pursue a path in midwifery. In early February her dream became a reality, as she successfully gained employment at Port Macquarie Base Hospital. Evelyn's story is one of triumph and accomplishment. I congratulate her on achieving her goals.

MYALL RIVER ACTION GROUP

Ms KATE WASHINGTON (Port Stephens) (20:01:37): I pay tribute to the Myall River Action Group which, alongside the community and particularly the Jimmys Beach Preservation Association Inc. and the Winda Woppa Association Inc., has finally secured funding that will achieve the dredging of the Myall River's natural outlet into the Port Stephens estuary. On this occasion there was a five-year campaign. Previously there was a 13-year campaign for the estuary to be dredged. It has been five years since the previous dredging. The dredging needs to happen and we look forward to it happening soon. Furthermore, dredging needs to happen regularly. A plan that can be tapped into is needed so that the community does not have to embark on extensive cycles of campaigning to ensure that this important channel is dredged. This must be done so that the community can enjoy boating, recreational fishing and simply the beautiful waterways of Port Stephens.

MATT KELLY

Mr ADAM CROUCH (Terrigal) (20:02:41): Matt Kelly is a business leader on the Central Coast whom I have mentioned in speeches a number of times before. Today I inform the House that Matt has been named as Outstanding Business Leader of the Year at the NSW Business Chamber Awards. Matt is the CEO at Health Care, which is the company that operates the Gosford Private Hospital, the Brisbane Waters Private Hospital, and the brand-new \$31 million Tuggerah Lakes Private Hospital. Back in October 2019, Matt was also recognised as the Central Coast's Business Leader of the Year.

To be recognised at a regional level is impressive enough, but to receive an award at a State level is truly an honour. I also acknowledge the work Matt is doing to reduce plastic waste. He is working hard to introduce innovative ways and better practices to reuse and recycle without impacting on the high standards of health care. I had the opportunity to be briefed on this work at North Gosford last year and I am looking forward to working with him to consider what more the Government can do to assist the hospital.

REDHEAD SURF LIFE SAVING CLUB

Ms JODIE HARRISON (Charlestown) (20:03:47): Members of our surf life saving clubs train and prepare for an emergency and then they keep a watchful eye on the rest of us as we enjoy the beach. They hope that an emergency will not happen, but when one does they are ready to respond. But emergencies are not restricted to occur only when our clubbies are on patrol. Earlier this month, on Tuesday 4 February, when a surfer was in serious trouble at Redhead Beach in my electorate of Charlestown, the club's emergency service response was activated to assist. The incident illustrates the commitment of our surf lifesavers, and the essential voluntary service that they provide to communities across New South Wales. A number of the Redhead club members were able to respond quickly, and within a short time a jet ski, an inflatable rescue boat and crews were ready to respond. With the assistance of the Westpac helicopter, the surfer was able to be airlifted to hospital. This evening I recognise in this place the extraordinary efforts of the members of the Redhead Surf Life Saving Club, and indeed all surf lifesavers.

WHEAT CROP AWARD

Ms STEPH COOKE (Cootamundra) (20:04:52): I congratulate the McLeod family from Wallendbeen who were announced recently as the 2019 winners of the Agricultural Societies Council/Suncorp Bank Dryland Field Wheat Competition. This is the third time in 21 years the McLeod family has been awarded Champion Wheat Crop, a fantastic achievement. The rich red loamy basalt soils of the Wallendbeen country are a part of the success of the McLeod's cropping enterprise, and the family was delighted with their award, despite a very dry

spring. Well done Malcolm, Diana, Scott and Julia McLeod for again showcasing Wallendbeen as one of the premier wheat-growing areas of New South Wales.

ASHLEA SPARROW

Mrs LESLIE WILLIAMS (Port Macquarie) (20:05:42): I acknowledge to the House the inspirational fundraising abilities of local Port Macquarie girl Ashlea Sparrow, who raised \$1,500 through a recent function at the Hibbard Sports Club for the Wauchope Rural Fire Brigade. In late October and November last year our communities on the mid North Coast were rocked by devastating bushfires, never before seen in living memory, which burnt through thousands of hectares, engulfing homes, properties, natural habitat and wildlife, with nothing immune from this natural disaster, including the life of a community member in Johns River.

Thankfully, when all this chaos was occurring, we were blessed to have our courageous heroes in yellow, who valiantly protected our communities from harm. Recognising the magnificent efforts of our local volunteer firefighters, Ashlea decided to undertake the ultimate pledge to sacrifice her locks to raise funds for the Wauchope Rural Fire Brigade. During the event a bucket was passed around and locals generously supported Ashlea's cause to thank our fireys, with funds collected amounting to \$1,300. On top of that, an additional \$200 was raised via a GoFundMe account. I congratulate Ashlea on her fundraising achievements in support of our Rural Fire Service.

SEASONS GREETINGS BBQ WITH THE GRAND MUFTI

Ms TANIA MIHAILUK (Bankstown)—I was delighted to attend the Season's Greetings BBQ hosted by The Grand Mufti of Australia Dr Ibrahim Abu Mohammed on 7th December 2019, to reflect on the events affecting the Muslim community in 2019. It was a privilege to join Dr Abu Mohammed, members of the Australian National Imams Council executive and many community leaders, for what was a wonderful end-of-year event and a thoroughly enjoyable afternoon with great company. Dr Abu Mohammed was elected by the Australian National Imams Council as the Grand Mufti of Australia, serving from September 2011 to March 2018, before assuming the role again in July 2018 after the tragic death of his successor. Dr Abu Mohammed continues to be a tireless advocate for religious cooperation and I acknowledge the important work of Dr Abu Mohammed and Australian National Imams Council, in advancing and promoting social harmony and cohesion throughout the wider Australian community. I commend Dr Abu Mohammed and the Australian National Imams Council for their ongoing efforts and I look forward to their continued success in 2020.

SUPERINTENDENT CHRIS TAYLOR

Mr PHILIP DONATO (Orange)—I wish to recognise Superintendent Chris Taylor, Local Area Commander of the Central West Police District, who on 14th February 2020 stepped toward his retirement from the New South Wales Police Force after an extraordinary fifty years of service to the community our State. It was an honour to have joined my former colleagues, the dedicated police officers who served under the command of Superintendent Taylor, in forming a guard of honour through which Superintendent Taylor marched from his command for the last time.

Superintendent Taylor was paid the ultimate tribute by the men and women of his command, who ceremoniously saluted the veteran officer, whose years of service may never again be repeated by another police officer. Superintendent Taylor was joined by his wife Roslyn, who was at his side on this momentous occasion, as she has done so behind the scenes through many years in support of her husband, in what is a most challenging and demanding occupation. I join with the men and women of the New South Wales Police Force and the community of New South Wales in congratulating Superintendent Chris Taylor on his remarkable service, and wish him the best for a well-deserved retirement.

MR GORDON HILL

Mr ROY BUTLER (Barwon)—Mr Hill has dedicated his life to helping others in need and sometimes on the worst day of their lives. As a critical incident support service peer with the Rural Fire Service and later The State Emergency Services, Gordon has helped members deal with stress and trauma of fighting fires and seeing horrific scenes for over 22 years. Gordon has over 45 years' experience in the Rural Fire Service and over 40 years' experience in the State Emergency Services and Volunteer Rescue Association. Gordon is also the Duty Chairman of the Cobar Health Council, a member of the Western Primary Health Network Community Council and Rotary Club of Cobar. Gordon was recognised for his outstanding commitment to the Community in 2018 and was awarded the Emergency Services Medal in the Queen's Birthday honours list, the New South Wales Senior Volunteer of the year and Overall New South Wales Volunteer of the year. Gordon isn't slowing down as he continues to offer support and aid to the drought stricken farmers through his work with the Rotary Club of Cobar. I would like to personally thank Mr Gordon Hill for his tireless efforts for his community. A truly inspiring man.

WARREN MILLS – DROUGHT RELIEF

Ms SONIA HORNER (Wallsend)—A big thank you to Wallsend businessman Warren Mills who has delivered help directly to drought-beleaguered farmers once again. Warren is the managing director of Newcastle Sheetmetal and a big supporter of the Edgeworth Eagles. He led a campaign to collect provisions and around \$13,000 in donations. This isn't the first time he's done it, either: in 2018, Mr Mills bought \$4000 worth of hay and took it to farmers in the Moree and Wee Waa regions, along with \$6000 to the Moree Drought Muster. This time his team headed out to Molong, near Orange, to take donations and provisions to properties living with level 5 water restrictions. Coles Fletcher and All Engineering Services also helped collect donations, including credit cards, clothing, toiletries, nappies, water, groceries and even second-hand soccer boots, and I am pleased to say my office served as a drop off point. Warren told the Newcastle Herald he was driven to directly help those in need, and that "It was pretty cool going out there and meeting some of the locals. It was a good feeling."

GAIL PHILLIS

Mrs TANYA DAVIES (Mulgoa)—St Clair resident, Gail Phillis had no history of breast cancer in her family when she stumbled upon a large rock-hard lump in her right breast. She immediately took herself to the doctors where she was diagnosed with carcinoma at just 56 years old. With the help of rigorous treatment including a mastectomy and reconstruction on her right breast, chemotherapy and radiation, she is doing much better but will need an ultrasound every 12 months on her right side and a mammogram on her left to monitor her health and any changes in her body. Unfortunately, doctors are still unable to declare Gail cancer-free as there is no guarantee that the cancer won't return. To help support Gail in her current situation, her good friend Pauli Parkes organised a morning tea fundraiser during this year's Breast Cancer Awareness Month to raise awareness and vital funds for the National Breast Cancer Foundation and to remind all of us that cancer isn't selective, but can affect anyone. Thank you Gail for bravely sharing your story, I wish you all the best.

MUSLIM LEGAL NETWORK

Mr PAUL LYNCH (Liverpool)—I recognise the Muslim Legal Network (MLN) who, since about 2012, have organised a service each year to open the Law Term. This complements events such as the Red Mass at St Mary's Cathedral, the annual service at St James' Church, the Great Synagogue annual law service, and the more recent Red Mass at St Patrick's Cathedral at Parramatta. This year the MLN service was held on Thursday 6 February. It was held in the newly designed venue, the Punchbowl Mosque. This mosque was designed by Angelo Candalepas, who I understand, received the Sulman Prize for Public Architecture in 2018 for this project. Previous MLN services had been held at the Great Auburn Gallipoli Mosque. In particular, I acknowledge Sarah Khan, President of the Network who invited me to the event. This event is a significant statement about multiculturalism in NSW. This event, as is usually the case, was attended by leading judicial figures and leaders in the legal profession, including the current President of the Law Society, Richard Harvey, and the then President when this event was first held, Justin Dowd.

AUSTRALIA BANGLADESH SPORTS AND CRICKET ASSOCIATION

Mr MARK COURE (Oatley)—Speaker, I recently had the pleasure of attending the Australia Bangladesh Sports and Cricket Association's Trophy Ceremony on the 15th of December, 2019. The Association has been active in promoting sport, as well as Bangladeshi culture and heritage, to the Bangladeshi community for over 25 years. 2019 marked the Silver Jubilee Edition of the Association's annual BD Gold Cup, which is a highly anticipated event in the community. In 2019, 12 teams participated in the Cup. It was great to attend the trophy ceremony and congratulate the victorious Randwick Raiders, who won 8 of their 9 matches throughout the year. I would particularly like to acknowledge the Man of the Match, awarded to Adnan Kabir of the Randwick Raiders. I would like to congratulate the Association on another very successful year, and for their continued work in engaging the Bangladeshi community through sport. I acknowledge Chairman Mohammad Alam, who has been a strong advocate for the Bangladeshi community in my local area. Thank you once again to the Association for having me attend the Ceremony. I wish you all the best for the upcoming year.

COONEY FAMILY SYDNEY TO HOBART

Ms FELICITY WILSON (North Shore)—Neutral Bay locals Jim Cooney, Samantha Grant and James Cooney competed and won one of the toughest ocean races in the world, the 2019 Rolex Sydney to Hobart Yacht Race. Aboard one of the supermaxi yachts, Comanche, the Cooney's were a quarter of the crew in this year's Sydney to Hobart. Jim bought Comanche to spend quality time with his family who all share a love of the sport, having raced together in previous Sydney to Hobart events. It was unfortunate that Jim's daughter Julia had to jump ship at the 11th hour due to an Achilles injury, and then having to watch it go on to win one of the biggest prizes in world sailing – a Sydney to Hobart line honours trophy. Throughout the 628 nautical miles race and for one day, eighteen hours, 30 minutes, and twenty four seconds Jim, James and Samantha were able to share the

incredible experience of competing as a family on what is now considered the fastest supermaxi in the world. I know the House will join me in congratulating them on this fantastic result.

50-YEAR ANNIVERSARY FOR SAINT MAROUN'S COLLEGE

Ms JO HAYLEN (Summer Hill)—This month, Saint Maroun's College, Dulwich Hill, will hold a Jubilee Mass to mark the 50th Anniversary since the school's founding. Saint Maroun's College was established by the Maronite Sisters of the Holy Family at the request of the Head of the Maronite Church in Australia. Since its opening, Saint Maroun's College has been a central part of the Dulwich Hill community and a touchstone for generations of Lebanese Australians in the inner west. For over 50 years, the school has offered children from all backgrounds a wonderful and inclusive school experience and provided the Lebanese Maronite community a safe space for their cultural and spiritual education. I recently had the pleasure of meeting with Saint Maroun's College's new Principal, Dr Margaret Ghosn, and hearing about her future plans for the school and community. I am confident that in Dr Ghosn's capable hands, the future of Saint Maroun's College is brighter than ever. I offer my warmest congratulations to all the staff, students, alumni and broader community at Saint Maroun's College on this achievement and wish you all the best as you continue Growing the minds of young inner westies for decades to come.

DALE CLARK

Mr ANOULACK CHANTHIVONG (Macquarie Fields)—Dale Clark is an outstanding and inspiring individual. Dale overcame great hurdles in life to achieve band six in HSC maths. A fabulous result and an amazing feat given Dale stopped attending school at seven years old due to crippling anxiety. But it was Dale's determination and the support of his teachers – first at Ajuga and then later at Campbell House School – that helped Dale overcome his lost schooling years. Dale became the first student at Campbell House ever to earn a band six – or above 90% – in a Higher School Certificate subject. Our local Schools for Special Purposes do an outstanding job in supporting young people experiencing a range of emotional and behavioural issues reach their full potential. In fact, Dale credits his achievement and personal development to the teachers at Campbell House. In Dale's own words: "Had it not been for them, I would not be half the person I am today. I'll never forget them, nor the things they taught me." Dale has applied to study aged care at TAFE and is excited about his future. Congratulations, Dale. Well done and well deserved.

AUSTRALIAN CHIN LIEN CHINESE ASSOCIATION RIBBON CUTTING CEREMONY

Mr GUY ZANGARI (Fairfield)—I would like to commend and congratulate the Australian Chin Lien Chinese Association who on Sunday 23rd February 2020, held a very special ribbon cutting ceremony to officially unveil their newly completed works which were made possible through funding received under the Community Building Partnership grants program. The Australian Chin Lien Chinese Association have always been fantastic contributors to our local community and continue to do a tremendous job at supporting not only local families, but those in need from far and wide. I consider myself honoured to have had the great opportunity to have worked alongside so many dedicated volunteers at the Australian Chin Lien Chinese Association over the years and is a privilege to be able to work with them for many more years to come. I would like to extend my sincerest congratulations and appreciation to everyone at the Australian Chin Lien Chinese Association for their continued support to those in need throughout our local community and I wish them all the very best in their future endeavours.

RETIREMENT OF TEACHER VICKIE PETTETT

Ms JODIE HARRISON (Charlestown)—Vickie Pettett will have been taking a well-earned rest in February for the first time in more than forty years. She began her teaching career in 1968 at Dunedoo Central School. It was at this school that she met her future husband John, a fellow teacher. In 1983, Vickie took up a teaching position at St Paul's Primary School in Gateshead, and then at St Joseph's Primary School in Charlestown – both in my electorate of Charlestown - before moving to St Therese's Primary School in New Lambton, where she has taught for the past 25 years, and to where many of the families in my electorate choose to send their children. Our society needs great teachers like Vickie Pettett. As I reflect on her teaching career I think of all of the thousands of children who have been inspired and helped by her over the years. I congratulate her on behalf of the people of the electorate of Charlestown, and as she commences her retirement, I wish her and John health and happiness in the years to come.

NEW CITIZENS FOR BLAND SHIRE

Ms STEPH COOKE (Cootamundra)—At a special breakfast ceremony held at Barnado Park on Australia Day, Bland Shire welcomed five new citizens to the area. Congratulations to Athena Dela Cruz, Dr Wail El Wili, Sunisa Mayberry, Ted Norrie and Lee Taylor on becoming Australian Citizens. I would also like to congratulate Ray Smith, the General Manager of Bland Shire Council for being recognised in the Australia Day

Honours list and awarded with the Public Service Medal. This prestigious award recognises Mr Smith's 49 years of ongoing service to Local Government and 10 years to Bland Shire Council. Well done on this remarkable achievement.

BALLINA ON RICHMOND ROTARY DOMESTIC VIOLENCE CAMPAIGN

Ms TAMARA SMITH (Ballina)—Today I acknowledge the Rotary club of Ballina-on-Richmond for the Domestic Violence Campaign conducted throughout 2019. The club's key focus for the year was on supporting preventative programs for domestic and family violence; educating young people about respectful relationships and consent; and breaking the stigma and silence associated with domestic violence. The club did an outstanding job of rallying over 700 community members, including school students, representatives from community organisations and members of the public to walk through Ballina CBD spreading the message of "Stop the Silence, End the Violence" on 22 November 2019.

I commend the club for arranging for the delivery of moving accounts from individuals with lived experience of domestic violence and delivering information and resources to the community regarding domestic and family violence. The ongoing proactive undertakings of the club through the "Love Bites" program support young people to understand what respectful relationships look like. Domestic and family violence continues to be a huge problem in our community and it is wonderful to see rotary leading the way in addressing this important issue.

LEN KELMAN

Mr MICHAEL JOHNSEN (Upper Hunter)—I would like to congratulate Len Kelman of Muswellbrook who was presented the prestigious Ian M. Stockdale Humanitarian Award at a Lions Club Convention recently held at Mudgee. Len Kelman, Muswellbrook Shire's 2019 Citizen of the Year, has spent the past 24 months assisting those in need, delivering water to drought stricken farmers and communities. Again Congratulations to Len Kelman on this wonderful achievement and I thank him for his service to the Upper Hunter electorate.

U3A NORTHERN RIVERS

Ms JANELLE SAFFIN (Lismore)—I had the pleasure of attending U3A Northern Rivers (Lismore) Incorporated's open day at the Lismore Workers Club recently and I congratulate all on a highly successful event to herald in 2020. This was a golden opportunity for U3A members and prospective members to check out any new courses, meet tutors, and either renew membership or sign up for membership of this great organisation. U3A Northern River (U3ANR) offers more than 35 courses and activities each term, and while it predominantly draws its membership from Lismore and region, those members may also attend courses run by Ballina/Byron.

U3A is a self-help, non-profit organisation run by seniors and devoted to learning for the fun of learning, while enhancing old friendships and making new friendships along the way. President Jean Cook and her committee late last year decided to keep U3ANR's large volume of donations more local due to the many tragedies experienced by local people due to bushfires. Consequently, they were passed on to the Country Women's Association for distribution to families in our region. I thank U3A Northern Rivers members for their generous donations, and commend all local CWA branches for the fantastic work they do in supporting local communities.

STRONG MAITLAND SHOWGIRL TRADITION

Ms JENNY AITCHISON (Maitland)—Congratulate to the six young women who took part in this year's Maitland Showgirl quest, I thank them for their part in keeping this tradition alive. The Showgirl Movement is misunderstood by many. It is not a beauty pageant - its aim is to find a young female ambassador for rural NSW and the Agricultural Show movement. Congratulations to Billie-Jo Cresswell, Amy Newton, Breanna Murrell, Shanelle Fairhall, Hollie Hassler and Hayley Johns, for putting yourselves forward with such confidence and grace. This year Maitland's winning showgirl is Hayley Johns, of Bolwarra Heights. Hayley is in her final year of podiatry studies at the University of Newcastle, is a passionate advocate for rural health, and has a strong agricultural and volunteering background. She is also Maitland's Young Citizen of the Year. Hayley will compete at the zone finals in 2021 for a place in the state final of The Land Sydney Royal Showgirl Competition. I wish her luck. Thank you to long-time Maitland Showgirl coordinator Margaret Enright for her dedication and commitment to the Showgirl Movement.

KELLYVILLE HIGH SCHOOL FILM

Mr RAY WILLIAMS (Castle Hill)—Within my electorate of Castle Hill, Kellyville High School students have recently undertaken the immense task of creating their own feature film. The teaching head of the school's media team is Fabio Caprarelli who I would like to thank and congratulate for the countless hours of dedicated hard work he has poured into the project. He well and truly represents the sort of enthusiasm and

application that we hope all our educators can bring to the classroom. The students were involved in all facets of the film's creation, from the initial conceptualisation, all the way to editing the final product. The film is a historical drama based on the Stolen Generations, detailing the story of a young girl taken from her home and placed into a mission. I am told it was a story which involved much consultation with many Elders and leaders of Aboriginal Communities, an effort which I am sure was most rewarding for all students involved. The film premiered last week at Event Cinemas George St, and I would like to wish all involved the best of luck for the future of the film, and also for the future of their studies.

FRAN ROGERS AND THE ANZAC CARE PACKAGE PROJECT

Mr LEE EVANS (Heathcote)—I'm pleased local identity Fran Rogers was recently recognised for her efforts baking Anzac Day biscuits. These biscuits were sent to Australian troops deployed on operations as part of the Engadine RSL Sub Branch Anzac Care Package project. Fran is always happy to have a chat with everyone and willing to lend a helping hand. I admire Fran for her resilience in triumphing life's many challenges. Fran was extremely humbled to receive the Australian Council Medallion and Certificate of Appreciation. Fran is well deserving of these awards and it's fantastic that she has been recognised for her contribution. I also take this opportunity to remind locals that Engadine RSL Sub Branch will be supporting the Anzac Care Package Project again this year. They are accepting share items that are non-perishable such as Tim Tams and other biscuits, chips share packs and BBQ Shapes, lollies, chocolate share packs, Vegemite tubs and Coffee and Tea bags. They are also accepting artwork, drawings or letters from children. Donations can be delivered to the Engadine RSL Club's reception any time before Friday 27th of March and I encourage the community to continue to support them with this fantastic initiative.

TWINKLESTAR EARLY CHILDHOOD LEARNING CENTRE

Mr DOMINIC PERROTTET (Epping—Treasurer)—I recently had the opportunity to visit the fantastic TwinkleStar Early Childhood Learning Centre in Beecroft. TwinkleStar, an Australian owned family business with centres in Beecroft, Granville and Kings Langley. They have been in Welham Street since 2009 on Welham Street and in their own words, they strive "to provide care of the highest standard in a secure and trusting environment to young children aged from 6 weeks to 6 years old." And that is what I saw, and heard from some of the parents that I spoke to. The children felt safe, secure, challenged and stimulated, and the facilities clean, bright, and well maintained. You could tell that the children looked forward to being there, which is great for kids, and means so much to parents and families. I want to thank the owner of TwinkleStar Early Childhood Learning Centre at Beecroft, Colin Mead, and Mitch Hutchinson, Director at Twinklestar for showing me around, and the children and parents for making me feel so welcome. They all do a great job and I look forward to visiting again in the future.

PADDINGTON BUSINESS PARTNERSHIP

Mr ALEX GREENWICH (Sydney)—On behalf of the Sydney Electorate, I wish to applaud the Paddington Business Partnership, which supports small business in the area, particularly along Oxford Street, around Fiveways and the adjacent commercial areas. With funding support from the City of Sydney and Woollahra Council, the partnership has a great wayfinding map, welcoming website and regular activities to attract business to the area, while also providing ideas and strategies for business operators and looking after the local community. At a well-attended meeting of the partnership late last year, I spoke about my work for the area, along with the federal member Dave Sharma. Business operators concerned about maintaining the Paddington vibrant and diverse heritage precinct and helping small businesses compete with huge corporations and shopping malls. I share their longstanding vision for a calmer, pedestrian-friendly shopping strip in Oxford Street, including reducing traffic speeds and removing clearways. I commend the Paddington Business Partnership for their work with all levels of government and their passion for the future of this unique precinct.

JEDD GOGGIN

Mrs LESLIE WILLIAMS (Port Macquarie)—I rise to commend to the House former Young Lifesaver of the Year Jedd Goggin who has been selected to attend the Surf Life Saving Australia (SLSA) National Leaders College (NLC) which was held from 2 to 8 February in Sydney. A highly respected young leader in our community, Jedd's passion for life saving began at the age of five and it has never diminished. Now based in Western Australia, Jedd continues to serve on volunteer surf patrols while training in the Australian Defence Force Academy as a lieutenant in the Royal Australian Navy.

Described as an ambassador by his former peers at Surf Life Saving Mid North Coast, the organisation led by President Rod McDonagh was excited to hear that Jedd was selected to attend the NLC to further develop his leadership skills and abilities in surf life saving, which could potentially lead him on a pathway to a future career within Surf Life Saving Australia. Jedd's enthusiasm and passion to give back to his community through

surf life saving is an inspiration to young Nippers and I have no doubt his guidance and supervision will attribute to the success of generations to come.

HARRY AND MARGARET LOUDON

Mr MATT KEAN (Hornsby—Minister for Energy and Environment)—This month, Harold (Harry) and Margaret Loudon celebrated their 70th wedding anniversary. This occasion was celebrated at Magpies Waitara and a good time was had by all. Harry and Margaret have been members of my local community for many years and are adored by their neighbours. Harry was the local manager of the Asquith Branch of the Commonwealth Bank. He remains an active member of our community as a member of Asquith Bowling club, and a foundation member of Asquith Probus. Margaret also celebrated her 90th birthday this month. Congratulations Harry and Margaret on this extraordinary milestone. May there be many more celebrations to come.

CRITERION THEATRE

Mr CHRISTOPHER GULAPTIS (Clarence)—I offer my congratulations to four stalwarts of the Criterion Theatre who were recently given Life Membership of the Theatre. Fran McHugh was President for 10 years along with being a performer, a director and musical director at different times since 1995. Anne Newbold has directed a number of shows along with being involved in costume design for nearly all the shows performed by the Theatre over the past 15 years. Dave and Sue Mackey have been responsible for the artistic design and construction expertise of every set during the past 11 years. The Clarence Valley is very lucky to have such dedicated residents who give so much of their time to ensuring the rest of us are given the opportunity to see live shows.

KIM HILL

Mr NATHANIEL SMITH (Wollondilly)—I would like to recognise the outstanding work done by Kim Hill of the Buxton RFS. Kim has not only been on the front fighting the recent Green Wattle Creek fire in my electorate but also instrumental in setting up the Balmoral Recovery centre. The Balmoral Recovery Centre, at the Balmoral Community Hall, has proven to be a sanctuary in the heart of the area in my Electorate most devastated by that fire. Kim and Kerrie O'Grady from the Picton CWA have ensured that the centre is a welcoming and caring place for residents to meet and discuss the fires and their impact and the road ahead to recovery. It is also the place where residents can access the many donations of goods that have been received. Kim has also been instrumental in driving the memorial project for the 2 fire fighters Andrew O'Dwyer and Geoffrey Keaton, who lost their lives during the fight for Buxton and Balmoral. Thank you Kim for all that you have done for the community.

JON KOCHANSKI

Mr TIM CRAKANTHORP (Newcastle)—In 1971 Jon Kochanski came to Newcastle planning to spend just a year working in local hospitals after studying to be a doctor in Sydney. On the last day of 2019 he pulled up stumps on his medical career, just shy of half a century in the profession and having spent 47 years longer working in Newcastle than he planned. As well as being a popular GP, Jon spent more than 40 years as the doctor for the Wanderers Rugby Club, and was also Newcastle port's doctor attending to medical needs of visiting seaman. Jon's longevity in Newcastle is a testament to his loyalty to his community and the trust that his community placed in him. Well done Jon, and best wishes for your retirement.

BETHEL CHRISTIAN SCHOOL

Mr EDMOND ATALLA (Mount Druitt)—I would like to congratulate and commend Bethel Christian School of Mount Druitt, for their dedication to improving the literacy rates of their students. In 2018, Literacy scores for the schools grade 3 students in the NAPLAN ranked lower than average, with 46 percent of students achieving a mark in the top two highest bands, where the average is 56 percent. Due to the successful implementation of a new approach and reaffirming teacher's understandings of the curriculum, the average literacy mark for the school in 2019 has increased by 20 percent, beating the national average. This is an outstanding achievement, which should be celebrated. I would like to thank Principal, Alese Plichta, the teachers and staff of Bethel Christian School for their dedication and support of their students.

CRONULLA SES UNIT

Ms ELENI PETINOS (Miranda)—I acknowledge the dedicated volunteers from the Cronulla SES Unit who were vital to local recovery and clean-up following the supercell storm which hit on 20 January. Over 15 minutes the Shire was hit with hail up to five centimetres in size and winds reaching 120 kilometres per hour. State Emergency Service teams from across the State addressed 783 jobs throughout the Shire, totalling 220,000 volunteer hours and 944 individual team taskings. I commend the volunteers from the Cronulla SES Unit

who worked tirelessly to clear roads, remove fallen trees from homes and cars, and ensure that our community was back to business in a matter of days.

Led by Unit Commander Peter Rozea and Deputy Unit Commander Chris Watts, I acknowledge Colin Bailey, Jonathen Castillo, Bridget Clark, Joshua Craig, Colin Curran, John Curtis, Brian Ede, Pieter Eecen, James Gibbs, Ingmar Holm, Mario Maggio, Michael Marusic, Jae Moore-Lambert, Kat Munoz, Chris Murray, Alina Pasechnik, Matthew Rafferty, Elyse Riordan, Kyle Riordan, Anya Robertson, Travis Ryan, Flavio Scalon, Mark Sjolander, Daniel Stevens, Kent Wallin, Julian Weaver, Brendan Williams, and Sheree Wilson. I thank these volunteers for their selflessness and steadfast dedication to our community.

CHINESE MASONIC SOCIETY OF AUSTRALIA

Mr CHRIS MINNS (Kogarah)—I would like to congratulate the Chinese Masonic Society of Australia on their 165th anniversary. The Society has cared for and supported Chinese Australians since the mid-19th century. This is a remarkable accomplishment and one everyone involved in the organisation, past and present, can be proud of. Late last year I was pleased to attend the Society's anniversary dinner and I sincerely thank Grand Master Stephen Huang and Chairman Ken Choy for inviting me to participate in the celebrations. Chinese Masonic Society of Australia is the first and oldest Chinese community organisation in Australia. It serves the public, promotes a harmonious society and cares for the welfare of all people. I admire the Chinese Masonic Society for their work in local communities supporting Chinese cultural awareness, charity efforts, and promoting friendships within the Chinese and Australian communities. With their strong commitment to charity and helping others, I know the Chinese Masonic Society of Australia will continue to make a significant contribution to the welfare of all Australians and to the residents of the St George district.

PETS IN BUSHFIRES

Dr JOE McGIRR (Wagga Wagga)—It's hard to truly express how strong the bonds we forge with our pets can become. They are our family. Never was that more clear to me than when I visited the bushfire evacuation centres in Wagga Wagga earlier this year. As the Wagga Equex Centre filled with residents seeking shelter from the Dunns Road Fire, the Wagga Showgrounds and Tumut Showgrounds became a temporary home for dogs, cats, goats, alpacas and poultry and other beloved bipeds and quadrupeds. The care and compassion provided across the board went above and beyond for not only members of Local Land Services and the Department of Primary Industries, but also staff and volunteers from Charles Sturt University's veterinary department, and private vets like Luisa Beck.

CSU's equine medical centre also opened its doors for more than 30 horses, with CSU members, including its head of animal and vet sciences school Rob Woodgate, equine medical specialist Edwina Wilkes, veterinary clinical centre director Kris Hughes and the Equine Centre director, Anna Dennis, working around the clock to treat seven burned and injured horses. My personal thanks goes out to everyone involved in caring for the furry, woolly, scaly and feathery family members of evacuees.

CARMEN DRIVE RESERVE UPGRADE

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services)—On Sunday, 23 February, I joined City of Parramatta Councillor Andrew Jefferies to celebrate the opening of the new playground and upgraded car park at Carmen Drive. Despite the rainy and overcast weather conditions, about 2000 residents attended the Family Fun Day. They made the most out of the free BBQ, kids' activities, and samples and offerings put together by the fantastic local businesses. The council-funded improvements to Carmen Drive Reserve and shop frontages have doubled the car park in size to 43 spaces and transformed the old reserve into a family-friendly space which includes climbing equipment, fencing, and an amenities block. I congratulate the City of Parramatta, in particular Councillor Jefferies and Lord Mayor Bob Dwyer, and the NSW Government through its contributions under the Stronger Communities Fund. I encourage residents in the Baulkham Hills electorate to take the opportunity to drop by Carme Drive on their next visit through Carlingford. The new facilities are a welcome addition to the North Rocks Ward.

ROTARY CLUB OF MAROUBRA 60TH ANNIVERSARY DINNER

Dr MARJORIE O'NEILL (Coogee)—I rise today to congratulate the Maroubra Rotary Club for reaching their 60th Anniversary. On the 17th of February, I had the honour of attending the Rotary Club of Maroubra's 60th Anniversary Dinner with my parliamentary colleagues Michael Daley and Ron Hoenig, and Randwick City Council mayor Danny Said. This dinner, held at the Bonnie Doon Golf Club, heard from Rotarians from District 9675, past and present Maroubra Rotarians, and members from other Clubs, who recognised and reflected on the 60 years of service that the Maroubra Rotary Club has given to our community. I would like to also take this opportunity to recognise the service of all of the club members and volunteers, and extend my thanks for all of their work, which has deeply impacted on our community in a profoundly positive way.

LARA WATTS

Mr STEPHEN BROMHEAD (Myall Lakes)—I wish to inform the house of the recent achievement of Lara Watts. Lara has been recently named Manning River Times-Iguana Sports Star Of the Week and In the 25 strong train-on indoor hockey squad for Australia. Lara has been a regular in the state indoor teams since she was 12 despite only playing indoor hockey at a representative trials due to lack of local competition until the last two seasons. She has also played field hockey for NSW since she was 12 in various age divisions. Good luck and best of wishes with the 25 strong train-on squad.

**The House adjourned, pursuant to standing and sessional orders, at 20:09 until
Thursday 27 February at 9:30**