



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 3 June 2020**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Announcements .....	2319
Notices of Motions .....	2319
Notices .....	2319
Presentation.....	2319
Bills.....	2319
Evidence Amendment (Tendency and Coincidence) Bill 2020 .....	2319
Returned.....	2319
Consideration in Detail.....	2319
Design and Building Practitioners Bill 2019 .....	2320
Returned.....	2320
Consideration in Detail.....	2320
Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020.....	2332
Second Reading Debate.....	2332
Consideration in Detail.....	2347
Third Reading .....	2349
Mental Health and Cognitive Impairment Forensic Provisions Bill 2020 .....	2349
First Reading.....	2349
Second Reading Speech.....	2349
Committees .....	2354
Legislation Review Committee .....	2354
Reports.....	2354
Legislation Review Committee .....	2355
Reports.....	2355
Legislation Review Committee .....	2355
Reports.....	2355
Public Accounts Committee .....	2355
Reports.....	2355
Legislation Review Committee .....	2356
Reports.....	2356
Legislation Review Committee .....	2356
Reports.....	2356
Members .....	2357
Member for Newcastle.....	2357
Question Time .....	2357
State Infrastructure.....	2357
School Infrastructure .....	2358
Westmead Public School .....	2359
School Infrastructure .....	2359
Regional Cultural Fund.....	2361
Documents .....	2362

## TABLE OF CONTENTS—*continuing*

Small Business Commissioner .....	2362
Reports .....	2362
Committees .....	2362
Committee on the Independent Commission Against Corruption .....	2362
Inquiry .....	2362
Petitions .....	2362
Petitions Received .....	2362
Narrabri Gas Project .....	2362
Business of the House .....	2362
Business Lapsed .....	2362
Withdrawal of Business .....	2362
Bills .....	2362
Crimes Amendment (Special Care Offences) Bill 2020 .....	2362
First Reading .....	2362
Second Reading Speech .....	2362
Personal Injury Commission Bill 2020 .....	2366
First Reading .....	2366
Second Reading Speech .....	2366
Constitution Amendment (Water Accountability and Transparency) Bill 2020 .....	2369
First Reading .....	2369
Second Reading Speech .....	2369
Private Members' Statements .....	2370
COVID-19 and Albury Electorate .....	2370
Corrimal High School .....	2371
COVID-19 and Port Macquarie Electorate .....	2372
Baulkham Hills Infrastructure .....	2373
Government Performance .....	2373
Tribute to the Hon. Ian Causley, Former Member for Clarence and Former Federal Member for Page .....	2375
.....	
Bushfire Recovery Assistance .....	2375
Prince of Wales Hospital Clinical Engineering Department .....	2376
Camden Meals on Wheels .....	2377
COVID-19 and Granville Electorate .....	2378
Davidson Electorate Community Building Partnership Grants .....	2379
Small Business COVID-19 Support Grant .....	2379
Target Regional Store Closures .....	2380
COVID-19 and Drummoyne Electorate .....	2381
Indigenous Reconciliation .....	2381
COVID-19 and Barwon Electorate .....	2382
COVID-19 and Auburn Electorate .....	2383
Tribute to Harry Buckley .....	2384
Public Interest Debate .....	2385

## TABLE OF CONTENTS—*continuing*

Public Sector Pay Freeze .....	2385
Private Members' Statements.....	2392
Little Wings .....	2392
Wyong Electorate Projects.....	2392
Bushfires and Goulburn Electorate.....	2393
COVID-19 and Port Stephens Electorate .....	2394
New Windsor Bridge .....	2395
Canterbury Hospital.....	2395
COVID-19 and Cronulla Electorate .....	2396
Community Recognition Statements .....	2397
Merinda May .....	2397
Spencer Rural Fire Brigade .....	2397
Julie Poplin .....	2397
International Transport Workers' Federation.....	2397
Sydney Business Chamber Online Forum.....	2398
Colin Markham, Former Member for Keira, Former Member for Wollongong and Former Parliamentary Secretary for Aboriginal Affairs .....	2398
Rufftrack .....	2398
South Asian Muslim Association of Australia .....	2398
Kathleen Naulumatua .....	2399
Stanley Coulter 100th Birthday .....	2399
Pie Time.....	2399
Central Coast Hockey Association .....	2399
Bare Creek Bike Park .....	2399
Coffs Harbour Venturer Scout Unit.....	2400
COVID-19 and Supermarket and Retail Workers .....	2400
Mudgee Hospital.....	2400
Tribute to Robbie Reynolds.....	2400
Albury Electorate Schools .....	2401
Ms Bec Crawford.....	2401
Cowra Art Group .....	2401
Senior Sergeant John Thompson .....	2401
Northern Tablelands and North West Local Lands Services.....	2401
Central Coast Water Polo .....	2401
St Joseph's Catholic Primary School, Riverwood.....	2402
Vony Fazzino.....	2402
Lucas Martin.....	2402
Surf Life Saving Central Coast Inclusive Branch Carnival.....	2402
The Meadows Public School .....	2402
Tribute to Dick Payten, OAM .....	2403
Live Connection Twentieth Anniversary.....	2403
Lindfield Rotary Fiftieth Anniversary .....	2403

## TABLE OF CONTENTS—*continuing*

Tribute to Greta Richardson .....	2403
Cabramatta Community Response to COVID-19 .....	2403
Waverley and Randwick City Council Mayors .....	2403
Ken McConnell.....	2404
Peter and Renee Burke.....	2404
Brady Cross .....	2404
Taree Rotary Club Donation to Tinonee Rural Fire Service .....	2404
Central Coast Hockey Association Inc. ....	2404
The Entrance Water Polo Club .....	2405
Bland Shire Host Tik-Tok Competition.....	2405
Junee Ladies League Tag.....	2405
Jess Hill.....	2405
Dara Soccer Boot Collection .....	2405
Yvonne Terweeme .....	2405
Patrick Beach .....	2406
Can Italian Australian Services.....	2406
Recognising Chris Thomas.....	2406
Bangalow Lion Hearts .....	2406
Salvos Digital Doorknock.....	2407
Graham Hudson .....	2407
Staff in Our Local Schools .....	2407
COVID-19 Efforts .....	2407
Matt Crothers .....	2408
Mrs Joyce Abra 100th Birthday.....	2408
Lily Harrison's Period Pack Project Helps Women .....	2408
Tribute to Regional Journalists and Other Staff Impacted by News Corp Restructure .....	2408
Wagga Wagga City Council Staff Volunteer .....	2408
Australian Middle East Media .....	2409
Irt Peakhurst Lunch Farewell for Donna Thomson .....	2409
Canley Vale Public School Care Packages.....	2409
Places of Worship .....	2409
World Bicycle Day .....	2409
Absec .....	2410
Waskam Emelda Davis .....	2410
Orange Electorate Officers .....	2410
The Glebe Society.....	2410
North Sydney Girls Zone Swimming .....	2411
Students Back to School .....	2411
Elders Glenn Innes Store Sale .....	2411
Guyra Post Office .....	2411
Ms Lauralea Moss.....	2411
Kogarah Woman of the Year .....	2412

## TABLE OF CONTENTS—*continuing*

Zonta Club of Botany Bay .....	2412
Central Coast Volunteer of the Year Awards .....	2412
Umina Beach Men's Shed Overhauls Storage Boxes for Umina Beach Public School .....	2412
World's Greatest Shave .....	2413
Miranda Congregational Church .....	2413
Heathcote Local Sport Grant Recipients .....	2413
Sydney Surf Life Saving Awards of Excellence—North Cronulla SLSC .....	2413
Anzac Day .....	2414
Chemistworks .....	2414
Recognising Vishaal Kumar .....	2414
Sutherland Shire Relay for Life .....	2414
Yvette Cavanagh .....	2414
World Milk Day .....	2415
Karress Rhodes .....	2415
Outloud .....	2415
Maliyan Horizon .....	2415
Tiger-Do Martial Arts .....	2415
Lucy Falco—Dux Camden Haven High School .....	2416
Qantas Australian Tourism Awards .....	2416

# LEGISLATIVE ASSEMBLY

**Wednesday, 3 June 2020**

**The Speaker (The Hon. Jonathan Richard O'Dea)** took the chair at 9:30.

**The Speaker** read the prayer and acknowledgement of country.

## *Announcements*

### NOTICES OF MOTIONS

**The SPEAKER:** I remind members of my previous comments regarding the giving of notices of motions. First, do not make passionate statements—they are notices of motions. Secondly, the giving of an individual notice of motion is limited to 30 seconds. If members do not stick to that time, members who are waiting to give notice of their motion will not have an opportunity to do that. Thirdly, notices of motions should not be speeches. I ask members to keep that in mind.

*[Notices of motions given]*

## *Notices*

### PRESENTATION

*[During the giving of notices of motions]*

**The SPEAKER:** The notice of motion given by the member for Campbelltown was 47 seconds, which is too long. I will indulge the member for Campbelltown this time, but I will not do so next time.

## *Bills*

### EVIDENCE AMENDMENT (TENDENCY AND COINCIDENCE) BILL 2020

#### Returned

**The DEPUTY SPEAKER:** I report receipt of a message from the Legislative Council returning the bill with amendments.

#### Consideration in Detail

#### Consideration of Legislative Council's amendments.

##### *Schedule of amendments referred to in message of 2 June 2020*

No. 1 **GOVT No. 1 [c2020-066]**

Page 3, clause 2, line 5. Omit "1 May 2020". Insert instead "1 July 2020".

No. 2 **GOVT No. 1 [c2020-008B]**

Page 6, Schedule 1[5]. Insert after line 12—

#### **30 Review by the Minister**

- (1) The Minister is to review—
  - (a) the operation of the amendments made to this Act by the Evidence Amendment (Tendency and Coincidence) Act 2020, and
  - (b) the circumstances in which tendency evidence or coincidence evidence about a defendant is admissible in proceedings for sexual offences and whether those circumstances should be broadened.
- (2) The review is to be undertaken as soon as possible after 1 June 2022.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament on or before 30 September 2020.

**Mr MARK SPEAKMAN:** I move:

That the Legislative Council amendments be agreed to.

**The DEPUTY SPEAKER:** The question is that the Legislative Council amendments be agreed to.

**Motion agreed to.**

**DESIGN AND BUILDING PRACTITIONERS BILL 2019****Returned**

**The DEPUTY SPEAKER:** I report receipt of a message from the Legislative Council returning the bill with amendments.

**Consideration in Detail****Consideration of Legislative Council's amendments.***Schedule of amendments referred to in message of 2 June 2020*No. 1 **GOVT No. 1 [c2020-077A]**

Page 2, clause 2, line 6. Omit all words on that line. Insert instead—

- (1) This Act commences on the date of assent to this Act, except as provided by subsections (2) and (3).
- (2) Part 2, Division 1 of Part 2A and Parts 4–8 and clauses 2–4 of Schedule 1 commence on 1 July 2021.
- (3) Division 2 of Part 2A commences on a day or days to be appointed by proclamation.

No. 2 **OPP No. 1 [c2020-079]**

Page 2, clause 3(1), definition of *practitioner*, line 29. Insert ", professional engineer, specialist practitioner" after "principal design practitioner".

No. 3 **SFF No 1 [c2020-072]**

Page 2, clause 3(1). Insert after line 30—

*preparing or varying* a regulated design or other design means—

- (a) actually preparing or varying the design, or
- (b) coordinating or supervising the preparation or variation of the design.

No. 4 **OPP No. 2 [c2020-079]**

Page 2, clause 3(1). Insert after line 35—

*professional engineer* means a person who carries out professional engineering work in a prescribed area of engineering within the meaning of section 29B.

*professional engineering work*—see section 29A.

No. 5 **OPP No. 3 [c2020-079]**

Page 2, clause 3(1), definition of *register*, line 36. Omit "design practitioner, principal design practitioner or building practitioner". Insert instead "registered practitioner".

No. 6 **OPP No. 4 [c2020-079]**

Page 2, clause 3(1), definition of *registered practitioner*, line 44. Insert ", registered professional engineer, registered specialist practitioner" after "design practitioner".

No. 7 **OPP No. 5 [c2020-079]**

Page 3, clause 3(1). Insert after line 3—

*registered professional engineer* means a person who is registered as a professional engineer under this Act or recognised as a professional engineer under this Act.

*registered specialist practitioner* means a person who is registered as a specialist practitioner under this Act or recognised as a specialist practitioner under this Act.

No. 8 **OPP No. 6 [c2020-079]**

Page 3, clause 3(1), lines 4 and 5. Omit "registered design practitioner, principal design practitioner or building practitioner". Insert instead "registered practitioner".

No. 9 **OPP No. 7 [c2020-079]**

Page 3, clause 3(1). Insert after line 8—

*specialist practitioner* means a person who carries out specialist work.

*specialist work*—see section 29D.

No. 10 **SFF No 2 [c2020-072]**

Page 3, clause 3(2), lines 13–15. Omit all words on those lines.

No. 11 **SFF No. 3 [c2020-072]**

Page 3, clause 5. Insert after line 36—

- (2) The regulations may prescribe the form and content of regulated designs or regulated designs belonging to a particular class.
- (3) The Minister may, by order published in the Gazette, specify particulars that are additional to those (if any) prescribed by the regulations for regulated designs or regulated designs belonging to a particular class.
- (4) An order under subsection (3) is to be made available on the website of the Department as soon as practicable after it is published in the Gazette.

No. 12 **SFF No. 4 [c2020-072]**

Page 3, clause 6(1)(a), line 39. Omit ", as prescribed by the regulations". Insert instead "within the meaning of the *Building Code of Australia*".

No. 13 **SFF No. 5 [c2020-072]**

Page 3, clause 6(1)(c), line 43. Insert "in-ground and other" before "foundations".

No. 14 **SFF No. 6 [c2020-072]**

Page 4, clause 6(1)(e), line 1. Omit all words on that line. Insert instead—

- (e) those aspects of the mechanical, plumbing and electrical services for a building that are required to achieve compliance with the *Building Code of Australia*,

No. 15 **SFF No. 7 [c2020-072]**

Page 6, clause 9(1)(a), line 6. Insert "prepared by the practitioner" after "regulated design".

No. 16 **SFF No. 8 [c2020-072]**

Page 6, clause 9(2)(a), line 14. Insert "prepared by either practitioner" after "regulated design".

No. 17 **SFF No. 9 [c2020-072]**

Page 6, clause 9(2)(b), line 16. Omit "a further varied design". Insert instead "the regulated design as varied by the practitioner".

No. 18 **SFF No. 10 [c2020-072]**

Page 6, clause 9(3)(a), line 24. Insert "prepared by either practitioner" after "regulated design".

No. 19 **SFF No. 11 [c2020-072]**

Page 6, clause 9(3)(b), line 26. Omit "a further varied design". Insert instead "the regulated design as varied by the practitioner".

No. 20 **GOVT No. 2 [c2020-077A]**

Page 8. Insert after line 39—

**14A Provision of relevant documents to Secretary**

- (1) A building practitioner who does building work must ensure that the relevant documents for the building work are provided to the Secretary no later than 90 days after the occupation certificate is issued for the building or part of the building to which the building work relates.

Maximum penalty—300 penalty units (in the case of a body corporate) or 100 penalty units (in any other case).

- (2) The regulations may make provision with respect to the manner and form in which a relevant document is to be provided to the Secretary.
- (3) Without limiting subsection (2), a regulation made under that subsection may require relevant documents to be lodged electronically through an internet site or an application established by or on behalf of the Department.
- (4) In this section—

*relevant document* means—

- (a) each regulated design for which a design compliance declaration has been provided that reflects the building work that was carried out, and
- (b) any other documents (including designs) that relate to the building work and are prescribed by the regulations.

No. 21 **GOVT No. 3 [c2020-077A]**

Page 8, clause 15. Insert after line 44—

- (1A) A person must, after making an application for an occupation certificate for a building to which building work relates, give written notice to each registered building practitioner who did the building work of the making of the application.

No. 22 **GOVT No. 4 [c2020-077A]**

Page 9, clause 15(2), line 1. Omit "The notice must be given within the period". Insert instead "The notices under subsections (1) and (1A) must be given within the periods".

No. 23 **OPP No. 8 [c2020-079]**

Page 10, clause 19(2). Insert after line 40—

- (a1) the registered design practitioner is given (or otherwise has access to in the manner prescribed by the regulations) any of the following that are relevant to the provision, by the registered design practitioner, of a design compliance declaration for the varied design—
  - (i) regulated designs,
  - (ii) design compliance declarations,
  - (iii) principal compliance declarations, and

No. 24 **OPP No. 9 [c2020-079]**

Page 11, clause 19(3). Insert after line 6—

- (a1) the registered design practitioner is given (or otherwise has access to in the manner prescribed by the regulations) any of the following that are relevant to the provision, by the registered design practitioner, of a design compliance declaration for the design—
  - (i) regulated designs,
  - (ii) design compliance declarations,
  - (iii) principal compliance declarations, and

No. 25 **OPP No. 10 [c2020-079]**

Page 13, clause 24. Insert after line 12—

- (3A) In determining whether a variation to a regulated design or building work complies with the *Building Code of Australia* for the purposes of this Act, the variation must not be considered in isolation but consideration must also be given to the effect of the variation on other aspects of the building work or other regulated designs for the building work.

No. 26 **GOVT No. 5 [c2020-077A]**

Page 13, clause 26, line 26. Omit "certificates". Insert instead "declarations".

No. 27 **OPP No. 11 [c2020-079]**

Page 14. Insert after line 40—

**Part 2A Engineering work and specialist work****Division 1 Professional engineering work****29A Professional engineering work**

- (1) For the purposes of this Act, *professional engineering work* means engineering work that requires, or is based on, the application of engineering principles and data to—
  - (a) a design, or
  - (b) a construction, production, operation or maintenance activity, relating to engineering.
- (2) However, engineering work is not *professional engineering work* if—
  - (a) the work is only provided in accordance with a document that states the procedure or criteria for carrying out the work and the work does not require the application of advanced scientifically based calculations, or
  - (b) the engineering work is prescribed by the regulations as not being professional engineering work.
- (3) For the purposes of this section, engineering work includes engineering services provided by a person.

**29B Professional engineering work only carried out by professional engineers**

- (1) A person must not carry out professional engineering work in a prescribed area of engineering unless—
  - (a) the person is a registered professional engineer and the person's registration authorises the person to carry out the professional engineering work, or
  - (b) the person carries out the professional engineering work under the direct supervision of a person referred to in paragraph (a), or
  - (c) the person is authorised by the regulations to carry out the professional engineering work.

Maximum penalty—1,500 penalty units (in the case of a body corporate) or 500 penalty units (in any other case).

- (2) If a person carries out professional engineering work in contravention of subsection (1)—
- (a) no monetary or other consideration is payable for the carrying out of the professional engineering work, regardless of any contract or arrangement, and
  - (b) an amount paid for the carrying out of the professional engineering work is recoverable as a debt in a court of competent jurisdiction.
- (3) In this section—
- prescribed area of engineering** means the following—
- (a) structural engineering,
  - (b) civil engineering,
  - (c) mechanical engineering,
  - (d) fire safety engineering,
  - (e) electrical engineering,
  - (f) an area of engineering prescribed by the regulations.

#### 29C Registered professional engineers to be indemnified

- (1) A registered professional engineer must not—
- (a) carry out professional engineering work, or
  - (b) hold out that the engineer is adequately insured with respect to the work, unless the engineer is adequately insured with respect to the work.
- Maximum penalty—300 penalty units (in the case of a body corporate) or 100 penalty units (in any other case).
- (2) For the purposes of this section, a registered professional engineer is adequately insured with respect to work if the engineer—
- (a) is indemnified by insurance that complies with the regulations against any liability to which the engineer may become subject as a result of carrying out the work, or
  - (b) is part of some other arrangement approved by the regulations that provides indemnity against the liability.
- (3) It is a condition of registration that a registered professional engineer must provide to the Secretary, in the time specified by the Secretary, information that the Secretary may require to satisfy the Secretary that the engineer is adequately insured in accordance with this section.

#### Division 2 Specialist work

##### 29D Specialist work

For the purposes of this Act, **specialist work** means—

- (a) the design, construction, installation or maintenance of a building element, or
- (b) other work, involving a building element, that is prescribed by the regulations, but does not include work prescribed by the regulations as not being specialist work.

##### 29E Specialist work only carried out by registered specialist practitioner

A person must not carry out specialist work unless—

- (a) the person is a registered specialist practitioner and the person's registration authorises the person to carry out the specialist work, or
- (b) the person is authorised by the regulations to carry out the specialist work.

Maximum penalty—1,500 penalty units (in the case of a body corporate) or 500 penalty units (in any other case).

#### No. 28 GRNS No. 1 [c2020-080]

Page 15, clause 30(1), lines 6–9. Omit all words on those lines. Insert instead—

**building** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

#### No. 29 GRNS No. 2 [c2020-080]

Page 15, clause 30(1). Insert after line 11—

**building work** includes residential building work within the meaning of the *Home Building Act 1989*.

**No. 30 GRNS No. 3 [c2020-080]**

Page 15, clause 30(1), definition of *construction work*. Insert after line 15—

- (d) supervising, coordinating, project managing or otherwise having substantive control over the carrying out of any work referred to in paragraph (a), (b) or (c).

**No. 31 GRNS No. 4 [c2020-080]**

Page 15, clause 30(1), lines 17 and 19. Omit "individual" wherever occurring. Insert instead "person".

**No. 32 GRNS No. 5 [c2020-080]**

Page 15, clause 30(1), definition of *owner*, line 18. Omit "possession".

**No. 33 GRNS No. 6 [c2020-080]**

Page 15, clause 30(1), definition of *owner*. Insert after line 18—

- (a1) for a lot within a strata scheme, the owner of a lot within the meaning of the *Strata Schemes Management Act 2015*,
- (a2) for a development lot or neighbourhood lot within a community scheme, the proprietor in relation to the lot within the meaning of the *Community Land Management Act 1989*,

**No. 34 GRNS No. 7 [c2020-080]**

Page 16, clause 31(4), lines 7–9. Omit all words on those lines. Insert instead—

- (4) The duty of care is owed to an owner whether or not the construction work was carried out—
  - (a) under a contract or other arrangement entered into with the owner or another person, or
  - (b) otherwise than under a contract or arrangement.

**No. 35 GRNS No. 8 [c2020-080]**

Page 16, clause 32. Insert after line 14—

- (1A) The economic loss suffered by an owners corporation or association for the purposes of subsection (1) includes the reasonable costs of providing alternative accommodation where necessary.

**No. 36 GRNS No. 9 [c2020-080]**

Page 16, clause 32(3), line 17. Omit "Subsection (1) does not". Insert instead "Subsections (1) and (1A) do not".

**No. 37 OPP No. 12 [c2020-079]**

Page 19, clause 41(2), line 1. Insert "registration or recognition by professional bodies," after "qualifications,".

**No. 38 OPP No. 13 [c2020-079]**

Page 19, clause 44(1), line 17. Insert ", professional engineering work or specialist work" after "building work".

**No. 39 OPP No. 14 [c2020-079]**

Page 19, clause 44. Insert after line 19—

- (1A) The regulations may impose a condition of registration that a registered practitioner must comply with a code of practice prescribed by the regulations.

**No. 40 OPP No. 15 [c2020-079]**

Page 19, clause 44. Insert before line 20—

- (1B) The regulations may impose a condition of registration that a registered practitioner must be registered or recognised by a professional body or a professional body belonging to a class of professional bodies.

**No. 41 OPP No. 16 [c2020-079]**

Page 20, clause 48(2)(a), lines 29–31. Omit all words on those lines. Insert instead—

- (a) the recognition of persons as registered practitioners who—
  - (i) hold designated qualifications, or
  - (ii) are registered or recognised as practitioners by a professional body or a professional body belonging to a class of professional bodies, or
  - (iii) are registered or recognised as practitioners under a law of this State or another State or a Territory or the Commonwealth,
- (a1) the requirements relating to the registration or recognition processes of professional bodies that register or recognise practitioners including the following—
  - (i) how qualifications and competencies are to be assessed,

- (ii) the time in which a decision on registration or recognition must be made,
- (iii) the procedures to be used to monitor and improve the registration or recognition processes,
- (iv) the maximum fees that may be charged,
- (v) the requirements relating to continuing professional development,
- (vi) audit requirements,
- (a2) the financial and other facilities that a professional body must have and other requirements that must be met before a professional body is able to register or recognise practitioners,

No. 42 **OPP No. 17 [c2020-079]**

Page 20, Part 4, Division 3. Insert after line 37—

**48A Recognition of professional bodies for engineers**

- (1) The recognition of a person as a registered professional engineer because the person is registered or recognised as a practitioner by a professional body of engineers may occur only if the professional body of engineers is recognised by the Secretary.
- (2) The Secretary may recognise a professional body of engineers only if the Secretary is satisfied that—
  - (a) the professional body's recognition or registration scheme—
    - (i) adequately provides for the assessment of qualifications and competencies of professional engineers in an area of engineering, and
    - (ii) is consistent with national and international standards for the recognition of professional engineers, and
    - (iii) has fees that are reasonable having regard to the scope of the services being offered, and
    - (iv) includes adequate continuing professional development requirements for professional engineers and an effective audit program to ensure continuing registration requirements are met, and
    - (v) meets the requirements, if any, prescribed by the regulations, and
  - (b) the professional body has—
    - (i) adequate procedures for monitoring and improving the assessment process carried out under the scheme, and
    - (ii) the financial capacity and facilities to conduct assessments of qualifications and competencies, and
    - (iii) a proven capacity to undertake independent and authoritative assessments in a timely manner.

No. 43 **GOVT No. 6 [c2020-077A]**

Page 21, clause 51, lines 12–19. Omit all words on those lines. Insert instead—

A person must not falsely represent that the person or any other person—

- (a) can do anything that is only able to be done by a person who is registered under this Act, or
- (b) is a registered practitioner or is registered in a particular class as a registered practitioner.

No. 44 **OPP No. 18 [c2020-079]**

Page 24, clause 57(a), line 6. Insert ", professional engineering work or specialist work" after "building work".

No. 45 **OPP No. 19 [c2020-079]**

Page 24, clause 57(c)(i), line 17. Insert ", professional engineering work or specialist work" after "building work".

No. 46 **OPP No. 20 [c2020-079]**

Page 24, clause 57(d), line 25. Insert ", professional engineering work or specialist work" after "building work".

No. 47 **OPP No. 21 [c2020-079]**

Page 24, clause 57(f), line 31. Insert ", professional engineering work or specialist work" after "building work".

No. 48 **OPP No. 22 [c2020-079]**

Page 25, clause 60(b), line 41. Insert ", professional engineering work or specialist work" after "building work".

No. 49 **GOVT No. 7 [c2020-077A]**

Page 30, clause 77(2)(k), line 37. Omit "building work". Insert instead "a building or structure or part of a building or structure".

No. 50 **OPP No. 23 [c2020-079]**

Page 32, clause 81, line 6. Insert ", professional engineering work or specialist work" after "building work".

No. 51 **OPP No. 24 [c2020-079]**

Page 32, clause 82(1) and (2), lines 11–21. Omit all words on those lines. Insert instead—

- (1) The Secretary may, by order (a *stop work order*) in writing given to either or both of the following persons, order the person to ensure that building work, professional engineering work or specialist work stops—
  - (a) a person carrying out the work,
  - (b) the owner of the land on which the work is being carried out.
- (2) The Secretary may give a stop work order only if the Secretary is of the opinion that—
  - (a) the work is, or is likely to be, carried out in contravention of this Act, and
  - (b) the contravention could result in significant harm or loss to the public or occupiers or potential occupiers of the building to which the work relates or significant damage to property.
- (2A) A stop work order takes effect on the day it is given to the person who is the subject of the order or on a later day specified in the order.

No. 52 **OPP No. 25 [c2020-079]**

Page 32, clause 82(4), lines 23 and 24. Omit "a building practitioner or the owner of land". Insert instead "the person".

No. 53 **OPP No. 26 [c2020-079]**

Page 33, clause 85(1)(b), line 17. Insert ", professional engineering work or specialist work" after "building work".

No. 54 **OPP No. 27 [c2020-079]**

Page 36, clause 91(1), lines 3–6. Omit all words on those lines. Insert instead—

- (1) The Secretary is to maintain a register of registered practitioners that contains the information prescribed by the regulations.
- (1A) Different registers may be maintained under this section for different types of registered practitioners.

No. 55 **OPP No. 28 [c2020-079]**

Page 36, clause 91(3), line 9. Omit "particulars". Insert instead "information".

No. 56 **OPP No. 29 [c2020-079]**

Page 38, clause 97(1)(b), line 23. Insert ", professional engineering work or specialist work" after "building work".

No. 57 **OPP No. 30 [c2020-079]**

Page 40, clause 100(2)(d), line 11. Insert ", professional engineering work or specialist work" after "building work".

No. 58 **GRNS No. 1 [c2020-069B]**

Page 40. Insert after line 31—

**102 Review of Act**

- (1) The Public Accountability Committee of the Legislative Council is to review this Act—
  - (a) to consider the functions exercised or delegated by the Secretary, and
  - (b) to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain effective for securing those objectives, and
  - (c) to consider the desirability of establishing an independent NSW Building Commission to instead exercise the regulatory and oversight functions under this Act and other Acts relating to the construction of buildings.
- (2) The review is to be undertaken as soon as possible after 30 March 2022.
- (3) A report on the outcome of the review is to be tabled in the Legislative Council by 30 June 2022 (or by a later day determined by the Committee).
- (4) The Minister is to table in the Legislative Council a written response to the report within 3 months after the tabling of the report.

No. 59 **GRNS No. 10 [c2020-080]**

Page 41, lines 41 and 42 and page 42, lines 1–29, Schedule 1, clause 5. Omit all words on those lines. Insert instead—

- (1) Part 3 of this Act extends to construction work carried out before the commencement of section 31 as if the duty of care under that Part was owed by the person who carried out the construction work to the owner of the land and to subsequent owners when the construction work was carried out.
- (2) Subclause (1) only applies to economic loss caused by a breach of the duty of care extended under that subclause if—
  - (a) the loss first became apparent within the 10 years immediately before the commencement of section 31, or
  - (b) the loss first becomes apparent on or after the commencement of that section.
- (3) Part 3 of the Act as extended by subclause (1) applies regardless of whether an action for breach of a common law duty of care has commenced before the commencement of section 31 and may be taken into account in those proceedings unless the court considers that it would not be in the interests of justice to do so.
- (4) Section 34 extends to a contract, agreement or stipulation relating to the construction work whenever made.
- (5) For the purposes of this clause, a loss becomes apparent when an owner entitled to the benefit of the duty of care under Part 3 of this Act first becomes aware (or ought reasonably to have become aware) of the loss.
- (6) Words and expressions used in this clause have the same meaning as in Part 3 of this Act.

No. 60 **OPP No. 31 [c2020-079]**

Long title. Insert ", professional engineers, specialist practitioners" after "principal design practitioners".

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (09:47:15):** On behalf of Mr Kevin Anderson: I move:

That the Legislative Council amendments be agreed to.

**Mr ALEX GREENWICH (Sydney) (09:47:29):** I welcome the return of the Design and Building Practitioners Bill 2019 following amendments in the other place. The bill reflects a number of recommendations of the 2018 Shergold and Weir Building Confidence report to improve apartment construction quality and give some owners of buildings with defects new options to get redress. It is not a silver bullet, but no one reform will be. I welcome the Government's commitment to further progress, some of which we will be dealing with today. The bill before the House has been strengthened since it was introduced and I acknowledge the contribution of the Legislative Council. The Minister for Better Regulation and Innovation and his excellent staff have worked constructively without partisanship to ensure the final legislation represents the best outcomes for apartment owners.

I joined the Owners Corporation Network call for new statutory duty of care provisions that ensure owners can sue for negligence to be extended to existing apartment owners. The Minister agreed and introduced the changes himself. That is a massive win for owners who are currently dealing with defective homes. A number of my amendments passed with multi-partisan support. A more inclusive definition of regulated buildings is now in the bill, ensuring that fundamental design and construction will be subject to the new regime regardless of the regulations. There will be greater transparency through new oversight of contractors and subcontractors doing work on an apartment, which was previously outside the remit of the bill. Importantly, one of my amendments will require the principal certifying office to receive all compliance declarations and consider any declared noncompliance before issuing an occupation certificate, thus ensuring occupation certificates will only be issued for buildings that comply with the new regime.

The lack of accreditation and registration of engineers in the building and construction sector creates significant risks for apartment defects. The member for Swansea introduced a bill for the registration of engineers in this State and the Committee on Environment and Planning has assessed the bill. The bill introduced by the member for Swansea reflects a needed reform and I welcome the Government's decision to adopt its key provisions along with identified improvements to the bill. Our committee report is yet to be finalised but once it is I hope the Government will consider the recommendations as part of the statutory review of this legislation. The bill is a critically important step in taking this State out of the current defects crisis, which makes poor quality construction appear to be the norm and leaves many owners in financial hardship. I commend the bill and look forward to further reforms in the coming hours.

**Ms YASMIN CATLEY (Swansea) (09:50:16):** I contribute again to debate on the Design and Building Practitioners Bill 2019, which will ensure substantial reforms to the building sector and a comprehensive registration scheme for engineers in New South Wales. I will not dwell on the substantive elements of the bill as

presented to this House because we spent ample time debating it in its original form last year. However, I address some of the key amendments to the bill that have made great improvements to its substance, particularly the registration of professional engineers. Last night we achieved an incredible outcome in the other place and have secured the registration of engineers as a key pillar in the building reform package before Parliament this week.

It will be no surprise to people in this place that Labor's preferred outcome is a separate bill for the registration of professional engineers. In fact, my private member's bill, as the member for Sydney indicated, still sits before this House. However, we are pleased we have come to this point of agreement and that we will see the broad registration of professional engineers. It aligns with people's expectations, it aligns us with other States and it helps industry and government ensure that there are checks and balances in engineering work. Checks and balances for engineers, such as a registration scheme, will ensure that the likes of Opal Tower or Mascot Towers never happens again. It will also mean that our bridges, roads, electricity networks and water facilities will have registered and recognised engineers working on them. This is what our community expects. The amendments to the bill are a result of Labor's extensive work with stakeholders in the industry and were a commitment we made to the sector at the last State election.

It is worth noting that the Liberal-Nationals Government also committed to an engineering registration scheme at the election. Matt Kean, the former Minister for Better Regulation, said in February 2019 that "the biggest recommendation" in the Opal Tower report was "about registering engineers". He then said, "and we've already agreed to that". It was Labor's hard work along with crossbench members and stakeholders that saw this key piece of reform come before this House and now into legislation. We rely on engineers to ensure that buildings are safe, bridges will carry heavy loads and public infrastructure, such as tunnels, roads, government buildings, schools and hospitals, stand the test of time. This amendment will go a long way towards ensuring we have quality engineering work in our communities, especially when billions of dollars of funding is going to shovel-ready, local projects in the wake of the COVID-19 crisis.

The amendments Labor moved in the other place yesterday will achieve a number of outcomes, including ensuring that engineers and specialist practitioners are registered and that the regulations can prescribe that engineers or practitioners must maintain their assessment or recognition with a professional body to ensure their registration. For example, if an engineer does an assessment with a professional body and undertakes the relevant assessment of competency and qualifications, he or she may be required to maintain an ongoing assessment to stay registered. The amendments also ensure that the bodies that assess engineers for registration must adhere to the strict set of competencies—as they do in Queensland and Victoria—to underpin a renewed, strong consumer confidence in the profession.

The fourth outcome is the additional obligations and responsibility imposed on the building practitioner who does building work to take all reasonable steps to ensure that the registered design practitioner has access to, as defined by the regulations, any regulated design, design compliance declaration or principal design compliance declaration—if, indeed, any—considered by the practitioner in the endorsement of the design to which the declaration relates. The fifth outcome is an imposition on the building practitioner who does building work to take all reasonable steps to ensure that where a variation occurs to an existing or new building element or performance solution after building work has commenced, the design practitioner who prepared an additional declaration must have access to, as defined by the regulations, any relevant design or declaration.

Finally, the amendments will ensure compliance with the Building Code of Australia, a holistic consideration which ensures changes to designs must be endorsed and declared in consideration of compliance with the entire development and not in isolation of the one variation. It is hard to believe that it has taken until now to get measures in place that will ensure we have quality buildings that are built safely and so consumers can have confidence in the property they are purchasing. Most importantly, the bill is what industry needs to restore consumer confidence in our building and construction sector.

The major engineering stakeholders—Professionals Australia, Engineers Australia and the Institute of Public Works Engineers—have repeatedly called on the Government to provide their sector with a robust registration scheme to ensure unqualified engineers are not practising in our State. Other stakeholders in the building and local government sectors have also been vocal and steadfast in their support for a registration scheme, as we heard at the committee inquiry into my Professional Engineers Registration Bill. In particular I thank Professionals Australia, especially Gordon Brock, for their assistance in developing these amendments. Professionals Australia has been an advocate for a robust scheme in New South Wales to ensure the work of its engineering members is held to the highest standards.

I also thank my colleagues in this place and the other place. I thank Adam Searle, the Leader of the Opposition in the other place, who led the debate for us last night and spoke on the amendments proposed by the Opposition. His tireless work in this area extends well beyond this week and beyond the six months the bill has been the subject of debate. He has been a strong advocate for engineering registration over the years and for that

I thank him. Additionally, I thank my Labor colleagues who have worked tirelessly on the building inquiries in the Legislative Council as well as the Hon. Adam Searle—the Hon. John Graham, the Hon. Courtney Houssos, the Hon. Daniel Mookhey and the Hon. Mark Buttigieg. This work has set the foundation for significant change to the bill. Most importantly, it gave a voice to consumers and industry, who have felt frustrated by those dodgy players in the market that have caused the likes of Mascot Towers and many more.

I also thank Mr David Shoebridge, who not only represented The Greens on building matters but also chaired the Legislative Council's building inquiry. His work on defects, duty of care and cladding is much appreciated by many of us in this place, as well as many building owners, prospective purchasers and industry specialists who rely on this Parliament to regulate effectively to prevent serious problems. Mr David Shoebridge dealt with the matter in an honourable way and he always had consumers in the forefront of his mind when developing legislation. He has been excellent and cooperative to work with. I thank him for his guidance on many parts of the bill.

I thank experts such as Michael Lambert, Peter Shergold and Bronwyn Weir, who have worked tirelessly in this area for many years. Finally, I thank the stakeholders who contributed to the Legislative Assembly inquiry into the Professional Engineers Registration Bill 2019 and other inquiries in the other place. I thank Linda Scott from Local Government NSW; David Chandler, the Building Commissioner; Unions NSW, including Mark Morey, Ellen Leppington and Daniel Papps; Peter Rositer from the Property Law Committee of the Law Society of New South Wales; Professionals Australia; the Institute of Public Works Engineers; Engineers Australia, including Jonathan Russell and Bronwyn Evans; the Warren Centre for Advanced Engineering; the Building Designers Association of Australia, including Ian Bassett for his long-term engagement with my office; Kathlyn Loseby from the Australian Institute of Architects; Rita Mallia and Darren Greenfield from the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU); the Electrical and Plumbers Union; and the Owners Corporation Network, including Julie Walsh, Karen Stiles and Jane Hearn.

I have met with Karen Stiles so many times that we have become good friends. I give a shout-out to Karen and thank her for all the work she does for apartment owners. She is a tireless advocate, and her advocacy on duty of care was second to none. I congratulate her on her hard work and also her organisation. Professor Mark Hoffman has done excellent work for the Government on the Mascot and Opal towers. There are many more that I have probably missed, but that is a demonstration of the breadth of this important review. The dedication and determination of the sector is evident in that list. Everyone I speak to about setting out this robust registration model in legislation knows that it is critical to restoring and maintaining trust in quality engineering services in our community.

It has taken some time, but I am confident the Minister now understands that this is a critical issue. He knows that with regard to the serious matter of building reform there is consensus in this place and in the other place that significant reforms must be made by Parliament. Industry groups are in favour of that. Engineers are in favour of it. Most importantly, our community—regular people who are buying houses, using public transport, driving on newly constructed roads and working in new commercial office buildings—are definitely in favour of it. Significant reform in this sector passes the pub test and it is about time we got on with the job and held this industry to account. I conclude by thanking the Minister and his staff. Gavin Melvin, the Minister's chief of staff, is not in the adviser's area but I thank him for working so closely with my office.

This bill has enjoyed the cooperation of every member in this Parliament. It has been an absolute privilege to work with the crossbench and the Government to deliver significant reform that makes life better for the people of New South Wales. In our first speeches in this place members say that they have come here with good intentions to make good laws and to better the lives of the people they represent. I commend the bill to the House because today that is what we have done.

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (10:03:27):**  
In reply: I thank all members who contributed to debate on the Design and Building Practitioners Bill 2019. While I will not go into the details of the debate, I will make some remarks about the key amendments made in the Legislative Council. I turn first to the registration scheme for engineers. The Government's response to the Building Confidence report specifically committed to introducing registration for design practitioners and other unlicensed building professionals to improve the preparation of design documentation and to ensure that builders construct in accordance with declared designs. The bill delivers a broader and more holistic response to the issues affecting building work. However, this legislation also takes a step further specifically in response to feedback from the crossbench and the community.

The member for Swansea introduced Labor's Professional Engineers Registration Bill 2019 into Parliament on 24 October 2019 and then proceeded to move an amendment to insert that bill in its entirety into the Design and Building Practitioners Bill 2019—herein referred to as the design bill. She did this without having any regard to how the two schemes would work together. With the sensible changes that have been made to this bill in the

other place, we now have an engineer's registration scheme that is actually workable. The reason is the Government accepted feedback from the crossbench and the community that they expected engineers to be registered and so immediately worked extensively with key members within the engineering sector to refine a scheme that worked in tandem with the design bill.

Instead of having a registration scheme that was completely non-workable—the only realistic result from sticking two bills together—we now have a holistic scheme that registers engineers but that also registers design and building practitioners across the entire building and construction sector. I emphasise particularly the fact that targeted consultation was undertaken with key members of the engineering sector and their input into those discussions was taken on board to draft an amendment to register engineers that was then provided by the Government to Labor to move in the upper House. I call out the following engineering stakeholder associations and acknowledge their assistance: Engineers Australia, Institute of Public Works Engineering Australasia, Professionals Australia and Fire Protection Association Australia.

For the first time in New South Wales professional engineers will need to hold registration for the provision of professional engineering work. Importantly, the engineering powers set out in the bill have been designed to align with existing schemes in Queensland and Victoria as much as possible, ensuring that all engineering schemes across the eastern seaboard will operate cohesively. Its inclusion in the bill will ensure that all critical practitioners involved in design, building and construction work will be registered under one modern and comprehensive registration framework.

I will reiterate the Government's position on why it does not support a standalone building commission. The Government supports businesses and consumers, who need to be confident in the independence and integrity of the regulator. The current approach taken by the department consolidates the regulatory responsibilities for consumer protection within a single, multi-sector regulator to deliver a more efficient and holistic approach to building safety. The appointment of the Building Commissioner, Mr David Chandler, OAM, is one of the most significant actions demonstrating our seriousness to reforming the sector. Mr Chandler is working to transform the New South Wales building and construction industry now and in the future. He has more than 40 years' experience as a builder and educator in the building and construction industry in Australia and the Asia-Pacific region. Mr Chandler has long been an advocate for modernising and lifting industry practices, standards and culture, and creating a customer-focused approach.

The bill, which Mr Chandler will assist in administering, goes a long way towards transforming the construction process and aligns with Mr Chandler's aims for the industry. To support Mr Chandler in his role, the Government has announced that it will bolster the resources required to undertake effective enforcement of this sector. Up to 60 new roles are being developed that will be responsible for the implementation and operation of the new auditing, registration and design lodgement functions, giving a huge boost to the compliance and enforcement provisions of the bill. This team, which will sit within the remit of the Building Commissioner, will be dedicated to ensuring that registered practitioners comply with their responsibilities under the bill. It will also be responsible for administering the new powers afforded under the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020, which will allow for proactive and risk-based inspections of building work to occur before defects are passed on to the consumer.

Further, the Building Commissioner will be armed with a suite of compliance, enforcement and investigation powers to prohibit the issue of an occupation certificate or the registration of a strata plan, order rectification and stop work. In addition to the 60 additional roles that will be recruited, the Building Commissioner is supported by an office of 12 staff who will focus on delivering the Construct NSW six pillars work plan, which outlines the Government's strategic reform agenda for the building and construction sector through to 2025. The six pillars under the reform agenda—which span regulation, education, contracts, rating information, digital reform and standards—will see the largest micro-economic reform ever witnessed in construction in Australia.

The Government accepts that best-practice regulation requires engagement with stakeholders. To this end, I have established consultative groups to support each of the six pillars in Construct NSW, which will provide a mechanism for regular and meaningful consultation with a broad cross-section of the building and construction sector. Importantly, the passage of this bill is a crucial first step to progressing the regulatory reform pillar and ensuring that New South Wales leads the nation in regulating buildings and construction. The development of the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020 was specifically expedited to support the Design and Building Practitioners Bill 2019, and together they will underpin the legislative component of the work plan and ensure that the Building Commissioner can get on with the job of strengthening the building industry.

I am pleased that The Greens have worked with us and realised that pushing the establishment of a new, single body for a building commission would simply be duplicating resources without providing any meaningful improvements in regulatory approach. I commend them for withdrawing the amendments before the bill was

debated in the Legislative Council. David Chandler is fully resourced, has existing powers and is getting the additional powers he needs through both this bill and the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. He has a plan in place and that plan has the support of industry. Key milestones for that plan are being developed with industry and the Government has committed to reporting publicly against that plan because the Government knows it hits the mark.

In the duty of care space, the Government has always been firm on its position that if their hands are on a project, whether it is the design or building component of that project, the practitioner owes a duty of care to the consumer, the home owner and subsequent owners of that property. It became clear to us that the High Court case *Brookfield Multiplex Ltd v Owners Corporation Strata Plan 61288 [2014]* had disrupted the common law position that a duty of care has always been owed. For that reason the Government introduced a retrospective component to the duty of care provision within the design bill to clarify the position that a duty of care was in fact owed to the home owner and subsequent owners. This ensured that any consumer who had not had their day in court as a consequence of the findings in Brookfield Multiplex could now have recourse. The Government supports amendments that expand the scope of the protection to a greater number of people.

Any person who carries out construction work will, under the bill and for the first time, have a guaranteed duty to exercise reasonable care to avoid economic loss caused by defects in or related to a building for which the work is done, and against defects arising from the construction work. The types of defects can be potentially wideranging and are not limited to major defects. This means that owners of property will receive protections that are owed to them against any kind of defect that arises from construction work and will be safeguarded properly under this law. The Government has acted to ensure that the duty of care protections provided in the bill will extend to existing construction work before commencement. This will ensure that owners currently living in existing buildings with a defect, as well as future owners of buildings currently being built, will be afforded the strengthened protections.

The Government supports the view that home owners rightfully expect their building to be built in accordance with relevant laws and standards, and that building practitioners should design and build to standard and bear the risk if they fail to do so. This bill, together with other existing statutory protections, will ensure that consumers have a breadth of legal avenues available to pursue those responsible for defective building work. In doing so, the bill will help restore consumer confidence in the design, building and construction sector. To ensure that these protections are afforded to owners as soon as possible, the duty of care will commence immediately upon assent to the bill. This means that owners will be owed a duty of care for any new construction work or existing buildings within the remit of the duty.

The Government has worked cooperatively with Mr David Shoebridge, MLC, of The Greens and has supported amendments that collectively clarified the operation of the duty of care protections in the bill. While noting that the bill was always meant to be about class 2 residential buildings, the Government was not in a position to oppose both The Greens and Labor moving to expand the duty of care to all classes of buildings. The Government maintains that these reforms have always been about class 2 buildings, which is where the vast majority of the problems have been in the building and construction sector and where the most vulnerable—the mums and dads who have invested all their life savings to buy a property—need those protections. We are sadly all too familiar with the significant financial and emotional toll that building defects take on consumers, and this Government has said "Enough". The bill sees government standing up for consumers and giving them the protections they deserve to seek justice. I am confident that this reform will go a long way towards improving the lives of consumers.

I will respond to the comments of Mr David Shoebridge in the Legislative Council about including a statutory review requirement in the Act. The Government is committed to achieving and maintaining best-practice regulation across all the industries it regulates, and the building sector is no exception. To ensure the bill continues to meet the expectations of the industry and public, the Government is supportive of amendments providing for the Public Accountability Committee of the Legislative Council to review the Act. Despite this, it is important to note that by having a statutory review so early in the reform agenda, with a scheme that will have been up and running for only a few months in its entirety, it is unlikely to paint an accurate picture of the impact the legislation will have on the building and construction sector. It will provide a limited view of the progress that the Government has made in setting up the scheme to support its ambitious reform agenda. Despite this, the Government welcomes the opportunity that will be provided by the review.

The Design and Building Practitioners Bill 2019 delivers on the Government's promise to introduce a suite of new obligations on design and building practitioners to ensure that each step of construction is well documented and compliant. It also takes the extra step and sets out requirements to enforce the mandatory registration of professional engineers. The bill also establishes key reforms that will significantly improve the redress that is available to consumers for building defects. The bill delivers on a number of key reforms committed to by this

Government's response to the Building Confidence report authored by Professor Peter Shergold, AC, and Ms Bronwyn Weir. The Government's response to the report was a strong plan for the future of building laws in this State. The response directly addressed the concerns raised in the report.

To further enshrine our commitment to partner with industry, the Government has established Construct NSW, a building reform expert panel. The panel has been established to provide advice and industry insight to the Minister for Better Regulation and Innovation, the Building Commissioner and the Department of Customer Service on the reforms before us, including the development of the regulations. This will ensure we get these important reforms right as they roll out. I thank those who have worked cooperatively throughout this process since last November when the bill was introduced. I particularly thank the member for Swansea, the shadow Minister for Building Reform and Property, for her cooperation. I have no a doubt that it has been a roller-coaster, but we all want to be at the same place providing a better life for the people of New South Wales—which is where we have landed. I thank the member for Swansea and her staff.

I thank members of the crossbench—The Greens, the Shooters, Fishers and Farmers Party, and One Nation—for their work and for what they have brought to the table in the negotiation process. The robust debate between officers has eventually found a good landing place for the Design and Building Practitioners Bill 2019. I also thank Mr David Shoebridge for his contribution and the Hon. Robert Borsak for his time and expertise within the industry. I thank One Nations' the Hon. Mark Latham and his team and the Hon. Rod Roberts for their cooperative approach to bringing this bill across the line. That is what parliaments are meant to do. We can have differences of opinion but ultimately we all want the same thing. I thank those who have contributed to getting to where we are today. We are putting the building and construction industry on the right path with our reforms.

I thank the shadow Minister and her staff and my team—led by my chief of staff, Gavin Melvin, who has done an outstanding job—for their input. Gavin's knowledge is second to none. I thank our policy director, Harriet Platt-Hepworth, who has done an outstanding job pulling the information together and working through the finer details. I thank our adviser, Rowan Carter, for diligently running around making sure that everything was in order and for ensuring that when meetings were held we could work together cooperatively. We thank the departments for the many hours on the phone, drafting and redrafting the bill, and answering millions of questions: Why we can do that, why we cannot do that, how does that work, what happens if we do this and what are the ramifications of that? As the shadow Minister said, it is a very complex industry. We believe the Design and Building Practitioners Bill is part one and the Residential Apartments Buildings (Compliance and Enforcement Powers) Bill, which will give the commissioner his powers, is next.

Again, we are grateful for the cooperation of everyone in the New South Wales Parliament, because ultimately we want the same thing. The Government is taking a no-nonsense approach to regulation of the building industry in this State. The bill will reflect a new era in the industry. It is about putting public safety first to ensure that New South Wales has a leading system of design and building regulation that delivers well-constructed buildings into the future. That now is in the hands of the man who I think will be able to carry it forward. He is the boots on the ground; he is the cop on the beat: the Building Commissioner, David Chandler, OAM. We thank him for his guidance, support, work plan and detailed knowledge of how to get the industry back on its feet. I also thank Bronwyn Weir for making her expertise available. Many hands have made this work a success. It has many fathers. Today the Parliament has many fathers. I commend the bill to the House.

**The DEPUTY SPEAKER:** The question is that the Legislative Council amendments be agreed to.

**Motion agreed to.**

## **RESIDENTIAL APARTMENT BUILDINGS (COMPLIANCE AND ENFORCEMENT POWERS) BILL 2020**

### **Second Reading Debate**

**Debate resumed from 2 June 2020.**

**Ms YASMIN CATLEY (Swansea) (10:21:11):** On behalf of the Opposition, I speak in debate on the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. Labor will support the bill because the party has been agitating for a number of key reforms in the building sector for many years. Similarly to the Design and Building Practitioners Bill 2019, which Labor amended in the upper House overnight, I acknowledge the cooperation and assistance of stakeholders from the building sector, who have stood side by side with Labor in calling for the reforms and demanding stronger, more robust legislative change than the Government was initially willing to offer.

The Owners Corporation Network, Professionals Australia, Engineers Australia, the Master Builders Association, the Australian Institute of Architects, the Building Designers Association, the Association of

Accredited Certifiers and the Housing Industry Association, amongst many others, have been meeting with me over a number of years as we have collectively worked to improve the bills and ensure that the building reforms would have some substance to them. This was a case of the Opposition and the industry demanding more regulation and more legislation than the Government was willing to provide. It is not often that industry wants more regulation, but it could see the reputational damage and the shattering of consumer confidence being caused by the endemic cultural problems in our building and construction industry. So I thank the industry for its assistance, guidance and, most importantly, collaboration.

I also thank my advisers, Tilly South and Stephen Fenn, for their assistance and collaboration on the bills over a number of years. I note also the cooperation of Minister Kevin Anderson. However, I must also acknowledge that he has been only a recent entrant to the campaign to fix the building industry. Over eight years there have been six Ministers in this space and not all have been stayers. As I noted in November last year, with the complexity of regulation and legislation, unfortunately successive Ministers have not been around long enough to truly get to the bottom of the reform agenda that was required. Successive reviews highlighted some of the key problems at hand, but those reviews were often ignored and allowed to gather dust on the bookshelf. Despite the reviews providing us with many of the answers, the constant turnaround of Ministers meant a stalling of legislative process. Therefore, I am pleased that we are finally here. The silver lining is that on the way through, Labor has been able to get the process right. That is why we are pleased to support the bill.

The bill, dubbed the "powers bill", will allow the secretary to make targeted interventions in residential apartment buildings to detect and rectify defective building work proactively, and to prohibit occupation certificates and the registration of strata plans. The legislation arises from the Building Commissioner's six-pillar work plan to improve transparency and accountability in the building sector. Together with the Design and Building Practitioners Bill 2019 and the Building Commissioner's six-pillar work plan, the bill will underpin the Labor Party's longstanding policy to raise standards and promote public confidence in the building and construction sector. The powers bill enables the proactive inspection of serious defects by requiring a developer to notify the secretary at least six months, but no more than 12 months, before completion of a residential apartment building. It empowers the secretary to issue a building work rectification order if the secretary is of a reasonable belief that the building work was, or is, being carried out in a manner that could result in a serious defect. The bill also provides the secretary with a suite of powers to ensure compliance and enforcement, with robust offences and penalties.

It is intended that all powers provided to the secretary under the bill are delegated to the Building Commissioner, who will have a team of staff of around 75 in his office to enforce the bill. We understand the commissioner has already started hiring staff for his office. To this end, we accept that Labor and The Greens' demand for a building commission to accompany the Building Commissioner has been met effectively. We thank the Minister for taking seriously our demands in that respect. However, I note that the bill will also be reviewed in March 2022 and Labor will put a particular lens over the Building Commission, ensuring that it meets the objectives of a building commission, a statutory authority that stands alone and can deliver true reform. I am putting the Government on notice that whilst we have come a long way from the position of not having a building commissioner and building commission, it is still our view that a statutory, standalone building commission would have been the most appropriate and best way for us to have gone forward. That being said, we are very happy with where we have landed, given we were so far apart not that long ago.

The powers bill will apply to class 2 buildings under the Building Code of Australia—that is, residential buildings with multiple dwellings, and mixed-use buildings with a class 2 component that are currently under construction. It will also apply to existing buildings that have been completed within six years of the date of the occupation certificate to provide increased consumer protection for prospective and existing property owners. The bill does not apply to class 1 buildings—that is, single or semidetached dwellings—despite significant defect problems in new housing developments. There is more work to be done and I know that the Minister is committed to it. I have had a number of conversations about the issue with the Minister and the Building Commissioner, who is also aware of the housing development problems. I thank the Building Commissioner for meeting with me on a specific matter—one of many—in my electorate of Swansea. I believe he has a genuine commitment to fixing building defects across the sector broadly. We will have more discussions.

I look forward to having those discussions with the Building Commissioner, the Minister and his team. Labor has raised the anomaly with the Government. In the fullness of time, this robust legislation will cover all consumers with a safety net that will ensure the home they purchase is safe and of quality. On the last occasion I spoke about these matters I was on my feet for almost two hours over the course of a number of days. Please remain calm, on this occasion I am aiming for brevity. Again, I thank the Minister for his cooperation and highlight for his colleagues the value of that cooperation. Labor has managed to significantly improve and strengthen the bill and there is now the prospect of lasting cultural change in the building sector. The status quo where home

buyers and investors were terrified of buying new and off the plan because of systemic failures and defects could not be allowed to continue. I commend the bill to the House.

**Mr DUGALD SAUNDERS (Dubbo) (10:31:22):** I speak in support of the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House. I note the positive take from the Opposition via the shadow Minister, and member for Swansea. It is good to see. This Government is committed to achieving and maintaining best-practice regulation across all the industries it regulates and the building sector is, of course, no exception to that. The bill seeks to promote public confidence in the construction of residential buildings by empowering the secretary to take immediate compliance action in the case of serious defects.

Property developers are certainly critical players in the building and construction industry. Developers typically generate and derive the biggest benefit from developments and they also ultimately have significant control and influence over building quality. While the majority of developers in this State are doing the right thing and playing fair, the bill is aimed at driving out the dodgy developers. It is targeting those who cut corners and cut costs, and those who would sign a contract and start skimming off the top as soon as possible. Putting a stop to those practices is critical to reforming this industry and returning public confidence to the residential sector. The bill establishes a new developer notification scheme that will be critical to facilitating auditing and inspections of building work for quality control and compliance with approved plans and the Building Code of Australia. This is essential to ensuring that the regulator is able to intervene before construction is completed.

The bill then provides extensive investigation and compliance powers to conduct in-depth investigations into that building work to be able to detect serious building defects. Where immediate action is necessary to prevent major defects resulting, the bill provides the regulator with a suite of tools, including stop work orders and rectification orders. Importantly, the regulator will also be empowered to prohibit the issue of an occupation certificate or registration of a strata plan. This will force the developer to act to ensure the safety of the community in the built environment.

I take this opportunity to discuss how the bill will provide greater transparency regarding the role of developers in the construction phase to ensure that building work is fit for purpose. For the first time in the history of New South Wales developers will be required to provide the secretary with advance notice of building work for residential apartment buildings before the work is completed. The bill explicitly sets out who is taken to be a developer for the purposes of the notice provisions. Most obviously, it includes the person who contracted or arranged for or facilitated or otherwise caused the building work to be carried out. If the building work concerned is the erection or construction of a building, the meaning of developer is extended to include the owner of the land. To ensure that this does not extend to subsequent owners, the bill is clear on limiting the provision to the owner at the time the building work is carried out.

Further, the principal contractor, who is the person responsible for the overall coordination and control of the carrying out of the building work, is taken to be a developer. Lastly, the developer of the strata scheme within the meaning of the Strata Schemes Management Act 2015 is also taken to be a developer under the bill. This is important, as the majority of residential apartment buildings will be subject to a strata scheme. In order to futureproof the definition, the bill has a regulation-making power to include or exclude persons as developers. The Government recognises that in modern construction, and with the extended meaning of developer, there will be more than one developer for many building projects. In these circumstances, the bill will require only one of the developers to provide the notice to the secretary. It achieves this by providing a defence to the offence of failing to notify where a developer proves another developer gave the required notice.

The bill requires that a developer must not cause or permit an application for an occupation certificate to be made unless the developer has notified the secretary of the date the developer expects the application for the occupation certificate to be made. The notice—which the bill terms the "expected completion notice"—must be provided at least six months, but not more than 12 months, before an application for an occupation certificate. It is important to be clear about the importance of this requirement and why notice must be given before an occupation certificate is issued. An occupation certificate is of paramount importance to the developer as it allows sales to be completed and for the developer to collect profit for the work. For consumers, the issue of an occupation certificate allows people who have purchased a unit to complete their sale, pay any remaining purchase price and, most importantly, occupy their new accommodation for the first time.

Notifying the secretary at least six months before the application for an occupation certificate will ensure that the Government is made aware of the impending completion of the building work. The extensive investigation and compliance powers available to the secretary under the bill can then be used to identify and address serious building defects. To emphasise the seriousness of this requirement, any developer who fails to notify the secretary within the set period will face substantial penalties of up to \$22,000 or \$110,000 for body corporates. Delays in construction are a practical reality of modern and more complex building work. Recognising these realities, the

bill requires a developer to notify the secretary where the developer expects an application for an occupation certificate will be made on a different date than the expected date. This expected completion amendment notice, as it is known in the bill, must be given to the secretary within seven days of the developer becoming aware of the change in circumstances unless the new date is within 60 days of the initial expected date.

For the first time in New South Wales the secretary will be able to make an order prohibiting the issue of an occupation certificate in relation to a residential apartment building and prohibiting the registration of a strata plan, if relevant. Under New South Wales law, the registration of a strata plan brings the owners corporation into existence. A certificate of title is created for each lot in the plan and the initial period for the strata scheme commences. The developer can then commence selling units off the plan. The decision for the secretary to have these prohibition powers in the bill was not taken lightly. The Government recognises the significance of these powers and the impact they will have on developers and, to a lesser extent, on customers and consumers.

However, if developers wilfully ignore the requirements of the legislation, the secretary must be able to have the power to issue a prohibition order. This power will force compliance, recognising that consumers are then ultimately placed in a better position. The secretary will be able to issue a prohibition order under a defined range of circumstances. These include where the developer did not give the required notices in relation to an expected date, or did not give them within the required time frames. A prohibition order can also be issued if the secretary is satisfied that a serious defect in the building exists.

The secretary could form this view if, for example, a building work rectification order has been made and not revoked or a development control order relating to defects in building work has been made under the planning legislation and not revoked. The secretary will also be able to issue a prohibition order if any building bond required to be provided to the secretary under the strata schemes management legislation has not been given. To further reinforce the importance of the making of a prohibition order, the bill provides that any issue of an occupation certificate will be invalid if the secretary makes an order. The bill prohibits a principal certifier from issuing an occupation certificate in contravention of a prohibition order and they will commit an offence if they do.

Those two provisions in particular will ensure that the requirements in the bill and the planning legislation work together cohesively. A key requirement of the planning legislation is that occupation certificates are not to be issued unless the completed building or part of the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. The issue of a prohibition order clearly demonstrates that a building or part of a building is not suitable for occupation and these provisions will support that requirement. The bill includes significant safeguards. The secretary, when making a prohibition order, must give notice of the making of the order to a range of persons, such as the relevant local council and the registrar general. These provisions will ensure that all necessary parties are put on notice and do not inadvertently breach the law.

The Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020 clearly demonstrates a well thought out and seamless process through notification and awareness of completion of a build, investigation of the building work and a comprehensive scheme to be able to promptly and effectively address building defects. The bill, together with the Design and Building Practitioners Bill 2019, is only part of the first tranche of important reforms in the building and construction sector that will provide New South Wales with a built environment where transparency, safety and quality are a priority. Now is the time for change. I commend the bill to the House.

**Mr ALEX GREENWICH (Sydney) (10:41:33):** I support the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. Decades of inadequate oversight, safeguards, enforcement and compliance in apartment construction have gone on for far too long in this State. I have been calling for reform to prevent poorly constructed apartment buildings and give owners relief since I was first elected; this followed years of advocacy from my predecessor, now Lord Mayor of Sydney, Clover Moore. Those who represent apartment communities were not surprised when a number of relatively newly constructed apartment buildings were urgently evacuated due to serious safety risks. The dramatic outcomes in these cases gave them the spotlight, but problems have been widespread for decades. I have heard multiple cases of serious defects in new apartment buildings across my electorate. Owners have been bled dry paying for inspections, reports, lawyers and barristers to get redress for non-compliant fire systems, faulty membranes and inadequate foundations, for example, often to lose on a technicality, or to have no-one to pursue because the builder or developer went insolvent.

The hardship and devastation this continues to cause to those affected owners is unfathomable. The construction industry urgently needs a massive shake-up. I am pleased that the Government is now taking this critical action. I strongly support the appointment of the Building Commissioner and the design and building practitioners' legislation, and now strongly support the Residential Apartment Buildings (Compliance and Enforcement) Bill. The bill will ensure that the Building Commissioner can inspect residential apartment buildings during construction and six years after, to examine non-compliance and defects. The commissioner, through

delegation by the secretary, will have powers to issue stop-work orders and building work rectification orders. The commissioner will also have the power to prevent the issue of an occupation certificate. Not all buildings can be inspected and I understand that the commissioner will use a new rating system designed to flag risky buildings and developers.

I hope those players who phoenix their companies and start up with a new name and registration will be targeted. They are responsible for significant community hardship and economic loss, and must be held accountable and stopped from causing further damage. I have been impressed by the Building Commissioner's passion for cleaning up the building industry and I trust he will use his new powers constructively. His role and the bill represent massive leaps forward for the future of apartment building. I will move an amendment to improve the provision that compels apartment owners to let a developer or builder back into their homes to fix defects. In most cases, getting the original developer or builder to fix defects will be appropriate because they know the building and are most likely capable of doing the job. Ordering them to return will improve accountability. However, there will be times when an owners corporation may have very valid reasons to not want the original developer or builder to return to fix their home. Examples include where the developer or builder has been negligent or incompetent, or where there is a destructive relationship between owners and the developer involving intimidation.

As drafted, the owners will be subject to massive fines if they do not let the developer or builder return to fix defects regardless of their specific circumstance. My amendment will ensure that owners can lawfully refuse the developer or builder into their homes to fix defects if they have a reasonable excuse. This adds a safeguard for the few situations where there is a justification to refuse entry. The amendment will strengthen the strong consumer protections in the bill and I call on members to support it. I strongly support the Government's reform agenda, which commenced last year, but defects have become entrenched in apartment construction and we continue to need progressive reforms.

We need to address the loopholes that allow developers to contract out of statutory warranties, to restore fairer statutory warranty time frames and to stop the capacity for developers to phoenix their business to escape liability. We also need to monitor progress. For years governments refused to acknowledge the serious problem bubbling under the surface because there was little media on the issue. The lack of media attention, however, has occurred because owners are too afraid to publicly report defects out of fear that it will affect the value of their homes and further entrench the hardship they experience. If there were adequate safeguards to protect owners, we would not have this problem. As the member with the largest proportion of apartments in their electorate, I thank the Government for this bill and look forward to working together on further reforms. I commend the bill to the House.

**Ms MELANIE GIBBONS (Holsworthy) (10:46:34):** I speak in support of the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill before the House. The bill provides a suite of comprehensive investigation and enforcement powers to the Secretary of the Department of Customer Service and, by delegation, to the Building Commissioner, for residential apartment building work and completed buildings. The bill also establishes a mandatory developer notification scheme for building work that is at least six months from completion. Collectively, these powers equip the regulator to make targeted interventions in residential apartment buildings to proactively detect and rectify defective building work.

The bill arises from the Government's six pillar work plan to improve transparency and accountability in the building sector. Together with the Design and Building Practitioners Bill 2019 and the work of the commissioner in implementing the Government's work plan, the bill will deliver upon a broad regulatory strategy to raise standards and promote public confidence in the building and construction sector. The bill gives the secretary and, by delegation, the Building Commissioner, groundbreaking powers to make a rectification order for building work. This order, known as a building work rectification order, will be made only when the secretary or Building Commissioner has a reasonable belief that the building work was or is being carried out in a manner that could result in a serious defect. The bill defines a serious defect as any defect in a building element that arises from a failure to comply with the performance requirements of the Building Code of Australia, the relevant Australian standards or the relevant approved plans.

Approved plans are those plans and specifications issued for a construction certificate or complying development certificate under the planning legislation. Upon passage of the Design and Building Practitioners Bill 2019, approved plans will also mean regulated designs under that legislation. A serious defect is also a defect in a building product or building element that is attributable to defective design, defective or faulty workmanship, or defective materials. However, it must also be likely to cause the inability to inhabit or use the building, the destruction of the building or the threat of collapse of the building. The definition also includes the use of the building product in contravention of the requirements of the Building Products (Safety) Act 2017. This includes

certain types of flammable cladding that are banned in New South Wales. The connection between the bill and the design and building practitioners legislation is also important to note.

Members will of course be aware of the introduction late last year into this House of the game-changing design and building practitioners legislation. The building work rectification orders provided under this bill work cohesively with the provisions of that legislation. For example, if building practitioners were to allow serious building defects to go forward unaddressed even though they or a design practitioner had prepared compliance declarations for the work, authorised officers under this bill would be able to investigate immediately and issue rectification orders for those noncompliances. Upon passage, both pieces of legislation will complement each other and operate side by side to drive down serious building defects in New South Wales.

It is important to be clear about what a building work rectification order requires a developer to do. Such an order will require a developer to carry out building work or refrain from carrying out building work to eliminate, minimise or remediate the serious defect or potential serious defect. The bill provides that a building work rectification order may be subject to conditions and will remain in force until it is either revoked by the secretary or the term of the order ends. To ensure flexibility, instead of requiring specific building work to be done, the bill also allows the secretary to give a building work rectification order that either specifies the standard that the building work concerned is required to meet or indicates the nature of the building work that, if carried out, would satisfy that standard.

This ensures that the secretary can issue the most appropriate order for any type of circumstances that may arise. Rectification work is required to ensure the safety of consumers. If the developer fails to adhere to or carry out the requirements of the rectification order, the secretary may then take all steps necessary to give effect to the terms of the order. To reflect the seriousness of a developer breaching the rectification order requirements, a maximum penalty of \$330,000 will apply for a body corporate. In addition, in the case of a continuing offence, a maximum penalty of \$33,000 applies for each day the offence continues. In any other case, a maximum penalty of \$110,000 applies and \$11,000 for each day the offence continues.

The bill makes it clear that the Government will not stand by and condone the behaviour of dodgy corporations or its executives. If a body corporate contravenes this bill, whether by act or omission, each person who is a director of the body corporate or who is concerned with the management of the body corporate is taken to be guilty of an offence. This provision puts beyond doubt the Government's intention to target illegal conduct at all levels of a corporation. While the power to issue a building work rectification order is an important one, it will of course be tempered by a number of protections. For example, unless immediate compliance is required because of a serious risk to health or safety or in an emergency, the secretary must specify a reasonable period in which the order is to be complied with.

The secretary will also be required to give notice of the making of an order to a range of people, such as the Registrar General, and—if the order relates to a strata building—the relevant owners corporation, which will then be required to notify all lot owners of the notice. The bill recognises that rectification orders can be made after occupiers have already moved into an apartment building. To ensure the building work can still be done in these circumstances, the bill provides that the secretary can require the occupier to permit the developer to carry out specific work on the land.

In these circumstances, an occupier of the land must allow the owner to carry out the work within 28 days of the order. A developer will only be able to appeal to the Land and Environment Court against a building work rectification order within 30 days unless the court grants leave for it to be made after that time. Considerable costs may be incurred in identifying or rectifying serious defects. For example, specialists and technical experts may need to be contracted to uncover or to inspect potential defects in construction. Accordingly the bill provides that if a building work rectification order is given to a developer, a compliance cost notice may also be served on them to recoup costs and expenses.

This notice may require the payment of a specified amount of costs and expenses incurred by the secretary relating to the rectification order and it also includes any remuneration or staff expenses incurred by the department. Examples of costs incurred could be the monitoring of action taken under the order, ensuring that the order is complied with, and any costs or expenses relating to an investigation that leads to the giving of an order. Any of these unpaid costs will be as a debt due in any court of competent jurisdiction. Natural justice requirements are a very important part of this bill to ensure fairness for all. Therefore before giving an order, the secretary is required to give notice to the person to whom the notice is directed.

This notice must include a range of information about the content of the order and also the rights of the person to make representations to the secretary about the order. Of course, the secretary is not required to serve notice if there is a serious risk to public safety or if it is an emergency. After hearing the representations, the secretary has a range of options including issuing the order, modifying it or not giving the order. This bill is all

about putting consumers and their interests first. For too long consumers have had to bear the brunt of noncompliant building work.

This bill's suite of comprehensive powers will ensure that the secretary, the Building Commissioner and any other delegated party under the bill can take immediate action in response to potentially dangerous building work to ensure that consumers are not the ones left to pay for a developer's mess. This bill is the first of its kind and together, working with the Design and Building Practitioners Bill 2019, will ensure that the Government can better regulate the industry to better protect consumers in New South Wales. I thank the Minister and his chief of staff, Gavin Melville. He has a great team and they have worked hard to put this bill together. I commend the bill to the House.

**Mr JAMIE PARKER (Balmain) (10:55:37):** The Greens welcome the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. As other speakers have indicated and those members who have been involved in development or councils will know, this reform is long overdue. I spent over 12 years as a councillor and mayor on Leichhardt Council and while our area does not have the same level of class 2 buildings that the Sydney electorate and City of Sydney does, we certainly had our fair share of these residential apartment buildings. My electorate now includes a very dense part of Sydney, which is Ultimo where—as many members will know—there have been issues in residential flat buildings for many years.

Some alarming events gave rise to the development of this legislation but, more importantly, public knowledge about some significant defects in buildings in Sydney. But for so many years there has been a silent epidemic of these defects in our community. I use that word "silent" consciously because so many apartment owners and people involved in strata committees are reluctant to go public on significant problems with their building because they fear it will lead to a bad reputation for their building, impacting what for most people is the biggest investment in their lives—their own home.

These issues have not just been restricted to some of the more dramatic issues we have seen in Homebush. There have been significant issues around water ingress, around foundations, in particular around fire safety and anyone involved in this sector will know that we have seen the dodgy issuing of occupation certificates. We have seen quite egregious breaches of some of the most basic construction and building standards, where developers simply phoenix the company to escape liability. A whole range of other issues need to be addressed around phoenixing. I do not propose to go into that now, but the escaping of liability—not just on defects but also to subcontractors—is something that still requires significant work.

I acknowledge the industry groups that have become so bad that even they have recognised it. I also acknowledge groups like the Construction, Forestry, Maritime, Mining and Energy Union and others that have stood up quite powerfully against some of these shonky and, frankly, dishonourable and immoral practices in the industry. Over many years we have seen successive reviews; there has been review after review. I acknowledge that this Minister, the department and his staff have consistently taken up recommendations over many years. There has been a demonstrable failure by governments to address and tackle comprehensively compliance and enforcement. In particular, I have seen it when I was mayor of a local community—companies have phoenixed, people have tried to take on the developer who clearly did not do the project correctly and there is no recourse which pushes liability onto home owners rather than developers.

It is pretty clear that this is absolutely necessary. I acknowledge the steps that the Government has taken to address this well-designed building practice legislation. Importantly, it is powerful that the commissioner, via delegation from the secretary, will have the capacity to issue stop-work orders, rectification orders and occupation certificates. The granting of an occupation certificate is incredibly important because that certificate then gives the developer the opportunity to complete sales of properties. The holding of an occupation certificate makes a significant difference.

The commissioner is not able to visit every development but he knows, and people in the industry know, the developers who phoenix use many different companies to run developments of class 2 buildings. I note this risk-based approach will be able to weed out those people in the industry who are a problem. I want to highlight class 1 buildings, which have been mentioned. The residential construction sector has significant issues outside class 2 buildings—residential apartment buildings. There is a compelling case to urgently address that. I saw the issue when the former Labor Government privatised the certification process. Before that, local councils ran the certification process. With the privatised certification process, the door has been opened to so much malpractice. It took years before there was even a certified board to manage them. While that matter has been addressed to some extent it really needs to be improved through consistent reform.

The key issue and heart of the problem is the culture of the industry, which is hard to change. Developers have an engrained sense of, "Don't worry about it. It'll be okay. We'll be okay. We'll get the OC and all the approvals. Just get rid of the development, sell it and let's go onto the next one." The liability is pushed onto the

home owner and the strata committee. That has to stop. It will be absolutely critical for the commissioner and his staff to make sure they identify high-risk developers. They should go in in a proactive way and make sure that the public and, importantly, the industry can see that action is being taken. Breaking the culture of that industry is absolutely critical. The commissioner needs to do that to make sure there can be an effective, but most importantly, public demonstration of the effectiveness of his work. I call on the commissioner to work with the union—the Construction, Forestry, Maritime, Mining and Energy Union, as it is now—the building sector as a whole and local councils to make sure that the worst element in the industry is removed. We want to deliver quality buildings that everyone deserves.

I acknowledge that the Minister has been open to comment and input. He has heard a lot of issues raised by people involved in the sector about safety, which is very important. We know that deaths at building sites in the construction industry are very significant and we must ensure increased attention is given to them. The Legislative Council is currently looking at a range of commonsense amendments to empower the Building Commissioner to look at his powers and the time frames within which his activities can take place. We want a commission that, in our view, is a standalone statutory independent authority. I recognise that the Government has taken on the issue of empowering the commissioner. Having a commissioner with no infrastructure or capacity is a commissioner in name only.

I am delighted that the Government is proposing significant support for the role of the commissioner. I am sure this is a great time to recruit a lot of good people to work in the commission. I look forward to the commissioner taking on that important role so that the staff of his organisations can work on a risk-based process to break the culture in the industry. We have heard about many court cases with disappointing outcomes because of legal methods that allow dishonest developers to avoid liability.

The Greens recognise that this is a significant step forward. Those of us who have experience in the sector know that this reform is long overdue. There is a lot of work to do in the construction sector around safety, environmental performance and, importantly, around compliance and enforcement. We want to ensure that citizens know that the building in which they purchase an apartment—whether it is to live in or as an investment—is safe, sound and one of which they can be proud. I acknowledge the work of the staff in the Minister's office and the department and encourage them to continue with reforming this sector.

**Mr GURMESH SINGH (Coffs Harbour) (11:05:42):** I support the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing forward these important reforms that will, for the first time, increase transparency and accountability of developers working in the building and construction industry. The bill will strengthen compliance within the sector by providing the regulator with robust powers to support a targeted but aggressive response to seriously defective and non-compliant residential building work. The bill awards these powers directly to the secretary but enables them, through delegation, to be exercised by the Building Commissioner and other authorised officers.

The most critical component of the bill is the new requirements it imposes on developers to notify the secretary of building work at least six months before that work is completed. This notification brings the focus of government regulation to the front end of construction, and equips the regulator with early and relevant information to form the basis of an audit or inspection of the quality of the building work. This ensures that government can step in and identify and require the rectification of serious defects in residential buildings before the building is sold to consumers. This innovative legislation makes it clear that the Government expects those who carry out building work to do so in compliance with the Building Code of Australia, helping to ensure quality design and construction.

The powers under this bill will also be extended to completed residential apartment buildings within a six-year period from the date of the occupation certificate of the building. Accordingly, owners of those apartments will also have access to the important statutory warranty protections under the Home Building Act 1989, in addition to the protections afforded to consumers under this bill. One of the key tenets of this bill is the modern and comprehensive investigation and enforcement framework which establishes important powers to investigate noncompliance and enables the secretary to take immediate corrective action to protect consumers.

The broad suite of comprehensive powers set out in this bill ensures that the secretary, the Building Commissioner and any other party delegated powers by the secretary can take immediate action in response to potentially dangerous building work to ensure that consumers are not the ones left to pay for the mess of developers. Those comprehensive powers are measured and proportionate to the level of harm and financial loss that could be caused because of developers who do not comply with the law. One of the secretary's first tasks will be to delegate those powers to the Building Commissioner and his new team of inspectors to ensure that they can be used immediately upon commencement.

The bill provides further powers for the secretary to be able to delegate the exercise of functions under the legislation. In addition to being able to delegate any powers to any person employed in the department, the secretary will also be able to delegate any powers to an employee of Fire and Rescue NSW and also an employee of a council who is an authorised person under the Local Government Act 1993. Members will be well aware of the extensive experience of NSW Fire Brigade officers and their powers under the provisions of the Environmental Planning and Assessment Act 1979 in ensuring the fire safety of buildings. Serious defects in fire safety systems are included in the definition of "building element" in the bill and this experience will be critical to the integrity of this bill.

Similarly, employees of councils will be integral to the enforcement profile of the bill. Councils have a broad range of roles under the provisions of the Environmental Planning and Assessment Act in the planning and approval of construction of residential buildings. Additionally, councils provide building certifiers powers to approve building work. Councils are therefore well aware of construction that is occurring and is planned to occur. Their work will assist the secretary and, by delegation, the Building Commissioner greatly in identifying buildings that should be targeted.

The broad range of investigation and information-gathering powers provided under the bill will enable authorised officers to identify quickly and efficiently building work where serious defects are in evidence. The bill provides a minimum six-month lead time for the developer before they are able to apply for an occupation certificate for the building. That time period will also assist the secretary in identifying and acting on building defects. Armed with the knowledge that the completion of building work is imminent and an occupation certificate will be sought, the secretary, using the compliance and investigation powers provided under the bill, will be able to issue stop-work orders to the developer. The issue of an order will ensure that the building work in progress stops on service of the notice.

The secretary must be of the opinion that the building work is, or is likely to be, carried out in a manner that could result in serious harm or loss to the public or occupiers, or potential occupiers of the building, or significant damage to property. To ensure that the secretary has a full range of options available when exercising the power, conditions will be able to be imposed on the issue of an order. As an important safeguard, if the secretary makes a stop-work order, the relevant local council must be notified. If the local council is not the certifier of the building work, the principal certifier must be notified by the secretary.

Stop-work orders are a significant compliance tool to address any threat of significant harm or damage immediately. To reinforce the important provision, the bill provides for big financial penalties for a stop-work order. Of course, the secretary may not always need to take heavy-handed compliance action. Instead, the secretary can accept a written undertaking from a developer about building work that is being carried out. An undertaking acts as a solemn written promise by the developer that they will refrain from conduct that constitutes a breach and/or take any action to prevent or remedy a contravention of the Act or the regulations. Undertakings permit a willing developer to be able to take their own independent action when a breach is brought to their notice without the direct intervention of the secretary.

The acceptance of an undertaking is important, and an onerous responsibility is placed on the person providing the undertaking to the secretary. As such, major penalties will apply if a person contravenes an undertaking that has been accepted by the secretary. The bill also provides powers of investigation for the secretary and, by delegation, the Building Commissioner and any other parties. The secretary does not need a complaint to be able to launch an investigation and, therefore, has a wideranging brief to investigate and detect breaches of the legislation and identify serious building defects. For example, the secretary can investigate developers and former developers and residential apartment buildings, as well as carry out building work. It is important to note that the power to investigate building work includes that carried out by any contractor or subcontractor of the developer, giving the secretary powers to investigate anyone who may have been involved in the defect.

The new compliance framework under the bill will enhance accountability for building developers. The bill casts a wide net to ensure that building work that causes serious defects is detected and acted upon quickly and effectively, and that building work complies with the Building Code of Australia. I commend the Minister for the bill. Together with the Design and Building Practitioners Bill 2019, it makes necessary reforms to the regulation of the building and construction industry to better protect consumers. Collectively, both bills are an important step in the Government's agenda to improve the residential building system in New South Wales. I commend the bill to the House.

**Mr JUSTIN CLANCY (Albury) (11:13:53):** I speak in support of the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House and implementing the important reforms to strengthen the building and construction system in New South Wales. I thank the Minister, his staff and the department. The bill delivers a

suite of new compliance and enforcement powers for the Secretary of the Department of Customer Service and, by delegation, to the Building Commissioner to oversee and regulate construction in New South Wales.

I acknowledge the words of the member for Balmain that the bill is a significant step forward. The intent of the bill, as it should be, is that when people of New South Wales purchase an apartment, which for many is their home, they may be secure in the knowledge that it is safe and sound. The bill signals that the Government is serious about weeding out dodgy developers and defective residential building work in the State. The powers under the bill allow the regulator to make targeted interventions in residential building work to enable the detection and rectification of defects.

The bill will overhaul the way that property developers operate. Under the legislation, developers will have to notify the secretary of the proposed date of completion for residential apartment building work. Extensive compliance and enforcement powers are then provided to the secretary to conduct in-depth investigations into that building work to detect any serious building defects. However, perhaps one of the most significant powers underpinning the bill, which will be a game changer for the building and construction industry, is the ability for the regulator to prohibit an occupation certificate and the registration of a strata plan. The notification requirement and the complementary prohibition order powers are key parts of the bill. Together, they provide the secretary and, through delegation, the Building Commissioner with the necessary lead time to investigate and detect serious building defects on building sites.

Action, including rectification orders of ongoing building work or of residential apartment buildings completed within the past six years, can then be taken. The powers are further supported by other extensive investigation and compliance powers that will ensure that the secretary and, through delegation, the Building Commissioner have the powers necessary to enforce compliance. Owners and consumers deserve to have confidence that the buildings they purchase are fit for purpose as a place to live or work or as a form of investment. These days more people are living in apartments. In fact, over the past 25 years the number of occupied apartments, including flats and units in Australia, has increased by 78 per cent. Nearly half of Australia's occupied apartments are in this State.

In New South Wales the construction industry has the largest number of businesses by category across the State, with over 125,000 businesses in total. The construction sector is fundamental to our State's livelihood and employs almost 9 per cent of all persons in New South Wales. With those figures in mind, the Government wants to ensure that in such a sector quality is not sacrificed and that the New South Wales public can have confidence in the integrity of its built environment. For that reason, the Liberal-Nationals Government has made building and construction a major priority and has worked hard to progress a number of major reforms in building and construction, and the planning system. The bill supports the Government's building reform agenda. One of the most significant actions demonstrating our seriousness with the reform agenda is the appointment of the Building Commissioner for New South Wales, Mr David Chandler, OAM.

Mr Chandler has joined the Government to help us transform the State's building and construction industry today and in the future. He has more than 40 years of experience as a builder and educator in the building and construction industry in Australia and the Asia-Pacific. He has long been an advocate for modernising and lifting industry practices, standards and culture, and creating a customer-focused approach. Mr Chandler plays an important leadership role in the transformation. He will drive reforms that will better protect homeowners and purchasers, redefine building and construction in New South Wales, and restore trust and confidence in the industry.

Mr Chandler recognises regulation and compliance are important, but they will not solve all the industry's issues. He is using market levers to transform industry and ensure they lead. Since his appointment in August last year, Mr Chandler has made great strides. Last month he released a detailed work plan that sets out a strategic reform agenda to revolutionise the building industry by 2025. To help streamline the reform process the Government has established six specialised work streams or pillars. The six reform pillars cover legislation and regulation changes, education, ratings information, improving skills within the industry, ensuring contracts help meet standards, research, digitising the industry and establishing New South Wales as a leader in modern construction methods.

Importantly, New South Wales will not be driving these reforms alone. Meetings with key industry players in their own working groups have already commenced under the auspices of the work plan and will continue throughout this year to ensure that industry and government work together to expedite the reforms and improve the sector. Of course, the Government has also used Mr Chandler's experience to help finalise this bill, which is only one of the reforms that this Government is progressing to help improve the construction sector. Members will be aware of the introduction of the Design and Building Practitioners Bill 2019 into the House late last year. This bill includes reforms that will require design practitioners to declare that regulated designs comply with the Building Code of Australia.

Just this past week I have had local engineers in the Albury area contact me about the importance of this reform. The Design and Building Practitioners Bill further requires that building practitioners declare that buildings have been built according to their designs, specifications and plans. It sets out a new registration scheme for these practitioners to ensure that only suitably qualified and insured practitioners can make such declarations. And the bill sets out an industry-wide duty of care to current and subsequent owners of the land, including owners corporations and associations, so they can seek compensation for defects.

Together with the bill before the House, these two new items of legislation—as the first tranches of reform—will deliver one of the largest legislative packages this State has ever seen in the building industry. In late 2018 the Government passed the Building and Development Certifiers Act 2018 to overhaul and modernise the State's certification laws, creating a modern, fit-for-purpose regulatory system to ensure that certifiers are held accountable under a new registration regime. Earlier this year, the Government finalised the supporting regulations to deliver a comprehensive new certification framework that is scheduled to commence next month.

Outside of this legislative framework, Fair Trading is working hard to implement the Government's four-point plan to strengthen compliance and oversight of certifiers. This includes a new auditing process with the aim of auditing 25 per cent to 30 per cent of the industry each year. A new disciplinary policy will penalise non-compliant certifiers who do not comply with the legislation. Under the plan there will be better protection for strata buildings. Certifiers will be prohibited from working on new strata developments if, in the past 12 months, they have breached the code of conduct in any way regarding building quality. [*Extension of time*]

Importantly, it will provide increased transparency for consumers, including more information for home owners about a certifier's disciplinary record on an enhanced public register and better protections for off-the-plan purchasers. The Government has fully implemented its 10-point plan for fire safety already. With that came a raft of reforms, including the introduction of the Building Products (Safety) Act 2017, New South Wales first ban on certain types of flammable cladding, inspections of buildings with potentially dangerous cladding and a new competent fire safety practitioner framework.

Finally, the Government is acutely aware that payment for the people undertaking building work is just as important as regulating the quality of the final product. Therefore the Government's building reform extends to providing greater financial security and prompter payments for subcontractors in the building industry. The Building and Construction Industry Security of Payment Amendment Act 2018 commenced on 21 October 2019. The amendment Act delivers a range of reforms, such as reducing the maximum time available for paying subcontractors from 30 to 20 business days, creating a more simplified payment structure, and strengthening enforcement powers to help Fair Trading be a more effective regulator.

Again, I thank the Minister for bringing this bill before the House and I commend him for it. This bill will deliver immediate powers to the Government to ensure that noncompliance is a thing of the past. This proposed legislation is, as I have outlined, only the latest major achievement in an ongoing building and construction reform agenda for New South Wales. I commend this bill to the House.

**Mr STEPHEN BROMHEAD (Myall Lakes) (11:25:41):** I speak in support of the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. I commend the Minister for Better Regulation and Innovation—the member for Tamworth, Kevin Anderson—for bringing this bill to the House. I note the Minister is in the Chamber. This bill imposes a suite of new obligations on building developers that will be critical to improving the quality of work and eliminating serious defects from construction. It is important for members to reflect on how the bill fits into the NSW Building Commissioner's newly announced six-pillar work plan, which outlines the Government's strategic reform agenda to 2025.

The six reform pillars under the work plan span regulation, education, contracts, ratings information, digital reform and research, which will result in the largest microeconomic reform ever seen in construction in Australia. The Minister for Better Regulation and Innovation announced the work plan on 21 January. He said, "These reforms are a complete game changer for consumers, the Government and the building industry as a whole." The first reform pillar commits to the implementation of regulation that transforms the focus of the regulator, NSW Fair Trading. Doing this will ensure that New South Wales has a stronger customer-focused regulatory framework. The bill, together with the Design and Building Practitioners Bill 2019, reflect only the first tranche of legislation that will be delivered through the commencement of pillar one of the work plan.

This bill includes a suite of compliance and enforcement powers allowing the Building Commissioner, through the delegation of the secretary's powers, to directly intervene, identify and rectify serious defects in residential apartment buildings under construction or those built within the previous six years. When these bills are passed they will overhaul the design and building sector by ensuring that the regulator is involved at every critical step of construction. The Design and Building Practitioners Bill 2019 will require that key designs are prepared and declared to be compliant with the Building Code of Australia by suitably registered design

practitioners. These practitioners will then need to hand over designs to the builder, who will not be able to commence work without them.

Before an application for an occupation certificate, the registered building practitioner will be required to declare that all building work on site was undertaken in accordance with the declared designs. At the same time the bill will require the developer to notify the secretary when they are at least six months from completion so that all necessary investigations can be done before a building is passed on to a prospective owner. Where serious defects are identified, the secretary can require rectification or prohibit the issue of an occupation certificate or registration of a strata plan and, where an occupation certificate is issued in contravention of an order, the bill makes it clear that the certificate is invalid under the law. The compliance and enforcement powers contained in the bill and the declaration obligations in the Design and Building Practitioners Bill 2019 will form a strong foundation for the Government, together with the Building Commissioner, to deliver on the five remaining pillars of the work plan.

The second pillar seeks to ensure there are industry-led rating products that allow the sector to better identify, price and manage risk. The Building Commissioner has been engaging with the building sector to demonstrate the value of having greater information on the risk profile of players in the sector and how it can help insurers, banks, builders, developers and consumers to make more informed decisions. The information-gathering powers provided by the bill, including the powers for authorised officers to require information and records, to require answers and to conduct targeted investigations of current and former developers, will drive the development of this pillar. I now turn to the third pillar, which is working with the New South Wales education sector to provide the skills that will support a modern construction workforce. Education and training, including continuing professional development points, are a foundational pillar for any profession and a major influence of the culture, behaviours and outcomes that it exhibits. Recent events have shown that there is a need for a greater focus on modern education in the sector to address skill gaps that are preventing future growth.

This is where the Design and Building Practitioners Bill 2019 really shines. It will require that only suitably educated and experienced practitioners will be able to provide declarations and will set out a tough registration scheme to ensure that only qualified professionals can give compliance declarations. At the same time the Building Commissioner will work with key training providers to encourage better educative measures to transform the culture of the industry. Pillar four concerns contracts, which underpin service delivery and formalise the relationship between suppliers and beneficiaries by outlining roles, responsibilities and liabilities. The Building Commissioner will work with lawyers and building practitioners to reframe build-only and design and construct contracts to produce modern templates that are customer and future facing, recognising new roles and responsibilities created by legislation and digitisation.

Existing industry contracting arrangements will be reviewed to recommend practice changes that focus on positive outcomes for both the industry and the public. This will clarify the essential inputs of designers, contractors, manufacturers and installers so that building contracts and the work provided under them is of a higher standard. At the centre of this work will be re-establishing and improving the standard from building contracts provided by Australian standards. The powers provided under the bill will mean that the Building Commissioner and his new team of inspectors will be constantly in and around building sites, actively investigating quality and closely observing standards of building work. This in-depth information will assist in driving the vital development of realistic and appropriate building contracts that are fair to all parties. There is a significant potential to utilise modern technology to respond to issues of building quality and providence. These issues are important because they can create significant harm in the building sector. One example of this is when nonconforming or noncomplying building products infiltrate supply chains due to practical difficulties in identifying product type and usage, ultimately impacting on building quality.

The fifth initiative in the Building Commissioner's work plan responds directly to this issue and will focus on digital platforms to deliver assurance for consumers, suppliers and builders. This initiative involves supporting the development of technology to allow the building sector to move from analogue record keeping into a digitised, quality assurance framework. This will involve working with research and development leaders to define the necessary underlying architecture and infrastructure. The Government supports that any products developed would be based on an open source platform to ensure all key industry parties have access to the platform. Members can clearly see that the provisions of the bill, together with those of the Design and Building Practitioners Bill 2019, assist in driving this initiative forward.

Under the design and building practitioners legislation, registered building practitioners will be required to lodge their compliance declarations through a digital portal, which the Government is currently developing. Under the bill, the six-month window provided to developers to notify the secretary of a proposed application for an occupation certificate will then work to alert the secretary of any building work that should be investigated. Digitisation of plans and declarations will assist the Government with examining noncompliance and will be used

in intelligence-driven investigations to help determine whether a serious defect is likely to exist in a building.  
[*Extension of time*]

I turn now to the last pillar, the sixth initiative of the work plan. This initiative will establish New South Wales as a national hub for innovation and research and evidence-based decision-making to improve the culture of the industry. Innovation is an essential driver of economic progress and can have profound benefits for consumers, businesses and the economy. The Building Commissioner will closely examine a number of differing building projects to develop an evidence-based understanding of the pain points, from both the builder's and the consumer's point of view. The enforcement and compliance powers provided for in the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020 and the Design and Building Practitioners Bill 2019 are also clearly innovations of their time.

This legislation is the first of its kind in Australia and the bill before the House establishes a developer notification requirement for the issue of an occupation certificate. It then establishes a wide range of investigation and information-gathering powers for authorised officers and, further, provides a number of remedial sanctions to ensure that developers rather than consumers are the ones responsible for addressing any building defects. Further innovative provisions allow for the secretary to issue stop-work orders and rectification orders and to recover the cost of compliance actions from the building developer.

The introduction of this important bill is a crucial step in progressing the regulatory reform pillars and ensuring that New South Wales leads the nation in regulating construction. The Government has said, "Enough is enough." Owners and consumers deserve to have confidence that the buildings they purchase are fit for purpose as places to live, work or as a form of investment. On the Government's watch the bill will contribute greatly to stronger public confidence and, with the support of its specialised resources, it will get the job done. I commend the bill to the House.

**Mr ADAM CROUCH (Terrigal) (11:37:25):** I speak in support of the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. From the outset I commend the Minister for Better Regulation and Innovation for bringing this bill before the House—I note that he is in the Chamber. The bill implements important reforms to greatly enhance the regulation of the building and construction industry in New South Wales. I also acknowledge the support of the Opposition and the sensible amendment by the member for Sydney. The bill will strengthen the construction sector by providing robust powers for the secretary to identify and require the rectification of serious defects in residential buildings. These powers will also be able to be delegated to the Building Commissioner and to authorised officers employed by the Department of Customer Service. This new legislation, like the Design and Building Practitioners Bill 2019, makes it clear that the Government expects those who carry out construction work to do so in compliance with the Building Code of Australia and all applicable laws.

The new legislation will ensure that consumers in New South Wales have more confidence that they are receiving quality construction in exchange for their hard-earned money. The bill provides a comprehensive range of investigative and enforcement powers, which will be critical to enforcing the new obligations established under the bill. The powers will ensure that developers and builders understand the serious consequences that will arise from noncompliance. Under the bill authorised officers will have far-reaching powers that will significantly enhance their ability to undertake compliance and enforcement operations. Specifically, the bill provides that an authorised officer may use their powers for investigating, monitoring and enforcing compliance with the requirements of the Act and regulations, the Building Code of Australia, the relevant Australian standards or the relevant approved plans. Authorised officers can also use their powers to specifically investigate whether a building has any serious defects and to obtain information or records to ensure the proper administration, enforcement and execution of the legislation. The officers will have rights of entry to premises at reasonable times during the daytime or when business—including building work, of course—is in progress.

These are fundamental powers and will enable the authorised officers to lawfully enter construction sites and the common property of strata schemes for any authorised purpose to immediately identify and target noncompliance. The bill includes a provision permitting an authorised officer to be accompanied by any assistants that the officer considers necessary when entering the premise. This will allow authorised officers to be accompanied by any person—such as a subject-matter expert—who may be critical to assisting the investigation. Of course there are safeguards built into the bill, ensuring that entry to residential premises is only effected through permission from an occupier or through a search warrant.

To apply for a warrant, the authorised officer must have reasonable grounds for believing the legislation is being or has been contravened on the premises or that there is evidence of an offence on the premises. This is an important way of balancing the powers of authorised officers with the necessary safeguards. To support the functions of an authorised officer, a police officer may be permitted to accompany the officer in the execution of the search warrant. The bill also enables police officers to take all reasonable steps to assist the authorised officer

in the exercise of their functions. This is an important addition to the bill, and I commend the Minister and his staff for including it. The bill ensures that authorised officers have a broad range of actions that they can perform when they are on the premises. For example, authorised officers will be given rights to examine and inspect things, take samples, make copies of documents, or take photographs or records that they consider necessary.

Officers will be able to direct persons to produce documents for inspection and seize anything that the officer has reasonable grounds for believing is connected with that breach. These powers will be crucial to ensuring that building work that fails to comply with the Building Code of Australia and the relevant Australian standards—or any serious defects—are identified immediately and can be rectified before the building is sold to the consumer. For completed buildings, the powers will be crucial in ensuring that defects are rectified before the statutory warranty period under the Home Building Act 1989 expires. This is all about building the level of certainty in the construction industry and the work done by construction workers. I congratulate the Minister on including this in the bill. It will bring greater peace of mind, including to my constituents across the Central Coast, which is currently experiencing a building boom both commercially and residentially.

Members will know that in the Building Confidence report authored by Professor Peter Shergold, AC, and Ms Bronwyn Weir a number of difficulties were identified that certifiers faced when work was hidden or covered and that they were unable to adequately inspect the work before signing it off. To counteract this, the bill sets out a necessary provision to ensure that defects are not covered up in haste by the developer. The bill empowers authorised officers to direct a developer to carry out building work at a specified time or in a specified manner. For example, authorised officers could direct that a critical concrete pour be done at a time when officers, accompanied by technical experts, are on site to ensure it is done correctly.

Authorised officers will be able to direct a developer to carry out specified building work but only after giving the officer notice in advance. An example of this could be the installation of a fire safety system, providing officers with sufficient lead time to check the source and types of materials being used. These powers will ensure that officers can access and investigate any potential defects and prevent work from being covered up until an officer has inspected it. Strict penalties apply for any person who fails to comply with the requests of an authorised officer. The bill provides that a person must not obstruct, hinder or interfere with an authorised officer in the exercise of their functions or refuse or fail to comply with a direction without a reasonable excuse.

A maximum penalty of \$22,000 or \$110,000 for a body corporate will apply to a breach of these provisions. Of course, the powers in the bill will be tempered by a range of protections. All the information gathered will be used and treated carefully, and the public can rest assured that authorised Fair Trading officers are well experienced from administering similar powers under other legislation. This is such an important measure to instil a greater level of confidence in our construction and building industry. The Government believes those comprehensive powers are proportionate to the level of harm and financial loss that could be caused. One of the first tasks will be to delegate all the powers to the Building Commissioner and his team of inspectors to ensure that they can be used immediately upon commencement. This reduces the time lag between the legislation passing and being applied in communities across New South Wales, including the Central Coast.

The Government has got on with the job of recruiting a new transformation team critical to overseeing enforcement of the legislation. Up to 60 new roles are being developed that will be responsible for the implementation and operation of the new auditing, registration and design lodgement functions for the groundbreaking Design and Building Practitioners Bill 2019, giving a huge boost to the compliance and enforcement of this bill. To further support the effectiveness of these powers, the bill enables the secretary to accept written undertakings from a developer about how they will carry out the building work.

The bill allows the secretary to issue a stop-work order to a developer, ensuring building work ceases immediately, where the secretary is of the opinion that it is or is likely to be carried out in a manner that could result in significant harm or loss to the public or potential occupiers, or significant damage to property. Those provisions will enhance the regulation of the sector by enabling the secretary, and the Building Commissioner by delegation, to more effectively monitor and enforce compliance with the requirements of the Building Code of Australia. The Government has said, "Enough is enough." Consumers in New South Wales—particularly on the Central Coast—should be confident in the knowledge that they are purchasing a property that is free from serious defects. The investigative, compliance and enforcement powers under this bill are an important step in that direction and should undeniably improve the building system in this State.

I acknowledge the great work being done by the Minister's staff, including chief of staff Gavin Melvin, Harriet Platt-Hepworth, who has been in the Chamber all morning, and Rowan Carter in the Minister's office. I also acknowledge the great staff in the Better Regulation Division within the Department of Customer Service and the Minister himself, who has done an outstanding job with this legislation. I acknowledge the simple amendment from the member for Sydney, and I commend the bill to the House.

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (11:47:36):**

In reply: I thank members for their contributions to debate on the Residential Apartment Buildings (Compliance and Enforcement Powers) Bill 2020. I particularly thank the following members for their contributions: the member for Swansea, the member for Dubbo and the member for Sydney, who I understand has a carefully thought out and sensible amendment to put forward. We appreciate the cooperative approach adopted by the member for Sydney, whose electorate has the largest number of residential apartment buildings in the State. As a consequence, he takes a keen interest and has in-depth knowledge of how this bill will impact on and support those who reside in his electorate. I also thank the member for Holsworthy, the member for Balmain, the member for Coffs Harbour, the member for Myall Lakes, the member for Albury and, of course, the member for Terrigal.

The introduction of this bill is a crucial first step towards progressing the Government's six-pillar Construct NSW reform agenda. This will ensure that New South Wales leads the nation in regulation and regulating building and construction. It is about accountability, quality and transparency. The Government has said, "Enough is enough." Owners and consumers deserve to have confidence that their buildings are fit for purpose and that they are of the highest quality, quality built and in accordance with the Building Code of Australia.

On the Government's watch the bill will contribute greatly to stronger public confidence with the support of specialised resources provided by the Building Commissioner to get the job done. The bill gives the commissioner the authorised powers for investigating, monitoring and enforcing compliance with the Act and the regulations in the management of the performance requirements of the Building Code of Australia. The powers also extend to investigating whether buildings have serious defects and obtaining information or enforcing stop-work orders as well as rectification or remediation orders. There are also significant fines if those undertakings for rectification and remediation orders are not adhered to.

In a first, the bill establishes a scheme for notification of the intended completion of building work and, in doing so, it is the first of its kind in Australia. Specifically, the scheme requires developers to notify the secretary at least six months, but no more than 12 months, before an application for an occupation certificate is made. The bill also makes provision for subsequent notices to be provided where circumstances change and the date for an application is brought forward or pushed back. This notification requirement will enable the secretary to have early awareness and oversight of the developer and the building work. This will allow the secretary or delegate—in this case, the Building Commissioner—to actively monitor and regulate the performance of building work at any residential building site. It will positively assess and assist in the early detection and rectification of serious building defects.

Failure to notify the secretary or to notify the secretary within the required time frame will have serious consequences for the developer. In those circumstances, the bill empowers the secretary to make an order prohibiting the issue of an occupation certificate and the registration of a strata plan. This prohibition order power can also be exercised by the secretary if a strata building bond has not been lodged or the secretary is satisfied that a serious defect in the building exists. Under this bill, if a serious building defect is found the secretary will have a range of powers available to address it immediately. The bill permits the secretary to enable the issue of an order to stop work and also a rectification order if the developer is of the reasonable belief that the work was or is being carried out in a manner that could result in a serious defect in relation to the building.

A key component of the bill is that the building work rectification order requires the developer to carry out building work or refrain from carrying out building work as is specified in the order to eliminate, minimise or remediate the serious defect or potential serious defect in a building or part of the building. It also takes the extra step and sets out a prescribed set of circumstances in which the secretary and/or Building Commissioner may make an order prohibiting the issue of the occupation certificate or the registration of that strata plan, also known as a prohibition order, if the developer has not notified the secretary of the expected completion date within the required time or has failed to notify the secretary of a change in the expected completion date and in other prescribed circumstances.

The bill also establishes a rectification scheme to empower the secretary to issue a building work rectification order where serious defects are identified through inspections and to recover the costs and expenses incurred by the secretary in connection with the rectification order. The bill reflects only the first tranche of reforms that this Government expects to make as part of the biggest ever overhaul of the New South Wales building sector. The Building Commissioner has developed a strategy through the release of the six-pillar Construct NSW work plan to regain public confidence and create a new customer-focused base in the construction industry by 2025.

The six-pillar reforms set out an holistic approach to reforming the building industry and cover legislation and regulation changes, rating systems, improving skills within the industry, ensuring contracts help make standards, digitising the industry through declared plans to make sure that the declared plans actually meet what

the building looks like when it is finished, and establishing New South Wales as a modern leader in construction methods. In fact, work on pillar one—being the regulatory reform pillar—is well underway. The development of this was specifically expedited to support the bill before the House and presents a comprehensive building reform package to complement the Design and Building Practitioners Bill 2019.

The scheme will be supported through robust compliance, enforcement and investigative powers to enable the Building Commissioner to identify and rectify any potentially serious defects. Importantly, the legislation is being designed to commence without the need for supporting regulations, providing immediate protections for consumers upon commencement. While the Government is talking about potentially serious defects and their prevention, the idea behind the building reforms it is undertaking is to put the platform in place to prevent those serious defects at the start. However, the Government has futureproofed this bill by including broad regulation-making powers so that regulations may be developed if determined necessary.

Together with the Design and Building Practitioners Bill 2019, which passed this House today, these new legislative schemes will ensure that home owners in existing buildings are adequately protected. Key stakeholders were consulted on the concepts within the bill in a targeted round table and were supportive of its intent. The bill will also be subject to a statutory review in March 2022 to determine whether the policy objectives remain valid and the terms of the bill allow for those objectives to be met. To further enshrine the Government's commitment to partner with industry, I have established Construct NSW to provide advice and industry insight to me, the Building Commissioner and the Department of Customer Service on the reforms before us, including the development of regulations, to ensure we get these important reforms right.

Again, as we did with the Design and Building Practitioners Bill 2019, we have not only consulted widely with industry but also tapped into the expertise within the New South Wales Parliament. I thank The Greens, led by Mr David Shoebridge, for their cooperation and coordination; the Shooters, Fishers and Farmers Party, led by the Hon. Robert Borsak; and One Nation, led by the Hon. Rod Roberts with the assistance of the Hon. Mark Latham. I also thank the Labor Party and the shadow Minister, the member for Swansea, who is in the Chamber. She has also taken a very keen interest in making sure that the building and construction industry has the right foundations to continue to make it the very best it can possibly be under this new regime. We thank the member and her staff.

This Government is taking a no-nonsense approach to regulation in this State. The bill will reflect a new era in the industry and is about putting public safety first to ensure that New South Wales has a leading system of design and building regulation that delivers well-constructed buildings in the future. Amendments will be moved in the Legislative Council that we have agreed to. I understand that the member for Sydney will also move a sensible amendment in the Legislative Assembly, which we will agree to. Through the cooperation of those whom I have just mentioned in the Legislative Council, we have come to an agreement that it is in the best interests of the public. The mums and dads who are buying their great Australian dream will be able to do so with confidence through accountability, transparency and quality. I thank my chief of staff Gavin Melvin for his outstanding work. I thank policy director Harriett Plat-Hepworth and Rowan Carter, the general whip around who made sure that everyone was on the same page. I commend the bill to the House.

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

**Motion agreed to.**

**Consideration in detail requested by Mr Alex Greenwich.**

#### **Consideration in Detail**

**The DEPUTY SPEAKER:** By leave: I will deal with the bill in one group of clauses and schedules. The question is that clauses 1 to 68, and schedules 1 and 2 be agreed to.

**Mr ALEX GREENWICH (Sydney) (11:58:33):** I move my amendment No. 1 on sheet c2020-073B:

**No. 1 Occupier of land to permit developer to carry out work**

Page 18, clause 41(3), line 25. Omit "must not fail to comply". Insert instead "must not, without reasonable excuse, fail to comply".

This amendment will ensure that owners can lawfully refuse entry into their homes to a developer or builder if they have a reasonable excuse. In most cases, the original builder or developer will be the best person to come back and fix any defects—they know the building and are most likely capable of doing the job. Placing orders on the original builder or developer to fix any defects they caused is an important part of improving accountability in the industry. But when there is a reasonable excuse to refuse entry—such as when the developer or builder has shown negligence, incompetence or intimidation towards owners—owners corporations will not be forced to let them back into people's homes. This adds an important safeguard for owners.

I thank the Owners Corporation Network for working with my office on this amendment and I thank the Government, Opposition and crossbench for their support of it. The amendment strengthens the strong consumer protections in the bill. This is an historic day for building reform and consumer protections for people who live in apartments in New South Wales. I commend the Government, the Minister and his staff for their important work in this space, and I thank the Opposition and crossbench parties for their cooperation during this important time for our State. I commend the amendment to the House.

**Ms YASMIN CATLEY (Swansea) (12:00:23):** I thank the member for Sydney for his sensible amendment, which the Labor Opposition will support. As the member for Sydney said, the amendment is a further safeguard within what is a very good piece of legislation. The member also noted that the amendment came about due to the advocacy of the Owners Corporation Network. I, too, express my thanks to the corporation for its advocacy for those who live in apartment buildings across the State. The "reasonable excuse" clause will make a real difference to those who have ongoing problems in their buildings and getting their defects fixed. Whilst I have been sitting in the Chamber during debate on the bill, I have received an email from a tenant in the Landmark building in Charlestown, which members know has had a series of problems. The tenants of that building in Charlestown, which borders my electorate of Swansea, would have been able to use the "reasonable excuse" clause to rectify the great injustice to them. Again I thank the member for Sydney for moving the sensible amendment, which the Labor Opposition supports.

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (12:02:11):** The Government is supportive of the amendment. We thank the member for Sydney for his contribution and in-depth expertise on the issue. Historically, getting reasonable access can be a problem for a builder or developer when seeking to rectify defects under the statutory warranty as owners can be obstructive or refuse access. That is a problem and the bill seeks to ensure that the responsible builder or developer should be allowed to rectify work as the first recourse. It is one of the key policy intentions of the bill to ensure that more responsible parties fulfil their obligations under their statutory warranty obligations and return to rectify major defects.

The bill seeks to avoid a situation in which owners could simply refuse access to a developer or builder who is seeking to rectify problems. However, the amendment will be useful to balance the interests involved when a developer is ordered to rectify building defects in circumstances where owners have already moved into their apartment building. In such circumstances, the bill already provides a number of important protections to occupiers. First, the secretary must give notice to the relevant owners corporation about the secretary's intention to make a building work rectification order and when an order is made. The parties are entitled to make written representations, which the secretary must take into account. An owners corporation must give written notice to the owners of lots in the strata scheme of the order or proposed order.

Secondly, the bill also provides a number of important protections to assure owners and occupiers that the rectification work will be performed appropriately. The regulator will be able to condition the order to require that the persons carrying out the work are licensed, and have the suitable skills and experience required. Further, the regulator has a suite of powers to ensure that quality assurance arrangements are in place so that the adequacy of the work can be checked before it is completed. For example, the regulator can issue directions, condition milestone reporting and require records, as well as enter premises and inspect the work as it is undertaken. With the regulator having oversight of the developer's conduct and, if required, subsequent compliance with a rectification order, owners can avoid significant costs. The failure of a developer to comply with an order means that any potential serious building defects could exist within a building to the detriment of occupiers, both current and future, and consumers and their safety.

Importantly, to achieve that aim, it is necessary for the secretary to require the occupier to permit the developer to carry out specific work on the land. However, the Government understands the significance of such an order and has listened to the concerns about the nature of the offence in the bill for occupiers failing to comply with such an order. The Government is supportive of the modification and believes it is a sensible change that recognises that there may be some circumstances in which an occupier would have a reasonable excuse to not comply. We are grateful to the Owners Corporation Network as well as the member for Sydney and his constituents, who have raised the issue with my office. We are sympathetic to the concerns they have raised. I thank the member for Sydney for moving the amendment, which the Government will support.

**The DEPUTY SPEAKER:** The question is that amendment No. 1 on sheet c2020-073B of the member for Sydney be agreed to.

**Amendment agreed to.**

**The DEPUTY SPEAKER:** The question is that clauses 1 to 68, and schedules 1 and 2 as amended be agreed to.

**Clauses 1 to 68, and schedules 1 and 2 as amended agreed to.****Third Reading**

**Mr KEVIN ANDERSON:** I move:

That this bill be now read a third time.

**Motion agreed to.****MENTAL HEALTH AND COGNITIVE IMPAIRMENT FORENSIC PROVISIONS BILL 2020****First Reading**

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

**Second Reading Speech**

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (12:06:55):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Mental Health and Cognitive Impairment Forensic Provisions Bill 2020. Forensic mental health is a complex area. It aims to recognise that people who come into contact with the criminal justice system who have mental health impairment or cognitive impairment may require a legal response different from the response to those who commit crimes wilfully. It must also take into account the safety and experiences of victims, as well as prioritise the safety of the community. In 2018 the Mental Health (Forensic Provisions) Act 1990 and other related Acts were amended to improve the experience of victims of forensic patients. Those reforms gave effect to the recommendations of the Hon. Anthony Whealy, QC, in his review of the Mental Health Review Tribunal, or the tribunal for short.

The Mental Health and Cognitive Impairment Forensic Provisions Bill 2020 will now amend the remainder of the Mental Health (Forensic Provisions) Act 1990 to implement principal reforms recommended by the NSW Law Reform Commission in two landmark forensic mental health reports: Diversion, published in 2012, and Criminal Responsibility and Consequences, published in 2013. The reforms create a statutory definition for "mental health impairment" and "cognitive impairment", which provides the basis in the higher courts for a statutory test for fitness to be tried, previously at common law; a statutory defence of mental health impairment or cognitive impairment, previously the common law defence of mental illness; and a revised statutory special verdict of "act proven but not criminally responsible", previously referred to as "not guilty by reason of mental illness".

The statutory definition of "mental health impairment" and "cognitive impairment" also provides the basis for diversion matters heard in the Local Court. The reforms also ensure that serious criminal matters involving mental health impairment or cognitive impairment are dealt with effectively and promptly; clarify the roles of the court and the tribunal; and provide a stronger, clearer and safer regime for diversion in the Local Court. I will now turn to the details of the bill. The bill repeals, rewrites and renames the Mental Health (Forensic Provisions) Act 1990 to provide clarity and certainty for the operation of the forensic mental health system in New South Wales. The NSW Law Reform Commission [LRC] produced two reports on people with mental health impairment and cognitive impairment in the criminal justice system.

The first report, published in 2012, deals with diversion of people with mental health impairment or cognitive impairment from the criminal justice system into treatment and support. In New South Wales diversion is available in the summary jurisdiction—that is, people charged with low-level offences that are able to be heard in the Local Court. The LRC recommended a new diversion regime, the key tenets of which have been adopted in this bill. This includes providing greater guidance to the courts on what factors they should consider when deciding whether to make a diversion order, including a new consideration of the safety of victims and the community, and extending the time by which the court can supervise a person diverted out of the criminal justice system.

The second LRC report, published in 2013, considered criminal responsibility and consequences for those people with mental health impairment or cognitive impairment who are charged with more serious offending that is heard in the District Court or Supreme Court. Often defendants in these courts are referred to the tribunal and become forensic patients: people detained in correctional centres or secure mental health facilities or people who are supervised in the community, who are monitored and receive treatment and support from the tribunal. The report proposed that a statutory definition of "mental health impairment" and "cognitive impairment" be developed to apply to a statutory test for fitness to be tried; the defence of mental health impairment and cognitive impairment; and the partial defences in the Crimes Act 1900 of substantial impairment and infanticide. The report

proposed to improve the efficiency of forensic mental health processes, which would then require fewer resources and less time for matters to be resolved, improving the system for defendants and for victims of forensic patients. The bill implements these recommendations.

The forensic mental health reforms in this bill strike the right balance between the needs of victims and the safety of the community, and the mental health of the offender. The reforms make the following clear. First, the law may deal with people with mental health impairment or cognitive impairment accused of low-level offending differently, contingent on that person seeking treatment and support, reducing the likelihood of reoffending. Secondly, unfit people who are accused of serious offences should not be tried using ordinary criminal processes, but their matter should be resolved in a special hearing as soon as possible. Thirdly, the safety of the community is a consideration in decision-making, including by the courts or by the tribunal.

The bill is the result of long-term, in-depth stakeholder engagement. For this bill the Government has worked closely with the tribunal, the courts, victim advocates, legal stakeholders, police and forensic health professionals. We have heard from stakeholders through confidential submissions, one-on-one consultation and through workshops and roundtables. Key stakeholders have provided comments on this final bill, with others providing feedback throughout the process, depending on their area of interest and expertise. In particular, forensic psychologists provided in-depth feedback on the definitions of mental health impairment and cognitive impairment; barristers and courts were involved in developing the statutory test for fitness to be tried; and the Local Court provided feedback and direction on how diversion needed to be improved in their court.

The Government has engaged with over 75 stakeholders, with around 50 per cent of those contributing to the process more than once. The result is a bill that the vast majority of stakeholders support and want to see implemented. The Government is committed to improving the system for those experiencing mental health impairment or cognitive impairment, for those who operate and advocate in the system and for those who have become the victims of crime committed by forensic patients. As recommended by the LRC, the forensic mental health reforms were overseen by a forensic working group. The group consisted of representatives from the NSW Ministry of Health, the Justice Health and Forensic Mental Health Network, the Department of Communities and Justice, the tribunal, the NSW Police Force and the courts. The forensic working group met monthly over a period of two years to set the agenda, to supervise and to analyse the amendments as recommended by the Whealy report and the LRC.

The bill has three overlapping primary objectives. First and foremost, it aims to protect victims and the community. Secondly, it aims to ensure that people with mental health impairment or cognitive impairment who commit crime receive the treatment, support and supervision they need to get well and to prevent reoffending. Thirdly, it provides clear language, structure and processes, enabling efficient and effective responses to people with mental health and cognitive impairment who come into contact with the criminal justice system. Part 1 of the bill provides definitions for the new Act. Critically, it provides two new definitions: one for mental health impairment and one for cognitive impairment. Clause 4 determines that a person has a "mental health impairment" if the person has a temporary or ongoing disturbance that would be regarded as significant for clinical diagnostic purposes and that impairs the person's emotional wellbeing, judgement or behaviour. A mental health impairment can arise from an anxiety disorder, an affective disorder, a psychotic disorder or a substance-induced disorder that is not temporary.

The requirement that the disturbance be "significant for clinical diagnostic purposes" means that the temporary or ongoing disturbance must be serious enough to result in a mental health diagnosis. Sadness, grief or anger would not suffice for the purposes of meeting the definition. The temporary effect of taking drugs or having a substance-use disorder is expressly excluded from the definition. This means that a person who commits a crime while on drugs or intoxicated, with no other clinically significant mental health impairment or cognitive impairment, will not be a person with a mental health impairment or cognitive impairment for the purposes of the bill. Clause 5 describes "cognitive impairment" for the purposes of the new Act. A person has a cognitive impairment if they have an ongoing impairment in adaptive functioning and in comprehension, reasoning, judgement, learning or memory, which has resulted from damage or dysfunction to the brain or mind. Cognitive impairment may arise from intellectual disability, dementia, autism or foetal alcohol spectrum disorder.

Part 2 of the bill relates to diversion of people with mental health impairment or cognitive impairment in summary proceedings. The 1990 Act provides that diversion orders are only applicable to offences dealt with summarily by the Local Court and are not available to defendants who are facing more serious charges heard in the District Court or the Supreme Court. Diversion aims to divert people with mental health impairment or cognitive impairment who are charged with low-level offending out of the criminal justice system and into care, treatment, support and supervision. Diversion can benefit both the offender and the wider community by addressing the causes of offending. It serves to reduce reoffending by addressing, treating and/or controlling the offending behaviour. A 2019 study conducted by the Kirby Institute of the University of New South Wales showed

that among those with a serious mental illness receiving a treatment order by the court rather than a punitive sanction, the reoffending rate was 12 per cent lower than the punitive sanction group.

The study indicated that diversion into treatment is associated with a significantly reduced risk of reoffending, regardless of the type of offence with which that person was charged. Diversion orders are currently made under section 32 of the 1990 Act, enabling diversion into care, support and treatment, and section 33, which enables diversion of an acutely unwell person to a mental health facility for an assessment and treatment. Orders under section 32 of the 1990 Act are made in fewer than 2 per cent of criminal cases dealt with by the Local Court, with even fewer under section 33. In essence, part 2 of the bill will not change the operation of part 3 of the 1990 Act, with three exceptions. First, part 2 of the bill will refer to the definitions of mental health impairment and cognitive impairment in part 1. This provides a clear clinical benchmark in plain English and outlines the conditions that a defendant must have before a court can consider making a diversion order.

Secondly, clause 15 provides a list of considerations that a magistrate may refer to when making a diversion decision. Some factors on the list reflect existing factors that magistrates refer to under the common law, such as referring to the seriousness of the offending, the criminal history of the defendant and the available sentencing options. The non-exhaustive statutory list in the bill also refers to the history of diversion orders; whether a treatment and support plan has been prepared, and the content of those plans; and, critically, it provides for magistrates to consider the safety of any victims or the community before making an order to divert a person into treatment or support. Thirdly, magistrates will be able to call a person diverted under clause 14 who has not complied with their treatment or support plan back to the court to deal with that person at law up to 12 months from the date of the order. The 1990 Act enables a magistrate to call a person back before the court when there is a question as to that person's compliance with the terms of the diversion order up to six months from the date of the order.

Some magistrates find this not long enough. Under the reforms in the bill, magistrates can call back a person and deal with them at law up to one year after issuing the diversion order. Section 33 of the current Act enables a magistrate to divert a person to a mental health facility when a person appears at the court and is acutely mentally unwell. The operation of section 33 is unchanged under clauses 18 to 24 in the bill, except that, first, an order can apply to both mentally ill and mentally disordered people; and, secondly, a person returning to court from a mental health facility must be brought back to the court "as soon as practicable", instead of at the current discretion of police. These reforms have been developed with stakeholders who asked the Government to tidy up the terms and operation of the existing statute and to make clear the existing powers of the court to supervise compliance with a diversion order. That is what we have done. Stakeholders support these amendments, including police and the Local Court.

Part 3 of the bill updates and legislates what was the common law test for the defence of mental illness and rewrites the special verdict from "not guilty by reason of mental illness"—or NGMI for short—to "act proven but not criminally responsible" due to mental health impairment or cognitive impairment. Currently, under the common law M'Naghten's test, a defendant can raise the defence of mental illness at common law for any criminal offence if, at the time of carrying out the relevant act, the defendant was "labouring under a defect of reason caused by a disease of the mind" and, due to that "disease of the mind", the defendant did not know the nature and quality of the act or did not know the act was wrong. The defence can be raised at a criminal trial or at a special hearing when a person has been found to be unfit to be tried. A successful defence will result in the "special verdict" of "not guilty by reason of mental illness". Very few defendants are found NGMI in New South Wales. For example, 30 people were referred to the tribunal for review following a special verdict of NGMI in 2018-19.

Clause 28 of the bill applies to matters in the District or Supreme courts. It provides for the defence of mental health impairment or cognitive impairment, which closely mirrors M'Naghten's test but with updated terms. The statutory test of the bill enables a person to show that they were not criminally responsible for an offence if, at the time of carrying out the act constituting the offence, the person had a mental health impairment or cognitive impairment, or both, that had the effect that the person "did not know the nature and quality of the act", or "did not know that the act was wrong (that is, the person could not reason with a moderate degree of sense and composure about whether the act, as perceived by reasonable people, was wrong)". It is important to victims of those forensic patients who have successfully raised the defence of mental illness that the defence recognises that the person did do an act.

Legal stakeholders told us that specifying "act" in the statute may exclude an omission or a series of acts or omissions from the test. For those reasons, "act" is defined in clause 28 (4) to include an omission and a series of acts or omissions. Legal stakeholders also spoke of cases when a defendant has been found NGMI due to a coexisting diagnosis of mental health impairment and cognitive impairment. Impairments on their own may not have reached the requisite threshold, but the two impairments considered together may result in the person meeting the test for NGMI. Accordingly, the statute recognises that a person may have a "mental health impairment or a

cognitive impairment, or both". This way, the statutory test will continue to apply in the same way as the common law. A successful raising of the defence of mental health impairment or cognitive impairment will result in the special verdict of "act proven but not criminally responsible", found in clause 30. This special verdict is called "not guilty by reason of mental illness" at both common law and in the 1990 Act.

The terms of the current special verdict are a cause of further pain and trauma for victims and their families because the phrase "not guilty" intimated that the defendant had not done the act. It has resulted in problems with legal processes because the system is set up to deal with people who are either guilty or not guilty. The special verdict of "not guilty by reason of mental illness" does not result in the person being released by the court, as a normal finding of "not guilty" would. In most cases, the person is referred to the tribunal to become a forensic patient who is detained or supervised until the tribunal determines that they are well again and no longer a risk to the community. The terms of the special verdict were problematic and the LRC recommended amending the verdict in statute to "not criminally responsible". That is what we have done. The verdict under the bill is "act proven but not criminally responsible". This is still not a conviction at law but recognises that the person did, in fact, do the act.

The consequences of a finding of NGMI or NCR—not criminally responsible—under the bill are serious, but this should not prevent a jury or a court from finding the special verdict where it is the most appropriate outcome. At common law, the court is required to advise the jury of the consequences of a finding of NGMI and to direct the jury not to take those consequences into account in their finding—that is, not to refuse the verdict because members of the jury are concerned about indeterminate detention. Stakeholders asked for this jury direction to be included in the bill. We have done that at clause 29 (e) to be crystal clear that a defendant charged with a serious offence who should be found NCR receives the proper verdict and is referred to the tribunal for the treatment and supervision they require for as long as they require. Clause 31 of the bill adopts the LRC recommendation to enable a special verdict by consent. This clause aims to avoid the need for an expensive and lengthy trial when the prosecutor and defence are in agreement that a special verdict should be found.

The bill adds extra safeguards so that, for a finding by consent, the defendant must be legally represented and the court must be satisfied that, on the evidence, the defence is established. Clause 33 enables the court to make certain orders on a special verdict, including remanding or detaining the defendant. A court can release the defendant, conditionally or unconditionally. It may consider a report by an independent forensic psychiatrist as to the condition of the defendant and whether the release of the defendant is likely to seriously endanger the safety of the defendant or any member of the public. The court must not release a defendant unless it is satisfied that the safety of the defendant or any member of the public is not endangered by the defendant's release. This is the current law under the 1990 Act that the bill has retained. Clause 34 requires a defendant found NCR to be referred to the tribunal unless the defendant is released unconditionally by the court.

Clause 32 is a technical amendment to prevent a set of circumstances where, because the special verdict under the current law was a verdict of "not guilty", all charges in the alternative on the indictment required a verdict to be entered. This resulted in a long indictment that was potentially prejudicial to the person. This amendment ensures that, even with the change in name, this administrative burden no longer occurs. The LRC recommended that partial defences in the Crimes Act 1900 also be updated to modernise the language of the provisions and to incorporate the definitions of the bill. This includes incorporating the definitions of mental health impairment and cognitive impairment and updating the terms of the partial defence of substantial impairment—removing the reference to "abnormality of the mind arising from an underlying condition" in favour of the definition. It also includes updating the terms of the partial defence and offence of infanticide.

The current drafting of infanticide in the Crimes Act is outdated, reflecting outmoded understandings of maternal and mental health. The amended provision in schedule 3.7 to the bill adopts the approach recommended by the LRC. This results in the statutory offence/defence of infanticide referring to mental health impairment, rather than an imbalance of the mind, and removing references to lactation, as "lactational insanity" is not an accepted medical condition. These amendments modernise the statute in New South Wales in accordance with medical and social understandings of birth and motherhood, and are supported by stakeholders. Part 4 of the bill deals with fitness to stand trial and the processes that follow a finding of unfitness, including either referral to the tribunal or a special hearing. Few defendants each year are referred to the tribunal for a fitness determination. In 2017-18 the tribunal made 74 fitness determinations. This fell to 69 determinations in 2018-19.

The LRC made numerous recommendations that aimed to enhance understanding of the operation of fitness and to improve efficiencies following a finding of unfitness to be tried. The Government has accepted these recommendations; they are reflected in the bill. At common law, a person's fitness to stand trial is ascertained via what is known as the "Presser test". This test enables the court—in a non-adversarial way—to look at whether a person can understand a trial, instruct lawyers and decide on a defence, among other things. The Presser test is an accepted way for courts to ascertain whether a person is fit to be tried. The LRC recommended legislating the

Presser test. It considered that introducing a statutory test would align New South Wales with other jurisdictions and improve the clarity and accessibility of the test. Clause 36 implements this recommendation. It was the product of detailed stakeholder consultation regarding the construction of the test, with stakeholders expressing strong views that the grounds by which the court may find a person unfit should stay open.

Clauses 37 to 46 replicate the provisions of the current Act regarding processes about raising fitness and the consequent inquiry into fitness by the court with reference to the statutory test. Clause 44 (5) requires the court to take extra steps to see whether the person may be fit to be tried. It adopts the LRC recommendation that the court is also to consider whether the trial process can be modified to facilitate the defendant's understanding and effective participation in a criminal trial; the likely length and complexity of the trial, which is a common law consideration; and whether the defendant has legal representation. Accordingly, the court should consider whether a person's otherwise unfitness can be ameliorated by, for example, a short and simple proceeding and extra support in court.

Currently, when a court finds a person unfit to be tried the defendant is referred to the tribunal. The tribunal also has a role in determining the defendant's fitness to be tried and considers the likelihood of the person becoming fit to be tried within 12 months—that is, whether the person can be treated or supported to bring about fitness. This means that even people with untreatable cognitive impairment such as dementia are referred to the tribunal for review, with their trial delayed for up to 12 months. In 2018-19 the tribunal found that 36 people who had been referred to it would not become fit to be tried, constituting around half of people referred to the tribunal following a finding of unfitness. This delay can cause unnecessary distress to the defendant and to victims of the defendant, as well as needlessly use the resources of the tribunal.

The LRC found that courts would be capable of making two fitness decisions: first, whether the person was unfit to be tried; and, secondly, whether the person may become fit to be tried. The LRC recommended that only people who may become fit to be tried be referred to the tribunal. Those unlikely to ever become fit should—pending approval by the Director of Public Prosecutions—be tried as soon as possible through the special hearing process. Those likely to become fit should be referred to the tribunal for a determination and a possible return to the criminal justice system or to the special hearing process when the tribunal has not been able to assist the person to become fit. The bill also adopts the LRC recommendation that the tribunal should have the final say on whether a person who may become fit has become fit. Currently, those people go back to the court for another fitness hearing instead of progressing straight to a criminal justice hearing. These recommendations are supported and have been implemented at clauses 47 to 53.

Special hearings are modified criminal trials that are held by the District Court or the Supreme Court when a person is not fit to be tried. Special hearings are to occur as soon as practicable following advice from the Director of Public Prosecutions that they are to continue to prosecute, notwithstanding that the defendant is unfit to be tried. A defendant at a special hearing is taken to have entered a plea of not guilty and may raise any defence available at law. Following a special hearing, a defendant can be found not guilty or not guilty by reason of mental illness or not criminally responsible under the bill. It can also be found that, on the limited evidence, the person committed the offence charged, following which, if a sentence of imprisonment would have been imposed at a criminal trial, the person will receive a limiting term and come under the supervision of the tribunal. In 2018-19, 10 people were reviewed by the tribunal following the imposition of a limiting term.

Special hearings are prescribed under section 19 to 23 of the current Act. Division 3 of the bill replicates much of the 1990 Act and implements three recommendations regarding the operation of special hearings made by the LRC. The bill asks the court to consider whether it may modify court processes to facilitate the effective participation by the defendant in the special hearing—see clause 56 (2), permits the non-appearance of the defendant; see clause 56(8)—and requires the court to take into account that the person may not be able to demonstrate mitigating factors for sentencing and that the defendant could not enter a plea of guilty, enabling the court to apply a discount when appropriate and to take into account periods of the defendant's custody or detention related to the offence—see clause 63 (5).

When a court finds a person guilty on the limited evidence available to it at a special hearing, and in an ordinary criminal trial would have imposed a sentence of imprisonment, the court must impose a limiting term. A limiting term is the best estimate of the sentence that the court would have imposed on the defendant in those circumstances. A defendant who receives a limiting term becomes a forensic patient. Currently, the court imposes a limiting term and then refers the person to the tribunal for a determination as to disposition. The tribunal then advises the court and the person comes back before the court again for an order. The LRC found this process to be cumbersome, time-consuming and confusing. It recommended that the court impose a limiting term, including the period of the term, and refer the person to the tribunal. The tribunal then takes over the treatment and supervision of the person, including the disposition of the person. This process has been adopted in clauses 63 and

65 of the bill. A person who receives a limiting term continues to be reviewed by the tribunal. If they become fit they then may be tried at law.

Part 5 of the bill outlines the role and responsibilities of the tribunal in reviewing and managing forensic patients—that is, people referred to the tribunal through the processes just described. It also outlines the role of the tribunal in treating and reviewing correctional patients who are inmates in need of mental health treatment, including inmates detained under high-risk offender legislation. Part 5 of the bill prescribes the factors that the tribunal must consider prior to releasing a forensic patient into the community. I note that the tribunal cannot release a correctional patient. The responsible Ministers for part 5 are the Minister for Health and Medical Research and the Minister for Mental Health, Regional Youth and Women. The language of part 5 reflects the updated terms used in the bill and makes some operational improvements. Part 5 retains the principles of treatment as well as the protections in the Act that ensure forensic patients are managed in a way to protect the safety of the patient and the community, and that the person is released only when it is safe and appropriate to do so.

Part 5 retains the amendments to the 1990 Act that were made in 2018 in response to the Whealy review and provides consistency in regard to the language. Part 6 of the bill brings the scheme permitting the extension of forensic patient status in some circumstances into what will be the body of the Act, rather than the schedule. The scheme was introduced in the Mental Health (Forensic Provisions) Amendment Act 2013. Part 7 of the bill incorporates clauses related to tribunal proceedings previously found in part 5 of the 1990 Act. Minimal amendments have been made, as with part 5 of the bill, and part 7 retains the changes made in 2018 to the 1990 Act. Part 8 of the bill incorporates the important reforms made to the current Act in 2018 in response to the Whealy review related to victims of forensic patients. There have been no amendments to these clauses. There are no significant changes to part 9, which reflects part 6 of the 1990 Act. Schedule 2 to the bill contains savings, transitional and other provisions. Schedule 3 identifies consequential amendments to other Acts.

Importantly, schedule 2 prescribes that all people found NGMI, whether in the transition between the 1990 Act and the bill or prior to that, will now be considered to have been found as "act proven but not criminally responsible". Victims will not have to hear that the person who committed crime against them or their family is not guilty. The bill has come about as a result of significant and detailed stakeholder consultation and contributions from numerous parties. Particularly, I thank the NSW Law Reform Commission for its landmark reports on forensic mental health, and the Hon. Anthony Whealy, QC, for his work on the Mental Health Review Tribunal review, which led to a number of victim-focused reforms.

I appreciate the contributions made by all stakeholders who have helped shape the direction of the forensic mental health reforms including the medical fraternity, the legal fraternity and others. Numerous forensic mental health experts and victim advocates generously gave time to provide feedback and direction. The legal profession has provided guidance and insight throughout the consultation and drafting stage. I am grateful for all these contributions to a bill that I believe achieves the right balance between its three key objectives of community safety, appropriate responses that decrease reoffending, and efficient and effective use of court and tribunal resources. I commend the bill to the House.

**Debate adjourned.**

*Committees*

## LEGISLATION REVIEW COMMITTEE

### Reports

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

**Mr DAVID MEHAN (The Entrance) (12:43:15):** *Legislation Review Digest No. 11/57* is dated 24 March, which is some time ago now. The House has been in suspension with short sittings between that date and the present due to the health emergency that has affected the State. The digest deals with a number of bills, most of which have now passed the House. The committee dealt with eight bills. We commented on all of them and also on six regulations under the jurisdiction of the committee. I bring one of the regulations, Work Health and Safety Amendment (Traffic Control Work Training) Regulation 2019, to the attention of members and the House. Traffic control work goes on in all our electorates. It may be of interest to members to know that the regulation has provided quite stiff penalties to the operators and employees of traffic control work.

The committee noted that the regulation makes various amendments to the Work Health and Safety Regulation 2017. It creates new offences that impose strict liabilities for the following failures to comply with certain duties or obligation: by a person carrying out a business to provide traffic control work and training and to ensure persons are trained to carry out this type of work in accordance with the training; by a person who carries out traffic control work to keep certain information available for inspection; and by a person holding a traffic

control work training card to return that card if they have received a cancellation notice. The committee generally comments on strict liability offences as they variegate from the common law principle that the mental illness defence is relevant to the imposition of liability.

However, the committee noted that the strict liability defences are relatively common in regulatory settings to promote compliance and strengthen offence provisions. In this instance, the offence relates to obligations placed on employers and duties of their employees in relation to the health and safety of those employees. The committee noted that the maximum penalty for a body corporate under the regulation is \$18,000—a reasonably high amount of money for an offence committed by regulation. However, the maximum penalty for an individual is only \$3,600 and no custodial penalty applies. In the circumstances, the committee made no further comment. However, given that this work is carried out in all our electorates and by employees and employers in our electorates, the committee considered that members should be made aware of that point. I thank my fellow committee members and the secretariat for their assistance in preparing the digest. I commend the digest to the House.

**Debate adjourned.**

## LEGISLATION REVIEW COMMITTEE

### Reports

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

**Mr DAVID MEHAN (The Entrance) (12:46:56):** I understand that the Government Whip is going to move that the debate on the Legislation Review Committee reports be adjourned. There are a couple of digests on the *Business Paper* for debate today. I support that course of action but I will make a few comments first on *Legislation Review Digest No. 12/57*. Digests Nos 12, 13, 14, and 15 contain the bills made and directed at the COVID-19 public health emergency. They have great breadth in the legislation they have affected. There are six bills in total, which are scrutinised across the five digests, and other regulations as well as the normal bills scrutinised and before the House. Those six bills cover a wide range of powers and have had great impacts on the regulation that applies in the State. The COVID-19 Legislation Amendment (Emergency Measures) Bill 2020, for example, amends 19 different pieces of legislation, including the Constitution Act.

Keen readers of the Legislation Review Digest will note that none of the public health orders made by the Minister for Health and Medical Research are included in the digests. The Legislation Review Committee does not have the power under the Legislation Review Act to scrutinise public health orders. This is an interesting and important matter that the House should be aware of. Keen observers of the digests will also note that the Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020 that was disallowed in the other place last night, and that was the subject of a fair amount of public controversy, does not appear in digest No. 15, dated 3 June. As members may ask why that was not the case, I inform them that the regulation was made on Friday 29 May. It was simply not before this House in time for it to be considered in the committee's report developed yesterday. With all that in mind, I support the adjournment of this debate for further discussion of these important digests.

I should note for the benefit of members and of the public generally that the committee determined that all COVID-19-related bills and regulations that we were able to scrutinise were aggregated on the committee's website so that members of the public could view all of them in one location. That is a useful public service. The committee's website, of course, is located on the parliamentary website. As usual, I commend all the digests to the House. I thank the committee for its work and I thank the secretariat for their support.

**Mr ADAM CROUCH:** I acknowledge the contribution of the member for The Entrance

**Debate adjourned.**

## LEGISLATION REVIEW COMMITTEE

### Reports

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

**Debate on *Legislation Review Digest No. 13/57* called on and postponed.**

## PUBLIC ACCOUNTS COMMITTEE

### Reports

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

**Mr GREG PIPER (Lake Macquarie) (12:51:18):** As chairman of the Public Accounts Committee, it gives me pleasure to lead in the take-note debate on the report entitled *Examination of the Auditor-General's*

*Performance Audit Reports February 2018-July 2018.* The Public Accounts Committee is an important statutory committee of the New South Wales Parliament and works closely with the Audit Office of New South Wales and, obviously, with the Auditor-General. The committee reviewed 10 performance audits that were carried out between February and July 2018. Those performance audits were conducted into managing risk in the New South Wales public sector; risk culture and capability; detecting and responding to cybersecurity incidents; regional assistance programs; shared services in local government; fraud controls in local councils; regulation of water pollution in drinking water catchments and illegal disposal of solid waste; council reporting on service delivery; grants in non-government schools; HealthRoster benefits realisation; and matching skills training with market needs.

The committee made a total of seven recommendations to New South Wales government agencies to improve cybersecurity in the New South Wales public sector; to provide greater rigour in the performance management of regional assistance programs; and to better manage shared services in local government. The committee found that significant work has been undertaken by agencies to address issues raised in the audits. It is clear that agencies have taken the audit review process seriously and have instigated action to implement accepted recommendations. We acknowledge that some recommendations will take time to fully action or be addressed through the implementation of larger projects. The response to the Audit Office recommendations is very pleasing.

The first recommendation of the committee is that Cyber Security NSW consider, as a matter of priority, expanding its cybersecurity training and awareness programs to agencies outside the main eight public sector clusters. It is very clear that there is a capacity within the larger agencies to manage cybersecurity quite well within themselves, but a number of agencies are not equal in that capacity. We need to ensure that those agencies are brought up to speed and have the capacity to deal with cybersecurity and the protection of data and systems that support the New South Wales public sector as effectively as possible. The committee also recommended that Cyber Security NSW report on how it may best enhance New South Wales public sector threat intelligence gathering and sharing through formal links with the private sector—a very important issue. There are many very high-level resources and a capacity within the private sector, but the bringing together of those two areas will be of benefit across the board.

The committee recommended that Cyber Security NSW provide an update to the Auditor-General and the committee once a determination has been made in regard to Cyber Security NSW's remit for State-owned corporations. Out of the number of reports the Public Accounts Committee reviewed, it considered that five were worthy of further examination by way of a public hearing. A number of issues were raised in that public hearing in relation to such things as shared services in local government. Those of us who come from a local government background know how important shared services are. The committee found that many councils work together to share knowledge, resources and services in order to save money and to improve access. When these joint undertakings are done well, all councils involved benefit from savings and increased access to services. The audit found that the majority of surveyed councils were not efficiently and effectively engaged in shared services and that this was due to a number of factors—for example, councils did not review their existing services in order to decide the best joint service delivery model. These are areas that are very important for service delivery across New South Wales.

In closing, I acknowledge the members of the committee who have worked so effectively on this with the Audit Office—the deputy chair and member for Mulgoa, Ms Tanya Davies; the member for Albury, Mr Justin Clancy; the member for Terrigal, Mr Adam Crouch; the member for Heathcote, Mr Lee Evans; the member for Keira, Mr Ryan Park; and the member for North Shore, Ms Felicity Wilson. I thank the Public Accounts Committee secretariat for all their assistance.

**Report noted.**

#### **LEGISLATION REVIEW COMMITTEE**

##### **Reports**

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

**Debate on *Legislation Review Digest No. 14/57* called on and postponed.**

#### **LEGISLATION REVIEW COMMITTEE**

##### **Reports**

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

**Debate on *Legislation Review Digest No. 15/57* called on and postponed.**

**TEMPORARY SPEAKER (Ms Sonia Horner):** I shall now leave the chair. The House will resume at 2.15 p.m.

*Members*

**MEMBER FOR NEWCASTLE**

**The SPEAKER:** I acknowledge the member for Newcastle, whom I am sure is in the precinct, and wish him a happy birthday today.

*Question Time*

**STATE INFRASTRUCTURE**

**Ms JODI McKAY (Strathfield) (14:15:46):** My question is directed to the Premier. Why is the Premier's Government meeting with the National Rugby League to build even more stadiums when more than 100 communities wait desperately for schools that she has promised but not allocated a cent to?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:16:01):** I am not aware of the so-called meeting to which the Leader of the Opposition referred. In this State we are incredibly proud to have an infrastructure pipeline of 190 new and upgraded schools. In fact, a number of new schools opened during this term alone. We are also upgrading or building 100 hospitals. As the Leader of the Opposition would have appreciated on the weekend, we have a jobs crisis in New South Wales. We lost 221,000 jobs in April. Hundreds and thousands of people are on JobKeeper. That is why on the weekend we announced an acceleration of our infrastructure pipeline. Not only has the Treasurer committed to our massive infrastructure pipeline to generate jobs but also he has ensured that a \$3 billion fund can be brought forward to accelerate shovel-ready projects that will make a huge difference to communities, whether they are medium-sized or smaller screwdriver-sized projects. I assure everyone in New South Wales that our focus is on jobs As has been noted, today—

**The SPEAKER:** Order! Members on both sides of the House will come to order. I call the member for Strathfield to order for the first time.

**Ms Jodi McKay:** It is funny that you have actually ended up with our policies.

**The SPEAKER:** I remind the Leader of the Opposition that she is on one call to order.

**Ms GLADYS BEREJIKLIAN:** Maybe the Leader of the Opposition should have asked me a different question. If the Treasurer has the opportunity I am sure he will highlight that the national accounts for the March quarter came out today and that, unfortunately, New South Wales took the biggest hit. Yes, we came off a higher base but we know that the impact of the bushfires—as you know, the March quarter accounts take in to the end of that month only—showed a substantial contraction in our economy.

**Ms Jodi McKay:** Point of order: My point of order is taken under Standing Order 129. The Premier is effectively delivering an answer to a Dorothy Dixier. The Government has given up its right to dixer. I ask the Premier to answer my question, which is: Why are 100 communities waiting for promised schools to which not a cent has been allocated? If the Premier wants to answer my question by answering her own question, she can use a dixer like she normally does.

**The SPEAKER:** That was part of the question. The Premier is being relevant to the question she was asked.

**Ms GLADYS BEREJIKLIAN:** I am not sure which budget papers the Opposition is referring to. From memory, 15 or 17 brand-new New South Wales schools opened during this term alone.

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

**Ms GLADYS BEREJIKLIAN:** Pleasingly in the last budget we were able to allocate a record additional amount of more than \$6 billion for schools over the next four years. We are incredibly proud of that commitment and we will keep to it. In fact, through the acceleration funds, we are hoping to bring forward a number of those new schools for which funding was allocated in the latter part of the forward estimates.

**The SPEAKER:** The member for Londonderry and the Deputy Premier will show greater respect to the Premier.

**Ms GLADYS BEREJIKLIAN:** I do not know where members opposite think the money comes from to upgrade and open brand-new schools. I am pleased to speak about all the schools that we have built since the last election and that we are going to build in the next few years.

**The SPEAKER:** The Leader of the Opposition will come to order. She is about to be called to order for the second time.

**Ms GLADYS BEREJIKLIAN:** All I can say is it is a very long list. The Leader of the Opposition is annoyed that I am, in fact, answering the question. The Opposition cannot handle the truth. The truth is that there are billions of dollars to be invested in 190 brand-new or upgraded schools. In fact, it would be difficult to nominate a community in the State that has not had a school upgrade, whether it is in the bush or in the larger cities.

**The SPEAKER:** Order! The fact that there are not many members in the Chamber does not mean I will not eject any.

**Ms GLADYS BEREJIKLIAN:** The people of New South Wales can be assured that, even though times are extremely difficult, our government will make sure that communities not only receive the infrastructure they need but also receive jobs along with those projects to support people in those communities who have lost jobs and face economic ruin otherwise.

### SCHOOL INFRASTRUCTURE

**Ms PRUE CAR (Londonderry) (14:21:16):** My question is directed to the Premier. In 2017 the Premier promised schools in Meadowbank, Schofields and Catherine Field. How on earth can she claim that they are now being fast-tracked when the opening dates have not changed?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:21:38):** On Sunday the Deputy Premier, the Treasurer and I announced \$3 billion worth of fast-tracked projects to ensure that we not only build the vital infrastructure that our communities need but also create those jobs that are necessary in our communities.

**The SPEAKER:** Order! The next member to interject will be placed on a call to order.

**Ms GLADYS BEREJIKLIAN:** The number of schools that we have upgraded or built in western Sydney, south-west of Sydney and the bush, including special needs schools, indicates that education is a priority in this State. That is why we have invested a record billions of dollars in education. In fact, when we came to government the education department had no education infrastructure team. We set up a team in the education department that was focused on building schools because—

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

**Ms GLADYS BEREJIKLIAN:** In fact, there was not even a team dedicated—

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

**Ms GLADYS BEREJIKLIAN:** As someone who advocated on behalf of their community, I vividly recall that when we came to government it was apparent that the assets team the previous government had established in the education department had not planned for brand-new schools and did not have the capacity to build new schools. It was not until we made that possible—

**The SPEAKER:** I call the member for Londonderry to order for the third time. She will be substituted shortly.

**Ms GLADYS BEREJIKLIAN:** It was not until we increased funding for school building and made sure that building work was happening. I welcome such questions from the Opposition because it gives us a chance to demonstrate to the people of this State that we are not only absolutely focused on building the infrastructure they need but also, as I said, generating those vital jobs. To be able to announce on the weekend an additional \$3 billion in funding to accelerate those projects, to bring forward those schools, those health facilities, the roads and other transport needs that we know people across the State are looking forward to, was a huge boost.

Let us not forget that whilst we jest in here and whilst people interject, the reality in the community is that hundreds of thousands of families are suffering at the moment. It is important for us, every minute that we are in this place, to remember them and to dedicate ourselves to supporting them during this difficult time. If that means bringing forward infrastructure spend for schools that is absolutely what the Government is doing. If that means bringing forward more money for health facilities that is absolutely what the Government is doing. We know that generates not only infrastructure but also jobs. The Government will stay focused on the task.

**WESTMEAD PUBLIC SCHOOL**

**Ms JULIA FINN (Granville) (14:24:55):** My question is directed to the Premier. Westmead Public School is bursting with 1,600 kids, yet the new school she promised for Westmead has no budget, no timeline and no sight. If her fast-track list is fair dinkum, why is Westmead not on it?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:26:14):** As the member for Granville may or may not know the Government has already invested over \$1 billion in the Westmead Hospital precinct, which also has—

**Ms Julia Finn:** We are talking about education, not the hospital.

**Ms GLADYS BEREJIKLIAN:** Mr Speaker, may I finish my answer?

**The SPEAKER:** Yes. The Premier will continue.

**Ms GLADYS BEREJIKLIAN:** Those opposite may not have been capable of delivering a number of schools at once, but the Government's program is for 190 new schools and it is committed to delivering every one of them. We are getting through the list; in fact, as I understand it, this year alone the Government will be delivering around 50 new or upgraded schools, which is an amazing task. This is off the back of a number of schools that were opened and upgraded last year. Not only is the School Infrastructure program the largest ever seen in the nation's history; it is also delivering real outcomes for real communities. Recently, when visiting these upgraded schools and school communities, I have appreciated the equality of opportunity that this investment drives.

At the end of the day the Government wants to make sure that each child has the ability to reach their full potential and get the best education, whether they go to a public school, a Catholic school or an independent school. We know that what happens in the classroom is the most important thing. What our teachers are able to do within the classroom is what is going to produce results. But we also know from reports and studies that the school environment is critical in allowing children to do their best and in making sure that principals and teachers have the ability—

**Ms Julia Finn:** Point of order—

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

**Ms Julia Finn:** My point of order is taken under Standing Order 129. I have been very patient. The only mention of Westmead has been the hospital. Will the Premier tell us when Westmead Public School is going to be duplicated?

**The SPEAKER:** The Premier is being generally relevant.

**Ms GLADYS BEREJIKLIAN:** The member for Granville would know that a number of schools in her community have already received upgrades or are in the process of doing that. Westmead, of course, will be in that vein. I assure the people of New South Wales that if the Government has announced that a school is getting an upgrade or being rebuilt, they can rest assured that it will happen. In fact we hope that a number of them—

**The SPEAKER:** Order! I call the member for Keira to order for the second time. If I call for order in the House and a member continues speaking, that member will automatically be on a call to order.

**Ms GLADYS BEREJIKLIAN:** The Government looks forward not only to delivering every project it has announced but also to bringing them forward to create jobs, to provide the infrastructure our communities need and to remain focused on the task ahead during these very difficult times.

**SCHOOL INFRASTRUCTURE**

**Mr DAVID MEHAN (The Entrance) (14:28:07):** My question is directed to the Treasurer. Given that five of the Government's six fast-track schools have no money in the budget and the opening date has not changed, how can he possibly claim that they are being fast-tracked?

**The SPEAKER:** The member for Lane Cove will remain silent.

**Mr DOMINIC PERROTTET (Epping—Treasurer) (14:28:33):** I thank the member for The Entrance for his question and invite him to read the budget papers at some stage, if he gets the chance, to see the \$2.4 billion that has been allocated in the 2019-20 financial year.

**Mr John Barilaro:** The crayon picture version will come out shortly.

**Mr DOMINIC PERROTTET:** I will get a little picture book for him of the 190 schools that the Premier has put together. Yesterday when we spoke about the Government's wages policy I did not get a question about

schools. Here we are today—the day the Australian economy is heading into a recession—and those opposite ask four questions about schools. The last question those opposite ask is in relation to school infrastructure when the Government came into office with a \$35 billion infrastructure backlog.

The bushfires, the drought and the economic impact of the pandemic have had a substantial impact on our revenues right across New South Wales. I think it is predicted to be between \$10 billion and \$20 billion over the next four years. The Premier, the Deputy Premier and I announced on the weekend that the Government's infrastructure investment is increasing to over \$100 billion. I want to inform the House of the figures that are out today because, as the Premier has pointed out, we have seen growth in New South Wales fall 1.5 per cent—

**Ms Jodi McKay:** Point of order: My point of order relates to Standing Order 129.

**The SPEAKER:** I am satisfied that the Treasurer is being relevant. The Leader of the Opposition will resume her seat.

**Mr DOMINIC PERROTTET:** I would have thought this is pretty relevant information for the people of New South Wales. The figures that are out today—not just for our State but also for the nation—are incredibly sobering. That is off the back of the drought, the bushfires and now COVID-19. In our State we saw an 11.4 per cent fall in building construction, a 12 per cent fall in engineering construction and a 4.5 per cent fall in dwelling investors in the private sector. It has been the Government's record investments in schools, in hospitals, in road and rail—

**Ms Anna Watson:** Point of order—

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

**Ms Anna Watson:** My point of order relates to Standing Order 129. Could you ask the Treasurer which part of this answer actually relates to the question?

**The SPEAKER:** The Treasurer is being relevant. The Treasurer will continue.

**Mr DOMINIC PERROTTET:** The one where I mentioned schools.

**Ms Anna Watson:** I will tell you: None of it.

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

**Mr DOMINIC PERROTTET:** Today the Federal Treasurer has informed New South Wales that we are entering into a recession. The figures out today are backing the economic management of our State and the focus the Government has on investing in government infrastructure to grow jobs. Every dollar we have in this State will be invested to create jobs right across the board. Everyone knows that. The Government wants to make sure that every dollar goes towards creating opportunity for people right across our State—the 220,000 people that the Premier spoke about who lost their jobs in April, the close to one million people who are on the JobKeeper program, and the close to half a million people who are on the JobSeeker program. I note that the Federal Treasurer has put a pause on pay rises for the public sector. Just like that neoliberal Premier in Queensland, Annastacia Palaszczuk, the Federal Treasurer has said today that what State and Federal governments can be doing to help stimulate jobs growth—

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** What is the point of order of the Leader of the Opposition? I am satisfied that the Treasurer is being relevant.

**Ms Jodi McKay:** This is actually about schools.

**The SPEAKER:** What is the point of order of the Leader of the Opposition?

**Ms Jodi McKay:** My point of order relates to Standing Order 129.

**The SPEAKER:** I am satisfied that the Treasurer is being relevant. The Treasurer will continue.

**Ms Jodi McKay:** He can do a dixer if he wants to get up here and lecture this House.

**The SPEAKER:** The Leader of the Opposition will resume her seat.

**Mr DOMINIC PERROTTET:** I have mentioned schools so many times. I have mentioned them 190 times; that is how many schools the Government is building right across our State. On a day when we are talking about cutting red tape and regulation, the Leader of the Opposition is on the front page of the *Daily Telegraph* in a red-hot mess selling out blue-collar workers right across New South Wales. The Labor Party has

become the party of the public sector unions. The Government represents every person across this State. Now even the private sector unions are coming after those opposite.

**Mr Ryan Park:** Can we have some artificial noise like in the National Rugby League?

**The SPEAKER:** I assure the member for Keira that we will not be having cardboard cut-outs in this House.

**Mr Ryan Park:** We should have corflutes.

**The SPEAKER:** There will not be corflutes. There will not be plastic cut-outs, either.

#### REGIONAL CULTURAL FUND

**Ms TAMARA SMITH (Ballina) (14:34:27):** My question is directed to the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade. Given that the three projects recommended by Create NSW for regional cultural grants in the Ballina electorate were not awarded, but two projects not recommended by Create NSW for grants in the Ballina electorate were awarded, can the Minister explain to organisations in my community how the process works?

**Mr JOHN BARILARO (Monaro—Minister for Regional New South Wales, Industry and Trade, and Deputy Premier) (14:34:55):** I thank the member for Ballina for her question. It is a good question because there has been some confusion around how the New South Wales Government makes grant decisions across the State. Unfortunately the ABC—true to form, biased—disregarded the facts. A journo decided to play politics and not write up what she was given. It is a real disappointment that the ABC continues to be an outlet of fiction. That particular article would be best suited for the fiction section of the library and should be nominated for a fiction award. The member has asked a very fair question. It is rare that a question is asked in this House because a member does not agree with investment in their electorate. The member has pointed to two projects that were funded and three projects that were not funded. The member has missed that the Regional Cultural Fund is only one part of the funding model under the Regional Growth Fund. Applicants will often apply to a number of different funds. It could be under cultural directly or it could be under the Stronger Country Communities Fund.

Under the Regional Growth Fund, every local government in regional and rural New South Wales gets something allocated and something funded. I am very proud of it. It is no longer the big money pot, the big beauty contest, where the big towns win and the small local government areas lose. Now the opportunity is that every local government area through the Stronger Country Communities Fund gets an allocation based on population with a base amount for every area. I am very proud of it because it means that, for the first time in this State, on top of the record investment, areas are being funded. Round one and round two of the Cultural Fund for Ballina saw investments like the Byron Writers Festival, \$80,000; the Ballina Shire Council to establish Ignite Studios, \$158,000; Creative Mullumbimby Inc., \$25,000; Brunswick Picture House—a great project that drives tourism to a beautiful part of the State—\$627,000; Lennox Head Cultural and Community Centre enhancements, \$1.833 million. All up, \$2.7 million is being invested in the electorate of Ballina because we back projects on merit. We back projects that have community support.

The guidelines clearly state—and I make no apology for this—that the bureaucrats, the public servants who advise the Government, would put forward projects that have merit and meet the guidelines. I was elected to make decisions. I was elected to lead. It is a democracy, not a bureaucracy. I make no apology that the Minister has discretion to make those decisions in all our funds. They are all in accordance with the guidelines and the rules that these funds and programs were all about. This is an occupational hazard for a Nationals MP—if you do not do anything, you are a doormat; if you fight for funds for the regions, you are pork-barrelling. It cannot be had both ways. In this House I often get accused of having not spent the 30 per cent of Restart NSW, or that we have not spent the \$1.6 billion of regional growth funds in sport infrastructure, cultural infrastructure, local government infrastructure, or employment infrastructure through the Growing Local Economies fund. When the Government secured \$4.2 billion of the Snowy Hydro sale into the Snowy Hydro Legacy Fund, the Opposition called it pork-barrelling. It is disappointing because I make no apology. I will keep coming to this House to fight for our fair funds.

Later this evening the Expenditure Review Committee and I will be fighting for even more money from the Treasurer. I will wrestle it off him out of the city. Let us not forget that Labor ripped money out of the regions to fight off The Greens in Sydney electorates. We have Resources for Regions. We are returning investment to the regions. The Hon. Mick Veitch from the other place said he wished the Labor Party had such a program. We see investment going back to community funds off the back of, for example, Port Botany or Port Kembla. That money goes back into those communities. This Government put those funds aside. I make no apology. The projects in the electorate of the member for Ballina are good projects right across the board. A number of funding streams were able to fund projects, not just directly out of the Regional Cultural Fund. I am proud of that. We always look

to work with communities. It is most important that every project has community buy-in. I would be happy for any of those opposite who have been criticising these decisions to go to those communities and tell them that those projects and investment were not deserved.

*Documents*

**SMALL BUSINESS COMMISSIONER**

**Reports**

**The SPEAKER:** In accordance with section 28 of the Small Business Commissioner Act 2013, I announce receipt of the report of the Small Business Commissioner for 2019, received on 2 June 2020. I order that the report be printed.

*Committees*

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Inquiry**

**Mrs TANYA DAVIES:** As Chair: In accordance with Standing Order 299 (1), I inform the House that the Committee on the Independent Commission Against Corruption has resolved to conduct an inquiry into the reputational impact on an individual being adversely named in the ICAC's investigations, the full details of which are available on the committee's homepage.

*Petitions*

**PETITIONS RECEIVED**

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

**NARRABRI GAS PROJECT**

Petition calling for the Legislative Assembly to call on the Minister for Planning to reject the proposed Narrabri Gas Project, received from **Ms Trish Doyle**.

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

*Business of the House*

**BUSINESS LAPSED**

**The SPEAKER:** I advise the House that in accordance with Standing Order 105 (3), general business notices of motions (general notices) Nos. 1010 to 1033 will lapse tomorrow.

**WITHDRAWAL OF BUSINESS**

**Mr RYAN PARK:** On behalf of Ms Jodi McKay: I withdraw business with precedence notice of motion No. 1 (Disallowance of Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020).

*Bills*

**CRIMES AMENDMENT (SPECIAL CARE OFFENCES) BILL 2020**

**First Reading**

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

**Second Reading Speech**

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (14:44:33):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Special Care Offences) Bill 2020. This bill will implement the recommendations for legislative amendment made by the Legislative Council Standing Committee on Law and Justice in its report No. 66, *Adequacy and scope of special care offences*. Each of these recommendations was accepted in the Government response to report No. 66, which was tabled in Parliament in August 2019. The special care sexual intercourse offence, set out under section 73 of the Crimes Act 1900, was introduced in 2003. In summary, the provision makes it a criminal offence for an adult to have sexual intercourse

with a 16- or 17-year-old—whom I will hereafter refer to as "young person"—who is under the adult's special care.

Section 73 (3) provides that a young person is under an adult's special care if, and only if, the adult is the step-parent, guardian or authorised carer of the young person; the de facto partner of a parent, guardian or authorised carer of the young person; a member of the teaching staff of the school at which the young person is a student; has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction to the young person; is a custodial officer of an institution in which the young person is an inmate; or is a health professional and the young person is a patient of the health professional. While the general age of consent to sexual intercourse in New South Wales is 16 years of age, the special care sexual intercourse offence recognises that in certain limited circumstances the power dynamic between an adult and a young person displaces the young person's capacity to give free and voluntary consent to engage in sexual intercourse.

The special care sexual intercourse offence under section 73 was supplemented by an additional special care offence involving sexual touching in June 2018, now under section 73A of the Crimes Act. This offence commenced on 1 December 2018, after the standing committee issued its report No. 66. The section 73A special care sexual touching offence applies to the same relationship types as are set out in section 73 (3), as well as to relationships between young people and their parents and grandparents, and between young people and the de facto partners of their grandparents. In February 2018 I referred terms of reference to the standing committee to inquire into the adequacy and scope of the special care sexual intercourse offence under section 73 only.

In summary, the standing committee was asked to inquire into matters including the adequacy of the section 73 offence's scope in relation to relationships between school students and persons who perform work at their schools; whether workers in youth residential care settings, including but not limited to homelessness services, should be recognised under section 73 as being in special care relationships with 16- and 17-year-olds to whom they provide services; whether the section 73 offence should be expanded to recognise relationships between young people and their adoptive parents as special care relationships; and whether the incest offence under section 78A of the Crimes Act should be expanded to include adoptive relationships. The standing committee received 17 submissions, including one from the New South Wales Government. It also held one day of public hearings.

As I mentioned, during the standing committee's deliberations, in June 2018 the New South Wales Parliament introduced section 73A into the Crimes Act. Section 73A establishes the offence of special care (sexual touching). That offence was not looked at in the standing committee's deliberations or recommendations. The standing committee delivered its report No. 66, *Adequacy and scope of special care offences*, on 22 November 2018. The report concluded that there would be value in amending the special care (sexual intercourse) offence under section 73 to provide greater clarity and certainty about which relationship types are captured to ensure that young people in relationships with adults that involve a power imbalance due to the adult's position of authority relative to the young person are suitably protected; and that innocent, consensual relationships between young people who are over the age of consent and adults who may be only a few years older than the young person, which do not involve a power disparity due to the adult's position of authority relative to the young person, are not criminalised.

The standing committee made five recommendations to government to achieve that result, which I will discuss shortly. The Government has supported each of those recommendations. I thank the standing committee for its thoughtful consideration of this complex issue and for its careful balancing of divergent views on the question of reform. The bill will amend sections 72B and section 73 of the Crimes Act to implement the standing committee's recommendations for legislative amendment to the special care (sexual intercourse) offence. It will also make corresponding amendments to the section 73A special care (sexual touching) offence. The bill will also make one additional amendment to the section 78A incest offence, to ensure that young people are extended the same protections from and prosecution for sexual relationships with their biological parents and grandparents as they would be in relation to adoptive parents or adoptive grandparents, authorised carers or guardians under the special care offences.

I turn now to the substance of the bill. Schedule 1 [1] and 1 [2] to the bill will amend the section 72B definitions for the purposes of the special care offences. In particular, schedule 1 [1] will insert a definition of "close family member", consistent with the definition in the section 78A incest offence, and will define "parent" to include both biological and adoptive parents. Schedule 1 [4], [6] and [7] to the bill make some clarifying amendments and cross-references in response to recommendations 1 and 2 of the standing committee's report to achieve in a better way the overall policy objective of the special care offences. The policy objective of the special care offences is to protect 16- and 17-year-olds, who are over the age of consent, from exploitation by adults who are in positions of authority over them, whether or not that authority is abused.

The special care offence seeks to strike a balance between respecting young people's autonomy and capacity to engage in consensual sexual relationships with whom they choose with the reality that in certain relationships where an adult is in a position of authority relative to a young person that power dynamic may influence the young person's capacity to consent to sexual activity freely and voluntarily. Most of the relationship types set out in the special care offences inherently involve the adult in a position of authority over the young person. Some examples include relationships in which the adult is a doctor and the young person is that doctor's patient, or the adult is a correctional officer and the young person is an inmate in the correctional centre where the adult works.

However, the Government accepts the standing committee's view, as expressed in several stakeholder submissions to its inquiry, that at least some of the relationship types set out in the special care offence do not make it explicitly clear that sexual intercourse in those relationships is an offence because of the power disparity in favour of the adult. The amendments in schedule 1 [4], [6] and [7] will place beyond doubt that to commit a special care offence the adult offender must be in a position of authority relative to the young person. More specifically, schedule 1 [4] will amend section 72B to include a reference to the definition of "authority" under section 61H (2) of the Crimes Act, which provides that a person is under the second person's authority if the second person is "in the care, or under the supervision or authority" of the second person; and schedule 1 [6] will amend section 73 (3) (b) and section 73A (3) (b) to create two new subsections, (3) (b) and (3) (b1).

Under (3) (b), it will remain the case that in a school setting all relationships between teachers, principals and deputy principals, on the one hand, and young people at their schools, on the other hand, are relationships of special care. This reflects the inherent authority that teachers, principals and deputy principals have over their student cohorts. Under (3) (b1), special care relationships will also exist where an adult performs work at a school as an employee, whether paid or unpaid, a contractor, a volunteer or otherwise and has sexual relationships with any young person at the school where that adult has authority over that young person and any other students, if any. Schedule 1 [7] will amend section 73 (3) (c) and section 73A (3) (c) to require expressly that for relationships between young people and adults who provide them religious, sporting, musical or other instruction to constitute "special care" relationships, the young person must be under the adult's authority in that relationship.

To clarify further the relationships that constitute special care relationships in school or organisational settings, schedule 1 [3] also amends the section 72B definitions to provide that a reference to "performing work" at a school or organisation includes performing work as an employee, whether paid or unpaid, a contractor, a volunteer or otherwise. Making explicit that the special care offences apply only in certain, particular relationships and only where the young person is under the authority of the adult will help to ensure that innocent, consensual relationships are not inadvertently criminalised. This will also help explicitly align our special care offences with the form of such offences as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, which characterised these as "position of authority".

Schedule 1 [6] and [9] respectively amend sections 73 (3) (a) and 73A (3) (a) to expand the familial setting relationship types that constitute "special care relationships". With the new definitions inserted by schedule 1 [1], this will have the effect that "special care relationships" will also exist between a young person and his or her parent and/or grandparent whether by way of biology or adoption on the one hand, as well as the spouse and/or de facto partner of his or her parent or grandparent on the other hand. Inclusion of these relationship types will implement recommendation 5 of the standing committee's report and go slightly further to ensure that all appropriate familial-setting relationship types are covered. In formulating recommendation 5, the standing committee considered that there is a potential gap in the Crimes Act with respect to criminalising sexual relationships between young people and their adoptive parents.

Under the special care sexual intercourse offence, it is an offence for an adult authorised carer or guardian to engage in sexual intercourse with a young person under their care. Under the section 78A incest offence it is an offence for a person to engage in sexual intercourse with "a close family member" "from birth", which, due to the policy intent and historical context of the offence, may be taken to be family members who are "close" by way of shared genetic heritage.

Drawing on concerns raised by some stakeholders that neither the section 73 offence nor the section 78A offence explicitly criminalises sexual intercourse between young people and their adoptive parents, the standing committee agreed that greater clarity would be beneficial. The standing committee's determination was that these young people would be best protected by amending the section 73 special care sexual intercourse offence to include relationships between young people and their adoptive parents, rather than by amending the incest offence to include those relationships. The primary consideration in criminalising incest is to discourage reproduction between persons with shared genetic heritage, or consanguinity. This is largely due to the strong public health interest in preventing the various, often very serious, health implications that can arise from this, including

miscarriage, stillbirth, genetic conditions and serious birth defects in offspring. The Government has accepted the standing committee's view.

However, the incest offence applies to "any person who has sexual intercourse with a close family member who is of or above the age of 16". This reflects that children under the age of 16 cannot consent to sexual intercourse in any event but, in its current form, does create the possibility that a 16- or 17-year-old who has engaged in a sexual relationship with a close family member who had authority over them would not be protected from prosecution under section 78A, unlike young people in other special care relationships. However, I note that data provided by the NSW Bureau of Crime Statistics and Research indicates that there were no convictions of 16- or 17-year-olds for incest in the 10 years to September 2019, the most recent date as of which this data is available. To address this disparity and ensure that all young people are protected from, and do not face prosecution for, sexual relationships with their parents and grandparents, schedule 1 [10] provides that a young person cannot be prosecuted for an incestuous relationship with a parent or grandparent, as such relationships should likewise be considered relationships of special care.

Finally, to implement the standing committee's recommendation 4, schedule 1 [8] amends section 73 (3) and section 73A (3) to include two new subsections, (f) and (g), which will recognise two new types of relationships as special care relationships. These are relationships between young people, on the one hand, and, on the other hand, adults who perform work for organisations that provide residential care to young persons and/or perform work for organisations that provide refuge or crisis accommodation to young persons who may be experiencing homelessness or other similar instability, where the adult has established a personal relationship with the young person in connection with the provision of that care or accommodation.

The standing committee received a number of submissions from various stakeholders recommending the special care sexual intercourse offence be extended to relationships with workers in residential care settings and homelessness accommodation settings. In these submissions, and at its public hearing, the committee received evidence highlighting the inherent vulnerabilities of young people within these settings, which may place them at particular risk of adverse influence and, potentially, sexual exploitation by adults who work in those environments.

The Government recognises that staff who work with young people in residential care settings, refuges and similar homelessness accommodation services are in unique positions of trust and influence. Many have implied or explicit authority over the young people they engage with, who may be extremely vulnerable, who may be experiencing acute instability, lack other support systems and have complex histories of trauma. The Government agrees that extending both the special care sexual intercourse offence and the special care sexual touching offence to relationships formed between adults who work in these environments, on the one hand, and the young people they provide services to and have authority over, on the other hand, is appropriate and will help extend the protections available to some of the most vulnerable members of our community.

As I mentioned, the standing committee made four recommendations for amendment to the special care sexual intercourse offence, each of which this bill will implement. The standing committee made one further recommendation—recommendation 3—which was that the New South Wales Government give consideration to amending the special care sexual intercourse offence to include "employment relationships" as an additional special care relationship category. As the standing committee makes clear in its report, the question of whether relationships between young people and their colleagues in an employment context should be defined as "special care" relationships is a complex one.

As various stakeholders indicated, many young people have jobs or volunteer positions in which they work alongside colleagues of the same or similar ages and adults. Some colleagues may have been friends or in consensual relationships well before they began working together. Others may make strong friendships or develop intimate relationships with their colleagues after meeting at work. In some cases a young person or their friend-partner may even have assisted the other to gain employment in the organisation without any expectation that this could then place them at risk of prosecution; for example, by notifying friends, a schoolmate or a boyfriend or girlfriend that there is a vacancy in the organisation.

Any amendment to deem all employment relationships to be special care relationships poses significant risk of criminalising innocent, consensual relationships formed between such colleagues. This may restrict young people's autonomy, deter young people or their partners from taking or remaining in certain employment roles, or place young people's partners at risk of prosecution. Some stakeholders submitted to the standing committee that the risk of prosecution for consensual, innocent relationships between colleagues could be reduced by explicitly requiring that to be a relationship of "special care" an employment relationship must involve the adult being in a position of authority with respect to the young person, as in the other relationship types.

The Government has considered this possibility carefully. As noted in the Government response, the Government is not convinced that building such a requirement into the offence would be enough to mitigate

the risk of criminalising innocent, consensual relationships, or to ensure that all potentially exploitative employment relationships are criminalised. Determining when an employment relationship involves "authority" may not always be simple. It is unlikely to be so clearly delineated as in the other relationship types captured in the special care offences. A purely hierarchical assessment may not be sufficient. In an organisation with multiple areas, a manager might have no managerial authority over a young person who is not in his or her team.

Alternatively, a person at the same level as a young person but who has greater experience, who has been employed with the organisation longer, or is responsible for training the young person as a new starter may exercise de facto authority. The Government has considered this recommendation very carefully. However, noting the divided stakeholder views on the question, the myriad dynamics that may or may not exist in work settings and the strong interest in not interfering with the rights of young people to form innocent, consensual relationships or criminalising their partners where they do so, the Government has decided that it will not adopt an additional employment relationship special care category at this time. The Government will continue to monitor developments in this area. I commend the bill to the House.

**Debate adjourned.**

## **PERSONAL INJURY COMMISSION BILL 2020**

### **First Reading**

**Bill introduced on motion by Mr Victor Dominello, read a first time and printed.**

### **Second Reading Speech**

**Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (15:05:44):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Personal Injury Commission Bill 2020. The bill establishes the Personal Injury Commission of New South Wales. The Government's focus is to improve the customer experience for all users of the system and reduce any process trauma for injured people navigating disputes in the workers compensation and motor vehicle accidents schemes. In March 2017 in my second reading speech on the Motor Accident Injuries Bill 2017 I gave a commitment that the Government would undertake reform of the workers compensation dispute resolution system.

The first phase of that reform process involved the consolidation of dispute resolution functions into the Workers Compensation Commission [WCC]. Laws were passed in October 2018 to give effect to these changes. Mandatory internal reviews were scrapped; the pre-injury average weekly earnings, or PIAWE, calculation was simplified; the complaints handling functions of the State Insurance Regulatory Authority [SIRA] and the Workers Compensation Independent Review Office [WIRO] were redefined and clarified; and merit reviews were moved from WIRO back into the jurisdiction of the Workers Compensation Commission.

The second phase of the reform we embarked upon in 2017 is the creation of a single dispute resolution body for both compulsory third party insurance [CTP] motor accidents and workers compensation cases. The bill before the House delivers on this long-held commitment of the Government through the establishment of the Personal Injury Commission. It delivers on the recommendations of multiple law and justice committee inquiries and follows extensive consultation with scheme providers, including lawyers, insurers, unions and internal stakeholders such as WIRO, WCC, icare NSW and SIRA. I acknowledge the advocacy of David Shoebridge during the consultation process.

In 2018 the Legislative Council Standing Committee on Law and Justice found that it can be confusing for people navigating disputes in these schemes. The committee recommended consolidating the workers compensation and CTP dispute resolution systems into a single personal injury tribunal by expanding the jurisdiction of the Workers Compensation Commission but retaining two streams of expertise. On 7 August 2019 I announced that the New South Wales Government supported, in principle, establishing a consolidated tribunal with separate workers compensation and CTP insurance divisions. This bill delivers on the Government's response to that recommendation.

This bill creates an independent Personal Injury Commission headed by a judicial officer with the jurisdiction of the existing Workers Compensation Commission and the State Insurance Regulatory Authority's motor accident dispute resolution services, delivered by specialist and expert workers compensation and motor accident divisions. The consolidated and modern tribunal will replicate the success of Service NSW. With Service NSW we were able to shift dimensions, transforming a legacy of paperwork, long wait times and bureaucracy into an empathetic agency known for exceptional customer experience. We will take the same journey with the Personal Injury Commission, bringing the Service NSW ethos to the management of personal injury disputes.

Two weeks ago we launched the new dispute resolution portal in the CTP scheme. In doing so we went from 12 legalistic forms—which needed to be printed, completed and delivered in hard copy—to one simple, digital, dynamic form for all disputes. That means around 150 pages of forms were brought down to a few clicks, no more question duplication, and the ability to lodge applications in 20 minutes, which is under a quarter of the time than was previously taken. Customers now have faster lodgements, faster evaluations and, subsequently, faster outcomes—a far greater customer experience. This is an illustration of the customer-centric, digitally driven focus that the commission will bring to personal injury in New South Wales. The reforms could benefit individuals injured at work or on the road in up to 17,000 cases lodged annually. In 2019 around 7,000 applications were lodged in the Workers Compensation Commission and around 10,000 CTP applications were also lodged. In 2019 more than 110,000 claims were made across the two schemes.

A single Personal Injury Commission will bring several benefits over the status quo. Firstly, it will offer customers a one-stop shop. Currently, injured people and customers face dealing with multiple dispute resolution entities in the schemes. The WCC deals with workers compensation disputes. The State Insurance Regulatory Authority deals with motor accident disputes through the dispute resolution service in the 2017 CTP scheme and through the Claims Assessment and Resolution Service and the Medical Assessment Service in the 1999 CTP scheme. Now four distinct bodies will be consolidated into one commission. There will be far greater visibility of a single commission through a single contact point for commission services. When injured people need to access these services they will not be confused about where they need to go.

Injured people of New South Wales navigating disputes in the schemes are currently faced with different forms, procedures and customer journeys across these schemes. Users of a new, single commission will benefit from fewer forms, less complexity, a harmonised process and better access to dispute resolution across all schemes. Currently, the WCC engages with workers compensation stakeholders. SIRA engages CTP stakeholders in CTP dispute resolution. One commission will reach out to all these stakeholders. This includes those who represent people injured on our roads and in our workplaces, the legal profession and insurers. Stakeholders will benefit from the reduced time and complexity of dealing with a single commission.

Second, service delivery will be a key focus of the new commission. There will be a single digital registry that phases out paper applications, provides customers with visibility over their disputes and quickly informs them of outcomes. The current WCC and SIRA dispute resolution services hear matters at various locations across New South Wales. The new commission will consolidate and build on these regional access points to ensure equitable access right across the State.

Third, there will be more certainty, more efficiency and streamlined dispute resolution. Members will apply contemporary dispute resolution practices and will meet standards of timeliness and quality as set by the new commission. The commission will continue to encourage alternative dispute resolution and the accessible, economic and fair resolution of disputes. Currently, customers experience different approaches to the publication of decisions in the different schemes. The commission will publish its decisions across all schemes in accordance with the commission rules, guiding and assisting parties to a dispute, promoting public confidence and transparency in commission decision-making, and reducing disputation.

Fourth, customers will benefit from operational harmonisation and improvement in a single commission. There will be reduced duplication of processes—for example, through the new consolidated appointment framework for all members and office holders. A single consolidated commission will deliver economies of scale and operational efficiency gains including shared accommodation, use of facilities and infrastructure, common administrative processes, shared expertise and knowledge, coordinated training initiatives for members and staff, and better use of human resources.

Fifth, a single commission will enable better data collection, reporting and evaluation of dispute resolution data across all schemes. Improved customer insights will enable the commission to deliver more efficient and focused services. The commission's dispute management system will allow it to manage resources across all schemes, minimising delays and streamlining dispute resolution. Finally, the structure of the commission will allow it to not only deliver quality services now but also provide it with a sound foundation to grow and respond to future changes and demands.

In developing a model for the commission, my department consulted with key stakeholders in the workers compensation and CTP schemes, including insurers, peak legal profession bodies, the medical profession, decision-makers in the existing schemes, injured parties and key government agencies. Stakeholders strongly preferred a model with minimal changes to current dispute resolution processes and limited disruption to the schemes. The bill adopts this approach by broadly maintaining current workers compensation and motor accident dispute resolution pathways and placing these into specialised workers compensation and motor accident divisions. Importantly, no changes have been made to the underlying substantive law concerning entitlements of

injured people to damages or other compensation or assistance under the workers compensation legislation and the motor accident legislation.

The Government is committed to maintaining affordable green slip insurance premiums. We engaged independent actuaries to estimate the cost impacts of the reforms. I am pleased to report that the commission established by this bill will have minimal impact on green slip premiums. I now turn to the provisions of the bill. The bill comprises seven parts and there are five schedules to the bill. Parts 1 to 7 of the bill include the objects, establishment, membership and constitution of the commission, specific provisions about merit reviewers, mediators and medical assessors, and common practice and procedure provisions that apply to both divisions of the commission. The schedules to the bill contain provisions relating to the savings and transitional arrangements and members. Schedules 3 and 4 are the two important division schedules setting out the necessary constitutional and procedural differences for the two specialist divisions to operate fairly and efficiently.

I wish to highlight some of the principal features of this reforming bill. Consistent with the objects of the bill this new independent personal injury commission is to be accessible and responsive to the needs of all users, encourage early dispute resolution and resolve the real issues between parties, justly, quickly, cost-effectively and with as little formality as possible. A key object of the bill is to ensure that it promotes public confidence in its decision-making and in the conduct of its members. A rule committee will make rules to regulate the commission's practice and procedure. Establishing a rule committee strengthens the commission's independence and ensures appropriate representation from both schemes. The bill creates an aligned and integrated membership structure and for the appointment of members, medical assessors, merit reviewers and mediators. In leading the commission, the president is responsible for directing the business of the commission, managing members, facilitating the adoption of good administrative practice in the commission, giving directions about practice and procedure and appointing decision-makers and mediators.

Division heads will be responsible for managing the business of the commission in their respective division under the president's ultimate direction. They will play an important role in ensuring there is specialised jurisprudence, knowledge, practice and procedure appropriate to the divisions. The bill allows the president and division head to delegate functions. This gives flexibility and efficiency in managing the business of the commission. Medical assessors, merit reviewers and mediators are not members of the commission, but exercise functions as conferred on them by the bill and the enabling legislation under the general control and direction of the president. A public servant principal registrar role has been created to assist the president in managing the business and affairs of the commission. This role is like that of the principal registrar of the NSW Civil and Administrative Tribunal.

While the president and the division heads will be responsible for leading the members of the commission, broadly, the principal registrar will oversee the commission's day-to-day operations, including its staff, registry, budget and digital platform, and ensure the commission maintains a high level of customer focus. This overall structure divides the independent decision-making functions of the commission from administration delivered by the registrars and other public service employees. This is a key feature of the commission's independence and is a model consistent with that of other consolidated tribunals in Australia. Significantly, the bill brings greater alignment to medical assessments. Medical assessors will conduct medical assessments in either or both divisions of the commission. A single panel of medical assessors will create greater opportunity for developing and sharing expertise, and driving quality and consistency. There are no changes to the underlying tests and methodologies for the assessment of medical disputes. For example, causation tests, which are different in workers compensation and CTP, will not change.

The bill also harmonises the composition of medical appeal and review panels by adopting a Workers Compensation Commission model across both divisions. Panels are constituted by a member of the commission and two medical assessors. This multidisciplinary approach aims to bring medical and administrative decision-making expertise to these important appeal and review decisions. It is anticipated that a small number of applications to the commission may involve Federal jurisdiction. Division 3.2 of part 3 of the bill and consequential amendments to the District Court Act 1973 give affected parties a forum in which to resolve their dispute. These provisions allow certain persons, with leave of the District Court, to commence proceedings in the District Court for the determination of applications that the commission, or decision-makers appointed by the president, cannot determine because they involve the exercise of Federal jurisdiction. Part 3 provides for how the commission is to be constituted to determine proceedings. Part 5 sets out the common practice and procedure for the commission whilst retaining some necessary differences for the two divisions.

The provisions in part 5 are subject to the enabling legislation, which provides the framework for scheme entitlements, benefits and dispute resolution pathways. Further, the division schedule may make special provision for the constitution of the commission when exercising certain functions and may also provide for the registrar to exercise division functions. Existing rights to legal representation in the schemes have been retained in the

commission. A person who is a party to proceedings before the commission is entitled to be represented by a legal practitioner or an agent, as provided for in part 5, division 5.3 of the bill. This bill is a major reform in personal injury dispute resolution. It creates a modern, multi-scheme personal injury commission. It strikes the right balance in consolidating these two personal injury schemes into the one commission, but recognises and preserves their important legal and scheme design differences. It allows for the commission to evolve over time and develop greater alignment of processes. It creates a commission to deliver today, but with the inherent structural foundation to respond to the future. I commend this bill to the House.

**Debate adjourned.**

## **CONSTITUTION AMENDMENT (WATER ACCOUNTABILITY AND TRANSPARENCY) BILL 2020**

### **First Reading**

**Bill introduced on motion by Mrs Melinda Pavey, read a first time and printed.**

### **Second Reading Speech**

**Mrs MELINDA PAVEY (Oxley—Minister for Water, Property and Housing) (15:22:45):** I am pleased to present the Constitution Amendment (Water Accountability and Transparency) Bill 2020 to the House. This bill will strengthen the transparency and accountability of parliamentary disclosure requirements by including water assets as a form of pecuniary interest requiring disclosure. Water is one of our most valuable assets and the New South Wales Government has a responsibility to the people of New South Wales to ensure that it is managed in an equitable and transparent manner. Parliamentarians also have a responsibility to the people of New South Wales that they are reporting all pecuniary interests in line with the Constitution (Disclosures by Members) Regulation 1983.

Water assets, including water access licences, their share component, water allocations and other contractual delivery rights, are extremely valuable assets that can be traded on the water market. Members of Parliament that may hold these assets are currently not required to disclose these assets or dealings on these assets as with their other disclosure requirements under the Constitution (Disclosures by Members) Regulation 1983. This bill will amend the Constitution (Disclosures by Members) Regulation 1983 to clarify that parliamentarians are required to disclose their interest in water assets. Specifically, this bill will require the disclosure of the licence number and share component of any water access licence, or a contractual right to receive water from an irrigation corporation, and the water entitlements associated with that right in which they had an interest at any time during the primary and/or ordinary return period, and the nature of the interest in the water licence. The bill will require also that any relevant Australian Business Number [ABN] is to be attached to each water access licence or right, and that members notify the Parliament via their pecuniary interest register within 14 days of trading water for any purpose, including any moneys made and the change to the net impact of their water holdings.

The bill requires only declaration of rights held by a member of Parliament and does not include water rights held by a Minister on behalf of the Crown. The bill also excludes rights that are held only by a member acting in their capacity as the executor or administrator of a deceased estate where they are not the beneficiary under the will or intestacy. Members will also be exempt where they are acting in their capacity as a trustee, where the member acquired the interest in the ordinary course of any occupation of the member which is not related to his or her duties as a member. These new requirements for disclosure will greatly increase transparency of water interests. Any breaches of the new requirements will be subject to the rules that already apply under existing disclosure requirements.

I turn now to the detail of the bill. The bill includes one schedule. Schedule 1 [5] inserts clause 8A in the regulation. This clause requires a member to disclose in a primary return and in an ordinary return the water access licence number and share component of each water access licence in which the member has an interest, and the nature of that interest. The clause also requires a member to disclose each right to receive water—for example, from an irrigation corporation—under a water supply contract or other contract to which the member was a party at specified times, and the nature of the member's interest in each right.

There are five major irrigation corporations in New South Wales where water users do not hold a separate water access licence. Rather, the water users will have a contractual right to receive water from the irrigation corporation, which the corporation will supply from its own licence. The irrigation corporations in New South Wales are: Coleambally Irrigation Cooperative Limited, Jemalong Irrigation Limited, Murray Irrigation Limited, Murrumbidgee Irrigation Limited and Western Murray Irrigation Limited.

If the member has an ABN, or disclosure is required because of the member's connection with an entity that has an ABN, the proposed clause requires the member to disclose the relevant ABN. The declaration of an ABN will provide additional transparency about company ownership of water rights related to a member of

Parliament. Schedule 1 [3] inserts clause 60 in the regulation. This clause requires members to notify the Parliament via their pecuniary interest register within 14 days of trading water for any purpose, including any moneys made and the change to the net impact of their water holdings.

Water trading activity is defined in schedule 1 [1] to the bill to mean specified dealings with water access licences and water allocations under the Water Management Act 2000 and disposition of property that affect a person's right to receive water from an irrigation corporation under a water supply contract or other contract—in common language: the buying and selling of water licences, allocations and delivery rights. Importantly, this will capture interstate transfers and trades. Disclosures under this clause will need to include the following information: the date, purpose and nature of the water trading activity; the impact of the activity on, or creation by the activity of, any interests required to be disclosed by the member under proposed clause 8A; and details of any financial benefit to the member resulting from the activity.

Finally, schedule 1 [6] inserts proposed clause 18A in the regulation. This clause enables the bill's outcome by requiring the Clerks of the Legislative Council and the Legislative Assembly to compile and maintain registers in respect of the water trading returns lodged by members pursuant to clause 6C. The bill will clarify and strengthen the transparency and accountability of parliamentary disclosure requirements by defining water access licences and rights as a form of pecuniary interest requiring declaration. The bill also requires continuous declaration of water trading activity.

This bill is in addition to broader government reforms undertaken to increase the amount of publicly available information on our water and its availability, allocation and use. The outcome of the bill is to clarify and expand the existing arrangements for disclosure of water assets by parliamentarians. Water is one of our most precious resources and an increasingly valuable asset. It is important that the Government leads the way in taking a transparent approach to water management and dealings. I commend the bill to the House.

**Debate adjourned.**

*Private Members' Statements*

**COVID-19 AND ALBURY ELECTORATE**

**Mr JUSTIN CLANCY (Albury) (15:30:20):** The constituents of the Albury electorate understand that the natural environment will throw up challenges for them to meet. What they will not accept is the notion that these challenges will stop them from living successful, fulfilling lives. In recent months we have faced many hardships, such as bushfires and drought. It has been our community's resilience that has helped to overcome these hardships. We also face the unknown effects of the COVID-19 pandemic and what effect it will have on tourism and our economy. It is important to remember that these effects will greatly impact communities who rely on tourism as a major source of income. Tumbarumba is one of those communities. It was hit hard by the devastating bushfires earlier this year. Cathy Gairn from Courabyra Wines told me that the vines stopped the fires at her property in Tumbarumba just before they could consume buildings.

I acknowledge Tumbarumba's incredible sense of community spirit through what has proved to be a difficult time. Secondly, I acknowledge the community's ability to still host the annual event of Tumbafest and the Tumbarumba rodeo after experiencing such dreadful adversity. Tumbafest was held in February and continues to be a major contributor to the town's economy. Tourism in Tumbarumba benefits from the festival, with just under 7,000 attending the festival this year. Tumbafest is proudly supported by the New South Wales Government and Destination Riverina Murray.

Unfortunately, the spread of COVID-19 has meant the postponement or even the cancellation of many events in the Albury electorate. This year the Mulwala Water Ski Club was due to host the International Waterski and Wakeboard Federation world championship. This event would have played host to people from around the country and would have brought international guests to the region. Sadly, the event has been postponed until further notice. We can only hope that there will be another opportunity for it to go ahead. The Albury Gold Cup is the biggest country race event in New South Wales. It routinely attracts around 18,000 people locally and from across the State, and it has been running for over 100 years. The New South Wales Government and Destination NSW have been sponsors of this annual event. Unfortunately, this year the event was not to be held.

One of the largest tourist venues for the city of Albury is the Murray Art Museum Albury, affectionately known as MAMA. MAMA is host to a number of local artists as well as international talent. This year it has already presented Glenda Mackay and *Summer Place*. Commencing in April, *Olive R Odewahn: A Country Life* will be exhibited, and finalists from the National Photography Prize 2020 will be showcased. Annually, Albury city hosts the Write Around the Murray [WAM] festival, which is one of the largest regional literary festivals in Australia. The Write Around the Murray attracts approximately 4,500 people to the events, with 1,600 school-aged

children attending workshops. It is a five-day festival hosting best-selling authors from around Australia. Workshops and writing competitions also support and encourage local writers in their literary pursuits.

The Albury Entertainment Centre is a vital piece of tourism infrastructure for the region as it offers the largest space available for business events and conferences, exhibitions and performance space. The main auditorium seats up to 818 people. It has hosted international acts as well as regional performances. The Murray River precinct has always been a tourist destination in the warmer months. The river provides a chance for people to participate in water activities such as swimming, kayaking and paddleboarding. It is also an ideal place for other outdoor activities such as bike riding or for our children to run around in the playground. For those who just want to relax, there is no better place to be than by the banks of the Murray, shaded by the gums.

Conveniently located within the precinct is the River Deck Cafe. I acknowledge owner Alex Smith, chef Ludo Baulacky and the team from the River Deck Cafe, who were recognised at the Australian Tourism Awards in March. They were awarded in the Tourism, Restaurants and Catering Service category and it represents a significant achievement for the Albury electorate. The Boat Shed has recently been renovated to reinvigorate the Lake Hume precinct. It, too, is an excellent place for people to get a visual understanding of Lake Hume and the tourism value that it brings to the region. The renovations to the venue will help to keep bringing people to the dam, even when the water is away from the shore.

For over 25 years Chryslers on the Murray has brought muscle car enthusiasts to the region. This three-day event, held in March, encourages visitors from around the country to experience what our community has to offer. Our electorate has faced many challenges in recent months. It is due to the resilience and tenacity of these communities that tourism events have been able to continue as planned. After disaster comes a time for healing and rebuilding. While we are recovering we invite everyone to visit our remarkable region to experience the many activities and events it has to offer.

### **CORRIMAL HIGH SCHOOL**

**Mr RYAN PARK (Keira) (15:35:30):** I speak about an important issue in my electorate—the rebuilding of Corrimal High School after it was devastated by fire on 3 November 2018. I went to the school in the very early hours of that morning, probably around 5.30 a.m. or 6.00 a.m. My family and I live around the corner from the school. It is in a beautiful location and has beautiful grounds. It is a great school led by a great principal, Paul Roger, and his fantastic staff. The school sits at the heart of the community in my suburb of East Corrimal.

That morning many people heard the sounds of sirens as the first responders arrived to put the fire out. The damage was extensive. An entire industrial arts block was lost, as were an enormous amount of equipment, school resources and students' work. I first wrote to the Minister on 5 November 2018, two days after the fire took hold, and explained that, while I appreciated the Government was doing everything to put emergency classrooms in place, I wanted to see a rebuilding plan emerge quickly. I acknowledge the education department, whose initial response was very good: The demountables were up, which was an important part of getting the school operating again. Students were being taught in other local primary schools, which made it difficult and challenging for everyone involved.

On 9 April 2019 I wrote to the Minister again. I made clear my concern that we were yet to see any real plans or timelines for the next stage. In his letter to me of 16 May 2019 the Parliamentary Secretary for Education, Mr Kevin Conolly, said that on 10 April 2019—well over 12 months ago—a meeting with the principal and the insurance loss assessor took place to prepare a scope for the rebuild. Time is well and truly getting on now. The fire occurred over 18 months ago. A week or so ago I wrote again to the Minister. I outlined to him that the matter is critical, and finalisation of the construction plan and timeline is urgent. Any member whose electorate has lost a school through fire will know the devastating impact it has on the community. Members will agree that local schools, particularly large high schools, are often the centre of their local communities. Paul Roger and his staff have done an outstanding job in the past few years, not only rebuilding the school in a physical sense and improving its amenity but also in raising the expectations and performance of every person at the school.

The students are fortunate to have such committed teachers. The parents are very supportive and hardworking. They volunteer an enormous amount of time to the school, but they cannot do it on their own. I do not want the principal to become a project manager. I want the principal to continue to be a fine educational leader. We need to give this school support and a clear path forward as to when the construction of the buildings will take place. Clearly insurance issues have delayed the rebuild. The department needs to wrestle the project back and get a grip on it before, once again, students miss out on permanent classrooms for another school year. It is critical that the school is rebuilt in a fast, efficient and effective way to make sure that quality learning in quality classrooms can continue at the school. I call on the Minister and the department. It is time to get this issue fixed, to rebuild Corrimal High School and to support the great work that Paul and his team are doing there.

## COVID-19 AND PORT MACQUARIE ELECTORATE

**Mrs LESLIE WILLIAMS (Port Macquarie) (15:40:33):** I pledge my support for the thousands of small business owners and their employees in my electorate of Port Macquarie who have been severely impacted financially by the coronavirus pandemic. Following the challenges of the ongoing drought and then the bushfires at the end of 2019, the coronavirus could not have come at a worse time for mid North Coast businesses.

Undoubtedly regional and rural economies were some of the worst hit by COVID-19 restrictions as, sadly but necessarily, doors were closed, holidays postponed and events cancelled to limit the spread of the infection. When the restrictions were first put in place I contacted many small business owners and heard firsthand of their personal anguish, distress and hardship as they witnessed income streams diminish and loyal and valued staff apply for government assistance. Our region, which is proudly built on tourism and a rapidly growing education sector, came to a halt after the initial announcement that restrictions would be enforced. Tourists were turned away and our university and TAFE centres were closed as our students prepared to learn and study online from the safety of their homes.

I take this opportunity to commend the Commonwealth Government for working collaboratively with the States and Territories. I acknowledge the announcement of the \$259 billion economic stimulus package and the vital component of the JobKeeper payment to retain staff under the forced closures. The New South Wales Government responded swiftly in releasing the Small Business COVID-19 Support Grant of \$10,000 which provided a welcome relief for many businesses across many community sectors.

As we move forward and begin to relax restrictive measures across the State, I call on the holiday-makers, the grey nomads, the self-funded retirees, community groups and organisations, corporate Australia and all families, large and small, to consider taking that much-needed getaway to one of the most beautiful and picturesque electorates on the mid North Coast. Situated on the banks of the Hastings River, the coastal town of Port Macquarie boasts 17 gorgeous beaches, with fine dining, a la carte restaurants and local wineries, accommodation from 4½ star luxury suites to modern camping facilities, boutique shops, and bespoke arts and crafts. I am confident every visitor will find something to arouse their palate or capture their artistic or fashion flair.

Arts, culture and attractions are transforming the town, with plenty to see from the award-winning Hello Koalas Sculpture Trail, the iconic Billabong Zoo, river cruises, dragon boating, Port Macquarie and Maritime museums, and outrigger or deep sea charter boating, to name a few. Last but by no means least is the Port Macquarie Koala Hospital, which captured the hearts of communities around the globe. Call in and see firsthand the miraculous work by local wildlife veterinarians who oversee the onsite rehabilitation of our sick and injured koalas. Thanks to incredible volunteers we have a world-class rehabilitation centre at our doorstep. I extend sincere and heartfelt thanks to each of them.

Just south of Port Macquarie is the Camden Haven region with its pristine natural beauty, stunning coastlines and vibrant communities. I remind visitors to pack their hiking shoes, tennis rackets, mountain bikes and fishing rods to get the complete experience those communities have to offer. Climb the heights of North Brother Mountain for amazing 360-degree views over the Camden Haven Valley before tandem paragliding down to Bartlett Reserve in the seaside village of Bonny Hills. Mountain bikers should visit Jolly Nose Mountain Bike Park, located in Queens Lake State Forest. The park offers 60 kilometres of single-track mountain bike trails for both gravity and cross-country mountain bike riding.

When visiting Laurieton, a feed of fish and chips from the Laurieton Fishermen's Co-op is a must. Take a drive to Charles Hamey Lookout in Dunbogan, throw in a line off the break wall at North Haven or take a whale watching trip with Canopus Deep Sea Charters. If a quiet and more laid-back holiday is in order, the area has plenty of scenic drives, including south to the communities of Harrington and Crowdy Head. While in Harrington, make time to call in to Harrigan's Irish Pub for a traditional Irish meal, Club Harrington for food and bowls on the water, or venture over the highway to the Coopernook Hotel for a good old Aussie baked dinner.

Throughout the COVID-19 pandemic I could not have been more proud of our Liberal-Nationals Government—and furthermore the entire Parliament—for displaying bipartisanship and understanding as restrictions and stimulus were approved to meet head on the challenges we faced as a State and as a nation. I thank Premier Gladys Berejiklian, Treasurer Dominic Perrottet, health Minister Brad Hazzard and Chief Health Officer Dr Kerry Chant for guiding the people of New South Wales through this once-in-a-generation global health crisis. Now more than ever we need your support as our regional businesses begin to reopen. The climate is perfect, the food is divine and the experiences that will provide everlasting memories are there for all to enjoy. The time is now.

## BAULKHAM HILLS INFRASTRUCTURE

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (15:44:58):** I inform the House about some exciting developments happening in my electorate of Baulkham Hills. As the rest of the world has gone into lockdown thanks to COVID-19, we have revved up the infrastructure and other activities in the electorate. Some date back to the previous Labor Government—which, as far as I am concerned, gives me good cause to celebrate.

I refer to the completion of the \$15.5 million major upgrade at North Rocks Public School—a school that has become synonymous with excellence in education in my electorate. The upgrade has delivered 15 new permanent, air-conditioned classrooms that include flexible teaching spaces, new amenities and administration facilities. The facilities will have the capacity to accommodate more than 940 students in this growth area, which will benefit not only the local community but also those to come. We want our school students in New South Wales to have the best education and I am proud that this Government has delivered such a significant project to the community. I note not only the principal and teachers but also the parents and citizens' association of North Rocks Public School, who put on a fantastic annual fete and have, once or twice, allowed me to go and throw the chocolate wheel around to ensure that every child is a winner.

Crestwood High School, Matthew Pearce Public School, Jasper Road Public School, Model Farms High School and Excelsior Public School were all part of a \$200 million spend on 968 additional maintenance and upgrade projects at public schools right across the State. It is a great cause for celebration. The maintenance blitz focused on additional repairs and upgrades including roof works, new floor coverings, drainage, electrical work and painting. These works represent a commitment to not just maintain our public schools but also constantly improve them. The Government is investing \$6.7 billion over four years to deliver 190 new and upgraded schools to support communities across this great State. In addition a record \$1.3 billion is also being spent on school maintenance over five years, along with a record \$500 million for the sustainable Cooler Classrooms Program to provide air-conditioning to schools. This is the largest investment in public education infrastructure in the history of New South Wales.

On Friday 29 May the mayor of The Hills Shire Council, Dr Michelle Byrne, and I were pleased to announce the opening of the brand-new Greenway Bridge over Memorial Avenue at Kellyville. It was quite ironic that as the police Minister I announced a bridge named after a convict. The \$3.77 million project links Pellizzer Boulevard to Thomas Boulton Circuit Reserve, both located in Kellyville, and forms part of the bigger Greenway cycle link between Bella Vista Farm and Rouse Hill town centre. I have to admit that as part of my COVID-19 exercise regime I have been using the cycle link quite a bit. This project spans almost 50 metres in length, making it the longest bridge The Hills Shire Council has ever worked on. It provides a safe link for pedestrians and cyclists to use when crossing Memorial Avenue and forms part of the 100 kilometres of dedicated cycleway across the Sydney Hills district. Memorial Avenue bisects the new Balmoral Road development and provides access to Blacktown, Glenwood, Stanhope Gardens, Parklea, Baulkham Hills, Castle Hill and Kellyville. It is also used by people travelling to Dural and Windsor.

The upgrade will reduce travel times and congestion for motorists, and improve road safety. Some of the key features of the project that the Baulkham Hills community will benefit from include upgrading Memorial Avenue from a two lane to a four lane divided road, increasing the speed limit to 80 kilometres per hour, providing a wide central median strip to allow for future widening, providing landscaping, constructing another cyclist path on both sides of Memorial Avenue, installing bus priority capability, and providing designated turning lanes and bicycle lanes at intersections.

Transport for NSW has completed the design process and is currently in the final phase of the procurement process to award the contract. It will continue to work with individual property owners and keep the community informed on the progress of the project. I understand that there was a distribution of information from Roads and Maritime Services to constituents not long ago. The main tender award is to be announced in the second half of this year, with main construction to start at the end of this year. However, some of the preliminary works may commence this month. Together with our strong local council we are working hand in hand to deliver infrastructure to cater for our growing community.

## GOVERNMENT PERFORMANCE

**Ms LIESL TESCH (Gosford) (15:50:27):** Please, Treasurer, we need a long-term investment that creates jobs and improves the wellbeing of all people in New South Wales, not just short-term injections into the construction industry. This is about supporting jobs for men and women of all ages, and skill sets today and in families in New South Wales in the future. We need a visionary economic recovery for everybody in this State. Our economy is in turmoil—exacerbated by drought, exacerbated by fire, exacerbated by COVID-19 and

exacerbated by nine long years of the Liberal Government spending overseas on infrastructure investment, offshoring the money of the people of New South Wales and skills.

The Liberals have spent nine years stripping Aussie jobs, selling the State's assets and sending the State's profits overseas. The Liberals think that buying overseas infrastructure is good. Trains were bought from South Korea. The new light rail was built in Spain and had a blowout of \$3 billion. How much of that money goes to Spain instead of into investment in local projects? The Liberals have ordered ferries from Indonesia and China when just up the road in Newcastle we have a shipbuilding industry that is slowly dying and needs government investment right now. This shows their lack of respect for the skills and economic wellbeing of people in regional New South Wales. They speak about job creation and claim they cannot afford the regulated pay rises to the public sector workers who risked their lives and the lives of their families to protect the people of New South Wales during COVID-19. Ross Gittins pointed out today that in the circular flow of income employees spend wages in other people's businesses. That is an income that will keep small businesses open on the Central Coast.

I do not think the Treasurer has considered the gender bias in freezing public sector wages whilst investing in construction. COVID-19 is not gender-neutral. Dear Treasurer, women occupy a disproportionate share of the labour market in the vulnerable sectors in this crisis and are more likely to be made redundant under labour market contractions. Women are already the lowest-paid workers. Women provide the majority of unpaid care work, are in temporary and casual jobs and are less likely to be eligible for JobKeeper. Women occupy over 65 per cent—only 36 per cent of leadership—of the public sector whose pay you want to cut. The women of New South Wales must unite and call on the Premier to ask her Treasurer to invest in the historically feminist sectors—teaching, nursing, hospitality and care industries—starting with the public sector.

**Mr Kevin Anderson:** Point of order—

**The ASSISTANT SPEAKER:** The Clerk will stop the clock.

**Mr Kevin Anderson:** I ask the member for Gosford to come back to the leave of her private member's statement relating to her electorate.

**The ASSISTANT SPEAKER:** I remind the member for Gosford that private members' statements should relate to issues in one's electorate. I ask the member for Gosford to revert to the principles of a private member's statement and to refer to her electorate.

**Ms LIESL TESCH:** I point out to the Assistant Speaker that the boat building industry is also a significant industry in our community and 50 per cent of the people in the public sector in my electorate are women. I am talking about the public sector and the pay cuts to the public sector, which impacts the flow-on in our local economy. On behalf of the women in my electorate and the women of New South Wales I challenge the Treasurer to undo the unhelpful gender norms. I ask the Treasurer to support flexible working arrangements so that they can become the new normal. I ask the Treasurer to invest in family-friendly workplaces on a permanent basis, not only in the public sector but also in the private sector—and not just during the COVID-19 emergency. We need long-term investment into our economy on the Central Coast. We need local people who spend local money to keep our Central Coast cafes, hairdressers, gyms, tattooists and dance studios open and operating until the Australian economy gets back on its feet.

We need diverse and broad investment that leaves all sectors of the population better off and grows the whole of our community. I encourage the Treasurer to look at the economic recovery plan of the NSW Council of Social Services. Unemployment is at 6 per cent and rising. Small and medium-sized enterprises [SME] are failing. Income wealth and superannuation are decreasing for many. Once Jobseeker funds have gone, rents will remain beyond the reach of low income households, even those on the Central Coast. International migration will decrease, demand for housing and construction workers—many people from the Central Coast work in construction, both on the coast and in Sydney—will be impacted. Some 85,000 jobs and 97,000 SMEs depend on the residential construction that is at risk.

At the same time, homelessness will increase as well the cost of homelessness. I ask the Treasurer to consider investing in social and affordable housing as it kicks all the goals for our economic recovery. Housing stock, accessible housing and existing housing maintenance across regional New South Wales not only stimulates the economy but also helps to alleviate inequality and disadvantage in the future. Whilst housing prices are down we can invest in more social and affordable housing stock, easing long-term inequality and disadvantage. And regarding Gosford TAFE, it is clearer than ever before that vocational and tertiary education needs to be accessible so we have the skills in New South Wales so that Australia can hold its own in the industries of today and the future.

### **TRIBUTE TO THE HON. IAN CAUSLEY, FORMER MEMBER FOR CLARENCE AND FORMER FEDERAL MEMBER FOR PAGE**

**Mr CHRISTOPHER GULAPTIS (Clarence) (15:56:50):** I pay tribute to the Hon. Ian Causley, a former member and Minister of this House, who sadly passed away last month. Ian served as The Nationals member for Clarence for 12 years then went on to serve in the Commonwealth Parliament as The Nationals member for Page for a further 11 years. Ian grew up on the banks of the Clarence River and never envisaged a life in politics. His family was not actively involved in politics and he did not mix in circles that were actively involved in politics. He did not belong to a trade union organisation, but he was a trade unionist. He earned a university scholarship through school, but he gave it away and went cane-cutting instead. His family lived in the Clarence Valley for over 100 years and his allegiance and love for that area ran very deep.

He was introduced to politics by Mr Leon Punch, the then Leader of The Nationals. Ian described him as a fiery, gingery character. Ian had a young family and did not feel disposed to getting involved in politics because he knew that the lifestyle was fairly onerous. Nonetheless, he eventually put his name forward to stand for The Nationals seat of Clarence in 1984, and he won. He won seven elections in both the New South Wales and Federal governments during his illustrious career. He was a larger than life man who has left his mark on many people, not just in the Clarence Valley but right across Australia. He was never the favoured son of The Nationals because he was always outspoken and he always called a spade a shovel.

I first met Ian about 35 years ago and was immediately intimidated, not just by his stature but by his strength of character. He was intelligent, confident and very forthright. He was old school Country Party, and proud of it. He loved agriculture, farmers and country people and he fought for them tooth and nail. He was never afraid of speaking his mind, no matter the audience. One always knew where one stood with Ian; there was no ambiguity with him. When I think of Ian I am reminded of Frank Sinatra's *My Way*—that is how he lived his life. From 1984 to 2007 Ian carved out a distinguished political career in the New South Wales and Federal parliaments, spanning some 23 years. He was rewarded for his hard work and knowledge of the land with several ministerial appointments under the Greiner and Fahey State governments, most notably as Minister in the portfolio areas he was so passionate about—agriculture, water, lands and forestry, the latter of which he often said led him into the foray of politics because decisions were being made at the behest of minority groups to the detriment of regional communities. Ian went on to serve as Deputy Speaker in the House of Representatives in the Federal Parliament from 2002 until he retired in 2007.

He was a man from the land, a respected canecutter and farmer. He was a stalwart of the cane industry serving in leadership roles on the Clarence Sugar Executive before entering into the foray of public life. Upon his retirement he took up the leadership mantle again and served as chairman of the NSW Sugar Milling Co-operative for half a decade. His knowledge and contribution to the cane industry was just as distinguished as his political career. Ian was a passionate advocate for the communities he represented and was respected on both sides of the political landscape. He had strong ideals and fought for what he believed in. In his last speech in this House Ian said that whether in government or opposition, members should do their utmost by pursuing and endorsing policies that best serve their country and he certainly led by that example.

Sadly, Ian lost his right-hand lady, his beloved June, in 2013. June was a tremendous support to him throughout his political career. With June by his side, the electorate was very fortunate to get two for the price of one. Ian always had great respect for this House. He believed the institution itself was extraordinary, that there was nothing in the world like the democracy we have in Australia and that it needed to be fought for. He considered Parliament to be the members' House—the Government might have the numbers to control, but it was the members' House and the members have a right to speak. He believed that the most important standing order is the one which grants the right to speak in silence. As Deputy Speaker of the Federal Parliament, he always tried to enforce that order. I know the community and members of this House will join me in offering heartfelt condolence to Ian's family, particularly his four children, Craig, Marcelle, Derek and Shane; his seven grandchildren; and his two great-grandchildren. May he rest in peace.

### **BUSHFIRE RECOVERY ASSISTANCE**

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (16:02:04):** There is no doubt that the recovery process we were all hoping to have for bushfire-affected communities was stalled by what has transpired with COVID-19. Unfortunately, we are seeing instances of people having fallen through the cracks. Without doubt the intention is to make sure that we are there to lift every person out of the enormous challenges that they face, in particular at an individual level. I recognise the clean-up work that has been undertaken, in particular by the recovery Minister, the Hon. John Barilaro. I recognise that Laing O'Rourke has done an incredible job with local contractors of clearing away the debris left from the fires. It has been an incredible effort to move the hundreds of thousands of cubic metres of debris from communities in the past few months.

In due course the community will be incredibly grateful for the speed with which blocks were cleaned up. I am speaking in the Chamber tonight because I am concerned about the confidence that the community has in the processes that take place when a natural disaster happens. It is disappointing that the country does not have a natural disaster relief fund so that the moneys that people are willing to donate can be administered to the community in an agile way by the likes of Sir Peter Cosgrove. I have made some reference to the charities over time. I have not done that because I like doing it but because I can see people in the community who have done it incredibly tough. Some have lost everything. In many cases they do not have the option of returning to their blocks where they lost their homes because their homes have been damaged, or they have lost their septic systems, water tanks or sources of electricity generation. Those people are not receiving funds as quickly as they need them.

It is great to have Minister Anderson in the Chamber because he and I have been talking about how to bring greater accountability to the way in which the funds have been gathered and the way in which those funds are being expended. We have seen updates from the Red Cross in its bushfire report. In mid-April it put out a flyer which stated that \$200 million has been donated but only \$73 million has actually been disbursed. The report stated that the Red Cross is planning to spend about \$46 million on community recovery over the next three years, moneys that it is expending on unmet needs in the bushfire-affected communities. That is where government leadership comes into it. That is what the State Government has been spearheading and will continue to spearhead under Shane Fitzsimmons as the Resilience NSW commissioner.

There has to be some accountability. The fact that the Red Cross still has \$100 million five months after the fire events—which had a major impact on New Year's Eve when hundreds of homes were lost—demonstrates that we need to have some degree of oversight. As I stand here, there are people who have gone back onto their blocks and are living in caravans or pods. In many cases, they do not have access to hot water or to septic systems. It has become an enormous challenge. I have also heard of people who, because of the way in which they were living, did not have development applications approved for the homes they lost in the fires and so they are now struggling with local government.

We must have an honest recovery, not just a tick-a-box exercise. We have to drill down and help individually everybody who has been affected. We have an opportunity now to turbocharge the recovery as we start easing the restrictions around COVID-19. That said, whilst we have seen some incredible packages of funds—be it packages for industry or for the clean-up—we must ensure that we turn our attention to those individuals who are doing it the hardest. Their wellbeing, their mental health and their supports are what matter and that will be the true test of the incredibly important bushfire recovery effort, given the events of late 2019 and early 2020.

#### **PRINCE OF WALES HOSPITAL CLINICAL ENGINEERING DEPARTMENT**

**Dr MARJORIE O'NEILL (Coogee) (16:06:50):** Today I express my deep concerns and the deep concerns of many in my community regarding the cuts to the clinical engineering department at the Prince of Wales Hospital. On 24 April this year I wrote to the Minister for Health expressing my deep concerns regarding the cuts and asking for them to be reversed. Engineers and technicians from the clinical engineering department at the Prince of Wales Hospital are responsible for ensuring that equipment, including ventilators, defibrillators and anaesthesia machines, work properly. Clinical engineering staff can also be present during many surgeries and emergency procedures to monitor the equipment being used. During heart surgery, technicians will monitor the balloon pumps used to stabilise blood pressure.

In the middle of a global health pandemic, this Government is cutting the number of staff available to perform emergency maintenance on life-saving hospital equipment. In the middle of an economic crisis, this Government is reducing the number of working hours of frontline health staff. In recent weeks I have worked closely with the Health Services Union and frontline staff from the clinical engineering department of the Prince of Wales Hospital. Staff have reported that over the past decade the pieces of essential equipment that this team is responsible for have almost quadrupled, whilst their staffing numbers have been slowly and systematically reduced. When this department had approximately 3,000 pieces of equipment to manage it had 12 staff, providing for 250 clinical machines per person. Before the most recent cuts were made, nine staff were maintaining more than 11,000 pieces of equipment—or more than 1,200 clinical machines per person.

Staff have told me that they were already struggling to keep up with their workload before those cuts were made. Now they are worried that things will fall through the cracks because of the cuts, putting patients' lives at risk. The cuts will also see the removal of the second and third on-call technical officers. In addition, it is my understanding that cuts are proposed to remove four hours a day of labour from the clinical engineering department, reducing the department's capacity to service and test equipment on time and to standard. Given that technical officers in clinical engineering are responsible for five entities—the Prince of Wales Hospital, the Sydney Children's Hospital, the Royal Hospital for Women, the Eastern Heart Clinic and Sydney Hospital—it is

not unlikely that the second and third on call will be required to work, as the first on call has been booked and is working on another case.

Those staff are called in to assist with urgent heart surgery that may be required when someone, for example, is having a heart attack. In such cases their role is to monitor critical machines such as balloon pumps that help to increase the blood flow to the heart immediately before and after surgery. Limiting their capacity to deal with multiple urgent heart operations will put the lives of seriously ill people at risk. In addition to putting lives at risk, there is the issue of the cost. A second on-call technician costs roughly \$40 a day, while the third on-call technician costs roughly \$7 a day. Calculated for 365 days a year, that is a cost of less than \$17,000 annually. I find it remarkable and, quite honestly enraging, that our public health system is being required to penny pinch, that our frontline service providers are having their hours reduced and that the people of New South Wales are losing frontline health services whilst the New South Wales Government happily continues to rack up multimillion- and billion-dollar blowouts.

In light of the major health emergency we are currently experiencing, it is clear that we require greater investment in our health workers, not less. While it seems nonsensical to have to highlight the current situation—especially in light of the panic that surrounded Australia's supply of ventilators just two months ago—it seems that this Government needs a reminder. Every piece of life-saving equipment in a hospital needs to be maintained on schedule and to standard. If not, lives will be placed at risk. The clinical engineering department does its job and does it well, despite being understaffed, under-resourced and now undercut once again. It therefore seems completely absurd that there would be a deliberate determination to reduce the maintenance of such essential equipment. Furthermore, New South Wales is facing its worst unemployment rates since the Great Depression. Here is an opportunity to retain staff and to save jobs. As representatives, it is our responsibility to take each and every opportunity to do that. These cuts are an unscrupulous decision that impacts not only frontline medical services but also patient outcomes and safety. The Government is unnecessarily placing lives at risk. The cuts should be reversed immediately.

#### **CAMDEN MEALS ON WHEELS**

**Mr PETER SIDGREAVES (Camden) (16:11:56):** I bring to the attention of the House today the wonderful work of Camden Meals on Wheels during the COVID-19 pandemic. Camden Meals on Wheels has served our local government area for 50 years. Its volunteers have operated through rain, hail, shine, bushfires and floods, so it was no different to them that they would continue to look after their clients through COVID-19. Camden Meals on Wheels completed a risk assessment and implemented processes and procedures to keep customers, volunteers and staff safe and healthy. The measures included providing bulk sanitiser, individual sanitisers, gloves, temperature checks, asking clients and volunteers a list of questions about COVID-19 to help with the risks, distancing measures and placing meals on a table or chair and then knocking on the door for the customer to come and get them. Customers were then able to have normal conversations with volunteers using social distancing.

Camden Meals on Wheels provides a valuable service that the elderly and others in need depend on in our community; it provides not only meals but also social support and transport. Most of its clients are aged over 70 and followed the stay-at-home advice issued by the Government. Without Camden Meals on Wheels, its clients would not have been able to have their nutritious meals, nor would they have been able to have some form of social interaction, which they so desperately need and enjoy. In March Camden Meals on Wheels provided over 500 meals above the Federal Government's target for the month and, to back that up, in April it provided over 800 meals above the Federal Government's expectations to people in the community. In those two months alone over 40 new customers asked the service to provide meals, not to mention all the customers who returned to the service again to ask for help. The return customers were people who needed the service for a time to get them back to their normal selves. The service is funded under the Commonwealth Home Support Programme.

In May we celebrated National Volunteer Week for all volunteers. It is important to thank and acknowledge the selfless members of our community who give so much without expecting anything in return. I acknowledge and thank the Camden Meals on Wheels staff: Gary de Jong, Tracey Reid, Robyn Hartley, Melinda Bateup and Teresa Montgomery. I also acknowledge and thank the Camden Meals on Wheels volunteers: Diane Asmussen, Melissa Baker, Margaret Baldry, Derick Balnave, Maureen Balnave, Paul Barnes, Edward Brazier, Lorna Brazier, Barbara Brown, Donna Brown, Moira Bryan, Eva Campbell, Bronwyn Cobcroft, Karen Costello, Ellen Cunningham, Shirley Curtis, Rita de Jong, Lyn Dench, Christopher Drysdale, Elinor Drysdale, Linda Eagles, Colin Elliott, Frances Ferris, Dianne Garland, Teresa Gimellaro, Kerry Greenwald and Baz Groot.

They also include Annie Hack, Fred Hall, Noel Heffernan, Carla Hill, David King, Dirkje Kingma, John Kirkland, Marte Kirkland, Betty Longbottom, Norman Lorens, Clare McCabe, Robert McCaughan, Lynette Mackay, Diane Mitchell, Janine Newell, Pat Pascual, Ian Phillips, Alan Redman, Susan Rooney, William Rooney, Barry Rowley, Lucy Ruscio, Cheryl Russell, Rodney Russell, Christine Sampson,

Brenda Sedgwick, Penny Sexton, Tony Sexton, John Shanks, Margaret Shanks, Sandra Shepherd, Stephen Shepherd, Kay Sidman, Laurence Smith, Margaret Stelzer, Philip Stelzer, Ronald Streater, Judith Sweet, Adrienne Taylor, Neris Taylor, Deb Vardy, Caroline Williams, Margaret Williams, Dennis Willingham, Jan Willingham and Susan Wright. I sincerely thank Camden Meals on Wheels and its volunteers for their outstanding service to our community.

### COVID-19 AND GRANVILLE ELECTORATE

**Ms JULIA FINN (Granville) (14:16:44):** I bring to the attention of the House the devastating economic impact on the Granville electorate of the COVID-19 restrictions and the failure to adequately support tenants and landlords. My community is one of many with higher numbers of community transmission of COVID-19. I appreciate everything that NSW Health and our community have done to keep us safe during the pandemic, which has killed over 350,000 people worldwide. I acknowledge that it will not be over until a vaccine is found. During the pandemic my community has experienced some of the highest job losses. From March to April the number of JobSeeker recipients in Merrylands increased by over 800 to 1,954, the fifth highest in New South Wales and almost double the average of 988.

We can and should do more to mitigate the economic impact without taking unnecessary health risks, especially now that we are in recession. The Government has confined its financial support of tenants who have lost income due to COVID-19 to a pass-through of rental reductions or deferral of payment for the tenants of the 16 per cent of landlords who pay land tax. It has provided no financial support to any other tenants. Compounding tenants' woes are the financial problems many landlords are facing. Furthermore, the majority of landlord insurance policies in New South Wales will not compensate for loss of rental income where the landlord has agreed to a rent reduction. In most cases that loss can only be claimed if the tribunal has ordered the rent reduction. The Government's model does not reflect that reality.

A few weeks ago Parliament adopted Labor's Rental Hardship Fund proposal—an equitable proposal similar to that implemented by other States that would pay landlords up to \$2,500 over six months to offset rent reductions given to tenants who have lost more than 25 per cent of their income. Since then the Government has done nothing to implement the proposal. Instead, in wanton disregard for the decision of the Parliament, Minister Anderson said to the upper House inquiry, "We do not believe that at this point in time the hardship package is the right way to go." When the amendment to create the fund was passed and incorporated into the legislation that received the unanimous support of all members of this House, no Government member spoke against its inclusion. Instead, the Government has decided to simply ignore it. The Granville electorate has 37,000 tenants and 10,000 landlords. Many of those landlords are typical mum-and-dad investors who own only one investment property and do not pay land tax. Many of them have lost income as well.

I will give some examples. One couple has a small food truck business. They rent a duplex in Merrylands for \$750 a week where they live with their two special-needs children. Before COVID-19 they already had problems with getting maintenance done by the landlord. Some problems dated back to when they moved in 18 months earlier, like inoperable windows and an air-conditioner that broke within days of moving in. Obviously their food truck business has been out of action yet their request for a rent reduction was met with a flat no and an eviction notice.

A local agent, Elie, told me he is seeing both landlords and tenants who are struggling at the moment. Some 80 per cent of his current work is with tenants who cannot afford rent and landlords who cannot afford to give a rent reduction. He is seeing good tenants being forced out of properties and landlords being pushed into financial hardship without any help. Vacancies are increasing, which is hurting his business. The pain felt by tenants flows directly to the pain felt by landlords in my electorate. Nobody is happy. Elie has lost money, tenants have lost money and landlords have lost money. There are no winners. The market will not fix the problem. Support must be provided, otherwise Elie can see the fallout from the problem continuing for 12 months and the market never recovering.

Another agent, Joe, told me about the more than 40 tenants who have lost income for whom he has been trying to negotiate rent reductions. He said that the rental subsidy would have made it seamless but it has been incredibly difficult and time-consuming. Most landlords have come on board. However, the two most difficult examples are the landlords who have lost income and cannot afford to reduce the rent. He said the situation has been far worse for international students and visa holders who are ineligible for any government support. One Granville house is home to four international students, three of whom lost their jobs due to COVID-19. They stopped paying rent until Joe visited them and stepped in to negotiate on their behalf with the landlord. Thankfully the landlord agreed to a rent reduction. Another international student tenant in Parramatta has had his work hours significantly reduced. His landlord agreed to a rent reduction because he is a good tenant.

I have been contacted by tenants and landlords from across the State who are in a desperate situation and for whom "negotiate amongst yourselves" simply is not working. I have heard of landlords seeking to increase rent despite increasing vacancies and falling rents across Sydney. I have heard examples of landlords not documenting a rent reduction and simply saying, "Pay it back later." Even if the tenants return to working on the same income as they had before, they will not have extra income to cover their arrears. The burden is not being evenly shared. Clearly not all landlords can afford to reduce the rent. Tenants and landlords deserve to be supported through this health crisis, which is also an economic crisis. The Government must urgently implement the hardship package that the Parliament passed. It is only fair.

#### **DAVIDSON ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS**

**Mr JONATHAN O'DEA (Davidson) (16:21:52):** The popular Community Building Partnership [CBP] program of the New South Wales Government facilitates local community infrastructure projects. In doing so it aims to create vibrant, inclusive and well-serviced communities. Indeed, community infrastructure plays a crucial role in bringing people together, helping to facilitate friendships and supportive social networks. The most recent annual program is helping to deliver infrastructure enhancements for my local Davidson community in numerous ways across 13 different projects. My electorate's largest single grant of \$40,000 has been allocated towards a refurbishment of the kitchen and storeroom at St Ives Preschool Kindergarten. The organisation will create a large storeroom with functional shelving and new flooring and address some safety issues.

Other recipients of the CBP grants announced recently are St Alban's Anglican Church Linfield, which received \$22,000 to install a picnic table and repair a fence to improve the safety of the children's playground; Lions Club of Ku-ring-gai received \$35,000 for an outdoor gymnasium to facilitate healthy living, with safety as a priority in the design; Lindfield Killara Catholic Parish received \$3,875 to upgrade the ladies toilet; Belrose Bowling Club received \$24,000 for an outdoor community leisure area for the enjoyment of children and families; St Martin's Anglican Church Killara received \$15,000 for construction of internal, accessible toilet facilities; the Scout Association of Australia New South Wales Branch received \$30,000 for an accessible bathroom for a special-needs Scouts group at 1st Lindfield Scout Hall; and All Saints' Anglican Church Lindfield received \$8,000 for a solar panel installation to provide cost-saving measures and aid in sustainable energy use.

It goes on. The Scout Association of Australia New South Wales Branch will receive \$20,000 for a new kitchen at 2nd and 3rd Lindfield Scout Hall. Roseville P&C Kids Care Association will receive \$30,000 for the construction of an additional community space to increase the number of children attending before and after school care services. The North Shore Synagogue will receive \$35,300 for a new kitchen for community purposes and for the poor. St Ives Rugby Club will receive \$21,000 to rejuvenate parts of its clubhouse, such as the kitchen, flooring and security equipment. Finally, Forest Districts Australian Football Club will receive \$15,825 for the installation of netting behind Australian Football League goals to improve player and spectator safety at the Lionel Watts Oval facility.

I hope the success of the CBP scheme continues well into the future. One of its important features is that it empowers local MPs to substantially influence how to allocate valuable community resources to worthwhile local causes. I look forward to the completion of the projects funded in this current year and to my community reaping the benefits of this wonderful, ongoing program in future years, just as it has in past years.

#### **SMALL BUSINESS COVID-19 SUPPORT GRANT**

**Ms TRISH DOYLE (Blue Mountains) (16:26:29):** I wrote to the Minister for Finance and Small Business a month ago to raise my concerns that the COVID-19 small business grants discriminated against women. I am yet to receive a response from the Minister or from anyone in the Government—and so the unintentional consequences of ill-advised and poorly thought through policy on the hop continue. When the Government has only a single solution to the huge economic downturn that we are experiencing, which is to provide a grant to businesses that has tight eligibility requirements and hoop after hoop to jump through, it risks excluding people. That is exactly what the New South Wales Government has done.

This exclusion is caused by the grant eligibility requirement for small businesses to have between one and 19 full-time staff. If a business has five, seven or 10 part-time staff it is ineligible. If a business employs mums who require flexibility and only want to work two, three or four days a week, and it slots in some casual workers to fill the gaps that exist, it is ineligible. One is ineligible if one runs a small business that employs one person who, let us say, was full time, went on maternity leave and only wanted to come back working three days a week so now one has to employ someone else to do the other two days. Is the House seeing the trend?

Women make up approximately 70 per cent of all part-time employment. The number of women establishing small and micro businesses is increasing astronomically—up 12 per cent in the past 12 months. One business owner in my electorate of Blue Mountains detailed her own situation to me. She is a sole trader in the

upper mountains and has seven casual staff. They work regularly but none are full time, yet the combined hours per week of those seven staff are well in excess of one full-time employee. This business owner met every other criteria laid out by the Government but fell over at this one, as did many other small businesses who reached out to me.

The requirement to have full-time workers in order to qualify for the grants is a huge downfall of the grant scheme. Not only does it exclude many small businesses in tourism areas, which tend to have more seasonal work, but also it discriminates against small business owners who choose to employ women and provide flexible work arrangements that result in non-full-time employment. I believe for these businesses to be unable to access support grants at this time is a form of indirect gender-based discrimination. It reflects poorly on the Minister and the Government, both personally and as a government, for them not to take the time to respond to my concerns.

Now that the damage has been done and so many businesses who employ women across New South Wales have lost out because of this Government's narrow-mindedness, what is the Government's plan to ensure women are not again forgotten in the response to both this disaster and others that no doubt will unfold in the future? This sham of a Government has failed to consider that through applying the gendered lens, however one looks at it, women lose out. Under this Government and during this pandemic, women at work lose out. As Emma Dawson of Per Capita Australia has explained, the significance of women to the foundational economy should be front and centre of any economic recovery package. Women's work is critical; it is substantial to the pandemic response. And women's labour is often undervalued—think of the cleaners, the child carers and educators, the nurses, those in the community services sector and the casualised workforce.

If this is the first time that members are realising the disproportionate impact on women I ask them to go back to their caucus rooms, speak with their colleagues and figure out how to fix this and how they might support small businesses that are run by and employ women. I guarantee there is at least a handful of small businesses in each of their electorates that missed out on the \$10,000 COVID-19 support grant because the policy was created by a bunch of blokes who did not think twice about who it would exclude.

#### TARGET REGIONAL STORE CLOSURES

**Ms STEPH COOKE (Cootamundra) (16:30:58):** I bring to the attention of the House the decision made by Wesfarmers to close stores in regional New South Wales. I am deeply disappointed that 20 Target stores will be shut across the State. In my electorate I have been informed that this closure will include the Cootamundra store. The shop is a vital retailer in the community of more than 6,700 people and is the only place in town where the entire family can shop for clothes. With this retailer gone, locals will be forced to undertake an almost 200-kilometre round trip to Wagga Wagga or Yass to buy affordable clothing.

It has been an incredibly difficult time for regional New South Wales. Our communities have been dealt the triple blows of drought, bushfires and the economic impact of the COVID-19 pandemic. Through all these challenges many small businesses in our regional communities have continued to innovate, to support one another and to play their part in keeping the vulnerable members of our communities safe. The decision made by Wesfarmers has flow-on effects for these small businesses—remove a large retailer and there is reduced foot traffic in our towns. If people have to travel for the basics they are less likely to shop locally for everything else. Across the huge Cootamundra electorate just two Target stores remain: one in Cootamundra and one in Cowra. While it is a relief that the Cowra Target store will continue to operate, the Cootamundra community deserves to have the same level of access to products and services.

I have written to Rob Scott, the Managing Director of Wesfarmers Limited, to strongly urge him to continue to operate at the Cootamundra location. When Wesfarmers made the decision to close its Target stores in Temora, Young and West Wyalong in recent years, the impact on those communities was significant. Retail employees lost their jobs and this alone had an enormous impact on local families. In many of those communities it is now not possible to buy basics such as towels, sheets or even underwear without undertaking a round trip of hundreds of kilometres. Many of the former customers of those Target stores are elderly and vulnerable, which can make such a journey unfeasible or impossible.

The buildings that the retailers occupied remain empty, which is demoralising for the wider community and a deterrent for small retailers to position themselves in such an area. For many of the communities in my electorate online shopping is not an option. Whether it be due to poor internet connection, a lack of access to technology or low digital literacy, online shopping is not viable for many regional communities. Most importantly, a bricks-and-mortar store is still preferred by many people in the Cootamundra electorate and elsewhere across the State. At some point large corporations must put people above profit. They must see that abandoning communities should be the last option.

It is a challenging time for retailers. But my disappointment in Wesfarmers' decision to close regional stores is reinforced, given that other brands in its portfolio, including Bunnings and Kmart, continue to perform strongly. The COVID-19 shutdown has been an incredibly difficult time for many retailers and the New South Wales Government has worked hard to stimulate economic activity and protect businesses during both this pandemic and the crippling drought we have been experiencing.

In 2019 I announced a significant New South Wales Government grant of \$1.3 million for the Cowra Shire Council to undertake upgrades, which included a new carpark behind the building occupied by Target, as part of the \$170 million drought stimulus package. We have invested in our towns to encourage businesses large and small to service our rural and regional communities. Our regions are the engine rooms of New South Wales, producing the food, fibre and fuel we consume on a daily basis. While their populations may be smaller, and as a result customer numbers less vast, these people are loyal and they will support the organisations that support them. I strongly urge Mr Scott to protect local jobs and continue to operate from their Cootamundra location, enabling this store to continue to be a key contributor to the local economy and retail sector. I urge people who are unhappy with this decision to sign petitions and write to Wesfarmers to support those who are facing job losses.

### COVID-19 AND DRUMMOYNE ELECTORATE

**Mr JOHN SIDOTI (Drummoyne—Minister for Sport, Multiculturalism, Seniors and Veterans) (16:35:35):** I speak tonight on COVID-19 and the impact the pandemic has had on my community. Whilst this pandemic has affected us all in some way, and indeed the effects will continue to be felt in future, during this difficult time my community in the Drummoyne electorate has fought back with kindness, hope and love. I join many members of the House in admiring the resilience of the community to persevere. In this time I have been liaising with many small businesses and not-for-profit organisations to discuss how governments can support them to continue to deliver outcomes for the community. It has made me so proud to represent an electorate that is so willing to help one another when in need.

I take this opportunity to give a few examples that illustrate the way in which my community has supported those in need, including those particularly vulnerable and most affected by the pandemic. Co.As.It is a wonderful grassroots not-for-profit organisation that assists migrants in New South Wales, many of whom live in my electorate. Co.As.It provides a range of community programs including in-home aged care services, giving much-needed support and care to many vulnerable elderly people. During the COVID-19 pandemic, Co.As.It has adapted and added to its support services to include important initiatives such as the purchasing and delivery of essential groceries and medication for seniors who are self-isolating, and facilitating its newly developed telephone companionship program where staff regularly call clients to check on their welfare during this time. I acknowledge Co.As.It, its CEO, Thomas Camporeale, its president, Lorenzo Fazzini, the board and all the staff who are doing wonderful work in coordinating the services to support the community.

CaraCare is another truly remarkable grassroots not-for-profit organisation located in Concord. CaraCare supports the most vulnerable children across New South Wales by providing support and psychological services for children experiencing trauma. During the pandemic, CaraCare adapted its support services to ensure it could continue to provide support services for vulnerable children and families. The organisation works alongside government agencies to ensure that the safety, mental health and wellbeing of vulnerable children and their families are achieved. CaraCare developed at-home care packs for children enrolled in its services and affected by the COVID-19 pandemic. These care packs have been fundamental in ensuring that the health and wellbeing of vulnerable children is supported in a significant time of need. CaraCare is an organisation that is primarily run by unpaid, professionally trained volunteers who are some of the most compassionate and considerate people I have ever met. I thank Mary Jo and her team. Their vision and work in establishing and fostering CaraCare is an important legacy that makes a difference each and every day.

There are countless examples where members of my community have supported one another throughout this pandemic. There are many doing it tough right now, but the community groups in the Drummoyne electorate are contributing by providing access to food, clothing, mental health services and other essentials for people in need. I acknowledge the many charities, small businesses, church groups, schools and not-for-profit organisations and thank these groups for their assistance. I acknowledge and thank the staff at Concord Hospital, police at Burwood area command, and ambulance staff from the Haberfield and Concord West stations for their work each and every day, and particularly during this difficult time. The kindness I have seen from everyone across my community makes me so proud to be their representative and the member for Drummoyne.

### INDIGENOUS RECONCILIATION

**Dr HUGH McDERMOTT (Prospect) (16:39:54):** Australia's first formal reconciliation attempt between our First Peoples and the British colonists was held on Prospect Hill in western Sydney in 1805. It was an attempt to find peace between the Dharug people and the British settlers, built on hope after years of frontier conflict. The

reconciliation attempts were instigated by local Dharug women, who attempted to make peace with men whom they knew were responsible for the deaths of their people and the dispossession of their traditional land. Although this reconciliation attempt did not lead to lasting peace, the willingness of the Dharug people to move beyond the atrocities perpetrated against them in good faith was an inspiration to future reconciliation attempts. If some 220 years ago the Dharug people could attempt to make peace with hostile British settlers and soldiers, surely today in our multicultural society we can act in good faith and work towards lasting reconciliation with our First Australians.

From the early days of the British colonisation there was conflict between First Nations peoples and the settlers. With the rapid expansion of the Sydney, Parramatta and Toongabbie settlements, conflict intensified. In July 1791 Governor Arthur Phillip granted land on Prospect Hill to a group of settlers with the aim of establishing farms. This further encroachment of settlers onto Dharug land led to a period of open conflict, known today as the frontier wars. As the expansion of settlements continued, violence escalated with the resistance leader, Pemulwuy, gathering forces, and engaging settlers in desperate and brutal guerrilla warfare. This open warfare included, at its height, the battle of Parramatta in March 1787 when Pemulwuy led over 100 warriors in an attack on a government farm in Toongabbie, challenging in pitch battle the army garrison stationed there. Some 13 soldiers and an estimated 32 Aboriginal warriors were killed. The reprisals against the First Nations people were extreme, with many people who were not involved in the conflict being murdered. Conflict continued and intensified across Sydney. Our First Nations people were continually pushed from their traditional lands and had their lives upturned.

Finally in 1805, despite the years of ill will between the settlers and the Dharug people, a group of Dharug women initiated a conference with the aim of moving towards a negotiated settlement and reconciliation. These women were brave; they sought peace rather than continued warfare. They were aggrieved, but they were prepared to set this aside in the hope of a better life. On 3 May 1805 a meeting was held between the Dharug women, Reverend Samuel Marsden and local settlers and soldiers. Peace was struck, although it was not a fair peace—it required the surrender of Dharug men involved in the conflict, but no justice was served on settlers who had for years attacked and harassed the Dharug people. Although this reconciliation was neither just nor lasting, it provided a level of peace in the area for some years. However, given the rapidly growing colony, conflict arose again with further attacks and land dispossession.

This first recorded attempt at reconciliation showed the willingness of the Dharug people and the early settlers to come together in an attempt to reach peace. It also showed how hard it can be to maintain peace and reconciliation. It is not a process that can be solved in one day; it is an ongoing process that will last beyond our lifetime. The history of reconciliation must be remembered as we continue to work towards a just society for our First Nations people. At the site of Australia's first recorded reconciliation attempt, Cumberland City Council is working with the local Aboriginal community and Elders to protect Prospect Hill and showcase its historical importance to the wider community.

A masterplan has been developed to rejuvenate Prospect Hill, build pathways to allow access and protect ceremonial sites. A cultural centre is also planned for the lower site to provide education to visitors and schoolchildren, to ensure that the importance of Prospect Hill to our community and history is widely shared. We owe it to the First Australians, the Aboriginal and Torres Strait Islander peoples, to strive towards reconciliation to ensure a just and equitable society for all Australians. We must remember the failures and the successes of the past so that we can build a lasting reconciliation for all.

### COVID-19 AND BARWON ELECTORATE

**Mr ROY BUTLER (Barwon) (16:44:48):** In March more than 90 per cent of New South Wales was still drought-declared. A smattering of rainfall across Barwon had provided hope and optimism to a few that there would be better days ahead this year. For others they watched with disappointment the news footage of farmers jumping for joy in rain puddles; it was not them. The drought rolled on; there was no tinge of green in their paddocks. For the areas that received rain, hope was back—there was a light at the end of the tunnel. Businesses in towns felt optimistic; perhaps people would have some money in their pockets to spend on the simple pleasures of life—a coffee in the sun or a new pair of shoes.

Perhaps, I thought to myself, the regional New South Wales economy will come off life support, and the full-blown socio-economic drought might be finally ending. But into the intensive care ward came COVID-19 swinging a bat. It hit us when we already had our backs to the wall in a fight for our communities. I hope that COVID-19 is the single biggest health and economic disaster we see in our lifetime. I am not here to downplay the impact that it has had on the economy of Sydney, but regional New South Wales was already on its knees when COVID-19 came along.

Assessments show that in 2018-19 regional New South Wales was in recession due to contractions in the agriculture industry caused by drought. Everyone in this State should care about that fact because in 2017-18 the

gross value of agricultural production in New South Wales was \$13 billion. Agriculture accounts for around 1.6 per cent and for downstream processing around 3.5 per cent of income in New South Wales. On a regional scale, if agriculture is not producing, the new money that is not available affects everyone in that town. Agriculture and farming, when operating at full production, generates money, jobs and investment, not just for the towns in my electorate but for the entire State.

Why do I bring this up in relation to COVID-19? Because regional New South Wales and farming should be a part of our shared economic recovery. For the first time since 2016, many of our producers are in a position to seriously consider rebuilding depleted herds and flocks and sowing winter crops. But record prices for livestock and the level of debt farmers are carrying is making it incredibly hard for farmers to return to production. If the New South Wales Government is looking for jobs it needs only to provide funding to the agriculture sector to get back on its feet. In this State, job losses due to drought were around 17,500 full-time equivalent in 2017-18 and more than 34,000 jobs in 2018-19. Those jobs are all still there, dormant, waiting for agriculture to kick back into full swing. And what do farmers have once they are back in production? The ability to go into town, settle bills with local businesses and spend money in the main street—creating more jobs for locals and getting the economy going again.

Our businesses in Barwon have been hanging on waiting for the day our farmers will be able to do that. Treasurer, when you are looking for ways to kick-start New South Wales and the regions, do not just look at advertising campaigns to get our city cousins to travel out to the bush—look at the ways we are ready to help ourselves. Look to agricultural production; look at the industry that delivers not only food to our table but also money to the economy and jobs and opportunity for people. Support the industry to which, during its darkest days, you provided the options of loans and debt. Look to the industry that, despite a lack of help, and all that Mother Nature threw at it, still has farmers on their farms today sowing a winter crop—a crop the farmers had to reach deep into their pockets to fund or, if they were lucky, have been able to turn to a bank to provide the funding.

Look to support them retrospectively; pay them back the money they have sunk into a crop this year, because when they pull that crop off they will do more for the State's economy and the local businesses in their community than what the Government has done through this drought. Regional New South Wales has so far weathered COVID-19, due to the actions of the State Government, and for that I pass on my sincere thanks on behalf of Barwon. I thank the Ministers who acted on my requests and the staffers who were persistent in solving the issues raised. Because politics was cast aside New South Wales is holding COVID-19 at bay. But I am here today on behalf of regional New South Wales to ask the Government to reach back into its pockets and fund agricultural recovery, because that investment will be returned fourfold. For every \$1 invested in agriculture there is a \$4 return. That seems like a pretty sound economic return to me, Treasurer.

#### COVID-19 AND AUBURN ELECTORATE

**Ms LYNDA VOLTZ (Auburn) (16:49:15):** Like the member for Barwon, who spoke of the hardships in regional New South Wales due to the drought and COVID-19, I wish to speak about the problems in Auburn going into the COVID-19 crisis and the way that they have spiralled. The electorate of Auburn already had the second-highest rate of homelessness in the State and it already had double-digit unemployment before the COVID-19 crisis hit. There was no need to wait around to see double-digit unemployment for the people who live in the electorate; they experienced it every day and it would not have taken very long for the New South Wales Government to pick up any data that is provided to see what the situation in the Auburn electorate was as soon as this crisis hit.

Yet since industry has closed down, those in the Auburn electorate who have no citizenship or residency rights have been unable to access benefits and there has been a significant problem in the increase of homelessness among New Zealand citizens and international students. I have had at least three New Zealand families come through the doors of my office—one family living in a car and two families with eviction notices. Despite contacting the office of the Minister for Housing on numerous occasions for assistance, the only response forthcoming was that I should contact the Red Cross. But the Red Cross was unable to provide any assistance. I am still waiting for someone to return my calls on the inability for any assistance to be provided through Link2Home, which was always our first point of referral.

I also contacted the Minister to find out what outreach was being undertaken in my electorate. The Government talks about putting homeless people in hotels and having these huge outreach programs with people walking around in red jackets, but for an electorate that already had the second-highest rate of homelessness the reality is that that has not been provided. The option of accommodation in hotels has been limited to only the Sydney CBD and the Parramatta CBD. I was informed that one non-government organisation at Blacktown would be doing outreach. When I contacted that organisation I was told that it had not been able to provide any outreach at that point—and that was already five weeks into the crisis—because it had not been provided with any

public-private partnership nor, more importantly, had it been provided with any additional funding by the New South Wales Government.

I would be interested to know why a non-government organisation that was covering large swathes of Greater Western Sydney with three million residents, which included the second-largest pocket of homelessness, was not at the top of the list for government support. For all the media coverage regarding the New South Wales Government putting people in hotels, I am yet to find any program outside the Sydney CBD and the Parramatta CBD that deals with the large pockets of homelessness in western Sydney. I am also aware that a number of homeless people have attempted to access temporary accommodation through the homelessness sector and have been knocked back.

The situation with international students is dire. A number of abandoned buildings in the Auburn electorate that have been previously the squat of older homeless men have now become the sleeping places of a significant number of international students. The treatment of international students is a disgrace. The New South Wales Government must take responsibility for the reputational damage of their situation and what this will mean for the education sector in the future. I have been contacted by a large number of local groups that have undertaken to assist with feeding international students and they are now overwhelmed. This is particularly the case in the Filipino and Tamil communities and I note the good work of Cen and Ruben Amores in the Filipino community and Durga Owen in the Tamils in getting together.

The Filipino community has informed me that it is currently providing support to 1,000 international students. Community members have contacted me in desperation as their current operation and support are unsustainable with FoodBank already swamped and donations drying up. The electorate of Auburn already had 10 per cent unemployment before the crisis hit. If the predictions are correct this will reach over 20 per cent. There are no government programs to deal with this problem. Indeed, the Government just dumped a shovel-ready program that was due to start on 1 July with 3,000 jobs—the stadium in the Auburn electorate—while they kept the Powerhouse, which was not shovel-ready, in the adjoining Liberal electorate of Parramatta.

#### TRIBUTE TO HARRY BUCKLEY

**Mr GREG PIPER (Lake Macquarie) (16:54:25):** Along with many in the Lake Macquarie community, I was saddened by the recent passing of Harry Buckley. Harry was not only a fascinating and much-loved member of my community; he was also one of our region's most decorated and respected ex-servicemen. Born in 1926 he joined the merchant navy at the age of 14, spent three months of his life shipwrecked on a lonely Pacific atoll, later led a construction squadron at Woomera rocket range and went on to have a very distinguished career in our defence services with stints in Malaya, Vietnam and North Borneo. Harry received citations from the United States and Vietnam and boasted a chest full of medals and citations he earned along the way. One of them recognised his service within the most decorated unit of the Australian Army, the AATTV, or Australian Army Training Team Vietnam.

I acknowledge only a small part of Harry's achievements. I thank Daniel Sloan, the current president of South Lake Macquarie RSL sub-Branch at Morisset for his assistance in preparing this list. Harry began his career at 14 as an assistant purser and cargo supervisor in the merchant navy. During World War II he became shipwrecked aboard an inter-island merchant vessel, *Jon Bolton*. He spent three months perched on a lonely atoll with the rest of the ship's crew, presumed dead at sea, until eventually rescued. As Japanese forces threatened in 1942, Harry was promoted. At the age of 16 he found himself aboard *Desikoko*, which was attached to the US Army Small Ships section. It was used to supply ammunition and rations to troops near New Guinea. That ship was later bombed by the Japanese but Harry and the crew made it back to Cairns and, eventually, to Sydney. In Harry's own words:

I was discharged from the merchant navy. I was now on my own, feeling very lost in this city, but never gave up.

Harry lied about his age and joined the Civil Construction Corps, served in Darwin and then with the Australian regular army in 1947. From there he forged a career as a field engineer, joined the School of Military Engineering and was posted to the Royal Construction Squadron at Woomera rocket range. His promotion and service record there was astounding. On Vietnam Veterans Day in 2007, Brigadier Frank Cross, AM, honoured Harry and stated:

Within one year of joining the army, Harry had completed his recruit training, his trade qualifications as a carpenter and joiner, his military field engineer training and was promoted to Corporal, section commander. Three years later he was promoted to Sergeant and, in time, Warrant Officer Class 1, serving eight years in that rank before retiring after 30 years of service.

Harry's time included service with the most decorated unit of the army, the Australian Army Training Team Vietnam. He was by all accounts an extraordinary leader but, as Brigadier Cross noted, he was also a man of quiet confidence, intelligence and enthusiasm, with a ready sense of humour and a charismatic touch with people. On Anzac Day and at all other commemorations at Morisset and elsewhere, Harry's service was proudly reflected in the medals and citations he wore. As Brigadier Cross noted:

Very, very few have so many. Few who served in Vietnam wear citations from the US and what was then the South Vietnamese government.

Harry's service did not stop when he retired. He joined the RSL in 1965 and dedicated his time and knowledge to other veterans and their causes. At the South Lake Macquarie RSL sub-Branch, Harry held positions as a committee member, vice-president, president and trustee. He was also Vice-President and President of Hunter Valley District Council of sub-Branches and became a mentor to many in younger generations. Among them was Daniel Sloan, the current President of the South Lake Macquarie RSL sub-Branch. Dan said that Harry approached him a few years ago, just before his ninetieth birthday, to announce that ill health required him to "hang up the boots and retire" from his active role. His retirement was reluctantly accepted, but not before the sub-branch appointed him its honorary patron.

I had the pleasure of meeting Harry on a number of occasions. He was an extraordinary man with an extraordinary history of service to his country and his community. I am privileged to have met Harry Buckley and to be able to acknowledge his service in Parliament today. I know that the Premier and members of this House will join me in passing our very best regards to Harry's family and friends, particularly those within the RSL. We salute and thank Warrant Officer Class One Harry Buckley. Lest we forget.

**Business interrupted.**

*Public Interest Debate*

**PUBLIC SECTOR PAY FREEZE**

**Mr GREG WARREN (Campbelltown) (16:59:39):** I move:

That this House:

- (1) Welcomes the Legislative Council's decision to overturn the Government's public sector pay cut, which would have cost the western Sydney economy \$555 million.
- (2) Calls on the Government to abandon its public sector pay cut, which is bad for jobs, bad for small business and bad for workers across New South Wales.
- (3) Calls on the Government to adopt Labor's "Made in New South Wales" local procurement policy to ensure the procurement power of Government is used to support jobs in western Sydney

Currently over 2.6 million people live in western Sydney in over 826,000 dwellings with an average household size of three people per dwelling. That is 49 per cent of Sydney's total population. According to the Government's data, an additional 1.3 million people are destined for western Sydney by 2056. In 2019 well over 1.1 million people were living in the Greater Western Sydney region, of whom 65 per cent were employed full time and 32 per cent were employed part time.

Australia's third-largest economy exists in western Sydney, producing 33 per cent of Sydney's gross regional product—\$111 billion. It is also one of the most culturally diverse communities in Australia, with more than 100 cultural and ethnic backgrounds. Western Sydney comprises many electorates. All of them have boundaries but the boundaries of this Government's neglect and contempt for the people of western Sydney are limitless. A boundary redistribution is in the pipeline but the contempt of this Government has no boundaries. Whether it is East Hills, Holsworthy, Camden, Parramatta, Seven Hills, Mulgoa, Penrith, it is absolutely abhorrent. The people of western Sydney know it and we will not let them forget. I welcome the Legislative Council's wise and fair decision to overturn the Government's public sector pay cut, which I said was bad for jobs, bad for small business and bad for workers right across the State of New South Wales.

**Mr Lee Evans:** You know what is bad for jobs? No jobs.

**Mr GREG WARREN:** I note the interjection of the member for Heathcote. I will get to the member's comment soon; do not worry about that. If the Government's proposed wage freeze were to proceed, it would result in the economy of western Sydney taking a \$555 million hit—\$555 million torn out of the heartland of this nation's economy, out of this State's economy, and out of each and every hard-working family in western Sydney. Tens of thousands of public sector workers are in western Sydney: 6,900 in Camden, more than 3,800 in East Hills, more than 4,600 in Holsworthy, more than 5,500 in Parramatta, more than 5,300 in Penrith, more than 5,000 in Riverstone and more than 6,000 in Seven Hills.

I note that the member for Penrith, the Minister for Jobs, Investment, Tourism and Western Sydney, is in the Chamber. I trust he takes note of his previous electoral result whereby he held his seat by about 1,000 votes. The people of western Sydney know that, we will remind them and they will not forget. More than 4,500 public sector workers reside in my electorate of Campbelltown. Half of them are in the health system. They are the selfless working men and women who have provided support for local communities and families during this

pandemic—undoubtedly and unarguably one of the most challenging times in this State's history and, indeed, in a generation.

During the pandemic the Premier and Government members have rightly praised those frontline workers. I join them in that praise and, again, on behalf of the Labor Opposition I thank those frontline workers for their selfless contribution. But what do we see from this Government? In the face of one of the worst times in this State's history, it tells those workers that it will cut their pay. The Government calls it a "wage freeze". It can sugar-coat this all it likes, but it is nothing more than a financial imposition and a wage cut. My electorate of Campbelltown is home to one of the most overworked and under-resourced hospitals in the State. The number of emergency presentations has risen by 150 per cent since 2011. Manufacturing in western Sydney supports a flourishing, growing economy with every ability but this Government builds its ferries in China and Indonesia. Those opposite want to build their buses in Malaysia. They want to build their trains in South Korea and in China. Should we talk about the metros from India? Should we talk about the light rail from France and Spain? It has been nothing short of a dog's breakfast—an absolute mess. It is a legacy that this Government will live with until the end of its days. It will be a scar on the Liberal Party and a taint on western Sydney.

But it does not end there. The Government failed to release the \$63.5 million needed for the Dunheved Road upgrade in western Sydney. It made decisions based on political allegiances rather than the needs of the community and their demands and requirements. What about the sports rorts? The Labor strongholds of Campbelltown, Canterbury, Bankstown and Blacktown were all shunned. Why? It is simply because they did not vote the Government's way. There is a \$12 million sports centre for Penrith Panthers that no longer includes a sports facility. In her capacity as transport Minister, the Premier promised to build new commuter carparks, including in Campbelltown, but reneged on that. The Government's boundaries of the ignorance when it comes to western Sydney are limitless. I tell members now: NSW Labor will provide western Sydney with the prosperity—

**The DEPUTY SPEAKER:** I call the member for Heathcote to order for the first time.

**Mr GREG WARREN:** —it needs for the future. [*Time expired.*]

**Mr STUART AYRES (Penrith—Minister for Jobs, Investment, Tourism and Western Sydney) (17:06:57):** On behalf of the Government, I say up-front that it will not be supporting this motion, largely because nothing in it supports creating jobs across western Sydney compared with what the New South Wales Government has done consistently since it came to office. I can say with absolute surety that the people of western Sydney agree with that statement because they keep re-electing us. This is the second public interest debate in two days during which members opposite have referred continually to the electoral margin. To use a great Labor saying, "You can have the swing and I will take the seat." The Government will keep doing that right across western Sydney. I can say with absolute confidence that as people across western Sydney see Liverpool Hospital, Westmead Hospital and Nepean Hospital being redeveloped, they know that this Government is investing in western Sydney, creating jobs and making sure that they have the services they need.

**The DEPUTY SPEAKER:** I call the member for Fairfield to order for the first time.

**Mr STUART AYRES:** We have also seen significant investments across school infrastructure and an increase in the budgets that are available to schools so that they are able to provide high-quality education. Consistently, we have seen more electorates across western Sydney support the Government's position, and they will continue to do so. This Government has set out a very clear vision for the Western Parkland City, with a strong focus around the aerotropolis. The aerotropolis hangs off the back of substantial investment in the new Western Sydney Airport.

Just this week the Prime Minister and the Premier announced a new metro rail line linking St Marys to the aerotropolis, with two new stations at Orchard Hills and Luddenham picking up two stations at the airport site and at the aerotropolis. That project alone will generate over 14,000 jobs for people across western Sydney. If we start to look at the work that the Government is doing in developing advanced manufacturing research facilities—backed by some of the largest businesses around the world—we can see that businesses around the world, like residents in western Sydney, are confident about the future of the western Sydney economy. It is a shame that the Labor Party is not.

What I find interesting about this motion is the \$555 million figure. One of the premises that the Government took forward in its motion in the Legislative Council was that every dollar saved from the public sector wage freeze over 12 months would be reinvested in job creation. That would make \$3 billion available. If those opposite argue the point that \$555 million would be taken out, they also argue the point that they would not have invested more than \$555 million back into the western Sydney economy. Under our \$100 billion infrastructure plan—plus the money that would have been made available for reinvestment in this upcoming financial year—we would have significantly exceeded the figure that the Labor Party is arguing about. I can say

with extreme confidence that people in western Sydney who have lost their jobs because of the COVID-19 crisis would not benefit from anything that is put forward in this motion.

The simple fact of the matter is that western Sydney, like the rest of New South Wales, needs clear leadership from its Government. It needs a strong focus on making sure that we deal with the health crisis. The foundation of any economic recovery from COVID-19 is the strong response that we have seen from our health departments and our health officials. They have seen New South Wales lead the way when it comes to making sure that we have the strongest possible foundation upon which to grow. When we add in policy such as the Western Sydney City Deal, a strong infrastructure agenda and the strong focus on service delivery that this Government took to the people in 2011, 2015 and 2019—and that has been consistently supported by western Sydney voters—we can see why people across western Sydney will see this motion as nothing more than political posturing. Yesterday the Labor Party made it clear that it was all about counting. Today those opposite want to focus on the politics of margins and seats. The simple reality is that members on this side of the Chamber—those representing their constituencies—are focused on families. They are focused on job creation, infrastructure and service delivery. What they are not focused on is politics.

**Mr STEPHEN BALI (Blacktown) (17:12:08):** I am not too sure why I am speaking in this debate since the Government has excluded Blacktown city from the Western Sydney City Deal. At least Labor knows where Blacktown belongs—in western Sydney. Congratulations to the Legislative Council Labor and crossbench members who overturned the public sector pay cut. Unfortunately, like a spoiled brat, the Government is now running off to the Industrial Relations Commission to enforce its will regarding the pay cuts. The mind boggles as to how much will be paid to HR consultants and lawyers, not to mention the pain and suffering of the workers who are giving so much on the front line but are given only lip service by this Government. We need more money in the pockets of workers so they can spend and the economy is able to recover.

There is clear evidence that the Government's wages policy is seen as a guide by the private sector. The government wages cut would have flowed on to private sector workers, resulting in enormous economic damage. The State and Federal governments want to pick and choose the winners and losers. They have spun the dial and the losers are the public sector workers. The winners are the senior executives, through their pay rises and their Coalition-selected government projects. Some 6,000 public sector workers live in the electorate of Blacktown and I thank them all for their wonderful efforts. Looking at my neighbouring electorates, it is sad to see that the member for Riverstone and the member for Seven Hills last night voted against the 11,000 public servants who live in their electorates. I wonder whether there was any consultation with their electorates about that.

The third part of the motion calls on the Government to adopt Labor's "Made in New South Wales" local procurement policy. This will drive demand for local goods and services by using the enormous power of the Government through procurement spending. Whilst this policy is a great opportunity to boost the New South Wales economy, I am afraid the Government has no economic credibility to deliver on it. The Government spins and presents half-truths and partial stories to take all the glory for the success stories, but socialises any problems and failures because "we are all in it together".

I turn to the grandiose \$3.5 billion Badgerys Creek airport line as an example. Both the Federal and State governments trumpeted back in 2014 that the airport would deliver roads and rail projects to western Sydney. All the sycophants on the sideline echoed that it would all happen. The Western Sydney Airport Rail Needs scoping study announced that the three rail projects required for the airport to work will cost up to \$43 billion in 2017. Why does this Government not come clean and provide us with the details of what the \$3.5 billion out of the \$43 billion will actually get us? We would be lucky to have Thomas the Tank Engine and Friends working on the rail line. Obviously, we will have to buy some discounted overseas infrastructure rather than using New South Wales made products.

The State and Federal governments have previously announced that they are investigating value capture as a means of funding these rail lines. This Government must come clean and tell western Sydney people how much of the \$40 billion unfunded rail program will be funded by western Sydney residents. Why does western Sydney have to pay for its own infrastructure? How much will it have to pay and how long will this value capture—or glorified land tax—stay in place? Why is value capture being applied only to western Sydney residents? This will be a tax on jobs and a tax on living in western Sydney.

My second example is the planning of the fast track to nowhere. The Riverstone West industrial park plan would have created up to 20,000 jobs, but it has sat idle with this Government for nine years. The developers even agreed to fund the flood study to be undertaken by the Government via an independent third party if the Government could simply agree to the terms of reference. It has been nine years—there is no fast tracking on this one or its 20,000 jobs. The western Sydney economy can thrive and, even in these difficult times, with the right procurement policy, support the State. The Liberal-Nationals Government must support western Sydney so that it continues to be the engine room for Australia's prosperity and leads us out of the COVID economic crisis.

**Mrs TANYA DAVIES (Mulgoa) (17:17:17):** It is unfortunate that the member for Blacktown is so far behind the times he does not yet know that the cost of the Sydney Metro Western Sydney Airport line is not \$3.5 billion; it is now valued at closer to \$11 billion. I am proud to join the Minister for Western Sydney to set the record straight on the New South Wales Liberal-Nationals Government's unprecedented investment in western Sydney which has led to record job opportunities for my community and region. Under the Government's leadership we have the largest pipeline of infrastructure projects in the nation, totalling over \$100 billion of investment in our hospitals, schools, roads, rail, metro, bridges, open spaces, parklands and more. This investment has created job opportunities across our State and across western Sydney more specifically like never before. Now we are responding to the global COVID-19 pandemic, which has decimated the economy locally, nationally and globally.

Today the Federal Treasurer announced that the nation is in its first recession in 29 years due to the impact of COVID-19. Now more than ever our communities need the New South Wales Liberals-Nationals Government, with its proven fiscal and economic competence, to rebuild our economy. The Government responded swiftly to tackle COVID-19 and keep people as safe as possible; now it is responding to tackle the economy and keep people in jobs as much as possible. On top of the stellar efforts of the Government to transform the State with billions of dollars of investment, in response to COVID-19 it has taken specific action to keep people in jobs and rebuild employment opportunities for all citizens across our State and region. We have announced a Planning System Acceleration Program that is already boosting the State's economy and creating opportunities for thousands of new jobs. Six projects in western Sydney worth \$1.81 billion that will generate 16,052 jobs have recently been announced including the Austral Bricks facility upgrade, the Penrith Resource Recovery Facility, the Mount Druitt CBD rezoning and the Bunnings Warehouse at Bringelly.

The \$2.6 billion Mamre Road Precinct in my electorate, which includes new environmental lands and open space, is being assessed under the acceleration program. It alone will create over 5,250 jobs. As recently as Monday—just three days ago—the Federal and State governments announced that construction will begin this year on the Sydney Metro Western Sydney Airport line in direct response to the construction of the Western Sydney Airport, which is well underway. The project will support 14,000 jobs and will bring new opportunities for the people of western Sydney closer to home. It represents an economic stimulus in the middle of western Sydney and will support jobs for electricians, carpenters, plumbers, tunnellers, surveyors, crane and forklift operators, and truck drivers. The airport, together with the \$4.1 billion Western Sydney Infrastructure Plan that will upgrade local roads to connect the airport to the existing State and motorway network, is delivering a jobs bonanza to western Sydney. But we are also focused on education and health jobs.

The investment by the New South Wales Liberal-Nationals Government into health is staggering to consider. Just last week the Minister for Health and Medical Research announced that the \$790 million redevelopment of Liverpool Hospital is one step closer with the unveiling of the designs for the world-class medical research and education precinct. The Liverpool Health and Academic Precinct will deliver significantly expanded and improved health services, almost doubling chemotherapy treatment spaces and doubling the neonatal intensive care unit capacity. This means that more construction and ongoing health sector jobs are coming to south-west Sydney. In Penrith the \$1 billion Nepean Hospital redevelopment is well underway. With a growing western Sydney population, it is only the Liberals and The Nationals that can be trusted to deliver for the community. At the last election Labor's commitment was a funding cut for the desperately needed Nepean Hospital rebuild. The Government is continuing its record health infrastructure program with \$10.1 billion in the pipeline over this term, on top of the \$10 billion already spent, boosting jobs and local economies across the State.

I have run out of time to list all the education projects the Government has delivered across western Sydney and the State. The St Clair High School innovation centre in my electorate was rebuilt after a significant fire destroyed 80 per cent of the school. The education projects that are currently being delivered include the expansion of Cecil Hills Public School in south-west Sydney. The education projects that are in the detailed planning stage include Mulgoa Rise Primary School and Glenmore Park High School Performing Arts and Learning Centre for western Sydney. It is only the New South Wales Liberal-Nationals Government that has the proven track record to deliver jobs for residents across western Sydney. I thank the Minister for his leadership on behalf of the Government in this public interest debate. I thank the Liberal-Nationals Government for its leadership during the COVID-19 health crisis and as we rebuild the economy and respond to the challenges we are facing together.

**Mr GUY ZANGARI (Fairfield) (17:22:20):** What a slap in the face this is for public sector workers in the Mulgoa electorate and western Sydney. Before I go on to play a little game called "Who Said That?", I will thank the public sector workers not only in the Fairfield electorate but also right across the economic powerhouse of western Sydney. I thank the teachers who have worked very diligently and who basically turned everything upside down during this time. I thank our healthcare workers, our doctors, our nurses, our paramedics, the firefighters, the police and prison officers, the Service NSW staff, the public transport staff, the child protection caseworkers, the cleaners—and the list goes on and on.

Federal Treasurer Josh Frydenberg—anyone playing at home who does not know he is the Federal Treasurer is living under a rock—today said that Australia is diving towards a recession with projections in the June quarter to be far more severe than we have seen to date. With experts projecting a continued decline before the end of the month, the New South Wales Liberal-Nationals Government is doing its best to keep the money out of the pockets of people and local communities. It is an absolute disgrace that at a time when we need to kickstart the economy—to get those people back into their jobs at cafes, restaurants, pubs and clubs—the Government says to public sector workers, "Sorry, we're not going to give you a 2.5 per cent wage increase. We're going to stop it there. We're going to throw it out the window." How ridiculous is that? This comes from a government that cuts services, sacks workers and, moreover, sells assets. That is what it does at a time when we need the money. We have no money coming in because it sold everything.

**Mr Greg Warren:** They would sell their own dog.

**Mr GUY ZANGARI:** It would and the next thing it will be selling is the Opera House or the Sydney Harbour Bridge. For those at home, for those sitting on the plush seats of this Chamber, sitting upstairs or watching remotely—all two of you—we are going to play "Who said that?" Round one, we are going to look at education. Who said this? This was on 11 May 2020 and it is coming from, can I say, [www.nsw.gov.au](http://www.nsw.gov.au) media releases. Who said, "Our principals, teachers, support staff, parents and carers have gone above and beyond to continue the education of our students while we respond to this pandemic"? The Minister for Education said that.

**The DEPUTY SPEAKER:** The member for Fairfield will direct his comments through the chair.

**Mr GUY ZANGARI:** I will. Who said that, Madam Deputy Speaker? It was the Hon. Sarah Mitchell, the Minister for Education, who is in the other place. Whilst we are in round one, education, who said, "Schools are a crucial part of our response to COVID-19 and I want to thank the students, the principals, the teachers and the parents for being flexible and responding quickly to delivering education during the pandemic"? Madam Deputy Speaker, who said that?

**Mr Stephen Bali:** The Premier.

**Mr GUY ZANGARI:** That is right, the Premier, Gladys Berejiklian. The member for Blacktown is getting the points. Round two, intensive care unit [ICU] nurses. Who said this, Madam Deputy Speaker: "ICU nurses deliver an extraordinary standard of care all year round to regional and metropolitan communities across New South Wales and we need them now more than ever in our fight against COVID-19"?

**Ms Kate Washington:** The health Minister.

**Mr GUY ZANGARI:** Correct, the health Minister said that. But who went on to say, "ICU nurses are key members of our critical care teams"? Any takers? It was Gladys Berejiklian. Well done, Madam Deputy Speaker. Moving on to round three, health staff. Who said this: "The New South Wales Government is doing everything it can to reduce the stress on our health staff who are working around the clock during this pandemic. Our healthcare workers are on the front line for our battle with COVID-19 and we will need to do whatever we can to support them during this difficult time"? Who said that? The member for Willoughby, the Premier, said that.

Is it not funny that when the going gets tough the Government says these things but when the tough have to get going the Government will just rip up their pay cheque and keep them wallowing in misery because the Government is not going to pay them what they deserve for doing the great work. I will move on to round four, frontline health staff. Who said, "Our health professionals are among the best in the world and we must do everything we can to help them, not just now but also in the weeks and months ahead as we battle this virus"? Who said that? Gladys Berejiklian, the Premier of this State, said that. I could go on and on and on. But one thing is for sure: This Government says everything and does nothing. [*Time expired.*]

**Mr KEVIN CONOLLY (Riverstone) (17:27:32):** How sad is it that when the people of New South Wales are reeling from one of the greatest economic shocks that this nation has ever experienced, when we have seen jobs lost, hours lost, shifts lost, income lost and people in desperate circumstances that Labor thinks it is a game. Labor comes in here and talks about electoral margins and redistributions; that is its focus. Labor's focus is on playing games with people's futures.

**The DEPUTY SPEAKER:** I call the member for Blacktown to order for the first time.

**Mr KEVIN CONOLLY:** The focus of Labor members is on their own interests and pleasing their masters in the public sector unions, keeping them happy, and to hell with the rest of the people who are going through all this economic strife. The priority of this Government is the people who have lost their jobs, who have lost those hours and those shifts, whose income has been cut, whose circumstances are dire. We want to help them with every available government dollar. Every available government dollar should be spent on creating jobs wherever

it is possible because the greatest form of assistance we can give is to ensure that there are as many jobs available in this community as possible.

We want to invest in projects in that \$100 billion pipeline of infrastructure. We want to accelerate as many of those as we can and we want to fund other shovel-ready projects that other levels of government may be able to assist us with. But we have to be able to direct every available government dollar to where it is needed: to help the people who are in crisis. It is fair to do that. It is fair to focus on those who are in most need and that is what this side of the House is doing. We are focusing on those who need help most by directing every available resource we have to those who need it and by accelerating the many projects that this Government has already in the pipeline in order to make sure that we can create as many jobs as possible.

I have had the welcome opportunity in the past two days to move a motion noting the completion of school upgrades in my electorate at Quakers Hill East Public School, Riverstone High School and Riverbank Public School, the process that is underway right now at Schofields Public School and the new project that has just been approved and will commence in modular construction very shortly at Farmland Drive in Schofields. They are five school projects in the one electorate at various stages of completion. That is an immense investment in education and there are others in the pipeline in the same electorate.

Upgrade projects at Glenwood High School and John Palmer Public School and a new school committed for the Tallawong area are all at various stages of planning. This is a huge investment of \$6 billion over four years in education alone. We have heard about the investment in public hospitals. Fortunately we are rolling out projects right across western Sydney right now when that work is most needed. The member for Blacktown spoke rather foolishly about a motion that did not happen last night in the Chamber and claimed that members voted in particular ways on something that did not happen. Wakey, wakey.

**The DEPUTY SPEAKER:** I call the member for Blacktown to order for the second time.

**Mr KEVIN CONOLLY:** The member forgot to acknowledge the \$700 million that was invested by the Government in his community in a public hospital that was desperately needed and which that side of the House would never have delivered. We have done that while also investing in Nepean Hospital, Campbelltown Hospital and Liverpool Hospital. Right across the region we have invested huge sums of money—at the right time, as it turns out—to create jobs for people who need them. Right across the region we are building roads, whether it is Northern Road, Mulgoa Road or Mamre Road. Across the south-west we are creating lots of jobs by generating the infrastructure that is needed to support the new airport, in which this Government has played an important role. The infrastructure that is going in there, the rail line that was announced the other day, will connect the airport to the main Western Line, linking into the network of Sydney's transport so that when it opens it can play a constructive part from day one.

It is schools, it is hospitals, it is roads and it is rail and they are all at various stages in the pipeline, creating jobs for people who need them. The Government wants to fund other smaller projects too with every available dollar that this Government can find to help the people in this community who are hurting so much today—the ones who do not have job security, the ones who do not have guaranteed hours, the ones who do not have guaranteed income to put food on the table next week. They are the people who need our focus and our priority and this Government is giving them that focus and priority.

**Mr GREG WARREN (Campbelltown) (17:32:42):** In reply: I thank the member for Penrith, the member for Blacktown, the member for Mulgoa, the member for Fairfield and the member for Riverstone for their contributions. Being lectured to by the member for Riverstone about the virtuous nature of western Sydney is near comparable to being lectured to about the virtuous nature of human rights by Joseph Stalin. Not one of the Government members was convincing. The sunrise birthday suit doorknock efforts of the member for Kiama would be more convincing to those suffering constituents of Woolloomooloo than anything said by any of these Government members. But let us end on a positive note. If those opposite are serious about western Sydney and about the workers and families, they will support this motion. We need jobs in western Sydney but we are not seeing the appropriate level of investment from this Government to provide economic growth to release western Sydney, each and every suburb, to its full potential and its rightful place as the economic engine of the State.

We do not see the fuel pipeline going to Western Sydney Airport. We see congested roads and rising unemployment. The member for Blacktown rightfully referred to the Western Sydney Airport metro line. Some \$3.5 billion is to be invested in that project, \$1.7 billion of which is to come from this Government. But it is not in the budget—part of the total \$11 billion which we know will blow out like every other project this Government touches. It is the Errol Flynn government in this State's history. It is an absolute shocker. We do not see the advancement of the M9, which would provide major infrastructure and good investment, or the M12 or the rail connections that are required. The metro is important but we need to see that connectivity to release the full potential of primary industry and economic investment through the Western Sydney Airport.

It is beyond belief that Government members would try to defend their woeful decision to cut the pay of frontline workers, who have given us so much. We say to all those workers: New South Wales Labor stands with you, we will fight together with you and we will never walk away from you. We know that members opposite will always walk away from them. They will say one thing in here and say something totally different in their electorates. Labor says to the people of western Sydney: We will not let you go and we will stand with you.

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

**The House divided.**

Ayes .....34  
Noes .....38  
Majority.....4

**AYES**

Aitchison, J	Bali, S	Barr, C
Butler, R	Catley, Y	Chanthivong, A
Cotsis, S	Dalton, H	Dib, J
Donato, P	Doyle, T	Finn, J
Harris, D	Harrison, J	Hornery, S
Kamper, S	Leong, J	Lynch, P
McDermott, H	McGirr, J	McKay, J
Mehan, D (teller)	Mihailuk, T	O'Neill, M
Park, R	Piper, G	Scully, P
Smith, T	Tesch, L	Voltz, L
Warren, G	Washington, K	Watson, A (teller)
Zangari, G		

**NOES**

Anderson, K	Ayres, S	Barilaro, J
Bromhead, S	Clancy, J	Conolly, K
Cooke, S (teller)	Coure, M	Crouch, A (teller)
Davies, T	Dominello, V	Elliott, D
Evans, L	Gibbons, M	Griffin, J
Gulaptis, C	Henskens, A	Johnsen, M
Lee, G	Lindsay, W	Marshall, A
O'Dea, J	Pavey, M	Perrottet, D
Petinos, E	Preston, R	Provest, G
Roberts, A	Saunders, D	Sidgreaves, P
Sidoti, J	Singh, G	Smith, N
Speakman, M	Stokes, R	Taylor, M
Tuckerman, W	Upton, G	

**PAIRS**

Atalla, E	Hancock, S
Car, P	Constance, A
Crakanthorp, T	Hazzard, B
Daley, M	Kean, M
Haylen, J	Williams, R
Hoenig, R	Wilson, F
Lalich, N	Berejiklian, G
Minns, C	Ward, G
Saffin, J	Toole, P

**Motion negatived.**

*Private Members' Statements***LITTLE WINGS**

**Ms WENDY LINDSAY (East Hills) (17:48:42):** The COVID-19 pandemic has caused me many sleepless nights spent worrying about local organisations, clubs, businesses, nursing homes, schools, friends, family and residents in the East Hills electorate. Many people have lost their jobs and have had their businesses severely impacted. Many organisations in the not-for-profit sector had their income streams evaporate overnight. One of those organisations is Little Wings, which is based at the Bankstown Aerodrome. Little Wings provides free, professional and safe flight and ground transport services for sick children in regional and rural New South Wales. Its pilots donate their flying skills and drivers like Jeff Palmer—who has provided over 300 journeys for the organisation and was recently recognised during National Volunteer Week—donate their time.

I met Clare Pearson, the CEO of Little Wings, at a Canterbury Bankstown Chamber of Commerce event. With the arrival of the COVID-19 pandemic came the closure of clubs and pubs. Several of those registered clubs provide much-welcomed support to Little Wings through their bingo and housie games. The closure of those clubs meant that fundraising events were no longer able to be run. Little Wings was faced with a significant financial shortfall which placed its services in jeopardy. Established in 2012, Little Wings started by providing services to children undergoing cancer treatment at The Children's Hospital in Westmead. It strives to ease the journey and to help sick children access specialised medical services and treatments which are largely only available in major cities or towns. It does everything possible to support families by easing the financial burden, emotional strain and travel fatigue that they experience due to the long-distance travel associated with receiving vital medical treatment.

Little Wings helps families with regular, ongoing medical appointments and offers a welcome break to children during their treatment by bringing them home for much-needed quality time with family and friends. It believes in keeping families together during some of the most testing times. Since its inception Little Wings has extended its services to assist other seriously ill children receiving treatment at the Sydney Children's Hospital Network, John Hunter Children's Hospital in Newcastle and Royal Far West in Manly. Last year Little Wings delivered 477 missions and supported 105 families. Approximately 85 per cent of the patients it supports are children between the ages of eight and 16.

Clare Pearson and Little Wings caused me several sleepless nights. Clare reached out to me for help to keep the planes in the air and I reached out to various Ministers for assistance to make it happen. Following these discussions I asked the Minister for Health and Medical Research to provide funds to help meet this shortfall. With the advocacy of the Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor—who was a former nurse in regional New South Wales—last month we were able to present to Little Wings a cheque for \$200,000. Clare was extremely grateful for the assistance and I was extremely grateful to be able to get some sleep.

As an example, this funding means that a mother can be escorted from the regions with her two young sons, who are two and four years of age. Her four-year-old needs a bone marrow transplant and his two-year-old brother is his donor. The relief this funding brings for regional patients is not only financial, it also means not having to experience the fatigue of a long trip to their treatment. It assists with the stress and anxiety of managing young children who are unwell. Severe illness can turn family life upside down and for those who live in the regions there is the added challenge of a long journey to the right care. That is why it is critical that Little Wings can continue to help families in their hour of need. I was so relieved to be able to help Clare and Little Wings to continue to do the amazing work it does.

**Ms MELANIE GIBBONS (Holsworthy) (17:52:56):** I want to respond to this private member's statement because the member for East Hills is an incredibly compassionate and hardworking member. I know that the sleepless nights she mentioned would have been very real. But she did not just have sleepless nights; she actually did something about it. The \$200,000 for Little Wings will make such a phenomenal difference. I met with staff of this beautiful charity a few years ago together with the member for Mulgoa, to whom it is a local charity. Little Wings, which operates out of Bankstown Airport, makes such a difference to many families who otherwise would not get that respite. Their kids are able to come home and have some time out of hospital—time at home, back on the property and in their own beds surrounded by familiar things. Without the support of Little Wings the children would be stuck in a city hospital. The provision of \$200,000 will make an amazing difference to this phenomenal charity which does phenomenal work. Well done.

**WYONG ELECTORATE PROJECTS**

**Mr DAVID HARRIS (Wyang) (17:53:55):** The past few months have proven to be interesting times. But as the restrictions have been slowly lifting it has been great to be able to meet with community groups in my

electorate and to reconnect with some of the great work they are doing. Local MPs have access to a couple of really important funding streams, including the Community Building Partnership and the sporting grants programs. When the Treasurer is coming up with ideas for stimulus, I seriously recommend that those programs could be grown to not only help community groups but also create economic stimulus across every electorate in the State. The value of some of these works cannot be underestimated not just in improving infrastructure but also in increasing community participation, improving mental health and providing community services that are vital to our electorates.

I will speak about a few projects that are progressing well. The Central Coast Mountain Bike Club is located in the Ourimbah State Forest at a place called Red Hill. The club is producing a world-class mountain bike track with funding from the Community Building Partnership program and the ClubGRANTS program. The track will attract people from all over the State and bring lots of money into the local economy through tourism. It will also give great opportunities to local people. I was supposed to go there to look at the progress but, unfortunately, it has rained on the past two Fridays so I have put it off until next week. We are looking forward to officially opening it. I will try to get my mountain bike out of the shed—if the tyres have not perished—and have a go on it. But, at the very least, I will walk the track to see the work that the club is doing. The Central Coast Mountain Bike Club is to be congratulated on its work with its own members and on producing a world-class track, which will attract people from all over the State and Australia.

The main headquarters of the Central Coast Hockey Association is located in the Wyong electorate. There are clubs right across the Central Coast but they all play at the one venue. It has upgraded its water-based field and is currently converting one of its sand-based fields to a water-based field. When that work is finished it will be able to hold State titles. The association has also put in for a tournament that it shares with Newcastle, which will attract people from all over the State and bring lots of money into the local economy. It will also provide a great facility for the young people of the Central Coast. The Central Coast Hockey Association has a large representation in the State teams. These world-class playing surfaces will give Central Coast Hockey the ability to compete at the highest level, including one of our locals who plays for the Hockeyroos.

These are but a couple of examples of some of the bigger projects that will add greatly to our local economy. I was also pleased to visit the Charmhaven Tennis Centre. Its clubhouse has been fully reconstructed. This great facility will be available to be used not just for tennis; other organisations will be able to use it as well. There is a range of other smaller projects but, as I said, when the Treasurer is considering stimulus, these sorts of programs are so important to all electorates. I have commented on this before in this place. The member for Tweed is in the Chamber. He will remember that once upon a time we used to get about \$700,000 under the Community Building Partnership program.

**Mr Geoff Provest:** Once.

**Mr DAVID HARRIS:** Once, as a stimulus after the global financial crisis. That has now been reduced to \$300,000. I would be happy if it went back to \$700,000 again; it would be a great thing. I am sure MPs right across the Parliament would offer strong bipartisan support for an increase in Community Building Partnership funding, particularly in these times.

#### **BUSHFIRES AND GOULBURN ELECTORATE**

**Mrs WENDY TUCKERMAN (Goulburn) (17:58:56):** What a difficult time the past 12 months have been for the people of New South Wales. First we had intense drought conditions, coupled with a devastating bushfire season over the Christmas and new year period, then intense flash flooding in early February and now the COVID-19 pandemic. But the people of New South Wales, and particularly those of the Goulburn electorate, are fighting back stronger than ever. I speak today with a focus on the bushfire recovery efforts that have ensued to date and continue. As we all know, our bushfire season will be marked as one of the worst in history. My region, like many, was not spared the impacts the season dealt us. There were days when the Goulburn township experienced the worst air quality across the globe and my constituents, as many others, were forced to remain inside their homes for weeks at a time.

The Southern Highlands portion of my electorate was the most heavily impacted, including Penrose, Bundanoon, Tallong, Towrang, Wingello and Moss Vale. Unfortunately, houses were lost and the rebuilding journey will be a long and arduous task. But I am confident, with the New South Wales Government there to support them, that these communities will fight back stronger than ever. I thank in particular some key people for their efforts throughout these difficult times. A huge thank you to Heidi Stratford, Derek McCarthy and their teams for the constant phone calls, updates and everything they have done, and continue to do, to assist with the clean-up processes and for collaborating between the many stakeholders involved throughout. Thank you to the staff at Wingecarribee Shire Council who worked outside regular hours to distribute mayoral relief funds and inject cash into where it was needed most. Thank you to David Stimson and Lachlan Gilchrist of the Rural Fire

Service for conducting many of the community emergency meetings in a professional yet calming matter. They directed the community and helped wherever they could.

I thank David Bruggeman of the Wingello store for his community advocacy and updates, information sharing and genuine desire to help everyone he could—well done to him and his family. I thank Mr Len Foster for his advocacy for the clean-up of trees, particularly in Wingello. He is a country man with a big heart and his efforts did not go unnoticed. I thank Inspector John Klepczarek, the Local Emergency Operations Controller for Southern Highlands. His proactive nature and ability to work with council and the wider community was a huge asset. I thank Jennifer Bowe and the lovely ladies and men who volunteered with the Red Cross, and all those who helped at the shelters with registrations, food and supplies. We are so grateful for the many hours they spent in support of their community. I heard that they had so many volunteers at one point that they had to turn some away due to lack of room in the kitchens. There are so many people who did so much throughout our bushfire season that it is impossible to list and name them all, but we will be forever grateful for their efforts.

Although the threat of the fires is no longer upon us, we must not lose sight of the long haul and the long road ahead. I particularly feel for those who have lost their homes and the journey they are on—rebuilding their homes, rebuilding their lives. These communities are still hurting and although the New South Wales Government has been very supportive, particularly with small business relief available, there is still a long way to go. The \$10,000 small business grants to aid with bushfire recovery has been well received, and I am pleased to hear of the impacts these payments are having on our small businesses. However, I note that they are not extended to all council areas and I will continue to liaise with the Deputy Premier on this matter. In fact, I am looking forward to his follow-up visit at the end of the week with some of those most heavily impacted, including in the Upper Lachlan Shire Council area. I thank the Deputy Premier for his ongoing advocacy for the people of New South Wales in these trying times. Together we can take some key learnings from this horrible event. I look forward to hearing more of the outcomes of the bushfire inquiry and our ongoing discussions with our communities.

#### **COVID-19 AND PORT STEPHENS ELECTORATE**

**Ms KATE WASHINGTON (Port Stephens) (18:03:19):** A lot has changed since we were here last in Parliament House. The COVID-19 pandemic has brought a range of devastating blows to our country, our State and locally to my electorate of Port Stephens. To date, 103 Australians have lost their lives to this virus, including 50 from New South Wales—at least two of those people were from the Hunter. Every one of these deaths is a tragedy. Each represents a life cut short, with families and loved ones left heartbroken. Overwhelmingly this virus has hit elderly Australians the hardest. It has taken from us too many members of our community who were not ready to go. It has also forced all of us to consider the very real prospects of our own family or friends or communities being stricken by this awful virus. However, through the strength of collective action, our communities have been spared the unimaginable scale of heartache seen overseas.

There have been 107,000 deaths in the United States, 40,000 deaths in the United Kingdom, 33,000 deaths in Italy, and 30,000 deaths in both Brazil and France. These are the horrifying consequences of this virus. Yet, so far, our communities have fought together to avoid this awful fate. But in doing so we have seen much sacrificed. Workers in Port Stephens and across New South Wales have lost their jobs. Business owners have lost their livelihoods. Community organisations have closed their doors. Families have been isolated and others forced apart. Vulnerable residents remain isolated. Our entire way of life has been upended. In Port Stephens, our lifeblood, the tourism and hospitality industries, have been decimated.

That is the reality we now face. It is a cost my community has borne to guarantee the success of our broader public health response. And in large part, they have done it without complaint and with a great deal of kindness and compassion. But now, as restrictions are eased, we must as a Parliament focus on delivering the reward our communities deserve for the sacrifices they have made during this pandemic. The reward is simple: Return their lives and livelihoods as best we can to normal. The virus is still among us so we must proceed with good sense and caution. During this crisis I have witnessed the incredible kindness, compassion and strength of our community. We owe much of our success to our frontline workers, and with so many of our services having been privatised the frontline was held by people across the public and private sectors.

Before I turn to our public service frontline workers I will first acknowledge the oft forgotten frontline workers in our supermarkets and banks, driving trucks and buses, emptying our bins, supporting people with disabilities, caring for our elderly, educating our preschoolers, dispensing medicines at our pharmacies and advice from our GP clinics. When the world tried to stop it soon became apparent that the people we could not do without were not the high earners in suits; it was our workers in some of the lowest paid jobs. Within the public service our local healthcare workers have become national and local heroes. Nurses, paramedics, hospital workers and staff have all put themselves at considerable risk to keep us safe. We are indebted to their skills, their determination and their sacrifices.

Likewise our local police officers. In Port Stephens and across the State not only did our police get up every day and carry on protecting our communities against the backdrop of this pandemic; they were also tasked with the unenviable job of enforcing fast-changing public health order restrictions. This was a difficult task. Instead of protecting people's freedoms, police officers were expected to limit and prevent those freedoms. Now, more than ever, our local police deserve our gratitude, our respect and our thanks. Over the past few months our teachers have gone well above and beyond as well. The confusion surrounding schools and learning has been very difficult for everyone involved: teachers, parents and principals—not to mention the students themselves.

Nevertheless, our teachers have adapted and innovated, only to have the playing field change again. They have been, like everyone else, amazing. As a parent, as well as the local MP, I am grateful for the commitment, dedication and flexibility our teachers have shown. There are many other public service frontline workers including prison staff, national park staff and firefighters on the frontline of the bushfires who also deserve our gratitude. What they do not deserve is a pay cut. That is not how to say thank you to these people. When we say thank you and we are grateful we do not do it with a pay cut to our public service workers.

### NEW WINDSOR BRIDGE

**Ms ROBYN PRESTON (Hawkesbury) (18:08:30):** It is my pleasure to update the House on the opening of the new Windsor Bridge to traffic on 16 May 2020 after a construction period of nearly two years. The Windsor Bridge was originally built for horse-drawn vehicles and foot traffic in 1874. These days it carries more than 20,000 vehicles daily. The Georgiou Group was contracted to complete the project. I congratulate and thank it and its team for a job well done, having successfully reached the major milestone of the opening of the new bridge. I also congratulate and thank the New South Wales Government and in particular the Treasurer Dominic Perrottet, MP, for funding this project.

Construction of the new Windsor Bridge commenced in September 2018. It is 157 metres long and crosses the Hawkesbury River. The new bridge has a height of 12 metres on the Windsor side of the bridge and a height of 9.96 metres on the Wilberforce side. Our community and visitors to Hawkesbury now have a new and more reliable bridge that is safer for motorists, pedestrians and cyclists, with wider lanes and shoulders that improve traffic flow. There is also greater connectivity for cyclists and pedestrians to the Hawkesbury. The new bridge can withstand higher flood levels. It was in February this year that our community had the large inconvenience of having the old Windsor Bridge submerged in floodwater for more than two weeks, with people struggling to get to work, school or medical appointments, or anywhere else for that matter.

The new Windsor Bridge created over a thousand jobs and used many Hawkesbury local suppliers and subcontractors. Fourteen Indigenous workers were employed onsite. The project will not be complete until early 2021 with works still outstanding that include the removal of the existing bridge; the installation of a viewing platform on the Windsor side; traffic improvements to approaching intersections; the restoration of the shape of Thompson Square from a triangle to its rightful shape as a square, with the removal of the old road; and landscaping on both sides of the bridge which will incorporate a respectful heritage interpretation in Thompson Square. The new unified space in Thompson Square will be open for the community to enjoy and provide direct access to The Terrace, the river and the new viewing platform.

I thank the Hawkesbury community for its patience and support for the project during this whole process. I respect those who have not supported the project throughout this journey. Their passion and perseverance are admirable. The people of Hawkesbury and its visitors deserve the type of infrastructure that will provide a safe and efficient journey, with locals spending less time on the road and more time with the people that matter. Once again, I thank and congratulate the Georgiou Group and in particular Graham Standen, Transport for NSW Project Manager and everyone involved with this infrastructure, for a job well done. I wish them all the best as they complete the project in the coming months.

### CANTERBURY HOSPITAL

**Ms SOPHIE COTSIS (Canterbury) (18:11:41):** On behalf of my community I call on the Government to redevelop Canterbury Hospital. It is the appropriate time. It is vital, valid and makes economic sense that the project is fast-tracked. The strategic plan is there and it is shovel ready. First, I thank the amazing and hardworking health workers and staff at Canterbury Hospital. It could not have been done without them. Thank you from the bottom of my heart. I know every member in this House, Government, Opposition and crossbench would say the same: You have been vital during these recent times and our community cannot thank you enough.

Today is a difficult day for our nation's economy. Federal shadow Treasurer Jim Chalmers put it best: "Australia's remarkable run of three decades of continuous growth has come to an end as Australia's GDP has contracted by 0.3 per cent in the March quarter." With a recession hovering over our heads it is my responsibility as the member for Canterbury first to ensure that people have jobs. I call on the Government to redevelop

Canterbury Hospital. It will mean thousands of jobs. It means that local suppliers, small business, manufacturing and tradies will have an opportunity in this looming recession. I call on the Government to implement the strategic plan. Canterbury Hospital was established in 1929 at the peak of the Depression. It provided jobs for our local community.

My community has asked me to call on the Government to place the hospital on the economic recovery list. It will help many people in my community. It is a tier one large infrastructure project in our local area. Forget the politics; think about it as an important project for the region and the local community. It would satisfy the south west, inner west and the inner city. It is such an important project. It would be the perfect economic injection to create jobs. It is what we all want. We are all on the same page about creating jobs. I urge the Government to go beyond politics and to help the thousands of people who have lost their jobs. We hear the Treasurer and the shadow Treasurer talk about the 231,000 jobs that have been lost. Many people in my electorate have lost work, whether in the trades or in hospitality. They need work. This project will give hope to our local young people. The unemployment rate is in double figures. The youth unemployment rate is in double figures. Here is an opportunity that is a win for everyone. Investing in fiscal stimulus projects such as redeveloping the hospital will also utilise the multiplier effect.

As the Government employs workers to upgrade the hospital, business activity will increase. That increases the income for businesses, and ultimately the Government, in an ongoing cycle. It also gives certainty to the private sector, which can then invest. It can go to the banks and access capital for other projects. Available data shows that 15.9 per cent of the City of Canterbury Bankstown's labour force aged between 15 and 24 were classed as unemployed compared with 13.3 per cent in Greater Sydney. This will be a large infrastructure project. The Government's development plans will increase our population—the population growth projections are astronomical—so it just makes sense. We have been calling on the Government not only to build units but also to ensure that our social infrastructure matches that population growth.

The area has been served by Canterbury Hospital for a very long time. We have not seen an upgrade to Canterbury Hospital since 1998. The projections also show that the local multicultural and diverse population will continue to grow in the future. Around 80 per cent of people in my electorate and surrounding electorates—the Assistant Speaker will be aware of this trend in his electorate also—come from overseas. They cannot speak English and do not have access to many services. That is why this project is so important. Many people cannot afford to book a taxi and travel to another hospital, which is what some tell locals to do. We need these facilities and it is unacceptable that no redevelopment is occurring. I urge the Government to redevelop Canterbury Hospital.

### COVID-19 AND CRONULLA ELECTORATE

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (18:16:53):** I pay tribute to the community in my electorate of Cronulla for how it has come together to fight the COVID-19 pandemic. That is not unique; we have seen communities around Australia and the world come together to fight the greatest challenge we have faced since the Second World War. I thank all the families in my electorate who have shown such restraint in the face of severe restrictions on the ability to visit homes and to gather in public places. I acknowledge the businesses in my electorate that have suffered so badly from the imposition of severe restrictions—the cafes that still have to pay commercial rent and rates and have seen their businesses plummet; the pubs, the clubs and the gyms that are closed. I pay tribute to all those businesses that have stoically stood by in the face of these restrictions. Other businesses have had to close, some have had severe restrictions imposed by public health orders and some have seen dramatic downturns in their business because there has been no foot traffic.

I thank all the frontline workers in my electorate. I will forget some category or other, but all of them have put in such an enormous effort. I thank the teachers at my local schools. I thank the principals who have worked so hard in the transition back to normality as we phase back face-to-face teaching in schools. I thank all the principals—in particular at Cronulla, Woolooware, Caringbah—at Kirrawee High School and also at De La Salle Catholic College Cronulla, Caringbah and Our Lady of Mercy at Burraneer. I thank all those who come and teach in my electorate, with whom the Assistant Speaker will be familiar. I thank everyone who has pulled together. I am sorry for the way restrictions have impacted so many people's lives but they are restrictions that have been overwhelmingly in the national interest and the State interest. We should count our blessings that, as a community, we have not seen the rampaging rates of infection witnessed in European countries and the United States.

I am grateful to all Australian governments for pulling together. As of yesterday, the Sutherland shire had no active cases of COVID-19. The 2230 postcode had 24 cases, and all those people have now recovered. Likewise in the 2229 postcode, there were 15 cases and all have now recovered. In my electorate about 5,000 people have been tested. Of those 5,000, 46 people tested positive to COVID-19 and all have made a full recovery. I had started thanking frontline workers. I also thank the nurses and doctors at Sutherland Hospital and in private practice who

have worked so hard. I thank the paramedics, the fireies, the police and all those others on the front line for all the work they have done in bringing our community together.

I thank everyone—the overwhelming majority of my constituents—who have practised sensible personal hygiene and practised social distancing. It has been hard for families. It has been hard for the elderly, whether they live in private facilities or in aged care, who could not have grandchildren visit them and give them a hug. It has been hard for businesses. It has been hard for the faithful, who have been unable to congregate in places of public worship until very recently. I thank the non-governmental organisations—those engaged in social services, food delivery, caring for the elderly and the vulnerable, and so on—for all they have done to bring our community together.

This pandemic is far from over. The impact it has had on people's livelihoods and businesses has been severe but we know that at this stage caution is needed over complacency. The new lifestyles many of us have are probably here to stay for quite some time. I am looking forward now to meeting more friends and family. I am looking forward to eating at our local restaurants, drinking at our local cafes, walking the dogs throughout all the parks and enjoying a pub feed again. I thank all the residents of my electorate for their caution, their care and their consideration for their fellow citizens, and I look forward to defeating this virus once and for all.

#### *Community Recognition Statements*

#### **MERINDA MAY**

**Mrs TANYA DAVIES (Mulgoa) (18:21:43):** St Clair mum-to-be Merinda May faced one of the most frightening experiences of her life when her waters broke at 24 weeks gestation. She was hospitalised at Westmead Hospital until she went into labour at 30 weeks, when she gave birth to her beautiful but premature baby girl, Georgia. Little Georgia was immediately rushed into the neonatal intensive care unit [NICU] until she was released home five weeks later. It was only when admitted to hospital that Merinda learned she had preterm premature rupture of the membrane, which caused her waters to break 16 weeks early.

Merinda and her husband, Andrew, wondered whether they would ever get to take beautiful Georgia home. Thankfully, Georgia—now 1½ years of age—is a happy and healthy toddler who loves playing with her older sister, Isabelle. This experience has encouraged Merinda to raise awareness of premature births and the NICU. She entered the Walk for Prems fundraiser held in October 2019 to raise money for the Life's Little Treasures Foundation. I thank Merinda and Andrew for their support for other parents who face pregnancy complications just like them. I congratulate them again on their beautiful young family.

#### **SPENCER RURAL FIRE BRIGADE**

**Ms LIESL TESCH (Gosford) (18:23:11):** I commend Captain William "Jock" Ross and Deputy Captain Alison Wade of the Spencer Rural Fire Brigade for being honoured in the NSW Rural Fire Service's annual bravery and service awards. Captain "Jock" Ross and Deputy Wade were involved in the rescue of a man and his dog from a toxic house fire in Spencer on 1 April 2019. Captain Ross and Deputy Wade risked their lives knowing that they did not have the necessary equipment to extract the unresponsive man and his dog but fast action was required due to the delicate and fast-developing situation. The man and his dog were rescued and Captain Ross and Deputy Wade assisted additional crews to extinguish the fire. I extend my thanks and appreciation to both Captain Ross and Deputy Alison Wade on their selfless and brave service during this ordeal and to the people of New South Wales, and give a shout-out to the fantastic crew of the Spencer brigade.

#### **JULIE POPLIN**

**Mrs WENDY TUCKERMAN (Goulburn) (18:24:13):** I recognise Ms Julie Poplin, to whom I recently had the pleasure of presenting a New South Wales Government Community Service Award to recognise her community service. An exemplary mathematics teacher with over 34 years' experience, Julie has provided an immeasurable number of services to enrich the school. She volunteers tutoring after school and coordinates events, particularly the infamous Boorowa Touch and Netball Carnival. For over 30 years Julie has been actively involved in the Boorowa Amateur Swimming Club, as well as Swimming Southern Inland and Swimming NSW south-west zone. In 1992 Julie became the first woman to join Rotary in Boorowa and has taken on the roles of president, secretary, treasurer and assistant district governor. For a period Julie served as a councillor with the Boorowa Council. She volunteers with many organisations in the region. I thank Ms Poplin for her generosity, which is very much appreciated. I thank her for all her endeavours and for her outstanding service to the community.

#### **INTERNATIONAL TRANSPORT WORKERS' FEDERATION**

**Ms YASMIN CATLEY (Swansea) (18:25:20):** I bring to the House's attention the great work of the seafarers and members of the International Transport Workers' Federation [ITF] in my electorate, who stood for the men and women who were on the *Ruby Princess*. It was only through their tenacity and determination that

those workers were able to stay on our shores, were able to be tested and were given a clean bill of health and the attention that they needed because the seafarers who live in my electorate of Swansea and in the electorate of Wollongong follow international standards. I acknowledge the member for Wollongong, who is present in the Chamber. The seafarers in his electorate have exactly the same view. I thank Dean Summers from the ITF, Paul Garrett from the Maritime Union of Australia and all of their colleagues. We are proud of them.

#### **SYDNEY BUSINESS CHAMBER ONLINE FORUM**

**Ms GABRIELLE UPTON (Vaucluse) (18:26:23):** On Monday 25 May I was guest speaker for the Sydney Business Chamber online forum on how we can accelerate research and development commercialisation, particularly in light of COVID-19. Stakeholders from across the city joined the forum. Commercialising research and development drives new jobs, products and services in the New South Wales economy. All research institutions, university, scale-ups, small and medium-size enterprises and governments can play a role in making that happen. Some suggestions raised during the forum were making university research more visible to industry, using government procurement and driving collaboration through framing challenges for people to respond to, and better supporting the verification of the supply chain for scale-ups' products. I thank Sydney's business community for coming together and sharing their views candidly. We all know that research and development commercialisation is an economic lever that we must grasp in the COVID-19 world. I also thank Sydney Business Chamber Executive Director Katherine O'Regan for hosting the forum.

#### **COLIN MARKHAM, FORMER MEMBER FOR KEIRA, FORMER MEMBER FOR WOLLONGONG AND FORMER PARLIAMENTARY SECRETARY FOR ABORIGINAL AFFAIRS**

**Mr PAUL SCULLY (Wollongong) (18:27:30):** Further to the birthday wishes extended to former member for Keira, former member for Wollongong and former Parliamentary Secretary for Aboriginal Affairs last night by my colleague the member for Keira, I add my best wishes and those of my wife, Alison, to Colin Markham on his eightieth birthday tomorrow. Colin joined the Labor Party after Gough Whitlam was sacked. As Colin told me, he was walking up the driveway after coming home from work in a coalmine and his wife, Melissa, yelled out from the balcony, "Gough's been sacked." Colin responded, "We'd better join the Labor Party then." That started a career representing and advocating for the Illawarra and Indigenous communities throughout New South Wales, and Colin has never stopped.

It also started a long-term connection between him and Gough. He and I still have conversations about what should be done and how it could be achieved. Last Sunday Colin marked his birthday with a family celebration with a cake decorated with some fantastic photos of him and Melissa in an event that was—thankfully for Melissa—much smaller than his retirement dinner at the Wollongong Entertainment Centre. I congratulate Colin on his eightieth birthday and wish him all the best.

#### **RUFFTRACK**

**Mr KEVIN CONOLLY (Riverstone) (18:28:35):** RuffTRACK is a not-for-profit group in Riverstone, the goal of which is to harness the talents of young participants who choose to make a change in their lives and reach their full potential. The group empowers young people by helping them establish trust and bonds with amazing working dogs. The Round Yard program takes participants on a 12-week journey of joining up with a young dog at a similar stage in life to themselves and working together to achieve goals in manners, communication and overcoming challenges as well as sheep herding and fun dog sports.

The RuffTRACK program is designed to encourage young people who are falling through the cracks to reintegrate into society by skills attained through programs based around building relationships, animal care and training, public speaking, agricultural education, self-generated income projects, community outreach services and connecting to country. I acknowledge RuffTRACK co-founders "Farmer" Dave Graham and "Copper" Belinda Flynn. Farmer Dave grew up on a cattle station, became a dog training expert and introduced a number of dog sports. As the Youth Liaison Officer at Hawkesbury Police Area Command, Constable Belinda Flynn saw a massive need in the local community and has worked to meet it. I congratulate both of them.

#### **SOUTH ASIAN MUSLIM ASSOCIATION OF AUSTRALIA**

**Ms JULIA FINN (Granville) (18:29:44):** Eid Mubarak! Last Sunday I joined the South Asian Muslim Association of Australia [SAMAA] for a wonderful Eid gathering via Zoom. The association provides great support for the community, especially its seniors, in Sydney. Last year I joined them to celebrate Eid at the Gallipoli Home retirement village in Auburn but this year to keep everyone safe and connected, we came together online. This year Ramadan and Eid have been very different and challenging without the opportunities to break the fast together in large groups, or celebrate Eid with large gatherings. I thank all the local organisations that ensured that people's zakat donations were able to support those who have lost their jobs, especially international students and people on temporary visas who do not receive government income support. I also thank all

organisations that provided prayers and online forums to keep the community connected at this time. I especially thank SAMAA for ensuring that seniors who do not always embrace technology were able to come together for Eid with Zoom.

#### **KATHLEEN NAULUMATUA**

**Ms WENDY LINDSAY (East Hills) (18:30:55):** Citizenship ceremonies are conducted a little differently at the moment due to COVID-19 and are being officiated online. On Friday 29 May I was happy to host Firisila Kathaliney Naulumatua in my Revesby office and be part of the exceptionally special occasion. Kathleen, as most people know her, came to Australia 32 years ago from Fiji. She had won a local regional beauty pageant and the prize was a one-month sponsored stay in Australia. After the trip Kathleen went back to Fiji to get her visa approved and then returned to live with her aunt until she had established her own residence and employment in Sydney. Thirty-two years later, with only one trip back to Fiji in all of that time, she finally got around to becoming a citizen. Although Kathleen has been a part of our Australian community for decades, I congratulate her again on becoming a citizen of our great nation.

#### **STANLEY COULTER 100TH BIRTHDAY**

**Ms LYNDA VOLTZ (Auburn) (18:31:42):** I note the 100th birthday of Stanley Coulter tomorrow. Although Stan was born in Balmain on 4 June 1920, no-one is more embedded in the Auburn electorate than him. When Stan was four, his father, who was a Crown sergeant in the Australian Federal Police, was transferred to the Newington Armory at Silverwater. The position came with a house within the boundaries and it was here that Stanley and his brothers lived and grew up during World War II. In 1941 Stan enlisted as a trooper in the 2nd Australian Light Horse Regiment, which later became the 2/4th Armoured Regiment. He served in New Guinea, Madang and Bougainville where he saw action in many battles, including those at Slater's Knoll and Egan's Ridge-Hongorai Ford. On his return to Australia, Stan was hospitalised with malaria and suffered the effects for many years after the war. He returned to his pre-service job as a fitter at the State Abattoir at Homebush, where he worked for the next 40 years. On behalf of everyone in the Auburn electorate and in particular his comrades at the Cumberland RSL Sub-Branch, I wish him a happy 100th birthday.

#### **PIE TIME**

**Mr NATHANIEL SMITH (Wollondilly) (18:32:45):** What is the best thing about the first day of winter? It is the inaugural Australia's National Pie Day. Monday 1 June saw Australians all over the country hold their pies high. The day also marks the beginning of Pie Time in the New South Wales Southern "Pie-lands". Australia's first pie minister, Robert "Dipper" Di Pierdomencio encouraged everyone to buy a pie, order a pie, bake a pie, eat a pie recipe or take part in Pie Time or pie-solation virtual events. He urged those in New South Wales to visit the Southern Highlands and take part in the great Pie Trail. The first day of eased travel restrictions for New South Wales is 1 June, so Steve Rosa and his team from Destination Southern Highlands have invited visitors back to the Southern "Pie-lands" for the best pies in Australia. You may even want to taste my personal favourite—the Massaman beef—at the Gumnut Patisserie in Bowral. I call on all members to head down to the Southern "Pie-lands" this long weekend and support regional New South Wales.

**The ASSISTANT SPEAKER:** And the member for Wollondilly declares an interest, of course.

#### **CENTRAL COAST HOCKEY ASSOCIATION**

**Mr DAVID HARRIS (Wyang) (18:33:59):** I congratulate Central Coast Hockey Association on being one of the successful applicants in the Local Sport Grant Program 2019. Brett Johnson and the board have been working hard to accumulate grants to upgrade the whole facility. The association received \$15,000 to upgrade one of its sand fields to a water-based field. Upgrading the club's facility brings great benefit to the community, with the club generously donating its old artificial turf to Central Coast Baseball, childcare centres, pool decking covers, jetty coverings, backyards and driveways. Central Coast Hockey Association has around 800 members with all games taking place at the Central Coast Hockey Park located in Wyong on artificial playing surfaces, enabling competition in all weather conditions. The opportunities to play at representative level by participating at the association are immense. Its junior representative teams compete at the highest level and are on par with Sydney, Newcastle and Wollongong, with the association contributing up to 10 per cent of the players in all junior State teams in recent history.

#### **BARE CREEK BIKE PARK**

**Mr JONATHAN O'DEA (Davidson) (18:34:59):** It is with excitement that I recognise construction of the Bare Creek Bike Park at Belrose in my electorate of Davidson has almost finished and will be opening to the public in early spring. Expert mountain bike trail makers continue to work on the project, which includes trails and training areas aimed at learners, intermediate and experienced riders. I have been heavily involved in planning

the future use of the site for more than 10 years, along with various community advisory committee members. Many people in my local community have been eagerly awaiting the opening. Their anticipation was reflected in a recent post about the park on Facebook, which received 190 positive responses in one hour. I acknowledge everyone involved in the project, including patient residents, others in the local community who live nearby, the bike trail makers and Property NSW. Northern Beaches Council is preparing to oversee the ongoing operation of the park after it opens.

#### **COFFS HARBOUR VENTURER SCOUT UNIT**

**Mr GURMESH SINGH (Coffs Harbour) (18:36:03):** Leadership and community service are key attributes that take pride of place at Scout halls across my electorate. In particular, I acknowledge the important work of the Coffs Harbour Venturer Scout Unit, led by Stephen Pickering. This unit proudly delivers the scouting program to 14- to 18-year-olds and encourages their physical, intellectual, social, emotional and spiritual development. Recently they assembled to recognise the outstanding contributions of one of their own, Harry Hazell Pickering, who was presented with his Queen Scout Award. It was a proud moment for the unit and the entire Coffs Harbour scouting community. Contributing to the official ceremony were Coffs Harbour Venturer Scout Unit chairperson Natasha South, who also led the flag-opening parade; Dustin Parry, who provided the acknowledgment of country; North Coast Region Venturer Commissioner Mal Walsh; Venturer Scout Grace Hamey; and Assistant Venturer Scout Leader Toni Bell.

#### **COVID-19 AND SUPERMARKET AND RETAIL WORKERS**

**Ms KATE WASHINGTON (Port Stephens) (18:37:02):** In this Chamber many members have spoken about the well-deserved recognition of health workers, police and teachers for their efforts over recent months. I pay tribute also to the many supermarket and retail workers who experienced the most turbulent period of their career. Anxious shoppers, empty shelves, even fights over basic supplies were witnessed across our State, while supermarket staff worked around the clock to keep supplies available and ensure locals had access to the things they needed. The SDA is the union that stands up for retail workers. Its longstanding campaign "No One Deserves a Serve" sadly came into play again with retail staff copping abuse too often. Despite the challenging and changing circumstances, I witnessed supermarket staff going above and beyond, conducting themselves with professionalism and dedication. I want our supermarket workers to know that the Port Stephens community recognises their efforts. We thank them. It has taken a global pandemic to reveal to many the true value of their work, and I trust our community will remember in the years to come their important contribution during this difficult time.

#### **MUDGEES HOSPITAL**

**Mr DUGALD SAUNDERS (Dubbo) (18:38:07):** Health has certainly been at the forefront over the past couple of months. From a Dubbo electorate perspective, a lot has been going on. Both the brand-new Mudgee Hospital and the Dubbo Hospital redevelopments were fast-tracked as part of the Government's COVID-19 response. Last week, well ahead of the planned opening, the new Mudgee Hospital opened for clinical operations. It is an amazing hospital. I am grateful to the Western NSW Local Health District and Health Infrastructure, who have been able to work together to bring forward the opening. The new facility will enable Mudgee's highly valued staff to provide the very best care to the community for years to come, which is particularly important during the pandemic. Investment in health in our rural and regional communities is vital. That is why we have done it. The value of hospitals to our communities extends far beyond health care. Developments like this one in Mudgee provide both positive economic and social flow-on effects, with regional communities at the forefront. I congratulate the many workers involved throughout the process and the clinical staff who provided input along the way. I trust the Health Service Manager, Caren Harrison, and her team will enjoy the new facility.

#### **TRIBUTE TO ROBBIE REYNOLDS**

**Ms SOPHIE COTSIS (Canterbury) (18:39:11):** Vale, Robbie Reynolds. I pay tribute to a stalwart of the Belmore Eagles Football Club. It saddens me to inform the House that Robbie Reynolds passed away on Saturday 10 April 2020. Robbie was inducted as a life member of the Belmore Eagles Football Club in 2005. He was an integral part of the club. With his son, Sean, and daughter, Katrina, he was involved in managing teams, working tirelessly as a committee member and on the field, organising raffles and donations, and working in the canteen. He was a hard-working stalwart who was determined and committed to the Belmore Eagles Football Club. Robbie Reynolds was a great member who lost his fight to pancreatic cancer. He fought the fight of his life, never gave up and was strong and brave throughout and to the very end. Robbie is survived by his partner, Susie, and children Sean and Katrina. Vale, Robbie Reynolds

### ALBURY ELECTORATE SCHOOLS

**Mr JUSTIN CLANCY (Albury) (18:40:18):** I congratulate two regional schools in the Albury electorate that feature among the finalists in the Australian Education Awards for 2020. Those schools are The Scots School Albury and James Fallon High School. The Scots School Albury junior school principal, Matthew Boundy, is in the running for the Primary Principal of the Year award. The awards celebrate achievements of the top-performing schools, principals and staff. We wish them all the very best as they progress to the gala presentation to be held on 6 November.

### MS BEC CRAWFORD

**Mr ROY BUTLER (Barwon) (18:40:50):** I recognise Ms Bec Crawford, the lady behind the Drought Drops campaign. Until now the identity of this generous individual has been shrouded in secrecy so I now unveil Ms Bec Crawford of Walgett as the "drought dropper". Over the course of summer Bec, a schoolteacher in Walgett, dedicated her break to brightening the days of coffee-drinking farmers across Australia. During the Drought Drops campaign Bec made 1,200 pairs of vibrant blue earrings resembling a raindrop. She then donated the earrings to 50 coffee shops across the country to sell and, in turn, helped shout a farmer a coffee. Following the success of the campaign an Etsy store opened to keep up with the demand for the drought drops earrings. Proceeds from the store went towards supplies for making more earrings and shouting coffees for those suffering through the drought. Along with everyone who has supported the drought drops campaign, Bec has helped ease the daily burden and mental strain on farmers caused by the ongoing drought across the country. I congratulate Bec. She is a true legend.

### COWRA ART GROUP

**Ms STEPH COOKE (Cootamundra) (18:41:51):** I acknowledge the Cowra Art Group for its efforts in continuing its work during COVID-19. It is great to know that many artists have continued their work from home, producing artworks using a variety of techniques, including oils, watercolour, acrylics, charcoals and pencils. Many community groups have found innovative ways to pursue their activities while complying with social distancing rules. I congratulate them all on their efforts. Every town in the Cootamundra electorate has a thriving arts community. I acknowledge these past few weeks has been difficult for them. I look forward to catching up with them all soon and wish them the best in their artistic endeavours.

### SENIOR SERGEANT JOHN THOMPSON

**Ms LYNDA VOLTZ (Auburn) (18:42:49):** I congratulate Senior Sergeant John Thompson on his recent retirement from the NSW Police Force after almost 60 years of service. Senior Sergeant Thompson joined the NSW Police Force at age 17 as a cadet at Redfern, before being officially sworn in on his nineteenth birthday. He began as a probationary constable at Parramatta and worked across multiple commands, including Surry Hills, Chatswood and the transport branch. He spent the last 20 years of his career in the State planning unit for major events across the State, keeping the community safe during celebrations like New Year's Eve, Mardi Gras and the Tamworth Country Music Festival. From a family of police officers, John Thompson served the people of New South Wales with distinction and was awarded a number of awards, including the NSW Police Medal, National Police Service Medal and National Medal. On behalf of the people of Auburn, I thank Senior Sergeant Thompson for his outstanding service to the NSW Police Force and the people of New South Wales.

### NORTHERN TABLELANDS AND NORTH WEST LOCAL LANDS SERVICES

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (18:43:43):** I recognise and congratulate six of the region's local people who have been elected recently to represent their communities on the Northern Tablelands and North West Local Lands Services [LLS] boards. I congratulate the new members of the Northern Tablelands LLS board: Guyra grazier Jane Mactier, Walcha councillor and rural contractor Scott Kermode and sheep industry stalwart Bill O'Halloran from Invergowrie. The new board members in the North West LLS are Croppa Creek and Crooble farmer Geoff Cruikshank, Burren Junction grazier Annie McMahon and semi-retired property manager Keith Harris from Tamworth. I congratulate those six community-minded individuals on stepping up to assist the agricultural sector in these difficult times.

### CENTRAL COAST WATER POLO

**Mr DAVID HARRIS (Wyong) (18:44:30):** Central Coast Water Polo is made up of four clubs based across the Central Coast: the Woy Woy Wombats, Gosford, Wyong and The Entrance. Congratulations to The Entrance Water Polo Club—the Mighty Ducks—for being one of the successful applicants in the Local Sport Grant Program 2019. The club received \$2,000 to go towards coaching and training which will benefit the club to grow even more. The Entrance Water Polo Club is a family-friendly club founded in 1984 and the club's home pool is Wyong pool. The club has junior and senior teams who compete in the Central Coast water polo

competition. Good luck to The Entrance Water Polo Club with its new coaches. This is an opportunity for the club players to enhance their skills through this extra training.

#### **ST JOSEPH'S CATHOLIC PRIMARY SCHOOL, RIVERWOOD**

**Mr MARK COURE (Oatley) (18:45:19):** Recently I had the pleasure of visiting some fantastic year 6 students at St Joseph's Catholic Primary School at Riverwood. I think it is fantastic that students in primary schools have the chance to learn about how government works. I am lucky to have not only the privilege of representing my electorate of Oatley but also some very eager young students wanting to learn about Parliament and government. Some would say the questioning I received was even more testing than question time in this House. I was asked some very good questions. It was great to see the students so interested in our government and how it works. I was also delighted on the day to meet St Joseph's new principal, Mr Steven Darcy. I welcome Mr Darcy to our community and I know the school is in very capable hands. Thank you to Ms Cripps, who is a year 6 teacher at the school, for inviting me to come and chat to the students. I have no doubt that these students are truly the leaders of the future.

#### **VONY FAZZINO**

**Mr PETER SIDGREAVES (Camden) (18:46:19):** I commend Vony Fazzino for having gone above and beyond in her efforts to help out shoppers, particularly the vulnerable and elderly, at Coles supermarket in Campbelltown. I note that these efforts saw Vony go viral on social media, with many people rightly commenting that she is a wonderful example of the community. I acknowledge the tireless work and efforts of all essential workers during the COVID-19 pandemic.

#### **LUCAS MARTIN**

**Ms SOPHIE COTSIS (Canterbury) (18:46:58):** Today I recognise the award I presented to one of my younger constituents. I presented the Premier's NSW Government State Representative Award to Master Lucas Martin from Earlwood for winning the 12 years and under Bruce Cup tennis championship. The Bruce Cup is a prestigious national schools tennis championship for players aged 12 and under that has continued since 1938. The Bruce Cup is one of many wins for 12-year-old Lucas. Since the beginning of 2020, before COVID-19 forced tournaments to temporarily shut, Lucas won a number of championships including the 12 and under boys' singles at the 2020 Victorian country championship, the 12 and under boys' doubles at 2020 Hobart junior championships and 12 and under boys' doubles at the 2020 Tweed Heads summer junior tournament. These achievements are impressively reflected by his New South Wales and national rankings. He is top five in the New South Wales under-12s rankings. I am very proud of Lucas and thank his family. We are going to see Lucas at the Australian Open and Wimbledon.

#### **SURF LIFE SAVING CENTRAL COAST INCLUSIVE BRANCH CARNIVAL**

**Mr ADAM CROUCH (Terrigal) (18:48:06):** I draw the House's attention to the inaugural Surf Life Saving Central Coast Inclusive Branch Carnival, which was held earlier this year. The carnival was held at Copacabana and I thank the executive committee and all Copacabana surf club members for playing host. The carnival involved three events: flags, sprints and wade. Each participant had a buddy to assist and encourage them, which is only possible because of a group of highly passionate volunteers. Of the 15 surf clubs on the Central Coast, eight currently have inclusive programs for people with additional needs. One of these is Avoca Beach surf club, which is in my electorate of Terrigal. Its program is run by Kate Broadhurst. Kate is also a former Central Coast Citizen of the Year. She established the initiative four years ago and I am advised that it is so popular it now has a waiting list. I congratulate everyone at Surf Life Saving Central Coast, including CEO Jon Harkness, for making sure there are opportunities for everyone to enjoy our beautiful beaches.

#### **THE MEADOWS PUBLIC SCHOOL**

**Mr MARK TAYLOR (Seven Hills) (18:49:08):** The Meadows Public School is a great learning environment for 241 local students from across parts of Seven Hills and Toongabbie. I acknowledge the 2020 school leaders at The Meadows Public School, including Zac Cromie, Allissa Coomber and prefects Luc Fryer and Melisa Cetin. It has always been great to attend the school and speak with teachers and support staff who are very passionate about ensuring an awesome education for their pupils. I commend the terrific leadership of principal Scott Staveley and his assistant principals for their commitment to enhancing the local community. I am in regular contact with the many dedicated members of The Meadows P&C association. I thank them for their hard work in aiding the staff, students and community. I wish The Meadows Public School all the best for the remainder of the 2020 academic year.

### TRIBUTE TO DICK PAYTEN, OAM

**Ms TANIA MIHAILUK (Bankstown)**—It is with a heavy heart that I advise the House of the recent passing of one of Bankstown's most well-known and highly respected locals, and a truly great man, Mr Dick Payten, OAM, who sadly passed away on 1 March 2020 aged 99. Dick joined the Australian Army at the age of 20 and over four and a half years served the nation in different regions, including Borneo, the Middle East, and New Guinea, before settling in the Bankstown area and heavily involving himself with the local veteran community. Dick was president of the 7th Australian Division AIF Association and a long-standing member of Bankstown Legacy, playing an integral role in organising local Anzac Day services each year for his old brigade and always making a point of never missing a march. Dick always remained devoted to his country and committed to the local community, and we will always remember Dick's tremendous contribution and lifelong commitment to service. I extend my sincere condolences to Dick's four children, in particular his daughter and her partner, Sue and Ian Swinfield, extended family, as well as dear friends. Vale, Dick Payten, OAM.

### LIVE CONNECTION TWENTIETH ANNIVERSARY

**Mr JONATHAN O'DEA (Davidson)**—Live Connection is a ministry of Northgate Church and partners with over 170 rural, subsistent pastors from 12 countries. Northgate is located at Belrose in my Davidson electorate. It is a place of connection where the local and wider community can experience and share their faith. Live Connection has postponed its twentieth anniversary dinner due to the coronavirus situation, and is planning a twenty-first birthday event in its place. It expects to receive messages from its Regional Leaders, reflecting on its history and recognising its vision for the future. I congratulate Live Connection, and Northgate Church particularly, for its service and contribution to the community. The founders and leaders of Northgate Church, Paul and Renee Ravesteyn, continue to enthusiastically engage with their community. Executive Assistant Glenys Gers and others in the team provide wonderful ongoing support. I hope to celebrate with them and other members of the church community at the now planned twenty-first birthday celebration next year.

### LINDFIELD ROTARY FIFTIETH ANNIVERSARY

**Mr JONATHAN O'DEA (Davidson)**—I highlight the wonderful contribution Lindfield Rotary Club makes to our local community. It brings together people from all walks of life. The Lindfield Rotary Club had planned its fiftieth anniversary dinner for March at Roseville Chase Golf Club, but had to postpone it due to the Coronavirus situation. I look forward to celebrating with members and guests, including Club President Trish Barrett and Secretary Sandra White, in due course. Lindfield Rotary is extremely active in my local area. Its many activities include Daffodil Day, ANZA Schools Funding in Indonesia for student sponsorship, the Kokoda Trek challenge in New Guinea and fundraising for various charities and organisations. Their popular annual fun run has unfortunately been cancelled this year, also due to Coronavirus. I congratulate Lindfield Rotary Club on their wonderful milestone and the fantastic work they do in our local community and beyond.

### TRIBUTE TO GRETA RICHARDSON

**Mr ROY BUTLER (Barwon)**—Mrs Richardson was the beloved wife of Clive and together they were the heart and soul of the Wee Waa Pony Club. She was a life member who never stopped giving her time and zest to pony club and along with Clive, volunteered at Wee Waa's annual pony camp for 47 consecutive years. Greta was involved in every job possible spending 15 years as dorm matron before moving on to become a kitchen hostess. The Richardson family's dedication to Pony Club and Riding for Disabled is unique, but more so the kindness that was extended to all who crossed their paths and Greta will be missed by many.

### CABRAMATTA COMMUNITY RESPONSE TO COVID-19

**Mr NICK LALICH (Cabramatta)**—I acknowledge my electorate for their behaviour and resilience over the last few months in dealing with the COVID-19 Pandemic. The restrictions put in place have not only tested our nation, but our communities as well, and I could not be more prouder of mine. It is heart-warming to know that in these tough times, many in my community banded together to look out for one another. And in many instances, these were individuals looking out for strangers they have never met. I would also like to acknowledge the brave men and women who have worked tirelessly on our frontline keeping our communities safe, protected and fed. From police officers, to nurses, to even our shelf fillers—you have all made a monumental difference in our communities during this difficult time. I end with saying that these have most certainly been some of the most trying times in which our communities have faced in the last 30 or so years. But it is through these trying times that bring out the very best in communities like mine.

### WAVERLEY AND RANDWICK CITY COUNCIL MAYORS

**Dr MARJORIE O'NEILL (Coogee)**—I acknowledge the tireless work of the Councillor Paula Masselos and Councillor Danny Said, the mayors of Waverley and Randwick City Councils. Local Government is the

heartbeat of the community, working tirelessly to make sure everything functions as it should. This task is difficult in good times and has been incredibly complex during the COVID-19 lockdown period. The Waverley and Randwick LGAs were at a time mentioned in daily news headlines as decisions were made about if and when beaches, public spaces, libraries and community facilities would close. Through this, Councillor Masselos and Councillor Said led their communities with strength and understanding and were able to steer their communities along the line between protecting the public health and allowing people to go about their lives with some normality. Both councils have also done a superb job at supporting their local business community through very testing times. The timely financial relief applied by both councils allowed many businesses to keep the doors open and serving their customers throughout the lockdown period. We now look forward to better days ahead and so I thank both Mayors for their tireless work in getting us to this point.

#### **KEN MCCONNELL**

**Dr MARJORIE O'NEILL (Coogee)**—I take this opportunity to recognise the contributions to our Coogee community of Ken McConnell. Over the past weeks and months, Ken has been a tireless asset to our community, dropping off hundreds if not thousands of community support cards all across the electorate, showing compassion for those who need a helping hand during this extremely difficult time. This has been such a challenging time for so many in our community, and it has been heart-warming to see how the community has come together. People like Ken, our hardworking frontline workers, and just every day community members who have continued to support local businesses have shown that our community truly comes together during difficult times. I would like to again congratulate and thank Ken for all of his hard work that has made a tangible difference to the lives of so many people in the electorate of Coogee.

#### **PETER AND RENEE BURKE**

**Mr JUSTIN CLANCY (Albury)**—I congratulate Peter and Renee Burke who have been announced as winners of The Weekly Times Coles 2019 Cropping Farmer of the Year award, in a ceremony held at Melbourne's MCG on Friday 21 February. This Award recognizes their innovative approach to farming – employing data, technology and agribusiness strategies to help farm successfully despite challenging seasons. The Burkes run a 1280 hectare irrigation farm at Jerilderie in the NSW Riverina, which they have farmed for the last 22 years. Over the last 12 months they have managed to produce 6,000 tonnes of grain and 8,000 bales of hay and straw, helped substantially by their water strategies, collection of crop performance data and the use of GPS technology. Congratulations Peter and Renee.

#### **BRADY CROSS**

**Mr STEPHEN BROMHEAD (Myall Lakes)**—I inform the House that Taree's Brady Cross has for the third year in a row been selected to a NSW Hockey side for the National Championships. After playing for the under 13's field side in 2018 and the under 13's indoor side in 2019 Brady was selected in the under 15's Blues Squad. He was originally named in a 40 squad strong train- on- squad . He then attended trials in December 2019 and February 2020 from there he was chosen for the Blues Squad. Brady is also a profile swimmer and remains a member of the Blackhead Surf Life Saving Club. I congratulate Brady on his sporting achievements and wish him well with his future endeavours.

#### **TAREE ROTARY CLUB DONATION TO TINONEE RURAL FIRE SERVICE**

**Mr STEPHEN BROMHEAD (Myall Lakes)**—I inform the House that the Rotary Club of Taree recently presented the Tinonee Rural Fire Service with a new in- truck radio to give members fighting fires greater communication in thick smoke compared to the present hand held radios. The Rotary Club's President Ross Tingle made the presentation to Bruce Annetts of the Tinonee Rural Fire Service at a recent Rotary Club meeting where Bruce was the guest speaker. I congratulate the Taree Rotary Club on their fine gesture and also thank the Tinonee Rural Fire service for their dedicated service in protecting our community.

#### **CENTRAL COAST HOCKEY ASSOCIATION INC.**

**Mr DAVID HARRIS (Wyong)**—Congratulations to Central Coast Hockey Association Inc. for being one of the successful applicants in the Local Sport Grant Program 2019. Brett Johnson and the Board have been working very hard to accumulate grants in order to upgrade the whole facility. The Association received \$15,000 to upgrade one of their sand fields to a water based field. Upgrading on the clubs facility brings a great benefit to the community with the club generously donating their old artificial turf to Central Coast Baseball, childcare centres, pool decking covers, jetty coverings, backyards and driveways. Central Coast Hockey has around 800 members with all games taking place at the Central Coast Hockey Park located in Wyong on artificial playing surfaces enabling competition in all weather conditions. The opportunities to play at representative level by participating at Central Coast Hockey are immense. Their junior representative teams compete at the highest level and are on par with Sydney, Newcastle and Wollongong with our association contributing up to 10 per cent

of the players in all junior State teams in recent history. The association currently holds competitions for players of all ages and this is a great opportunity for young people.

#### **THE ENTRANCE WATER POLO CLUB**

**Mr DAVID HARRIS (Wyong)**—Central Coast Water Polo is made up of four clubs based across the Central Coast. Woy Woy Wombats Water Polo, Gosford Water Polo, Wyong Water Polo, and The Entrance Water Polo Club. Congratulations to The Entrance Water Polo Club for being one of the successful applicants in the Local Sport Grant Program 2019. The club received \$2,000 to go towards coaching and training which will benefit the club to grow even more. The Entrance Water Polo is a friendly family club founded in 1984 and the club's home pool is Wyong Pool. The club has Junior and Senior teams who compete in the Central Coast Water Polo Competition. Good luck to The Entrance Water Polo Club with your new coaches and an opportunity for the club players to enhance their skills through training.

#### **BLAND SHIRE HOST TIK-TOK COMPETITION**

**Ms STEPH COOKE (Cootamundra)**—Bland Shire Council's Craig Sutton and Rebecca McDonnell have come up with the brilliant idea of organising a Tik Tok Talent Quest to keep up community engagement during times of COVID-19. Tik Tok is a social media phone app that allows users to create short clips of lip syncing or dancing and upload them for public viewing. The idea came from Bland Shire Council discussing ways to celebrate Youth Week without large gatherings. Locals from as young as two years old have had their Tik Tok clips uploaded to Bland Shire Council's Facebook page where winners were chosen based on how much online interaction was received from their clip. Well done Bland Shire Council on finding innovative ways to keep the community engaged and involved during these challenging times.

#### **JUNEE LADIES LEAGUE TAG**

**Ms STEPH COOKE (Cootamundra)**—I congratulate the Junee Rugby League Football Club's Ladies League Tag team for removing some of the financial burden for local women to play sport. The Club has been working hard to grow their numbers and ensure they are viable for the future, but have been dealing with the challenge of drought, putting financial pressure on many current and potential players. The ladies team has become a vital part of the Junee Rugby League Football Club, making up one of the three teams required for clubs to be eligible to play in the Group Nine Rugby League competition. The Ladies League Tag team were recently awarded a Sports Grant to buy uniforms and to subsidise player registration, removing some of the financial burden for players. Congratulations to the Club for securing this grant and all the best for the season when it resumes.

#### **JESS HILL**

**Ms SONIA HORNER (Wallsend)**—I congratulate Jess Hill on winning the 2020 Stella Prize for her excellent book, *See What You Made Me Do*. The Stella Prize is a major literary award celebrating Australian women's writing and champions cultural change. The prize is named after one of Australia's iconic female authors, Stella Maria Sarah 'Miles' Franklin, and was awarded for the first time in 2013. The Stella Prize's 2020 online announcement was hosted by Patricia Karvelas and featured former Prime Minister Hon. Julia Gillard, AC. *See What You Made Me Do* was the result of a four-year investigation into domestic violence in Australia, and offered a searing, heartfelt look into this societal scourge. I congratulate Jess on her achievement. I thank her for working so hard to help bring this problem further into the light. I would also like to thank the Stella Prize board, including chair Seri Renkin, treasurer Dianne Cuka, secretary Keren Murray, and members Eleanor Jackson, Paula McLean, Elizabeth Shaw, Lisa Cotton and Clair Wivell Plater, and the organisation's staff, including executive director Jocelyn Booton, schools manager Lenny Robinson, and program manager Ana Boado.

#### **DARA SOCCER BOOT COLLECTION**

**Ms SONIA HORNER (Wallsend)**—This year the Development and Relief Agency's [DARA] Refugee Hub contacted my office and made an appeal for pre-loved soccer boots. In response to this appeal, the Wallsend Electorate turned out in droves—an incredible 83 pairs of soccer boots were donated, along with 19 sets of soccer accessories, to help the DARA's soccer-based projects. Many young refugees have come from places where football is a way of life, and DARA has identified football as an excellent way to help children from refugee backgrounds get involved in sport, create new friendships and engage community spirit. I was very happy to be a collection point. I would like to thank Cath McCarthy and John Sandy from DARA, who helped organise the appeal, and the many members of the Football Family from across the Wallsend electorate who donated for the appeal.

#### **YVONNE TERWEEME**

**Mrs TANYA DAVIES (Mulgoa)**—I congratulate Mulgoa resident, Yvonne Terweeme for her success in receiving the Judges Choice Award at the NGS Super Scholarship Awards. These awards recognise teachers and

staff members in education who are actively working on their career development while also contributing to the wider society. Yvonne, who has been a dedicated teacher at Bethany Catholic Primary School in Glenmore Park, will now undertake a Stronger Smarter Leadership Program, where she will increase her leadership capabilities working towards her goal of incorporating indigenous language into the programs and culture of her school. Through this new program, instilling High-Expectation Relationships will be vital to improving educational outcomes for school children, particularly indigenous students. By undertaking her leadership course, Yvonne will be equipped with a variety of valuable tools that she can then pass on to her students. Yvonne strives to teach and encourage her students, colleagues and the wider community to unlock their confidence and work toward their best selves through education and opportunity. Congratulations, Yvonne!

#### **PATRICK BEACH**

**Mrs TANYA DAVIES (Mulgoa)**—I acknowledge Glenmore Park resident, Patrick Beach, for his achievements in football. Patrick played his first five years of football with the Glenmore Park Football Club and now plays at an elite level with the Marconi Stallions Football Club. In September 2019, he represented and captained the NSW Schoolboys team at the 2019 National Championships in QLD. His team was undefeated and won the National Championships followed by Patrick being selected as Goalkeeper in the 2020 Australia National Schoolboys team. Patrick has displayed admirable dedication to his training consisting of three training sessions a week with Marconi Stallions in the NSW National Premier League NPL 1 division. He was also selected to attend the football program at Westfields Sports High School and trains a further five sessions a week. Patrick continues to pursue his dreams of playing football at an elite national-international level in either the English Premier League, La Liga, Serie A or the Bundesliga and representing Australia at a future World Cup is also amongst his goals. Well done Patrick!

#### **CAN ITALIAN AUSTRALIAN SERVICES**

**Mr PAUL LYNCH (Liverpool)**—I recognise an event I attended on 6 March this year at the Carnes Hill community recreation centre. The event was organised by CAN—Italian Australian Services and was called Apertivo with Leonardo da Vinci. It was a celebration of Italian language and culture. The purpose of the event was to launch a bilingual (Italian and English) publication edited by Franco Baldi with linguistic support from Anna Maria Lo Castro and Marco Testa. It was called da Vinci Global—the Italian contribution to human progress. This was also the title of an international literary prize that had been organised by CAN – Italian Australian Service Inc. to mark the 500th anniversary of the death of Italian polymath and genius Leonardo da Vinci. The publication contained some of the entries in the competition.

The event featured the winner of the prize Frederica Agate, from Erica, Trapani, Italy as well as Marco Testa, Director of Learning of the Marco Polo Italian School and Franco Baldi. There was an opening contribution by Stella Trombetta Vescio and a lecture from Professor Gianluca Aliment from Macquarie University. Also acknowledged at the night were Phil Montrone and Aloisi Maurizio among others. Also present was Italian vice-consul Luca Ferrari. The publication that was launched that night contained some of the first seven entries from the prize in order of merit. This was an impressive event and an appropriate way to celebrate Italian culture and achievement.

#### **RECOGNISING CHRIS THOMAS**

**Mr RAY WILLIAMS (Castle Hill)**—I take this opportunity to congratulate Chris Thomas, to whom it was my privilege to present a NSW Government Community Service Award. This was in recognition of his continuous dedication to the Dural Men's Shed, which he set up in 2011 in order to create a sense of community amongst retired men in the area. There are now over 150 men in the shed, who work on meaningful projects at their own pace in their own time with other men. Chris created the space, where men now come together to share in a community, to have friendship, to look out for each other and to sometimes get away from family or health issues or to share their problems in a safe environment. Chris' local achievements extend beyond the shed, with his tireless dedication to helping new Australians, via his work with the Sudanese Community. Chris has also helped house 12 Aboriginal students from the Kimberley in the local community in order to give assistance in educating disadvantaged Australians. Chris has the local spirit that we in the Hills pride ourselves on, and as such it is my pleasure to recognise Chris formally.

#### **BANGALOW LION HEARTS**

**Ms TAMARA SMITH (Ballina)**—Today I applaud the work done by the Bangalow Lion Hearts during the COVID-19 pandemic. The Bangalow Lion Hearts evolved out of Bangalow Baked Relief, which was created to support neighbouring communities during the floods of 2017. When the pandemic loomed, Bangalow Lion Hearts was able, with the support of the Bangalow Lions, to act swiftly and effectively to help locals in need. Its founder members—Kylie Mowbray-Allen, her husband Richard and Pippa Vickery—mobilised a team of

400 volunteers who helped cook, freeze and deliver between 40 to 90 nutritious meals per week to households doing it tough during April and May. The only requirement was a request or referral for support, whether from those newly out of work with a family to feed, those who were isolated and could not get to the shops, or those struggling to hold it all together. Recipients' privacy and anonymity has been a priority throughout. Despite being wheelchair-bound following a rugby accident 13 years ago, Richie Allen also grows vegetables for the meals and donates produce to shelters, refuges and other local community groups.

### **SALVOS DIGITAL DOORKNOCK**

**Mr ANOULACK CHANTHIVONG (Macquarie Fields)**—When the Salvos come knocking, it is for their annual fundraiser—the Red Shield Appeal. This year there won't be any knock at the door due to the COVID-19 pandemic, but the Salvos needs support now more than ever. The Salvos' Digital Doorknock aims to raise much-needed funds so the Salvos can continue their good work. Since the onset of COVID-19, demand for services at the Salvos in Macquarie Fields has tripled. Mass job losses and reduced hours of work have hit households hard. Those who were doing it tough prior to the pandemic are now facing extreme hardship, while others are lining up for unemployment benefits for the first time in their lives. Demand for discounted groceries, food vouchers and bills assistance have all risen. Macarthur-East Salvos hopes to raise around \$9000 this year, with funds to go directly to helping the local community. It is no mean feat. But I am certain our community will do all they can to help others during these difficult times. I commend the Mac Fields Salvos team and their volunteers for continuing their great work in our community.

### **GRAHAM HUDSON**

**Mr GREG PIPER (Lake Macquarie)**—Graham Hudson has had a very big impact on a very large number of people. The well-known and well-respected teacher last month celebrated 50 years of teaching with the Department of Education. Graham is currently teaching mathematics at Toronto High School which is where his brother Leo has taught German and French for 45 years. Leo announced his retirement in 2012 but is still there. There is no retirement plan on the horizon for Graham either. Toronto principal Mark McConville said the school is proud to have "these two absolute legends of education" still teaching at the school. With the ongoing pandemic affecting teaching methods, Graham passed his 50-year milestone during an online class being conducted on Zoom where he received a standing ovation from his students. He began teaching at Tenterfield and, after being conscripted to serve in peacekeeping forces in Singapore and Malaysia, later taught at Broadmeadow, Dungog, Cardiff, Newcastle, Whitebridge and Toronto high schools, all in the Hunter Valley region. He has literally taught many thousands of people of local people and remains very well-known and respected. I acknowledge his extraordinary milestone and thank him for his service.

### **STAFF IN OUR LOCAL SCHOOLS**

**Mr GREG WARREN (Campbelltown)**—There are a lot of groups that have really stepped up in the past few months during this pandemic—but there is one that I would like to take a moment to single out. That is those who work at our local schools. From the teachers, administration staff and support staff, everyone who works at one of our local schools really should be commended for their flexibility and resilience since this pandemic landed on our doorstep. Educating a classroom of 30 children or teenagers can be a challenging task at the best of times. But the way teachers and staff have adapted and catered for the educational needs of the youngest members in our community really has been exceptional. I can only imagine the challenges that distance learning presents for teachers. I witnessed and guided one of my teenage sons through the process and it was incredible to see just how passionate and dedicated his teachers were to ensure that his quality of education did not suffer. The threat of the pandemic is still there but so, thankfully, are the hard-working and selfless staff at our local schools. Thank you for all your efforts.

### **COVID-19 EFFORTS**

**Mr GREG WARREN (Campbelltown)**—The COVID-19 outbreak has wreaked havoc throughout many corners of the globe. However it is often during times of most need when the good in people really shines through—and that is exactly what has occurred in the Campbelltown community. I have repeatedly said that Campbelltown is one of the most—if not the most—caring and selfless communities throughout our great state. Whenever someone is down on their luck or in need of a helping hand, there is always a long line of locals ready to step in and assist. There have been countless examples of that over the past few months. From people in supermarkets helping the vulnerable and elderly, to front line workers risking their own health in order to ensure the safety of thousands more. There have been countless people 'paying it forward' – paying for coffees in advance as a token of appreciation to those health workers. Community groups like Meals on Wheels have also worked tirelessly to ensure the clients that depended on them were catered for during this difficult period. It truly been an inspirational past few months and I have never been more proud of our Campbelltown community.

### MATT CROTHERS

**Mrs HELEN DALTON (Murray)**—Today I recognise a Deniliquin father of three, Matt Crothers, who during the COVID crisis recognised that many families in his community lacked computers for their children to continue home education and decided to do something about it. Matt started with fixing the three spare computers his own family no longer needed, which were donated to students within the town. Following a post on Facebook the community answered the call for donations with local business dropping off their surplus equipment. Matt has been fixing up these old computers in his own time in order to see the gap between the students with and without access to the technology required for home schooling reduced in his community. This is just one example of many great initiatives coming out of this COVID-19 pandemic where individuals are supporting each other during hard times. The community spirit of small rural township banding together is evident once more.

### MRS JOYCE ABRA 100TH BIRTHDAY

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation)**—I acknowledge the recent celebration of Barraba's Richardson House resident Joyce Abra who had a 100th birthday party with a difference, due to the restrictions of COVID-19. On her birthday, the thoughtful staff at Richardson House set up Mrs Abra in a comfortable chair in the portico of the building and a convoy of about 70 cars drove slowly past her, pausing to pass on their best wishes. Some even produced musical instruments to serenade the birthday girl: David Witten playing "Happy Birthday" on his trumpet and Martin Unwin strumming on his ukulele. Congratulations to the staff at Richardson House for thinking outside the square to help celebrate this major milestone of a lifelong resident of the district. The impact of the COVID-19 pandemic has been challenging, but this is an example where the community spirit of a town like Barraba and its residents rises above the restrictions and make the day of a very special lady and her family. Congratulations Mrs Abra on your 100th birthday, thank you so much to the staff of Richardson House and well-played to the residents of Barraba and district. This is a fantastic example of the meaning and sense of the word community.

### LILY HARRISON'S PERIOD PACK PROJECT HELPS WOMEN

**Ms JANELLE SAFFIN (Lismore)**—On Saturday 7 March I joined Lismore local Ms Lily Harrison, CWA Lismore Branch members and community members in the Lismore CWA Rooms, to pack period packs. Ms Harrison founded the Period Pack project when she was in year 9. Her project provides menstrual products, toiletries and maternity items to homeless and vulnerable people throughout the northern rivers. This project was inspired by Ms Harrison's realisation that for many vulnerable people, women, young parents and those fleeing domestic violence, they did not have the resources to properly attend to their menstruation, something the majority of us can do with ease. Ms Harrison's project grew to include care packs and maternity packs. Five hundred maternity packs have been distributed to women accessing the Aboriginal Maternal Infant Health Services and women's shelters. Ms Harrison received the 2019 Young Citizen of the Year Lismore City Council Australia Day Award—and the 2019 Community Service and Citizenship Award—BASE Youth Leadership Award. She presented her project in Parliament House in Canberra, as part of the ABC Haywire program. I thank Ms Harrison for her extraordinary contribution. She is a leader who we are very proud of.

### TRIBUTE TO REGIONAL JOURNALISTS AND OTHER STAFF IMPACTED BY NEWS CORP RESTRUCTURE

**Ms JANELLE SAFFIN (Lismore)**—My thoughts are with hundreds of regional journalists and other staff in Northern New South Wales and Queensland made redundant by News Corp's decision to transition long-established daily newspapers from print to digital by month's end, and to close down many free community weekly newspapers. I wish to pay tribute to all those talented editorial, advertising and production staff who produced our iconic newspapers like *The Northern Star*, Lismore, *The Tweed Daily News*, *South Tweed Heads*, and *The Daily Examiner*, Grafton, in the printed form. These mastheads, among the oldest in Australia, have told the stories of local people—their highs and lows—and championed local issues which have shaped our local communities. It is also hard to contemplate that weekly papers like *The Lismore Echo* and *The Richmond River Express Examiner* soon will cease to exist. Many older readers have contacted me, upset and angry that they will no longer be able to grab a copy of their local paper as part of their daily or weekly social ritual. In the interests of a healthy democracy, we must support independent regional journalism and local jobs wherever possible.

### WAGGA WAGGA CITY COUNCIL STAFF VOLUNTEER

**Dr JOE MCGIRR (Wagga Wagga)**—Wagga Wagga City Council staff have taken on charity roles as part of their day-to-day workload and I would like to thank each of them for their willingness to assist our community's most vulnerable during this challenging time. The need for additional resources arose after a number of volunteers were forced into self-isolation, due to their age and were therefore unable to continue donating their time to various services. Learning of their community's need, more than 120 staff put up their hands to help these

charities. While some of them did so as a role redeployment, there were others with full-time roles who just wanted to be involved. Working closely with Wagga Wagga Carevan, council brought together organisations with a single mission statement: Get food on tables. Agencies like Anglicare, Salvation Army and Red Cross, St Vincent de Paul, and the Uniting Church also jumped on board, providing referral processes for those deliveries. State-aligned community centres have also been supporting the vulnerable in social housing estates, alongside Communities and Justice. I wish to thank all those who worked to make true the words "together we will beat this virus".

#### **AUSTRALIAN MIDDLE EAST MEDIA**

**Mr MARK COURE (Oatley)**—I proudly inform the House of the success of the Australian Middle East Media group [AME media]. AME media play a crucial role in delivering news to Middle Eastern Australians who may have difficulties accessing Australian media due to their language barrier. Their publications include daily and weekly newspapers, as well as monthly magazines and an ever increasing presence in the social media space. Organisations like AME Media ensure that we live in a country where all people have the opportunity to be informed citizens and keep up-to-date on current affairs. AME media have continued their good work through the launch of a talent competition, aimed at highlighting the talent that the Australian Arabic speaking community has. In light of their recent success, AME Media are proud to say that they are "the number one Middle Eastern ethnic media provider in the Australian market". Congratulations to chairman Wally Wehbe and his dedicated team.

#### **IRT PEAKHURST LUNCH FAREWELL FOR DONNA THOMSON**

**Mr MARK COURE (Oatley)**—I recently had the pleasure of attending morning tea at IRT Peakhurst, an aged care and retirement village in my electorate of Oatley. IRT Peakhurst has been a strong local provider of aged care services, and has a fantastic team of staff to support the residents they care for. IRT Peakhurst has a robust residents and friends association, who have always had a very active voice in local matters. This morning tea was particularly important as we farewelled staff member Donna Thomson, who has been a much-loved member of IRT Peakhurst for a tremendous 27 years. Donna undertook her role as a sales consultant with kindness and compassion, and is very deserving of her promotion to Area Manager of Retirement Villages in Sydney. Donna will be very missed in the IRT community, and it was an honour to be able to acknowledge her fantastic work. I wish her all the best with her new role.

#### **CANLEY VALE PUBLIC SCHOOL CARE PACKAGES**

**Mr GUY ZANGARI (Fairfield)**—I acknowledge the efforts of Mr Brad Lanham, Principal of Canley Vale Public School and his dedicated team for their efforts in rendering assistance to families in need throughout the COVID-19 lockdown period. The hard-working staff at Canley Vale Public School have a stellar reputation in our community for going above and beyond the call of duty for the welfare of students and their families. This challenging period in our state's history was no exception. With the school virtually closed and students learning remotely, a challenge in itself, Principal Brad Lanham and his dedicated staff did all they could to assist those families of the students at Canley Vale Public School who were struggling with the new challenge of unemployment. Brad and his staff, with the assistance of Woolworths, put together care packages for the families of students who were doing it particularly tough during this period, distributing much-needed essentials. I take this opportunity to commend and thank Mr Brad Lanham and his staff at Canley Vale Public School for their compassion and hard work in assisting their students and families in this challenging period.

#### **PLACES OF WORSHIP**

**Mr GUY ZANGARI (Fairfield)**—I acknowledge the clergy and administrators of all the places of worship in New South Wales for their efforts throughout the COVID-19 lockdown period. They have kept the faithful connected and engaged through televised services and utilised digital avenues to maintain faith and fellowship. Many religious celebrations and occasions occurred throughout the COVID-19 lockdown period, including the Vesak tradition of the Bathing of the Buddha for the Buddhist community, Easter for the Christian community, Ramadan for the Islamic community and Passover for the Jewish community. It is a testament to the faith and devotion of the faithful that they wholeheartedly engaged in as many of the rituals of their chosen faith as they could either online or through televised means. The Fairfield area is home to a high population of faithful worshippers who have been constantly guided throughout this challenging period by the steadfast devotion of the leaders of their faith. I thank these leaders for not only keeping the faith alive but for the assistance they have given to the increasing number of people in need in the community.

#### **WORLD BICYCLE DAY**

**Ms JO HAYLEN (Summer Hill)**—World Bicycle Day encourages people of all ages and abilities to dust off their bike and enjoy their city in a healthy and environmentally sustainable way. Over 1.1 million people in New South Wales ride a bike every week. During this COVID crisis, more and more people have taken to cycling

across New South Wales, recognising that it is a COVID-safe, healthy, clean and cheap way to get around our cities and towns. Recent cycling converts have been lining up outside Marrickville's Glowworm Electric Bicycles and Vanilla Cycles taking advantage of our safer and less congested roads during COVID 19. With this recent wave of cycling enthusiasm, it is crucial that we ensure that our roads are safe for cyclists. Thank you to Bicycle NSW, for ongoing advocacy in improving road safety and active transport links for cyclists. To the inner west cycling groups, thank you for your ongoing enthusiasm to see more people getting on their bikes and out of their cars. My electorate is teeming with avid cycling groups, like Dulwich Hill Bicycle Club, Ashbug, ArtCycle and Bike Marrickville, all eager to see more inner westies taking up cycling. To all cyclists and future cyclists, Happy World Bicycle Day.

#### **ABSEC**

**Ms JO HAYLEN (Summer Hill)**—National Reconciliation Week shines a light on the persistent gap between Indigenous Australians and non-Indigenous Australians and is a call to action for all Australians to continue the important work of reconciliation. In my electorate, AbSec has been providing a voice for Aboriginal children and their families impacted by the child protection system in NSW since 1999. Aboriginal children are 10 times more likely to end up in the NSW care system than non-indigenous children. Even today, generations of Aboriginal children are growing up separated from family and kinship carers, resulting in a loss of connection to culture, spirit and their heritage. AbSec advocates for greater investment by the government to support Aboriginal organisations in creating a holistic approach to support indigenous kids and families, ensuring they are raised in their community, not care. Their work is essential to improving the outcomes for aboriginal kids and the community is angered by reporting that AbSec may lose funding. Any cut to funding for AbSec is unacceptable, indigenous organisations deserve more of a voice, not less. Thank you to AbSec chairpersons Dana Clarke, Petrice Manton, and AbSec CEO Tim Ireland, for ongoing advocacy for indigenous families in Marrickville and across New South Wales.

#### **WASKAM EMELDA DAVIS**

**Mr ALEX GREENWICH (Sydney)**—On behalf of the Sydney electorate, I congratulate Emelda Davis on being awarded the 2020 Settlement Services International Human Rights Medal, recognising a lifetime of leadership for Australian South Sea Islanders, descendants of Australia's indentured slave trade. I worked with Emelda in 2013 on my motion in Parliament to recognise Australian South Sea Islanders and get government support to create positive futures for descendants. She ensured we learned about this shameful history and the need to recognise historic harms and remove structural disadvantage. With Australian South Sea Islanders across the country, Emelda has built a national body and network of support. She's worked with researchers and statisticians to document our disgraceful blackbirding history and its impacts. She ensures we celebrate the recognition of Australian South Sea Islanders last year and continue cultural ceremonies. In the Pyrmont community, Emelda also deserves the honorific "Waskam", a term that signifies a community leader. She is a strong voice for individuals needing help and getting action on local concerns in Pyrmont and beyond, organising disaster aid to Pacific Islands. Congratulations Emelda on this recognition and your lifetime of work for justice.

#### **ORANGE ELECTORATE OFFICERS**

**Mr PHILIP DONATO (Orange)**—I recognise my dedicated team of office staff at the Orange electorate office, Rebecca Hawkins, Denise Mills and Krisha Meyenn. The restrictions imposed as a response to the COVID-19 pandemic created a sudden and unexpected increase in the workload for my already busy team, and they took this in their stride, maintaining their consistently high professional standard and prompt service to the constituents of Orange. My team met the challenges of COVID-19 and quickly adapted to the change in their working environment. Not only did they manage an increase in their daily workload, they did so in the working imposition of their homes whilst juggling their increased care, parental responsibilities and home tuition of children and family, who were necessarily at home with them during this time. Unsurprisingly, I have received glowing praise from the community about interactions with my team, extolling their many and collective virtues of kindness, patience, graciousness, consideration and professionalism. My team are a tremendous asset to the community of the Orange electorate, ably addressing the vast array of issues brought before them each and every day. I sincerely thank my team, upon whom I heavily rely to represent the electorate of Orange.

#### **THE GLEBE SOCIETY**

**Mr JAMIE PARKER (Balmain)**—Today I recognise the Glebe Society, a community organisation who do wonderful work to ensure that the heritage, environment and community of Glebe is conserved. The Glebe Society was founded in 1969 to ensure that future development of the local area is always inextricably linked to its heritage. The Members of the Glebe Society have an uncanny knowledge of the history, heritage and culture of our community and an unwavering commitment to preserving it all. They always ensure progress is based on best-outcomes and are a vital resource within the community. I acknowledge and thank the management

committee, past and present including the current President Janet Wahlquist, Past President Brian Fuller, Vice President Mark Stapleton, Secretary Jude Paul and Treasurer Jane Gatwood. I also thank the subcommittee convenors including, Jeanette Knox, Lesley Lynch, Virginia Simpson-Young, Janice Challinor, Asa Wahlquist and Janet Wahlquist, as well as Dorothy Davis, Ted McKeown, Michael Morrison, Judy Vergison, Edwina Doe and Allan Hogan. My heartfelt thanks go to all these members for the marvellous work they do for Glebe.

#### **NORTH SYDNEY GIRLS ZONE SWIMMING**

**Ms FELICITY WILSON (North Shore)**—I congratulate the students of North Sydney Girls High School who competed in the Zone Swimming competition at Ryde Aquatic Centre earlier this year. Overall North Sydney Girls came third in Zone behind Cheltenham and Hornsby Girls, which I know the Member for Hornsby will be glad to hear. Congratulations to Sabrina Zhang who named 12 years age champion. The relay teams is where the real points were gained, highlighting that working as a team is a valuable ethos of North Sydney Girls. The following swimmers qualified for Regional in team and individual events. Congratulations to all the girls Sherri Zhang, Chloe Peng, Elizabeth Wu, Amanda Carnegie, Ashley Kang, Kenuli Mudannayke, Nimsi Guo, Sophina Lam, Chenny Lee, Shannon Tang, Maggie Lee, Casey Chen, Renee Nayager, Carolyn Niknafs, and Hannah Shi. Well done to all.

#### **STUDENTS BACK TO SCHOOL**

**Ms FELICITY WILSON (North Shore)**—I thank the school communities in my electorate of North Shore for how they have managed to maintain a positive learning environment for our kids. We know that ensuring our kids get the best start in life through education is so important, and the COVID-19 pandemic has put an enormous amount of stress on our principals, teachers, students and their families. It is heartening to see that schools across the State have welcomed students back for face-to-face learning full time. There is no better learning environment than in the classroom and I know there was lots of joy and excitement at schools as friends reunited, and teachers were able to have their students back in the classroom. I especially would like to thank all the Principals, teachers and staff at schools across North Shore who have shown great resilience during this difficult time, ensuring that the learning needs of their students always comes first. I would also like to thank all the students and their families for assisting schools in learning from home, and during the staged approach of returning to schools.

#### **ELDERS GLENN INNES STORE SALE**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)**—I congratulate and recognise Elders Glen Innes for successfully reintroducing monthly store cattle sales to the Glen Innes Regional Saleyards. Branch Manager Christopher Alt, along with his livestock sales team Cameron Neville, Geoff Schnitzerling and Aaron Harvey, yarded 1,033 head for the event on Friday, 22 May. There was a strong field of buyers present, all keen to make the most of improved seasonal conditions and renewed confidence in the market. The re-stocker market was red hot, as local graziers looked to rebuild their herds after the extended period of drought. The majority of the cattle on the day weighed from 180 kilograms to 280kg, with a young pen of Angus steers selling for over \$1,600 per head. This was the first store sale to be held at Glen Innes in eighteen months, with yardings last year suffering significantly due to a lack of cattle in the region. I commend Christopher for the considerable effort put into getting this sale off the ground, and for breathing fresh life into the local cattle selling complex. I wish the team every success for sales to come.

#### **GUYRA POST OFFICE**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)**—I recognise the recent achievement of the small but mighty team at the Guyra Post Office, who won the Australia Post Retail Award from a strong field of 57 other post offices in the NSW Rural North Network. This achievement was all the sweeter as the Guyra team were also recognised among the top performing outlets for the whole of NSW in March. Congratulations to licensee Kerry Gittoes and Julie Gittoes for delivering such a vital service during the COVID-19 shutdown of many other services. Our post offices have been a life line to many people and in particular for rural and remote communities. I commend Kerry and Julie for their commitment and hard work in extraordinary circumstances, and congratulate them on receiving this award as recognition.

#### **MS LAURALEA MOSS**

**Mr CHRISTOPHER GULAPTIS (Clarence)**—I offer my congratulations to Lauralea Moss of Grafton who recently was named Champion of Champions in the MAS3 Category at the 2020 Masters Track Championships held in Brisbane. Lauralea came home with a total of two gold medals, four silver medals and one bronze medal from the championships, which was a wonderful achievement made that much harder by a difficult preparation due to training sessions being cancelled because of the bushfires, and then the floods. Congratulations Lauralea on a huge achievement and I wish you continued success, wherever you are able to compete again.

### KOGARAH WOMAN OF THE YEAR

**Mr CHRIS MINNS (Kogarah)**—I was delighted to announce Ms Lala Noronha as the 2020 Kogarah Woman of the Year in March. Lala has made an outstanding contribution to the St George community by helping people who are less fortunate, disadvantaged and in need of help. The impact she has made through her role as the General Manager of The Kogarah Storehouse since February 2015 has been remarkable. Throughout her tenure she has driven enormous growth and impact of the organisation. The number of people in need seeking and receiving help has tripled over the years. She has grown existing programs and delivered new ones, expanding the number of people reached with vital services and assistance. Lala's contribution to our community has been highlighted throughout this COVID-19 crisis, as she has worked around the clock to ensure people receive any assistance and help they need. We are lucky to have women as dedicated and talented as Lala in our community to provide such an important service. Congratulations to Lala for being named as Kogarah's Woman of the Year for 2020.

### ZONTA CLUB OF BOTANY BAY

**Mr CHRIS MINNS (Kogarah)**—Earlier this year I had the pleasure of attending the Zonta Club of Botany Bay's twenty-fifth birthday celebrations. The Zonta Club is a professional women's service organisation which raises money to assist and advocate for women. The Botany Bay branch do wonderful work in our community. Here are just a few examples of the contribution they make in my electorate:

- They provide breast care cushions to patients in hospitals in both the St George area and the Sutherland shire
- They assist victims of domestic violence alongside Platform 9 and Moving Forward, two important community housing organisations
- They put together toiletry bags for Kookaburra Kids—the children and young people who live with parents suffering with mental illness.

The Zonta Club also work closely with schools in our area, providing leadership opportunities through their Young Women in Public Affairs competition. Thank you to Elaine Brus, Chair of the 25th Anniversary Committee for inviting me to the anniversary lunch. I have been honoured to assist the Zonta Club in the past and it was a delight to celebrate this milestone with the Botany Bay Zonta Club. I wish them all the best for the next 25 years.

### CENTRAL COAST VOLUNTEER OF THE YEAR AWARDS

**Ms LIESL TESCH (Gosford)**—I congratulate the 2020 Central Coast Volunteer of the Year award recipients who have selflessly displayed this year's theme 'Changing communities, changing lives' and especially after and during the unprecedented times we have been living through. Congratulations to Paula Howard on being named the Central Coast's Volunteer of the Year for your volunteering efforts at Meal on Wheels Central Coast. We all know you bring joy and beautiful smiles to clients of Meals and Wheels and can't wait to see you one Friday in 'dress-ups'! You are a champ and thank you! A special congratulations to other category winners including Beau Barton who took out the Young Volunteer of the Year award, Jayne Mote who was awarded the amazing Living Legend Volunteer award and Allan Maddox, who received the Excellence in Volunteer Management award. Congratulations also to the Central Coast Ukulele Players who received the Volunteer Team of the Year award. Lastly, a big well done to Sanitarium on taking out the Corporate Volunteer of the Year award. The continued diverse "social responsibility" you deliver across the coast is deeply appreciated! Well done to all recipients!

### UMINA BEACH MEN'S SHED OVERHAULS STORAGE BOXES FOR UMINA BEACH PUBLIC SCHOOL

**Ms LIESL TESCH (Gosford)**—A big thank you and job well done to the Umina Beach Men's Shed for helping to refurbish and overhaul the storage boxes at Umina Beach Public School. These boxes store play equipment that students use and play with in the sand pit. As a former teacher, I know how fast storage boxes can deteriorate over time, with constant use of fun-seeking students. Of course regular refurbishing is a necessary activity to increase the lifespan of these storage boxes. A particular thank you to Bill Ide and Bill Wood who were the crafty gentleman who drove the project and a well done to Deputy Principal, Mr Chad Tsakissiris, who reached out to the Umina Beach Men's Shed. And huge thank you to all the fellows at Umina Beach Men's Shed who have continued to work diligently through the COVID-19 pandemic, and best wishes to your journey to your new location!

### **WORLD'S GREATEST SHAVE**

**Ms ELENI PETINOS (Miranda)**—I congratulate 10-year-old community champion, Max Christoforou, who has raised over \$17,000 for the Leukaemia Foundation's World Greatest Shave. Max was inspired to raise \$10,000 and donate his hair to make a wig for a child affected by cancer after observing a young girl who had lost her hair due to undergoing chemotherapy. He grew out his own hair over four-and-a-half years for this selfless act. I was incredibly moved to witness Max's donation at the World's Greatest Shave event hosted by Kareela Village. I acknowledge the local businesses that assisted in Max's fundraising efforts on the day, including Billy "the Barber" Hammoud for donating the haircut and Stapleton's Quality Meats for putting on a sausage sizzle. I further recognise Kareela Village and their Centre Manager, Marketa Lines, not only for advertising and accommodating Max's fundraiser, but for also donating \$5,000 to his campaign. I am certain that Max has achieved his mission of putting a smile on the face of a child with cancer. I commend Max for his fundraising efforts and for having such a wonderful community spirit at such a young age.

### **MIRANDA CONGREGATIONAL CHURCH**

**Ms ELENI PETINOS (Miranda)**—I acknowledge Miranda Congregational Church on 125 years of playing an important role in the lives of many local community members. Founded in 1895, Miranda Congregational Church "seeks to be a people that enjoys God's grace and brings restoration to all parts of life". For years, Miranda Congregational Church has catered to all cross-sections of the community and currently serves over 200 adults and children. The organisation operates a number of ministries, including those specific to children, youth, men, women, adults and seniors, and has also been involved with local sporting clubs, Cubs and Scouts and fete days. Miranda Congregational Church's 125th anniversary was celebrated at Doltone House, Sylvania Waters earlier this year, just before the coronavirus pandemic altered our ability to celebrate such milestones. I acknowledge organising committee members including church Deacon Narelle Fraser, Wendy Pring and Kerrian Cartledge for their efforts in putting together such an important event. I also recognise the ongoing commitment of Senior Pastor Heath Smith, Secretary Craig Pring and Treasurer Ray Kehoe as leaders in the church and for their service to our community. I congratulate Miranda Congregational Church on this outstanding milestone and extend my best wishes for the future.

### **HEATHCOTE LOCAL SPORT GRANT RECIPIENTS**

**Mr LEE EVANS (Heathcote)**—I congratulate the following sporting organisations who were recently successful in the Sports Grants Program.

- St John Bosco Youth Centre Baseball and Softball Club for the purchase of playing and safety equipment
- Engadine Dragons Cricket Club for the upgrade of netting of three practice nets
- Engadine Eagles Netball Club for development courses for coaches, umpires and players
- Sutherland Leisure Centre Aquadot Swim Team for the purchase of national squad tracksuit uniforms
- Sutherland Loftus United JRLFC for the purchase of an electronic scoreboard, wireless controls and mobile trolley
- Engadine Swimming Club for the purchase of timing equipment, underwater cameras, rescue equipment and sun safe clothing
- St Patricks Sports Club Sutherland for the purchase of a baseball pitching machine
- Sutherland District Basketball Association for the purchase of a new floor scrubber for the court surfaces.

### **SYDNEY SURF LIFE SAVING AWARDS OF EXCELLENCE—NORTH CRONULLA SLSC**

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence)**—On 30 May Surf Life Saving Sydney Branch held its Awards of Excellence presentation. This year the ceremony was held virtually through video presentations. North Cronulla SLSC members received three notable awards. I congratulate Donna Hargreaves who was awarded as the Administrator of the Year. Donna's continuous hard-work and tireless efforts display the importance of those "behind the scenes", not necessarily on the sand and in the water, and it is pleasing to see her win this award. I congratulate Michaela Jenkins who is the JD Athlete of the year for 9-10 years females. Michaela's dedication to her training has been well rewarded with this award. I congratulate Funkys U23 Girls who were awarded as the Surf Sports Team of

the Year. Funkys U23 Girls demonstrate cooperation and exceptional teamwork ability, which is imperative in lifesaving situations. Their efforts and commitment make North Cronulla Beach safer for all who use it.

#### ANZAC DAY

**Dr HUGH McDERMOTT (Prospect)**—ANZAC Day commemorations were unable to proceed as normal this year. Services and memorials were cancelled as we all stayed home to protect our families and community. ANZAC Day 2020 was like no other. Although we could not gather to commemorate our Australian Defence Force veterans as we usually do, our community still came together to remember. Up and down my street I saw families standing in their driveways, pausing to remember those who fought for our freedom. We reflected on the courage, the mateship and the endurance of so many of our young men and women who have served our nation, and the ultimate sacrifice that they paid for our safety. The Australian Defence Force has served our nation proudly and with honour. No matter the circumstances we must always remember and thank all of those who sacrificed so much for our freedom. Thank you to everybody who has felt the call to serve and ensured our safety and security. Lest we forget.

#### CHEMISTWORKS

**Dr HUGH McDERMOTT (Prospect)**—Pharmacies are an often overlooked but important part of our community healthcare infrastructure. During the current COVID-19 pandemic many pharmacies in the Electorate of Prospect have expanded their services to better cater for our community. This year more people than ever have received the flu shot, helping to reduce the load on our hospitals. Local pharmacies throughout the Prospect Electorate were integral to this effort. I had the pleasure of visiting Chemistworks, Wetherill Park to have my vaccination and meet with the team who are helping to ensure the wellbeing of our community. Like so many businesses in Western Sydney they have adapted to better serve our community throughout the pandemic, with longer trading hours and more staff to answer health queries. Thank you to all of the pharmacists and staff assisting our community through this difficult time. And thank you to John and Catherine Bronger, proprietors of Chemistworks for organising my vaccination and introducing me to their staff.

#### RECOGNISING VISHAAL KUMAR

**Mr RAY WILLIAMS (Castle Hill)**—I take this opportunity to recognise Vishaal Kumar for his tireless dedication to the many multicultural and community groups which call the Hills home. It was my pleasure to recently present Vishaal with a NSW Government Community Service Award. For 12 years Vishaal has used his professional training and skills as a photographer to document the incredible efforts these groups make creating events for the public to enjoy and learn about different cultures. Vishaal does this free of charge and is always happy to lend a hand. As a result, Vishaal has become a well-respected figure in the multicultural community, who are grateful for saving them thousands of dollars every year. Vishaal exhibits the community spirit which defines both the hills and multicultural groups Australia wide, and as a result it is my pleasure to formally recognise Vishaal.

#### SUTHERLAND SHIRE RELAY FOR LIFE

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence)**—I congratulate the organisers and participants of the nineteenth Sutherland Shire Relay for Life. Over the course of the 19 years, approximately \$6.7 million has been raised for the Cancer Council. Due to the COVID-19 pandemic, this year's relay was a virtual broadcast. That still didn't stop Shire residents donning their purple shirts and walking around the streets for their hours of exercise. The virtual relay raised over \$120,000 towards vital research. This is a great achievement under the current circumstances and a major credit to the community and sponsors. I congratulate Rob Stanley-Jones, Rod Coy and Matt de Groot for their hosting of the broadcast. I also congratulate Alison Todd for her organisation and promotion of the event. Their combined efforts would have no doubt made the late Val Coy extremely proud. This event was a great community effort and display of adaption to current circumstances. I thank the contributions of survivors, carers, local businesses, volunteers and participants in making this relay a success.

#### YVETTE CAVANAGH

**Ms JENNY AITCHISON (Maitland)**—The effervescent and inexhaustible Yvette Cavanagh is a Maitland institution, known for her creativity as a businesswoman; her boundless support for local charities and community support programs; her fundraising prowess for the Cancer Council and, most recently, her response to the COVID-19 crisis. When this woman, who gives so much, struck hard times of her own, her first thought was for others. As the cinema complex manager at Reading Cinemas Maitland, Yvette was stood down when COVID-19 closed the cinema in March. Before that news was even finalised, the former Maitland Woman of the Year had poured her energy into a new venture. She rallied donations of produce and money, gathered a team of volunteer cooks, set up shop in the kitchen at the Hope Unlimited Church at Maitland, established a delivery

network and curated a roster of recipients who could use a free, delicious and nutritious meal during the toughest of times—whether due to changed finances, or exhaustion from working at the coalface of the pandemic. Yvette's efforts were recently recognised on Channel Nine's Today show, where she was named an Aussie Hero. Such a well-deserved honour for a true Maitland legend.

#### **WORLD MILK DAY**

**Ms JENNY AITCHISON (Maitland)**—Monday 1 June 2020 was the twentieth anniversary of World Milk Day. Milk is an integral part of many cultures' diets around the world, and World Milk Day marks the day that the Food and Agriculture Organisation of the United Nations formally recognised milk's importance as a global food. Milk is a vital component of a balanced diet, with some 9 essential nutrients. We take it for granted that milk will always be available – in a glass, on our cereal, in our "cuppa" coffee, tea or milo, or as part of a favourite recipe. As Shadow Minister for Primary Industries, I know our dairy farmers have done it tough, and we lost far too many during the milk war where big supermarkets cut the price to \$1 a litre. I acknowledge and thank the dairy farmers who have farmed on in the face of price wars, drought, bushfire and COVID-19. I salute the support of Dairy Connect, particularly President Graham Forbes and CEO Shaughn Morgan; Dairy Australia and Peter Arkle and James Jackson (NSW Farmers) for their ongoing advocacy for our dairy industry. It's time to #RaiseAGlass in celebration—a glass of milk, that is.

#### **KARRESS RHODES**

**Ms MELANIE GIBBONS (Holsworthy)**—I congratulate Karress Rhodes for 10 years producing the Your Liverpool Lifestyle Magazine. Karress is a servant-hearted member of the community. Ten years ago she put her hand up to produce the Your Liverpool Lifestyle Magazine, with the intention of encouraging people to be proud of where they lived, and to foster a community spirit. She has certainly achieved her goal! Her magazine has informed locals about the goings on in the area, and has helped bring people together. For 10 years the Your Liverpool magazine has been provided to various clubs and not for profit organisations, and is available in my office too, so that the information can be distributed within the community. That equates to a donation back into the community if those pages had all been paid for, of approximately \$600 000 over the 10 years. I thank Karress Rhodes for her ongoing service to the Liverpool community.

#### **OUTLOUD**

**Ms TANIA MIHAILUK (Bankstown)**—I was delighted to meet with representatives of local arts and cultural development group Outloud recently to receive an update on their wonderful initiatives as they deal with COVID-19 restrictions. I acknowledge Management Committee members, including Outloud Board Chair Mr Khai Ngo, Secretary Dr Emma Mitchell and Board Members Ms Marie Kanaan, Ms Katherine O'Regan, Mr Stuart Slough and Ms Zena Dabaja, as well as Artistic Director and CEO Ms Finn O'Branagáin, Administrator Ms Jessica Paraha and the rest of the wonderful Outloud team and thank them for their tremendous contribution to our local community. Since 1991, Outloud, formerly Bankstown Youth Development Service, have been running arts and cultural programs to create strong and sustainable local communities in Bankstown and South West Sydney, including the 'COMPACT—Stories of Strength' interview training program, 'Root and Branch' storytelling skills program, 'RESPECT' music program, the 'Bankstown poetry slam' and the '4Elements' music program. I am proud to offer my continued support for the valuable work Outloud perform in the Bankstown community and I take this opportunity to wish them well as they continue their important initiatives.

#### **MALIYAN HORIZON**

**Dr JOE MCGIRR (Wagga Wagga)**—Combining civil construction, project management and Indigenous engagement, Maliyan Horizon has worked across the region for many years to create employment opportunities for Aboriginal communities and provide top-quality services. Last month I was proud to stand alongside the Deputy Premier and Indigenous Elder Auntie Cheryl Penrith and the Member for Cootamundra at the opening of the organisation's Tumut office. I would like to congratulate the managing director and founder Emma Muller, director Luke Penrith, chairman Peter Beath, director Adrian McCrae and operations manager Michael Palmer. I wish to acknowledge their passion and dedication in supporting Aboriginal communities to secure long-term careers. As an artist as well, Luke Penrith designed the Maliyan eagle on a horizon logo, which is symbolic for 'protector on the horizon'. The image represents a united front as well as bringing style to their engagement with the future. This achievement—expanding into Tumut—is a great example of workforce skills and the right networks bringing on-the-ground knowledge and community together.

#### **TIGER-DO MARTIAL ARTS**

**Ms MELANIE GIBBONS (Holsworthy)**—I congratulate local martial arts studio, Tiger-Do Martial Arts, Chipping Norton on the recent achievements of two of its students. Recently, Jad Reda won four gold medals at the ACT International Open and Sydney International. At the same events, Liam McClifty won two gold medals,

one silver and a bronze medal. The two have been to training camps in Turkey and Croatia and were due to go to Romania and Germany at the end of March for another training camp. Once again Mr Speaker, I would like to congratulate Liam McCliifty and Jad Reda from Tiger-Do Martial Arts Chipping Norton for their recent accomplishments and wish them luck in Romania and Germany at the training camps. I would like to also thank the head coach of Tiger-Do, Terry Young for all his years training the children of our community, including Liam and Jad. I can only imagine how happy they will be to train and compete again, once the COVID restrictions have been lifted. Thank you.

#### **LUCY FALCO—DUX CAMDEN HAVEN HIGH SCHOOL**

**Mrs LESLIE WILLIAMS (Port Macquarie)**—I recognise graduate of Camden Haven High School Lucy Falco for recently being awarded the Dux of 2019 after receiving an ATAR score of 86.05 and three band-six scores in French, Legal Studies and Mathematics. After graduating last year with honours Lucy is looking ahead and with such an impressive final year she literally has the world at her feet. Our higher achiever is now planning a future career in teaching, with her sights set on studying a Bachelor of Secondary Education at the University of Sydney. Described by her peers as demonstrating a "relentless pursuit for understanding to achieve her absolute best" there is no doubt that Lucy will succeed in her journey to become an educator of tomorrow we can all be proud of. During these uncertain times it is young achievers like Lucy Falco that give us hope and assurance that our society can survive and grow through adversity. I know from experience that teaching is a rewarding and fulfilling career as you inspire future leaders that will invariably mould and shape our country and communities for the better. I wish Lucy all the best in her future endeavours.

#### **QANTAS AUSTRALIAN TOURISM AWARDS**

**Mrs LESLIE WILLIAMS (Port Macquarie)**—I recognise the renowned accommodation provider in my electorate, the NRMA Port Macquarie Breakwall Holiday Park for winning the bronze honours at the Qantas Australian Tourism Awards. Classed as the premier of accolades in the tourism industry, the 36 annual Qantas Australian Tourism Awards acknowledged the industry's hallmark of quality and excellence in tourism experience across several categories including; restaurants, wineries, accommodation, cultural tourism, ecotourism and festivals. Accepting the award at the National Convention Centre in Canberra, Ray and Dawn Marchment from the NRMA Port Macquarie Breakwall Park were ecstatic to receive the honour for the organisation's leadership in innovation and superior hospitality experience.

Over the summer months the concept of digital detox Yondr pouch for holiday guests was explored by the Breakwall Park in an effort to encourage travellers to disconnect from their phones and reconnect with family while enjoying the beauty and tranquillity Port Macquarie has to offer. During the evening, 76 awards were presented across 26 categories, with over 800 members represented from the hospitality and accommodation sector. It is no surprise that Port Macquarie is recognised as one of the top destinations in Australia. Congratulations again to Ray, Dawn and staff.

**The House adjourned, pursuant to standing and sessional orders, at 18:50  
until Thursday 4 June at 9:30.**