



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 14 October 2020**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE ASSEMBLY

**Wednesday, 14 October 2020**

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

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

## *Bills*

### **ROAD TRANSPORT AMENDMENT (DIGITAL LICENSING) BILL 2020**

#### **Returned**

**The SPEAKER:** I report receipt of a message from the Legislative Council returning the bill without amendment.

## *Notices*

### **PRESENTATION**

*[During the giving of notices of motions]*

**The SPEAKER:** The giving of the notice of motion by the member for Cootamundra took well over 30 seconds. I remind her of my previous rulings. I will be strict.

*Later,*

**The SPEAKER:** The giving of the notice of motion by the member for Swansea took 40 seconds. That is one from each side. I have shown enough leniency.

## *Bills*

### **STRONGER COMMUNITIES LEGISLATION AMENDMENT (MISCELLANEOUS) 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) (09:46:40):** I move:

That this bill be now read a second time.

The Stronger Communities Legislation Amendment (Miscellaneous) Bill 2020 introduces a number of amendments to address developments in case law to support procedural improvements and to close gaps in the law that become apparent. Most of the amendments proposed by the bill relate to improving criminal procedure. However, the bill also proposes amendments to extend the sunset of two COVID-19 emergency provisions to 26 March 2021 to align with the sunset of other COVID-19 provisions. One amendment is to confirm the procedures relating to the Commissioner of Victims Rights and amendments to facilitate the transfer provisions relating to the functions of the Children's Guardian in other regulations to a new consolidated Children's Guardian regulation. These amendments will strengthen our community by improving court processes and case management practices, improving criminal procedure and providing greater protections for vulnerable people within the criminal justice system and the community.

The bill introduces two important amendments to the Criminal Procedure Act 1986 to complement the Evidence Amendment (Tendency and Coincidence) Act 2020, which was passed by Parliament in June 2020 and commenced on 1 July 2020. The amendments represent another significant reform by the New South Wales Government in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Miscellaneous amendment bills typically are introduced into Parliament each session as part of the Government's regular legislative review and monitoring program. However this year, owing to delays and disruption caused by the COVID-19 pandemic, the miscellaneous amendments bill was not able to be introduced in the first session of Parliament. Instead, four separate miscellaneous bills are being introduced in this session. The division of the proposals into four bills is necessary due to the large number of reform proposals. The four bills have been organised thematically, which will assist parliamentary consideration. I now turn to the detail of the bill.



I am pleased to introduce two amendments to the Criminal Procedure Act 1986 to support the reforms implemented earlier this year through the Evidence Amendment (Tendency and Coincidence) Act 2020, which will ensure greater admissibility of tendency and coincidence evidence in child sexual offence proceedings. The amendments are contained in schedule 1.8 [1] and [3] and 1.8 [8] to the bill. In late 2017 a New South Wales-led working group was established by the Council of the Attorneys-General [CAG] to develop reform proposals in response to the royal commission's objective of facilitating greater admissibility of tendency and coincidence evidence and more joint trials in child sexual assault proceedings. Both uniform evidence law and non-UEL jurisdictions participated in the development of the reforms in consultation with legal and academic stakeholders.

Comprehensive reform proposals were developed by the working group and were agreed by UEL CAG members in June 2019. In November 2019 UEL CAG members agreed to a model bill amending the UEL. UEL CAG members agreed to implement two additional supplementary reforms falling outside the Evidence Act. The two supplementary amendments to the Criminal Procedure Act contained in this bill will complete the implementation of these reforms. These amendments will improve how proceedings are conducted to allow for a complete picture of an accused's alleged criminality to be presented and appropriately considered by a tribunal of fact. The first amendment is in schedule 1.8 [1] and [3] to the bill. It creates a legislative presumption in favour of joint trials where a defendant has been accused of multiple offences that the prosecution is seeking to rely on as tendency or coincidence evidence.

The presumption applies regardless of whether the court has allowed the prosecution to rely on the evidence as tendency or coincidence evidence. Whilst this reform was not recommended by the royal commission, the royal commission did explain at page 649 of its criminal justice report that it "strongly agrees with the sentiment that there should be more joint trials." Despite the royal commission's decision not to recommend legislative reform to this effect, this moment is important as it reflects the community expectation that a jury should be apprised of all the circumstances of an accused's alleged actions whilst balancing the right to a fair trial. The royal commission expressed concern that a presumption in favour of joint trials would not be used by the prosecution because of the risk that resulting convictions would be overturned on appeal. To address this concern, new section 29A has been drafted to ensure that courts retain ample discretion to ensure that where there is a chance that an accused person will not receive a fair trial, counts on an indictment can still be separated.

It is possible, through this reform, to create a meaningful presumption without impacting on the integrity of resulting convictions. The royal commission set out important reasons that joint trials were ordinarily desirable. At page 629 of the criminal justice report, the royal commission expressed agreement with counsel assisting's observation that:

In circumstances where an accused has occupied a position of authority in an institutional setting and where there are a number of separate allegations of sexual abuse, a decision that a separate jury should hear each complainant's account can often distort the true picture and be quite misleading.

The royal commission said at page 634:

There are other reasons for advocating reform in relation to the admissibility of tendency and coincidence evidence and joint trials. For example, a reason to support reform to encourage joint trials is that joint trials generally will be less traumatising for complainants in that they will know they are not alone and they can feel supported by the other complainants; there may also be less delay in finalising the prosecution.

This reform will benefit victims of crime and the community, without impacting the fundamental right to a fair trial. It is also consistent with the approach taken in other States for sexual offences, including the Northern Territory, Tasmania, Victoria and Western Australia. The presumption will apply to all criminal proceedings, not just those involving child sexual offences. This is to ensure consistency across the board, and to avoid uncertainty when an accused is charged with different types of offences on the same indictment.

However, it is anticipated that the reform will have the most significant impact on child sexual assault prosecutions. Child sexual assault trials often involve multiple complainants alleging unrelated offences. Whilst the Government's earlier amendments will likely lead to greater admissibility of tendency evidence in these cases, there will remain cases where it is appropriate for multiple charges to be heard by the same jury, even where the prosecution is not permitted to rely on the evidence of each complainant as tendency or coincidence evidence. However, it is not intended that there will always be joint trials regardless of the cross-admissibility of evidence or any unfair prejudice that may be caused to an accused. To this end, the presumption is a rebuttable presumption.

This will ensure the right to a fair trial is not compromised and that trials can be severed where necessary. To give effect to these principles, the presumption remains subject to section 21 (2) of the Criminal Procedure Act. That provides that counts on an indictment may still be severed if the court is of the opinion that an accused person may be prejudiced or embarrassed in their defence or if, for any other reason, it is desirable to direct that an accused person be tried separately for any one or more offences charged on the indictment. It will be a matter for courts to balance these key interests, noting the purpose of this amendment—namely, to ensure that the tribunal

of fact in a criminal trial has access to all the evidence it needs to carry out its task and to secure just outcomes for victims, defendants and the community.

The second supplementary amendment to the Criminal Procedure Act is in schedule 1.8 [8] to the bill. It clarifies that a jury should not be directed as to the standard of proof required in relation to tendency and coincidence evidence. This implements recommendation 48 of the royal commission. This recommendation was that, "tendency or coincidence evidence about a defendant in a child sexual offence prosecution should not be required to be proved beyond reasonable doubt." This recommendation is largely consistent with provisions in Victorian legislation, supported by the royal commission, which makes it clear that a judge may not direct a jury that any matters other than the elements of the charged offence need to be proved beyond reasonable doubt.

The royal commission explained at page 73 of the criminal justice report that recommendation 48 was in response to a decision by the New South Wales Court of Criminal Appeal that tendency evidence should be required to be proved beyond reasonable doubt. The criminal justice report was published in August 2017, before the September 2018 High Court decision of *The Queen v Dennis Bauer* (a pseudonym) [2018] HCA 40. The High Court unanimously found at paragraph 86 that:

Contrary to the practice which has operated for some time in New South Wales, trial judges in that State should not ordinarily direct a jury that, before they may act on evidence of uncharged acts, they must be satisfied of the proof of the uncharged acts beyond reasonable doubt.

However, the judgment was silent on the topic of evidence that is adduced to establish a dual purpose—a tendency or coincidence on behalf of an accused, and an element of an offence. This has resulted in confusion and inconsistent directions in New South Wales. Some stakeholders have advised that judges are still directing that juries need to be satisfied of such evidence beyond a reasonable doubt, before it can be used for tendency and coincidence purposes. This amendment will make clear that this direction is not required for tendency and coincidence reasoning. The provision, however, is not intended to interfere with the fundamental requirement for courts to direct juries that the elements of any charged offences must be proven beyond a reasonable doubt.

Proposed section 161A (2) ensures that consistent with the fundamental principles of criminal law nothing in section 161A (1) interferes with the requirement to direct a jury that all elements of a criminal offence need to be proved beyond reasonable doubt before they can convict the accused. In order to address some New South Wales stakeholder concerns and provide clarity, proposed section 161A (3) will allow a judge to direct a jury as to the standard of proof that they are required to apply to tendency or coincidence evidence where there is a significant possibility that the jury will rely on that evidence as being essential to its reasoning in reaching a finding of guilt. Proposed section 161A (3) seeks to ensure that in appropriate cases a court can still give a jury the Shepherd direction, following *Shepherd v The Queen* (1990) 170 CLR 573; affirmed in *The Queen v Dennis Bauer* (a pseudonym) (2018) HCA 40 at paragraph 86, and to clarify that the reform is not intended to abrogate the Shepherd direction. As with the first amendment, this amendment is not limited to trials for child sexual offences. This is consistent with the common law position. It will ensure that directions as to the standard of proof for tendency and coincidence evidence are approached uniformly in all criminal trials.

I now turn to the proposed commencement and transitional provisions in the bill for the supplementary tendency and coincidence reforms. The bill provides that the joint trial provision as contained in schedule 1.8 [1] and [3], if passed, will commence on assent but is subject to a transitional provision. Schedule 1.8 to the bill provides that the reform will not "apply to proceedings, the hearing of which began before the commencement of that section." The current practices with respect to separate trial considerations will continue to govern those proceedings. The passage of the bill also will not affect the validity of any severance notice given by the defence in proceedings the hearing of which have commenced. The transitional provision largely replicates the transitional provisions that were used in the Evidence Amendment (Tendency and Coincidence) Act 2020. The intent of the transitional provision is: first, in the case of a summary proceeding the reforms will not apply to matters in which a court attendance notice was filed prior to the commencement of the reform; and, second, in the case of a trial heard on indictment the reform will not apply to matters in which an indictment has been presented and the accused person has been arraigned prior to the commencement of the reform.

The reforms will apply in circumstances where a court attendance notice has been filed in respect of an offence that will be heard on indictment but where the indictment has not yet been presented and the accused person has not been arraigned. I note that this intent is consistent with the decision of the Court of Criminal Appeal in *GG v R* [2010] NSWCCA 230. In that case, which considered similar transition provisions used in the Evidence Amendment Act 2007, the Court of Criminal Appeal held:

There is no doubt that the presentment of the indictment and arraignment of the accused person marks the commencement of the trial.

The purpose of the transitional provision is to prevent the reforms impacting a proceeding where the hearing has already commenced.

I now turn to the commencement of proposed section 161A of the Criminal Procedure Act, which clarifies that a jury should not be directed as to the standard of proof required in relation to tendency and coincidence evidence. The bill provides that the new provision, if passed, will commence on 1 March 2021. The commencement date is at the request of the Judicial Commission of New South Wales to ensure there is sufficient time to provide time for education about the reforms and to make necessary updates to the relevant court bench books. These amendments signify the completion of important reforms to New South Wales legislation to improve the admissibility of tendency and coincidence evidence, particularly in child sexual offence matters, as recommended by the royal commission. I thank stakeholders for their ongoing consultation, feedback and assistance throughout this process.

I now turn to amendments in the bill that will improve court processes and case management practices. Schedule 1.8 [4] to [7] to the bill will make three discrete amendments to the Criminal Procedure Act to assist the court in relation to case management of criminal trial matters, ensuring efficiency, transparency and accountability. These amendments will give effect to a number of findings from the review of case management in higher courts conducted by the Chief Judge of the District Court, the Hon. Justice Derek Price, AM. Schedule 1.8 [5] and [6] will amend section 149 of the Criminal Procedure Act to require all pre-trial disclosure notices to be filed with the court in accordance with the timetable set by the court.

Pre-trial disclosure notices are required to be prepared and served by both the prosecution and defence in a criminal trial under division 3 of the Criminal Procedure Act. The prosecution is required to outline all evidence it seeks to rely on to establish the offences as charged. The defence is required to raise any relevant defence it may seek to rely on. Currently, section 141 of the Criminal Procedure Act requires mandatory pre-trial prosecution and defence disclosure notices to be served after the presentation or filing of the indictment. These notices outline each party's case with the view to disclosing all evidence sought to be relied on as well as any pre-trial evidentiary applications.

Sections 142, 143 and 144 of the Criminal Procedure Act set out the requirements in relation to these notices. Section 149 (5) of the Criminal Procedure Act requires that those notices be filed with the court "as soon as practicable after giving it, or as otherwise required by the court." The time frames for the service and filing of these notices is governed by the District Court and Supreme Court practice notes. This amendment to section 149 (5) makes clear that notices must be filed in accordance with the timetable set by the court in the relevant practice note, or as otherwise determined by the court. This will ensure that there is adequate oversight by judges in relation to the progress of the matter through the courts and will assist with case management of trial matters. Schedule 1.8 will amend section 150 of the Criminal Procedure Act to change the time frame for service of alibi notices from 42 days prior to trial to 56 days prior to trial.

In order to manage trials more effectively, the District Court now schedules readiness hearings in all trial matters eight weeks prior to trial, being 56 days. This amendment will mean that alibi notices must be filed by the date of the readiness hearing to ensure the court will be able to case manage matters in a meaningful way with more transparency. This will ensure adequate trial estimates will be set, assisting with listing practices. The amendment also gives legislative support to District Court practice note 18, providing for consistency between legislation and practice.

Schedule 1.8 [4] amends section 140 of the Criminal Procedure Act to broaden the purposes of a pre-trial conference. Section 140 enables a court to order a pre-trial conference between the prosecution and defence in matters proceeding to trial. However, it currently identifies one purpose for the conference, namely to determine whether an accused person and the prosecutor are able to reach agreement regarding the evidence to be admitted at trial. This amendment will expand the prescribed purposes of a pre-trial conference to include identification of the key issues in dispute, any issues that require resolution before the trial begins and any other matters as directed by the court. The express inclusion of these important purposes in the provision will ensure that pre-trial conferences can be better utilised to identify the key issues in trial matters and to facilitate their earlier resolution.

The bill also amends the Criminal Procedure Act to extend case management provisions so that they apply to Work Health and Safety Act prosecutions in the District Court and to provide an additional means of providing a witness's evidence, being evidence obtained under the powers of the regulator to compel evidence under the Work Health and Safety Act. Currently, Work Health and Safety Act prosecutions in the District Court are not subject to case management provisions under the Criminal Procedure Act. Despite this, District Court criminal jurisdiction practice note 16 requires defendants in those matters to make certain pre-trial disclosures, similar to those required in other summary prosecutions and indictable prosecutions. However, without a legislative basis, such disclosures may be beyond the power of the District Court.

The case management provisions outlined in part 2A of the Criminal Procedure Act require the prosecution to provide a copy of the affidavit or statement of each witness whose evidence will be adduced at the hearing. In practice, the Work Health and Safety Act provides the regulator with the power to compel witnesses to provide

evidence in relation to work health and safety breaches. In order to ensure that Work Health and Safety Act prosecutions do not incur sanctions for failing to provide formal witness statements as outlined in section 247E of the Criminal Procedure Act, the amendments contained in schedule 1.8 [9] to [13] will ensure that the regulator can comply with the case management provisions by producing evidence obtained under any of the compulsory evidence powers in the Work Health and Safety Act, whilst giving the District Court the power to case manage these prosecutions effectively.

Schedule 1.1 [1] and [2] and schedule 1.2 make amendments to section 4 of the Bail Act 2013 and clause 3 (1) of the Bail Regulation 2014 to clarify an anomaly that has arisen around the use of the terms "Children's Registrars" and "other registrars of the Children's Court" under the Children's Court Act 1987. The Bail Act and the Bail Regulation refer to the two types of registrars inconsistently. The amendment will clarify that all registrars of the Children's Court can deal with bail matters in the Children's Court under the Bail Act. Schedule 1.1 [3] amends section 40 of the Bail Act in order to make it clear that the ability to lodge a bail stay is linked to the first time a decision to grant or dispense with bail is made by a court or authorised justice, and not the first appearance at court. Section 40 of the Bail Act allows a bail stay to be lodged if a police officer or prosecutor informs the court or authorised justice that a detention application is to be made to the Supreme Court. This is to prevent defendants accused of "serious offences"—as defined in the section—remaining at liberty when there is a pending detention application to the Supreme Court to have bail refused or revoked, or to have bail imposed with conditions.

Bail stays are currently limited to bail decisions made on a first appearance by the accused. Where bail is granted or dispensed with after the first appearance—for example, because the defendant has sought a brief adjournment—the prosecution is unable to utilise its powers under section 40 of the Act and the defendant can remain at liberty until the detention application is determined. That is contrary to the intent of this section, which seeks to protect the community when serious offences are alleged to have been committed. This amendment closes an important gap that has arisen in the application of the principle. Schedule 1.9 to the bill amends the temporary COVID-19 provisions in section 22C of the Evidence (Audio and Visual Links) Act 1998 to clarify that an accused person who is not in custody is able to appear via audiovisual link—AVL for short—from outside New South Wales as well as from within the jurisdiction. This will ensure that an accused person is not required to cross borders, particularly where movement is restricted by public health order, in circumstances where AVL can be appropriately used.

I now turn to the amendments in the bill that will improve criminal procedure. Schedule 1.5 to the bill amends section 40 of the Crimes (Administration of Sentences) Act 1999 to close a potential loophole which may allow some offenders to avoid serving the full term of the sentences that have been imposed on them. Under section 254 of the Crimes (Administration of Sentences) Act 1999, where a person is unlawfully absent from custody during the term of a sentence, that sentence is extended by the period for which the person was absent. Section 40 of the same Act provides an exception where the inmate is unlawfully absent from a correctional centre for reasons other than an escape from lawful custody, a failure to return at the expiry of a leave permit, or a failure to return upon revocation of an intensive correction order or parole order. In those circumstances, the inmate is taken to have been in lawful custody for the whole of that absence for the purpose of calculating how much of the sentence the inmate has served.

Notably, while section 254 applies to a person who is unlawfully absent, the exceptions in section 40 apply to an inmate. Under section 4 of the Crimes (Administration of Sentences) Act, the definition of "inmate" includes any person who is subject to a warrant issued by a court committing the person to a correctional centre to serve a sentence by way of full-time detention. The current wording of section 40 gives rise to a potential anomaly in circumstances where a person who is subject to such a warrant is unlawfully absent without ever having entered custody in a correctional centre. For example, a person might be sentenced to imprisonment in the Local or District courts, and a warrant issued committing the person to a correctional centre, with the execution of the sentence being stayed pending judicial review of the conviction or sentence in the Supreme Court. Should that person subsequently abscond, they would meet the definition of "inmate" by virtue of the warrant and, never having entered custody, would be incapable of being considered to have escaped lawful custody.

Section 40, in its current form, is open to the interpretation that as an inmate who is unlawfully absent from custody for reasons other than those specified in that section, the person would be considered to have been in custody for the duration of their absence. Such an interpretation effectively allows certain offenders to serve part of their sentence while remaining at liberty. Should the offender succeed in avoiding arrest for the full term of their sentence, they could be considered to have served their full term of imprisonment without ever having entered custody. The bill amends section 40 of the Crimes (Administration of Sentences) Act so that failure to enter a correctional centre in accordance with a warrant or order will form an additional form of unlawful absence to which the section does not apply. This will ensure that the term of imprisonment to be served by an inmate who is unlawfully absent for such a reason will be extended by the full period of their absence.

Schedule 1.10 to the bill amends the Supreme Court Act 1970 to resolve an overlap between two provisions of that Act which gives rise to unnecessary ambiguity. Subsection 69A (5) of the Supreme Court Act states that when determining proceedings for a judicial review of a conviction or sentence, the Supreme Court may order that the imprisonment under the original sentence of imprisonment commence or recommence on a day specified by the court. In contrast, section 69D states that the Supreme Court may order that a conviction, order or sentence that is the subject of proceedings is to take effect or recommence on a day specified in the order, with that day being limited to the day on which the order is made or an earlier day. In effect, subsection 69A (5) appears to allow the court to order that a sentence of imprisonment commence or recommence on a future date, while section 69D explicitly excludes that possibility.

In a recent decision, the New South Wales Court of Appeal highlighted the uncertainty about whether the constraint imposed by section 69D limits the court's general power under section 69A to determine the date on which the original sentence is to commence. The bill amends section 69D of the Supreme Court Act to make it clear that the court has the power to order that a sentence commence or recommence on a future day—including by reference to a future event, such as when a person is taken into custody to serve their sentence. Allowing for sentences to commence by reference to a future day or event is appropriate, as there may be times where ascertaining a specific date is not possible. For example, the order may be for a sentence to commence upon completion of the non-parole period for another offence.

Schedule 1.7 to the bill amends the Criminal Appeal Act 1912 in order to provide the Chief Justice with more flexible powers to manage the Court of Criminal Appeal, including as to the constitution of the court. The Criminal Appeal Act provides for the constitution of the Court of Criminal Appeal. Under section 22 (1) of the Act, certain powers of the court may be exercised by any judge of the court in the same manner as they may be exercised by the court. Currently, the Chief Justice must direct three Supreme Court judges to constitute the Court of Criminal Appeal, even where one judicial officer will then be selected to exercise the powers of a judge sitting alone under section 22.

Schedule 1.7 [4] to the bill amends the Criminal Appeal Act to enable the Chief Justice to designate a judge of the Supreme Court to exercise the section 22 powers directly, without first having to constitute a Court of Criminal Appeal. Schedule 1.7 [5] to the bill provides that the powers that may be exercised by a judge sitting alone include any powers "in respect of procedural or interlocutory matters as may be prescribed by the rules of court". Schedule 1.7 [7] to the bill makes clear that rules of the court may be made in relation to the powers and duties of the registrar and other officers of the court and with respect to the review of decisions made by the registrar or officers.

Schedule 1.6 to the bill makes two amendments to the Crimes (Sentencing Procedure) Act 1999. Turning to the first amendment, schedule 1.6 [1] to the bill clarifies that an accused person who has lodged a written plea in accordance with section 182 of the Criminal Procedure Act and does not attend court is to be considered an "absent offender" under section 25 of the Crimes (Sentencing Procedure) Act. The legislation is currently ambiguous as to whether an offender who has lodged a written plea and been excused from attending court pursuant to section 182 of the Criminal Procedure Act is an "absent offender" because under section 182 they are "taken to have attended" court.

Clarifying that these offenders are classed as "absent offenders" will ensure the Local Court cannot impose certain penalties, including imprisonment, intensive correction orders, community correction orders or conditional release orders on them in their absence in these circumstances. The person will need to be present for sentencing so that they can be properly informed of their sentence by the court. The amendment also makes clear that a magistrate will consider whether an adjournment is more appropriate, while ensuring that they retain the discretion to issue a warrant if appropriate in the circumstances. The second set of amendments to the Crimes (Sentencing Procedure) Act are technical in nature, but are necessary to ensure that mandatory sentence discounts are applied as intended under the early appropriate guilty plea [EAGP] reform.

Schedule 1.6 [3] to [6] to the bill amends the Crimes (Sentencing Procedure) Act to clarify that offenders who plead guilty to charges contained within an ex officio indictment that has been filed after the offender was discharged under section 68 of the Criminal Procedure Act are entitled to a discount variation even where the ex officio charge to which the offender pleads guilty is based on substantially the same facts or evidence served in the discharged committal proceedings. Currently, section 25D of the Crimes (Sentencing Procedure) Act provides a mandatory sentence discount scheme for guilty pleas ranging from 25 per cent to 5 per cent, depending on the timing of the plea. New section 25D (3) sets out a variation of the discount scheme for "new count offences", which enables an offender to access the full 25 per cent discount provided they plead guilty as soon as practicable after an ex officio indictment is filed or the indictment is amended to add the new count.

However, new section 25D (4) provides that this discount will not apply if "the facts or evidence that establish the elements of the new count offence are substantially the same as those contained in the brief of

evidence or other material served on the offender by the prosecutor in committal proceedings relating to the original indictment and the penalty for the new count offence is the same as, or less than, the offence set out in the original indictment." This amendment makes clear that the sentencing discount variation is available where the offender was discharged before having an opportunity to plead to certified charges or participate in a case conference and similar charges are brought on an ex officio indictment. This clarification is consistent with the rationale of the EAGP reforms and will avoid potential unfairness to offenders who plead guilty at the first available opportunity.

I now turn to amendments in the bill that provide greater protections for vulnerable people within the criminal justice system and the community. Schedules 1.3 and 1.6 [7] to [9] to the bill introduce amendments to the Children (Criminal Proceedings) Act 1987 and the Crimes (Sentencing Procedure) Act 1999 to clarify that victim impact statements are admissible in the Children's Court for the same offences as in the Local Court, and also enable them to be made for strictly indictable offences. Victim impact statements can be an important part of the sentencing process, and provide a victim with the opportunity to explain to the court the impact and harm that an offence has had on them. The statutory scheme for victim impact statements is provided by part 3, division 2 of the Crimes (Sentencing Procedure) Act.

Section 27 of this Act sets out the jurisdictions in which division 2 applies. However, the Children's Court is not currently listed. Rather, section 330 of the Children (Criminal Proceedings) Act 1987 explicitly states that the provisions of the Crimes (Sentencing Procedure) Act 1999 that relate to victim impact statements apply to any offence dealt with by the Children's Court as if it were the Local Court. However, this means that the Children's Court is subject to the same limitations as set for the Local Court—namely, that a victim impact statement can be made in respect of certain eligible offences but cannot be made in respect of strictly indictable offences.

This amendment clarifies the law by expressly providing for Children's Court victim impact statements eligibility in section 27 of the Crimes (Sentencing Procedure) Act so that victim impact statement provisions for all jurisdictions are set out in one Act. This will remove the potential for irregular or inconsistent interpretations of existing legislation. It also expands the Children's Court victim impact statement regime to include strictly indictable offences. This resolves what appears to be an unintended consequence of matching the Children's Court victim impact statement regime to that of the Local Court, where those offences are not dealt with. This will provide victims of such offences the opportunity for their voice to be heard in the sentencing proceedings.

Schedule 1.8 [2] to the bill amends section 3 of the Criminal Procedure Act to include offences relating to the recording and distribution of intimate images without consent in the definition of "prescribed sexual offence". These offences have been referred to colloquially as "revenge porn" offences. Under part 5 of the Criminal Procedure Act, special arrangements for giving evidence are extended to victims of prescribed sexual offences in order to minimise the stress they may experience while fulfilling a crucial role in the prosecution of these offences. These arrangements include requirements for the proceedings to be held in a closed court while a complainant in proceedings for a prescribed sexual offence is giving evidence, the option to give evidence by alternative arrangements such as CCTV, and entitlements to have a support person present while giving evidence.

Sections 91P and 91Q of the Crimes Act 1900 make it an offence to record or distribute an intimate image without consent, and section 91R makes it an offence to threaten to record or distribute an intimate image. These offences are not currently included amongst the prescribed sexual offences for which special arrangements for giving evidence are available. Whilst these offences may not involve a physical assault, they are undeniably offences of a sexual nature that have the potential to inflict significant psychological distress on victims, especially when recounting them in evidence. Often their evidence can include having to examine and to comment on intimate imagery of themselves and being extensively questioned around the context of the material, including its creation and distribution. This proposal will provide important and appropriate protections to this class of victims. This amendment will ensure that these victims are afforded the same protections as victims of other sexual offences while participating in the criminal justice system.

Schedule 1.4 to the bill also seeks to strengthen the criminal law with respect to addressing the offence of "threatening to record or distribute an intimate image" under section 91R of the Crimes Act. Under section 91S of the Crimes Act, where a court finds a person guilty of an offence of recording or distributing an intimate image without consent under sections 91P and 91Q of that Act, respectively, the court can make a rectification order requiring the person to take reasonable actions to remove, retract, recover, delete or destroy any intimate image recorded or distributed by the person. Failure to comply with the order is an offence punishable by up to two years' imprisonment. However, courts currently are unable to make a rectification order where they find a person guilty of threatening to distribute an intimate image of a person without that person's consent with intent to cause that person to fear that the threat will be carried out.

This amendment seeks to close a gap in the law to allow a court to make this order where it finds a person guilty of an offence of threatening to distribute an intimate image contrary to section 91R of the Crimes Act. Rectification orders under section 91S are intended to provide a clear remedy for serious breaches of privacy. The proposed amendment will ensure that victims who have suffered the fear and trauma associated with a threat to distribute intimate images are afforded the same protections as victims who have had intimate images distributed without their consent, and provide courts with the discretion to make orders which will prevent any future threats from being made with images in the offender's possession.

Schedule 1.8 [14] to the bill, if passed, would amend the Criminal Procedure Act 1986 to clarify the role of witness intermediaries, referred to in the Act as "children's champions", in Child Sexual Offence Evidence Pilot proceedings. The purpose of the amendment is to ensure that children's champions are able to fulfil their functions during all relevant stages of the investigation and prosecution process. Part 29 of schedule 2 to the Criminal Procedure Act 1986 establishes the child sexual offence evidence program scheme. A key component of the scheme is the creation of the role of a children's champion, whose function is to impartially facilitate communication with a child witness so that they can provide their best evidence. A children's champion may explain questions put to the witness and the answers they give, so far as is necessary for the questions and answers to be understood by the witness or the questioner.

In practice, a children's champion may be engaged to perform an assessment of a child, including their communication needs, prior to or during the police investigation and interview stage of proceedings. Where this occurs, and wherever possible, the same children's champion will be appointed by the court to assist during the trial, in order to ensure that the child witness will be assisted by someone with whom they are already familiar and so that the court will be assisted by someone who has already assessed the child witness' capabilities and limitations. From the scheme's genesis it was intended that children's champions would be involved at all relevant stages of proceedings, including during the police interview stage. However, the wording of provisions relating to their appointment have recently created confusion as to whether the same children's champion who assisted during the police interview stage may also assist during the trial. In order to ensure that children's champions remain impartial officers of the court, subclause 89 (5) states that a person must not be appointed as a children's champion for a witness if they have previously assisted the witness in a professional capacity, other than as a children's champion.

While it was always intended that children's champions would be involved during the police interview stage, the legislation remains silent on their use during this stage of proceedings. Consequently, there is ambiguity as to whether a children's champion who provides assistance during police investigations is exercising their functions as a children's champion under the Child Sexual Offence Evidence Pilot scheme or whether they are assisting the witness in some other professional capacity. The latter interpretation would require a different children's champion to be appointed to assist during the trial, to the potential detriment of the child witness and the quality of the evidence before the court. The bill amends clause 89 of schedule 2 of the Criminal Procedure Act to clarify that a person will not be prevented from being appointed as a children's champion for a witness merely because they exercised the functions of a children's champion during criminal investigations involving that witness which took place before or after the commencement of proceedings.

I now turn to other amendments in this bill, which are varied in nature. Each of these will ensure the validity and continuance of current practices. Schedule 2.1 to the bill amends the Children and Young Persons (Care and Protection) Act 1998 to provide an express power for entry and inspection of the residential premises of authorised carers, those applying to be authorised carers and prospective guardians. The home inspection powers are subject to consent for prospective guardians and those applying to be an authorised carer. For carers with a child residing with them, it is a condition of their authorisation that home inspections are undertaken. These amendments will clarify the powers for home inspections. They are not intended to impact the existing practice of inspecting homes of carers, applicants and prospective guardians to ensure they provide a safe and secure environment for a child.

These amendments will address an issue that has arisen following the commencement of the Children's Guardian Act 2019. To implement that Act, there is an ongoing project to transfer provisions relating to the functions of the Children's Guardian in other regulations, including the Child and Young Persons (Care and Protection) Regulation 2012, to a new consolidated Children's Guardian regulation. An express power for home inspections is necessary to facilitate the transfer of provisions of the Child and Young Persons (Care and Protection) Regulation 2012 relating to the capture of information about home inspections of authorised carers on the NSW Carers Register maintained by the Children's Guardian. These amendments are also required to provide clarity and legislative support for existing practices.

Schedule 2.2 [3] and [4] to the bill amend the Children's Guardian Act to insert an express power to collect, use and disclose information for the purposes of registers kept by the Children's Guardian under section 85 of the Act. The amendment, which was identified during the drafting of the Children's Guardian regulation, will support

the operation of the new register of residential care workers. It will ensure existing regulations relating to the authorised carers register and voluntary out-of-home care register maintained under the Children and Young Persons (Care and Protection) Act can be made under the Children's Guardian Act. By inserting an express power to collect, use and disclose information for the purposes of registers kept by the Children's Guardian, the amendment secures critical information flows necessary to promote the safety, welfare and wellbeing of children and young people in out-of-home care.

In particular, the amendment will allow the Department of Communities and Justice to disclose information gleaned through a community services check to residential care providers, so that when the residential care workers register commences in March 2021 residential care providers can collect and use that information in accordance with the requirements of the register. The amendments at schedule 2.2 [1] and [2] to the bill address oversights identified in the Stronger Communities Legislation Amendment (Courts and Civil) Bill 2020, which was passed by both Houses on 23 September 2020. The amendment at item [1] (a) (iv) completes the regulation-making powers necessary to facilitate the transfer of division 6 of part 6 of the Children and Young Persons (Care and Protection) Regulation 2012 to the Children's Guardian regulation by allowing the authorised carers register to record information about adult household members of carer applicants. The remaining amendments in items [1] and [2] of schedule 2.2 correspond with the amendment set out in schedule 2.6 to the bill, which amends the Stronger Communities Legislation Amendment (Courts and Civil) Act 2020 to allow commencement of the authorised carers register amendment in item [1] of the bill and commencement of the residential care workers register amendment in item [2] of the bill to be split. The amendments will ensure that the residential care workers register is supported by a sufficient regulation-making power in the Children's Guardian Act 2019 when the register commences in March 2021.

Schedule 2.7 to the bill will amend the Victims Rights and Support Act 2013 to remove section 46 (3) from that Act. Section 46 (3) operates to apply sections 77, 78 and 79 of the Civil Procedure Act 2005 to financial support or recognition payments authorised by the Commissioner of Victims Rights under the Victims Rights and Support Act. The effect of that is that payments for persons under a legal incapacity should be paid into the Supreme Court and then, upon the Commissioner of Victims Rights filing a summons in the Supreme Court, seeking an order for the court to direct such payment to such other person as the court may direct. While a provision equivalent to section 46 (3) had a role to play under the previous tribunal-based scheme, the purpose of the administrative scheme established under the Victims Rights and Support Act is to allow Victims Services to assist victims to access appropriate help quickly under the Victims Support Scheme and to avoid the need for victims to obtain lawyers to help them apply for assistance.

Removal of section 46 (3) will ensure that a financial support or recognition payment, approved by the Commissioner of Victims Rights, may be made payable to a person under a legal incapacity or another person for the benefit of that person, including the NSW Trustee & Guardian, without the need for the payment to be made into the Supreme Court. This is provided for by section 46 (1) of the Victims Rights and Support Act. Item [2] of schedule 2.7 to the bill is a transitional provision. It provides that a payment made in the past by the Commissioner of Victims Rights to a person under legal incapacity or to another person for the benefit of that person, including the NSW Trustee & Guardian, is taken to be valid as if the amendments were in force at the time the payment was made.

Schedule 2.4 to the bill amends the sunset date and the limits on the extension in part 12 of the Interpretation Act 1987, which was implemented in response to the COVID-19 pandemic. Emergency measures relating to the COVID-19 pandemic were implemented in legislation in March and May 2020. The measures included a new part 12 to allow limitations and other statutory time periods to be modified, suspended or waived and to allow altered arrangements of physical attendance at meetings. Part 12 of the Interpretation Act includes provisions that limit any extension, suspension or waiver of statutory time periods or anything done or omitted to be done under such modification during the pandemic to no later than 31 December 2020. The part is automatically repealed on a sunset date of 31 December 2020. The amendment extends the sunset date for part 12 and the limit on the extension, modification and waiver of statutory time periods for a further three months from 31 December to 26 March 2021. That will bring the sunset of the provision into alignment with other COVID-19 provisions that will also sunset on that date.

Schedule 2.3 to the bill contains a small but important amendment to the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010. The amendment will ensure that a key COVID-19 measure is able to continue. Ordinarily contract cleaners must wait 20 weeks for payment of long service leave entitlements when they leave the cleaning industry. In May this year the Act was amended to waive temporarily that requirement in order to assist workers facing financial hardship due to COVID-19 impacts. The measure was put in place initially for six months and is currently due to end on 15 November 2020. The Government proposes amending the definition of prescribed period to end instead on 26 March 2021. The extension will align the sunset date with other COVID measures. To conclude, the bill is an important part of the Government's regular legislative



review and monitoring program. Many of the amendments in the bill are important steps towards further strengthening our justice system. They address gaps in the law, support procedural improvements particularly in relation to court processes, clarify uncertainty and correct errors in legislation. I commend the bill to the House.

**Debate adjourned.**

## **WARNERVALE AIRPORT (RESTRICTIONS) REPEAL BILL 2020**

### **Second Reading Debate**

**Debate resumed from 24 September 2020.**

**Mr DAVID HARRIS (Wyang) (10:45:43):** On behalf of the Opposition I participate in debate on the Warnervale Airport (Restrictions) Repeal Bill 2020. I thank my colleague the member for Port Stephens, Kate Washington, for allowing me to have carriage of the bill. The Hon. Adam Searle will have carriage of the bill in the Legislative Council. The legislation appears to be short and simple to repeal the Warnervale Airport (Restrictions) Act 1996, but the 1996 Act has a lot of underlying history and local investment. Moreover, a number of things have changed since the 1996 Act was passed. At the outset I state that the Opposition does not oppose the repeal bill. However, I will address at a later stage the Opposition's minor amendment, which has been circulated. Because it is really important to understand the function of the Act, I will delve into the history, as the Minister did in his second reading speech. First and foremost, it is important for people to understand what Warnervale Airport, or the Central Coast Airport as it is now known, actually is, or is not. The report of the review undertaken pursuant to the Independent Review of the Warnervale Airport (Restrictions) Act 2020 states:

An 'Airport' is a civil aerodrome designed for the take-off and landing of passenger-carrying aircraft for the general public and/or cargo aircraft. For operational purposes, Warnervale Airport is an 'Aerodrome' and, by regulatory definition, an 'Aircraft Landing Area' (ALA). An ALA is of lower prescribed operating standards than a Certified or Regulated Aerodrome. ALAs are limited in the type of operations that can be carried out, and place a high level of operational requirements on the pilot.

It is essential to understand that definition. Over the years people have had the grandest plans for Warnervale Airport, including the proposal to make it the largest freight airport in the Southern Hemisphere and the facilitation of the operation of Chinese theme parks nearby. But the main game for that particular area, which is known as the Wyong Employment Zone [WEZ], is to create jobs.

But we have had some really wild ideas that have had a lot of money spent on them yet very few jobs have been created in that particular area. I will talk more about that later. The bill does two things, and it is important to state them from the start. The first thing, which we absolutely support, is that it removes restrictions on the number of flights, which are currently set at 88 movements per day. That is something I have particularly supported because the smaller aircraft that operate from the ALA were unduly penalised, not through their own actions but through the actions of the then Wyong Shire Council, which triggered the restrictions Act—I will talk more about that when I go through the history.

The second part of the legislation puts in place the repeal of the Act either through proclamation or two years after the date of assent of the Act. Our amendment will change that from two years to three years. I will talk more about why that is relevant, particularly because, as the member for Terrigal and the Parliamentary Secretary know, council has made some interesting announcements in the past week or so that may impact on its ability to be able to meet that time frame. It is not about stopping this; it is about being realistic about the current position of Central Coast Council and its ability to do what it needs to do. The history of this landing strip goes back to when Wyong council first made an application to the then State Planning Authority of New South Wales in 1973. It is interesting to read the letter that the shire clerk received from the State Planning Authority, which read:

Dear Sir,

...

I refer to Council's letter of 29th March 1973, concerning the proposed establishment of an aerodrome for light aircraft on the above site.

2. Consideration has been given to this matter and the Authority has decided to raise objection to the construction of an airfield in this location for the reasons that:-

- (a) the proposal may have an adverse effect on the strategic studies of the Wyong area; and
- (b) the likely effect of the proposal on the creek system in the area cannot be determined at this stage.

3. The council might care to advise the applicant to submit full details of the proposal to the Department of Civil Aviation in order to determine the Department's attitude, particularly in relation to the site's proximity to the—

then proposed Chittaway Point power station that is now Pioneer Dairy, which is a reserve that was never built—

...and the existing airfield east of Wyong.

So right back in 1973 the State Government had concerns about an aerodrome in this particular area. There are good reasons for that. It is a constrained site. Around the airport there is environmental land, including Porters Creek Wetland, which restricts the length of a runway. Other Government Acts also put restrictions on what activities could take place there because of the way it impacts on the area. It also has restrictions in terms of topography and also because of the other types of activities that are being encouraged in the area, including huge housing developments.

I was very pleased to see that both the review of the airport Act in 2017 and the latest review of the Act in 2020 acknowledged those limitations on the airport. The report by Abigail Goldberg and Peter Fiegehen in April 2020 also noted that a lot of the community concern about the aerodrome came down to the fact that people had come up with wild ideas without proper business cases and basically scared the bejesus out of the community. When you look at the history of this issue, you can only agree that that is the case. I declare upfront that the aerodrome is in my electorate and I have been involved with it for decades. I am also the patron of the Australian Boys Air League, which is currently based at the aerodrome. I have always been a supporter of the current airfield and its activities—that has not been a problem. But I have had serious concerns about any expansion that impacts on the surrounding area—not just residential but development, as I will detail later.

The original Act came about because around 1994 and 1995 the then Wyong council wanted to build the biggest freight airport in the Southern Hemisphere—that is how council described it. It is crucial to understand that at the time the council was the owner, operator and approver for the site. It put forward a development application for the airport. There was some public consultation but not a lot, and the council tried to push through the development of the aerodrome into a major airport. A group of local residents got together and secured a court injunction to stop that from happening. They went to court and lost, so the then member for Wyong, Paul Crittenden, came to the Parliament with a private member's bill to basically put restrictions on any development on the site. He was successful in that and the legislation was passed in 1996.

As the Minister said, that was quite unusual because it was a private member's bill, and the small aerodrome suddenly became the only aerodrome in New South Wales to have its own legislation—other than Sydney Airport maybe. At the time it was the right action because local residents had huge concerns. They had lost the court case and the only way to stop the development was through passage of the bill. The current Act has been misrepresented over the years. It does not stop development at the airport; it simply states that if council, as the owner and operator of the airport, wants to do anything it has to ask the Minister and an independent process has to be put in place. If the council were to do any work outside what it was allowed to do and was currently doing then restrictions would be put in place to protect the rights and amenity of the community. That is what the Act did; it did not stop development at the airport. The council tried to develop it on several occasions. First, it applied to Andrew Refshauge to extend the runway to 1,200 metres and then 1,800 metres. Refshauge agreed that the runway could be increased to 1,200 metres but knocked back the 1,800-metre application.

Basically, the Department of Planning and State governments of most persuasions over the years saw the ALA—the aerodrome—operating for small light aircraft. No-one envisaged it getting bigger than that because of the constraints I outlined earlier. I have been told by a lot of aircraft experts that big jets cannot land there, but the problem is that people on the council keep calling it a "jet airport" and all other sorts of things. In 2015 the then Wyong council undertook works at the airport that resulted in the runway being extended from 970 metres to 1,196 metres and also widened. It did not apply for permission to do that. At the time the Department of Planning and Environment issued a breach order under section 76A (1) of the Environmental Planning and Assessment Act 1979 and the council was fined \$3,000.

That seems fairly minor. However, the problem was that, under the restrictions Act, the council had undertaken work that triggered the Act. Since 1996, the Act had not impacted on anyone. The current operators, the Central Coast Aero Club, could fly in and out as much as they wanted and other people could use the airport. There were time restrictions banning flights between 10 o'clock at night and six o'clock in the morning, but essentially the aerodrome was operating and people were reasonably happy with that. But the council's action resulted in the Act being triggered and then the flight restrictions came in. That has since been the major catalyst for issues at the airport.

The Government met with me and the member for Lake Macquarie, and said that there had been no statutory review of the Act since it was enacted. In 2017 a review was conducted into the Act that looked into whether it was still needed. I will be critical of the Government, because it put out a press release stating that the review had recommended that the Act be retained but it did not release the review. I and others tried to access the review under the Government Information (Public Access) Act, but the request was denied. We found that quite strange because there had been a public review for which the Government had received a lot of submissions from the community and it delivered a result that most of the community were happy with—that the Act should be retained—but it did not want to release the full review.

There was agitation because the council was having difficulty deciding what should happen with the airport specifically, as well as other things to do with flight restrictions. That, along with the former Wyong council—and then the council under administration as it merged into the Central Coast Council—publishing a master plan for the site, prompted a lot of public concern. As the member for Terrigal will know, complaints about flight restrictions were absolutely justified because those flying had not done anything wrong. They were caught in the crossfire between what the council had done and what was stated in the Act. There was also community concern around what would happen if the master plan was implemented. The new council was then elected and it shelved the master plan.

A lot of other things happened, including the cancelling of contracts and a range of other events about which we do not know the full story. I am happy to speak briefly about the dodgy deal with Amphibian Aerospace Industries, an aircraft company that was going to create thousands of jobs and move its whole operation from the US. However, it was subsequently discovered that it had no operation in the US. It had bought a certificate, but it was a \$120 company that had never actually fixed a plane. The council signed a contract with the company under administration, and it was a big problem.

**Mr Greg Piper:** Who was the mayor?

**Mr DAVID HARRIS:** He tries to sue me all the time, so I am not going to mention his name. That is another story, but it again increased consternation about the airport. In 2020 the Government announced that it was going to do another review. I thought that was quite interesting, because it had only just done a review and decided to keep the Act. I asked for the original report to be released, because if the Government was going to do a second review then people should know what was in the first one. That would allow them to weigh up the reasons the Government had decided to keep the Act in the first place without the need for another review to say why it had to be removed. But it still would not release that particular report. The Government then conducted the new review, which is how this legislation came about.

The review is pretty hard to argue with because it states that there are probably enough protections in other legislation to make sure the community is looked after in any expansion plans. I have an in-built cynicism when it comes to the old Wyong council and the current Central Coast Council. The Minister got a bit cranky with me and with the member for Gosford when we raised this issue the other day. We are cynical of the council's ability to do anything, to be quite frank. That is not just councillors; I am also talking about staff. Many of the staff who have gone through all the other iterations of things to do with the airport are still there.

**Mr Greg Piper:** Healthy cynicism based on fact.

**Mr DAVID HARRIS:** Yes. So the new review came out and it recommended that the Act be removed because under State and Federal legislation the council must go through a number of processes before it can expand the airport. I accept that is probably the case. However, I retain a focus on council in the back of my mind so my trust is probably at 99 per cent. That 1 per cent still lingers in my mind, because these people will try to do something outrageous simply because that is what they like to do.

When the Government finally released the new report online, tacked onto the end of it was the original report—which still had "Cabinet in confidence" written on it and not crossed out. I will be critical of the Government, because three years ago it said that the Act should be retained but amended to remove the restrictions. Three years ago we could have removed restrictions on small aircraft with bipartisan support. Instead, for three years we have had a massive public fight, exemplified by the worst council meeting that I have ever seen. The gallery was stacked and the aggressive and victimising behaviour of people at the meeting was absolutely outrageous. One member of the council was even shoved. This was because hysteria had been whipped up over not just aircraft movements but trees at the end of the runway, which has nothing to do with this legislation. That is covered by a totally different Act, but somehow became part of the review in terms of safety. I accept that there may be some safety issues around those trees, but they are covered under a different Act and have nothing to do with this one. The Government should have instead addressed the matter under the Protection of the Environment Operations Act.

All the community concern over three years came about because the Government did not follow the recommendations of the original report. That is a real shame, because a lot of energy and time had been spent on it. The Central Coast Aero Club has been affected financially because the report was sat on and never released. It would be good if the Minister could reveal why that was the case. If the Act was to be kept, a recommendation was made to "immediately remove"—I am pretty sure that was the exact wording—the restrictions part of the Act and then look at other parts of it to see whether it could be amended. That occurred three years later, but we could have fixed the main problem of the restrictions in 2017 without harm to the community or to the people who use the airport. So I am angry about that. I realise the Government did not release the report because it had not taken action, but that was an opportunity lost and it caused suffering for quite some time.

I turn to some of the other restrictions around the site. I have talked to local business owners about the fact that the survival of the airport will not be determined by repealing this Act; it will be up to the council. It will decide the future of the airport. This will put it into the hands of the people on council. It has always been in their hands but this legislation puts it squarely into them because it says they have two years to put into their local environmental plan the necessary protections to develop a business case and to do what other things are necessary moving forward to decide what is going to happen with the airport.

The member for Cessnock is in the Chamber. If the plan is to make Warnervale like Cessnock Airport, so be it. There will be very little concern from the community—in fact, a large portion will probably support it. It could be a thriving general aviation hub with maintenance, training and joy-flight activities. That is what it is: an aircraft landing area. It is not an airport. Economically, if we look at business models for airports we can see that it is in the wrong place, with its vicinity to Sydney, which will have Sydney, Badgerys Creek and Newcastle airports in terms of commercial flights and so on. There may be small-scale flights such as occur in the Illawarra, but it will never be a major, functioning commercial passenger airport. Economically it does not make sense.

When the original review was done and when the Central Coast Regional Plan was being devised, someone from Newcastle Airport made a submission indicating that they had used the Central Coast as part of the business model for their airport. Including the Central Coast with the Hunter increased it to a million people, which made their airport viable. If you create a competitor down the road what usually ends up happening is they both go broke. You cannot sustain that sort of business. The current situation with aviation across the world makes that even more of an issue. A general aviation airport is supportable. I will be on the front line of any action to fight against developing anything bigger that uses ratepayers' money.

In the master plan that council was trying to push to stage two—I said this was a small piece of legislation but I am going to spend a reasonable amount of time on it—the cost was in the vicinity of \$300 million. Ironically, the council produced a master plan and then the people on council told me with a straight face, "Yes, but we're never going to do that." I asked, "Well, why is it in your plan?" And they replied, "Oh, we had to do it." Getting to the next stage will cost a whole lot more. We need a whole lot of infrastructure around Warnervale and on the whole of the Central Coast. Ratepayers' money should not be spent trying to build up an airport that will be economically hamstrung from the start. I put that squarely on the record.

Another issue was explored in a State significant site [SSS] study in 2013 into the options for the airport site. That report was done by council and subsequently never released to the public. It was hidden by the then Wyong council, which went on to develop its master plan. The report said clearly that developing the airport would make all the other industrial land in the Wyong Employment Zone surrounding the airport more expensive because the whole area would have to be acoustically treated. It essentially said that in order to create a small number of jobs at the airport, jobs in the whole of that area would be restricted, which is simply not on. The WEZ was designed to ensure the employment growth needed to support the increasing population of the Central Coast. The Central Coast plan is based on the area being opened up to general employment.

If we are going to expand the airport to the point where it will restrict other development and make that development more expensive then it is attacking jobs, not improving jobs. I do not know whether members have had the chance to read the SSS report but I suggest they do so because then they will understand where I have been coming from all this time. There are great opportunities at Warnervale, but a bigger, better airport is not necessarily the key. The key is developing the rest of that area, which would be restricted in a whole lot of ways covered in the report—height, acoustics, where populations can move to and other restrictions around access, and so on. In the independent report the option that achieved the lowest score is developing the airport. I know people have misrepresented what I have said about this issue.

I have said I am not against the airport and I am happy for it to operate at the size of Cessnock Airport. But in the report the option with the best score, 19 out of 20, is closing the airport and developing the whole area industrially. So if you want to create the most jobs you should not have the airport. Some people have tried to shoot the messenger but that is what the report says. The best option according to the report is for council not to run an airport but to use the site in another way—it is the flattest, best land for developing large-scale freight and meeting other logistical needs. It is not me saying that; it is the report that council hid and would not release, even under freedom of information, until it was taken to court. When the local resident who took the council to court finally got approval from the court to access the report, he had to go into the council building to read it. He was not allowed to remove it from the premises because—surprise, surprise—it totally contradicted what the council was doing.

That is why our trust level is so low. If the people on council want to develop the master plan, they should be honest about it. They should go to the community and say, "We were told this is the worst option but we think it is still worthwhile." Be honest and say that. Do not hide the report, which I finally have a copy of and extracts from, after many years of trying to get hold of it. That is why people do not have trust in the council. That is why

the Act was important—because we did not trust the council. Now that there is the independent planning panel and the joint regional panel we can probably have some trust in the process—although council people still sit on those panels. But we have more trust than if it was solely in council's hands. You cannot be the owner, the operator and the regulator. That is why the original bill was enacted.

The then member for Wyong, Paul Crittenden, was criticised for his actions at the time but he did the right thing. At the time there were no protections in place for the community. If anyone is wondering how many people were affected, the original bill covered an area within a 7.5-kilometre circumference of the airport. Currently 65,000 people live there. In 2036, 80,000 people will live there. And guess what? When I doorknock in those areas I talk to a lot of people who have moved from Sydney to get away from aircraft noise. They moved because they did not want to live near an airport anymore. People who live further away say, "I love it. No problems." But I am the member for Wyong and my responsibility is to all my constituents. I will fight for them as hard as I possibly can.

There have been attempts to misrepresent Labor's position on this issue for political reasons, which I think is sad in light of the history involved. I have with me in the Chamber just two of the six volumes containing every piece of information chronicled from 1973 to the current time—I think the member for Lake Macquarie might have some of it as well—about issues to do with the airport. Former member for Wyong Paul Crittenden did the right thing by the community. The people who did the wrong thing were those on council because they did not follow proper process. That triggered the Act, which penalised the aero club and forced it to deal with restrictions. There has been a whole lot of other misinformation. People have questioned the ability of emergency services to use the airport. That is rubbish. The Act explicitly excludes them, so any emergency aircraft can use the airport unrestricted. That is in the current Act.

Some of these arguments for getting rid of the Act simply did not fly—pardon the pun—because the Act did not stop development at the airport. The Act forced the council to go through other channels to ensure there was independent scrutiny so that the public interests were protected. That is why the bill was in place. Yes, it was unusual. Yes, it was the only airport in New South Wales to have that. Yes, it was the right thing to do at the time. Now, maybe, there are other protections in place. We have pushed this to an inquiry in the upper House to ensure that is the case, that the community is properly protected by other legislation and that people have the ability to make submissions.

We will move the amendment from two years to three years for two reasons. First, in the current COVID situation, asking the council to develop a business plan about the future of an airport—even though it is not an airport, it is an aircraft landing area [ALA]—because if it grows to be a general aviation airport it will be very difficult because we do not know the future of the aircraft industry. It is going to change. It is appropriate to give them more time, but more importantly, in the past two weeks we have had a situation where the Central Coast Council has had to go to the Office of Local Government and declare itself insolvent. It has no money. The Auditor-General found in a recent audit that the council had been accessing restricted funds inappropriately and I fear it has put forward a plan that proposes to continue that with permission from the Government. I have huge concerns about that. With COVID the council has had the time from hell. It had the costs of amalgamation, which have blown out from a predicted figure of \$50 million to around \$100 million. It had floods, bushfires and coastal erosion—the member for Terrigal will know all about. That cost \$3 million and it has not got half back yet.

**Mr Adam Crouch:** It has not applied yet. That would actually help.

**Mr DAVID HARRIS:** That is the start. There were a whole range of reasons and then COVID, which caused a drop in rates. The council has found itself in a position where its bank account cannot even pay wages; it is empty. We ask the Government to give the council that extra year—hopefully, that is enough. It is hard to ask the council to produce a business case when it is broke, in the middle of COVID and the future of the whole aircraft industry is up in the air. As I said, we will move that amendment and will not oppose the bill overall. If the Minister could explain why those restrictions were not removed as recommended three years ago, that would go a long way to easing community concerns. The council has almost taken the full brunt on this—some of it deserved, some of it not so much.

**Mr ADAM CROUCH (Terrigal) (11:23:26):** I thank the member for Wyong for his in-depth contribution to debate on the Warnervale Airport (Restrictions) Repeal 2020 and I foreshadow that the Minister will receive that amendment favourably. As the member for Terrigal and the Parliamentary Secretary for the Central Coast I am delighted to speak in support of the Warnervale Airport (Restrictions) Repeal Bill 2020, which by its name will repeal the Warnervale Airport (Restrictions) Act 1996. I acknowledge the member for Wyong's contribution and the fact that times do change. A bill written back in 1996 was appropriate then, but this is a good indication of how the area has changed. To buy a property next to an airport and then complain about airport noise seems strange. When one moves next to an airport one expects to hear aircraft noise. I know the member for

Wyong has been to the Warnervale Airport—or ALA [aircraft landing area] as it is now referred to—as many times as I have. The noise from a Cessna is quite bit less than a souped-up Holden.

On Thursday 24 September the Minister for Planning and Public Spaces said in his second reading speech that the New South Wales Government was implementing the main recommendation of the independent review report into the Act. I reached out to Minister Stokes to voice my concern that the Warnervale Airport (Restrictions) Act 1996 was no longer fit for purpose. My concern was not isolated. It was shared by many in the Central Coast community I serve, as indicated by direct representations by many constituents over a number of years. That view is also shared by the Hon. Taylor Martin, MLC, in the other place and the member for Wyong, David Harris. Representatives of the Central Coast Council should also be included in those numbers and an array of different stakeholders, foremost being the Central Coast Aero Club that is licensed to operate the ALA.

The Minister, heeding those concerns, invited Warnervale Airport's owners, the Central Coast Council, to partner with the New South Wales Government to conduct an independent review of the Act to determine whether it remains relevant and necessary. I note that the Central Coast Council accepted the offer of an independent review of the Act, which commenced in October 2019. It was led by an infrastructure, urban planning and governance expert and supported by an aviation expert. These were the best people for the job. After months of consultation, the review's findings were crystal clear. The Act is no longer relevant and necessary, as is clearly outlined by the Minister in his second reading speech. The independent review found the Act is ambiguous and outdated, duplicates other primary legislation and is difficult to administer. The review also found the Act cannot be updated or improved easily without great cost. Essentially, the review said the Act does not work and it is an impediment to the operation of the Warnervale Airport.

It was recommended that the Act be repealed as soon as possible and, in particular, that the limit on the number of daily take-offs and landings in section 6 of the Act be suspended immediately. I congratulate the Minister on acting to lift those restrictions whilst the review was taking place. That allowed the Warnervale Aero Club to conduct its operations without impediment. The community was also in sync with those findings. Some 75 per cent of the 939 unique written and verbal submissions received supported the Act being repealed. They were not form letters—unique written submissions were received to say the Act needed to go. The community clearly voiced its concern: 75 per cent of the submissions said it is time for the Act to go. It is crucial the Central Coast community have certainty about the future of Warnervale Airport, which does not exist under the current climate. Indeed, as the member for Wyong outlined, concern about its operation has dragged on for years.

Precious council time, resources and ratepayers' money has been spent on countless discussions about the feasibility of the Act and its impact on the viability of the airport. It is crucial that we give some certainty to the airport's operator, the Central Coast Aero Club, because its licence expires later this year. With no clear definition as to where this is going the club is understandably nervous. The member for Wyong mentioned previous council plans that have scared the bejesus out of the community. What he did not mention was the public campaign being run by certain interest groups in the community. Flyers with jumbo jets all over them saying "This is what was going to happen" are being distributed. The reality is those community organisations are also scaring the bejesus out of the community with completely untrue statements. Warnervale Airport will always be a hub for general aviation. We will not be seeing 737s landing at Warnervale at any time.

It is surrounded by Porters Creek wetlands. As someone who grew up next to an airport, I have to say that airports live symbiotically next to wetlands. Brisbane Airport is surrounded by wetlands, as are so many others. Newcastle has wetlands at the edge of it. The two live side by side. Some of the best protection for wetlands is having an airport next to them because it restricts expansion. Concerns about the operations have dragged on for years. It is critical that we give certainty to the aero club; those guys have a bright future ahead. It was sad to see a young female teenager learning how to fly being chastised by a councillor at the meeting. That young lady's only aspiration is to learn to become a pilot and she was verbally chastised by a Central Coast councillor. It was nothing short of a disgrace.

Repeal of the Act will remove daily flight restrictions contained in section 6 that allow only 88 take-offs and landings per day. Those restrictions were triggered by the then Wyong Shire Council extending the airport runway in 2015. The unintended consequences of the council's actions at that time have severely impacted the operations of the Central Coast Aero Club and its financial viability and that of other users of the site. The restrictions have cruelled the aspirations of many young Central Coast pilots who were forced to go elsewhere to get their flying hours up to obtain and retain their pilot licences. Recently the air ambulance has had to stop flying into Warnervale Airport because of the trees. They have written to council saying they cannot fly into the airport because of the untrimmed trees at the end of the runway.

In September 2019 I facilitated a meeting between the member for Pittwater and the Central Coast Aero Club executives Andrew Smith and Michael Allen at the Community Cabinet in Tumby Umbi. They were able to tell Minister Stokes in person of the problems they and their members were facing since the flight cap in the Act

was triggered. A limit of 88 take-offs and landings per day means the ability of the 48-year-old club to financially sustain itself and remain an important provider of crucial services, jobs, education and training on the coast is severely hampered. Repealing the Act will cut the red tape that ties up and constrains the council, as owner, and the aero club, as the licensee. It will give the aero club clarity and certainty to move forward into a far more viable future where it can realise its goals and aspirations to operate an airport, train future generations of pilots and provide crucial services and employment opportunities unencumbered by the needless administrative burden imposed by the Act.

It is important to have workable relevant legislation. The review noted that the Act is the only legislation of its type for an airport of Warnervale's size. Other airports of similar scale are governed by local environment plans, not standalone acts of Parliament. The review also found that the Act duplicates other legislation such as the Civil Aviation Safety Authority and environmental planning instruments that are updated more frequently but all without adding any unique requirements. [*Extension of time*]

The Act was found to be unnecessary and confusing and it offered the community and stakeholders no transparency to understand how it actually operated. That is not what an Act of Parliament should do. To add to that, the review found the Act to be a very tricky piece of legislation to administer and found that it contributed to operational complexity that has served to fuel rather than resolve community and stakeholder differences over the years. The fact that the review found the Act adds complexity for pilots really sounded alarm bells for me, as it should for every member of this House, because it presents potential operational, compliance and—even worse—safety risks. We simply cannot allow the continued operation of an Act that in any way jeopardises the safety of pilots or passengers. An Act that serves little purpose is one thing, but an Act that actually gets in the way of good governance and serves to compromise safety is another thing entirely.

The airport is in danger of contracting into irrelevance, which would hurt the Central Coast community no end. The Act should be repealed to encourage better governance and management of the airport. There is a multitude of compelling safety, economic and environmental reasons that mean the current restrictions should be lifted so Warnervale Airport has a viable future and the Central Coast a viable airport. The repeal of the Act will clear the way for greater certainty for all who use or rely upon Warnervale Airport. Clause 1 of the bill sets out the name of the instrument, being the Warnervale Airport (Restrictions) Repeal Act 2020, and clause 2 allows for the staged commencement of the bill. Clause 3 is the most significant and provides for the immediate omission of section 6 of the Act regarding aircraft movements. Section 6 sits in part 2 of the Act dealing with the restriction on aircraft movement and has the effect of limiting the number of daily take-offs and landings at the airport to a cap of 88.

The amendment is crucial. It will provide clarity in operation to the local businesses and community groups who use Warnervale Airport and improve its financial viability in providing a reliable airspace. The final provision of the bill is clause 4, which will repeal the remainder of the Act. But, unlike the omission of section 6, this complete repeal will not be done immediately. Clause 2 (2) provides that this repeal will occur on the earlier of: a day to be appointed by proclamation; or the day that is two years after the date of assent to the Act. This will be amended by those opposite to be three years. At the end of the day, the community and local businesses want this Act repealed. It will give certainty to our community as a growing region. A local regional airport is a vital asset for many reasons. I acknowledge the great work done by Abigail Goldberg and Peter Fiegehan. I attended the hearings and saw that they were open, professional and responsible.

The community clearly articulated that they expect this Government and the Opposition to repeal this Act. When 75 per cent of people say that it is time to go, we need to listen. If members opposite do not want to listen, that is up to them. I acknowledge the great work done by Monica Gibson and Greg Sullivan at the planning department in coordinating the review done by Ms Goldberg and Mr Fiegehan. I congratulate Keiran Haydon and Lachlan Prott on drafting this piece of legislation. The member for Wyong said it is not a big bill but it does have a major positive impact on our region. From time to time legislation reaches its use-by date and it is clear that the community believes that the Warnervale Airport (Restrictions) Act is one of those pieces of legislation.

I acknowledge all of the community members that took part in making submissions. It is valuable feedback. The Central Coast community is never backwards in saying what it feels and I am proud that they had an opportunity in a professionally run open forum led by Ms Goldberg and Mr Fiegehan to do exactly that. The turnout and the responsible way in which the data was collected is a credit to the community, a credit to Ms Goldberg and Mr Fiegehan and a credit to the planning department. I thank the Minister personally for taking this initiative up. As one of the fastest growing regions in New South Wales, we need to ensure that infrastructure such as Warnervale Airport has a clear future. I thank the Minister for this fantastic piece of legislation and I commend the bill to the House.

**Mr GREG PIPER (Lake Macquarie) (11:38:30):** I note the strong interest in the Warnervale Airport (Restrictions) Repeal Bill 2020 from members from the areas affected. The member for Terrigal has just spoken,

the member for Wyong led for the Opposition and the member for Gosford will also be speaking in this debate. I note that the Hon. Taylor Martin is present at the moment. We have all had a significant amount of discussion with our communities about this over many years. I raise a number of things from the outset. Warnervale Airport is located in the Wyong electorate, which neighbours my electorate to the south. I therefore have had a long association with the history of the airport, along with the somewhat grandiose and questionable plans proposed over the years by what was then the Wyong Shire Council, Wyong council, and now Central Coast Council. It should be noted what while the airport is not in my electorate, the flight path or proposed flight path of a number of those incarnations is over parts of my electorate, including Wyee in particular.

From 2007 to 2011 my electorate included a significant area of the Wyong council area, the rural areas of Dooralong, Yarramalong Valley and Kulnura. Residents of these areas had significant concerns about the potential impact of proposed increases in the usage and types of usage of the Warnervale Airport on the amenity of those areas. In my time as Lake Macquarie Mayor particularly I was contacted by many frustrated residents of Wyong shire who felt they had been consistently ignored by their own council, which was hell-bent on pushing ahead with large airport plans adjacent to their residential area. I will come back to some of those points. I will first comment on a number of elements contained in the bill.

As the Minister and several previous speakers have pointed out, the bill will lift the cap on aircraft movements in and out of Warnervale immediately. The cap of 88 movements per day exists for one reason only. In 2015 Wyong Council illegally extended the length of the runway, which it owns. It subsequently triggered the cap and other aspects of the restrictions Act, which was passed with good reason in 1994. I note that in his reading speech the Minister referred to the extension as having the "unwitting effect" of triggering the cap, thus creating "acute problems" for the operations of the Central Coast Aero Club. As a former pilot—now non-active—I appreciate the concerns for the Central Coast Aero Club. Over the years I have dealt with the club in its aspirations to manage the growth and demands of the club, including when the club was considering taking over opportunities at Belmont Airport with a contra deal with Mirvac.

I am very well aware of the complexities created by the Central Coast Aero Club and I am sympathetic to the club. Let there be no mistake: Wyong Council illegally extended the runway so that any subsequent problems being experienced by the aero club or the aerodrome itself were caused by the illegal actions of Wyong Council, with Doug Eaton as mayor and Mike Whittaker as general manager. On that basis alone it could be argued that the council should have been ordered to dig up the illegal extension, but sadly that would have achieved nothing because the Act, and therefore the cap, had been triggered. There was no way of retrospectively putting things back the way they were.

In another of the fanciful future airport plans proposed by the then Wyong Council, it released a plan showing a vast expansion of runways and associated industry parks spread out well beyond the Wyong shire boundaries, even into Lake Macquarie City Council area. Extraordinarily, a local environmental plan amendment to facilitate a runway in the Buttonderry area was prepared and submitted to the Department of Planning without reference to Lake Macquarie City Council. It was a council of considerable dysfunction, led by Mayor Eaton, who also wasted tens of millions of his ratepayer's dollars on an ill-fated plan to build a Chinese theme park near the proposed airport. It was a display of shameless, partisan interests that were alive in Wyong council at the time.

This is the reason that many people in the Wyong area—certainly many more in the southern parts of Lake Macquarie—have such a strong level of mistrust in the Central Coast Council, in particular the plans it has had over the years for Warnervale Airport through the Wyong council. It should not be forgotten that the areas around the existing aerodrome contain thousands of new homes. These vast sprawls of new housing—all approved by the very same Wyong council—are effectively right next door to the aerodrome. The people living there have every right to be suspicious of the council and suspicious of any plans to change the laws that they believe were put in place to protect them from the massive expansion of the airport.

As the Minister has also indicated, the airport's future and the future of the original restrictions Act were independently reviewed in 2019 by Abigail Goldberg and Peter Fiegehen. Mr Fiegehen was put forward as a representative of the council. I will accept the Minister's assurance that the review process was independent, but I understand the community concerns that having a council employee on the two-member review team does not inspire confidence in the independence of the process. That is not to say that Mr Fiegehen did not approach and execute the task absolutely professionally, but perhaps it was not the best look.

I also note that the bill allows for a gradual repeal over two years to allow the new Central Coast Council the opportunity to develop a business plan and master plan for the existing aerodrome. In other words, it will provide time for the new council to put its cards on the table and tell the community what its plans for Warnervale actually are. I note that the member for Wyong has indicated that an amendment will be brought forward that may extend that two-year period. I understand also that the Government may accede to that, and that is a supportable outcome. I have already expressed concern about what happens if the council fails to meet that deadline. Only this



week it emerged that the amalgamated Central Coast Council has reported a budget deficit of \$89 million—\$46 million worse than the \$41 million deficit it was predicting in March. I cannot say that news fills me with confidence about the council's ability to meet its challenges. However, the Minister has assured me that if the two-year, perhaps three-year, deadline is not met, a contingency is assured and the future operations of the aerodrome would be governed by the new State Environmental Planning Policy. I ask the Minister to address that issue in his reply.

The Minister was absolutely right about several things relating to the Warnervale Airport, and the residents and ratepayers, who understandably have had a gutful of the confusion, the dodgy plans, the illegal runway extensions and the unresolved mess that the airport issue had generated over the past 30 years. They obviously deserve better. For that reason I support the bill. As I said earlier, there is no way of going back to the way things were before Wyong council's actions triggered the restrictions Act and the cap on flight movements. Legal barriers are now in play that impact on the safety of the airport and its financial capacity, and on operational and governance issues. The only way forward is to reset the bar and manage the site properly, just as every other small regional aerodrome is managed throughout the State.

The bill will require the new council to put its plans on the table. It will require extensive community consultation along that road. Those plans will be governed by the limitations of the site and the likely impacts on the surrounding suburbs. At the very least it will provide a clear framework for future operations and solve some of the immediate problems that are hampering the safe operation of the aerodrome. The council now has an opportunity to win back the trust of those in the community who still feel betrayed by the previous council and of those who just want the issue resolved so they can get on with their lives.

I also hope it will provide some comfort to those neighbouring residents who still fear a major airport is about to be forced upon them over their back fences and that they will now get a say in future plans for the area. I further hope it provides a way forward for the recreational pilots and others at the Central Coast Aero Club who have also been victims of the circumstances of the council's dysfunction. It has taken a long time. It has been a circuitous route to get here, but I believe we have a much better outcome. I acknowledge the Government for its efforts in preparing the bill. I also acknowledge those who drafted the bill and those who have been involved in the consultation to get us to this point. Let us hope that this works out for the community of the Central Coast.

**Mr MICHAEL JOHNSEN (Upper Hunter) (11:48:37):** I support the Warnervale Airport (Restrictions) Repeal Bill 2020. The Warnervale Airport is an asset for the Central Coast that has not been as productive as it could be. Some members would remember, and it has been mentioned here today, that the Act was the result of a private member's bill introduced in 1996 in response to community concern about the actions of the former Wyong Shire Council that issued consent to itself to expand the airport. The Act was a necessary check at the time that restricted operations and future development of the airport. As the recent independent review found, the Act is no longer fit for purpose. Worse, it has actually been found to be counterproductive to viable operations at Warnervale Airport. It is an unnecessary piece of legislation that severely restricts the ability of Warnervale Airport to operate in the way it should and restricts the airport's ability to support recreational aviation services and employment, education and training for the Central Coast.

The Wyong Shire Council's extension of the runway triggered the flight restriction provisions of the Act, limiting the take-offs and landings to 88 movements per day. Not only is the Act difficult to administer for the aero club; it is also difficult for the council and for visiting pilots attempting to use the airport. The action of the former council has created an acute problem for the Central Coast Aero Club, which is the licensed operator of the Warnervale Airport. As we heard in the second reading speech of the Minister for Planning and Public Spaces, Rob Stokes, on Thursday 24 September, these changes have affected the financial viability of the aero club and other users of the site. Further, they have created a range of other problems that, while unintended, are very real and very inhibiting to the Central Coast having the sort of viable airport that a burgeoning region of its size and location needs and deserves.

As has been touched on, repealing the Warnervale Airport (Restrictions) Act is the main recommendation of an independent review initiated a year ago by Minister Stokes in partnership with the Central Coast Council. As the House has heard, the independent review was undertaken by Ms Abigail Goldberg, who is an expert in infrastructure, urban planning and governance, and Mr Peter Fiegehen, who was put forward as council's representative as an expert with over 40 years' experience in aviation and executive management. In addition to the question of whether the Act remains relevant and necessary, the terms of reference asked the review to also consider the interaction and consistency of the Act with other legislation applying to the site, to examine statutory frameworks for airports of similar scale to Warnervale Airport, and to seek and consider submissions on the matter.

I understand that comprehensive and robust consultation was undertaken with the community as part of the review and this was comprised of face-to-face presentations via public meetings and written and verbal

submissions from any interested individual or entity. After months of consultation, 939 unique written and verbal submissions were received, the overwhelming majority of which—75 per cent—supported the Act being repealed. The sentiment of the stakeholders and the community was in accordance with that of the reviewers, who determined that the Act was no longer necessary and was the main cause of community uncertainty and concern about the future operations of the airport. The Act was found to be doing the opposite of its job of securing the future of a vital piece of regional infrastructure. As members are aware, the review recommended that the Act be repealed as soon as possible and, in particular, that the limit on the number of daily take-offs and landings in section 6 of the Act be suspended immediately.

Repealing a counterproductive Act and lifting flight restrictions will provide the airport's users, local businesses and the broader Central Coast community with the certainty they crave and need. It will also be a catalyst for the Central Coast Council, in due course, to take decisive action and invest in this asset. I relay a situation in my area that is an example of investment in regional airports. The New South Wales Government has provided over \$12 million to the Scone Airport upgrade, which adds to the investments from the Upper Hunter Shire Council and the Federal Government, totalling around \$24 million. This particular investment will upgrade the runway, the taxiways and, importantly, an active warbird display and tourism facilities.

In early November I will be turning the first sod, along with member for New England Barnaby Joyce, on that particular project. Regarding that active warbird display, currently one of the operators out of the Scone Airport, Pay's aviation, is involved in restoring the second or third Spitfire to have a dual seat. When the warbirds aviation museum is up and running, people will be able to come to Scone and take a flight in a Spitfire. Currently, people from Australia go to England and pay \$3,000 for a flight in a Spitfire of the same nature. This is an example of the wonderful investment that regional airports can create for local areas.

Apart from recommending that the Act be repealed, the review made other recommendations. The first was for Central Coast Council to restore community confidence by acting upon the review's recommendations. The second was for council to commit to establishing a clear framework for the governance of operations and change management at the airport, including robust technical assessments, a business plan and an operations plan. The third recommendation was for the council to undertake urgent works to modify the height of vegetation to the north of the runway, which poses safety risks and limits the useable length of the runway. The third recommendation is particularly salient given the news last month that AirMed, an independent medevac specialist service operating on the Central Coast, is cancelling all flights to Warnervale Airport owing to safety concerns caused by the current height of trees near the runway.

The region simply cannot afford to have an essential service such as AirMed cancel its flights in and out of the region—especially not as we approach another potentially treacherous bushfire season. We cannot for a moment longer compromise the safety of pilots and their passengers or the community that Warnervale Airport supports. The airport is a crucial facility that should not be the victim of inactivity or lack of clarity. The Warnervale Airport (Restrictions) Repeal Bill 2020 directly responds to the recommendations of the review and will repeal the Warnervale Airport (Restrictions) Act in a staged approach, including the immediate removal of section 6 of the Act, which limits the daily take-offs and landings at the airport, with the repeal of the remainder of the Act either at a day to be proclaimed or a day that is two years after the date of assent to this Act—whichever comes first—pending any amendments.

Repealing this Act sets the ground rules for action to secure the future of Warnervale Airport for this growing Central Coast community. It frees the Central Coast Council, as the owner, to take a positive step forward. We trust that council can now develop a clear framework to oversee the airport's future management, use and operations, taking into account the necessary environmental, social, economic and technical assessments. I commend the bill to the House.

**Ms LIESL TESCH (Gosford) (11:57:24):** In contributing to debate on the Warnervale Airport (Restrictions) Repeal Bill 2020, I thank the Minister for Planning and Public Spaces and also support the member for Wyong and shadow Minister for the Central Coast in his long relationship with the airport and fight on behalf of his community to have the best outcomes for not just the Wyong electorate but also the whole Central Coast. The member has held massive consultations and he has heard and chooses to speak with the voice of our community in this Parliament on behalf of local people, current airport operators and neighbours. He also has a very good understanding of jobs in the electorate and across the Central Coast.

I acknowledge the member for Terrigal, who has a passionate interest in the Central Coast, and the member for Lake Macquarie for his involvement in the historic relationships with the coast and ongoing adjacency to the Central Coast. I also acknowledge the Hon. Taylor Martin, who I believe has an interest in this airport, the member for Upper Hunter and especially the member for The Entrance, who has a commitment to our community and jobs and the best possible development for our community. The Warnervale Airport had a very controversial history

a long time before I came into politics. We have heard all sorts of dreams about what might be possible there, with no investment and no reality behind them.

Parliament should also consider the role of an airport or a landing strip in our community. I encourage the Minister to visit the airport. It is in a great location. I mean no offence to the people who use it, but it looks like a beautiful great big paddock, a landing strip and a small shed. It is home to a number of small local planes and a small number of pilots. Many of those planes, sadly, are in disrepair. It would be fantastic if, like the member for Upper Hunter, we had a Spitfire with an extra seat to attract tourism. There is a challenge. When I first moved to the coast my first connection with the airport was when one of my students invited me to spend \$100 on a joy flight for him to gain hours to become a pilot. I was scared and I did not take him up on the offer. I note the member for Terrigal has. I hope he declared his joy flight and had a beautiful time flying across the coast. The airport opens up amazing opportunities for people and visions of the coast.

**Mr Adam Crouch:** It absolutely did.

**Ms LIESL TESCH:** Fantastic.

**The ASSISTANT SPEAKER:** Order! The member for Gosford will be heard in silence.

**Ms LIESL TESCH:** I commend the Warnervale Aero Club for its ongoing use and advocacy for the continuation of an aeroplane facility in our community. At the moment we have approximately 65,000 residents who live within 75 kilometres of this location. By 2020 we will have 80,000 people to 90,000 people living within this airport-impacted zone. As the member for Wyong and shadow Minister for the Central Coast said, a lot of the people who move into our communities leave Sydney to escape the hullabaloo of the city and jet aircraft noise emanating from Sydney Airport.

**Mr David Harris:** And affordable housing.

**Ms LIESL TESCH:** They are looking for affordable housing and do not want to hear jet aircraft noise across the coast in such a limited space. In 2017 the Government conducted a review, the results of which were never released. As they were tagged on to the 2020 review, we now know that in 2017 it recommended that the restrictions on the airport be lifted, something which the aero club and the community have said the whole time. Finally, three years later, the Government has announced it will lift the limitations to 88 a day but, mindfully, have restrictions from 10.00 p.m. to 6.00 a.m. to keep the community happy. The review sets out to fix the many mistruths that have been peddled for so long and in some way to mend the misunderstandings across our communities. For starters, the review points out that the Warnervale facility is not an airport. That may be enough to shake the ground underneath many in our community, but by regulation it is an aircraft landing area [ALA].

An aircraft landing area is the bottom of the hierarchy for a place to land an aircraft. In remote Indonesia I have been on an aircraft when we had to circle in the sky and wait until cows were shuffled off the runway before we could land on the aircraft landing area. An ALA has lower prescribed operating standards than a certified or regulated aerodrome. The types of operations that can be carried out on aircraft landing areas are limited, and place a high level of operational requirements on pilots. I commend the pilots of the Central Coast for the responsibilities they have to fly up and above our community.

The Warnervale Airport ALA is a facility for emergency services, such as police, ambulance and fire services, as well as an emergency diversion aerodrome for aircrafts in distress. It provides a refuelling stop for aircraft on route to other destinations. As for other council facilities, the airport operates for various stakeholder and community activities, and accommodates airport- and flying-related activities, skills training for pilots and engineers, creation and training flying, scouts and high school student experience and tourist activities. It is not an airport with the additional requirements that that would entail.

The review into the Warnervale Airport Restrictions Act paints a grim picture. As many members in this Chamber have already mentioned the review shows the legacy of mistruths from a number of stakeholders, which troublingly, includes elected officials, particularly in Wyong council, in positions of trust in the community, who have used the airport as a political plaything rather than as a community asset. Alongside Chappie Pie, a vision of a Chinese theme park in the Wyong council area that cost our community a lot of money, I have a media release from 2015 from Mayor Doug Eaton, who stated that this airport will have up to 450,000 passenger movements, just like Ballina Regional airport. No wonder the community is scared about what is ahead. I encourage the council, as it manages this matter moving forward, to look after community. Realistically the airport does not have enough space to deliver to our community so it was delusional to issue that press release.

**Mr David Harris:** Wasn't he a former Liberal candidate for Dobell?

**Ms LIESL TESCH:** He was a former Liberal candidate for Dobell, you are right.

**The ASSISTANT SPEAKER:** Order! I will remove members from the Chamber if necessary.

**Ms LIESL TESCH:** The promises pushed by some people, one of whom was a former Liberal candidate for Dobell, about an aerotropolis, an aviation hub, have been dismissed as completely unfeasible due to a number of constraints: procedural approvals, the length of the runway, and surrounding topography and environmental conditions, each of which individually could spell the death of the Warnervale aircraft landing area, but when combined, put any development of the site into the realm of the impossible.

The Independent Planning Panel and the Joint Regional Planning Panel are responsible for development across our region. But future elected officials will have to pick up the pieces if that airport expands to an extent that it cannot be managed by the community, and definitely if it has more jets than Sydney Airport ends up with. The review states, "... the root cause of much community uncertainty is historic ideas put forward by Council and individual Councillors. That is utterly reckless behaviour that has whipped the community into a frenzy at the expense of good governance for political gain. And now this good Minister is caught up in this circus. It is such a shame for him and for our community.

The review states that the actions of the former Wyong Shire Council to promote the site for jet aircraft operation is unfeasible, failing to acknowledge that the airport is inherently limited in its operations due to the local topography, wetlands and vegetation as well as the width, length and weight-bearing capacity of the runway. Yet time and time again, we have heard of the potential of the site and how it was political expediency that was causing its potential to not be reached when in reality it was a litany of internal matters that were the nails in the coffin for the airport. Somehow, despite all that has gone relating to the ALA, the review says that we need to rebuild community confidence.

Once again the genie is out of the bottle and it is not easy to put it back in. That is why I am disappointed in the years and years of undermining and political grandstanding that some local officials have continued to pursue their own narrow political interests at the expense of our good community. The Central Coast Council has been resolute—no further expansion and no jet aircraft—to protect existing users of the ALA. The uncertainty is being caused by those looking to advance long discredited visions of an aerotropolis, not by the majority of council, as time and time again has been confirmed. I support the amendment to increase the time to develop the business plan for up to three years. We have had COVID on the back of the amalgamation of council, bushfires, floods and future economic uncertainty. Two weeks ago the Minister spoke about this and both the shadow Minister for Central Coast and I implied that to push the responsibility to deliver a \$300 million airport operation— [*Extension of time*]

The expectations for the Central Coast Council, which is possibly insolvent and \$89 million in debt, to deliver \$300 million to develop the dreams of this airport will be very challenging. The business plan alone is a massive investment when the current council does not have the necessary skills. The proposal to upgrade this airport map arose a long time ago and it has not been delivered. In reality the Central Coast has a great airport in Newcastle, which the State Government continues to fund. Newcastle Airport has now marketed it to the Central Coast to take us north to Newcastle Airport and on to our international and national adventures, rather than to go south.

We also have the fantastic Sydney Airport, which 1½ to two hours away, depending on the traffic. The State and Federal governments are investing massive amounts of money in the aerotropolis in Western Sydney. We have heard that the Government put \$12 million into the Scone Airport, but it has not invested in our airport. I do not think that will happen in the near future. Whilst Labor does not oppose the bill I would like the Minister to explain why the first review and the changes asked for by the community in 2017 were not released and put into place in 2017.

I put on the table in this House that it costs \$21 to catch a train from Wyong station to Sydney Airport for domestic or international flights. If there were \$300 million to make this airport viable as more than a landing strip, would that be a sensible use of funds? I would much prefer those funds go into local manufacturing to support the great industries that we have on the coast, such as Borg. Let us look at our food manufacturing industry, our tourism industry or even our arts and entertainment industry, all of which would possibly be preferred and have been shown to be preferred by the people of the Central Coast. Today I commend the Minister for the review and release of the information that is duly there. It is a cause for great celebration that we will be allowed more than 88 flights a day. I support the shadow Minister for the Central Coast in not opposing the bill.

**Mr JUSTIN CLANCY (Albury) (12:10:35):** I welcome the opportunity to speak in support of the Warnervale Airport (Restrictions) Repeal Bill 2020, which will ultimately repeal the Warnervale Airport (Restrictions) Act 1996. I note there has been support for the bill on both sides of the House and welcome the previous contributions by members representing the electorates of Gosford, Wyong, Lake Macquarie, Upper Hunter and Terrigal. I make a couple of comments relating to the contributions from the member for

Gosford and member for Upper Hunter. Obviously Warnervale is not my area, but the issue really speaks to community airports.

The member for Gosford asked what the role of the airport is for her community. That is a really important element: the role of smaller airports for a community, for its aero clubs and recreational flyers. They are a really important part of our communities. In my community in the electorate of Albury we have airports such as Holbrook, Corowa—they are literally just airstrips—and then obviously Albury, out of which civil aviation has an important role, as well as recreational flyers. I visited Kempsey a number of years ago to see a colleague from veterinary school. Recreational flying was important to him. I spent some time with him, sitting in the back of the plane. We had taxied out on the runway only for the real wet weather to roll in. He sat there and said, "Guys, I don't think we can do this," and taxied back into the hangar, where his father was. He told his father he did not think he could do it, but his dad said, "Sure you can. Go for it". He taxied back out and took off with us still sitting there.

What I am getting at is the real pleasure and importance of recreational flying and civil aviation at that small-aircraft level. In that sense, the restrictions on Warnervale Airport's operations need to be lifted to ensure the Central Coast does have that viable airport. For too long, the airport's future operation and management have been unclear. The repeal of this Act will provide certainty for users of the airport, particularly the Central Coast Aero Club—I have spoken about the importance of those aero clubs—and local businesses in this major growth area of the Central Coast. It will also provide the framework for the owners and operators of Warnervale Airport, the Central Coast Council, to support the future potential of the airport to properly service the regional community.

The New South Wales Government is committed to support the continued operation of the airport for community and recreational uses. In his contribution the member for Upper Hunter spoke of Scone Airport in terms of opportunities for investment. Again, it is not just about the aero clubs but about the potential opportunities around tourism and charter flights. A couple of years ago I had an evening in Temora and spent time with four people who had literally flown from Melbourne to the north of Australia. They had set themselves the task, just for the pleasure of it, to go and enjoy northern Queensland. They flew to Thursday Island and decided they wanted to have a beer at the northernmost point of Australia. They sat there in a bar on Thursday Island, only to be told by one of the locals that there was another little island a bit further north that also had a bar. Again, it is about the tourism role that smaller aviation can play.

The repeal of the Act will allow the Central Coast Council to clarify the airport's future and establish proper systems and governance for its management, use and operations. It should do so using strong environmental, social, economic and technical assessments. As members heard during the second reading speech given in this place on 24 September by my honourable colleague the member for Pittwater, and Minister for Planning and Public Spaces, Rob Stokes, there have been concerns about the development of Warnervale Airport since the 1970s. I note that the member for Wyong spoke about 1973 in his contribution. Members will recall that concern came to the fore in 1994 when residents of Wyong and Warnervale formed the Central Coast Airport Action Group and took Wyong Shire Council to court over its plans to develop the airport into a commercial and freight hub.

As Minister Stokes recounted, the former Wyong Shire Council had grandiose visions for the future of the Central Coast, as also noted in this Chamber by a number of members today. Some rather memorable characters sat in council chambers representing the good people of Wyong, and the range of ideas they proffered about how to progress their area certainly won marks for creativity. I remind members that the Warnervale Airport (Restrictions) Act 1996 was originally introduced as a private member's bill in an attempt to curb community concern about the actions of the former Wyong Shire Council, which had issued consent to itself to expand its own airport. The Act restricted operations and future development of the airport and aimed to protect the amenity of the surrounding area. It prevented Wyong Shire Council from implementing most of its development consent relating to the airport without additional assessment and approvals from the then Minister for Urban Affairs and Planning.

Members will recall that in 2015 the Wyong Shire Council unsurprisingly requested that the Act be repealed, at which point the then Department of Planning and Environment initiated a review to determine whether the Act remained the most appropriate way to regulate activities at the airport. The 2016-17 review found broadly that it was. However, uncertainty amongst stakeholders in regard to operational and compliance issues continued to grow. That uncertainty has largely been created by the extension of the runway by the then council in 2015, which triggered the flight movement restriction provisions in section 6 of the Act that limit take-offs and landings to just 88 movements per day. With the imposition of the flight movements cap, council was not giving the aero club any certainty about its licence.

My colleague the member for Terrigal, and Parliamentary Secretary for the Central Coast took the groundswell of public concern that had been building at his electorate door—I appreciate that the member for

Wyang would have done the same—to Minister Stokes, who decided the best way forward was to conduct an independent review to determine whether the Act remained relevant and necessary and the most appropriate way to regulate activities at the airport. As the House has heard, the review answered those questions with a resounding "no". The review found the Act is ambiguous and outdated in its content as well as its legal format, and also with regard to key administrative processes at the airport. The reviewers recommended that the Act be repealed as soon as possible. Some 75 per cent of the 939 submissions made to the review were aligned with this view, supporting repeal of the Act. The community is in sync with the experts on this one.

There is much to be done, but we should not allow such established assets to wither. We cannot in good conscience let this airport fly without proper guidance, so the Government has accepted the main recommendation of the independent review report and will repeal the Act to ensure a clear future for Warnervale Airport and certainty for the community and stakeholders. This is a positive step for the ongoing prosperity of the Central Coast, and it is another positive step by the New South Wales Government to cut red tape and clear the books of Acts that no longer do the job they were intended for. Comparative analysis undertaken during the review found that the Warnervale Airport (Restrictions) Act 1996 is the only legislation of its kind for an airport of this size. I am in lock step with what Minister Stokes told this House last month. He stated that we as a government need to impose less red tape and less law on our citizenry—that we need to ensure our laws are simple, clear and as fit for purpose as possible.

Cutting unnecessary red tape is a metaphor for effective governance. Let us start with an Act that is long past its use-by date. The body the Act was attempting to corral is no longer, with Wyong Shire Council having been subsumed by the Central Coast Council, which willingly partnered with the New South Wales Government on this review. When local planning controls and Federal regulation already cover the activities of this airport there is simply no need for the New South Wales Legislative Assembly and Legislative Council to intervene in its administration.

The contents of the bill immediately repealing the part of the Act limiting daily flight take-offs and landings—and the longer-term approach to repeal the remainder of the Act at a date by proclamation or two years after assent—align directly with the review's recommendations and will facilitate local planning controls and Federal regulation to operate more simply, as they do for every other comparable airport. As I have stated, this touches on the importance of the community airport to the local community, whether it be for aero clubs or tourism in terms of light aircraft. We need to respectfully move out of the way and let the Central Coast community finally have an airport that is able to operate without one hand tied behind its back. I commend the bill to the House.

**Mr DAVID MEHAN (The Entrance) (12:20:02):** The Warnervale Airport (Restrictions) Repeal Bill 2020 concerns what is now known as the Central Coast Airport, which is located in the Wyong electorate. The member for Wyong spoke at length during the debate and has covered all the issues in great detail. I support his contribution. The future of the airport impacts upon the wider Central Coast area, hence my interest in this bill that repeals the Warnervale Airport (Restrictions) Act 1996. The repeal will be effected on a date to be appointed by proclamation or on a day that is two years after assent to the Warnervale Airport (Restrictions) Repeal Bill 2020. When the bill is passed, it also will immediately remove the limit on flight take-offs and landings at the airport.

It is worth considering for a moment why the Warnervale Airport (Restrictions) Act 1996 was introduced. It was introduced to deal with community concerns. The then Wyong Shire Council held the view that there should be a large expansion of the Warnervale aircraft landing strip, which was a small airstrip located in a paddock in Warnervale, and a large expansion of commercial use of the location. The community was dead against both. The member for Wyong at that time, Paul Crittenden, introduced a private member's bill which led to the passing of the Warnervale Airport (Restrictions) Bill 1996. However, subsequently the Act did not stop the Wyong council developing the Warnervale Airport within certain limits but any expansion by the council had to be supported by the State Government.

In 2017 the current Government reviewed the Act and found that its broad objectives to limit future operations for the purpose of protecting the amenity of the surrounding area and ensuring open decision-making remained valid. The review recommended that the Act be retained in its existing form but identified the need for some amendment, particularly in the areas of aircraft movement restrictions, triggers for review procedures, definition of terms and a more transparent planning and review framework. What happened? Nothing. In 2019 I wrote to the Minister about the airport and received correspondence in response which I will later seek to have incorporated in *Hansard*.

The Minister needs to explain why he has done nothing with the 2017 review except sit on it until the most recent review, the 2020 review, that resulted in the Minister and the department again deciding to review the Act. In my submission earlier this year I supported maintaining the Warnervale Airport (Restrictions) Act and some changes to it. The changes I was suggesting and the changes suggested by the member for Wyong are similar to

those stated in the 2017 review. The review's changes seem to have occurred by coincidence because nobody has ever seen the 2017 review. The Minister did not release the report to the public at any stage under his administration of the Planning portfolio. The member for Wyong and I came to the same conclusions. All along the Minister had the power to make changes but has done nothing since 2017.

I note that the Labor Opposition does not oppose the bill, but where does the bill lead us? Effectively, it leaves us in the same position we were in in 1996. The council will be required to design a planning envelope for the Warnervale Airport location, which could include not having an airport at all. If the political complexion of the council changes, it may decide to dramatically expand the operations of the Warnervale Airport. Not much progress has been made. I know that my community will be concerned if there are plans or proposals for a dramatic increase in the operation of the airport beyond what now exists, which is small scale. Labor on the Central Coast and I strongly support small-scale development of the airport for general aviation. We do not support large-scale jet aircraft and large-scale commercial development of the site. I am concerned that further dispute about the future of the site will occur and will detract from what is really needed in that area, which is a sober, collective consideration and action at local, State and Federal government levels.

Any changes to the operation of the airport and development of the Wyong Employment Zone will require funding from the Federal and State governments. The creation of jobs has been held back by the inability of the council to develop the Wyong Employment Zone. The council cannot develop the area properly on its own and will require State and Federal government funding to make changes. The airport will be part of that development but the airport should not be a distraction that prevents the council from getting the job done. The Government cannot adopt the approach, as mentioned by some Government members who preceded me in this debate, that the State Government does not need to be involved. The Government does need to be involved and provide State Government funding and State Government guidance; otherwise, the site will not be developed properly. Since the local government amalgamation imposed on the Wyong and Gosford councils by the State Government's local government reforms, the Government has refused to work cooperatively with the Central Coast Council. That has brought real disappointment to my Central Coast colleagues and me because the Wyong Employment Zone has real possibilities for job creation. The community will not want large-scale development of the airport.

In 1996 hardly anybody lived in the area but in 2020 it has become a major residential area and is continuing to expand as I speak. People move to the Central Coast because they cannot afford to live in Sydney. They come for the possibility of having an affordable home and they dream of a job on the coast near their homes. We can provide that by proper development of the Wyong Employment Zone. The bill before the House does not represent progress. We are back where we started. This Central Coast site should be developed with a focus on job creation. The State Government will need to put up some funding to achieve appropriate change, which I hope will happen. However, we have a lot of work ahead of us.

We should not be crowing about what the bill does. It offers us an opportunity to do something, but it will require the State Government to take a completely different attitude to the Central Coast Council. It needs to get used to the idea that it does not have the numbers on the council and that most members on the Central Coast are Labor members. If the Government does that, we can achieve great things for the Central Coast. I look forward to that. Labor does not oppose the bill. I seek leave to have a letter from Minister Stokes and a letter from Dr Liz Develin incorporated in *Hansard*.

### **Leave granted.**

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Mr David Mehan MP  
Member for the Entrance  
PO Box 401  
THE ENTRANCE NSW 2261

Dear David,

Thank you for your correspondence about Warnervale Airport.

I acknowledge the concerns you have raised on behalf of your constituents about the flight movement limitations in the *Warnervale Airport (Restrictions) Act 1996* (the Act) and I note your support for the airport's continued operation.

The Airport is an important piece of infrastructure on the Central Coast and provides a key service to the local community. In 2017 the Department of Planning, Industry and Environment completed a review of the Act which found the legislation's objectives remain valid.

I recently met with the Mayor of Central Coast Council, Cr Jane Smith, where we discussed the Airport, and agreed Council would work with the Department to better understand regulatory concerns about the Airport now and into the future.

Any concerns about the operation and management of the Airport should be directed to the Central Coast Council.

Your ref: 525/18/cw  
Our ref: MDPE19/2753

If you have any questions, please do not hesitate to contact my office.

Yours sincerely

The Hon. Rob Stokes MP  
Minister for Planning and Public Spaces

18 September 2019

Mr David Mehan MP  
24 The Entrance Road  
The Entrance NSW 2261

Dear Mr Mehan

Thank you for your letter dated 7 August 2019 to Mr Gary Murphy, Chief Executive Officer, Central Coast Council. Mr Murphy has asked me to respond on his behalf.

I offer the following regards to the issues you have raised:

**Steps Council taking to ensure the continued operation of the Airport by current users**

Council regularly inspects and maintains the runway and airport grounds. We have Aerodrome staff on location each day to ensure the continued operation of the airport.

**Council's maintenance for the Airport**

Maintenance is carried out by Aerodrome staff who maintain the lawn, tarmac and perimeter fencing of the Central Coast Airport. The recent resolution of Council on the management of the Obstacle Limitation Surfaces (OLS) allows staff to take steps to progress the maintenance of tree heights at either end of the runway.

**Continued development of the airport site (notwithstanding Councils resolution of 27 November 2017 (756/17 to 764/17))**

The resolutions of November 2017 (756/17 to 764/17) do not allow Council to undertake any work to develop the site beyond its current operations.

**Status of the resolution 761/17**

This resolution sought to reallocate the \$6million budget from the 2017/18 financial year for the airport to employment generating projects across the former Wyong Shire. However, there was only \$3,466,909.03 in funds remaining available for reallocation.

I am advised that while there was a number of Councillor briefings and reports in the 2017/18 financial year to determine the best allocation for these funds, an allocation was not resolved. Council's Economic Development Strategy will identify and prioritise employment-generating projects across the whole local government area to which Council will allocate funds. This strategy is expected to be completed by December 2019.

**Status of resolution 764/17**

Resolution 764/17 was addressed when the report "Permanent Protection of Porters Creek" was considered by Council at the Ordinary Meeting of 12 March 2018. Council has since considered additional items in relation to this matter at the meetings of 10 December 2018 and 9 September 2019.

The most recent Council resolution referred the item to the Catchment and Coast Committee — Tuggerah Lakes for consideration.

Should you have any further questions in regards to this matter, please contact Janine McKenzie, Unit Manager Business Enterprise on (02) 4325 8841.

Yours sincerely

Dr Liz Develin  
Director Governance

**Mr JAMIE PARKER (Balmain) (12:30:19):** On behalf of The Greens, I speak to the Warnervale Airport (Restrictions) Repeal Bill 2020. I do not intend to speak for long because a lot of the details of the sad and sorry history of the bill have been outlined, particularly by the member for Wyong. It is important to note that that history should focus on some very poor decisions by the council, on attempts that have been made over many years to protect local residents and jobs, and on preventing any sterilisation of the area due to the significant increase in airport operations. In 2017 the Department of Planning completed a review of the Act and recommended that it be retained. A later extension to the runway by the Central Coast Council triggered the flight movement restrictions in the Act that now reportedly affect the viability of the airport. It is important to emphasise that the actions of the council did that.

The Minister for Planning and Public Spaces then initiated a review in late 2019. The Government states that the second review received 939 unique stakeholder and community inputs, with 75 per cent supporting the Act being repealed. The review report contains three recommendations, which are:

1. The Act should be repealed as soon as possible, but if there was a delay, the airport flight restrictions should be removed immediately;
2. Central Coast Council, who owns and operates the airport, should adopt a clear framework to govern the airport's future management; and



3. Address safety issues affecting the runway.

The bill will give effect to the first recommendation. Our response is clear and it is that there has been considerable community concern over a number of years about the proposed scaling up of the Warnervale Airport. First, the airfield is poorly located and is unlikely to attain the necessary regulatory Civil Aviation Safety Authority (CASA) approval to enable safe and reliable operations involving larger aircraft, let alone regular passenger services. Secondly, the most significant environmental constraints are imposed by the adjacent Porters Creek Wetland to the south, which is of regional ecological significance and appropriately zoned, and a contiguous band of a riparian fauna corridor, which includes some endangered ecological communities to the north. In addition, a major arterial road traverses the northern boundary.

Thirdly, the established suburbs in the local area are already noise affected, and planning for a new Warnervale town centre and industrial land of the Warnervale Employment Zone is progressively approaching the airfield land. Fourthly, there is no plausible business case for the development of a passenger airport, an air freight facility or an aeronautical industry at Warnervale. Fifthly, the extension of the existing aircraft landing area into a CASA-category aerodrome would result in an estimated additional 24,000 residents being noise affected. The expansion into a CASA-category airport with capacity for jets would mean an estimated additional 70,000 residents would be noise affected. Finally, the existing Warnervale Airport Restrictions Act may well benefit from an amendment that could improve on known issues of oversight, administrative burden and consistency by removing flight restrictions, but removal of restrictions should not be supported. We should be doing everything we can to maximise support for these restrictions, and therefore we do not support the bill.

**Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces) (12:33:50):** In reply: I thank the long list of members who have contributed to debate on the bill, including those representing the electorates of Wyong, Terrigal, Lake Macquarie, Upper Hunter, Gosford, Albury, The Entrance and, somewhat surprisingly, Balmain. I say "somewhat surprisingly" because all the other members share a commonality: They represent regional areas that have a real affinity with the need for local airfields and those sorts of local aerospace needs. Balmain does not quite fit within that category; nevertheless, it was great that the member for Balmain made a contribution as well. The Warnervale Airport (Restrictions) Repeal Bill 2020 enacts the recommendations presented in the independent review of the Act, as mentioned in my initial second reading speech. I thank all those members for their thoughtful contributions and will address some of the matters raised during the debate.

I begin with the member for Wyong and thank him for his contribution to the debate, especially given that the Warnervale Airport sits within his electorate. He spoke at length about the airport and its development with a great deal of historical insight. The member noted that the Opposition does not oppose the bill, but he has referred the bill to the Selection of Bills Committee in the other place. I am happy to support examination of the bill and how it implements the recommendations of the independent report. The member also noted that the Opposition will suggest an amendment to change the backstop date for the repeal from two years from the date of assent of the bill to three years. That amendment will be dealt with in detail subsequent to this debate. I thank the member for his long history with the airport and for detailing the constraints of the site. I agree that the airport is limited in what can be done in terms of expansion—I think there is furious agreement on that point.

That agreement goes back to the reason this legislation was created in the first place and why we are now in the happy position of being able to dispense with the Act into the future. There is no doubt that the history of the site is contentious but it is clear from the review that the laws surrounding the airport were duplicative, confusing and even had the capacity to cause safety concerns. The member acknowledged all of that. The bill will clear up that confusion by simplifying the laws and ensuring that council plays its part in appropriately setting the community's expectations for the site. Finally, the member for Wyong also referred to a number of concerns relating to an earlier report into the airport from the New South Wales Government. I remind the member that I was not the Minister back then; however, I am the Minister now and we are acting.

I also acknowledge the contribution of the mighty member for Terrigal, and Parliamentary Secretary for the Central Coast. The member has been a great advocate for his community on this issue and I am pleased that the bill has been introduced to address his concerns. I truly thank him for his strong advocacy on behalf of his community. He has led the conversation for the Government in the Central Coast for years and has been its stern and strong champion on this issue. The member for Terrigal explained to the House today the reasons an independent review was called on this issue in partnership with Central Coast Council and undertaken by expert specialists in planning and aviation.

As was discussed, the outcomes of the review were very clear. The Act is outdated, obsolete, unnecessary and complex to administer. A viable and community-focused future for the airport requires council to publicly assert a position on the bill, prepare a business and operations plan, and then update any required local planning controls to manage the airport into the future. The member has flagged that safety concerns surrounding the runway and the trees have limited certain flight movements recently. I hope the council will resolve this as soon

as possible, and I know that the member for Terrigal will hold it to account to ensure it does. I thank the member for Terrigal again for backing his community in today's result.

I move on to the member for Lake Macquarie, who also made a thoughtful contribution to the debate. The member is very familiar with the issues relating to the airport from his time on Lake Macquarie Council, and I thank him for this. He recounted just yesterday in a meeting how in one of the earlier applications surrounding the airport the then Wyong council submitted a rezoning application that actually rezoned part of his council of Lake Macquarie without even telling him. Fortunately, that rezoning was not successful. But it adds to some of the colour and movement that has shaped the history surrounding this issue and the development of this airport.

I am happy to confirm that should council not complete the necessary actions and the Act repeals itself within the allotted time, the Government will put a State environmental planning policy over the land and the State will remain the consent authority until the council can get its act together. We will not let this go on half baked. Once the council has done all the necessary plans then obviously that State environmental planning policy will be repealed into the council's local environmental plan, as always intended. Hopefully, of course, the council will act within the time frame. I would have thought the ratepayers of the Central Coast would far prefer their council to take ownership of this issue rather than the State being forced step in.

Certainly that is my preference, and I think the preference of every member. I thank the member for Upper Hunter for his contribution. He reminded the House of the uncertain history of the airport under the old Wyong Shire Council, and the motivation for the then member for Wyong Paul Crittenden to introduce the private member's bill in 1996 that led to the Act being created. The member for Upper Hunter also reminded the House that Wyong Shire Council no longer exists and the opportunity for a positive way forward with the new Central Coast Council has been demonstrated through its willing partnership on this review. A couple of things were said about collaboration with the council, but I will come back to that later.

The Act was introduced to restrict operations and future development of the airport. However, the review has found that the Act has done little to allay these concerns. To do that council needs to clarify the airport's future, supported by strong environmental, social, economic and technical assessments, and in consultation with the community. I acknowledge the contribution of the member for Gosford to this debate. I also especially acknowledge the passion shown by the member for Terrigal and the member for Wyong. I accept the concerns of the member for Gosford, like the member for Wyong before her, about the constraints of the site, which are well understood. The member for Gosford has highlighted the issues with the former councils. Ensuring that the community has certainty through council's business plans before these changes are made is obviously critical to the Government's position. The member acknowledged the resolution of the Central Coast Council not to develop the airport further beyond its existing use. I thank the member for Albury for his contribution. As a regional member, he knows all too well how important aircraft landing areas and regional airports like Warnervale Airport are to local communities.

I thank the member for The Entrance for his contribution. As a local member on the Central Coast, he has raised similar issues to the member for Wyong, the member for Terrigal and the member for Gosford. Those were addressed in my second reading speech. I thank him for his advocacy on the Central Coast. He said that I had carriage of the report that had been published in 2017 but had failed to act. I remind him that I was not the Minister at the time, so that was a verisimilitudinous statement. He also suggested that the Government is not prepared to work collaboratively with council and is not prepared to invest. The evidence suggests things are quite the opposite. I recall several million dollars being provided in a collaborative effort to both the 5 Lands Walk and the Winney Bay Clifftop Walk, which was knocked back by council. So it is not the case that the Government is not prepared to work collaboratively with council. Often council is not able to get its act together. Nevertheless, I take the point that collaboration and co-investment is obviously the best path forward for any council area, but particularly on the Central Coast.

Last but not least, I thank the member for Balmain. I note his contribution and concern regarding the need to protect surrounding environmental areas, particularly the Porters Creek wetlands immediately to the south of the site, if my memory serves me correctly. I thank all members for their contribution to the debate on the Warnervale Airport (Restrictions) Repeal Bill 2020. I reiterate that of the 939 community responses received through either submissions, face-to-face meetings or workshops, 75 per cent of the feedback supported the Act being repealed. The Government needs to ensure that our laws are clear, tenable and fit for purpose. The passing of the bill is in line with the community feedback received and the recommendations of the independent review.

The bill will also reduce unnecessary red tape that is difficult to administer, complex in nature and not updated at the frequency required to ensure pilot safety. This is the only Act in New South Wales governing an airport of this size. In many ways we are in passionate agreement that the current legislation is anachronistic, duplicative and unnecessary. The bill takes a staged approach on purpose, providing a reasonable time frame for council to put in place business and operations plans to sufficiently manage the airport in the future. Let us take a

positive step for the Central Coast and repeal this redundant piece of legislation to support community and recreational uses at Warnervale Airport. I acknowledge the support and expertise of Lachlan and Kieran from the Department of Planning, Industry and Environment, who are in the Chamber. I commend the bill to the House.

**Debate interrupted.**

#### *Committees*

### **JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL**

#### **Reports**

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

**Mr NATHANIEL SMITH (Wollondilly) (12:45:27):** As Chair: I speak on the committee's report entitled *Thirteenth General Meeting with the Valuer General*, which was tabled on 24 September 2020. It follows the committee's established practice of examining all annual reports issued by the Valuer General. The report reviews the 2017-18 and 2018-19 reporting periods, where evidence was taken from the Valuer General and his office. The committee's report builds on previous committee reviews to improve the Office of the Valuer General's operations and its interactions with landowners. As previously highlighted by the committee, the Office of the Valuer General has a long-established record of providing reliable and highly valued services to all landholders. Parliamentary scrutiny of the operational and policy functions of the Office of the Valuer General enables an open and transparent account of its activities, and ensures that it is meeting its legal and administrative obligations.

Under normal circumstances, the committee's regular review of the operations of the Office of the Valuer General and the valuation system would have been conducted last year as part of its annual cycle of such reviews. However, this was delayed due to organisational realignments and the appointment of a new Valuer General, as well as further impediments to conducting meetings early this year because of the COVID pandemic. The intervening period since the committee's last review has been tumultuous on many fronts, not least because of the significant restructuring of the Office of the Valuer General's operations. January 2020 saw the establishment of a new entity, the Valuer General of New South Wales, which provides for better alignment between the Office of the Valuer General's functions and also consolidates human resource and financial operations as part of its ongoing statutory responsibilities.

Overall, the committee is satisfied that the Valuer General has managed the variety of legislative and administrative challenges facing him in a totally professional, effective and timely fashion. The committee also notes that all recommendations made in its previous report have been implemented, of which two are subject to ongoing action. The committee particularly welcomes the improvements made to the compulsory acquisitions process, whereby improved consultation has led to better outcomes for landholders. This, combined with strengthened deterrence against breaches of conflict of interest by contract valuers, has resulted in improved outcomes for all landowners in New South Wales.

In light of the magnitude of recent changes, the transforming of the valuation system and the relatively short time the Valuer General has been in position, the committee has not made any additional recommendations at this time. Instead, the committee will await the 2019-20 annual report and conduct the next general meeting in 2021, at which time progress will be assessed against the key performance strategies and targets outlined in the report. This interim period will provide time for reviews to be conducted, and for plans to be progressed and implemented. I thank the Valuer General and his deputy for their very professional and helpful assistance to the committee, and for giving evidence, along with the other staff members, as part of this review. I also thank committee colleagues and the secretariat for their hard work, support and contributions to this inquiry. I commend the report to the House.

**Report noted.**

### **COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

#### **Reports**

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

**Ms JODIE HARRISON (Charlestown) (12:49:41):** I am surprised that the deputy chair of the committee is not present to speak on this committee report. I speak today as a member of the Committee on Children and Young People as part of the take-note debate into the *2020 Review of the Annual Reports and other matters of the Office of the Children's Guardian*. While so much of the public's attention focuses on the Parliament's more adversarial activities, the truth is that a lot of the work of government is done in the far more collegial environment of the committee meeting room.

I am proud to be a member of the Committee on Children and Young People, working with my colleagues to ensure that some of the most vulnerable people in our State are protected and that their voices are heard on the issues that impact them and their lives. This is the second of the committee's reports to come out of the 2020 review. The first report focused on the Advocate for Children and Young People, and highlighted the important role that government can play in uplifting the voices of children and young people in our society, and making sure they are heard. However, it is important that this uplift is balanced with the need to protect children and young people. This report, which has been generated as part of the committee's duty to monitor the exercise by the Children's Guardian of functions relating to her administration of the Working With Children Check and the Reportable Conduct Scheme, focuses on that element.

I particularly bring to the attention of this House the findings of this report. The first is that the Office of the Children's Guardian has properly fulfilled its functions and followed the principles as outlined by the Child Protection (Working with Children) Act and the Children's Guardian Act in relation to the Reportable Conduct Scheme. The second is that when confronted with anonymous allegations of improper Working With Children Check clearances and incidents of inappropriate behaviour in the workplace the Children's Guardian appropriately considered the allegations and responded to them.

I was also pleased to note the progress of the transfer of responsibility for the Reportable Conduct Scheme from the NSW Ombudsman to the Children's Guardian. A great deal of work has been done by the Office of the Children's Guardian to take on this new responsibility, and I re-emphasise the committee's acknowledgement of these efforts. I particularly note the level of outreach that has gone into engaging with the religious and faith-based groups that are now covered by the Reportable Conduct Scheme. In response to the anonymous allegations, the Children's Guardian commissioned external reviews of processes, with a focus on risk management and decision-making.

The committee found that the Children's Guardian acted swiftly, decisively and transparently, highlighting the importance of the Working With Children Check process and a commitment on the part of the Children's Guardian to ensure the integrity of that process. Two external reviews were undertaken in relation to the complaints. One was called the Robinson review, which was undertaken by barrister Mark Robinson of Maurice Byers Chambers. It examined the risk tolerance level and decision-making thresholds associated with the Working With Children Check.

The second review was known as the Grisard Consulting report and it was undertaken by Jo Grisard, who was deputy commissioner of the public service up until a few years ago. The review found that the evidence did not convincingly demonstrate that specific staff had been bullied. However, since both of those reports have been delivered considerable changes have been made within the Office of the Children's Guardian in relation to processes and structures. Having come to know the workings of the Office of the Children's Guardian through my work with the committee, I am keenly aware of the diligence and professionalism displayed, particularly by the Children's Guardian. I join the committee chair in thanking the Children's Guardian and her staff for participating in the review. I thank my fellow committee members for their engagement and interest in this very important area of policy.

**Report noted.**

## **LEGISLATIVE ASSEMBLY COMMITTEE ON TRANSPORT AND INFRASTRUCTURE**

### **Reports**

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

**Dr MARJORIE O'NEILL (Coogee) (12:54:39):** I take note of this important committee report entitled *Electric buses in regional and metropolitan transport networks in NSW*. I note that the chair of the committee is not present in the Chamber, despite the fact that this was an incredibly important inquiry. In particular I note the amendments that were put forward by me and the member for Kogarah, which were rejected by the Liberal and Nationals members of the committee. The amendments aimed not only to acknowledge the manufacturing ability of New South Wales but also to recommend that New South Wales must commit to manufacturing electric buses in New South Wales. Had the Government accepted our amendments we would be committing to building these buses in New South Wales. We would be creating certainty for the New South Wales manufacturing sector and creating long-term business opportunities and new jobs.

The Liberal and Nationals members of the committee rejected these amendments, despite the fact that one of the terms of reference for the inquiry was to investigate ways to support manufacture and assembly of electric buses in New South Wales. What we have seen from the New South Wales Government is its unwillingness to guarantee New South Wales jobs in the building of critical assets and infrastructure. I was pretty excited to be a

part of this inquiry. We have a wonderful opportunity to invest in new critical infrastructure that reduces our carbon footprint, but also creates new jobs in New South Wales at a time when we need them more than ever.

I find it remarkable that, despite the fact that we had an opportunity to ensure that this committee produced a meaningful report that would have real outcomes for industry opportunities and for employment, the Government decided to not support our meaningful recommendations that would enshrine the creation of new New South Wales jobs in the construction of this infrastructure. I remind the Government that we are in the biggest economic downturn we have seen in decades. The New South Wales Government should be doing absolutely everything in its capacity to ensure that it is guaranteeing the creation of new jobs in New South Wales.

In contrast, in the past 24 hours we have seen an announcement from the Premier of Queensland that 690 jobs will be created in regional Queensland thanks to a \$1 billion investment in train manufacturing. These buses should be made right here in New South Wales and the Government should be committed to that. Not only is the choice to outsource the construction of the new electric fleet of buses a poor use of taxpayer money; it also goes against the Government's own manufacturing industry development strategy. In a 2018 report the Government recognised the strength of the New South Wales manufacturing sector. Despite all of the strengths that were identified in the Government's own report, this Government continues to send taxpayer money and the jobs it represents overseas, time and again. The failure to support our amendments to this report is yet another example. Accepting our amendments and embedding our commitment to build these buses in New South Wales is critical.

I remind the House of the success of this Liberal-Nationals Government's previous offshoring of transport manufacturing. This Government spent \$2.7 billion on trains from South Korea that do not fit on tracks and do not fit through tunnels. It spent \$1.5 billion on ferries that do not fit under bridges, that will decapitate people and that are filled with asbestos. It also bought trams and tracks from Spain and France for its not so popular CBD and South East Light Rail project that is slower than the current bus routes. The Premier and the New South Wales Liberal-Nationals Government have spent nine years offshoring jobs and sending taxpayer money overseas. The Government had an opportunity to make sure these mistakes were not made again. Whether we are talking trains, ferries or a new fleet of electric buses, the New South Wales Liberal-Nationals Coalition has no desire at all to manufacture them here in New South Wales. The Government's failure to accept our amendments to this report further demonstrates its total lack of support for local jobs.

**Mr CHRIS MINNS (Kogarah) (12:58:55):** I thank the member for Coogee for her impassioned speech. I did not quite share the member's enthusiasm for this inquiry and report. This was a nine-month inquiry into electric buses. I thought we could knock that off in three or four days; it took nine months. The lead recommendation—which the member for Drummoyne may be interested in—was that "electric buses reduce air and noise pollution." Some real Eliott Ness work went on. We were digging deep to find that one out. In the Transport department there are 4,000 employees and in that nine-month inquiry it was determined that electric buses reduce air and noise pollution. There were some other great insights. For example, on page 2 of the report under "What is an electric bus?" it says "An electric bus is a bus that is powered by electricity." We do not need ICAC. We were getting some groundbreaking revelations at this committee. The inquiry also found out "the cost to fully charge an electric bus in Sydney would be \$30 a day or less, while diesel and gas buses cost \$64 a day to fuel." We were able to get that information from the Transport department.

I question the merit of these committees. I love committees as much as the next member on the Opposition side but nine months for electric buses when the number one recommendation is that they are powered by electricity. Hold the front page! That is not efficient use of taxpayers' money. My colleague and I were thinking about how to add some gravitas and some energy to this inquiry. We thought about moving an amendment to say unambiguously "Let's build public transport infrastructure in New South Wales." We thought it would be a slam dunk, five-nil. We thought we had the numbers, even though we were in Opposition. So the member for Coogee moved the amendment and it was defeated on the voices. We were absolutely devastated.

We moved that amendment because the Premier of New South Wales—at the moment—said, "We're not good at building things like trains." This is at a time when Austrade and the Commonwealth Government are desperately trying to sell transport infrastructure to Southeast Asian cities. Austrade is spending hundreds of thousands of dollars trying to sell ferries and trains to Southeast Asian cities and the Premier of the biggest State in the country says we are not good at building things. For God's sake, when your unemployment rate is 7.5 per cent, when final demand in New South Wales is minus one, when you are desperate to establish an elaborately manufactured goods sector, the Premier cannot say that the goods we produce are not good enough. We have to unite with Government backbenchers here. We have got to roll Andrew Constance. We have all got to come together and work as a group to knock over the Executive because they are not going to do what needs to be done to get this economy going.

**Report noted.**

## PUBLIC ACCOUNTS COMMITTEE

### Reports

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

**Mr GREG PIPER (Lake Macquarie) (13:03:29):** As Chair, I state, as have other Chairs before me, that the review process by the committee of reports from the Auditor-General is very important to the accountability of the Executive Government and government agencies. Reports such as this one entitled *Examination of Auditor-General's Performance Audit Reports August 2018-January 2019* are reviewed to see which warrant follow-up based on the response of the agency to the Auditor-General's recommendations. A number of these reviews can be and are satisfied by written correspondence. For this period five reports were dealt with in this manner: progress and measurement of the Premier's Priorities, mobile speed cameras, government advertising, supply of secondary teachers in science, technology, engineering and mathematics-related disciplines and the Transport Access Program.

I make particular reference to those reports that were subject to public hearings and subsequent recommendations: managing anti-social behaviour in public housing, unsolicited proposal process for the lease of Ausgrid, Newcastle Urban Transformation and Transport Program, property asset utilisation and firearms Regulation. Stemming from the public hearings the six recommendations included improving transparency and probity around unsolicited proposals, measures to improve the management and use of property assets, and two recommendations in relation to the management of firearm ownership, including the need for sufficient resources to allow the police to complete the Digital Transformation Project to modernise the management of the Firearms Registry.

I thank the witnesses who appeared before the committee. I acknowledge that the evidence provided was informative and gave confidence that the recommendations of the Auditor-General were being acted on, generally, appropriately. I believe the outcomes of the audit and examinations will have added value to the governance in New South Wales and the report will, when accessed by members of this place or others, provide a useful overview of the matters, as well as a point of reference for future review. I acknowledge my committee colleagues: Ms Tanya Davies, deputy chair and member for Mulgoa; Mr Justin Clancy, the member for Albury; Mr Lee Evans, the member for Heathcote; Mr Ryan Park, the member for Keira; Ms Felicity Wilson, the member for North Shore, and Mr Adam Crouch, the member for Terrigal. I thank the committee secretariat for managing the inquiry process, including the preparation of this report. Most importantly, I acknowledge and thank the Auditor-General, Margaret Crawford, and the Audit Office staff for their professional work in not only carrying out the performance audits but also assisting the Public Accounts Committee through the examination and public hearing process.

**Report noted.**

## LEGISLATION REVIEW COMMITTEE

### Reports

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

**Mr LEE EVANS (Heathcote) (13:07:47):** I address the House on behalf of the Legislation Review Committee regarding its report entitled *Legislation Review Digest No. 21/57* of this Parliament, tabled on 13 October 2020. In this digest the committee examined 11 bills introduced in the last sitting week. The committee also considered 34 statutory instruments, finding issues in one. The Health Legislation (Miscellaneous Amendments) Bill 2020 makes amendments to various legislations in the Health portfolio. In introducing the bill, the health Minister noted that part of what it does is to implement recommendations to the New South Wales Parliament Joint Committee on Health Care Complaints Commission. This follows the committee's inquiry into cosmetic health service complaints in New South Wales, which was reported in November 2018. I will refer to the report as the JPC report.

The bill would amend the Health Care Complaints Act 1993 and modify the circumstances under which an authorised officer of the Health Care Complaints Commission [HCCC] can exercise certain entry, search and seizure powers for the purpose of investigating a complaint. The Minister noted the JPC report had recommended the HCCC's search and entry powers apply to all complaints and that authorised persons have the power to enter a premises if the premises is a public place and the entry is made when the place is open to the public.

Currently, an authorised officer cannot enter any premises to exercise a search and seizure function except with the consent of the owner or occupier of the premises or under the authority of a search warrant. However, amendments to the bill mean that while an officer would still require such consent or a warrant to enter the residential premises this would no longer be required for a non-residential premises. The committee noted that by removing the need for a warrant or a consent for non-residential premises the bill may impact on property and

privacy rights and the right to be free from arbitrary interference. The requirement for the warrant to be issued before entry, search and seizure is designed to ensure that there is a cause for exercise of such power. In the circumstances the committee referred the matter to Parliament for consideration.

The Crimes (Domestic and Personal Violence) Amendment (Coercive Control—Preethi's Law) Bill 2020 is a private member's bill that seeks to insert a new section 14A into the Crimes (Domestic and Personal Violence) Act 2007 to create an offence for engaging in contact that constitutes coercive control of another person with whom the person has, or has had, a domestic relationship. The offence would have a maximum penalty of imprisonment for five years, or a \$5,500 fine, or both. "Coercive control" is defined to include conduct that has or is reasonably likely to have certain effects including: making the other person dependent or subordinate to the person; controlling, regulating, monitoring the other person's day-to-day activities; and, depriving the other person of or restricting the other person's freedom of action.

The committee noted that these are quite vague concepts and it would prefer the offence provisions, particularly those with potential terms of imprisonment attached, to be drafted with sufficient specificity so that their scope and content is clear. This gives people a clear idea of the conduct outlawed so that they may regulate the conduct accordingly. The committee acknowledged that the bill aims to reduce rates of domestic abuse. However, the committee referred the bill to Parliament to consider whether the broadly defined new offence would impact unduly on principles of legal certainty.

The object of the Workers Compensation Amendment (Consequential COVID-19 Matters) Regulation 2020. The object of the regulation is to amend the Workers Compensation Regulation 2016 following the recent enactment of section 19B of the Workers Compensation Act 1987. Section 19B provides that there is now an automatic presumption that certain workers who contract COVID-19 contracted the illness in the course of their employment. This is designed to make it easier for workers who contract COVID-19 to receive workers compensation to support their recovery. Section 19B of the Act prescribes various types of employment for the purposes of applying the relevant presumptions. Further, clause 5D of the regulation adds cafes, supermarkets, funeral homes and childcare facilities to the forms of prescribed employment.

However, the committee noted that other potential high-risk settings for COVID-19 do not appear to be prescribed under clause 5D or section 19B. For example, under stage four restrictions in Victoria industries that were deemed to be high risk but which could continue operating included construction, meat processing, medical and pharmaceutical supply and supermarket distribution. While the committee noted that it was possible that some of these identified industries may be classified as retail, which is a prescribed form of employment, the potential omission or lack of clarity may restrict access to compensation for some workers. Therefore, the committee referred the matter to Parliament for consideration. That concludes my remarks on the twenty-first digest for this Parliament. I commend the digest to the House.

**Mr DAVID MEHAN (The Entrance) (13:13:47):** In the twenty-first Legislation Review Digest, dated 13 October 2020, the committee considered 11 bills and commented on nine of them. It also considered 34 statutory instruments and regulations and commented on one of them. I turn to that one, the Workers Compensation Amendment (Consequential COVID-19 Matters) Regulation 2020, because it is topical and important that members be aware of it. The object of the amendment is to amend the Workers Compensation Regulation as a result of the recent enactment of section 19B of the Workers Compensation Act 1987. The Act now includes, with that amendment, an automatic presumption that certain workers who contract COVID-19 contracted the illness during the course of that employment, unless the contrary is established. That is an important change to the workers compensation regime. The committee made some comments about the work as described and the testing prescribed under the regulation and referred these to Parliament for its consideration. It is an important change and I invite members to look at it. I commend the digest to the House. It is an important document. I thank the committee for its work and I thank the secretariat that supports us.

**Report noted.**

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

*Question Time*

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Ms JODI McKAY (Strathfield) (14:16:50):** My question is directed to the Premier. Property developers are prohibited from making political donations to prevent corruption. Why then did the Premier think it was acceptable for Daryl Maguire to take commissions on property deals from the exact same developers?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:17:13):** I know the Leader of the Opposition would be well aware of all the disclosure requirements of members and also what members, Parliamentary Secretaries and Ministers are allowed to do and not allowed to do. Can I say this: At no stage have I ever turned a blind eye to anyone who is doing the wrong thing. If I had known anyone was doing the wrong thing, I would have reported it. I said that yesterday, and I will say that today. I say to the Leader of the Opposition that at no stage have I neglected to put the community first. I have done the right thing by all the rules and orders that govern this place, that govern the Ministerial Code of Conduct and that are in respect to the people of New South Wales.

#### **DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Ms JODI McKAY (Strathfield) (14:18:00):** My question is directed to the Premier. When Daryl Maguire told her about commissions he received from property developers in 2014, the Premier said, "Congrats! Great news! Woohoo". Why then did she congratulate Daryl Maguire on receiving secret commissions from property developers?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:18:28):** At all times members of Parliament are allowed to have interests, so long as those interests are declared. That obligation is on the member, the Minister or the Parliamentary Secretary.

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

**Ms GLADYS BEREJIKLIAN:** If at any stage the Labor Party wants to come to me and say that we should curtail the current activities and what is allowable, I am happy to look at those recommendations.

#### **DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Ms JODI McKAY (Strathfield) (14:19:05):** My question is directed to the Premier. The Premier was caught on tape telling Daryl Maguire she did not need to know that bit when informed he would earn a secret commission from a property deal. Why would she not want to know about this corruption in her Government?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:19:24):** Firstly, the Leader of the Opposition is making a statement that is the subject of an inquiry and she should be careful with her words.

**Ms Jodi McKay:** I think he admitted corruption this morning. I think that is kind of a given now.

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition has just misled the House because she has conflated an admission to something else that was asked.

**The SPEAKER:** The Leader of the Opposition will come to order.

**Ms GLADYS BEREJIKLIAN:** I say to the Leader of the Opposition: Stick to the facts, stick to what is real and also note that there is nothing wrong that I have never done or ever have done or ever will do.

**The SPEAKER:** Before I take the next question from the Leader of the Opposition, I will make a brief statement about the ICAC proceedings. I will be reasonably lenient in respecting the right of members to freely and openly debate issues that are in the public interest, but there is a point at which I will ask members to exercise a degree of caution by not attempting to influence or prejudge what the ICAC decides. I understand there is a public interest in the debate, but members should be careful to not go too far.

#### **MEMBER CONDUCT**

**Ms JODI McKAY (Strathfield) (14:21:03):** My question is directed to the Premier. Given the Premier has been in Parliament for 17 years and worked with hundreds of MPs, is she aware of any other members of Parliament who are taking commissions from property developers?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:21:20):** I say this: The Leader of the Opposition sat in the Cabinet with Eddie Obeid and Ian Macdonald. Did she know that they were doing corrupt activity?

**Ms Jodi McKay:** Point of order: My point of order relates to Standing Order 129. Unlike the Premier, I reported it to ICAC.

**The SPEAKER:** There is no point of order. The Premier has finished her answer.

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Mr JAMIE PARKER (Balmain) (14:21:51):** My question is directed to the Premier. Last year the ICAC proposed to make its funding independent of the Department of Premier and Cabinet and Executive Government.



Given the Premier is involved in a current ICAC inquiry, does she agree that independent funding for ICAC should now be an urgent priority?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:22:20):** I appreciate the question asked by the member for Balmain. It is an important question. Not only the ICAC but also the Electoral Commission and other integrity bodies have come to the Government from time to time seeking a review of their funding arrangements and how that funding is done. I asked the secretary of my department to ask the Auditor-General to undertake an independent review of the effectiveness of the financial arrangements and whether they need to be—

**Mr Jamie Parker:** Do you support independent funding?

**Ms GLADYS BEREJIKLIAN:** I am just about to answer the question.

**Ms Lynda Voltz:** After you cut their funding.

**Ms GLADYS BEREJIKLIAN:** No, I will get to that. We increased the funding by 50 per cent since we were in government. I asked through the secretary of my department for the Auditor-General to look at these arrangements. I understand she is due to give her report very soon about whether the funding arrangements should be independent or who should set them, because that is a question I want asked as well. I also want to place on the record that the New South Wales Government has increased the funding to ICAC by nearly 50 per cent since we have been in government. Every time they have asked for supplementary funding we have provided it. In relation to those matters of independence, I am looking forward to receiving the Auditor-General's report.

#### *Committees*

### **COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

#### **Inquiry**

**Mr PETER SIDGREAVES:** On behalf of the Chair: In accordance with Standing Order 299 (1), I inform the House that the Committee on Children and Young People has resolved to conduct an inquiry into the child protection and social services system, the full details of which, including the terms of reference, are available on the committee's home page.

#### *Petitions*

### **PETITIONS RECEIVED**

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

#### **Inner West Light Rail**

Petition calling on the Government to bring forward the purchase of new light rail vehicles and other measures to improve the frequency, reliability and safety of the Inner West Light Rail, received from **Ms Jo Haylen**.

#### **Climate Change Legislation**

Petition calling on the Government to introduce a Climate change Act mandating that the State's energy comes from at least 50 per cent of renewable energy sources by 2030 and 100 per cent of renewable energy sources by 2050, received from **Ms Jo Haylen**.

#### **Marrickville Multicultural Health Service**

Petition calling on the Government to overturn the decision of the Sydney Local Health District and NSW Health to discontinue the Multicultural Health Education and physical activity exercise programs provided by the Multicultural Health Service based at Marrickville Community Health Centre, received from **Ms Jo Haylen**.

#### **Beekeeping Industry**

Petition calling on the Government to support amateur beekeepers by abandoning hive registration fees and allocating more resources to assist amateur and commercial apiarists to maintain a disease-free and sustainable hive network, received from **Ms Jo Haylen**.

#### **Murray Valley National Park**

Petition calling on the Government to rule out any changes to protections to the Murray Valley National Park and to stand firm against the logging of river red gums, received from **Ms Jo Haylen**.

**RESPONSES TO PETITIONS**

**The CLERK:** I announce that the following Minister has lodged a response to an electronic petition signed by more than 500 persons:

The Hon. Rob Stokes—Lake Macquarie Coal Haulage—lodged 15 September 2020 (Mr Greg Piper)

*Motions***THE HON. GLADYS BEREJIKLIAN****No Confidence**

**The SPEAKER:** Before I call the Leader of the Opposition, I confirm that the speaking order will be in accordance with Standing Order 112. There will be a minimum of four speakers. The Leader of the Opposition will kick things off.

**Ms JODI McKAY (Strathfield) (14:26:12):** Under Standing Order 112, I move:

That the Premier no longer enjoys the confidence of this House, given that she:

- (1) Turned a blind eye to corruption in her Government by failing to report her knowledge of Daryl Maguire's business dealings for 6½ years, even after his resignation from Parliament in July 2018.
- (2) Failed to report a number of discussions she had with Daryl Maguire over a number of years about his business dealings—including congratulating him on the amount of commission he was earning from such deals.
- (3) Failed to fulfil her legal obligations under the Independent Commission Against Corruption Act to report corrupt conduct, and her obligations under the Ministerial Code of Conduct to manage conflicts of interest in her Government.
- (4) Has failed to uphold any standards of propriety across all levels of her Government.

Today is a really important day in this Parliament. It is an important day for the people of New South Wales. It is an important day for democracy and it is an important day for those who believe in transparent, honest and good government. Today we move a motion of no confidence in the Premier of New South Wales—the highest office holder in this State—and we do not do it lightly.

Let me speak first about what this motion is not about. This motion is not about Gladys Berejiklian's private and personal life. I will defend to the hilt her right to have a private and personal life, including a relationship. Every single person in this House has that right. This motion is not about that. This motion is about the Premier's conduct as a public official. It is about the Premier's integrity. It is about the standards she applies to Ministers and to members of her Government and, importantly, the standards she applies to herself as an MP and, of course, as Premier of New South Wales.

When she was faced with clear evidence of potentially corrupt conduct, she failed to take action. She did nothing. In fact, she turned a blind eye to corruption and misconduct. We know this because each and every person, whether they are on that side of the House or on this side of the House, or whether they are watching this debate from outside the Chamber, heard the telephone intercepts. We know she knew what Daryl Maguire was up to. The very same evidence that is being presented to ICAC, of concern to ICAC and being investigated by ICAC is the same evidence that transpired in phone calls between her and Daryl Maguire. In the witness box at the ICAC, she repeatedly said:

Had I known then what I know now ...

But she did know. She absolutely knew, and every single person in this House knows that. It is clear Gladys Berejiklian knew about Mr Maguire's attempts to use his position as a member of Parliament to enrich himself, and she knew that for more than six years and she did nothing. She knew that Daryl Maguire was getting commissions from property developers as far back as 2014. She knew he got a commission then, and we have seen it in a text message: a commission of \$5,000. Did she think about reporting that to ICAC? No, she did not. What did she do? She sent him a text back and said, "Congrats, great news! Woo hoo!" Today in question time I asked the Premier about that. I asked the Premier why it is appropriate for an MP to receive a commission from a property developer when those very property developers are banned from making donations to each and every one of us. Why did she not do anything about that? It is a red flag like no other red flag, and she did nothing about it.

She knew that Daryl Maguire was \$1.5 million in debt, and she knew that he was trying to negotiate a property deal at Badgerys Creek to get himself out of that debt. She knew that Daryl Maguire was lobbying on behalf of Louise Waterhouse. She knew that because he told her that. She knew that those negotiations on behalf of Louise Waterhouse were occurring in western Sydney by the member for Wagga Wagga. She knew that. Why did she not say, "Why are you involved in these property deals?" She did not have to ask; she already knew, because she knew what he was up to. She knew that Daryl Maguire took Ms Waterhouse to the foyer of the

Premier's office and then arranged a meeting with the roads Minister's senior advisor. First of all, she told ICAC she did not know that. But then, of course, she was played another telephone intercept and she had to admit she was wrong, she did know that: "This is how we operated." He would arrange meetings so that she would just pop by, and then she did not have to disclose them in her schedule of meetings—which I am required to disclose, as is every Minister on that front bench. That is how she operated, so she did not have to disclose it.

She knew that Daryl Maguire was directly intervening in a deal between UWE and a Chinese company, and the Premier's response again was to turn a blind eye. I asked her about that again today. She knew that he was up to no good and in a conversation with him, she said, "I don't need to know about that." She did need to know about that and, actually, she did know about that. But again she failed to do anything about it. She also knew that UWE was not in Maguire's electorate and her staff had told her as much, and she told Daryl Maguire, "I didn't correct them." She did not correct her own staff, but she told Daryl Maguire, with whom she was in an intimate relationship. She told him. She knew that Daryl Maguire was lobbying on behalf of property developers in western Sydney because she received emails in her inbox, because he had given her email address.

She knew that Daryl Maguire had various outside business interests but she never, ever checked, as Premier, whether he was complying with the code of conduct. Her defence has been, "I expect everyone to comply with the code of conduct." Surely this Premier would have known that the dealings of Daryl Maguire constituted misconduct. I simply do not accept her defence, and no-one in this House should accept her defence. She knew that he was not complying with the code of conduct and she knew that his actions constituted multiple breaches of that code of conduct—a code set and enforced by her as Premier. She knew all this and she did nothing about it.

When Mr Maguire was disgraced by ICAC in July 2018, Gladys Berejiklian disclosed none of what she knew to ICAC. For those on the crossbench who are thinking about how they are going to vote today, think about that. She knew that Daryl Maguire had dealings, other than those that were uncovered, to do with Canterbury council. She listened to the evidence. Did she for once think, "Gosh, I actually know more of what he's been up to and I will report that to ICAC"? No, she didn't. She did not report it to ICAC. She kept it secret and she did nothing. Of all that we have heard at ICAC, that is the worst crime against her. She cannot get out of that one. She had a duty under the Independent Commission Against Corruption Act to disclose that. Every single person in this House knows that. Surely the Premier knows that.

Not only that, she should have disclosed her relationship with Daryl Maguire. She did not disclose that. She should have gone to ICAC. She should have gone to all of you as her colleagues in Cabinet and said, "I am in a relationship with Daryl Maguire, who is now before the Independent Commission Against Corruption." She did not. She should have stopped the relationship there and she did not. That relationship went on for another two years and it only stopped when ICAC came knocking at her door because she did not knock on their door. It was eight days before Daryl Maguire eventually resigned. And there are questions—fair questions—being asked about the timing of her holiday. It was actually the Deputy Premier who was left to sack Daryl Maguire, to convince him he had to go, because suddenly Gladys Berejiklian is off on a holiday. When she says, "I took action against Daryl Maguire," she actually didn't. It was the member for Maroubra who actually forced her to act because we said we would suspend him from Parliament if they did not act.

Gladys Berejiklian's failure to act on Daryl Maguire's attempt to misuse the office he held to enrich himself is evidence of her complicity in misconduct. Her refusal to enforce the code of conduct that applies to Ministers and Parliamentary Secretaries, even though Mr Maguire breached it many times, is an absolutely damning indictment on her ability to run a government that can be trusted by the people of New South Wales. But worse much worse than that, which is why we bring this motion before this House, is that she chose to ignore corruption. None of you on that side of the House, or on the crossbench, can dispute those facts of July 2018. She ignored it. She ignored disclosing the relationship and she ignored going to ICAC to tell them what she knew.

At the last election the community thought they knew Gladys Berejiklian but they did not. They were prevented from knowing some very important information about Gladys Berejiklian that has been unveiled this week, released this week, uncovered this week. They were prevented from knowing important information about her conduct in public life because she did not tell not only ICAC the truth or her colleagues the truth, she also did not tell the citizens of New South Wales the truth. And she did not disclose her conflict of interest between her personal and professional relationship. I have been thinking a lot about this. I can imagine her in July 2018 and the sick feeling in her gut because she knew what she was doing was wrong and then when she went to the election hoping that no-one would uncover her dirty secret That sick feeling in your gut—she had that twice, maybe even more, when she went to the election because she knew what she was doing and she was so hopeful that no-one would uncover it. This week it has finally been brought to light.

**The SPEAKER:** The member for Wakehurst will be quiet.

**Ms JODI McKAY:** The people of New South Wales had a right to know about all this at the last election. They should have been able to make an informed decision about Gladys Berejiklian's fitness to hold the highest office in this State. That is exactly what we are talking about. We are not talking about the member for Port Stephens, who is a backbencher, or the member for Cessnock. We are not talking about backbenchers. What we are talking about is the highest officeholder in New South Wales who is unfit to hold that position because she has not done what she is required to do under the Independent Commission Against Corruption Act.

**The SPEAKER:** Order! I call the member for Wakehurst to order for the first time. The member for Canterbury will be quiet.

**Ms JODI McKAY:** In my motion presented to the House which we are debating right now I raised at paragraph (4) the issue of the Premier failing to uphold standards of propriety across all levels of government. I want to bring the attention of the House to that paragraph now. I have said time and time again outside and inside this House when Ministers have behaved inappropriately, when their misconduct has been unveiled, "Why doesn't the Premier act? Why doesn't the Premier actually do something to discipline her Ministers? Why doesn't she do something that acknowledges there is actually a thing such as ministerial accountability and responsibility? Why doesn't she do that?" We have all questioned that. How does she get away with it? How does she stand in front of a press conference and just bat it away time and time again?

Until now I have never understood this, but I know now because Gladys Berejiklian set the standards and she herself was behaving inappropriately. We have John Sidoti, an MP by day and a property developer by night. We have the police Minister, David Elliott, who was involved in a road-rage incident and impersonated a police officer. Then of course months later he was under investigation again, this time for shooting two prohibited weapons at a shooting range without an appropriate licence. Imagine that if it were a Labor police Minister. Imagine the police Minister being investigated twice by his own Police Force and the Premier giving him a pat on the head and saying, "It's okay. It's okay."

**The SPEAKER:** The member for Baulkham Hills will be quiet. I call the member for Baulkham Hills to order for the first time.

**Ms JODI McKAY:** Then we have the Treasurer, Dominic Perrottet, the next Premier of New South Wales—although I am interested to read that he has been so scarred by icare that he can never be the Premier of New South Wales. He sanctioned misconduct at icare, the Government's workers compensation agency. Millions of dollars in salaries and bonuses was paid to top executives, despite the agency's failure to do its job to support injured workers. There was the underpayment of 52,000 workers to the tune of \$80 million, a secret \$4 billion bailout of the Workers Compensation Fund and contracts handed to businesses without tender. While all this was happening under his watch, he had a sham arrangement in his office with icare footing the bill for his political staff. That is business premium paid to ICAC funding a political operative, a Republican operative, in the Treasurer's office.

We have seen the sport Minister, Stuart Ayres, pushing for a \$12 million grant in his electorate with no relevance to his portfolio. We know from bureaucrats that he, "Did not want to have his signature on anything to do with the project." Then there is the mental health Minister, Bronnie Taylor, who for months claimed she had no involvement in the Government's \$8 million grant to the Country Universities Centre—an organisation run by her husband. But we know she was sent a copy of the funding agreement before it was signed and three weeks before it was announced. Just weeks ago the Ombudsman found that SafeWork NSW acted unlawfully after ministerial demands from Matt Kean. Then there was the Minister for Families, Communities and Disability Services, Gareth Ward, who was found naked and disoriented by police, who twice had to escort him back to his apartment. Time and time again she has failed to ease the tensions between the Liberal Party and Nationals. Because of that failure to act, the Government completely imploded just a month ago.

Then there is the Premier's management of the Stronger Communities grants program. This quarter-of-a-billion-dollar was set up to support amalgamated councils. Government members know about it because they got all the money. This quarter-of-a-billion-dollar grant program was supposedly set up to support amalgamated councils. But guess what? Just before the election the Premier changed the guidelines. Some councils did not know that but others such as Hornsby council were called and asked, "Hey, do you want some money?" Some \$250 million, 95 per cent of it, went to the electorates of Government members. That is not fair and it is not appropriate. It was not transparent. It is about rorting a grant program, and it was the Premier who did it and thinks it is okay. With every scandal that has arisen and every crisis that has emerged, I have thought to myself, "Why does she tolerate this? Why does she not do something about it?" It is extraordinary. If I were the Premier right now I would be required to do something about it.

**Mr David Elliott:** Thank God you're not.

**The SPEAKER:** I call the member for Baulkham Hills to order for the second time. The member has made too many interjections.

**Ms JODI McKAY:** This week it became crystal clear because the Premier sets the standards from the very top. I finally know why; all of us know why. What she says and what she does matter. The standards start and finish with her. This is a Premier who failed to act. She tolerated corruption. She turned a blind eye to wrongdoing.

**The SPEAKER:** The member for Oxley will remain quiet.

**Ms JODI McKAY:** That fundamental failure to act honestly and transparently goes to the very heart of her Government. In all of this there is the hypocrisy. In March 2017 Gladys Berejiklian stated in this House:

Of course, all members of Parliament are expected to make the appropriate declarations and disclosures ...

Was that done in this case? No, it was not. One month later she stated:

We also expect people to speak up when they think something is wrong.

Was that done in this case? No. It was the Premier who failed to speak up when something wrong was done. In August 2017 she told this House:

The New South Wales Government has a zero-tolerance approach to corruption and we have implemented a range of measures to reflect this.

Really? The Government has a zero-tolerance approach to corruption? Daryl Maguire was in the box this morning admitting to everything: yes, he used his office to benefit himself; yes, he was involved in a "visa for cash" scam; yes, he did the wrong thing. He admitted that this morning. On meeting disclosures the Premier stated:

Ministers on this side of the House are required to provide full disclosure of all meetings they hold, and we are prepared to do that.

We know how she circumvented that one: "Daryl, go and sit there and I'll just pop out and say hello. Then we won't have to disclose it." Truly? The members opposite must have been shocked at that one. Stronger still, in 2018 she stated:

I can assure all members in this place that there is absolutely no room for corruption in this State.

**The SPEAKER:** The member for Wakehurst will remain quiet.

**Ms JODI McKAY:** That is hypocrisy of the highest order. She has been aware of it and involved in it and she has done nothing about it. She has failed to act and failed to disclose. She has literally failed to set any standard of integrity. However, the standards she did set—of not reporting corrupt practices, of not reporting misconduct, of not enforcing her own NSW Ministerial Code of Conduct, of not being truthful with the people of New South Wales—have very serious consequences for everyone. It means that every Minister sitting in her Cabinet knows they can get away with anything. It means that no matter what happens Ministers can turn a blind eye to the most blatantly corrupt practices. It means that members of this Government have a green light to lobby on behalf of property developers and take a commission. It means that any member of this Government can use their office to enrich themselves and further their own business interests. It means that members of this Government can use taxpayer money for their own personal gain. That is what it means.

As I said, I do not move this motion lightly. I know that this is an incredibly difficult time for the people of New South Wales. We have gone through drought, bushfires and floods. We are still going through this pandemic and a recession. I do not move this motion lightly. I know that a change of leadership will bring about instability. But I give this commitment: The Opposition will do what it can to work with the Government on a change of leadership to make sure there is stability for the people of New South Wales.

I also know that Gladys Berejiklian is a hard worker. Unlike many Opposition leaders, I have praised her when she has done the right thing. Some people have asked me why I have done that. It is because people want leaders to work together and they want to know that when someone does the right thing the other person is prepared to put up their hand and say, "She did the right thing". I have done that many times. I know that she is liked by the citizens of New South Wales. I understand that. But I also know that if we do not do something about what has been revealed at the ICAC in relation to the Premier that we as parliamentarians are not keeping true to the oath we have made to the citizens of New South Wales.

If we accept Gladys Berejiklian as Premier, we are saying the utterly unacceptable is okay. We cannot do that. How can we? In the most fundamental way, this motion is actually not about Gladys Berejiklian. It is about the integrity of public office in New South Wales. It is about the integrity of the office of Premier, the highest public office in New South Wales. If the Premier stays, her Government is forever diminished. This cannot be allowed to happen. The State must protect itself and its citizens. That is our duty as members of this Parliament,

no matter what party we belong to or what side of this Chamber we sit on. We must protect the integrity of our public offices. We must uphold standards in public life.

There is only one choice here: This House can no longer have confidence in the Premier of New South Wales because, sadly, she has associated that office with corruption. Worse still, she has turned the eyes of that office away from corruption. If she remains as Premier, the Government of New South Wales sets an impossibly low standard. That makes me very sad. It is a standard that erodes all faith in the honesty and the openness of public office. I commend the motion to the House.

**The SPEAKER:** I note that the Minister named is not speaking. We will now move to a 20-minute time limit. The Treasurer has the call and 20 minutes to speak.

**Mr DOMINIC PERROTTET (Epping—Treasurer) (14:53:37):** I do not know about other members but I think the contribution from the Leader of the Opposition was pretty weak. Usually these debates are brought on straightaway. The Opposition had all night to prepare and that is all we got. The members on this side of the House will be opposing the motion and leading the contributions will be Bill Shorten. Members might remember Bill. Yesterday in relation to these matter he said:

She is a smart lady who I think has been punching below her weight with perhaps a much more average guy. I have sympathy for Gladys at the human level.

... I was surprised, but I don't know ... it's all pretty human, isn't it? I don't hold that against Gladys. She is a very dignified person. I think she would have been embarrassed ... Let us now move on to none other the current Leader of the Federal Opposition, Anthony Albanese, who said:

It would have been a very tough day for Gladys today, and I felt for her about those personal issues coming out in the way they did.

She certainly shouldn't be judged for the fact that she has a relationship with someone.

That is her business, as far as I'm concerned—consenting adults—that is no-one's business except for hers.

Let us move further south for comment by probably not the best person to be quoting at this time, Daniel Andrews.

**Mr Andrew Constance:** He's Labor.

**Mr DOMINIC PERROTTET:** He is Labor. In any event, he said, "In my dealings with Premier Berejiklian I have always found her to be a person of absolute integrity. That's the person I know and the colleague that I have worked with. That's very, very obvious to me in all my dealings with her. She has been a person of absolute integrity." They are comments from members of the Labor Party and they know what we know, which is that Gladys Berejiklian is someone of complete honesty, complete integrity. She is somebody who is completely selfless and, as Coalition members and I know because we have worked incredibly closely with Gladys Berejiklian over many years, she is somebody who works tirelessly for the betterment for the people of New South Wales. She never looks after herself. She looks after her fellow men and women right across the State and works tirelessly every single day for them. This is the people's House for the people of New South Wales. They know what we know and that is that Gladys Berejiklian is a great women, a great leader and a great role model for everybody right across New South Wales.

**The SPEAKER:** Order! During the speech by the Leader of the Opposition, I called a couple of Government members to order. The member for Cessnock and the member for Maroubra are interjecting constantly and are about to be called to order again. The Treasurer has the call.

**Mr DOMINIC PERROTTET:** Let us consider the Premier's life in public office. She is a person who came to government in 2011 as part of a refresh after 16 years of corruption by a Labor Government—the party of the Aldi bag. That was kept quiet during the election campaign by Labor members. New South Wales was a State in debt and deficit, with crumbling infrastructure. In came Gladys Berejiklian as the Minister for Transport. She was confronted with a \$35 billion infrastructure backlog yet she turned this State around by infrastructure investment. Why? Not for the sake of it but for the betterment and prosperity of people's lives right across the State—something she works for tirelessly each and every single day. The 2011 Government faced a situation created by the previous Labor Government of projects being announced and then cancelled numerous times over many years because Labor members never had the will, concern or care for the people of this State like the Premier of New South Wales, Gladys Berejiklian, has. We had a \$35 billion infrastructure backlog. Let us go to the results.

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

**Mr DOMINIC PERROTTET:** Past performance is the best indicator of future performance and Gladys Berejiklian is streets ahead of every single Labor member in this House. I notice the shadow Minister for Health is interjecting. Under Labor, the Health budget was \$16 billion but currently, under the leadership of Gladys Berejiklian, this Government's Health budget is \$26.7 billion.

**Ms Yasmin Catley:** Oh yeah, CPI.

**Mr DOMINIC PERROTTET:** The member for Swansea refers to CPI but we are talking about an increase of 62 per cent in the Health budget. Well done! This fact is more than Labor members can cope with. This Government has invested \$10 billion in Health infrastructure since 2011 and we are investing \$10 billion over the next four years. This is what government is all about: projects that touch the lives of every single person regardless of where they live in our State.

**Ms Anna Watson:** Not ripping off workers? Not freezing workers' wages.

**The SPEAKER:** The member for Shellharbour will remain silent.

**Mr DOMINIC PERROTTET:** Labor members were the ones who cut wages. The Labor Party cut wages by \$1,000 for every single front-line worker in this State. Among the projects in progress is the Bankstown-Lidcombe Hospital, costing \$1.3 billion. The other day in the company of the Premier and the Minister for Health and Medical Research, I visited the Royal Prince Alfred Hospital where the Government has invested \$750 million. The Children's Hospital at Westmead and the Ryde Hospital redevelopments are other projects in progress. All around the State projects are underway and they have been built under the leadership and direction of one person in whom this Chamber and the people of New South Wales have complete confidence: the Premier of New South Wales, Gladys Berejiklian.

**Ms Sophie Cotsis:** How is Ferry McFerryface?

**Mr DOMINIC PERROTTET:** At least there are ferries under this Government. At least there is transport. At least there are hospitals. At least there are schools. That is because this Government has turned around every single aspect of this State. That has all been achieved by the guidance, the integrity, the leadership, the honesty, the selflessness and the dedication of one person, and one person alone, who works tirelessly every single day for the people of our State: our Premier, Gladys Berejiklian. The Leader of the Labor Opposition's colleagues know that. The people of New South Wales know it. The Leader of the Opposition even knows it but will continue to play politics with matters such as these when she knows that true leadership is what you have in our leader, Gladys Berejiklian.

Let us go to the Education budget. As the Treasurer of New South Wales, Gladys Berejiklian delivered strong surpluses, which were integral to turning around the State's finances, integral to fixing up the mess that was left behind by the previous Labor Government. Labor members opposed every step of the way the leadership of the Premier and that agenda. Under the previous Labor Government, the Education budget was \$13 billion. An Education budget under Premier Berejiklian was \$21 billion, which is close to 60 per cent more than the Education budget under Labor.

**Ms Prue Car:** The standards get worse every year—every year.

**The SPEAKER:** The member for Auburn will remain silent. I call the member for Londonderry to order for the first time. I call the member for Londonderry to order for the second time.

**Mr DOMINIC PERROTTET:** The previous Treasurer, who is the Premier, turned around the State's finances, which is why the people of New South Wales have complete confidence in this Government. The member for Londonderry referred to schools. Under the guidance of the Premier, since 2011 the Government has provided 137 new schools and upgraded schools, 1,960 new classrooms, 36,800 additional student places and committed more than \$6.7 billion to more than 190 new and upgraded schools by 2023. That does not just happen. That happens because of the leadership of the Premier, Gladys Berejiklian.

Let me now go through the \$130 billion infrastructure agenda on projects initiated by our Premier when she was the Minister for Transport, then the Treasurer and now as the Premier. The Metro North West was delivered under budget by our Premier. That project had been promised numerous times by Labor but, just like today, because of politics it was never ever delivered by Labor. Labor could never invest in a seat when there was not a vote for Labor in it.

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

**Mr DOMINIC PERROTTET:** The Leader of the Opposition talks about funds. The facts are that every single electorate in the State is better off under this Government and under this leadership of Gladys Berejiklian. Opposition member's electorates are better off now while Labor is in opposition than they were when Labor was in government. That is true of every single step along the way. That approach has been guided by the Premier, Gladys Berejiklian. The South West Rail Link is under budget and ahead of schedule; the inner west light rail extension; the Newcastle Light Rail; the CBD and South East Light Rail; major projects like the M5 West

Widening; WestConnex, which was opposed by members opposite but I will come back to that; the new M4 tunnels; the new M5; and the Princes Highway upgrade at Gerringong. We have got \$100 billion more to go over the next four years and that will be updated in the upcoming budget.

This motion is about confidence. It is about the Government's record. It is about the Premier's record and who she is. Everyone in this Chamber and everyone across the State knows that there is no better leader in this country than Gladys Berejiklian. No leader in this country has a record of success like Gladys Berejiklian. There is no better leader who has delivered more for her people than Gladys Berejiklian. They are the undisputed facts. Let us now consider what has occurred over the past two years. I have personally got to know the leadership qualities and the person who is our Premier—whether that has been through the drought, which has had a significant effect on regional communities that are now getting back on their feet. What has been fundamental to that is a significant investment. Those opposite call those grants out. They have a problem with us investing in regional New South Wales. We call that success. We call that getting regional New South Wales back on its feet. They should go and speak to regional communities right across the State that have been devastated by the drought and, more recently, devastated by the bushfires.

**The SPEAKER:** The member for Port Stephens will come to order.

**Mr DOMINIC PERROTTET:** It has been this Government under the leadership of our Premier that has helped get those communities back on their feet. She is somebody who cares deeply about every single person across our State. For all of those people and families who have been substantially affected during these crises there has been one leader at the front every single day: Our Premier, Gladys Berejiklian. In addition to that, the Leader of the Opposition comes in here and says, "Oh, I want to be bipartisan. We are in a pandemic. We are in a recession". But does she really care?

How many questions this year has the Leader of the Opposition asked on COVID-19? How many has she asked on jobs? How many has she asked on the economy? She has asked five questions on COVID-19, she has asked two questions on the economy, and I think she has asked one question on jobs. She is the most out-of-touch alternative Leader of the Opposition in the history of this State. She has completely missed the pandemic. She is completely out of touch with the hearts, the minds and the concerns of men, women and families right across New South Wales, unlike someone else: Our Premier.

Throughout this pandemic we have seen the strength, the determination and the qualities in our Premier that any State and any peoples would want in their leader. From the health response to the economic response, to being there every single day—no holidays. Work after work after work. Gladys Berejiklian has been tirelessly fighting for one thing: The betterment of the people of New South Wales. Yesterday the Leader of the Opposition came in here preaching about integrity from a party that the ICAC knows all too well. She said in a tweet yesterday that as a member of Parliament she referred things to the ICAC because she knew that as a member of Parliament it was the right thing to do. Ms McKay said on reporting Tinkler to the ICAC that "I knew that in doing what was right I would lose the seat of Newcastle ...".

**Mr Gareth Ward:** How long did it take?

**Mr DOMINIC PERROTTET:** As the member for Kiama asked, how long did that take? Did the member actually refer the matter to the ICAC as a member of Parliament?

**The SPEAKER:** Order! I call the member to Port Stephens to order for the second time. The member for Keira and the member for Swansea will remain silent.

**Mr DOMINIC PERROTTET:** Did you refer that as a member of Parliament as you tweeted? As you told the House yesterday. Did you?

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

**Mr DOMINIC PERROTTET:** That is the question that we would like to know. We then have the WestConnex project. Who was the person who fought against WestConnex every step of the way? The Leader of the Opposition. Why? She lived 300 metres down the road. Even after being advised by the ethics advisor that she should not make any public comments, she could not help herself. There she was, fighting against a transformative project that now every single day people right across western Sydney are able to drive through to get home to their families faster. That goes to the very heart of the issues in play. That is the focus, the determination and the leadership that Gladys Berejiklian shows every day. A person who as transport Minister, as Treasurer and as Premier has turned the fate of our State around for the betterment of every single person in New South Wales. That is leadership. That is what none of those opposite have or ever could have.

What have we seen from the Leader of the Opposition over the past 12 months? If you want to talk about leadership, she certainly does not have it. We will all be waiting for the next Leader of the Opposition to come



through and actually throw some strength, care and concern that could be half as much as we have seen from Premier Gladys Berejiklian, not just over the past 12 months but over her entire political career and time in public office. She is somebody who is completely in touch, unlike those opposite, with the day-to-day concerns and needs of families right across New South Wales.

We sit here today in a recession and in a once-in-a-one-hundred-year pandemic. The State of New South Wales is the leading light. The fact that this State remains the engine room which is keeping our country going did not happen by accident. It has only occurred for one reason: The leadership of this Government, which is headed up by the finest woman in this State, Gladys Berejiklian. Her leadership, her selflessness, her integrity, her honesty, her hard work and, unlike those opposite, her sincere focus in putting the people of New South Wales before herself and anything else are exactly what have guided New South Wales, and will continue to guide New South Wales, through this recession and ensure the people of New South Wales have the prosperity that they deserve.

**Ms YASMIN CATLEY (Swansea) (15:13:56):** The Treasurer's contribution did not mention the word "ICAC". Instead, it was the speech that he has perfected during his time in university politics. We have had his stump speech in here yet again and, quite frankly, it is disappointing. He is touted as a possible leader. That is certainly not the contribution that we would expect—and that is why you are not! This is not a motion that the Opposition moves lightly. It is not a debate that we relish. This is a very sorry state of affairs and it is very disappointing for the people of New South Wales. The people of New South Wales have seen their political leadership dragged through the corruption watchdog this week. The faith that the people place in the leadership of this State has been tested and sadly undermined. Their confidence in the Government has been completely wrecked by the revelations that we have heard at the ICAC. This is not about personal relationships whatsoever, and it is certainly not about Ms Berejiklian's private life. This is about evidence that was given at the Independent Commission Against Corruption that laid bare the extent of Ms Berejiklian's awareness of what a member of her Government was up to—which was no good.

Ms Berejiklian knew that Daryl Maguire was getting commissions for brokering property deals as far back as 2014. She even congratulated him in private texts and asked for further details. She knew that Daryl Maguire was \$1.5 million in debt, and she knew that he was working on a deal for something at Badgerys Creek that he believed would clear those debts. Let us think about that for a moment—\$1.5 million. In one fell swoop, he expected to clear a commission that would substantially wipe out his personal debts. These are not small stakes that we are talking about. We are not talking about minor payments or insignificant deals. This is a big payday, and this is a big deal. When Daryl Maguire told Ms Berejiklian that the land deal was done she replied, "I don't need to know about that bit". In another taped call, Daryl Maguire talked about introducing his "little friend" to someone, and he asked Ms Berejiklian if she knew who he meant. Again she replied, "I don't need to know".

I want to stop for a moment and dwell on this. We know where this is going. We know what is going on here. Ms Berejiklian says that she does not want to know, but we know what is going on when she says that she does not need to hear about it. All of us know what is going on. We all know that Ms Berejiklian is trying to establish plausible deniability. We know that this little verbal nudge is being said to remind Daryl Maguire of the need to be discreet. But the thing about plausible deniability is that most of the time it actually does not exist. Plausible deniability is the thing you try to create when you know that you are doing the wrong thing. When Ms Berejiklian said, "I don't need to know about that", she did not automatically erase what Daryl Maguire had just said to her. And when she says that she does not need to hear something, it does not mean that she did not hear it.

Just because she does not need to know does not mean that she does not know. He still said it, she still heard it, and Ms Berejiklian knew exactly what it meant. She absolutely knew—there is no doubt—what it meant. Despite telling ICAC that she did not know about the details of Daryl Maguire's sideline as a property developer's lobbyist, we know that she knew because we have all heard the tapes. Ms Berejiklian knew that Daryl Maguire took property developer Louise Waterhouse to her own office and that he arranged a meeting with an adviser from the roads Minister's office to discuss land owned by Ms Waterhouse.

**The SPEAKER:** Those members who are engaging in private conversations should take them outside the Chamber.

**Ms YASMIN CATLEY:** She denied knowing about it until ICAC played the recorded phone call in which Daryl Maguire had told her. Just as she knew that Daryl Maguire was directly intervening in a private business deal between Australian-based agribusiness United World Enterprises and a Chinese company, Ms Berejiklian knew that UWE was not a business in his electorate. How is this considered normal behaviour? Are we to understand that this is now normal? The member for Wagga Wagga was lobbying on behalf of a business and a landowner who has no connection with his electorate—is this somehow now normal? Is it somehow normal that the Premier would assist him in opening doors for that company? We know that Ms Berejiklian advised

Daryl Maguire on how to push the Minister for trade to help fix the problem and said that she did not care if he caused trouble for that Minister.

We know that Daryl Maguire had taken money from UWE in the past and we know that UWE donated to the Liberal Party, and we know that Daryl Maguire had discussed being appointed as a board member or adviser after his parliamentary career. But it is not about what we know; it is actually about Ms Berejiklian and what she knew. Ms Berejiklian knew that Daryl Maguire was advocating for property developers in Sydney, and she received specific representations about the developer's project directly into her private inbox. Ms Berejiklian knew that Daryl Maguire had various outside business interests but she never checked whether he was complying with the NSW Ministerial Code of Conduct, or indeed with the Code of Conduct for Members. She knew all of this, and she did nothing. She did nothing for years and years and years, and that is why we have no confidence in this Premier.

Yesterday in question time Ms Berejiklian justified her failure to report these matters to the ICAC by praising the public service for refusing to bend to the will of Daryl Maguire. Quite frankly, I found that answer galling. She made the same argument to the media on Monday afternoon. She seems to believe it does not matter that she failed to report corruption because Daryl Maguire was ultimately unsuccessful. Ms Berejiklian thought she could turn a blind eye because public servants prevented his attempt to profit from Government decisions. Ms Berejiklian seems to honestly believe she has done nothing wrong. She seems to honestly believe she has nothing to answer for. But it is not good enough to be such a stickler for the rules and then to become an expert at bending them. It is not good enough to do everything by the book only so that you can justify yourself later on down the track. You have to do more than just follow the letter of the law; you actually have to follow the intention of the law and uphold the spirit of that law. The people of New South Wales want to see integrity from their leaders. The people of New South Wales deserve a leader with principle and of good character. Turning a blind eye to corruption is not principled, and it is not what somebody with integrity does.

Comforting yourself that corruption can be ignored when it is ineffective or unsuccessful is not in any way upholding the spirit of the law. Likewise, none of this would suddenly become acceptable if Daryl Maguire had declared his income on a parliamentary disclosure. If he failed to disclose this income it would only compound the level of his offending. It was never okay regardless, and that is what is so important. It was never acceptable to be a paid lobbyist for property developers in this Parliament. It was never acceptable to take money from a paying client to organise meetings with government advisers in the Premier's office. It was never acceptable to take money from paying clients in exchange for the private email address of the Premier herself. But these are the things that Daryl Maguire did and which Ms Berejiklian was aware of for many years. She knew that he was being paid by property developers to access the halls of this very place. And she did nothing. She said nothing. She has lied repeatedly about what she knew of Daryl Maguire's disclosures.

**The SPEAKER:** I ask the member for Swansea to rephrase that. It is unparliamentary to accuse someone of lying.

**Ms YASMIN CATLEY:** She has not told the truth repeatedly about what she knew of Daryl Maguire's disclosures, and that is why we have no confidence in this Premier. She knew and she did nothing. If we take her word, Ms Berejiklian seems to believe the only thing Daryl Maguire did wrong was fail to disclose his income on a form somewhere. If that is what Ms Berejiklian believes then she clearly has no judgement and she has completely lost sight of what the community expects of its parliamentarians. Political donations from property developers, as we all know, are banned in New South Wales and that is for good reason. Labor introduced restrictions on political donations to prevent exactly what Daryl Maguire has done.

If Daryl Maguire had received money to his campaign account from these people he could have been sent to prison. But somehow Ms Berejiklian is saying that because he might have invoiced them as a small businessperson rather than as a politician it is a simple case of failing to declare his part-time income. Is that what is actually going on here? Are members of Parliament sending invoices to property developers and depositing the money directly into bank accounts? Is that the new way of circumventing the donation laws in this State? Are members actually doing that? Ms Berejiklian's testimony and her response to journalists seems to indicate that she believes this is the case and there is nothing wrong with it. Well, I could not disagree more. We cannot stand for this to continue.

What we have seen from Daryl Maguire is corruption and what we have heard from Ms Berejiklian is deathly silence. She had a responsibility to report what she knew. She knew about a corrupt member of Parliament in her Government doing dodgy deals with property developers. He used his public position to make a profit and she did nothing about it. She said nothing about it. She turned a blind eye to the whole thing. That is why Ms Berejiklian cannot be Premier anymore, that is why Ms Berejiklian must resign from public office and that is why this Parliament has no confidence in Ms Berejiklian as Premier. She knew all along, and she did absolutely nothing about it. I commend the motion to the House.

**The SPEAKER:** Order! In the main, the debate has been carried out in a reasonably dignified way. I ask that members maintain that standard because there have been interjections from both sides that risk degrading the debate, which people are watching.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (15:29:53):** Before I make a contribution to this debate I want to reflect on the fact that there is a live investigation. Previously in this Parliament we would not see members referring to specific matters that are before the commission. That has always been the case. Mr Speaker, I ask that you potentially look at this issue after today. First, and I think it is really important to make this point, we are all sickened by the actions of Mr Maguire—all of us. We knew him as a colleague and, in some cases, as a friend.

Shelley Hancock and I came in with the Premier in the class of 2003. We were assigned Mr Maguire as the Opposition Whip to support us, along with the then Leader of the House for the Opposition, the member for Wakehurst, Brad Hazzard. Throughout his time in this place, Mr Maguire presented himself as someone he is not and I am appalled by that. I am appalled by what we are seeing down at the ICAC in terms of his conduct. I also point out that there would no doubt be members on both sides of the Chamber who are members of the Asia Pacific Friendship Group who also would be sickened by the fact that the chair of their group was in clear breach of the rules of the friendship groups. We have all—including the Premier—been played by this man and we are sickened by it.

**Ms Jodi McKay:** Except you weren't told what she was told.

**Mr ANDREW CONSTANCE:** I listened quietly to you, Jodi. I would like you to respect that, please. There is no doubt that in terms of the way in which he has conducted himself he has played a lot of people and presented himself as a person he is not—including the good people of Wagga Wagga, including businesspeople in Wagga Wagga, and including every member in this place and the parliamentary staff. So there is no doubt in terms of his conduct and the reflection that he has now brought upon himself and his family these are very tough times. I know there are members of the Labor Party who have sat with their colleagues over the years and had no idea about them—I have no doubt. We have all felt that God-awful feeling in that regard. I assure you, as someone who is a friend of the Premier, that she feels absolutely terrible about what has been playing out.

**The SPEAKER:** I have warned the member for South Coast. I call the member for South Coast to order for the first time.

**Mr ANDREW CONSTANCE:** Let us also get to the Labor Party's motion, if you want to get to the Labor Party's motion. First, ICAC has made no allegation against the Premier—full stop. Secondly, she has done nothing wrong. My third message to the Labor Party is: She is not going anywhere. She is going to remain our Premier and we are going to stick by this State, which deserves the best person to lead it in terms of the pandemic, the recession, the drought and the bushfire season that is coming up. If you want to talk about the qualities of leadership in relation to Gladys Berejiklian, I assure you I knew where she was on New Year's Day, having gone through merry hell the day before—a woman who was with Shane Fitzsimmons flying into Moruya in thick smoke when they should not have been and someone who comforted me as a friend because she is a decent, caring human being.

You know what? You know what she said to me that day when she held me in the back of an RFS truck when I thought the world was over? "We're gonna fix it." You know what? We are still fixing it. That is where this is important. You guys can operate inside your bubble but out in community land right now, let me tell you what they are thinking. They know in respect of Gladys Berejiklian she has been plagued by this bloke. It is a relationship that was—

**Ms Jodi McKay:** She continued to see him.

**Mr ANDREW CONSTANCE:** I am going to respond to that interjection. I do not know where the Leader of the Opposition was on Monday, but at 4.30, after the inquiry, the Premier of this State stood up and fronted the State's media and made it crystal in relation to that—on compassionate grounds she remained a friend. She had a close personal relationship with him. You come in here today and you regularly come in here with motions of no confidence every month.

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

**Mr ANDREW CONSTANCE:** The Leader of the Opposition acknowledged this herself, she made it crystal clear how hard the Premier works and the dedication that she has to the community.

**Ms Jodi McKay:** But she knew about misconduct and failed to report it.

**Mr ANDREW CONSTANCE:** That is not up to you in respect of the allegations you are making. It is up to the ICAC and guess what? It has made no allegation against the Premier. The inquiry is about Mr Maguire, which comes to this next point. The obligations in relation to Mr Maguire are up to Mr Maguire to report in relation to the Code of Conduct for Members. That is true. The obligation is on the member to make the disclosure.

**The SPEAKER:** The member for Cessnock will come to order. This is not an opportunity for him to debate the motion.

**Mr ANDREW CONSTANCE:** That is why anybody who is watching the ICAC hearing today can see the line of questioning in relation to the disclosure and the obligations that he had to make.

**Mrs Melinda Pavey:** That he failed to make.

**Mr ANDREW CONSTANCE:** And he failed to do that. Therein lies where the Opposition is missing the point.

**The SPEAKER:** I call the member for Cessnock to order for the second time. I call the member for Cessnock to order for the third time. That is his final warning.

**Mr ANDREW CONSTANCE:** The point of all of this is we have a strong leader of the State who is respected across the political divide, across New South Wales, who is going to continue to do an incredible job as leader of this Government and as leader of this State, in particular at this time. Again I note that the Leader of the Opposition reflected on the pandemic. We can start to make some comparisons with other premiers in this regard. What is going on with Queensland and the lack of leadership to support those communities versus what we have seen out of Victoria, versus a State that is the envy of the world in respect of its response to this pandemic—and it has not happened by accident. It has happened because of the hard work of the Premier and her leadership team who have sat around that crisis cabinet.

**Ms Jodi McKay:** And all the while she knew about misconduct and failed to do anything about it.

**The SPEAKER:** I have been tolerant. The Leader of the Opposition will remain silent.

**Mr ANDREW CONSTANCE:** If you want to keep interjecting, I will start to tell you what people are saying in relation to your performance earlier in the week, when you got a 10 out of 10 for overreaching. In fact, you are the shadow Minister for overreaching because every time you speak you look like someone who is trying to justify her position to her colleagues. There is no doubt that this debate this afternoon is a typical Labor Party action in this Chamber. It is a typical overreach. It is inappropriate, given the obvious point that I will continue to make, that the allegations are not against the Premier.

I dare say if you go back and look at the Premier's testimony on Monday, she has been accountable and transparent. The Premier has also made crystal clear her absolute commitment to helping the inquiry because she knows the actions of Daryl Maguire, based on the evidence that has been produced in the past couple of weeks, are absolutely horrific and, like the rest of us, she has been played. In respect of some of the issues that were raised by the Treasurer, I would like to know when the Leader of the Opposition made the claim that she referred Nathan Tinkler to ICAC. When did that happen? Did it happen prior to the 2011 election or after it?

**Mr Ryan Park:** The Premier did not refer.

**Mr ANDREW CONSTANCE:** It is just a simple matter that needs to be cleared up because a statement was made by the Leader of the Opposition in relation to referrals.

**The SPEAKER:** The Clerk will stop the clock. The Minister will resume his seat. The Leader of the Opposition will have the chance to reply to the motion. If points want to be made then, they can be made, not by other members.

**Mr ANDREW CONSTANCE:** I am glad Mr Speaker mentioned the right of reply because that will be the opportunity for the Leader of the Opposition to spell out the exact date she referred Nathan Tinkler to the ICAC in light of her tweet yesterday. I look forward the Leader of the Opposition's response in that regard. If you want to bring accountability into this place in relation to matters of no confidence, we could easily spend the rest of the afternoon going through a bunch of your members and their actions, as you ran through a bunch of our members and their actions. Just indicate when you made that referral in light of the statements you made in here and what you have been saying on Twitter. Was it before or after the 2011 election? It will be quite interesting to hear that answer.

**The SPEAKER:** The member for Cessnock will come to order. He is halfway out the door.

**Mr ANDREW CONSTANCE:** The best person to lead New South Wales is Gladys Berejiklian. She has been a long-term colleague who has delivered incredible outcomes for this State and will continue to do so into

the future. She has steered this State through some of its worst times and continues to do so. She has been someone who has delivered in every element of ministerial life and during her time as the member for Willoughby. She will continue to do this. There is nothing worse than replacing Gladys Berejiklian in a portfolio—her work ethic is incredible.

There is not one person in the Government who does not enjoy working with Gladys Berejiklian, who does not understand her kindness, her compassion, and her ability to listen and engage. She is someone who has dedicated her entire life to the people of this State. It would not matter if it was her time working as a staffer for Peter Collins through to today. This is someone who has absolutely committed every ounce of her energy, her being into being the great Premier and person that she is. That is where this lies into the future for us as a government. Silly motions like this serve no purpose and continue to highlight why the Labor Party should remain in opposition for a very long time to come.

**Mr Mark Speakman:** Mr Speaker?

**The SPEAKER:** Is the Minister rising on a point of order?

**Mr Mark Speakman:** To move a motion.

**The SPEAKER:** In the absence of a normal motion, I will call the member for Port Stephens.

**Mr Mark Speakman:** I am moving—

**The SPEAKER:** Is the Minister moving a procedural motion?

**Mr MARK SPEAKMAN:** Yes, that is correct.

**The SPEAKER:** That is what I wanted to clarify. I am happy to take a procedural motion.

**Mr MARK SPEAKMAN:** The Opposition has never struck oil, but has kept on boring. I move:

That the question be now put.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** Is the member for Keira rising on a point of order or to speak to the motion? No debate is permitted on the motion.

**Mr Ryan Park:** The highest law officer in the land is cutting and gagging debate on one of the most serious motions ever to come before this Parliament.

**Mr Mark Speakman:** Point of order: The member cannot debate the motion.

**The SPEAKER:** All members will resume their seats. I have muted the microphones.

**Mr Ryan Park:** This is an absolute disgrace. The Premier came in here today and lied about Daryl Maguire's obligations to disclose his interests to her.

**The SPEAKER:** The member for Keira will resume his seat. I gave the member the opportunity to take a point of order, but he did not do so. The motion before the House is not to be debated; it is to be put. It is a procedural motion.

**Ms Jodi McKay:** You are gagging debate.

**The SPEAKER:** I will now put the motion.

**Ms Kate Washington:** That says everything.

**The SPEAKER:** The member for Port Stephens will come to order.

**Ms Jodi McKay:** Surely the integrity of the Premier is not about wasting time?

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the first time. The Leader of the Opposition will resume her seat.

The question is that the motion be agreed to.

**The House divided.**

Ayes .....	44
Noes .....	42
Majority.....	2

## AYES

Anderson, K	Griffin, J	Roberts, A
Ayres, S	Gulaptis, C	Saunders, D
Berejiklian, G	Hancock, S	Sidgreaves, P
Bromhead, S	Hazzard, B	Sidoti, J
Clancy, J	Henskens, A	Singh, G
Conolly, K	Johnsen, M	Smith, N
Constance, A	Kean, M	Speakman, M
Cooke, S (teller)	Lee, G	Stokes, R
Coure, M	Lindsay, W	Taylor, M
Crouch, A (teller)	Marshall, A	Toole, P
Davies, T	Pavey, M	Tuckerman, W
Dominello, V	Perrottet, D	Upton, G
Elliott, D	Petinos, E	Ward, G
Evans, L	Preston, R	Williams, L
Gibbons, M	Provest, G	

## NOES

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

## PAIRS

Barilaro, J	Kamper, S
Williams, R	Minns, C
Wilson, F	Haylen, J

**Motion agreed to.**

**The SPEAKER:** The mover of the original motion now has an opportunity to reply to the debate for up to 30 minutes.

**Mr Jamie Parker:** I seek leave for one member from each of the crossbench groups to contribute to the debate.

**Leave not granted.**

**Ms JODI MCKAY (Strathfield) (15:56:17):** In reply: I am disappointed that the debate has been cut short. It is vital that every member of the House has the opportunity to contribute to this important debate on the motion of no confidence in the Premier of New South Wales. I say to crossbench members, in particular, that we supported them contributing to the debate and I am sorry they have not been able to do that. I am also disappointed that the Government has chosen to gag a debate that is important not just for the citizens of the State and the Parliament, but for the Premier so that the case against my motion could have been put by all members on the other side of the House. In gagging the debate, those opposite are not just gagging me; they are gagging those who may have wanted to speak in the Premier's defence.

We brought this motion to the House because of information and evidence that has arisen from ICAC during the week. This is not a motion that I bring lightly. I have given it a lot of thought. We have had much discussion about whether we would do this. We are in the middle of a pandemic and a recession, and we all have jobs to do—including, and most importantly, the Premier. The evidence that was given to ICAC on Monday by

the Premier, the media conferences since, the evidence again today, the fact that I have asked question after question about it, and the answers that the Premier has given all lead to the necessity for this motion of no confidence.

I will not go through all the details of what I have put to the House. This goes to the heart of the integrity of government. If we do nothing, then we accept a standard that is so low that each member in the House should be deeply concerned. Gladys Berejiklian knew about Daryl Maguire's misconduct and she did nothing. Gladys Berejiklian had a legal duty under the Independent Commission Against Corruption Act to disclose what she knew, and she did nothing. That is fundamentally what this motion is about. It is not about her private life; I respect that immensely. It is not about that. It is about her failure to report misconduct. It is about her failure to do her duty as a citizen, as a member of Parliament and, importantly, as the highest office holder in the State. That is what this motion is about.

I could go over all the evidence that has been presented to ICAC, but I will not prosecute my case again. If anyone in the House is questioning how they will vote today, think of one piece of evidence that was presented to ICAC on Monday—just one. That is all I will talk about because I have put so much to the House for MPs right across the spectrum to consider. Just consider one piece of information, and that is the events that transpired in July 2018. Of all the information, that is a damning indictment on the failure of the Premier to do the right thing. In July 2018 Daryl Maguire gave evidence to the Independent Commission Against Corruption inquiry into Canterbury Council. He was called there as a witness after telephone intercepts revealed conversations between him and a property developer. Subsequently a range of evidence—information—came to light that clearly indicated Daryl Maguire could no longer serve as a member of the Parliament.

The Premier was aware of that evidence but, not only that, she was aware of a whole lot of other evidence that should have been disclosed to ICAC. We know this now because we have heard the telephone intercepts. How can any citizen or any member of Parliament know what we have heard this week that the Premier knows and do nothing about it? I appeal to those members of the crossbench who are thinking about how they are going to vote today. She knew about the Badgerys deal, she knew about the meetings he had had, she knew about his debt, she knew about all the wheeling and dealing that he was up to when he appeared before the Independent Commission Against Corruption, and all in this place demanded that he leave because of misconduct.

The question then becomes: Why did the Premier not act? Why did she not go to the Independent Commission Against Corruption? Why did she not say, "This is what I know. It may or may not be relevant."? That is what I did. I wrote a long letter to ICAC and I recounted every single event and issue that had come to my attention that churned that thing in my gut that said, "This is wrong". My experience in ICAC was brought up today, so let us talk about that. I sent the letter off to ICAC. I said, "These are a series of issues and events that occurred when I was the member for Newcastle".

**The SPEAKER:** The member for Oxley will remain silent.

**Ms JODI McKAY:** I then sent it to ICAC. It took ICAC two years to investigate. It came back to me and said it was not going to investigate. All of a sudden, it started looking at what was happening on the Central Coast and the Hunter and came knocking at my door and said the events that I had reported now meant something. I appeared before the Independent Commission Against Corruption inquiry. There were 13 Liberal MPs who had to resign or who were brought to the attention of ICAC. There were people on my own side who were exposed. I remember sitting in ICAC—and I thought about it this week when I saw the Premier in ICAC because it is an awful experience, even if you are there giving evidence against someone else—and thinking whether I really needed to report all this. Did I really need to put myself through this public scrutiny, with ICAC going through all my records as well, looking at all my telephone conversations? Did I really need to do that? But I did need to do that because it was my public duty to do that. What I knew was in no way as obvious as what the Premier knew. Mine was a series of events or issues that caused me to think, "That is not right". But the Premier knew far more than that.

She knew about the deals Daryl Maguire was up to. She knew about the money that Daryl Maguire was hoping to make. She knew about the people who Daryl Maguire was involved with, and she did not go to the Independent Commission Against Corruption. Not only that, but she had a duty to disclose that she was in a relationship with Daryl Maguire. Forget about the fact that she has a personal relationship—that is fantastic. That is not the issue that we are discussing today. It is the fact that, as the Premier, she had a duty to say to all members on the other side of the House and to the Independent Commission Against Corruption that she was in a relationship with a former member of Parliament who was now before the Independent Commission Against Corruption.

I will not go through all the evidence that has been presented to ICAC this week. Everybody knows what was presented. But those on the crossbench who are thinking about how they will vote should consider July 2018,

because that alone is a damning indictment on this Premier. As I said, the simple fact is this: She knew about Daryl Maguire's misconduct and she did nothing, and she failed to uphold the NSW Ministerial Code of Conduct. She failed to report, under the Independent Commission Against Corruption Act, what she knew and she failed in her duty as the highest office holder of New South Wales.

I have heard Andrew Constance, the Minister for Transport and Roads, get up today and give a really impassioned speech in defence of the Premier. We are not arguing about whether she is a good or bad person, or whether she does a good or bad job. Everybody in this House knows that she gets up and goes to work every day and that people like her. We all know that. We all know that she has been there during a really difficult time and people in New South Wales respect her. That is not up for debate. While I appreciate the transport Minister's impassioned defence of the Premier, that is not up for debate. What is up for debate is her integrity. What is up for debate is why she failed to do her duty as the highest office holder in the land and report what she knew. That is what is up for debate, and each and every person on this side of the House knows that members opposite also know that. I talked about that churn in the gut, because she would have had that. In fact, she would have had that on Monday or Tuesday—whenever she appeared before ICAC—because she would have known what was going to come out.

She could have saved herself all of that simply by doing her job and doing what was legally required of her, which was to report those events that she knew about to the Independent Commission Against Corruption. If there are no consequences for her failure to do her duty then we just shrug it off as a personal stuff-up, which is what the Premier wants us to think it is. If we accept that it was a stuff-up, then we are actually saying that this is okay to do. We are saying, "It's actually okay for you to know about misbehaviour, fail to report it and, in effect, cover it up." We are saying that it is okay to do that as MPs; God, it is actually okay to do it as the Premier of New South Wales. We simply cannot let that happen. To walk past the Premier's involvement in this issue would be to accept an unbelievably low standard in this Parliament and this Government. We cannot do that, can we? We cannot do that. To walk past that standard would erode all faith in the honesty and openness of public office. I, for one, cannot do that. I ask each and every member of this House to think whether they can do that. I commend the motion to the House.

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

**The House divided.**

Ayes .....38  
Noes .....47  
Majority.....9

#### AYES

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

#### NOES

Anderson, K	Griffin, J	Provest, G
Ayres, S	Gulaptis, C	Roberts, A
Berejiklian, G	Hancock, S	Saunders, D
Bromhead, S	Hazzard, B	Sidgreaves, P
Clancy, J	Henskens, A	Sidoti, J
Conolly, K	Johnsen, M	Singh, G
Constance, A	Kean, M	Smith, N
Cooke, S (teller)	Lee, G	Speakman, M
Coure, M	Lindsay, W	Stokes, R



## NOES

Crouch, A (teller)  
 Davies, T  
 Dominello, V  
 Elliott, D  
 Evans, L  
 Gibbons, M  
 Greenwich, A

Marshall, A  
 McGirr, J  
 Pavey, M  
 Perrottet, D  
 Petinos, E  
 Piper, G  
 Preston, R

Taylor, M  
 Toole, P  
 Tuckerman, W  
 Upton, G  
 Ward, G  
 Williams, L

## PAIRS

Haylen, J  
 Kamper, S  
 Minns, C

Wilson, F  
 Williams, R  
 Barilaro, J

**Motion negatived.**

*Bills***LOCAL LAND SERVICES AMENDMENT (MISCELLANEOUS) BILL 2020****First Reading**

**Bill introduced on motion by Mr Adam Marshall, read a first time and printed.**

**Second Reading Speech**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (16:20:22):** I move:

That this bill be now read a second time.

I ask that this House not only consider but also support the Local Land Services Amendment (Miscellaneous) Bill 2020. Let us not be fooled by its rather innocuous title; it is not small and it is indeed no ordinary miscellaneous amendment bill. This bill is the result of an incredible amount of hard work and negotiations between The Nationals and the Liberal Party in this Government, between me, the Deputy Premier, the Acting Deputy Premier, the Minister for Planning and Public Spaces, Rob Stokes, the Premier and our respective offices and members of Parliament from all sides of the Coalition. At the outset, I thank Minister Stokes and Acting Deputy Premier Paul Toole for their efforts in ensuring the comprehensive solution that I am now asking the House to consider is the robust and balanced solution that both farmers and the people of New South Wales need.

Today I am refocusing the debate that has distracted and confused so many back to first principles. This bill, which would be better characterised as the Local Land Services decoupling bill, supports and strengthens the Local Land Services Act while ensuring that the State Environmental Planning Policy (Koala Habitat Protection) applies exactly where it is most needed. The Local Land Services Act, made for farmers after years of consultation with farmers, is the pre-eminent Act on rural regulated land. It is calibrated for farmers and for the active management of land for agriculture in this State. That must be defended—robustly, if necessary. This bill stops the unintended impacts of the koala habitat protection State environmental planning policy [SEPP] on farmers taking effect.

But it does not stop there. It also stops local councils from having the ability to block a landholder's right to conduct legal and authorised private and native forestry on their property. The bill also resolves a longstanding issue whereby farmers in environmental zones found themselves faced with abundant uncertainty over how they could continue farming once the environmental zone was in place. It does this by removing them from the planning system and putting them back in the Local Land Services Act tent. Today the amendments I am introducing to the Local Land Services Act, on the one hand, ensure farmers can continue to farm happily alongside koalas and, on the other hand, ensure any development applications consider koala habitat when, and if, that development involves the removal of native vegetation.

Many farms undergoing intensification require development applications and approvals. Examples would be the construction of large-scale operations like abattoirs or piggeries. This will not change. Similarly, many farm buildings fall within the scope of exempt and complying development due to the scale and the low-risk nature of the activity—for example, machinery and chemical sheds and stockyards. This too will not change. These exempt activities enabled by the planning system are comparable to what we call "allowable activities" on rural land contained in schedule 5A to the Local Land Services Act. These are low-risk, everyday farming activities that farmers are able to utilise without consent and without fear—they are tried, tested, useful and

environmentally sound. Their consistent application across all agricultural operations across this State underpins the amendments contained in this bill.

Consistency and the standard application of allowable activities and the Local Land Services Act across all rural regulated land where agriculture is occurring is the key way the invisible hand of government stays out of the lives of farmers on a day-to-day basis. We have codified farming to give surety. In return, farmers get on with the job of feeding and clothing this State. Our part as a government in this bargain is to protect and strengthen the framework. The LLS Act, regulation, codes and schedules are also the way we prevent farmers becoming lost in bureaucratic red and green tape. Any instrument or policy that undermines that will be rejected by farmers, by me as agriculture Minister and by this Government. The elements of the bill ensure this fundamental premise, and the manner in which we regulate agriculture are protected.

Briefly I turn to the State Environmental Planning Policy (Koala Habitat Protection) 2019 and its interaction with the Land Management Framework. There has been a State Environmental Planning Policy [SEPP] that protects koalas in this State since 1995. There is no question that after 25 years it needed updating. I have always been supportive of this mechanism for defending koala habitat in the face of a development application. This is where the new koala habitat protection SEPP needs to focus its efforts. Its application to rural regulated land and agriculture is utterly inappropriate, but also unnecessary.

The Land Management Framework and the private native forestry regulatory regime contained in parts 5A and 5B of the LLS Act were established in 2016 in the context of modern farming practices and knowledge about the impact of land management on threatened species, including koalas. The regime is not reductionist. It sees land management and farming as a whole, rather than a focus on just one species and one list of trees. This is because we consider how to farm in an ecologically sustainable way, while setting aside high value biodiversity areas when appropriate. No activity can be authorised under the LLS Act that would directly harm a threatened species, not just koalas alone.

It is worth noting here in some detail that the land management and private native forestry frameworks—the strong protections for threatened species and their habitat on agricultural land—are ground truthed on farm and are not simply an exercise in desktop guesswork. These protections include inspections for land management authorisations and to identify and preserve biodiversity; pre-planning and assessment, including consideration of threatened species records before approving private native forestry plans; permanent conservation of areas of high biodiversity value with the establishment of set asides in perpetuity for key components of the land management code, which includes consideration of landscape connectivity for threatened species; exclusion zones around threatened species records and riparian areas, and prohibitions in rainforest or old growth forest areas when conducting private native forestry; and provisions to ensure activities that are likely to harm threatened species cannot occur, coupled with one of the toughest penalty regimes anywhere in this country, with penalties of up to \$1.65 million or two years' imprisonment for harming a threatened species under the Biodiversity Conservation Act 2016. These important protections will remain in place and will not be impacted by the bill.

I also note that the compliance roles of the relevant agencies within the Department of Planning, Industry and Environment agency remain unchanged. On the other hand, a SEPP is a stop point for developers to make sure they are considering the impact of that development on a parcel of property. It is different horses for different courses, in my view, and this decoupling bill re-establishes the balance we can achieve when the right tool is used for the right activity in this State. The bill will help ensure that the Local Land Services Act 2013 continues to provide farmers with absolute certainty and security to invest in the long term while ensuring permanent land use change caused by urban development is, as appropriate, managed by the planning system.

Since the Land Management Framework commenced in August 2017 key elements of the reform and its underpinning legislation have been refined and amended to ensure the framework continues to support agricultural productivity while protecting important environmental assets. The amendments proposed in the bill have not come about suddenly. They have come from an assessment of almost three years of practical application of the Land Management Framework and after extensive public consultation on how best to reform the administration of private native forestry. The Koala SEPP, as it is commonly known, is an example of the identified problem of how practical application of one part of government regulation can clash with the practical application of another. The decoupling provisions in this bill address the problem caused by the interaction of the koala SEPP, environmental zones and the dual consent requirements currently attached to private native forestry with the Land Management Framework. The reforms come after a firm and frank discussion within our Government, and with people out in rural and regional New South Wales. The changes to the LLS Act in the bill are supported by the NSW Farmers Association and Timber NSW, as well as country MPs who recognise that this SEPP would have unintended operative impacts on agriculture and private native forestry.

I turn now to the amendments. The bill proposes six areas for reform to the Local Land Services Act 2013. Firstly, the amendments ensure the State Environmental Planning Policy (Koala Habitat Protection) remains

focused solely on managing the permanent land use change brought about by urbanisation without duplicating the strong protections for threatened species and their habitat in the Local Land Services Act. The Local Land Services Act already limits planning legislation requiring authorisation for the clearing of native vegetation only on rural land. However, this intent is interrupted by some State environmental planning policies. The proposed amendments will ensure that rural landholders can consistently undertake routine low-risk infrastructure management activities under the current Land Management Framework.

This will be achieved by clarifying the limitations of planning instruments for clearing vegetation only under section 60P of the LLS Act and other minor amendments in associated sections of the Local Land Services Act to support this change. The change will ensure that rural landholders will not have to navigate a regulatory system that can see situations arise whereby to maintain a boundary fence in one paddock they need to use the planning system, while in another paddock they can use the allowable activities under the Local Land Services Act to do exactly the same activity. The amendments will deliver the original intent of New South Wales Government's land management and biodiversity conservation reforms by ensuring that our farmers can consistently undertake low-risk allowable activities on rural land while ensuring that the development authorisation triggers under planning legislation are maintained.

The second amendment this bill proposes is to ensure existing approved areas of core koala habitat under the previous State Environmental Planning Policy No. 44 – Koala Habitat Protection continue to be protected. This means that no current protections for established koala populations—the focus of the old SEPP—will be revoked. This will be achieved by amending section 60I of the Local Land Services Act to ensure that the existing koala plans of management in the Ballina, Coffs Harbour, Kempsey, Lismore and Port Stephens local government areas are recognised under the Land Management Framework. In addition to this specific recognition of koala protections, amendments are being proposed to section 60N to clarify offences under planning legislation and the Local Land Services Act's already robust unauthorised clearing penalties of up to \$5 million to ensure any illegal activities are caught by the appropriate framework.

Thirdly, the bill removes the dual consent requirements for private native forestry plans to ensure that Local Land Services is truly a one-stop shop for all landholders. This reform will remove the requirement for a landholder to obtain both a private native forestry plan and separate—and often duplicative—approval from their local council. This dual consent feature serves no purpose for either industry or councils. Private native forestry is a low-impact activity occurring rarely on agricultural land. It is not a form or permanent land use change. At present, a landholder could meet all the requirements to obtain a private native forestry approval with Local Land Services, but still have to obtain a separate and inconsistently administered approval from their local council.

The current dual consent approval pathway means that a neighbour across a council boundary may actually be subject to completely different consent requirements from that respective council for the same activities in the same forest while undertaking private native forestry. In addition, some local government areas require development consent for forestry on land zoned for primary production while more intensive land uses, such as extensive agriculture, are permitted without consent. Those inconsistencies are a direct impediment to the private native forestry [PNF] industry, which is a highly sustainable industry underpinned by retention requirements for biodiversity.

This amending bill will also deliver on recommendation 7 of the 2014 Independent Biodiversity Legislation Review Panel's final report, which recommended that timber harvesting on private land not be regulated as a form of land-use change. This recommendation, along with 42 others, was accepted by the Government. I am proud to continue the process of implementing that watershed reform package. Fourthly, the bill will increase private native forestry plan approval periods from 15 to 30 years, obviously doubling the approval period. This reform serves two important purposes: It provides farmers with certainty and security to invest in long-term forest management and it helps to harmonise the private native forestry plan approvals with native hardwood regeneration periods. This amendment will also remove the perverse incentive for farmers to harvest before their forests reach environmental and commercial maturity.

Fifthly, the bill will provide the Minister administering the Forestry Act—the Minister with the responsibility in our forestry industry—a role in making the Private Native Forestry Codes of Practice. This recognises the importance of private native forestry in contributing to the New South Wales timber industry and the need to consider the whole forestry estate together. In making the Private Native Forestry Codes of Practice, the Minister for Agriculture and Western New South Wales will still be required to ensure that the PNF is conducted in accordance with the principles of ecologically sustainable forest management.

Finally, the bill will ensure that routine agricultural activities on existing agricultural land will not be impacted by the advent or introduction of planning instruments such as environmental zones. For years the impact of environmental zones on existing farmland has been a persistent and ongoing concern for farmers. On landholdings used for primary production or rural regulated land, low-risk activities provided for under section

5A of the Local Land Services Act 2013 for routine and established agriculture must be permitted rather than replaced by conditions provided by the planning system.

Current anomalies with both how the koala SEPP would have applied and what will now be redundant sections of the Local Land Services Act mean that farmland in an E zone is subject to the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, not the Local Land Services Act. As the name of the vegetation SEPP makes clear, it is designed to regulate native vegetation in non-rural areas—which are trees in peri-urban environments. It was never designed to consider native vegetation in the context of agriculture nor farming more broadly. Removal of this inconsistency is a major win for our farmers. This change is permanent owing to the amendments in the bill.

The change represents a true correction, getting the Government back to the principles of why we introduced the Local Land Services Act and the Land Management Framework in 2016 in the first place. This will be achieved by clarifying which parts of New South Wales allowable activities apply under section 60A and other minor amendments to the Local Land Services Act to support this change. This legislation is about consistency, simplicity and certainty for our State's farmers. The bill will ensure that low-risk management of native vegetation for routine agricultural activities associated with essential safety and infrastructure can continue in all environmental zones. These are the activities that most farmers use in the course of their everyday farming activities.

The Land Management (Native Vegetation) Code, used only for more substantive expansion activities, will not be available in these areas, which reflects an appropriate balance between ensuring existing agricultural activities are supported and protecting those areas that may require a greater level of environmental protection. I also state in the House the firm commitment on the record that the Minister for Planning and Public Spaces has made to this Government, to stakeholders and to members in the other place with regard to environmental zones and core koala habitat that there will be no ministerial direction at all requiring councils with koala plans of management to convert core koala habitat into an environmental zone. This commitment has been made in writing to concerned members of Parliament.

With the endorsement of the Minister for Planning and Public Spaces, I make this statement now in this second reading speech: There will be no ministerial direction requiring any local council to zone core koala habitat as an environmental zone—period. The Local Land Services Amendment (Miscellaneous) Bill 2020 will help to ensure that primary production is regulated consistently and fairly right across New South Wales, making it easier for the agriculture and forestry sectors to invest in the future. Government action now is essential to reduce regulatory burden and simplify the interaction between areas requiring additional environmental protection on rural land.

A slow undermining of farmers' rights and the Local Land Services Act, which is such a critical reform for farmers and this Government, will not be allowed to happen on our watch. The last time I introduced a bill into this House I stood in defence of a farmer's right to farm and their right to go about their business without being subject to on-farm invasions. I was proud to introduce the toughest raft of penalties anywhere in the country for this highly dangerous and disgusting trespass activity to which farmers were being subjected. I said then that I would be back with further reforms. This bill is one piece of the puzzle. It is a significant next step forward for farmers today by unscrambling some of the issues about how we regulate on-farm activities.

The bill will simplify interactions between the land management and private native forestry frameworks and the New South Wales planning system to reduce the regulatory burden on the industry and allow those involved, quite appropriately, to focus on what they do best—producing the food and fibre that is so vital for our economy and for the people we represent in this place. These amendments will help to deliver the Government's commitment to reduce red tape for primary and secondary agricultural producers and ensure that primary production is regulated uniformly across the State. The need for government action is clear. Updating the legislation that underpins farming by ring-fencing the Local Land Services Act will ensure that it remains fit for purpose to facilitate primary production now and into the future while still protecting our most important environmental assets.

These measures will help to ensure that New South Wales primary producers have the certainty and confidence to grow and to undertake long-term investment in their farms and forests for the benefit of rural and regional New South Wales communities. In concluding, I cite the former Minister for Primary Industries, Niall Blair, who introduced the Land Management Framework in cognate with the then Minister for the Environment, Mark Speakman. In Minister Blair's second reading speech in the other place he stated, when outlining the desperate need for the reform package, that the old native vegetation laws, which were being replaced by the Local Land Services Act:

... perpetrated a political narrative so divisive and destructive that it remains deeply entrenched today— wrongly, inappropriately and needlessly. It pits the city against the country, production against protection and natural resource sterilisation against sustainable use and development.

Today I continue the work that was started four years ago and bring to this House a bill that ensures this divisive discourse cannot once again take root and take hold in this State. Matters are always missed when large reforms take place. It is integral to my commission as the Minister for Agriculture and Western New South Wales in this State to remain vigilant in respect of those gaps, address any flaws, and elevate and strengthen regulations for farmers so that the regulations work for them and not against them. The amendments delivered by the bill will continue to embed a farmer's role as both our essential primary producers and our best environmentalists at the heart of government and at the heart of this State. I commend the bill to the House.

**Debate adjourned.**

## **WARNERVALE AIRPORT (RESTRICTIONS) REPEAL BILL 2020**

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

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

**Motion agreed to.**

**Consideration in detail requested by Mr David Harris.**

### **Consideration in Detail**

**The ASSISTANT SPEAKER:** By leave: I will deal with the bill in one group of clauses. The question is that clauses 1 to 4 be agreed to.

**Mr DAVID HARRIS (Wyang) (16:45:15):** I move Opposition amendment No. 1 on sheet c2020-150B:

No. 1      **Repeal of Warnervale Airport (Restrictions) Act 1996**

Page 3, clause 2(2)(b), line 9. Omit "2 years". Insert instead "3 years".

This is a very simple amendment which changes the time frame of the repeal of the Act once the bill is assented from two years to three years. As I said in my contribution to the second reading debate, it does this because of two issues. The first issue is the current situation with COVID and how that affects the aircraft and airline industry at the moment. It would be unreasonable to think that there is an ability to fix the business case and other documentation in the local environmental plan to be able to put things in place. The second reason is the fact that Central Coast Council is currently experiencing financial difficulties, which it has a definite need to focus on for the benefit of all ratepayers in the community. I ask the Government to consider this one amendment kindly to give the council that bit of extra time to be able to put in place what needs to be in place.

**Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces) (16:46:36):** As the member for Wyong indicated, Opposition amendment No. 1 will amend the commencement provision in clause 2 so that the complete repeal of the Warnervale Airport (Restrictions) Act 1996 will occur after three years instead of two years, unless an earlier time is appointed by proclamation. The Government supports this change to the backstop repeal date for the reasons articulated by the member for Wyong. As he indicated, since the introduction of the bill the current financial situation of the council has been made known. At its recent meeting on Monday 12 October the council outlined its dire financial situation and resolved to consider a 100-day recovery action plan to tackle its debt.

The review was clear in its second recommendation that the Central Coast Council should clarify its position in relation to the airport and its future use and operations by means of robust environmental, social, economic and technical assessments. The Government clearly wants to give the council the opportunity to do this and establish a clear framework and appropriate local planning control for the airport. If it needs a little more time to deal with the financial issues it faces before addressing the needs of the airport, the Government certainly agrees to give it that time. I note the issues in relation to the impact of COVID on the aviation industry. I think that is a secondary consideration but the member for Wyong certainly makes a very salient point. The Government supports the change to the backstop of the bill.

**The ASSISTANT SPEAKER:** The question is that Opposition amendment No. 1 on sheet c2020-150B be agreed to.

**Amendment agreed to.**

**The ASSISTANT SPEAKER:** The question is that clauses 1 to 4 as amended be agreed to.

**Clauses 1 to 4 as amended agreed to.**

**Third Reading**

**Mr ROB STOKES:** I move:

That this bill be now read a third time.

**Motion agreed to.**

**HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2020**

**Second Reading Debate**

**Debate resumed from 23 September 2020.**

**Mr RYAN PARK (Keira) (16:48:56):** I speak for the Opposition in debate on the Health Legislation (Miscellaneous Amendments) Bill 2020. We will not be opposing the bill. Probably because I was a staffer in this place, I acknowledge the Minister's staff, Ed and the departmental staff who offered a briefing and met with the Hon. Penny Sharpe and me the other day. It is an interesting bill. It is a bit of an omnibus bill that picks up a range of different pieces of legislation from across the health sector.

The bill makes a range of amendments to various pieces of legislation including amendments following the Joint Parliamentary Committee on the Health Care Complaints Commission [HCCC] report into cosmetic health service complaints and the report by Gail Furness, SC, into the review of the medical council's processes following the Dr Gayed matter. Dr Gayed was found guilty of professional misconduct in relation to all seven cases that he was charged with. The tribunal determined that it would cancel his registration for three years where he is still a registered medical practitioner. Part of the bill deals with that issue. I want to acknowledge my colleague and predecessor, the Hon. Walt Secord in the other place, for advocating strongly for improvements around cosmetic health services for patients right across the health care system in New South Wales.

I will talk firstly on the Health Care Complaints Act 1993. The Health Care Complaints Commission is a very powerful body across New South Wales. It looks at, investigates and assesses complaints of medical harm, lack of service, poor service, problematic treatment and problematic care that people may receive while they are in the New South Wales health system broadly. It is a powerful body because it is designed to investigate things that are very sensitive to the men, women, communities and families of New South Wales. The amendments proposed in the bill will give the HCCC the power to issue public warnings without specific health service providers and health organisations. They will also allow the HCCC to issue prohibition orders against a health organisation if the organisation breaches the code of conduct for health organisations and poses a risk to the public, which is a very important change. The amendments will update the HCCC's powers to allow entry without a warrant to premises that are open to the public and increase penalties in the Act generally from where they are at the moment at around \$2,200 to up to \$22,000.

The bill also importantly extends the HCCC's power of search and entry to ascertain if a healthcare organisation is in compliance with a prohibition order or a HCCC recommendation in the absence of a complaint. It also allows the HCCC to refer a complaint to a private health facility for a local resolution and amends section 99A to extend the privilege that currently applies to information held by the HCCC to information that is shared between the HCCC and health professional councils. As I said, the HCCC is an important body that has undergone a fair degree of scrutiny in the past 12 months, for obvious reasons. I have raised some concerns about that through written correspondence with the Minister. I know that he continues to look at this carefully, and I know the Health Care Complaints Commission needs to be at its very best, particularly with the challenges of COVID-19.

The next component is the Health Practitioner Regulation National Law (NSW). Amendments to the national law in New South Wales will also be made as a result of the inquiry by the Joint Parliamentary Committee on the Health Care Complaints Commission and whether it had adequate powers to deal with concerns about the safety of cosmetic health procedures. Under the changes the bill will require health professional councils to notify employers of suspension and cancellation decisions; require health professional councils to consider the matters listed in section 41O, such as the practitioners complaints history; require the national board to notify the council when the national board receives notice of a relevant event in relation to a practitioner or a student; provide that the councils are subject to the direction and control of the Minister, except in respect of complaints handling or the contents of any report; and allow regulations to be made to setting fees in relation to the annual renewal declaration made by a person who holds a financial interest in a pharmacy business. That shows that varied pieces of legislation will be amended as a part of this somewhat omnibus bill that the Government has brought forward.

The next component of legislation is the Health Services Act 1997 and the Government Information (Public Access) Act 2009, also known as the GIPA Act. The bill amends the Health Services Act to establish a privilege

in relation to inquiries conducted by the Secretary of NSW Health. Consequential changes are also made to the Government Information (Public Access) Act 2009 to provide for a conclusive presumption against disclosure of such information, except for in the final report. That will allow the Secretary of NSW Health to remove a member from the Ambulance Service Advisory Board. The bill will also amend the Human Tissue Act 1983 by following a statutory review to allow for regulations to be made, prescribing bodily material as tissue or excluding bodily material from the definition of tissue, and to allow a coroner to give direction either before or after a death, allowing organ donation to proceed after death.

The bill also amends the Private Health Facilities Act 2007 to require registered health practitioners to notify the licensee if they have been charged or convicted of a serious sex or violent offence, or had any findings of unsatisfactory professional conduct made against them. This was an important recommendation from the Furness review, and I am very pleased that it has been adopted and will become legislation if the bill passes. The amendments to the Private Health Facilities Act will also allow for proceedings for offences to be heard in a summary jurisdiction of the Supreme Court. The bill also makes consequential changes to the Public Health Act 2010 by allowing regulations to be made that set a code of conduct for health organisations, increasing the penalty for breaching a probation order—a very important order during public health crises—to \$60,500 or three years' imprisonment, or both, for an individual, or \$121,000 for a corporation.

The bill will also allow the Secretary of NSW Health to order a person with a community-acquired pneumonia four or five condition to undergo medical examinations and tests, including blood tests, to ascertain their risk to the public. These are very serious conditions. During COVID, the Public Health Act has proven very strong. It covers a range of different measures, but particularly during a pandemic it is of significant importance to the protection of lives and livelihoods across New South Wales. The next component of the amended legislation as part of the overall bill concerns the Public Health (Tobacco) Act 2008. This is an interesting one. As someone who has never smoked, I got to know a lot about the various products that people inhale and smoke. The bill will amend the Act by including e-cigarette liquids within the definition of an e-cigarette. The current definition is:

- (a) a device (other than a device of a kind excluded by the regulations) that is designed to generate or release an aerosol or vapour ... by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product or ignited non-tobacco smoking product, or
- (b) any other device of a kind prescribed by the regulations that is designed to be used by its user in a way that replicates, or produces an experience similar to, the use of a tobacco product or non-tobacco smoking product.

The bill will include a new provision to provide a rebuttal to the presumption that any illegal tobacco product designed for consumption by a means other than smoking found in a tobacco retail premises is deemed to be for retail sale. The provision will then allow inspectors to seize and destroy such products, subject to any application to the Secretary of NSW Health claiming personal use. I discussed the meaning of this important provision with NSW Health, as well as with Ed from the Minister's office and highlight that it will seek to make sure that people selling those products are doing so in an appropriate manner, and that they do not get away with selling products that they should not be selling by claiming personal use.

**Debate interrupted.**

*Public Interest Debate*

## MEMBERS' CODE OF CONDUCT

**Mr RYAN PARK (Keira) (16:59:46):** I move:

That this House:

- (1) Recognises that the people of New South Wales hold members of Parliament to the highest standards of decency.
- (2) Recognises that in public life, the standard you walk past is the standard you accept.

I have been a member of Parliament since the end of 2003 and I do not remember any member, either in this or the other place, on any side of politics who was essentially getting commissions to create deals while they were a Parliamentary Secretary or a member of Parliament. I want members to be very clear on this: A lower House member of Parliament was getting commissions to do deals with property developers. However, it gets worse because while I have never heard of a member of Parliament getting commissions to do deals with property developers while their main job was to be a member of Parliament, I certainly have never heard of that information being disclosed to the Premier of the day and then that Premier doing nothing.

Not only has a member of Parliament acted appallingly—and the Minister for Transport and Roads was right when he said that he hoodwinked a lot of people in this place—but the Premier of New South Wales also knew about it, but did absolutely nothing. We are all held to a high standard in this place, and so we should be. It is a privilege to be a member of Parliament. It is one of the greatest privileges anyone could offer. We get the

opportunity to represent the communities we love—and in some cases these are the communities in which we were born and raised—to fight for better conditions for working men and women across New South Wales.

But this gentleman, with the complete and utter knowledge of the Premier, was allowed to earn commissions from property developers while he was a member of Parliament. Not once did the Premier think, "In my 17 years in this place, this seems a bit odd. I have not heard this before. This one might be a bit unusual." No, it was not unusual to the Premier. So if that is the case, who else is getting commissions for doing deals with property developers? Because I do not know anyone who is doing this. In my time as a member of Parliament, staff member and public servant, I have never known an MP to have received commissions from property developers in this way. I do not believe any of us has.

Worse still is that this clown told the Premier—the person who is meant to set the standard for integrity and decency in this place—but she did nothing about it. I do not care about the relationship she had with him. I do not give a damn. It is not my business and it is not any other member's business. That is not the issue. The issue is that we had a member of Parliament clearly doing the wrong thing, clearly doing secret deals and getting backhanders from property developers, but we had a Premier who did nothing about it.

But it gets worse. She not only did nothing about it for a period; she continued to liaise with this person after he had gone down to the ICAC two years ago. It continued. I do not understand how the Premier of New South Wales is still in her position today because I can assure you of this: If this was a Labor Premier the member for Willoughby would be one of those leading the charge to sack that Labor Premier and demand his or her resignation. But that has not happened here—no. We have to pretend that this is just about a relationship gone bad. No, it is not. It is about covering up appalling, shocking, corrupt behaviour. And she knew it was wrong.

The Premier knew it was wrong because she said so. She said very clearly, "I don't need to know about that." Why did the Premier not need to know about that? Why did her comments alone not make her think, "It's time to go down and have a chat with investigators at ICAC"? Why after the episode in 2018 did she not go down to the ICAC and say, "I think I can illuminate this issue that you've been investigating"? That is an obligation upon every single member in this place. It has nothing to do with whether you are in a relationship. The reality is that disclosure should have happened. We had a Premier cover up corrupt behaviour and what we have seen over the past 48 hours is a government that is rotten to the core.

**Mr GARETH WARD (Kiama—Minister for Families, Communities and Disability Services) (17:06:59):** Gladys Berejiklian is the reason we on this side won the last election and she will be the reason we win the next one. I am not going to do what some might have expected today, and that is go through the catalogue of corruption that exists on the Opposition benches. I will leave that to the police Minister. I am going to respond to some of the things that have been said in this Chamber today and yesterday and deal with some of the matters that have been raised in relation to the Independent Commission Against Corruption inquiry. No-one in this House should ever endorse corrupt behaviour but I need to point out that the Premier of this State has done nothing wrong.

Why do I know that? It seems the Opposition either does not understand how the Independent Commission Against Corruption works or those opposite have been misrepresenting the position of the Premier in order to smear her. They know they cannot beat her at the next election so they are trying to unseat her now through a campaign of smear, mistruths and denigration. We have to take our minds back to 2016 when there was an inquiry in relation to matters concerning a local government authority. At that point there was evidence given to the commission that involved a phone intercept. That phone intercept revealed that a member of Parliament, the former member for Wagga Wagga, was involved in some dealings that required further inquiry.

On its own motion, the ICAC decided to commence an inquiry in relation to Mr Maguire and that inquiry is going on now—as it should. It is appropriate that ICAC thoroughly investigate these matters, and I am sure it will provide recommendations accordingly. Since that time in 2016, if as a result of all the investigation—all the inquiry, all the evidence that was provided and adduced by that commission—ICAC felt that the Premier of New South Wales had been acting inappropriately she should not have been assisting the commission; she would have been the subject of the inquiry, which she is not. The Premier was there on Monday as a witness, assisting the inquiry, providing evidence in relation to allegations of corruption. There was never a suggestion by the commission that she had acted inappropriately. If that were the case there would have been a case to answer and that certainly was not the case. In fact, I am surprised. The way those opposite who claim to hold themselves up as the doyens of progressive values have treated an independent woman in relation to her private life is quite extraordinary. It almost takes me back—

**Mr Ryan Park:** What about the way you lot treated David Campbell?



**The DEPUTY SPEAKER:** Order! The member for Keira has had an opportunity to contribute to the debate.

**Mr GARETH WARD:** I take the Opposition back to the old common law theory of coverture whereby a woman, her assets and her property were seen to be assumed by her partner. I say to the Opposition that the whole theory of unito caro went out the door when trial by ordeal left the statute books. But it seems that members of the Opposition want to continue to engage in trial by ordeal and trial by media. They know they cannot beat this Premier at the ballot box so they are going to try to smear her out of this place. But we on this side of the House are not going to stand for it because we know the sort of person that Gladys Berejiklian is. We saw it throughout the droughts, bushfires and floods and throughout this extraordinary period that is COVID-19—there at eight o'clock every morning providing reassurance and the caring and compassionate leadership that this community needs.

Because they have no policies, those opposite are forfeiting the time of this House to talk about things like child protection, homelessness, housing and, dare I say, business and the economy. Instead, they have involved themselves in a campaign of smear. The Premier has done nothing wrong. If that were not the case she would be subject to the inquiry. I am not surprised that members of the Labor Party are attacking a Liberal Premier. Frankly, it is not a matter for this House as to whether they feel or we feel what the Premier may or may not have done. If members opposite have an allegation to make, why do they not take three steps outside the door of Parliament and make it? I have noticed there is a difference between the language used in public and that used in this House. Opposition members have slithered oleagiously into Parliament and used the cover of parliamentary privilege—cowards castle—to say very different things in here than they have said out there. If they are so confident, man up, go out there and say it, and let's see what happens after that.

**Mr CHRIS MINNS (Kogarah) (17:12:06):** According to Lucy Cormack from *The Sydney Morning Herald*:

Daryl Maguire dabbled in wine, steel, cotton, milk powder, an aeroplane pilot school, a trade showroom in China, a coal mine, a gold mine, a tin mine ... an automatic car wash.

And he demanded that the New South Wales Government lobby on his behalf in China. And in his spare time he was the Government Whip. He never missed a division, they say. This crisis is so caustic for the Government not because corruption officials have seemingly caught a bad egg but because this was happening under the noses of those opposite for five years, 15 feet from where I am speaking right now. As bad as the revelations have been and as shocking as it is to see the machinations of corruption, it has been matched by the indignation of Government Ministers over the past 48 hours, certainly since the ICAC inquiry began. There has been no apology to the people of New South Wales, no sense of, "Jeez, we've done poorly here. We need to do better."

There has not even been a sense of embarrassment among Government members that every day they mentioned Eddie Obeid and Ian MacDonald in this Parliament they had Daryl Maguire slithering through the hallways, and they knew about it. The Treasurer of New South Wales had the gall to tell us all with a straight face that there is nothing to see here and that the people of New South Wales should simply let him get on with the job, as if the Liberal Party should be believed above ICAC's own examination. The simple point here is: Leaders cannot hide corruption. Our Government—and society—is built on a simple premise: You need to report corruption. We expect junior police officers—I say this to the police Minister, who is in the Chamber—to report corruption among senior police officers, regardless of the effect on their job, regardless of the risk, regardless of the embarrassment and regardless of the shame.

That is the price of being a public servant. It is not always easy to be a public servant. I ask members as they vote on this motion: Why would anyone do that now, when the Premier herself refused to do it? In fact she wilfully pleads, "I don't need to know that." Imagine if the police started saying, "I don't need to know that." Imagine if the ICAC started to say, "I don't need to know that." Imagine if a water official on the Darling River said, "I don't need to see that." In a risible speech the Premier said today:

Because of everyone in high office, including myself, including my colleagues, including those noble public servants, I cannot thank those public servants enough, they have instilled my confidence in the system we have.

In other words, she is saying, "I want to praise the public servants for not being corrupted by my own MPs." Listen to the absurdity of her situation. ICAC revealed that she did not let her own public servants know that Maguire was lobbying for a company that was not in his own electorate, then she praises them for not being taken in by the very same bloke. It is like a corruption obstacle course. You could see her on one of these phone taps saying, "God I'm proud of my staff for not being taken in by you." Daryl Maguire was in public life to make money. In fact, he said he had to run for another term because he had not secured enough yet to retire. Putting aside all the other allegations, members of the Government knew it, they tolerated it and, in the Premier's case, she celebrated it.

The situation in New South Wales is you can be charged for taking a donation from a property developer but you can grab the same money and shove it in your pocket. The Premier's response to that sickening corruption risk was to meekly respond, "Well, it is allowed under the rules." It is almost like she is saying, "I did not write the rules." It is almost as if she is imploring the "just following orders" defence—when she is the one issuing the orders. The transport Minister made an absurd allegation in the debate this afternoon when he said, "The allegations against Mr Maguire are up to Mr Maguire to report." In other words, they have got a "dob yourself in policy" in the New South Wales Liberal Party. That is precisely the reason this bloke got away with it for the last five years, with that kind of attitude permeating through the ranks of the New South Wales Government. I could not care less about her private life. I genuinely could not. In fact, the release of the tapes was borderline wrong, but we have to face the fact that the public are asking how did this corruption exist metres from the floor of the Legislative Assembly? The answer is because the Premier knew all about it for five years. [*Time expired.*]

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (17:17:19):** I congratulate the member on bringing this public interest debate to the House. It is something I have thought about bringing myself. I think integrity is a matter we should all be forced to discuss and debate in this Chamber. I think I can speak for the Premier and all members of the Government when I say that we are quite happy to have our integrity questioned by people of integrity. But I am not copping it from members opposite. I am not copping it from the member for Keira, who one minute is the under-7s coach in the Illawarra, the next minute he is senior adviser to a Labor Minister and the next minute he is the Deputy Director-General of Infrastructure NSW.

I was the CEO of an industry association when he was the deputy director and I made some inquiries about how he got the job. During those inquiries I found out he had been pre-selected for the safe seat, replacing his boss after he had resigned over disgraceful behaviour. I made some inquiries about the member for Keira's integrity and he does not have any. He could not spell it. Considering the people that he threw under the bus as the deputy director of infrastructure and then to get pre-selected, and the people he had to manipulate and disgracefully turn his back on, suggests to me that he has no integrity at all. I am not going to cop the question from him.

**The DEPUTY SPEAKER:** I remind members that a number of them are on two calls to order.

**Mr DAVID ELLIOTT:** Then we have in the Chamber the member for Maroubra. His integrity was so great that he made a racist outburst during the last election, cost Labor seats and votes and then wanted to turn around and try to befriend those people who he had criticised and demeaned. He is upset with me at the moment because it is bushfire season and after his racist outburst he knows that he cannot burn crosses in his front yard anymore. I am not going to have him tell me about integrity. I am not going to have him debate us about integrity. Then we have the member for Summer Hill, whose policy input suggests to me that she has been smoking the stuff she wants to legalise.

Then we have the member for Liverpool; I do not know if he is here. We remember when his pre-selection was secured thanks to the branch stacking that he did from constituents who he tried to get into public housing. Then we have the member for The Entrance. Talking of integrity, why can't the member for The Entrance go to The Entrance high school? While we are debating integrity, let us have the member for The Entrance come down to this Chamber and tell us why he cannot go into The Entrance high. This is a debate about integrity. Then we have the member for Auburn.

**The DEPUTY SPEAKER:** Order! I remind the member for Keira he is on two calls to order. I call the member for Wyong to order for the first time.

**Mr DAVID ELLIOTT:** The member for Auburn—Low Energy Lynda—is my shadow Minister. I do not think she has asked me a question in the five years she has been my shadow. We still have not worked out the legality of her pre-selection. While we are talking about integrity, let us get her to come down here and explain how the investigation into her pre-selection is going. Then we have the Leader of the Opposition. Let us talk about integrity there. Let us talk about the fact that she wanted to be a Liberal candidate but could not get there so then went to Mark Arbib and then knifed Bryce Gaudry—a longstanding and very respected member of this Parliament—to get into Parliament. She could not hold the seat, which probably had something to do with the dodgy development deal she had at The Entrance Post Office.

While we are talking about integrity, let us ask the Leader of the Opposition to come down and I will ask her one question: Did she declare all of the money that she got after her failed re-election campaign in 2011? I want members opposite to look me in the eye and tell me they are confident that the Leader of the Opposition disclosed all of the donations she received after her failed re-election in 2011. Crickets. We are talking about integrity. I am asking them a question about their leader's integrity and we have not heard anything about it. This is about integrity. We must have woken the member for Liverpool up. I am terribly sorry. We are talking about integrity from a political party that has been exposed as being rotten to the core by *The Daily Telegraph*. Then we

have the dirty little secret—let us not forget about that—Milton Orkopoulos. That was happening under the nose of the member for Keira. Paedophilia and drug abuse was happening under his nose. [*Time expired.*]

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

**Mr MICHAEL DALEY (Maroubra) (17:22:55):** First, a history lesson: On 13 July 2018 the ICAC played recordings that revealed Daryl Maguire was seeking dividends from property developers in exchange for arranging property deals. He resigned as Parliamentary Secretary after a meeting with John Barilaro. He also resigned from the Liberal Party but said he would not resign from Parliament. He said he would take leave but stay on until after the election. There was nothing from the Premier. On 14 July as acting leader I said:

The Premier needs to get on the phone today or to do whatever she needs to do to tell Daryl Maguire that he won't be sitting on the crossbenches for the next nine months. He needs to resign from Parliament. He is not fit to remain and if the Premier doesn't require him to leave, she will have failed a significant test of leadership.

Still there was silence from the Premier. On 15 July, two days later, the Premier finally released a statement in which she said she felt deep disappointment upon learning of Maguire's activities. We now know she learnt about them much earlier than that. She said:

Whilst it is for Mr Maguire alone to determine whether he stays on as the elected member until March, I would encourage him to think carefully as to whether he can effectively represent the people of Wagga. There was no action as yet. On 16 July Maguire posted a bizarre Facebook comment saying, "I am not going to resign. I will stay on. I have removed myself from the Liberal Party, but I will not resign as a member of Parliament." I did a press conference and I said, "What weak leadership from the Premier. We want Gladys Berejiklian to shine a light on all of Daryl Maguire's dealings over many years." What we did not know then was that she knew about all of them. I said, "This is pretty murky stuff." We now know that she was in a unique position to know all about that "murky stuff".

On 18 July, as acting leader, I announced that upon the resumption of Parliament we would move to expel Maguire from the Parliament. There was still nothing from the Premier. Deputy Premier John Barilaro said, "It is clear the people of Wagga Wagga want Daryl to resign and again I reaffirm that Daryl should resign." Still nothing from the Premier. On 21 July 2018 the Premier said, "Mr Maguire has advised me of his intention to resign from Parliament before Parliament resumes." Eight days after that he finally resigned. The Premier did not sack him, he resigned. She did nothing.

In the many days after we learnt what Maguire was up to there were many opportunities for the Premier to act and yet she had nothing to say. Her silence screamed the loudest. If she had been honest she would have said that she knew what he was up to. She would have said, "I know what his dealings have been, but I simply cannot act against him." That is what she would have said if she were honest. At that point in time, if not earlier, the Premier had a legal obligation to report to the authorities what she knew of Mr Maguire's activities. The ICAC will do its own investigation and report. Based on what we already know and what we have seen and heard already this week the Premier deliberately concealed information about the wrongdoing of a member of Parliament. It does not matter why she kept it a secret at all. It does not matter a zot. The fact that she did keep it secret, in breach of her legal obligation under section 11 of the ICAC Act, and is lacking just plain common sense renders her unfit to remain as the Premier.

The Premier's protestations this week, coached to within an inch of her life, completely failed the pub test. Whether they like her or not, no-one really believes the Premier is telling the truth now. In all of her actions this week, in all of her statements in the House today and in digging in she has created a new standard. Mark my words, it will come to be called the "Berejiklian standard". It will mean that when you are the keeper of the flame, when you are a leader in the community, when you have a positive obligation to notify the authorities that someone has been corrupt you do not really have to do it if the person who is doing the wrong thing is close to you. It cannot be this way in public life. We cannot have that. When the Premier stands up, as she did this week, and purports to speak to young girls and women in the community that aspire to public life she is now completely without moral authority. She must resign for the good of public life in New South Wales.

**Mr MATT KEAN (Hornsby—Minister for Energy and Environment) (17:28:06):** The irony that it is the Labor Party that has asked for integrity to be the subject of today's public interest debate should not be lost on anyone. No-one has done more to discredit those in public office than the Labor Party. I am not here to defend the actions of Daryl Maguire. Daryl Maguire should be called out for what he is—an absolute disgrace. He is a low rent snake oil salesman of the lowest order. He has betrayed the trust of his community. He has betrayed the trust of his colleagues. He has betrayed the trust of his party and he has betrayed the trust of his Premier. He has not just betrayed the trust of his Premier professionally, he has done it in a very personal way. The Premier is not the first person to suffer because of a bad personal relationship. She is not the first and she will not be the last.

**The DEPUTY SPEAKER:** The member for Murray will cease interjecting.

**Mr MATT KEAN:** The reality is that the ICAC is a vital institution in New South Wales and its job is to root out corruption without fear or favour. They can call the cleaner or the person holding the highest office in New South Wales to give evidence, that is its job and that is exactly what it did. The Premier gave full and frank accounts of her dealings with the subject of the investigation—Daryl Maguire. The Premier exposed her personal laundry for the rest of the world to judge. As embarrassing as it was, it is not a crime. The ICAC had many opportunities to put the proposition to the Premier that she acted inappropriately, but it did not. It had plenty of opportunities to put to the Premier that she had covered up corruption, but it did not put that proposition to her. The ICAC had plenty of opportunities to put to the Premier that she breached the Ministerial Code of Conduct, but it did not put that proposition to her. The ICAC had opportunities to raise allegations that there was misconduct in public office, but it did not put that proposition to the Premier.

The reality is that the Premier's conduct has always been to the highest standard. There are few people with more integrity than Gladys Berejiklian. I know, having worked with her, that she is someone who places the people of New South Wales first every day of the week. We saw that on public display through the bushfires. We saw that on public display most recently through the worst pandemic we have seen since the Spanish flu. She has worked day in and day out for the interests of the people of New South Wales. That is who the Premier of New South Wales is. She has zero tolerance towards misbehaviour, let alone corruption, and we see that every day of the week. The reality is: Who was it who sacked Daryl Maguire? Gladys Berejiklian. Who was it who ran him out of the Parliament? Gladys Berejiklian. So much so that she went to a by-election that we lost. There was no benefit to the Government in doing the right thing. All the colour and movement that the Labor Party has attempted to throw at the Premier this week has amounted to nothing.

If we are to talk about who is under pressure this week let me say it is the Leader of the Opposition. She had a chance to land a blow when the Government was fighting over the protection of koalas, but she did nothing. She had a chance to land a blow when a corruption scandal was engulfing the State and covering the front pages, but all she has done during the past two days of question time is nothing—absolutely nothing. There is no-one more excited about the survival of Gladys Berejiklian than the member for Kogarah. That is the reality. It shows how impotent the Leader of the Opposition is in prosecuting a case against the Premier and against the Government. That is a reality. The person under the most pressure at this time is not the Premier, it is the Leader of the Opposition. That is because the Opposition cannot lay a glove on the integrity of this Premier. This is a matter for the ICAC. The ICAC is going through the proper processes. There have been no allegations levelled against the Premier by the ICAC. It should do what it needs to do and that is to throw the book at Daryl Maguire.

**Mrs HELEN DALTON (Murray) (17:33:16):** I speak in support of this public interest topic on integrity. The saga this week at the ICAC is all about the lack of integrity in the New South Wales Government—this Government. It is not simply a bad love story, as some have tried to argue. Malcolm Turnbull said, "Gladys fell in love with the wrong guy." This is not *Fifty Shades of Grey*. This is a huge scandal that has caused immense pain to farmers and communities in my electorate. It is a scandal that Gladys could have stopped back in 2017 when she first learnt about Daryl's dealings with Chinese company UWE Hay. Yes, this is a story about fifty shades of Hay—UWE Hay.

Tapped phone calls revealed dodgy Daryl Maguire told Gladys about his plans to go to China to spruik for the company UWE Hay Pty Ltd on three separate occasions in August and September 2017. However, on Monday Gladys told ICAC she did not know what UWE was. This amnesia from Gladys is strange, very concerning, because Chinese-owned UWE has long been a favourite company of the Liberals and Nationals. UWE received a 2012 Premier's New South Wales Export Award for the best Asian exporter. Imagine that! The best Asian exporter. The Federal Government also gave UWE a \$3 million guarantee, a hit, a financial lift up. That is right, Aussie taxpayer dollars were used to support a Chinese company that accumulated oaten hay near Leeton and exported it to China during the drought.

Many farmers in my electorate have complained to me that UWE owes them money. It has ripped off Australian farmers to the tune of well over \$300,000. In February 2018 UWE was reported to ASIC for allegedly trading while insolvent. All this could have been stopped by Gladys in 2017 when her then boyfriend, Daryl Maguire, told her about his plans to go to China and spruik for them. UWE paid for Daryl's flights and hotels. It wrote him a cheque for \$1,400; a very handy little bit of money. UWE is not even in Daryl's electorate. It is around Leeton, which is in my electorate. My constituents have been directly impacted by this. What the hell was Daryl doing wheeling and dealing in my electorate, outside of his turf? Gladys knew something was wrong. She knew UWE is in Leeton, outside of his electorate, because she admitted to that. Gladys' office called Daryl because they were concerned about this odd China trip. Gladys told Daryl this, but she did nothing. She did not tell him to stay put and to not go to China. She did nothing. She did not report any of these three separate conversations to ICAC. She has had three years to do so. On Monday she told ICAC four times she did not know what UWE was.

This is the same Premier who refused to let pregnant women in rural New South Wales cross the border for treatment in Victorian hospitals. She refused to let people in country areas travel a few kilometres to say farewell to a dying relative. Why? Because she is a stickler for the rules. She has enforced the border closures with an iron fist no matter how many families suffer. When it comes to rules for herself, her lover and her party colleagues, she is far more flexible. Last month I introduced a simple bill in the Chamber. I wanted all politicians to declare their water interests. I also wanted an online register listing all foreign and domestic companies that own water. Berejiklian voted against it. So did every other Liberal and National MP. What is this Government hiding? Now we know there is a lot to hide. We need to restore integrity into the New South Wales Parliament right now.

**Mr RYAN PARK (Keira) (17:38:09):** In reply: Today in this House in question time the Premier said that Daryl Maguire only had to disclose conflicts of interest to her in certain circumstances. That is a lie. Under the Ministerial Code of Conduct Daryl Maguire was required to provide Gladys Berejiklian with a declaration of all his conflicts of interest. No exceptions, no limitations. Why? Because, just like any board in Sydney or New South Wales, anywhere, there are certain rules of the game. The board of New South Wales is the Cabinet, the Executive, including parliamentary secretaries, and they have obligations. One of their main obligations is disclosing conflicts of interest and declaring them.

I look forward to the Government supporting this public interest debate. I am sure it will, because it would be very difficult for the National Party and the Liberal Party to not support it. If you do not recognise that in public life the standard you walk past is the standard you accept, if you do not see that, then you are already breaking the law in this place, because you have an obligation to make sure when information is brought to you about corrupt behaviour that you disclose it. I never thought I would see the Minister for Police and Emergency Services in the House talking about integrity. I had half a dozen Liberal MPs text me during that time saying, "You have got to be kidding." This guy? Look, it was no big deal, he shot a few firearms without a licence. Big deal, big deal. Don't worry about it.

**The DEPUTY SPEAKER:** The member for Keira will direct his comments through the Chair.

**Mr RYAN PARK:** He impersonated a cop. We do it all the time. Don't worry about it. Nothing to see here. Don't worry about it. Are you serious? You get him to come down to defend integrity? You clowns! One of the most important debates and you get him, the guy who uses a firearm without a licence and impersonates a cop, to talk to the rest of us about integrity. You have got to be joking. This Government lacked integrity because about 15 metres down the road you were running New South Wales Inc. out of Parliament House. He was taking commissions and dispersing them without any regard. And you know what? The Premier knew every single time. *[Time expired.]*

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

**Motion agreed to.**

### *Bills*

## **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2020**

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**Mr RYAN PARK (Keira) (17:42:09):** I return to the Public Health (Tobacco) Act 2008 that I was dealing with earlier and as a non-smoker this is somewhat amusing. I acknowledge Ed and the NSW Health staff who took me through this component in the bill. One thing that is not in the bill, but relates directly to it, is that in June 2020 the very important National Health and Medical Research Council established the Electronic Cigarettes Working Committee to oversee the update of the 2017 CEO statement in relation to e-cigarettes and the way they should be regulated. It is expected that the updated CEO statement, which will review new evidence on the topic, will be released mid-2021. I look forward to that. E-cigarettes are fairly new. I have had a number of colleagues on either side talk to me about the benefits of e-cigarettes that they have experienced through their attempts to quit smoking. I look forward to updated guidelines from the National Health and Medical Research Council later in 2021. That will be important.

The last component in the bill is the Saint Vincent's Hospital Act 1912. This is an important Act dealing with an important hospital and health service. The bill will amend the Saint Vincent's Hospital Act to update the trustees of the Saint Vincent's Hospital to reflect its current operation, allow the trustees to delegate their powers and allow them to grant a lease over the land subject to the trust for a period not exceeding 40 years. It also allows the trustees to charge less than market rent to a university or charity. This is an important piece of legislation. It covers a range of different bills across the health scope. It deals with an issue coming out of the review conducted

by Gail Furness, SC, into the medical council's issue with the Health Care Complaints Commission and the misconduct of Dr Gayed. That is important.

It strengthens the Health Care Complaints Act; that is important. It puts in place changes to the Health Services Act and the Government Information (Public Access) Act as it applies to that Act. It also changes the Private Health Facilities Act and the Public Health Act—extremely important, particularly during a pandemic—as well as the Public Health (Tobacco) Act 2008 and the Saint Vincent's Hospital Act 1912. It is a fairly extensive bill. Once again I thank NSW Health and Ed from the Minister's office for their feedback and briefing on the bill. Particularly during the pandemic, we look forward to this legislation improving the way that health services are delivered and provided for the people of New South Wales.

**Mr STEPHEN BROMHEAD (Myall Lakes) (17:45:26):** I speak in support of the Health Legislation (Miscellaneous Amendments) Bill and congratulate the health Minister, Mr Hazzard, on bringing it forward. The bill amends various Acts as part of the Government's normal legislative program to ensure that legislation remains up to date and responsive. I will speak to the amendments to the Health Care Complaints Act 1993 and the Health Practitioner Regulation (Adoption of National Law) Act 2009—the adoption Act. The adoption Act implements the National Registration and Accreditation Scheme for registered health practitioners such as medical practitioners, nurses, midwives and dentists. The adoption Act applies the Health Practitioner Regulation National Law (Queensland) as the law of New South Wales, subject to the modifications in the adoption Act. The Queensland law, together with the New South Wales modifications set out in the adoption Act, is known as the Health Practitioner Regulation National Law (NSW), or the New South Wales national law.

Under the Queensland law, there is a national board for the different professions, such as the Medical Board of Australia. The board registers practitioners and in most other jurisdictions is solely responsible for complaint handling. However, New South Wales is a co-regulatory jurisdiction, as is Queensland. In New South Wales the boards register practitioners, but we have kept our own complaints process involving the independent Health Care Complaints Commission [HCCC] and the health professional councils, such as the Medical Council of New South Wales. The independent HCCC investigates and prosecutes serious matters involving registered health practitioners before the NSW Civil and Administrative Tribunal. Less serious matters are handled by the health professional councils. The HCCC, as well as investigating and prosecuting complaints against registered health practitioners, also handles complaints against non-registered health practitioners and organisations.

The bill makes a range of amendments to the Health Care Complaints Act 1993 and the New South Wales national law to improve the regulation of health practitioners and organisations. It implements recommendations of the review by Ms Gail Furness, SC, into the processes of the medical councils with respect to Dr Emil Gayed. The Furness review recommended changes to the New South Wales national law to improve information sharing between the councils and employers. Under the bill, the health professional councils will be required to notify employers of suspension and cancellation decisions. While they routinely do this, there is no statutory obligation to do so. The bill will also allow the councils to notify an employer if a practitioner is not complying with any conditions of their registration.

The bill also amends the Private Health Facilities Act 2007 to require registered health practitioners to notify the licensee of a practice health facility if the practitioner is charged or convicted of certain serious offences or if findings of professional misconduct are made against them. Practitioners working in the public health system are already required to notify the Health secretary of such matters. The Furness review found that there should not be any differences in protecting the public based on whether a practitioner works in the public or private health system. I agree with that finding of the Furness review and with the provisions of the bill, which will ensure that employers can consider if they need to take action to protect patients.

The changes to the Health Care Complaints Act 1993 follow on from the 2018 report of the joint parliamentary committee inquiry into cosmetic health service complaints in New South Wales—the JPC report. The JPC report recommended that the Minister for Health and Medical Research review the powers and functions of the HCCC to ensure that the HCCC can sufficiently protect patients using health services. In particular, the JPC report recommended that the HCCC have the power to issue public warnings about specific health service providers and health organisations; that the HCCC have the power to issue prohibition orders in relation to specific health organisations; and that the HCCC's search and entry powers apply to all complaints and that authorised persons have the power to enter premises if the premises is a public place and the entry is made when the place is open to the public. The bill implements those recommendations.

The bill amends the Health Care Complaints Act 1993 and the Public Health Act 2010 to establish a framework to allow the HCCC to issue a prohibition order against a relevant health organisation that breaches the code of conduct and poses a serious risk to the health or safety of members of the public. The framework is consistent with the current framework that applies to individual non-registered health practitioners. Relevant health organisations will have to comply with the code of conduct and for the first time the HCCC will be able to

take action to prevent an organisation from providing health services if it breaches the code of conduct and poses a risk to the public. These changes are an important expansion of the HCCC's powers to take action to protect the public.

The bill also amends section 94A of the Health Care Complaints Act 1993 to allow the HCCC to issue public warnings about specific health service providers and organisations. Currently, the HCCC can only issue warnings about specific treatments or health services. The bill will update the HCCC's powers of search and entry so that a warrant is not required to enter any non-residential premises and to allow the HCCC to use its powers of search and entry when it is assessing compliance with relevant matters, such as a prohibition order. The provisions will give the HCCC the powers it needs to appropriately regulate health practitioners and health service organisations and to improve the regulation of health practitioners and the health system to better protect the public.

Whilst talking about health issues, I will talk about the Manning Base Hospital and health care in my electorate. The Manning Base Hospital redevelopment has just completed stage 1A and 1B—\$40 million. Stage 2 is a \$100million redevelopment of the hospital. The planning is underway with the clinical services plan. It is not just about the bricks and mortar; it is also about the personnel and the services that the hospital provides. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

I seek an extension of time.

**The DEPUTY SPEAKER:** The question is that the member's speaking time be extended.

**The House divided.**

Ayes .....48  
Noes .....31  
Majority.....17

#### AYES

Anderson, K	Evans, L	Piper, G
Ayres, S	Gibbons, M	Preston, R
Berejiklian, G	Griffin, J	Provest, G
Bromhead, S	Gulaptis, C	Roberts, A
Butler, R	Hancock, S	Saunders, D
Clancy, J	Hazzard, B	Sidgreaves, P
Conolly, K	Henskens, A	Sidoti, J
Constance, A	Johnsen, M	Singh, G
Cooke, S (teller)	Kean, M	Smith, N
Coure, M	Lee, G	Speakman, M
Crouch, A (teller)	Lindsay, W	Stokes, R
Dalton, H	Marshall, A	Taylor, M
Davies, T	McGirr, J	Toole, P
Dominello, V	Pavey, M	Tuckerman, W
Donato, P	Perrottet, D	Upton, G
Elliott, D	Petinos, E	Ward, G

#### NOES

Aitchison, J	Harris, D	O'Neill, M
Atalla, E	Harrison, J	Park, R
Bali, S	Hoenig, R	Saffin, J
Barr, C	Hornery, S	Scully, P
Catley, Y	Lalich, N	Tesch, L
Chanthivong, A	Lynch, P	Voltz, L
Cotsis, S	McDermott, H	Warren, G
Crakanthorp, T	McKay, J	Washington, K
Daley, M	Mehan, D (teller)	Watson, A (teller)
Dib, J	Mihailuk, T	Zangari, G
Finn, J		

## PAIRS

Barilaro, J  
O'Dea, J  
Williams, R  
Wilson, F

Car, P  
Haylen, J  
Minns, C  
Kamper, S

**Question agreed to.**

**Mr STEPHEN BROMHEAD:** As I was saying before I was rudely interrupted, it is not just about the bricks and mortar that the Government is delivering; it is also about the services and the staff there. What a fantastic job the staff have done during this COVID period, whether it be the doctors, nurses, ancillary staff or others. For the benefit of the House I will outline what has been happening at the hospital recently in relation to medical services and recruitments. Dr Chen has been recruited as a provisional fellow in anaesthetics—a new position, an increased position at the hospital in 2020. There has been the recruitment of two senior medical officers in anaesthetics, both new positions, and the recruitment of two rural generalists—Dr Green and Dr Etherden—which are also new positions. The rural preferential recruitment for interns for 2021 was finalised and 10 interns were recruited, to commence in February 2021.

There was a very successful annual medical recruitment for 2021 for senior resident medical officers and registrars in acute medicine—general medicine, emergency department [ED] and intensive care unit on two-year contracts—anaesthetics, orthopaedics and critical care. There was significant interest and it was very competitive, with excellent applications—approximately 280 applications for the 10 positions. Manning proved a popular option with junior medical officers. There was the recruitment of a total of four junior medical officers as part of a workplace program for 2021. There was also the creation of a new oncology and renal resident medical officer [RMO] position, which commenced in August 2020. That is part of the oncology department, with a new building.

Where a few years ago we did not have any oncologist specialists, we now have two oncologist specialists and are enhancing that with a resident medical officer position. There was the recruitment of a director of anaesthetics—he commenced in late 2019—and four permanent full-time staff specialists in anaesthetics, all of whom commenced in December 2019. There was the recruitment of a permanent full-time infectious disease specialist in general medicine and the Hospital in the Home program of Manning Base Hospital. A permanent specialist in palliative medicine was also recruited, along with a staff specialist intensivist to commence in November 2020.

In relation to nurses, in the emergency department a new nurse unit manager and midwifery unit manager were appointed. There was funding for a clinical nurse educator Aboriginal school-based trainee program and a sector clinical nurse educator. There was the successful recruitment of nine full-time equivalent nurses and a manager for violence, abuse and neglect, and women's services for community health. The Manning Base Hospital also recruited an ED physiotherapist and it is advertising for two Aboriginal school-based trainees in Allied Health for Wingham and Manning hospitals. That is just an example of the positions. I do not want members to say that is all—that is just some of the recruitments that have come into the Manning Base Hospital in the past 12 months.

I spoke about Professor Bendall, the head of anaesthetics at the hospital. He is a Taree boy who has come back to the area. He has bought his house and put down his roots there. He is not a fly-in fly-out—he is a doctor who is there and committed to it. The two anaesthetists have also bought properties in the Manning Valley. That means they are going to live there and raise their families there. One position I did not mention was a paediatrician specialist who started early this year or late last year—probably late last year. She had gone through the hospital as a registrar several years ago and was so happy with it she came back. She has bought in the area and is living there, putting down her roots. She is going to raise her family in the area.

Having spoken to a number of registrars and others who were at the hospital as part of their training program late last year, they too were very impressed. Professor Bendall has put a training program together for registrars at the hospital, and I think that is one of the things that registrars are seeing and talking about. That training program is the reason we had so many applications for those 10 positions. When I talk about how well the hospital is doing, members again have to understand what a great job our staff are doing at the hospital. I compliment and congratulate them for their work in 2020 in particularly trying circumstances.

Whilst all this is going on, the clinical services plan is also looking at a public hospital for Forster. We are waiting for that critical services plan to be completed and released. It will enhance the medical services in the area. It will complement the Manning Base Hospital; it is not detracting from that hospital. It is not taking money or staff or anything out of the Manning Base Hospital. It will be a hospital that will enhance the Manning Base Hospital. It will relieve some of the pressure on that hospital and will be under its umbrella. Members will notice



I am calling it the "Manning Base Hospital". A few years ago it was the Manning Rural Referral Hospital. Earlier this year it had a name change, which signifies the fact that it is the base of medical services in the entire area. I commend the bill to the House.

**Dr JOE McGIRR (Wagga Wagga) (18:12:52):** I make a brief contribution to debate on the Health Legislation (Miscellaneous Amendments) Bill 2020. I comment on three aspects of the bill. The first is the provision around professional health councils informing employers. The second is regarding a couple of changes that affect private hospitals. I also want to make a brief comment in relation to e-cigarettes. Firstly, in relation to the professional health councils, as the Minister indicated in his second reading speech the bill will amend the Health Practitioner Regulation National Law (NSW) to ensure that a health professional council tells employers when the council suspends a practitioner, and will allow the council to tell employers if a practitioner is not complying with the conditions of their registration. From my experience it is pleasing to see this change.

Having spent many years as a manager in the health system, it was a source of some frustration to me that on a number of occasions I became aware of health practitioners who had conditions on their registration or had significant issues with their registration, yet that had not come to the notice of the management or administration of the health service. Fortunately, despite some pretty serious situations, patients do not come to harm from this but it always concerned me that employers and health services were blindsided in that regard. I understand part of the rationale for it: I think it relates to a desire to encourage practitioners to report difficulties and to come forward for assistance. However, I have always felt that it certainly put health services in a difficult position in regard to patients' safety and indeed the safety of staff. I welcome this change to the legislation.

The second area on which I wish to comment is in relation to private hospitals. Of the two changes, one is a requirement of practitioners to inform private hospitals of issues that have been raised with them and the second relates to changes that allow the Health Care Complaints Commission [HCCC] to refer complaints back to private hospitals for local resolution. Private hospitals form an increasingly important part of our health sector. I understand from information from the Australian Institute of Health and Welfare that almost half of Australian hospitals are private hospitals and somewhere between a half and two-thirds of surgeries are performed in private hospitals. We know the public hospital system is an important bedrock of our health system in this country. I particularly take my hat off and congratulate the public health system in my electorate: the Wagga Wagga Base Hospital, the Tumut District Hospital, the Lockhart and District Hospital and associated services. They do a marvellous job. I thank the staff for the work that they do.

But the private hospitals also play a role. In my electorate we have a number of important private health facility providers, including the Calvary Riverina Hospital in Wagga Wagga. We have developed a health precinct where there is good cooperation between the Riverina Cancer Care Centre operated by another organisation, imaging providers and the private sector in the form of the Calvary hospital and indeed, for private day surgery, the Riverina Day Surgery. With such an important role played in the health sector, it is important that practitioners are required to inform private hospitals of issues that are raised about them. The changes in this legislation address that very important point.

I am also very pleased to see that the Health Care Complaints Commission can now refer issues back for local resolution by private hospitals. I think that has been in place for public hospitals for some time. I believe it leads to a more timely resolution of issues. I am a great believer that when a complaint or an issue arises with healthcare provision—it could be a surgery that has not gone according to plan, an issue with dosage or a matter of nursing care—the sooner it is acknowledged to the patients and their families, the sooner the appropriate apologies are made and restitution is carried out. The more that can be done close to the event and close to the circumstance and the sooner it can be done, the better will be the outcome for everyone. That allows people to recover and deal with the issue more quickly. This provision will allow the HCCC to request private hospitals to deal with complaints in a timely fashion, close to where they have taken place and in a way that would be better for the patients and their families.

I think that change in the legislation can put some healthy pressure on private hospitals to look at their own complaints resolution processes that perhaps in some circumstances do not meet the high standards of the New South Wales public service. Private hospitals should look at their complaints resolution processes to ensure that they are in place. The HCCC will have an opportunity to assist and work with private hospitals in that regard. I look forward to seeing the outcome of that. I think it will be of benefit to our communities. The final matter on which I wish to comment relates to e-cigarettes. I welcome that the bill will amend the Public Health (Tobacco) Act 2008 to include e-cigarette liquids in the definition of e-cigarettes. I remind the House that smoking is Australia's leading cause of preventable disease despite the fact that we are a world leader in efforts made to control smoking. Sadly, currently 11 per cent of Australians are smoking and the rate is higher in regional communities. It has contributed to poor health outcomes in our regional and rural communities.

Why does that apply to e-cigarettes? In that regard I will make a couple of observations. E-cigarettes are promoted as a means of smoking reduction. I believe there is insufficient evidence to support this contention. I think there is a campaign to legitimise e-cigarettes and create the aura that e-cigarettes are a good way for people to get off the smokes. There is almost no evidence to support that contention. In fact, there is evidence to counter that suggestion. It may well be that the people who use e-cigarettes are more likely to take up combustible cigarettes. It is my concern that e-cigarettes may lead to a greater uptake of smoking the combustible cigarettes. That is a matter of concern.

Far be it from me to suggest that it might be in the interests of the tobacco industry to introduce something that might encourage people to stop smoking, but I admit the thought has crossed my mind. For the reasons I have stated, I think we need to be very cautious about e-cigarettes. I think this legislation is an important part of that. I acknowledge and thank the Government for its role. We should ensure that we have ongoing restriction of the sale of tobacco products to people under 16 years of age and that those restrictions also apply to e-cigarettes. I support the changes in the bill and I commend the bill to the House.

**Mr GURMESH SINGH (Coffs Harbour) (18:20:21):** I support the Health Legislation (Miscellaneous Amendments) Bill 2020. The bill is a health omnibus bill that amends health-related legislation across the statute book. Importantly the bill implements recommendations of the Gail Furness, SC, review of the actions of the Medical Council of New South Wales in response to concerns about Mr Emil Gayed. Mr Gayed was previously an obstetrician and gynaecologist. However, in 2018 the Civil and Administrative Tribunal disqualified him as a medical practitioner following substantiation of a number of serious complaints. That led to the Furness review being undertaken. The review found that there were deficiencies in information sharing about at-risk practitioners. To address this the bill, in line with recommendations of the Furness review, amends the Health Practitioner Regulation (Adoption of National Law) Act 2009 to require a health professional council to notify an employer when a registered health practitioner has their registration suspended or cancelled and to allow a health professional council to notify an employer if a practitioner breaches a condition of their registration.

In addition, and also following the Furness review, the bill amends the Private Health Facilities Act 2017 to require registered health practitioners, such as medical practitioners and nurses, who work at private health facilities to notify the licensee within seven days if the practitioner has any finding of unsatisfactory professional conduct or a finding of professional misconduct made against them, or if they are charged or convicted of a serious sex or violence offence. The amendment will ensure that a private health facility licensee is aware of significant events that may impact on the safety of patients and can take any necessary action. The bill implements recommendations from the 2018 inquiry into cosmetic health service complaints by the Joint Parliamentary Committee on the Health Care Complaints Commission. The final report of the inquiry recommended that the Minister for Health and Medical Research review the powers and functions of the Health Care Complaints Commission [HCCC] to ensure that it is able to properly protect patients.

The bill makes a range of amendments to the Health Care Complaints Act 1993, including amending section 94A to give the HCCC the power to issue public warnings about specific health service providers and health organisations and to issue prohibition orders in relation to specific health organisations. Currently the HCCC can only issue a prohibition order against an individual non-registered health practitioner. The amendments update the HCCC's powers of search and entry, remove the requirement to obtain a warrant to enter non-residential premises and give the HCCC power to enter and inspect premises and demand documents when investigating compliance with a prohibition order. This will allow the HCCC to take proactive measures to ensure that individuals and organisations comply with prohibition orders and will not require the HCCC to wait for a complaint to act. The bill also increases the penalties for most offences under the Act. These changes will allow the HCCC to be more proactive in responding to issues relating to health practitioners and health organisations to better protect the public.

The bill also implements recommendations from the 2018 *Report on the Statutory Review of the Human Tissue Act 1983*. The report made two recommendations for changes to the Act. The first is that section 25 of the Act be amended to allow the Coroner to give a direction, either before or after death, to allow organ donation to proceed after death and the second is that the Act be amended to allow regulations to be made including or excluding certain bodily materials from the definition of human tissue. In relation to the first recommendation the Act provides that if a death is reportable to the Coroner, the Coroner has to give their authorisation before organ donation can proceed; however, there can be a limited window between death occurring and organs being viable for transplant. Allowing the Coroner to consent before death with authorisation only taking effect after death can help to reduce the time to remove organs after death, thereby reducing the risk that the organs will not be viable. This change is consistent with legislation in other jurisdictions that allows the Coroner to give consent either before or after death. I strongly support organ donation and the changes in the bill.

The bill will also allow regulations to be made under the Human Tissue Act 1983 to include or exclude certain bodily material from the definition of "human tissue". The report on the statutory review found that the definition of human tissue needs to be flexible enough to respond to changing technology. Certain tissues, such as urine or bodily waste products, do not always give rise to the same ethical considerations as other bodily tissues, such as whole organs. In addition, other extensive legislation is in place to regulate some tissues such as the Assisted Reproductive Technology Act 2007 in relation to sperm and ova. In such cases it may not be appropriate for the Human Tissue Act 1983 to regulate the material. The changes in the bill will improve the regulation of health practitioners and the regulation of human tissue and will ensure that health legislation remains current. I commend the bill to the House.

**Mrs LESLIE WILLIAMS (Port Macquarie) (18:26:05):** I support the Health Legislation (Miscellaneous Amendments) Bill 2020. One of the main sources of the reforms in the bill is the review of processes undertaken by the Medical Council of New South Wales pursuant to part 8 of the Health Practitioner Regulation National Law (NSW) with respect to Dr Emil Gayed conducted by Gail Furness, SC, which is known as the Furness review. Ms Gail Furness conducted a review into the processes of the Medical Council in relation to Mr Emil Gayed, who was an obstetrician and a gynaecologist before he was deregistered in 2018 due to findings of professional misconduct. He was employed in a number of New South Wales hospitals over the period of 1994 to 2016.

They included a number of public hospitals, particularly in regional communities: Grafton Base Hospital, Kempsey District Hospital, Cooma Hospital, Manning Base Hospital in Taree and Mona Vale Hospital. He also worked in a number of private hospitals, including Delmar Private Hospital in Dee Why, Mayo Private Hospital in Taree, Cape Hawke Private Hospital in Foster and Warringah Day Surgery in Brookvale. The Furness review found that there was a lack of appropriate information sharing between regulators and employers. Ms Furness made a number of recommendations aimed at increasing the level of information that health professional councils make available to employers and strengthening their obligations on practitioners to notify employers of adverse professional findings. The changes will help to improve the information that regulators and employers have about registered health practitioners and better enable them to take action to protect patients.

Schedule 2 to the bill makes the following changes to the Health Practitioner Regulation (Adoption of National Law) Act 2009 to address the issues associated with the oversight of Mr Emil Gayed: to require a health professional council to notify employers of a decision to suspend or cancel the registration of a health practitioner; to allow health professional councils to notify employers of registered health practitioners about any noncompliance of those practitioners with the conditions of their registration; to require health professional councils to consider the matters listed in section 41O, such as a practitioner's complaints history, in making decisions about complaints; and to require the national board to notify the relevant health professional council when the national board receives notice of a "relevant event" in relation to a practitioner or student, such as if the practitioner is charged with an offence.

In addition, schedule 5 to the bill includes an amendment to the Private Health Facilities Act 2007 to require registered health practitioners to notify the licensee if they have been charged or convicted of a serious sex or violence offence or had any findings of unsatisfactory professional conduct made against them. A serious sex or violence offence is an offence involving sexual activity, sexual touching or a sexual act, physical violence or the threat of physical violence that if committed in New South Wales, is punishable by imprisonment for 12 months or more, or if committed elsewhere than in New South Wales, would have been an offence punishable by imprisonment for 12 months or more if committed in New South Wales, and includes an attempt to commit, or a conspiracy to commit, the offence. A finding of unsatisfactory professional conduct is defined in section 139B of the national law. It includes such matters as:

(a) **Conduct significantly below reasonable standard**

Conduct that demonstrates the knowledge, skill or judgment possessed, or care exercised, by the practitioner in the practice of the practitioner's profession is significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience.

(b) **Contravention of this Law or regulations**

A contravention by the practitioner (whether by act or omission) of a provision of this Law, or the regulations under this Law or under the NSW regulations, whether or not the practitioner has been prosecuted for or convicted of an offence in respect of the contravention.

(c) **Contravention of conditions of registration or undertaking**

A contravention by the practitioner (whether by act or omission) of—

- (i) a condition to which the practitioner's registration is subject; or
- (ii) an undertaking given to a National Board.

The reforms also include changes to the Health Care Complaints Act 1993. The bill implements the joint parliamentary committee report recommendations by amending this Act. The Joint Parliamentary Committee on the Health Care Complaints Commission [HCCC] conducted an inquiry into cosmetic health service complaints in New South Wales. Its extensive report of November 2018 made 16 recommendations to address concerns that were raised in the inquiry.

The recommendations were intended to ensure that legislative and regulatory frameworks are strengthened to better protect the public from potential harm, relevant and important information about the cosmetic health services industry is more accessible to the public so individuals can make informed decisions about procedures and practitioners and understand where and how to make a complaint if they are dissatisfied; and the HCCC's powers and functions are robust enough to adequately address the complexities associated with the cosmetic health services industry—and the health services industry more broadly—and assist patients in resolving their concerns.

I acknowledge the work of the Joint Parliamentary Committee on the Health Care Complaints Commission, which I have chaired in the past. The member for Terrigal and Government Whip has also chaired it in the past and the member for Coffs Harbour, who spoke previously, is currently the Chair. I am pleased to be sitting on that parliamentary committee again. It does some very good work and it has conducted some very interesting inquiries in the past. Thanks to the response from this Government, a number of those inquiries have led to some significant changes to not only the Health Care Complaints Act but also other Acts. The amendments in the bill, including the ones for the Acts that I have described and also others that have been discussed by other members, are important changes. They will assist in improving the regulation of health practitioners and health service organisations, primarily so that we can better protect public health and ensure that the legislation in the Health portfolio remains up to date and relevant. I commend the bill to the House.

**Ms JODIE HARRISON (Charlestown) (18:32:53):** When a patient sees a health practitioner he or she is investing a lot in that practitioner's training, professionalism and ethics. This is especially true if a patient is going to be in surgery, and it is also true of people in regional areas where health care is often less accessible. Emil Gayed—formerly Dr Emil Gayed—took advantage of the trust his patients placed in him. He was an obstetrician and a gynaecologist and he had a negative reputation around Taree where he often practised. The phrase "first, do no harm" is one of the principal ideas at the heart of the practice of medicine. Mr Gayed failed to live up to that idea time and time again. An investigation by *The Guardian* revealed that Gayed "needlessly removed women's reproductive organs and performed unnecessary surgeries on his patients".

Others were left with dangerous, sometimes life-threatening infections and one patient died. Taree woman Rhiannon Tull told *The Guardian*: I know nurses who work at the hospital and they told me, 'Do not see Gayed,'... I was told he's OK if you deliver naturally, but not if you need to have surgery. I was told people come back with infections and complications and heaps of bad things happen. From then on I thought, 'I do not want to encounter that man, ever.' Unfortunately, Rhiannon was not so lucky. When she had her second child, she required an emergency caesarean section. Gayed performed the procedure, but it seems that there were errors throughout every stage of her care. Ms Tull and her child, who suffered liver complications as a result of Gayed's actions that day, are lucky to be alive. A review into this matter was conducted by Gail Furness, SC, who uncovered Gayed's incompetence, the mismanagement of complaints against him and the widespread harm he caused to his patients across decades. The report found:

In most years from 1999 to 2016 there was a complaint or concern raised about Dr Gayed's clinical treatment of a patient. They were expressed by nursing staff, anaesthetists and other medical practitioners as well as, more recently, patients themselves.

The 220-page report went so far as to say that staff became desensitised to Gayed's poor performance. After his actions led to the death of a baby boy in 2006, a review by the hospital and the health district where he practised found that he had no competence in performing even basic obstetric ultrasounds; that he performed multiple operations on patients while demonstrating borderline surgical skills for a senior gynaecologist; that his tissue handling was poor; and that he demonstrated an inappropriate knot-tying technique. Worse still, his infection control was suboptimal, with contamination of sterile equipment and inadequate handwashing exposed. And, in a serious breach of fundamental medical ethics, he also failed to obtain informed consent from his patients.

He resigned from Mona Vale Hospital after he learned that the Northern Sydney-Central Coast Area Health Service was investigating him. He then worked mostly at Manning Base Hospital in Taree, where he was employed as a visiting medical officer on a contractual fee-for-service basis. That he was allowed to continue practising at all is incomprehensible. The system of checks and balances in place to protect patients by ensuring that visiting medical officers are appropriately skilled was not adhered to. Gayed did not undergo regular performance reviews as required and the hospital's incident information management system was also not utilised by other doctors to record any of his mistakes.

Hunter New England Health did not carry out a review of Gayed's clinical privileges, even after it was notified of his suspension by the Northern Sydney-Central Coast Area Health Service. As a result of the Furness report, the cases of 50 women treated by Gayed were referred to the Health Care Complaints Commission [HCCC] for re-investigation. More than 250 women called dedicated hotlines in 2018 to respond to concerns about him and his practice. Furness wrote, "The health system failed each of these women." This is not even the first time that a man like Gayed has wreaked havoc on women in our regional hospitals. Roman Hasil, employed as an obstetrician at Lismore Base Hospital in 2001, was struck off in 2012 after his incompetence inflicted a great deal of harm on a number of women and babies. Worse still, his career in Australia came after a disastrous period of practice in New Zealand. Of course, the "Butcher of Bega" Graeme Reeves did irreparable harm to so many before being struck off in 1999 after defying his 1997 New South Wales Medical Board ban on practising obstetrics. That it took until 2008 for his activities to become publicly known is horrifying.

Each of these cases led to legislative reform that sought to tighten the net and protect patients from the future misconduct of health professionals. In this light, I welcome moves to enact most of the review's recommendations. I note that the Government is waiting on the results of a broader review of the performance program by the Medical Council of New South Wales and will consider its recommendations. I also note the amendments to the Queensland Health Practitioner Regulation National Law Act, enacted in November 2019 by the COAG Health Council, which clarify an employer's obligation to report withdrawal of clinical privileges. This is in the process of being implemented nationally.

The Furness report was handed down in February 2019. In my view, that Gayed was able to operate for so long with such impunity, causing such harm, speaks to broader inequities in our healthcare system when it comes to the treatment of women. In the course of researching for her book *Pain and Prejudice*, Gabrielle Jackson, who was diagnosed with endometriosis at 23 and has lived for many years with crippling symptoms, found that:

... women wait longer for pain medication than men, wait longer to be diagnosed with cancer, are more likely to have their physical symptoms ascribed to mental health issues, are more likely to have their heart disease misdiagnosed or to become disabled after a stroke, and are more likely to suffer illnesses ignored or denied by the medical profession.

Just this year, one of my constituents came to me with serious concerns about the standard of gynaecological care after her concerns about her own health were downplayed or ignored by medical practitioners. Her pain was dismissed as attention seeking. Her request for surgical intervention was denied on patronising grounds. She sought a second opinion from a private gynaecologist and was quickly whisked in for a hysterectomy. The debilitating symptoms of her adenomyosis, which had her screaming in hospital, immediately subsided after the operation. This is an all too common experience.

I am pleased to see that the bill will strengthen the capacity of the HCCC to respond to and to investigate complaints, and will enable it to proactively ensure compliance with orders and recommendations. Granting the HCCC powers of entry, as well as the power to require the production of documents and the giving of answers to questions made in pursuit of ensuring compliance, is a positive step. As an MP who represents a regional area, I was pleased to see that the report highlighted the specific issues faced by women in regional areas when seeking medical care. If a hospital is reliant on a sole medical practitioner or a small specialist team, as is often the case in rural and regional areas, local health districts have been advised that external oversight from practitioners in other parts of a district is needed.

I acknowledge the bill's amendments to the Public Health Act, which allow for regulations to be made that establish a code of conduct for health organisations and increase the penalty for breaching prohibition orders. This is an important element in tightening protections for patients. I note the bill's efforts to expand the definition of "e-cigarette", which will help to control the sale of those products. I am glad to see that steps are being taken to protect patients in the future. I recognise that surgical complications sometimes arise. I also recognise that when a procedure is undertaken, any number of things can go wrong. However, in Gayed's case there were a series of red flags that were not properly acknowledged and dealt with by health authorities. Even though I realise that little or nothing can be done to make full restitution for the many victims of Gayed's incompetence, my thoughts are with them. I join my colleagues in not opposing the bill.

**Dr HUGH McDERMOTT (Prospect) (18:42:54):** I make a contribution to debate on the Health Legislation (Miscellaneous Amendments) Bill 2020, which proposes several important reforms regarding patient care. I join my parliamentary Labor colleagues in not opposing these proposed amendments. The focus of the bill is on implementing reforms as recommended by the Furness review into the processes and actions of the Medical Council of New South Wales in its dealings with Dr Emil Gayed. Dr Gayed was a specialist obstetrician and gynaecologist who first started practising in Australia in 1994. The Furness review found that between 1999 and 2016 numerous complaints had been made against Dr Gayed by nursing staff, other medical practitioners and more recently patients. Of most concern was the repeated theme in the complaints of the unnecessary removal of

organs, the performing of unnecessary or wrong procedures, perforations of organs, reluctance to transfer to tertiary facilities, and the lack of transparency around and failure to provide private room records.

The tribunal revoked his registration as a medical practitioner and disqualified him from being registered as a health practitioner for three years. The Furness review uncovered several shortcomings in the medical registration review process including the inadequate information sharing between the New South Wales Medical Board—which is now called the Medical Council of New South Wales—and the relevant health organisations, the management of complaints against Dr Gayed in the performance assessment process, and the monitoring of Dr Gayed and the related performance of administrative functions by the medical board.

The review made several recommendations to improve the standard of medical practitioners in New South Wales. Some of these reforms have already been implemented at an administrative level. Legislative reforms were recommended to require employers to notify regulators if a medical practitioner has privileges withdrawn or restricted. They also broaden the requirement for practitioners to inform their employers if they are subject to a finding of unsatisfactory conduct to apply to private hospitals. Further, they require the medical council to inform employers of medical practitioners if they have been suspended. The recommendations would allow the medical council to provide information to employers and accreditors regarding a medical practitioner's compliance with their conditions of registration. Finally, they enable the medical council to provide copies of performance assessments to a broader array of interested parties. The review made further comments regarding the management and monitoring of complaints but did not include specific legislative recommendations in these areas.

The reforms within the Health Legislation (Miscellaneous Amendments) Bill 2020 specifically respond to these individual recommendations. Firstly, the bill amends the Health Practitioners Regulation National Law Act 2009 to require health professional councils to notify employers when the council suspends a healthcare practitioner. Under current legislation, health professional councils are able to but not required to notify employers. This is a significant reform that aims to ensure that employers are immediately made aware of any suspension of their employee's ability to practise medicine. It is crucial for public confidence in our healthcare system that disciplinary action against a medical practitioner is undertaken and determinations completed as quickly as possible. It is appropriate and necessary that employers in the healthcare industry be informed about any practice suspensions that have been given to their employees. Without this reform, there is a possibility that suspended medical practitioners could continue working in a clinical setting.

The bill will amend the Private Health Facilities Act 2007 as recommended by the review. Currently, medical practitioners working in private healthcare facilities are not required to disclose to their employer if they have been charged or convicted of a serious criminal sex or violence offence or if a finding of unsatisfactory conduct or professional misconduct has been made against them. This is an enormous gap in the law, which has the potential to allow medical practitioners to continue practising despite their obvious unsuitability. Patients in private health care should receive the same level of care, safety and assurance of competence from their medical practitioners as those in the public healthcare system in New South Wales.

The bill also implements the recommendation that health professional councils be required to inform employers if medical practitioners have been found to not be complying with the conditions placed on their registration. This is done through an amendment to the Health Practitioner Regulation National Law. This bill does not implement the Furness review recommendations relating to the requirement that employers report the withdrawal or restriction of medical privileges. I understand that this is being addressed through separate legislation in consultation with other State jurisdictions to ensure that it is nationally consistent. The recommendation to allow the health professional councils to disseminate copies of performance reviews more broadly has also not been implemented but is currently being reviewed by the medical council and may be implemented in the future.

Beyond implementing the recommendations of the Furness review, this bill makes other recommendations. It aims to broaden the powers of the Health Care Complaints Commission [HCCC] under the Health Care Complaints Act 1993. This bill significantly increases the powers of the HCCC to investigate compliance with prohibition orders made by the commission itself. The commission will be able to undertake warrantless searches of non-residential premises, such as medical workplaces. This reform aims to enable the commission to rapidly respond to concerns regarding health practitioners working in contravention of their suspensions or conditions imposed upon their practice. Further, a new section will be added to the Health Care Complaints Act giving the commission power of entry, the ability to compel the production of documents and authority to require the answering of questions concerning an investigation of the compliance of a medical practitioner with a prohibition order or a recommendation by the commission.

The bill amends the Health Care Complaints Act to allow the HCCC to issue public warnings against individual healthcare providers to protect public health and safety. Currently, this warning can only be issued regarding treatments or health services but not against individual providers. The public must be given as much

information as possible regarding healthcare providers to protect their wellbeing and guard against unscrupulous and dangerous medical operators. Further, this bill aims to increase the enforcement powers of the commission by increasing the maximum monetary penalties available for several offences to 200 penalty units or \$22,000. As these offences can cause serious public harm and can be made by medical practitioners in a position of trust, an increased penalty is required to meet public expectations. The bill further amends the Health Services Act and extends the requirement for a healthcare practitioner to disclose to the chief executive of the relevant healthcare organisation an adverse finding made against them under the Health Practitioner Regulation National Law Act 2009.

Under this amendment, healthcare practitioners who have received a negative finding in another Australian State or Territory must also disclose this finding to the relevant chief executive. It is crucial that the New South Wales healthcare system is not compromised by interstate medical practitioners who have had a finding of unsatisfactory professional conduct or professional misconduct made against them in another Australian jurisdiction and have simply changed jurisdictions as a way of avoiding penalties and continuing to practise. The Health Legislation (Miscellaneous Amendments) Bill 2020 aims to legislate essential reforms to improve the safety of patients and those persons under the care and supervision of medical practitioners in New South Wales. These are important reforms that must be focused on victims, potential victims and survivors. These reforms must protect our community. I do not oppose the bill. I commend the bill to the House.

**Ms KATE WASHINGTON (Port Stephens) (18:52:41):** I contribute to debate on the Health Legislation (Miscellaneous Amendments) Bill 2020 as the shadow Minister for Rural Health, the member for Port Stephens, a former medical negligence lawyer and a member of this Parliament's Committee on the Health Care Complaints Commission. That committee's work has informed some of the amendments in this bill following an inquiry it undertook into cosmetic health services, better known as cosmetic or plastic surgery. The bill also brings changes that are informed by the independent review undertaken by Gail Furness, SC, into Dr Emil Gayed, which revealed catastrophic failures in the health system that failed many women. I will be confining my comments on the bill to the changes to the Health Care Complaints Act and the Health Practitioner Regulation National Law.

I turn first to the recommendations of the parliamentary inquiry into cosmetic health services to change the Health Care Complaints Act. On that committee, we heard evidence of a system that is failing people—particularly young women who are choosing to undertake high-risk, invasive procedures with little understanding of what qualifications medical practitioners hold or whether they are even registered health practitioners operating from a licensed health facility. The risks of getting it wrong are high, sometimes fatal. Where they are not fatal, they can be life threatening and long term. Fundamentally, this is an issue of public safety, so the stakes are high. In this place, we should be doing all we can to ensure people understand the risks they face and that they make informed choices when it comes to health care, especially when there are numerous reports of an increasing number of people seeking cosmetic or plastic surgery during the COVID-19 pandemic.

I note also that it is a complex area and that there are no easy solutions. Nevertheless, solutions are required because the industry is largely running with very little understanding from those who are seeking its services. The committee did its best to land on some recommendations for the Government that could make a difference and improve public safety so that people could avoid making decisions to undertake high-risk procedures that could change their lives forever—and not in a good way. The recommendations from the inquiry that are reflected in this bill give the HCCC the power to issue public warnings about specific health service providers and health organisations when they pose a serious risk to public health and safety. This is important because as it stands, the HCCC only has powers to issue public warnings about particular procedures or general warnings. This change to the law will allow the HCCC to alert the community when it becomes aware of people who are performing cosmetic procedures in a manner that poses a risk to the public.

Put simply, it will allow the HCCC to let people know when there is a frequent offender whose practices are harming people or when numerous reports are made to the HCCC and investigations undertaken that reveal a consistent practice of unprofessional standards giving rise to adverse health outcomes. The importance of this change is highlighted by the case of The Cosmetic Institute, which we heard evidence about at the committee inquiry. On 2 August 2018 a news.com.au report read:

AUSTRALIA'S largest cosmetic surgery clinic is under fire for allowing unqualified surgeons to perform "boob jobs for the cost of a cup of coffee a day" and running its business "like a fast food franchise".

The Cosmetic Institute (TCI), a popular chain of cosmetic surgery clinics, is at the centre of a NSW parliamentary inquiry being held this week into dodgy cosmetic surgery practices.

TCI is also being sued in a class action by about 240 women who claim botched operations left them with serious health consequences. One woman went into cardiac arrest after being given a high dose of local anaesthetic. Another now suffers seizures, while a third woman had to undergo emergency surgery.

That is 240 women that might not have walked into a nightmare had the HCCC had the power to issue a public warning about a specific health provider or a prohibition order in relation to a particular organisation. That is why the committee made this recommendation and why NSW Labor supports this bill.

This change to the law will not only help those who are seeking cosmetic health services but also apply to other health providers as well. For example, had the HCCC had the power to make these warnings it may have prevented hundreds of women undertaking pelvic mesh surgery, which has ruined the lives of so many. These women were failed by every part of the health system. The only way that they gained any traction in the abuse that they suffered was by virtue of the media, particularly Joanne McCarthy formerly of the *Newcastle Herald*. It was due to Ms McCarthy's care and tenacity that these women finally started seeing changes that would prevent others from experiencing the same horror. Given the importance of this new power being granted to the HCCC and the potential impact that it will have on health practitioners and the public, I ask that the Minister ensure that the HCCC has the resources it needs to give effect to these new powers. The HCCC is already managing an increased number of health complaints. Those cases with complexity have only increased as well and can take years to resolve.

For the patients involved, that is deeply concerning and quite hurtful at times. It is important that the Minister ensures that the HCCC has the resources that it needs to perform its important existing functions and those new functions that it will acquire as a result of this bill. I ask the Minister to address those concerns in his reply to this debate. I will now turn to a significant omission in the bill—and indeed the law as it currently stands in New South Wales—contrary to the recommendations of the committee inquiry into cosmetic health procedures. Recommendations 2 and 3 of the committee were in relation to the title of medical practitioners. The committee recommended that the health Minister continue to make representations to the COAG Health Council to protect or restrict the use of the title "cosmetic surgeon" under the national law. Failing any changes within a reasonable time frame at a national level, the committee also recommended that the health Minister should consider whether separate legislation should be introduced into this Parliament.

These recommendations were made in 2018. The sector has been calling for changes on this front for years. There is still no change at this level, yet when it comes to cosmetic and plastic surgery this is the change that will make the biggest difference to public safety and health. Why is this important? Most people would not know that there is any difference between a cosmetic surgeon and a plastic surgeon. They would not know that a cosmetic surgeon need not have surgical qualifications other than what is required of a GP. The Australian Society of Plastic Surgeons remains disappointed in this Government for its failure to act on this important change, which would ensure that only those people who have completed specialist surgical training accredited by the Medical Council and are fellows of the Royal Australian College of Surgeons can call themselves plastic surgeons. Doing this would eliminate the confusion among consumers, who walk unknowingly into services and agree to high-risk procedures being undertaken by people who lack appropriate qualifications. In my former life as a medical negligence lawyer, I saw firsthand the physical and emotional toll it can take. Worse still, the consequences can be lethal. I urge the Minister to act on those recommendations as soon as possible.

I now turn to the independent review undertaken by Gail Furness, SC, into Dr Emil Gayed, which resulted in the referral of 50 women to the HCCC for investigation in addition to the cases that had already been referred. The review culminated in two separate reports, one into the regulatory response of the medical council and the other into the actions taken by the local health districts in which Dr Gayed worked. This bill addresses the recommendations relating to the medical council made in Ms Furness's report. Substantively, the facts upon which both reports were based are the same. Dr Gayed was a gynaecologist and obstetrician.

Ms Furness' reports reveal that the hospital where Dr Gayed spent the most time and inflicted the most harm was Manning Base Hospital in Taree. Before that he had moved from other areas before he was pushed, moving from one health district to another without any authorities picking up his trail of destruction. The scathing reports describe how catastrophic failures in the health system harmed scores of women over two decades despite concerns being formally raised about his performance virtually every single year. His actions and the failures included horrific cases: the unnecessary removal of organs, unnecessary or wrong procedures, perforation of organs and his possible contribution to the death of a baby. [*Extension of time*]

According to Ms Furness in her report from 2019, "The health system failed each of these women". What happened to these women—so many awful tragedies—could have been avoided had the systems been in place that are being implemented by this legislation. I find it astonishing that the member for Myall Lakes, who represents the area where Mr Gayed wrought most of his destruction at Manning Base Hospital, made a contribution to this debate without making any mention of any of the women harmed in his electorate who this bill is meant to cure. That is the problem when you get a script to read and do not think about what you are actually saying. The women who were victims of this doctor—and of the health system that failed them—were failed again



today by the member for Myall Lakes, who could not even be bothered to acknowledge them, their trauma and the bravery of those who came forward to share their most private experiences.

**Mr Brad Hazzard:** Point of order: The member was contributing very substantively but has now gone right off script in terms of the bill.

**TEMPORARY SPEAKER (Mr Greg Piper):** What is the member's point of order?

**Mr Brad Hazzard:** I ask that the member be brought back to the leave of the bill. It does not help to make it personal; no-one else has.

**TEMPORARY SPEAKER (Mr Greg Piper):** I thank the Minister and ask the member for Port Stephens to return to her contribution.

**Ms KATE WASHINGTON:** In response to that, I only add that I am referring to a contribution made by a member of the Government on this particular bill.

**Mr Brad Hazzard:** Point of order: The member is now disregarding your ruling. The member should stick to the bill. Every other member who has spoken tonight has spoken on the bill.

**TEMPORARY SPEAKER (Mr Greg Piper):** I have heard the point of order. I will again ask the member for Port Stephens to return to the leave of the bill. However, it is not clear that she was departing from the leave of the bill. The member will continue.

**Ms KATE WASHINGTON:** Today I acknowledge those women who experienced trauma and who were brave enough to come forward as part of the Furness inquiry to share their most private experiences. They have ensured through that process that recommendations were made, which has led to debate in the House today and which will hopefully create changes to prevent other women from experiencing similar trauma. The amendments to the Health Practitioner Regulation National Law will require health professional councils to notify suspensions and cancellation of decisions, and allow councils to notify employers when a registered health practitioner fails to comply with conditions on their registration, alongside other recommendations made by Ms Gail Furness. Hopefully the changes in the bill will protect other patients, particularly women, from suffering harm whilst undertaking health procedures. I would add that the people who will benefit primarily from the changes are women—mostly young women undertake cosmetic procedures.

Women's gynaecological and obstetric services are often complex, complicated and intensely private, and they are often the subject of medical health issues and complaints. I would like to think that these changes may start to redress an imbalance in the health system that has seen too many women's concerns about their health treatment and their health issues not taken seriously and ignored for too long. Women's health issues matter and women's voices matter. It should not take years and years for complaints and concerns that are raised by women to be taken seriously and for action to be taken. I thank my fellow colleagues from the Committee on the Health Care Complaints Commission. I am grateful for the work that they and the parliamentary staff have done to produce the report and the recommendations in light of the inquiry. I urge anyone who undertakes any health procedures to understand the qualifications of any health practitioner from whom they seek treatment. I thank the health Minister and his team for bringing the bill to the House today. I commend the bill to the House.

**Ms SOPHIE COTSIS (Canterbury) (19:06:44):** I make a very brief contribution to the Health Legislation (Miscellaneous Amendments) Bill 2020. I was not going to contribute to debate on the bill, but it is very important and I want to add my voice. I acknowledge my colleagues from the Committee on the Health Care Complaints Commission. I acknowledge my colleagues who raised the issue and who contributed to debate on the bill. I thank the health Minister, his team and departmental officials. I will raise a couple of points while the Minister is here. It is very important to look at increasing the number of resources both in terms of complaints, but also looking at bilingual speakers in particular. I represent a very multicultural community. Many women, particularly older women, have tried to navigate the health system but, unfortunately, with very limited English that has sometimes caused terrible outcomes.

Coming from a multicultural background, I know that gynaecological issues in particular are very sensitive matters. That is a very difficult area for a lot of women from culturally and linguistically diverse [CALD] communities, as I have raised in this place often along with my own experience with breast cancer. We need to try to encourage more women from multicultural backgrounds to have their screening, particularly when it comes to gynaecological cancers. I have spoken with a number of women in my electorate who, because of the difficulties with language and being unable to understand the key issues, have gone through the system and have had terrible outcomes. I put that on record for the Minister to look at that.

**Mr Brad Hazzard:** And cultural reservation as well.

**Ms SOPHIE COTSIS:** Yes. The children of migrants who go to the doctor—many daughters and sons do this every day—have to explain those issues to their mothers and that is a very difficult area. Mistakes can be made and a lot of the time it is because of language barriers. I raise that for the health Minister. This very important bill makes amendments to the Health Care Complaints Act, as has been ventilated by my colleagues in this place. NSW Health issued its media release on 7 February 2019, on the day when NSW Health also released the report of the independent review conducted by Ms Gail Furness, SC, into the appointments and management of complaints by local area health districts about Dr Emil Gayed. The 50 women who referred him to the Health Care Complaints Commission are very brave, and many more women have been affected. It took a very long time, but I commend the Minister for bringing these very important amendments. I did have a speech, but I put on record that, particularly for women from CALD and Indigenous communities, we must ensure that there is adequate support and resourcing. I commend the bill to the House.

**Mr BRAD HAZZARD (Wakehurst—Minister for Health and Medical Research) (19:11:22):** In reply: I thank all of the members of from both sides of the House who contributed to debate on the Health Legislation (Miscellaneous Amendments) Bill 2020. I put on record my thanks to the member for Keira, the member for Myall Lakes, the member for Wagga Wagga, the member for Coffs Harbour, the member for Port Macquarie, the member for Charlestown, the member for Prospect, the member for Port Stephens and the member for Canterbury. Each of their contributions was very substantive and well thought through. I appreciate the fact that a bill that, on the face of it, may seem to be another miscellaneous amendment bill has received much consideration from the various members who contributed to debate this afternoon. All the members showed a degree of passion and concern for the issues that the bill seeks to address.

The bill is part of the Government's regular review of legislation to ensure that health legislation remains up to date and relevant. But as we have heard, the bill implements recommendations from two particular sources. The first source is the 2018 *Review of processes undertaken by the Medical Council of New South Wales pursuant to Part 8 of the Health Practitioner Regulation National Law (NSW) with respect to Dr Emil Gayed*, which was conducted by Gail Furness, SC. The second source arose out of recommendations that came to NSW Health from the 2018 report on the inquiry into cosmetic health service complaints in New South Wales, conducted by the Committee on the Health Care Complaints Commission. As members have canvassed, and as I indicated in my second reading speech, the bill implements recommendations from both of those reviews by amending the Health Practitioner Regulation National Law (NSW), the Health Care Complaints Act 1993, the Private Health Facilities Act 2007 and the Public Health Act 2010.

It is fair to say that all members who have spoken on this bill are of the consensus view that these changes will strengthen the regulation of health practitioners and health organisations, with the very clear purpose of adding to the protection that is offered to the public. I thank Gail Furness, SC, for her work on the very complex issues relating to Dr Emil Gayed. Whilst I might have taken a brief moment of objection to the member for Port Stephens' diversion into other matters I actually totally agree with her and the other colleagues who have contributed to the debate that what Dr Emil Gayed did was quite horrific and did so much damage to women, both young and old. It was just horrific.

It is with great thanks to Gail Furness that we are able to progress with these improvements now to try to keep people safe. As health Minister, when I deal with people like Dr Emil Gayed and the consequences it is quite devastating when you realise what it does to members of the community and in this case particularly to women. I also thank the parliamentary committee because the work it did in that inquiry into cosmetic health issues was really first class. The committee did a great job. I have noted that one of the shadow Ministers for health, Kate Washington, was on that committee. I thank her and her colleagues for their work on that committee.

The bill also implements recommendations from the statutory review into sections of the Human Tissue Act 1983, which will assist in ensuring the appropriate regulation of human tissue and improving the processes for organ donation. The bill makes a range of other amendments to support the continued operation of health legislation, a lot of which have been mentioned in the debate. The amendments in the bill are important changes that will assist in improving the regulation of health practitioners and health service organisations. They will better protect public health and ensure the legislation in the Health portfolio remains up to date and relevant.

I pick up on a comment from the member for Port Stephens, Kate Washington, and the member for Canterbury with regard to the Health Care Complaints Commission [HCCC]. It is fair to say we are all very grateful for the work the HCCC does. There have been some challenges in the past about the increasing number of complaints—not that that is a challenge; that is a positive because people feel confident to be able to make those complaints—in terms of the resources and being able to respond to the numbers of complaints. Certainly the Government has increased the resources for the HCCC. The last report that came out indicated the HCCC had more complaints, but was dealing with far more as well. I can only say to the member and to others that if I am advised by the HCCC that it needs more resources, of course I do what any Minister should do and that is go to

Treasury and ask for more money—which always pleases Treasury! At this stage that does not appear to be necessary, but I take on board the comments and will certainly be on high alert about that.

The member for Port Stephens also raised the use of the word "surgeon". She put it fairly strongly about a group who thinks the Government has not achieved what it wanted to achieve. One of the joys of being in government is there are always groups who think that. Hopefully there are a lot of others who think the Government is doing the right thing. I know that the use of the word "surgeon" is very challenging and problematic. In the first instance I say to the member that all of the other health Ministers around the country, Labor and Liberal, think it would be best if we could come up with a national approach to that. That is what we have been struggling with. But of course right now, as a result of COVID, some of those COAG meetings have turned into, "Let's focus primarily on COVID-19," so the issue has not been as progressed as we all would have liked. There were complexities about it too, as I recollect, because there is a range of other groups such as dental surgeons and veterinary surgeons that people had not thought about. How do you start limiting it? Those are some of the challenges that people are looking at and will look at again, I am sure, as soon as we can get through COVID-19.

With that I again thank all the members who contributed to the debate. I thought every member contributed very substantively to the debate. I particularly thank Gemma Broderick from NSW Health, who is present in the Speaker's gallery. She is one of our senior legal officers who is not only a genius when it comes to drafting orders for COVID-19 but has also done all the work on this. I also thank my deputy chief of staff, Ed Clapin, who is also present in the Speaker's gallery tonight, for all the work he has done working with Health, and with Gemma Broderick and her team on this. Finally I thank Abbie Chugg, who assists me whenever these matters come before the House. With that I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

**Mr BRAD HAZZARD:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Private Members' Statements*

### **COVID-19 AND STATE ECONOMY**

**Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces) (19:21:45):** Many in this place will know of Dick Smith, AC, a famous Pittwater constituent I am proud to represent in this place. Dick has developed a well-articulated critique of a prevailing economic orthodoxy that population growth generates national prosperity, an orthodoxy well summarised by the former British Prime Minister whose name is eponymous with that of my community, William Pitt the Younger, who once opined, "A man could enrich his country by producing a number of children, even if the whole family were paupers." Indeed the story of our nation's modern growth and development has been linked inextricably to the expansion of our population. The postwar economic boom was fuelled by the postwar immigration boom. More recently it was population growth through immigration that helped Australia steer successfully through the GFC and beyond.

The link between prosperity and population has long been controversial, split between cornucopian conceptions of endless growth and Malthusian predictions of resource constraints. Such debates led Robert McNamara, erstwhile president of the World Bank, to declare that population is "the most delicate and difficult issue of our era ... overlaid with emotion. It is controversial. It is subtle. Above all, it is immeasurably complex." But for Australia the debate has moved from theory to reality. COVID-19 has closed our borders to the immigration that has traditionally fuelled the economic growth machine. In New South Wales alone our population projections have been radically redrawn. By 2041 we are now projecting a State population some hundreds of thousands less than we were anticipating just a year ago, opening up a decadal difference in the population we were expecting and the population we will have.

According to traditional economics this means our economic growth will be irrevocably affected—that as population growth slows so too will production, capital accumulation, employment, incomes and savings. Therefore we have no choice but to change the way we think about economic growth and change. We cannot any longer simply rely on immigration as the feedstock for economic development. We have to first recognise and then utilise other tools to power our economy. In the absence of strong population growth to boost the number of workers and consumers in our economy we instead need to provide existing workers and consumers with more opportunities to increase their productivity and more confidence to invest and innovate.

In my view, the ideal way to boost productivity is through education. The best way to provide more opportunities for investment and innovation is through new technology. Both of these tools are best forged in our great colleges and universities. Here is the irony: Just as population growth has relied on importing migrants, tertiary education has relied on importing students. Immigration and education have been two of the terrible economic casualties of the pandemic. The challenge that has generated our economic predicament by disrupting the prevailing model of growth has also presented us with the solution to the problem. Rather than focusing the strategic gaze of our great universities offshore, we need them to look at home first.

In one sense this should be self-evident—that our universities and colleges should exist in order to support the needs of the Australian community. It is sad that Federal funding decisions have forced our public universities to reorientate their business model to serve the needs of foreign students rather than those at home. The pandemic provides the opportunity for us to use our universities smarter—to boost the productivity and opportunity of our community to produce a long-lasting economic benefit, rather than to prop up a fundamentally unsustainable business model over the short term. Along with education and technology, the other levers to promote economic growth in the absence of strong population growth are tax reform and regulatory reform. Lower, more efficient taxes can drive confidence and investment to boost productivity, as can regulatory reform to make it easier to invest and to increase workplace flexibility.

These are the levers we have to promote a stronger, thriving economy in the absence of enhanced population growth through immigration. These are the tools we must use to face the reality of a pandemic-induced slowdown. Just as a patient needs to change their diet after a health scare, so do we need to change our economic prescription in light of COVID-19. Rather than a lazy economic approach of promoting productivity by getting bigger, we need to promote productivity by getting fitter. Now that the "big Australia" proposed by Kevin Rudd is a faded dream, we need a "fit Australia" to ensure that we recover from this shock and are match-ready for the next round.

#### TRIBUTE TO RICHARD FIELDS

**Mr DAVID HARRIS (Wyong) (19:26:43):** Tonight I speak about the loss of a mate and a great surf lifesaver. Richard Fields was a life member of the Soldiers Beach Surf Life Saving Club. He got his bronze medallion in 1967 and throughout his long career with surf lifesaving he served in almost every position in our club, including club president and patrol captain. He also held a massive number of awards, some of which I will talk about shortly. Richard was the ultimate volunteer—someone who could always be relied on. He volunteered virtually every weekend at the beach. When I asked club president Jim Buckton how many hours Richard averaged per season, he replied that Richard committed 400 hours every season. Most of us get an award for doing 99 hours on the beach, attending every patrol. Every season Richard did four times more than everyone else. He was there on Saturdays, Sundays and public holidays. He was there to train the young people and to teach them first aid. He was there with a good story—sometimes true, sometimes not true. Richard certainly was a character in our surf club community.

I have list of the awards he received. There are far too many to read out so I will just mention a few. Richard received his 10 year and his 15 year National Patrol Service Award. They were behind—he got his bronze medallion in 1967 so he obviously served longer than that. Richard's career was as a paramedic so he had a medical background. He was proficient in resuscitation. However, some things about him surprised me. He had a helicopter crewperson certificate, an inflatable rescue boat crew certificate, a pain management certificate and a radio operator certificate. He had a silver medallion aquatic rescue, silver medallion inflatable rescue boat driver, and spinal management. He was an assessor for the bronze medallion, an assessor for inflatable rescue boats and a training officer for inflatable rescue boats. He had awards around using all-terrain vehicles and a Certificate II in Public Safety (Aquatic Rescue). He also had a silver medallion life support, a silver medallion patrol captain and assessor advanced resuscitation. He was an examiner for radio and a training officer for a whole range of things. The list goes on.

Richard will obviously be missed by our club given the amount of time he spent at the beach, but he will also be missed because he was a character around the place. Richard passed away from complications after an operation to address his bowel cancer. The weekend before the season was about to start Richard was at club president Shane Walker's house giving him a hard time. He told him that the patrols were not ready. He said, "We need to do this. We need to get this sorted out." That was Richard. He was all about public safety. He was all about ensuring that every visitor to our beach was safe and that we always maintained high-level patrols.

Richard was also well-known in the Central Coast branch. He held a lot of positions at branch level. When I was the president of the Soldiers Beach Surf Life Saving Club he was my deputy, and he took over as club president for a short while when I returned as member of Parliament. Richard could be polarising. Some people did not necessarily like his humour or the way he dealt with people, but he was always straightforward. You knew that he had the club at heart. He always put forward ideas to improve our rescue operations at Soldiers Beach.

This season everyone will miss him at the club. They are already saying, "Richard used to do that. Richard used to open up. Richard used to have this set up." He will never appreciate just how much he will be missed. In the coming weeks we will be having a special memorial to give our thanks for Richard's dedication to surf lifesaving.

### **COFFS HARBOUR JETTY FORESHORE PRECINCT**

**Mr GURMESH SINGH (Coffs Harbour) (19:31:47):** When people think of Coffs Harbour they might think of the Big Banana, the Solitary Island Lighthouse or our jetty. Before the jetty was built, the timber industry would float timber down the creeks and using a series of ropes and pulleys the timber would be winched on to the different boats in the harbour. That was obviously a slow and dangerous process. In 1890, with safety and efficiency in mind, it was decided to build a jetty. It was originally designed to be 500 metres long and cost 12,500 pounds.

In 1892 the jetty was officially opened. On the opening day there were speeches, the Coramba Brass Band played music and the people enjoyed a ball. On its western end—where the jetty met land—there were open calf and sheep pens and a cottage. A single railway line was laid along the jetty and cranes were installed to lift the timber onto the boats. By 1984, after almost 100 years of operation, commercial activity ended and the cranes were removed. Shortly after it was closed \$3.8 million was spent to conserve the jetty and it was reopened to the public in 1997. The jetty has had a long and important history in Coffs Harbour.

Earlier this month I joined the member for Oxley and Minister for Water Property and Housing to announce \$20 million to rejuvenate the precinct. Of that amount, \$5 million will go to the design and implementation of public domain works, including pedestrian links between the north and south of the precinct, and \$15 million will go to the design and completion of civil works. Aged essential infrastructure like water, sewerage, power, gas and, importantly, telecommunication facilities will be replaced. A committee of 12 community members was also announced that day. Those 12 community members come from varied backgrounds and have varied opinions about what could happen on the site. The committee will work with the Government to refine and finalise concept plans in order to deliver a thriving new precinct.

The Government is committed to keeping the community at the heart of this project through broad and inclusive consultation. The formation of this committee is another example of our resolve to empower the local community to help shape the future of the Jetty Foreshores. It is important to get the balance right and ensure the final plan delivers on the community's expectations. But it must also be feasible and able to be implemented to create a thriving waterfront precinct for locals and visitors alike. A key element of the draft concept plan is balancing the precinct's commercial and public uses to ensure a vibrant area and rejuvenated facilities and to ensure continued public access. That allows for additional proceeds to be reinvested into the public spaces such as car parking.

The former deep sea fishing club site is one of the locations that has been identified within the plan as appropriate for scaled development and reinvestment by government back into the project. I must reiterate, the draft plans are just that—a draft. They attracted a lot of attention when they were released. There were aspects of the plan people liked and aspects they did not like and I agree with some of those criticisms. I am proud that our Government is listening to the people and will respond accordingly. This precinct is too important to our future in Coffs Harbour not to get it right. We need to improve opportunities on the coast and we need to create jobs, whether in restaurants, cafes or other tourism infrastructure. Our future relies on us as a community making good decisions at the Jetty Foreshores. I conclude by thanking Coffs Coast Heritage for the historical information contained at the beginning of this statement.

### **PORT MACQUARIE ELECTORATE PROJECTS**

**Mrs LESLIE WILLIAMS (Port Macquarie) (19:35:53):** In my electorate of Port Macquarie it is business as usual as the Liberal Party and The Nationals continue to deliver unprecedented funding to some outstanding projects that strengthen communities and boost local jobs and regional economies. As a government our focus and commitment continues to lead to record investments in education, health care, roads and bridges, maritime, transportation, the environment and local council assets that promote growth and prosperity for communities, especially on the mid North Coast. I recently attended the opening of the Charles Sturt University \$66 million stage 2A development of the Port Macquarie campus that will revolutionise the way education is delivered on a regional, State and national platform.

The completion of stage 2A will expand learning and teaching spaces and engineering and science labs. It will provide tiered lecture theatres plus an event space, a technology studio, a student gym and additional staff offices. I was proud to cut the ribbon on 8 October alongside Vice-Chancellor Heather Cavanagh, Professor Tracey Green, Tom Burton, Kate Wood-Foye, Rick Willmott and Brad Booth to mark this special occasion. The campus will expand significantly over some 6,300 square metres, boosting economic opportunity and quality

educational outcomes made possible by the Government's \$15 million contribution under the Growing Local Economies Fund. Further north in my electorate the community of Telegraph Point reaped the benefits of an injection of \$698,000 worth of pedestrian upgrades thanks to the Government's Stronger Country Communities Fund.

We all know a town is not a town without adequate footpath access to facilities and amenities, which is why this major investment is so imperative to the future development and safety of locals residing in Telegraph Point. The upgrades include additional pedestrian refuges and 800 metres worth of pathway from Mooney Street to Log Wharf Reserve and improvements to footpath access next to Rollands Plains Road. Telegraph Point has only recently become the first of three communities in the Port Macquarie-Hastings region to connect to a new reticulated pressure sewerage network. This \$29 million investment, of which the Government generously contributed \$6 million to council's three village scheme project, will provide an efficient, environmentally friendly waste disposal.

Telegraph Point is a small town of just over 600 residents. Whenever I visit I am always impressed by the passion and determination of the local community to improve services to ensure this tight-knit community remains prosperous and vibrant after being bypassed as a result of the Pacific Highway upgrades. I thank our dynamic Telegraph Point Community Association led by president Sue Pike, secretary Samantha Cutler, treasurer Gaylene Codd, Scott Manning and Therese Glen-Holmes for working collaboratively with all tiers of government to progress the development of Telegraph Point. One of the key drivers to the Port Macquarie electorate economy is tourism and, with so much to see and do on the mid North Coast, that is not surprising. Holidaymakers are literally flocking to our coastal communities to soak up what our beautiful region has to offer.

Forestry Corporation's planned new tourism precinct is just another attraction that will be a must-see on the lists of tourists who are eagerly anticipating a trip to Port Macquarie. The Government's Regional Growth Fund is providing a real shot in the arm to our local tourism sector, with \$2.1 million invested to provide a new nature-based tourism attraction including treetop adventure climbs, trail running, mountain bike riding, adventurethons, cultural burning seminars and pop-up cafes all positioned in the heart of the Cowarra State Forest. On 30 September I was pleased to join the Bunyah Local Aboriginal Land Council [LALC] and the Forestry Corporation of NSW at a cultural burn at the soon-to-be-delivered tourism precinct. As a former Minister for Aboriginal Affairs, I am always delighted to experience traditional Indigenous practices because, as locals know, Aboriginal people are literally experts in firestick farming, cultural burning or cool burning as effective methods to control bushfires.

The burn follows on from firefighter training provided by the Forestry Corporation for LALC members in July and will provide ongoing support for many cross-cultural fire training burns, with Coffs Harbour and District LALC teaming up with Bunyah and Biripi LALCs to implement cultural fire in the Cowarra State Forest. I say a special thank you to Elder Uncle Bill O'Brien, who welcomed us to country. I also thank CEO of Bunyah LALC Amos Donovan, senior manager for Forestry Corporation Kathy Lyon, the Forestry Corporation's Aboriginal Partnerships Team leader John Shipp and protection forester Mick Wilson, who have all been instrumental in raising awareness about the importance of traditional burning practices in the contemporary management of forests.

These projects alone, which total over \$23 million in funded commitments, are but a small glimpse of what can be achieved with a strong and unified government. I refer again to my inaugural speech in 2011 when I made a commitment to my community that they had "... my word that I will continue to work hard, fighting for the best possible outcomes for the people in my electorate, who have given me the honour and the privilege to serve each and every one of them as the member for Port Macquarie." I can assure them that my commitment to them is as strong as ever. I look forward to continuing to work alongside them as we deliver a strong Liberal-Nationals Government.

#### **MAITLAND ELECTORATE INFRASTRUCTURE**

**Ms JENNY AITCHISON (Maitland) (19:41:08):** This week in Maitland a \$10.5 million regional athletics centre opened with an International Amateur Athletic Federation certified synthetic track, an amenities building and spectator seating for 600 people. The facility was funded in partnership with Maitland City Council and the State Government and will enable us to host regional- and State-level athletic meets. It is a really important investment in our community that sits alongside the redeveloped No. 1 Sportsground, which recently underwent an \$8.6 million redevelopment of its grandstand. The Riverlink building is a \$10 million award-winning facility at Maitland Levee right in the middle of our city. We have had more car parking built to address the needs of that facility and there has been a huge investment by the State Government into the CBD of Maitland. It has been much needed but really delayed. A lot of these investments were promised in 2013.

We need significant upgrades to the public transport system. Maitland is the home electorate of the State's longest serving transport Minister, the Hon. Milton Morris. He invested so much into transport in this State. We must honour his legacy for Maitland with proper upgrades to transport and roads infrastructure around our community that will enable people to get to the attractions that this Government has invested in. If the Government does not consider the transport implications of the State's significant projects, their value will not be appreciated. It is no good saying "Build it and they will come" if there is not a road or bridge to get there. I am sure Milton Morris would be disturbed if he saw the state of some of the roads in my electorate such as Raymond Terrace Road and the New England Highway. I pity any visitor to our city who finds themselves stuck in the queue at the Maitland station roundabout. People say, "Oh, it's just peak hour."

I was there on a Saturday during school holidays when it should not have been busy at all, yet I was one kilometre back from the roundabout. Once we start to use these very significant sports facilities on a weekend in the middle of the Maitland CBD it will make a big difference. We also have to look at the Maitland Hospital, also on the Raymond Terrace Road side of the community. That will be significantly impacted by the development of the new hospital. Again, the Government needs to do more. Maitland is the fastest growing city outside Sydney. It has had a growth rate of 25 per cent since the 2006 Bureau of Statistics census. This problem is not new. In 2008 our then mayor, Peter Blackmore, OAM, said:

Our traffic is pretty bad, but when you look at our projected growth figures it is going to get a lot worse.

Prophetic words indeed. That is something we often see under this Government. The largest suburb, Thornton, is growing. When the former member for Maitland, Robyn Parker, was elected we said the Government would not finish the railway bridge, and it has not done so. It has not completed the \$51 million project that council asked it to deliver. The Government is not investing in a community that is taking the brunt of the housing affordability crisis in the Hunter. I was speaking to someone the other day about house prices in Newcastle.

Maitland is providing alternative, high-quality accommodation at a reasonable price for people in our community. People are coming to Maitland in droves but the Government must provide the necessary infrastructure. We currently have 86,000 residents and are well on the way to 90,000. We will be at 130,000 before we know it. When we consider the expenditure being poured into Sydney's road networks, it is appalling that Maitland and I have to fight tooth and nail every day to fix the disaster created by the Government with the halfway rail bridge over our railway station.

## MANILLA

### **Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (19:46:05):**

As you drive along one of the oldest and most picturesque touring routes in New South Wales, the Fossickers Way, you arrive at the junction of the Manilla and Namoi rivers and the "Town Where People Matter", Manilla. For generations, this place by the rivers was the camping grounds of the local Kamilaroi people and it is only apt that the word "Manilla" in Kamilaroi language means "hunting ground winding river". The two rivers that wind through the district and meet at Manilla play a central role in what Manilla is. They are a source of life, water, food and recreation. Heading to Manilla, a playground for fishing, boating and camping awaits those looking to escape the hustle and bustle of city life and searching for new frontiers in regional New South Wales.

Head to the beautiful Warrabah National Park, where the pools and rapids provide an abundance of swimming, canoeing, bushwalking and fishing opportunities. If you are lucky you may even catch a glimpse of an elusive platypus as it frolics in the waters. If wide-open waterways are more your style, then head to Split Rock Dam or Lake Keepit State Park for water sports. As you drive over the crest to Lake Keepit you will be greeted by an expanse of water that is a water lovers' paradise—boating, sailing, jet skiing, fishing and any other water activity you could imagine, right there close to your camp. Manilla has grown from the historic bullocky stop along the way to outlying cattle stations of a bygone era to a regional town where cosmopolitan coffee shops mix with history and local pride. Call in for a coffee at Molly May's, a bacon-and-egg roll from Warm Discussions Cafe, pick up a unique gift from Burrell's Bazaar or treat yourself to a pie at the Manilla Bakery.

Rarely will a day pass when you will not wander down the main street of Manilla and see locals relaxing in the sun reading the local *Manilla Express*, a regional independent newspaper that is doing the town proud, or browsing the antique shops for a rare find. Stroll along the river's edge, enjoy the Manilla bridge-to-bridge walk and admire the impressive Manilla railway viaduct—an iconic piece of Australian railway heritage that runs right through town and stands as a reminder of the time when rail was essential to our country way of life, delivering essential items, food and news from afar. If history of days gone by is what you crave, then there is an abundance of local history to be found in Manilla. The Manilla Heritage Museum, which incorporates the Manilla Community Collection and rural museum, holds a fantastic collection of family and district histories and stories. History buffs like well-known local Jim Maxwell have been collecting stories, documents, artefacts and memorabilia for many years. The collection is now acknowledged as a significant archive of Australian rural community history.

Another major highlight of Manilla is the open blue sky. For paragliders from around the world, Manilla is the place to be. The world-famous Mount Borah is home to one of the best paragliding launch sites in the world and a place of world record flights and annual free-flight events. At Manilla each year they pit their skills with inland thermals and Mother Nature. I know many a local who enjoys nothing more than sitting out on the verandah sipping a cold one watching to see how far those brave pilots will go. Such is the value of paragliding to Manilla's economy and tourism industry that during the worst drought in living memory the continued influx of paragliding enthusiasts to the town ensured Manilla continued to reap the financial benefits. Owners of the Royal Hotel, my good mates Tom and Vicki Cocking, even named a burger "The Godfrey" after paragliding world record holder and instructor Godfrey Wenness from the Manilla Paragliding School.

Not only do the rivers run deep through Manilla; so does sport. The Lake Keepit Soaring Club enjoys the wide-open skies of Manilla. The Lake Keepit Sailing Club sets sail across the inland harbour that is Lake Keepit. There is tennis, netball, swimming and horseriding to satisfy the most active among us. The Manilla Bowling Club is a great place to meet old friends or make some new ones. The sand greens of the Manilla Golf Course will test even Tiger Woods' putting prowess. Speaking of tigers, what about the mighty Manilla Tigers rugby league team? The courageous Tigers carried the weight of the whole community on their shoulders when they faced their rivals at Tamworth's Jack Woolaston Oval—and they got the chocolates. Decked out in colours from shopfronts to the local schools, it was a great reason to cheer them on. If you are thinking of heading out to explore the regions, then do yourself a favour and head on down to Fossickers Way, pick yourself up some supplies, drop a coin in the tin, help Manilla's economy and check out what I believe is a great town in the Tamworth electorate, Manilla. I look forward to welcoming you there soon.

### **HAMBLEDON ROAD, SCHOFIELDS**

**Mr KEVIN CONOLLY (Riverstone) (19:51:39):** The project to transform Hambledon Road from a two-lane rural road in Schofields into a major four-lane sub-arterial thoroughfare has been delivered this year. The start of construction on the \$33 million upgrade of Hambledon Road between Stanhope Parkway and Schofields Road was announced by the New South Wales Government and Blacktown City Council in April 2018. The project was completed under a partnership between the council and the Government, with the Government's Housing Acceleration Fund providing \$27 million of the \$33 million required for the upgrade, and the council contributing the \$6 million remainder and managing the delivery of the project.

The State funding was part of a total \$58.5 million package allocated to council, which would upgrade not only Hambledon Road but also Boundary Road, Schofields, and McCulloch Street, Riverstone. The reconstruction and widening of Hambledon Road to a high-capacity urban road was essential to improving access within the Alex Avenue precinct to Schofields railway station, Schofields Road and local schools, and for mitigating the impact of local flooding. In 2018 I welcomed then planning Minister Anthony Roberts on a visit to the Hambledon Road site to announce the project. I thank him for his role in securing the funds needed for the project, which has now been delivered.

The road is now a far cry from the narrow, worn-out country road with hills and dips, which was prone to localised flooding in wet conditions. It now provides a smooth, safe connection between Quakers Hill to the south and Tallawong to the north and good access for the residents of Schofields and The Ponds, through which it passes. It is a key route for accessing local schools, shops and railway stations, or for commuters to use to gain access to the main road network. I know many locals will be relieved to be able to use the footpaths and cross safely at the new intersection at Riverbank Drive. It is fair to say that the situation was trying and involved a good deal of inconvenience while the work was being carried out. No doubt there is some relief that the construction stage is over.

I note one challenge that emerged during the delivery phase was the impact the road network design had on residents in a small housing development known as the Half Moon Estate, whose access was designated on the plans as "left in, left out" only at Wheeo Street. The residents were naturally concerned about the constrained access that this provided to local facilities. They petitioned both council and me, arguing for better access. I am pleased that council was able to revise the initial plan to adopt a compromise solution that I proposed that created an opportunity for residents of the area to turn left from Shuttle Parade and then use a right turn bay at Wheeo Street to cross the new Hambledon Road, giving more direct access to the part of Schofields on the other side of the new sub-arterial road. I thank the residents who brought the issue to my attention in time for me to be able to win support for this alternative solution.

The Housing Acceleration Fund was established in 2012 and has seen billions of dollars set aside for projects to fund infrastructure in growth areas of the State—such as roads, water, sewerage and electricity assets—to accelerate housing supply. The other big investment from the Housing Acceleration Fund in the Alex Avenue precinct was the provision in 2014 of the First Ponds Creek wastewater carrier—that is, the sewerage line for the area—which unlocked the housing potential of the area. It is a matter of record that the former Labor Government



had rezoned the Alex Avenue precinct for urban development without having that basic service in place. Without the Housing Acceleration Fund, it would have taken until this year—2020—for Sydney to have delivered sewerage to the area.

The precinct planning for the adjoining Riverstone East precinct involves an extension of Hambledon Road further north via Oak Street to meet Clarke Street at its intersection with Guntawong Road. It is expected that this will be funded by the Government's Special Infrastructure Contribution fund. These sorts of projects, whether funded by the Housing Acceleration Fund or the Special Infrastructure Contribution fund, are all examples of the New South Wales Government supporting the urban development of the North West Growth Area with funding for dedicated infrastructure. This is something that was not happening under the previous Labor Government; precincts were rezoned without sewerage and without the capacity for them to really develop. I am proud to be part of a Government that is rising to the challenge of providing infrastructure to support development and to allow people to move into precincts with amenities and a high quality of life.

### **BLACKHEATH ROAD TUNNEL**

**Ms TRISH DOYLE (Blue Mountains) (19:55:57):** Tonight I talk about an announcement that was made just this week by the New South Wales Government about a tunnel underneath the village of Blackheath. For the record, I make a few points about that announcement. The Blue Mountains is a string of small villages laid out along a highway running along a ridge line, with cliffs on either side. After crossing the river from the city, travellers begin the incline up from Lapstone, through Glenbrook and Blaxland and other lower mountains villages such as Warrimoo, Valley Heights, Springwood and Faulconbridge. Then as they keep driving up or travelling by train alongside the Great Western Highway, they will snake through Linden, Woodford, Hazelbrook, Lawson and Bullaburra. Then they are in the upper mountains, where before coming to Blackheath they will drive or travel by train through Wentworth Falls, Leura, Katoomba and Medlow Bath. Then they arrive in Blackheath. This is the point where they will supposedly, many years from now, enter a tunnel. Lucky for Blackheath, hey? We do not want trucks, congestion, tourists or infrastructure going through the village.

But what about the rest of the mountains? What about the people who live in all those other villages, or those who live on the other side of Blackheath, past the exits of the proposed tunnel? Are they meant to just cop the addition of 30-metre fixed-rig trucks and 25-metre B-doubles? This project will impact on tens of thousands of Blue Mountains residents who do not live in Blackheath. They have not been adequately consulted and have not had their questions answered by this Government. Other questions still have not been answered. It seems that the more the Government talks, the clearer it is that it does not have the answers or does not intend to provide them. One critical question that I would like answered is: Will there be ventilation stacks, and if so where? What will be their impact on the environment? When are these roads predicted to reach capacity? What sort of scar will the entrances and exits leave on our natural environment? Where is the business case for this project? And is there truth behind the whispers that parts of our World Heritage listed national park will be revoked to make way for a duplicated highway or for this tunnel?

I use this time to focus on some of the things that members of the Blue Mountains community have raised with me over many years. The strategic business case has always been elusive. How likely is this project to proceed without Federal funding? There is no mention of the project in the recent budget. I would like to know why Minister Toole has done a backflip with his support for a project that he once opposed. There is evidence in news reports that he opposed the project once upon a time, when he was in Opposition. What are we going to do about congestion in the villages either side of Blackheath? Presumably, two lanes through Medlow will feed into four lanes through a tunnel and then back into two through Mount Victoria. What about further acquisition of property in Mount Victoria?

When the State was on fire and people in my community were feeling incredibly stressed and were living in a state of high anxiety, many of them received letters saying that their homes were going to be compulsorily acquired and demolished to make way for a tunnel or a duplicated highway. Imagine living with that while in a state of high anxiety just before Christmas. It is time for this Government to start talking to everyone in the Blue Mountains and to start answering questions. We do not want wishy-washy responses. When we ask for a business case, we want it produced. When we ask if parts of our World Heritage listed national park will be revoked, we want a response that speaks to those fears. The Government should do my community the courtesy of being transparent, upfront and honest. We deserve nothing less.

### **TRIBUTE TO SUSAN RYAN, AO**

**Dr MARJORIE O'NEILL (Coogee) (20:01:09):** I speak on the life of the Hon. Susan Ryan, AO. Susan Ryan was many things to many people, but to me and many others in the electorate of Coogee she was an inspiration, a role model and someone that everyone should be proud to have known. Susan grew up in the eastern suburbs and attended Brigidine College in Randwick. Her last moments were spent doing one of the things she

loved most: swimming at Coogee Beach. In 1975 Susan Ryan was elected to the Australian Senate as one of the first two senators for the Australian Capital Territory. Susan ran on the slogan, "A woman's place is in the Senate"—a slogan that has proved truer and truer as each Federal election is held. She was a trailblazer for women all across Australia. With the election of the Hawke Government in 1983 she became the first female Labor Minister in the Australian Parliament, holding the portfolios of education, youth affairs and the status of women.

Through the latter of those ministerial portfolios, she was tasked with dismantling gender inequality in Australia. As Susan herself reflected in an interview in 2019, at the time she became the Minister for the Status of Women it was not unlawful to sack a woman for getting married or becoming pregnant, or simply just because she was a woman. Maternity leave was scarce. Women would struggle to get home loans. Higher education was seen as something for boys, not girls, and university attendance rates reflected that. To solve those issues, Susan introduced the Sex Discrimination Act to prohibit discrimination on the basis of gender, marital status or pregnancy and to protect women from sexual harassment. As a result, Susan was labelled "Australia's feminist dictator" and the bill was targeted countless times. Parts of Australian society said that the bill would destroy the family, the economy and even civilisation itself.

For nearly a year Susan and the bill were relentlessly attacked, until the bill passed in May 1984. But as we can see clearly today, the bill did none of the things its critics accused it of. What the bill did was protect and empower women across Australia. It was one of the legal foundations on which women's economic independence was built, and it has strengthened women's rights at work. That bill and the Affirmative Action (Equal Employment Opportunity for Women) Act 1986 form a significant part of the foundation on which subsequent and current fights for gender equality are built. In addition to fighting against gendered discrimination in the workplace and in personal finance, Susan Ryan worked to make education more accessible and attainable for all Australians. In her time as education Minister, retention rates improved in secondary schools, and participation increased in TAFE and universities across Australia. As former Prime Minister Paul Keating noted following Susan's passing:

One of her greatest achievements was lifting year 12 retention rates from three in 10 when she took office in 1983 to nine in 10 in 1996.

Susan Ryan left Parliament in 1984 and served in a number of roles in her post-parliamentary life, including as publishing editor for Penguin Australia. She headed the Association of Superannuation Funds of Australia, served as a Pro-Chancellor at the University of New South Wales and was the Deputy Chair of the Australian Republican Movement. In 1990 Susan was made an Officer of the Order of Australia for her services to the Australian Parliament. In 2011 Susan was appointed Australia's first Age Discrimination Commissioner in the Australian Human Rights Commission and also Disability Discrimination Commissioner from 2014 until both positions ended in 2016.

It was when she was the Age Discrimination Commissioner that I first worked with Susan as I was working on my PhD, which focused on older Australians and superannuation. Susan happily gave me her precious time and it is that generosity of spirit and deep commitment to social inclusion and social improvement that I will always remember. Regardless of the party, Susan Ryan paved the way for women in parliaments and ministries across Australia. Her contributions to Australia were numerous and significant and will be felt long into the future. Susan Ryan was a feminist, a human rights campaigner, a trailblazer, a strong Labor woman and one of the funniest and most compassionate women I have ever had the pleasure of meeting. My thoughts are with her loved ones during this difficult time. Susan will be sorely missed.

## CARDIAC HEALTH

**Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (20:05:57):** Cardiac health is an immensely important piece of our health network and is impactful on mortality. Well-known statistics on cardiac health are frankly horrifying: The survival rate is less than 9 per cent and every minute that passes since onset without intervention reduces survival chances by 10 per cent, with roughly 30,000 cardiac arrests occurring outside of hospital each year. The very nature of a heart attack means that there simply is not enough time for ambulance responses. Early intervention is needed. These early responses are critical and include CPR and, importantly, application of a defibrillator.

Increasing first responses to cardiac events is key to improving safety in our community. Thanks and congratulations need to be extended to the Michael Hughes Foundation for its advocacy and work in increasing access to automated external defibrillators [AEDs] in Sydney, New South Wales and even across Australia. The benefit and altruism of this task cannot be overstated. Its executive director, Julie Hughes, deserves a great deal of credit for doing her part to make Ryde, and Australia as a whole, a much safer and ultimately better place. It is people like her who drive progress and save lives. For those reasons, I have sought to assist the foundation in achieving its goals of a heart-safe community in Ryde. However, there are many elements to a heart-safe city.

The first is the physical presence of AEDs in the community. This is improved by private organisations purchasing available AEDs or by government funding for implementing and maintaining the devices. Secondly, there is the encouragement of bystanders and people in the community to become good Samaritans and be the first responders. The foundation refers to this as "giving a beat". Improving first response from the community arises from education and training, both of which are provided by the foundation. Finally, there is access to the AEDs and bringing it all together to make sure our community first responders have access to the equipment they need. The foundation is working to create a detailed map that is freely accessible to the public by digital platforms—further demonstrating that every aspect of life will be improved by digital integration.

The community also deserves praise for its uptake of AEDs. Our local shopping centres are installing AEDs for public use. Centres like Midway, which was opened by the Rocca family in 1960, is celebrating its sixtieth birthday this year. Its current manager, Ross Rocca, recently installed an AED for public use. Coxs Road Shopping Mall also has a publically available AED for the community in North Ryde. I thank Seb and Annette Lentini for their leadership of the centre and all the shops that assist with easy access to the AED. Coxs Road has been a centrepiece of North Ryde for a long time and continues to foster a strong local community, which is keenly keeping safety at the forefront.

In conjunction with the Michael Hughes Foundation, I went to my community seeking assistance in developing more knowledge of the locations of AEDs in our area and was reminded of the kindness, passion and actions of our community with immediate and in-depth responses. Our community has noted that there are not one but two AEDs situated within the grounds of Epping Boys High School and Marist College Eastwood. Top Ryde City has training for staff to know the location and use of their AED. Ryde Little Athletics is also well equipped, with its AED available at Dunbar Oval in Sobraon Road, and AEDs are available at St Anthony's Church in Marsfield and at Holy Spirit Church in North Ryde. I have also been informed that the AED situated in St Charles Borromeo Church, Ryde, was put to use just recently. AEDs are lifesavers and I am pleased to be able to work with Julie Hughes from the Michael Hughes Foundation to make Ryde a heart-safe place.

#### **SEVEN HILLS ELECTORATE AGED CARE**

**Mr MARK TAYLOR (Seven Hills) (20:10:15):** Tonight I speak about the many opportunities for seniors living in the Seven Hills electorate. First, I outline my thanks and appreciation to the incredible aged-care workers and nurses who have gone above and beyond in their service to Seven Hills electorate constituents during this pandemic. I also thank aged-care workers and nurses who assist locals within home care, and note their dedication to the seniors they serve. Winston Hills has three aged-care villages, one of which I was fortunate enough to assist in opening last year. Opal Winston Hills was established in 2019 and officially opened by me and Councillor Bill Tyrrell on behalf of City of Parramatta Lord Mayor Councillor Bob Dwyer. Opal Winston Hills has 95 beds and terrific facilities, which includes a specialist rehabilitation and wellness centre.

Surrounding the Opal site is The Willows Retirement Village set on five acres at Windsor Road. Many times throughout my time as the member for Seven Hills I have attended events and fought for local services for this great community. The village has a strong social committee that is active in the area and participates in volunteer work. I know the village is enjoying the recent renovations and Parramatta council's works at Ventura Road shops at Northmead, which are across the road from the community. I also acknowledge Woodberry Village at Lanhams Road, Winston Hills. Many seniors at this site are involved in volunteer work right across the local community. They enjoy the quiet suburban life of Winston Hills and the community-oriented nature of the village. I was happy to assist all three Winston Hills senior living villages with the return of the local Winston Hills bus route to the Winston Hills Mall when it was moved under the new timetable. After a successful campaign, we managed to regain the pick-up spot outside the shops and more public bus routes between the shops, the aged-care villages and the wider community.

The Constitution Hill Retirement Community at Northmead is a vibrant seniors' village. Whenever I visit this site it is always buzzing with activity and community spirit. I know that the seniors love having their own movie theatre, bar and bowling green in the centre of the village. There are well over 400 residences for seniors at the Constitution Hill Retirement Village, which was established in 2004. The village is well connected by bus to the Northmead shops, the T-way, Parramatta Westfield and Castle Towers. Westmead has two aged-care villages. One is located on Darcy Road, close to the Westmead Private Hospital. It is a small site called Westcourt Retirement Village and has a central community centre with activities for its residents.

There are two Uniting Mayflower villages in the Seven Hills electorate. These include the newly redeveloped \$150 million site next to Westmead Hospital, which caters for hundreds of local residents. There is also a suburban site at Pendle Hill on the corner of Binalong and Bogalara roads, opposite the Toongabbie Anglican Church. Over the years I have doorknocked the Mayflower Pendle Hill many times and am always pleased to hear of residents' engagement with the local community and many of the village happenings. I also acknowledge Melrose Village at Pendle Hill, which is managed by Winston Hills local Barbara Knox. Melrose is

a fantastic site set on three acres close to the Pendle Hill railway station. I have visited the site many times and was able to officially open its new activities building in the heart of the community.

Seven Hills Hardi Aged Care is located on Crews Road in Seven Hills. This site is also expanding to cater for locals who wish to spend their golden years close to where they have spent most of their lives in the local community. I also quickly acknowledge Kings Langley Adventist Care. It is currently constructing a large facility to cater for high-end care for seniors who have come from right across the whole of the Blacktown district. In conclusion, I thank the aged-care workers and the nurses for their support to Seven Hills electorate seniors throughout the pandemic. I recognise all the villages across the electorate, which provide outstanding care to the locals and a place to call home in the fantastic community of the Seven Hills electorate.

### COVID-19 AND AUBURN ELECTORATE

**Ms LYNDIA VOLTZ (Auburn) (20:17:49):** Tonight I talk about the plight of many of my local residents during the COVID-19 crisis. These are residents of Auburn who unfortunately are not in the electorate. There are hundreds if not thousands of them stuck overseas. One of my local residents visited his elderly father in India right at the beginning of the outbreak. When the Government asked for people to return there was a rush for planes. He tried to get on the plane in the first two weeks, but the prices had skyrocketed. I actually rang him, because I knew him, and said, "Maybe it's a good time to get home now."

Unfortunately he could not get on a plane, despite his idea that in a couple of weeks it would quieten down, there would be more plane availability and the prices would be cheaper. In fact, the exact opposite has happened. Because he was stuck there—away from his young children and his wife, who are still in Australia, and away from his business, which is in Australia—he then contracted COVID-19 and got very ill. He has since recovered, but despite the initial rush being over it is now harder and harder to get any flight out of India.

Another local resident had only flown to Lebanon for a week on a short visit. Fortunately she has actually been able to get home with her three children. They were only meant to be staying a week. But as Australia started to close down, her initial flight was cancelled, followed by more flights cancelling. She was given credit upon credit. Every time a new flight came up she was not put onto it. In the end she got onto a flight because she paid \$16,000 to get herself and her three children home. The reality is that airlines are prioritising those who will come up with the cash, rather than those who actually have the credits to get on their planes.

Another elderly woman from my electorate is stuck in Sri Lanka. She returned there for her sister's funeral and has found herself stuck there and unable to get home. However, it gets more complicated, because despite being stuck in Sri Lanka and despite being an Australian citizen the Australian Government cancelled her pension. It was only after the intervention of her daughter that her pension was restored to her; however, it was only at a rate of 70 per cent, without the rent subsidy. Her daughter—who only works one, possibly two days a week—is now paying the rent on her mother's flat to ensure that her house with all her property in it is still available to her when she comes home.

This is a story faced time and time again in my electorate. It is a dire situation for these people. We all know the story of the young child stuck in Vietnam with his grandparents while his parents are stuck here. These are not isolated stories; these are widespread stories. At the end of the day the Federal Government—at the urging of the State Government—must do more to get these people home by Christmas. These are Australian citizens and we need to get them back here. We often hear our leaders talk about this being like times of war and citizens being the "frontline troops" of the defence against COVID. However, following the First World War and Second World War in the last century—which was the last time that people in New South Wales and Australia faced the kind of restrictions that we do now—the Government put in a huge effort to return people.

Following the First World War, between 3 December 1918 and 22 December 1919 it managed to bring 135,000 troops back to Australia in 147 shipments. In fact, in just the months from 4 January to 15 March the 1st Division of the AIF managed to return 14,000 of the AIF troops—some 14,000 in three months. We still have 26,000 citizens stuck overseas some six months later. At the start of this pandemic the Government acted quickly to assist departures for those at the epicentre of COVID in Wuhan, China and in Japan. The reality is that India is letting in chartered flights, there is capacity to get people back home and the Federal Government has the space to put people in quarantine. It does not need to rely on the States; it has its own facilities. Let us do more. Let us get Australian citizens home for Christmas.

### COAL ASH DAMS

**Mr GREG PIPER (Lake Macquarie) (20:19:57):** Throughout New South Wales right now about 200 million tonnes of coal ash is being stored in unlined dams. It is by far the biggest waste product generated in Australia and is growing by 3.8 million tonnes a year. Lake Macquarie houses the State's biggest coal-fired power station at Eraring, which produces about 25 per cent of the State's power needs and more than a million tonnes of

coal ash each year. I note that the member for Swansea is in the Chamber tonight, too. In her electorate she has Vales Point and legacy ash also from the former Munmorah Power Station. At Eraring, the adjoining coal ash dam currently holds about 35 million tonnes of toxic ash and the operator recently won approval to expand it.

There is no question that coal ash is an enormous problem that has largely been ignored for decades, despite evidence that it is doing significant damage to human health and the environment. It would be very easy to point fingers at the current private operators of these power stations, but that would not be entirely fair. Origin Energy now owns Eraring, but only since 2013. For the 30 years prior it was owned and operated by the State Government. We have seen numerous State governments of all political stripes come and go during that time, but none have properly addressed the issue.

Only last week I appeared before the upper House inquiry into the cost of remediating these coal ash dams. The inquiry is being ably run by the Hon. Daniel Mookhey, and I very much appreciated the invitation to address it. The inquiry has received about 100 detailed submissions, mostly from community, health and environment groups, but also from the power generators and industry bodies. While we should allow that inquiry to form its own conclusions, we know that this is a serious problem and that coal ash should be treated as a reusable resource and not a waste product. That brings me to my main and very important point: Coal ash should be valued for its possible beneficial uses yet we allow it to stockpile in mindboggling amounts, adding to the environmental burden.

The Government ignored the coal ash legacy when it sold these power stations, meaning there is currently no plan to remediate these ash dams, no requirements on current owners to recycle the waste and no meaningful strategy to deal with them in the long term. As it stands, we will be leaving a 200 million tonne toxic legacy for future generations to deal with. That cannot be allowed to happen. Coal ash is already used in the manufacture of cement and cement products. It can also be used in things such as bitumen and road construction. Currently about 35 per cent of the coal ash Eraring generated is recycled. We need that to be 102 per cent, 105 per cent, 110 per cent or something in that order so we can start to reduce the 200 million tonnes we have stored in dams.

There are markets wanting to buy this resource. Some years ago Origin tested the re-use of coal ash in construction of its private haul road. The results have been excellent. Despite the high volume of coal trucks moving over it, the road has reportedly stood up better than similar roads using more traditional construction materials. Yet State agencies such as Roads and Maritime Services or Transport for NSW do not seem to want to engage with the power generators to discuss ways in which the State could use this coal ash in road construction around the State.

I have had more than half-a-dozen large companies approach me about getting access to the coal ash stored at Eraring and Vales Point so they can put it to a new and viable use, but they are left frustrated by the lack of interest from Government and, in some cases, from the power companies themselves. To his credit, environment Minister Matt Kean has shown interest in the matter and I know he is committed to finding a solution. I have also had discussions with the State and regional roads Ministers and they too are showing interest—I certainly thank him for that. I note that the upper House inquiry is due to report its findings next March, but I remain hopeful that the Government will continue to move on this issue sooner than that.

We must know what the long-term impacts of this legacy will be. We must have the Government play a leading role in cleaning up the mess that has been mostly created by its predecessors. We must require the coal-fired power generators to meet new benchmarks for coal ash recycling. We must get government agencies, such as Transport for NSW, engaged in ways that enable them to repurpose this coal ash in reconstruction. We must look at bond schemes or sinking funds so that we are not leaving local communities and future generations to manage the problem. Simply, we must act now because that toxic legacy grew by a third—10,000 tonnes yesterday and 10,000 tonnes today.

### **CURRARONG ROAD**

**Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government) (20:24:49):** The long-awaited upgrade of Currarong Road is set to commence shortly since \$3.6 million has been secured to fast-track road safety infrastructure projects across the Shoalhaven region. This upgrade is a hard-fought win for the community. For years I have campaigned with local people for this dangerous stretch of road to be upgraded. For the residents of Currarong this road represents the only way for the community to come in and out of town—one way in and one way out. The safety of their journey, particularly in times of bushfires, is incredibly important, as it is for the many visitors that Currarong attracts every year. The people of Currarong feel quite isolated during bushfires. Given its poor safety record, there is no doubt that Currarong Road is in need of an urgent upgrade.

Residents of Currarong deserve better. Currarong Road is a narrow, two-lane, undivided, undulating high-speed rural road. In September last year six people travelling in a car that rolled several times at Currarong

had a lucky escape. All the occupants of the Toyota Kluger survived the horrific accident. In October last year Elijah Skillen was seriously injured in a car crash on Currarong Road. The 17-year-old's injuries included broken collar bones, four broken ribs, a fractured skull, a fractured pelvis, a fractured hand, a collapsed lung and bleeding on the brain. These are not the only accidents that have taken place on this stretch of road. Every time I hear about an accident my heart sinks and my resolve to secure funds for the road is strengthened.

Earlier this year the speed limit was reduced from 100 kilometres per hour to 80 kilometres per hour to try to ensure that safer journeys would be possible until the upgrades take place. Prior to the last election, I secured over \$1.45 million to upgrade Currarong Road. However, the Shoalhaven City Council advised that additional funding is required to proceed with the works. I have now secured the required funding and want to see roadworks commence as soon as possible. I understand that regional councils have thousands of kilometres of roads to maintain and cannot always fund additional resources themselves. Now that the entire cost has been secured there is no reason for further delay.

On the eve of the last election I spoke with local residents and assured them that, if re-elected, I would lobby to ensure Currarong Road would benefit from increased roads funding as a priority. I am pleased to be now delivering on that promise. I made representations to the Minister following my meeting with the Currarong community at which they raised concerns regarding the safety of Currarong Road and have continued to raise this issue time and again. I am pleased to advise that planned work involves a widened centre line, shoulder widening and profile line marking along a 4.2-kilometre stretch of Currarong Road at Currarong, from about 200 metres north of Lighthouse Road to about 4.2 kilometres north along Currarong Road. The New South Wales Government has already issued the Shoalhaven City Council with a funding agreement so that work can begin as soon as possible.

This upgrading will create a safer road for all users while also boosting jobs and the local economy. Bringing forward the project will give the Shoalhaven community a real shot in the arm, with the region having experienced a triple whammy of bushfires, floods and COVID-19. Funding has been secured in a partnership between the State and Federal governments as part of the COVID-19 stimulus road safety program and work will be undertaken by the Shoalhaven City Council. I thank the Federal Coalition Government for its assistance by funding this project in conjunction with the New South Wales Government. I thank Premier Gladys Berejiklian, Treasurer Dominic Perrottet, the Minister for Transport and Roads, Andrew Constance, and the Minister for Regional Transport and Roads, Paul Toole, for working with me to secure funding for this much-needed road upgrade.

Above all I thank the residents of Currarong, particularly Currarong Community Association president Tony Lund, vice-president John Harrington, treasurer Anthony Becker, communications secretary Susie Smith, secretary Christine Sylva, and committee members Linette Hardcastle, David Frost, Max Withers, Mark North and Les Lawrenson, who have ensured this issue remains front of mind for many. I will continue to do all I can to ensure this upgrade starts as soon as possible and is completed as quickly as possible.

#### COVID-19 AND BARWON ELECTORATE

**Mr ROY BUTLER (Barwon) (20:28:56):** In many ways Barwon is a unique electorate. In regards to border closures, it is the only electorate directly affected by three border closures during the pandemic. My teams in Narrabri, Cobar and Broken Hill have fielded hundreds of inquiries each month regarding access to services, business, family and education interstate. Broken Hill is closer to Adelaide than it is to Sydney. Many medical services that are not available in Broken Hill and the Far West are provided in Adelaide. The anguish and anxiety felt by people living in the Far West increased every day that they were unable to access services as they normally would. We had the inconsistent application of border closures resulting in people being turned around by South Australian police at the border and medical staff coming from South Australia, who expected to run clinics in Broken Hill, being denied exemptions because of a misinterpretation of a health order.

Aside from medical issues, there were families with dying relatives who were unable to be at their bedside as they passed away. This situation was duplicated with people in the eastern side of Barwon who were unable to get to family members in Queensland. There was so much pain and so much mental stress. Family members were denied access to loved ones at times of need. In one example, the Queensland Deputy Premier and Minister for Health and Minister for Ambulance Services agreed to grant an exemption for medical treatment in Queensland to a person from the Narrabri area, but the private hospital providing the services refused to accept the patient.

We did have some success in getting Queensland boarding school students home for the holidays. For that I thank the members of Parliament who were involved, the New South Wales Council of the Isolated Children's Parents' Association and individual parents who helped to make that happen. There were about 44 families in Barwon who stood to be affected by that. Think for a moment what it would be like to be told you cannot see your child without complying with a two-week quarantine in the best season our farmers have seen in years. The border

closures exposed how reliant regional New South Wales communities are on interstate medical services. The system works in a fashion when there is free movement across borders. As soon as that was stopped people had to travel vast distances in New South Wales to get services. The arbitrary nature of the closures did not make a lot of sense. In towns that had never seen a case of the coronavirus, people from regional New South Wales had their interstate movements restricted.

I acknowledge the swift and nonpartisan response from the New South Wales Minister for Health and Medical Research, Brad Hazzard. Any time I contacted him with a Victorian border issue that was dire, he assisted immediately. In one case a farming father needed to get to Melbourne to see his son, who was gravely ill. He could not isolate in Victoria because of animal welfare issues on his property. A common sense quarantine arrangement was reached to allow the father to see his son and get back to his remote property to attend to his animals. The New South Wales Cross-Border Commissioner, James McTavish, and his team also worked tirelessly to advocate for the people from New South Wales. For that, I thank them.

The category of what constituted an "essential traveller" during the South Australian border closures changed frequently, creating frustration and angst in Far West communities. It also led to significant impacts for those working in the mining sector, and in accessing skilled staff who are drive-in drive-out or fly-in fly-out workers. Many people accessing medical specialties had their surgeries cancelled or postponed indefinitely when South Australia Health made a decision not to provide services to New South Wales in their hospital systems.

We also received a number of requests from constituents seeking exemptions to cross the border from Victoria into New South Wales for compassionate reasons. One case was particularly sad. A family member was seeking an exemption to see her father, who had a degenerative neurological disease. The exemption was not provided as the father, based on medical advice, was not expected to pass away within the next seven days. He passed away without being able to see his daughter. We then assisted with an exemption for the daughter to attend her father's funeral without the need to quarantine in a Sydney hotel. Similarly, a Barwon man was denied entry into Queensland to attend his sister's funeral. Upon reapplying he was granted entry but had to quarantine and avoid physical contact, such as hugging or consoling, with any of his Queensland family.

Following closure of the Victoria-New South Wales borders, interstate tourism also came to a grinding halt. This led to a major economic impact on Barwon communities that are still recovering from summer bushfires and drought. Luckily, tourism within New South Wales has kept Barwon businesses afloat. People in regional New South Wales have to deal with a lot. The border closures have resulted in the cruel and heartless treatment of people who do not deserve it. Our State leaders must do better.

### **ALBURY ELECTORATE INFRASTRUCTURE**

**Mr JUSTIN CLANCY (Albury) (20:33:23):** Last week I was at Corowa to announce a New South Wales Government grant of \$9.2 million for significant infrastructure upgrades and the installation of new technology at the Corowa Saleyards. Standing alongside Steve Grantham, the president of Corowa Associated Stock Agents, Justin Everett representing NSW Farmers, Mayor Pat Bourke, general manager of the Federation Council Adrian Butler, as well as the whole team of the Corowa Saleyards and council under a silver-grey sky with the wind whipping across the saleyards, it was a reminder of what this job is all about. It is a mighty project that is coming at just the right time for Corowa. It will help local businesses create new jobs, boost trade and attract investment. It is a project that I, along with the Federation Council, the Corowa Saleyards team and others, have been advocating for over quite some time.

I thank the Premier, the Deputy Premier and the Treasurer for their support of this project. It is a signpost of the way forward as we all look to establish lives and livelihoods following the restrictions and impacts of COVID-19. The funding will expand the Corowa Saleyards Precinct, improve facilities and animal welfare and give facilities the ability to teach young people practical skills. A new roof will be built over the existing facility to protect stock, staff and visitors from extreme weather conditions, while a new water catchment system, upgraded lighting system and solar power installation will help reduce costs. The project includes the construction of a new multipurpose learning centre that will provide young people with the opportunity to learn practical skills that will help them find a job in the agriculture sector. The expansion of the existing truck wash facility and the construction of a new commercial weigh station will provide convenience to sellers and traders visiting the facility.

Around 600,000 head of sheep pass through the Corowa Saleyards annually, generating average sales of more than \$81 million. The upgrades will allow even more stock and sellers to make use of the facility, boosting sales and revenue. One thing that I am particularly keen for is that the facility will continue to provide services, not just to southern New South Wales but to northern Victoria as well. The Corowa Saleyards has a proud history that spans more than 60 years, and has had significant market growth during the past decade despite a number of challenges like drought and COVID-19. The upgrades will enhance Corowa's reputation as a superior livestock

selling facility, futureproof it, and attract additional visitors and traders who will spend money in local stores and provide flow-on benefits for local businesses, tradies and suppliers.

The week before my visit to Corowa I was up in Walbundrie and was able to announce funding for improvements to the town's showgrounds. A few days later it was Holbrook's turn for an announcement. Walbundrie Showground will get just over \$164,000 to construct shelter sheds and shade sails, install solar power, and install electrical cabling to its shearing and poultry sheds. Holbrook Showground will get just over \$90,000 to construct portable cattle stalls, which will securely house up to 100 cattle during shows and ensure the safety of exhibitors and spectators. The funding under the New South Wales Government's COVID-19 stimulus program is a critical part of keeping those facilities functional and welcoming to their communities and visitors. That follows more than \$430,000 in upgrades funded last financial year under the stimulus program for showgrounds at Jerilderie, Albury, Holbrook, Corowa, Culcairn, Henty, Jingellic and Tumbarumba. I thank Minister Pavey again for her support of those projects.

Finally, I report on progress of a project that is very important to me—one that I took to the election—and that is improvements to female-friendly change rooms across our district underpinned by government funding of \$2 million. Nine projects have been selected: Melrose Park and Sarvaas Park in Albury, Urana Sports Ground, Holbrook Sporting Complex, Walbundrie Recreation Ground, Jindera Recreational Reserve, Brocklesby Recreation Reserve, Jerilderie Gym and Tumbarumba Showgrounds. Again, I was out Friday catching up with Kevin at the Urana Sports Ground and looking through their projects. The projects at Walbundrie and Tumbarumba are now complete, with Jerilderie and Jindera due for completion soon. When the program was announced, plans were already underway for an amenities block to be built at Tumbarumba Showgrounds. A grant of \$150,000 from the Government has enabled the addition of dedicated home and away female change rooms.

Those projects display real innovation in how government can assist regional and remote communities to thrive and to push through the COVID closures and slowdown. First and foremost, it is about listening to communities and understanding their needs. From major saleyards redevelopment and support for jobs and businesses to showground improvements and female-friendly change rooms, the Government is putting money behind initiatives that improve daily living and employment, and create opportunities for our regional communities.

## NATIONAL BASKETBALL LEAGUE

### MAT CAMPBELL

**Mr RYAN PARK (Keira) (20:38:17):** For the record, I say to the member for Albury that it is good that women's change room facilities are getting upgraded. It is something that is important in my community, too, and, in my view, we have let women down for a long time, particularly in sporting precincts. I offer my support to the Hawks—they were the Wollongong and Illawarra Hawks but they are the Hawks at the moment—and the Sydney Kings basketball teams in their bid to ensure New South Wales is the hub for the 2021 National Basketball League [NBL].

The member for Wollongong—his basketball knowledge is certainly a lot better than mine—and I have been advocating with the former general manager of the Hawks, Mat Campbell, to try and make this a reality. I will talk about Mat in a bit. Like the NBL commissioner, we strongly believe that New South Wales has all the attributes to successfully restart the season. If New South Wales were to be the hub then the Illawarra needs to be a part of that hub. With the season pushed back to early next year along with the COVID pandemic, we must put forward our State and our regions to the league. I understand that Victoria looks to be our biggest competitor, but I am calling on the NBL to see sense and come to New South Wales.

We know that in our region we have the facilities available at a number of locations that could be suitable for a number of teams. Not only do we have the four courts at the Snakepit, but I am also sure that the University of Wollongong would be keen to be involved and have its facilities utilised. It is a great opportunity for our region and we must take every step to secure it. We know that the Deputy Premier has also been very supportive of this and we hope to hear promising news in the near future. We know that we need to do everything we possibly can to ensure we are hosting major sporting events as they will drive our economy, provide local jobs and attract tourists as we emerge from COVID-19. I strongly advocate that the Illawarra be part of the New South Wales hub as we need the economic stimulation and job creation that events like the NBL bring. As someone who is vertically challenged, basketball is probably not my first choice of sport, but it is a growing sport.

**The ASSISTANT SPEAKER:** Welcome to my world.

**Mr RYAN PARK:** Yes. As my mum says, "Good things come in small packages". Here in New South Wales we have two basketball teams—the Kings and Hawks—both of which have strong support bases. The Hawks have been a foundation club of the league. We have ample accommodation, hospitality services, sports



medicine specialists and gyms, all of which could be utilised by the league. The NBL could use this opportunity to increase its market reach in New South Wales, and grow participation and membership in its sporting code. It is also an opportunity for the New South Wales Government to advocate strongly and do all it can to attract the NBL to our region in this hub arrangement. The Government must put in a strong bid and secure this for our State. If we are serious about economic recovery and creating jobs then the Government must not let this go to our friends in Victoria. We can do this here in New South Wales and the Illawarra region can be a part of this.

The former general manager of the Hawks, Mat Campbell, was a legend on the field and he is a fantastic guy off the field. On more than one occasion he has saved that basketball team and I have appreciated his contribution, insight and commitment to our region for a long time. He left the basketball arena for a while and was employed in the mining sector, but he came back to the game he loves. He recently retired as the general manager but will stay involved with the Hawks. I know that I speak on behalf of the member for Wollongong and the member for Shellharbour, and I am sure on behalf of the member for Heathcote and the member for Kiama, when I say that he has made an enormous contribution to the sporting fabric of our region. He continues to be a proud Illawarrior. He is a strong advocate for our region and for basketball. On behalf of the community that I am very fortunate to represent and on behalf of my family, I wish Mat, Renee and their family all the very best and thank them for their contribution to our region.

### ROSE BAY WATER QUALITY

**Ms GABRIELLE UPTON (Vaucluse) (20:43:17):** On Friday 2 October the New South Wales Government released the *Towards safer swimming: Rose Bay* report, which identified the cause of poor recreational water quality at Rose Bay Beach. We have a proud record of clean beaches in the Vaucluse electorate. They are so much better than they were a generation ago. We know that Rose Bay Beach takes longer to recover from stormwater pollution than coastal beaches because it has lower levels of tidal flushing to clean it. Rose Bay has had poor water quality at the beach and it has been a cause of considerable concern for local beachgoers, recreational swimmers and the broader Rose Bay and eastern suburbs community over the past few years. That is why in late 2017 I set up the Rose Bay Beach Working Group together with local residents, the Woollahra Municipal Council, Sydney Water, Maritime NSW and New South Wales Beachwatch from NSW Environment, Energy and Science to find solutions to improve the water quality at Rose Bay Beach.

I acknowledge the many achievements of the working group to date, including the increased beach cleaning frequency schedules, the replacement of the gross pollutant trap on Caledonian Road and the repair of the Ian Street weir following a \$100,000 government grant. These were significant steps, but this recently delivered report goes a long way towards achieving our goal as a community of improving the water quality at Rose Bay Beach. I am grateful that I was able to secure \$150,000 from the Government for this groundbreaking research, conducted by New South Wales Beachwatch and the ocean microbiology group at the University of Technology Sydney. The research team used state-of-the-art scientific techniques to measure the microbial contamination at Rose Bay Beach and in the Rose Bay stormwater network during both dry and wet weather periods. Their objective was to determine the extent and duration of microbial contamination in the water, whether such contamination came from human or other animal sewage and to locate where the contamination was coming from.

While all of Rose Bay's 38 stormwater outlets were assessed as potential sources of microbial pollutants, nine drain outlets at Rose Bay were selected for close contamination as part of the study. They drain the largest sub-catchments into Rose Bay, with the remaining 29 only draining from small catchments with very small volumes of run-off, primarily from roads and pathways. Ultimately, the report outlined that Rose Bay's water quality was impacted by sewage contamination following rainfall more than anything else. The sewage enters the bay through wet water overflows from the sewage pump station, as well as indirectly via the stormwater drainage network. Although the investigation could not specify what infrastructure needed repair, it did map out priority areas in the sewerage and stormwater system that require further investigation. These results will guide Woollahra Municipal Council and Sydney Water in their next steps to improve the recreational water quality at our beautiful and popular beach. Together with Woollahra Municipal Council Mayor Susan Wynne and the other key stakeholders of the Rose Bay Beach Working Group, we will make sure that those steps are taken.

This progress would not have been possible without the efforts of the Rose Bay Beach Working Group. I thank its members, including local residents David "Taffy" Thomas, Joe Tweg, Sarah Colquhoun, Andromeda and Sean Neale, Rose Bay Residents' Association vice-president Bruce Bland, OAM, Mark Heely, Ann Kirkjian, Maria Judd and Charlotte Evans—who coordinate local clean-up organisation Splash Without the Trash—as well as Susan Wynne, Councillor Lucinda Regan and Councillor Mary-Lou Jarvis. All of their passion and commitment to this very large and complex project has been key to all of the successes that we have had to date. This is a long-term project with complex solutions, but I believe that, considering the progress that we have made so far, we will continue to achieve more positive outcomes that benefit all beachgoers who visit Rose Bay Beach.

### WESTFIELD EASTGARDENS CAR PARKING

**Mr RON HOENIG (Heffron) (20:48:18):** I bring to the attention of the House the extremely poor and unlawful conduct of Westfield Eastgardens, as it gouges parking fees from residents in my electorate. Westfield Eastgardens has a development consent requiring three hours of free parking. In breach of that consent it decided unlawfully to reduce that to two hours, gouging parking fees from users. It was forced to restore the period to three hours, with an additional hour available via Westfield Plus app. I have received so many complaints from people who were parking within the free parking area at Westfield Eastgardens that I thought I would make sure that my constituents were being looked after. So I drove to Eastgardens and went through the electronic gate. When I drove back out, I came to the gate and it said that I had to pay \$5 to go through. I thought that this was outrageous, but I tapped my credit card regardless and left the car park. I then wrote to Westfield Eastgardens, which responded to me, writing:

Dear Ron, if you could please fill out and return the attached refund application form. Unfortunately, your number plate was misread by our system on your visit to the centre.

I put the response on my Facebook page and, lo and behold, many other people contacted me via social media to share their stories. So I returned to Westfield Eastgardens on 24 August to see whether or not the system had repaired itself. I drove up to the electronic gate to leave during the free period and again, would you believe it, I am charged \$5 to go through. This time I took a photograph of the sign and put it on my social media channels. Again I was inundated with people who said how embarrassed they were to drive up to the gate only to be told that they had to pay to leave. They should not have to pay, but they have kids in the car, so they just pay and go. Nobody is going to complete a detailed, lengthy foolscap form to get \$5 back.

Last Friday I went back and, would you believe it, as I attempt to leave within the free period I have to pay \$5 to leave the car park again. I take another photograph and I ring the car park attendant. I say to him, "Again you are unlawfully and improperly taking \$5 from me." He said that they had misread my numberplate and I would have to fill out a form. I said, "Why can't you credit my credit card?" He said, "No, that is the procedure." This is a major multinational company that, in the space of about five weeks, says it has misread my numberplate three times and wants to take money from me. It has more than 3,000 car parking spaces. I know how many people are being gouged by this company. It has had an electronic system at Bondi Junction operating without complaint, so why are the working-class people of my electorate being punished? If you come from Vacluse, Dover Heights or North Bondi, your electronic car parking system works perfectly well.

Looking after Tories like the members opposite is no problem! But when it comes to the Labor voters in my electorate, or those in the electorate of Maroubra, we cop being ripped off. It really is not funny. I call on the Government to bring forward legislation to regulate against this price gouging. If you are going to knock off \$5 from innocent people and you have 3,000 car parking spots, that is a lot of revenue. The reality is if you rip people off by small amounts, you are intimidating them. People are asking me by the score what they can do if cars are lined up behind them. Do they tap their credit cards? If not, who are they going to argue with and to whom should they complain? It really is serious, unlawful, improper and dishonest conduct by this Australian multinational corporation.

### GOOD360 AUSTRALIA

**Mr NATHANIEL SMITH (Wollondilly) (20:53:30):** Australia has certainly been hit hard by recent disasters, including drought, flood and now COVID-19. There are a number of charities that have been at the forefront of responding to the needs of the community. I highlight the charity Good360, which both the member for Prospect and I have been made aware of. As members would know, the member for Prospect was one of the RFS volunteers who fought the summer bushfires in my electorate. The Wollondilly community will always be thankful for his and his RFS volunteer colleagues' service. Good360 is a matchmaker, helping to repurpose things of value by directing them to those who need them most. It brings together businesses to share their spare goods with those in need. Good360 staff are passionate and have one common goal: to make good things happen.

The team has a central office and comprises many generous volunteers who donate their time, which results in a huge impact for those in need. The COVID-19 crisis has only increased the demand for so many charities. As a result, there has been a 215 per cent increase in those accessing support from Good360 and the reach across New South Wales is continuing to expand. During June 2020 there was a 432 per cent increase in orders and a staggering 400 per cent increase in the value of brand new goods it delivered compared with the same period last year. Australia has faced an unprecedented period of disaster, from bushfires, floods and drought and now dealing with the COVID-19 pandemic. COVID-19 has created a new sector of vulnerable people who would not normally ask for support. This has increased the demand for Good360's services. In April alone, Good360 saw a 338 per cent increase in orders and a staggering 1,056 per cent increase in the value of brand new goods delivered

compared with the same period last year. The road to recovery is anticipated to be long, with the demand for brand new goods remaining high.

Since March 2020 Good360 has connected 1,785,091 requested items to COVID-affected communities, with a total value of over \$18 million. Good360 has received funding from a number of private foundations, including the Snow Foundation, Goodman Foundation, Macquarie Group Foundation, Vincent Fairfax Foundation, Ian Potter Foundation, Stockland Foundation, Commonwealth Bank and Norman Family Foundation. This funding has provided Good360 with additional operating capacity to respond to the immediate growth in demand. This has included the creation of new jobs at its headquarters, employing 12 new staff—four office staff and eight warehouse staff—to meet the growing demand and providing free delivery, not just free products, to those affected by disasters, including bushfires and COVID-19.

Good360 works with a number of companies to take their products that would ordinarily be diverted to waste. Some of these include Big W, Harvey Norman, Domayne, LEGO, L'Oréal, LG, Sealy, Colgate, SC Johnson, King Living, Linen House and The Body Shop—to name a few. The team at Good360 is then able to distribute the goods to those in need. This ensures that surplus brand new goods are matched with those in need. Despite this, the need for further support continues to grow amongst charities, schools and communities. Some examples of the deliveries include 2,000 care packages for frontline workers at Westmead Hospital; 16,000 units of homeschooling kits; and 15,000 units of Harvey Norman furniture packages, Sealy mattresses, LG fridges and washing machines. In total, Good360 has distributed over two million items valued at over \$24 million to those affected by disasters, including bushfires and COVID, in the past six months.

Good360 has a sophisticated online platform, large warehouse capacity and a dedicated workforce, and expects to match the delivery of another 1.5 million items over the next six months. Good360 believes coping with disasters is a marathon, not a sprint, and knows that for at least 12 months it will continue to respond to the needs of those affected by bushfires and COVID and their social and economic impacts. I congratulate Good360's founder, Alison Covington, and her team on all they do for the community and I am sure so many people who have received their support send their thanks.

#### **PUBLIC SECTOR WAGES**

**Ms YASMIN CATLEY (Swansea) (20:58:27):** I concur with the previous member: Good360 is a terrific organisation. But I speak today about Gladys Berejiklian's cruel pay cuts for our public sector workers. The Premier's decision to cut the wages of 400,000 public sector workers—including teachers, healthcare workers, police officers, firefighters, cleaners, correctional services and other essential frontline workers—is nothing short of a kick in the guts for those workers. This includes 36,000 public sector workers in the Hunter who during this pandemic have risked their own health to look after our sick and vulnerable, while keeping the State running. For the Premier to reward those workers with a pay cut at the same time as she awarded the police commissioner with an \$87,000 pay rise is a disgrace.

Let us not mince words either. This is not a one-off pay cut. It will take thousands of dollars out of the average worker's pocket over the next four years. This cut will see a nurse on an entry-level salary lose out on \$1,407 this year alone and \$5,843 over the next four years, while a teacher on an entry-level salary will be \$1,554 worse off this year and \$6,454 worse off over the next four years. Police officers will be \$1,619 a year worse off and \$6,724 worse off over four years. The firefighters who helped our State during the summer bushfires will be \$1,647 a year worse off and \$6,840 worse off over four years as a result of this Premier, who has been more than happy to hand out pay rises to departmental heads but has completely abandoned frontline workers.

These pay cuts simply do not add up economically either, with even the Treasurer conceding earlier this year that it is not in the best interests of the New South Wales economy and stating he accepts the argument that by providing pay rises you provide stimulus for the economy. Maintaining public sector wage growth is just good economic policy and has the support of leading economists, think tanks and the Governor of the Reserve Bank, Philip Lowe, who outlined the case against public sector wages cuts. He argued:

Over time, I hope the whole system, including the public sector, could see wages rising at three point something ... And the public sector wage norm I think is to some degree influencing private sector outcomes as well—because, after all, a third of the workforce work directly or indirectly for the public sector.

The Centre for Future Work has also warned that these public sector pay cuts risk repeating some major economic mistakes from the global financial crisis, when public sector wage austerity helped lock in historically slow wage growth in the private sector in the years that followed. These public sector wage cuts amount to little more than economic vandalism. The Government should be focusing its energy on stimulating the economy, not ripping money out of workers' pockets. The public sector pay cuts will hit regional New South Wales hard, ripping \$780 million from the wages of nurses, hospital workers, health workers generally, cleaners, police, firefighters

and public servants in regional New South Wales—all to cover the Premier's budget blowouts on Sydney infrastructure.

The Government's public sector pay cut will impact 122,900 regional workers directly and countless small local businesses who have already been hit hard by the pandemic. Regional workers and the communities they call home should not have to subsidise Gladys Berejiklian's Sydney-centric infrastructure program with a wage cut. Why should a nurse in Muswellbrook or a teacher in Bega cop a pay cut to fund the northern beaches tunnel project or pay for the umpteenth budget blowout on WestConnex? I call on the Premier to support public sector workers who have done vital work in keeping New South Wales running during the pandemic. The Premier must restore the wages she has cut from these essential public sector workers.

### LISMORE ELECTORATE HOMELESSNESS

**Ms JANELLE SAFFIN (Lismore) (21:03:04):** Last night I made a private member's statement about housing supply, housing affordability and homelessness. Tonight I shall add to that statement—or finish it. Some local statistics are that the Northern Rivers area has 3.9 per cent of the State's population but nearly 18.7 per cent of the State's rough sleepers. The funding does not reflect that number. There are few affordable homes available and no properties that people on Newstart, now JobSeeker, or its equivalent can afford. It is estimated that 38.8 per cent of rental households in the region suffer from economic stress that affects their ability to pay rent. That figure compares with 28.4 per cent for New South Wales as a whole.

Some general statistics are that in the last financial year 350 social housing properties were sold by the NSW Land and Housing Commission, with 1,500 more earmarked for sale within the next four years. This is when 46,530 people are waiting for social housing. That was as of June 2019, and I am told it would be more now. Waiting times vary from five years to 10 years. It is at least 10 years in my area. The Anglicare report showed that only two properties throughout all of Australia were affordable for a single person on Newstart—as it was called—in 2019. Australian Institute of Health and Welfare data shows that there is a continuing contracting trend across Australia with social housing supply relative to its share of tenure in Australia, and it fell from 5.1 per cent to 4.2 per cent of the national dwelling stock in 2016.

Women over 55 are increasingly represented in homelessness data, with a 30 per cent increase between 2011 and 2016 to nearly 7,000 Australia-wide. People who live with daily rental stress often have to choose between rent and less food and basics for them and their family. The regional forum I held was attended by two local real estate agents who are active in trying to help in the local community and offer policy solutions. Robert McLennan from Robert McLennan Real Estate purchased what was called the New Tattersalls Hotel and reinvented the building by turning it into affordable and support accommodation for those struggling to find rental properties. It was interesting because he had spoken to me about wanting to do that—I gave him the greatest encouragement—and he just set off and did it, which was wonderful.

Patrick Higgins from Higgins Real Estate, like a lot of people, is active in the community and many organisations, such as CASPA. He came up with some recommendations that he thought would be useful, such as the New South Wales Government could consider allocating a certain percentage of money collected through stamp duty—a hypothecated amount—to specifically build social housing properties, and the Government could support and investigate the Homes for Homes program. Homes for Homes gives a simple promise that when a home sells—whenever that may be—0.1 per cent of the sale price will be donated, helping to build homes for those in need.

Patrick also mentioned that there is often quite a bit of red tape involved with fixing rental properties—simple tasks we often do ourselves. He came to real estate as an electrician—a tradie. He talked about TAFE offering what he called a handyman—we might call it a handyperson or handywoman—certificate that would allow a certified person to carry out basic property maintenance such as changing lights, washers or taps in the hope of reducing maintenance costs and helping keep rents in check. It is good to have local people thinking a bit outside the box. I made a number of recommendations in my NSW Housing Strategy paper, one of which was investing in public housing stock. I have seen the Treasurer talk in the media about providing extra houses. It would be good to hear about that in this place and to ensure they are distributed equitably across New South Wales.

### DOMESTIC VIOLENCE

**Ms ANNA WATSON (Shellharbour) (21:08:05):** Tonight I speak about a well-known young man in my electorate, Travis Winks. He is our local radio announcer on 96.5 Wave FM. He is also the author of a book entitled *Shattered*. I will read Travis' words and his story:

I helplessly watched my family self-destruct over a 67 day period in late 2016.

My brother who was suffering severe depression was left fighting for life after a prescription drug overdose ...

My sister who had been in a violent relationship for almost five years reached her breaking point and turned from the victim to the offender and ended up in prison ...

And my father reached his limit with my family's compounding issues and was shot dead by Queensland police during a stand-off.

I have shared my family's brutal story in a book called *Shattered*.

As a journalist with 20 years' experience I am still shocked by the number of domestic violence stories I cover in my radio news updates at Wave FM 965 in Wollongong.

I dream of one day, hopefully soon, being able to report, "Under the new coercive control laws, the offender was sentenced to five years in prison," that will be the day when justice for many victims will start being served.

As a loving brother who watched his sister fall in love with the wrong man who totally eroded her self-worth through years of emotional and physical abuse and despite myself and my parents pleading with her to finish the relationship, I believe the Coercive Control Bill is NSW time to draw a line in the sand.

We are told NO means NO when it comes to sexual encounters, so why can't we follow the same mantra with domestic abuse?

My sister's abuser got away scot free, still able to prey on other women and lure them into his circle of control while my sister, who did break multiple laws only did so because the law in Queensland didn't provide her with the protection she deserved.

In fact, my sister's abuser should also be held to some account for my father's death. Coercive control played a role in my dad's demise as he helplessly saw his daughter reduced to a broken woman who was a shadow of her former self. The years of abuse my sister endured from her now ex-partner led in part to my father reaching his breaking point.

The Coercive Control Bill is bold, brave and much needed legislation that not only NSW needs but our entire country.

It is wrong that a woman is pushed so far she takes the law into her own hands. The law should be in place to protect all. I fear that too many domestic violence offenders are getting away with their abuse and the damage they do is far wide ranging than meets the eye.

As I have learned throughout my family's demise, for every action there is a consequence. In my family's case the consequences were catastrophic. The consequence for the NSW Parliament, should you pass the Coercive Control Bill will be change for good and change for many. It is not just the victims that you will be standing up for but their children, their parents, brothers, sisters, extended family and friends. The positive ramifications of this bill are so far reaching you now have the opportunity to make a stand and help so many.

Travis Winks wrote *Shattered* to encourage those who read it to look at their lives, choices and relationships differently. He continued:

From a man who has watched his sister and family affected dramatically by coercive control, I now encourage you to define your political legacies and the great trust and power we put in you all to pass the bill and enact change that you will all be remembered for long after your last day in office.

Travis Winks wrote those succinct comments. I encourage all members to buy a copy of his book. It is powerful and paints coercive control in a different light, coming from the perspective of the brother of a young woman who suffered at the hands of a partner, who is now an ex-partner and who is allowed to continue in the same vein.

### *Community Recognition Statements*

#### **HORNSBY SHIRE HISTORICAL SOCIETY**

**Mr ALISTER HENSKENS (Ku-ring-gai) (21:12:58):** I recently visited the Hornsby Shire Historical Society located in Normanhurst to inspect its newly repainted and repaired museum. Funded by a New South Wales Government Community Building Partnership grant under the 2019 program, the society received over \$22,000 for the works. Due to the age of the building, which was constructed in the early 1900s, there were latent conditions that had to be rectified to ensure its structural integrity. The works provided an opportunity to improve the museum's exhibitions and, now complete, they have made a huge difference. The society hosted COVID-safe open days throughout September for members and interested guests. I had the pleasure of meeting the society's president, Julie Debray. Julie and fellow members showed me their new displays, which I found extremely interesting. I thank all the hardworking volunteers, who are committed to keeping the history and knowledge of our local area alive—especially for our schoolchildren, who are frequent visitors to the museum.

#### **SATHYA SAI INTERNATIONAL ORGANISATION OF AUSTRALIA**

**Ms LYNDA VOLTZ (Auburn) (21:13:59):** I acknowledge a local community group that is making a substantial difference in the community during these difficult times. Throughout COVID, members of Sathya Sai International Organisation of Australia, New South Wales region, have made a significant contribution to the community by providing generous weekly donations to COVID community care projects in western Sydney. For the past nine months, the Sydney region east branch's service projects coordinated by Ahilan Sachidanandam, Vasudevan Karunakaran and Sahana Karunakaran have ensured that member-donated food and essentials have been delivered to local food banks and community service organisations. These donations have benefited families and individuals left unemployed during COVID, and particularly those migrant workers and individuals on

bridging, student and temporary visas who are not eligible for other Federal Government assistance. I thank the Sathya Sai International Organisation for its tremendous work.

#### **TRIBUTE TO PETER VEENSTRA, OAM**

**Mr DUGALD SAUNDERS (Dubbo) (21:15:00):** The rugby union fraternity across the entire Central West region lost a champion recently when Peter Veenstra, OAM, passed away on 28 September. Peter spent 31 years as the chief executive of Central West Rugby Union, coordinating the sport across multiple competitions. He was instrumental in establishing the Central West Blue Bulls as a force in the New South Wales country representative scene. He was a highly respected figure in rugby right across the scene. He had to balance the needs of clubs in major cities such as Dubbo, Orange and Bathurst with the needs of clubs in smaller towns, but he did it with a strong desire to ensure that everyone got a chance to enjoy their rugby.

He added a real sense of professionalism to a game that at the grassroots level is played by men and women who participate for the love of the game. If indeed rugby is the game they play in heaven, I am pretty sure that PV is already coordinating things very well and has the competition running smoothly. COVID restrictions limited the number of people who could come together to farewell PV, but I hope his wife, Lida, and the entire family take solace from the wonderful tributes that have been left at his passing. Vale, Peter Veenstra.

#### **NATIONAL CARERS WEEK**

**Ms TRISH DOYLE (Blue Mountains) (21:16:07):** National Carers Week runs from 11 to 17 October. One in eight people are carers and over two-thirds are women. In surveys, carers report the highest levels of stress and the lowest levels of wellbeing. Some of the very best people in our electorates are carers. Today I recognise my friends Fran Elston of Winmalee and her son, Joshua Elston. Fran is a carer for Josh, who lives with Down syndrome. They are two of the very best, most caring, loving and giving people I know. I feel honoured and blessed that they became friends to me and my sons. I first met them more than a decade ago in the office of then member for Blue Mountains Phil Koperberg. Josh has been a torchbearer for the Special Olympics and is an excellent swimmer. Fran and Josh have lived through bushfires with their pet labrador, Milo. This story was captured in the powerful documentary *Fire Stories: Living with Risk*. Today I honour Fran in her role as mum and friend. She is nothing less than exceptional. She is also a carer of the highest order. She is a capable and strong woman who has lived an extraordinary life. Thank you, Fran, for all you do and for being who you are.

#### **SAM BONUS**

#### **MICHAEL PAYNE**

**Ms ROBYN PRESTON (Hawkesbury) (21:17:07):** I commend 15-year-old local Hawkesbury boy Sam Bonus and 17-year-old local Hawkesbury boy Michael Payne for setting the goal to swim the English Channel, the Strait of Gibraltar and the Tsugaru Strait in 2021 to raise awareness of youth mental health issues. Sam aims to swim the channel while Michael aims to swim the strait. With the challenging times that arose from the bushfires and COVID-19 pandemic, Sam and Michael decided they wanted to give hope and inspiration to others and show that great things are achievable if we support each other. The pair competed as a Rottneest Channel Swim duo team in 2020 and placed fourth out of more than 80 teams in their category. Michael had previously swum the English Channel in a trio with his father, Steve, and family friend Geoff. Sam is captain of the Windsor Swim Club and an ambassador for the One Giant Leap Australia Foundation. I congratulate Sam and Michael on their great success.

#### **WARNERVALE WILDCATS CRICKET CLUB**

**Mr DAVID HARRIS (Wyong) (21:18:15):** Cricket is a very famous game played by many people around the world, whether you are professional, playing in your backyard or joining a community club like Warnervale Wildcats Cricket Club. The Warnervale Wildcats Cricket Club began on 19 August 2007, with the junior cricket team commencing in 2008. It runs cricket programs for kids aged six to 16. Junior Blasters is for kids new to cricket, with participants building their skills through fun, game-based activities. The games are designed for small groups to ensure that every child gets a go and is allowed to test their skills and learn new ones. When the juniors have mastered the basics they are ready to graduate to Master Blasters, where they play modified games of cricket. Master Blasters is a super fun, social, safe cricket program for boys and girls aged seven to 10. The program is much shorter than traditional cricket, with a maximum of 90 minutes' playing time. At Warnervale Cricket Club they strive to grow a family-friendly, community-minded club. The club is passionate about on-field success but is a largely a social, communal club that welcomes anyone wanting to be involved in cricket.

#### **COROWA SECOND WORLD WAR VETERANS**

**Mr JUSTIN CLANCY (Albury) (21:19:22):** I congratulate Edna Tillman, Albert Crosthwaite, Doug Phillips, Keith Cutler, Bill Page and Ken King on receiving medallions and certificates from the

Commonwealth Department of Veterans' Affairs for their service during the Second World War. The awards are to commemorate the seventy-fifth anniversary of World War II and to recognise the vital services that these people performed for the country. Their awards were presented by Corowa RSL Sub-Branch president Martin Magill in a small ceremony at the Corowa RSL in September. I thank these six Corowa residents for their service and dedication at such a young age.

#### **MAITLAND CITY PIPES AND DRUMS**

**Ms JENNY AITCHISON (Maitland) (21:20:02):** Maitland City Pipes and Drums was formed in 1947 and traces its roots back to the ancient origins of Scotland and Ireland—just like me. For generations, Maitland City Pipes and Drums have set the tone for our commemorative services, concerts, weddings and funerals. With distinctive Clan Maitland tartan, the thump of the tenor drums and the distinctive pipers, they have provided the soundtrack to some of our most important civic and community events. The annual Maitland Tattoo is an annual event that normally sells out each year. Its popularity reaches beyond those with strong ties to Celtic culture. Inspired by the Royal Edinburgh Military Tattoo, the Maitland Tattoo features music, dancing, supper and, of course, tartan but also incorporates music and dance from other cultures. While COVID has sadly curtailed many of our events, the Maitland City Pipes and Drums continue to work for our city in innovative ways in preparation for a time when the pipes and drums can again ring loud through our city. I humbly thank the pipes and drums for the invitation to be their patron and honour their heraldic motto, "consilio et animis"—wisdom and courage.

#### **WOOLGOOLGA SENIORS' CENTRE**

**Mr GURMESH SINGH (Coffs Harbour) (21:21:08):** The Woolgoolga Seniors' Centre is still celebrating the arrival of its new transportation and equipment, with particular thanks to the State Government. I visited the centre recently to see the new bus in operation. The State Government provided \$50,000 in funding and the Woolgoolga Lions Club made a generous contribution of \$20,000. The centre has also used \$5,000 in government funding to buy much-needed equipment, including new mechanical bowlers arms to help indoor bowling group members, equipment to reduce window glare and new kettles. I applaud the work of the Woolgoolga Seniors' Centre in our community. It is providing an important service for our local seniors. The hardworking committee is led by president Ron Whelan, secretary Cherrill Powell and treasurer Roger Freestone. The Woolgoolga Lions leadership team comprises president Jean Vickery, secretary Mike Mellefont and treasurer Cherrill Powell. Both clubs play a really important role in the community and I look forward to working with them on more projects in the future.

#### **HIGHER SCHOOL CERTIFICATE STUDENTS**

**Ms LIESL TESCH (Gosford) (21:22:07):** Tonight in the New South Wales Parliament I send best wishes and a shout-out to all the HSC students in the class of 2020. They have ticked off an incredibly long list of flexibility, adaptability and preparedness to step into the unknown. I thank each and every one of them for their perseverance and commitment and the support they have given each other during 2020. Looking back, school and the educational experience is there to prepare us for life's challenges—and holy macaroni, they have proven they can take on the unknown and do the best they can. It has been an amazing roller-coaster into the unknown and, alongside their hardworking teachers, they are heading towards the first exam next Tuesday and can proudly tick off 13 years of education. I acknowledge every single student who is having to deal with the incredible stress and anxiety caused not only by the pressure of the HSC and adapting to home study, but also by COVID in the background. I congratulate students on the strategies they have put in place and the changing shape of friendships that they have adopted to support them along the way.

#### **GEOFFREY DREW**

**Mrs LESLIE WILLIAMS (Port Macquarie) (21:23:17):** I acknowledge the master of the bow and arrow in my electorate, Geoffrey Drew, and his love and passion for archery spanning 54 years. A man who is no novice at hitting a target, Geoffrey Drew has spent a lifetime growing and maturing in his sport of archery. He commenced as a 12-year-old at Menai Field Archers in Sydney. From that day, Geoff has never looked back. He has won a swag of local awards while mentoring the next generation of archers. Geoff attributes his early development to a young championship archer from England who taught him the correct technique of shooting a bow and hitting his target. Soon Geoff was purchasing tournament accessories and equipment made by PSE Archery in America, which boosted his capabilities and proficiency against some of the best in the sport. Geoff has been a member of the Illawarra Archers, Mossman Archery Club in Queensland and now the Hastings Valley Archery Club in Port Macquarie—a place he has called home for over a decade. I congratulate Geoff on his accomplishments in archery. He has no doubt transformed the Hastings Valley Archery Club into the successful organisation it is today.

### BALINESE SPICE MAGIC RESTAURANT

**Mr PAUL SCULLY (Wollongong) (21:24:12):** I acknowledge Jules, Will and the team at Balinese Spice Magic Restaurant, who raised more than \$3,700 for Southern Youth and Family Services through their spring soup kitchen on Sunday night. My Federal colleague Sharon Bird, my wife, Alison, and I joined Southern Youth and Family Services CEO Narelle Clay and many other Wollongong residents for a fantastic meal from the team at Balinese Spice Magic, who donated the food and organised the volunteers that allowed this money to be raised. The soup kitchen continues a Balinese tradition where villages provide free food to their community. In this case the food was donated, but each diner donated an amount they chose to Southern Youth and Family Services. This is not the first time that Jules and the team have had their soup kitchen fundraisers. They have previously supported the Illawarra Women's Health Centre and the Wollongong Homeless Hub. These regular events from Balinese Spice Magic are another innovative and generous example of Wollongong businesses working hard to support their community.

### HIGHER SCHOOL CERTIFICATE STUDENTS

**Ms GABRIELLE UPTON (Vaucluse) (21:25:24):** I wish the best of luck to all year 12 students who will sit their HSC exams from next Tuesday. I know it has been an immensely challenging year for them dealing with the disruption of COVID-19. Despite that, I know they will do more than just pull through, with the strong support of their teachers and families. Their hard work and commitment have prepared them well for the exams. I call out my local schools, including Rose Bay Secondary College, Ascham School, Cranbrook School, Kesser Torah College, Kambala, Kincoppal-Rose Bay School, The Scots College, Reddam House and Moriah College, as well as Waverley Action for Youth Services. These students have a bright future ahead no matter what path they choose. Go strong and go well.

### NORTHLAKES HIGH SCHOOL

**Ms YASMIN CATLEY (Swansea) (21:26:06):** I recognise the fundraising efforts of Northlakes High School in support of Pink Day on 24 September 2020. As a result of COVID-19 some regular Pink Day events, such as the cake stall and school barbecue, were unable to go ahead, but students came to school dressed in pink outfits to support the cause. Students also heard from teachers who had been impacted by cancer. Northlakes High School raised several hundred dollars, which is a great effort considering the school has gone completely cashless. The money was donated to charities supporting families impacted by brain, lung or breast cancer in recognition of several school community members impacted by this disease. Pink Day also serves as an opportunity to educate students about what a cancer diagnosis can mean and the signs to watch out for. I thank Principal Warren Welham and the Northlakes High School community for supporting this important cause and raising awareness of this disease.

### PHOEBE CLIFTON

**Ms STEPH COOKE (Cootamundra) (21:27:12):** I congratulate Phoebe Clifton from Grenfell who has qualified to represent New South Wales at the Equestrian Australia National Horse of the Year in Melbourne and the Southern Cross Show Horse Spectacular at the Sydney International Equestrian Centre in March next year. In qualifying for this prestigious opportunity Phoebe won Reserve Champion Child's Hack over 16 hands at the Equestrian New South Wales Horse of the Year over the weekend. She rode Adman, trained and ridden by Tahlia Wells from Young. Such a wonderful achievement by the 16-year-old who has certainly made her family and the Grenfell community proud. Phoebe is to be admired for her commitment in preparing for the competition. I wish her all the best.

### KARRA-LEE NOLAN

**Ms LYNDA VOLTZ (Auburn) (21:28:03):** I congratulate Ms Karra-Lee Nolan, who in September became the first female to officiate in a New South Wales Rugby League grand final in the organisation's 112-year history. Karra-Lee took control of the New South Wales women's premiership grand final between the Central Coast Roosters and North Sydney Bears at Bankwest Stadium, won by the Roosters 16 points to 10 over the Bears in a fantastic contest. Her appointment is testament to the hard work and sacrifice our match officials put in, often with little acknowledgement, and a great illustration of the progress women are making in rugby league. I look forward to seeing Karra-Lee officiating in a National Rugby League or National Rugby League Women's game in the near future.

### SUPERINTENDENT CHRISTOPHER SCHILT

**Mrs WENDY TUCKERMAN (Goulburn) (21:28:47):** I acknowledge the hard work of Superintendent Christopher Schilt for his leadership of the Hume Police District and service excellence to the NSW Police Force. Superintendent Schilt has accepted the position of District Commander Manning-Great Lakes Police District after



two years of service to the Hume Police District. In this time Superintendent Schilt has demonstrated exceptional leadership and played a pivotal role in working with our local communities across the Goulburn electorate. He is a wonderful communicator and truly cares for those around him. His hard work is to be commended. His actions have undoubtedly made the Hume Police District and Goulburn electorate a better place to live and his work has been much appreciated by the community. His dedication to his community and the NSW Police Force is to be congratulated. I thank him for his service to the Goulburn electorate.

#### SENIOR DEPUTY CAPTAIN ELIZABETH LAYT

**Mr DAVID HARRIS (Wyang) (21:29:40):** Congratulations to Rural Fire Service Senior Deputy Captain Elizabeth Layt for receiving the New South Wales Government Community Service Award. The award recognises individuals in New South Wales who give their valuable service, time, skills and energy to the community. Elizabeth is an experienced firefighter with six years' experience and is currently an officer with the Operational Support Brigade, which provides a range of frontline firefighting and operational logistics capabilities. During the 2019-20 fire season Betty assisted with a number of out-of-area firefighting deployments across the State as well as providing extensive support locally to the Central Coast section 44 fires and other significant incidents. In addition to this incident support Betty coordinates a weekly activation of the Wyong Operational Support Brigade to assist with district logistics, including vehicle movements, stores deliveries and breathing apparatus cylinder management. I congratulate all the nominees and winners, particularly the volunteers from the Wyong electorate serving our community.

#### MELINDA O'DONOGHUE

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (21:30:39):** I recognise Melinda O'Donoghue on the opening of the *Unveiled: Love, lace and longing* exhibition at the Bank Art Museum in Moree on 18 September 2020. Melinda is a wedding dress maker living on a property at Gurley and working out of her own bridal studio filled with organza, sequins and lace—a far cry from the dusty paddocks outside. Melinda has been making wedding dresses for more than two decades, with over 300 dresses made for clients locally, across Australia and around the world. Melinda's clients can attest to the passion, talent and kindness she puts into each design and creation, often going above and beyond to ensure the bride's dress and big day go off perfectly. The exhibition at the Bank Art Museum in Moree celebrates and honours Melinda's bridal creations over the past 20 years. A call-out to brides has resulted in tens of dresses returning home to Moree to be displayed for visitors. It is a well-deserved tribute to Melinda for the joy and beauty she has given to so many people over the years.

#### INTERNATIONAL DAY OF RURAL WOMEN

**Ms JENNY AITCHISON (Maitland) (21:31:40):** The COVID-19 pandemic has thrust rural women onto the front line of crisis response at the same time their unpaid care and domestic work has increased under lockdown conditions. Globally, restrictions on mobility, disruptions to established supply chains, and climate and conflict crises have added to their load. This year, the annual International Day of Rural Women is more important than ever and its theme, "Building Rural Women's Resilience in the Wake of COVID-19" should give us all pause for reflection. While rural women toil under such difficult conditions and rise to meet the challenges of the pandemic, in many cases they still face systemic gender discrimination and norms that impede their ability to maintain sustainable livelihoods and personal wellbeing. This can manifest as a lack of women's rights to land, property and resources, and in the age of COVID-19 these are magnified. This International Rural Women's Day we must commit to building rural women's resilience by bolstering women's land rights in law and practice, addressing discriminatory gender norms, and investing in basic infrastructure and healthcare service. This is a chance to build back better.

#### ANDREW POOLEY

**Mrs LESLIE WILLIAMS (Port Macquarie) (21:32:49):** Sign language is a fact of life for almost 20,000 Australians who use it every day to communicate. Auslan is a language that dates back 200 years for those who are deaf or hearing impaired, quite often requiring an interpreter to translate a message for the person restrained by their disability. Local Port Macquarie man Andrew Pooley has mastered the communication style of Auslan to effectively interact and open the door for people with a hearing impairment. With 35 years of experience, Andrew has based his career on helping others in a range of situations, from workplace training to medical and legal appointments, often taking him all over the State to support those most vulnerable with their affairs. Andrew first recognised his calling to become a translator after noticing a close friend using sign language. Since then Andrew has not looked back, supporting literally hundreds of people along the way as a facilitator of communication. Through the NDIS Auslan has broadened, with professional roles and qualifications offering new possibilities and equity for families and their loved ones with some form of deafness. A role model who lives to serve others, I congratulate Andrew on his valuable work with the deaf community.

### PEARLS ON THE BEACH

**Ms LIESL TESCH (Gosford) (21:33:48):** I recognise 20 years of service and dedication to Pearls on the Beach by Mr Scott Fox, the head chef and joint owner of the restaurant. Pearls on the Beach is beautifully nestled amongst the coastal vegetation of Pearl Beach and has remarkable views over the ocean and surrounding Broken Bay area. It serves up exceptional food and phenomenal service. As many in the House would know, small businesses have had to adapt to the unprecedented and challenging circumstances COVID-19 has brought. For Scott and his wife, Pearls on the Beach had to close for a number of weeks; it was a difficult period for them and their staff. Quick thinking and a change of business model meant that Pearls on the Beach could reopen as a takeaway shop while the dine-in restaurant was closed. Pearls on the Beach is now fully open and serving scrumptious food to residents and tourists again. I urge my community to continue supporting local small businesses, like Pearls on the Beach, during these challenging times. I send my thoughts and support to all the small business owners across the Central Coast.

### GANNONS PARK

**Mr MARK COURE (Oatley) (21:34:52):** I inform the House of the Gannons Park revitalisation program, which is now complete. In a big win for our community, Gannons Park at Peakhurst has been revitalised with the introduction of a new boardwalk, which will allow residents to walk above the restored Upper Boggywell Creek ecosystem. The new \$3.7 million upgrade of Gannons Park will benefit the community and the environment. The restored creek line will mean improved water quality for plants and animals to thrive, while the boardwalk will provide a new outdoor space for residents to exercise and relax. The revitalised creek line will improve sustainability and could bring in 26 million litres of water to the ponds per year to irrigate nearby playing fields. Gannons Park's transformation has been delivered with the help of a \$2.8 million funding boost from the New South Wales Government's Metropolitan Greenspace Program. I acknowledge the former member for Oatley and current mayor of Georges River, Kevin Greene, who as mayor has championed this wonderful cause and program.

### PENNY SAGAR

**Ms LYNDIA VOLTZ (Auburn) (21:35:52):** I take this opportunity to commend Penny Sagar for her 32 years of service as director of Berala Jack & Jill Preschool. Penny commenced her career at the preschool in 1988 as an English as a second language teacher, before becoming director in 1998. Her daughters Amanda and Kelly attended in 1982 and 1984. Penny's commitment to early childhood learning and service to the community has not gone unnoticed. The experiences she has had over 32 years are appreciated by the staff at Berala Jack & Jill Preschool and by many parents in the community, who will miss Penny when she retires later this year. I commend Penny for her wonderful service to the community and congratulate her on having a fourth grandchild on the way.

### BRUCE AND MARION BELL

**Mr DUGALD SAUNDERS (Dubbo) (21:36:35):** Compromise and communication are the keys to a successful marriage, according to Mudgee couple Bruce and Marion Bell. On 1 October the happy couple celebrated their sixtieth wedding anniversary and shared their secrets in a wonderful story in the *Mudgee Guardian and Gulgong Advertiser*. As most couples would attest, there have been some battles along the way, starting with the fact that Marion's mother was not keen on her daughter dating Bruce when he first came on the scene. But they found a way through that, as they did through other things—such as the severe drought of 1965, which dried up their land and also their income, and the tragic loss of their first child just six hours after he was born. The dream team has gone on to lead a happy and fulfilling life; the couple's children Brett and Dallas, seven grandchildren and six great-grandchildren have played a major role in that. As for those keys I mentioned—compromise and communication—I quote Bruce, who said, "If we have an argument during the day, as we do, we never go to bed angry, and that's the secret to marriage." I congratulate Bruce and Marion Bell. May there be many more years of wedded bliss to come.

### NSW SES HAWKESBURY UNIT

**Ms ROBYN PRESTON (Hawkesbury) (21:37:35):** I commend the volunteers of the NSW SES Hawkesbury Unit for continuously putting themselves in harm's way to protect our community in a wide variety of situations that arise. One would be aware that Hawkesbury feels the full force of Mother Nature in many ways and our community is always grateful for the SES volunteers' services in times of bushfire, flood and other disasters that may arise. Recently our dedicated volunteers from the NSW SES Hawkesbury Unit were called during the night to respond to a horse that had broken loose, ran into bushland and got stuck in undergrowth, deep within a pile of timber that was obscured by lantana and other vines. Thankfully our brave volunteers were able

to rescue the horse, which had minimal injuries. I also commend veterinarian Amelie from Agnes Banks Equine Clinic for sedating the horse during the rescue and making sure it was okay afterwards.

#### **AUBURN HOSPITAL**

**Ms LYNDA VOLTZ (Auburn) (21:38:29):** I take this opportunity to congratulate Auburn Hospital on winning the 2020 Western Sydney Local Health District Quality Award in the Transforming Patient Experience category. The 2020 Quality Awards are an opportunity for staff to develop innovative ideas to enhance patient care and experience in hospitals. The staff at Auburn Hospital created the Just Ask It project, which aimed to increase identification of Aboriginal and Torres Strait Islander patients by encouraging staff to ask the question about Indigenous identification. The aim of the project is to create a culturally welcoming environment for Aboriginal and Torres Strait Islander people who have experienced historic institutionalised racism in hospitals. As a result, there was a 62 per cent increase in Aboriginal patient identification at the emergency department at Auburn Hospital. I commend the staff at Auburn Hospital for their commitment to enhancing patient care and experience in hospital.

#### **COOLAMON LIONS CLUB**

**Ms STEPH COOKE (Cootamundra) (21:39:24):** I highlight the amazing work of Coolamon Lions Club and its fundraising efforts toward its latest project: the purchase of 12 defibrillator units to be rolled out at community halls and selected businesses across the Coolamon Shire. For 30 years, Coolamon Lions Club has been involved in recycling cardboard and other suitable materials. Those efforts have funded a number of community projects, including the construction of a shelter for a barbecue area at the swimming pool, the installation of a barbecue and facilities at Allawah village and the purchase of a two-person scooter to allow staff at Allawah to convey residents to medical appointments. I congratulate Coolamon Lions Club, led by president Alan White and secretary David McCann, who continue to make a big contribution to their community, and residents of Coolamon Shire on their support of the recycling scheme, which allows the Lions Club to continue this important work.

#### **ROSELANDS SERVICE NSW CENTRE**

**Mr MARK COURE (Oatley) (21:40:23):** The new Roselands Service NSW Centre is a step closer. Service NSW is making a great impact across the State and our community is getting its fair share. A lease has been signed to establish the new Service NSW Centre at Roselands Shopping Centre. The new centre will make it easy for the people of Roselands and surrounding suburbs to access hundreds of New South Wales Government transactions—including driver testing—in one convenient location. It will feature modern facilities, with additional staff available to help customers use self-serve touchscreens or complete their transactions over the counter. Service NSW is also a gateway to government savings and incentives such as Energy Switch and the Active Kids and Creative Kids vouchers, and customers will be able to book a free cost-of-living appointment. Roselands joins Hurstville Service NSW and Rockdale Service NSW in providing our community easy access to government services and savings. This, of course, is a great win for my electorate and many other surrounding electorates.

#### **BILL WEST**

**Ms STEPH COOKE (Cootamundra) (21:41:29):** I congratulate Bill West of Bribbaree, who has been named as a finalist for the Department of Planning, Industry and Environment Individual Excellence in Crown Land Management Award, as part of the 2020 NSW/ACT Regional Achievement and Community Awards [RACA], as well as the 2020 NSW/ACT RACA People's Choice Award. This award recognises an individual volunteer involved in the management of Crown land who exemplifies outstanding community service ethos, dedication and commitment to their communities. Bill has been involved with the Bribbaree Show since 1966 after his father, who was on the trust at the time, suggested he get involved. During that time Bill has been the chairman, land manager and secretary. Bill is still heavily involved with the show and the trust. He oversees the grounds and is always willing to lend a hand. Bill is very humble about his award nominations. However, he is an integral member of the show society and I wish him the very best of luck with the awards ceremony.

#### **PORT MACQUARIE REAL ESTATE CHALLENGE**

**Mrs LESLIE WILLIAMS (Port Macquarie) (21:42:35):** In my electorate each of the Port Macquarie-Hastings real estate agents are competing in a competition to raise awareness of the importance of donating life-saving plasma to those facing serious health-related challenges. The campaign to encourage others to give blood kickstarted on 1 October and will run till 31 December. It urges all agents to sign up to the Port Macquarie real estate challenge and make a difference. Rolling up his sleeves and supporting this tremendous cause this year is Stewart O'Brien from Elders Real Estate Camden Haven. Stewart has donated 15 times, which is enough to save the lives of 45 people in our community. Every time Stewart gives blood, he is supporting the

thousands of people who have life-threatening medical conditions such as cancer, bleeding disorders, chronic anaemia, blood abnormalities, immune deficiencies and burns. The Australian Red Cross Lifeblood calls for at least 1,800 new plasma donors each year, with every donation saving three Australians. I thank our local real estate agencies that are competing in the challenge: McGrath Estate Agents Port Macquarie, Percival Property, Raine & Horne Commercial Port Macquarie, Harcourts Australia Port Macquarie, LJ Hooker Port Macquarie, Elders Lifestyle Group and Wiseberry Port Macquarie.

#### **YAGOONA LIONS FOOTBALL CLUB**

**Ms TANIA MIHAILUK (Bankstown)**—I am delighted to recognise the success of the Yagoona Lions Football Club during the 2020 football season and congratulate the Club for their efforts in winning both the First Grade and Second Grade League Competitions, as well as the 2020 Club Championship. Like many sporting clubs across the local area, the Yagoona Lions endured a long suspension of their competitions in compliance with COVID-19 social distancing and welcomed the resumption of their local competition upon the recent easing of restrictions. I take this opportunity to acknowledge Yagoona Lions Football Club President Mr Sash Bogoeski, Junior Vice President Mr Nick Samartzioski and Secretary Mr Luke Lupeski, Treasurer Mr Troy Taleski as well as Club Captain Mr Steve Nedanovski and all the club's coaches, players and volunteers, and congratulate them on their outstanding victory. I also commend the Yagoona Lions Football Club Executive for ensuring the viability of local football through their stewardship and ongoing commitment to the sport during the ongoing Coronavirus pandemic. I am proud to offer my continued support for Yagoona Lions Football Club and wish them all the best as they as they enter their 65th year in 2021.

#### **CHESTER HILL HORNETS JRLFC**

**Ms TANIA MIHAILUK (Bankstown)**—I am pleased to recognise the success of the Chester Hill Hornets Junior Rugby League Football Club during the 2020 season and congratulate the Club's three premiership-winning teams, the under 11/12s, under 13 Bronze and under 14 Gold on their outstanding achievement. Like many sporting clubs across the local area, the Chester Hill Hornets endured a long suspension of their competitions in compliance with COVID-19 social distancing and welcomed the resumption of their local competition upon the recent easing of restrictions. I take this opportunity to acknowledge Chester Hill Hornets JRLFC President Mr Mohammed Lababidi, Senior Vice President Mr Noa Vaine, Junior Vice President Ahmed Rifai, Secretary Mr Mohamed Ali, Assistant Secretary Mr Rob Shaker and Treasurer Mr Chafic Mohsen, as well as all the coaches, players and volunteers, and congratulate them on their successful 2020 season. I would also like to commend the Chester Hill Hornets JRLFC Executive for ensuring the viability of local rugby league through their stewardship and ongoing commitment to the sport during the ongoing Coronavirus pandemic. I am proud to offer my continued support for Chester Hill Hornets JRLFC and wish them another successful year in 2021.

#### **ABC'S VERY GOOD FRIEND DR NEVILLE JENNINGS OF MURWILLUMBAH**

**Ms JANELLE SAFFIN (Lismore)**—I wish to thank retired Southern Cross University academic Dr Neville Jennings, of Murwillumbah, for his advocacy on behalf of Friends of the ABC Northern Rivers during the past 20 years. Neville, 79, who was a lecturer in education at SCU, was awarded life membership of Friends of the ABC last year. This was in recognition of his work in promoting public awareness about the need for successive Australian governments to adequately fund the ABC's diverse programs and respect its independence. Neville achieved this through organising an impressive array of ABC identities, including award-winning foreign correspondents, as guest speakers at regional events. He also highlighted our local ABC North Coast – its newsgathering, emergency broadcasting, live crosses from the Byron Writers' Festival and the popular gardening program on Saturday mornings. Friends of the ABC Northern Rivers now has sub-branches in Lismore, Byron and Tweed shires. Neville and his wife Dr Leonie Jennings have contributed positively to local communities they have lived in – Lismore, Kingscliff and Murwillumbah. Neville is involved in Murwillumbah's It Takes A Town movement, Chillingham Voices Community Choir and delivers a weekly half-hour ethics class at Chillingham Public School.

#### **OPENING NIGHT OF NIMBIN'S 30TH ANNUAL SPRING ARTS EXHIBITION**

**Ms JANELLE SAFFIN (Lismore)**—I recently had the pleasure of opening Nimbin's 30th Annual Spring Arts Exhibition in the town's oldest building – the 104-year-old Nimbin School of Arts. All of the major annual performance and festival events at the School of Arts had been cancelled since March due to COVID-19, including the Autumn Arts Fair managed by the Nimbin Artists Gallery. So it is a credit to Nimbin School of Arts Incorporated President and renowned poet David Hallett and his team that they were able to hold the spring exhibition from September 26 to October 11. This was the biggest exhibition, featuring the quality works of over 160 of the Nimbin Valley's fine artists, craft workers, photographers, designers, textile and installation artists. Highlights this year included six new Indigenous artists showcased in the back gallery, along with a series of grand piano and other music recitals. My friend Harry Freeman's performance on piano was brilliant. The School

of Arts movement, also known as the mechanics' institute movement, originated in Scotland and spread through the English-speaking world in the mid-19th Century and early 20th Century. Nimbin's School of Arts remains integral to the town's social fabric.

#### **GET READY RFS WEEKEND**

**Mr JONATHAN O'DEA (Davidson)**—The NSW Rural Fire Service hosted various events and activities on 19 to 20 September, called 'Get Ready Weekend'. This provided an opportunity for people to engage with their local brigade, learn about bush fire risks and plan for the coming bush fire season. For example, Davidson and Killara RFS brigades, in my electorate of Davidson, hosted a range of activities at Glenrose Shopping Village, Forestville Shopping Centre and East Lindfield shops. Their message was especially important as these areas are rich in bushland. I also recognise the work of the RFS in the 'Assist Infirm, Disabled and Elderly Residents Program', which is a free service to reduce bushfire hazards around the home. I commend the RFS volunteers for their tireless effort to protect lives and property across NSW, as well as my local and the broader community for supporting the volunteers. We all need to 'get ready' and prepare for the upcoming bushfire season.

#### **KU-RING-GAI PHILHARMONIC ORCHESTRA**

**Mr JONATHAN O'DEA (Davidson)**—Adapting to the new normal of COVID-19 has been challenging and I would like to acknowledge the Ku-ring-gai Philharmonic Orchestra (KPO) for their resilience and adaptability. The orchestra kept music live in COVID times by presenting pop-up outdoor performances across the Davidson electorate. Last Sunday, KPO took music to the people at the East Lindfield shops. The Sydney Symphony Orchestra are now apparently following KPO's lead, giving outdoor performances in the city. KPO have received many compliments for the Pop-up initiative, which has continued almost weekly since April. The orchestra also engaged digitally with audiences via a streamed concert from St Ives in August. The pop-up performances have graced two spectacular local outdoor locations, Quarry Masons Reserve in Killara and Swain's Gardens in Killara. Both have wonderful natural acoustics and KPO players are keen to re-visit. There are also plans for a concert in the beautiful camellia gardens at Eryldene in at Gordon. KPO's commitment in 2020 has been to keep music happening, while being COVID-safe, and to enrich lives with the beauty and power of live music. Well done to all involved.

#### **BE SLAVERY FREE AND WAR ON SLAVERY**

**Dr HUGH McDERMOTT (Prospect)**—It is estimated that over 40 million people worldwide, which is 1 in 200 people, are victims of modern slavery. Despite the belief that this is not an issue which affects the Western world, modern slavery does not discriminate. With an estimated 1900 people in Australia, being victim to modern slavery. It is organisations like Be Slavery Free and War on Slavery that are helping pioneer the path to end the abhorrent crimes of modern slavery in Australia and the Pacific Region. Be Slavery Free and War on Slavery aim to educate the wider community on how we can all minimise our involvement in exploitative practises, which occur unknowingly in our everyday lives. Something as simple as the clothes we wear or the foods we consume can contribute significantly to modern slavery practises. Be Slavery Free and War on Slavery also bring together stakeholders to act on modern slavery prevention. I thank Becky Honey and Jane Jeffes from War on Slavery and Carolyn Kitto from Be Slavery Free for their tireless efforts in demanding solutions to the crime of modern slavery and advocating change to our culture which permits modern slavery to prosper.

#### **ASSYRIAN UNIVERSAL ALLIANCE RADIO PROGRAM**

**Dr HUGH McDERMOTT (Prospect)**—The Assyrian Universal Alliance – Australian Chapter based in the Electorate of Prospect hosts a weekly radio program 'Qalid D'Khoyada'. The programs presenters David David, President, Assyrian Australian National Federation and Hermiz Shahan, Secretary-General, Assyrian Universal Alliance – Australian Chapter are outstanding leaders in our local community. The program airs weekly on Monday evening and discusses the activities of the Australian Assyrian community in NSW as well as contemporary issues related to the Assyrian diaspora and those living in their indigenous homeland in Northern Iraq. On 5th October 2020, I joined esteemed guests Haig Kayserian, Executive Director, Armenian National Committee of Australia and Kaylar Michaelian, Permanent Representative of the Republic of Nagorno Karabakh to Australia on the radio program to discuss the recent escalation of tensions between the Republics of Artsakh and Armenian and the Republic of Azerbaijan. We addressed the Azerbaijani Government aggressive unprovoked attacks and the right to self-determination of the people of Artsakh. I would like to thank Mr David and Mr Shahan for their active community engagement. I also thank them for their efforts in bringing together both the Armenian and Assyrian communities of Prospect and NSW during this difficult time.

#### **CATHY STUART AND JAN WILLIAMS**

**Ms SONIA HORNER (WallSEND)**—We all know of businesses and organisations have had to adapt and change due to COVID-19. Jan Williams and Cathy Stuart, both of Lambton, have had to alter the way that

Upcycle Newcastle functions due to COVID-19 restrictions. Upcycle Newcastle's purpose is to educate and inspire people to reduce clothing waste and reduce purchases of new products by reusing, repairing and repurposing old textiles and clothing. Cathy originally wanted to create a sustainable yet positive way to keep items out of landfill, and be able to recycle and reuse items creatively. The result was Upcycle Newcastle. Upcycle Newcastle normally holds workshops and events, goes into schools to show children how to make rag rugs out of old T-shirts and they also hire out their equipment and space for \$3 an hour. During COVID-19, Upcycle Newcastle was transformed into a full time mask factory, with Cathy and Jan helping to produce 500 – 600 masks per week for the community, and working 10-12 hours a day, six to seven days a week. I applaud you Cathy and Jan, for your passion and creativeness. Thank you for doing your part to reduce waste.

#### **ASHLEIGH RANCE AND SOPHIE PENN**

**Ms SONIA HORNER (Wallsend)**—The diagnosis of a lifelong chronic illness can be devastating, particularly for children in their formative years. For 12 year old Sophie Penn and 11 year old Ashleigh Rance, that transition has been a little easier since becoming friends and support for one another. Sophie and Ashleigh were both diagnosed only months apart last year with the autoimmune condition called ulcerative colitis. Every eight weeks the girls visit the Children's Hospital in Newcastle for intravenous therapy. Behind the smile though, when their disease is active, they are faced with abdominal pain, anaemia, weakness, slowed growth, bleeding, weight loss and at times cannot attend school. The girls are facing their challenges together. They line up their intravenous therapy appointments so they are in hospital on the same day. In May this year, the pair dyed their hair purple to raise money for Crohn's and colitis. They ended up raising \$1,796. This September Ashleigh and Sophie are putting on their sneakers to walk or run 150kms as part of the Live Fearless Challenge! They raised \$2141. Well done Ashleigh and Sophie on your fundraising efforts and raising awareness of Crohn's and colitis.

#### **BRONTE-BARBER-THOMAS**

**Mr STUART AYRES (Penrith—Minister for Jobs, Investment, Tourism and Western Sydney)**—My congratulations to 7-year-old Bronte Barber-Thomas of Emu Plains Public School who is a finalist in the eighth Young Archie 2020 competition. The Young Archie competition invites artists between the ages of 5 and 18 to submit a portrait to be judged by the Art Gallery of NSW family programs manager and a guest judge. With over 1800 entries in this year's competition, only 10 finalists were chosen in each age category to have their artwork displayed at the Art Gallery of NSW. Bronte's submission was a vibrant and colourful drawing of her younger brother, Edan sitting in the library highlighting his love of reading books about dinosaurs, monster trucks and superheroes. Fantastic work Bronte!

#### **MIA GUILLERGAN BREAKS WORLD RECORD**

**Ms FELICITY WILSON (North Shore)**—Speaker, today I congratulate Mosman local Mia Guillergan who recently broke the 5000m running world record for 11 year olds. Mia raced around the Narrabeen track at her weekly Manly Warringah Little Athletics meeting in 17 minutes and 41 seconds, smashing the record set by American Kathy Kiernan in 1977 by 18 seconds. Mia who is a committed athlete has her eyes set on a much higher prize, hoping to compete in the Olympics and playing for the Matildas. Mia is also currently preparing for the NSW cross-country title in Dapto where she will be competing against some of the best athletic competitors from across the state. Mia is continually inspired to achieve great results by her grandfather who was poised to compete in the Olympics in the 1950's. I would like to also acknowledge Mia's parents, her mom Anabel and stepfather Michael who reached out to me about Mia's fantastic achievement. Congratulations once again to Mia on this incredible achievement, and the best of luck for your future competitions.

#### **MOSMAN ART PRIZE**

**Ms FELICITY WILSON (North Shore)**—Speaker, today I acknowledge the winners and finalists of the 2020 Mosman Art Prize. This prize is Australia's oldest and most prestigious local government art award and was established in 1947 by artist, architect and arts advocate Allan Gamble. With over 580 entries this year, there was an incredible amount of talented work submitted, with judge Alexie-Glass Kantor having the difficult task of selecting 79 artworks as finalists for the exhibition. Congratulations to the winner of the 2020 Mosman Art Prize, Salote Tawale for their work Mangroves, to Stieg Persson who was the winner of the Margaret Olley Commendation Award, Phil James who was the winner of the Allan Gamble Award, and Ramesh Nithiyendran who claimed the Guy Warren Emerging Artists Award. Salote Tawale's work Mangroves will now enter the celebrated Mosman Art Collection, and help form the basis of Mosman Art Gallery's valuable and historic collection of modern and contemporary art. Congratulations to all the winners and finalists of the 2020 Mosman Art Prize and to Mosman Art Gallery who continue to display dynamic exhibitions and engage with arts in our community.

### PHIL AND JENNY BAKER BOREE CREEK

**Dr JOE McGIRR (Wagga Wagga)**—In small rural communities, the local pub is not just a watering hole. More often than not, the hotel doubles as an unofficial community centre, where the events of the day are discussed and debated. For the past five years, Phil and Jenny Baker have made the Boree Creek Hotel the centre of their community. The 2016 Census shows the community has an official population of 64 people, but it was famously the "seat of power" when then-Deputy Prime Minister Tim Fischer would take on the role of Acting Prime Minister and run the country from his Boree Creek farm. The Bakers' devotion to their community is long-standing. But now, the Bakers have decided to call it a day after planned five-year stint at the pub. Although the coronavirus pandemic forced a delay to a planned auction for the hotel in May, it also presented the Bakers with new opportunities to keep the pub at the heart of their community, as they adapted to the shutdown by offering takeaway options and did a roaring trade in pizzas. I want to commend Phil and Jenny for their hard work and devotion to their community.

### TELL ME A STORY

**Mr STEPHEN BROMHEAD (Myall Lakes)**—Mr Speaker, I rise to congratulate Colbie McCabe, Will McDermott, Amelia Johnson, Shiloh Herzberg Nicholls, Ruby Machon, Archie Murray and Kit Harper who have been awarded for excellence in writing in the annual Tell Me a Story competition. I would also like to recognise the competition organisers Lorraine Rogers, Teresa Siminska, Chris Collins and Trish Roberts they started the competition in 2018 to celebrate learning and encourage students to have a go and discover joy in writing. This year the competition received sixty five total entrants across seven different schools. All of the entrants receive feedback from judges to help them improve their writing skills. I again congratulate those students who received an award this year and encourage all year three to six students in the Great Lakes area to submit a short story to this worthwhile competition next year.

### VALLEY INDUSTRIES LONG SERVICE

**Mr STEPHEN BROMHEAD (Myall Lakes)**—Mr Speaker, I rise to recognise twelve Valley Industries employees for their dedication and long service to the Manning Valley company. I congratulate Ray Bussey for 40 years' service, Peter Gyde for 30 years' service, Marc Jeffress, Paul Arnold, Allison Avery, Darryl Rouland and Glen Buckshiram for 20 years' service and Brady Carney, Mitch Hoppe, Peter Barber, Rebecca Moore and James Glass for 10 years' service. Valley industries says they cannot thank these individuals enough for the time, effort and passion they have shown for their company. The long service of these employees, who are across every aspect of the business is an achievement for both the individuals and the company and a testament to Valley Industries company culture. I again congratulate these 12 employees for their dedication to both Valley Industries and the local area.

### BRAD HANNAGAN

**Mr GREG WARREN (Campbelltown)**—As the member for Campbelltown, it gives me great privilege to acknowledge local organisations and individuals in the house. One of those individuals I would like to recognise is Brad Hannagan. In July 2018, Brad took on a mammoth new role – chief executive officer of Lifeline Macarthur. Lifeline Macarthur is not just an important organisation for residents in our region, it helps provide support for many others outside our area during their time of need. The volunteers and staff really do make an incredible difference to the lives of many. Several of the services offered by the organisation include: crisis support; bushfire support; suicide prevention; suicide bereavement; and financial counselling. For the past two years Brad has been entrusted with helping the staff and volunteers deliver those services as effectively and efficiently as possible. For the past two years, Brad has excelled in his role. Myself, the Macarthur community and those who have relied on Lifeline Macarthur during their time of need are grateful for your contributions over the past two years, Brad. I am sure you will continue to excel in your role for many years to come.

### MACARTHUR FOOTBALL

**Mr GREG WARREN (Campbelltown)**—2020 has been a challenging year for everyone—including our local sporting clubs. The COVID-19 pandemic has resulted in a stop-start season for clubs and associations but it was great to see many winter sports see out the season and celebrate grand finals recently. One of those associations that just wrapped up their 2020 season was the Macarthur Football Association. Everyone from the players, parents, club executives and association members did a tremendous job to ensure the season could be played out eventually. It would also be remiss of me not to acknowledge in particular, my great mate and Campbelltown Councillor, Darcy Lound, who also hold the position of Macarthur Football Association Chairman. Darcy, the entire MFA board and staff, worked tirelessly to ensure the season would be played out and reach its conclusion. There isn't much better than driving through Campbelltown on a Saturday and seeing pitches and

ovals with a plethora of soccer, rugby league, rugby union, netball, cricket, baseball players. I commend everyone involved in the MFA for their dedication during the 2020 season and congratulate them on a job very well done.

#### **2020 SPORTS CLUB PAIRS CHAMPIONSHIP**

**Ms STEPH COOKE (Cootamundra)**—Mr Speaker, congratulations to Tony Parkes and Harley Wilson for winning the 2020 Sports Club Pairs Championship. The finals which took place in West Wyalong at the end of September was an exciting finish for the pair with the end score being 19:16. Tony and Harley showed great determination in the bowling match eventually winning against Lionel Fuller and Chris Karam with both teams giving it their all. Despite restrictions, the close game was entertaining for the spectators on the day. Let's hope the 2021 competition is as strong. Well done once again to Tony and Harley.

#### **HURSTVILLE UNITED JUNIOR RUGBY LEAGUE**

**Mr MARK COURE (Oatley)**—Mr Speaker, I rise to acknowledge the work of Hurstville United Junior Rugby League club, based in my local community. Our local area has a proud and rich rugby league history. We have produced some of the game's greatest players including immortals Reg Gasnier and Johnny Raper. This success is thanks to the fantastic pathways set up by local clubs like Hurstville United Junior Rugby League. Beyond producing NRL players, Hurstville United is a place for young players to make lifelong friendships, learn valuable skills and improve their general health and fitness. I was delighted to be able to support the club with the recent announcement of a \$2,000 NSW Government grant. The funding will go toward purchasing training equipment and jerseys for players which will make a big difference at the club. I would like to thank President Holika Taufa and the whole team at Hurstville United for bringing the need for equipment to my attention. I would also like to thank them for their tireless efforts in supporting rugby league.

#### **OATLEY WEST PUBLIC SCHOOL CBP**

**Mr MARK COURE (Oatley)**—Mr Speaker, I was thrilled to recently announce funding for a great local school in my electorate, Oatley West Public School. Oatley West is colloquially known as 'The School by the Park', which is certainly no exaggeration. The campus is situated against a beautiful, leafy, Oatley Park backdrop. In this year's round of the NSW Government's Community Building Partnership, Oatley West Public School received \$35,000 to fund their 'Nature Play Space' project. The Nature Play Space will give students an opportunity to enjoy the natural beauty the school has to offer, as well as ensuring our local environment is protected and preserved. It is crucial that our students, particularly primary school students, have adequate play areas so they are able to stay active and socialise. Additionally, students tend to perform better in their studies when they are happier at school. The Oatley West school community is tight-knit, and the school is in very capable hands with Principal Paul Nash. I would like to thank him and his team for their continued dedication to our local community.

#### **NINA NEW COMMUNITY TRANSPORT VEHICLE**

**Mr LEE EVANS (Heathcote)**—It was fantastic to recently join NINA (Northern Illawarra Neighbour Aid) for the official unveiling of their new Community Transport Vehicle which will benefit the community. NINA is a community based organisation in Helensburgh which is assisted by volunteers to support people over 65 years old to live independently. This new Mercedes Sprinter is a welcome addition to NINA as it will allow them to support a larger number of their clients. I am pleased the NSW Government was able to assist with this purchase through a \$45,000 Community Building Partnership program grant, as well as the Federal Government's Stronger Communities program grant. I take this opportunity to congratulate NINA on the receipt of this new Community Transport Vehicle and thank them for their continued service to the community.

#### **TRIBUTE: FATHER JOHN "JACK" LANGTRY**

**Mr GUY ZANGARI (Fairfield)**—Recently the Fairfield Local Government suffered a great loss with the passing of Father John "Jack" Langtry on 5th September, aged 82. Father "Jack" was born in Young, New South Wales and entered the seminary at St Columba's College, Springwood going on to study further at St Patrick's College, Manly. He was ordained as a Catholic priest at St Mary's Cathedral, Sydney in 1961. He went on to Fulfill what would be a 59-year Ministry which involved many parishes around Australia and in Papua New Guinea. St John the Baptist Parish in Bonnyrigg was one of these where he was the founding parish priest and a motivational force behind the establishment of St John the Baptist Primary School and Freeman Catholic High School. Father John Langtry will always hold a special place in the hearts and memories of all of his parishioners. He will be remembered as a true reflection of the role of a Catholic priest in the lives of his parishioners, a man who devoted his life to the service of God and his flock. He will be greatly missed.



**FATHER MICHAEL DE STOOP**

**Mr GUY ZANGARI (Fairfield)**—I would like to take this opportunity to acknowledge and congratulate Father Michael De Stoop on his appointment as the next Rector of Seminary of the Good Shepherd. Although I and the parishioners of Our Lady of the Rosary in Fairfield will be sad at his departure, we are very proud of his appointment and wish him all the very best of luck in this new and exciting chapter of his ministry. Father Michael has been an asset to Our Lady of the Rosary Parish and has been the conduit of many positive changes to the parish over the years, including its growth into a missionary parish with spiritual and pastoral outreach services. These service were greatly needed in our community and I thank Father Michael for his guidance over the years of his ministry in our area. Not only has Father Michael been an asset to our community but he is also a published author and his words of wisdom will no doubt serve him greatly to inspire the next generation of priests called to the vocation. Thank you for your service to Our Lady of the Rosary Parish, Father Michael.

**ELLA NAIDOO**

**Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government)**—I bring to the attention of the House the wonderful achievements of Ms. Ella Naidoo Golledge. Ella is a 17 year old student at Ulladulla High School, who has represent her school in swimming, her district in basketball, swimming and CrossFit Huey Ulladulla in weightlifting. Ella represented South Coast in swimming and Basketball for 4 years, with the Milton Ulladulla basketball team being runner's up in the NSW country competition. Ella has recently competed in the Australian Capital Territory weightlifting competition where she excelled. Ella qualified for the nationals in both youth and junior divisions. Ella currently holds the ACT records for the "clean and jerk" lift, as well as the "snatch" lift, in junior, youth, under 23 as well as the senior record for her weight division. Ella is also a very talented student, who is diligent in her application to her studies, where she is achieving high marks. Ella works 2 jobs and trains 4 to 5 days a week at CrossFit. Ella is great example for all young people who aspire to be the best they can be. Congratulations Ella I look forward to hearing of your future achievements.

**BALLINA COASTCARE GROUP**

**Ms TAMARA SMITH (Ballina)**—Today I congratulate the Ballina Coastcare group on being selected as a finalist in the 2020 Southern Cross Credit Union Community Grants Scheme. This small group of volunteer dune carers was officially formed in 2010 through the amalgamation of three local landcare groups that had toiled among the dunes since 1989. Ballina Coastcare is dedicated to restoring and conserving unique beachfront zones and has achieved amazing results in planting and weed eradication, collaboration with all tiers of government, rubbish removal, coordinating with local schools, procuring tools, management of health, safety and insurance. The environmental and social rewards of their work have benefitted the local community, tourism and education. Their next hope is to start a project focused on youth volunteer recruitment, training and promotions, which will help sustain the management and future of Ballina's beaches and coastal zones.

**MULLUMBIMBY HIGH SCHOOL GREEN GROUP**

**Ms TAMARA SMITH (Ballina)**—Today I congratulate the Mullumbimby High School Green Group for being a winner in Byron Shire Council's Sustainability Awards 2020. he group of grade 8-10 students shows a dedication to waste reduction through recycling and waste management education, applying problem-solving, management and leadership skills to a complex real-world issue. They have set ambitious goals to eradicate non-recyclable and non-compostable packaging from the canteen, establish separate waste bins for recycling, green waste, paper and cardboard, and set up a compost system at the school's agriculture farm. They have also recently established an inspiring collaboration with Byron Shire Council to regenerate bush along 500 metres of Mullumbimby Creek, which runs behind the school. The project will form an integral part of the regeneration of nine kilometres of riverbank on the Brunswick River and Mullumbimby and Salt Water creeks. Their efforts are expected to be of enormous benefit to the local ecology, and I applaud their supervisor, Kayleigh Mast, for reaching out to Council to help explore the potential for the riverbank restoration.

**HEPATITIS NSW STRATEGIC PLAN 2020-2024**

**Ms JO HAYLEN (Summer Hill)**—I acknowledge the recent release of the Hepatitis NSW Strategic Plan 2020-24, which among other things, supports the commitment from the NSW Government and governments around the world to eliminate Hepatitis B and C by 2028. Hepatitis NSW is a state-wide, not-for-profit charity founded in 1991, just 2 years after the discovery of Hepatitis C in 1989. With the eradication of Hepatitis B and C hopefully just around the corner, the work of Hepatitis NSW has never been more important. For the last three decades, Hepatitis NSW has advocated for harm minimisation measures, fought to end stigma and discrimination associated with the illness, and campaigned to improve access to healthcare services for those living with viral Hepatitis. The Stategic Plan details a number of goals, including increasing awareness of hepatitis, increasing the capacity of health services, empowering people with hepatitis and continuing to develop the important work of

Hepatitis NSW. I congratulate Hepatitis NSW and all those involved in developing the Strategic Plan and also thank to the many local health workers in my electorate who support and care for those living with Hepatitis in my local community.

#### **ANGLICARE RENTAL AFFORDABILITY SNAPSHOT**

**Ms JO HAYLEN (Summer Hill)**—Anglicare's Rental Affordability Snapshot has once again revealed the challenge faced by NSW residents looking for affordable rental housing. Anglicare's report shows only 9% of properties in the Inner West are affordable for a family household on minimum wage. Of the almost 2000 properties available for rent in the inner west this year, only 3 qualify as affordable. The Snapshot defines housing stress as those households who pay more than 30% of their income on rent. The Snapshot was conducted on 21 March 2020, immediately prior to the lockdown for COVID-19. We know the pandemic will have made the situation revealed in the Snapshot even worse. In my electorate, Marrickville Legal Centre and the Inner West Tenancy Advice and Advocacy Service has provided invaluable support to tenants experiencing housing insecurity and navigating rental negotiations with their landlords. Anglicare is calling on governments to raise the rate for good, establish an independent Social Security Commission, strengthen protections for renters and build more affordable housing. I acknowledge the important work of Anglicare in offering this report each year and thank you for your ongoing support of vulnerable inner westies who rent.

#### **CENTRAL COAST HEALTH NAME THE CRANE**

**Ms YASMIN CATLEY (Swansea)**—Speaker, I would like to recognise a Mannering Park School Student who won the Central Coast Health Name the Crane competition. Eight-year-old Lachlan entered the competition to name the tower crane that is being used in the construction of the Wyong Hospital redevelopment. Lachlan wrote on his entry form that the crane should be called Djibing, Djibing is the Darkinjung word for bird. Lachlan said "This would be fitting because Wyong Hospital is on Darkinjung land". Darkinjung land covers from Catherine Hill Bay to the Hawkesbury River and Watagan Mountains. Lachlan's entry won him a \$100 gift voucher and Mannering Park Public School \$1,000 towards student education. The prizes were provided by the building contractor and I thank them for their support of our local schools. I congratulate Lachlan on winning the Central Coast health Name the Crane competition and upon his great idea to name the crane in respect to the Darkinjung people.

#### **CENTRAL COAST OZHARVEST**

**Ms YASMIN CATLEY (Swansea)**—Speaker, I rise to recognise the work of OzHarvest's Central Coast branch to tackle food insecurity. OzHarvest collects and distributes excess food from supermarkets to its charity partners. On the Central Coast, OzHarvest has partnered with local Lions Club and the Elderslee Foundation. Lions Club and Elderslee Foundation volunteers pack and deliver 500 hampers with fresh produce to charities from San Remo to Woy Woy. COVID-19 and its economic consequences has placed significant financial strain on many families that were already doing it tough and a service like OzHarvest can help provide healthy and nutritious food for these families. San Remo Neighbourhood Centre Manager Jillian Hogan expressed how important services like this provided by OzHarvest are at a time like this stating "So many families are finding themselves in situations that they have never experienced before. The need in our community is so great and it is sadly predicted to increase". I thank OzHarvest, the Elderslee Foundation and local Lions Club volunteers for supporting this important program to assist those in need in our community.

#### **TASTE OF EVERYTHING**

**Mrs TANYA DAVIES (Mulgoa)**—Glenmore Park group, Taste of Everything continues to show kindness to their local community through giving up their time to make thoughtful gifts for vulnerable people. Over the last few years and during the pandemic, Taste of Everything have kindly donated hundreds of handmade knitted items and gifts to various local organisations. The group have handmade bed socks, scarves, sensory tablecloths as well as small bags for ladies. They have even branched out into Father's Day gift bags, which include socks, chocolate, puzzle books and pencils for men. They are becoming increasingly well-known throughout the community as they continue to bless others with their thoughtful handmade gifts. They have also successfully applied and received grants to support their work and allow them to continue giving items for free. Each time they are looking to start a new project, they look for an organisation within the local area that would benefit from their help or that is recommended to them. Their next project will be to present Christmas gift bags to residents of their local aged care facility. Well done to all the ladies at Taste of Everything!

#### **DEBBIE O'CONNOR**

**Mrs TANYA DAVIES (Mulgoa)**—I would like to acknowledge Glenmore Park local, Debbie O'Connor for her outstanding work in the community and inspiring story that has seen her achieve great business success. Debbie was born in South Africa and travelled all over the world before meeting her husband and settling down

in Western Sydney in 2001. During her travels, she was able to study overseas and acquire skills that would help her in later creating an innovative business model that supports business cohesion and creativity. Cut to today, Debbie is now the CEO of 'White River Design' and the founder of local business venture 'The Creative Fringe'. The Creative Fringe opened in 2014 and is Western Sydney's most dynamic co-working space, providing the Greater Western Sydney business community with a shared office space to collaborate with local entrepreneurs. Debbie and those at The Creative Fringe are heavily involved in fundraising initiatives such as the 'Think outside the Square' challenge where people donate knitted squares to make blankets that are donated to the homeless and less fortunate. Thank you Debbie for all your hard work and contributions to our local community for so many years.

#### **PARKINSON'S SUPPORT GROUP**

**Mr GREG PIPER (Lake Macquarie)**—I would like to acknowledge the excellent work and tireless efforts of the lead volunteers behind the Newcastle Parkinson's Support Group. Among those volunteers are Sandra Elms, Lawrence Gray, Tonee Knowles, Christine Gray, Karen Begley and Verlie Sullivan. This group provides support and well-being for people living with Parkinson's disease as well as their carers throughout my electorate in Lake Macquarie and also throughout the broader Newcastle area. As well as providing expert information on the disease to the local community, the group runs cognition sessions for members such as drumming circles, musical events, art classes and craft activities. The group also runs a Parkinson's choir, dance and Pilates groups. This valuable community organisation receives very little financial help and host fundraisers such as trivia nights to cover the costs of these activities. I commend the valuable work of the Newcastle Parkinson's Support Group volunteers and thank all of them for making life a little easier for sufferers of this debilitating disease.

#### **ROTARY CLUB OF MORISSET'S MASKETEERS**

**Mr GREG PIPER (Lake Macquarie)**—I wish to acknowledge the excellent work of the Rotary Club of Morisset's "Masketeers" who are seamlessly led by club president Margaret Johnson, Masketeer in Chief Kerry Morrissey and Chief Pattern Cutter Mike Baudinette. Since May this year, the Masketeers have made around 1000 re-useable fabric face masks which they have donated to local community groups, the elderly and other vulnerable people to help prevent the spread of COVID-19. Club volunteers organised working bees which have included a kindergarten class for beginners and, following public demand for their high-quality masks, also spent many hours manning pop-up stalls. One stall was recently set up at Morisset Railway Station to support the NSW Government's recommendations that commuters wear face masks while in transit. All profits from the venture have gone back into charity and community projects. This fundraising effort is also important as many of the club's traditional fundraising efforts have not been possible due to COVID-19 restrictions. I'd also like to acknowledge the efforts of Wangi Quilters who put together many of the masks. I congratulate all of the Masketeers on their efforts and commend them for their community spirit.

#### **CARLTON SOUTH PS FUNDRAISING**

**Mr CHRIS MINNS (Kogarah)**—I would like to acknowledge the wonderful work of local students from Carlton South Public School who recently donated three iPads to St George Hospital to be used by patients in the children's wards. The school held a "red" dress up day and raised \$1500. The Student Representative Council chose the Hospital's children's ward as recipients of the fundraising efforts and decided to purchase the iPads to help entertain sick children while they are staying in hospital. School leaders, Justin Hoang, Jessica Thiel, Mohamed Affour and Kim Riolo delivered the iPads and some hand written notes and drawings to patients and staff at the hospital. This is an incredible gesture of kindness by some young leaders in our community during a tough year for many. Thanks to Mrs Selina Tilling, Mrs Jenny Ferlazzo, and Mrs Kate Weekley for coordinating this wonderfully generous initiative.

#### **COVID CLINICS**

**Mr ALEX GREENWICH (Sydney)**—On behalf of the Sydney electorate, I would like to commend the rapid establishment and operation of COVID-19 clinics in this electorate. St Vincent's Hospital was able to rapidly set up a COVID-19 clinic at the City of Sydney's East Sydney Community and Arts Centre, which allowed the main hospital services to continue without putting hospital staff, patients or visitors at risk. I witnessed a great response from inner city residents, and heard reports of friendly and supportive help at the clinic despite the long queues when local alerts were sounded. The Rushcutters Bay clinic that followed a cluster of positive COVID cases in Potts Point was also welcome. I'm particularly thankful that St Vincent's Hospital was able to set this up so quickly and enable inner city residents, business operators and visitors to get tested so quickly. While the COVID-19 pandemic is with us for some time, I thank the health services and staff for the rapid responsive services that have helped prevent serious outbreaks in this electorate.

**DARLO PANTRY**

**Mr ALEX GREENWICH (Sydney)**—On behalf of the Sydney electorate, I would like to put on record the great efforts of Darlinghurst residents to support people struggling during the COVID-19 shutdown earlier this year. Facebook group Darlo Darlings set up the Darlo Pantry when local homelessness support service Rough Edges had to close. Locals donated non-perishable food, leaving it on shelves for those in need to collect. I've seen reports that a number of people were totally reliant on this food after losing their job and having no income, while others could no longer get food at Rough Edges and this was the only source. The Darlo Pantry was supported by Mark Batstra, of Mark's Florist on Victoria Street and local resident Marion Monks looked after the pantry every day cleaning and stocking the shelves. Marion has just been awarded Darlo Darlings' first commendation for her community support efforts and I add my voice to thank her for giving so much back to the community. Darlo Pantry is a great example of inner city communities helping each other out and supporting those who are facing a difficult time and I thank all those involved for this positive community spirit.

**CRONULLA SEAGULLS FC**

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence)**—I congratulate Cronulla Seagulls Football Club on its successful 2020 season in very challenging circumstances. COVID-19 brought many challenges for Cronulla Seagulls FC, beginning with a delayed start to the season and a reduced number of competition games once the season commenced. Cronulla Seagulls FC was proactive in its management of the pandemic by constantly updating club members of changes to restrictions. President George Koulouris, Secretary Rob Brown, Treasurer Liz Pavett and other club officials carefully guided the club and its 1500+ players through the challenges of COVID-19, such as reduced spectators at games and social distancing. I congratulate the Seagulls 12A, 13E, 15C, 21A and W16B teams for winning their respective competitions. All players, coaches and managers should be proud of their efforts.

**MS CHARMAINE TRIGG**

**Mr EDMOND ATALLA (Mount Druitt)**—I wish to commend Ms Charmaine Trigg, Lifesaving Instructor from the Rooty Hill RSL Youth Swimming Club for her outstanding work and dedication in her lifesaving duties. Last year, Ms Trigg received the Russell Crane Cup, awarded by Royal Lifesaving NSW for "outstanding service in promoting The Society in the community". Ms Trigg also received the distinguished service award for her ten years of service. This year, Ms Trigg has again been nominated by the Rooty Hill RSL Youth Swimming Club to receive Honour awards for her continued hard work and dedication in making future Swimmers in my community strong and safe swimmers. I would like to take this opportunity to warmly congratulate and thank Ms Trigg for her service.

**DR ALEXANDRA SPENCER**

**Mr MATT KEAN (Hornsby—Minister for Energy and Environment)**—Today I would like to acknowledge a former Hornsby local who is part of a team of researchers working on a vaccine for COVID-19. Dr Alexandra Spencer is a Senior Immunologist at the Jenner Institute in Oxford. This is the research team that has progressed to phase 3 of human clinical trials for a vaccine. Dr Spencer has been with the Jenner Institute for 14 years where she has worked on vaccine development programs for Malaria, Influenza and Ebola. However, she grew up in Normanhurst and attended Normanhurst Public School then went on to Abbotsleigh and Barker. Dr Spencer lives with her husband Iain, and two children Emma and Hamish and while they may live and work in the UK they still consider Australia home. I want to thank Dr Spencer and her team and congratulate her on all her efforts to help us overcome COVID-19.

**LILLI PILLI FC**

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence)**—I congratulate Lilli Pilli Football Club on its successful 2020 season in very challenging circumstances. COVID-19 brought many challenges for Lilli Pilli FC, beginning with a delayed start to the season and a reduced number of competition games once the season commenced. Lilli Pilli FC was proactive in its management of the pandemic by constantly updating club members of changes to restrictions. President Greg Storey, Secretary Dave Paget and Treasurer Steve Willett and other club officials carefully guided the club through the challenges of COVID-19, such as reduced spectators at games and social distancing. This is no easy task as the club has over 1500 registered players, with a large number of junior Mini Roos who needed to be spread across three sites on Saturdays. I congratulate the Lilli Pilli W12C, W13A, 13A, W18B and SWE teams for winning their respective competitions. All players, coaches and managers should be proud of their efforts.

### OPENING OF THE NEW UNITING WESTMEAD

**Mr MARK TAYLOR (Seven Hills)**—Mr Speaker, over the past three years, Uniting Westmead has been undergoing a redevelopment in order to provide: contemporary aged care; community services; and facilities to the local community for now and for the future. The redevelopment has centred around the construction of: a new 114-place aged care home with 6 households, each with single bedrooms and ensuites for 19 residents. The home also includes shared living spaces, dining areas, a communal kitchen and a chapel; 70 retirement living apartments and a dedicated residents' clubroom; A 75-place early learning centre, specially designed to engage and inspire young minds; A wellness hub includes a seniors' gym, café, hair and beauty salon, allied health consulting rooms, community vegetable garden, and indoor/outdoor areas with fireplaces, barbecue facilities and landscaped gardens. Work on the redevelopment is now complete and I understand that residents have been transitioning to the new facilities from Wednesday last week. Well done to all at Uniting Westmead.

### GRANT BALFOUR

**Mr MARK TAYLOR (Seven Hills)**—I acknowledge Australian Baseball hall of famer Grant Balfour. Grant was educated in the Seven Hills Electorate at Kings Langley Public School before attending William Clarke College. Grant's father, David, played rugby league for the Balmain Tigers and was the owner of the Sydney Blue Sox. David's passion for baseball was taken up by son who proudly represented Kings Langley Baseball Club at the Lalor Park home ground of Ashley Brown Reserve in the Seven Hills Electorate. Grant made his US Major League Baseball debut for the Minnesota Twins in July 2001 and his final appearance was with the Tampa Bay Rays in April 2015. Throughout his long career he also played for the Cincinnati Reds, Milwaukee Brewers and Oakland Athletics. In 2013 he was made an All-Star and in 2015 was inducted to the Hall of Fame. Grant is the all-time save leader and strikeout leader among Australian MLB pitchers, and holds the Oakland Athletics consecutive save record at 44.

### LISA SMAJLOV

**Mr JAMIE PARKER (Balmain)**—Today I draw to the attention of the house an outstanding community organiser and advocate Lisa Smajlov for her longstanding contributions to the Balmain Electorate. Lisa has been a dedicated, passionate and caring community leader for the past 15 years and has been a central figure at the Rozelle Neighbourhood Centre for over a decade. In her time at the Rozelle Neighbourhood Centre, Lisa assisted countless local residents and developed invaluable community programs to support the most vulnerable in our community. Lisa demonstrated her outstanding leadership during the height of the COVID-19 pandemic as she established the Peninsula Caring group which formed to assist vulnerable residents with basic necessities. Initiatives like this don't happen by accident, they are powered by hardworking and compassionate community organisers like Lisa. I speak on behalf of our whole community when I sincerely thank Lisa for her many years of dedicated advocacy. She has improved the lives of so many local people and I have no doubt that she will continue to make our community a better place to live for years to come.

### SLS SEASON KICKS OFF

**Mr GEOFF PROVEST (Tweed)**—I wish to honour our local volunteer surf lifesaving clubs, Cudgen Headland, Fingal Rovers, Salt and Cabarita. Surf lifesavers and Nippers across these clubs have officially launched their 2020/21 surf lifesaving season with the annual raising of their red and yellow flags. With patrols now in full swing I would like to thank the more than 20,000 active volunteer surf lifesavers across our state who will contribute their time to keeping the public safe on our beaches each weekend and public holiday for the next few months. With some beautiful summer days on their way I'm sure there will be many locals enjoying our beautiful beaches and sunshine. But remember, we must swim between the flags.

### PLAYGROUND AT THE SOUTHERN HIGHLANDS BOTANICAL GARDENS

**Mr NATHANIEL SMITH (Wollondilly)**—I congratulate the Southern Highlands Botanical Garden on its successful grant of \$200,000 from the New South Wales Government's My Community Project Program, which has gone towards a new playground. It was an absolute pleasure to be at the gardens for the opening of the new all-abilities playground. I was impressed with the gardens that surround it, which have had continual development for the past decade thanks to all the dedicated and committed volunteers who have worked on them. Well done to the community in the Southern Highlands who mustered enough support for this great project, which has already made Wollondilly a better place. I encourage all those who have not yet visited the Southern Highlands to do so and to ensure that the Botanical Gardens and its new playground is on your itinerary.

### JOSHUA NICKL

**Mr NATHANIEL SMITH (Wollondilly)**—I would like to extend a huge congratulations to the Retail Baking apprentice, Joshua Nickl, who has taken out the top honour at the 2020 NSW Training Awards. Joshua

has been named both as the 2020 NSW Apprentice of the Year as well as the People's Choice winner and is an inspiration to anyone thinking of pursuing a fulfilling and rewarding career through vocational education and training. Joshua grew up in his parent's patisserie and followed in the footsteps of his father, who was once a finalist in the NSW Apprentice of the Year Award. His pastries can be found at Gumnut Patisserie in Bowral, Berrima and Mittagong. I encourage everyone to come down to the Southern Highlands to try them. I wish Joshua all the best when he represents NSW at the Australian Training Awards in November and thank him for making everyone in Wollondilly proud.

#### **ALAN AND ALMA ROOTES 60TH WEDDING ANNIVERSARY**

**Mr PETER SIDGREAVES (Camden)**—Mr Speaker, on the 8th of October 2020, Alan and Alma Rootes celebrated 60 years of marriage to one another. This already is in and of itself an amazing accomplishment, however I would particularly like to recognise the service that this couple has provided to the Camden community over their many years of marriage. Both Alan and Alma have been active members in the New South Wales Rural Fire Service for over 30 years in Bringelly, receiving a number of commendations and awards over their many years of service. I am glad to recognise the achievements of this amazing couple and wish them all the best for their 60th Wedding Anniversary.

#### **HSC STUDENTS CAMDEN ELECTORATE**

**Mr PETER SIDGREAVES (Camden)**—Mr Speaker, the 2020 HSC Students have faced unprecedented challenges to get to this point. With the HSC exams commencing next week, I would like to wish all HSC Students in the Camden Electorate well for their exams. The resilience and hard work these students have shown in the midst of bushfires and a pandemic is admirable and I know they will give everything they've got in their exams. I encourage students to focus on their studies, but also to focus on their mental and physical wellbeing. It is important to stay healthy and connected during this time and there are a number of resources available for students looking for someone to reach out to. This is a fantastic milestone in one's life and I again send all students my best wishes and support for their exams as well as their future ambitions.

#### **POSITIVE VIBES FOUNDATION**

**Mr RAY WILLIAMS (Castle Hill)**—I would like to take this opportunity to recognise the fantastic work of the Positive Vibes Foundation, a Hills-Based charity organisation working hard to destigmatise negative attitudes associated with mental health. The Positive Vibes Foundation runs a myriad of successful programs having conversations about mental health, suicide prevention and bereavement and connecting people to services. Some of these include the Hills Women's Shed and Library and School Programs. They also use the positive mental health effects of animals to assist in their work, including their dog-based aged care visits and their 'Pawsitive Steps Towards Mental Health' program. The Foundation recently announced their partnership with the Hills UPmarket, a community market with over 60 stalls. My thanks goes out to all involved in the running of this wonderful Charity, namely Jay Bacik, Mario Rodrigues, Albert Seah, Jeanette Farrell, Andrew McIver, Nalika Padmasena, Mercedes Durante and Juanita Ruiz.

#### **DEPUTY MAYOR SAMUEL UNO**

**Mr RAY WILLIAMS (Castle Hill)**—I would like to take this opportunity to recognise the new Deputy Mayor of the Hills Shire Council, Samuel Uno. Deputy Mayor Uno has shown a great dedication to public life since his initial election to the Hills Shire Council East Ward. He has pushed very hard for, among other things, the WAVES Aquatic Centre Upgrade and the Castle Hill Showground. I wish Samuel all the best in his new role over his 12 month term. I would also like to mention Outgoing Deputy Mayor, Councillor Reena Jethi, of the West Ward. In these very difficult times, Councillor Jethi has not only pushed for the aforementioned projects, but also for the Norwest Business Precinct and new Village Green at Rutherford Avenue. She has also ensured the council remains debt-free and in a strong financial position.

#### **PORT MACQUARIE SHARKS UNDER-17S GIRLS 2020 LEAGUE TAG PREMIERSHIP**

**Mrs LESLIE WILLIAMS (Port Macquarie)**—I rise to recognise the 2020 under-17s girls' league tag premiership champions, the Port Macquarie Sharks who defeated the Wingham Tigers in a crushing win on Friday 23 September 2020. It was a thrilling victory for the mighty Port Macquarie Sharks who recently thrashed the previously undefeated Wingham Tigers in a stunning clash that saw our local Group 3 Junior team race home to win, 18 points to 4. I applaud our fearless team of seventeen players led by Coach Nathan Thurlow, with Shark players; Tahlia Lacey, Brooke Meyers, Tully Fenton, Shelby Filipek, Bella Ryan, Kate Field, Sophie Martin, Kirsten Ballard, Alexis Coghlan, Madi Coghlan, Emily Wright, Makayla Hogan, Shontai Fernando, Jenaya Hourigan, Nicola Abi Saab, Hannah Abi Saab and Jordan Guest. There were some notable highlights of the match by Shelby Filipek, Makayla Hogan, Tahlia Lacey and Madi Coghlan who crashed over the try line with

four-pointers. I congratulate our new premiers for a sensational win against the strong Tigers team and wish them well for the 2021 season.

#### **PAUL & ELAINE SOUTHON**

**Mrs LESLIE WILLIAMS (Port Macquarie)**—I rise to recognise the extraordinary community spirit of Dunbogan resident's Paul and Elaine Southon who have donated a section of private property to Port Macquarie-Hastings Council to allow the ongoing development of footpaths in our region. In a society where we are all facing some unique and ongoing challenges it is wonderful to hear of a humble and generous couple like Paul and Elaine Southon gifting a parcel of their own private land for the benefit of others in their community. Their bequest will mean that Dunbogan resident's will see the Beach to Beach footpath project move one step closer to completion and an invaluable asset for all to enjoy. Thanks to this significant contribution the planned Beach to Beach pathway will be able to bypass what is considered the most dangerous stretch of the eleven kilometre project. Once completed the pathway will enable a much safer passage into town and back again for residents and holiday makers alike. Beach to Beach President Penny Small was delighted to accept the generous donation by Paul and Elaine noting that this highlight was yet another example of the Camden Haven community coming together for a very worthwhile cause.

#### **WARNERS BAY COMMUNITY GARDEN**

**Ms JODIE HARRISON (Charlestown)**—I acknowledge the wonderful people behind the Warners Bay Community Garden, who over the last five years have turned a two-acre patch of Bunya Park into a thriving community garden. The Garden doesn't have a gate, and doesn't restrict access, working on an honesty principle summed up simply by convenor Trudy Patterson: "Pick a little, leave a lot." Locals have come to embrace the garden, which is home to a wide variety of vegetables, fruits, herbs and scented flowers. The group now has more than a hundred members and is always looking for more. They came through the COVID-19 pandemic by operating a roster system, ensuring the garden remained looked after. They have big plans for the future, too. After securing a \$10,000 grant from Hunter Water, they have installed two wicking beds and plan to install four more. They hope to one day build a central pergola—complete with a pizza oven and barbecue—and install wheelchair accessible pathways so the whole community can enjoy the Garden. My congratulations to Trudy, deputy convenor Adelle Austin, treasurer Jeff Nott, secretary Barbara Novelli and the whole team—I can't wait to see what comes next.

#### **NATIONAL CARERS WEEK**

**Ms JODIE HARRISON (Charlestown)**—This week is National Carers Week, a chance for us to recognise the extraordinary contributions of informal carers across New South Wales. One in eight people in our State are carers. This means a person who is giving regular, ongoing assistance to another person without payment for the care given. They provide hundreds of millions of hours of unpaid care for family members and friends every year. They report high levels of stress and depression, and often are not adequately supported in their caring role—especially this year, during the course of COVID-19, where many have been unable to access their support networks. Too often, the hard work and tireless effort of carers goes unremarked upon and unacknowledged, even though what they do is so important. I want to change that. Today, I would like to thank each and every carer in the Charlestown Electorate and across New South Wales.

#### **DENNIS AND KATE WILLIAMS**

**Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government)**—I rise to give special mention to Sanctuary Point residents Dennis and Kate Williams, who've long campaigned for upgrades at Palm Beach and run the local Sanctuary Point Newsletter. Dennis and Kate have been relentless in their campaign for upgrades at Palm Beach, and it was wonderful to turn the first sod ahead of work commencing at the site. Once complete, these new facilities will transform the area into a high quality nature-based tourism precinct. We know there is already so much to see and do in the Shoalhaven and this project will create an impressive new attraction to entice first time and return visitors. Projects like this not only boost the local economy, but will cement our region as a world class tourist destination once borders reopen. I am particularly pleased to have secured funding worth \$5.3 Million under the NSW Government's Restart NSW Infrastructure Grant for Shoalhaven City Council, to ensure this project, along with six others across the Shoalhaven can be completed. Well done Dennis and Kate – I look forward to joining you for the opening of the new facilities!

#### **KEN EDWARDS**

**Mr MATT KEAN (Hornsby—Minister for Energy and Environment)**—Today I would like to congratulate Hornsby local Ken Edwards who has received the 10 year service medal for his work with Marine Rescue. Ken started at the Hawkesbury branch in 2010 before transferring to Cottage Point in 2019. He has served as Hawkesbury Unit Commander between 2016 and 2018 as well as Deputy Commander and Administration and

Stores Officer. Ken holds a Certificate III Marine Operations, a Master rating and a Certificate IV Training and Assessment and maintains his role as a regional Trainer and Assessor. He has also served on the Marine Rescue NSW Board of Directors. Well known to many in Hornsby, Ken and his wife Sue run Sue Edwards Real Estate in Asquith. They also can be seen refereeing games at Hornsby Touch during the season. Congratulations Ken on 10 years with Marine Rescue, helping keeping our community safe on the water.

#### **MAITLAND ATHLETICS CENTRE**

**Ms JENNY AITCHISON (Maitland)**—Congratulations to Maitland City Council for its outstanding stewardship of the \$10.5 million Maitland Regional Athletics Centre which opened on Monday. Unfortunately Parliamentary commitments precluded me from being there, but I had a sneak peek at the amazing facilities which the State Government contributed \$5.5 million to. The site includes a 400 m synthetic track and 9 lane track with a 10 lane front straight over the weekend, and it is fantastic! The centre has International Amateur Athletic Federation (IAAF) Class 2 certification by World Athletics. It features invisible timing gates for amateur athletes. There are water misting stations for our hot Maitland days, a grandstand with capacity for 600 spectators, 200 lux competition and 75 lux training lighting, physio, first aid and drug testing facilities, a starters/video box, a canteen, outdoor fitness station, playground and an officials area. The facility will be a game changer for athletics in our community, and has established Maitland as a premier sports precinct. The facility will help drive much needed weekend business into Central Maitland and the Levee, and encourage local tourism. I thank the Hon Robyn Parker, the former member for Maitland, for her advocacy in obtaining funding!

#### **MAITLAND COMMUNITY RADIO STATION**

**Ms JENNY AITCHISON (Maitland)**—I rise today to congratulate Mr Dave Cochrane and the Maitland Community Radio Group in their successful meeting at East Maitland Bowling Club a couple of weeks ago to develop a proposal for an independent community FM radio service for Maitland NSW. There is a great need and benefit for all residents in my electorate of Maitland, for a Community FM Radio Station. The group is aiming to provide vital safety information, local news and more, and with 100 per cent local presenters, presenting local information focusing only on Maitland and our surrounding suburbs. Maitland is the fastest growing city outside of Sydney, with a population of nearly 90,000 people, with its own flourishing community, arts and sports groups, which would greatly benefit from having a radio station dedicated to the news, views and information focusing on Maitland. The proposal was supported by many leaders in our community from all sides of business and politics to the arts, culture and sporting groups. Dave has an extensive background in radio and has gathered an enthusiastic and capable team around him. I thank Dave and the rest of the group for their leadership in undertaking this initiative!

#### **ALL PARENTAL CARE SERVICES**

**Ms ELENi PETINOS (Miranda)**—Congratulations to the wonderful team at All Parental ("AP") Care Services who have received a Sutherland Shire Local Business Award in the community services category. Founded by Shirley Meredith in 1973, AP Care Services is one of Sydney's leading non-government funded home care organisations, specialising in caring for clients in their own homes across Sydney, Wollongong and the Illawarra region. Dedicated to helping clients live a better life, the team affirms the intrinsic worth of each individual by focusing on what one can still do rather than what they can no longer do. I acknowledge the dedicated and caring team behind the organisation, including Shirley Meredith, Danielle McNally, Lyn Meredith, Jennifer Whitelaw and Barbara Souter. I particularly recognise Mrs Meredith's role in building AP Care Services from the ground up, and for leading such a compassionate team by example. I thank those at AP Care Services for the invaluable role they play in our community and extend my best wishes for the future.

#### **NINA'S CHOCOLATES GYMEA**

**Ms ELENi PETINOS (Miranda)**—During Small Business Month, I acknowledge Nina's Chocolates GyMEA for winning a Sutherland Shire Local Business Award in the Delicatessen/Gourmet Food category. Founded in 1995 by George and May Magganis, Nina's Chocolates is an artisan chocolatier specialising in luxurious handmade Belgian chocolate. Originally based in Kirrawee, Nina's has since grown to a larger premises in GyMEA's retail village, and recently opened a second store in Engadine. The enduring legacy of the business may be attributed to George's continued training of the Nina's chocolatiers, their culinary excellence and unique ability 'to capture the essence of what makes a Nina's chocolate a truly memorable taste sensation'. I recognise the more than 20 staff that work on the premises, who not only serve locals and visitors alike, but also make, hand-pack and distribute more than 120 handcrafted chocolate varieties all over Australia. I also take this opportunity to acknowledge the leadership of General Manager, Michelle Corben. Congratulations to the team at Nina's Chocolates for another well-deserved win.



**The House adjourned pursuant to standing and sessional orders at 21:44 until  
Thursday 15 October 2020 at 09:30.**