New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
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Wednesday 5 August 2020

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LEGISLATIVE ASSEMBLY

Wednesday 5 August 2020

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

The Speaker read the prayer and acknowledgement of country.

[*Notices of motions given*]

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: BILLS

Mr MARK SPEAKMAN: I move:

That standing and sessional orders be suspended to permit the resumption of the adjournment debate and passage through all remaining stages, at this or any subsequent sitting, of the Gas Legislation Amendment (Medical Gas Systems) Bill 2020.

Motion agreed to.

Bills

ADOPTION LEGISLATION AMENDMENT (INTEGRATED BIRTH CERTIFICATES) 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) (09:48): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020. At present, following an adoption the adopted person is issued with a post-adoptive birth certificate, which records the child's adoptive parents but makes no reference to the child's parents at birth. Their original birth certificate is no longer a valid identity document. This bill will authorise the issuing of integrated birth certificates [IBCs] for adopted persons. Going forward adopted people will receive two birth certificates. The first certificate will be the existing post-adoptive birth certificate and the second will be an IBC, which will include information about an adopted person's birth parents and birth siblings as well as their adoptive parents and adoptive siblings. Both the post-adoptive birth certificate and the IBC will be valid identity documents, allowing adopted persons to choose which certificate they wish to use for legal identification purposes. This reform will modernise birth certificates for adopted people and reflect the contemporary shift towards open adoption in New South Wales.

Historically, adoptions in Australia were defined by the concept of secrecy. These closed adoptions involved an adopted child's original birth certificate being sealed and a post-adoptive birth certificate issued. This was intended to establish the child's new identity and relationship with their adoptive family, but also had the practical effect of severing any relationship between the adopted person and their parents of birth. In some cases adopted persons were prevented from even knowing who their birth parents were. Since 1965, when the Supreme Court of New South Wales issues an adoption order all parental rights and responsibilities for the child are legally transferred from the child's birth parents or whomever has parental responsibility for the child to their adoptive parents.

Once the adoption order is made the Registrar of Births, Deaths and Marriages issues a post-adoptive birth certificate for the child, which supersedes the original birth certificate and becomes the current record of birth. The post-adoptive birth certificate records the child's adoptive parents but makes no reference to the child's birth parents. Post-adoptive birth certificates are consistent with the legal effect of adoption, in that the law treats the child as if the child had been born to the adoptive parents. Post-adoptive birth certificates are not, however, consistent with modern open adoption practice. Modern adoption practice is characterised by an open exchange of information, where adoptive and birth families know about each other, exchange information and, where possible, build relationships in direct contact. This enables the child to remain connected to their birth family and understand their background and cultural heritage. This practice is embedded in New South Wales adoption laws.

In Australia we have been on a journey towards modern open adoption practice, learning from both our history and a clearer understanding of the best interests of the child. Over the years, significant legislative reforms

in New South Wales have embedded modern open adoption practice in our State. In 2008 the Adoption Act 2000 was amended to establish the practice of open adoption. These amendments established equitable and open rights to access information such as birth certificates and applied to all applications for adoptions from 1 January 2010. Since this reform all adoptions in New South Wales are now open, reflecting contemporary understandings of the needs and best interests of the child. Unlike adoption laws, the legislation governing post-adoptive birth certificates has not changed since 1965. It is inconsistent with the principles underpinning current adoption practice and with the legal framework that now surrounds adoption in New South Wales.

As part of the shift towards open adoption, many reports and inquiries conducted in Australia have recommended introducing IBCs as they better reflect an adopted person's full life story. Naming birth parents on an IBC supports a child's right to know their origins, is likely to support openness in the adoptive family and may encourage ongoing relationships with birth families. For example, the NSW Law Reform Commission's 1997 report entitled *Report 81: Review of the Adoption of Children Act 1965 (NSW)* recommended that adopted people should have the option of applying for a birth certificate in one or both of two forms: firstly, the current post-adoptive birth certificate that shows only the details of the person's adoptive parents and adoptive siblings, if any; and, secondly, a birth certificate that details both the person's birth parents and any birth siblings and their adoptive family and the date of adoption. It concluded that issuing both certificates was the only practicable solution to an unsatisfactory system. Similarly, in February 2012 the Australian Senate Standing Committee on Community Affairs tabled its report entitled *Commonwealth Contribution to Former Forced Adoption Policies and Practices*. Recommendation 13 of the report is:

- all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates…

In 2015 an independent review of the Adoption Act 1988 (South Australia) conducted by Associate Professor Lorna Hallahan on behalf of the South Australian Department for Education and Child Development suggested that, following an adoption, the birth certificate must reflect the truest possible account of the biological parentage of the child. In 2017 the Victorian Law Reform Commission published its review of the Adoption Act 1984 (Victoria). The review included a recommendation that, subject to security and cost considerations, IBCs should be available to all children who are adopted and all people who have been adopted in Victoria.

More recently, in 2018 the Australian House of Representatives Standing Committee on Social Policy and Legal Affairs concluded its inquiry into local adoption and published its report entitled *Breaking barriers: a national adoption framework for Australian children*. One of the most significant issues raised by adoptees, prospective adoptive parents and child protection professionals during this inquiry was that birth certificates still reflect past adoption practices by replacing birth parents' names with the names of adoptive parents, as if the child was born to them. This legal severance from birth families has had ongoing impacts on adoptees. This inquiry recommended a national law for adoption that provides for IBCs which include the names of both birth parents and adoptive parents while conferring full parental and legal responsibility for adopted children on the adoptive parents.

The consistent message of these reviews and inquiries was that action should be taken in Australian jurisdictions to ensure adopted people have access to a birth certificate that reflects their truest possible history for use as a legal identity document. In New South Wales we are taking that action today. Importantly, we have worked with those who will be most affected by this reform to ensure that the introduction of IBCs in New South Wales is informed by the views of the adoption community. I acknowledge that for some people affected by closed and/or forced adoptions post-adoptive birth certificates represent the erasure of their identity and background. The Department of Communities and Justice consulted the adoption community, and the community more broadly, through an online survey to find out from those who have experienced adoption what information is preferred in a birth certificate. Almost 600 responses were received. More than 85 per cent agreed that adopted people should have a birth certificate that includes both birth and adoptive family information. A sample IBC was shared and more than 90 per cent of respondents found the document easy to understand.

The proposal to introduce IBCs was also considered by an adoptions working group comprised of representatives from Legal Aid NSW, the Crown Solicitor's Office, a New South Wales Supreme Court judge, accredited adoption service providers and the University of Sydney open adoption institute. The working group strongly supported the introduction of IBCs. The introduction of IBCs will mean that adopted persons will have a birth certificate that details their parents and siblings at birth and after adoption. These certificates will better reflect the life story and identity of the adopted person and are consistent with modern adoption practice. It is important to emphasise that this reform will not change the legal impact of an adoption. Both the post-adoptive birth certificate and the IBC will clearly identify the adoptive parents as the legal parents of the adopted person and the person's adopted name as their legal name.

I turn now to the substance of the bill. I will begin by outlining the amendments to the Births, Deaths and Marriages Registration Act 1995. Schedule 2 [1] to the bill will amend section 25A of that Act to provide that the Registrar of Births, Deaths and Marriages [BDM] is authorised to issue two birth certificates: namely, the existing post-adoptive birth certificate and an IBC. Where an adoption order has been issued by the Supreme Court of New South Wales and registered by the registrar of the BDM after the commencement of these reforms, both certificates will be issued upon application to the BDM for a birth certificate.

Under proposed section 25A (1) the post-adoptive birth certificate that is issued includes the same information that is currently included in a post-adoptive birth certificate; that is, it must contain information about the person after their adoption is registered in place of the corresponding information recorded in a register before their adoption. For example, a post-adoptive birth certificate lists the person's parents as their adoptive parents and makes no reference to their parents at birth. In fact, the certificate must not include any information that indicates that the person has been adopted. The IBC must contain information recorded about the person after their adoption is registered in addition to the information that is recorded in the register in relation to the birth of that person before their adoption; that is, the IBC will list both the person's adoptive parents and parents at birth making clear that the adoptive parents are the person's legal parents.

If particulars about the birth were not recorded in the register previously the registrar of the BDM may also include other information that the registrar considers appropriate for inclusion on the IBC. Item [1] also introduces proposed section 25A (5), which will ensure that issuing an IBC will come at no additional cost to the applicant. A person issued with an existing post-adoptive birth certificate as well as an IBC will be required to pay the fee for only one certificate. Where the registrar of the BDM issues a person with a post-adoptive birth certificate and an IBC, the person will be able to apply subsequently for either of those certificates to be reissued. In these circumstances the issuing of subsequent certificates may incur a fee. Whether to charge a fee will be determined on a case-by-case basis with the availability of fee waivers for applicants in certain circumstances. Finally, item [2] inserts a note at the end of section 49 (1) to indicate that, following commencement, the registrar of the BDM will be required to issue more than one birth certificate to an adopted person after their adoption has been registered in New South Wales

I turn now to the amendments of the Adoption Act 2000 included in the bill. I note at the outset that the Adoption Act differs from the Births, Deaths and Marriages Registration Act in that it refers to the post-adoptive birth certificate as an amended birth certificate. Both terms describe the birth certificate that is issued to an adopted person after the adoption has been registered. Item [1] of schedule 1 inserts proposed section 133A (a1), which will amend the definition of "presumptive father" to include the person shown on the adopted person's IBC as the father of the adopted person at birth. The remaining provisions relate to access to IBCs for people adopted prior to the commencement of these reforms. Generally, the processes and entitlements to obtain an IBC will be aligned to the existing requirements to obtain adoption information, which vary depending on the age of the applicant and the date of the adoption.

If a person was adopted and the adoption was registered in New South Wales prior to the commencement of these provisions, they will be able to apply to the registrar of the BDM for an IBC. The requirements for these applications will differ depending on whether the adoption occurred before or after 1 January 2010 when the open adoption reforms commenced. In relation to persons adopted after the commencement of the open adoption reforms in 2010, item [2] inserts proposed section 133C (a1), which will entitle such persons to receive an IBC provided that a record of the adoption of the person has been registered under the Births, Deaths and Marriages Registration Act 1995. Access is subject to the consent requirements inserted by item [3]; namely, that an adopted person who is less than 18 years of age must obtain the consent of their adoptive parents.

Item [7] inserts section 134 (1) (a1), which will entitle a person who was adopted before the commencement of the 2010 open adoption reforms to receive an IBC subject to the following requirements. In line with the access requirements in relation to adoptions that occurred before 2010 that are outlined in division 2, part 2 of chapter 8 of the Adoption Act 2000, an "information source", like the BDM, is required to have "authority" authorising it to supply prescribed information, including adoption information about the adopted person, birth parent and/or parents, both sibling and/or siblings, and adoptive parent and/or parents from their records. As such, the person will need to produce an "authority" authorising the supply of prescribed information in order for the registrar of the BDM to issue an IBC. If this authority is not produced the registrar will not be authorised to issue an IBC. At present this authority is known as an adoption information certificate [AIC].

An adoption information certificate is obtained through an application to the Secretary of the Department of Communities and Justice. If the adoption information unit in the Department of Communities and Justice considers there may be a risk to the safety, welfare or wellbeing of the adopted person or another party, a risk assessment is undertaken to determine whether the adoption information certificate can be provided. Division 2 of the Act outlines the entitlement of adopted persons, adoptive parents and birth parents to adoption information

but it may be refused by the secretary of the department. For example, an adoption information certificate would not be issued if, first, a contact veto was lodged under part 4 of the Act and the applicant chose not to sign an undertaking as per the requirement under section 164; or, second, a party has lodged an advance notice under part 3 of the Act, which would delay the release of the identifying information for the specified period; or, third, exceptional circumstances exist that make it necessary to prevent serious harm to a party concerned in accordance with section 136A of the Adoption Act 2000.

Section 136A of the Act also allows the secretary to require information to be supplied subject to specified conditions, including that the person entitled to the information receives counselling prior to the supply of the information. The process for applying for an adoption information certificate in order to obtain an IBC will be streamlined to ensure that it is simple and easy to obtain an IBC in relation to an adoption that occurred before 2010. Prior to the commencement of the reforms the application form to obtain adoption information will be updated to allow an applicant to also request an IBC through the same form. This is in line with the commitment of the New South Wales Government to delivering world-class customer service. Items [8] and [9] introduce the consent requirements that will apply where the adopted person is less than 18 years of age. In these circumstances the application for an IBC can be made only with the consent of their adoptive parents and birth parents.

Adoptive parents are also entitled to be provided with IBCs in certain circumstances. The bill mirrors the access provisions for comparable birth records currently provided for in the Adoption Act 2000. Accordingly, item [4] inserts section 133D (1) (a1), which provides for the circumstances in which adoptive parents are entitled to apply to the registrar of the BDM to receive an adopted person's IBC if the adoption occurred after the 2010 open adoption reforms. Items [10] and [11] amend section 135 to provide that adoptive parents are entitled to apply for an IBC in relation to adoptions that occurred before 2010 provided that the adopted person is over 18 years of age and consents to the adoptive parent receiving it. The existing entitlements for birth parents to access comparable birth records are also replicated in relation to IBCs. Item [5] inserts section 133E (1) (a1), which entitles birth parents to receive an IBC in relation to adoptions that occurred after 2010. In those circumstances birth parents are entitled to an IBC provided that the adoption is registered and an adoption information certificate, or equivalent authority, is produced if the adopted person is under the age of 18.

Item [12] inserts section 136 (1) (a1), which entitles birth parents to receive an IBC in relation to adoptions that occurred before 2010, provided the adoption is registered and the person is 18 years or over. However, the birth parent must provide an adoption information certificate or equivalent authority regardless of the age of the adopted person. This is in line with current processes to access information about adoptions that occurred before 2010 under the Adoption Act 2000. In cases where the adopted person is less than 18 years of age, items [6] and [13] will amend the Adoption Act 2000 to entitle birth parents to access other information contained in an IBC, provided the information cannot be used to identify the adopted person, or his or her adoptive parents. These provisions relate to adoptions that occurred both after 1 January 2010 and before the open adoption reforms came into effect.

While the IBC will include information about the adopted person's siblings both at birth and after adoption, only adopted persons, adoptive parents and birth parents are entitled to be provided with an IBC in the circumstances I have outlined. The access rights of the siblings of an adopted person are not affected by this bill. Under section 133G of the Adoption Act, a sibling of an adopted person who is a child of the birth parent, but is not himself or herself an adopted person is defined as a "non-adopted sibling". Non-adopted siblings are entitled to receive prescribed information relating to an adopted person, such as non-identifying background information that will give the non-adopted sibling knowledge of the adopted person's life. However, consistent with the current provisions contained in the Adoptions Act 2000, non-adopted siblings are not entitled to receive an adopted person's birth certificate, including their IBC.

Again, in line with current access entitlements, certain other people may be entitled to an adopted person's IBC where that person, or their parents at birth, have died. Item [14] amends section 137 to provide for the supply, or authority to supply, an IBC to a relative or spouse of a deceased adopted person or a deceased birth parent. These inherited rights to adoption information are dependent upon the person having had a close personal relationship with the deceased person. The fees associated with issuing an IBC in these circumstances will be determined by the registrar of BDM on a case-by-case basis. Item [15] inserts proposed section 138 (3A), which provides that an application for the supply of an adopted person's IBC in these circumstances must be made in writing to the registrar of BDM.

I have noted in the past that information, practices and attitudes surrounding adoption in Australia were dominated by the assumption that secrecy was essential to protect all people involved in an adoption. As a result, many adoptions were kept a secret not only within birth families but also adoptive ones. An important part of the shift towards modern adoption practice occurred in 1991 with the commencement of the Adoption Information Act 1990. As a result of that Act, for the first time identifying adoption information could be made available in

New South Wales, including in relation to adoptions that took place during the period of closed adoption practice. While the legislation generally opened access to information, some aspects of the legacy of closed adoption practice and secrecy remained.

For adoptions that occurred prior to 1 January 2010, part 3 of the Adoption Act 2000 allows adoptive parents, birth parents and adopted persons to lodge an advance notice to formally delay the release of identifying information. This involves the person writing to the secretary to advise that they wish to be notified if a person entitled to receive certain personal information about them, such as a birth certificate, makes an application to receive that information. The secretary keeps an advance notice register and must notify the person that has lodged an advance notice request when another person makes an application to receive such information. The supply of that information will then be delayed for a period of three months after the application is made.

The advance notice system is intended to recognise that there are times in life where significant events are happening that may not allow an adopted person or birth parent to give their full attention to a reunion as a result of information being released. For example, an adopted person may need time to complete their higher school certificate or tertiary course, and a birth parent may want to tell their partner or close family members about the adoption before the adopted person contacts them. For some people connected to closed adoptions, there will never be a good time to make contact. This may be due to a variety of reasons, including trauma and grief. If an adoption occurred before 26 October 1990 part 4 of the Adoptions Act 2000 allows an adopted person who has reached the age of 17 and six months, or a birth parent, to prevent someone contacting them by lodging a contact veto. The contact veto remains in force until the applicant decides to remove it, or has died.

An applicant may still receive adoption information when a contact veto is in force, provided they sign an undertaking agreeing that they will not contact or attempt to contact the person who has lodged the contact veto. This bill does not substantially alter these arrangements. Advance notices and contact vetos will continue to apply where they have been lodged. For adoptions that occurred prior to January 2010, adopted persons, adoptive parents and birth parents will continue to be able to lodge advance notices. For adoptions that occurred prior to October 1990, adopted persons and birth parents will continue to be able to lodge contact vetoes. Because IBCs will include identifying information about birth parents, advance notices and contact vetoes may affect the release of an IBC in some circumstances. Items [16] to [20] to the bill set out the application of these provisions to IBCs.

Item [16] extends the definition of "personal information" under section 145 to include IBCs. This means that for adoptions that occurred before 1 January 2010 a request for personal information, including an IBC, may be delayed by an advance notice request. The delay will allow the person who lodged the advance notice to be advised that access to their information has been sought and that it will be released at the end of a specified period. Items [17] and [18] establish a new mechanism to manage contact vetoes where a request is made for an IBC for a pre-2010 adoption. As I said earlier, where an adopted person was adopted before 2010, they are required to obtain an adoption information certificate, or equivalent authority, from the Secretary of the Department of Communities and Justice before they can be supplied with an IBC.

Items [17] and [18] provide that where a contact veto has been lodged, an IBC cannot be supplied to an applicant unless they have signed an undertaking that they will not contact or attempt to contact the person who lodged the contact veto or procure another person to do the same. Failure to comply with a signed undertaking not to contact a person who has lodged a contact veto is an offence. Item [19] amends the offence provision in section 188 to extend it to a person who receives an IBC with a contact veto that remains in force. The penalty for contravening a contact veto will remain the same, namely, 25 penalty units or imprisonment for 12 months, or both. Section 199 (3) (a) allows the secretary to refuse to authorise the supply of any birth certificate endorsed with a contact veto to a person acting on behalf of a person with a disability if the person is unable to ensure that the person with the disability will not contact or attempt to contact the person who lodged the contact veto.

Item [20] amends section 199 (3) (a) to clarify that the secretary may refuse to supply any birth certificate to a person acting on behalf of a person with a disability where a relevant contact veto remains in force. This will ensure the provision applies to IBCs, which will not be "endorsed with a contact veto" even where one is in force. Finally, item [21] inserts the definition of integrated birth certificate into the dictionary of the Adoptions Act 2000. The bill provides that, if passed, the new provisions will commence on proclamation. This will allow time to communicate with affected stakeholders about these changes before they come into effect. Birth certificates may be required by a wide range of agencies, businesses and organisations. They are used by schools, employers, and banks, and are required to access various services and benefits. As a primary identity document, birth certificates are also used to create other secondary documents, such as a driver's licence or passport.

Communication with the diverse range of stakeholders that may encounter IBCs is needed to ensure that the introduction of IBCs does not cause confusion. While the form of the IBC is designed to make it user friendly, strategic communications will be vital to support awareness and use of the IBC as a valid identity document. Without this, organisations and individuals that are not familiar with IBCs may not understand that they may be

used for identity verification. Communications will also emphasise that the adopted person's legal parents remain their adoptive parents. The form of the IBC is also designed to make this clear. Importantly, adopted persons and their families will also be advised of the reforms and how they may apply for an IBC. The New South Wales Government will ensure that the implementation of this change is clearly communicated to all stakeholders.

Before concluding, I thank those who contributed to the development of this important reform. I note the work of the integrated birth certificates implementation working group, which comprised representatives from Adoption and Permanency Services; policy, reform and legislation, and communications within the Department of Communities and Justice; and births, deaths and marriages within the Department of Customer Service. I extend special thanks to Amanda Ianna, Fariba Gharahkani, Erin Vasek, Caroline Smith and Carly Morris, who have been instrumental in this work.

The bill will make New South Wales one of the leading Australian and global jurisdictions in this area of reform. In Australia, IBCs are currently only available in South Australia, where legislative reforms in 2016 expanded its earlier process of court-ordered IBCs to allow the South Australian registrar of Births, Deaths and Marriages to issue IBCs to all adopted persons in South Australia. The bill will provide an adopted person with more autonomy as they will be able to decide which certificate they wish to use as their primary identity document. The bill will allow an adopted person's full life story to be acknowledged, and will give adopted people access to a birth certificate that reflects the truest possible account of their history. This may be critical for some adopted people to express pride in their heritage and celebrate their culture. The New South Wales Government is pleased to take this step forward in modern open adoption practice and acknowledge the full life story and history of adopted persons. I commend the bill to the House.

Debate adjourned.

PERSONAL INJURY COMMISSION BILL 2020

STATE REVENUE LEGISLATION AMENDMENT (COVID-19 HOUSING RESPONSE) BILL 2020

Returned

The DEPUTY SPEAKER: I report receipt of messages from the Legislative Council returning the bills with amendments. I set down consideration of the Legislative Council's amendments as orders of the day for a later hour.

DEFAMATION AMENDMENT BILL 2020

Second Reading Debate

Debate resumed from 29 July 2020.

Mr MARK TAYLOR (Seven Hills) (10:23): It is a pleasure to speak in favour of the Defamation Amendment Bill 2020 that the Attorney General introduced on Wednesday 29 July 2020. The bill seeks to amend the Defamation Act 2005 and the Limitation Act 1969 to implement changes to Australia's uniform defamation law as agreed by the Council of Attorneys-General. In essence, the bill is all about modernising defamation law in New South Wales to reflect journalism in the digital age. It is clear to me that the bill is indicative of the Government's commitment to ensuring that the laws of this State reflect our modern society. That is particularly important when case law begins to drift from community expectations. It then begs the question: How do the reforms contained in the bill respond to the increase in digital communications?

To answer that question, we must go back to 2005 when the State and Territory Attorneys-General agreed to a uniform national approach to defamation law through the adoption of the model defamation provisions. Of course, a lot has happened to technology and communications since that time. For example, in 2005 Myspace turned down an offer to purchase Facebook for a mere US$75 million. Today, Facebook's market capitalisation is around US$660 billion. The laws in 2005 came several months before the first-ever tweet and before a person could be defamed in 140 characters—or, as it is today, 280 characters. According to a 2018 report from the Centre for Media Transition at the University of Technology Sydney, over half of all defamation cases in New South Wales concern digital defamation. The landscape has changed since the model defamation provisions were agreed to. I commend the Attorney General for recognising that the media landscape has evolved and for asking the Council of Attorneys-General to reform the model defamation provisions. The Attorney General asked the Council of Attorneys-General to agree to reform the provisions so that they are fit for purpose in the digital age.

A major hurdle in the digital age of media that simply did not exist in the analogue age is the problems that exist with respect to the multiple publication rule. A key reform in the bill that reflects the digital age is the proposed introduction of a single publication rule. A cause of action in defamation arises when defamatory matter is published by the defendant. More specifically, *Dow Jones & Company Inc v Gutnick* [2002] HCA 56 provided

that publication occurs when defamatory matter is received in a communicable form by at least one third party. Section 14B of the Limitation Act 1969 provides that a person who has been defamed has one year from the date of publication to commence proceedings. It is simple, therefore, to start the clock on the limitation period for print, radio or TV where the date of publication is fixed.

However, for online material the one-year limitation period begins each time a third party downloads the publication. This means that if a publication exists online then each time there is a subsequent download of the publication the one-year limitation period starts again. If material is downloaded repeatedly a publisher is potentially exposed to indefinite liability. The limitation period is therefore ineffective for digital publications which remain accessible online, as is the case with most publications in the digital age. As webpages may be downloaded many thousands of times, this means there is a separate cause of action for each download and the limitation period applicable to each download will vary even though the same matter is involved. This may enable plaintiffs to circumvent the purpose behind the limitation period by relying on later downloads of the same matter, which may occur many years after the webpage was first uploaded. This is known as the multiple publication rule.

Many stakeholders have raised concerns about the multiple publication rule, arguing that it is ill-suited to the digital age. Some of the main concerns were: firstly, digital publication and online archiving create a potentially endless limitation period as material may be stored, repeatedly downloaded and therefore published for the purposes of defamation for an indefinite period; secondly, there are evidentiary difficulties for publishers responding to a claim if material is downloaded long after the date of upload; and, thirdly, whether the publication is digital or not, plaintiffs should be required to bring a suit promptly before the courts. The solution to the multiple publication rule as embedded in the reforms in the bill is to introduce a new single publication rule. It is based on section 8 of the United Kingdom Defamation Act 2013 and applies if a person:

(a) publishes a statement to the public (the ***first publication***); and

(b) subsequently publishes (whether or not to the public) that statement or a statement which is substantially the same.

The single publication rule will mean that the applicable one-year limitation period runs from the date of first publication only and not the date of every subsequent download or publication. For electronic publications, the date of first publication will be the date of upload. This is a more certain marker than the date of download, and reflects the approach taken for traditional print, radio and TV media. During consultation most stakeholders strongly supported the introduction of a single publication rule similar to the approach taken in the United Kingdom. Ireland and several United States jurisdictions have also had a single publication rule from the date of first publication.

Under the single publication rule the date of first publication will be treated as the start date for the limitation period and for all subsequent publications unless a subsequent publication is materially different from the first publication. In determining whether the matter of the subsequent publication is materially different from the matter of the first one and whether new limitations should apply, the court may have regard to the prominence the matter is given and the extent of the subsequent publication. To address circumstances where a defamed individual could not reasonably bring an action within the one-year period—for example, the aggrieved person only became aware of the publication after more than one year—the bill also broadens the test for extending the limitation period to a maximum of three years. It is quite right that this is contained in the bill as a safeguard for this particular purpose.

The limitation as provided in this bill may be extended in circumstances where the plaintiff satisfies the court it is just and reasonable to allow an action to proceed. In determining whether the extended limitation period for a period of up to three years, running from the date of the publication, the court is to have regard to all the circumstances in the case but in particular, first, the length of and the reasons for the plaintiff's delay; secondly, when the plaintiff became aware of the matter; thirdly, the extent to which the plaintiff acted promptly and reasonably once they became aware; and, fourthly, whether evidence is likely to be available or less cogent than if the action were to be brought within the limitation period. This will provide a court with greater flexibility and ensure that aggrieved individuals are not unfairly disadvantaged by the new single publication law while at the same time ensuring that publishers are not exposed to indefinite liability for defamation procedures for digital publications.

In closing, I congratulate the Attorney General and the team in his office on the preparation, carriage and oversight of this bill. As I have said, if the bill is enacted it will ensure that the laws of this State with respect to defamation are appropriate for journalism in this digital age. Similarly to the submission by the Attorney General prior to the mentioning of this bill, the Attorney General in this case is making sure that the laws of this great State are modern and cater for our modern society in New South Wales. I commend the bill to the House.

Mr ALISTER HENSKENS (Ku-ring-gai) (10:32): I am very happy to speak to the Defamation Amendment Bill 2020. Those who know me know that I have a concern with regard to the freedoms in a

democratic society. There is no core freedom; there is a range of core freedoms. But one of those core freedoms is, of course, the freedom of expression. The freedom of expression is not an absolute freedom, as with many freedoms within our society. The freedom of expression is not absolute because there is a number of exceptions to unbridled freedom of expression, such as the laws of sedition, the laws of defamation and so on.

When we talk about the laws of defamation there is an important balance between the protection of individual reputation on the one hand, and freedom of expression on the other. What the law of defamation tries to do is provide an acceptable balance between, on the one hand, protecting unfair and unjustifiable attacks on people's reputation that can cause them great financial and psychological harm and, on the other hand, ensuring that we have a society in which people can freely raise matters of public importance so that there can be an appropriate degree of transparency within our community. This balance between the two competing interests of reputation and freedom of expression has been a struggle that has gone on for many hundreds of years.

I first started to look in some detail at the laws of defamation in about 1987 when I came to write my master's thesis, which was a comparison between the American first amendment protections—particularly jurisprudence, which started with a famous case called *New York Times v Sullivan*—and how political freedom of expression was allowed in New South Wales having regard to our then Defamation Act 1974. That caused me to write an article in about the late 1980s on investigative journalism and the laws of defamation in New South Wales, which was published in the *Australian Bar Review*. Ultimately, I was called before a parliamentary inquiry into the laws of defamation in the early 1990s. In fact, I was reminding the health Minister only yesterday that he subjected me to some fairly vigorous questioning. I think the tenor of the questioning was because I was promoting the rights of the media more aggressively than perhaps the health Minister then thought was appropriate.

The article that I wrote in the late 1980s about statutory qualified privilege and investigative journalism essentially made the point that, although we had introduced in the 1974 Defamation Act a defence of statutory qualified privilege that allowed the media to rely upon the notion of reasonableness as to publication, in fact that defence had never succeeded to that point in time. Even to this point in time, although that defence was effectively put into the 2005 Act, it has had very little success. One of the innovations under the bill before the House is the new section 29A, which is proposed to be inserted into the Act. That new section takes away an emphasis under the current statutory qualifier of privilege on the reasonableness of the process of publication and replaces it with a two-pronged test under subsection (1) of the new section 29A, which is that there will be a defence for the publication of defamatory matter if the defendant is able to establish two things.

The first thing is that the matter published concerned an issue of public interest. It is important to understand that in *Chappell v TCN Channel Nine Pty Ltd* the court drew a very important distinction between matters that are of interest to the public, which can often relate to people's private lives—their private sexual activity, for example—and matters that are of public interest in a legal sense. Matters that are of interest to the public may not truly be of public interest. The second element of the proposed new defence under new section 29A is that the defendant must reasonably believe the publication was in the public interest. The emphasis has become on the reasonableness of that belief as opposed to the former defence of statutory qualified privilege, which looked at the reasonableness of the process of publication. The new defence in new section 29A contains some very important protections so that it cannot be abused by publishers. Some of those limitations are particularly relevant to the mass media.

One of the considerations which the court may take into account in determining whether the offence is established is the seriousness of the imputation alleged against individuals. For example, very serious allegations will obviously require a higher degree of journalistic conduct informing the reasonable belief in the public interest as against perhaps less serious allegations against an individual. In matters of seriousness I expect it will be the case that courts will require a reasonable belief to be strongly based upon proper research and material because, as the courts have said on many occasions, there is no public interest in publishing serious false defamatory allegations against people without any reasonable investigation or factual foundation. That is just an unreasonable attack upon somebody, possibly causing them great harm, without any reasonableness as a foundation.

Other matters that may be taken into account under subsection (3) of proposed section 29A include the extent to which the published material clearly distinguishes between matters which are suspicions, allegations or proven facts. Where there is doubt, that must be clearly stated rather than conveyed as being matters of truth. Other considerations include whether the matter published relates to the performance of the public functions or activities of the person—there is a clear distinction between people's public activities and functions and their private activities—and whether it was in the public interest in the circumstances for the matter to be published quickly. In other words, the deadlines of the media cycle will not always excuse sloppiness in an investigation.

The integrity of sources is another matter that needs to be taken into account. There is a list of the sorts of matters that must be taken into account which are reasonably protective of individual reputation but would still facilitate matters being aired in the public interest appropriately, and I have gone through some of them. This is a

defence that has some background and antecedents in the United Kingdom, Canada and New Zealand. [*Extension of time*]

There is a quite famous decision of the then House of Lords in *Reynolds v Times Newspapers Limited and Others* in 1999. It is an important new defence. Time will tell whether the media will be able to avail themselves of this defence. It is important that an attempt is made to improve the balance between reputation and freedom of expression in our country. I raise one final matter. The bill continues a restriction on some corporations being able to sue for defamation. I have continuing reservations about whether such restrictions are appropriate as they are wholly based upon the number of employees of the corporation.

I have a long experience with the laws of defamation. I have appeared in defamation cases in the District Court, the Supreme Court, the Court of Appeal and the High Court. I have had experience in the area since 1987, having represented large media organisations and individuals. I tell members that the range of circumstances within the community and the range of circumstances in which people can be defamed means that there are occasions when there are corporations that are badly damaged through careless defamation. Australia is the only country in the world that I am aware of that stops some corporations from being able to sue when they are defamed. This is a matter which regrettably has not been addressed in the bill and needs further consideration by the Government. With that caveat for potential future reform, I commend the bill to the House.

Mr RON HOENIG (Heffron) (10:45): I make a brief contribution to the Defamation Amendment Bill 2020. The member for Liverpool has indicated the Opposition's position on the bill that Labor does not oppose it and I endorse his remarks in their entirety. Several weeks ago a well-respected Fairfax journalist, now Channel 9 media journalist, attended an event in Parliament House organised by the Speaker where he observed the changing media landscape. I cannot do justice to his words but the meaning of his assertions was that in the current media landscape the days of three families and the ABC deciding what society heard and did not hear are over. Everybody with a smart phone is now a publisher and the audience for all those citizens who are now publishers is 17 million or 18 million Australians.

The issue is how does one ensure the balance between freedom of expression and guarding people's reputation. Our common law freedoms have been handed down to us from English history and the most fundamental is freedom of expression and freedom of speech. It cannot and should not be burdened in any way when it comes to protecting people, other than for certain exceptional reasons, as were referred to by the member for Ku-ring-gai. One could add hate speech, for example, which is a burden on freedom of speech and freedom of expression. Freedom of speech and freedom of expression means that people are entitled to be wrong. They are also entitled to express a different political view to that of others and to be offensive in their freedom of expression.

In his second reading speech the Attorney General observed the greatest asset that people have is their reputation. Many people jealously guard their reputation and it can easily be removed by a defamatory publication. On the other hand, the balance of freedom of expression and freedom of speech is to ensure that in a democracy such as ours the media and their interests continue to carefully scrutinise governments and oppositions of the day on their activities and their approach to public policy. Whilst there might have been three families and the ABC who were the only people determining what knowledge Australians had of government affairs, by the same token, as a result of what is generally referred to as the rivers of gold—the income derived by those media organisations—they could invest considerable funds and resources into investigative journalism to report and publish material with detailed research that would hold those in government to account.

Unfortunately, with the change of the media landscape, those revenues are no longer there and the volume of people employed in those major media publications continues to diminish. That means that governments and the powerful are not being held to account or scrutinised to the extent that they were. With the closure of most local papers, we now are in a situation where local governments have no public scrutiny at all of their activities. If one goes back 20 years and sees the extent of the scrutiny of, for example, the New South Wales Government and compare that to the extent of scrutiny of the Government now, specifically by media organisations, that is probably one of the things that the Attorney General and, in fact, all the jurisdictions in Australia were seeking to address when it came to determining the extent of damages that are being awarded against media organisations.

However, I venture to say that in respect of defamation caps and those huge verdicts to which the Attorney General referred, most of those and most of the extent of the verdicts relate to economic loss. For example, looking at the Geoffrey Rush and News Corp case, we see that the greatest extent of that verdict related to Mr Rush's economic loss. The same applies to the Wagner case. There is a need to cap defamation verdicts; otherwise we may end up with no effective media oversight of government if media organisations continue to reduce or if they cannot afford to continue to scrutinise the activities of government. The bill tries to present a balance and seeks to remove much of the non-serious matters from defamation cases by imposing a serious harm threshold that plaintiffs need to pass before they can proceed to trial. That is, someone's reputation must be

seriously harmed and one cannot maintain a cause of action if one is simply offended by a particular publication. That is an important threshold test.

The other important change to the Defamation Act is to replace the qualified privilege defence with a public interest defence. It is important that publications have as a defence, if they can establish it, that the publication is in the public interest. There are many occasions when the public have a right to know about serious publications that may impact upon a person's reputation and integrity. But if it is in the public interest to know, then that is certainly an important defence to protect genuine publications and to protect the work of genuine journalists whose function it is to expose those things that are in the public interest to know. However, the public interest test requires that those who publish act reasonably. Whilst sources should be protected to enable the public interest test to be available, someone is not acting reasonably if they use as a source somebody who is not credible or somebody who clearly has their own personal motives to assert what they are asserting to a journalist. So public interest is important.

I will give an example of another issue that relates to public interests. When the New South Wales Bar Association holds its continuing professional development seminars, there is always one on defamation. Many of those at the bar who have to attend at the last minute to catch up end up attending the defamation presentation, even though they may not have practised in that field. One typical example is often used, which is clearly defamatory and in which a public interest defence would not be available. [*Extension of time*]

The example used is the assertion about David Campbell that was broadcast when he was a Minister of the Crown shortly before the State election in 2011 which required him to stand down. That publication exposed his sexual preference, which had nothing at all to do with his duties as a Minister of the Crown and certainly was not in the public interest because the broadcaster would not have been able to reasonably establish that there was any wrongdoing by the Minister. So a public interest test is quite fundamental, as distinct from the defence of qualified privilege. The member for Ku-ring-gai mentioned his concern about restricting corporation plaintiffs to either small businesses, based upon the number of employees, or, alternatively, non-profit organisations. I perceive one valid reason to limit corporations bringing proceedings and that is simply the extent of their economic ability to utilise access to courts and to silence an opponent or even to pressure publishers or broadcasters not to run particular matters. So it is one of the checks and balances that are in place.

When the 2005 Act was enacted, one of the objects of that Act was to provide for speedy and quick resolution to defamation proceedings. Of course, as members know, that never eventuated. Most of the people who participated prior to the use of all these electronic publishers were those who could afford it—because the costs of instituting proceedings were tens if not hundreds of thousands of dollars—or, alternatively, those who were so personally offended by a particular remark that they were prepared to lose everything to speculate in respect of proceedings. In order to try to bring the object of the 2005 Act to fruition, this bill proposes new sections 12A and 12B, which set out the provisions for serving a notice of concerns upon publishers to specify what is asserted to be the defamatory material and to facilitate settlement of those matters.

At times publishers do not like to admit that they are wrong—it is only human nature—and people get offended by the slightest criticism bestowed upon them. That does not make it defamatory. It seems to me that most matters can be resolved amicably by the service of a notice and that if both parties agree to deal with these matters in a rational way then much of the proceedings should be able to be avoided. There is no skin off a publisher's nose to publish either a retraction or a qualification. In those circumstances these matters could be resolved far more amicably. The bill provides for defamation proceedings not to be commenced without such a notice and that may well cause proceedings to be resolved. As I indicated, Labor does not oppose the bill but the provisions need to be monitored to ensure that they work as the attorneys in this country hope they will.

Mr JUSTIN CLANCY (Albury) (11:00): The Defamation Amendment Bill 2020 seeks reforms to assist with clearing the courts of trivial and vexatious claims arising out of petty social media and neighbourhood disputes. Recent years have seen a significant rise in the filing of defamation proceedings over trivial and vexatious social media disputes, often between neighbours or in community forums. In his second reading speech the Attorney General referenced a study which found that superior courts in Sydney considered defamation more than 10 times as frequently as in London between 2014 and 2018. In that period there were 268 references to defamation law in the decisions of superior courts in the United Kingdom, compared with 577 in Australia. Of those 577 references, 312 came from New South Wales. It is for this reason that Sydney is now regarded as the defamation capital of the world.

Defamation laws have not kept up with the development of mass online communications where everyone can publish their thoughts every day and night. Members of Parliament on all sides will be aware of how vicious many of these thoughts can be. As the Attorney General said in his second reading speech, "social media has democratised defamation". A 2018 report by the Centre for Media Transition, University of Technology, Sydney, found that it is becoming more common for private individuals to be the plaintiffs in defamation actions. The

report also found that in 2017 more than 50 per cent of defamation matters involved digital publications such as social media posts.

Defamation law is supposed to maintain a balance between reputation and freedom of expression. If a person's reputation has been seriously harmed, then they should have recourse by way of defamation law. However, the threshold for bringing a defamation action has been too low. Some people have spent years in court defending a comment or post online they made spontaneously and from which the actual harm suffered was really not all that great. There is a difference between hurt feelings and actual reputational harm. Defamation law should focus on the latter. Courts are not a forum for mere hurt feelings. Trivial disputes about minor social media posts are not the best use of our courts' time. Litigation is stressful, time consuming and expensive. Defamation litigation should be restricted to resolving disputes about reputational harm.

The bill seeks to modernise the model defamation provisions to be better suited to digital communications and to streamline the resolution of defamation complaints generally. One of the key amendments introduced by this bill includes the introduction of a new serious harm element to the tort of defamation. This means that the plaintiff must prove that the publication caused, or is likely to cause, serious harm to them. This is an important correction for the model defamation provisions [MDPs]. Prior to the introduction of these provisions, plaintiffs had to prove material loss, known as "special damage", to bring a suit in relation to a potentially slanderous publication. However, the MDPs did away with this threshold, providing that all publications are actionable without proof of special damage. While defendants could rely on defences, this did not stop litigation in the first place.

As the explanatory note to the bill makes clear, the purpose of the proposed serious harm threshold procedure is to encourage the early resolution of defamation proceedings by enabling this to be dealt with as a threshold issue. The serious harm threshold has already been introduced in the United Kingdom and is regarded as having operated successfully. Section 1 of the Defamation Act 2013 of the United Kingdom requires a plaintiff to prove in an action for defamation that the defamatory publication has caused, or is likely to cause, serious harm to the reputation of the plaintiff. The approach taken in this bill is consistent with the approach taken in the United Kingdom.

As far as possible, where raised by a party, the court will be required to determine the serious harm question before the trial in the early stages of proceedings. It is intended that matters which do not reach the standard of serious harm will be filtered out early, saving both time and costs. The court can determine that a publication, by its nature and in the context of the publication, is likely to cause serious harm. For example, if the type of allegation made against a person is very serious a court may find that it is likely that the publication is likely to cause serious harm to the person's reputation. The person does not have to show that serious harm actually occurred.

In the bill there is no definition of "serious harm". This will be for the courts to determine in the circumstances of each case. What is serious harm in any case will depend on a range of factors that the courts already use to look at damages in defamation. For example, the court could look at seriousness of an allegation or claim on its face, the size of the audience and other factors. A plaintiff can, but does not have to, bring evidence of actual harm such as loss of job opportunities caused by the publication. In the online context, the court may consider whether the publication "went viral" or whether there is likely to be a grapevine effect of people retweeting or reposting the defamatory material.

As the explanatory note to the bill makes clear, the principal features of the serious harm threshold procedure are as follows: the judicial officer is to determine whether the element is established rather than the jury, if there is one; whether the element is established can be determined either before trial or during the trial of defamation proceedings on the judicial officer's own motion or on the application of a party; and if a party applies for the element to be determined before the trial for the proceedings commences, the judicial officer is to determine the issue as soon as practicable before the trial commences unless satisfied that there are special circumstances justifying the postponement of the determination to a later stage of the proceedings, including during the trial. I congratulate the New South Wales Attorney General and the Council of Attorneys-General for listening to stakeholder feedback and for including this provision in the model defamation amendment provisions this bill seeks to implement. I commend the bill to the House.

Ms JENNY LEONG (Newtown) (11:08): On behalf of The Greens I contribute to debate on the Defamation Amendment Bill 2020. The bill amends the Defamation Act 2005 and the Limitation Act 1969 to implement changes to Australia's uniform defamation law as agreed by the Council of Attorneys-General. The proposed reforms include: providing that serious harm is an element of the cause of action and requiring that, if raised by a party, the question of serious harm is generally to be determined by a judicial officer as soon as practicable before trial; making it mandatory to issue a concerns notice before proceedings can be commenced and to clarify the form, content and timing for concerns notices and offers to make amends; introducing a new defence for the publication of defamatory matter concerning an issue of public interest, based on section 4 of the

United Kingdom Defamation Act 2013; and introducing a new defence for peer-reviewed matters published in academic or scientific journals. They also include introducing a single publication rule, so the one-year limitation period runs from the date of first publication. For online publications, this is the date of upload. This may be extended if the plaintiff satisfies the court that it is just and reasonable to allow an action to proceed. Lastly, clarifying that the cap on damages for non-economic loss operates as a scale not a cut off.

The Greens agree that defamation law needs to be reformed. While we support the changes provided for in this bill, we do not feel that they go to the heart of the problem and significantly rebalance the scheme in a way to achieve all of the changes that are needed. We recognise that this is a challenging and difficult space. As members have heard, things have moved very rapidly in this space from when these laws were first put in place to where we find ourselves now, with what has been described in other forums as the democratisation of the ability for people to engage in and be subject to defamation in a way that once upon a time would have been the privileged space of certain media outlets, owners of the printing press and other such activities.

We recognise that these changes are needed and support them. However, we say that more changes are required and more work needs to be done. The change to the scheme that requires the establishment of serious harm may work to limit some inconsequential or unmeritorious use of the system. Likewise, the requirement to issue a concerns notice may lead to some smaller matters settling, thereby freeing up court time. We also support the single publication rule, which will mean the limitation period expires a year after the first publication of the content and is not reactivated by republishing that material online. We all know that defamation action is largely the privilege of the rich, well connected and powerful, and that the regular person often has a very hard time receiving anything near justice if they are publicly defamed. The provisions on online defamation are still being formulated. These are going to be a very significant aspect of this scheme and this space into the future.

In theory, these laws should strike a sensitive balance between the protection of the reputation of individuals from unfair slurs, and the rights of freedom of expression and freedom of the press. I appreciate that it is slightly outside the scope of the bill, but it is worth noting here that further consideration needs to be given to the powers and strength of vilification laws in this State and other laws regarding vilification that seeks to cause significant amounts of harm and damage to people's reputation that may not be on an individual basis, but as a result of their association with certain communities, groups or issues. I urge the Attorney General and others who are putting effort into this to consider the prevalence of racial vilification, racial harassment and racial attacks in our society. I urge them to ensure that enough attention is being paid to that space.

It is clear that this balance is not currently being achieved. There is substantial concern that the laws have been used in Australia to shut down legitimate reporting of behaviour and misconduct of certain public figures, including coverage and reporting of sexual harassment and sexual assault. While I do not want to go into detail about the case in relation to Geoffrey Rush, which has been mentioned on numerous occasions, I think it must be pointed out. I acknowledge the comments made by Jamila Rizvi in relation to this, who wrote:

> It's important to remember that Rush's victory is one over defamatory reporting.

Much of the complexity around how that case was reported demonstrates the absolute failures of so many in our society who engage with these systems to respect the consent of women, in terms of them being brought into these discussions and then as survivors and victims of harassment and assault. Instead, they turn these cases into powerful players trying to battle it out for their own position. We forget that at the heart of this are issues of serious allegations and serious findings of concerns of sexual assault and sexual harassment. As Paul Barry from ABC's *Media Watch* program commented:

> … any future victim of sexual misbehaviour who is genuine and wants to make a complaint to the newspapers, or any newspaper that wants to write about such a thing, will be severely discouraged from doing so because the consequences are just so extreme.

We also know that threatening defamation is a common response for some political figures. It is used by those who wish to silence criticism and do what they can to prevent damaging albeit truthful comments. I am sure that many members in this place could talk about personal examples where they have been the subject of such threats or have had other issues of people coming down on them on one side of this debate or the other. I do not feel like having a scandal today, so I am not going to talk about a recent incident involving a member in the other place in relation to an attempt that I made to express my views and their attempts to use these laws to silence me. I just do not feel like having that battle today—and that is part of the problem. I am sure that member will be very relieved. Part of the problem that we have in our society is that we need to make sure that people are free to express views and that those in powerful positions are unable to use their positions to silence people and shut down genuine views.

We do not actually know how much defamation law impacts on what is reported, how many dodgy donations or other financial dealings have been hidden because of a conservative approach to the law by a publisher. We also need to consider the number of recent cases where media companies have been ordered to pay

large compensation payouts following defamation proceedings, despite significant reliance on public statements and the facts available to them. The need for a national model is strongly supported by The Greens. A person's access to a legal remedy when they are defamed should not depend on their postcode. Similarly, a person's ability to be able to defend a comment that they have made should not rely on their ability to be able to take up a response to that from a legal perspective because the other side has much more power, much more access to wealth and, therefore, the legal support to be able to silence them.

Finally, it is important to recognise that too often the real harm caused in defamation proceedings is not the final judgement or any damages that are awarded. The greatest financial impact of most defamation proceedings is the crippling legal costs that are often three, four or five times higher—sometimes even more—than the damages awarded. This must be the focus of any future legal reforms if we want this law to work for all people in our community. We hope the work done in this area is just the start, and that a comprehensive reform by the NSW Law Reform Commission is undertaken to rebalance these laws.

A person's access to justice or ability to express their views without being silenced should not be dependent on their ability to engage and pay for high-end lawyers. That is not equality when it comes to how we are working with this system. While I have expressed that The Greens are supportive of the changes before the House in the Defamation Amendment Bill, I urge continued work in this space to ensure that we see the changes needed in this continually changing landscape to make sure that the community is protected and it is not just those with the wealth to be able to pay for big lawyers who benefit from these kinds of protections and laws.

Mr LEE EVANS (Heathcote) (11:18): I contribute to debate on the Defamation Amendment Bill 2020. The reforms will encourage the resolution of disputes without the need for litigation. One of the objectives of the Defamation Act 2005 is promoting speedy and non-litigious methods of resolving disputes. Consultation with stakeholders on the review of the Model Defamation Provisions highlighted that defamation law is increasingly being used for trivial or vexatious claims. This includes neighbourly disputes and instances where individuals sue for comments made on digital platforms.

This is a problem because it places undue pressure on our courts. Some matters are relatively minor, with low damages, but result in disproportionately high legal costs for both the plaintiff and the defendant, and should be resolved outside the court system. Often the cost of defending a defamation claim can be exorbitant and prohibitive for a private individual. While the introduction of a serious harm threshold is critical to addressing this problem, more can be done to encourage and incentivise non-litigious dispute resolution so, where possible, parties can resolve their disputes without going to court. Part 3 of the Act already establishes a procedure to enable parties to settle disputes without the need for expensive litigation by encouraging publishers to make a reasonable offer to make amends to the aggrieved person. If the aggrieved person does not accept an offer that is reasonable in all the circumstances, the publisher may establish a defence in any subsequent defamation action. However, issuing of a concerns notice by the aggrieved person currently is not mandatory. This is an issue because the offer to make amends, which may be a sufficient remedy for the aggrieved person, is made in response to the concerns notice. If the latter is not provided, the former may never be made.

The amendments are intended to keep matters out of court. This bill proposes to strengthen and enhance the dispute resolution mechanisms in the Act thereby reducing the number of disputes that proceed to litigation. The bill provides that defamation proceedings cannot be commenced unless a concerns notice has been issued. The amendments in the bill will make it mandatory for an aggrieved person to issue a concerns notice. This means an aggrieved person cannot commence defamation proceedings in court unless they have given the proposed defendant a concerns notice that particularises the imputations of the defamatory material and they have waited for the applicable period of time proposed for the defendant to make an offer of amends, which is usually 28 days. The court may grant leave for proceedings to be commenced earlier than the applicable period if it is just and reasonable to do so, or the commencement of proceedings after the applicable period would contravene the limitation law because the court will have ceased to have power to extend the limitation period. These requirements enhance the dispute resolution procedures in the Act by requiring the parties to consider the purported defamatory material and possible non-litigious remedies before commencing proceedings in court.

The bill also strengthens the concerns notice provisions. The bill amends the Defamation Act 2005 to provide that the concerns notice must specify the location where the matter in question can be accessed—for example, a webpage address; inform the publisher of serious harm to reputation caused, or likely to be caused, by the publication or, if it is a corporation, the serious financial loss caused, or likely to be caused, by the publication; specify the imputations to be relied on by the aggrieved person; and, if practicable, provide the publisher with a copy of the publication together with the notice. The requirements mean the aggrieved person must provide the publisher with sufficient information on which to make a reasonable and relevant offer of amends, thereby making it more likely that the issue can be dealt with outside of court.

The requirements encourage the aggrieved person to turn their mind to the serious harm threshold at the time of preparing the concerns notice and therefore encouraging them to consider whether the matter is likely to satisfy the essential element of serious harm to their reputation. An aggrieved person also will be required to specify the location where the matter in question can be accessed—for example, a webpage address. This is to address the challenges identified by stakeholders in identifying the publication that is the subject of a concerns notice. The process for receiving and responding to reasonable further particulars also will be clarified. If a concerns notice fails to adequately particularise the information required, the publisher may give the aggrieved person a further particulars notice requesting that the aggrieved person provide reasonable further particulars.

If the aggrieved person has provided further particulars in response to a further particulars notice more than 14 days since the concerns notice was given, then the publisher will have 14 days from the date of receiving the further particulars in which to make an offer of amends. This extends the 28-day period for making an offer to make amends if the further particulars are provided within 14 days of its expiry. The extension applies only once in respect of the first request for reasonable further particulars. The limitation period will be automatically extended in certain circumstances to allow the dispute resolution process to be completed before proceedings commence.

Some stakeholders suggested that protection should be provided to the aggrieved person to ensure that the limitation period does not expire while the dispute resolution process is running; otherwise the aggrieved person may have no option but to commence proceedings prior to the completion of the process. To address this, the bill provides a one-year limitation period to be automatically extended to provide the proposed defendant time to consider the concerns notice and the aggrieved person to consider any offer to make amends. The period of extension is calculated by subtracting from 56 days any days remaining after the concerns notice is given until the one-year limitation period expires. These amendments to the defamation law will encourage the speedy and efficient resolution of defamation claims wherever possible before legal actions are commenced. I congratulate the Attorney General for preparing the Defamation Amendment Bill 2020. I look forward to further amending legislation to assist courts so that matters may be expedited and are not held up by unnecessary defamation cases. I commend this amending bill to the House.

Ms KATE WASHINGTON (Port Stephens) (11:26): I join in debate on the Defamation Amendment Bill 2020 and note the considered contributions of the Attorney General and the shadow Attorney General. As my colleague the shadow Attorney General outlined, Labor members will support the bill, which is the result of a cross-jurisdictional working group established by the Council of Attorneys-General. I note the calibre, standing and experience of those who have contributed to the formulation of this bill and the changes that are sought to be made to New South Wales defamation laws and thank them for their contribution to the changes being considered by the House today.

Defamation laws are important. Their aim is to strike a balance between the right to protect our reputation and our right to free speech and expression. This balance is important for a strong and well-functioning democracy. The reason for discussing significant amendments to the current defamation laws is that the balance is way out of whack. Because it is so easy for claims to be brought, the current law is being used in ways that were never intended and has impacts that were entirely unintended, and that must be stopped. Increasingly the laws have been used by wealthy and powerful people to silence critics. They have become an additional barrier to people seeking justice, people calling out corruption, people raising allegations of sexual assault and people simply calling out bad behaviour.

Australia is well known for its wide brown lands but, unfortunately, we have also become known as the defamation capital of the western world with New South Wales being the peak place for people to bring defamation lawsuits. Most of the defamation actions and discussions centre around Sydney but I have seen how the trend to sue for defamation is rife in regional areas too. Since current New South Wales laws of defamation were introduced in 2005 there has been a marked rise in defamation claims—an increase that has mirrored the rise in social media. In 2018 the Centre for Media Transition, University of Technology, Sydney, reported that it is becoming more and more common for private individuals to bring defamation actions and that in 2017 more than 50 per cent of defamation matters involved digital publications. That is a tripling of those types of cases since 2007, which is unsurprising given the increasing uptake and use of social media.

However, our laws have failed to keep up with the development of social media and digital communications. Correction is well overdue. Under the law as it currently stands people have been paying too high a price for telling the truth. With everybody now having the power of publication at their fingertips, it is important that we get the balance right. For too long defamation has been used as a tool by the wealthy and influential to silence critics and shield their misdeeds from public view. It has been wielded against members of the public and against journalists in equal measure. It is in this Chamber, outside the jurisdiction of defamation law, where I have had the ability to call out the behaviour of powerful and vindictive people in my community.

Others outside of this Chamber have not had that benefit. They have not had the protections that we are so fortunate to have in this place and that we use carefully and very rarely.

Instead of having those protections when others have mentioned similar activities, as I have in this place, they have been forced to incur eye-watering legal bills—all because they told the truth. I know of local families brought to their knees financially just for calling out bad behaviour. In many circumstances a defamation matter never makes it to trial as the cost is too much even for an innocent person to bear. Instead matters are settled, nondisclosure agreements are signed, payments are made and apologies issued—even though they are not necessarily backed up by goodwill, as they know they were telling the truth—and information is deleted. The truth is not debated; it is too expensive. That is the system we currently have. That is why these changes are so important.

In considering the bill before the House and, in particular, the introduction of a serious harm threshold, the notion of a public interest defence and the honest opinion defence, I ask members to consider how those amendments would have influenced cases that proliferated in Port Stephens courtesy of a former mayor. This man's poor character and many misdeeds are a matter of public record, yet he took defamation proceedings against a fellow councillor, a councillor from another local government area and two local residents. As a wealthy man and an elected official, he was in a position to fund these legal actions himself. The two councillors were covered by the council's insurance but the two residents were self-funded against this wealthy and influential public official.

What was so insulting and damaging to the character of the former mayor that a defamation action was warranted? In one case, during a discussion about forced council amalgamations, a Port Stephens councillor sent his honest opinion of the mayor to a councillor on the council with which they were proposing to merge. That councillor forwarded the email to a few colleagues. That was the substance of a defamation action. That occurred during the heat of this Government's forced council amalgamations. Another matter concerned an unrecorded debate in the council chambers, resulting in a defamation action against the same councillor. The former mayor relied on witnesses, many of whom the former mayor had helped to elect. The toll taken on the sued councillor and his family was intended, malicious and by design.

In the third action a local resident was sued about a Facebook post in which she reported what she had seen at a local awards night involving the former mayor and the inappropriate behaviour that she had witnessed. Another resident, a political candidate running against the former mayor, was sued for defamation for sharing that Facebook post on his site. It was a simple Facebook post by a member of the public, without any political background or political intention, who was merely calling out behaviour that she saw as inappropriate and she was sued for defamation. It nearly caused her family to break apart and the loss of her home. To my mind all three of these cases were based on comments made in the public interest and involve the honest opinions of those involved.

The changes being discussed today, if implemented, would mean that these three defamation situations would not meet the threshold test for serious harm to reputation. In this case, the plaintiff's notoriously poor character and many breaches of community standards are well documented to larger public audiences than those involved in the actual claims. I am hopeful that these reforms would have resulted in those defamation actions not seeing the light of day. We should remember that for the wealthy and powerful a courtroom win is often not the goal. For the wealthy and powerful, the threat of defamation itself is frequently used to silence those who cannot afford the cost, time or stress to defend their comments or the truth.

These plaintiffs often do not care what the judge will eventually say because they know that they can withdraw the allegation at any point. What they seek to do is to create fear in those who are prepared to stand up to them. They issue this threat and make the process so expensive that it does not matter how true, accurate or important the issue, the person will not risk their future to defend it. We must ensure that those who seek to use defamation laws as a weapon, as a threat, are prevented from doing so. These amendments are a step in that direction. When my political opponents realised that I had a chance to secure the electorate of Port Stephens in the 2015 State election, I was threatened by four different people with defamation actions. The threats were designed to intimidate.

The amendments being considered today will go a long way towards improving the current defamation process. Goodness knows, it is needed. The ability to test the serious harm threshold early in proceedings will bring a quick resolution to vexatious actions. Hopefully these amendments will go part way towards restoring the balance between freedom of expression and the protection of reputation. I am pleased that the Attorney General has mentioned in the House his continuing work focusing on the liabilities and responsibilities of digital platforms for content published online. I join with my Labor colleagues in supporting this bill. I trust that further improvements to the defamation process will continue.

Ms FELICITY WILSON (North Shore) (11:36): I speak in support of the Defamation Amendment Bill 2020. I acknowledge the work of the Attorney General and the leadership position he has taken in implementing the decision of the Council of Attorneys-General last month. I will talk about the reform process and the nature of this bill, given that it is subject to a uniform law scheme. People will be aware that that the review of the model defamation provisions was agreed to in November 2004 by the Council of Attorneys-General. In 2005 all States and Territories, including New South Wales, enacted legislation to implement the model defamation provisions. These provisions were developed by the model defamation law working party, with the ultimate acronym CAG. CAG endorsed the model defamation provisions in 2004. It was not until 2005 that all the States and Territories enacted the uniform law.

In the lead-up to the creation of the uniform law, CAG recognised that the increasing use of the intent to publish and distribute information made defamation legislation, which was at the time inconsistent across Australian States and Territories, increasingly unwieldy and unsuited to modern situations. That was set in 2005. When we consider modern situations, a lot has changed since then. CAG recognised the benefit of a uniform scheme for promoting certainty for defendants and prospective defendants, limiting forum shopping and recognising that online publications are not territorially confined in the same way as in the past with newspapers, magazines and other traditional media. It recognised that even in 2002 traditional media did cross State and Territory borders significantly.

In 2018 New South Wales undertook a statutory review of the Defamation Act 2005 which identified that the core policy objectives of the model defamation provisions—balancing freedom of expression and publication of public interest with protecting reputations—remained valid and that the laws would benefit from amendment and modernisation. In June 2018, on the recommendation of the New South Wales Attorney General, the Council of Attorneys-General agreed to reconvene the defamation working party to consider opportunities for modernising Australia's uniform defamation law. Later that year an ambitious time line was agreed that would enable all jurisdictions to begin enacting changes to the defamation legislation by the middle of 2020.

Today New South Wales is leading the way by debating the Defamation Amendment Bill 2020 to implement these reforms. These reforms address the longstanding and well-known concerns with defamation laws in Australia. We know that the current system results in too many trivial matters in our courts and results in costs often not proportionate to the award of damages, if any. It can mean that social media and other small-scale disputes can take years to resolve. Who can forget the multimillion dollar payout in recent defamation cases involving high-profile Australian actors Rebel Wilson and Geoffrey Rush. Ms Wilson initially recovered $4.75 million, which was reduced on appeal. Mr Rush recovered more than $2.8 million.

The last review of defamation laws in Australia was 16 years ago. At the time, social media was still emerging and the way we communicate now has changed drastically. The current laws require an update. New South Wales has led the defamation working party through both rounds of consultation and negotiated final provisions that all jurisdictions agree will modernise our defamation laws and restore balance. The work that the working party has done over the past 18 months is intended to ensure that our defamation laws are fit for the twenty-first century.

Consultation on these reforms has been extensive. A discussion paper was released in early 2019 inviting stakeholder submissions about issues affecting the model defamation provisions. Forty-four submissions were received and three round tables were held. The defamation working party, which was led by the NSW Department of Communities and Justice, considered the issues raised by stakeholders and developed draft options for reform. In late 2019 draft amendments to the model defamation amendment provisions were released for public consultation. Thirty-six submissions were received and a further round table was held. Adjustments were then made to address stakeholder feedback. On 27 July 2020 the final model defamation amendment provisions were agreed by the Council of Attorneys-General.

Stakeholders who have engaged with the review include media companies, peak legal bodies, academics, digital platforms, consumer groups, legal representatives for plaintiffs and defendants, and individuals with experience in bringing or defending defamation claims. There is broad stakeholder support for the reforms, particularly from media companies and legal stakeholders, in recognition of the need to address the increasing number of trivial matters proceeding to trial and to modernise the model defamation provisions to suit the digital age. The defamation working party sought to engage plaintiff representatives throughout the reform process to ensure that their views were considered and that the reforms were balanced.

The reforms presented in the Defamation Amendment Bill 2020 do not mark the end of the Attorney General's review process. A second stage of reforms focusing on the responsibilities and liabilities of digital platforms for defamatory content published online is currently underway. This is a critical issue affecting the operation of defamation law in 2020. Nobody in our community would be unaware of the impact that these online platforms can have in allowing this information to be disseminated. However, I am sure that everyone

would agree that this is not an issue that can be easily identified or rectified. The recent decision in *Voller v Nationwide News Pty Ltd* [2020] NSWCA 102 found that corporate news publishers are responsible for comments made by third parties on their Facebook pages. While it is open to members to decide whether that sounds like an appropriate decision, there are at least two competing views: firstly, that Facebook should be liable for defamatory comments made on its platform, albeit on the Facebook page of the news publisher; and, secondly, that the news publisher is liable, as was decided.

This goes to larger issues affecting the media landscape in 2020. Digital platforms often drive social media users to traditional media outlets. However, traditional media outlets cannot necessarily control how digital platforms distribute their content. If defamatory content is published, who should be responsible for removing it? Who should be liable? Stage two of the review of the model defamation provisions will consider those key and challenging questions. Key to the discussion will also be reforms led by the Commonwealth Government, particularly with respect to competition law issues between traditional and new media. I look forward to seeing what the Attorney General presents to Parliament in mid-2022 when the second stage is due to be finalised. Once again, I reiterate my support for the bill. I congratulate the Attorney General on the work that he has put into this process and on the leadership position that New South Wales has taken.

Mr ADAM CROUCH (Terrigal) (11:43): From the outset I acknowledge that the Opposition supports the Defamation Amendment Bill 2020. That goes to show the incredibly high calibre of the work being done by the Attorney General, who I note is in the Chamber, and his excellent team who have worked on this great piece of legislation. I thank the member for Seven Hills, the member for Ku-ring-gai—who is also in the Chamber—and the member for Albury, the member for Heathcote and the member for North Shore for their excellent contributions. It is important to understand by way of background why this piece of legislation is so important. It dates back to 2005 when the State and Territory Attorneys-General agreed to model defamation provisions [MDPs] which were subsequently enacted in the legislation of each jurisdiction.

In 2018 the Council of Attorneys-General [CAG] convened the defamation law working party, comprised of representatives from each of those jurisdictions. I congratulate the Attorney General as New South Wales led the way on this. That is not surprising—this Attorney General does an amazing job. The review into the MDPs, led by New South Wales, has evolved into detailed policy work. There were two rounds of stakeholder consultation, which is so important when looking at amending legal parameters. In February 2019 the discussion paper was released and in November 2019 the exposure draft was put forward. I congratulate the Attorney General and his department on engaging a wide range of stakeholders, including legal representatives for plaintiffs and defendants, peak legal bodies, media companies, digital platform companies, academics and private individuals in public consultation on the amendments that are being put forward today.

Damages for non-economic loss are to be capped in this bill. One of the most high profile issues affecting the model defamation provisions has been the cap on damages for non-economic loss. The Defamation Act 2005 imposes a limit on the amount of damages that may be awarded for non-economic loss. That is adjusted annually and currently sits at around $421,000. Damages for non-economic loss are aimed at providing compensatory damages to cover the intangible matters of consolation for hurt feelings, damage to reputation and the vindication of the plaintiff's reputation. Damages for non-economic loss are separate to aggravated damages and damages for economic loss, which may also be awarded to a defendant. As the Attorney General said in his second reading speech:

> The purpose of introducing the cap on damages for non-economic loss was to ensure that the amounts awarded would be commensurate with awards of general damages in personal injury claims. The amount of damages awarded for non-economic loss should vary according to the harm to reputation in each case. At the same time, it is important that exorbitant amounts are not awarded. This is why there is a set limit.

When the Defamation Act 2005 was introduced, it was intended that the cap would operate as a scale rather than a cut-off. That means that the cap was there to set the upper limit of the scale, with the maximum amount now of $421,000 only to be awarded in the most serious case. In other words, the most serious case of reputational harm conceivable would result in $421,000 worth of damages for non-economic loss, with less serious reputational harm to be awarded accordingly less. It is a scale of harm. That is the interpretation supported by the vast majority of stakeholders who responded to the defamation working party throughout the two rounds of consultation undertaken on these reforms. Again, that highlights the Attorney General's absolutely dogged determination to get the best outcome for the people of New South Wales with regard to these reforms.

The alternative, which was not intended but which courts have subsequently applied, was that the cap functioned as a cut-off. In that scenario, if someone suffered a great deal of reputational harm—but not necessarily the most serious case—they would be awarded the full $421,000 damages for non-economic loss. Any harm that is significant would hit that limit. There is no distinction between significant harm and the most serious harm. This means that the full $421,000 will be awarded far more frequently than if a scale were applied. The purpose

behind specifying a maximum amount for non-economic loss was to ensure a level of parity with the award of other damages—for example, for personal injury—while still providing for appropriate compensation for this intangible loss.

There have been two recent high-profile cases which have highlighted the problem with the cut-off interpretation. The first was the matter of *Wilson v Bauer Media Pty Ltd* (No 2) [2018] VSCA 154. The basic issue in that case was the contended imputation that the actor Rebel Wilson, whom of course we all know of, was a "serial liar" who had "fabricated almost every aspect of her life". Ms Wilson succeeded and was awarded an initial sum of $4.75 million, reduced to $600,000 on appeal, consisting of $650,000 in general damages, being damages for non-economic loss as well as aggravated damages, and $3.917 million in special damages—that is, damages for economic loss—for roles Ms Wilson lost as a result of the defendant's publications. Unsurprisingly, this was the largest award of damages for defamation in Australian history. In that case, Justice Dixon found that, because aggravated damages applied, the cap on damages for non-economic loss did not apply. This was upheld on appeal.

The second was the matter of *Rush v Nationwide News Pty Ltd* [2018] DCA 357. In that case, the court applied the same understanding of the cap as in the Wilson matter. That is to say the court found that because aggravated damages were appropriate the cap on damages for non-economic loss ceased to exist. This is contrary to the policy intent. In 2017 Professor David Rolph, who has contributed extensively to these reforms by way of his position on the defamation working party's expert panel, noted, "Assessing damages for defamation is a difficult task." This is because defamation law protects reputations and reputations are subjective, which means they are difficult to quantify. The broad goal is to put the plaintiff in the place they would have been had they not been defamed. Nevertheless, multimillion dollar payouts seem excessive. Excessive damages chill public interest journalism. The Council of Attorneys-General was not opposed to large damages payouts in principle. Rather, the CAG was concerned that the prospect of large damages payouts may chill the media's willingness to investigate and report on matters of public interest. This is so important in our community.

Media organisations must take care not to report recklessly or negligently. They must have regard to potential reputational harm. However, there may be cases where a high-profile person has done something about which there is a legitimate public interest but about which the mass media are afraid to report lest they be liable for vast sums of damages, as in the cases mentioned. This bill seeks to make it easier for the media to publish on such matters by providing greater certainty about the operation of the cap on damages for non-economic loss. This is an important reform in support of public interest journalism. As I said at the outset, this is an excellent piece of legislation. I commend the Attorney General for leading the way in this. It is great to see New South Wales again at the forefront of making necessary reform to existing legislation. I thank his team for working so diligently on it. With that I commend the bill to the House.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (11:53): In reply: I thank the members representing the electorates of Liverpool, Seven Hills, Heffron, Ku-ring-gai, Albury, Heathcote, Newtown, Port Stephens, North Shore and Terrigal for their important contributions to the debate. While I note that the member for Liverpool suggested that there was some purple prose involved in this debate, I am pleased that the Opposition does not oppose the bill. The member for Ku-ring-gai reflected on the Council of Attorneys-General's agreement to preserve the restriction on the right of corporations to sue for defamation.

Under the common law all corporations could sue for defamation and recover damages for financial loss. In 2002 New South Wales introduced legislation which precluded corporations, including statutory bodies, from suing in libel, with the only exception being a corporation that employed fewer than 10 persons at the relevant time and had no subsidiaries. This question was subsequently considered at length in the development of the model defamation provisions. The then Standing Committee of Attorneys-General agreed that only what it called "excluded corporations" should retain the right to sue.

The defamation working party's discussion paper of February 2019 asked stakeholders whether the model defamation provisions should be amended to either broaden or narrow the right of corporations to sue for defamation, or whether the 2005 laws strike the right balance. The vast majority of stakeholders supported either narrowing the scope of "excluded corporations" or removing the ability of corporations to sue altogether. Few stakeholders supported broadening the right of corporations to sue. The policy rationale for preventing corporations from instigating defamation proceedings is well known. Defamation is a tort directed to the right of individuals.

Stakeholders argue consistently that the concepts of personal distress and hurt have no application to corporations. Moreover, corporations have recourse to alternative causes of action such as the tort of injurious falsehood, misleading and deceptive conduct claims and other consumer protection claims in the Commonwealth Competition and Consumer Act 2010. Where a business is excluded from bringing a claim for defamation, the

company may be able to take action for injurious falsehood. For a company or individual to succeed in a claim for injurious falsehood of false online publications it must establish that the defendant has made a false statement concerning the company or individual's property or business or goods, the false statement was published maliciously and the false publication has injured the company's or individual's business or goods and has caused them to suffer "actual damage".

Unlike defamation claims, damages for a claim in injurious falsehood are not capped and court proceedings for injunctive relief and/or damages must be commenced within six years after the publication of the false statements. A statutory cause of action in relation to misleading and deceptive conduct is broadly available. It does not require, for example, the proof of malice, unlike with injurious falsehood. Corporations can take action claiming injunctive relief, an apology and correction and damages under the Australian Consumer Law against those involved in publication or dissemination of misleading material or false representations about that business.

The bill amends the definition of "excluded corporation" to provide that "employees" include individuals engaged in the day-to-day operations of the corporation and subject to its direction and control. This will mean the courts will be able to consider contractors as employees if they meet the above definition. It will also ensure that large corporations do not engage in employment practices solely for the purpose of retaining their ability to sue for defamation—for example, by only engaging contractors. Excluded corporations will be required to show that the defamatory publication has caused serious financial loss when determining if the serious harm element is met. This is similar to section 1 of the United Kingdom's Defamation Act 2013, which specifies that harm to the reputation of a body that trades for profit is not "serious harm" unless it has caused or is likely to cause the body serious financial loss.

I acknowledge the member for Newtown's comments about racial vilification and understand her concerns. The Government introduced through the Parliament the offence of inciting violence in section 93Z of the Crimes Act 1900. The new offence commenced in August 2018. It replaced four serious vilification offences in the Anti-Discrimination Act 1977 with a single indictable offence in the Crimes Act. Section 93Z provides that a person who by a public act intentionally or recklessly threatens or incites violence towards another person or a group of persons on specified grounds is guilty of an offence. The specified grounds are race, religious belief or affiliation, sexual orientation, gender identity, intersex status, and HIV or AIDS status.

The intention of creating the single indictable offence was to demonstrate the seriousness of threatening and inciting violence; to broaden the grounds of protection to include religious belief or affiliation and intersex status in addition to the grounds of serious racial, homosexual, transgender and HIV/AIDS vilification, while updating the terminology of "homosexual" and "transgendered" with "sexual orientation" and "gender identity" to reflect modern terminology; to remove disparities between maximum penalties for serious vilification of different protected groups; and to reflect community standards through an increased maximum penalty. The maximum penalty for an individual is three years imprisonment or 100 penalty units, or both. For a corporation the maximum penalty is 500 penalty units. A community education campaign to raise awareness among the wider public about section 93Z is being delivered by Legal Aid NSW with the Office of Community Safety and Cohesion. The campaign launched on 26 May.

The Stop Public Threats campaign raises awareness that threats or incitements of violence against people because they belong to a particular group is a crime and carries tough penalties. It includes an educational component to inform those who might be victims or witnesses about how to make a complaint. I note the comments by the member for Newtown about the high-profile decision in Rush. The member noted the views of many commentators that defamation law is not an ideal or even easy forum to deal with the experience of victims of sexual assault and harassment empathically. The Council of Attorneys-General is mindful of this issue, and I thank the member for Newtown for her observations.

The bill amends the Defamation Act 2005 and the Limitation Act 1969 to amend changes to the law of defamation agreed by the Council of Attorneys-General. The reforms are the result of a detailed policy development, including two rounds of stakeholder consultation. Once enacted, the provisions of the bill will restore the balance between protecting reputations on the one hand and, on the other hand, ensuring that defamation law does not limit freedom of expression, particularly regarding matters of public interest. The bill does not mark the end of the Council of Attorneys-General review of model defamation provisions. A second stage focusing on the liabilities and responsibilities of digital platforms for defamatory content published online is progressing. I commend the bill to the House.

TEMPORARY SPEAKER (Ms Felicity Wilson): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr MARK SPEAKMAN: I move:

That this bill be now read a third time.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Membership

TEMPORARY SPEAKER (Ms Felicity Wilson): I report receipt of a message from the Legislative Council regarding the membership of the committee that Mr D'Adam be appointed in place of Mr Moselmane, discharged.

JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020

Membership

TEMPORARY SPEAKER (Ms Felicity Wilson): I report receipt of a message from the Legislative Council regarding the membership of the committee. I set down consideration of the Legislative Council's message as an order of the day for a future day.

JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL

Membership

TEMPORARY SPEAKER (Ms Felicity Wilson): I report receipt of a message from the Legislative Council regarding the membership of the committee that Mr Mookhey be appointed in place of Mr Moselmane, discharged.

Bills

GAS LEGISLATION AMENDMENT (MEDICAL GAS SYSTEMS) BILL 2020

Second Reading Debate

Debate resumed from 4 August 2020.

Ms YASMIN CATLEY (Swansea) (12:02): I lead for the Opposition in debate on the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. It is important to remember why we are here today debating this legislation. Four years ago a terrible tragedy occurred in one of our State's hospitals. The cross-connection of gas delivery outlets at Bankstown-Lidcombe Hospital led to the devastating death of a baby boy, John Ghanem, and a baby girl, Amelia Khan, was tragically left with catastrophic brain damage. There was deafening silence from the Government. No action was forthcoming. It was the Hon. Mark Buttigieg in the other place who sought to introduce legislation into Parliament so as to never see a repeat of that tragedy anywhere in our State ever again.

Mr Buttigieg was only too aware that the tragedy was preventable and that the New South Wales Parliament could legislate to ensure robust regulation was cemented into law. He knew exactly what was required: a strict licensing regime; proper enforcement; and the implementation of safety, compliance and ongoing training procedures and specifications. He also identified the lack of consistency across the eastern seaboard. Interestingly though, both Queensland and Victoria responded immediately when this tragic event occurred in New South Wales by implementing similar licensing, enforcement and compliance measures to mitigate any such tragedy occurring in their States.

A comprehensive bill was introduced into the Legislative Council by Mr Buttigieg. It is worth noting that this bill has been introduced by the Government in a face-saving exercise by the Minister for Better Regulation and Innovation, Kevin Anderson. The Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020, was passed in the upper House but voted down by the Government in the Legislative Assembly in a farcical display of procedural incompetence. Now we have a compromise bill from the Minister that introduces a number of problems and addresses issues inadequately. The Minister has form in this respect. This is the same Minister who lost control of the legislation in the upper House and was forced by the Opposition to adopt an engineers registration scheme through the Design and Building Practitioners Bill 2019 because he refused to adopt Labor's superior Professional Engineers Registration Bill 2019.

So yet again Labor is governing from opposition. We do this because we want to improve standards and we see the urgent need to fix those issues and avoid another series of tragedies in our hospitals due to the negligent or incompetent installation of medical gas equipment. Furthermore, we do this because our team has done the work to consult with the industry and the unions and, most importantly, the families who have been tragically affected by the improper installation of medical gas. To that end, I commend the efforts of Mr Buttigieg, who has been working since he has been in Parliament to bring this issue forward. We are concerned that the Government has not listened to stakeholders during the consultation process. We are also concerned that the Minister is being given hurried advice from his department that oversimplifies a very complex set of regulations.

The Minister spent a lot of time in his speech outlining the Government's consultation process. But I say to the Minister, it is one thing to consult but it is entirely another to listen. The Government's bill primarily amends the Gas and Electricity (Consumer Safety) Act 2017 and minor parts of the Home Building Act 1989. However, key stakeholders have concerns regarding the health and safety implications of the bill. Remembering that this is a very complex and highly specialised skill set, the best advice comes from those working in the game. With all due respect to the contributors to the bill, we take notice and advice from the experts—the people doing the job who understand the risks and know there is no room for error.

The bill attempts to license medical gas work but without licensing mechanical services. This does not occur in any other jurisdiction in Australia. In both Victoria and Queensland medical gas work is a subset of work that is licensed under mechanical services plumbing, as it has always been an aspect of that trade. While mechanical services is not currently licensed or qualified work in New South Wales, it is a highly specialised form of plumbing work that involves a great deal of complexity and requires extensive technical training to be performed safely.

The complexity of the multi-pipe network in medical gas work is the same as within mechanical services and therefore it is taught and learnt within that trade. In the Opposition's view, it is important for New South Wales to adopt a legislative framework consistent with that which exists in our neighbours Victoria and Queensland. This principle informed Labor's approach to the registration of engineers and it is our view that this principle should prevail in our approach to licensing medical gas technicians. If it works in Victoria and Queensland, it ought to work here in New South Wales. So Labor has very serious concerns about the safety and enforcement measures that this bill fails to introduce. It does not go far enough.

Labor will support the bill in the Legislative Assembly, but I flag that we will be moving amendments in the Legislative Council to address key safety concerns that stakeholders and industry experts have raised. Those amendments will ensure that New South Wales has a robust regulatory system for this type of high-risk work so that tragedies of the kind that we have seen in recent times are never, ever repeated. We cannot shout this loudly enough. We cannot reinforce strongly enough how important it is to get this right. Let us not forget that it has been over four years since the devastating tragedies that occurred at Bankstown-Lidcombe Hospital. Tragically, in June 2016 Amelia Khan was given nitrous oxide instead of oxygen shortly after she was born. Amelia was left with irreversible brain damage and she is also vision impaired. Amelia will never be able to walk independently and it is unlikely that she will be able to use her hands or develop speech. Amelia is likely to have lifelong quadriplegia, cerebral palsy and intellectual disabilities and will be dependent on others for all aspects of her care. One month later, John Ghanem was also administered nitrous oxide instead of oxygen and tragically died.

We can never let those tragedies recur. But it has taken the Government four years to act on this issue—and that, I reiterate, only after Labor took the lead, from opposition and brought in a private member's bill to agitate for change. In the meantime, to this day it has remained possible for anybody to legally undertake medical gas work in this State without formal training or qualifications. That must change. While Labor has concerns about the Government's bill and is disappointed that the Government has taken so long to act, we nonetheless acknowledge that finally some change is occurring. It is a good thing that we are finally getting closer to eliminating the risk to people's lives and the risk to their safety that exists because of negligent or incompetent medical gas installation. In wrapping up, I once again acknowledge the pain and suffering of the Khan and Ghanem families through the past four years. I recommit to them Labor's determination to fix this issue once and for all.

Ms MELANIE GIBBONS (Holsworthy) (12:13): I speak in support of the Gas Legislation Amendment (Medical Gas Systems) Bill 2020 and I commend the Minister for Better Regulation and Innovation for bringing the bill to the House. I start by reminding members just how important these reforms are. These straightforward and commonsense reforms are necessary to ensure that persons conducting medical gas work in New South Wales have the appropriate level of skills and experience to carry out that work. As members have heard, the reforms contained in the bill have come about because of two heartbreaking incidents at Bankstown-Lidcombe Hospital in 2016.

Those tragic incidents saw two newborn children mistakenly and heartbreakingly administered nitrous oxide instead of oxygen. The wrong medical gas was administered as a result of errors in installation and construction work that was undertaken at Bankstown-Lidcombe Hospital in 2015 to install piped oxygen delivery outlets to the neonatal resuscitaires in the operating theatres. Further, the failure to test the gases before the new outlets were commissioned resulted in an oxygen outlet in one of the operating theatres dispensing nitrous oxide instead of oxygen. Tragically, the errors were not discovered until after both incidents had occurred. The mistaken administration of nitrous oxide proved fatal for baby John Ghanem and resulted in serious brain damage and long-term impacts to Amelia Khan. What makes those tragic incidents so heartbreaking is that they were both avoidable.

I extend my deepest condolences to the parents and their families. I cannot begin to understand what those families have gone through and obviously are still going through. In 2018 when I had my baby, Elizabeth, she was put on oxygen before I got to meet her. You hand over someone so precious to someone else's care and all you can do is hope that the oxygen has been installed correctly and that your child is given the best possible opportunities right from the start—as I said, before you have even met them. To know that that was not done for those families is tragic and heartbreaking. We need to do all we can to fix it so that in future anyone in these situations can know that their little children will be looked after. To go through my situation so shortly after these incidents made me even more sure that this change needed to happen. So I am pleased to see that this bill is now before the House and that we can be here to make this difference.

What we now need to do is support the passage of this bill through the House to ensure that persons installing and commissioning medical gas are subject to a stringent licensing regime. The bill is necessary to significantly reduce the risk of repeating the incidents that occurred at Bankstown-Lidcombe Hospital. The bill before the House delivers on the New South Wales Government's commitment to establish a more coherent and workable regulatory scheme and licensing framework for persons and entities involved in medical gas systems in New South Wales. It delivers a strong licensing framework by extending the strong, robust provisions of the Home Building Act 1989 to medical gases. It amends schedule 1 to the Act to insert two specialist work categories: medical gasfitting work and medical gas technician work. For licensing purposes, specialist categories relate to work such as electrical and plumbing work. Persons wishing to do this work will be able to apply for a contractor's licence or a supervisor or tradesperson certificate in order to do it, once they have met the required experience and qualifications.

The first category will be for persons undertaking the construction, installation, replacement, repair, alteration, maintenance and some testing of any fixed component used in a reticulated gas installation system for the supply or removal of medical gases from the source to the outlet. The secondary category of specialist work is for medical gas technicians involved in commissioning work, including the final testing and system filling of a reticulated gas installation used for the supply or removal of medical gases. In order to seek to do specialist work in New South Wales, a contractor's licence is required. Section 4 of the Act prohibits unlicensed contracting. The bill effectively extends section 12 of the Act to medical gas work. It prohibits a person doing any specialist work unless they hold a contractor's licence. A maximum penalty of $110,000 for a corporation and $22,000 in any other case applies for a breach of this section.

Section 16 of the Act places the necessary responsibility on the holder of a contractor's licence to ensure that any work done is carried out by a licensed person or if they are a trainee under the supervision of a licensed person. Again the maximum penalty of $110,000 for a corporation and $22,000 in any other case applies for a breach of this section. These provisions require any person who wishes to install medical gas installations in New South Wales to be licensed as a contractor under the Home Building Act. Any person who wishes to contract for other services relating to medical gas technician work will be required to be licensed as a contractor under the Act.

Section 33B of the Home Building Act places a number of stringent responsibilities on the secretary before an authority can be issued. An authority, such as a contractor's licence or supervisor certificate, cannot be issued if, for example, they have had what the secretary considers to be an unreasonable number of complaints made against them or an unreasonable number of formal cautions or penalty notices issued. Directors or partners of a corporation must take particular care, as an authority can be refused if the corporation is disqualified and the secretary considers that it did not take all reasonable steps to avoid the disqualification. That puts in place another safeguard. Undischarged bankrupts, except applicants for tradesperson certificates, cannot be issued with licences or certificates.

The same provision applies if the person has been a director or a person involved in the management of a company that became externally administered within three years of an application being made, or at any time within 12 months after the person ceased to be a director or a person concerned in the management of a company. This last provision seeks to address the scourge of phoenixing, by preventing persons from collapsing their

companies, only to rise again under another identity. Sections 33C and 33D of the Home Building Act, which will be extended to the two new specialist work categories, are most important. These sections allow for the secretary to set the qualifications and experience that will be required for a person to be issued with a licence or certificate.

Members will recall that the private member's bill sought to include the qualifications and experience component into the Act. Unfortunately it disregarded the fact that all other qualifications for the myriad other categories of building and specialist work were already included in an order separate to the Act. The placement of the qualifications and experience component in a separate order, as the Minister noted in his response to the private member's bill in June, allows for any changes to be made quickly and effectively. Of course, as the Minister has advised in his second reading speech, the qualifications and experience components have been and will be consulted on with industry before they are finalised. It should be noted that section 33D requires applicants seeking to obtain a supervisor or tradesperson certificate to show they have qualifications or have passed such examinations or practical tests, or both, and had the necessary experience as the secretary determines to be necessary.

Section 35 allows the secretary to seek information from third parties in relation to an application for a licence or certificate. This is a necessary requirement, particularly if an experience component—experience in the medical gas industry—is a requirement for the issue of a licence or certificate. Applicants will have to prove they have the requisite experience by verifiable records, not just say they have the experience, which is so incredibly important. Section 42 allows for the term of an authority to be one year, three years or five years. The secretary can issue an authority for a shorter term if it is considered in the public interest to do so. The very strong licensing provisions contained in the Home Building Act that are extended to the new categories of specialist work—medical gasfitting and medical gas technician work—will provide a backbone to these amendments. They will ensure that the best, most appropriately qualified persons are only able to do the work in relation to medical gases to ensure that consumers are kept as safe as possible.

To sum up, the Government has brought this bill to the House to deliver on its commitment to introduce a licensing scheme for the regulation of medical gas work in this State. This needs to be done to ensure that families can be as comfortable as possible handing over their precious newborns at a very special time in their lives. We do not want to see any other families go through the suffering that the families of baby John and baby Amelia went through. They need to be able to know that they are handing over their bundles of joy to be looked after and cared for. We do not want midwives and doctors to have to cope with the impacts that has on their lives, careers and ongoing wellbeing. I know that this bill will see that safety bettered. We will know that families can feel comfortable in the medical care provided. I commend the bill.

Dr MARJORIE O'NEILL (Coogee) (12:23): I make a contribution to the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. Before addressing this bill directly, it is crucial to acknowledge the tragic events that led to this important action finally being taken. Four years ago, a cross-connection of gas delivery outlets at Bankstown-Lidcombe Hospital led to the death of John Ghanem, a newborn baby boy. A month earlier a baby girl, Amelia Khan, was left with life-altering brain damage from a similar incident. Since then the families of Amelia and John have bravely shared their stories and advocated for essential changes to be made. Our thoughts are with them today as we play our part in preventing future tragedies like this from occurring again.

In the four years since those tragedies occurred, we have witnessed complete silence and inaction from this Government. We are only here today debating a bill that the Government has finally put forward because of the good work of my colleague the Hon. Mark Buttigieg, MLC. With the consequential media attention surrounding Labor's bill, we finally saw the Government concede that it would look at addressing the lack of licensing in this industry. I thank and congratulate my colleague the Hon. Mark Buttigieg on putting forward the Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020. His brilliant advocacy has done justice to the importance of this issue and has sparked this incredibly important legislative process that was well overdue. Our hope is that his good work will be enshrined in this bill, and improve the safety of hospitals and medical facilities in New South Wales for decades to come.

The Opposition introduced a robust regulatory framework as part of the medical gas bill for medical gas systems in medical facilities. This bill had been developed in consultation with industry, unions and other key stakeholders. The regulatory scheme included licensing for persons and entities involved in medical gas systems to ensure that those performing the work are adequately qualified, including having the necessary skills, experiences and qualifications. In what can only be described as a farcical and undemocratic scene on 18 July this year, the bill actually passed this House without objection from those opposite before the Temporary Speaker belatedly called for a division so that members could vote to reject the bill in what can only be seen as an attempt to save the Minister from even more embarrassment.

As the Prince of Wales Hospital in my electorate is undergoing a major redevelopment as we speak, the importance of this legislation to my electorate of Coogee, and all electorates that depend on health services in the

South East Sydney Local Health District, is paramount to ensure the tragedies that occurred at Bankstown-Lidcombe Hospital never happen again. Unfortunately, the legislation put forward by the Government fails to address key safety measures for the industry in which medical gas operates. The legislation is consistent with how training and the trade function and the Government has completely ignored the legislative frameworks of both Victoria and Queensland where the trade is robustly licensed and regulated. This is why I foreshadow that Labor will be moving amendments in the Legislative Council to address key safety concerns that stakeholders and industry experts have raised.

The amendments will ensure that New South Wales has a robust, regulatory framework for this kind of high-risk work. As such the Opposition will seek to amend the Gas and Electricity (Consumer Safety) Act and the Home Building Act to ensure that key safety issues are addressed within this bill. The Minister has stated that his bill was formed through feedback from stakeholders. However, a number of key stakeholders have contacted the Opposition to express their significant concerns with the Government's proposal—stakeholders that are leading experts in industry practice and training in this area, including the Partners in Culturally Appropriate Care, the industry training leader, and the Plumbing Trade Employees Union, which have been highlighting safety issues for years and years, yet the concerns have, and continue to be, completely ignored by the Government.

Currently mechanical services is not regarded as a licensed or qualified work within New South Wales, despite being a highly specialised form of plumbing work, which has a great deal of complexity and requires extensive technical training to be performed safely. Despite this complexity and the specialisation required, this legislation proposed by the Government is attempting, most unusually, to address only medical gas without addressing mechanical services, and the people who will be required to install it. The Minister has stated that creating mechanical services is for another time. In doing this, the Government would be breaking up an established trade and only licensing part of it.

Put simply, this is not only unnecessary and ridiculous but also highly unsafe and does nothing to address the safety issues identified in the tragic events of 2016. The overall trade of mechanical services in which medical gas sits must be licensed as it is essential for safety, training and industry practice. It is crucial that mechanical services work is licensed together with medical gas, as the key skills that are used in medical gas work are learnt within the mechanical services qualifications and training. Medical gas work shares the same risk profile and set with the other types of mechanical services work and that is why it is licensed under mechanical services in Queensland and Victoria.

This bill is long overdue, and it is a stain on this Government that it did not support Labor's bill. Even after the horrific tragedies of Bankstown-Lidcombe Hospital, the Government has ignored pleas for licensing. It has allowed work that has life-or-death consequences to be carried out by individuals who have no trade qualifications, training or experience. Therefore, it is crucial that we ensure this legislation is robust in order to make this industry as safe as other jurisdictions in Australia.

The fact that the Government is finally looking to address the gaping hole in medical gas regulation is positive. However, the manner in which it has constructed this bill, the lack of detail included, the significant lack of robust industry consultation and the lateness of its actions are all-too-familiar hallmarks of this Government's approach to legislation in New South Wales. With the adoption of the amendments that I have detailed, I believe the bill can bring about the positive changes that are so badly overdue. We must get this right. The people of New South Wales deserve to be safe in their hospitals and medical facilities always. The Opposition will not oppose the bill. I thank the House.

Mr NATHANIEL SMITH (Wollondilly) (12:30): I speak in support of the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House. The bill implements reforms to regulate the supply of medical gases for the protection of all consumers in New South Wales. The bill delivers on the New South Wales Government's commitment to establish a more coherent and workable regulatory and licensing scheme for persons involved in medical gas systems in the medical facilities of New South Wales. This new legislation makes it clear that the Government expects those who carry out medical gasfitting or medical gas technician work do so in compliance with the acceptable Australian standards and policy documents issued from time to time by the Ministry of Health.

As members have heard previously in this House, the Minister for Better Regulation and Innovation committed to a six-month process to implement the medical gas reforms. The Government is delivering on that promise. The bill establishes a robust, coherent and consumer-friendly licensing regime that has been subject to close consultation with the New South Wales Ministry of Health, the medical fraternity, medical gas industry, registered training providers and plumbing associations—some 20 key stakeholder groups in all. The Opposition stated that we have not been talking to the experts. As a licensed plumber and gasfitter, I am qualified to install these sorts of systems, and they did not ask me. As someone who has installed many pipelines and gas appliances

and commissioned them, I know too well the importance of rigorous standards to ensure the work undertaken meets necessary safety requirements.

To indulge the House, most members here who live on a rural property will not have natural gas coming to their property; they will use LPG, which is a very dangerous gas. It is heavier than air. I remember a tragedy that happened many years ago in the nineties when I was doing my apprenticeship. A man in North Ryde—in the Minister for Customer Service's electorate—had a TurboTorch that was leaking in the van. That morning he lit up a cigarette, and off it went. Gas is a very serious business, and if you make a mistake it is life and death. I am licensed to install LPG pipelines and commission them. You have to be very careful and know what you are doing. Recently I was able to view firsthand the installation of the gas pipelines as part of the upgrading of stage one of Bowral and District Hospital while on a visit with our Premier. The attention to detail and the standard of installation was of the highest order. I checked it out myself and it was excellent. This legislation can only reinforce those standards.

The bill establishes two categories of specialist work under the Home Building Act 1989, being medical gasfitting work and medical gas technician work. These two categories will be responsible for work done in relation to the supply and removal of medical gases in medical facilities in New South Wales. To support the effective administration and regulation of the two licensed specialist categories, the bill establishes a comprehensive framework. The bill will extend a suite of investigative and enforcement powers already in use under the Gas and Electricity (Consumer Safety) Act 2017 to include medical gases, and also extends the strong disciplinary provisions of the Home Building Act to the two specialist categories of medical gas licences.

The bill provides a broad range of important powers to authorised officers that will significantly enhance the ability of those officers to undertake compliance and enforcement operations under the legislation. Authorised officers will have rights of entry to premises at reasonable times. These powers will enable authorised officers to lawfully enter medical facilities where medical gases are used, and immediately inspect and target noncompliance. The bill includes provisions permitting an authorised officer to be accompanied by a police officer and any assistants that the authorised officer considers necessary when entering a medical premises. This will allow authorised officers to be accompanied by persons who may be critical to assisting with the investigation, such as subject matter experts.

Of course, the issue and use of search warrants will be subject to important safeguards. To apply for a warrant the authorised officer must have reasonable grounds for believing that the legislation is being or has been contravened on the premises or that there is evidence of a contravention offence on the premises and that entry is or is likely to be hindered or is required outside normal business hours. The bill ensures that when authorised officers are investigating medical gas installations or medical gas accidents they have a broad range of powers they can perform when they are on premises. For example, authorised officers will be given rights to examine and inspect, make copies of documents and take photos or records that the authorised officer considers necessary. Further, officers will be able to direct persons to produce documents for inspection and seize anything that the authorised officer has reasonable grounds for believing is connected with a breach of the legislation.

The bill defines a serious medical gas accident or incident as one involving a medical gas installation as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a registered health practitioner, or is unable to attend work for any period of time. This definition would therefore cover the tragic circumstances of Bankstown-Lidcombe Hospital. The bill extends the wideranging provisions of the Gas and Electricity (Consumer Safety) Act in the investigation of accidents to medical gas accidents. The secretary can, in conjunction with other departments such as SafeWork and NSW Health, arrange for investigations.

It is an offence to interfere with the site of a medical gas accident. If an authorised officer believes on reasonable grounds that a medical gas installation is unsafe a notice prohibiting its use can be served on the occupier of the medical establishment. The notice can be extended by the secretary to enable investigations to continue. In investigating the unsafe use of a medical gas installation, authorised officers will have the power to inspect and test any appliance relating to a medical gas installation or equipment used in connection with the appliance. They will be able to require any person in the place who has possession of the installation to answer questions or otherwise provide information to aid the investigation.

Under the bill, an occupier of a premise—that is, the person who has the management or control of the premises—must ensure that the medical gas installation is maintained. We see this in hospitals and aged-care facilities everywhere, in another part of the plumbing world, with thermostatic mixing valves. Most people may not know what they are, but they use a mixture of cold and hot water so that when someone turns on the tap they are not scalded at 70 degrees Celsius or 80 degrees Celsius; the valve brings the temperature down to 50 degrees Celsius. Another example is backflow prevention valves, which are used on many farms and in many factories, and need to be installed and checked regularly. It is especially important that medical gas is checked on

a regular basis by those licensed technicians. Of course, I emphasise that action would be taken only under certain circumstances with advanced or subject matter experts while ensuring the safety and wellbeing of all involved.

This bill is not intended to add an unnecessary regulation burden; rather, it is focused on appropriate oversight of the industry backed up by proportionate enforcement powers. To support oversight and enforcement the bill also extends the provisions of the Gas and Electricity (Consumer Safety) Act to provide that a person must not obstruct, hinder, delay or interfere with an authorised officer in the exercise of an authorised officer's functions or refuse or fail to comply with a direction without reasonable excuse for compliance and enforcement activities relating to medical gas installations.

A person must also not knowingly provide documents or information in relation to an investigation knowing that the documents or information are false. A maximum penalty of $55,000 for a body corporate or $16,500 for individuals will apply in respect of a breach of those provisions. In summary, the new licensing scheme provides not only greater visibility of work in this space but also mechanisms for ensuring that work is done to a standard that keeps people safe in the hope that we never ever see a repeat of those tragic incidents at Bankstown-Lidcombe Hospital. I commend the bill to the House.

Mr JIHAD DIB (Lakemba) (12:40): I support the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. The background to this legislation is widely known. This legislation has been introduced in response to the tragedy that occurred in Bankstown in 2015 and recent media coverage of that incident. The report of the investigation found that among other things training and checking regimens needed to be improved, and stronger and tighter regulations were required. I do not think any member of this House could fathom the despair of losing a child or serious injury being caused to a child in the unfortunate circumstances that beset two families in 2015. Whether members have children or not, we all know that newborn babies are extremely vulnerable. As members of Parliament we must do everything possible to maintain the highest levels of safety in the use of medical equipment.

Obviously SafeWork NSW, regulators and workplace trainers have an important role to play. Ultimately, the members of this House must be assured that under any circumstance the tragic Bankstown incident will never happen again. However, it is disappointing that this legislation has taken so long to be introduced. The person in the street has an issue with people in politics. Politicians and politics are not held in the highest esteem. People tell us that they dislike politics being played and inappropriate rivalry between Government and Opposition members that leads to anything done by one political party being automatically opposed by the other. Approximately two months ago legislation was debated in this House that is not dissimilar to the legislation before this House today. Almost every member who participated in that debate said, "This legislation is needed."

I was disappointed when politics came into play in relation to legislation designed to address the causes of the tragic Bankstown hospital incident. Sometimes bills are opposed because of the person who introduces them, regardless of whether the bill is good. If issues were identified by the Government in the previous bill, the Government should have moved amendments to remedy the bill. If the Government thinks that legislation can be made better, then do that. Ultimately, the role of the 93 members of this House is to pass good laws to protect people and improve the lives of people across New South Wales. It is very disappointing that legislation of this type has been delayed for some months whereas, if a bipartisan approach had been adopted, similar legislation could have been amended and could have been expedited. I am pretty cranky. I raise this issue because people have had enough of politicking in dealing with important legislation.

People tell me they have had enough of politicians sounding like they are all in agreement, but instead deciding important matters along party lines rather than on the basis of what is the right thing to do. Members of this House should start moving away from that conduct. The previous bill was really good legislation. Obviously the Government thought it needed improvement and has introduced new legislation, but why do we have to go through that process? Why do we have to put the grieving families through more pain and hardship? The time allowed for my speech is short. Of course I commend the bill to the House. I hope that on the next occasion good legislation is presented to this House, it will be judged on its merits and not politicised in the process, regardless of who introduces the bill.

Debate interrupted.

Committees

LEGISLATIVE ASSEMBLY COMMITTEE ON INVESTMENT, INDUSTRY AND REGIONAL DEVELOPMENT

Reports

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

Mr JUSTIN CLANCY (Albury) (12:45): As chair of the Legislative Assembly Committee on Investment, Industry and Regional Development I am pleased to speak to the report entitled *Interim Report into Support for Drought-Affected Communities in NSW*. Over several years our regional communities have been confronted by prolonged drought. Recently we have had welcome rain across large parts of the State. However, there are areas that have not had these rains and others where more is needed. The drought is not over and we want to assure communities that are still struggling that they are not forgotten. To this end it was important to the committee to examine the support our communities need now and, importantly, what is needed to recover and prepare for the future.

This interim report is a first step in the committee's inquiry. The interim report's findings and recommendations aim to address some of the preliminary concerns and issues raised. They include the reliability and financial sustainability of town water supplies, eligibility of certain drought-assistance programs, and measures to promote resilience and diversity. Reliable and financially sustainable town water supplies are fundamental to building resilience against significant drought events and other natural disasters. The committee therefore recommended that a review be conducted into existing support of local water utilities to assess their effectiveness in providing reliable town water supplies to rural and regional communities and in ensuring their long-term financial sustainability.

Complex and restrictive guidelines and approval processes for existing water management programs were also identified. The committee recommended that they also should be reviewed. Problems were also identified in the provision of drought support to farmers, businesses and communities. The committee acknowledges the work currently being undertaken to improve coordination between the three levels of government, but gaps remain. The committee believes better use can be made of local government to deliver programs and improve coordination at the regional level. It is also clear that some farmers and businesses are excluded from receiving support under existing drought assistance program guidelines. The committee believes that those should be reviewed and expanded.

The committee also examined measures to promote resilience and diversity in rural and regional communities. We found that buy regional campaigns are an effective tool in supporting and promoting regional businesses, especially through periods of drought. The NSW Small Business Commission's Business Connect program has also been a positive and welcome program. The committee supports its planned expansion. Access to adequate vocational education and training also is essential to maintain skilled workers in regional and remote communities, and to provide opportunities to diversify. Regional universities are major contributors to rural and regional economies and the New South Wales Government should consider ways to include support for our regional universities when preparing drought-assistance programs.

Tourism was also identified as an important tool in rebuilding regional economies. The committee encourages Destination NSW to continue its campaign to promote regional New South Wales as a destination for tourists and events. Of particular concern to the committee is the detrimental impact drought has on mental health. We heard that financial hardship is leading to increased stress, family breakdown, anxiety, depression, and drug and alcohol abuse. The committee is keen to focus on this area moving forward.

On behalf of the committee I extend our gratitude to the individuals and organisations that made submissions, gave evidence at the committee's virtual hearings and shared their experiences with us. Their contributions have been extremely valuable in helping us understand the issues and to formulate our recommendations. I thank my colleagues: deputy chair Mr Peter Sidgreaves, Mr Clayton Barr, Ms Steph Cooke, Mr Phil Donato, Mr David Harris and Mr Geoff Provest, for their dedication to the work of this committee and for their support of this inquiry. Finally, I thank the committee staff for their work in this initial stage of the committee's inquiry. I commend the report to the House.

Mr DAVID HARRIS (Wyong) (12:50): I make a contribution to debate on the Legislative Assembly Committee on Investment, Industry and Regional Development titled *Interim report into support for drought affected communities in NSW*. I endorse the comments of the member for Albury. He has done a wonderful job chairing the committee. As a bipartisan committee we have been focused on regional communities and the effects of drought. It is important for regional communities to understand that the committee is focused on looking at their particular issues and in finding ways forward to better meet their needs through government support. I thank the secretariat for their work on this interim report. We were one of the first committees to use virtual hearings, which was a new experience. I thank those who participated in the hearings from across the State.

We spoke to farmers from the Armidale area. We heard about their experiences and we also inadvertently learnt about technological restrictions with phone lines in that part of the world. Those farmers were resilient. One farmer, who was cut-off because he had a very poor phone line, made sure that he sent an email setting out all of his issues. I wish to talk also about the plight of regional universities. I have lived in a regional community but, just like the other committee members, I was quite amazed at the contribution regional universities make not only

to education but also to the facilities offered to communities. For example, the University of New England owns and operates a number of sporting fields. It keeps those sporting fields at a standard because all of the weekend sport in the Armidale community revolves around their use.

However, regional universities are often bypassed because their drought support contribution is not fully recognised. They are not able to apply for any of the drought programs, which is an issue in regional New South Wales. Some big regional communities live in university towns—whether it be Bathurst, Armidale, Wagga Wagga, Orange or Dubbo—and they have good facilities. During droughts the contribution of regional universities is not only to education but also to the life of the community. I thank the chair and acknowledge all the committee members. We had a field trip out to Orange and visited Manildra where we learnt about the work that they do, the impact of drought upon agriculture and its flow-on effect to other industries. I endorse the interim report. The committee will do more work on this.

Report noted.

COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION AND THE CRIME COMMISSION

Reports

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

Mr DUGALD SAUNDERS (Dubbo) (12:54): As Chair: Today I speak to the report entitled *2020 Review of the Annual Reports of Oversighted Bodies*. The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission oversights a number of high-profile agencies. This report embodies one of the core functions of the committee—that is, scrutinising the performance of these important, but quite distinct, agencies. The report covers two annual reporting periods. The committee felt this report was an opportunity to update Parliament on the work of all the oversighted agencies, even if the committee made no specific recommendations in relation to that agency.

The committee made recommendations in relation to the Law Enforcement Conduct Commission, the New South Wales Crime Commission and the Information and Privacy Commission NSW. The Law Enforcement Conduct Commission [LECC] has recently undergone an immense period of change. The inaugural chief commissioner and the commissioner for oversight both departed the LECC in January. While an acting chief commissioner was appointed, the position of commissioner for oversight remains vacant. As a result, the committee recommended that the relevant Ministers clarify the status of this position. In addition, the committee has also recommended that the Law Enforcement Conduct Commission Act be amended to clarify the respective roles of the chief commissioner, commissioner for oversight and the commissioner for integrity. The committee is hopeful that amending the Act in this way may assist with addressing some confusion and internal disputes that have occurred in the past. The committee has also recommended that the Government consider whether the current level of funding to the LECC is adequate for it to fulfil its important functions.

I turn now to the Information and Privacy Commission NSW. The Privacy and Personal Information Protection Act 1998 governs the protection of personal information and the privacy of individuals in New South Wales. It has been in operation for over 20 years. During the hearing for this report, the privacy commissioner highlighted a number of areas where the Act could be updated. In light of this, the committee has recommended that the Government consider a departmental review of the Act to determine whether it requires amendments. The final recommendation of the committee I wish to address concerns the New South Wales Crime Commission. The committee noted that the statutory review of the Crime Commission Act 2012 has yet to be completed and recommends that it be finalised as a matter of priority. The Act requires the review to be completed as soon as possible within five years of commencement of the Act. While the review has commenced, submissions closed in August 2018. The committee considers that regular statutory reviews are important, particularly for legislation relating to statutory organisations like the Crime Commission that have significant powers.

It has certainly been an interesting time. I thank all the oversighted agencies for their work and for taking part in this review. I am also very grateful to my fellow committee members. I note the member for Prospect is present in the Chamber. I thank him for being here today. I thank all committee members for their assistance in this review and the work of the committee more generally. I thank the amazing committee staff for all the work that is done behind the scenes to make things tick along in the right direction. I commend the report to the House.

Report noted.

LEGISLATION REVIEW COMMITTEE

Reports

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

Ms FELICITY WILSON (North Shore) (12:58): As Chair: I address the House on behalf of the Legislation Review Committee regarding its report entitled *Legislation Review Digest No. 17/57*, tabled on 4 August 2020. In this digest the committee examined five bills introduced in the sitting week before the winter recess and found issues in four. It also considered 71 statutory instruments and found issues in 11. I will now draw the Parliament's attention to some of the issues raised.

The Casino Control Amendment (Inquiries) Bill 2020 was introduced in the context of the current casino inquiry being conducted by the Hon. Patricia Bergin, SC. When introducing the bill the Minister told the Parliament that it was designed to ensure that such casino inquiries have sufficient powers to ensure the highest level of oversight. The bill will amend the Casino Control Act 1992 to make it clear that a witness who is compelled to attend and give evidence to the inquiry under section 143 of the Act, which is presided over by a Supreme Court judge or a lawyer of seven years standing, is not excused from answering questions or producing documents on the grounds of self-incrimination, privilege, duty of secrecy or on any other ground. The committee noted that the bill may thereby abrogate certain legal privileges—for example, the privilege against self-incrimination.

However, the committee acknowledged that the bill contains safeguards including that any answer given or document produced by the witness is not admissible in civil or criminal proceedings against the person. Further, the committee noted that it is important for casino inquiries to have the power to compel disclosure of privileged information so that they may have a full picture of casino operations and thereby ensure that casinos are managed and operated appropriately in New South Wales. In the circumstances, the committee made no further comment on the abrogation of privilege. However, it did note that the provisions would operate retrospectively and referred that retrospectivity to Parliament to assess whether it is reasonable and proportionate in the circumstances.

I now turn to the Work Health and Safety Amendment (Information Exchange) Bill 2020. The bill would amend the Work Health and Safety Act 2011 to authorise the Secretary of the Ministry of Health to provide information to the work health and safety regulator if they consider it necessary to do so to enable the regulator to exercise its functions under the Act. The amendment, taken with the recent declaration of silicosis as a scheduled medical condition under the Public Health Act 2020, is intended to ensure that the work health and safety regulator is informed of all diagnoses of silicosis in New South Wales and is thereby able to halt the recent increase in the disease.

However, the committee noted that the information-sharing power was broad and did not limit the secretary to sharing information about the diagnosis of silicosis. The committee prefers administrative powers that may affect privacy rights, such as these, to be drafted with sufficient precision so that their scope and content is clear. Further, the committee noted that while a memorandum of understanding was being developed between NSW Health and SafeWork NSW to govern this information sharing, the bill contained no such privacy safeguards. The committee therefore referred the breadth of the information-sharing power and the issues around privacy safeguards to Parliament for consideration.

I now turn to the regulations in the digest. The Government continues to make regulations to manage the impact of the COVID-19 pandemic. Of the 11 regulations considered in the digest, six related to COVID-19. As with previous legislation related to the pandemic, the regulations included provisions that would, in ordinary circumstances, unduly impact on personal rights and liberties. However, given the extraordinary conditions created by COVID-19, the committee judged them to be reasonable in the circumstances.

For example, the Public Health Amendment (COVID-19 Border Control) Regulation 2020 provides that a person can receive an on-the-spot fine of $4,000 for failing to provide information, including photo identification. This will allow authorities to determine whether the person has been in Victoria within the past 14 days and, if so, whether the person is authorised to enter New South Wales. The committee noted that the regulation may thereby impact on privacy rights. Further, as the information may be used to deny a person entry to New South Wales, the regulation is part of a regime that restricts freedom of movement. However, the committee found that the regulation aims to respond to the public health emergency created by the COVID-19 pandemic, in particular the recent increase in community transmission in Victoria. In the circumstances, it found that the impact the regulation has on personal rights and freedoms was reasonable. That concludes my remarks on the seventeenth digest for this Parliament. I commend the digest to the House.

Mr DAVID MEHAN (The Entrance) (13:03): I contribute to the take-note debate on *Legislation Review Digest No. 17/57*, dated 4 August, which is the date that the committee met to consider the information contained

therein. The committee considered five bills, commenting on four of them, and a huge 71 regulations in total, commenting on 11 of those. Members who keenly follow the digest—as I know they all do—will note that six of the 11 regulations that were commented on are related to COVID-19. Members will recall my comments on a previous digest in which I indicated to the House that public health orders are outside of the jurisdiction of the committee and, therefore, public health orders would not be reviewed or considered by the committee during the current pandemic. However, regulations made under the Public Health Act are captured and considered. In relation to this—and to better explain the interplay between orders, regulations and the committee's work—I refer to page 47 where the committee notes that the object of the Public Health Amendment (COVID-19 Spitting and Coughing) Regulation (No 2) is:

> 1. … to allow for the issue of penalty notices for an offence against section 10 of the Public Health Act 2010 involving a contravention of a Ministerial direction under the Public Health (COVID-19 Spitting and Coughing) Order (No 2) 2020 about intentionally spitting or coughing on:
>
> • a public official or
>
> • another worker while the worker is at the worker's place of work or travelling to or from the worker's place of work,
>
> in a way that is likely to cause fear about the spread of COVID-19.
>
> 2. This Regulation is made under the Public Health Act 2010, including sections 118 and 134 (the general regulation-making power).

Even though the committee has no jurisdiction over orders, any regulations that follow to enforce those orders come within the jurisdiction of the committee and are reported on. I commend the secretariat that supports the committee in its work. They do a fantastic job; this is a big digest that they have put together. I thank my fellow committee members for their work in preparing the digest as well. I commend the digest to the House and encourage all members to refer to it.

Report noted.

LEGISLATION REVIEW COMMITTEE

Reports

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

Ms FELICITY WILSON (North Shore) (13:06): As Chair: I address the House on behalf of the Legislation Review Committee regarding its report entitled *Legislation Review Digest No. 18/57*, tabled on 4 August. In the digest the committee examined the two bills that were introduced in the last sitting week and found issues in both. I will now draw the attention of the Parliament to some of the issues raised. The Defamation Amendment Bill 2020 amends the Defamation Act 2005 and the Limitation Act 1969 to implement nationally agreed changes to the law of defamation. The Defamation Act 2005 implemented model defamation provisions which were agreed to by the then Standing Committee of Attorneys-General in 2004. However, since the implementation of those model laws—and with the evolution of the digital age—there have been many changes, including a rise in the number of defamation matters involving digital publications.

Therefore, in 2018 the Council of Attorneys-General agreed to reconvene a defamation working party comprising representatives from all jurisdictions to review the model laws. Detailed policy work followed, with two rounds of stakeholder consultation. As a result of that process, model defamation amendment provisions were finalised and in July 2020 the Council of Attorneys-General agreed to support the enactment of those provisions. In implementing those nationally agreed changes to the law of defamation, the bill seeks to amend the Defamation Act 2005 to provide that it is an element of a cause of action for defamation that the publication of defamatory matter about a person has caused, or is likely to cause, serious harm to the reputation of the person. That means that the plaintiff would have to prove serious harm to bring a successful action for defamation. Under the current law, publications of defamatory matter are actionable without proof of special damage.

However, the Defamation Act 2005 does provide that it is a defence to the publication of defamatory matter if the defendant proves that the circumstances of the publication were such that the plaintiff was unlikely to sustain any harm. The committee noted that by raising the threshold for a plaintiff to bring a successful action, the bill would further limit a plaintiff's right to obtain a remedy for defamation. However, the committee noted that this amendment followed extensive stakeholder consultation by the defamation working party. Stakeholders overwhelmingly supported a serious harm threshold after concerns that a rise in inconsequential claims is causing expense and stress for private individuals, and using significant amounts of court resources. In the circumstances, the committee made no further comment.

Another issue identified by the committee related to jury trials. Currently, the Defamation Act allows a plaintiff or defendant to elect for defamation proceedings to be tried by a jury. However, the bill would amend the

Act to provide that such an election can be revoked with the consent of the parties or, if there is no such consent, with the leave of the court. The court may, on application of a party, grant such leave but only if satisfied that it is in the interests of justice. The committee noted that by allowing the court to revoke a jury election, the bill may impact on the right to jury trial. However, the committee noted that the court can only revoke if it is in the interests of justice to do so. It also noted that cases may arise where there are compelling reasons to revoke an election—for example, where a party has been unduly prejudiced by pre-trial publicity. In the circumstances, the committee made no further comment.

I turn to the State Revenue Legislation Amendment (COVID-19 Housing Response) Bill 2020. This bill seeks to amend State revenue legislation in connection with the response to the COVID-19 pandemic. In particular, the committee noted that the bill seeks to amend the Land Tax Management Act 1956 to introduce new land tax concessions for certain new build-to-rent developments. The bill proposes to reduce the value of a parcel of land by 50 per cent for the purposes of assessing land tax if certain criteria are fulfilled. One of these criteria is where the chief commissioner under the Act is satisfied that the building is being used and occupied in accordance with guidelines approved by the Treasurer.

The committee further noted that the bill sets out what may be contained in these guidelines to assess whether a building is being used for a build-to-rent property, including the minimum lease conditions that must be offered to tenants and the minimum scale of a building. As the matters dealt with in the guidelines have bearing on the grant of significant tax concessions, the committee identified that it would prefer them to be dealt with by regulation. This would foster an appropriate level of parliamentary oversight, as regulations must be tabled in Parliament. There appears to be no such requirement for the guidelines in question. The committee referred this matter to Parliament for consideration. That concludes my remarks on the eighteenth digest for this Parliament. I thank the committee secretariat and my fellow members of the committee for the significant level of work they have been doing, particularly during the COVID pandemic. I commend the digest to the House.

Mr DAVID MEHAN (The Entrance) (13:11): I make a contribution to the take-note debate on the eighteenth digest of this Parliament. This digest is dated 4 August, as was the previous digest. Keen followers of the committee's work will wonder why there are two digests on the same day. There is no particular reason. The secretariat that supports the committee simply considered that it would be more appropriate to divide the huge volume of work we considered on that day into two documents. The committee endorsed the decision of the secretariat in that regard; hence there are two digests with the same date.

In this digest the committee considered two bills and commented on both of them. The committee considered the Defamation Amendment Bill 2020, which seeks to enact recommendations of the model defamation law working party, which is a working party of all States and Territories of the Commonwealth. The committee also considered the State Revenue Legislation Amendment (COVID-19 Housing Response) Bill 2020, which includes a provision to encourage build-to-rent construction in this State as a stimulus response to the economic downturn caused by the current COVID-19 pandemic. In that regard the committee noted that that bill contained guidelines instead of regulation. The committee noted that it was unclear how the guidelines were to be developed. The committee would usually prefer regulations to be made as they can be scrutinised later by Parliament, and made a recommendation that that be considered by the House. Once again I thank the secretariat for its supporting work for the committee and I thank the committee members for their attention to their duties. I encourage members to refer to the digests. I commend the digest to the House.

Report noted.

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

Announcements

BEIRUT EXPLOSION

The SPEAKER: Yesterday, Tuesday 4 August 2020, a huge explosion rocked downtown Beirut, Lebanon's capital. The cause of the explosion is not yet clear, but the major explosion has destroyed large parts of downtown Beirut, killing at least 73 people, including one Australian, and injuring more than 3,700. On behalf of the House we send thoughts and prayers to the people of Lebanon at this difficult time. Along with the Presiding Officer of the other place I will write to the Consul General of Beirut in Sydney to share those thoughts and prayers.

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

LEGISLATIVE ASSEMBLY ATTENDANTS

The SPEAKER: Today I had the privilege of having lunch with our seven attendants, who in total have over 100 years of experience of serving this Chamber. I acknowledge them.

Notices

PRESENTATION

[*During the giving of notices of motions*]

The SPEAKER: I will consider the motion of which the member for Maroubra gave notice dealing with the standing orders because, while aspects of it were substantively different from yesterday's motion of which he gave notice, other aspects of it were almost identical. I may ask the member for Maroubra to amend his motion slightly. I am happy to speak to that later, but if I could have a copy of his motion I will consider it further.

Order! I call the Leader of the Opposition to order for the first time. I call the member for Keira to order for the first time.

Question Time

ICARE

Ms JODI McKAY (Strathfield) (14:21): My question is directed to the Treasurer. The State Insurance Regulatory Authority [SIRA] is the independent regulator of icare. Why did the Treasurer agree to the extraordinary demand of icare Chair and Liberal donor, Michael Carapiet, to review SIRA's budget after it issued a damning report into icare's failures?

Mr DOMINIC PERROTTET (Epping—Treasurer) (14:22): I thank the Leader of the Opposition for her question. Here we are in the middle of a pandemic; there were 700 new cases in Victoria overnight, as the Minister for Health knows, and we have been providing support.

Ms Yasmin Catley: Workers are still injured.

Mr DOMINIC PERROTTET: Injured workers under the icare scheme have been provided more support since the changes were made in 2015. The Leader of the Opposition knows that all too well. The member for Maroubra is amending his motion because he could not get it right. He knows that the Opposition's scheme was failing injured workers across the State. I will address the question from the Leader of the Opposition. The intention of the changes that we made to separate the regulator from the service provider was to provide transparency and accountability. The reality is there is always natural tension between a regulator and a provider. That is exactly the situation that good governance provides, whether it is the Law Enforcement Conduct Commission, the police, the Independent Pricing and Regulatory Tribunal, other agencies or the Auditor-General. Good regulatory oversight leads to better service delivery. I welcome that tension and oversight because at the end of the day we get better service delivery for some of the most seriously injured workers in New South Wales. I note the member's question, particularly in relation to the article today. The Treasury advice that was received in respect of that inquiry stated this:

> SIRA's own costs do not appear obviously unreasonable. $20 million of staffing costs to regulate and oversee the workers compensation system, a multibillion-dollar industry of great importance to the State, does not look disproportionate on first inspection, and nor does the comparison with APRA lead to any immediate concerns.

That was the initial advice from Treasury. This was published today. It went on:

> The total cost of the WC-related entities on the system is substantial. We note that these entities have not been subject to efficiency dividends recently applied to most general government agencies.

It goes on to state:

> We recommend that a review be carried out—

that was on behalf of Treasury—

> jointly between DCS, SIRA and Treasury to assess—

Ms Jodi McKay: After the Chair asked you to.

Mr DOMINIC PERROTTET: This is the advice from Treasury:

> … to assess the cost base, including benchmarking against similar organisations in other jurisdictions.

That was the official Treasury advice. They found that the Chair had reasonable cause to query the rigour of SIRA's cost base. In a later email—

The SPEAKER: Order! I remind the Leader of the Opposition that she is already on one call to order and warn her that she will be called to order for the second time if she continues to interject.

Mr DOMINIC PERROTTET: In a later email, the Secretary of Treasury wrote:

> There is enough here to lead to a cost review next year—

that is, in 2020—

> as part of a zero-based budget review for the 2021 budget.

The Treasury did not proceed with the review because the Department of Customer Service [DCS] objected to a review focused solely on funding SIRA's workers compensation [WC] operations and DCS' view that it would be inappropriate without a broader examination of the funding to all parties that jointly rely on the WC premium levy. DCS then informed Treasury in late February that SIRA had commenced or was going to commence its own review. There are two sides to every story. In relation to this review, SIRA carried out that review in respect of costs. It is not unusual for Treasury to be concerned about costs; that is what Treasury does.

ICARE

Ms JO HAYLEN (Summer Hill) (14:26): My question is directed to the Treasurer. Liberal donor Michael Carapiet talked John Nagle out of resigning and waged a war of retaliation against the independent regulator. Does Mr Carapiet still have the Treasurer's full confidence as Chair of icare?

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

Mr DOMINIC PERROTTET (Epping—Treasurer) (14:27): The independent board of icare has oversight in relation to the operations of icare. In respect to the member's question, when you are talking about people on the board, we also appointed to the board—as the member knows—the Labor Party president, who, we read on the weekend, is a relative of mine somewhat and, until the Leader of the Opposition came along, a friend. The reality is we have a broad range of experiences on the icare board to provide advice—

Ms Jodi McKay: Point of order: It is Standing Order 129. The question was very specific: Does Mr Carapiet still have the Treasurer's full confidence as chair of icare? Yes or no? Again, remember: You do not know what we have.

The SPEAKER: The Treasurer is being relevant and is in the first minute of his response.

Mr DOMINIC PERROTTET: If there are concerns in relation to the icare board, yesterday the Minister for Customer Service and I announced the bringing forward of the statutory review into icare and into SIRA for the purposes of having an independent review—

Mr Greg Warren: Point of order: It is Standing Order 130. We are not here to debate the matter. It is a very simple question: Does the Chair still enjoy the Treasurer's support?

The SPEAKER: I am satisfied that the Treasurer is being relevant and that he is not actually debating the matter.

Mr DOMINIC PERROTTET: Any concerns that have been raised in respect of the regulator to the commercial operator will be done through appropriate channels. That is why we have appointed an eminent former Supreme Court justice to provide further independence into a statutory review. As we set up in the first place, we built into this system the regulatory oversight to ensure that we get better outcomes from the commercial provider.

Mr Ryan Park: Point of order: It is Standing Order 129. I just wanted to check, Mr Speaker: Did you hear the question?

The SPEAKER: I did hear the question. The member will resume his seat.

Mr DOMINIC PERROTTET: Unlike those opposite, who ran the scheme into the ground—led by the member for Maroubra, who brought the scheme from a $2 billion deficit to a $4 billion deficit—we have turned it around.

The SPEAKER: Order! The Clerk will stop the clock. The question that was asked related to whether the Treasurer had confidence in the chair, Michael Carapiet. He has been answering in relation to his confidence in the board and the chair. I am conscious of the specific nature of the question, and I will ask the Treasurer in the next minute to address himself more to his confidence in the Chair.

Mr DOMINIC PERROTTET: Whether it is the chair or members of the board, they have my support. They have my support and they have the oversight of the organisation of icare. Any concerns that have been raised by the regulator will be addressed accordingly. What will not happen, and what is improper, is a politically

motivated campaign in relation to an organisation that has oversight of some of the most seriously injured and vulnerable workers right across our State. The reality is that under the board's oversight, under icare, we have created a scheme that puts injured workers at the centre and that provides more support than they had under the changes that were made by this Government in 2011 or 2012. I know those opposite challenged those reforms. They were necessary reforms to bring the scheme from insolvency back to a level where we can provide the support that injured workers need right across this State.

ICARE

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

Mr DAVID MEHAN (The Entrance) (14:32): My question is directed to the Treasurer. Yesterday the Treasurer was asked this question:

> When was the Treasurer first told about John Nagle's undeclared trip to Las Vegas … ?

The Treasurer did not answer the question yesterday. Today we have learnt that he knew of that trip back in May 2018. Why did he hide it from Parliament?

The SPEAKER: Government members will remain silent.

Mr DOMINIC PERROTTET (Epping—Treasurer) (14:35): It's the big guns in here today. You know you are in trouble when the Opposition is bringing out a stranger in the House, who should be disqualified from asking any questions.

Mr David Elliott: What's his name?

Mr DOMINIC PERROTTET: I don't know. I see him running around the park occasionally. As I said yesterday, as a responsible Minister there is no doubt that we spend in the New South Wales Government over $300 million a year on government travel. I am happy to see that that will not be existing anymore in circumstances of COVID-19, which is a nice cost saving for Treasury. As I said, I expect all government businesses right across New South Wales departments and agencies, including icare, to have appropriate risk compliance and governance processes in place. As we have said earlier, the Minister for Customer Service and I have launched that eminent independent judge to look at any of the issues that have occurred. They raise issues with the board. I will say this: When it comes to the role of boards, we know that all board decisions are made collectively and all board members share equal responsibility for board resolutions, even if they expressed reservations at the time. This collective responsibility, accountability and wisdom, with its implicit checks and balances, are an important feature of good governance and decision-making of Australian boards.

In relation to the travel that was conducted by the former chief executive officer, I was advised—I did not have the detail yesterday—that a review of icare documents showed Mr Nagle's travel to Las Vegas was included in a May 2018 brief. However, as icare is a public financial corporation, all international travel is approved by the independent icare board. It is my expectation that all government businesses follow proper processes. As those opposite know all too well, public servants going on trips is part of an ordinary course of government. As I said, the Government spends over $300 million a year and we are working to reduce that amount. I go back to the point that a statutory review will deal with any issues. If changes need to be made, changes will be made. But what are the facts? The facts are that the icare scheme and support for injured workers is a hell of a lot better than it was under those opposite where the experience of injured workers in the scheme was one of the worst in the State when it was conducted under the oversight of the member for Maroubra.

ICARE

Ms JODI McKAY (Strathfield) (14:35): I direct my question to the Treasurer. The Treasurer failed to tell the House that he referred icare CEO John Nagle to ICAC. Yesterday he refused to come clean about his knowledge of John Nagle's Las Vegas trip. Day after day, after day, after day the Treasurer keeps misleading the Parliament. Why?

Mr DOMINIC PERROTTET (Epping—Treasurer) (14:36): I completely reject the proposition in the question. The person misleading this House for the past two weeks has been the Leader of the Opposition. She has come into this Chamber with outdated documents, documents that were not presented to me as Treasurer. Once that had been clarified, the Leader of the Opposition still came into this Chamber and made inaccurate assertions that she knows are completely untrue. The solvency ratio of the scheme, as I have advised this House and the Leader of the Opposition knows, is at 101 per cent.

Ms Jodi McKay: It is at 98 per cent. Even if it is 101 per cent, it is well below the 135-year-old—

The SPEAKER: The Leader of the Opposition has asked a question. She will listen to the answer in silence.

Mr DOMINIC PERROTTET: This is somebody who does not understand the insurance scheme about which she is asking. She does not understand the probability of adequacy. She does not understand the solvency scheme. She does not understand the support that the scheme provides injured workers. She has mentioned workers compensation on only one occasion, in her inaugural speech, and has not mentioned it again. That is because those on that side of the House treat injured workers as political pawns in their political games. The facts are these: the system that we have created is the New South Wales Government provides workers with greater financial assistance by starting weekly benefits and speeding up access to treatment. Those are the facts and this is the work that the members of icare do every single day. They brought down access to treatment from six weeks to five days. Injured workers who return to work are staying there with a focus on well-managed rehabilitation which is focused on outcomes, not processes. Workers are contacted within 24 hours of injury notification—

Ms Yasmin Catley: Point of order: I ask that the Treasurer table the document from which he is reading. He is wasting the time of the Parliament. If he is not going to answer a question without notice in the fashion that he is supposed to, he should sit down.

The SPEAKER: I call the member for Swansea to order for the third time. That was a total abuse of the right to take a point of order. The member for Keira will remain silent.

Mr DOMINIC PERROTTET: They are not interested in facts in relation to the support that injured workers get across this State. How many times have members opposite raised injured workers in the period of these debates?

Mr Greg Warren: Point of order: It is Standing Order 130. The only fact that we need to know is a concession from the Treasurer that he has misled this Parliament, and now is his opportunity to be honest, factual and clear with the House and the people of New South Wales. Now is his chance.

The SPEAKER: I call the member for Campbelltown to order for the second time. The Clerk will stop the clock. This is the second time Standing Order 130 has been raised. For the benefit of the House, Standing Order 130 states, "In answering a Member shall not debate the matter to which the question relates." Obviously answering a question necessitates that a member speak to the question, but not debate the actual question. The subject of that question needs to be discussed. Members are drawing too long a bow in terms of Standing Order 130. I did not put the member for Campbelltown on two calls to order for raising that standing order, but for his subsequent monologue.

Mr DOMINIC PERROTTET: That is why you are the Speaker—another great ruling. The Minister for Local Government will be proud of you, Mr Speaker. That was a great contribution by the member for Campbelltown; probably his most substantive contribution in this place. As I said, if we look at the results—these are the concerns that face injured workers every day—under this scheme having oversight by the board, if issues come through the statutory review, they will be addressed by me and the Minister for Customer Service to ensure we have greater and important regulatory oversight and service delivery in the scheme. Why? Because unlike those opposite, we do not shy away from having the necessary oversight to provide the best support. Under Labor there was no oversight. We separated the regulator from the service delivery so that as issues arise they are dealt with accordingly. That is why on so many measures the scheme is in a better place and that is not just because of the service provider, it is also because of the role the regulator plays in having great oversight of this scheme. The scheme, as we on this side of the House know, is in a much better place than it was when it was left insolvent by those opposite.

COVID-19 AND PUBLIC PROTESTS

Ms JENNY LEONG (Newtown) (14:42): I direct my question to the Minister for Health and Medical Research. Given the need to adjust to the new reality of living with COVID restrictions to keep our community safe and that NSW Health has helpfully provided templates to businesses to develop COVID safety plans by industry, will the Minister work with NSW Health to develop a specific COVID safety plan for peaceful protests, acknowledging their importance to our democracy and the need to avoid unnecessary uncertainty and division at this time?

Mr BRAD HAZZARD (Wakehurst—Minister for Health and Medical Research) (14:43): This is a difficult issue. In this Parliament almost everybody is supportive of the right of people to express their democratic view in a normal circumstance. A couple of my Labor colleagues are getting excited by the press conference yesterday. Yesterday there was a group outside Parliament House who very politely stood aside while the press conference went ahead. They expressed their views but there were only three or four of them on an important issue—rental issues, particularly for public housing tenants and tenants generally.

On a day when Victoria has 725 cases and 15 deaths and when the whole of Australia remains on high alert that this COVID-19 virus is a dangerous and unknown quantity, the various health orders, which have been made

on health advice, have to be adhered to in the most stringent way. Whilst my signature is on each of those health orders, they are made under the Public Health Act 2010 and with advice from the Chief Health Officer. In the end the Government has to make the final decision, as is our responsibility in our democratic circumstance, but we take health advice. The health advice is that this virus is dangerous and is literally lurking below the surface. In New South Wales last night, I think we could say that it is good we had only 12 cases. But it is not necessarily good because we do not know how many other cases are being transmitted below the surface. While people who attend demonstrations are by definition expressing their democratic rights—I think it is fair to say that in my younger and more enthusiastic days I took part in some demonstrations—

Mr Dominic Perrottet: I knew you were a leftie.

Mr BRAD HAZZARD: I am surprised you would be surprised that I have taken part in demonstrations.

Ms Gladys Berejiklian: You were old enough in the sixties.

Mr BRAD HAZZARD: Thank you very much, Premier.

Mr John Barilaro: He still remembers the Depression years.

Mr BRAD HAZZARD: I want to address this matter seriously. I acknowledge it was in the late sixties and early seventies.

Mr John Barilaro: The 1860s and 1870s.

Mr BRAD HAZZARD: That is unkind. I say to the member for Newtown that at the moment the public health view—I think under the fourth iteration of the public health orders relating to gatherings—is that a maximum of 20 people can meet outside. That is for a reason. We need to make sure that people stay safe from this virus. I am happy to have discussions again with the member on those issues. She is obviously entitled to raise them and I thank her for raising them on behalf of her constituents. I have said publicly before that I am supportive of the issues around the Black Lives Matter movement. For 11 years I was the shadow Minister for Aboriginal Affairs. I have many friends who are Aboriginal and I understand their concerns.

However, this is not the right time to be changing the public health orders, which would enable the possibility of the virus transmitting among those attending the demonstrations, let alone among those at home. I am happy to work with the member for Newtown if she wants to come and have a chat in my office. I will certainly talk to the Chief Health Officer about whether there is any way we can look at the issues the member is talking about. As the Deputy Premier helpfully said at the start, my feeling at the moment is that the answer is no. However, I am happy to chat to the member. She should come and see me. As soon as we can get back to some degree of normalcy we will do it.

Ms Jenny Leong: There are COVID Safe plans for racecourses and sex work. I think there could also be COVID Safe plans for peaceful protest.

Mr BRAD HAZZARD: There are COVID Safe plans. As I said to the member for Newtown, she should come and talk to me.

Committees

JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020

Membership

Mr MARK SPEAKMAN: I move:

That:

(1) The Legislative Council amendment to the resolution for the appointment of the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, as contained in its message dated 5 August 2020, be agreed to.

(2) A message be sent informing the Legislative Council.

Motion agreed to.

Personal Explanation

MEMBER FOR COOTAMUNDRA

The SPEAKER: The member for Cootamundra has forewarned me that she wishes to seek leave to make a personal explanation. Is that the case?

Ms Steph Cooke: That is correct, Mr Speaker, under Standing Order 62.

The SPEAKER: I am exercising my discretion, having warned the member that she is to be brief, that she does not attack other members and that she confines her personal explanation to her sense of impugned character or integrity.

Ms STEPH COOKE (Cootamundra) (14:49): By leave: Last night in this House the member for Orange delivered a private member's statement that was about, in his words, "the recent actions by the member for Cootamundra". The entire statement reflected on me personally, on my honour, my character and my integrity, when I was simply doing my job. I respond to some of the worst parts of that statement. I found the suggestion that my actions were "not conscionable and barren of any consideration of children" as personally offensive in the extreme and an unsubstantiated attack on my character. I also reject his assertion that I would "rather punish the community and continue to place people's lives at risk for political pointscoring."

I consider the attendant notion that I would willingly jeopardise the lives of children as demonstrably wrong and an unfair reflection on my character. I consider the use of the words "barren of" in a sentence preceding the word "children", when taken in the context of my own family situation, of which the member for Orange and the shooters party are well aware, a highly personal and vulgar attack. I find it extremely distressing, especially given similar attacks during elections I have fought and ultimately won. I may be small in stature. I may be childless. But that does not mean I am bereft of a burning desire to protect children and better the lives of the people of rural New South Wales.

MEMBER FOR ORANGE

Mr PHILIP DONATO: I seek leave to make a personal explanation.

The SPEAKER: In the circumstances I will allow it, but I remind the member, as I have reminded other members this week, of the nature of personal explanations. I ask that the member respect my words.

Mr PHILIP DONATO (Orange) (14:52): By leave: I hear what the member for Cootamundra says—

[*Government members interjected.*]

The SPEAKER: Order! Government members will remain silent and allow the member for Orange to speak.

Mr PHILIP DONATO: I hear what the member for Cootamundra says. The words she quoted were taken out of context. However, I do apologise if she has taken offence to them. That was not my intention. My speech was about a supervised children's pedestrian crossing between two schools in my electorate, which in November last year—

The SPEAKER: The member will not give details of the context of his speech. The House will come to order. I have allowed the member for Orange the opportunity to make a personal explanation.

Ms Jodi McKay: You wouldn't let the member for Blue Mountains do it last week.

The SPEAKER: Order! I inform the Leader of the Opposition I apply the same rules to every member and I am applying those rules to the member for Orange. The member for Orange has the call.

Mr PHILIP DONATO: In relation to the term that the member for Cootamundra took specific offence to—the word "barren"—that was no criticism of her or her personal circumstances. This issue is in relation to the definition, meaning "a total absence". That is what it is about. I sincerely mean that. I am sincerely sorry the member for Cootamundra has taken offence to that. That was not the intention. It was said in relation to the children's supervised crossing.

Rulings

CENSURE MOTION

The SPEAKER (14:54): Earlier today the member for Maroubra gave notice that he would seek to move a censure motion against the Treasurer. I have raised Standing Order 154. For the benefit of the House, it states:

> **154.** The Speaker may disallow any motion or amendment which is the same in substance as any question already determined in the affirmative or in the negative in the same session.

I have spoken briefly to the member for Maroubra and indicated I am of a mind to allow a censure motion. The question was whether or not I would ask him to amend it. On that point, I am happy to hear from members on either side of the House but I emphasise that should I allow this today I expect that the process should be exhaustive, unless there is a major new development.

Ms Jodi McKay: There will be.

The SPEAKER: Thank you. The point of that standing order is that we do not debate a censure motion relating to the very same person every single day. However, I have indicated that I am happy to hear from members on either side of the House on my preliminary thoughts in relation to Standing Order 154. Does the Leader of the House seek the call?

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (14:55): I do. In the first instance members require clarity about what members are addressing. Does the member for Maroubra persist with his current proposed motion or is he seeking to amend that motion and proffer a different motion? Then, Mr Speaker, I will address you on that.

Mr MICHAEL DALEY (Maroubra) (14:55): Mr Speaker, when I was invited to discuss a few of the contents of the motion you indicated to me there are certain elements of it that made it substantially similar to the motion that was moved yesterday. I have revisited the wording and have improved the motion to not offend the standing order. I am happy to offer those amendments to the House.

The SPEAKER: Please read the amended motion.

Mr MICHAEL DALEY: I move:

That this House censures the Treasurer for:

(1) His continual refusal to tell Parliament about his knowledge of events at icare and for misleading the House yesterday by failing to disclose that he was told of the former CEO's trip to Las Vegas more than two years ago in May 2018.

(2) Running a protection racket for the icare board and chair, including regular Liberal Party donors, despite serious additional allegations being raised in the media today about the administration of icare.

(3) Allowing this mess to unfold at icare under his watch, which is just the latest example of his record of incompetence at managing the State's finances.

Paragraph (3) is not amended. Mr Speaker, you will see that the two amendments refer to matters that have been raised in the media today and were not within the knowledge of the Opposition yesterday. In the absence of the motion accorded priority, the Opposition contends it is being severely hampered in its ability to raise issues in the House. Mr Speaker, it might assist the House if you provide a ruling on comments you made before I sought the call—comments about not revisiting motions in respect of the same member. I am not sure that you will find support for that proposition in any of the standing orders, nor in any rulings by previous Speakers.

The SPEAKER: I will clarify. It is not in relation to the same member. It is in relation to the same question, essentially. I have clarified that and I have told the member for Maroubra my indicative ruling. I will hear further from the Leader of the House before I make a ruling.

Mr Mark Speakman: Mr Speaker, I seek clarification. Is your indicative ruling that if the motion were amended, you would disallow it under Standing Order 154?

The SPEAKER: My indicative ruling is that I will allow the motion to proceed with the suggested changes, consistent with the ruling of Speaker Torbay which, for the benefit of the House, I will read. After that I will hear further from the Leader of the House. Does the Leader of the House wish me to do that, or would he rather speak now?

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (14:58): I will speak now. The member for Maroubra cannot have it both ways. Either the amended motion is significantly different from the motion he proffered before Question Time or it is not. If it is significantly different, then he cannot move that motion now: It is not part of the routine of business under Standing Order 97. He is required to give notice of his motion before Question Time. He is now not permitted to give notice of a different motion. On the other hand, if you consider it to be the same motion—

Ms Jodi McKay: You will shut down any criticism of the Treasurer.

Mr MARK SPEAKMAN: The Leader of the Opposition has had five Question Times now. This country is facing its worst public health crisis in a century.

Ms Liesl Tesch: Then solve the problem and get rid of the Treasurer.

Mr MARK SPEAKMAN: The Leader of the Opposition cannot ask a question about that.

Ms Jodi McKay: And you could actually provide the questions and choose who to ask questions?

Mr Michael Daley: Point of order—

The SPEAKER: Order! I will hear from the member for Maroubra if he has a point of order. The Leader of the House will resume his seat.

Mr Michael Daley: My point of order is this, Mr Speaker: In speaking to this issue the Attorney General is required to address you. He is not entitled to engage in a free-for-all with the Leader of the Opposition.

The SPEAKER: I uphold the point of order, but I ask the Leader of the Opposition to remain silent and to not invite argument.

Mr MARK SPEAKMAN: This is the same motion in substance as the motion that was debated yesterday. I do not have a copy of the amended motion but it appears to be substantially similar to what was proffered prior to Question Time. In today's motion there is the refusal to tell Parliament about knowledge of icare and events concerning Las Vegas. Las Vegas was already agitated yesterday in paragraph (2) of the motion. There is a reference to knowledge of icare and in paragraphs (1) and (2) of yesterday's motion that appears in addition to allegations of covering up. There is a reference to a protection racket for the icare board and Chair and paragraphs (3) and (4) of yesterday's motion refer to defending the icare executive team and not sacking the icare board, et cetera.

Paragraph (3) of today's motion refers to allowing the mess to unfold and alleged incompetence. Compare that to paragraph (1) of yesterday's motion. There are also references to covering up and unprecedented financial mismanagement of icare. Paragraph (6) of yesterday's motion refers to alleged negligence and incompetence of the Treasurer. Today's motion simply uses different language to move the same motion and raise the very same questions as were raised yesterday and were determined. Mr Speaker, if you allow this motion to proceed, every day you will be allowing the use of synonyms and paraphrases to abuse the processes of this House. Clearly this is a breach of Standing Order 154 and the motion should be disallowed—that is, if the amended motion is even allowed to be moved now, which would be a contravention of Standing Order 97.

Mr Ryan Park: Point of order—

The SPEAKER: Does the member for Keira wish to take a point of order?

Mr Ryan Park: In response to that—

The SPEAKER: I am happy to hear from the member for Keira in relation to the question before me.

Mr Ryan Park: The Leader of the House does not determine what things are different. We can argue. If we are going to argue about that, we will have an argument for every line and every word that it is different—and it is clearly different. Mr Speaker, you made a ruling at the beginning of this debate that you would have a discussion with the member for Maroubra about it and we would be able to put it back. In the spirit of the House, we cooperated with you to ensure that we complied with that. Now the Leader of the House wants it both ways: He does not want the truth told in this House about the Treasurer and wants to delay it until tomorrow. He cannot have it both ways.

Mr Brad Hazzard: Yes, he can.

Mr Ryan Park: No, he cannot.

The SPEAKER: I gave an indicative ruling, but I have not made a ruling today. In ruling, in addition to Standing Order 154 to which I referred earlier, I will refer to two rulings of two previous Speakers and then give my own ruling.

Mr Brad Hazzard: I will move dissent from this ruling.

The SPEAKER: The Minister for Health and Medical Research can do that, but in the meantime I ask him to remain silent.

Mr Brad Hazzard: I am here to give you the benefit of my infinite wisdom.

The SPEAKER (15:03): On 27 March 1990 Speaker Rozzoli ruled:

> I desire to inform the House that I have ruled as out of order the Notice of Motion given this day by the honourable member for Drummoyne under Standing Order—

the standing order is now Standing Order 154, but at that time it was a different standing order—

> which provides, and I remind the House: "No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative."
>
> The first part of the notice deals with matter substantially the same as the motion debated by the House on the previous occasion. Consequently the second part of the notice would be unintelligible and could not stand alone.

Contrary to that is a ruling by Speaker Torbay, which states:

> During the moving of a motion accorded priority, a member took a point of order that the motion before the House was almost identical to a motion previously moved by another member.

The Speaker ruled that the motion was in order and advised the member that, while it was similar in substance to the motion moved previously, a number of points contained within the motion differed. As the motion was originally proposed, I would have regarded it as being closer to the scenario of Speaker Rozzoli. As it is now proposed, particularly being updated to reflect events that have occurred in the past 24 hours, I am prepared to rule more in accordance with Speaker Torbay. Therefore, on this occasion I will allow the censure motion to proceed. I do not expect this to be an ongoing matter that returns to the House with questionable connections. The Leader of the House has the call.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: SPEAKING TIME LIMITS

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (15:04): I move:

> That standing and sessional orders be suspended to provide for the following speaking limits on the censure motion:
>
> (1) Mover—5 minutes.
>
> (2) One government member—5 minutes.
>
> (3) Mover in reply—2 minutes.

Mr RYAN PARK (Keira) (15:05): That is appalling. This place is not a Liberal Party convention where you change the rules every time you do not like an outcome. This is the New South Wales Parliament, mate. That is appalling. You ought to be ashamed of yourself as a legislator. That is a disgusting abuse of your role as the Leader of the House. That is one of the most appalling comments I have ever heard, mate. This is a serious issue. We have a Treasurer who has misled the Parliament since Tuesday of last week. Now we have the Leader of the House, a person who is meant to be the most senior legal officer in this State, trying to abuse the House in this way. That is a shameful act. You ought to be ashamed of yourself. It never should be allowed to proceed.

The SPEAKER: I will inquire of the Clerk as to whether it is in order to hear further from the Leader of the House at this stage. With the leave of the House, I will allow a response to the comments of the member for Keira. I am advised by the Clerk that it is a reply to debate on the suspension motion. I will allow the Leader of the House to reply to the motion.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence) (15:06): In reply: There you go, what hypocrites. They want to shut us down when we have a right of reply under the standing orders. If there has been any abuse of the processes of this House it is by the mob opposite, which wishes to waste the time of this House. We are facing the most serious public health crisis in a century, yet in five days there has been not a single question from them about public health, but there is a censure motion, 20 questions and a public interest debate on this issue. They have had ample opportunity to dig and dig, but all they have achieved is to dig their own hole: They have not laid a finger on the Treasurer. Let us not waste any more time on this. Let us get this ridiculous, vexatious motion over and done with so we can conduct the business of this place.

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

The House divided.

Ayes 43
Noes 40
Majority.....3

AYES

Anderson, K	Ayres, S	Barilaro, J
Berejiklian, G	Bromhead, S	Clancy, J
Conolly, K	Constance, A	Cooke, S (teller)
Coure, M	Crouch, A (teller)	Davies, T
Dominello, V	Elliott, D	Evans, L
Gibbons, M	Griffin, J	Gulaptis, C
Hancock, S	Henskens, A	Johnsen, M
Kean, M	Lee, G	Lindsay, W
Marshall, A	Pavey, M	Perrottet, D

AYES

Preston, R	Provest, G	Roberts, A
Saunders, D	Sidgreaves, P	Singh, G
Smith, N	Speakman, M	Stokes, R
Taylor, M	Toole, P	Tuckerman, W
Upton, G	Ward, G	Williams, L
Wilson, F		

NOES

Aitchison, J	Atalla, E	Bali, S
Butler, R	Car, P	Catley, Y
Chanthivong, A	Cotsis, S	Crakanthorp, T
Daley, M	Dalton, H	Dib, J
Donato, P	Doyle, T	Finn, J
Greenwich, A	Harris, D	Harrison, J
Haylen, J	Hoenig, R	Hornery, S
Kamper, S	Leong, J	Lynch, P
McDermott, H	McGirr, J	McKay, J
Mehan, D (teller)	Mihailuk, T	Minns, C
O'Neill, M	Park, R	Parker, J
Piper, G	Scully, P	Tesch, L (teller)
Voltz, L	Warren, G	Washington, K
Zangari, G		

PAIRS

Hazzard, B	Lalich, N
Petinos, E	Barr, C
Sidoti, J	Saffin, J
Williams, R	Watson, A

Motion agreed to.

Motions

DOMINIC PERROTTET, TREASURER

Censure

The SPEAKER: I will give the call to the member for Maroubra to speak for five minutes. Following that, a Government member will speak for five minutes. Following that, the mover of the motion will have two minutes to speak in reply.

Mr MICHAEL DALEY (Maroubra) (15:17): I move:

That this House censures the Treasurer for:

(1) His continual refusal to tell Parliament about his knowledge of events at icare and for misleading the House yesterday by failing to disclose that he was told of the former CEO's trip to Las Vegas more than two years ago in May 2018.

(2) Running a protection racket for the icare board and chair, including regular Liberal Party donors, despite serious additional allegations being raised in the media today about their administration of icare.

(3) Allowing this mess to unfold at icare under his watch, which is just the latest example of his record of incompetence at managing the State's finances.

I thank the Attorney General for his performance. Not only was it a more spirited defence of the Treasurer than the Treasurer gave of himself, but nothing aids an opposition that is accusing a government of executing a protection racket more than a Government member designing and executing one right in front of our very eyes in the most public of all places in New South Wales. During the shenanigans that preceded this motion, the Attorney General claimed that the Opposition has not laid a glove on the Treasurer. Yes, we have. It is written all over his face. He is the Peter Foster of the Parliament. He is the snake oil salesman extraordinaire. He is the great confidence trickster.

The Treasurer has been sitting there for the last week redder in the face than I have already seen him. Members need not take my word for it. All they need to do is read headlines like "Perrottet's unwavering support

for icare board is damaging" that appeared in *The Sydney Morning Herald* yesterday. He so wants to be Paul Keating or the Premier that he is too busy worrying about what he wants to be and is not paying any regard to his present responsibilities. He has not paid any regard to malpractice in the past. Both of those things will mug him shortly, because we are not going anywhere. The Government can do whatever it wants to shut Opposition members down, but we will not depart from chasing this.

What has been seminal about this issue in the past week is the plethora of information that is now being visited upon the Opposition and the media by people from all over New South Wales, from within and without government, who have stories to tell about the failures of the scheme. Those failures go all the way back to the Treasurer, who designed it and picked the board. In a sin that says everything about this Government, he has set a bad example for the board and it has picked it up and run with it. There are two issues here: the design and performance of the scheme and the oversight and accountability of the icare administration. They are both in trouble because of the Treasurer. He will see that more clearly every day and he will lament the fact that things did not have to be this way. He will come to regret it, but only because he got caught.

Today's revelations are extraordinary. Not only was the Treasurer repeatedly warned about the performance of the scheme by the finance secretary and then finance Minister Victor Dominello, he was also warned twice by his department and three times by the State Insurance Regulatory Authority. The icare board has been contorting itself to make sure that no-one looks into its mismanagement of the scheme. Today's revelations are quite extraordinary. Icare chairman Michael Carapiet asked NSW Treasury to query the budget of its own industry regulator days before a damning review of the board and the scheme that he presides over not once but twice—on 5 December 2019 and in April 2020. That should have raised alarm bells with the Treasurer. One of two things has happened—either Treasury did not tell him, or it did and the Treasurer decided to ignore the information.

This behaviour is analogous to someone who has been alleged to have committed a crime or who has perpetrated serious misconduct having mates in high places to see if they can nobble the police commissioner, or ICAC or whatever investigative body has been appointed to look into their alleged misbehaviour or incapacity. That is what is happening and it has been happening on the Treasurer's watch. He is acting in accordance with the way that he has been taught by Liberal Party elders and in accordance with his training at university. He is not motivated by a regard for the people that icare is supposed to look after. For him it is all about Liberal Party corporate greed and the selfishness in his own DNA. That has trickled down. That is why the icare board is misbehaving. A fish rots from the head.

Mr JAMES GRIFFIN (Manly) (15:22): It is another day, another stunt from the Opposition. Actually it is the same stunt but it has been amended a little bit. The Opposition is using parliamentary mechanisms to try to smear the Treasurer, the Government and the board and staff of a government agency. Icare has done an outstanding job for the people of New South Wales. Members opposite have no decency and no shame. They try to paint the scheme in a bad light when really they should say as little as possible. That is all the Leader of the House was trying to do—to help them say as little as possible—with the suspension of standing orders. This is the same party that left the people of New South Wales with a workers compensation scheme that was $4 billion in debt and replete with bullying, corruption and skyrocketing premiums. They must all take responsibility. Members opposite come in here all worked up, moving lurid motions and making wild claims all the while having presided over one of the most incompetent compensation schemes this State has ever seen. Thankfully, the former Minister and other Opposition members are no longer in charge of workers compensation and no longer in government.

This Liberal-Nationals Coalition established icare—an organisation with a commercial mind and a social heart. Treatment now starts sooner and weekly benefits flow sooner. Independent medical exams are now only performed for those who require them, reducing delays and costs. Employers can purchase and amend their policies online and in real time. Injured workers who are able to return to work do so with a well-managed rehabilitation program that has a clear focus on outcomes rather than box ticking. They are contacted within 24 hours of icare being notified of their claim and 97 per cent of reimbursements are made within 10 days.

That is an important point: 97 per cent of reimbursements are made within 10 days. And workers are able to contact their case managers directly if they need that reimbursement urgently. Treatment approvals are now down to four days. Want to have a guess at the time under Labor? It was 21 days. Liability decisions are made within four days; Labor's record was 40 days. Icare appoints a claim manager for any claim that might see the injured worker off work for more than two weeks, usually in the first seven days of that claim. Premiums have been held steady at 1.4 per cent of wages on average, the lowest level since 1987. Since 2018 icare has sent out over 300,000 surveys to injured workers and employers. For the first time they have been given a direct voice—a way to make sure their views and experiences are heard and taken seriously.

Now let us be completely frank: Even in the best organisations, service can sometimes be better and mistakes are sometimes made. Again, I am not sure those opposite really want to go there when we consider

WorkCover. But when that happens at icare the injured worker or the employer is contacted within 48 hours to try to understand the issue and, hopefully, to resolve it. Sadly, however, those opposite do not care about any of this. The Treasurer and everyone involved with icare have worked hard to turn around a failing scheme for the benefit of the workers and businesses of this State, and all Labor cares about are theatrics and pointscoring. Workers compensation is a serious issue, but this is not a serious motion: It is a political pantomime, which should be rejected.

Mr MICHAEL DALEY (Maroubra) (15:26): In reply: Well read by the member for Manly—a speech that was obviously written by some juniors in the Treasurer's office. Here we are once again talking about this most serious of issues, this most serious scandal, which indeed it is. Neither the Treasurer nor any speakers who have come into this place on motions of censure or otherwise since *Four Corners* first raised this most serious scandal has offered any evidence to show that all is well. In this place last week I said that in the face of allegations as serious as they were by one of Australia's most pre-eminent current affairs programs the Treasurer had two options before him and two alone. The first option was to bring evidence into this place or into any other public forum and to say that *Four Corners*, Adele Ferguson and Fairfax got it wrong. Not a single piece of paper, not a single shred of self-defence has been proffered by him or by anyone else.

The second option was to say, "Yes, there is a problem. I didn't know about it. I should have, and now I am going to move to fix it. I acknowledge that much is wrong." But he went for the third option, the old chestnut: Shove it off to an inquiry in the hope that you can say, "Robert McDougall will deal with that at some time in the future. I don't want to talk about it. I am just going to stand here and mouth the same old words until you get sick of hearing them." Well, we will not get sick of hearing them—not now, not ever—and nor will the media, because too much information continues to be forthcoming about this. I know Robert McDougall well. I briefed him when I was a junior lawyer. I have the highest regard for him. Unfortunately for the Treasurer, he has a nasty habit: When he has you in his sights, he does not miss. I would not like to be in the Treasurer's shoes today or at any time in the next year or so.

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

The House divided.

Ayes 36
Noes 46
Majority.....10

AYES

Aitchison, J	Atalla, E	Bali, S
Barr, C	Car, P	Catley, Y
Chanthivong, A	Cotsis, S	Crakanthorp, T
Daley, M	Dalton, H	Dib, J
Donato, P	Doyle, T	Finn, J
Harris, D	Harrison, J	Haylen, J
Hoenig, R	Hornery, S	Kamper, S
Leong, J	Lynch, P	McDermott, H
McKay, J	Mehan, D (teller)	Minns, C
O'Neill, M	Park, R	Parker, J
Scully, P	Tesch, L (teller)	Voltz, L
Warren, G	Washington, K	Zangari, G

NOES

Anderson, K	Ayres, S	Barilaro, J
Berejiklian, G	Bromhead, S	Clancy, J
Conolly, K	Constance, A	Cooke, S (teller)
Coure, M	Crouch, A (teller)	Davies, T
Dominello, V	Elliott, D	Evans, L
Gibbons, M	Greenwich, A	Griffin, J
Gulaptis, C	Hancock, S	Henskens, A
Johnsen, M	Kean, M	Lee, G
Lindsay, W	Marshall, A	McGirr, J
Pavey, M	Perrottet, D	Piper, G
Preston, R	Provest, G	Roberts, A
Saunders, D	Sidgreaves, P	Singh, G

NOES

Smith, N	Speakman, M	Stokes, R
Taylor, M	Toole, P	Tuckerman, W
Upton, G	Ward, G	Williams, L
Wilson, F		

PAIRS

Lalich, N	Hazzard, B
Mihailuk, T	Petinos, E
Saffin, J	Sidoti, J
Watson, A	Williams, R

Motion negatived.

Bills

PERSONAL INJURY COMMISSION BILL 2020

Consideration in Detail

Consideration of Legislative Council's amendments.

Schedule of amendments referred to in message of 4 August 2020

No. 1 **GRNS No. 1 [c2020-095F]**

Page 2, clause 2. Insert after line 7—

(1A) Schedule 4A commences on the establishment day.

No. 2 **GRNS No. 2 [c2020-095F as amended]**

Page 3, clause 5(1). Insert after line 17—

Independent Review Officer means the Independent Review Officer appointed under Schedule 4A.

No. 3 **GOVT No. 1 [c2020-107]**

Page 5, clause 6(3)(a), line 11. Omit "1 December 2020". Insert instead "1 March 2021".

No. 4 **GOVT No. 2 [c2020-107]**

Page 5, clause 6(4), line 15. Omit "1 December 2020". Insert instead "1 March 2021".

No. 5 **GOVT No. 3 [c2020-107]**

Page 5, clause 6(5), line 19. Omit "1 December 2020". Insert instead "1 March 2021".

No. 6 **GRNS No. 3 [c2020-095F]**

Page 5, clause 7(2). Insert after line 29—

(b1) appointment as the Independent Review Officer,

No. 7 **GRNS No. 4 [c2020-095F]**

Page 5, clause 7. Insert after line 32—

(2A) To avoid doubt, the provisions of clauses 2–4 of Schedule 4A apply in relation to the appointment of the Independent Review Officer before the establishment day even though those provisions have not commenced.

No. 8 **OPP No. 5 [c2020-100E]**

Page 6, clause 10(2), line 39. Omit all words on that line. Insert instead—

(b) is an Australian lawyer of 7 years' standing and has, in the opinion of the Minister, special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction.

No. 9 **OPP No. 6 [c2020-100E]**

Page 7, clause 10(3), lines 2 and 3. Omit all words on those lines. Insert instead—

(b) has, in the opinion of the Minister, special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction.

No. 10 **OPP No. 7 [c2020-100E]**

Page 7, clause 10(4), lines 8 and 9. Omit all words on those lines. Insert instead—

(b) has, in the opinion of the Minister, special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction.

No. 11 **OPP No. 8 [c2020-100E]**

Page 8, clause 15(3), lines 22–24. Omit all words on those lines. Insert instead—

(3) Subject to this Act (including subsections (1) and (2))—

(a) instrument of appointment, and

(b) the Minister may vary the assignment of the member at any time by one or more subsequent instruments, and

(c) a member (other than the President) may be assigned to one or more Commission Divisions at a time.

No. 12 **OPP No. 1 [c2020-099C]**

Page 10, clause 19(3)(c), line 16. Omit "2 persons". Insert instead "1 person".

No. 13 **OPP No. 1 [c2020-097B as amended]**

Page 10, clause 19(3). Insert after line 16—

(c1) 1 person nominated for the time being by Unions NSW,

(c2) 1 person jointly nominated for the time being by the following—

(i) the Ai Group,

(ii) the Australian Federation of Employers and Industries,

(iii) the NSW Business Chamber,

No. 14 **OPP No. 1 [c2020-098C]**

Page 10, clause 19(3)(d) and (e), lines 17–20. Omit all words on those lines. Insert instead—

(d) 2 barristers nominated for the time being by the Council of the New South Wales Bar Association who, in the opinion of the Council, have special knowledge, skill or expertise in relation to any class of workers compensation claims or motor accidents claims,

(e) 2 solicitors nominated for the time being by the Council of the Law Society of New South Wales who, in the opinion of the Council, have special knowledge, skill or expertise in relation to any class of workers compensation claims or motor accidents claims,

No. 15 **CDP No. 2 [c2020-103A as amended]**

Page 10, clause 19(3). Insert after line 20—

(e1) 1 person jointly nominated by the Presidents for the time being of the following—

(i) the Royal Australasian College of Physicians,

(ii) the Royal Australasian College of Surgeons,

(iii) the Royal Australian and New Zealand College of Psychiatrists,

No. 16 **OPP No. 2 [c2020-099C]**

Page 10, clause 19(3)(f), lines 21 and 22. Omit all words on those lines.

No. 17 **OPP No. 11 [c2020-100E]**

Page 10, clause 19. Insert after line 45—

(7A) Despite subsections (6) and (7), a Commission rule cannot take effect unless the President consents to the rule being made either by—

(a) voting for it at the meeting at which it is proposed to be made, or

(b) giving written consent for its making before or after the meeting.

No. 18 **OPP No. 2 [c2020-098C]**

Page 11, clause 19. Insert after line 3—

(9) In this section—

motor accidents claims means claims for statutory benefits or damages to which the motor accidents legislation applies.

workers compensation claims means claims for compensation or damages to which the workers compensation legislation applies.

No. 19 **OPP No. 12 [c2020-100E]**

Page 11, clause 20(2), lines 18–41. Omit all words on those lines. Insert instead—

(2) Without limiting subsection (1), the Commission rules may make provision for or with respect to any of the following matters—

(a) the way for referring claims or disputes for assessment or determination or for making appeals,

(b) the amendment of filed or lodged documents,

(c) non-compliance with provisions concerning practice and procedure (including the effect of irregularities on proceedings),

(d) the making of assessments and determinations,

(e) the way for specifying an amount of damages, statutory benefits or compensation,

(f) the parties to proceedings (including the joinder, misjoinder and non-joinder of parties and rights of intervention of third parties such as the Authority in proceedings),

(g) the splitting and consolidation of proceedings in the Commission,

(h) the documentation to accompany a reference of a claim or dispute for assessment or determination or an appeal,

(i) the way for presenting documents and information by parties, including time limits for the presentation of the documents and information,

(j) the provision of documents and information by a party to a matter to any other party to the matter,

(k) the way for notifying the parties to proceedings of decisions of, or other action taken by, the Commission in the proceedings,

(l) the form, use and effect of the seal of the Commission,

(m) the specification of exceptions, limitations or other restrictions in relation to a provision of this Act or enabling legislation that is expressed to be subject to the Commission rules.

No. 20 **OPP No. 14 [c2020-100E]**

Page 18, clause 33. Insert after line 14—

(2A) A person is qualified to be appointed as a merit reviewer only if, in the opinion of the appointor, the person has special knowledge, skill or expertise in respect of the motor accidents legislation or administrative decision-making.

(2B) A merit reviewer is assigned to the Motor Accidents Division.

No. 21 **OPP No. 19 [c2020-100E]**

Page 19, clause 39. Insert after line 31—

(1A) A person is qualified to be appointed as a mediator only if, in the opinion of the appointor, the person has—

(a) special knowledge, skill or expertise in respect of the enabling legislation concerned, and

(b) mediation qualifications of a kind prescribed by the regulations.

No. 22 **OPP No. 24 [c2020-100E]**

Page 22, clause 48(3), lines 29–32. Omit all words on those lines. Insert instead—

(2) In proceedings in respect of a claim within the *meaning of the Workplace Injury Management and Workers Compensation Act 1998*, the Commission must refuse to permit an insurer to be represented by an Australian legal practitioner if the claimant is not represented by an Australian legal practitioner unless leave is granted by the Commission under subsection (3A).

(3A) The Commission may, on the application of an insurer, grant leave for an insurer to be represented by an Australian legal practitioner only if satisfied that—

(a) the representation would enable the matter to be dealt with more efficiently, taking into account the complexity of the matter, or

(b) it would be unfair not to allow the insurer to be represented because the insurer is unable to represent the insurer effectively, or

(c) it would be unfair not to allow the insurer to be represented, taking into account fairness between the insurer and other parties in the proceedings.

(3B) The Commission may at any time revoke leave it has granted under subsection (3A).

No. 23 **OPP No. 25 [c2020-100E]**

Page 30, clause 66. Insert after line 14—

(3) The review is to be tabled in Parliament and for that purpose the Minister is to lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after receiving the review.

(4) The review is to include the following information—

(a) the number and type of proceedings instituted in each Commission Division during the year,

(b) the sources of those proceedings,

(c) the number and type of proceedings that were made during the year but not dealt with,

(d) the extent to which the operations of the Commission are funded by each operational fund,

(e) any other information that the President considers appropriate to be included or the Minister directs to be included.

(5) In this section—

operational fund means each of the following—

(a) the Motor Accidents Operational Fund (the SIRA Fund) under the *Motor Accident Injuries Act 2017*,

(b) the Motor Accidents Operational Fund under the *Motor Accidents Compensation Act 1999*,

(c) the Workers Compensation Operational Fund under the *Workplace Injury Management and Workers Compensation Act 1998*.

No. 24 **OPP No. 26 [c2020-100E]**

Page 30, clause 68, lines 18–25. Omit all words on those lines. Insert instead—

68 Review of Act

(1) The Minister is to undertake 2 reviews of this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

(2) The reviews are to be undertaken as soon as possible after the period of 2 years, and then 7 years, from the date of assent to this Act.

(3) A report on the outcome of each review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years or 7 years (as the case requires).

No. 25 **GRNS No. 5 [c2020-095F]**

Page 32, Schedule 1, clause 2(1). Insert after line 10—

current WIRO means any person who, immediately before the establishment day, was the Workers Compensation Independent Review Officer under the *Workplace Injury Management and Workers Compensation Act 1998*.

No. 26 **GRNS No. 6 [c2020-095F]**

Page 32, Schedule 1, clause 4(1). Insert after line 37—

(e1) Workers Compensation Independent Review Officer under the *Workplace Injury Management and Workers Compensation Act 1998*,

No. 27 **GRNS No. 7 [c2020-095F]**

Page 35, Schedule 1, line 1. Insert "**WIRO**," after "**concerning**".

No. 28 **GRNS No. 8 [c2020-095F]**

Page 35, Schedule 1. Insert after line 2—

7A Transfer of current WIRO

The current WIRO is taken, on and from the establishment day, to have been appointed as the Independent Review Officer under this Act.

No. 29 **GRNS No. 9 [c2020-095F]**

Page 35, Schedule 1. Insert after line 26—

11A Effect of Division in relation to transfer of Independent Review Officer

(1) A person who is appointed as the Independent Review Officer by operation of this Division is taken to hold office as the Independent Review Officer for the balance of the term to which the person was appointed to the abolished office.

(2) A person appointed as the Independent Review Officer by operation of this clause is taken to have been appointed on a basis other than full-time if the person's abolished office was not held on a full-time basis.

(3) The Governor may issue an appropriate instrument of appointment to a person appointed as the Independent Review Officer by operation of this Division.

(4) A person's appointment as the Independent Review Officer is effective whether or not an instrument of appointment is issued under subclause (3).

(5) This Division does not—

(a) apply to a person who is appointed under this Act as the Independent Review Officer before the establishment day, or

(b) prevent a person who becomes the Independent Review Officer by operation of this Division from—

(i) being appointed, with the consent of the person, to a different or additional office or position in the Commission under this Act, or

(ii) vacating office or the position, subject to subclauses (1) and (2), in accordance with the provisions of this Act.

(6) In this clause—

abolished office, in relation to a person appointed as the Independent Review Officer by operation of this Division, means the office held by the person immediately before the establishment day.

No. 30 **GRNS No. 10 [c2020-095F]**

Page 35, Schedule 1, clause 12, line 27. Insert "**of medical assessors, merit reviewers and mediators**" after "**transfers**".

No. 31 **GRNS No. 11 [c2020-095F as amended]**

Page 46. Insert after line 15—

Schedule 4A Independent Review Officer

Part 1 Introduction

1 Definitions

In this Schedule—

claimant means a person who makes or is entitled to make—

(a) a claim within the meaning of the *Workplace Injury Management and Workers Compensation Act 1998*, or

(b) a claim within the meaning of the *Motor Accident Injuries Act 2017*, or

(c) a claim within the meaning of the *Motor Accidents Compensation Act 1999*.

employer has the same meaning as in the *Workplace Injury Management and Workers Compensation Act 1998*.

ILARS means the Independent Legal Assistance and Review Service established by Part 5 of this Schedule.

ILARS guidelines—see clause 10.

insurer means a licensed insurer under any of the enabling legislation.

Nominal Defendant means the Nominal Defendant within the meaning of the *Motor Accident Injuries Act 2017* or *Motor Accidents Compensation Act 1999*.

Nominal Insurer means the Nominal Insurer within the meaning of the *Workers Compensation Act 1987*.

Part 2 Administrative arrangements

2 Appointment of Independent Review Officer

(1) The Governor may appoint an Independent Review Officer.

(2) The Independent Review Officer holds office for such term not exceeding 5years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for reappointment.

(3) The office of Independent Review Officer is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Governor.

(4) The Independent Review Officer is entitled to be paid—

(a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and

(b) such travelling and subsistence allowances as the Minister may from time to time determine.

(5) The office of Independent Review Officer is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

3 Vacancy in office of Independent Review Officer

(1) The office of Independent Review Officer becomes vacant if the holder—

(a) dies, or

(b) completes a term of office and is not reappointed, or

(c) resigns the office by instrument in writing addressed to the Governor, or

(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

(e) becomes a mentally incapacitated person, or

(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or

(g) is removed from office under this clause.

(2) The Governor may remove the Independent Review Officer from office—

(a) for misbehaviour, or

(b) for incapacity, or

(c) if the Independent Review Officer is absent from duty for a period in excess of his or her leave entitlement as approved by the Governor unless the absence is caused by illness or other unavoidable cause.

(3) The Independent Review Officer cannot be removed from office under Part 6 of the *Government Sector Employment Act 201*3.

(4) If the office of Independent Review Officer becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

4 Appointment of acting Independent Review Officer

(1) The Minister may, from time to time, appoint a person to act in the office of the Independent Review Officer during—

(a) the illness or absence of the Independent Review Officer, or

(b) a vacancy in the office of the Independent Review Officer.

(2) The person, while so acting, has all the functions of the Independent Review Officer and is taken to be the Independent Review Officer.

(3) The Minister may, at any time, remove a person from office as acting Independent Review Officer.

(4) An acting Independent Review Officer is entitled to be paid such remuneration(including travelling and subsistence allowances) as the Minister may from time to time determine.

5 Staff

(1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Independent Review Officer to exercise the Officer's functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Independent Review Officer makes use of) may be referred to as officers or employees, or members of staff, of that Officer. Section 47A of the *Constitution Act 1902* precludes that Officer from employing staff.

(2) The persons so employed are to be employed in a separate Public Service agency and may (together with the persons referred to in subclause (3)) be referred to as members of staff of the Independent Review Officer.

(3) The Independent Review Officer may also—

(a) arrange for the use of the services of any staff or facilities of a Public Service agency or a local or public authority, or

(b) engage persons as consultants to the Independent Review Officer or to perform services for the Officer.

Part 3 Functions

6 Functions of Independent Review Officer

The Independent Review Officer has the following functions—

(a) to deal with complaints made to the Independent Review Officer under this Schedule,

(b) to inquire into and report to the Minister on any matters arising in connection with the operation of this Act or the enabling legislation as the Independent Review Officer considers appropriate or as may be referred to the Independent Review Officer for inquiry and report by the Minister,

(c) to encourage the establishment by insurers and employers of complaint resolution processes for complaints arising under the enabling legislation,

(d) to manage and administer ILARS (including by issuing ILARS guidelines),

(e) any other functions as may be conferred on the Independent Review Officer by or under this Act or any other Act (including the enabling legislation).

7 Requirement to provide information

(1) The Independent Review Officer may require an insurer to provide specified information that the Independent Review Officer reasonably requires for the purposes of the exercise of any function of the Independent Review Officer.

(2) It is a condition of an insurer's licence that the insurer comply with a request for the provision of information under this clause.

(3) The Independent Review Officer can decline to deal with a complaint if the claimant who makes the complaint fails to comply with a request to provide information to the Independent Review Officer.

(4) The Authority, the Nominal Insurer and the Nominal Defendant must provide the Independent Review Officer with such information as the Independent Review Officer reasonably requires and requests for the purposes of the exercise of any function of the Independent Review Officer.

(5) The Independent Review Officer must provide the Authority with such information as the Authority reasonably requires and requests for the purposes of the exercise of any function of the Authority.

Part 4 Complaints

8 Complaints about insurers

(1) A claimant may complain to the Independent Review Officer about any act or omission (including any decision or failure to decide) of an insurer that affects the entitlements, rights or obligations of the claimant under the enabling legislation.

(2) The Independent Review Officer deals with a complaint by investigating the complaint and reporting to the claimant and the insurer on the findings of the investigation, including the reasons for those findings.

(3) The Independent Review Officer's findings can include non-binding recommendations for specified action to be taken by the insurer or the claimant.

(4) The Independent Review Officer is to deal with a complaint within a period of30 days after the complaint is made unless the Independent Review Officer notifies the claimant and the insurer within that period that a specified longer period will be required to deal with the complaint.

(5) The Independent Review Officer may decline to deal with a complaint on the basis that it is frivolous or vexatious or should not be dealt with for such other reason as the Independent Review Officer considers relevant.

(6) The regulations may make provision for or with respect to requiring the Independent Review Officer to notify the Authority of specified kinds of contraventions of this Act or the enabling legislation of which the Officer becomes aware.

(7) Without limiting subsection (6), the regulations may—

(a) provide for the way in which notification is to be given, and

(b) provide for when the notification is to be given, and

(c) provide for the information required to be notified, and

(d) provide for any further requirements relating to the notification (for example, a requirement to provide further information or answer questions).

Part 5 Independent Legal Assistance and Review Service

9 Independent Legal Assistance and Review Service

(1) There is to be an Independent Legal Assistance and Review Service managed and administered by the Independent Review Officer.

(2) The purpose of ILARS is to provide funding for legal and associated costs for workers under the Workers Compensation Acts seeking advice regarding decisions of insurers for those Acts and to provide assistance in finding solutions for disputes between workers and insurers.

10 Guidelines concerning ILARS

(1) The Independent Review Officer may issue guidelines (***ILARS guidelines***) for or with respect to the following—

(a) the approval of lawyers to be granted funding under ILARS (including qualifications and experience for approval),

(b) the allocation and amount of funding for legal and associated costs under ILARS.

(2) The Independent Review Officer may (wholly or partly) amend, revoke or replace ILARS guidelines.

(3) ILARS guidelines may adopt the provisions of other publications, whether with or without modification or addition and whether in force at a particular time or from time to time.

11 Publication and Parliamentary scrutiny of ILARS guidelines

(1) ILARS guidelines are to be published on the NSW legislation website and take effect on the day of that publication or, if a later day is specified in the guidelines for that purpose, on the day so specified.

(2) Sections 40 (Notice of statutory rules to be tabled) and 41 (Disallowance of statutory rules) of the *Interpretation Act 1987* apply to ILARS guidelines in the same way as those sections apply to statutory rules.

12 Review of ILARS by supervisory committee of Legislative Council

(1) The committee of the Legislative Council designated for the purposes of section 27 of the *State Insurance and Care Governance Act* 2015 is to enquire into and report on the whether ILARS should be extended to claimants for statutory benefits under the *Motor Accident Injuries Act 2017*.

Note. Section 27 of the *State Insurance and Care Governance Act 2015* provides for the Legislative Council to designate a committee of the Council to supervise the operation of the insurance and compensation schemes established under the workers compensation and motor accidents legislation. The Standing Committee on Law and Justice was the designated committee at the time of the enactment of this Act.

(2) The enquiry and report are to be undertaken by the designated committee as part of its next review of the operation of the *Motor Accident Injuries Act 2017* following the commencement of this Schedule.

Part 6 General

13 Annual report

(1) As soon as practicable after 30 June (but before 31 December) in each year, the Independent Review Officer is to prepare and forward to the Minister a report on his or her activities for the 12 months ending on 30 June in that year.

(2) The report is to be tabled in Parliament and for that purpose the Minister is to lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after receiving the report.

(3) The Minister is to give the Authority and insurers an opportunity to comment on the report before it is tabled in Parliament and may include with the report when it is tabled a statement as to the comments of the Authority and insurers.

(4) The report is to include the following information—

(a) the number and type of complaints made and dealt with under this Schedule during the year,

(b) the sources of those complaints,

(c) the number and type of complaints that were made during the year but not dealt with,

(d) the operation of ILARS,

(e) any other information as the Independent Review Officer considers appropriate to be included or as the Minister directs to be included.

(5) Matters included in a report must not identify individual claimants.

14 Delegation of functions

The Independent Review Officer may delegate the exercise of any function of the Independent Review Officer (other than this power of delegation) to—

(a) any member of staff of the Independent Review Officer, or

(b) any person, or any class of persons, authorised for the purposes of this clause by the regulations.

No. 32 **GRNS No. 12 [c2020-095F as amended]**

Page 47, Schedule 5. Insert before line 31—

5.4 A Government Sector Employment Act 2013 No 40

Schedule 1 Public Service agencies

Insert in alphabetical order in Part 3—

Office of the Independent Review Officer *Independent Review Officer

No. 33 **GRNS No. 13 [c2020-095F]**

Page 56, Schedule 5.5[90]. Insert after line 34—

(b1) the remuneration of the Independent Review Officer (within the meaning of the *Personal Injury Commission Act 2020*) and staff of the Independent Review Officer and costs incurred in connection with the exercise of the functions of the Independent Review Officer arising under this Act,

No. 34 **GRNS No. 14 [c2020-095F]**

Page 62, Schedule 5.6[67]. Insert after line 28—

[67A] Section 212(3)(c3)

Insert after section 212(3)(c2)—

(c3) the remuneration of the Independent Review Officer (within the meaning of the *Personal Injury Commission Act 2020*) and staff of the Independent Review Officer and costs incurred in connection with the exercise of the functions of the Independent Review Officer arising under this Act,

No. 35 **GRNS No. 15 [c2020-095F as amended]**

Page 64, Schedule 5.10. Insert after line 35—

[3A] Section 4(1), definition of "Independent Review Officer"

Omit the definition. Insert instead—

Independent Review Officer means the Independent Review Officer appointed under Schedule 4A to the *Personal Injury Commission Act 2020*.

No. 36 **GRNS No. 16 [c2020-095F]**

Page 65, Schedule 5.10. Insert after line 20—

[8A] Chapter 2, Part 3 Workers Compensation Independent Review Officer

Omit the Part.

No. 37 **GRNS No. 17 [c2020-095F]**

Page 65, Schedule 5.10[9], line 22. Omit all words on that line. Insert instead—

Insert "arising under the Workers Compensation Acts" after "functions of the Independent Review Officer" in section 35(2)(c).

[9A] Section 35(2)(e1)

Omit the paragraph. Insert instead—

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (15:38): I move:

That the Legislative Council amendments be agreed to.

I am pleased to speak on the Personal Injury Commission Bill 2020. I thank the members of this House and the other place for the collaborative spirit in which they have developed and debated the bill. As members have heard, the bill will establish a Personal Injury Commission that consolidates dispute resolution performed in the Workers Compensation Commission and the State Insurance Regulatory Authority's [SIRA] motor accidents dispute

resolution services into a single, independent commission. The commission will assist to resolve up to 17,000 cases lodged annually.

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 compulsory third party [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. The bill delivers on the Government's response to that recommendation.

In bringing the bill to the House the Government's immediate focus in responding to the Law and Justice Committee's recommendations was to develop an appropriate model and legislation for the Personal Injury Commission in consultation with key stakeholders. The bill delivers on that. My department consulted with key stakeholders in developing an appropriate model for the Personal Injury Commission [PIC] and the bill. Stakeholders advocated strongly for a minimal change model for the commission that would not impact existing entitlements and benefits under the workers compensation and motor accidents schemes. The bill adopts that approach. A number of amendments were accepted in the other place, which not only enhance the bill but also send a clear message that the Parliament is a strong supporter of improving the customer experience for all users of the system and reducing any process trauma for injured people navigating disputes in the workers compensation and motor vehicle accidents schemes. While I will not venture into the specific details of each amendment, I will briefly speak about the key amendments that have been considered and accepted.

Certain provisions governing the skill and knowledge requirements of the deputy presidents, principal members, senior and general members, merit reviewers and mediators have been enhanced. Other amendments to the provision governing the PIC annual review have also been supported. The amendments will require the PIC's annual review to include certain information, such as the number and type of proceedings instituted at each commission division during the year and the extent to which the operations of the commission are funded by the respective CTP and workers compensation scheme operational funds. This annual review is to be tabled in Parliament, increasing the transparency and public accountability of the PIC's operations.

The Government has also supported an amendment to increase the number of statutory reviews from one to two, which must occur two years and seven years after the Act's assent. This will review whether the policy objectives in terms of the Act remain valid. These amendments have made several changes to the composition of the rule committee: In addition to the president and the division heads of the commission, SIRA will now nominate one person; the New South Wales Bar Association and the Law Society of New South Wales will nominate two people each who have specialised knowledge in the workers compensation and motor accidents schemes; Unions NSW and relevant entities representing employer organisations will be able to jointly nominate a single representative each; and the president will also appoint a medical expert to the rule committee who has been jointly nominated by the relevant medical colleges. This recognises the significant role that scheme experts will undertake in the commission.

The amendment also gives the president a new power that makes the proposed rules of the rule committee subject to the president's consent. This is an important safeguard to ensure that the efficient operation of the rule committee and robust rule making for the PIC are consistent with the Personal Injury Commission Act and scheme legislation. The Government is also pleased to support amendments relating to the Independent Review Office [IRO] and the Independent Legal Assistance and Review Service [ILARS]. In 2012 the Government established the Workers Compensation Independent Review Office [WIRO] and ILARS to ensure that all injured workers can access the support and assistance they require to navigate the workers compensation system in New South Wales.

The amendments expand the function of the WIRO's Ombudsman or, as it will now be called, the independent review office to the motor accident scheme. People injured on our roads, as well as in the workforce, will experience the benefits of the dispute resolution. As articulated in the other place, the WIRO in its current form is held in very high regard across the workers compensation scheme from all stakeholders—from the injured to lawyers and insurers. Having the IRO now able to perform its role across both statutory schemes is certainly a welcome outcome and all users will benefit from this harmonised approach.

In relation to these amendments, I acknowledge the strong engagement and professionalism of Mr David Shoebridge on behalf of The Greens and the Hon. Daniel Mookhey on behalf of Labor. Both members have proposed amendments in relation to the WIRO and ILARS. In consultation with the independent actuaries, a model was agreed in which the WIRO's complaint function is expanded but any expansion of ILARS into CTP will be subject to SIRA's legal costs review—the recommendations of which are due by the end of the year—and recommendations of the Legislative Council's Standing Committee on Law and Justice. Therefore, I am pleased

to report that the commission established by this bill will have minimal impact on green slip premiums. I thank Labor and The Greens for their shared commitment to maintaining affordable green slip insurance premiums.

This bill is a major reform in personal injury law; members should make no mistake about that. We have developed a commission that sets a solid foundation for a dual scheme personal injury commission with not only the potential for greater alignment of processes over time but also the potential to evolve and respond to future demands. I take this opportunity to convey my sincere thanks and gratitude to the staff at the Department of Customer Service and SIRA who were involved in the policy development of this bill, including Dawn Routledge, Cheri Boxoen, Aaron Kim, Siobhan Fox, Mary Maini, Wayne Wormald, Parthena Elias, Nicholas Cobb, Melanie Curtain and Rachel Murphy. I also thank James Camilleri from my staff, who has done so much work over a significant period of time to get this bill through. He and Priya Pagaddinnimath have worked collaboratively to make sure that those opposite have been consulted appropriately. I also thank my chief of staff, who is an outstanding chief, and indeed my entire staff. I am really proud of them. I commend the bill to the House.

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

Motion agreed to.

STATE REVENUE LEGISLATION AMENDMENT (COVID-19 HOUSING RESPONSE) BILL 2020

Consideration in Detail

Consideration of the Legislative Council's amendments.

Schedule of the amendments referred to in message of 4 August 2020

No. 1 **OPP No. 1 [c2020-115A]**

Page 10, Schedule 3[2], proposed section 9E(2). Insert after line 17—

(b1) the Chief Commissioner is satisfied that a significant proportion of the labour force hours spent on the construction of the building involves or involved work performed by persons whom the Chief Commissioner considers belong to any one or more of the following classes of worker—

(i) apprentices or trainees,

(ii) long-term unemployed workers,

(iii) workers requiring upskilling,

(iv) workers with barriers to employment (such as persons with disability),

(v) Aboriginal jobseekers,

(vi) graduates, and

No. 2 **OPP No. 2 [c2020-115A]**

Page 10, Schedule 3[2], proposed section 9E. Insert after line 38—

(3A) The guidelines must include policies to promote the development of new affordable housing and social housing in build-to-rent properties.

No. 3 **OPP No. 3 [c2020-115A]**

Page 11, Schedule 3[2], proposed section 9E. Insert after line 36—

(10A) In this section—

affordable housing has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

social housing means residential accommodation provided by a social housing provider within the meaning of the *Residential Tenancies Act 2010*.

Mr DOMINIC PERROTTET (Epping—Treasurer) (15:47): I move:

That the Legislative Council's amendments be agreed to.

I thank the members of both Houses who contributed to the debate on the State Revenue Legislation Amendment (COVID-19 Housing Response) Bill 2020. I note the Opposition's amendments to the bill and the productive discussions the shadow Treasurer, the Hon. Walt Secord, has had with my office. The Government opposed the amendments in the other place but we will not oppose them here. We believe that they place additional burden on build-to-rent developments and that they would be more appropriately dealt with in other legislative amendments. That said, after discussions with my department I decided that there may be ways to incorporate these provisions into the administration of the Land Tax Management Act 1956. I am happy to ensure that the guidelines to be developed will include policies to promote affordable and social housing in build-to-rent properties. The Government does not oppose the proposed amendments.

Ms JENNY LEONG (Newtown) (15:48): I briefly address the amendments to the State Revenue Legislation Amendment (COVID-19 Housing Response) Bill 2020 that have come back to the Legislative Assembly. In particular I note that The Greens outlined about eight different areas of concern for the rental and housing sectors. Given the seriousness of the build-to-rent scheme, the impact that it will have on our communities and the massive 20-year discounts being given to investors and developers as a result, it was incredibly disappointing that the Treasurer in the response he gave yesterday did not address in detail any one of those concerns that we raised. Before The Greens introduced our amendments in the other place, I flagged them and went through them in detail, hoping that we would get on the record the Government's views on amenity and on ensuring affordability and tenant representation in this new form of housing buildings.

The Minister in the other place obviously had not been provided with any speaking notes on The Greens amendments as he sat there in absolute silence and did not respond to any of the amendments when they were moved. Some of them were genuine amendments of consideration relating to the fact that we have no clarification on security of tenure or break lease clauses. There is no intersection between this legislation and the Residential Tenancies Act for the simple reason that all of this will be done through guidelines and not through regulation. This is where the hypocrisy of NSW Labor knows no bounds.

For two days in a row they have come in here and moved censure motions against the Treasurer about the fact that he has been given too much power and has shown a lack of accountability in relation to icare. What happens in the other place late last night? We see Walt Secord laughing with Minister Tudehope about not engaging with The Greens' amendments, which go to the fact that rather than having guidelines in the legislation, which do not have to be public and have no accountability, there should be regulations. What does the Labor Party do? It jumps on board and backs giving the Treasurer even more unaccountable power when it comes to build-to-rent schemes in New South Wales.

I appreciate there is a lot going on for the Treasurer at the moment, but we are talking about a massive shift. Potentially in the order of 75 per cent of investors that will benefit from this scheme will be foreign-owned investors. This is a massive handover of money and it is not in the interests of renters. Let me make this clear: As I outlined yesterday, it could be in the interests of renters but only if these guidelines are made public. We need that commitment. We need a commitment that they will be high-quality builds, that people will not be put into tiny rooms with no lounge rooms and no access to amenities and that massive high-density housing will not be built right next to massive freeways or motorways.

We need to ensure that there is affordability around this scheme and that big developers and investors do not get big tax breaks while, because they are new builds, the people of New South Wales will pay higher market rents and those who are struggling to make ends meet will not be able to pay the rent. We need to make sure we get high-class developments that deliver on sustainability and energy-efficiency measures in order to reduce high utility costs and to deal with the climate emergency. The other issue that is absolutely essential, which I outlined yesterday, is tenant participation. In public and community housing there are tenant representatives and in strata buildings there are owners' corporations and tenants' and owners' representatives to ensure that people make good decisions when looking after their shared space in high-rise developments.

This build-to-rent proposal does not contain anything about the ability of tenants to participate in the management of and decisions on buildings in which they will live. That is absolutely crucial in this new suite of housing. I appreciate there is a desperate need to solve the housing crisis but this needs to be addressed. I note that the Minister responsible for renters is present in the Chamber. I say to him that in the Government's approach there needs to be an intersection between the building of houses and the protection of people who will be renting them. At the moment there seems to be very little communication or recognition that if we are encouraging build-to-rent that somewhere in the legislation one would hope there would be clear public guidelines and a commitment from the Treasurer to work with the sector and the experts who understand the challenges and issues for renters so that we are not setting up a whole lot of people for a bad housing situation in the future.

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

Motion agreed to.

GAS LEGISLATION AMENDMENT (MEDICAL GAS SYSTEMS) BILL 2020

Second Reading Debate

Debate resumed from an earlier hour.

Mr GURMESH SINGH (Coffs Harbour) (15:53): I speak in support of the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House. The bill delivers on the Government's commitment to introduce a robust regulatory scheme for

persons who carry out medical gas work in medical facilities in New South Wales. In doing so, the bill seeks to promote the safety of all persons in medical facilities where medical gas work is undertaken, including patients and their families, visitors and staff.

I will talk about the important licensing reforms proposed in this bill. The bill amends both the Gas and Electricity (Consumer Safety) Act 2017 and the Home Building Act 1989 to set up a licensing framework and enable the machinery provisions in the supporting regulations. The object of the Government's bill is safety first. Amending the Gas and Electricity (Consumer Safety) Act enables the Government to draw on the strong enforcement, compliance, reporting and inspection provisions in that Act. The Act also has an existing framework for the regulation of gases, including auto gas and liquefied petroleum gas. Further, the Home Building Act has an existing framework for licensing specialist work, including plumbing and gasfitting work. Amending these two existing Acts will help ensure that the implementation of this regulatory scheme is seamless.

The Government committed to delivering a robust regulatory licensing framework, and this bill does just that. The bill introduces two categories of specialist work into the Home Building Act for persons and entities involved in medical gas installations in medical facilities such as public and private hospitals, day hospitals and dental surgeries. Underpinning these categories of specialist work is the introduction of a definition of "medical gas installation" into the Gas and Electricity (Consumer Safety) Act. A medical gas installation is any pipe or system of pipes used to convey or control medical gas and any associated fittings and equipment. This means that anything fixed is covered by the definition of "medical gas installation."

I will now provide further information about the two categories of specialist work introduced in this bill. They are medical gasfitting work and medical gas technician work. Introducing those categories recognises the important distinction that both roles have in relation to medical gas work. The bill proposes that these roles are performed by two different people who have two different skill sets, which is a distinction also made by the Australian Standards and the New South Wales Ministry of Health Policy Directives for Medical Gas Installations. Medical gasfitting work is defined in the bill as the "construction, installation, replacement, repair, alteration, maintenance or the installation or testing of a medical gas installation." A medical gasfitter is the person responsible for installing a medical gas installation. They are also responsible for repairs to the installation. Often persons engaged in this work are experienced and qualified in plumbing.

The second specialist category, medical gas technician work, is a new category that does not explicitly exist in any other jurisdiction. The Government recognises it is important work and therefore this bill creates a separate standalone category for this specialist work. "Medical gas technician work" is defined in the bill as the "commissioning, maintenance, testing, verification or certification of a medical gas installation. A medical gas technician is the person who commissions and maintains the medical gas installation within the medical facility. They are responsible for the smooth running of the medical gas installation, such as responding to alarm systems, undertaking regular testing and checks and undertaking the final check, termed "commissioning", before the medical gas installation goes live. The medical gas technician works with medical professionals in the facility. Medical gas technician work is often undertaken by people who are university educated, often with a degree in engineering or the biomedical field and who have many years' experience.

This Government recognises the importance of the role of a medical gas technician. While there are similar licence categories for medical gasfitting work in other jurisdictions, they do not focus specifically on the conduct of persons engaged in the commissioning of medical gas installations. At present medical gas technicians are largely regulated by the companies that provide commissioning services to medical facilities. They are also regulated by the relevant Australian Standards and in some medical facilities they are required to follow policy directives issued by the New South Wales Ministry of Health.

I cannot impress more on this Parliament the extreme importance of the work of a medical gas technician. The Australian Standard AS2896 has a whole section on this very function. Under the NSW Health Policy Directive this must be done by an independent person, separate from the medical gasfitter. We have seen what goes wrong when this is not performed properly. New South Wales will be the first to identify this as a category of work worth licensing. Through this bill, both the people performing medical gasfitting and medical gas technician work will be required to be licensed. This means that people must have the necessary skills and experience before they are issued a licence to perform the work.

To ensure that work is performed safely, the bill introduces a new part 5A into the Gas and Electricity (Consumer Safety) Act to extend the investigation, accident reporting and enforcement provisions in parts 6 and 7 of that Act. I will highlight one of the important compliance provisions introduced in the new part 5A of the Gas and Electricity (Consumer Safety) Act. New section 38B provides that a person must not carry out medical gasfitting work or medical gas technician work unless it is done in accordance with any standards or requirements prescribed by the regulations or any standards or requirements specified by the Secretary of the Ministry of Health by order in writing and published on the website of the Ministry of Health. New section 38B demonstrates the

Government's intent to provide that Australian Standards and policy directives or documents from the Ministry of Health have legislative effect by requiring that they are followed by those performing medical gas work, setting the expectation of the high standard of work to be carried out safely.

The bill also provides a key role to the Ministry of Health, recognising its experience in issuing policy guidelines for the installation and commissioning of medical gas installations. This is intended to ensure that best practice is observed by all. Offences are applicable for not complying with new section 38B, which recognises the bill's object of safety first. In the case of an individual a maximum penalty of $55,000 will apply for a first offence or $82,500 or imprisonment for two years, or both, for a second or subsequent offence, or in the case of a corporation $550,000 for a first offence or $825,000 for a second or subsequent offence. As set out in new section 38B, medical gasfitters and medical gas technicians will need to adhere to the Australian Standards. The Australian Standards that relate directly to medical gases will be incorporated in the regulations.

The Government recognises that following Australian Standards will play a vital role in the licensing framework. Standards Australia, an independent organisation, is tasked with developing standards. Standards are documents that set out specifications, procedures and guidelines that aim to ensure products, services and systems are safe, consistent and reliable. The Government has already started working on which standards would need to be incorporated into the regulation, including in targeted consultation. For example, Australian Standard AS2896-2011 "Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems" requires that certain procedures are followed to avoid gas pipeline hazards. It is intended that this will be captured in the regulation. The standards and how they are applied will be settled through extensive consultation to ensure that the standard of work required of licensed persons under the Act not only reflects current industry standards but also ensures that people will be kept safe.

I will now turn to the existing provisions in the Home Building Act in relation to specialist work that will also apply to the new categories of specialist work. Under the Home Building Act, there are substantial penalties for contracting to do any specialist work without an appropriate contractor licence or carrying out work without an appropriate contractor licence. Section 5 of the Home Building Act provides that an individual, a member of a partnership, an officer of a corporation or a corporation must not represent that they are prepared to do any specialist work if they are not the holder of a contractor licence authorising the holder to contract to do that work. Penalties of up to $110,000 in the case of a corporation and $22,000 in any other case apply for a breach of this provision. Further, existing section 4 of the Home Building Act prohibits a person from contracting to do any specialist work except for or on behalf of an individual, partnership or corporation that is the holder of a contractor licence authorising the holder to contract to do that work. This means that medical gasfitters and medical gas technicians will face penalties if they do not comply. [*Extension of time*]

It is critical that these penalties apply to breaches of the Act. These penalties provide an appropriate response to misconduct that could potentially risk injury or death. These offences will ensure that any breaches that occur throughout the installation will be punished with commensurate penalties that are not just seen as the cost of doing business. I will now turn briefly to the important work that the Government has undertaken with regard to the development of the bill and the intent of the regulations. The Government's criticisms of the private member's bill in part stemmed from no consultation with industry experts. The Government recognises that these reforms will impact on a wide variety of medical facilities and industry operators. The Government has already started consulting with these stakeholders to ensure that the regulatory scheme reflects the needs of the sector and the patients who access it.

The Government spoke to 20 key stakeholder groups and received submissions on an exposure draft of the bill and on the consultation paper. The Government also held three roundtables in July with key stakeholder groups. This was the start of the consultation process, and there will be opportunities for further consultation. During this consultation, key stakeholder groups expressed broad support for the two categories of specialist work proposed in the bill. This further reiterates the importance of this distinction in the categories of specialist work. The Government is already considering the required experience and qualifications for medical gasfitters and medical gas technicians. While the consultation paper and roundtable facilitated discussions on the potential qualification and experience requirements, these will be the subject of further in-depth public consultation during the development of the regulation. The bill clearly outlines the Government's intent to regulate the industry and ensure a safety-first approach to this important industry. I am proud to see the Government deliver on its commitment to introduce a licensing framework for medical gas in this State. I am also proud of the Government for the consultation that has already occurred on the regulatory scheme for medical gas work, which has contributed to the quality of the bill. I commend the Minister and I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) (16:05): I speak in debate on the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I commend the Minister for Better Regulation and Innovation, who is in the Chamber, for bringing this bill to the House and delivering on a commitment made by the Government in response to a

private member's bill on medical gas. It is a very difficult subject. I believe what the Minister has done has shown compassion, logic and a great deal of consultation. I offer my condolences to the family who lost their young baby through a mishap with the medical gas. I was a member who was here in this Chamber when that news broke. I am sure members on both sides of the House extend their deepest sympathies to that family. It is something they have to live with for a long time. I took heart in seeing various interviews with them in the media where they campaigned to ensure another family does not have to go through this sadness. I congratulate the Minister and his team on bringing the bill to the House.

The bill introduces a wave of new reforms that, for the first time in New South Wales, will directly tackle medical gas installations in medical facilities and the management of those installations. As members have heard, the bill will require any person who installs, maintains or repairs a medical gas installation to be licensed or hold a certificate as a specialist occupation under the Home Building Act 1989. Also, any person who commissions or manages medical gas installations will also have to be licensed or certified under a specialist occupation under the Home Building Act. The bill goes that step further by amending the Gas and Electricity (Consumer Safety) Act 2017 to provide a clear and robust regulatory scheme for those two new categories of specialist works. It modifies and extends the range of safeguards already provided in that Act to effectively oversee any work done in relation to medical gas installations that supply or remove medical gases.

I am aware that one of the catalysts for the bill was the tragic situation that occurred at Bankstown-Lidcombe Hospital in 2016. I will not canvass the circumstances of that tragic incident at this time, but I can say that the bill will help ensure that such an incident will never occur again in New South Wales. In light of that incident, I will speak about the provisions in the bill that extend the requirements in the Gas and Electricity (Consumer Safety) Act to accident reporting, investigations and enforcement. They will ensure that any serious medical gas accident is promptly reported and properly acted upon by the Government.

New section 39 of part 6 of the Act provides that a "serious medical gas accident" is an accident caused by the use of a medical gas installation or by work carried out on a medical gas installation, as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a registered health practitioner or is unable to attend work for any period of time. This is a very strong and wide definition. It is able to catch medical gas accidents from the smallest to the most serious. New section 40 of the Act will require the occupier of the place at which a serious medical gas accident occurs to notify the secretary within 24 hours after the accident, and in the manner prescribed in the regulations. Occupiers will have separate notification requirements under legislation such as the Work Health and Safety Act 2011.

New section 41 provides that the secretary can arrange for authorised officers to investigate and report concerning a serious medical gas accident, whether or not this notice has been provided. This ensures that if another notification is provided, perhaps by the NSW Police Force or NSW Health, that an investigation can be launched. New section 42 prohibits persons from disturbing or interfering with the site of a serious medical gas accident before it has been inspected by an authorised officer. There are exceptions to this requirement, for example, to make the site safe, or with the permission of an authorised officer, or as provided in the regulations. A maximum penalty of $55,000 in the case of a corporation and $22,500 in the case of an individual applies to an offence of this section.

New section 43 provides that the secretary is able to publish any details of a serious medical gas accident that the secretary considers necessary in the interests of public information and safety. For example, this will allow the secretary to notify medical gasfitters of any identified risks or issues so they can be addressed immediately in other installations. New section 44 allows the secretary, SafeWork NSW and the Health secretary to enter into arrangements regarding investigable medical gas accidents. These arrangements can be related to matters such as the referral of accidents to the relevant authorities and the cooperative exercise of the respective functions of the secretary, SafeWork NSW and the Health secretary. This will ensure that the most appropriate investigation team or mixture of investigation teams is able to be used for a medical gas accident investigation. Any arrangements entered into between the parties will be published in the *NSW Government Gazette* so they are able to be widely known. However, a failure to publish an arrangement will not affect its validity.

The bill extends part 7 of the Gas and Electricity (Consumer Safety) Act, which deals specifically with investigation and inspection powers, to medical gas work and, in particular, the investigation of serious medical gas accidents. New section 53 of the Act provides specific powers to authorised officers in relation to the investigation of serious medical gas accidents. An authorised officer who is investigating an accident may do a number of things in any place where a serious medical gas accident has or may reasonably be expected to have occurred. These include entering and inspecting the place, examining and testing any medical gas installation, taking photographs, taking for analysis a sample of any substance or thing that in the authorised officer's opinion may relate to the accident, and requiring any person in the place to produce any record that may be of relevance to the occurrence of the accident. In addition, the authorised officer can take copies, extracts or notes from any

such record, and require any person in the place to answer questions or otherwise provide information relating to the accident. Finally, they may require the owner or occupier to provide assistance and facilities that are reasonably necessary to enable the authorised officer to exercise their functions under new section 53.

If the entry of an authorised officer is resisted, then new section 59 of the Gas and Electricity (Consumer Safety) Act is extended to provide that an authorised officer can apply for the issue of a search warrant to force entry if required. Authorised officers can gain the assistance of the NSW Police Force to gain entry if they wish, or to prevent a breach of the peace, and can also have subject matter experts accompany them to provide advice and assistance. New section 51 permits an authorised officer at any reasonable time to enter any place that the officer suspects, on reasonable grounds, to be a place in which a medical gas installation is being or is likely to be used in a manner that presents a significant risk of death or injury to any person. While on the premises the officer can do a number of things, including inspecting and testing the medical gas installation and taking appropriate measures to have the installation concerned disconnected from its supply of medical gas.

Of course, any action to disconnect a medical gas installation would only be taken under the most extreme of circumstances and with appropriate advice and assistance, where needed, from subject matter experts, medical practitioners and the person in charge of the medical facility. An authorised officer can also require any person who has possession of a medical gas installation to answer questions or otherwise provide information relating to the use of the installation, or require the owner or occupier of the place to provide the authorised officer with any assistance and facilities that are reasonably necessary to enable the authorised officer to exercise their functions.

Additional facilities to enable a proper investigation may be useful to enable a comprehensive and timely investigation of serious medical gas accidents. It may be necessary, following an investigation of a serious medical gas accident, to prohibit the use of the medical gas installation to require its repair or replacement of any systems. Section 52 of the Gas and Electricity (Consumer Safety) Act therefore provides a power to an authorised officer who believes on any reasonable grounds that a medical gas installation is being used in a manner that presents a significant risk of the death of, or injury to, any person, or significant damage to any property to, by written notice, prohibit the use of a medical gas installation. [*Extension of time*]

The notice is in effect for a period of two weeks following its issue, unless the secretary confirms or varies the terms of the notice, or revokes the notice. Again, of course, expert opinion and advice would be obtained before a notice would be issued. Section 52 prohibits a person from using a medical gas installation in contravention of a notice that has been issued. Contravention of this provision carries a maximum penalty of $110,000 for a first offence, or $165,000 for a second or subsequent offence in the case of a corporation, and $11,000 for a first offence, or $16,500 for a second or subsequent offence in the case of an individual.

To further demonstrate the seriousness of this offence, it is also an offence that attracts executive liability under section 63. This imposes a liability upon a director of a corporation or an individual who is involved in the management of a corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence. A person then commits an offence if they know or ought reasonably to know that the executive liability offence would be or is being committed and yet fails to take all reasonable steps to prevent or stop the commission of that offence. The maximum penalty is an exactly similar penalty for the offence committed by an individual.

In conclusion, I am confident that this bill makes the necessary changes to the licensing and regulation of medical gases in New South Wales, and will provide significant benefits and safeguards to consumers. While I have outlined the comprehensive enforcement powers available to the regulator, I hope that the new licensing measures that require certain standards to be met will reduce the need to call on those enforcement powers. My hope, and that of the Government, is that the new licensing framework will set a new high water mark for industry practice that will allow qualified persons to continue to work in this industry and keep people safe.

The amendments will restore public trust and confidence in the medical gas industry by ensuring that persons who do the work are appropriately qualified and licensed and do only the work they are authorised to do. Importantly, this bill provides greater transparency to the role and responsibilities of the two new categories of specialist work under the Home Building Act to reinforce their accountability for the benefit of this State's consumers. Again, I thank the Minister for Better Regulation and Innovation for his persistence. I am sure that formulation of this legislation was not an easy task, but I admire him for bringing legislation to the House, which is a very positive outcome. I say to the Minister and his team—well done! I commend the bill to the House.

Ms FELICITY WILSON (North Shore) (16:18): I support the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I commend the Minister for Innovation and Better Regulation for bringing this bill to the House and delivering on the commitment made by the Government. Members are aware of the tragic circumstances that occurred at the Bankstown-Lidcombe Hospital in 2016 when one baby died and another

sustained permanent brain damage as a result of the wrong medical gas being administered to them. Nobody in this House could ever imagine something like that occurring.

As a fairly recent parent and someone who is about to give birth to my second child, I cannot imagine—or even want to imagine—the risk associated with entrusting the care of your child to a hospital and then discovering that inappropriately installed nitrous oxide gas could so permanently injure or kill your child, which is what occurred on those two days with Amelia Khan and John Ghanem. I am sure members send their deepest sympathies to those families. While we know that there is nothing we can do to bring them back or to rectify the impairment that Amelia is suffering, we know that this legislation is a step towards ensuring that future babies will be protected from this terrible fate.

This bill is intended to address the circumstances that brought about those tragic incidents by introducing a more robust licensing and regulatory scheme for persons involved in medical gas work in New South Wales. It does this by amending the current provisions of both the Gas and Electricity (Consumer Safety) Act 2017 and the Home Building Act 1989. By doing so it extends and applies the already stringent licensing and regulatory provisions of both Acts to medical gas work. One of the provisions in the bill I highlight is the creation of an offence provision to address interference with medical gas installations. A major criticism of a recent private member's bill that was rejected by the Parliament was that by seeking to amend only the Home Building Act it did not create any specific regulatory offences in relation to medical gas work—either in relation to the work itself or in relation to the medical gas infrastructure. The additional work that has been done means that this bill remedies that by, for example, inserting clause 38D.

Clause 38D requires that a person who carries out any type of work for fee or reward at or near a place where a medical gas installation is located must ensure that the carrying out of the work, and the work, does not interfere with the installation in a way that adversely affects the safety of the installation. This clause is intended to address situations where, for example, other work is done in a medical facility where a medical gas installation is situated. The persons carrying out that work are required to ensure that their work does not interfere with the safety of the medical gas installation. This provision will work to ensure not only the safety of the installation but also the continuity of operation of the installation as much as is possible. A maximum penalty of $55,000 in the case of a corporation and $22,000 in the case of an individual applies for a breach of this provision.

Clause 38D also requires that a person who carries out any type of work at or near a place where a medical gas installation is located and carries out the work in a way that adversely affects the safety of the installation, and knows, or ought to have known that the installation has been adversely affected, then has a responsibility to act. The person must, as soon as is reasonably practicable after becoming aware that the installation has been adversely affected, take reasonable steps to make the installation safe. An example could be construction work in part of a hospital that damages the medical gas system in some manner. As the person would not be licensed or certificated to be able to address the issue, they would immediately notify the person in charge of the hospital or the person in charge of the installation to advise them of the situation.

I consider that to be the kind of response envisaged by the legislation where a person is faced with such a situation. They would not be able to walk away and do nothing. A maximum penalty of $55,000 in the case of a corporation and $22,000 in the case of an individual applies for a breach of clause 38D. A second provision of the bill I will mention briefly is clause 38C, which places responsibility on the occupier of the place where the medical gas installation is situated or, where there is no occupier, the owner of the place to ensure the proper maintenance of the installation. Clause 38C provides that this person must, to the best of their ability and knowledge, ensure that any parts of the medical gas installation that are prescribed by the regulations are maintained in accordance with the regulations while the installation remains connected to the source of supply of medical gas.

We have heard that medical gasfitters and medical gas technicians have their specific roles under the provisions of the bill. Those relate to the installing, repairing, testing and commissioning of medical gas installations installed in medical facilities. However, that does not take away the responsibilities of the owner or occupier of the premises where these installations are placed. If something goes wrong, they cannot turn a blind eye and say that the medical gasfitter or technician is solely responsible. In effect this means that while medical gasfitters and medical gas technicians have their roles and responsibilities under the bill, so too does the owner or occupier of the premises in which the medical gas installation is situated. If the owner or occupier is made aware of any defective work then they would be expected to take positive steps as quickly as is possible to ensure that the work was rectified to ensure the safety of the medical gas installation. They must ensure that only appropriately licensed or certificated persons work on their medical gas installation.

An owner or occupier cannot just wait to be advised that their medical gas installation is unsafe, and that work needs to be done urgently or steps taken to decommission it to protect patients. They must take positive steps always while the installation is in operation to ensure its ongoing safety. This responsibility placed on the

owner or occupier may possibly be onerous, but it is essential to ensure the safety of consumers and to prevent these tragic incidents from ever occurring again.

The owner or occupier may have to take steps, including engaging suitably licensed persons to oversee the work done, check the work, and ensure as much as is possible that the installation operates properly and safely at all times. A breach of clause 38C would be regarded as serious to demonstrate that a maximum penalty of $55,000 in the case of a corporation and $16,500 in the case of an individual applies for a breach of clause 38C. The regulations will prescribe the parts of the medical gas installation that will be applicable under clause 38C and its maintenance. Those requirements will be subject to the very wide consultation process that has been seen in the development of this bill.

These provisions will enhance the regulation of the medical gases sector by enabling Fair Trading, as the regulator, to deal not only with licensees but also with owners and occupiers where medical gas installations are located to ensure the safety of the public. I commend the Minister for the bill. It brings necessary reforms that will help ensure that consumers are better protected and is an important step in the Government's commitment to address medical gas work in the State. The bill acknowledges the significant impact upon and loss to both the Ghanem and Khan families. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) (16:25): I speak to the Gas Legislation Amendment (Medical Gas Systems) Bill 2020 on behalf of The Greens. I will say at the outset what a tragedy. The member for North Shore is about to have her second child and I have just had my first child. I cannot imagine how traumatic it would be to see such a catastrophic mistake leading to a death and a severe disability. It is not something that any of us could contemplate. We must always be vigilant. As lawmakers in this State, we are ultimately responsible. There is a big push for deregulation and less red tape to allow greater flexibility, but as we can see in this situation having a light touch—which is the vogue statement—would have a devastating impact. We did not have adequate and rigorous systems in place to ensure that the installation of this technology was conducted by those with the correct training, oversight and regulation.

That situation facilitated this terrible outcome. The Chief Health Officer, Dr Kerry Chant, PSM, investigated these cases and said that if the correct procedures had been followed when the gas was installed in July 2015 the error would have been identified. It is something we can all lament. The contractor incorrectly installed the pipes and they subsequently were not tested properly or commissioned. We must resolve this issue. It is disappointing that this installation occurred in 2015 and we are now in 2020, five years later, and the bill is only now before us.

Part of the reason why we are debating this now is due to the Hon. Mark Buttigieg having introduced a bill in the upper House on behalf of Labor. He introduced the Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020. Whilst that bill was defeated, I have no doubt that it was the catalyst for action on this issue. It demonstrates that members who may not be in Government, who may be in the upper House or in this place on the crossbench, can make a significant difference. They can drive the agenda by encouraging the Government, supporting them, shaming them or through a range of different methods to achieve a good outcome.

As I said from the outset, The Greens will not oppose the bill. There is a lot worth supporting in this bill. We are attracted to the amendments that will be moved in the other place. There are four separate amendments. I will not go through them in detail; they will be dealt with in the other place. The point that we seek to make today is the importance of the outlier. In situations such as this there can be 99 out of 100 installations that are perfect, but it only takes one to have a catastrophic impact. Whether it is nitrous oxide or oxygen in medicine, or the building and construction industry, or a range of other industries, we must ensure high and rigorous standards of regulation.

Training and licensing must be up to scratch. We had this issue with private certification. There must be registration processes where there is oversight, compliance and review that ensures the one in 100, the one in 1,000 or one in one million does not happen. When it does happen it has an horrific impact on families and on the lives of those two young children. The Queensland Parliament responded quickly by introducing a rigorous system and we need to do the same here. In 2018 the Queensland Government introduced legislation in response to the gas situation in New South Wales. It is a challenge and difficult for Ministers and Government. Portfolios are broad and complex, and there is a turnover of Ministers, especially in the less senior portfolio areas in Government. We must support the public service to do rigorous investigation and develop the policy that can be brought to Parliament in a timely way.

For example, it has been almost three years since the Government agreed to introduce the public interest disclosures amendments that the ICAC inquiry recommended, but it still has not happened. We need to ensure there is a quick and effective response to these issues. It has been far too long from installation in July 2015, and 2016 when this tragic incident occurred, to the introduction of this bill. I acknowledge that we have stepped

forward, I support the bill and I hope the Government will look favourably upon the amendments introduced in the upper House. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (16:31): I speak proudly on behalf of the Government in support of the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I support this fantastic piece of legislation. I acknowledge the excellent contributions from the member for Holsworthy, the member for Wollondilly, the member for Coffs Harbour, the member for Tweed and the member for North Shore. I believe there will also be a contribution from the outstanding member for Cootamundra. I am pleased to stand here in support of this bill. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House and delivering on the commitment made by the Government in its response both to the private member's bill in June 2020 and the tragic incidents that occurred at the Bankstown-Lidcombe Hospital in 2016.

This bill is the appropriate response to those incidents in June and July 2016 in which two newborn babies were mistakenly administered nitrous oxide through an oxygen outlet at the hospital. As a result of being administered the wrong medical gas, baby Ghanem passed away and another baby suffered serious brain injuries. It is a tragedy of epic proportions, as every member of this House has acknowledged today. The wrong medical gas was administered as a result of errors in installation and construction work that was undertaken at the Bankstown-Lidcombe Hospital in 2015 to install piped oxygen delivery outlets to the neonatal resuscitaires in the operating theatres. Further failure to test the gases before the new outlets were commissioned resulted in an oxygen outlet in one of the operating theatres dispensing nitrous oxide instead of oxygen. Tragically, this was not discovered until after both incidents.

The Government made a commitment to bring forward legislation to strengthen the regulation of medical gas work and this bill does exactly that. Once again I extend my deepest sympathy and condolences to the families of the two babies. One of the key criticisms of the private member's bill back in June was that it sought to rely solely on the provisions of the Home Building Act 1989 to provide for the regulation of medical gases. The private member's bill did not provide any specific regulation for medical gas installations or place any requirements on the owners or occupiers of places where medical gas installations were situated to ensure they were safe and secure. The Government's bill does that. It amends, incorporates and extends the already strong regulatory provisions of the Gas and Electricity (Consumer Safety) Act 2017 to medical gases in New South Wales. In addition to placing licensing requirements on the persons responsible for installing, servicing and commissioning medical gas installations, the Government's bill places key regulatory responsibilities on licensees and certified holders through the amendments to the Gas and Electricity (Consumer Safety) Act.

One of the key responsibilities is the requirement placed on a "responsible person" to provide written notice of any defective medical gas installation to a range of persons including the Secretary of the Department of Customer Service. The purpose of that requirement is to ensure that defective work is brought quickly to the notice of those responsible for the safety of the medical gas installation and that action is taken to rectify the situation. The requirement may require licensees to report on work done by other licensees, resulting in disciplinary or other action being taken against them. The Government recognises this, but a safety-first attitude in relation to medical gas work must, and will, be taken. Licensees will be encouraged to report defective work and the Government will welcome such reports. New section 38E (1) provides:

> (1) The responsible person for medical gasfitting work carried out on land must, within the period prescribed by the regulations, give the following persons written notice of any defective medical gas installation on the land discovered in the course of carrying out the medical gasfitting work—
>
> (a) the owner of the land,
>
> (b) the occupier of the land (if the owner does not occupy the land).

A maximum penalty of $11,000 will apply if a notice is not given within the prescribed period. The section defines a "responsible person" for medical gasfitting work as the holder of a licence or certificate under the Home Building Act that authorises the person to do medical gasfitting work. If the work is done under the immediate or general supervision of the holder of an endorsed contractor licence or a supervisor certificate under the Home Building Act, then the responsible person is the holder of that licence or certificate. The responsible person for medical gasfitting work must also, within the prescribed period, give the secretary written notice of any defective medical gas installation that poses an imminent threat to public health or safety discovered in the course of carrying out medical gasfitting work. A maximum penalty of $11,000 applies for a breach of that provision. New section 38E (3) clarifies:

> (3) A defective medical gas installation is discovered if the responsible person, or a person carrying out the medical gasfitting work under the responsible person's supervision, becomes aware that the installation concerned is defective.

Those provisions are directly linked to the responsibilities placed on persons concerning the safety of medical gas installations under new section 38C. Persons responsible for medical gas installations, whether the occupier of the

place or, if there is no occupier, the owner of the place, cannot ignore the receipt of a notice given to them under the provisions of new section 38E. New section 38C provides that a person must, to the best of their ability and knowledge, ensure that any parts of the medical gas installation prescribed by the regulations are maintained in accordance with the regulations while the installation remains connected to the source of supply of medical gas.

Medical gasfitters and medical gas technicians have their specific roles under the provisions of the bill. They relate to the installation, repair, testing, servicing and commissioning of medical gas installations in medical facilities. However, that does not take away the responsibilities of the owner or occupier of the premises where installations are placed. They cannot turn a blind eye and say that the medical gasfitter or technician is solely responsible if something goes wrong. That means that while medical gasfitters and medical gas technicians have their roles and responsibilities under the bill, so too does the owner or occupier of the premises on which the medical gas installation is situated. If the owner or occupier is made aware of any defective work by receipt of a notice under new section 38E, then they would be expected to take positive steps as quickly as possible in order to ensure that the medical gas installation is safe.

An owner or occupier cannot just wait for the receipt of a notice under new section 38E to discover that their medical gas installation is unsafe and work needs to be done urgently or steps need to be taken to decommission it to protect patients. As I said, they must always take positive steps to ensure the safety of the installation while it is in operation. The responsibilities placed on the owner or occupier may possibly be onerous, but they are essential to ensuring the safety of consumers and to preventing tragic incidents from ever occurring again. The owner or occupier may have to engage suitably licensed persons to oversee the work done, to check the work and to ensure that the installation operates properly and safely at all times.

A breach of new section 38C would be regarded as serious. In order to demonstrate that, a maximum penalty of $55,000 in the case of a corporation and $16,500 in the case of an individual applies for a breach of the section. The regulations will prescribe the parts of the medical gas installation that will be applicable under new section 38C and their maintenance. These requirements will be subject to the wide consultation process that existed throughout the development of the bill. I commend the Minister for that. The reforms in the bill will provide more robust accountability for all parties involved in medical gas work. I am confident that the bill will promote and deliver public confidence in the delivery of safe medical gases across New South Wales. Again I highlight the extensive consultation that the Minister and his team have undertaken. This is a very complex and very emotive subject. Again I thank the Minister for his work. I commend the bill to the House.

Ms STEPH COOKE (Cootamundra) (16:41): I speak in support of the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing it to the Parliament. I remind members just how important the reforms in the bill are. The reforms deliver on the commitment that the Government made in response to the Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020, introduced by the Hon. Mark Buttigieg. I thank the honourable member for introducing his bill; however, the Government could not support it in the form presented because it was not able to effectively regulate the sector and back up the intention presented by the honourable member. In response to the private member's bill and the tragic incidents that occurred at the Bankstown-Lidcombe Hospital in 2016, the Government committed to delivering a robust licensing framework for medical gas systems in medical facilities across New South Wales.

As members know, the tragic incidents at Bankstown-Lidcombe Hospital resulted in one baby dying and another sustaining serious brain damage as a result of being administered the wrong medical gas. I cannot begin to understand what the families of those babies have been through, and are still going through. However, I am proud to support the Government's commitment to take every action and make every effort to best prepare ourselves to prevent such a tragic event from ever occurring again. The Government's bill provides for a strong licensing framework for people performing medical gasfitting work and medical gas technician work in medical facilities such as public and private hospitals, day surgeries and dental clinics. The Government has examined the circumstances of the incidents at Bankstown-Lidcombe Hospital, including the outcomes of the legal proceedings that followed. It has taken those circumstances into account and the bill has been designed to try to ensure, as much as possible, that they are never repeated.

The priority of the bill is safety first. One way that it takes into account the circumstances of the incidents is in designing the licensing framework, which will require that persons carrying out medical gasfitting work or medical gas technician work must do so in compliance with any standards or requirements prescribed by the regulations. The requirement in the Government's bill to comply with the Australian standards is something that the private member's bill did not have. That is made possible in this bill by extending the licensing framework to the Gas and Electricity (Consumer Safety) Act 2017 and drawing on the strong compliance and enforcement powers in that Act for medical gas installations.

The bill inserts new section 38B into the Gas and Electricity (Consumer Safety) Act to require that a person must not carry out medical gasfitting work or medical gas technician work otherwise than in accordance with any standards or requirements prescribed by the regulations and any standards or requirements specified by the Secretary of the Ministry of Health by order in writing, as published on the website of the NSW Ministry of Health. This clause will contribute towards having an effective and robust licensing framework. The Government will be able to require compliance with the established Australian standards on medical gas installation and with any standards or requirements that the Secretary of the Ministry of Health sees as appropriate. This clause recognises the importance of Australian standards and of the expertise within the NSW Ministry of Health.

New section 38B sets out the Government's intent in relation to the expected standard of work. The detail of the standards and requirements is left to the regulations. The legislation makes it clear that the New South Wales Government expects medical gasfitters and medical gas technicians to carry out work in accordance with standards and requirements. That provides for an additional layer of oversight of medical gasfitters and medical gas technicians as anyone holding a licence will be required to comply with standards and requirements. New section 38B also recognises the important role of Australian standards.

This requirement has been subject to targeted stakeholder consultation. The Government undertook targeted consultation, including three round tables and providing a draft exposure bill and consultation paper to 20 key stakeholders. Stakeholders supported that the regulation of medical gas work in New South Wales should comply with and not detract from Australian standards. The Government has listened to this feedback. For example, the definition of medical gas aligns with the definition in the Australian standard for medical gas. This provides for consistency in the requirement to comply with Australian standards within the licensing framework set out in the bill.

I would like spend some time considering what Australian standards actually are to give comfort to members about the ability of this bill to set industry best practice as the minimum standard required of people operating in this space. Australian standards are published, living documents that set out specifications and design procedures and guidelines. Standards Australia, an independent organisation, is the overarching body tasked with developing Australian standards, which aim to ensure products, services and systems are safe, consistent and reliable.

Standards are developed and reviewed by Standards Australia's technical committees, which are made up of a range of interested parties and technical experts. In reviewing the standards, Standards Australia ensures that it keeps up to date with new technologies. In addition, standards are developed in close consultation with industry, business, consumers and governments from across Australia. Standards are nationally recognised and, while standards are not considered laws, complying with an Australian standard may be a legislative requirement in different States and Territories. The New South Wales health and safety legislation requires conformance with particular standards. Failure to do so may result in a breach of that legislation, in many cases resulting in liability for significant penalties.

The bill will operate alongside those existing requirements for persons who undertake medical gas work. Including a regulation-making power for compliance with specific Australian standards provides the Government the flexibility to include standards with ease. This is to keep on top of the changing Australian standards which, as I mentioned, are reviewed on a regular basis. The Australian standards that relate directly to medical gases will be incorporated into the regulations. That is intended to ensure that medical gas systems are installed correctly and, once installed, are regularly tested to ensure all components are continuing to operate safely, reliably and consistently.

The bill includes penalties for noncompliance. That recognises the seriousness of licensees observing the relevant Australian standards and the consequences for failing to do so. The same offences apply for failing to comply with any policy documents issued by the NSW Ministry of Health. In the case of an individual, a maximum penalty of $55,000 will apply for a first offence and $82,500 or imprisonment for two years, or both, for a second or subsequent offence; or in the case of a corporation, $550,000 for a first offence and $825,000 for a second or subsequent offence. In developing the supporting regulations the Government will undertake further consultation to determine the specific standards that should be complied with in medical gas installations. [*Extension of time*]

However, I would like to highlight one of the key Australian standards that the Government intends to prescribe as a standard that medical gasfitters and medical gas technicians will be required to comply with under the licensing framework. Australian Standard [AS] 2896, Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems, sets out the requirements for the safety aspects, construction, testing and certification, operation and maintenance of non-flammable medical gas pipeline systems used for patient care, therapeutic, diagnostic and for operating surgical tools. Australian Standard AS 2896 recognises that for the installation of a pipeline a high quality of workmanship and experience is essential. Further, Australian Standard AS 2896 sets out the scope, definitions, sources of supply, general requirements such as for alarm systems,

materials and pressure gauges, as well as the installation requirements for pipelines, testing and certification, and the maintenance requirements. These are all important components of medical gas work.

The Government recognises the role of Australian standards and this bill provides fit-for-purpose legislation by specifically requiring people who carry out medical gasfitting work to comply with standards and other requirements prescribed by the regulation. Calling out the requirement to follow Australian standards as a licensing condition provides for an additional layer of industry oversight for this important industry. That further demonstrates the Government's commitment to safety first in this bill. It also provides extra enforcement and compliance provisions and powers within the Gas and Electricity (Consumer Safety) Act that can be used. The bill clearly outlines the Government's intent to regulate the industry and to ensure a safety-first approach to this important industry. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (16:53): In reply: I thank members for their contributions to the debate on the Gas Legislation Amendment (Medical Gas Systems) Bill 2020. I particularly thank the following members for their contributions: the member for Swansea, the member for Coogee, the member for Lakemba, the member for Holsworthy, the member for Wollondilly, the member for Coffs Harbour, the member for North Shore, the member for Terrigal, the member for Cootamundra, the member for Tweed and the member for Balmain. I turn now to some of the concerns raised by members during the debate.

A number of speakers raised concerns that there had been a lack of consultation on this bill. As I noted when the Government opposed the private member's bill, a key criticism was the clear lack of consultation on the regulatory proposals outlined in that bill. As I committed at the time, the Government partnered with key stakeholders representing all areas of the medical gas industry and listened to their feedback. The bill and its policy proposals have already been the subject of significant targeted industry consultation. The Government has facilitated the feedback of stakeholders through the release of a consultation paper and a draft of the bill, and held three comprehensive roundtables. We have carefully considered the feedback received and listened to the voices of 20 key stakeholder groups across the medical fraternity—gas suppliers, gasfitters, plumbers, dentists and training providers.

Those groups included representatives of the medical industry: the Australian Dental Association, Australian Medical Association, Australian Private Hospitals Association, Australian Society of Anaesthetists, Day Hospitals Australia and the New South Wales Operating Theatre Association. They also included gas suppliers and installers: Air Liquide Healthcare, Australia New Zealand Industrial Gas Association, BOC Limited, Coregas and Hoslab. The stakeholder groups also included the Master Plumbers Association, the Plumbing Trades Employees Union, the Plumbing Industry Climate Action Centre, Aged & Community Services, Leading Age Services Australia, Engineers Australia, SC Medical and the Insurance Council of Australia.

Importantly, we have actioned a large amount of that feedback directly through the bill. I am confident that the bill responds to a significant portion of those submissions, either through further refinements to the bill or through broad regulation-making powers, affording us the scope to make refinements under the regulations following further consultation with stakeholders and industry. The Government is continuing to work on the bill with key stakeholders in drafting the regulations. Members of the Opposition suggested that New South Wales should license in the same manner that Victoria and Queensland have done by introducing a mechanical services category within the licensing framework for those working on mechanical heating, cooling and ventilation systems in buildings. Again, I note that the Opposition bill appears to mirror the Victorian plumbing legislation without considering how the legislation would interact with New South Wales laws. That work is already licensed in New South Wales through air conditioning and refrigeration work in residential and commercial buildings as a specialist work category in the Home Building Act. We also license roof plumbing.

To pick up other parts of the Opposition bill at this time would cause an unintended consequence and upheaval for the 23,000 people and businesses who are already licensed in New South Wales by introducing a new licensing class. It is not appropriate at this time to include mechanical services in New South Wales. Mechanical heating and cooling systems used in air conditioning are already captured under the current licensing framework in New South Wales. While the Government appreciates that some of the skill sets for plumbers and gasfitters will be the same for work done on medical gas installations, the Government maintains that a separate category dedicated to medical gas work is necessary. Amalgamating medical gas work into mechanical services, which covers an array of other work, will add another layer of complexity.

At present Victoria, Tasmania and Queensland have licensing frameworks for medical gases. There is no licensing framework for medical gases in Western Australia, South Australia, the Northern Territory or the Australian Capital Territory. Those jurisdictions have oversight by other means, such as policy directives. The bill represents a high-water mark for regulating this space as New South Wales will be the only jurisdiction to specifically focus on the conduct of persons engaged in the commissioning of medical gas installations.

Debate interrupted.

Public Interest Debate

M5 EAST

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (16:59): I move:

That this House:

(1) Notes that motorists have been able to drive on the M5 East toll free since it was opened by a Labor Government in 2001.

(2) Condemns the Liberal Government for imposing a new tax on an old road by implementing a $6.95 each-way toll on the M5 East.

(3) Calls on the Government to scrap this appalling and unfair toll, which will have a devastating impact on household budgets in south-west Sydney, costing motorists more than $3,300 a year.

(4) Calls on the members for Oatley, Holsworthy, East Hills and Camden to do the right thing by their communities in south-west Sydney and support the Opposition's motion.

I describe a scenario for members in the Chamber. Imagine you bought a car in 2001 and you paid for it in full before picking it up from the dealership. You have been driving it for almost 20 years when the dealership sends you a new invoice. It expects you to pay again for a car you already own. It beggars belief that a dealership would be so underhanded, so greedy. This scenario seems fanciful. It could not possibly happen. Right? Wrong. This is exactly what the Liberal Government has done to motorists on the M5 East. The Liberals expect motorists to pay a new toll on an old road. When the M5 East was opened by a Labor government in 2001 it was free. No tax, no toll, no tricks. A good Labor project. Under Labor the M5 East was a free way to travel. Under the Liberals it is a tollway. It is part of a sweetheart privatisation deal for an old road.

Make no mistake, this is highway robbery, and it comes at the worst possible time for many people. The COVID-19 pandemic has changed the world. It has had a devastating impact on people's health, wellbeing and livelihoods. How does this Liberal Government respond? With heartless disregard for motorists who drive on the M5 East who are already struggling to pay their bills. Clearly the Liberals need to be schooled in being decent and fair, so I will tell them what not to do. Do not impose a new tax on people in the middle of a pandemic. Do not make it more expensive to go to work for the people who are still lucky enough to have a job. Do not sign corporate backroom deals that hit the hip pockets of hardworking families in south-west Sydney.

I expect the members for Oatley, Holsworthy, East Hills and Camden will be very nervous. Voters will not forget this tax at the ballot box. They know this new toll is unfair and that the Government did nothing to stand up for them. The Liberal Party councillors on Liverpool City Council are not as silent as the members representing the electorates of Oatley, Holsworthy, East Hills and Camden. They know that the toll is unfair and that their community in Liverpool is angry and will not stand for it. At least they have done the right thing and joined sides with their Labor colleagues in calling for the new toll on the old M5 East to be scrapped.

I already know what the Minister will say in his reply. The talking points have long been drafted and distributed. Government members will each get up and repeat the lines they know to be fiction. The Minister will try to convince motorists that they should be grateful for a new toll on an old road. He will rattle off spin about reduction in travel times, faster travel speeds and reduced traffic volumes. The Liberals might have imposed health restrictions on gyms but that has not stopped the Liberal Party spin classes from running throughout this period. When the price is increased from $0 to $14 for a return trip, drivers will avoid the M5 East altogether. Funny that—significant price increases result in demand reduction. That is basic economics 101. What did the Minister think would happen?

The Minister will not admit the devastating impact the toll will have on household budgets and the disproportionate financial impact on the people of south-west Sydney. But we know better. Motorists know better. The Minister is likely to talk up the Toll Relief program. He will say motorists who spend more than $1,352 a year in tolls get free registration. Firstly, he neglects to acknowledge the huge financial discrepancy between the annual cost of the unfair M5 East toll and the value of registration. Let us go through some numbers. A nurse who works at the Prince of Wales Hospital, for example, and drives on the M5 East every day for work will pay more than $3,300 a year in the new tolls. She probably will get back just over $300 in registration for her light vehicle. She ends up with an annual negative net balance of more than $3,000. In the Liberal Party's fantasy mathematics land, that is a good financial outcome; hence the new tolls are justified.

If the Minister tries to spin the nonsense that drivers will benefit from toll relief, then his maths is wonky and his logic is just wacky. It is no wonder that our students' numeracy results in the Programme for International Student Assessment have taken a dive over the past few years, when this Minister and this Government cannot even get their basic addition and subtraction right. This is not a small tax in the order of thousands of dollars.

Analysis shows it is estimated to be $190 million in the first year, $600 million in three years, $1 billion in five years and $3 billion in just over 10 years. It is a new tax not just for this year but also for every year for the next 40 years, increasing at 4 per cent—well above wages growth and inflation. People will pay for this tax and their grandkids will be paying for it. This is a multibillion-dollar tax on south-west Sydney motorists for an old road. I ask the Minister: How is that fair for the residents of south-west Sydney? The short answer is that it is not. This Liberal Government calls itself the party of lower taxes.

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

Mr ANOULACK CHANTHIVONG: To me, a multibillion-dollar tax is a pretty big tax. When it comes to taxes and tolls, do not listen to what the Liberal Party says, look at what it does. Few decisions are more reckless, unfair and heartless than this one. We are in the middle of an economic recession like no other, and the Liberal Party's answer is to increase taxes and collect more tolls. But there is time to make it right and scrap the M5 East toll.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (17:06): Given that old mate did not speak to his own motion, I am going to amend his motion. I move:

That the motion be amended by omitting paragraphs (2) to (4) and inserting instead:

(2) Notes that since the M5 East was opened in 2001, motorists were forced to endure some of the worst congestion in the country until the opening of the M8.

(3) Notes that the M8 is getting Sydney moving by doubling capacity on the M5 East corridor.

(4) Notes that residents of south-west Sydney deserve safer, faster journey times and can now save up to half an hour on their journey between Liverpool and South Sydney.

The DEPUTY SPEAKER: Order! The Minister will be heard in silence.

Mr ANDREW CONSTANCE: What I love about the good member who has brought this motion today—

Mr Mark Coure: Who is he? Name him.

Mr ANDREW CONSTANCE: I am not going to name him. The point that I make is that the good member whose surname's spelling is the length of the alphabet used to, as I understand it, work in the economics division within Transport. That might lead to some interesting questions about whether he may or may not have been involved in looking at some of the economics behind tollways under the last Labor Government. Without wanting to go into too much detail, Labor built two motorways that went broke—one of them twice. Then, of course, the party opposite knows full well that in order to build this type of infrastructure generations ahead of time, you actually need to have tolling concessions in place because you need the financing model to be able to deliver the infrastructure. The State's balance sheet does not have the capacity to build the types of motorways that Sydney needs immediately. Quite frankly, those opposite know full well that you need the balance sheet to be able to redevelop hospitals at Liverpool. You need the balance sheet to be able to build schools.

Mr Paul Lynch: Pity you would not fund services properly at Liverpool Hospital.

Mr ANDREW CONSTANCE: We will not go into your philosophical beliefs, Paul, because we will be here all night.

Mr Paul Lynch: I am quoting the doctors, mate. You have given us a second-rate health service at Liverpool but you will not fund the services.

The DEPUTY SPEAKER: Order! I ask the Minister to direct his comments through the Chair.

Mr ANDREW CONSTANCE: It did not take long, but the reality is members opposite do not know the difference between service delivery funded by recurrent and capital. I am talking about capital, and you need capital to build the infrastructure.

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

Mr ANDREW CONSTANCE: You need the recurrent funds to be able to service the infrastructure and provide the services associated with the infrastructure. The reality is that we have delivered faster journey times for the people from south-west Sydney. We have unclogged the M5, which was a nightmare from the moment it was built. I will tell you why: because Labor built it with two lanes. The capacity is now at eight through the M5 East corridor, which includes the M8 tunnels. It has been future-proofed to go to 10, which is something that those opposite never did. The communities still have the free road alternatives, which have less traffic volume on them. The reality is that we are saving those motorists enormous benefits when it comes to travel time. Of course, the Government does recognise—as we all do in this place—that there are pressures on household budgets, which

is why we have put in place relief packages when it comes to those who pay tolls. That comes in the form of motor vehicle registration benefits.

That is what we have done as a government. Unlike the history associated with those opposite in terms of building tollways with tunnel funnels and financing models that do not actually work, we have built and we are building some of the largest motorways in the nation's history: WestConnex, NorthConnex, the M6, the Western Harbour Tunnel and the Northern Beaches Link. The reality is that when the M4 East tunnel was built, those opposite were telling me that the sky was going to fall down and no-one was going to use it. I have to be honest—the members out there would know this if they are honest about it: The community has responded very positively to the opening of the M4 East. People are using it. They are experiencing the travel time benefits. The same is going to happen once we get the M4-M5 Link Tunnel open, when it will take out enormous numbers of traffic lights and save people time. Let us have a fair dinkum debate. I have amended the motion so that it is a good motion and I urge those opposite to support it.

Mr JIHAD DIB (Lakemba) (17:12): That was absolutely riveting. I really appreciate the Minister. He is hopeful that Labor will support the amendment, but I dare say we probably will not. Back in the day when the M5 was first being talked about, a former Premier said that there is a huge opportunity to take congestion off local roads. I will come back to that because it is very similar to what the Minister has just said. While talking about congestion, we will talk about some of the other roads. Let us start by talking about how good that sounds and then what the reality is. We had a $20 billion asset sale of the electricity network to build roads. Okay, there was an acceptance of that. We were not told about the tolling. People agreed to it, but we were not told about the tolling. In other words, we sell assets, we build roads to make our lives easier, but then we make it really difficult so that people cannot actually travel on the roads.

I have some perfect examples here. I will use my good friend the member for Oatley as an example. He knows about the Bexley North exit on the M5 at Riverwood. I hope that he speaks in this debate. Only a short while ago an exit was built at Riverwood and the good member was there, taking a photograph and all that. That is fantastic; I think it is really good. That was part of a commitment between the Federal Government and the State Government. A $4.85 toll was put on it. A couple of times I have travelled on that road. From Punchbowl, it is an easy way to get through. I used to come to Parliament that way, then keep driving down the M5 and then through the Eastern Distributor. I am willing to pay the 11 or 12 bucks. It is now up around the $23 mark to make that same trip. How do you tell people that this is going to make their life easier if it is $23 one way and then it is going to cost them about $12 on the way back? That is $35. That may not seem like a big amount in one hit, but over a week or a year, that is a huge amount of money that has been taken out of the household budget.

As my good friend and economic luminary the member for Macquarie Fields said, if a person is paying over $2,000 for tolls to get a $200 return, that is not a good return on the investment. That is trying to trick people by saying they will get free registration but then slug them beforehand. Some truck drivers in small independent sole trader businesses now pay a $20 toll. If we ever needed to support businesses, now is the time to do so. The shadow Minister in the Legislative Council has called for a toll-free period. People in my electorate thought that they would still be eligible for the cashback scheme but they will not. Instead they are paying a toll on a pre-existing road.

I accept that part of the road is new but I take massive offence at constantly being told that if drivers do not want to pay the toll they can use the service roads. We see the amount of traffic on Bexley Road, King Georges Road, Punchbowl Road and many other roads because drivers cannot afford the tolls. A former Premier said the motorway will make life a lot easier and take congestion off local streets but it has not done that. It is taking people onto local streets because they cannot afford to pay the toll. People would love to save half an hour every day but they should not have to pay up to $20 on a return trip, which equates to $100 a week, to do so. We are told the alternative is to use the service roads. We were told that our power was to be sold in order to build the roads to make our lives easier. The Government sold the power, then had a budget blowout and we have tolls on motorways, and we will pay for it 15 times over for 40 years. That is just not right.

This Government loves to privatise everything and impose tolls. We have seen toll mania. The Treasurer once said that privatisation was the golden key, but it means we have become asset poor and do not have a regular revenue stream. When Liverpool Liberal councillors vote on a motion condemning this action, the Government knows it is in trouble. I digress. As I have said, this Government loves to privatise and impose tolls. In the future when I come to Parliament I will not need my parliamentary pass; I will need another pass because I would not put it beyond the Government to start tolling members to come into Parliament House. All my parliamentary colleagues should get rid of their parliamentary pass because this Government will want us to use a toll pass.

Mr KEVIN CONOLLY (Riverstone) (17:17): As we have heard from the Minister and as members of the Opposition know—because they said much the same thing when they were in government—if a government wants to build the roads that Sydney needs ahead of time and bring forward the date of delivering those roads, it

has to fund them through tolls. It is a part-funded model, not a full-cost model. It has to be done that way if we want roads this decade rather than in one decade or two decades. It is simply a matter of fundamental economics. Roads cost money but they save the community money too by providing smoother travel, less congestion and more efficient business. If roads are brought forward, they give a return to the whole community now rather than in many years to come.

As we have also heard, the service roads, the free alternatives, have not gone away, so people have a choice as to which road to use based on their circumstances, their destination, their pattern of usage, how often they have to travel and so on. Toll roads have reduced travel times for motorists not only on the M8 but also on the M5 East because traffic congestion has lessened in the tunnels. In helping cut congestion, motorways assist industry by lowering the operating costs of businesses, thereby boosting productivity and economic growth. Charging tolls on motorways enables investment in major roads to be brought forward and the benefits to be realised now rather than in many years to come. Tolls enable the costs of constructing, maintaining and operating a road to be recouped over time from road users by the private investor who provides the initial investment. As a member from the north-west, I am not unfamiliar with this concept. There are toll roads on our side of Sydney.

Mr Paul Scully: You should have voted against it.

Mr KEVIN CONOLLY: I was not here when your side introduced the tolls on the M2. I do know that the upgrade delivered by this Government to the M2 has improved traffic flow. We now get value for money, which did not happen some years ago, and we have to keep doing that as Sydney grows. It is not a static exercise. We have to keep improving and looking forward. At the moment the Government is completing a motorway network so that we do not have a few broken, unconnected pieces of road that do not work as well as a full network. Once we fill in the gaps and connect the motorways the overall benefit to Sydney, if not the whole economy, is much greater as traffic flows smoothly from one sector of Sydney to another.

The Government is working towards those objectives and is bringing forward the benefits that a proper motorway network will give us. At the same time we understand the concerns of motorists who are hit with costs. That is why we have toll relief for regular toll payers who incur a significant cost throughout the course of the year and we provide free vehicle registration. Under the previous Labor Government there were tolls but no toll relief, and there were spectacularly unsuccessful projects like the Lane Cove Tunnel and the Cross City Tunnel—problems that had to be resolved by this Government.

The DEPUTY SPEAKER: I call the member for Wollongong to order for the first time. I call the member for Oatley to order for the second time.

Mr KEVIN CONOLLY: Under a Labor government we had those issues but there was no toll relief for those who bore the burden. This Government is providing a balance so that we can realise the benefits and still provide relief to those who regularly use the motorways.

Mr Jihad Dib: Cashback was toll relief.

Mr KEVIN CONOLLY: I do not remember that ever occurring in the north-west. For some reason Labor has a selective approach to helping the community. It has something to do with the electorates on which it is focused. Under the Government's expanded Toll Relief program, toll users who spend on average $25 per week or more in tolls or $1,300 over the year are eligible for free vehicle registration. Toll Relief provides savings of up to $715 for owners of four-wheel drives and $127 for motorcyclists. The program has expanded so that drivers who spend $15 or more a week on tolls will be eligible for half-priced vehicle registration. Those who spend $25 or more a week on tolls will continue to receive free registration. That is an appropriate and responsible way for the Government to ensure that the whole community benefits from the roads that Sydney needs while providing relief to those who have to bear the burden of frequent toll use.

Mr GREG WARREN (Campbelltown) (17:22): I move:

That the amendment be amended by adding the following paragraph:

(5) Notes that the member for Oatley is in the House and calls on him to speak to the motion.

The Minister for Transport and Roads, the member for Bega, might not have a future as the Federal member for Eden-Monaro but he certainly has a future in comedy with his Jerry Seinfeld moment: a contribution about nothing. In all seriousness, it says a lot about these grandstanding, opportunistic populists; you do not get between the Liberals and a camera. Who was present at the $4.3 million opening to cut the ribbon? Was the Minister and the Premier there? No. Not one Government member of Parliament turned up for this proud moment to open a road!

The DEPUTY SPEAKER: The member for Campbelltown does not need help from the member for Wollongong. Opposition members will listen to the member in silence.

Mr GREG WARREN: The Minister and the Premier were AWOL. Jack Lang would be ashamed of the Premier, her Ministers and members of this Government. When the Sydney Harbour Bridge was opened, at least Jack turned up. He did not cut the ribbon, but he still rocked up for the show and the photo opportunity—but not this mob. The reality is that this is just another stage. If it is not this Treasurer and this Government ripping money out of suffering workers across this State, they are gouging money out of the pockets of west and south-west Sydney motorists. I acknowledge my colleague and friend the member for Macquarie Fields and thank him for bringing this motion to the House. I also thank the member for Lakemba. I note my shadow ministerial colleague, the Hon. John Graham, is in the gallery. He is leading the fight against this Government's draconian decision.

The people of south-west Sydney cannot be blamed for feeling that they are merely subsidising the failures of this Government—whether it is the $6.8 billion blowout in WestConnex, the $3 billion blowout in Sydney Metro West or the $1.3 billion blowout in the CBD light rail. I could go on and on about the failures and mismanagement of this Government. However, it should not be taken out on the people and hardworking families, businesses and truckies of south-west Sydney. They should not pay for the failures of an incompetent Government that is out of touch and whose members only ever come out to the west to take money out of their pockets—or, of course, for a photo opportunity but not on this occasion. I do not blame them for that because it is a shameless decision.

I note that the member for Holsworthy is in the Chamber. I look forward to her contribution explaining to her community why she is going to slug her constituents and local motorists. As referred to in a previous contribution to this debate, this is well beyond $3,000 a year for these motorists: some $14 for a return trip, $70 for five return trips per week. Our hardworking truckies and small businesses are looking into the thousands of dollars: more than $40 a return trip and more than $200 for five return trips per week. That is $14,000 a year. It will dramatically reduce the bottom line of truck drivers and small businesses. That will flow on to the consumer. It will come out of the pockets of each and every person in and around south-west Sydney.

But do not just take it from me. The member for Camden says he would be happy to pay for it given it cuts 30 minutes off a trip, as referred to by the Minister. I do not subscribe to that idea. Some Camden residents who work in Botany contacted me. They said that they will be paying more than they will be able to earn as an outcome of this increase. This is an unfair financial imposition, but it displays yet again a government that only comes to west and south-west Sydney for the simple reason to gouge money out of the hardworking families and businesses and give little to nothing back. This was done by stealth. I urge the Government to revisit the contempt that it continues to have for south-west Sydney and western Sydney.

Mr MARK TAYLOR (Seven Hills) (17:27): It is a pleasure to speak this afternoon on the motion before the House. The New South Wales Government is delivering some of the largest transport infrastructure programs this nation has ever seen, with $57.5 billion of investment over four years in game-changing projects such as the Sydney Metro, light rail, motorways and road upgrades that will shape New South Wales city centres and communities for generations to come. In my electorate of Seven Hills and in western Sydney we see things such as WestConnex, Parramatta Light Rail, Sydney Metro West and even upgrades to Prospect Highway. Those are just some of the game changers that are happening right across western Sydney, south-west Sydney and the whole metropolitan area but also in regional areas across this great State.

To help keep south-west Sydney moving through the current health crisis we have completed the second major WestConnex project: the $4.3 billion new M8 tunnels between Beverly Hills and St Peters. Motorists are now able to travel from Beverly Hills to St Peters in around 10 minutes, with reduced congestion on the M5 East saving up to half an hour on journeys between Liverpool and Sydney's south during the peak. The new M8 tunnels are planned for the future, with connections to the M4-M5 Link, the Sydney Gateway to the airport and the missing link to Sydney's south: the M6 stage one.

We have also seen the huge difference that the new M4 project has made for western Sydney, as my colleague the member for Riverstone mentioned in his contribution to this debate. Now the residents of south-west Sydney can also save time thanks to the new M8 tunnels. As the member for Riverstone said, the good residents of western Sydney know what it is to gain the benefits of improved infrastructure. They saw the M4 project come on. They saw the jobs that were produced in construction, the time that was saved with less traffic and the more time they could spend at home. They felt less frustration as a result of congestion and the improved efficiency as tradies were now able to go to four jobs each today.

Of course, we expect drivers to take their time to get used to an entirely new motorway before seeing the full benefits of the project. The New South Wales Government is proud to say that more than 18,000 workers are involved in the delivery of the project. The new St Peters interchange, a remediated landfill site, includes links to Campbell and Euston roads, two new Alexandra Canal crossings, and the Campbell Road and Gardeners Road bridges. The new M8 tunnels also include significant investment in open space, with six hectares at St Peters interchange and 14 kilometres of new and upgraded pedestrian and cycle paths.

The existing M8 is tolled to reflect the significant travel time improvements, with distance-based tolls between $3.04 and $6.95. However, the New South Wales Government understands the concerns of motorists in south-western Sydney, so toll relief is available for the new tolls. Drivers who spend an average of $25 a week over the year are entitled to free registration. Furthermore, those who spend an average of $15 a week over a year are entitled to half of a registration. Cost of living concerns go to the heart of this Government's priorities. As well as toll relief for families, there are fantastic new initiatives at Service NSW such as Energy Switch, Active Kids, Creative Kids and Family Energy Rebates, just to name a few.

The new M8 is just one of the stages of the WestConnex projects. They include the new M4, which is now open, the recently opened new M8 tunnels, and the M4-M5 Link and the Rozelle interchange, both of which are under construction. When completed they will produce a WestConnex that provides drivers with a 33-kilometre traffic-free network that brings traffic times down and produces—

Mr Jihad Dib: Have you ever travelled the M5?

Mr MARK TAYLOR: All the time. The network will produce great time for those at home and a growing economy. I thank the House.

Mr MARK COURE (Oatley) (17:32): By leave: I contribute to the public interest debate on M5 East motorway tolling. Another day, another parliamentary sitting. Yet again we have got those members opposite who had 16 years to spend much-needed money on infrastructure—transport, roads, health and education—yet the only thing that they came up with was 10 transport policies. In fact, as the transport Minister would know, there was one election where those opposite did not actually announce a transport policy at all. They have come into this House today talking about tolls. Let me give them an education lesson on tolls. In 16 years under Labor we saw the M2, the Sydney Harbour Tunnel, the Lane Cove Tunnel, Military Road ramps and the Cross City Tunnel tolls. It is the party of tolls in New South Wales. Labor equals tolls. What is really interesting is that those opposite were either—

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

Mr MARK COURE: —senior advisers in the Labor Government or, in the case of one member, worked in the transport department. Now they are back as shadow Ministers and they want to be Ministers running the State. During 16 years of Labor we saw not one bit of infrastructure.

Mr Paul Scully: You just said we did.

Mr MARK COURE: The tolls implemented by Labor—all seven or eight of them—slugged mums and dads right across New South Wales.

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

Mr MARK COURE: When it comes to rail it was the on-again, off-again, on-again metro, and then it was off again, and millions if not billions of dollars were wasted that could have been invested in infrastructure right across New South Wales.

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

Mr MARK COURE: The Government is getting on with the job of rebuilding our rail and road transport network. We are putting much-needed funding into infrastructure like the new M8, which is about keeping south and south-west Sydney moving. We are a government that is proud to be adding further to Sydney's transport infrastructure. Only last year we added the metros, light rail and road upgrades. Investment has not been confined to transport but includes health and educational infrastructure. The Government is embarking on record spending when it comes to infrastructure whereas Opposition members represent the party that imposes tolls.

Mr Jihad Dib: We took the tolls off.

Mr MARK COURE: No. Opposition members spent their time in government implementing up to eight tolls right across New South Wales. Of course Opposition members are hypocrites, but that is not new. Opposition members complain about this Government's record on transport infrastructure, but look at their dodgy record when it comes to transport infrastructure and the implementation of tolls right across New South Wales.

Mr GREG WARREN (Campbelltown) (17:36): We saw Jerry Seinfeld and we have now seen George Costanza! But jokes aside, by leave, and in light of the contribution by the member for Oatley, I withdraw my amendment to the amendment.

The DEPUTY SPEAKER: I thank the member for Campbelltown.

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (17:37): In reply: I thank the Minister for Transport and Roads, the member for Riverstone and the member for Seven Hills for their participation in the debate, and the member for Oatley, who was dragged kicking and screaming to participate. I note that we had silence from the member for Holsworthy, who sits across this Chamber from the Opposition. The member for Holsworthy has been in the Chamber for minutes and could have sought leave to participate but did not do so. Her silence says everything about her stance on behalf of her communities.

Mr Andrew Constance: Point of order: My point of order relates to the standing orders that apply to a reply to debate on a motion. The standing orders make very clear that a reply to debate on a motion must address the nature of the debate, not launch into a personal attack on the member for Holsworthy. I ask the good member for Macquarie Fields to confine his remarks to the leave of the motion and reply to the debate properly.

The DEPUTY SPEAKER: I thank the Minister for Transport and Roads and member for Bega. I will extend to the member for Macquarie Fields some latitude considering that paragraph (4) of the motion refers to the member for Holsworthy.

Mr ANOULACK CHANTHIVONG: I thank my good friends the member for Lakemba and member for Campbelltown for their contributions to the debate. I reject entirely the Minister's amendments because they are disingenuous and insincere. Labor's motion was related to fairness, understanding cost-of-living pressures and doing the right thing by our communities—not to remain silent when a public interest issue is before the House. The member for East Hills and the member for Camden are not even present for the debate whereas the member for Holsworthy, who is in the Chamber, remains silent.

The response from Government members was totally as expected—just spin and talking points. Just because you say, "We're pretty", does not mean it is actually true, unless you actually believe in it. The response by Government members to this debate is totally unsurprising. The Government has left people with making an impossible choice: They must choose between either missing family time because they are stuck in traffic or forking out more than $3,300 on an unfair toll for travelling on an old road. This driver's tax could not come at a worse time. People are losing their jobs and our economy is going through the biggest recession in a generation.

The Liberal Party's economic policy to assist people to recover is to tax more, toll for longer and increase the cost of living. That is simply unfair to the people of south-west Sydney. I know that Labor stands with our community, which is why the motion should be agreed to. This House should support a motion that supports our community so that motorists do not have to pay a new toll for an old road, which is downright unfair.

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

Ayes 46
Noes 36
Majority.....10

AYES

Anderson, K	Ayres, S	Barilaro, J
Berejiklian, G	Bromhead, S	Butler, R
Clancy, J	Conolly, K	Constance, A
Cooke, S (teller)	Coure, M	Crouch, A (teller)
Dalton, H	Davies, T	Dominello, V
Donato, P	Elliott, D	Evans, L
Gibbons, M	Griffin, J	Gulaptis, C
Hancock, S	Henskens, A	Johnsen, M
Kean, M	Lee, G	Lindsay, W
Marshall, A	O'Dea, J	Pavey, M
Perrottet, D	Preston, R	Provest, G
Roberts, A	Saunders, D	Sidgreaves, P
Singh, G	Smith, N	Speakman, M
Stokes, R	Taylor, M	Toole, P
Tuckerman, W	Upton, G	Ward, G
Wilson, F		

NOES

Aitchison, J	Atalla, E	Bali, S
Barr, C	Car, P	Catley, Y

NOES

Chanthivong, A	Cotsis, S	Daley, M
Dib, J	Doyle, T	Finn, J
Harris, D	Harrison, J	Haylen, J
Hoenig, R	Hornery, S	Kamper, S
Leong, J	Lynch, P	McDermott, H
McGirr, J	McKay, J	Mehan, D (teller)
Mihailuk, T	Minns, C	O'Neill, M
Park, R	Parker, J	Piper, G
Scully, P	Tesch, L (teller)	Voltz, L
Warren, G	Washington, K	Zangari, G

PAIRS

Hazzard, B	Lalich, N
Petinos, E	Saffin, J
Sidoti, J	Watson, A
Williams, R	Crakanthorp, T

Amendment agreed to.

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

Motion as amended agreed to.

Bills

GAS LEGISLATION AMENDMENT (MEDICAL GAS SYSTEMS) BILL 2020

Second Reading Debate

Debate resumed from an earlier hour.

Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (17:51): In reply: The required qualifications will also differ from other jurisdictions to align with the new licensing framework and with the industry in New South Wales. Those requisite qualifications are the subject of ongoing consultation to ensure they reflect industry best practice. The bill delivers on the Government's promise to introduce a robust and effective licensing and regulatory system for persons who carry out medical gas work. The bill forms a key part of the Government's response to license installation work for medical gases that are supplied in medical facilities in New South Wales—medical facilities such as public and private hospitals, day surgeries and dental practices. The safety of patients is vital and that includes during the administration of medical gases. There are approximately 214 private hospitals, 202 public hospitals, 105 day hospitals and IVF clinics, 7,247 dentists and 722 medical centres in New South Wales that will come within the ambit of this legislation.

The object of the Government's bill is safety first. The bill will extend the strong compliance and enforcement powers of the Gas and Electricity (Consumer Safety) Act 2017 to medical gas work while amending the Home Building Act 1989 to establish two new licensing categories of specialist work. One category will deal with medical gasfitting work and the other with medical gas technician work. The bill reflects the standard industry practice that those roles are performed by two different people who have different skill sets. That distinction is also made by the Australian Standards and the NSW Health policy directives for medical gas installations. It is important to acknowledge this distinction in legislation. New South Wales will be the first to identify this as a category of work worth licensing. Thus, the bill presents a more robust regulatory framework than other jurisdictions. Some jurisdictions have similar provisions to regulate medical gas technician work, but this distinction is not drawn out as a separate function for licensing.

The regulatory framework in the bill recognises that the commissioning and maintenance of a medical gas system is as important as the work required to install it. This role is fundamental to patient safety and needs the benefit of licensing and regulation. The bill delivers on the Government's commitments by not only creating a new category of "medical gasfitter"—the person responsible for installing the medical gas installation—but also a new category of "medical gas technician"—the person who works in a medical facility with the responsibility of commissioning and servicing the medical gas installation. It achieves this by introducing amendments to the Home Building Act that create the two new categories of specialist work in the definitions and amendments to the Gas and Electricity (Consumer Safety) Act that introduce a new licensing regime for medical gas installation, commissioning and testing.

The bill amends the definitions in section 4 of the Gas and Electricity (Consumer Safety) Act to cater for the new medical gases category. Medical gas is defined as "a substance used for medical purposes and prescribed by the regulations as a medical gas". By prescribing specific medical gases in the regulations, the bill overcomes one of the deficiencies of the private member's bill by allowing the Government to finalise stakeholder consultation before prescribing specific gases. It also gives it the flexibility to add or remove specific gases as needed to respond to the changing nature of the industry.

Medical gas installations are live systems that must be maintained. Appropriate requirements must be put in place for compliance arrangements, including the use and maintenance of medical gas installations. It is critical that verified testing takes place once a medical gas installation is installed to ensure that it is operating correctly. The requirements may necessarily be over and above those set out in the Australian standards. Therefore, new section 38F creates a regulation-making power to make provisions in relation to the testing, inspection and compliance requirements that must be carried out on completion of medical gasfitting work, as well as the ongoing use and maintenance of medical gas installations. The requirements will include reporting requirements, such as the completion of a medical gas installation having to be formally notified to the secretary. If any work is subsequently done on an installation, that must also be recorded and reported to the secretary.

The Government will consult fully on the content of the regulations. Following conversations with the Hon. Mark Buttigieg, who emphasised the need for medical gasfitting work to have a mechanical services qualification pathway for licensing, I assure the member that a separate qualifications pathway for that category currently exists—namely, a Certificate III in Plumbing (Mechanical Services). Anyone who holds or undertakes that qualification, together with an appropriate on-the-job experience component, will be able to be licensed in New South Wales. Mr Buttigieg is also quite rightly keen to ensure that we have the appropriate qualifications for both medical gasfitters and medical gas technicians in the regulations when they are made. I am working in good faith with him to ensure that we can confirm what those qualifications will be before the passage of the bill in order to give him and the industry clarity.

It is important to note the transitional arrangements that the Government has placed into the bill. I note that amendments to remove those transitional provisions have been foreshadowed in the other place. The Government recognises that there may be uncertainty in the industry when new licensing and compliance requirements are introduced. That can occur with any new legislation. Therefore, to assist the smooth transition to the regulatory and licensing requirements, new section 38A of the Gas and Electricity (Consumer Safety) Act, which requires work to be done only by licensed persons and includes the supervision requirements, will not have effect during the transitional period between 1 November 2020 and 30 April 2021. Similarly, sections 4, 5, 12 and 16 of the Home Building Act will not apply during that period. Those sections relate primarily to licensing and contracting requirements under that Act and they will also contribute to the smooth introduction of the provisions. Without them, it is unlikely that people currently working in the medical gas industry will be able to meet experience and qualification requirements, and subsequently will be issued a licence by 1 November when the scheme commences.

I note that a similar transitional provision was included in the private member's bill. The transitional provision in the Government's bill provides for a shorter commencement time frame than the one proposed in the private member's bill, which was, in part, proposed to commence six months after the date of assent. Schedule 1 [2] in the private member's bill, which requires attainment of a licence, would not commence for two years after the date of assent. The bill delivers on the Government's commitment in its response to the Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020. The Government is taking a safety-first approach to the regulation of medical gases in this State. The bill reflects a new era of regulation for people currently involved in this important industry. It is about putting public safety first to ensure that New South Wales has a leading system of medical gasfitting and medical gas technician work that delivers medical gases safely to people into the future.

As I said on 18 June when I spoke on behalf of the Government in the debate on the Hon. Mark Buttigieg's private member's bill, I know that I speak on behalf of all members when I say that nobody wants a tragedy like the one we saw at Bankstown-Lidcombe Hospital to be repeated. As I undertook to do then, we have now taken the necessary steps to provide a robust licensing framework for people installing and working on medical gases in New South Wales. To the families of John Ghanem and Amelia Khan—if you are listening—on behalf of the Government I repeat my commitment that we are taking action to ensure that no other family will have to endure what you have endured. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr KEVIN ANDERSON: I move:

That this bill be now read a third time.

Motion agreed to.

Private Members' Statements

TRIBUTE TO CONSTABLE AARON VIDAL

TRIBUTE TO SENIOR CONSTABLE SHANNON HOLLIBONE

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (18:01): Members would agree that it is not an easy time to be a first responder. The past year has perhaps been the busiest and most tragic ever for the police and emergency services fraternity in New South Wales. I acknowledge the shadow police Minister, the member for Auburn; Parliamentary Secretary for Police and Justice, and former police superintendent, the member for Seven Hills; Parliamentary Secretary for Families, Disability and Emergency Services, the member for Holsworthy; and former police officers the member for Goulburn and the member for Myall Lakes. My private member's statement is dedicated to two fallen police officers, Constable Aaron Vidal and Senior Constable Shannon Hollibone.

Since day one of the tragedies of the past 12 months police have been on the front line. They have shouldered the burden of the State's worst fire season, the floods, the drought and the global pandemic alongside our emergency services workers and volunteers. The police mandate is for a safer New South Wales, which is why we continue to deploy our resources in the best way possible to make life safer for all. Every police officer takes an oath to proudly serve our community as part of a challenging yet rewarding career. We owe each of them the highest amount of respect and gratitude for their commitment to putting themselves in harm's way to keep us safe. We recognise the phenomenal contribution that our dedicated men and women in blue make towards our community and our safety day in and day out.

On behalf of the community of Baulkham Hills, I dedicate this statement to two extraordinary officers who improved our quality of life by community involvement in policing and who placed integrity above all. I begin with Constable Aaron David Vidal, registration 52214, who attested as part of class 332 on 8 December 2017. Aaron was a highly esteemed and beloved member of the Sydney City Police Area Command where he worked alongside his father, Chief Inspector David Vidal. Before following in his father's footsteps and joining the police, Aaron served in the 2nd Battalion of the Royal Australian Regiment—the army's prestigious light infantry unit. It was a source of immense pride for Aaron and David to serve together in the city command, where Aaron would go on to spend his entire policing career before his life was tragically cut short.

Aaron emerged as an astute and diligent "crook catcher" and was quickly appointed to the proactive crime team, which has been at the helm of several arrests involving organised crime and narcotics. Aaron was always willing to go out of his way to help, no matter the task, and he always showed an aptitude for mentoring junior police officers. While Aaron's devotion to and admiration for policing are impossible to mistake, it will never compare with his desire to build a family with his dearest fiancée, Jess. Tragically, the life of this promising police officer was cut short on 18 June 2020 on his way home from work. He was just 28 years old. Colleagues, friends and family will miss Aaron deeply, and his dedicated service will not be forgotten. We offer our deepest sympathies to the Vidal family and Jess. Please know you are always part of the police family and we will always be here for you.

Like Aaron, Senior Constable Shannon Mark Hollibone, registration 45791, loved being a police officer and a member of a close-knit team. On several occasions, Shannon was commended for his pursuit of citizen and police personal safety by the New South Wales police community and police force. After working as a fridge mechanic like his father and then as a 000 radio operator, Shannon joined the police family at Castle Hill as a general duties officer before being attached to the western region of Coonabarabran as a lock-up keeper. In 2016 the Mudgee Local Area Command nominated Shannon for the Customer Service Excellence Award as part of the New South Wales Rotary Police Officer of the Year Awards. In addition to this, Shannon competed at the thirtieth New South Wales Police Games and received bronze in A-grade squash.

Aside from his professional achievements, Shannon loved collecting and restoring vintage Japanese racing bikes and enjoyed fishing, especially for kingfish at Norah Head. Shannon dedicated 11 years of exceptional service to the people of New South Wales. Sadly, Shannon passed away last Thursday, 30 July, after a long battle with cancer at only 46 years of age. During his service, Shannon would return for a week's work after receiving intensive treatment the preceding week. Shannon's hard work and loyalty is testament to the fact that police do not enter into policing for awards and accolades but to improve the quality of our life through community

involvement by upholding the rule of law and ensuring that authority is exercised responsibly. We offer our deepest condolences and prayers to the Hollibone family, precious daughter, Mackenzie, and treasured partner, Nikki. Please know we will never leave your side as you will forever be part of the police family.

Shannon and Aaron are exemplars of the first-class service provided to New South Wales by the best police force and emergency services agencies in the world. They were faithful servants for the people of New South Wales and their passing has left an enduring mark on the police family. Senior Constable Shannon Hollibone and Constable Aaron Vidal, thank you for your commitment and service to the New South Wales police community and police force. Your dedication will continue to lead and galvanise the noble spirit of your brothers and sisters in blue in perpetuity. Vale, Shannon and Aaron.

Mr MARK TAYLOR (Seven Hills) (18:07): As Parliamentary Secretary, I commend the Minister and member for Baulkham Hills on his private member's statement. I also pass on my condolences to those families involved. I could also speak on behalf of all members in this House because I am fully aware that whenever there is mention of the NSW Police Force local members flock to this Chamber and ask to speak. They tell great and amazing stories of the good work being done by the local police in their area. I can say that every single member in this House is very proud of the work that is done by our frontline police officers. I also commend the Minister for the work that he is doing in his ministry. As members present can see he is deeply emotionally involved with his ministry, but he is also doing great work such as increasing police numbers, providing safer equipment for police and cutting down unnecessary police paperwork to ensure that those officers are out on the front line doing what they wish to do—that is, serving our community every day.

BEIRUT EXPLOSION

Mr JIHAD DIB (Lakemba) (18:08): This morning I awoke to the devastating news of an explosion that rocked Beirut, Lebanon. The people of Lebanon have shown incredible resilience throughout tumultuous times in Lebanon's history. Enduring a 15-year civil war and the recent economic crisis in Lebanon, which has led to a financial default on its debt for the first time, has seen extreme price inflation in food and a plummet in the Lebanese currency. Notwithstanding the thousands who are out of work and trying desperately to pick up the pieces, today's incident pushes them to the point of despair. The scale of the damage from today's explosion is huge—the images speak to that.

To see the scenes of carnage that are being streamed is absolutely heartbreaking. As the day goes on, more heartbreaking images emerge. The image of a nurse cradling three newborns or the one of the father trying to shelter his son are small glimmers of hope on one of the darkest days. It was an explosion so large it could be heard in Cyprus, 200 kilometres away, with a massive mushroom cloud and a shock wave. At the moment it is 10.00 a.m. in Lebanon, 30 degrees Celsius and feeling like 33 degrees Celsius, with humidity of 77 per cent. The task ahead today will be a very difficult one.

This is what we know: There are 78 people confirmed dead. I dare say there are going to be a lot more than that as the rubble is cleared. At least 4,000 people are wounded—again, I believe that number will grow. The exact cause of the explosion is unclear. Lebanon's Prime Minister has estimated that 2.7 tonnes of explosive ammonium nitrate had been stored at a warehouse in Beirut for six years. Like many Australians of Lebanese heritage I spent the morning on the phone, checking with my own family to make sure they were okay—and, thank goodness, they were—and then with community, religious and political leaders, including the Lebanese Consul General.

Prior to this disaster Lebanon was already on its knees. There has been incredible political upheaval. It has an under-resourced and overcrowded health system. There is hunger and poverty. Throw in the COVID pandemic. I do not know how much more these people can take. I have been hearing stories of people who are already trying to help—those with no medical experience just turning up. They do not have bandages; they are turning up with clothes to assist in wrapping injured people. I have heard people have opened their homes in villages and small towns. I cannot emphasise enough the difficult situation there. I have been in contact with people in Lebanon. I am pleased that community-based groups here have already started an appeal not only for fundraising but also for any food or aid that we can send over to the people.

The hospitals dealing with the coronavirus crisis are already beyond capacity and today's explosion saw three hospitals completely destroyed. If people are lucky then they will be treated on the street, but the truth is that many will not receive treatment and they will die from their injuries. Wheat and cereal supplies—the absolute basics—were in the port granaries and are no longer suitable for use. So there is no grain in the country. Lebanon imports almost 80 per cent of its national needs, and the Beirut port is the major sea link between Lebanon and the rest of the world. That port has been destroyed along with everything that was on it.

They need help: generators, clearing equipment, safety equipment to help decontaminate, simple things like glass, water, shelter—anything. Countries have already jumped on board and I hope Australia as a nation jumps on board with as much humanitarian aid as it can possibly provide. This is a time to step up. This is a time for Australians to play the global role that we know we can. We know that we are an incredible country. We know that we are incredibly closely linked to Lebanon, with a connection of over 100 years. In my electorate alone there are over 20,000 people of Lebanese descent. I know the numbers in the electorate of the member for Auburn, who is present in the Chamber, would be very similar.

There is a great Australian-Lebanese story. Indeed there is a cedar tree that grows here in the Prime Minister's residence, as there is a gum tree that grows in the President's residence in Lebanon. We see a connection between these two countries that goes deep into the soil—the roots are intertwined. I have been asked today by people in Lebanon to ask the Australian Government to do everything it can to help. People are dying as we speak. There is absolutely nothing there. In the words of a friend who just texted me from Beirut, "Jihad, it is a catastrophe. Our city is destroyed. We need help. Please help us." To all of the people who are thinking about their loved ones, I hope you receive good news. To those who have lost loved ones, I cannot imagine your grief. I know we talk about hopes and prayers, but we pray as hard as we can for you. These are some of the most difficult times, but we need to do everything that we can to avert a humanitarian crisis that is looming over this country right now.

The ASSISTANT SPEAKER (18:13): As someone who has been to Lebanon and whose wife's family is of Australian-Lebanese background, those images and scenes are heartbreaking. We pray for all those in Lebanon. We pray for those in Beirut. May they rest in peace. My thoughts and prayers go out to the victims and families impacted by this terrible disaster.

HOMELESSNESS

Mr GEOFF PROVEST (Tweed) (18:14): I inform the House of the very good work being done to tackle homelessness in the Tweed. The Minister for Families, Communities and Disability Services, Gareth Ward, has visited the region and been very supportive. The New South Wales Government contributed $5.1 million to an Assertive Outreach [AO] program, which is helping turn the tide for homeless people in the region. Staff have been out on the streets conducting more than 500 patrols since the homeless outreach program was expanded to Tweed Heads last September. More than 45 people previously sleeping rough in our region have been helped into a safe and secure housing program and provided with the critical support they need to break the cycle of homelessness.

Not only do rough sleepers need a roof over their heads, but they also need the wraparound support that this approach provides to stay off the streets for good. Assertive Outreach is changing lives and will continue to build on the very positive foundations of the program in Tweed Heads. It has been a key component in the response to the COVID-19 pandemic in the Tweed, with housing and homelessness services ramping up the effort to keep people safe during this very challenging time. In recognition of the increased health risk facing both clients and team members, the New South Wales Government has provided the Tweed AO team with a contactless thermometer. This easy-to-use device enables users to take the temperature of an individual from a safe distance.

This week is Homelessness Week and members may be interested in hearing about an individual from the Tweed who has experienced homelessness. In the 1990s Jason "China" O'Connor was a renowned pro surfer on the New South Wales North Coast. His creativity and bold moves inspired the next generation of surfers, which included Mick Fanning, Joel Parkinson and Dean Morrison. However, after injuring his shoulder in a workplace accident and battling with drug, alcohol and mental health issues, Jason found himself homeless and living in a tent until he was found by the Department of Communities and Justice Assertive Outreach team. Mick and his team do a fabulous job. The Assertive Outreach team helped Jason to find permanent accommodation and health support and get his life back on track. Jason is happy in his new home and, despite not surfing for years, he cannot wait to get back into the water. His advice to people in similar positions is that there is always hope.

The New South Wales Government has invested more than $70 million to prevent and respond to homelessness during the pandemic, including $36 million for the Together Home project, delivering stable housing to people who have been sleeping rough, together with wraparound services. I have had the privilege to go out with the Assertive Outreach team and talk to some of our people living on the street. It is quite complex in the Tweed. The Queensland Government has significant move-on powers and often moves homeless people out of their area into ours. We have been significantly impacted. We have many great organisations but I cannot speak highly enough of the Assertive Outreach team in our area. We were one of the pilot programs that was used successfully to home the homeless people in Martin Place a number of years ago. They are warm and compassionate and they produce results. Even some of my critics in the Tweed about homelessness have been very impressed with the attitude of the team and their results.

Unfortunately, it is more than a roof over somebody's head. There are often mental health problems and addiction problems with legal and illicit drugs. There are also victims of domestic violence. This team gets results and supplies the wraparound services to allow these people to address some of the issues that are causing them to be homeless. I am pleased to say a number of people have reconnected with their families and gone back. The team goes from strength to strength and I cannot speak highly enough of the Assertive Outreach program, in particular in the Tweed. I encourage all members to be involved in the program to ensure that we are addressing some of the most vulnerable people in our community, the people who live on our streets. We will walk out of here tonight and see homeless people in Martin Place, at the soup kitchens, or the book stalls or being given clothing. These people are citizens and deserve our support. What this Government is doing is the first real exercise to address this issue. Well done, Minister Gareth Ward.

Mr MARK TAYLOR (Seven Hills) (18:19): I commend the member for Tweed on his private member's statement on homelessness. I know this issue is truly in his heart and he failed to mention tonight that he has personally dedicated many hours to assisting homeless people. He did mention the people in Martin Place he has met in the past. Providing social housing is key to assisting those who are homeless. More than 1,000 homes have now been completed under the New South Wales Government's Social and Affordable Housing Fund initiative. The Minister for Families, Communities and Disability Services, Gareth Ward, said another 2,500 new homes are in the program's pipeline, with approximately half already under construction. The Social and Affordable Housing Fund is a key initiative of the future direction of social housing in New South Wales, building more and better housing that blends in with local communities and helping to tackle the issue of homelessness.

RIDING FOR THE DISABLED ASSOCIATION

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (18:20): The Riding for the Disabled Association of Australia [RDA] is a network of volunteers with an immensely beneficial and altruistic goal of providing our vulnerable members of society with an opportunity for fun. They provide this opportunity by working closely with retired athletes and great friends—horses. Horseriding has been shown to be immensely beneficial to the participant's direct physical, social and mental wellbeing, ultimately improving engagement, development and outcomes.

The physical benefits are astounding. Horseriding has been linked to providing a therapeutic benefit to participants termed hippotherapy. It has been able to mildly improve muscle tone, coordination and balance, which can be invaluable to those with certain disabilities. Further to these benefits are the social aspects of the programs. Riders become part of a community and have extended interaction with people and nature. Ryde is fortunate enough to have its very own RDA branch, which is dearly treasured by our community. It is an iconic feature of Ryde, recognisable not only for the great service it provides but also for its illuminated larger-than-life origami horse statues at the gates to the property.

Last Saturday I was joined by the disability services Minister, the Hon. Gareth Ward, MP, to visit Ryde RDA to see its great work and facilities and recognise an important day for all equestrian institutions, the horses' birthday. Needless to say there were special cupcakes for the horses. There was a carrot cake. It must have been hay, but the horse ate the carrot on top. The Assistant Speaker would have loved one but we had to feed them to the horses.

The ASSISTANT SPEAKER: I love my cake.

Mr VICTOR DOMINELLO: I know you do. That is why I mentioned you in this speech. An important attribute of Ryde RDA is that it is entirely operated by volunteers. Their current committee of president Helen Strasser, vice president and senior coach Nola Baker, secretary Barry Davis, treasurer Azita Ebrahimi, volunteer coordinator Wendy Nixon, rider liaison Amy Manchester and Jan Fitzhardinge, all deserve praise for their roles in maintaining such a community institution, especially during the COVID-19 pandemic. I was impressed to hear Warren Smith's informative and entertaining outline of the service and note that it is a family affair with Sheena Smith coordinating activity days and catering for the events with fellow volunteer and past president Felicity Larmer.

Impressively, some RDA riders have even gone on to participate in the equestrian section of the Paralympic Games. Those achievements speak to the degree of skill and expertise available to riders. The quality of service provided at RDA by the volunteers is inspiring but also comes with great personal dedication. It takes three years for a coach to gain qualifications. I was pleased to meet senior coaches Louise Neill and Kaye Brackern, coaches Jane Donnelly and Emma Cartland, and their team of aspiring coaches, Liz Condon, Anna McPherson, Tina Clifton and Rebecca George. The coaches are assisted by more volunteers and horse handlers, including Madeleine Marshall and Nell Higgins. I have to mention long-time volunteer Ron Marton.

Currently the service is not operating due to COVID-19 but horses need to be cared for and this group was recognised by Minister Ward for their outstanding and ongoing commitment as volunteers who, prior to COVID-19, were assisting over 50 riders. It is easy to see the benefits in person. It is an activity that takes focus and commitment but has enormous benefits.

I thank and commend RDA for all it provides in such a unique manner. When I was there, it really dawned on me that not all things are digital. As much as I love championing digital transformation in this State—we are leading the nation by a country mile and, indeed, on a number of fronts what we are doing is world leading—some things simply do not translate into digital, and riding a horse is one of them. Turning up there that day, it was a lesson to me that the path to helping those who suffer in our community is not always laced with digital. Here is an example of how we can help those suffering in our community, which I hope is the ultimate goal of everyone in this Chamber: It is through those beautiful horses. There was nothing digital about it, yet they create miracles every time somebody rides them. Again, I express my deep gratitude to RDA for all it does in our community and for teaching me something that day.

SYDNEY GATEWAY

Mr RON HOENIG (Heffron) (18:25): Again I draw the attention of the House to the Sydney Gateway, which will be a new direct road connection between the Sydney motorway network at the St Peters interchange and Sydney Airport. I last raised the matter in this House in November 2019, when I urged the planning Minister to reconsider the New South Wales Government's decision in its environmental impact statement [EIS] to not include dedicated freight ramps between the Sydney Gateway and the empty container terminal precinct in St Peters, as were originally proposed. The Government has since released its response to submissions to the EIS and maintains that it will not construct those ramps, despite the Gateway passing directly through the container park and even requiring the acquisition of some its land.

The Gateway project arises out of the need to connect the airport and, more importantly, the port to the M4 and M5 to provide for heavy vehicle movements to and from the port. The decision will condemn my community to some 3,000 additional heavy vehicle movements between the St Peters interchange and Port Botany along the dense and congested road network that runs through the heart of my Mascot community, which is one of the densest residential suburbs in the country. Before the pandemic there was already cause for concern at the volume of traffic that was passing through this very dense residential area. I refer to a joint statement released by the Australian Logistics Council, the Australian Trucking Association, the Container Transport Alliance Australia, the Freight & Trade Alliance, Road Freight NSW and Shipping Australia Ltd, which accused the New South Wales Government of "failing to address the concerns of the freight industry and local residents" on this issue. The statement was issued in the harshest possible terms.

Those organisations noted that one-quarter of all submissions to the Government expressed concern at the lack of dedicated freight ramps at Canal Road and the impact that would have on businesses and residents. I personally made a submission along those lines. Further, the industry notes that the Government's decision will "effectively isolate the nation's largest empty container park from this new major port road artery" and that it "condemns local Mascot residents to ongoing truck noise, and safety and emissions risks." All of this, in the words of an alliance of the most significant voices in the freight industry, is "illogical and irresponsible".

I repeat for the benefit of the House that Australia's freight and trucking industry maintains that the New South Wales Government has failed. It has failed the industry and it has failed the residents of my electorate. This is not an industry that is predisposed toward criticism of a Liberal Government. The efficient movement of freight, which is the lifeblood of economic activity, relies upon adequate transport infrastructure. There is probably no more significant economic precinct in New South Wales—outside Sydney's CBD—than Sydney Airport and Port Botany. If we are to work our way out of the economic impact of this pandemic, efficient freight movement is essential to sustain our recovery. I remind the Government that the total freight task for Port Botany is projected to double from 14 million tonnes per annum in 2016 to 25 million tonnes per annum by 2036. Very soon the total freight task simply of empty containers from Port Botany will be equivalent to our current freight task.

The Government relies upon "modelling" that indicates the ramps would not be viable. But neither I nor the freight industry are aware of any modelling that has been undertaken to assess the efficacy of dedicated heavy vehicle ramps or the total economic benefit to freight movement and the port supply chain. Again I urge that, at the bare minimum, the land required should be reserved and dedicated for these purposes. Eventually the ramps will have to be built one way or another—even if it is not done at the same time as the Gateway project. If they are not built, generations of Mascot residents will be condemned to the sort of traffic chaos that projects like WestConnex are purported to alleviate. It really is planning of the worst quality.

NEW ENGLAND RENEWABLE ENERGY ZONE

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (18:30): The winds of change are blowing through the Northern Tablelands at the moment. Since the drought, communities such as Glen Innes, Armidale, Inverell and Uralla have been searching for new, innovative industries that will create new jobs, keep young people in the area and, hopefully, attract outside investment. On 10 July the jolt to turbocharge those economies was delivered by the State Government in the form of an $80 million investment to create the State's second and largest Renewable Energy Zone, known as the New England Renewable Energy Zone. Covering six local government areas between Walcha in the south and Tenterfield Shire in the north, right on the Queensland border, the New England Renewable Energy Zone will generate an eye-watering 8,000 megawatts of clean, green electricity right in our region. Through this REZ, as it is known, the State Government is streamlining the planning process for large-scale renewable energy projects—whether they be solar, wind or pumped hydro—identifying preferred sites for those specific renewable energy projects and footing the bill for all the preliminary infrastructure.

It is estimated that around 2,000 construction jobs will be created as a result of the REZ, as well as around 1,300 ongoing jobs after the projects have been constructed. That is huge. There are precious few industries in any electorate in regional New South Wales that can lay claim to employing 1,300 people, let alone providing an ongoing economic stimulus in a sustainable way in the long term. But as people in this House would know, the Northern Tablelands region is no stranger to leading on renewable energy projects. We know already that we have some of the best natural resources in the country and some of the State's most ideal potential sites for pumped hydro development. We are also very close to existing high-voltage power lines that connect the New South Wales east coast and Queensland. Already, large-scale wind and solar projects are generating enough electricity from our region to power over a quarter of a million average homes in New South Wales per year.

CWP Renewables' Sapphire Wind Farm, between Glen Innes and Inverell—the largest of its kind in New South Wales—has 75 turbines and generates enough electricity to power 115,000 homes per annum on its own. Right next door—actually, on the other side of the Gwydir Highway—70 turbines make up Goldwind Australia's White Rock Wind Farm, which will have a total of 119 turbines when complete. Uniquely, Goldwind Australia has already built a 20-megawatt solar farm on site, which shares the neighbouring wind farm's grid connection facilities, substation and underground electrical cabling. Already, within the identified footprint of the REZ, there are 10 State-significant renewable energy developments going through assessment with the NSW Department of Planning, Industry, and Environment.

Within the next two years construction will begin on the already approved, nearly 800-megawatt New England Solar Farm at Uralla and the 100-megawatt Metz Solar Farm near Armidale. Those projects will take our region's renewable energy output to well over half a million average New South Wales homes per annum. That is unbelievable. For the first time in our region's history, we will be a net exporter of energy. For over 100 years, our region has been sending our money to somewhere else in the State to pay them to send us electricity. We are about to turn the tables on them for the first time, and that is incredibly exciting. CWP Renewables, together with investment affiliate Partners Group, has already received a $10 million State Government grant towards the construction of a battery farm capable of storing 30 megawatt hours of electricity adjacent to its existing 270 megawatt Sapphire Wind Farm, which is a magnificent advancement to show that we can store renewable energy and make it dispatchable, that is, release that energy into the electricity grid when it is needed the most.

Lastly, the real benefit of the REZ is that for the very first time our communities will be in the driver's seat. I mean that they will be able to determine through a strategic planning process where these developments occur and where they are not allowed to occur. In the past we have always been on the back foot responding to developers, which has often pitted community against community, landholder against landholder, but that will end with this REZ. I, for one, am very excited. It builds on our reputation in the Northern Tablelands as the leader of renewable energy and I cannot wait to see the potential unleashed.

SEVEN HILLS HIGH SCHOOL

Mr MARK TAYLOR (Seven Hills) (18:35): I refer to the introduction of specialist vocation education facilities and courses at Seven Hills High School. There could be no better week to make this announcement than this week, being Education Week. Seven Hills High School has been selected as one of two schools across the State to trial the introduction of these facilities and courses as part of the Government's $34 million election commitment. Within three years purpose-built facilities and classes will allow students to pursue careers in community and health services, construction in such areas as electro-technology and plumbing and, importantly, transport and logistics. That will enable Seven Hills High School to operate with a renewed focus on vocational education and training [VET] from 2023. As we all know, it is through VET courses that our young people will be equipped for jobs for the future.

As the local member I have listened to Seven Hills High School leadership staff, parents and community as they have outlined their vision for the local high school and requested numerous times that students be able to stay at Seven Hills High School to continue through until year 12 at the Seven Hills campus. I am pleased to say that starting next year with the current year 10 students at Seven Hills High School with this opportunity they will be able to continue their studies in year 11 with the preliminary Higher School Certificate courses. Currently, 91 per cent of Seven Hills High students wishing to undertake further study after year 10 must travel to Wyndham College at Quakers Hill or commence their careers straight after leaving school in year 10. I am really pleased to say that we will be bringing further and meaningful study and training to the students of Seven Hills High. That will have an enormous impact on the economic and life opportunities for younger students and future students at Seven Hills High.

Undertaking further study and training will become the new norm at Seven Hills High and will no doubt have a flow-on impact on younger students as they see the practical purpose and reward of their mostly theoretical studies in the junior years of their secondary education. It will also have a considerable positive impact on the economic and employment opportunities that are created within my electorate of Seven Hills. With Seven Hills High offering VET courses for years 11 and 12, it will mean that my electorate will have four public high schools teaching from years 7 to 12. That means that each year there will be a fresh group of educated and highly skilled young people ready to take on the world in full-time work, an apprenticeship or further study at TAFE or university.

Importantly, local parents will have more choice than ever in selecting a secondary school for their children. No longer will there be a trade-off between choosing the local high school and having to find a new school just for years 11 and 12. In fact, there will be a trade-up, with a child being able to learn practical skills that will enable them to find or create the jobs of tomorrow. At no time in recent decades has skills-based education and training been more important to our young people than it is now as they seek employment or create opportunities for themselves in the pandemic economy. It is digital skills in design, microfinance, communication and advanced manufacturing that are taught best through VET courses. They are precisely the skills that local students will pick up from studying the following VET courses to complement the suite of Higher School Certificate courses to be taught at Seven Hills High: studies in business services, financial services, retail services, hospitality and information, and digital technology.

Further, there will be a strong focus on school-based apprenticeships and traineeships. This will build partnerships with local employers, industry, training and group training organisations to support students in gaining employment through work placement and work experience programs whilst undertaking a VET pathway. Construction of these industry standards and state-of-the-art training facilities will commence in 2021 and will be operational for 2023 with students being able to commence a VET pathway at Seven Hills High. I thank the leadership team at Seven Hills High School for all of their hard work in advocating for this historic expansion to the facilities and the academic life of the school. The school is led by principal, Greg Johnstone, who is supported by deputy principal, Ana Macan, and acting deputy principal, Matthew MacLaren. I thank the school's careers adviser, Tonnie Slater, the students of Seven Hills High and particularly school captains Aarfina Saad and Zinken Zoleta. I thank the Premier, who was recently at Seven Hills, as well as the Minister for Skills and Tertiary Education for their visit to Seven Hills High to make this incredibly important announcement for the future of young people in my electorate of Seven Hills.

CENTRAL COAST MARINERS

Mr DAVID HARRIS (Wyong) (18:40): It is with trepidation in my heart that I announce the long-term future of my very beloved Central Coast Mariners is up in the air. After 10 years, major shareholder Mike Charlesworth has decided to sell his significant stake holding in the club. Those who understand the A-League know that its licences are mobile so they are not anchored to a particular place, and a licence holder can move a team elsewhere. For a long time the Mariners have identified strongly with the Central Coast—the palm trees, the sauce bottles and the canon when the goals are scored at the Central Coast Stadium, which are an integral part of the Central Coast and have given it recognition not only across the State and Australia but also internationally. The Central Coast Mariners have a very strong and proud history.

The past few years have not been kind to us on the field. However, behind the scenes the club has been building very strong foundations with the academy and also the Centre of Excellence, which is located at Tuggerah in my electorate and includes playing fields, office blocks, a swimming pool and further works proposed down the track. The Mariners have produced a larger number of players who have gone on to play for our country, in the Premier League overseas and in competitions around the world. The Mariners have a strong foundation and have been one of the most successful teams in its relatively short history. The Mariners have won a championship, two Hyundai A-League premierships, and have made four Hyundai A-League grand final appearances and four

AFC Champions League campaigns. They have a strong record given the population of the Central Coast and the finances of the club over the years.

I am sure that if the right buyer were to come along and put proper investment into the team it could go from strength to strength and return to the top half of the Hyundai A-League and do our area proud. But it will need a combined effort from the whole community to make sure that any buyer feels that they should continue to be located on the Central Coast. I call on Central Coast Council to get behind a bid to keep the team located on the Central Coast. The council can do that very easily by making sure that Central Coast Stadium is available to any new owner as an anchor-type arrangement. Currently the major stakeholder at Central Coast Stadium is the Mariners. The stadium also holds National Rugby League [NRL] games and others, but year on year the Mariners have been located at Central Coast Stadium.

I was extremely disappointed to learn that when the Mariners submitted to Central Coast Council an unsolicited bid to take over the running of the stadium, which included increasing the seating capacity, upgrading the stadium and creating a range of business opportunities, council staff rejected it on the basis that it was not unique enough. That was without the councillors, the democratically elected people, even seeing the application. I find this unbelievable. The proposal was four years in the making and the club put a lot of effort into it. Shaun Mielekamp, the current CEO, has gone public with this. He rang me a week or so ago and said that the council had responded to him in a one-page letter saying, "Sorry, we don't accept your bid because it is not unique enough." I think that is really disrespectful.

I hope Central Coast Council can get behind the team and make sure it can stay on the Central Coast by coming up with a deal. I do not say the club should be given the stadium or anything like that. Obviously it has to be in the best interests of the whole community in the longer term. However, this club is our only national team on the Central Coast and represents 330,000 people. If we lose this team, we will not get another one. An NRL team tried to locate there, but it did not work. The Mariners have done their best to be part of the Central Coast and promote the region and our youth—my nephew is in the youth team. The club has done everything it can, but we really need council to get on board with this and make sure that we can keep the Mariners on the Central Coast in the longer term.

BUSHFIRE RECOVERY ASSISTANCE

Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government) (18:46): Earlier this year this nation stood absolutely transfixed bearing witness to so much of our beautiful State and country burning in one of the worst bushfires in our history. Those fires were so severe that countries around the world also witnessed in shock the horror that was unfolding Down Under. None felt the brunt of those wildfires more than the South Coast community I represent and the region more broadly. So much of what happened in the area was unprecedented, at least in my area: the anguish, the horror, but also the good nature of communities coming together and the goodwill of people from around the world breaking fundraising records and donating what they could to help those who had lost everything. I have already highlighted stories of bravery and community leadership in this place, and I thank everyone who rose to the challenge and helped their neighbours and communities in this time of crisis.

I am pleased to report that the New South Wales Government's record bushfire recovery response is absolutely unparalleled both in its magnitude and speed, and is helping those who are trying to rebuild their lives during the worst pandemic in a century. The New South Wales Government's unprecedented bushfire support package has hit $2.3 billion in funding just as the bushfire clean-up program progresses, with 2,500 destroyed properties cleared so far at zero cost to property owners. Earlier this year an ambitious target was set to clean up the vast majority of properties destroyed or damaged by bushfire by 30 June this year. It has not been an easy task and has only been made harder by the challenges of COVID.

Just last week it was so heartwarming to see Colleen in Bemboka having her property cleared—the 2,500th to be taken one step closer to recovery. Like Colleen's home, every house and property cleared is a family, a business or a local facility that has people in our communities who rely on it. More than 120 teams were and are at work across the State, with more than 1,000 jobs created for contractors and businesses to clear destroyed buildings within their own communities. I am sure all members in this place will join me in thanking them for their tireless efforts in such challenging circumstances that we face right now.

I also thank those who have been at the helm during this time ensuring our communities receive the support they need. Premier Gladys Berejiklian has been there every single day for those in need—during the drought, and during and after the bushfires. She thoroughly deserves nothing but the highest praise from the people of New South Wales. She is held in such high esteem in my community and surrounding communities and, I am sure, throughout the State as well. The South Coast is also grateful to Treasurer Dominic Perrottet, who has continued to prioritise people who have been affected rather than them just being a statistic or a number on a page,

ensuring that the much-needed money goes to those who need it the most. Last but not least I thank Deputy Premier John Barilaro, who is one of the strongest advocates for regional New South Wales as he continues to lead the recovery effort. I thank him for his efforts.

Of the $2.3 billion we are investing, some $1.2 billion of the joint Disaster Recovery Funding Arrangements include funding for clean-up and ensuring the safety of properties destroyed or damaged by the bushfires, grants for small businesses both directly and indirectly affected, grants for primary producers, the provision of case management support for bushfire-affected individuals and families, financial support for local councils to clean up and repair roads and bridges, the employment of community recovery staff, disposal of bushfire debris, support for volunteer base camps such as BlazeAid and grants to support the recovery of local communities and industries. A further billion-dollar infrastructure package is being invested as well. It includes the clean-up and repair of roads, bridges, schools and other assets; a $209 million Crown land fencing program; some $46 million of support for the forestry industry; and a $217 million Critical Communications Enhancement Program.

I am pleased to report that of these various support programs and grants the Shoalhaven local government area has had 3,395 successful applications for the $10,000 grant scheme. There were some 426 successful applications for the up to $50,000 grant scheme and 56 successful applications for the volunteer payment program. Some 759 have registered for clean-up and 611 applications were successful for the COVID-19 $10,000 small business grant scheme. Those are not just numbers, and I know that all too well. They are not just statistics on a page. These figures represent my community, other communities and thousands of families who have been given help from the Berejiklian-Barilaro Government when they needed it most. I am proud to be part of the Government who stepped up and supported those in need. I continue to advocate for those in my community who have had their lives completely shattered by the savagery of bushfires in their area. The Government is with them every step of the way. We will continue to work together to provide support and assistance to those who need it most.

FAIRFIELD ELECTORATE ROAD INFRASTRUCTURE

Mr GUY ZANGARI (Fairfield) (18:51): Going into the 2019 election the New South Wales Berejiklian-Barilaro Government made a commitment to fund a range of road projects, including upgrades to three key intersections along The Horsley Drive in Fairfield. Lo and behold, fast-forward to the 2019-20 budget and there is a near $8 billion deficit in funding for road projects throughout Sydney, 26 of which were key election commitments, not to mention the $3.8 billion road maintenance black hole. For the benefit of those members who have not travelled along The Horsley Drive in Fairfield, it is an incredibly busy arterial thoroughfare intersecting my electorate that runs from the M7 at Horsley Park through the Wetherill Park industrial estate, past the Cumberland Highway in Smithfield, past the Polding Street intersection in Fairfield and all the way down to the Hume Highway in Carramar.

I can confirm The Horsley Drive is quite a busy thoroughfare that is routinely congested and can be absolute bedlam for motorists who find themselves stuck during peak hour traffic. In 2019 the New South Wales Government made promises to improve several key intersections along The Horsley Drive as a means to reduce congestion and make it safer for motorists and pedestrians alike. It is now August 2020 and our community is still waiting. Recently I was joined by my parliamentary colleague from the other place the shadow Minister for Roads the Hon. John Graham, MLC, to provide him with a firsthand tour of problems we continue to experience along The Horsley Drive and the subsequent hazards local residents must endure on a regular basis.

The Horsley Drive and the Cumberland Highway have been in desperate need of improvements to reduce congestion and improve safety, yet we are still waiting for the Government to get the ball rolling on the promised upgrades. One location of particular concern for our community is the intersection of Polding Street and The Horsley Drive in Fairfield. Due to its configuration it is an ongoing hazard not only for motorists but also pedestrians. The intersection suffers from what locals dub "blind corners" as motorists frequently have a difficult time spotting pedestrians who may be crossing at the pedestrian crossing or the roadways. While this intersection has been an ongoing problem for a number of years we have yet to see any substantial action taken to mitigate the problems faced there.

If local residents are asked what comes to mind when they think of what the Government has done for our roadways, they will be quick to mention the abundance of speed cameras that have popped up throughout the electorate in recent years. In the past four years Revenue NSW has collected more than $21 million from red light and average speed cameras in the Fairfield electorate alone. The community has an expectation that those safety cameras, which are strewn throughout the community, could perhaps reinvest some of their earnings into improving the safety for our local community.

The safety of pedestrians and motorists at the intersection of The Horsley Drive and Polding Street in Fairfield has been a matter of grave concern in our community for many years. It is not only routinely congested

but it is also a known local hotspot for vehicle accidents and countless near misses with vehicles and pedestrians alike. I also bring attention to the intersection of The Horsley Drive and Nelson Street in Fairfield. That intersection is the main intersection leading into the Fairfield CBD. Its configuration and present state routinely lead to confusion for motorists, near accidents and heavy congestion, which is expected on a daily basis. The intersection is located just outside Fairfield High School, to the rear of Fairfield Public School and just down the road from the Patrician Brother's College Fairfield, which is heavily utilised by local students and parents. The dangers present at this incredibly busy intersection are a constant reminder of the need for further investment to reduce congestion, improve safety and provide access for our community.

I was saddened to learn that there was a $71 million funding shortfall for the promised road projects in my electorate while the Government prioritised billions on rebuilding an existing stadium. The needs of the Fairfield community are clearly not a priority for this Government, which made a long list of election promises in 2019 that it was not prepared to prioritise. The Fairfield community deserves better.

PICTON SEWAGE TREATMENT PLANT

Mr NATHANIEL SMITH (Wollondilly) (18:56): These challenging times require us all to be mindful of the changes that need to be made to things we do on a daily basis. However, this should not detract from the need to plan and invest for the future when, God willing, we will all see better times. In planning for growth and development it is necessary to consider not only the short-term needs but also the needs as we look ahead well into the future. The Sydney Harbour Bridge is a visionary example of a need to plan well for the future. The increase in population and the expansion of Greater Sydney, which the member for Campbelltown knows well, will continue. It is now impacting my electorate. This growth inevitably will produce increasing demands on existing infrastructure.

Much of the infrastructure that is in place in Wollondilly was not envisaged to accommodate the growth that is now taking place and the pace of that growth. A case in point is the Picton sewerage treatment plant [STP]—a facility that has almost reached its capacity, which is having a massive impact on future housing and industrial development. Recently at a meeting with the Wollondilly Shire Council mayor and CEO I was made aware of an example when the council had to defer a development application on a granny flat because Sydney Water could not guarantee that it could service the additional demand at the Picton STP. That is an extreme result of the demand on that piece of infrastructure and the inability to cope with even small developments.

The other aspect of the situation is that the township of Picton is unable to see development at any level. Many housing and industrial developments are unable to proceed. Investment and job creation from those developments are at a standstill. That has led to a number of new developments offering onsite sewerage treatment plants as an alternative short-to-medium term solution. Inevitably this creates issues at multiple levels of bureaucracy. The default position is always, "No, it can't be done." The solutions offered, which are effective and easily implemented, generally are pushed aside as not practicable or such stringent conditions are placed on them that they cannot proceed.

At this time more than ever, investment is needed to create jobs. There is an urgent need to ensure that the upgrade of the Picton sewerage treatment plant is an essential infrastructure development that must be afforded urgent priority. The issue of the upgrade of sewerage treatment plants is not unique. In the shire of Wingecarribee the inability of the Moss Vale, Mittagong and Bowral plants to accept additional demand also is at a most critical point. Again, major industrial developments are on hold. The other crucial piece of infrastructure needed in the Wollondilly shire is the commencement of the Picton bypass. During the bushfires last summer the only northern way out of the townships of Bargo, Tahmoor and Thirlmere, which were in the path of the fires, was via Remembrance Drive. There was traffic gridlock on that road on the afternoon of 19 December. A change in the wind on that day would have seen major carnage and significant loss of life on Remembrance Drive as traffic was at a standstill as the fires raged along the road.

Another reason for the urgent need for this bypass is the need to take the large number of heavy vehicles off the single-lane approach to the Picton township. The volume of heavy vehicles is increasing rapidly and is causing major traffic congestion in the main street of Picton. I am constantly being asked by business owners and constituents about the situation. The Picton bypass has been discussed for many years. It is now time to take action and to get planning underway for this vital piece of community infrastructure. I do not want to see another situation like last summer repeated. In this time of COVID there are many ways to commence consultation with the community to ensure that the right solution for the bypass route is found. Picton needs these infrastructure projects more than ever. I urge the Premier, Treasurer and Cabinet to consider these projects as vital to the ongoing development of an important part of my electorate.

LAKE MACQUARIE SMELTER SITE

Mr GREG PIPER (Lake Macquarie) (19:00): At about this time last year both Houses of the Parliament unanimously endorsed the Lake Macquarie Smelter Site (Perpetual Care of Land) Bill 2019. That provided a much-needed circuit breaker on an issue of great concern to the Lake Macquarie community—an issue I have worked very closely on for the best part of 20 years. I am very pleased to inform the House today that we have seen the first significant step derived from that legislation. That step will see an estimated $300 million annually in economic activity in the Lake Macquarie area, which will directly create hundreds of jobs at a time when they are desperately needed.

Members would remember that the Pasminco lead and zinc smelter was an industrial behemoth that operated at Cockle Creek for more than 100 years. In 2001 many jobs were lost when Pasminco closed and left the area, leaving the site in the hands of receivers and leaving my community a toxic legacy that we have been cleaning up for two decades since. I do not intend to dwell too much on that history as it is well known within the local community and in this House, but significant difficulties in dealing with the administrators, Ferrier Hodgson, have added to the frustrations of many, including me.

Last August when the Lake Macquarie smelter site bill was passed, it resulted in the entire site being acquired by the Government and placed under the control of the Hunter & Central Coast Development Corporation [HCCDC]. The Act required HCCDC to deal directly with the administrator and with parties that already had contracts on land sites. It is no secret now that among those who had contractual interests in the site were retail giants Costco and IKEA, and a residential development company, Green Capital. Last Friday I was joined by the Minister for Water, Property and Housing at Cockle Creek to announce that two of those parties were about to proceed with their long-held plans.

Costco announced that it had lodged a development application for a $60 million retail outlet, while Green Capital announced that it would proceed with a residential development that would create 500 new homes. That was great news for a community that had fought longer than it should have for a successful remediation of Pasminco's toxic legacy. Pending council approval, the Costco outlet on 6.8 hectares of remediated land will be the company's first regional outlet in New South Wales—quite a coup for Lake Macquarie. Construction will generate about 80 full-time equivalent [FTE] jobs during construction and about 250 FTEs when operational. Green Capital's project will create about 400 FTE jobs during construction.

Despite the long and drawn-out history of this site, these projects could not have come at a better time for Lake Macquarie which, like everywhere else, has suffered a significant downturn in the local economy over the past few months of the COVID-19 pandemic. As I said in August last year, the Government's intervention would not just unlock the stalemate that had burdened the site's full remediation but would also unlock significant economic and social outcomes for the area—and that is what we are now seeing. It would be remiss of me not to mention that we are still well short of cleaning up all of Pasminco's toxic legacy in the Cockle Creek and Boolaroo areas. Some of that legacy remains in the adjoining residential areas of Boolaroo, Argenton and Macquarie Hills where lead contamination is still something we continue to manage and will need to continue finding solutions to for some time.

Having said that, we must celebrate our wins along the way! I again thank the Parliament for its bipartisan support on the Cockle Creek issue and in particular the Premier and the Hon. Melinda Pavey, without whom we could not have done this. Thanks to Costco and Green Capital for their perseverance when many other companies would have walked away. I also thank the Lake Macquarie City Council, including mayor Kay Fraser, CEO Morven Cameron, and Peter Francis who is the CEO of the council's development arm Dantia. When everything looked over and out, it was Peter who came to me to help find a solution to what seemed like a hopeless mess. I was so glad that with help from the then regional director of the Department of Premier and Cabinet, Stephen Wills, we were able to find a way forward and achieve a great result. I also thank Valentina Misevska and her team at Hunter & Central Coast Development Corporation who have played a significant role since acquiring the site last year and who will continue to do so in the future. This has been a long and at times bumpy ride for the Lake Macquarie community, and we still have some way to go. But as I said earlier, we should stop and acknowledge our wins when we get them—and this is a big one.

COVID-19 AND UNIVERSITIES

Ms LIESL TESCH (Gosford) (19:04): The Australian university sector is a driving force behind our economy. Contributing $39 billion in export income each year to the national economy, international education is Australia's third largest export industry. A healthy university sector is critical to the economic recovery of our nation and our State. So why are universities being ignored by both the State and Federal governments in the economic response to the current pandemic? Australia has never experienced such wholescale and sudden disruption to its economic and social life.

The university sector has not been exempt from the hardship bought by COVID-19: It is estimated that over 21,000 university jobs will be lost across Australia. Australian universities are modelled to suffer losses of over $16 billion until 2023 and they now face a four-year pipeline problem due to the lack of enrolments in 2020, with a revenue hole over the next three to five years because students are not here. Universities are not asking for a handout from the Government; instead, the sector is desperately seeking help to prop up an industry that contributes $5 back to the New South Wales economy for every $1 invested. The skills and knowledge provided by our universities are a commodity bringing significant wealth to our State and nation. Instead of supporting universities through such tough times, the Federal Government has devastated our universities in the non-delivery of JobKeeper to this sector.

While the New South Wales Government announced a $750 million rescue package in commercial loans and $100 million in payroll tax, it is small compared with that given to support universities in Victoria in the form of a $460 million rescue package and a $110 million payroll tax deferral. Universities are not only valuable for the Australian economy but are also at the heart of technological innovation, knowledge creation and scientific discovery across our society. Academics and teachers hold specialised knowledge and skills fundamental to a strong and thriving Australian future. Knowledge is the ultimate social resource and universities hold the key to unlocking it.

Cuts to the sector will disproportionately impact women, along with early career researchers and recent graduates, who are more likely to be casual or fixed-term contract workers. They live in our communities, they live in regional communities and they spend money across regional New South Wales. Regional universities also have additional satellite campuses in smaller towns that may be at risk of closure if there is a significant drop in revenue. That impacts our remote and Indigenous students, who are disproportionately affected as a lack of support and communication access to the internet further inhibits remote and regional communities. We live in a world facing the future challenges of climate change and the COVID-19 pandemic. It is more important than ever to empower future generations with the knowledge and skills to face those challenges.

Yet jobs are being slashed in our universities. Some 943 full-time jobs have been cut at the University of New South Wales, up to 400 jobs have been slashed at the University of Wollongong and some 110 full-time jobs have been lost at Charles Sturt University this year with more to come. The University of Newcastle looks set to lose at least 50 full-time equivalent jobs. Probably 200 jobs will be lost at Southern Cross University in addition to 200 jobs from the University of New England in Armidale and other regional communities. The universities provide critical teaching services and further empower individuals to share ideas, experiences and diverse understandings of the world. It is not just about Australia and the world's history; it is ensuring that the mistakes of the past do not become the problems of the future.

Universities are the think tanks and the brains trusts of our society, and they are being shredded by a lack of support from this Government. Aside from the role that universities play in the economic and social health of our society, research has shown the key role universities play in addressing the challenges of mental health. The Brain and Mind Centre at the University of Sydney has conducted modelling which shows that increasing employment prospects for young Australians is one of the driving factors reducing psychological distress in young people. Empowering students to go after their dream careers and enabling certainty in their studies will play a fundamental role in alleviating Australia's mental health crisis. In the uncertainty of our economic times, universities provide a critical lifeline for Australia's economic and mental wealth. They have supported our nation in facing the challenges of our past, present and future. In times of critical need, New South Wales and Australia must return the support to safeguard the opportunities for this nation and State in the future.

VAUCLUSE ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS

Ms GABRIELLE UPTON (Vaucluse) (19:10): Every year I have the opportunity to help the community organisations in my electorate of Vaucluse with Community Building Partnership grants. Today I congratulate the successful organisations and tell the House how the funding will support my local community. Rose Bay Secondary College P&C association received $33,000 for outdoor learning spaces with more seating, shade and planting for students. I congratulate the P&C, including president Kara Mikler, vice presidents Bernadette Hayes and Clair Edwards, acting principal Ian Godby and his team, who work so hard to make the only public high school in my electorate a school of choice.

Woollahra Public School P&C association received $20,000 for outdoor learning spaces to provide more seating, shade and planting. I congratulate president Ellie Hourigan, the P&C committee and principal Nicole Molloy and her team. We know that the school community is always looking for ways to maximise space, which the new facilities will help. Bondi Public School P&C got $22,500 for a new interactive play space and garden for the students. Well done to the P&C committee, including president Rachel Hurford, acting principal Olivia Parry and her team. The school already has some of the best gardens I have seen, so I know the funds will enable it to build on its horticultural talents even more.

Vaucluse Public School P&C received $30,000 for a new garden and grass area. The school has a beautiful setting in leafy Vaucluse. I know it will now be able to create more of that beauty inside the school gates. I congratulate the P&C committee, including president Nadia Kaye, school principal Maureen Hallahan and her team. The other successful school in my electorate was Kesser Torah College in Vaucluse, which received a $35,000 grant towards new playground equipment and a shade canopy. I congratulate principal Roy Steinman and his team, CEO Darrel Godin and the board, including president Shaul Schapiro.

The Bondi Scout Hall will get a $10,000 upgrade for wet weatherproofing. The 3rd Rose Bay Judean Scouts led by group leader Leon Waxman call that hall home. It is a wonderfully active group that supports our local youth. I know the funding will make a great difference. Then there is Our Big Kitchen [OBK] in Bondi led by CEO Rabbi Dr Dovid Slavin and his wonderful wife Laya. OBK received $20,000 for a new commercial oven that will support its meals-on-wheels work. OBK has been busier than ever during COVID-19. I thank OBK for its tireless work providing food to those who need it most.

Jewish House in Bondi is another amazing social services local community organisation led by CEO Rabbi Mendel Kastel, OAM, and president Roger Clifford, OAM. A grant of $18,000 will help paint the Flood Street headquarters, which provides crucial crisis accommodation and support for the homeless in the eastern suburbs and beyond. Our Lady Star of the Sea Church in Watsons Bay received $12,000 to replace the lighting in the historic heritage church. I congratulate parish priest Gerald Gleeson and the parish council. Nefesh Synagogue in Bondi Beach received $20,000, which will go towards completing the kitchen in which they cook meals for disadvantaged community members. I congratulate Rabbi Ritchie Moss, treasurer Nick Weininger and board members Ron Moss and Jack Reuben.

St Michael's Anglican Church in Vaucluse received $20,000, which it will use to complete an accessible toilet. I offer my best wishes to the parish council, including Bishop Stuart Robinson and his wife, Jane. St Peter's Anglican Church in Watsons Bay received $11,000 to refurbish the church hall with new speakers, acoustic panels and soundproofing. I offer my best wishes to Reverend Scott Newling, wardens Mary Boyd and Kirsten McKinlay, and assistant ministers Dan McKinlay and Caitlin Orr.

The Woollahra Colleagues Rugby Union Football Club in Rose Bay, led by president Cam Ireland, received $13,000 to upgrade the club floor and storage cupboards. The Royal Australian Naval Sailing Association in Darling Point received $21,000 to upgrade its occupational health and safety facilities. I congratulate Commodore Dave Giddings. Finally, the Double Bay Sailing Club received just under $12,000 to upgrade one of the piles supporting its clubhouse. The club does a great job. I commend all of those local organisations and those beyond. Those organisations are the places where local residents build friendships and skills, and go for support when they need it most.

LANDCARE

Ms KATE WASHINGTON (Port Stephens) (19:15): This week is Landcare Week. In communities across New South Wales Landcare volunteers will be working hard to restore our degraded environment. They will be stabilising dunes and riverbanks to reduce erosion, restoring parklands and fields to improve wildlife habitat, clearing weeds and introduced species to support native flora, and giving residents an opportunity to connect with their local environment. We recognise Landcare Week as an opportunity to acknowledge and thank the many thousands of volunteers who seek to improve their suburbs and towns, and recognise the many benefits that come from both volunteering and improving our environment.

Landcare formally began in Victoria in 1986 as a program between then Labor Minister for Conservation, Forests and Lands, Joan Kirner, and President of the Victorian Farmers Federation, Heather Mitchell. Many residents had been working on local restoration projects before this, but formal recognition allowed for rapid expansion of projects and Government support. In 1989 the Hawke Government launched the National Landcare Program after joint lobbying from the National Farmers' Federation and the Australian Conservation Foundation. At the time Bob Hawke noted:

> … the degradation of our environment is not simply a local problem, nor a problem for one State or another, nor for the Commonwealth alone. Rather, the damage being done to our environment is a problem for all of us and not just governments but all of us individually and together.

There are some members in this House who falsely frame environment policy debates as farmers versus the environment. They would rather turn communities against each other than recognise the shared value we all gain from a sustainable environment. The origins of Landcare demonstrate that farming communities have been intrinsically aware of the impact of degraded soils, streams and habitats on their properties for many decades. Committed farmers know that their future success is tied to the quality of their land, water and climate.

I take this opportunity to recognise the Landcare groups that are on the ground in Port Stephens. One group that has experienced increased interest in recent years is the Mambo Wanda Wetlands Landcare group. When the

Government sold off an area of land that the group had been caring for over many decades, my community spoke up and the land was restored to public ownership. I thank the many caretakers of this area, including Margaret and Walter Lamond, Roz Armstrong, Anna Cordwell and many others who volunteer their time. Another active local Landcare group is the Tilligerry Landcare committee, which works across multiple sites along the Tilligerry Peninsula. Members of the group have been part of successful Tidy Towns awards and have secured funding from the NSW Environmental Trust for projects to restore much-needed koala habitat. In recent years the group has planted hundreds of trees and hosted a recent workshop on restoring wildlife corridors. I give special thanks to Fran Corner, Leonie Auld and others who work hard to ensure that the Tilligerry area remains a special place.

Corlette is another special place where the Corlette Parks Reserves and Landcare Group is busy restoring and improving our precious environment. The popular group has been working in a number of locations to remove weeds, plant new trees and native grasses, and improve the amenity of the area. It also undertakes the important role of protecting and restoring the dunes that is essential to preventing further erosion in this area. I offer special thanks to Margaret Wilkinson and the many volunteers who work with her to preserve that area. There are many other groups in Port Stephens that are working hard to protect and conserve the environment. They are part of a movement of about 3,000 Landcare groups across the State.

The Raymond Terrace Parks, Reserves & Tidy Towns Committee has done fantastic work around Boomerang Park and other areas of Raymond Terrace. Previously I have joined them, along with the Landcare group, local students and the Boomerang Park Preservation Society, on tree-planting days that will see this area continue to flourish in the future. Thanks to David Davies, Jennifer Burton, Coral Berry and other volunteers for all their efforts. In Port Stephens there is a natural overlap between the work of Landcare groups and wildlife carers from Port Stephens Koalas. It is wonderful to see them collaborate on projects that restore and expand koala habitat in the hope that those special creatures continue to call Port Stephens home.

I wish a happy Landcare Week to all of the wonderful Landcare groups across Port Stephens and across New South Wales. I thank them for all that they do to protect and conserve so many special places. I acknowledge Landcare NSW CEO Dr Adrian Zammit and his small team that keeps the important Landcare programs running across New South Wales. One thing we have learned from living during a pandemic is that individual actions make a significant difference to our community's health and wellbeing. The Landcare movement has been living and breathing with this knowledge at its heart, working quite literally at the grassroots to improve the world in which we live. I thank them and encourage everyone to get involved in their local Landcare groups.

TEMPORARY SPEAKER (Mr Greg Piper): I also acknowledge Landcare. It is one of the most important grassroots organisations that we have seen in our time. I thank the member for Port Stephens for bringing that to our attention.

HOMELESSNESS

Ms JENNY LEONG (Newtown) (19:20): This year the theme for Homelessness Week is "Everybody Needs a Home". At a time when health advice has focused on encouraging people to stay home to stay safe, it is crucial to ensure that everybody has a home. So often we hear statistics and numbers that demonstrate the size and scale of the challenges faced when it comes to addressing homelessness in this State and across the country. The best way to help end homelessness is to provide more social housing and wraparound supports for people who need a home. The coordinated response to rough sleepers in the city during the State's initial lockdown demonstrated that we can reduce homelessness significantly when we work together, resource appropriately and empower services to do the work they need to do to locate people in safe places to sleep.

It is feasible for us to end long-term homelessness in the State if we resource it properly. Homelessness is more than just people sleeping rough. Massive investment in public and social housing is needed to create clear pathways to community, social or public housing for people who are sleeping rough, who are provided with temporary accommodation or who find themselves fleeing domestic or family violence situations into temporary accommodation. As a result of the pandemic, the loss of work and income—and the impact on people's ability to pay rent or meet their mortgage repayments—will mean more and more people need a place to call home and assistance with maintaining the homes they are in.

Homelessness NSW CEO Katherine McKernan has said that homelessness services turn more people away from crisis accommodation than they are able to help. She has said that medical issues and a lack of affordable housing contribute to those problems. On a Tuesday night during Homelessness Week the Newtown Neighbourhood Centre, right in the heart of Newtown, usually has a sleep-out to raise much-needed funds for their incredible Newtopian work. The work is run by volunteers who are trained by professionals. It enables outreach programs to run locally in our community and in other communities, connecting people who are sleeping rough on the street with the services and support that they need. I commend those volunteers and all of the people who have contributed to this important program.

The homelessness pandemic that we face in this State, which we faced before the current health pandemic, is not one that treats people equally. A huge percentage of the clients of homelessness services—in fact 30 per cent—are Aboriginal people. There are less than 10 Aboriginal community controlled homelessness organisations. We need investment in Aboriginal controlled and Aboriginal specialised housing, and funding for Aboriginal support services. We also need to recognise that despite the many challenges that young people face, insecure housing does not affect only young people in our State. There are many older women who face the risk of homelessness. In New South Wales homelessness is increasing more for older single women than for any other cohort. We need safe and affordable housing options for them, too.

During the crisis many temporary visa holders and non-citizens have been hit in multiple ways. We may all be in this together, but clearly the pandemic impacts some much harder than others. People on temporary visas and in insecure work situations, who are unable to access any government payments or supports, are particularly hard done by and doing it particularly tough. A briefing paper recently provided by Domestic Violence NSW highlights the plight of people on temporary visas experiencing domestic and family violence and their children. It states:

> Perpetrators of violence against people on temporary visas use these barriers to maintain power and control and to continue to use violence against them. Due to the high risk of homelessness and poverty, a person on a temporary visa may make the difficult decision to stay with, or return to, a violent partner.

The paper includes clear recommendations to the New South Wales Government. I urge the Government to ensure that access to temporary and crisis accommodation and social and public housing is extended to all people who need it in our State during this crisis.

CAMDEN ELECTORATE COMMUNITY SERVICES

Mr PETER SIDGREAVES (Camden) (19:25): I speak about the united front presented by the Camden community to support the most vulnerable people affected by the COVID pandemic. I have been humbled by the response and the initiatives shown by the community during this time. Every week during the pandemic, right across the Camden electorate and throughout the Macarthur region, the outreach meal service operates to provide free meals to families and individuals who are doing it tough. This wonderful initiative came about as a collaboration between Teen Ranch and the Shining Stars Foundation after Teen Ranch's resident directors Rohan and Julie Offord contacted Shining Stars Foundation co-founders Kylee Bentham and Lyn Townsend offering to cook meals for distribution by the outreach meal service.

In addition to its work in the Camden community, the Shining Stars Foundation runs multiple outreach programs spanning Liverpool, the Macarthur region and Wollongong. They distribute food and offer support to the many families and individuals who have lost incomes or are struggling, especially during the COVID period. The initiative was also backed by many great businesses and organisations in the Camden community. I thank Combined Real Estate in Narellan and McLaren Real Estate in Harrington Park for helping to spread awareness of that wonderful program. I thank Lincoln McLaren who generously offered to cover the costs of meat bills for the program. Meat was provided at a reduced price by The Meat Man butchery in Narellan. Marketing for the wonderful initiative was provided by Louise Sparkes-Howarth from Pineapple Marketing & Promotions. I thank those generous Camden businesses for giving a helping hand.

Within a few weeks the outreach meal service supplied meals at Turning Point Camden's community welfare centre and delivered over 730 meals to vulnerable individuals and families in the community. The list continues to grow every week. It is a wonderful initiative and I encourage residents in the community to donate and to continue to support the outreach meal service in its good work for the Camden community. I also acknowledge another initiative that has benefitted the most vulnerable people in the Camden electorate during the pandemic. At a time when social distancing is the new normal, many of our residents, both young and old, have found themselves lonely and isolated. The Matching Aged To Engaging Youngsters Project, referred to as MATEY, was developed by community project officers for children and families, and aging and disability, within the community development team at Camden Council.

The MATEY program aims to reduce social isolation, create connections across generations and establish ongoing relationships between aged care, seniors groups and childcare centres into the future. According to Kristen Stevens of Camden Council, who helped bring this initiative to fruition, the premise of the project was to engage aged care facilities and seniors group members with local children from preschools and childcare centres through craft, stories, pictures, mail and online technology. Of the 11 seniors groups involved, two were from BaptistCare Angus Bristow Village, four were from Carrington Care, three were from EACH and two were from Estia Health. Those groups were in regular communication with children from 11 childcare centres across Camden and the Macarthur region: Annabelle Child Care Centre, Blinky Belle Pre-School, Currans Hill Child Care Centre, Early Expressions Childcare, Exploring Tree Macarthur, Goodstart Early Learning Child Care Centre Narellan

Vale, KU Cobbitty Preschool, Macarthur Preschool, Petit Early Learning Journey, Spring Farm Early Learning Centre and The Early Learning Hub.

I also thank Camden Council and particularly the community project officers for putting this wonderful program together. Once again, the Camden community has proven itself to be capable of great resilience and generosity in the midst of the global COVID pandemic. Whether they are distributing food to the vulnerable families and individuals in our community or connecting two different generations heavily impacted by isolation and separation during the pandemic, the residents of Camden have risen to the occasion and I am proud and humbled to bring their efforts to the attention of the House.

MAITLAND LEVEE

Ms JENNY AITCHISON (Maitland) (19:30): I speak to update the House on a matter I raised in this place last week—the Brisbane Fields Road area and the levee bank in Maitland. Maitland has a long history of flooding. It is a serious issue for our community and must be addressed. Last week I raised with the environment Minister the damage done by the Government in 2015-16 to the levee banks of the Maitland local government area. Damage was done to part of the levee bank in Maitland that protects the town from flooding—a massive structure strong enough to support a 50-tonne semitrailer. The entire levee bank system is worth nearly $1 billion. It was knocked out in the super storms of April 2015 and half the road was lost. In May 2020 the residents had a 10-tonne weight limit imposed on the road. In that area there are people who are running farming businesses and constructing houses, and rate-paying people who are simply trying to live their lives and get their garbage collected. But they are unable to do so because of the damage to the levee caused by the Government.

The Government's response has been inconsistent. Residents have been told many times that they will get some action. Sometimes they are told, "No, sorry, we can't do anything" and at other times, "No, we will replace the floodgates." Sometimes they are told, "We will fix the floodbank" and at other times, "We will take the floodbank out." People are genuinely confused about what is supposed to be happening. In 2016-17 they were promised that by the end of 2017-18 the issue would be resolved. To date it has not been resolved. After I met with the Minister last week, they received a letter from the Government telling them that it would replace the heritage floodgates. Everyone is confused. A number of my constituents have written to me. They are concerned that they had been told nothing could be done because the floodgates were heritage gates and now the Government is saying it will replace the gates and that everything will be fixed in this financial year.

Members can imagine my constituents' concern and lack of trust in the Government's capacity to do anything. As I said in the House last week, an additional problem is that attempting to make the floodgates safe will, in many cases, make them more dangerous. Residents who try to get across the gates to other parts of their paddocks, for example, risk falling and hurting themselves badly. In a flood they probably would drown. The other issue is, given the 10-tonne limit on the road, they are unsure whether the Government will do anything about the floodbank. If the Government eventually assists them with the road, they will have no access to their properties while that work is being undertaken.

The problem is that the poor contractors who work for the Office of Environment and Heritage in soil conservation are trying to fix the problem. There is a revolving door of contractors. The people who are there permanently seem to not be able to resolve the problem and give clear instructions to the landholders. I asked the Government to visit the site and meet with the landholders to understand what is actually happening. A member of the community said she was concerned because one of the government people they had been dealing with had never visited the site and therefore could not conceptualise what was happening. They want this to be done urgently. The reason for the urgency is that the week before last we had a massive east coast low and we know there is more rain coming. I drove over the regular flood zone at Testers Hollow, Maitland, earlier this week. The water is well up. People are terrified that if we have another east coast low they will be cut off and have further damage to the flood bank because it is in such a terrible state. It is now urgent. There is no flood plan in place that will actually help them. The last flood plan for Maitland was done in 2013 and it is now out of date.

ALBURY WODONGA REGIONAL DEAL

Mr JUSTIN CLANCY (Albury) (19:35): It is fair to say that the Albury Wodonga Regional Deal marks a longed-for moment in intergovernmental cooperation to recognise and realise the potential of these two successful inland cities. The statement of intent for the Regional Deal was signed on Friday 10 July 2020 after it was first proposed in December 2019. This statement outlines a shared vision for Albury Wodonga from all three levels of government. It will form the basis of business and community consultation as we move forward into a phase of cooperation between New South Wales, Victoria, Federal and local government.

As Deputy Prime Minister McCormack said, "This is a significant step forward in delivering this landmark agreement for the Albury-Wodonga region, setting out our collective vision and commitment to the region and

the people who live and work there". The intent of the deal is to work towards regional prosperity over the next decade and beyond by supporting economic development and population growth through a real plan that binds the different governments. When successful, the regional deal will position Albury Wodonga as a nationally significant region that is both liveable and prosperous.

Although there are other regional deals that have been put in place, this will be the first that deals specifically with cross-border arrangements. A primary goal is to break down the regulatory barriers that have plagued business, health care and some aspects of ordinary life along the New South Wales-Victoria border for so many years. This has been starkly evident over the past two years during the course of the drought, bushfires and the COVID-19 pandemic. Border anomalies are disruptive and can cause delays. There is red tape and there is green tape, but along the border with Victoria we also have non-transparent tape. All parties hope these anomalies will be reduced through the adoption and implementation of the Regional Deal.

The theme in my electorate is that Albury Wodonga is essentially one community, combining to represent one of Australia's largest regional economies. We all welcome funding from the Federal Government to carry out more comprehensive planning. It is the strength of this process that will create the map for future effort to develop the economic strengths of the region and enable all levels of government to identify opportunities for growth while working to reduce barriers. It has taken a number of years to reach this point. In part this is a consequence of one Federal and two State elections. Our federation is at times our strength as a nation, but it can also act as a brake on timely progress.

Lessons from the process, from working together, come into their own now we have border closure restrictions along the Murray River. We can see what each Government is doing, what each council is doing, to provide meaningful leadership in critical times. One of the most critical considerations for the Regional Deal will be the way that health is administered. Health is arguably the most significant priority for the border region and has always been a focus since the idea of an Albury Wodonga Regional Deal was first mooted. Shared infrastructure between Albury and Wodonga presents its challenges. This has been made abundantly clear by the COVID border closure. With a shared health service, we have the major hospital in Albury while maternity is in Wodonga. Doctors and patients have had to spend time in long queues to cross into New South Wales. Border permits, of necessity, must be framed to permit access for health, medical, and, for some residents, allied health treatment.

Unfortunately, this process has taken weeks to evolve, and much hardship remains for workers and patients in allied health and aspects of disability care and support. The cities of Albury and Wodonga cannot be guillotined. And while that is recognised by governments—State, Federal and local—there will be much to ponder if we are to minimise ongoing trauma to cross-border services and infrastructure. The reality is that it is in fact being chopped around for the greater good. That is why there is an urgent need for a border business support package to stem the wound and restore the patient. The Australian Government has put some money into the regional deal, committing $3.2 million for strategic planning and projects within the communities of Albury and Wodonga. I thank the Federal Government, the New South Wales and Victorian governments, AlburyCity and City of Wodonga councils for all the effort that has gone into the signing of this agreement. I look forward to timely planning and delivery of genuine results that improve the lives of residents.

COVID-19 AND GALLIPOLI MOSQUE

Ms LYNDA VOLTZ (Auburn) (19:41): I have received a number of complaints this week regarding comments made by the current mayor of Cumberland, Steve Christou, when he said in the *Parramatta Advertiser* that 400 worshipers descended on the Gallipoli Mosque and that he lambasted the health breach. A number of exemptions have been issued in my electorate under public health orders by the health Minister. An exemption is issued under a public health order. It is not a breach, as described by Mr Christou, but the procedures available to the Minister under part 4 paragraph 24 of public health order number 4, restrictions on gatherings and movement.

The National Rugby League and netball in my electorate have also received exemptions. However, I have not noticed the current Mayor of Cumberland rushing to line up for interviews with Peta Credlin to criticise the health Minister over those exemptions. Nor did I hear him criticising the community netballers for descending on their courts when they were also given an exemption. Indeed, he stayed remarkably quiet about the actual breaches by the Auburn Hotel, which was fined under public health orders. No, instead this mayor seems to have reserved his criticism for the Gallipoli Mosque. It has not only complied with the public health order, but also it has an extensive COVID-19 plan registered with NSW Health as required by the order.

For the benefit of the mayor I note that there was no advertising, so those who turned up were those who were coming anyway. In addition to ensuring everyone had a mask, including by handing out masks as people arrived at the mosque, they checked everyone's temperatures before they entered the site and required that everyone pray on an individual prayer mat. Officials were present the entire time. In line with social distancing

requirements, the exemption was for four individual zones operated with a maximum of 100 people per zone—which included the separate buildings of the mosque and the youth centre, alongside an upstairs prayer area and the courtyard—similar to what you will find in the pubs and clubs scattered throughout Sydney. There were also 40 volunteers on hand to ensure a COVID-safe environment.

While Mr Christou claims to have been inundated with complaints, I have received just two—one from Sandringham in Victoria and one from Wauchope. I assume that is the sum total of Ms Credlin's audience, alongside the members of One Nation in the other Chamber, who also seem to want to join in the criticism. There have been a significantly greater number of complaints to local members of Parliament about the mayor's comments in the *Parramatta Advertiser*. The mayor seems to be slighted that he was not consulted, despite this being a matter that is solely the responsibility of the State. I am astonished at the mayor's sudden interest in consultation. It is not an idea synonymous with this mayor. Recently both I and other local members have received significant complaints regarding his lack of consistent consultation. Those complaints come from Christian leaders in particular regarding the new changes to the planning rules for houses of worship in the Cumberland Council area.

It appears that while the mayor was sitting in on council workshops drafting a new local environment plan [LEP] and nuancing the council's position to bring in the most restrictive land use controls on houses of worship anywhere in Sydney, he did not once bother to consult with the religious community. When Liberal councillors Attie and Sarkis moved the motion for those restrictions, which made theirs the preferred position of all of the councillors on the draft LEP, Councillor Christou voted with them. Again, the mayor did not inform the religious community that houses of worship would now be prohibited in low-density and commercial centres, and existing facilities would find it unaffordable to move or expand. Let us hope that the mayor's new-found consultation abilities will spread to providing notices of development applications to local residents, particularly those who live next door to the sites that are subject to proposed development applications.

During COVID-19 many people of faith in the Auburn electorate have turned to their mosques, temples and churches for solace. Religion provides an important framework for the lives of so many in the Auburn electorate, and the celebration of Eid-ul-Adha is one of the most important festivals of the year. It has been a very tough year in Auburn, and it follows on from the tough year that the Islamic community went through with the 2019 Christchurch attacks. It is a pity that what should be a time of celebration and happiness for those of the Islamic faith is being tarnished by the unprofessionalism of the local mayor. I would suggest next time that the mayor actually read the public health order first before he criticises the health Minister.

WAGGA WAGGA ELECTORATE ENERGY PROJECTS

Dr JOE McGIRR (Wagga Wagga) (19:46): We know new sources of energy and an upgraded electricity grid are critical for our future, but so are the concerns of our communities. When I was elected to this House I spoke of the neglect that rural people felt at the hands of government. Large organisations, whether they are private or government run, should not forget the people and communities that their decisions affect. Never has this been more important than in tackling our climate and energy challenges. Yet, sadly, it seems that community concerns are not taken seriously. In my electorate of Wagga Wagga, TransGrid is proposing to construct a 500-kilovolt powerline called HumeLink to support the Snowy Hydro 2.0 development. The proposed route of towers, each of which are 65 metres tall, travels across a beautiful landscape of prime agricultural land. There is no doubt that this work is important, but it will significantly affect landowners and communities. They fear that they are being left in the dark as they deal with an absence of face-to-face consultation. They have a view that any future consultation will be little more than ticking a box. I recognise the limitations that the current pandemic is placing on us, but it is possible to have face-to-face consultation with the right precautions.

Recently residents gathered to express their concerns at the Yaven Creek Fire Shed. There has also been a meeting of residents in the Kyeamba valley, and this Sunday there is a planned meeting of the Adjungbilly to Batlow group. These groups believe that TransGrid's contact with the community so far has been essentially restricted to those farmers whose properties fall directly within the proposed corridor, and that contact has been largely electronic, while those whose land is a few hundred metres outside the affected area have not been contacted. For landowners who are facing massive and long-lasting changes to their properties and the region in which they live, as well as risks to biosecurity and the way they farm, that is simply not good enough, particularly after the devastation caused by the summer bushfires. These are people who truly understand the region. Landowners have pointed out to me that there are alternative routes available, but if there is no meaningful discussion with them then important information on alternative routes will be overlooked.

I have taken these concerns to the Minister for Energy and Environment and asked for there to be meaningful face-to-face consultation with a genuine commitment to consideration of alternatives, and a recognition of the potential impact on livelihoods, health, safety, wellbeing and the environment. A similar lack of concern has been raised with me by the members of the Eunony Valley Association, who have called for a halt

on construction of additional solar farm infrastructure because of their fear that their concerns about sun glare, loss of agricultural land, water run-off and the negative impacts on native wildlife are being overlooked. It was a condition of approval of a recently built solar farm that there be no glare or run-off of water, yet once completed nothing was done to address the issue of glare. It has become an eyesore and the company has now been required to make this good. This is a community of environmentally minded people and yet I feel their trust has been abused. The point is that when giving the go-ahead to major projects, whether it is TransGrid or the development of a new solar farm, it is vital that the voices of residents are heard. They are the ones who will have to live with the decisions that we make.

The Government prides itself on its support for regional Australia, so now is the time to demonstrate that commitment. People living in regional and rural areas must be involved in decisions that are being made about them—they must not be ignored. Regional and rural people understand the importance of the environment. Indeed, for farmers like those in the Yaven Creek Valley, Kyeamba, Adjungbilly and Batlow, preserving the land for future generations is vital. They understand the energy needs of our future and they must not be ignored; we need to hear their concerns. It has been hard enough for our country to craft a way forward on the issue of energy and environment. We must not ignore the genuine voices of our people and our communities; otherwise, we will only make the challenges we face even harder to meet in this absolutely critical area.

EDUCATION WEEK

Mr PAUL SCULLY (Wollongong) (19:50): Education is the cornerstone of opportunity. It opens us up to new ideas, and encourages us to think critically and act creatively and innovatively. It can show us a world of new possibilities or—at the very least—help to not stifle the curiosity in all of us, and it helps us better understand the world around us. This week is Education Week in New South Wales and the theme is "Learning Together". After the year that our students, teachers, parents and school communities have had so far, it is also a chance for all of us to thank school communities that have stepped up when the challenges were at their greatest. This year, school communities have had to embrace new ways of learning, which have presented challenges and opportunities. This year has shown us how resilient our students and teachers can be in the face of dramatic change. It has been a reminder to parents just how tough a task it is to educate children, as well as a recognition of how hard teachers work to get the best results for their students.

This year has drawn much-needed attention to the digital divide that still exists among, and between, school communities in an age where we all assume that every household has access to the internet and information technology when that is clearly not the case. For being so quick to respond, so dedicated to student outcomes and so willing to give of their own time to support their students in a difficult and unexpected time, I thank all teachers and school staff. I know that the students, parents and carers in their school communities appreciate the hard work and dedication of teachers and school staff. While Education Week is a time to celebrate and recognise educational achievements in our school system, it is also a time to reflect on how we can, and should, improve the system. It worries me greatly that education standards appear to be slipping in New South Wales.

Under the current Government, New South Wales has gone from leading to lagging in a number of important indicators. We have fallen from fourth to sixth in reading, from third to fifth in maths and from third to fifth in science. In addition to the fall in rankings, the proportion of students meeting the national proficient standard has also fallen in reading, maths and science, with almost half of all New South Wales students not meeting the standard in 2018. Those are disturbing trends in areas that are central to the skill set required of our students when they enter the workforce. As the Department of Education notes:

> Literacy and numeracy are important because they form the basis of our learning. They are required to learn other skills, as well as for participation in everyday life. Literacy and numeracy skills underpin workforce participation, productivity and the broader economy, and can also impact on social and health outcomes.

That is why I suggested to the Government that it engage student teachers who cannot complete the face-to-face hours required for their degree to provide intensive literacy and numeracy tutoring to students who have fallen behind during remote learning. This suggestion was dismissed despite the fact that it would help both the students and the student teachers.

The other end of the education journey has trends that are just as disturbing. The Higher School Certificate completion rate is the proportion of students who start year 10 and then are awarded a HSC within three years. Of the students commencing year 10 in 2007 at schools in the Wollongong electorate—meaning they would have completed by 2010 at the latest—the completion rate was 67.2 per cent, or around two-thirds. It rose to 71.9 per cent—or seven in 10 students—for year 10 students who commenced in 2011, but after a steady rise the completion rate fell to 64 per cent for students commencing year 10 in 2015 who would have completed school and been awarded an HSC by 2018. This was slightly less than two-thirds of students and lower than the completion rate in 2007. That is simply not good enough.

Extending the examination to TAFE, we have seen a similar fall in standards under this Government's watch. The track record of the last decade of education in New South Wales seems to be a system under pressure, with funding, standards and school building not keeping up with expectations. Students deserve better, parents deserve better and teachers, who do their best in dealing with the practical impacts of these pressures, deserve better. As the Government implements the new curriculum it should work with teachers on its development and implementation. It should also fully fund its initiatives.

I am a product of the public education system and I am proud of it. I have benefited from great teachers who were committed to education. I want to see the public education system in New South Wales thrive, producing highly educated and highly skilled students, but this will not happen without a government that is also committed to those goals. In its economic blueprint the Government said that we should aspire to provide world-class education from pre-primary right through to postgraduate studies. Well, it is time to back this aspiration with a budgetary commitment. As we mark Education Week we should absolutely celebrate our successes and we should reflect on the challenges this year has thrown us. However, it would be remiss of us if we did not also recognise that after almost a decade under the current Government we could be—and should be—doing much, much better.

GOULBURN ELECTORATE ROAD INFRASTRUCTURE

Mrs WENDY TUCKERMAN (Goulburn) (19:55): Today I bring to the attention of the House several road projects in the Goulburn electorate that will boost safety for our regional road users and also contribute to local jobs and our regional economies. The Goulburn electorate has received its fair share of local roads funding recently, with a huge investment by the New South Wales Government. In late February I was over the moon to announce more than $10 million to be invested into 13 local projects through round three of the Safer Roads Program. As a regional member I know that living in regional New South Wales often means a lot more time spent on our roads. This program was all about making those roads as safe as possible.

The successful projects include $450,000 towards Rugby Road to improve sealed shoulders; $55,000 towards the Federal Highway for general safety improvements; $940,000 towards the Hume Highway to install left-turn deceleration lanes; another $552,630 towards the Hume Highway to install flexible barriers on the median, with project development through Saving Lives on Country Roads; $754,505 towards Braidwood Road; $722,100 towards Crookwell Road; $377,191 towards the Illawarra Highway for project development to improve sealed shoulders up to 2.5 metres on the curve and install flexible barriers on the roadside through Saving Lives on Country Roads; and another $309,000 towards the Illawarra Highway to install vehicle-activated signs, install a wide-profile painted centre line and general safety improvements.

Existing projects to receive additional funding during the next financial year include another $1 million towards Crookwell Road to install wire rope barriers on the roadside, reduce the speed limit by 20 kilometres per hour and install curve alignment markers; $2 million towards the Hume Highway to install left-turn deceleration lanes, protected right-turn lanes and S-lanes, raise channelisation, install vehicle-activated signs, change cross-intersections into staggered T-junctions, left to right configurations, and close intersections with medians through Saving Lives on Country Roads; $1.8 million towards Burley Griffin Way to install a full-width traversable clear zone and install a wire rope barrier; and over $790,000 towards Mountain Ash Road for roadside barriers, safety signage, reflective pavement markers and marking road edges.

As well as the Safer Roads Program, I recently announced round one of the Fixing Local Roads Program, with another staggering $11.6 million for the Goulburn electorate. Those projects will make a big difference for our local communities and drive valuable jobs in our region over the next 12 months as councils get cracking on delivery. But the projects must be delivered within two years of receiving the funding to ensure that local communities benefit sooner. Successful projects include $677,000 to seal an unsealed section of Carrick Road, Goulburn; $2.3 million for Mountain Ash Road; $244,000 for heavy patching on Frogmore Road; $216,000 for heavy patching on Grassy Creek Road; $116,000 to seal Kennys Creek Road; $1.4 million for reconstruction and sealing of Collector Road; $1 million for Throsby Street, Moss Vale; $3.1 million for the local road rehabilitation program in the Yass Valley; and $2.3 million for the local road resealing program, also in the Yass Valley.

The importance of funding to regional roads is extremely significant. For instance, there are 1,184 kilometres of unsealed roads in the Upper Lachlan Shire Council area alone, and almost one person for every square kilometre. Roads are one of the topics I am contacted most about through my electorate office. I am very proud to be a part of a government that recognises the importance of funding roads in regional areas. I will continue to advocate for our fair share of roads funding because at the end of the day this is all about safety on our roads and saving lives.

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (20:00): As a fellow bush MP I know all too well there is no greater sensation that a bush MP can have than that moment when you get the gentle caress of the scent of freshly laid bitumen through your nostrils—there

is no better. I must say with that smorgasbord of funding that the member for Goulburn has been able to achieve for her electorate through her lobbying she is going to be smelling fresh bitumen for years to come. And it is quite right that she does because in bush communities the ability to seal rural gravel roads is not just a matter of convenience or something that is nice to have; it is essential for the safe moving of vehicles, of families and, importantly, of freight that helps keep the wheels of country communities turning. I congratulate the member for Goulburn. What a very proud record.

WARNERVALE WOOLWORTHS DISTRIBUTION CENTRE

Mr DAVID MEHAN (The Entrance) (20:01): Tonight I want to talk about the Woolworths distribution centre dispute at Warnervale on the Central Coast. Many of my constituents work at the distribution centre. The Woolworths distribution centre was established on the Central Coast in about 2009. It employs roughly 600 people. Most of those store workers are members of the United Workers Union. I am a member of the United Workers Union. The United Workers Union is an amalgamation of many unions. The people at that particular work site trace their union heritage back to the Storemen and Packers Union, which was formed in this State in 1902.

The current dispute arises out of the general renegotiation of the existing enterprise agreement. The focus of this particular dispute, and what has made it as protracted and as nasty as it has become, is the desire by the workforce to achieve wage parity with storemen employed at other Woolworths warehouses in New South Wales—in fact, with storemen employed at other Woolworths warehouses in the Greater Sydney region. I note the Central Coast often gets grouped in what is called the Greater Sydney metropolitan region. Store workers who are employed at Woolworths warehouses closer to the Sydney area are paid up to 16 per cent more than comparable workers on the Central Coast, so one of the key claims of the workers has been that they essentially want to see their wages moving towards wage parity with other Woolworths workers in the State and particularly in the Sydney region.

The dispute has dragged on since March over that and other claims. On 24 July 2020 the workforce voted on a 24-hour stoppage. That resulted in a lockout by the company, which lasted for four days, followed by further negotiations on 29 July 2020 and 30 July 2020. At those negotiations Woolworths adopted a rather heavy-handed, I would say, negotiation tactic by requiring the union negotiators and the delegates from the site to accept a conditional offer and indicate their in-principle support before they would agree to the offer being communicated at mass meetings with the workforce. That tactic caused a further stop-work meeting to be held over the simple matter of not being able to agree on how the offer was to be communicated with the workforce. The company retaliated on 31 July with an indefinite lockout. Workers at this site have been without wages now for 12 days. This is impacting on the whole Central Coast.

This sort of industrial negotiation should not be happening. When there was a more active Industrial Relations Commission this matter would be before the commission and industrial commissioners would be forcing negotiation. That no longer happens. Under the enterprise bargaining agreement laws that apply in this country now, everybody gets in the trenches. At this stage there is no end in sight. These workers are not spending money in our community because they are without wages. The dispute has begun to have an economic impact on the Central Coast because of Woolworths' action in indefinitely locking out the workforce.

My colleagues David Harris, the member for Wyong, Yasmin Catley, the member for Swansea, Liesl Tesch, the member for Gosford, and I call on Woolworths to end the lockout, review the offer, allow the workers to consider the offer in a calmer industrial environment and allow it to be put to the workers in such a way that they can take a considered vote and hopefully end this dispute. Woolworths needs to look at how it has conducted itself on the Central Coast. These are good paying jobs. We can have a better outcome here. Woolworths needs to change its industrial tactics.

Community Recognition Statements

HAMMONDVILLE PUBLIC SCHOOL

Ms MELANIE GIBBONS (Holsworthy) (20:06): I recognise the students, staff and families of Hammondville Public School, who this month made cards and gifts for the residents of HammondCare's residential aged care in Hammondville. Students made colourful artworks and wrote kind cards which were delivered to the residents. Although the gifts could not be delivered in person, I am sure they brought a smile to the residents when they received them. It is lovely to see the staff and students engage in this kind initiative, which goes a long way to provide some joy to the residents, who may be experiencing loneliness and isolation at the moment. Seeing people come together to provide support to the local community, no matter how big or small the gesture, is important, especially during times like this. Once again I commend the staff and students at Hammondville Public School for their lovely act of kindness to the residents at HammondCare.

DENTAL HEALTH WEEK

Mr GUY ZANGARI (Fairfield) (20:07): This week we celebrate Dental Health Week, which aims to promote and educate Australians of all ages about the importance of maintaining good oral health for their overall health and wellbeing. Good oral health may help reduce the risk of chronic disease and an individual's overall quality of life. Nobody knows this better than one of our local dentists, Dr Nabil Matti of Smiles Unlimited in Fairfield. Dr Matti is a passionate community advocate who not only supports residents of the Fairfield electorate but also dedicates his time and resources to provide volunteer work for those who are less fortunate, including some of the most vulnerable people throughout our region. I extend my sincerest appreciation and admiration to Dr Matti for his continued efforts with our local culturally and linguistically diverse communities and for his ongoing drive to help others. He is truly an inspiration to us all.

SUPERINTENDENT SCOTT TANNER

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (20:08): I recognise New England Police District Commander Superintendent Scott Tanner, who on Friday 7 August will conclude 2½ years at the helm before he moves on to a new posting as Richmond Police District Commander based in Lismore. Superintendent Tanner has been an amazing leader of police in our region. He was the first commander of the New England Police District since the restructure. He set a new culture, leading from the front and inspiring his troops, and has singlehandedly been responsible for dramatically improving the morale of local police. That has led to increased staffing numbers, increased retention rates and a massive decrease in all crime categories across the New England Police District, particularly in some of our more difficult remote communities which have traditionally been crime hotspots. It is our loss in a major way but certainly Richmond's gain. I thank Scott Tanner.

EDUCATION WEEK

Ms KATE WASHINGTON (Port Stephens) (20:09): It is Education Week but not as we have ever known it before. The special assemblies and concerts are missing. Instead students are quietly being recognised and parents are sharing their pride posting awards online. I join with parents and community members across Port Stephens to say thankyou to the people who have not stopped during the COVID-19 pandemic. We know that teaching can be a tough job at the best of times but this year has been profoundly challenging for our teachers, principals and support staff. With barely a day's notice they have reformed, planned, adapted and implemented a change to our education system, the likes of which have not been seen before in our State. In my own community I have witnessed teachers work around the clock to keep their students engaged and learning in the most testing of circumstances. I recognise that this has not been an easy process for anyone, not for teachers, not for parents and especially not for students. This Education Week I thank our teachers, principals and all school support staff. Our children are richer for their care and their commitment to learning together.

MURRUMBATEMAN TENNIS CLUB

Mrs WENDY TUCKERMAN (Goulburn) (20:10): Located in my electorate of Goulburn, the Murrumbateman Tennis Club has an active history dating back 100 years. It organises regular social and competitive events. The club is supported by the efforts of volunteers, who are always endeavouring to make improvements for their players, playing programs and facilities. The Murrumbateman Tennis Club recently celebrated an award of funding from the New South Wales Government's Local Sport Grant Program and Stronger Country Communities Fund to make improvements to its facility's lighting to meet the standard 15 metre height. This will enable games on all courts after dark in the near future. We love our sport and this money will be a massive boost for the Murrumbateman Tennis Club, which not only helps our communities stay active and healthy but also performs a vital role keeping people connected. The amazing efforts and many hours spent by the Murrumbateman Tennis Club volunteers are quite significant and I congratulate all those involved.

DAILY DOUGH

Mr DAVID HARRIS (Wyong) (20:11:): On 18 July Emma from Daily Dough saw a chance during COVID-19 to open her first business at The Wyong Milk Factory. Nineteen-year-old Emma lost four jobs overnight during the pandemic. That is a lot for a young person finding her way in the working world to take in. Emma decided to take a new path in life, using the time wisely, and saw an opportunity to start her dream business. Daily Dough offers scrumptious classic doughnut packs, doughnut bouquets, specialty doughnut boxes and dessert boxes and has fresh doughnuts on two selected days a week. The local community has voted with its feet and tastebuds with long lines and pre-orders regularly sold out. The success of the business has created local employment and a buzz of excitement throughout our community. Well done to Emma for pursuing her dreams and seeing a positive outcome through these challenging times.

MARGARET MITCHELL AND ADAM RUTTER

Ms ROBYN PRESTON (Hawkesbury) (20:12): I congratulate Margaret Mitchell of Ebenezer and Adam Rutter of Dural on being awarded the Paul Harris Fellow recognition by the Rotary Club of Kurrajong North Richmond on 4 August 2020. Margaret and Adam both volunteered with the RFS Hawkesbury Catering Brigade and during the 2019-20 bushfire season worked tirelessly over the 79 days of the Gospers Mountain fire. They endured very long hours preparing meals and filling food coolers to be taken into the field. I visited the RFS Hawkesbury headquarters at Wilberforce almost daily during the bushfires and I could see how hard the volunteers worked preparing and packing meals. I applaud Margaret Mitchell and Adam Rutter and thank them sincerely for their service.

HOMELESSNESS WEEK

Mr PAUL SCULLY (Wollongong) (20:12): This Homelessness Week I acknowledge the hard work and dedication of homeless service providers in Wollongong. Day in and day out the teams at organisations including the Wollongong Homeless Hub, St Vincent de Paul Wollongong, Supported Accommodation and Homelessness Services Shoalhaven Illawarra, Southern Youth and Family Services, Warrawong Community Centre, Berkeley Neighbourhood Centre, BaptistCare Port Kembla and the Illawarra Aboriginal Corporation work to support people who are in need of housing and other assistance. From providing daily meal services through to emergency accommodation, all of these services look after people, whom many find it easier to complain about than to help. The reasons why people find themselves homeless are never simple and neither are the solutions. I also acknowledge the providers of food services to homeless people in Wollongong. They are mostly volunteers who collect donations to support those who need it most. People who find themselves in need of help know that they can turn to these organisations for support without being judged. They are grateful for the support they receive and we are better as a community for their efforts.

KAY DUGGAN

Mr MARK TAYLOR (Seven Hills) (20:13): I recognise the terrific service given to the Western Sydney Local Health District by Kay Duggan. Kay is a true Winstonian, having been a Winston Hills local for more than 50 years. She recently retired from working at Westmead Hospital after more than 40 years in the public health system. From February 1980 to July 2020, Kay worked in many clinics across Westmead Hospital and most recently worked in education and training. I am told that Kay was a diligent member of the hospital staff and made many friends throughout her time at the Westmead health, education and innovation precinct. Kay is now looking forward to spending more time with her husband of 57 years, Michael, her two children and three grandchildren and her great-grandchild. I thank Kay Duggan for her dedicated service in ensuring quality health care for the residents of the Seven Hills electorate and beyond at Westmead Hospital.

SDA NSW

Ms JENNY AITCHISON (Maitland) (20:14): Never have we asked more of our retail employees and workers at the warehouses that supply them. Our community has finally recognised the essential role those workers play in ensuring that we have food on our tables, essential hygiene supplies and other life essentials. I applaud the SDA NSW and its members, delegates, organisers and branch officials, who have worked together to protect the rights of workers across the retail, fast food and warehousing industries. I thank them for the proactive stance they have taken in support of their members. To protect workers and our wider community we need everyone to wear masks whenever they enter a shop. I acknowledge their advocacy for social distancing, sanitation, cashless payments, signage, customer numbers and security. I also note the SDA's commendable No One Deserves A Serve campaign. Some shoppers have been abusive and even violent towards workers, and that is never acceptable. It should always be called out. I thank all retail, fast food and warehouse workers and their union for continuing to serve our communities in these difficult times. Stay safe.

DETECTIVE SUPERINTENDENT MURRAY REYNOLDS

Ms WENDY LINDSAY (East Hills) (20:15:): I congratulate Detective Superintendent Murray Reynolds, the commander of the Bankstown police district who leads the charge of the boys and girls in blue in my electorate of East Hills, on being awarded the Australian Police Medal in the 2020 Queen's Birthday Honours List. Murray joined the Police Force in 1974 and worked in several police stations and squads as he made his way up through the ranks. He has worked in criminal investigations, surveillance, drug units, professional standards and operations and has held numerous significant roles and been involved in several high-profile incidents. During his time as crime manager of Redfern Local Area Command, he implemented the Redfern/Waterloo Partnership Project to develop and strengthen partnerships between the police and Indigenous youth.

Murray played a major role in the investigation review of the shooting death of Detective William Crews and in 2007 performed the role of public order forward commander for the Asia-Pacific Economic Cooperation

summit. From my perspective he has always shown a great duty of care to me personally in my role as the member for East Hills and I feel very fortunate to have him as the commander of my local area force. I again congratulate Detective Superintendent Murray Reynolds on receiving this well-deserved award. I thank him for his decades of service to the Police Force and the people of New South Wales.

NATIONAL TREE DAY

Ms LIESL TESCH (Gosford) (20:17): Massive congratulations to everyone in the Umina Community Group and Grow Urban Shade Trees who coordinated a fantastic working bee at Runway Park to celebrate National Tree Day last Sunday. It was great to see community members come together for planting, barking, weeding, learning and caring for our community. It was also lovely to see new community members join in—including members of our newest Rotary club on the peninsula, the recently formed Rotary Club for Brisbane Water. Runway Park is a celebration of community initiative and hard work to see a dream come true. Located in the heart of the peninsula, it was once a stark, dry and unattractive park. Now lush, green and very well used, the park is the reward for a vision and united effort to improve our local community and make it an even more attractive location to live. It is also an example of educating the greater community in what can be achieved if we all work together.

PEGGY MAHY

Mr JUSTIN CLANCY (Albury) (20:17): In July, after six years as principal of The Scots School Albury, Peggy Mahy stepped down from that important role. Under her leadership, which commenced in 2014, the school embarked on numerous educational and cultural initiatives and received accolades from the Australian Education Awards program. Peggy introduced an education model for Life, Learning and Leading, to develop what she would call "world-ready citizens". Her leadership journey also saw the introduction of the International Baccalaureate Primary Years Programme to develop students' intellectual, emotional, personal and social skills. I wish Peggy all the very best.

BEIRUT EXPLOSION

Mr GUY ZANGARI (Fairfield) (20:18:): Today the world witnessed the horrific events that unfolded at a port in the city of Beirut in Lebanon. On behalf of the Fairfield electorate, I extend my heartfelt thoughts and prayers to the Lebanese Australian community, who are waiting to hear from their loved ones following this morning's catastrophic explosion. Our community is deeply saddened by the tremendous loss of life and devastating injuries to the residents of Beirut. May we all be united in standing with all members of the Lebanese Australian community as the emergency response and recovery efforts continue.

KU-RING-GAI ELECTORATE YEAR 12 STUDENTS

Mr ALISTER HENSKENS (Ku-ring-gai) (20:19): There has never been a year like 2020 to do your Higher School Certificate. As part of Education Week this year, I give a special shout-out to the year 12 students in Ku-ring-gai. Every year of their life up until now has involved changes. In one sense, this year is really no different—even though none of us expected the changes that have happened. It is important for each and every one of them to know that their family, friends and community are right behind them. As they are preparing to do their trial HSC in the next few weeks I hope they make sure to keep balance and perspective. All anyone wants is for them to give it their best shot. Despite some of the tension in and outside of their families in their HSC year, they must always keep remembering that regardless of their test results, their family and friends will still love them—and that is the most important mark anyone can get in life.

THE ENTRANCE PUBLIC SCHOOL

Mr DAVID MEHAN (The Entrance) (20:20): I acknowledge the fantastic work of The Entrance Public School and its efforts, in combination with Brooke Avenue Public School, Cooranbong Public School and The Entrance Food Hub to pack and deliver food hampers for 300 disadvantaged families on the Central Coast during the COVID-19 pandemic. On 25 June I was fortunate enough to assist with making hampers for this important initiative at the school and was impressed with the organisation and effort involved in the process. I make special mention of Ally Bayfield, community liaison officer with Tuggerah Lakes Learning Community, who has been instrumental in the successful initiative. It was a great effort by the school and by Ally Bayfield to provide support and assistance to the community during this difficult time.

2020 KIDS' LIT QUIZ

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (20:21): I congratulate Armidale school students Scarlett Buntine, Charlotte Craig, Sam Guppy and Austin Pease on moving through to the next round of the 2020 Kids' Lit Quiz after winning the Armidale heat on Tuesday 4 August. The group of year 7 students successfully answered the most literary-related questions and

beat 19 teams from Armidale, Inverell and Tenterfield schools in the heats of the annual competition. I commend the students for their exceptional knowledge and wish them all the best for the next round of the national competition.

ERIC AND ERICA EMUS

Ms KATE WASHINGTON (Port Stephens) (20:21): I pay special tribute to some important but elusive members of our community in Port Stephens. I have to admit that for a long time I thought they were a figment of my children's imagination—until I saw them myself. This week I realised that many families have been having the same conversation. After the recent floods, people wondered how they were faring. We know they cannot fly, but the question was could they swim? A well-caught photo of Eric the emu standing thigh deep in the flooded plains of Williamtown was met with a collective sigh of relief not only that he was okay but also, for many of us, that he is real. It turns out that there are two emus. Eric and Erica have been a social media hit this week, but they have been a hit for a long time in Port Stephens. This week they have achieved what all of us needed in these troubling times: they put smiles on people's faces.

WINDSOR ROTARY CLUB

Ms ROBYN PRESTON (Hawkesbury) (20:22): The sixty-sixth Annual Changeover of the Rotary Club of Windsor was celebrated in July. I was glad to spend the evening in the good company of newly appointed president John Chapman and his wife, Sandra. It is bound to be a busy year for both of them. I am hearing that Zoom meetings, which have been popular of late, are going to take off with the club's members as well as we navigate COVID-19 safe practices. Hats off to Hawkesbury Race Club for serving a delicious dinner—always consistent—and well done to Windsor Rotary and the Rotarians for their support for the Hawkesbury community through drought, bushfires and the COVID-19 pandemic. I congratulate president John Chapman on his election to his important position and wish him the best of luck. I have no doubt that he will execute his duties with diligence and excellence.

WARNERVALE WOOLWORTHS DISTRIBUTION CENTRE

Mr DAVID HARRIS (Wyong) (20:23): I take this opportunity to recognise the current struggle to earn better wages and conditions for over 500 Woolworths distribution centre workers, many of whom are from my electorate. These workers have been locked out of their place of employment for 12 days over negotiations for their new enterprise agreement. These are difficult times and whilst I cannot acknowledge the names of every worker, my thoughts are with them and their families at this difficult time. I can acknowledge organiser Brad Donnelly and the other union delegates who have been taking up the fight on behalf of workers: Jeff Kirkby, Bob Quigg, Justin Seve, Steve Morris, Brian Skuse, John McDonald, Alan Russell, Allan Gault, Cameron Holmes, Chris Gentles and Saarah Farley. Hopefully a resolution can be found and these workers can get back to work and to supporting their families. I stand with them all in solidarity.

PROSPECT HERITAGE TRUST

Mr MARK TAYLOR (Seven Hills) (20:24): I am honoured to be patron of the Prospect Heritage Trust and as such on behalf of the trust I thank George Nasr of Sydney Water. Sydney Water has aided the trust on multiple occasions given its location within Prospect Reservoir precinct and its need for relocation whilst refurbishments took place. As members can appreciate there are many considerations in the relocation of historical artefacts, display cabinets, photographs, signage and other equipment that must be carefully relocated. I had the pleasure of attending official celebrations for the newly restored cottage in May 2019. A further move was needed since and George helped the trust, and ensured its Christmas party went ahead. The trust's president, Jill Finch, and I thank George and Sydney Water for their generosity and support. I have been fortunate to learn more about my family's long history in the local area of the Seven Hills electorate and western Sydney from the trust. I encourage all to attend the Prospect Heritage Trust which holds significant documents, items and information of parts of Blacktown, Cumberland, Fairfield and Parramatta local government areas.

CENTRAL COAST TEACHERS

Ms LIESL TESCH (Gosford) (20:25): In Education Week I thank all the teachers, assistant teachers, staff, administrative and sport staff and our school leaders at schools across the Central Coast. In this Parliament we acknowledge the outstanding work and exceptional adjustments they have made to continue to deliver the best possible education to students across our coast communities in these very difficult times. I acknowledge the yo-yo of information that they have had to deal with from the Berejiklian Government and the incredible pressures and stresses they have dealt with as they have delivered face-to-face, then online, then face-to-face education during these COVID times. I also send best wishes to all our HSC students in a very difficult 2020 and also love and best wishes to our Victorian Certificate of Education students across the border and all the teachers in Victoria. We express our sincere gratitude.

OWEN JOHNSON

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (20:26): I recognise and congratulate Bingara New South Wales ambulance officer and paramedic Owen Johnson who recently received recognition for his dedication and service to the community. Owen was presented with the NSW Ambulance Long Service and Good Conduct medal for 10 years' service. Owen has been a paramedic in the NSW Ambulance Service for the past 14 years but, in addition, he also received a National Service medal for 25 years of service of a recognised government or voluntary service. Prior to joining the NSW Ambulance Service Owen was a valued member of the local State Emergency Service for 15 years. I thank Owen for his service not only as a paramedic but also previously in the SES. Our community in Bingara and our region are built on the backs of efforts of people like him.

NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN'S DAY

Ms JENNY AITCHISON (Maitland) (20:27): On behalf of everyone in the Maitland community, I acknowledge our Elders of tomorrow, in celebration of National Aboriginal and Torres Strait Islander people's Children's Day, which was held yesterday. The significance of 4 August is profound; many children of the Stolen Generations did not know their true dates of birth. Not only were they were taken away from their families and their culture but also their birth date, an integral part of identity, was taken from them. On 4 August 1988 it was designated as a day to celebrate the birthdays of all of those children. Culture, family and community are integral to the development of every Aboriginal and Torres Strait Islander child. This year's theme—Elders of Tomorrow, Hear Our Voice—is a call for all of us, to listen to, and truly hear, these children and support them as they grow into influential Elders and leaders of the future.

PARK BEACH BOWLS CLUB

Mr GURMESH SINGH (Coffs Harbour) (20:28): Park Beach Bowls Club is affectionately known as the place where the ocean meets the greens. This popular club, an integral part of the Coffs Coast community since 1959, boasts a thriving membership and excellent facilities. These facilities will go from strength to strength thanks to a $15,000 Local Sport Grant Program allocation. The club upgrade involves the installation of seating and shade structures and irrigation for the greens. The Local Sport Grant Program is proving a real game changer for many sporting organisations as they emerge from the COV1D-19 lockdown. Park Beach Bowls Club is led by a strong team comprising chief executive officer Thane Duncan and the board: chair Beverly White, vice-chairs Laurie Boekeman and Steve Kennedy, and directors John Beckhaus, Mick DeMeio, Jim Phillips, Peter Bischa and Aden Pike.

MINGARA ATHLETICS CLUB

Mr DAVID MEHAN (The Entrance) (20:28:): I congratulate Mingara Athletics Club for being named Country Club of the Year at the Athletics NSW 2020 Club Awards. The Mingara Athletics Club was founded in 1997 as the Tuggerah Lakes Mingara Athletics Club and began as a small training group, coached by Margaret Beardslee. Over time the club expanded and now has a membership of over 100. Its home is now also the regional synthetic track at Mingara, in relation to which I was happy to be able to assist under the Community Building Partnership Grant in conjunction with my other Central Coast Labor colleagues to get the track resurfaced. The Mingara Athletics Club supports many events on the Central Coast. Its members also attend local State and national events, in both summer and winter races and relays. Throughout its operation, Mingara Athletics Club has also been awarded a number of premiership awards and should be commended for that. Its reputation in track and field is highly recognised and for that it should be very proud. Congratulations again on this great achievement and I wish the club well and continued success.

PROSPECT HIGHWAY

Mr MARK TAYLOR (Seven Hills) (20:29): In early 2019 I stood with Premier Gladys Berejiklian and committed to an expansive upgrade of Prospect Highway from St Martins Crescent, Blacktown to Reservoir Road, Prospect. A contract was signed last year for the project and enabling works began in March 2020 and will be completed by June 2021. These works include utilities relocation and traffic lights maintenance which will ensure a shorter disruption to the community during the major construction phase. The Government is upgrading 3.6 kilometres of the Prospect Highway from two to four lanes, and duplicating the bridges over the M4 and the Great Western Highway. The project will upgrade the existing shared path on the western side of Prospect Highway between the M4 and Blacktown Road. A kerbside bus lane in each direction between Lancelot Street, Blacktown and north of St Martins Crescent, Prospect will be installed. Shelley Public School, Blacktown will also receive an in-school kiss-and-ride facility. Other works include new traffic lights and changes to access arrangements at multiple intersections across Blacktown, Seven Hills and Prospect.

WARNERVALE WOOLWORTHS DISTRIBUTION CENTRE

Ms LIESL TESCH (Gosford) (20:30): I send a shout-out to Woolworths workers and their families who are standing beside the people of the Central Coast in a statement that says we are worth equal pay to those in Sydney. It was very disappointing to hear negotiations have broken down and Woolworths does not recognise Coasties have the same value, or pay rate, as comparable workers in Sydney, despite the fact they carry out equal duties. I thank the United Workers Union for supporting workers seeking fair pay. I also thank our other union brothers and sisters who are joining these men and women who are locked out of their workplace, dressed in their uniforms ready to go to work once Woolworths is prepared to come to the table to negotiate. It is good to hear the people of the Central Coast beginning to question their decision to shop at Woolies due to their lack of support of their Central Coast workers. My thoughts are with them during these difficult times.

SAWTELL GOLF CLUB

Mr GURMESH SINGH (Coffs Harbour) (20:31): The Local Sport Grant Program is immensely helpful to many sporting organisations in my electorate, and I am proud Sawtell Golf Club is among them. Recently I visited the club to announce a $15,000 grant to help it with its project to provide new concrete golf cart paths. The paths will provide a more accessible golf course for the club's membership and guests, and will attract a wider range of user groups from the local community. It is a stunning course and was in superb condition when I was there, thanks to some recent welcome rain. I commend the leadership team of president Keith Rhoades, general manager Rachel Jacobson, vice-president Doug O'Connor, treasurer Kevin Bailey, club captain Joe Cavallaro, directors John Burke, Allan Heffernan, Ian Jones, Jim Murdoch and Kate Pollard, club professional Brendan Barnes and course superintendent Matthew Duff.

LANDCARE

Ms JENNY AITCHISON (Maitland) (20:32): With a changing climate, ongoing droughts, fires and floods and biodiversity loss in New South Wales, we need Landcare more than ever. During Landcare Week, I particularly acknowledge the more than 60,000 land carers in New South Wales as well as chief executive officer Adrian Zammit and Government Relations Advisor Leigh McLaughlin. They are all part of a truly grassroots movement which allows local communities to work together across all sectors and interests to provide lasting, environmentally sustainable and productive solutions for the management of land. As shadow Minister for Primary Industries, I acknowledge the important role Landcare plays in bringing together farmers, landowners, conservationists and nature lovers through vital projects that address shared goals. As well as delivering practical outcomes, Landcare is a major influencer in helping to develop new ways to manage land across New South Wales in both rural and urban areas, through its powerful and bipartisan advocacy to government. If people want to get involved, find the local group at landcarensw.org.au

MARINE RESCUE COFFS HARBOUR

Mr GURMESH SINGH (Coffs Harbour) (20:33): Our boating community is in safe hands thanks to the life-saving work of Marine Rescue Coffs Harbour. I was pleased to be part of its presentation morning tea at C.ex Coffs, where, I might add, strict social distancing and hygiene protocols were in place. I was honoured to present a 10-year long service medal to Doug Simmonds, while my Federal colleague, Cowper member of Parliament Pat Conaghan, presented national medals to Mark Halling and Andrew Cox. Rosemary Morris from Japara Coffs Harbour Aged Care almost stole the show with a $4,000 donation to Marine Rescue Coffs Harbour. Special mention also goes to Graham Taylor for showing us a promotional video on the unit. I applaud unit commander Graeme King and his fine team on their outstanding and dedicated service to our community.

BDAFA – U8/U9 GIRLS' COMPETITIONS

Ms TANIA MIHAILUK (Bankstown)—I am delighted to congratulate my local football association, Bankstown District Amateur Football Association (BDAFA) on the commencement of their girls' competition for the Under 8's and Under 9's age groups. This announcement follows BDAFA's recent introduction of girls' competition in the Under 6/7's and Under 11's age groups. With Australia and New Zealand's successful joint bid to host the FIFA Women's World Cup in 2023, women's and girl's participation in football will undoubtedly increase. I am pleased that many community sporting organisations within my electorate of Bankstown, including BDAFA, are well-prepared to support the potential growth. I am proud to offer my ongoing support to BDAFA and I congratulate the Association's Chairman Mr Andrew Forster, Deputy Chairman Mr Dimitri Hursalas, General Manager Ms Leanne Millar, as well as Directors Mr James Bowmaker, Mr Scott Farquahson, Mr Andrew Skaltsounis and Mr Laurie Warner and the wider community for their support of women's football.

VINNIES WINTER APPEAL

Ms TANIA MIHAILUK (Bankstown)—I acknowledge the St Vincent de Paul Society and congratulate them on the success of this year's 'Vinnies Winter Appeal,' which has become an annual tradition, raising vital funds to support members of our community who are experiencing poverty or homelessness. The proceeds of this year's appeal will go towards helping families that have been left struggling financially by the impact of the recent COVID-19 restrictions. I was pleased to see local schools in my electorate of Bankstown supporting the St Vincent de Paul Society's Winter Appeal and I would like to take this opportunity to recognise the efforts of LaSalle Catholic College Bankstown and Christ the King Catholic School Bass Hill in contributing through the collection of food, warm clothing and financial donations. I applaud all the students and other members of the school community, who generously volunteered their time and efforts towards this very worthwhile cause. I take this opportunity to acknowledge LaSalle Catholic College's Principal Michael Egan and Christ the King's Principal Lee Scola, as well as staff, students, parents and the wider school communities, and thank them for their tremendous contribution and valuable work in supporting our local community during this challenging time.

EDUCATION WEEK

Ms JENNY AITCHISON (Maitland)—This year, with bushfires, floods and COVID-19, in the midst of more than three years of drought, schools have demonstrated that they truly are a vital part of connecting our communities, developing resilience and the capacity to cope with a changing environment, and building a love for lifelong learning in our young people. More than ever before, we have seen parents take a much more active role in the education of their children with home schooling. Parents have seen firsthand the challenges of helping their children to focus on structured learning. For many families, in a year full of change and challenge, their schools have perhaps been their most stable partners. This year has also highlighted the importance of the relationships our children develop in school, both to their social development and their mental health. Thank you to everyone who has been involved with providing education– at every level from pre-school and early childhood learning to primary school, high school, TAFE and University. Let's celebrate those who work on the front lines and behind the scenes as teachers, administrators, teacher's aides and volunteers to provide the rich learning experiences that enhance our students and build a better society.

HOMELESSNESS WEEK

Ms JENNY AITCHISON (Maitland)—So many of us take having a home for granted, and almost 120,000 Australians are without a home, every night. In Maitland more than 100 people are officially classified as homeless every night, but we know the numbers are far higher, with many people living in precarious situations, couch surfing or living in cars or on the streets because they cannot find homes. Thank you to our local specialist and homelessness services including Carrie's Place, Hume Housing, Compass Housing, and the Samaritans Youth Refuge. I also acknowledge the leadership of Katherine McKernan from Homelessness NSW. I also want to acknowledge the work that volunteers do every day in Maitland to help people in need. From haircuts to hampers and clothing to electricity vouchers, there is great generosity. Thanks also to the Maitland Neighbourhood Centre; Woodberry Family Centre, Maitland Family Support Service, St Vincent De Paul; the Uniting Church Maitland; Real Life Church Maitland; St Peter's Ministry Centre; the Salvation Army; the Grace Community Kitchen; Good Life Church East Maitland; St Michael's and St Paul's as well as Maitland City Council – thank you. The support you provide brings hope and ultimately homes to those most desperately in need.

ROSS BUXTON

Ms SONIA HORNERY (Wallsend)— Behind all community clubs stands an amazing volunteer base. Parents, grandparents, care givers, aunts, uncles, siblings, players, retired players, community members. Shortland United Junior Football Club has a number of volunteers who support the family friendly club. One that has stood out is Ross Buxton. Parent, volunteer, sponsor, master of the BBQ, President, and coach of two teams. This week, Ross was deservedly awarded Newcastle Permanent's Community Coach of the Month for August 2020. This is the second time he has received this award, firstly in June 2019. One of Ross' sons is the goal keeper of his under 17's team, and his daughter the centre defence for his all age women's team. Ross has been involved with the Shortland Panda's for about 12 years, when his children decided that soccer was the sport for them. Ross owns and runs two businesses in Wallsend, but always makes time for training his teams, attending games on Saturdays and Sundays, and watching the Newcastle Jets. Congratulations Ross, and thank you for all the hard work you and others do for SUJFC.

MEL AFRICA

Ms SONIA HORNERY (Wallsend)— Football has a rich history in Wallsend, and Wallsend FC are the oldest club in Newcastle, being founded in 1887. They also have a long history of having wonderful volunteers. Mel Africa is Wallsend FC's club secretary and has been an active volunteer at the club for a number of years.

Mel has done a fantastic job taking over from the former administrators after the entire executive left and a new group of people were appointed, which was an extremely difficult task. Mel has kept her stakeholders informed as to what is happening, particularly during the COVID-19 pandemic. She is full of great ideas, is approachable and happy to listen to feedback or ideas that are presented to her. She takes on any role or job that needs doing and is flexible with an enthusiastic work ethic. She gives maximum effort to her club and is a big part of the Red Devils family which includes her two children as players and her husband who is an amazing coach. Well done Mel on being named the Northern NSW Football volunteer of the month.

SREENI PILLAMARRI

Mr DOMINIC PERROTTET (Epping—Treasurer)— Today I wish to recognise the outstanding local contribution made by one of my constituents, Mr Sreeni Pillamarri JP. Mr Pillamarri has been a Cherrybrook resident for many years, and is also a key figure in the Indian community in my electorate. Among other roles, Mr Pillamarri is the Sponsorship Director of West Pennant Hills Cherrybrook Cricket Club, and I was delighted to hear fixtures should be starting back up in October. WPHCCC has been running since 1930. In that time the club has seen through the Great Depression and the Second World War; challenge is nothing new to them. Mr Pillamarri also runs the Cherrybrook Community Facebook group, which has over 2,300 members - a great resource to connect with locals and find out what's on near you. I recently had the opportunity to meet with Mr Pillamarri to discuss a range of issues impacting on Cherrybrook and the Indian community throughout NSW. Mr Pillarmari is also the President of United Indian Associations Inc. and has served on the Executive Committee of the Sydney Telugu Association. I enjoyed my conversation with Mr Pillamarri and I look forward to seeing him around the electorate in the future.

BLAKE MURRAY

Mrs TANYA DAVIES (Mulgoa)— I would like to congratulate Glenmore Park resident, Blake Murray for recently receiving the Penrith Valley Sports Foundation Senior Sport Star Awards for his skills and development in Golf. Blake's golf journey began when he was only 15-years-old and he has excelled in the sport over the last two years. He currently represents the Penrith Golf Club and has won many outstanding titles in his time there. In 2018, he won the Wollongong Junior Open, represented Penrith Golf Club in the Junior Pennants and was also awarded the Penrith Golf Club Silver Putter and Captains Bowl. In 2019, Blake qualified for the A Grade Match Play Championship, finishing fifth overall in the Penrith Golf Club Championship and first in the Junior Championship. Finally, Blake's continued improvement saw him named the Western Sydney Academy of Sport 2019 Athlete of the Year. It is evident that Blake's passion for Golf and dedication to training has propelled him into his career, making him one of the fastest up-and-coming players in the game. I wish Blake all the best for his future in Golf and look forward to hearing of his next great achievement!

KANDACE SINGLETON

Mrs TANYA DAVIES (Mulgoa)— I would like to congratulate 15-year-old St Clair resident, Kandace Singleton on receiving the Penrith Valley Sports Foundation Junior Sports Award for her outstanding skill and development in AFL. Kandace began playing AFL at just eight-years-old and originally joined the U/10 Boys' mixed team where she played for two years, as there were no girls' teams to sign up for at the time. She then transitioned into the Women's competition and quickly become one of the best AFL players for her age through her outstanding performances on the field and development in training. Some of her greatest achievements include being a part of the representative squads for the Western Sydney Academy of Sport in the 2018/19 and 2019/2020 seasons, The GWS Giants youth representative teams from 2017-2019, the 2019 JS Sports U18's Representative Carnival All Star Team and the NSW CHS Public Schools Carnival. The secret to Kandace's success is not only in her training and dedication to the sport, but in the bonds she has created with team mates and her love for being active. Well done Kandace on this outstanding achievement, wishing you all the best!

WAGGA WAGGA CWA DAY BRANCH

Dr JOE McGIRR (Wagga Wagga)— Almost a century ago, the Country Women's Association of NSW was formed at a time when rural women were fighting the tyrannies of isolation, and in particular a lack of health facilities. Within a year, the association was a unified group, with members working to set up baby health care centres, fund bush hospitals, build and staff maternity wards, hospitals, schools, rest homes and holiday cottages. Among those pioneering women were members of the Wagga Wagga day branch of the CWA, a group with a proud 97-year-old history that earlier this year was on the brink of being lost. A decline in membership had threatened the branch's future. But members like Denise Fergusson were determined not to let it die. Mrs Fergusson spearheaded a membership campaign and the women of Wagga responded. From teetering on the brink of closure, the branch has attracted about 40 new members, with inquiries from other interested women still coming in. The Country Women's Association has a long and proud history of service to regional and rural woman

and I am delighted that a new generation of members are keen to see the Wagga Wagga day branch thrive. Congratulations.

KYOGLE AND NIMBIN HOSPITALS RATED BEST IN STATE FOR CARE AND TREATMENT

Ms JANELLE SAFFIN (Lismore)— I congratulate Kyogle Memorial Hospital and the Nimbin Multi-Purpose Service for getting a huge tick of approval from patients for the standard of care and treatment they deliver. Both rural hospitals in the Northern NSW Local Health District have fared extremely well in the Rural Hospital Emergency Care Patient Survey 2019, as reported by the Bureau of Health Information. Patients reported very high rates of satisfaction with the Emergency Department staff, doctors and nurses who treated them at the two facilities. Eighty eight per cent of respondents would speak highly of their experience in the ED to family and friends, while 95 per cent agreed that the ED nurses were always polite and courteous. This was a 13 percentage point improvement on the last survey conducted in 2015-16. I warmly congratulate Kyogle Memorial Hospital nurse manager Julie Cadet and nursing unit manager Rachael Keys; and Nimbin Multi-Purpose Service nurse manager Tracey Sheehan. And I sincerely thank McKid Medical practice principal Dr Vinay Potumuthu and his fellow GPs for their dedication as Visiting Medical Officers at both hospitals. McKid Medical has grown into a thriving practice in recent years.

MODERN RADIATION THERAPY TECHNIQUES HELP LOCAL BREAST CANCER PATIENTS

Ms JANELLE SAFFIN (Lismore)— It is encouraging that new radiation therapy techniques used at the North Coast and Mid North Coast Cancer Institutes are resulting in better outcomes and fewer side effects for breast cancer patients. A team of oncologists led by Associate Professor Tom Shakespeare has published an Australian-first evaluation of the curative approach. The evaluation followed 155 patients from the Lismore, Coffs Harbour and Port Macquarie areas. No patient had a cancer recurrence in the treated breast five years after a combination of highly targeted radiation therapy in fewer sessions and in the prone (face down) position. Each year, around 260 women are diagnosed with breast cancer in Northern NSW and 190 on the Mid North Coast, according to Cancer Institute NSW figures. I first met Associate Professor Shakespeare when as Federal Member for Page I had secured Commonwealth funding for the North Coast Cancer Institute (NCCI) centre in Lismore and we were in the establishment phase. The aim was to staff and equip a world-class integrated cancer care centre and I note we have two radiation oncology centres in Coffs Harbour and Port Macquarie under the Mid North Coast Cancer Institute (MNCCI).

BAY AND BASIN AND SUSSEX INLET FLOODING

Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government)— I give mention to residents of the Bay and Basin and Sussex Inlet area for the way they've handled another emergency disaster in their community, with floods recently leading to a number of road closures, house evacuations, and loss of property. Many residents who have suffered during the recent flooding were also impacted by bushfire and flooding earlier this year. Given these impacts, and that of the ongoing pandemic, it would be easy for locals to take a negative approach. But I have seen yet again the resilience and community spirit of the South Coast beat the odds, with neighbours helping each other out, giving those in need what they can. I also thank the SES and our local Emergency Service workers who have again gone above and beyond to assist those in need. This is not proving to be an easy year for the South Coast, but as the local member I will continue to advocate for these communities to ensure we come out of this stronger than ever.

BYRON BAY COOKIE COMPANY

Ms TAMARA SMITH (Ballina)— Today I congratulate the Byron Bay Cookie Company who are celebrating 30 years in business. The company has come a long way from its humble beginnings in the 1990s. They first started baking cookies in a country farmhouse in the Byron hinterland with an old family recipe. The cookies were sold at the local markets until they moved to their new home in the Byron Bay Industrial Estate and today their cookies are sold all over the world. The Byron Bay Cookie Company exemplify what our region is known for - quality food and business integrity. Qualities that see food production from the Northern Rivers in high demand both nationally and internationally. I remember the delight I felt the first time I saw a Byron Bay Cookie Company cookie on a flight to Sydney and today I see their cookies everywhere I travel. Wishing them a very Happy 30th anniversary and I know we all look forward to seeing what new flavours and ingredients the Byron Bay Cookie Company will come up with over the next 30 years.

MENTAL HEALTH SUPPORT GROUP

Ms TAMARA SMITH (Ballina)— Today I commend the Northern Rivers Mental Health Support Group for their continued assistance to people in our community during the COVID - 19 crisis. The Mental Health Support Group is a registered charity that is concerned with the welfare of those who are living with a mental illness. The group has been operating in the Northern Rivers Region for 21 years. It is run entirely by volunteers

and receives no government funding. Throughout the pandemic this group of volunteers coordinated by Barbara Swain, have provided furniture, clothing, prams, cots, toys and other household items as well as toiletry packs for those in need. Even though most of their volunteers were unable to assist due to COVID-19 restrictions, this did not deter the support group from continuing their work of ensuring that mental health patients and their families were not marginalised. Barbara, her husband and other volunteers worked tirelessly through the peak of the pandemic to ensure that the disadvantaged in our community were catered for. Barbara has worked with homeless people, domestic violence victims and those affected by mental health. I appreciate and applaud the work of Barbara Swain and the Mental Health Support Group volunteers who make our community a better place to live in.

BEYOND DUTY EXHIBITION LAUNCH

Mr MARK COURE (Oatley)— On the 3rd of February I had the great honour of attending the Beyond Duty Exhibition Launch here in Parliament House. This exhibition paid tribute to the courage and humanitarianism of thirty-four diplomats, who have been designated as Righteous Among the Nations for their roles in saving 200,000 Jews during the Holocaust. Organised by the NSW Parliamentary Friends of Israel, the New South Wales Jewish Board of Deputies and the Embassy of Israel, the display presented photos of the diplomats and their incredible efforts in saving thousands of Jews. I was incredibly moved in learning about the tremendous acts of goodwill, which no doubt changed the lives of many. I would like to thank Vic Alhadeff, Chief Executive Officer of the New South Wales Jewish Board of Deputies, for his invitation to this event.

WELCOMING OF MS FIONA FAN

Mr MARK COURE (Oatley)— I take this opportunity to officially congratulate Ms Fiona Fan, the new Director General of the Taipei Economic and Cultural Office. Ms Fan replaces Ms Constance Wang, who did a fantastic job and remains a great friend of this House. Taiwan and the New South Wales Parliament have a strong relationship and I have no doubt this will continue long into the future. As well as congratulating Ms Fan, I would like to welcome her to the Asia Pacific Friendship Group. The Parliamentary Group consists of representatives from all Asia-Pacific countries, and Taiwan remains a large part of this. Despite being a State Parliament, New South Wales is constantly on the global stage. We are known around the world and have a large part to play in international relations. I commend members on both sides, particularly those involved in the Asia Pacific Friendship Group, for their embracing of our global community. Once again, congratulations and welcome to Ms Fan!

ALLAN HAYMAN

Mr CHRISTOPHER GULAPTIS (Clarence)— I offer my congratulations to Allan Hayman who was recently honoured with a NSW Public Service Medallion for more than 40 years meritorious service for the NSW government. Allan started off as a trainee engineman with the State Rail Authority, then moved on to the Department of Main Roads. Not content to relax into retirement, Allan took on the job of Crossing Supervisor for one of our local primary schools and is a well-recognised face, not only with the students and teachers, but with the many drivers who travel this busy road morning and afternoon. I wish to thank Allan, not only for his long and dedicated service to NSW, but especially for the extremely important job he is currently doing in ensuring our children are kept safe.

SAMUEL GILBERT PUBLIC SCHOOL P&C ASSOCIATION

Mr RAY WILLIAMS (Castle Hill)— I would like to take this opportunity to recognise the Samuel Gilbert Public School P&C Association, who exist within my electorate of Castle Hill. P&C Associations are critical within the whole of NSW as they advocate for the betterment of school infrastructure and the school community. In recent years the Samuel Gilbert P&C have made a name for themselves for always fighting for the benefit of students within the school, managing the School Canteen, Uniform Shop, Band and also running the schools fête. They have also recently released a cookbook for fundraising purposes, consisting of the favourite recipes of the families of the school. It was recently my pleasure to announce $11,937 worth of funding for the upgrade of the school's playground. This was a part of the $300,000 provided to my electorate in the 2019 round of the Community Building Partnership Grants. My thanks go out to all the members of the Samuel Gilbert P&C, in particular the committee members Tym Richardson, Elizabeth Tye, Katie Pike, Kim Miller and David Cox.

CASTLE HILL SCOUTS

Mr RAY WILLIAMS (Castle Hill)— I would like to take this opportunity to recognise the work of the 1st and 2nd Castle Hill Scouts within my electorate. The scouts perform an invaluable role within my community educating children on outdoor skills, whilst improving the physical health and social skills of participants. For over a hundred years the Castle Hill Scouts have existed in this capacity, and now cater for 5-25 year olds who find a great sense of community from the organisation. It was recently my pleasure to announce $23,206 worth of

funding for the 2nd Castle Hill Scouts for the repair of the Scout Hall, including the verandah, handrails and disability ramp and the installation of air conditioners. I also announced $10,000 worth of funding for the 1st Castle Hill Scouts for the repair of their bathroom facilities and enclosing their shower facilities. This was a part of the $300,000 provided to my electorate in the 2019 round of the Community Building Partnership Grants. My thanks goes to all who work tirelessly for the development of the local Scouts, notably Carol Cope, Allan Staples and Joachim Schiller.

GAVIN BRAY

Mr MICHAEL JOHNSEN (Upper Hunter)— I would like to congratulate Gavin Bray of Denman who just recently retired from the Fire and Rescue NSW Station 283 Denman for his exemplary service to Fire and Rescue NSW for the past 24 years. Gavin joined Fire & Rescue NSW ranks back in 1996 and in 2015 was appointed Captain of the Denman Fire Station. Last year Gavin was awarded the AFSM in the Queen's Birthday Honours list. Again congratulations to Gavin for his distinguish career with Fire and Rescue NSW and I wish him all the best for his future endeavours.

VAL AND NORM WEBSTER 70TH ANNIVERSARY

Mr STEPHEN BROMHEAD (Myall Lakes)— I congratulate Val and Norm Webster of Taree who y celebrated their 70th Wedding Anniversary on the 25th February 2020. Partners for 70 years and 'still mates' is how Norm described his relationship with his wife Val. Norm and Val attended school together at the Carlingford Rural School in Sydney. Norm went into the Army for three years and then worked in the timber profession. He and Val married at a little church in Carlingford which dated back to the mid 1800's and is said to be the second church built in NSW. They operated businesses in Lambton and Bellbrook before moving to operate a Dairy Farm for 10 years in Gloucester, finally moving to Taree in 1970. Norm now 93 took up woodturning and is a member of the Taree Manning River Men's Shed, where he describes his fellow Men's Shed companions as 'a great mob'. I congratulate Val and Norm on this very special anniversary and wish them many more years of happiness together.

KATIE HARDIMAN

Mr STEPHEN BROMHEAD (Myall Lakes)— I congratulate former Taree resident and local songwriter Katie Hardiman on winning Best Song at this year's Los Angeles Film Awards, New York Film Awards and prestigious short films festival. Katie grew up in the Manning but currently resides in Sydney. She is proud and incredibly humbled that the song had been recognised. The song 'Always By Your Side' was inspired by her nephew Tom Hardiman who tragically lost his battle to sarcoma cancer in April at aged 20 after a 4 and a half year battle. Through song she tells a story to raise awareness of sarcoma, a rare childhood cancer. Kate said 'To be chosen as a winner with my co-writer on this platform is something truly special, especially amongst a field of extremely talented screen writers and songwriters from the US including those from the popular series Game of Thrones, Criminal Minds and many other Netflix series writers. The Film Festival judges commented that the song brings a message of hope and positivity, to those who need it most and provides a sense of hope and courage. I congratulate Katie on her award and wish her much future success with her endeavours.

APPIN MINE DISASTER MEMORIAL

Mr NATHANIEL SMITH (Wollondilly)— I would like to pay a special tribute to the community in Appin. I recently attended the unveiling of a memorial to the 14 miners from the colliery who were killed after accumulated methane exploded on July 24, 1979. This event still deeply effects those involved. All gathered at dawn for the ceremony, which commenced as two bagpipers walked into the Appin Sportsground in the early morning mist, accompanied by members of the South32 mines rescue brigade. It was a most solemn and moving occasion. The current operator of the mine in Appin, South 32, commissioned the memorial and with community consultation at so many levels and inspiring memorial was unveiled. A giant new sculpture, consisting of 14 steel arches about 3m high, made from local steel and other materials. The Menangle Men's shed also assisted in the construction. The memorial is a place of light and reflection and is a fitting tribute. I was honoured, together with my parliamentary colleague Paul Scully MP, to be part of the ceremony.

CEDAR CREEK ORCHARD

Mr NATHANIEL SMITH (Wollondilly)— I would like to make mention of Cedar Creek Orchard which is a 45ha property, nestled in the hills just outside of Picton, in Thirlmere. The land was purchased by Hugo Silm (an immigrant from Estonia) in 1937, and it was first used as a poultry farm. The first fruit trees (apples) were planted in 1940. The business has grown into a large primary production entity, supplying fruit to Australia's domestic markets (including Coles and Woolworths), and occasionally, to overseas customers in Hong Kong, Malaysia, & Singapore. The family has always strived to grow top quality fruit, with current plantings consisting of apples, peaches, nectarines, and persimmons, as well as producing their own brand of top quality apple juice.

Current members of the Silm family Mark and Lynelle and their sons Nathan and Damien are now driving the business to a greater success. Currently they are producing over 700,000 litres of apple juice annually. This is a great local business and I congratulate them on their success.

PERFECT MATCH - RIVER CANOE CLUB

Ms JO HAYLEN (Summer Hill)— The River Canoe Club on the banks of the Cooks River has recently had a facelift with the new River Flow mural commissioned by Inner West Council's Perfect Match program. The mural has transformed the clubhouse and is a collaboration between contemporary indigenous artist Zachary Bennett-Brook and Kim Siew, a local street artist. River Flows blends Zachary's intricate concentric circles and dot work with Kim's illustrative style and depicts locals canoeing along the river. River Flows pays homage to the incredible work of local environmental groups like the Cooks River "Mullets" and "Mudcrabs" who dedicate their spare time to cleaning up the waterway and protecting the Cooks River unique ecosystem. Public art initiatives like Perfect Match not only make our streetscapes more beautiful and engaging, but also provide an important platform for emerging artists to share their work with their community. To date, the Perfect Match program has commissioned 90 public artworks since its establishment in 2015, with a further 20 works slated for this year. Thank you to Zachary and Kim for this beautiful addition to the Cooks River landscape and congratulations to the River Canoe Club on their transformed clubhouse!

DULLY LOCALS

Ms JO HAYLEN (Summer Hill)— Dully Locals is a collective of Dulwich Hill's best artisan producers, makers and vendors, founded by Chrissy Flanagan, known affectionately as the Sausage Queen. Chrissy's business, the Sausage Factory, is now a keystone of the Dulwich Hill business district and inner west community. Inner west businesses have had to quickly adapt during the Covid-19 lockdown and Dully Locals has been a lifeline during the downturn. Dully Local offers an online platform for Dulwich Hill businesses to promote their products and services and helps connect local customers to local products. The site offers drinks, food, hampers and local crafts and showcases the very best Dulwich Hill businesses have to offer. By spruiking local eateries, watering holes, and artisan-made wares, Dully Locals encourages inner westies to buy local, keep inner west businesses open and locals employed. Dully Locals recently participated in the Inner West Council Recovery Taskforce, guiding economic recovery from COVID in the inner west. Thank you to Chrissy and everyone involved in Dully Locals, and thank you to all those inner westies who have been shopping local and supporting Dulwich Hill small businesses.

FAREWELL STEVE HAUGHEY

Ms STEPH COOKE (Cootamundra)— July 2020 marks the retirement of Steve Haughey, Chief Radiographer and Sonographer at Young Health Services after 30 years. Steve's Medical Imaging career began in Sydney in 1973 as a radiographer, moving to Young in 1989 where he worked full time as a radiographer and sonographer as well as providing after hours on-call x-rays and ultrasounds. Steve has mentored numerous radiography students, teaching pivotal clinical skills during their placements in Young. I commend and congratulate Steve on his dedication to the people of Young and surrounds for 30 years and wish him all the best in his much deserved retirement.

MATILDAS FROM THE HILLS SPORTS HIGH SCHOOL

Mr MARK TAYLOR (Seven Hills)— I seek to acknowledge the recent acquisition of the 2023 FIFA Women's World Cup by the Westfield Matildas and how my local community has developed some of Australia's best current soccer players. The Matildas are one of Australia's favourite national teams to cheer for and in the near future we will have the privilege to watch them win games locally at the World Cup. Some of the tremendous footballers who play for the Matildas were coached at The Hills Sports High School at Seven Hills. The local sports school has a terrifically engaging program for Western Sydney's elite junior athletes. I have no doubt The Hills Sports High School has played an enormous role in developing the excellent talent of Matildas' Teigen Allen, Caitlin Cooper, Chloe Logarzo, and Kyah Simon who all attended the school. The Seven Hills Electorate is immensely proud of these women representing their country in the world's most played sport. I wish the Matildas all the best for the World Cup in 2023.

THE HILLS SCHOOL BUS RECONFIGURATION GRANT

Mr MARK TAYLOR (Seven Hills)— The Hills School at Northmead serves the community of the Seven Hills Electorate and beyond as a terrific public school for those with differing abilities and needs. Recently, I was contacted by Winston Hills local and The Hills School P&C committee president Monique Fenech about funding assistance for a bus reconfiguration. I thank the Premier Gladys Berejiklian for her assistance in granting $6,000 to The Hills School P&C for the bus reconfiguration. The funds will see a bus adjusted to fit the needs of particular students to ensure they have access to the school's bus program. The program is vital for parents and

carers as it allows pupils to travel from home to school in an easier way, fitting in with parents working arrangements and seeing those kids get a bus trip like their peers at other schools. Well done to The Hills School P&C committee on their successful grant application and their continued work in the Northmead community.

MIRANDA MAGPIES FOOTBALL CLUB

Ms ELENI PETINOS (Miranda)— I recognise Miranda Magpies Football Club, a proud community organisation in the Miranda electorate with a history of nearly 70 years. The Magpies are a large community club with around 950 players and 80 teams from under 6's to over 45's. Over the last 10 years the Magpies have been particularly proud of their success in building their number of female players, now boasting nearly 30 women's teams of all ages. A stroll around the Magpies home ground of Seymour Shaw on a weekend is a testament to the work of their very dedicated and hardworking volunteers. I acknowledge the fantastic Executive Committee comprised of President Gary O'Riordan, Vice President and Treasurer Luke Richardson, Secretary and Registrar Jo Milburn, Registrar and Member Protection Information Officer Rebecca Edgell and MiniRoo Coordinator Luke Meakins. It has undoubtedly been a challenging year for community sport, so it is pleasing to see the Magpies have been able to adapt to the COVID-19 climate and keep playing the game they love. I commend all of the Miranda Magpies Football Club for their resilience and commitment to football, and extend my best wishes for the future.

AUSTRALIAN MARRIAGE EQUALITY

Mr ALEX GREENWICH (Sydney)— Having worked to achieve marriage equality in Australia, Australian Marriage Equality (AME) is now officially wrapping up. For over a decade this organisation raised the visibility of LGBTIQA+ Australians in every part of Australian life and encouraged hundreds of thousands to take their first political action. Their journey was not easy and could not have lasted without so many community supporters and the generosity of our volunteers and donors. In wrapping up the organisation, the board agreed to disburse remaining funds to those assisting in the provision of mental health support, youth support, domestic violence support services and homelessness support programs for LGBTIQA+ people as well as support for rural and regional prides who play such an important role in community building. They will keep their social media pages alive to promote the vital work of leading LGBTIQA+ community organisations. AME has also partnered with The Pinnacle Foundation and Women for Election to establish Australian Marriage Equality Scholarships to further support the LGBTIQA+ community. I thank my fellow board members for their immense commitment: Janine Middleton AM (Co-Chair), Dr Shirleene Robinson, Peter Black, Dr Sarah Midgley OAM, Jay Allen, Tim Peppard, Liam Ryan, and treasurer Cam Hogan.

FOOD RELIEF

Mr ALEX GREENWICH (Sydney)— On behalf of the Sydney Electorate, I wish to commend the caring support from councils and the community to make sure that no one goes hungry during the pandemic. The City of Sydney donated $1 million to OzHarvest earlier this year to ensure that vulnerable people in need could get food delivered or available for pick-up when they lost jobs and income and especially those not included in Commonwealth income support payments. This has helped those most at risk of COVID infection to stay safe, while making sure they have nutritious food. OzHarvest and 60 community organisations have delivered over 20,000 meals and 1,500 staples bags across the council area so far. I also commend Woollahra Council, Holdsworth Community Centre and OzHarvest are working to provide food hampers to vulnerable people in social housing in the Paddington area following resident Peter Bartholemew's work to address concerns about his community. Some people still have no income and more people will lose their jobs and income. Pandemic impacts will continue to put people at risk of not being able to get enough to eat, with a joint City of Sydney and OzHarvest food relief appeal at www.feedsydney.com.

CHARLESTOWN HOMELESSNESS SERVICES

Ms JODIE HARRISON (Charlestown)— This week is Homelessness Week 2020. In the shadow of COVID-19 and the recession, this year's Homelessness Week takes on a new level of urgency. Homelessness and housing insecurity takes on many forms, with rough-sleepers accounting for only a fraction of the total homelessness population. With rising property prices and insecure work, people are losing their homes, often through no fault of their own. Many things can cause a person to become homeless: domestic and family violence; going through a health crisis; even losing a job. The theme for this year's Homelessness Week is "Everybody Needs a Home." I would like to thank Homelessness Australia and local organisations who assist those experiencing homelessness in and around the Charlestown Electorate, including Samaritans; BaptistCare in Windale; AllambiCare and New Horizons in Charlestown; Our Backyard Car to Home Project; Matthew Talbot Homeless Service; Nova for Women and Children; Warlga Ngurra; and many more. The shelter, food, clothing, and importantly the emotional support these organisations provide people who, for whatever reason, find

themselves without a home is truly inspiring. I know it continues to be incredibly difficult work, often working with people with complex needs. I truly thank you.

DEANO'S SPRINGWATER SMOKED TROUT

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)— I recognise Dean Williams of Deano's Springwater Smoked Trout at Black Mountain for featuring in a recent episode of Network 10's Taste of Australia program with Masterchef's Hayden Quinn. The episode saw Hayden Quinn visit a number of locations in the Northern Tablelands including Glen Innes, Tenterfield, Black Mountain and Matheson showcasing the tourist destinations and experiences at each. While at Deano's Springwater Smoked Trout, Hayden was taken on a fishing trip with Dean and was able to taste some of the award winning products on offer. Since the episode has aired, Dean has had a significant increase in enquiries from people about tours and camping and even chefs ringing to try his products. The primetime slot is part of a major State Government campaign to reinvigorate regional tourism and provides a significant opportunity for rural and regional businesses like Deano's to showcase their high quality produce and visitor opportunities to an audience of millions.

RESTART OF COMMUNITY SPORT

Dr HUGH McDERMOTT (Prospect)— It has been wonderful to see community sport being played again on the weekends in the Electorate of Prospect. Many clubs and sporting associations have faced enormous disruptions and financial hardship, but they have all come together to ensure that community sport can be played again, especially among our children. Community sport is a pillar of our community. In Prospect, sporting clubs such as the Blacktown District Soccer Football Association, the Greystanes Football Club, the All Saints Toongabbie Tigers JRLC, the Prospect United Soccer Club, the Smithfield Sports & Social Club and the Bossley Sports Club allow people from all walks of life to come together as a team and more importantly forge community bonds. Now during this difficult time being a community is more important than ever. Staying in touch with not just our family and close friends, but also our associates ensures that our community can continue to provide support to each other. It is up to each of us to work with and support our local sporting clubs. Thank you to all who participate in community sport, the coaches, players and supporters. You make our community proud.

TRIBUTE TO AUNTY YVONNE KENT

Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation)— Today I pay tribute to Aunty Yvonne Kent a beloved Kamilaroi Elder of the Tamworth community. Aunty Yvonne dedicated her life to serving her community and was a lifelong advocate for Aboriginal land rights and the continued improvement and recognition of Aboriginal people. Aunty Yvonne was a gracious and wise community leader serving Tamworth Local Aboriginal Land Council Board as Chairperson, former Deputy Chair and long-time Board member. Founding member of the Tamworth Regional Council Aboriginal Community Consultative Committee, board member for Tamworth Family Support Service, member of Family Law Planning Network Aboriginal Subcommittee and was often found volunteering at the Coledale Community Centre's soup kitchen. Aunty Yvonne was awarded the 2016 International Women's Day, Tamworth Woman of the Year Award. The 2016 Tamworth NAIDOC Female Elder of the Year; was the 2018 Local Woman of the Year and in 2019 the Zonta Club of Tamworth Indigenous Advocate Woman of the Year. I held great respect and admiration for Aunty Yvonne, she was a powerful advocate for practical reconciliation in the region, always available to offer sound and considered counsel, providing a calm and steady influence for young and old. Vale Aunty Yvonne.

SUTHERLAND LOFTUS PIRATES JRLFC

Mr LEE EVANS (Heathcote)— The Sutherland Loftus Pirates JRLFC recently received a new scoreboard, with the NSW Government contributing a $5,000 grant to assist with the purchase through the Local Sports Grant Program. It was great to visit the club to see their new scoreboard first hand! It's going to be a fantastic new addition to the club as previously a club member would hand write the scores. The club were excited to receive the new scoreboard as there was a delay due to the recent fires. At the time club members were still establishing the best spot to place the scoreboard for both the players and spectators to see it. During the visit Mr Kempton, the Club's Secretary provided me with a tour of their facilities and it was great to discuss government grants that will be suitable to assist with upgrading their facilities. I take this opportunity to thank Mr Kempton for inviting me to view the new scoreboard and also commend the Club's Committee members for the fantastic work you do.

GREEK WELFARE CENTRE

Ms JENNY LEONG (Newtown)— I draw the attention of this parliament to incredible work of the Greek Welfare Centre Community Service, whose head office is in the electorate of Newtown. The mission of GWC Community Services is to provide services and programs that enable and empower individuals and groups from

the Greek community and the community at large to participate in all aspects of Australia's culturally and linguistically diverse society. In the electorate of Newtown, the GWC is a vital resource for the local community, offering one support for those most in need, as well as regular access to food, services and activities. During the COVID-19 pandemic, the service has stepped up again, assisting local residents to access anything from mental health support to electricity rebates. We have received reports that they are delivering free food hampers with encouraging letters, reminding recipients that things will get better. We thank the GWC Board, Director Steve Magdas and Programs Manager Maria Kladis as well as all the staff and volunteers for all their hard work, as well as the compassion and kindness they continue to show our community.

MONTE CELEBRATES MUSIC

Ms FELICITY WILSON (North Shore)— I acknowledge the outstanding effort from the students at Monte Sant' Angelo School who competed in the recent Monte Idol. Congratulations to the forty students from year's 7 to 12 for submitting their video performances over six heats. Congratulations also to the IT/ATV team for ensuring that they were able to capture all these wonderful performances digitally. Well done to all the girls for their superb performances and congratulations to the first year 7 winner Naira Beasley. After months of remote and on-site rehearsals, the Monte Music Academy were thrilled to present Monte Celebrates Music to the Monte community. I would like to congratulate the Musicians of the Year; Elizabeth Freeborn from year 7, Ciara Bardales from year 8, Sophie de Kock from year 9, Amelia Street from year 10, Natalie Silberberg from year 11, and Lauren Shaw and Molly Gallagher from year 12. I congratulate these girls on their outstanding talent and hope they continue their passion for music into the future.

VALE REAR ADMIRAL ANDREW ROBERTSON

Ms FELICITY WILSON (North Shore)— I acknowledge the extraordinary life of Rear Admiral Andrew Robertson who passed away in July at the age of 95. Andrew was born in England 1925 and later emigrated to Perth where he joined the Royal Australian Naval College in early 1939. He served during the Second World War on a number of vessels, first as a Cadet Midshipman and later as Sub Lieutenant. Andrew went on to serve in the Royal Australian Navy for the next 43 years, retiring in 1982 as Rear Admiral and was awarded the Distinguished Flying Cross during the Korean War. In his retirement, Andrew continued to undertake a number of roles including Federal Vice President of the Navy League of Australia, Councillor of the Order of Australia Association, and is credited for his long time involvement with the creation of the Australian National Maritime Museum. Andrew was also a long-standing member of the Liberal Party having joined in 1988 and was actively involved within the party for many years across North Shore. Andrew is also remembered as a loving father and caring husband to his wife Pat and his children, Angus, Jane, Julia, and Bruce.

SHELLY LUCK

Mr ADAM CROUCH (Terrigal)— I congratulate Shelly Luck, the owner of Shellys Café in Saratoga in my electorate of Terrigal. Shelly and her team has been undertaking fundraising for the past week or so – and has raised a whopping $8,000. All of this fundraising happened in the space of 5 days, meaning that Shelly and her team was able to raise a massive $1,400 per day! All of these funds will go towards Bear Cottage in Manly and have been raised as part of Superhero Week. This helps provide paediatric palliative care to brave children and their courageous families. While Bear Cottage may not be Central Coast-based, it certainly is a well-utilised health facility for my local community. And highly deserving of every single dollar raised. I want to acknowledge and thank Shelly for her efforts in raising $8,000 for Bear Cottage.

WARWICK TEASDALE

Mr ADAM CROUCH (Terrigal)— I congratulate Retired Group Captain Warwick Teasdale, who has been acknowledged with a Commissioner's Commendation for Service as part of the annual St Florians Day Awards. This recognises what has been almost a lifetime of service. Warwick has been a volunteer of the Killcare Wagstaffe Rural Fire Brigade since 1976 – this adds up to 44 fantastic years of service. He has served in the positions of Permit Officer, Secretary, Deputy Captain and Captain. I am advised that throughout his lifetime of service, Warwick has attended the majority of significant fires in the Gosford area, as well as other significant fires, hazards or storm events in surrounding areas. We only need to remember the "Black Summer" of bush fires to be reminded of how much our entire community owes to our firies and all emergency service personnel. When everyone is running away from danger, the brave men and women of the New South Wales Rural Fire Service run towards the danger to protect people and property – and for that we say thank you.

SYLVANIA HEIGHTS NETBALL CLUB

Ms ELENI PETINOS (Miranda)— Congratulations to Sylvania Heights Netball Club on 60 amazing years of championing netball in our local community. As one of the foundation clubs for what was then known as women's basketball, Sylvania Heights Netball Club was established in 1960. They have been uniquely affiliated

with Sylvania Heights Community and Youth Club since their inception and continue to be actively involved in their committee. Today, Sylvania Heights Netball Club has grown to 9 senior teams and 20 junior teams, including their formidable A1 team who have played in many grand finals and continue to make the club proud. The beating heart of the Sylvania Heights Netball Club is the incredible volunteers who support members to play the game they love. Whilst every umpire, coach, team manager, parent and player is valued, I bring to the House's attention the outstanding dedication of President Jane Horan and Secretary Bec Pires. Happy 60th birthday Sylvania Heights Netball Club and congratulations again on reaching this impressive milestone.

COVID-19 DRIVE-THROUGH CLINIC

Dr HUGH McDERMOTT (Prospect)— Our community in the Prospect Electorate has been at the centre of one of the recent COVID-19 outbreaks. It has been a difficult time, the second wave has come just as we were starting to recover form the first. I would like to thank all of the residents of the Prospect Electorate who have done the right thing, who have lined up patiently and been tested. I would also like to thank all the NSW Health workers staffing the drive-through testing clinic at the Fairfield Showground, and the Laverty Pathology employees running the clinic at Club Marconi. I know that it can be uncomfortable and time consuming, but it is critically important to our community that as many people as possible are tested to stop the spread of COVID-19. We as a community have an obligation to each other to keep our friends, our co-workers and our neighbours safe. To make the effort to get tested if necessary, and to self-isolate until we receive the results. It can be difficult, especially for casual employees to do this, but I have seen the vast majority of residents in the Electorate of Prospect acting in a responsible manner. I am gladdened to see that our community has taken this threat seriously. Together our community can defeat COVID-19.

FAREWELL TO MARK SOFER AND RICHARD BALKIN

Ms GABRIELLE UPTON (Vaucluse)— Yesterday afternoon, the Australian Jewish Community came together on a Australia Israel & Jewish Affairs Council (AIJAC), Executive Council of Australian Jewry and the Zionist Federation of Australia webinar to farewell Israel's Ambassador to Australia, Mark Sofer. He took up this important post in 2017 and discharged it with distinction. Under Ambassador Sofer's leadership, there have been a number of memorable visits including Israeli President Reuven Rivlin's visit to Australia earlier this year. Ambassador, your outstanding efforts have been warmly appreciated by Australia and by Jewish community alike. I wish you and Sarah all the best and for your return to Israel. I would also like to acknowledge the work of local resident Richard Balkin who will step down as President of the Zionist Council of NSW after 10 years of dedicated community work. The Zionist Council of NSW plays an important role in strengthening the ties between Israel and the NSW Jewish community with close to 50 affiliated organisations. I commend Richard for his strong community advocacy, leadership and service during his time and the support of his wife Naomi. Richard, I know we will work together again in future.

HOLLY WILLIAMS – NSW PLAIN ENGLISH SPEAKING COMPETITION

Mrs LESLIE WILLIAMS (Port Macquarie)— I am proud to recognise the outstanding vernacular ability of Year 12 student Holly Williams from St Columba Anglican School for her representation at the State Semi-Final of the NSW Plain English Competition. Competing against the state's best and brightest young minds, Holly was selected to represent the Northern Region after claiming victory in the Regional Final competition last term. Holly was allocated eight minutes to address the subject of police brutality and presented a collective of research material, while focusing on positive communication techniques of poise, composure, clarity and thoughtful engagement. The competition encouraged students to investigate social justice issues in society as each speaker was required to contest in two sections that showcased their rehearsed and impromptu skills via an online forum to comply with social distancing. During the event, Holly was tasked to engage with the topic "Neck and neck", with three minutes to prepare and debate her subject. Overall, Holly performed superbly and was deservedly accredited in speaking with precision and eloquence, covering a wide range challenges encountered by woman in today's world. Congratulations again Holly on a marvellous achievement.

PORT MACQUARIE BLOOD BANK

Mrs LESLIE WILLIAMS (Port Macquarie)— It is one of the most selfless acts to donate blood for another person and that is precisely what Port Macquarie student Peggy-Jean Wilson has done since her high school years at MacKillop College. An advocate for giving blood in our community, the now interior design student hopes her example will encourage others to donate and save a life today. Peggy-Jean attests to the simplicity and straight-forwardness of donating blood when it literally takes less than an hour and with no need to make an appointment to make that lifesaving contribution. This year alone, Peggy-Jean has donated blood 13 times which is enough to save 39 lives in our region, with every donation saving three Australians. Since Peggy-Jean commenced giving blood she has donated in total 80 times and has certainly made it clear she is by no means calling it quits. Although it is not a contest as such, a number of 'lifeblood teams' have formed in

Port Macquarie. So far Essential Energy are ahead of Charles Sturt University with 197 donations to 132, with Port Macquarie-Hastings Council donating 96 time this year. I thank all our community members for donating to the Port Macquarie Blood Bank.

EDUCATION WEEK 2020

Dr MARJORIE O'NEILL (Coogee)— 2020 has been a year in education like no other. Our students, teachers and the entire education community across the Coogee electorate and NSW, have achieved the remarkable this year, against all odds. This week is Education Week, when we get the chance to reflect on, embrace and celebrate the whole education community. If it wasn't already, 2020 has made it abundantly clear just how important our schools are, forming the cornerstones of our community. The Education Week 2020 theme is 'Learning together'. In a year of unprecedented bushfires, floods and a global pandemic, we have seen that it does take a village, or an entire community, to educate our future generations. I want to thank our local parents and carers, our partners in learning. Schools and families benefit from strong, respectful relationships, where the support roles for each student's learning are shared. I want to thank our local teachers and students, for embracing the challenges of learning in 2020, working with each other to create a new learning environment. And I want to thank our school staff, dedicated professionals and school Principals who have steered our local school communities through troubled waters. Happy Education week!

LOCAL GOVERNMENT WEEK

Dr MARJORIE O'NEILL (Coogee)— This Local Government week I would like to celebrate and congratulate Waverley Council and Randwick council on the amazing work they are doing across the community, not only during these difficult times, but all the time. Local government is so much more than just roads, rates and rubbish! Thank you for running our amazing public libraries, our wonderful childcare centres, our work class sporting facilities, as well as our arts, culture and community centres. During this crisis our councils have been fundamental in ensuring our community remains safe, that our vulnerable have access to the services that they require and in assisting our small business to remain open during these difficult times. I take this moment to also thank the Local Government Association and President of LGNSW Linda Scott. LGNSW is the peak organisation that represents the interests of NSW general and special purpose councils. Through your advocacy you have been able to secure guaranteed funding for important services including our libraries.

EDUCATION WEEK 2020

Mr GUY ZANGARI (Fairfield)— Education Week 2020's theme is "learning together" and the schools in the Fairfield Electorate have embraced this wholeheartedly. The challenges of our current situation have seen our teachers and students adapting to a whole new model of remote learning as well as the classroom experience. It is a challenge the schools in the Fairfield Electorate have taken up and excelled at and I acknowledge their efforts. I believe they have been strengthened by this experience and I am sure they will continue to face any new challenge with the same enthusiasm in the journey of learning and teaching. Our local schools are the foundation of our communities and where plans for our future society are made. Education Week 2020 provides the opportunity to recognise the journey and the effort that goes into such plans. I take this opportunity to thank each and every student and all the teachers of the schools in the Fairfield electorate. I applaud their efforts in making the school environment a wonderful place to be.

SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOCIATION

Mr GUY ZANGARI (Fairfield)— I commend the Southern Districts Soccer Football Association (SDSFA) for their enduring commitment to football in our region and for displaying tremendous leadership, guidance and mentorship during a time of great crisis. Since the beginning of the COVID-19 pandemic, SDSFA have raised the bar and taken it upon themselves to keep the entire football community well informed, safe and prepared for any eventuality. Community sport has been thrown through a whirlwind of new operational conditions, game day configurations and community-wide restrictions as COVID has changed the way community sport must be managed. Rest assured, despite the hardships and difficulties we face during the pandemic, SDSFA have been proactive with their leadership, guidance and support for sporting clubs, communities and families throughout this time. Nothing is more important than the safety and wellbeing of our community and thankfully for sporting families in our region, SDSFA have got their bases covered and are doing everything in their power to keep us all safe. On behalf of a very grateful electorate, I would like to commend and congratulate SDSFA for their ongoing efforts and for the pivotal role they have played throughout the COVID-19 pandemic.

The House adjourned pursuant to standing and sessional orders at 10:34 until Thursday 6 August 2020 at 09:30.