



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 11 November 2020**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE ASSEMBLY

**Wednesday, 11 November 2020**

**The Speaker (The Hon. Jonathan Richard O'Dea)** took the chair at 13:00.

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

### *Announcements*

#### **REMEMBRANCE DAY**

**The SPEAKER:** I note that today is Remembrance Day. We have marked it in the Parliament, as did many members either in their own electorates or in the city earlier today.

*[Notices of motions given.]*

### *Bills*

#### **MARINE POLLUTION AMENDMENT (REVIEW) BILL 2020**

##### **Second Reading Debate**

**Debate resumed from 15 October 2020.**

**Mr CHRIS MINNS (Kogarah) (13:12:18):** The Opposition does not oppose the Marine Pollution Amendment (Review) Bill 2020. The bill seeks to amend the Marine Pollution Act 2012 which gives legislative effect to New South Wales' obligation under the International Convention for the Prevention of Pollution From Ships, known as the MARPOL convention. The proposals were released in a discussion paper in October 2019. The response to the consultation was subdued, with eight submissions and no major objections from the stakeholders. MARPOL is the main international convention on preventing pollution from ships caused by operational or accidental causes. It was adopted in 1978 after a series of tanker accidents and oil spills in the 1970s. However, it was not until 1973 and the election of a Federal Labor government that Australia took its marine protection obligations seriously.

The 1983 Federal Government passed the Protection of the Sea (Prevention of Pollution from Ships) Act and the MARPOL convention was given legislative status in Australia. The Unsworth Government in New South Wales introduced the first MARPOL legislation in 1987. This was replaced by the current Marine Pollution Act in 2012 under the O'Farrell Government. Every State and the Northern Territory has legislation that gives effect to MARPOL. The convention obligations cover six areas set out in annexes: regulations for the prevention of pollution by oil; regulations for the control of pollution by noxious liquid substances; prevention of pollution by harmful substances carried in sea in packaged form; prevention of pollution by sewage from ships; prevention of pollution by garbage from ships; and prevention of air pollution from ships. New South Wales legislation gives effect to the first five annexes. The sixth is a Federal Government responsibility. As these annexes are revised from time to time, the State and Commonwealth legislation needs to be updated to keep the legislative framework consistent with the convention.

The first key proposal broadens the application of the Marine Pollution Act to cover all State waters, such as the Murray, Murrumbidgee and Darling rivers. The Opposition supports this initiative which brings the management of marine pollution under one Act. Currently different Acts apply to vessels in coastal waters, compared with those in inland waters. It is logical to streamline the legislation as a result. The second key proposal includes recreational vessels in the range of vehicles to which the Marine Pollution Act applies. The Opposition believes the practical impact of this change is to require recreational vessels to display garbage disposal placards informing crew and passengers of the correct way to dispose of their garbage. Large recreational vessels will also be required to have a garbage management plan. The Opposition understands these requirements are not opposed by the boating industry or recreational boating community.

The bill inserts a regulation-making power making it an offence to discharge or deposit untreated sewage into State waters from vessels other than large ships. The Opposition believes this is a punitive provision of the legislation but it is aimed at a serious issue. The discharge of untreated human sewage into waterways poses a health and ecological threat to human and marine life. The bill gives the Minister the power to take action to prevent or clean up marine pollution on abandoned, out of commission or derelict vessels. The Opposition believes

the current legislation gives the Minister power to take any preventative or clean-up action; however, the current provisions do not adequately cover derelict or out of commission or abandoned vessels.

The bill provides for the Minister to give written notice to the owner of a vessel to take action to prevent or mitigate the risk of pollution of the abandoned or derelict vessel. We believe that is appropriate. The bill will increase the ability to detain a vessel in New South Wales waters to recover costs of responding to a pollution incident. The Opposition believes that this is an appropriate provision in the legislation. Vessels can already be detained; however, to detain a vessel the Minister must have a reasonable cause to believe that the vessel will depart. This amendment removes that prerequisite. Given that a vessel would have been caught in the act of disposing of human sewage in public waters, this seems like a reasonable provision.

Boating is a way of life for many Australian families. It is estimated that five million people participate in some form of boating each year. The majority of boating activity is in family runabouts and small sail and paddle craft. The Boating Industry Association estimates there are more than 910,000 registered vessels and a countless number of other craft. It is a healthy activity and one that is especially important in a time of pandemic where local holidays and recreational activities are to be encouraged. We note that the Boating Industry Association has raised concerns about matters to be dealt with in the regulations in relation to the certification of sewage management equipment and the imposition of penalties on smaller vessels.

The Opposition encourages the Government to discuss these issues with the boating community before making the regulation. We reserve our right to move a disallowance motion if the regulations prove to be too onerous, inadequate, misplaced or mistimed. The Opposition also agrees with the call from the boating industry about the need for better education on pollution prevention. We ask the Minister to take these suggestions on board and develop a new and focused statewide education campaign on marine pollution prevention for boating enthusiasts. This would encourage a greater understanding and compliance with the letter as well as the spirit of the Marine Pollution Act.

**Mr ADAM CROUCH (Terrigal) (13:18:38):** On behalf of the Government I speak in support of the Marine Pollution Amendment (Review) Bill 2020. I acknowledge the contribution of the member for Kogarah and that the Opposition does not oppose this very sensible bill. I congratulate the Minister on bringing the bill before the House. The Marine Pollution Act regulates a range of marine pollution functions, such as discharge of marine pollutants, compliance and record-keeping requirements, implementation powers, enforcement and penalties for breaches.

The legislation gives effect in New South Wales to the International Convention for the Prevention of Pollution from Ships, which is known as MARPOL. It is imperative that legislation supports the protection of our precious waterways from that sort of pollution. To do so, the legislation needs to support compliance and enable preventative action to avoid pollution from happening in the first place. While the discharge of certain pollutants is not permitted, legal defences are available for some actions in certain situations. Defences include a discharge occurring due to damage to the ship or for the purposes of securing safety, saving a life or combating pollution. Additional defences are available for the discharge of some marine pollutants in certain situations and in relation to the reporting of pollution incidents.

The Act also includes requirements for certain vessels to carry emergency plans and other documents and to keep records, and certification requirements covering the construction of the vessel and its sewage pollution prevention requirements. In addition to the above functions, which relate to MARPOL requirements and standards, the Act includes a number of related functions to clarify the intent of the Act and to improve the State's ability to protect New South Wales waters from marine pollution from vessels. These include requirements related to the provision of reception facilities for prescribed waste, which includes oil, noxious liquid substances, sewage, garbage and residues of those substances; and provisions for the recovery of damages, costs or expenses relating to discharges that are prohibited by the Act.

In addition to the above, the Marine Pollution Act allows the State to protect New South Wales waters from pollution from vessels by taking preventative or clean-up actions and recovering the costs of those actions, on behalf of the community, from relevant persons—whether that is the vessel owner, the master or any other person responsible for polluting our waters. The bill contains amendments to strengthen those provisions. That leads me to the incident involving the *APL England* that occurred in May this year, which was well publicised and which severely affected the Central Coast.

During a storm event 40-odd containers were washed off the *APL England* and a number of those containers washed up on the beautiful shores of the Central Coast. I wrote to the transport Minister immediately when I became aware of the situation. Obviously, the concerns were that the vessel owner and the master be held responsible for the actions of the *APL England*. I must congratulate the Minister, who is in the Chamber, because he acted instantaneously. I am very pleased that the owners of the *APL England* were hit with a \$22 million



clean-up bill—and quite deservedly so—to ensure that the New South Wales coastline, and especially that of the Central Coast, was cleaned up.

We even had 40-foot containers bobbing around in the Hawkesbury River. As a former recreational boat owner, containers are one of the greatest dangers to sailors and recreational boat owners. They sit right on the waterline and are unseen in a lot of cases, especially at night-time, and present massive hazards to recreational boaters. I congratulate the Minister on acting so quickly on behalf of all of the people on the Central Coast. Literally within hours of writing to him, I had a response and they were onto it. Again, I am really pleased that the owners of the *APL England* were made to pay the \$22 million required to clean up that situation, which was totally unacceptable to all people in New South Wales and especially on the Central Coast. Our beaches are our pride and joy on the Central Coast. They are also one of our greatest tourism drivers. The *State of the Beaches 2019-20* report has shown that they are all in good condition, including Terrigal, which is fantastic. I am really pleased that the Minister was able to act so quickly during that incident.

The bill includes an amendment to allow the State to take the proactive measure of requiring pollutants such as oil to be removed from vessels that are derelict, abandoned or out of commission, to remove the potential for a pollution incident. While the State can already take actions to deal with marine pollution, currently there must first be a discharge or a probability of a discharge. This does not adequately cover instances where derelict or out-of-commission vessels are not attended to or are abandoned by the owner. To help address this, the bill introduces the marine pollution removal notice as a new category of marine environment protection notice under the Act.

This notice allows the State to direct the owner of an abandoned, derelict or out-of-commission vessel to take such preventative actions as are considered appropriate to protect New South Wales waters. This amendment to the Act can be found in schedule 1.1 item [84] of the bill. A related amendment will allow the State to take action in relation to removing marine pollutants such as oil from abandoned, derelict or out-of-commission vessels. The marine pollution removal notice is similar to the existing marine pollution clean-up, marine pollution prevention and marine pollution prohibition notices in the Act. This amendment enhances the State's ability to take preventative measures to remove risks to the marine environment from certain vessels on behalf of the community.

The bill introduces an amendment to remove the prerequisite that a vessel must be likely to depart New South Wales waters before it can be detained to recover the costs of responding to a pollution incident, which is very similar to what we saw with the *APL England*. The current situation is that in response to a marine pollution incident, vessels can be detained until the costs incurred in cleaning up or taking preventative action are reimbursed or security is given. However, the power to detain a vessel that is believed to have discharged marine pollutants is conditional on having reasonable cause to believe that the vessel will depart State waters before an investigation into the source of the pollution is completed.

This amendment allows this power to be used in situations where the vessel is considered unlikely to depart New South Wales waters, such as when the vessel is damaged or in distress. The Marine Pollution Act is very important. These amendments to the Act strengthen the State's ability to effectively protect the people of New South Wales and our very precious marine environment. I take this opportunity to acknowledge the great work done by the Minister's staff. I acknowledge Asher Miners, who is in the Chamber, and all of the work that he has put into the bill. It is such a good piece of legislation.

I know the people of the Central Coast welcome legislation like this because it ensures that we are putting protections in place. Only a few weeks ago I was out with the Saratoga Sailing Club, starting its first race for the season. The club knows how important it is that we protect our waterways: beautiful estuaries such as Brisbane Water, the Hawkesbury and the spectacular Central Coast coastline. Those are some of our most valuable assets and we must do everything we can to protect them and penalise those who put them at risk.

I again acknowledge the Minister's staff for the great work they have done and I thank the Minister. His swift action regarding the *APL England* incident and the swift clean-up that took place after that event is a credit to him and the people who were delegated to do that work. Let us be clear: That incident affected most of the New South Wales coastline, from the south to the north. It was a massive job and the New South Wales Government dived in instantaneously to deal with the issue. Again, I am pleased that the Minister was able to act so quickly. On behalf of the people of the Central Coast I thank him for doing so and for ensuring that we keep our beaches absolutely pristine now and in the future. I commend the bill to the House.

**Mr DAVID MEHAN (The Entrance) (13:28:05):** On 24 May the Singaporean-flagged vessel *APL England*, en route from China to Melbourne, hit rough seas about 73 kilometres off the coast of New South Wales and 50 containers were washed overboard. Many of those containers ended up on the Central Coast coastline and particularly in my electorate of The Entrance. A large number of them washed up onto rocks at

Bateau Bay. The process of cleaning up the debris and bringing the owner of the vessel to account was handled efficiently under the National Plan for Maritime Environmental Emergencies. The New South Wales Government, through NSW Maritime, was responsible for the coastal component, while the Australian Maritime Safety Authority was responsible for the part of the process that took place past the limit of New South Wales' coastal waters, being three miles or about 5½ kilometres off the coast. I acknowledge that the clean-up was handled efficiently. It is in that context that we have the Marine Pollution Amendment (Review) Bill 2020 before us. The objects of the bill are to amend the Marine Pollution Act 2012 to:

- (a) address recommendations of the 2019 statutory review of the *Marine Pollution Act 2012*, and
- (b) ensure consistency between the Act, the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* of the Commonwealth and the *International Convention for the Prevention of Pollution from Ships* (MARPOL), and
- (c) provide for enforcement powers about the maintenance of sewage pollution prevention equipment, and
- (d) provide for preventative action against marine pollution in relation to abandoned, derelict or out-of-commission vessels, and
- (e) make other minor and consequential amendments.

In essence, this bill is a step in the right direction. I note that the Labor caucus endorsed the recommendations of the shadow Minister to support the bill. The bill improves the handling of marine pollution in the State and extends the operation of the Act from coastal waters to include internal waters—for example, the Murray, Murrumbidgee and Darling rivers and estuaries across the State will all be covered by a common set of rules, noting quite rightly that currently different rules apply to vessels on coastal waters as opposed to internal waters. The Act will go further than just prescribing and punishing the act of pollution; it will capture the requirement of systems to be in place to ensure pollution is managed effectively on vessels.

Captains and masters in charge of vessels have systems in place so that people who use the vessels know how to dispose of pollution and sewage from those vessels. In that regard the bill is a step in the right direction. It broadens the application of the Act to cover all State waters. The bill includes recreational vessels in the range of vessels to which the Act will apply. It will make it an offence to have defective, altered or modified sewerage systems that allow illegal sewage discharges to occur. A new provision of the bill is to allow pollutants like oil to be removed from vessels that are derelict, abandoned or out of commission as a precaution. The bill also increases the ability to detain vessels in New South Wales waters to cover costs from those responsible for polluting incidents.

The bill builds upon the work of the International Maritime Organization in 1973 when the International Convention for the Prevention of Pollution from Ships [MARPOL] was first initiated. Members will remember at the time that the spilling of oil from large bulk tankers was an international concern that needed to be addressed and that MARPOL was created to address. Since 1973, 158 States, which cover about 99 per cent of the world's flagships, are now parties to the MARPOL convention. This provision is another step in the right direction to address pollution within our own waters which is a good thing. I note that the Legislation Review Committee made a number of comments on the bill which I bring to the attention of the House, and to which I ask the Minister to respond in his reply. The Legislation Review Committee noted that the ability for masters and owners of ships to apply to the NSW Civil and Administrative Tribunal [NCAT] for review of certain decisions made by the Minister has been removed.

The Act also talks about vessels that are covered by the Act as being large vessels, as well as any ship prescribed by the regulations. Will the Minister respond and give some guidance on where that may take us down the track, bearing in mind that these things can be disallowed? My constituents, recreational fishers and commercial fishers who operate on Tuggerah Lake will ask me whether their vessels will be prescribed under the regulations. I would appreciate some guidance about that sooner rather than later. Apart from that, as I said, the Labor caucus will be voting to support this legislation.

**Mr JAMIE PARKER (Balmain) (13:34:35):** I am always enthusiastic to talk about our waterways, harbours and oceans. On behalf of The Greens I address the Marine Pollution Amendment (Review) Bill 2020 and I do so as the member for Balmain—an area that traditionally has had and continues to have a strong maritime history. In fact, my father was a merchant seaman in the British Merchant Navy who fixed engines on ships. After only four or five years on the merchant vessel he decided that Sydney Harbour was the place where he would live. He got a job straightaway at the Balmain Shipyard. Balmain is a place in which I have a personal as well as a philosophical interest. For too long our marine environment has been used as a dumping ground—out of sight and out of mind—for things that would never be permitted on land but that were par for the course when it comes to marine pollution.

The Marine Pollution Amendment (Review) Bill is a positive step forward. Obviously it seeks to implement what the International Convention for the Prevention of Pollution from Ships [MARPOL] has done. MARPOL, a compromised and conflicted process, was implemented to bring together all global players to try to

devise ways to protect the marine environment and to protect our environment from pollution from maritime vessels. It is the lowest common denominator approach. We know that there have been exclusion areas relating to pollution in Europe, North America and other places because MARPOL is so lacking. While I acknowledge that the Government is making some progress by implementing MARPOL annexures, every one of them is a poor shadow of what we know is required. MARPOL, by its very nature, is a compromise between many different forces, in particular, the European Union which provided a lot of funding for research into a whole range of areas, those jurisdictions that want to keep dirty polluting vessels, and the industry.

I am familiar with that issue because for many years my electorate had a cargo shipping facility for cars and vehicles that never caused any problem. Thanks to the former Labor Government we now have the White Bay Cruise Ship terminal—a filthy polluting terminal that is located right next to residential properties. The wharf is below a cliff face but the vessels that come in from the cruise ship industry have funnels exhausting filthy, toxic pollution directly onto the Balmain peninsula and the community.

To its credit the State Government recognised that that was a problem and in 2015 it implemented stage one of a low sulphur regulation, which requires cruise ships to use marine fuel with a sulphur content of 0.1 per cent. Dirty corporate companies like Carnival fought that regulation tooth and nail and during the COVID pandemic it acted in a problematic way. Anyone in the industry knows that dealing with cruise ship companies is incredibly difficult. Carnival was fined over \$23 million for consistently breaching pollution standards around the world. Carnival caused all those problems on the *Ruby Princess* yet it does not pay a cent of tax in Australia because of its arrangements with the United Kingdom. That same company fought hard to protect air quality for all Sydneysiders.

When stage one of the low sulphur fuel requirement was introduced, Carnival and its mates managed to derail stage two of that requirement which would have permitted only 0.1 per cent of sulphur to be emitted by these vessels when they come into the harbour. But that was defeated effectively by lawyers and lobbyists who said that the Federal Government needed to look after them. Even today with MARPOL cruise ships and vessels use fuel with only a 0.5 per cent sulphur content, though it should be 0.1 per cent, which is what the Liberal-Nationals Government wanted. But that requirement was defeated and we are now stuck with the very poor MARPOL standard—a standard that allows much more pollution from maritime vessels than is allowed on our roads. On our roads we have a standard for fuel—in particular, diesel—but it is far lower for those ships. That is something that is problematic and that is why this, while a very lowest-common-denominator outcome, is of course welcome. I note that in February 2015 the parliamentary inquiry into the location of that cruise ship terminal acknowledged:

... the significant impact these fumes ... noise and vibrations have had on the quality of life of the surrounding community.

It found that the terminal's location was "a serious error". That is why we are calling on this Government to support this regulation, but we want to have shore-to-ship power like every other advanced country. The Minister is here in the Chamber. He has got a fantastic record on electric buses and getting diesel out of buses. Let us get bunker fuel out of Sydney Harbour. What that means, especially for these larger vessels such as cruise ships, is that we need to have shore-to-ship power.

All throughout northern Europe—even the major ports in China are moving to electrification to get rid of those ships sitting there running their engines day and night. Some of these cruise ships have 1,000-plus apartments on them, and they are running those vessels day and night next to people's homes and spewing this pollution directly onto them. If it was a car it would be prohibited, but for a cruise ship it is allowed. I applaud the Port Authority of New South Wales, which is doing a review at the moment on the use of shore-to-ship power. Shore-to-ship power means the electric plug-in of these vessels so they do not have to run their stinking, polluting bunker fuel engines. In our view, they can use renewable energy to ensure that these vessels can continue to ply their trade but can do so when alongside White Bay or other ports with electric power coming from clean sources of energy.

I acknowledge something positive about this bill. At least now that members have seen the MARPOL annexures, as poor as they are—they are an outcome that so often happens when you have got a bunch of different organisations all with different positions jostling to try to come to a conclusion—I would like to think that this Government could do more. MARPOL should be used as an international baseline, not the top line. I am disappointed we are not going further for what is special about our country, what is great when it comes to our tourism, supporting future jobs and making sure we are keeping our community as a place that people want to come to. I am disappointed that we are not going further to make sure we do not have a situation where only the minimum prescribed by MARPOL, the international standard, is what we will be looking for.

We can do better than so many other jurisdictions around the world that have been fighting to make sure that we do not have cleaner air or restrictions on pollution because their form of business only thrives in an

international environment where there is not compliance. This is something that is particularly important. I encourage the Minister to address the matter of compliance. All these provisions may be useful—even though they are at the lowest international bar; we think it should be jumped over, not just complied with—but it is important to make sure that compliance is followed through and done in a positive way. We have seen that with the cruise ship industry issue, where cruise ship companies—particularly Carnival—have made all sorts of commitments and do not follow up on or meet those commitments. We want to make sure that the community has confidence that not only will everybody that is subject to these regulations and this Act comply with them but also that there is enforcement.

One of my colleagues mentioned education. It is absolutely critical. I know that a lot of seafarers—whether it is those men and women who work on cruise ships, those who work on the ports or those who work in the bulk container goods area down at Glebe Island—want to make sure that they protect the sea. They know it is a beautiful and incredibly important place. But education is always important. It is easy to chuck something over the side of the vessel, and we have seen that in my electorate. I have a lot of these "party boats", as they call them, where people go out on bucks nights and so on, down at Blackwattle Bay. We see people throwing things over the side and garbage going over the side. There are lots of problems. We need to make sure that there is solid enforcement. The water police headquarters is in my electorate of Balmain, and I welcome them. I know they do work, but it is important that we make sure that there is education as well. We know a lot of skippers and those who are in charge of vessels want to do the right thing. We need to make sure we educate them very strongly.

I look forward to the Port Authority of New South Wales developing a review of the plan for shore-to-ship power. It is absolutely critical. We have a cruise ship industry—but also, in the future, a ports industry and industrial shipping industry—that relies on shore-to-ship power, where we can plug in and make sure we do not have to run these engines constantly, all day and all night. We know that you would never be allowed to run that level of pollution on the roads, but you can do it on a ship. At somewhere like White Bay, you are doing it 100 metres from people's homes. I commend this bill as a start by the Government. I encourage the Government to be more ambitious than the compromise that is international MARPOL. I look forward to progress on this matter.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (13:44:54):** In reply: I thank the member for Balmain for raising the issues that he has in his contribution. I would hope with the opportunities that the COVID pandemic is presenting, given that boats are not being used as extensively as they have been traditionally, that the industry might actually consider taking the time to reflect on the very issues the member raised, particularly in relation to the pollutants that stem from shipping and particularly when they are close to the residential areas the member for Balmain represents.

It is also a privilege to be in the House with the member for Vacluse. One of the key achievements she has undertaken in her time is one of the most pollution-busting measures members will ever see in Return and Earn NSW and the reduction of litter across the community. I cannot help but think that a bill like this is also a line in the sand in terms of how we look after our marine environment, whether it is waters inland or out to sea. That is something that is special to us all. If we do not get this right, we will never get it right. I thank those members who contributed to debate on the bill, representing the electorates of Kogarah, Terrigal, The Entrance and Balmain.

There are a couple of things I think are important. The education and awareness campaign is a given. I give the undertaking to The Greens and the Labor Party that I share their very strong view that with the changes in this legislation we do need to educate. It is interesting that we have seen during the COVID period a very significant uptake in the last 12 months of boating licences in New South Wales—an increase of some 50 per cent. What that says to me is that it is one thing to issue a boat licence so someone can actually move the vessel but it is another thing for them to understand the responsibilities they have to the environment, particularly when it comes to marine pollution. No-one wants to see the ghastly environmental impact that we see on our shores and in our waterways when it comes to what should without doubt be one of the most beautiful elements of our environment: our oceans and inland waterways. It is important that we invest in education and awareness and I give that undertaking to the Chamber.

The member for The Entrance and the member for Terrigal referred to the *APL England*. I too recognise and thank those staff for the way in which they responded to that incident. It was a mess. We had multiple containers spilling their contents right up and down the coast. The electorate of Hawkesbury and the Central Coast were directly impacted but we also had other impacts right down as far as the Bega electorate. The contents of the containers spread far and wide when that incident happened. Obviously the staff of the *APL England* worked extensively with the authorities on it but that does not negate the fact that we must be doing everything we can to avoid these incidents happening in the first place. That brings into question what occurs at the dock before some of these vessels actually depart.

Coming back to the bill, I reiterate that the application of the Marine Pollution Act 2012 will now cover all State waters, which includes estuaries, coastal waters and port waters. It also means that there are consistent standards for vessels. We are going to apply the Marine Pollution Act to recreational vessels that are currently only covered under the Protection of the Environment Operations Act. That is designed to improve consistency of marine pollution legislation with the MARPOL standards and framework, coupled with Commonwealth legislation.

We are also introducing a new offence for vessels that have defective, altered or modified sewage systems that can allow illegal discharges of sewage to strengthen the prevention of sewage pollution. That is particularly important to the member for Port Macquarie in the chair and my good mate from the Tweed. This provision is really important for agricultural industries that are dependent on the quality of water. We want to do everything we can to avoid incidents, and I think that is what led to this in the first place. That comes down to how hard we regulate the compliance arrangements that are in place and resource the compliance to make sure that everyone adheres to the new requirements.

The member for The Entrance asked a question about this legislation as it relates to the NSW Civil and Administrative Tribunal [NCAT]. The observation I make is the certification particularly of vessels that are basically chemical tankers, for instance, now rests with the Commonwealth. Having a State-based administrative review process is pretty much moribund because they do not have the authority in terms of the overall nature of the Commonwealth certification process. We do not have that sitting in the Act anymore, so I hope that answers his question. It is the Commonwealth certification that has triggered the removal of the NCAT provisions under the Act. That makes sense because why would you have a State-based tribunal making administrative decisions in relation to chemical tankers, for instance, if the certification sits at a national level? Whilst I cannot confirm this, but I am happy to look at it, one of the issues would be whether the Administrative Appeals Tribunal at a Commonwealth level would have jurisdiction over those matters moving forward. Again, I make the point that the reason for the removal is very much that Commonwealth certification.

In closing, these are important changes designed to create robust laws that are about providing harmonisation with national and international obligations. We do expand this to inland waters, which is important because it improves the overall quality of all waterways. At the same time we are trying to provide greater consistency and understanding across the entire boating community. It is on that basis that I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

**Mr ANDREW CONSTANCE:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **RETIREMENT VILLAGES AMENDMENT BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (13:53:31):**  
I move:

That this bill be now read a second time.

I am proud to introduce the Retirement Villages Amendment Bill 2020 into this Chamber. The bill delivers on the New South Wales Government's promise to give a fair go to the more than 66,000 retirement village residents in New South Wales—a number which is expected to almost double by 2023—and give them a stronger, better future so they can enjoy their well-earned retirement. The bill reflects the latest tranche of reforms this Government has made as part of its overhaul of the retirement villages sector as a result of the 2017 retirement villages sector review led by Ms Kathryn Greiner, AO. These include the establishment of a new mediation service within Fair Trading for village disputes, changes to the Retirement Villages Act 1999 in 2018 to require annual contract check-ups and mandatory rules of conduct for operators, and strengthening consumer protections and transparency around marketing practices.

This Government is proud of its record on retirement villages, particularly over this term of government when the sector is facing new challenges. The swift action of this Government earlier this year to give stronger protections and flexibility to the sector has been part of the Government's response to the COVID-19 pandemic—keeping residents safe and protecting the longevity of the sector. I refer members in this place to the substance of the second reading speech made by the Hon. Natasha Maclaren-Jones in the other place when this bill was first introduced. That speech outlines the key elements of this bill and how it is intended to operate. The bulk of my speech today will speak to the amendments made to this bill in the other place, which were supported in their entirety by the Government.

The first amendment inserts a new proposed section 152 (3) (c) stating that the operator must not increase the recurrent charges payable by the residents of the retirement village as a result of the new provisions for the 42-day cap, unless the regulations otherwise provide. This is a good safeguard for residents and builds on the safeguards already provided for in the Act. It will prevent an operator increasing the charges on those residents that remain to make up for the shortfall left from those who have departed the village and are no longer paying for general services. The second amendment provides an additional criteria for the deeming provision of the 40-day time period under new proposed section 182AB (3) of the bill. The amendment inserts a new provision that includes the date the former occupant's premises are first advertised for sale as a trigger point for the deeming criteria. This means the commencement of six- and 12-month time periods under which a resident can make an application for an exit entitlement order will start after 40 days from the date when the premises is advertised for sale.

This is also fair and reasonable. A premises is advertised for sale once legal contracts have been drawn up and a real estate agent engaged. This is an appropriate time to commence the 40-day time period. A further amendment will allow a former resident of a retirement village who is having their daily accommodation payments paid for by the operator to be able to apply to the secretary for an exit entitlement order after 24 months from when the former resident enters an aged-care facility. The provisions in the bill in relation to the exit entitlement orders would still apply. However, as the premises would have already been on the market during this 24-month period, the six- and 12-month time frame provisions would have been met. Thus, the former resident could apply to the secretary straightaway at the 24-month mark.

These are fair and reasonable amendments. They provide the former resident the ability to transition quickly to aged care, as is often needed when their physical or mental health is affected. It also provides for a 24-month period during which time the premises would be on the market for sale. The Government considers it a fair balance between the certainty provided under the bill for operators and the realistic expectation that after 24 months an operator needs to provide evidence that they have not unreasonably delayed the sale process and why they should not pay out the remainder of the exit entitlement directly to the former resident.

A further amendment to the savings and transitional provisions in the bill seeks to provide new transitional arrangements that would allow former residents to pay for their recurrent charges liability out of their future exit entitlement. The bill provides that the 42-day cap on recurrent charges does not commence until on or after 1 July 2021 to allow village budgets to take into account the reduced payments they will be receiving from former residents towards general services. The amendment made in the other place would allow payment of recurrent charges between 1 January and the commencement of the provisions to be deferred until the sale of the property. At this point the operator would deduct the outstanding recurrent charges from the resident's exit entitlement. This covers the period between the commencement of the Act and the commencement of the changes to the cap on recurrent charges. It seeks to ensure that former residents during this period are able to access the benefits of the new scheme. The Government supported this amendment in the other place and thanks members of the upper House for working with the Government to finalise the amendment as presented to the House. The amendments strengthen the bill.

The Government is committed to ensuring that the retirement village industry continues to play an important role in meeting the housing needs of seniors seeking a safe, secure and low-maintenance lifestyle while protecting residents' rights and interests. The completion of this bill delivers on the Government's commitment to implement the recommendations of the Greiner review. While there is still more work to be done on supporting regulations, I thank my ministerial team who have, as always, worked tirelessly on the development of this bill: in particular, my chief of staff, Gavin Melvin, and senior policy adviser, Emma Dowsett. I also thank my departmental officials who led a comprehensive consultation process that informed the development of this comprehensive bill. I also thank all stakeholders who have engaged with my office to allow this bill to proceed. The bill reflects a new era of a fair go for people living in retirement villages to help ensure that their financial future is secured while also balancing the needs of operators to ensure a vibrant and secure future for this important industry in New South Wales. I commend the bill to the House.

**Business interrupted.**

*Committees***JOINT STANDING COMMITTEE ON ELECTORAL MATTERS****Reports**

**The SPEAKER:** The question is that the House take note of the report.

**Mr LEE EVANS (Heathcote) (14:00:55):** As Chair of the Joint Standing Committee on Electoral Matters, I will comment on report No. 1/57, *Administration of the 2019 NSW State Election*, which was tabled out of session and received by the Clerk on 28 October. Inquiring into the administration of the March 2019 State election gave the committee a valuable opportunity to hear from stakeholders about what worked well and where improvements could be made in future elections. The inquiry attracted 28 written submissions from stakeholders including political parties, third party campaigners, academics with expertise in the field of online voting, voter accessibility advocacy groups and private citizens. We also heard from 37 witnesses across three days of hearings, including the NSW Electoral Commissioner, Mr John Schmidt.

As a result, the committee has made seven findings and 54 recommendations spanning a variety of areas. These include election time frames and the campaign period, the electoral roll and the ballot paper, early voting, election day, and compliance with, and enforcement of, electoral legislation. One item of note during the inquiry was the increasing number of people who voted at an early voting centre over the last three State elections. Some stakeholders called for a move away from election days and an early voting period towards an electoral voting period to recognise this trend. However, in finding that there should continue to be an election day and early voting period in New South Wales, the committee noted that a move to an electoral period would represent a fundamental shift in the democratic process and that it would encourage voters to vote prior to parties and candidates having released all their policies. This should not be encouraged.

Technology-assisted voting is another significant issue considered by the committee. During its inquiry the committee heard of a number of concerns with the New South Wales iVote system. For example, some academics raised security concerns, warning that iVote was vulnerable to an internet-based attack and vote manipulation. The committee also heard of reliability concerns with iVote and that there were system outages during the early voting period for the 2019 New South Wales State election. In addition, disability groups raised concerns about iVote's usability and accessibility. Notwithstanding these concerns, and in acknowledging them, many stakeholders argued for iVote's retention for voters who may otherwise be disenfranchised—for example, voters with disability and voters living in remote areas. Therefore, the committee found that iVote should return to its original purpose—enfranchising voters with disability and voters at remote locations, as well as overseas voters. The use of iVote should not be expanded beyond that point.

Further, the committee made recommendations aimed at addressing the security, reliability and accessibility concerns raised about iVote. For example, it recommended that iVote should be thoroughly reviewed, upgraded and tested well in advance of the next State election to ensure optimal security, reliability and accessibility. It also recommended that the New South Wales Government consider amending the Electoral Act 2017 to make the iVote development process for the 2023 New South Wales State election subject to independent oversight by a panel of technology experts. The panel would have power to publicly recommend against the system's use if it fails to meet predetermined security and reliability requirements, and it would report directly to the Committee.

Other significant recommendations in the committee's report relate to the reliability of the electronic mark-off system, the election count, and increasing the accessibility of voting in New South Wales. The committee also made a number of recommendations in the area of compliance and enforcement, including around managing complaints about breaches of electoral legislation and recommendations aimed at reducing the administrative burden of complying with the electoral legislation. I take this opportunity to thank all stakeholders who made contributions to the inquiry. The committee has drawn on the knowledge and expertise of those stakeholders in crafting the findings and recommendations contained in the report. I also thank my fellow committee members for their diligence throughout the inquiry process. The committee's hearings and deliberations for the inquiry were very productive, allowing us to fasten upon areas of improvement for future elections and this is reflected in the report. Finally, I thank the committee staff for their professionalism and support in the conduct of the inquiry. I commend this report to the House.

**Mr PAUL SCULLY (Wollongong) (14:05:51):** I thank the Chair of the Joint Standing Committee on Electoral Matters, the member for Heathcote, for his excellent summary of the report, findings of the committee and the process we undertook. The report has 54 recommendations and the committee made seven findings. At a time when other nations are contemplating and questioning the veracity of their electoral systems, we in New South Wales can be confident that the keen watchers of international politics, who are members of the

committee, will ensure that we in New South Wales are unlikely to face questions about the 2019 election; furthermore, should the recommendations of this report be accepted and the work of the State Electoral Commission continue, questions are unlikely to arise about future elections.

I acknowledge and thank the NSW Electoral Commissioner, John Schmidt, and his staff for their professionalism, as well as everybody who volunteered, worked and assisted in delivering the 2019 State election. I also acknowledge the other members of the committee from both this place and the other place who assisted in developing this report. It is refreshing that election-time fierce combatants can come together and look for ways in which to make the New South Wales election process not only worthy of the confidence of our electors but also improved for the future. We all worked together for that purpose.

I draw to the attention of the House and the Government a couple of recommendations that relate to the ongoing, continuing and significant increase in the number of people who voted early at early voting centres during the 2019 election and during the Federal election in 2019. This is an issue that those who are running and conducting elections should be mindful of. Early voting has increased significantly. It is for this reason the committee recommended an extension to the election period rather than an election day. The committee took a strong view to retaining the voting period to an election day because extending an election period would fundamentally change the nature of our democracy. The committee thought that was going way too far. The convenience afforded by early voting should not overturn the systems and structures we have in place that underpin our democracy. For that reason the committee made finding No. 1—that there should continue to be an election day.

The committee also recognised that the short time between the close of nominations, the ballot draw, and the opening of early voting poses a problem not only for major parties but also for other candidates. In that sense the committee recommended that the time period for the start of early voting should start on the Saturday seven days prior to the election date and that early voting should be open from 8.00 a.m. until 6.00 p.m. during this period except for Thursdays when, in addition to late-night shopping, we could have a bit of late-night voting as well from 8.00 a.m. to 9.00 p.m. The other two points I wish to refer to quickly are the recommendation that logos be added to ballot papers—that has happened and worked well in other jurisdictions and could work well in New South Wales—and accessibility in relation to iVote, advocacy in culturally and linguistically diverse [CALD] communities and inclusion of homeless people. I add those points to ensure that everyone, as far as is reasonably possible and practicable, participates in our democracy. We should be proud of that and never forget it. Many years ago we got it right when it was decided to have a system of compulsory voting in Australian jurisdictions. Other jurisdictions internationally look to us as an exemplar of that, and that should continue. I commend the report to the House.

**Ms FELICITY WILSON (North Shore) (14:09:58):** The administration of free and fair elections is the foundation of our democracy in New South Wales. The people of this State can rest assured that they can be confident in the New South Wales system. The Joint Standing Committee on Electoral Matters, of which I was deputy chair, conducted a deep dive into the delivery of the 2019 New South Wales State election. The committee's report identified improvements that could be made for future elections and made recommendations to government. I thank all those who were involved in administering the New South Wales election, including the NSW Electoral Commissioner, Mr John Schmidt, and those who worked and volunteered to make sure that we could have the freedoms that we hold so dear in New South Wales.

In reviewing the conduct of the 2019 New South Wales State election, the committee heard from a range of stakeholders. That feedback allowed us to pinpoint issues concerning election time frames, early voting, the campaign period, the electoral roll and the ballot paper. The committee made a number of recommendations. In particular, the committee recommended that there should continue to be an election day. The committee made that statement strongly. Recommendations were made by a number of participants in the inquiry that we should move to an election period. However, the committee determined that we should retain an election day and early voting period in New South Wales.

While there may be a growing trend of voting at early voting centres and calls for a voting period, the committee believes that an election day is an important part of our democratic process and it did not wish to encourage voters to vote prior to parties and candidates having released all their policies. The member for Tweed is telling me that he wants to retain the democracy sausage sizzle. The New South Wales Government should consider shortening the early voting period to seven days prior to an election, starting on the prior Saturday, so that parties and candidates have more time to register materials after the ballot draw. In addition, the NSW Electoral Commissioner should review the number and location of early voting centres prior to the 2023 election.

*[A Government member interjected.]*



I am glad the member for Tweed is enjoying my contribution. The NSW Electoral Commission's technology-assisted voting, iVote, should return to and not be used beyond its intended purpose of enfranchising voters with disability and voters located remotely or overseas. The NSW Electoral Commission should review the reliability of, and change as necessary, the electronic mark-off system and implement a backup system. At this stage there should be no short-form Legislative Council ballot paper due to design and operational issues for the NSW Electoral Commission. However, the committee suggested that can be considered in the future. The committee considered compliance with and enforcement of electoral legislation. It recommended that assistance should be given to the NSW Electoral Commission with accountability for the timely resolution of complaints about noncompliance with legislation. It also recommended reducing the administrative burden of compliance with electoral legislation by considering amending the Electoral Funding Act 2018 to remove the need for parties and candidates to submit separate returns to claim public funding and to disclose electoral expenditure.

Safety and accessibility during elections are of key importance. The COVID-19 pandemic hit New South Wales during the inquiry. It was not appropriate for the committee to address that when considering a past election. However, that safety matter was front of mind for the committee. It received assurance from the NSW Electoral Commissioner on the commission's preparedness and capability to facilitate safe elections in a pandemic. To ensure good work health and safety practices for staff working on election night, the committee considered that priority must be given to obtaining a likely result on election night for the Legislative Assembly and that an initial count of Legislative Council ballot papers should happen on election night but only if possible. Among recommendations to increase voting accessibility in New South Wales, the committee recommended the NSW Electoral Commission produce written materials about elections and voting for people experiencing homelessness. I thank my fellow committee members for their bipartisan collaboration. I also thank the committee secretariat. In particular, I thank the committee chair, Lee Evans, for his leadership throughout the inquiry. I congratulate him and the committee on the report.

**Report noted.**

*Members*

#### **REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**Mr MARK SPEAKMAN:** On behalf of the Ms Gladys Berejiklian: I advise the House that I will take questions on behalf of the Minister for Counter Terrorism and Corrections.

**The SPEAKER:** Members will come to order. I reinforce the message that I conveyed yesterday: We have the benefit of extra space in both the Cooper and northern galleries but I ask members to respect the fact that it is not a normal occurrence for them to sit up there and it is a little harder for me to manage the House in this situation. I ask members to sit in silence. If members have a contribution to make, I ask that they stand and move to the floor of the Chamber.

*Question Time*

#### **MEMBER FOR MYALL LAKES**

**Ms JODI McKAY (Strathfield) (14:20:05):** I direct my question to the Premier. It has been six weeks since it was revealed that the member for Myall Lakes received illegal donations from property developers. Will the Premier explain to the House what action she has taken?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:20:15):** I understand the issues dealing with that member were dealt with publicly on a previous occasion and it is a matter for the party organisation.

#### **STATE INFRASTRUCTURE**

**Mr ALISTER HENSKENS (Ku-ring-gai) (14:20:29):** I address my question to the Premier. Will the Premier update the House on the New South Wales Government's plans to deliver infrastructure across the State?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:20:42):** I am pleased to receive this question from the member for Ku-ring-gai, who is also the Cabinet Secretary. His electorate has been the beneficiary of recent major public transport infrastructure—namely, the opening of NorthConnex. I will speak about that in my response. I thank the member for his ongoing interest not just in infrastructure investment but also in policies regarding asset recycling, which allows us to further fund productive infrastructure down the track. We are proud of the fact that New South Wales is investing \$100 million over the next four years. During COVID both the Deputy Premier and the Treasurer were able to bring forward \$3 billion worth of expenditure on infrastructure to accelerate jobs across the State. They are small and medium-size projects, as well as the mega projects that we have going on in the larger cities.

That is critical during this time. As we discussed in the Chamber yesterday, infrastructure is key to delivering jobs. Having an eye on job security and job creation is vital if we are going to make 2021 stronger for the citizens of this State than 2020 was. I commend the health Minister, the education Minister, the transport Minister and the Minister for Regional Transport and Roads. Each of them has been allocated an additional \$600 million to expedite projects in their portfolios across the State that we are delivering on the ground—whether it is a screwdriver-based project, a shovel-ready project or, of course, those larger ones that we discussed. We know that for communities this provides jobs not only on the ground but also in the local supply chains. In a regional community or a suburb, having a number of construction workers or people engaged in a project means that local businesses benefit from that major infrastructure investment.

I thank the Minister for Transport and Roads, Andrew Constance, and his team and Transurban for having the courage to approach government some years ago and provide advice on a project that would reduce travel times massively between the Central Coast and western Sydney. The member for Terrigal is very excited about that and I am sure that members representing the Hunter region, The Entrance and Wyong are similarly excited. They might not show it, but they are really excited. The member for Wyong is in the upper gallery. I can barely see him. I will need my binoculars.

**Mr Dominic Perrottet:** Look at that smile!

**Ms GLADYS BEREJIKLIAN:** I think he is smiling because he cannot hear what I am saying, but that is okay.

**Mr David Harris:** I had to take out a home loan.

**Ms GLADYS BEREJIKLIAN:** Right. In any event, it is pleasing to know that for our citizens travel time is reduced between the Central Coast and western Sydney by 15 minutes each way. For residents of the North Shore and other local communities who have had to put up with major freight and traffic movements above ground, they can now have their roads back. For the member for Ku-ring-gai, the member for Hornsby and members in the Hills region, this means a reduction in above-ground traffic, cleaner air for their communities and reduced traffic congestion. I highlight that it is easy to forget the real value while you rattle off the statistics for a major project, what it costs and the travel-time savings.

We received this message from a grateful citizen, which I will read out. He says, "As someone who has driven Pennant Hills Road twice a day for the last 15 years, this morning I drove through the tunnel heading north then turned around and took Pennant Hills Road heading south back home. The tunnel was great. Super quick and easy. But it was the trip heading back home along Pennant Hills Road that had me in tears. It was like I was in an alternate stress-free universe. I just keep thinking of the time I will be able to save with my kids and the time I have lost over the years staring at the back of a truck when I could have been at home with my family. But, I am not focusing on the time and stress of the past, I am focusing on what I will gain in the future thanks to this tunnel. So, thank you for your efforts in driving this project. I say three things: thank you, thank you, thank you."

This highlights that whenever we open a project—no matter how small or large it is—across the State it has a positive and profound impact on our citizens, which is critical. In the same week, Minister Constance and I were able to announce an additional road project called the Gateway project. It will connect the WestConnex to the airport and Port Botany. There are massive travel-time savings for residents in the inner west and western Sydney. If you are at Bankstown, you will save 22 minutes getting to the airport. [*Extension of time*]

I deeply appreciate the request and I am happy to accede to it. We are pleased to announce the Gateway project will start construction next year. It will create 1,000 jobs directly and 3,000 jobs indirectly, and it is reassuring for an airport precinct that has received very bad news during COVID and previous disasters. I was pleased to be joined by the head of Sydney Airport, as well as the construction companies who had won the tender for the project. This is important for the future and rebuilding post-COVID. This Gateway project will reduce travel times for commuters from western Sydney and the inner west to the airport precinct. If you live at Auburn you will save half an hour, if you live in Campbelltown you will save 22 minutes, from Summer Hill you will save half an hour, from Balmain you will save 19 minutes and from Parramatta—I acknowledge the member for Parramatta is in the Chamber—you will save a whopping 40 minutes getting to the airport precinct, which is worthwhile.

The member for Ryde is pleased that his constituents will save around 27 minutes. I stress that it is not just our roads and transport that are having a huge makeover during COVID; it is also our social infrastructure, our health services, our education sector and many other communities who have waited too long for their infrastructure and who are now seeing it expedited. Most recently I joined the member for Penrith at the Nepean Hospital precinct. That project has taken shape and the Penrith hospital building will be the tallest in Penrith. The member for Mulgoa joined us on that occasion as her community will benefit, as will the community of the Blue Mountains.

That hospital precinct will be updated in a way and scale that I have not previously seen. It is one of the many hospital and education projects that we are delivering across the State.

#### **MEMBER FOR MYALL LAKES**

**Ms KATE WASHINGTON (Port Stephens) (14:27:59):** I direct my question to the Premier. Will the Premier inform the House whether she has attended fundraising events with the member for Myall Lakes, who I note is in the Chamber today, where property developers were present who made illegal political donations?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:28:16):** I have confidence, as does every member in this place—including Opposition members—that their party organisations deal with donations in an appropriate way. That goes for every single member in this place. It does not matter who the member is, what is important is that our party organisations adhere to the electoral law and make sure that all disclosures are made and all activity is according to the Electoral Act.

**Ms Kate Washington:** Mr Speaker—

**The SPEAKER:** The member for Port Stephens rises on a point of order.

**Ms GLADYS BEREJIKLIAN:** I have completed my answer.

**Ms Kate Washington:** Point of order: My point of order is under Standing Order 129. The question was: Were you in the room, Premier?

**The SPEAKER:** The answer has been completed. I call the member for Baulkham Hills to order for the first time.

#### **REGIONAL INFRASTRUCTURE**

**Mr CHRISTOPHER GULAPTIS (Clarence) (14:29:35):** My question is addressed to the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade. Will the Deputy Premier update the House on how the Government is boosting infrastructure in the regions to support local economies?

**Mr JOHN BARILARO (Monaro—Minister for Regional New South Wales, Industry and Trade, and Deputy Premier) (14:29:52):** I thank the member for Clarence for his question. I start by clarifying an earlier question to the Premier about donations to The Nationals. The Nationals' organisation oversees all donations and all donations are on the public record. I make that absolutely clear. I want to acknowledge the member for Port Stephens because people should be acknowledged when they admit that they are wrong. I have a letter from the member for Port Stephens to Mr Stack, which relates to an accusation of an illegal donation. It states, "Kate Washington, MP, withdraws the allegation"—

**Ms Jenny Aitchison:** Point of order: My point of order is under Standing Order 129. The Deputy Premier might want to run a protection racket for the Premier, but he was not asked that question. He should answer the question that he was asked.

**The SPEAKER:** The Deputy Premier prefaced that he was referring to an earlier question. His clarification must be brief. I will give the Deputy Premier another 15 seconds and then he will move to the question.

**Mr JOHN BARILARO:** I wanted to clarify that and to acknowledge the member for Port Stephens for withdrawing her claim of an illegal donation. The member for Clarence's question was about regional infrastructure. Yesterday I spoke about our Jobs Action Plan. The Government is putting money into businesses' pockets to create jobs in regional and rural New South Wales. The Jobs Action Plan will support small businesses and medium enterprises to create jobs and expand their businesses in order to maintain New South Wales as a powerhouse for small business and manufacturing and to assist them to continue to grow to get us through the pandemic. Another way that the Government can support businesses and communities, especially in the regions off the back of drought, bushfires and COVID, is to build infrastructure. The New South Wales infrastructure plan will invest \$100 billion into infrastructure—and, wow, we are getting our fair share in the regions, from roads to hospitals to schools and community infrastructure projects across the State. It does not matter where we go in regional or rural New South Wales, we see cranes in the sky and boots on the ground.

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

**Mr JOHN BARILARO:** That is as a result of the infrastructure boom that we are seeing through the projects of the Liberal-Nationals Government. We have set aside 30 per cent of the proceeds of the Restart NSW Fund, \$4.2 billion of the Snowy Hydro Legacy Fund and \$1.7 billion in the Regional Growth Fund. As well, the Growing Local Economies fund will invest \$500 million into shared infrastructure for small businesses to expand

and grow. Our special activation precincts—first in Parkes and now in Wagga Wagga, Williamstown, Moree and the Monaro in the Snowy Mountains—will produce 18,000 jobs. There will be announcements around those precincts going forward because they are key to the success of growth and jobs in the regions. But the Government does not stop there; it is important that we build community infrastructure. A number of years ago the member for Clarence announced the \$7.6 million art gallery redevelopment. This beautiful gallery is important. It is not always about Sydney; culture, arts and heritage in the regions are also important. We have so many great stories to tell and so much to show.

Those sorts of projects stimulate the economy because it is predominantly local trades, businesses and suppliers that get the work. That is how the Government supports businesses in regional and rural New South Wales. I call it the money-go-round: we keep spending, putting the money in to go round, and they keep paying their taxes. Guess what? The money keeps coming back. I look forward to more budget announcements from the Treasurer about further investment in regional and rural New South Wales to grow those projects. It does not matter where one goes in regional or rural New South Wales, we are investing. The Government has provided some \$10 million for the Casino Industries Activation Project, which will create 300 ongoing full-time positions within five years; over \$11 million for the Macleay Valley Skydiving Adventure Park at Kempsey, which will create 60 employment opportunities; some \$3.8 million for another dam in the Northern Tablelands, which will create 10 jobs; and \$10.1 million in the Destination Dubbo—International Ready project. But it is the larger projects, such as, Grafton Hospital, a project that will continue over the next few years; the Pacific Highway across the North Coast—

**Mr Christopher Gulaptis:** I request an extension of time.

**The SPEAKER:** I grant an extension of two minutes.

**Mr Clayton Barr:** Point of order: The member for Clarence has sought an extension of time under Standing Order 131 and I appreciate it is for the Speaker to make the decision. However, by choice, the Deputy Premier spent the first two minutes of his answer talking about other things. In this instance, he should not be granted an extension of time.

**The SPEAKER:** I have granted the extension of time. The Deputy Premier will continue.

**Mr JOHN BARILARO:** It is important to answer questions and I had the answer to that earlier question, so I thought it was appropriate to provide the answer. As I said, it is not just roads, bridges and schools that are important to our communities, it is also jobs. In regional New South Wales we are seeing a renaissance in jobs and small businesses are becoming confident in agriculture off the back of the drought. The Government's decentralisation program is taking public sector jobs from the city to the bush—such as my agency, where 400 jobs are leaving Sydney to go to regional New South Wales. Regional places, such as Coffs Harbour, Armidale and Dubbo and even my backyard, deserve public sector jobs.

More importantly, in relation to planning, through the special activation precincts and together with the planning Minister, we have established a process whereby the master planning and environmental impact studies are done up-front and we are then able to guarantee a business the ability to start its development application [DA] within 30 days. That will occur because we will be able to grant businesses their DA and environmental certificate. That is the sort of innovative approach that the Government has put in place to boost regional New South Wales.

The planning Act is legislation that supports all of New South Wales. Unique opportunities in the bush have been provided by the Inland Rail, a significant piece of infrastructure that has received funding of \$11 million from the Federal Government. We will provide opportunities by tapping into that spine that is running through the regions. That is why Parkes has become a logistics hub. Members have heard me talk about that before, and I will continue to talk about it. Opportunities in Wagga Wagga are just as exciting. I am confident that it will be the first city in regional New South Wales to hit a population of 100,000 because it has all the ingredients for success. The Liberal-Nationals are backing and turbocharging the regions. We are creating jobs not just for today but for generations to come.

#### POLITICAL DONATIONS

**Mr CLAYTON BARR (Cessnock) (14:37:27):** My question is directed to the Premier. On 31 May 2018 did the Premier attend an intimate fundraiser dinner in the boardroom of Club Taree with just four donors—Mr Robert Jeffress, MCR Building Pty Ltd, Mr David Stack and Mark Vaile's company Wendmar Pty Ltd—which raised \$18,000 for The Nationals?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:37:54):** I cannot remember what I did last week, let alone what I did two years ago.

**The SPEAKER:** Order! I call the member for Keira to order for the second time.

**Ms GLADYS BEREJIKLIAN:** Given the question was asked about a fundraiser where Mr Stack was present, I will say that on 26 October 2020 there was a letter from the member for Port Stephens to Mr Stack.

**Ms Jenny Aitchison:** Point of order: My point of order is under Standing Order 129. The question requires a yes or no answer.

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

**Ms GLADYS BEREJIKLIAN:** The letter I am going to read out, which the Deputy Premier kindly forwarded to me, indicates the hypocrisy of members opposite. It says, "In late September 2020—

**Mr Ryan Park:** Point of order—

**The SPEAKER:** I am satisfied the Premier is being relevant, but I will hear the point of order.

**Ms GLADYS BEREJIKLIAN:** But my time is running out.

**The SPEAKER:** The Clerk will stop the clock. What is the member's point of order?

**Mr Ryan Park:** My point of order is taken under Standing Order 129. Mr Speaker, you have made rulings in this place about the need to be generally relevant. How could you possibly say that the reading of a letter that has nothing to do with this is generally relevant to this issue?

**The SPEAKER:** I have just said that I believe the Premier is being generally relevant, and I have just ruled on relevance. The Premier will continue.

**Ms GLADYS BEREJIKLIAN:** As I said, this letter—and interestingly she has written it in the third person—

**Ms Kate Washington:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. What is the member's point of order?

**Ms Kate Washington:** My point of order is under Standing Order 129.

**The SPEAKER:** The member for Port Stephens will resume her seat. I place the member for Port Stephens on two calls to order.

**Ms Kate Washington:** The question is not about a family; it is about the member for Myall Lakes.

**The SPEAKER:** The member for Port Stephens will resume her seat. I call the member for Port Stephens to order for the third time. If any other member tries that, they will be removed from the Chamber.

**Ms GLADYS BEREJIKLIAN:** It is no wonder those opposite do not want me to read out this letter because it just blows out of the water their entire question time strategy. "Dear Mr and Mrs Stack—

**Mrs Melinda Pavey:** There is a strategy?

**Ms GLADYS BEREJIKLIAN:** Colleagues, please let me read the letter. Thank you. It says, "In late September 2020 Ms Kate Washington MP published to the news media—

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** I will hear the point of order, but the Leader of the Opposition will not abuse it.

**Ms Jodi McKay:** My point of order is taken under Standing Order 129. It is actually a really important question. The question to the Premier is: Did she attend the dinner?

**The SPEAKER:** I am satisfied the Premier is being relevant.

**Ms GLADYS BEREJIKLIAN:** The letter is relevant because it goes to the heart of the questions I have been asked in question time. It says, "Dear Mr and Mrs Stack, In late September 2020 Ms Kate Washington MP published to the news media a letter alleging that David Maurice Stack and Deidre Stack made donations to the National Party of New South Wales while they were prohibited donors because they were property developers."

**Ms Jodi McKay:** Point of order—

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

**Ms GLADYS BEREJIKLIAN:** It says, "Kate Washington MP withdraws that allegation and apologises to Mr and Mrs Stack"—and apologises! Then it also says—

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** I have ruled on relevance. If the point of order is not on relevance, I am happy to hear it. If it is, then the Leader of the Opposition will resume her seat.

**Ms Jodi McKay:** The question is: Did the Premier attend the dinner?

**The SPEAKER:** The Leader of the Opposition will resume her seat. I am satisfied the Premier is being relevant. Given the earlier questions, there is a link specifically to the issues that the Premier is raising.

**Ms GLADYS BEREJIKLIAN:** So let us get this right. The member for Port Stephens writes to the people who she is asking me questions about today, she apologises for accusing them of making prohibited donations and, not only that, she says "Kate Washington MP withdraws the allegations" and signs it "Kate Washington". Who does that? Who writes in the third person? Who does that?

**Ms Kate Washington:** Maybe when you are asked to by the lawyer!

**The SPEAKER:** I remind the member for Port Stephens that she is on three calls to order. I warn her that if she continues interjecting she will be removed from the Chamber.

**Mr Clayton Barr:** Point of order: The question was specifically whether the Premier attended a dinner. We have had all the other rirraff. Can we get an answer, please?

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

**Ms GLADYS BEREJIKLIAN:** I make this point: How is it possible that the member for Port Stephens wrote this letter on 26 October, which is only a couple of weeks ago, and how is it possible then that the Leader of the Opposition and the member for Cessnock see fit to ask us questions in this Parliament when they have apologised for accusing those people of being prohibited donors?

**The SPEAKER:** Order! The member for Bathurst and the member for Cessnock will remain silent. I direct the Deputy Serjeant-at-Arms to remove the member for Port Stephens from the Chamber under Standing Order 249. The member may return to the Chamber tomorrow.

*[The member for Port Stephens left the Chamber at 14:44 accompanied by the Deputy Serjeant-at-Arms.]*

#### COVID-19 AND PUBLIC TRANSPORT

**Mr LEE EVANS (Heathcote) (14:44:16):** My question is addressed to the Minister for Transport and Roads. Will the Minister update the House on how the Government is providing world-leading technology to keep people safe on public transport?

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (14:44:36):** See what happens when you make an announcement about a member's electorate like Heathcote Road and they get up and say that. How good is that? I thank the member for Heathcote for his question.

**Ms Jodi McKay:** He has not always said nice things.

**Mr ANDREW CONSTANCE:** You know what, Jodi? Jodi, Jodi, Jodi, that was a question about COVID. Do you reckon maybe the Opposition, maybe tomorrow, can come and ask some questions safely about COVID instead of the embarrassment that they have been today? If Chris Minns and Ryan Park—who are obviously running on a unity ticket at the moment—just ran strategy, this place might be a little bit better. We know you are counting, guys. Keep it up.

**Mr Ryan Park:** You can't get past one.

**Mr ANDREW CONSTANCE:** Ryan Park says he cannot get past one. In relation to this issue, we are heading into the summer months obviously with a summer COVID plan when it comes to transport. One of the key things we have done is look at how we can provide more information, particularly in real time, to commuters. Through the inspirational work—and I do say it is inspirational work from the Opal team within Transport—we have now seen the addition to the Opal app of an option for those who have downloaded the app with a registered card to be able to get push notifications on the load data—that is, the crowding—of their train service in the morning. They get that notification half an hour in advance and then they are advised as to whether to catch a later service.

We have seen, with the work that this Government has done, without doubt the best jurisdiction in the world in response to this pandemic. It is because of actions like this and because of the actions undertaken by Service NSW—run by Minister Dominello—that using innovation and technology we can help our community get through this. That mere function change on an app could save lives. We have 3.4 million people who have downloaded the app. With over four million people who have a registered Opal account, this is potentially a life saver. I recognise and thank the Transport team for the work they have done; it is serious work. We are the first

in the world to do it. No other jurisdiction has used a transport card like this and transport data like this to protect their community when commuting during a pandemic, such as the one we are facing now. That, to me, is what this is all about. I urge the community to take up that option.

The other thing that is also important is we need to remind commuters out there that complacency cannot creep in. And unfortunately, when it comes to wearing masks, we are not seeing enough people doing it. We are sending some very strong messages about mask wearing but that in no way deflects from the other important messages about using the green dots and sitting on them, maintaining physical distancing, maintaining hygiene, and, for goodness sake, if you have any symptoms, go and get tested and do not get on transport. That is something we are very keen to continue to impress upon the community throughout the summer period.

As a government, unlike other jurisdictions that actually withdrew transport services, we have actually increased transport services during the pandemic—reflect on that. An additional 3,300 weekly services have delivered enormous capacity across the network, including an extra 126,000 spaces on trains and an extra 93,000 spaces on buses, so that people can maintain physical distancing as best as possible. We could not have done this alone as government if we did not have the excellent frontline workforce. I pay tribute to the Rail, Tram and Bus Union and the Transport Workers' Union leadership, who have worked with those workforces to make sure that we have been able to deliver those changes—which is a bit unusual for me to say in this Chamber. I tell you now that the union leadership through Transport has been absolutely superb in its response.

**Mr David Elliott:** They all vote Liberal now.

**Mr ANDREW CONSTANCE:** I am not quite sure of that. [*Extension of time*]

The point is that their leadership along with the leadership of Transport for NSW made an enormous difference. I also indicate to the House that Transport has worked overtime in terms of the cleaning. We have now seen an additional 1.3 million hours of cleaning on buses and trains across the network. As part of that, it sends a message to business that we are working with them to return their workforces back to the many CBDs across Sydney but particularly Sydney CBD. We want people to be safe and to be using transport safely. That is why we are deploying all these activities. There is no doubt that, with the summer months and a lot of people wanting to travel to the beaches and what have you on the weekends, it is just as important that people maintain that discipline that we have seen at other times of the week.

I know a certain member for Manly has seen some nice sunny days throughout spring where people have actually flocked back to the ferries. We just need to do this in a safe way. That is again being done through our marshals and the disinfectant teams who are constantly cleaning the vessels. They need to be recognised and thanked for their efforts. We are going to see, particularly with night-time services returning, more people moving out and about in the warmer months. We are going to continue with the marshalling and the world's best practice. I am very confident that, given the lack of community transmission that we have seen on public transport, the community will continue to respond, be positive and be safe. In closing, I thank everybody who is working in transport to look after our community at this time.

#### POLITICAL DONATIONS

**Ms JENNY AITCHISON (Maitland) (14:51:49):** My question is directed to the Premier. David Stack is a property developer and Mark Vaile is the director of a property development company. Why did the Premier allow property developers exclusive, private access to her in exchange for illegal political donations?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:52:12):** I was absolutely convinced that those opposite were sufficiently nimble and flexible to be able to change their question time strategy. But I was wrong and horribly mistaken. Given that I have been asked the same question for the fourth time now, let me reassert some points that I made in earlier responses. Firstly, donations are a matter for party organisations. Secondly, the member for Port Stephens wrote to Mr and Mrs Stack on 26 October apologising for the allegations she had made in relation to prohibited donations. She withdrew her allegations in writing on 26 October. We will overlook the fact that she wrote the letter in the third person, which is a bit weird, but that is by the by. After she has apologised publicly to these people, the ALP now thinks it is appropriate to ask me questions in this place. The important issue to note is that, whether it is a question in relation to these alleged donors or in relation to any other, it is important for party organisations to make sure they adhere to the letter of the law when it comes to the electoral commission. All of us in this place—it does not matter which party we belong to—rely on our party organisations. That is a question of fact. I state on the record that I ask those opposite to just stop the hypocrisy.

**Mr Chris Minns:** Point of order: I take a point of order under Standing Order 129. I think it is a bit rich for the Premier to be giving everybody an integrity lesson at the moment. She has got a standing order down at the ICAC, for God's sake. This is a joke. Why does the Premier not tell us everything that has been happening down at the ICAC?

**Ms GLADYS BEREJIKLIAN:** Do my colleagues reckon that the member for Kogarah has passed the audition to take the Opposition leader's job? In any event, as I said, I ask those opposite why they do not tell us about the donations they have gotten.

**The SPEAKER:** Order! I call the member for Kogarah to order for the first time. I call the member for Kogarah to order for the second time. I call the member for Kogarah to order for the third time.

**Ms GLADYS BEREJIKLIAN:** It is okay for them to say one thing publicly. It is not okay to then be hypocrites in this place.

### COVID-19 AND DIGITAL TRANSFORMATION

**Mr JAMES GRIFFIN (Manly) (14:55:03):** My question is addressed to the Minister for Customer Service. Will the Minister update the House on how the Government is delivering digital reform for the citizens of New South Wales ?

**Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service) (14:55:19):** I have got to admit that I do love this question.

**Mr Ryan Park:** You wrote it.

**Mr VICTOR DOMINELLO:** I actually did not write it, but I am happy to answer it. I thank the member for Manly because he is a champion, particularly for his very diverse and vibrant startup community in his electorate. He is doing brilliant work. I thank him for his advocacy of the startup and technology community in New South Wales. The digital transformation journey did not start today or last week. In many ways the transformation took place many years ago through the leadership of the Premier. How many times can people remember lining up out the front of those train stations with their paper ticket and missing the train back in the day? The transformation from that to plastic and then digital was monumental. It was not easy. We saw how those opposite—pardon the French—stuffed it up with the Teard. We know how hard it is. But the point is that, if it is done well, look at the benefits.

We have seen another champion in this area, Minister Constance, showing us how to use push notifications to really positively impact the lives of the great people of our State. Again, it is hard work but work that needs to be done to make sure that we are a leading State not just in the country—which we clearly are—but in the world. Look at the transformation that took place with the digital driver licence. I thank the Treasurer for his leadership in that. A third of the people in our State now use it. We are now reaching the point where people do not even carry wallets anymore because they are paying for things online or using their digital driver licence. It is just so convenient.

Then there are the announcements made today. As the Minister for Education and Early Childhood Learning says, we are bridging the digital divide. It was emotional to hear Minister Mitchell say that this is going to empower students in the bush and make sure that they have the same opportunities as those in the city, and so they should—in fact, not just the same opportunities as those in the city but those around the world. That is the power of this transformation taking place. I call out another great Minister, Minister Stokes, in relation to the work he is doing on e-planning.

E-planning is not just leading the country. It is leading the world. Then put that on top of what we are doing with e-construction, digital twin technology and the Strata Portal with Minister Anderson. This is truly world-leading. Companies around the world will come to this great State and say, "Wow, we want to use what you are using here to make sure we get greater efficiencies in construction." What is going on is unbelievable. We have another digital warrior in the Attorney General, who is very learned in the law and understands the legal maxim of "justice delayed is justice denied" better than most. What we have done with close to \$45 million today—

**Mr Mark Speakman:** Fifty-four.

**Mr VICTOR DOMINELLO:** Thank you. With the \$54 million announcement today, we are going to improve the efficiency of the judicial system which, as the Attorney General says, means access to justice is faster, which means less stress. A lot of people in the justice system go through process trauma because they have to wait in a long line for justice. This improves their journey; this improves lives. Again, we are way ahead of anyone else in the country and we should be very proud that the great people of our State are on that journey with us.

People said that the QR code was just too hard, but look at what took place. Virtually overnight the great people of our State realised that they had to get digital and get smart to be fast and agile to respond to this pandemic, and they embraced the QR code. That demonstrates how agile the great people of our State are and that we are ready to take on the world, because the world is absolutely digital. It is all moving online. We need to be



at the forefront of that, and we are at the forefront of that. I encourage people when they are thinking about the QR code to download the Service NSW app and use that one. It is fast, it is free, it is accurate and privacy is enshrined. We spoke to the Privacy Commissioner in terms of the development, independent privacy impacts—*[Extension of time]*

It is end-to-end digital and it puts resilience at the heart of the response to the pandemic. If we can be resilient, we are not just responding to this pandemic in the best way that we can; we are building the strength of our economy moving forward—absolutely guaranteed. In many ways we have to draw light out of the dark clouds of COVID and one of the great lessons or inspirations that we are seeing is that the people of our State are embracing this transformation to their great benefit.

**The SPEAKER:** I thank the Minister for Customer Service for the QR code from Service NSW, which we are using in the Parliament and it is operating well.

#### **BALLINA ELECTORATE RENTAL ACCOMMODATION**

**Ms TAMARA SMITH (Ballina) (15:01:23):** My question is directed to the Premier. Members of my community tell me that there are up to 60 people vying for rental properties on the market in the Byron and Ballina shires because of a chronic shortage of non-holiday rental properties in the area. What is the Government doing to ensure that people in my community can access affordable long-term rental homes to live in?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:01:53):** I want to thank the member for Ballina for her question. I know that this is a longstanding challenge in her community and I will address her question in a second, but I regret that the Leader of the Opposition is not in the Chamber. It is normally a convention that the Leader of the Opposition stays in the Chamber during question time.

*[A member interjected.]*

I apologise to the member for Ballina because she has asked me an important question and I will now proceed to answer the question. We are working hard to make more affordable rental housing available throughout the State, especially in regional areas like Ballina. I also acknowledge that, because our citizens until recently have not been allowed to go to other States, there has been increased tourism in her community, which is putting added pressure on locals, and whilst it is great for people who visit her electorate, it is often stressful for locals who have to deal with additional stresses during that time.

I confirm to the member for Ballina that we have been working closely with the Byron Shire Council over the past year to address those concerns, especially in relation to short-term rental accommodation and also rental affordability. This has included considering planning proposals to reduce the number to 90 days that people can rent short-term rental accommodation, because obviously anything beyond that point is not regarded as short term. So that is something we are working on with Byron council. I understand that this proposal is currently before the Byron Shire Council and is being considered. I think it will have a positive impact in freeing-up affordable rental accommodation for locals as opposed to others.

We recently implemented a code of conduct for short-term rental to make sure that both hosts and guests were banned from the industry for five years if they committed two serious breaches of the code, so we want to make sure that even those who are participating in the system are doing it fairly and equitably to again free up housing for those who need it the most. I also stress that because of COVID, we have appreciated the pressure on families for housing in the Ballina electorate but more broadly across the State. What we have done across the State, which also has a positive impact on Ballina, is put in place a range of additional measures to take pressure off those wanting to rent.

**The SPEAKER:** The members for Newcastle, Mount Druitt and Oatley will remain silent.

**Ms GLADYS BEREJIKLIAN:** We have provided \$20 million for rental subsidies through the Rent Choice program to allow people to access or sustain private rental accommodation during this challenging time. I am sure the member for Ballina has already put her constituents in touch with this program, but please know that that is available through Service NSW. We have also prevented landlords from evicting COVID-19 impacted tenants for rental arrears unless they have attempted to negotiate a rent reduction in good faith, which is important. We have also allowed tenants impacted by COVID-19 to apply to the NSW Civil and Administrative Tribunal to end fixed-term agreements in certain circumstances if they need to move or make alternative arrangements or seek cheaper accommodation.

We have also stopped landlords or agents from listing COVID-19 impacted tenants on a tenancy database if they go into arrears given the exceptional circumstances because, unfortunately, the pandemic has forced people to make decisions they otherwise would not have made and we want to make sure that they are not penalised for doing that. Finally, we have extended boarding house eviction notice periods where the landlord has not attempted

to negotiate in good faith, providing residents with six months security of tenure. In responding to the member for Ballina, I accept that it is a big issue in her community and I thank her for raising the question. We are working with the local council, but we are also implementing statewide policies to support her constituents. I thank her for her question.

### RETIREMENT VILLAGES

**Ms MELANIE GIBBONS (Holsworthy) (15:05:50):** My question is addressed to the Minister for Better Regulation and Innovation. Will the Minister update the House on what the Government is doing to deliver a fairer, more transparent and more accountable retirement village sector?

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (15:06:11):** I thank the member for Holsworthy for her excellent question. It was great to catch up with the member at the Blue Hills retirement village at Prestons where we talked to residents and owners about the great reforms that we are bringing in to get the balance right between residents and operators on the back of the Greiner report. Kathryn Greiner has done a magnificent job in drafting reforms and providing advice to us on how we can make things easier for owners and operators in this very important sector.

Since reforms were recognised and brought forward following the 2017 retirement village sector advice in the report of Kathryn Greiner, AO, a significant number of changes have been implemented. I will run through a couple of those. The first was the establishment of a new mediation service within Fair Trading, so we looked at how we managed disputes. There were also changes to the Retirement Villages Act with a requirement for annual contract check-ups, mandatory rules of conduct for operators, strengthening of consumer protections and transparency around marketing practices.

We found early on from a lot of the feedback that when people were moving into retirement villages the fine print of the contract was not being read. How many times have we been told to read the fine print? When people want to retire or move away from the village, that is when the contract comes into play, and having a support person, a solicitor or someone who understands that fine print when your loved one is moving into a retirement village is so important. That was part of the reforms and advice going forward, as well as transparency around marketing practices.

The second tranche of the reforms is about improving access to exit entitlements. When someone moves out of a retirement village, they want their money. They want to be able to access their cash. There is a lot of cash tied up there and, if they are moving into an aged-care facility or getting into a caravan and touring Australia or going to live with loved ones, they want their exit entitlements. We are saying that after six or twelve months, if a villa or residence or premise has not been sold, the operator will be required to buy it back. There will be a six-month time frame in metropolitan areas and a twelve-month time frame in regional areas. That will provide the opportunity for the operator to market that particular property and be active about it. It does not want that asset sitting on its books. It is costing money and the operator wants to move it on, plus the resident wants to access their money so they can move on to the next phase of their life.

Another significant part of the reform that the member for Holsworthy was very strong on was about moving into an aged-care facility. When people leave a retirement village, a significant percentage will move straight to an aged-care facility. Again, that costs a lot of money and requires some up-front costs, and if you do not have the cash reserves it makes it very difficult. And during a stressful time that can be a real problem. What the Government has agreed to with these reforms, on the back of the efforts of member for Holsworthy, is that the operator of a retirement village will be required to pay the day-to-day accommodation costs of a resident moving into aged care. That provides the peace of mind that they know their loved one is being taken care of. The operator will be able to recuperate those costs from the exit entitlements when the property is sold.

The other reform relates to providing certainty around the ongoing recurrent charges paid by the resident for maintenance and the provision of ongoing services by the operator. The Government is saying that 42 days after someone leaves a retirement village those charges will no longer need to be paid by the resident. That has strongly come through in these reforms, which have been welcomed by the industry. I thank Jim Gibbons from the Retirement Village Residents Association, with which the Government has consulted widely, along with many other retirement villages across the State. These reforms are certainly in line with the wishes of many members opposite, who are looking, I suspect, at moving to a retirement village in 2023. The Government is here to help.

### *Petitions*

### PETITIONS RECEIVED

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

### **Waverley Traffic Management**

Petition noting the use of the Charing Cross six-way intersection by students of five local schools and requesting the Government to compel Transport for NSW and Waverley Council to review the traffic management at the intersection of Carrington Road, Victoria Street and Bronte Road, Waverley, and to prioritise pedestrian safety, particularly during school hours, received from **Dr Marjorie O'Neill**.

### **Social Housing**

Petition urging the Government to build 5,000 new social housing dwellings every year for the next 10 years to reduce homelessness and housing stress in New South Wales, received from **Mr Alex Greenwich**.

### *Bills*

## **RETIREMENT VILLAGES AMENDMENT BILL 2020**

### **Second Reading Debate**

#### **Debate resumed from an earlier hour.**

**Ms JULIA FINN (Granville) (15:12:35):** As shadow Minister for Consumer Protection, it is my pleasure to lead the debate for the Opposition on the Retirement Villages Amendment Bill 2020. The Opposition will not oppose the bill. Some minor amendments were adopted in the other place last night, which were also not opposed by Labor and served to improve the bill. The legislation addresses longstanding concerns of retirement village residents that the operators of retirement villages cannot be compelled to sell their units in a timely manner, even if the resident needs to vacate quickly. Only last night I spoke to somebody about the family of a deceased former resident of a retirement village in Oaklands that has remained unsold for over two years, as the operator has been focused on selling new, more luxurious units nearby. This family is not greedy. Their mother was in her 90s when she passed away, and the children are in their 70s and want to move into retirement living themselves.

Both retirement village residents and operators were somewhat nervous about the Government's election commitment to implement mandatory time frames for the sale of units as a way of resolving this issue. I am glad that the bill meets those objectives while ensuring that appeal mechanisms are in place to make sure that units are not sold well below market value to meet a deadline. It also avoids making retrospective changes to contracts or creating two classes of residents with an incentive to sell quickly only the units of residents who purchased after the commencement of the legislation. These measures have the support of both the Retirement Village Residents Association and the Property Council of New South Wales, two organisations that often disagree on policy direction. The Minister deserves some credit for achieving this consensus.

#### **Mr Kevin Anderson:** Some?

**Ms JULIA FINN:** Well, quite a bit. That is not to say that there are not issues with this legislation, and I will outline some of them later. The importance of these changes means that the Opposition will support the bill in the hope that it will improve the retirement village sector for older residents. As outlined in the second reading speech, the bill proposes reforms to the Retirement Villages Act 1999 that will simplify complicated contracts and reduce fees charged by retirement village operators. The Opposition believes these reforms are largely reflective of the recommendations of Kathryn Greiner, AO, in the 2017 *Inquiry into the NSW Retirement Village Sector Report*. The inquiry reviewed the fairness and transparency of business practices in the retirement village industry and found serious problems.

The findings and recommendations of the report were primarily informed through consultation with the public and key stakeholders in the retirement village sector, as well as targeted consultation with other jurisdictions and industry experts. In short, it concluded that the operation of the retirement village sector needed to be cleaned up and made more transparent to stop residents being ripped off. The final report found that the industry could be improved in three key areas: increasing the transparency of exit fees and contracts; clarifying the funding arrangements for ongoing maintenance costs shared between residents and operators; and providing more support when disputes arise and reducing the potential for disputes to occur in the first place. The Greiner inquiry made 17 recommendations to achieve these improvements, some of which have already been enacted through the Retirement Villages Amendment Act 2018.

In February 2019 the Government made a pre-election promise to enact further recommendations from the inquiry by introducing mandatory buyback provisions and a cap on recurrent service charges. It has been almost two years since that election commitment, and I am pleased that the Government has finally got around to delivering on it. The retirement village sector is enormously important for our State. It is the only non-government funded source of affordable, age-friendly, independent-living communities. There are many reasons people move into a retirement village. Often it is to downsize, combining the benefits of being in a private and secure

environment with a home that is easily maintained. It offers an important middle point for older Australians between the family home and an aged-care facility. For the majority of people and providers, the experience is overwhelmingly positive. At its best, it offers a wonderful lifestyle for older people. Unfortunately, at its worst it can be financially crippling and a nightmare for residents.

In New South Wales there are more than 66,000 retirement village residents, and this number is expected to almost double by 2023. According to figures from the Property Council of Australia, although retirement villages are generally open to retired people over the age of 55, the average age of a person entering a village is 74 and the average age of a village resident is 81. Additionally, approximately 70 per cent of residents living in retirement villages are female and 70 per cent of those residents live alone. I list those statistics to illustrate that many residents of retirement villages are often older, particularly when they exit villages, and they are sometimes not well equipped to navigate the complicated arrangements that structure many villages.

The Property Council figures indicate that 60 per cent of people exiting retirement villages are entering aged-care facilities. Over the years we have seen many terrible examples where residents leaving villages have been hit with exorbitant fees and complex contracts at a stage of their lives when they are arguably least able to represent themselves. Legislation that helps ease those issues is to be commended. In deciding its position on this bill, the Opposition spoke to several key stakeholders subsequent to many discussions with retirement village residents about the possible reforms last year. I thank them for their feedback, in particular the Retirement Village Residents Association and the Property Council of New South Wales. Both organisations were involved in the development of the amendments and both have indicated their broad support for these measures.

I turn now to the substance of the bill. There are three key measures in this bill. These include the introduction of a cap for the period during which former residents continue to pay charges for general services once they have left a village; a requirement for operators to pay exit entitlements to former residents where there has been an unreasonable delay in the sale of their property; and measures intended to make the transition to aged care easier by allowing former residents to access a percentage of their exit entitlement to cover fees prior to their property's final sale to cover accommodation costs. The first reform introduces a 42-day time limit on the payment of recurrent charges for general services, such as office management, cleaning and gardening, after a registered interest holder leaves a village. The definition of "permanently vacates" is also being amended in the Act to make it more easily understood when control of a property is given to the operator and when the property is empty.

This reform was proposed by the Greiner inquiry and is a positive change by the Government that the Opposition supports. The fact that departing residents will no longer have to pay for general services after 42 days from their departure seems fair. It resolves a common complaint from former residents, who feel it is unfair that they continue to pay for services and amenities that are not accessed. The amendment brings the position for leasehold registered interest holders in line with the provisions for non-registered interest holders. I am pleased with the decision to include all present and future residents in the 42-day cap. This is a sensible decision, which will ensure that all residents are protected. Although we support this measure, the Opposition has concerns about the lack of clarity about who will pay for costs following 42 days, and I appreciate that this has now been largely clarified by the amendments made in the other place last night.

Stakeholders told us that they were concerned that the original bill did not specify how this additional cost would be addressed between operators and continuing residents. I note that it was implied in the Greiner report that it would be the operators who pay. This matches the arrangement that applies to new builds until the first buyer moves in. Greiner's intention by placing the cost of post 42-day charges on the operator was that it provides one of several incentives for the operator to on-sell the unit quickly. I acknowledge that this may not be practical for small operators who do not have surpluses or reserves to draw on but, similarly, remaining residents should not be expected to carry this charge solely.

Stakeholders have indicated there are also significant concerns around the after-cap recurrent charges and the possibility that they may be recovered from elsewhere in a village's budget. They are worried that some unscrupulous operators will endeavour to manipulate budgets to avoid a deficit emerging by using other funds in the budget line items. Steps should be taken to avoid this where possible. Amendments introduced in the other place and supported by Labor will facilitate this. In principle, operators will be obliged to meet this liability, although a regulation-making power has been created should the need arise for greater clarity, flexibility or limitations around this important principle. It is certainly not anyone's intention that operators be forced into financial difficulty should there be a much higher than anticipated number of vacancies.

The second significant measure in the bill provides a right for orders to be applied for the payment of exit entitlements if a property has not sold within six months for premises in a metropolitan area, or 12 months in regional locations. This is a significant improvement on current arrangements and allows residents to access their entitlements earlier than they would have otherwise received under the current rules. This measure will give

residents who are registered interest holders the right to apply to the Secretary of the Department of Customer Service if after the six- or 12-month time frame they think the operator has unreasonably delayed the sale of their dwelling. The onus will be on the operator to prove that they have not unreasonably delayed the sale. The exit entitlement, including any capital gain, would be based on either an agreed sale price or one determined by an independent property valuer paid for by both parties. Again, this reform was proposed by the Greiner inquiry and is a positive change that the Opposition supports.

Importantly, this measure provides further incentive for operators to sell as quickly as possible—a key issue raised in the 2017 inquiry. However, it also ensures there is not a perverse incentive or excuse for selling at low-ball prices to get units off the books prior to the expiration of the six or 12 months. If an operator is undertaking their best endeavours and the market is flat, the operator will be able and obliged to demonstrate this. From our conversations with stakeholders, there is broad support for this measure. In particular, the fact that departing residents will apply directly to the secretary, as opposed to the NSW Civil and Administrative Tribunal [NCAT], greatly simplifies this process. The age of exiting residents skews older and often these people are unable to navigate the NCAT process due to poor health or lack of resources.

However, there are still a few issues of concern. First, there has been no clear indication of what will constitute an unreasonable delay. Again, from the second reading speech in the other place we understand that this will be outlined in the regulations. The Opposition implores the Government to consult with the relevant stakeholders closely in drafting these regulations. The other concern relates to the relationship between the new aged-care rules—specifically, that the proposal will not apply to those residents who choose to apply for payments from the operator under the aged-care rules. I will outline this concern shortly.

The final significant reform in the bill is a new aged-care rule. Unlike the other two reforms, this one was not a suggestion from the Greiner review; nor was it an election promise. It was proposed by the Property Council of Australia based on a proposal from the Retirement Village Residents Association [RVRA] to address the potential financial hardship of residents when they move into aged care. I note that this reform is also based on similar reforms that have been operating in South Australia and Victoria. It is a commendable inclusion. For someone reliant on the age pension whose unit is their only asset, the daily accommodation payment in aged care is a huge financial imposition. Even self-funded retirees may need to sell assets to fund the bond to avoid paying a daily accommodation payment, only to have to reinvest the proceeds of the sale of the unit shortly afterwards.

More than 60 per cent of village residents transition directly into aged care and often do not have the funds available to cover the costs of this move. Where a resident wants or needs to move quickly into aged-care accommodation and they are unable to afford the cost, the aged-care rule requires the operator to pay a proportion of the estimated exit entitlement to an aged-care provider. After entering an aged-care facility, the person only has 28 days to decide whether they want to pay, via a large refundable bond, a residential accommodation deposit or the daily payment. A former resident whose premises are not yet sold and who is moving to residential aged care will be able to request the operator to make their daily accommodation payments to the aged-care facility where the former resident is to reside. An operator who is requested to pay a daily accommodation payment may apply to the tribunal for an order to extend the time for payment or to exempt the operator from having to make the payment.

The tribunal may make an order only if it is satisfied that making the payment would impose a significant financial burden on the operator. The operator will not be required to pay a daily accommodation payment if the payments reach 85 per cent of the resident's exit entitlement, the village premises are sold, the former resident asks to stop the payment, the former resident does not enter the aged-care facility or the former resident dies. I am pleased that amendments adopted in the other place have also committed operators to sell a unit within 24 months for those who have moved into aged care and are drawing down on their exit entitlements to meet their daily accommodation payments. This should not continue indefinitely, with the operator not compelled to sell. I acknowledge that this measure makes an effort to balance the interests of both operators and departing residents.

The amendments made in the other place also create transitional arrangements for residents who may not be able to take advantage of these reforms, which commence on 1 July. This will allow those residents to apply to draw down on their exit entitlements to meet their recurrent charges after they vacate. Although not ideal, this will help those who need to move sooner than 1 July to better manage their finances. However, while the Opposition is supportive of this measure, as previously indicated, we have some other concerns. The first relates to the ability of some smaller operators to adjust budgets to meet liabilities generated by people moving into aged care. Although many operators will be able to meet this cost, it may not be practical for small operators who do not have surpluses or reserves to draw on. It then creates a situation where operators could attempt to pass this on to other residents. This is a problematic situation, particularly in older villages with high vacancies.

Another concern is that after entering an aged-care facility an individual only has 28 days to decide whether they want to pay via a large refundable bond or a daily payment. These are issues the Minister will need to monitor

closely in the implementation stage of the bill to ensure that these problems are managed and do not place further undue stress on vulnerable people. The Opposition welcomes these changes. As stated before, I would argue that they are long overdue, particularly given the promises that were made in the lead-up to the last election by the then Minister and that it has been three years since the Greiner inquiry report was handed down. The proposed changes are designed to allow residents to more fluidly and fairly leave a village, to improve their financial security and to give certainty to the industry. They provide a workable framework for what seemed like an utterly unrealistic election promise, which could create a world of unforeseen, negative consequences for residents and operators alike.

This strikes a balance, while achieving the initial objective of deterring operators from delaying the sale of units. Given the scale of the reforms and that they will apply to all current and future residents, we agree the transitional period laid out in the second reading speech is necessary and reasonable to allow village operators to adjust their budgets. I also appreciate the Government's attempts to balance the needs of the sector and the residents, and the involvement of both the Property Council of Australia and the RVRA in the drafting process has been essential. Given the concerns expressed by stakeholders, I ask that the issues I raised, particularly questions about the exact nature of the regulation that has yet to be finalised, be addressed by the Minister's office. The bill is a significant improvement on existing retirement village arrangements. It goes a long way to addressing many of the issues that have unfairly affected people living in retirement villages. Its measures will improve access to exit entitlements, help ensure that the financial future of older Australians is secure and support residents moving to aged care. I look forward to its implementation and the improvements it will provide to residents.

**Mr PETER SIDGREAVES (Camden) (15:29:02):** I speak in support of the Retirement Villages Amendment Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House. The bill delivers on the New South Wales Government's commitment to require operators to pay exit entitlements within six months for retirement villages in metropolitan areas and 12 months in regional New South Wales and to place a 42-day cap on residents' requirements to continue paying recurrent charges for general services once they leave their retirement village. I start by reminding members just how important the reforms in this bill are. One of the key issues identified by the 2017 review of the retirement villages sector, chaired by Ms Kathryn Greiner, AO, was the need for appropriate and affordable housing for not only current village residents but also future residents to ensure viable and vibrant communities that continue to attract new residents.

With many baby boomers reaching retirement age, it is well understood that the retirement village sector is facing an increase in the volume of potential residents. It is imperative that the sector is sufficiently regulated to ensure that the industry can cater for our ever-increasing ageing population. Senior Australians can then be confident that retirement villages are a great option for those looking for affordable housing that also offers a sense of community and services. Affordability includes not only the costs of entering a village but also the costs of services and of exiting a village.

The Greiner review highlighted that at every community forum a cohort of residents recounted their dismay when they realised the full impact of exit fees. Those residents keenly felt that they would be unable to leave their village if it no longer met their expectations because the high exit fees constrained their ability to move elsewhere. One exit fee is the continuing requirement for residents who leave a village to pay recurrent charges for the provision of general services entirely on their own for 42 days after they leave the village and then a share of the recurrent charges until the residential premises is sold—a lengthy time period that invariably is out of the control of the former resident.

The reforms in the bill are straightforward and commonsense. They are necessary to ensure that current and former residents of retirement villages are given a fair go and the long and healthy retirement they deserve. The reform that I wish to speak about is the change to section 152 of the Retirement Villages Act 1999 to provide that the liability for registered interest holders to pay recurrent charges for general services will cease 42 days after the former resident's permanent vacation of their residence. Registered interest holders are those whose village contract is in the form of a long-term registered lease that provides for at least a 50 per cent share in any capital gain on the sale of the premises. I clarify that the provisions will not apply to registered interest holders who live in strata or community title villages or company title villages. The reason is straightforward: Village operators that are engaged by the owners corporation or company generally provide personal services only to residents who enter into contracts with the operator. They do not provide general services. This reform will bring registered interest holders' rights into line with those of unregistered interest holders. It is a most fair amendment.

The aim of the reform is to ensure retirement village residents are not paying for general services long after they have left a retirement village. It is not fair for people to have to pay for services they are no longer using or obtaining a benefit from, especially when there has been a delay—not caused by them—in their property being sold. As I have said, these are fair reforms and are especially pertinent during these challenging times. Currently

under section 152 of the Act registered interest holders must pay recurrent general services charges for 42 days after they permanently vacate their premises. General services are those the retirement village operator provides to all residents of a village, such as management services, village administration services, gardening and general maintenance. Former residents also continue to pay a portion of the recurrent charges until their premises have been sold and a new resident enters into a contract with the operator. As I have said, this can often take considerable time and is out of the control of residents.

Under the current Act, the portion that former residents are required to pay for general services after the 42-day period is in the same proportion as their share of any capital gain on the sale of their premises under the village contract. By way of example, if a former resident had entered into a village contract with an operator in which they would share with the operator any capital gain from the sale of the property in a proportion of 60 per cent to 40 per cent then the former resident would be required to pay 60 per cent of the general services fees until the property is sold.

Members can see that since the former resident is continuing to pay a portion of the general services charges, the operator may not be motivated to sell the property as quickly as if the general services charges were not being paid. The Greiner review highlighted that residents have had to pay ongoing fees for an unspecified period. In the review, several respondents shared their experience of the time taken for the sales process to conclude—sometimes as long as two years. Published submissions from the review highlighted the need for the cap on the recurrent charges for general services. One submission noted:

Before entry to the village I had asked what happens when my father passes away and was told, we buy the unit back in 6 months. It took 4 years 3 months to be sold and the only reason it sold was I had to go to NCAT and then a tribunal hearing.

Currently, if the contract between the operator and former resident does not contain terms specifying that interest is not payable on the recurrent charges, the operator is entitled to charge the former resident interest on any unpaid recurrent charges. The bill will amend section 152 of the Act to provide that the former resident's liability to pay recurrent charges after they have permanently vacated the premises will cease 42 days after the former resident permanently vacates their premises. However, the former resident's liability to pay the recurrent charges can cease earlier if any of the following circumstances happens before the resident permanently vacates their premises: The operator of the retirement village enters into either a village contract or a residential tenancy agreement with an incoming tenant for the premises, a person takes up residence in the premises with the consent of the operator, the operator buys the premises from the former resident, the NSW Civil and Administrative Tribunal terminates the resident's contract or the contract between the former resident and the operator provides for a cessation of the liability.

At the most, though, the charges will be capped at 42 days after the former resident permanently vacates the premises. This will bring registered interest holders into line with the rules that already apply to non-registered interest holders. The bill proposes a consistent and fair application of rules for registered and non-registered interest holders, which will provide certainty for former residents on the charges they will be liable to pay. Of course this will mean that where residents are no longer paying recurrent charges, there may be less money for the payment of general services such as gardening and maintenance. I acknowledge the questions from stakeholders about how the shortfall may be addressed. Under the current laws, residents are required to pay for the general services they receive that are provided by the operator. [*Extension of time*]

The amount of recurrent charges paid by residents forms part of the proposed budget. The budget is then voted on by the residents. This part of the proposal will be addressed in the regulations in order for the Government to work through these questions with stakeholders. A further amendment in the bill will help to resolve a challenging problem whereby a former resident passes away but their personal possessions and goods remain in the premises for some time, preventing the operator from dealing with the property.

The bill proposes to change the definition of a "permanent vacation" in section 8 of the Act. Currently only two circumstances apply for registered interest holders in relation to permanent vacation: if the resident dies or the resident moves out of the premises. The definition is much broader for non-registered interest holders. To achieve key consistency across both resident categories, the bill will now provide that "permanent vacation" in the category of registered interest holders will occur if:

... the person moves out of the premises or ... the executor or administrator of the person's estate delivers up vacant possession of the person's residential premises to the operator of the retirement village following the person's death.

Moving out is taken to mean that the person has vacated the premises and taken all of their possessions and property with them. This definition is further amended to clarify that moving out will include that all property has been removed and the keys to the property have been returned to the operator. That will provide finality and certainty for someone moving out of premises. This is a key feature that village operators have been calling for, and the Government has listened and acted. The amended definition of "permanent vacation" will mean that in a

situation where a resident passes away, the 42-day cap will effectively commence when their premises have been vacated and the person's personal possessions and goods have been removed and the keys returned to the operator.

The amendment of the definition of "permanent vacation" is a fair compromise for both operators and former residents. The provision in the bill relating to the 42-day cap was amended last night in the Legislative Council as a consequence of a cooperative negotiation process between the Government and The Greens. This amendment further clarifies the operation of the 42-day cap, particularly in respect of how shortfalls in recurrent charges are dealt with. The regulations to the bill will provide further clarity on this issue. I again congratulate the Minister on bringing those reforms to Parliament. The reforms to the Act will ensure that residents of retirement villages are given a fair go while the needs of operators are balanced. The reforms further build on the comprehensive work already completed by the Government to improve the operation of retirement villages in New South Wales. I commend the bill to the House.

**Ms JENNY LEONG (Newtown) (15:42:09):** On behalf of The Greens I wish to address the Retirement Villages Amendment Bill 2020. My colleague in the Legislative Council Ms Abigail Boyd is our spokesperson for older people and she set out that The Greens support the bill. It contains important reforms which seek to address the disgraceful rorts in the industry that were exposed in 2017 in a joint investigation by the ABC and Fairfax Media. The bill implements some of the recommendations in the Greiner report. The bill makes amendments to the Retirement Villages Act 1999 which will: require operators to pay exit entitlements to former residents where there has been an unreasonable delay in the sale of their property; make the transition to aged care easier by allowing former residents to access a percentage of their exit entitlement to cover fees, prior to the final sale of their property, to cover accommodation costs; and cap the period of time former residents continue to pay charges for general services once they have left the villages.

Some of the other key reforms included in the bill will: allow a former occupant to apply to the Secretary of the Department of Customer Service for an exit entitlement order, and the secretary can issue an exit entitlement order when the property remains unsold after a prescribed period of six months in metropolitan areas and 12 months in regional areas; permit former occupants wishing to transition to aged-care accommodation to request the operator to pay part of their exit entitlement to the aged-care provider as a daily accommodation payment; and provide a 42-day cap for recurrent charges for general services, including gardening and office costs for registered interest holders following permanent vacation.

It is absolutely clear from media reports and their revelations to see the extreme price gouging, misleading marketing, extraordinary fees and charges and dishonest business practises of some of the largest for-profit retirement village operators in our community. This is clearly a billion-dollar industry and people are profiting from the housing of older people in our State. It is absolutely crucial that we look at the impacts on the 66,000 people in New South Wales aged over 65 years who are living in retirement across the State. It is absolutely essential for us to recognise that people have a right to have a safe, secure and affordable place in which to live that is not driven by profit motives of private interests and private companies but, instead, is driven by our obligations in this place and across the community to ensure that everybody has a safe and secure place to call home—everybody has a right to a home. We must show that we are doing all we can to protect the interests of older people being able to have access to a safe place in which to live.

I note that previous speakers have talked about the particular impacts on older women. Recently I spoke in this place about the massive challenges faced by the growing number of older women who are facing homelessness and the pressures of housing costs in this area, which is something we need to do more about. Retirement villages are a popular housing choice for older people who have left full-time work. They provide a unique opportunity for community and freedom, as well as a relatively affordable housing option. We particularly know that it is a challenge with private housing and rental markets being inaccessible and unaffordable to those who no longer have a full-time salary. I note the absolute need for us to address this crisis and challenge in the inner city communities where we have Aboriginal communities living close to areas around Redfern and Waterloo. We need look at the idea of investing in Aboriginal aged care and housing facilities that are appropriate and designed and run by Elders in those communities for other Elders in those communities.

I also acknowledge the need for particular housing and recognition of the specific needs of our diverse multicultural communities, as well as the LGBTQI+ communities in our cities to make sure that as they get older there are appropriate options for them to be able to have safe and secure affordable places to live. That is why retirement villages offer a suitable solution for many older people in our community. It was so devastating to see the impact the retirement village industry was having on exploiting residents and the lack of regulation that was available so they could swindle thousands of dollars from the pensions and retirement savings from these often very vulnerable people.

In working closely with the Retirement Village Residents Association, the Seniors Rights Service and the Council on the Ageing NSW my colleague in the Legislative Council was able to bring a number of successful



amendments to the bill last night that strengthen the protections for current and former residents and to ensure a smooth transition process. I commend my colleague Ms Abigail Boyd for bringing those amendments to the key stakeholders who worked with her to develop them. I give a specific shout-out to Alysha Hardy in her office who worked late into the night to ensure that those amendments were passed. The Greens support the reforms in this bill. We know that more needs to be done and that the bill is but one step towards having a retirement village sector that operates in the best interests of residents. We hope the focus on ensuring that older people in our community across this State will continue to be able to be looked after and that their ability to pay is not the only determinant when making sure that they have a safe, secure and affordable place to live.

**Mr NATHANIEL SMITH (Wollondilly) (15:48:12):** I support the Retirement Villages Amendment Bill 2020. I commend the excellent Minister for Better Regulation and Innovation for his work on developing this bill. It feels like only months ago he was in Menangle and talked about this legislation in front of the media.

**Mr Kevin Anderson:** One hundred percent.

**Mr NATHANIEL SMITH:** It was a great event, wasn't it, Minister?

**Mr Kevin Anderson:** It was.

**Mr NATHANIEL SMITH:** I think you referred to me as the member for Camden at that point.

**Mr Kevin Anderson:** I'm sorry. Who was it?

**Mr NATHANIEL SMITH:** The member for Wollondilly. It was a great day in Menangle. On 14 February 2019, the New South Wales Government committed to meaningful regulatory reforms to require operators to pay exit entitlements within six months for retirement villages in metropolitan areas and 12 months in regional New South Wales, and to address issues with former residents having to continue to pay recurrent charges once they had left their village. Retirement villages offer independent living and therefore differ significantly from aged-care or nursing home facilities, which offer higher care assisted living.

As the population of New South Wales ages, the retirement village industry plays an increasingly important role in meeting the housing needs of seniors seeking a safe, secure and low-maintenance lifestyle. For the benefit of the House, I note that in my electorate of Wollondilly up to about 40 per cent of the Wingecarribee shire is in the over-65 age group. This is a critical piece of legislation for my region. Locating to a retirement village enables them to right-size their accommodation and to join a community network. The decision to move into a retirement village is often a lifestyle choice based on a sense of community, safety and security, increased access to support services and the reduced maintenance of their property's offer. This is why I stand in this Chamber today in support of the bill, representing the older people in my electorate and across New South Wales. I believe it is important to ensure that the sector prospers into the future and that retirement villages remain an affordable and attractive housing option for our older citizens.

The reforms that I wish to speak to are the provisions in the bill that will be inserted in a new part 10AA of the Retirement Villages Act 1999 relating to exit entitlements. The amendments will enable the Secretary of the Department of Customer Service to make an order requiring an operator of a retirement village to pay a resident the amount that the resident will be entitled to in certain circumstances where the premises has not yet been sold. These amounts are called exit entitlements, which a registered interest holder is entitled to under the Act and under their village contract. The specific amount paid to the resident by the operator depends on the terms of their individual contract. Several factors are taken into account when determining the exit entitlement. These include the length of the resident's tenure, the amount of the ingoing contribution paid by the resident when they first entered the village, the interest rate applied to the deferred management fee paid by the resident when they leave the village and the amount of any calculated or agreed capital gain on the sale of the premises.

Effectively the amendments give residents who are registered interest holders an opportunity to apply to receive the money they are entitled to before their premises have sold. As members have heard, this provision—the 42-day cap on recurrent charges and the aged-care amendment—will apply only to those registered interest holders whose village contract is in the form of a long-term registered lease that entitles them to at least 50 per cent of any capital gain. I stress this point, as it is something I am aware some retirement village residents and operators have sought further clarity on. To clarify, the provisions will not apply to those residents in strata, community scheme or company title villages. The reason is because there is no exit entitlement owed by the operator to the resident. The operator in these villages generally only provides personal services to residents and does not hold an interest in the resident's property.

The sector review identified concerns around transparency, fairness and the level of independence of the operator from the sale process. The sector review heard firsthand from hundreds of residents in regional and metropolitan areas across New South Wales. The inquiry also received around 500 written and online submissions

from residents and community members from across the not-for-profit and for-profit sectors. Feedback from residents and their families was that operators sometimes frustrated the sale of premises by promoting the sale of the retirement village's own newly built residences over the resident's premises. For example, one respondent to the review noted that the sales process gives rise to an imbalanced bargaining position between the outgoing resident and the operator. That is because while a resident may want to exit quickly and minimise liability for levies and other costs, the operator is not subject to such pressure. When the operator is not incentivised to sell the premises quickly, the former resident's right to their exit entitlement payment is delayed.

New section 182AB of the bill provides that a former resident of a residential premises can apply to the secretary for an order for their exit entitlement to be paid if the premises has not sold within six months in a metropolitan area and 12 months in regional New South Wales. An important inclusion in this bill are the deeming provisions in this section, which provide that the six-month or 12-month time periods will be deemed to start either 40 days after the resident permanently vacates their premises, including returning the keys to the operator, or, if the former resident chooses to remain in the premises while it is sold, 40 days after the date of a letter to the operator advising this information. An important clarification to this bill was made last night in the other place which will make it clearer as to how the exit entitlement provisions of the bill will operate. An amendment was passed clarifying that the deeming period provisions also include the date on which the property is first advertised for sale as a trigger for the 40-day period.

The calculation of the agreed valuation of the residential premises is an important factor in the new provisions. When a property is sold, the capital gain that is shared between the operator and the resident can be readily calculated. However, as the property is not actually sold, the property value needs to be either agreed between the parties or, if not, calculated by an independent property valuer. New section 182AI of the bill provides for the independent valuer and their role and how they are appointed. The valuer must be independent of both parties. They will be required to provide the valuation to them in writing, with sufficient detailed reasons for the determination. As the valuation is for both parties, they are equally responsible for the cost of the valuation.

It is important to note that the secretary cannot make an order to require the payment of the exit entitlement if the secretary is satisfied by the operator that they have not unreasonably delayed the sale of the residential premises during the six- or 12-month time period. The matters that the secretary will be required to take into account in relation to "unreasonable delay" will be prescribed in the regulations. This will of course allow for further consultation with the industry and residents to get it right. By imposing the obligation on the operator and not the resident to prove that there has not been an unreasonable delay, the bill addresses the power imbalance between the outgoing resident and the operator. In most instances the resident has moved out of the village and the operator is responsible for the preparation and sale of the premises.

The proposed approach provides more protections for former residents, where the operator is solely responsible for the sale of the premises by creating an additional incentive to sell the residential property sooner. While I am supportive of the proposed approach providing these protections for former residents, I consider it wholly appropriate that the bill provides a mechanism for operators to satisfy the new onus of proof. The bill recognises that it is fair to consider the difficulties that some operators may face in facilitating prompt sales of premises. [*Extension of time*]

I thank members for their indulgence. There may be circumstances where an operator has done what it can to sell a property but still has not been able to sell the property within the six- or 12-month period. Of course, there will be circumstances that are out of the control of operators, for example, prevailing market conditions and economic repercussions from natural disasters such as bushfires, which can slow the market. This has happened in my electorate since November of last year. These issues should be taken into account. Residents will only be able to apply for an order once in each six- or 12-month period. While we encourage residents to exercise their rights under the new provisions, we are also mindful that repeated applications for an exit entitlement order take away an operator's focus from selling the property. This is likely to occur in an environment where the reasons why an exit entitlement order was not issued remain unchanged.

It is important that the secretary has the flexibility to draft orders to accommodate different situations. New section 182AD specifically provides for this. The resident and operator will be able to make submissions to the secretary and the secretary will take them into account. For example, the order could require the exit entitlement to be paid in a lump sum or in instalments. The exit entitlement provisions must be balanced with the needs of not only the residents but also the operators. The Government must ensure that the retirement village industry remains continually viable for not only present residents but also future residents. I am pleased that the bill provides a review mechanism for a person adversely impacted by a decision by allowing administrative review of decisions by the NSW Civil and Administrative Tribunal. While in the vast majority of cases I have complete confidence in the cooperation between residents and operators and in the ongoing expertise of the Department of Customer Service to support this process, I support the inclusion of proposed review mechanisms.

The Government has prepared a fair and considered bill. In determining whether to make an exit entitlement order, the secretary must take into account submissions made to the secretary by both the applicant and the operator. The bill ensures fairness by keeping both parties well informed. I again congratulate the wonderful Minister on bringing these reforms to Parliament. The reforms to the Act will ensure that residents of retirement villages are given a fair go while their needs are balanced with the needs of operators. The reforms will build on the comprehensive work already completed by the Government to improve the operation of retirement villages in New South Wales. I commend the bill to the House.

**Mr ALEX GREENWICH (Sydney) (16:01:09):** The Retirement Villages Amendment Bill 2020 will help former residents of retirement villages to access their exit entitlements if their property has not been sold, allow that entitlement to go directly to an aged-care facility and reduce former residents' ongoing costs to a retirement village. These are vital reforms. However, the bill's provisions are not tight enough to prevent some people from slipping through the cracks and experiencing hardship. The father of one of my constituents had to transfer from a retirement village to a nursing home in April. He has been unable to sell his registered long-term lease in the retirement village, which he was relying on to meet the costs of his new nursing home, including the refundable accommodation deposit. It does not look likely that the unit will be sold soon as there is a number of unoccupied units in the village and there have been no sales of registered long-term leases in the village for the past two years.

The nursing home is now charging him 4.89 per cent on the \$550,000 owing for the accommodation deposit. The retirement village continues to charge him general fees that come to \$1,996.40 a month. Meanwhile, he has care fees in his new nursing home. This comes at a time in this elderly man's life when his focus should be on his health and wellbeing. Unfortunately, the bill will provide limited to no help in his situation. Because the new 42-day cap on general charges will not start until 1 July next year, his monthly fee of almost \$2,000 a month will continue for another eight months. By then, he will have been paying this phenomenal amount for over a year. The cap should clearly commence when the legislation is enacted to protect people who are currently incurring, or will incur, charges over the next six months.

It is unclear whether my constituent's father will be eligible for accommodation payments to be made directly to his nursing home because the bill excludes former occupants from making such a request if they entered an aged-care facility immediately before the bill commences. As a result, he will have to obtain an exit entitlement order, which is onerous and will require steps that would be difficult for someone in aged care agreeing to a valuation with the operator, or to obtain an independent valuation. Occupants who vacated to a nursing home before the bill was enacted should be able to get accommodation payments paid to their nursing home. It will also be easy for retirement village operators to delay the payment of exit entitlements beyond the six months prescribed in the bill if the premises have not been sold.

The operator may get an extension if they have not unreasonably delayed the sale of the vacated premises. This will be easy to satisfy for most operators, particularly when a large number of leased premises are vacant and the market is flat. The Government should take into consideration the hardship that delaying the payment of exit entitlements will cause former occupants when making decisions whether to postpone the exit entitlements. I acknowledge the work of the Minister's office in considering the complex case of my constituent. I also thank Ms Abigail Boyd of The Greens for taking an interest in the circumstances of my constituent's father and for successfully moving amendments that may reduce his immediate financial burden. I hope the Government will take these concerns on board and work to improve the reforms.

**Ms ROBYN PRESTON (Hawkesbury) (16:04:36):** I speak proudly in support of the Retirement Villages Amendment Bill 2020. I commend the Minister for Better Regulation and Innovation for bringing the bill to the House. The bill implements reforms to address the 42-day cap on recurrent charges and the early payment of exit entitlements, and will assist people to transition from their retirement village to an aged-care facility when they need to do so. The reforms in the bill go some way to implementing recommendations made in 2017 as a result of the retirement village sector's review conducted by Ms Kathryn Greiner, AO. The reforms are about ensuring a fair go for Australians who wish to reside in retirement villages and giving them a secure future. As members have heard, the reforms proposed in the bill to recurrent charges, exit entitlements and aged care apply only to residents who have their village contract in the form of a registered long-term lease that includes a provision entitling them to at least 50 per cent of any capital gain.

In other words, the amendments will not apply to residents in a strata scheme, community scheme or a company title village. This is because operators in a strata scheme, community scheme or a company title village are engaged by the owners corporation or company to provide only limited general services to residents. In these properties the operator does not have any financial interest in the residential property. It is owned by the former resident, who takes 100 per cent of any capital gain on the sale of their residential premises. The operator therefore would not be required to pay the former resident an exit entitlement under the new provisions.

The reform in the bill that I wish to speak about is the provisions for aged care. Statistics show that people worldwide are living longer, with the proportion of the world's population over 60 years of age forecast to nearly double by 2050 from the 2015 percentage. As Australia's population continues to age, these reforms become increasingly more important to protect our society's most vulnerable. As we await the final findings of the Commonwealth's Royal Commission into Aged Care Quality and Safety, which inquired into ways to lift standards in aged care, it is critical we ensure that the New South Wales regulatory framework supports those who are transitioning into aged care.

The proposed changes will allow a former resident to request the village operator to pay a component of their exit entitlement as their daily accommodation payments to a nominated aged-care provider. This is important as the resident will be able to enter the aged-care facility when they need to do so. The inclusion of these new provisions is a relatively straightforward and strategic way for the Government to be able to address the immediate and future concerns of a large cohort of residents when they have to leave their village to obtain higher care. Often that is a very anxious time for them and their family. It is a sad fact of life that of course we all get a little older. As we age, we naturally require daily assistance for common tasks. That type of assistance is generally not provided in retirement villages and often has to then be provided in the aged-care facility environment.

The average age of people entering retirement villages is increasing and the average age of residents in retirement villages is getting higher. We also have heard that approximately 60 per cent of residents in villages will need to transition to an aged-care facility for their additional needs. Of course, villages have assisted in this, with many actually co-locating aged-care facilities with their retirement villages. We know that some village operators have already actively assisted residents to access their exit entitlements earlier to enable them to transition to aged-care accommodation when the village has been unable to meet the residents' special needs. These changes will lift those standards across the entire retirement villages industry to effectively level the playing field for all residents who require this transition.

The Government canvassed the proposal for operators to pay a former occupant's accommodation payment in the 2019 discussion paper on the exit entitlement proposals that was released for public comment. The proposal received overwhelming support in the over 760 responses to that paper. The amendments, as I have said, are straightforward. If an occupant needs to leave a retirement village and transition to an aged-care facility, and their unit has not sold, village operators will be required to pay residents up to 85 per cent of the occupant's exit entitlement. This will facilitate residents' quick and smooth transition into aged care at a time of often great stress and anxiety. The amendments are based on the payment of what is called the accommodation payment to the aged-care facility, otherwise known as the daily accommodation payment. The Greiner review found that without a resident's retirement village unit being sold, many occupants were unable to afford to pay the aged care refundable accommodation payment to enter a facility.

At a time of stress and instability, the resident and their family were having to worry about whether they could afford to move into aged care. The Government's amendments will ease this stress, and I commend the Government for its proposal. To be eligible to receive a payment, former residents captured by the scheme must have entered an aged-care facility after permanently vacating the premises or they must propose to enter an aged-care facility. They must not already have been paid the prescribed component of their exit entitlement and their premises must not have been sold. The prescribed component—as the name suggests—is the amount of money that the operator owes the former resident when they leave. It is usually determined from the remainder of the ingoing contribution paid by the former resident when they first entered the retirement village, less any departure fees and moneys owed by the former resident.

The prescribed component does not include the capital gain. However, it is important that the prescribed component is clearly defined. This will be expanded upon in the regulations to allow the Government to continue its close consultation with the industry, including the Retirement Village Residents Association and the Property Council, to ensure that the intended benefit is realised for all involved. The daily accommodation payment is paid out of the ingoing contribution, which is an already-agreed figure. This addresses concerns raised by stakeholders about under or over valuation estimates where the resident or operator may forfeit moneys. It provides some much-needed certainty to the former resident about the money that is available to fund their accommodation in the aged-care facility. To access the new scheme, the former resident must make a request to the operator, which needs to include the name of the aged-care facility so the operator is aware of who to pay the accommodation payment to.

An important amendment to this bill was passed in the other place to make clear that the operation of the aged-care rule will allow departed residents who access an aged-care accommodation payment to apply for an exit entitlement order if the property remains unsold after 24 months. This is an expansion of the initial application of the rule and is designed to make it even more beneficial to residents. I support the necessary and sensible protections for residents under the bill. This includes the review mechanisms put in place under new

section 182AK to allow the tribunal to make orders about prescribed components to ensure the accuracy of the operator's calculations of this key amount.

The bill also contains time frames for payments to ensure the operator makes these within a reasonable time. In addition, there are notification requirements on the operator to advise both the former resident and the aged-care facility if payments cease. Additionally, the regulations will make provision for the keeping of records by the operator in relation to the payments. Of course, there will be a number of reasons why the operator is not required to make the accommodation payment. These include if the resident requests the payments to stop or they become entitled to a payment under section 180 of the Act, including if the premises is sold. [*Extension of time*]

The bill caps what the operator is required to pay under the aged-care rule at 85 per cent of the prescribed component as accommodation payments. This allows for the possibility of a negative capital gain when the former resident sells their property. The Government recognises that some operators—including those that have a number of residents enter aged-care facilities at the same time—may face financial difficulties. As such, new section 182AH permits operators to apply to the NSW Civil and Administrative Tribunal [NCAT] for an order either to extend the time in which the operator is required to make the first accommodation payment or to exempt the operator from the requirement to make an accommodation payment. An operator must make such an application within 28 days after the former resident's request for the accommodation payments.

The NCAT may only make such an order if satisfied that making an accommodation payment would impose a significant financial burden on the operator. Of course, a former resident will be able to be heard by the NCAT in relation to any application made by the operator either to extend the time for payment or to exempt them from making the accommodation payments. It is clear that these provisions will enhance the regulation of retirement villages in New South Wales to ensure that present and future residents are given a fair go at a time when they are most vulnerable. They are balanced by reasonable protections for operators to ensure the financial sustainability of retirement villages into the future so that residents staying in the village are also well resourced and catered for.

According to the United Nations, population ageing is poised to become one of the most significant social transformations of the twenty-first century, with implications for nearly all sectors of society. I therefore welcome these important reforms to provide for transition to aged care. I again commend the Minister for bringing this bill to the House. It provides necessary reforms that will help to ensure that consumers are better protected and it is an important step in the Government's commitment to address the recommendations raised in the 2017 sector review conducted by Ms Greiner. I commend the bill to the House.

**Mr DAVID MEHAN (The Entrance) (16:16:44):** Soon after the 2019 State election I was approached by constituents who resided in all nine of the retirement villages in The Entrance electorate. They were seeking my support for their submission to the Government to have certain election commitments enacted. Those commitments were to amend the Retirement Villages Act 1999 to introduce a 42-day limit on the length of time villages can charge for general services such as operational management costs that are paid by all residents of the village after a resident leaves and require that retirement village operators pay exit entitlements within six months of a person leaving the village in metropolitan areas or 12 months in regional New South Wales. They were concerned that, having been returned at the 23 March State election, the Government had subsequently issued a discussion paper seeking feedback as to how the election commitment should be implemented. They asked me to present the petition that 220 of them had signed to the department. I made my own submission in support of their concerns.

I acknowledge my retirement village constituents and the villages that I work closely with to further their interests in the electorate: Adelene Retirement Village, Elderslee Retirement Village, Glengara Retirement Village, Henry Kendall Gardens, Karagi Court, Kiah Lodge Retirement Village, Southern Cross Care Reynolds Court Retirement Village, The Orchards and Uniting Nareen Gardens. I wish all the management committees all the best. They do a great job in representing the interests of residents in those villages. The Retirement Villages Amendment Bill 2020 addresses their concerns. I am sure they will be pleased about that and about seeing those election commitments honoured. The bill provides that a former resident of premises in a retirement village is not required to pay recurrent charges to the operator of the retirement village once 42 days have passed since the former resident permanently vacated the premises.

I note that the bill also better defines what "vacated" means. It will allow a resident who has vacated to apply to the Secretary of the Department of Customer Service for an order requiring the operator to pay the exit entitlement where that has not occurred within six months for my constituents. It will also enable a resident who has vacated to move into an aged-care facility to seek orders that certain payments be made by the operator even though the resident's former premises in the retirement village have not been sold to a new occupier. By and large, this is an improvement in regulation of this area. As I said, I hope my constituents are satisfied that it meets the

election promise—I am sure they will tell me if they do not think so—and goes some way to improve regulation in the retirement village sector.

I am sure other members are aware of this, but the sector does not meet the needs of all my constituents. A number of them are pensioners who have rented in the private sector for many years and are finding it difficult to find affordable accommodation in my electorate. Increased rental stress is making it difficult for them to have secure tenure of accommodation. There is a churning of private sector residents on the Central Coast as people buy into the area in the hope of capital gain and living the life of a landlord. Mr and Mrs Robinson of Long Jetty came and saw me last week. Their affordable but not very good quality private sector rental had been sold, they had been given an eviction notice and they have nowhere to go. They cannot find similarly priced accommodation in the area.

We need to do more for that section of our population also. The bill addresses those who can afford the costs associated with moving into a retirement village—and they are not cheap—but we need to do more for the broader community. I am sure that my constituents will be concerned to know more details of the implementation timetable. A lot of that is not in the bill, but I look forward to the Minister making it clear, through his department, to my community.

**Ms TAMARA SMITH (Ballina) (16:22:26):** The Greens commend the Minister for Better Regulation and Innovation for introducing the Retirement Villages Amendment Bill 2020. There are 66,000 people over the age of 55 living in more than 550 retirement villages across New South Wales, and nearly 50 per cent of residents of the Ballina electorate are aged over 55. Aged care, including accommodation, is a huge industry and a big focus for our community—and rightly so. As we have heard today, increasingly we are an ageing population—I am certainly on that trajectory, like all of us—and we need to make sure that there are homes where people can come and go and change their circumstances without ridiculous and outrageous consequences.

Retirement villages provide a unique opportunity for community and for freedom, in addition to the very practical benefit that comes from the cost of buying into a retirement village, which is often a fraction of the cost of buying an equivalent home outright. However, a minority of unscrupulous operators make the infrastructure burden very onerous. We know that the Government commissioned the Greiner report into the retirement village sector, which was an indictment on the exploitative practices—of a minority—exposed by the ABC. The Greens are pleased to see that the Government is continuing to put the recommendations of the Greiner report into practice. The bill is an excellent step, but it is certainly not the end of ensuring that current and former retirement village residents are given the protection they deserve.

There are seven retirement villages in the Ballina electorate. I was at the opening of the Palm Lake village, which is honestly like a theme park. It is extraordinary—residents have their own bowling alley. I know that, on the whole, the operators in my electorate do a great job, but we discovered from the Greiner report that unfortunately a minority do not. The impact on some of the most vulnerable people in our community—when taken advantage of—compels us to ensure that our laws are stronger. The bill comprises three main amendments to the Retirement Villages Act 1999. They are the 42-day recurrent charges cap, the exit entitlement order and the aged-care rule. In regard to the 42-day recurrent charges cap, where a former retirement village resident would be required to pay recurrent charges beyond 42 days if they were having difficulty selling the property or they may be in hospital—there is a whole raft of reasons—they will no longer be required to pay.

Can you imagine the stress of racking up those costs? Previously, former residents who are registered interest holders were required to continue to pay recurrent charges until the premises sold and a new resident entered into a contract. Being indefinitely liable for maintenance and service costs, council rates and insurance for your former residence when you are also paying for your current residence—whether that is in aged care, a private home or elsewhere—is an extraordinary burden that people do not deserve to bear. So the 42-day recurrent charges cap is very welcome. The exit entitlement order allows a former occupant to apply to the Secretary of the Department of Customer Service for an order to force the operator to pay the former occupant's exit entitlement where there has been an unreasonable delay in the sale of the premises—the premises have remained unsold for six months in metropolitan areas and 12 months in regional areas. Previously, former residents were not entitled to the exit entitlement until the premises were sold—no matter how long the sale took.

The third amendment is the aged-care rule, which allows former residents moving into aged care to request the retirement village operator to pay the former resident's aged-care daily accommodation payment, with this being deducted from their exit entitlement. That is obviously in connection with aged-care facilities that are on site as well as the retirement village. Under this proposed legislation, former residents will not be able to trigger both the aged-care rule and an exit entitlement order. The Greens are very pleased that our spokesperson Ms Abigail Boyd in the other place successfully moved four amendments to the bill, and we thank the Minister for accepting them. With regard to the 42-day recurrent charges, The Greens successfully worked with the Minister to make sure that is not passed on unnecessarily to current residents.

We also moved amendments to allow former residents to access both the aged-care rule and the exit entitlement order rule, and also to allow an exit entitlement order to be applied after six months in all instances, rather than six in metro and 12 in non-metro. We also sought clarification for the period that the operator has to sell the premises and we sought to close a loophole that would delay commencement of the period to the detriment of the former resident. In supporting the bill, The Greens seek clarification from the Government on a number of points, which we understand will be addressed further in the regulations. First, we seek an indication as to how the regulations will define what does and does not constitute an "unreasonable delay" on the part of the village operator in the sale of a residence. While it is important to recognise the reality of demand on sale prospects, it is equally important that operators are not able to claim, for instance, that the possibility of a low sale price is the reason.

Additionally, we seek confirmation from the Government that independent valuers appointed by agreement of the former occupant and operator will be required to demonstrate independence as a requirement of their being appointed. It has been raised with The Greens that, particularly in regional areas, the pool of valuers from which to select is likely to be small and former residents may feel pressure to agree to appoint a valuer whose independence they are not sure of if the alternative is not finding a valuer at all. This is another burden that regional areas shoulder. For this reason, The Greens would like to see the regulations reflect the need for confirmation of independence by implementing a requirement that a statutory declaration confirming independence must be sought and completed by an independent valuer appointed by agreement between the former occupant and operator under division 4, section 182AI.

Finally, The Greens seek clarification from the Government on the prescribed period after which a former resident can apply for an exit entitlement order. We understand that the regulations will set the prescribed period at six months for metropolitan areas and 12 months for regional areas. We would like clarification as to how metropolitan and regional areas will be defined under the regulations. The Greens strongly support the three key reforms in this bill. The retirement village sector is in extreme need of overhaul. The bill begins the process of ensuring that older people do not need to worry about being ripped off or let down by the organisations that provide them access to rich and vibrant retirement communities.

It would be remiss of me not to mention, in this year of a once-in-100-years pandemic, how many people in our community have been incredibly nervous and had to stay away from their grandchildren and family members, and a whole raft of really awful, perverse outcomes of border closure and the pandemic itself, but I acknowledge the resilience of my community. My community has one of the highest levels of volunteerism in the State and many organisations have continued to volunteer in COVID-safe ways throughout that time. I give a big shout-out to everyone living in aged care in the Ballina electorate. We thank the Minister because what he is doing will improve people's lives and we like to see that every day in this place.

**Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation) (16:32:30):** In reply: Statistics show that people worldwide are living longer. The proportion of the world's population over 60 years of age is forecast to nearly double by 2050. Many will have increased medical needs and will need additional support and services. It is critical that society and the Government provide for these people and ensure that laws are there to protect them. As we have heard during the course of this debate, retirement villages offer independent living and therefore differ significantly from aged care or nursing home facilities which offer higher care assisted living.

As the population of New South Wales ages, the retirement village industry will play an increasingly important role in meeting the housing needs of seniors seeking a safe, secure and low maintenance lifestyle. Relocating to a retirement village enables seniors to choose appropriate accommodation that suits their needs. The decision to move into a retirement village is often a lifestyle choice based on the sense of community, safety and security, increased access to support services and the reduced maintenance that these properties offer. The New South Wales Government has delivered systematic changes to the retirement villages sector over its term in government to not only secure enhanced rights and safeguards for residents but also promote a more financially secure and sustainable sector.

The Retirement Villages Amendment Bill 2020 builds on the Government's commitment to this sector and reflects the latest tranche of reforms that this Government has made as part of its overhaul of the retirement villages sector as a result of the 2017 retirement villages reform paper. As members are aware, the bill seeks to achieve three primary goals: firstly, to create a new exit entitlements order scheme that allows former residents to access their exit entitlements sooner; secondly, to provide a more seamless transition process for residents moving into aged care by allowing former residents to access their exit entitlements to pay for aged care; and, thirdly, to put a cap on the payment of recurrent charges by former residents once they have moved out of the village.

The effect of this package is to make it easier for residents to financially prepare for their next accommodation choice, whether it be in another retirement village, aged care or with family. The changes will

allow former residents to access exit entitlements sooner, which in turn impacts operators. The Government has welcomed the support of industry representatives in finalising this bill, particularly the willingness of operators to support changes that benefit former residents even where this creates additional obligations on the operator. This ongoing cooperation from industry and the buy-in we have had from residents' representatives indicate that we have struck the right balance with these reforms.

I will now briefly comment on a number of issues raised during the debate. Members raised concerns about who will pay for costs following the 42-day cap period cut-off and concerns that other remaining residents will pay to cover this shortfall. I can confirm that this issue will be addressed in the regulations and through further consultation with stakeholders. There have been concerns raised that residents who access the aged-care rule cannot access an exit entitlement order; however, due to amendments passed in the other place, this is not the case. Residents who access the aged-care rule and whose property remains unsold after 24 months will now be able to access the exit entitlement provisions.

Regarding the aged-care rule, members also questioned the ability of some small operators to adjust their budgets to meet liabilities generated by people moving into aged care, particularly where there are high vacancies. The Government will address this issue in regulations and through consultation with stakeholders. I note that it is fair that budgets are addressed each financial year for vacancies that are anticipated during this period. I note that the Act already provides protections for residents which only allow operators to adjust their budgets on a yearly basis.

It is important to also make clear that where operators face financial difficulty in making daily accommodation payments they are able to apply to the NSW Civil and Administrative Tribunal for an extension of time to pay the aged-care facility. Members also articulated a concern that the daily accommodation payment for aged care is payable only until the full bond for residency is paid, which has the potential to cause financial hardship. These are issues that the Secretary of the Department of Customer Service and I will need to monitor closely in the implementation stage of the bill to ensure that these problems are managed. However, I note that the assertion that operators choose whether the resident pays the daily accommodation payment or a bond payment is not correct; residents are able to choose their payment mechanism.

Members have also sought an indication as to how the regulations will define what does and does not constitute an unreasonable delay on the part of the operator. This issue was discussed at length in the other place and will be comprehensively defined in the regulations. Members have also been interested in the mechanism for determining an independent value of a property where a dispute arises between the resident and the operator. Clause 182AI requires the independent valuer to be appointed by agreement between the resident and the operator. If they cannot agree, they can apply to the President of the New South Wales Division of the Australian Property Institute, who will appoint a suitably qualified and independent valuer.

There have also been concerns raised that there may not be a large number of suitably experienced valuers in regional areas. It has been suggested that, if there are only a few, an operator may have had to engage the same ones continually. That does not mean in itself that the available valuers are not able to discharge their duties in an impartial way, nor does it mean that they will not take all parties' interests equally into account when making a valuation. Valuers are usually members of a professional organisation or association, either the Australian Property Institute or the Real Estate Institute of New South Wales. This mechanism will be further detailed in the regulations.

I thank members who have contributed to the debate and particularly thank the following members for their contributions to the debate on this bill: the member for Granville, the member for Camden, the member for Newtown, the member for Wollondilly, the member for Sydney, the member for Hawkesbury and the member for Ballina. The member for Ballina articulated that some retirement villages are palatial and of resort quality. As members will be aware, the Government has supported and actioned many of the recommendations made by the Greiner review. The bill is the culmination of the action to support the needs of residents while ensuring a viable, vibrant and continuing retirement village industry into the future. The Government has carefully considered all the feedback received in relation to the proposed amendments and listened to the voices of industry and residents, as well as to my colleagues in the other place. The Government appreciates the cooperation from those members.

I am confident that the bill responds to a significant proportion of the almost 800 submissions received. There is more to be done on the supporting regulations, and the Government will continue that important work. The bill promises a new era of a fair go that will help people living in retirement villages secure their financial future and balance the needs of operators to ensure a vibrant and secure future for this important industry in New South Wales. I commend the bill to the House.

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



**Motion agreed to.**

### **Third Reading**

**Mr KEVIN ANDERSON:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **ELECTRICITY INFRASTRUCTURE INVESTMENT BILL 2020**

### **Second Reading Debate**

**Debate resumed from 10 November 2020.**

**Mr JAMES GRIFFIN (Manly) (16:41:19):** As the member for Manly and Parliamentary Secretary for the State's environment, I support the Electricity Infrastructure Investment Bill 2020. The bill complements the Net Zero Plan Stage 1, which is the foundation for New South Wales' action on climate change and goal to reach net zero emissions by 2050. The State is at a crossroads. The world is transitioning to a low-cost, low-carbon future. Global demand is increasing for low-emissions products and investment, and the international community is moving towards a net zero emissions future. Manufacturers are targeting carbon-neutral supply chains, and countries such as Japan and South Korea have announced the intention to move to a hydrogen economy in part to decarbonise. Local communities want to see action on climate change. My community certainly does, and that is why I am proudly advocating for the bill.

New South Wales has some of the best renewable energy resources in the world, and we have an enormous opportunity to attract huge investment in new low-carbon industries. If New South Wales does not act effectively on climate change, we will miss out on the opportunity to capitalise on our competitive advantage that would see our State become an energy and economic superpower. To take advantage of these opportunities, there needs to be substantial investment in modernising the electricity system. This includes delivering the electricity infrastructure that will power New South Wales into the future through pumped hydro, renewable generation, firming and transmission. But we must act now, because four out of five coal-fired power stations are scheduled to close within the next 15 years. Without timely investment to replace them, there will likely be substantial price rises.

That is not good for families or businesses. The energy infrastructure investment we need is unprecedented in its scale and the short time frame in which it must be delivered. If we act now, we put New South Wales in the driver's seat. If we succeed, New South Wales will unlock internationally competitive energy prices that will grow the economy, support jobs and attract major new industries. The scale of potential benefits is substantial, with an expected \$32 billion of private investment expected by 2030, with 6,300 construction jobs and 2,800 ongoing regional jobs created in the process. I am particularly pleased to support a bill that ensures the New South Wales electricity system transitions to a low-cost, reliable and modern energy system that will reap the benefits of a low-emissions future.

The backbone of our electricity system took 30 years to build and commission, and almost all of it was built by government. Today the New South Wales electricity system is under increasing pressure, with generators that provide around 75 per cent of the State's electricity supply due to reach the end of their technical lives in the next 15 years. New South Wales needs to replace closing power stations at the right time and in the right places under the right market and regulatory framework because the current electricity market is not designed for the scale, speed and complexity of the transition that the State faces. These power stations were not built under the current market and it was not designed to replace them. The cheap and reliable replacement infrastructure we need takes time. It can take up to 10 years to build a renewable energy zone and eight years to build a large pumped hydro project.

The status quo encourages investors to wait for high price signals before committing to new projects. This leaves a long delay between rising prices and new energy generation or storage coming online, leaving New South Wales vulnerable to price spikes and electricity shortfalls. We saw this recently when, after the Northern Power Station in South Australia and the Hazelwood Power Station in Victoria closed, the New South Wales average wholesale price of energy increased around 60 per cent. The Electricity Infrastructure Roadmap outlined in the bill will significantly increase the range of options available to address the transitional impacts of the closure of power stations. This approach will save us an expected \$12 billion over the next 20 years, and is anticipated to reduce New South Wales emissions by 90 million tonnes by 2030.

Today more than half the world's gross domestic product is created in jurisdictions that have signed up to deliver net zero emissions by 2050. The opportunities created by this international trend towards a low-emissions economy are profound. Through the Electricity Infrastructure Roadmap, access to cheap, reliable and clean energy

will allow New South Wales to take advantage of major sustainable energy opportunities through industry growth and related construction and employment. Local industries will also benefit from a low-emissions future through the use of emerging hydrogen, green steel, green aluminium and green ammonia technologies, as they develop and become cost competitive.

Acting now is a no-brainer. It is a must-do. It will create jobs and investment for the people of this State. It will provide cheap and reliable renewable electricity for families and businesses, and will cement our spot as an energy economic superpower that will deliver unprecedented benefits for generations to come. As the Parliamentary Secretary for the Environment and Veterans, I have seen the hard work that the Minister for Energy and Environment has put into both the bill and the Renewable Energy and Environment portfolio over recent years. It is an absolutely outstanding contribution to securing a sustainable, low-carbon energy future that all members support. It is with great enthusiasm that I commend the bill to the House.

**Ms YASMIN CATLEY (Swansea) (16:48:02):** I lead for the Opposition in debate on the Electricity Infrastructure Investment Bill 2020. In doing so, I acknowledge that everyone wants to see the delivery of cheap, reliable and sustainable energy. The Government went to two elections promising cheaper energy prices, yet in the years since we have seen constant price hikes for consumers. The Liberals have a lot of work to do to rebuild the trust they have lost. I note that the bill substantially adopts Labor's policy from before the last election, and I acknowledge the work of my shadow ministerial colleague Adam Searle, MLC. The centrepiece of that election policy—and it would seem this bill—is the unprecedented development of new renewable energy projects using the same reverse auction mechanisms that were proposed by Labor but involving a new State energy corporation.

This will occur in renewable energy zones, which will involve the coordinated development of new shared infrastructure in specific areas well suited for renewable energy. Transmission and network infrastructure will be shared to connect multiple generators—for example, nearby solar and wind farms in the same area. By doing so it is expected that economies of scale, low cost and streamlined approvals for planning and funding certainty will encourage private sector investment into new renewable energy projects. As I have already said, nobody disagrees that we need reliable, cheap and sustainable energy for the future needs of the State. Labor will do everything it can to bring this about.

In many ways the catalyst for the Government's plan has been the lack of certainty needed by the industry to invest. This is a consequence of a total absence of any clear government policy at a national or, for that matter, State level for new renewable energy projects and a looming crisis in electricity generation that is fast approaching all electricity industry players and, most importantly, consumers. While we understand the importance of encouraging adequate investment in new energy projects to secure our future needs, Labor also firmly believes that the new infrastructure that will arise from this bill is a once-in-a-generation opportunity to create local jobs, support local businesses and bolster our local supply chains. That is why we note that in the form that the bill was introduced yesterday by the Minister not one new local job would have been guaranteed by the Government.

The failure to guarantee any new jobs is why we have sought to negotiate and engage with the Government in good faith to strengthen the bill and ensure that local workers and industries will benefit. We have foreshadowed that we will move amendments in both Houses to enshrine the Labor Party's new procurement and job creation principles in this bill. While we anticipate the debate of our NSW Jobs First Bill about the use of New South Wales-made products which is presently before the Parliament—and I implore the Government to support that bill—we also seek to incorporate as much as possible of our NSW Made measures into the Electricity Infrastructure Investment Bill. This is a very important stopgap until we can pass more sweeping whole-of-government reforms. We do this because we must fix the chronic failures of the Berejiklian Liberal Government to focus on workers and local industry. The only jobs that this Government creates are ones overseas. The only thing this Government exports is taxpayer money.

Our amendments will include local content requirements, apprenticeship guarantees and targeted employment zones to make sure that we deliver jobs in those affected regions. That is essential, because the investment in energy infrastructure this bill seeks to induce is the most significant change to our electricity network since the failed privatisation of the poles and wires. The New South Wales Liberals cannot be allowed to botch this process like they botched the privatisation process. The long-term future for those workers must be enshrined in legislation. Left to the Liberals, the market will be allowed to let rip and everything will be imported. Everything will be engineered and manufactured overseas and blue collar industries will continue to wither on the vine here in Australia. That means we must maximise local content and boost workplace participation in any new electricity structure project that is funded or indeed facilitated by the Government. We need a jobs and investment guarantee in black and white in this bill, passed by this Parliament and enshrined in legislation.

If the Government is serious it will support our amendments. We will not only correct the failure of this bill to include any jobs and employment guarantee but also go further to establish an energy jobs advocate to investigate new industry and export opportunities overseas, as well as plan for new infrastructure like the road,

rail and port facilities that will be necessary to expand our international opportunities. We cannot and must not keep importing expertise and ingenuity. These are our strengths, and we should be developing world-class technology right here in New South Wales and exporting it to the rest of the globe. We cannot fail to seize these opportunities simply because of a lack of interest and a lack of investment by the Government in essential infrastructure. We need to develop and foster the economic and physical infrastructure requirements for a strong energy export industry so that we can futureproof our jobs and employment.

It is worth noting that yet again the Labor Party has led in this space and the New South Wales Liberals have been forced to follow along playing catch-up. Labor has led on the issue of jobs during this recession in both the Parliament and the public debate. The Liberals have spent the past nine years trashing our manufacturing industry, trashing our domestic supply chains, undermining stable and rewarding jobs for blue collar workers and putting our economy and society in a precarious situation—even before COVID-19 hit. We have been left utterly exposed by the international economic crisis caused by COVID-19 and our dependency on international supply chains. We have been left utterly exposed by the scourge of precarious casualised employment and the Liberals' ideological obsession with undermining good quality union jobs. The Government has a lot of work to do to restore the community's faith.

It must be remembered that the Government has voted three times in five years against a similar steel bill that would protect local jobs and develop industry in the Illawarra. That is important because we do not want this to be just about energy. We want every government project to deliver local jobs. Labor has a great bill in this Parliament already. If the Government wants a smooth pathway for its energy infrastructure bill and wants to deliver jobs, it should sign up to our procurement bill. If it wants a smooth pathway for this bill, it will adopt our policies and agree to our amendments. I note the assistance of the union representatives from the Australian Workers' Union, the Australian Manufacturing Workers' Union, the Construction, Forestry, Maritime, Mining and Energy Union and the Electrical Trades Union in developing both amendments that Labor put forward to the bill and the NSW Made policy which is before the Parliament.

The Government's bill creates renewable energy zones in various parts of New South Wales, but it so far fails to establish one in the most obvious region: the Hunter and the Central Coast. It beggars belief that a renewable energy zone has not been earmarked for the energy capital of this State. In the first place, Labor seeks to have this omission corrected and a renewable energy zone established in the Hunter and Central Coast. This is important because we must make use of the industry and the resources that already exist. The Port of Newcastle is well served by road, rail and shipping. It is already a hub for a world-class manufacturing sector. It is logical and sensible for the Hunter and the Central Coast to be a renewable energy zone because it is already home to significant electricity transmission infrastructure. The grid connections are sitting there. They are ready to go. We just need to build it and hook it up.

Labor wants to correct this oversight by the Government, and we insist on the Hunter and the Central Coast being made a renewable energy zone for the purpose of this bill. This will unlock new opportunities and allow new industries to flourish alongside an existing energy sector that is also a significant economic driver of the Hunter and Central Coast communities. That is the best way and the best place to build up new jobs in renewable energy. Labor also wants to enshrine in law through this bill the requirement for infrastructure investment that will generate jobs. That is what we are here to achieve. We want to get people back to work. The bill fails to mention jobs and workers. We will correct that with amendments which compel the Minister to ensure that new infrastructure brings new employment opportunities. We will maximise the use of locally produced and supplied goods and services. We will maximise the employment of local workers. We will maximise the number of apprentices and trainees so that we can eliminate the skills gaps in these industries. We should be using the opportunity presented by this infrastructure investment to deliver long-term opportunities for local workers, and that means building a skills base that allows people to pursue rewarding and fulfilling careers.

**Debate interrupted.**

*Public Interest Debate*

#### **ASSET PRIVATISATION**

**Mr JIHAD DIB (Lakemba) (17:00:33):** I move:

That this House:

- (1) Notes the Government has foreshadowed that it will be selling off public assets and cutting the wages of public sector workers in the upcoming budget.
- (2) Condemns the Premier for breaking her promise not to privatise further public assets.
- (3) Calls on the Government to rule out any further privatisations including:
  - (a) Sydney Water;

- (b) electricity assets;
- (c) public transport;
- (d) Forestry Corporation;
- (e) hospitals; and
- (f) TAFE.

Everybody would agree that this has been the worst year that we have lived through. It is certainly the worst year I have lived through. Economically and health-wise it has been a real problem. We have seen things in the community that we have not wanted to see. With all of that, we are still very fortunate that in this country we have not seen the worst of the effects, as other places have. With that in mind, next week's budget is critical. It is the most important budget since World War II. People are going to be asking, "What's in it for me? What's in it for my kids' future? Where do we go from this point in time?" There are really good expectations. When we start looking at the long term and how we get beyond COVID, we look at things like: How do we look after the most vulnerable people, how do we create work opportunities, how are we set for the future, how do we go beyond a small sugar hit and how do we then ensure that we can leverage this and create the best possible environment for everybody?

I mention public sector wages. Every person in this Chamber would agree that during COVID the outstanding work of emergency services staff, nurses, teachers and the 400,000 public sector workers was absolutely phenomenal. There was an agreement that they would receive a 2.5 per cent wage increase. The Government said, "No, we're not going to do that," and then the Industrial Relations Commission said it would be a 0.3 per cent increase. The Government said, "We just want to implement a wage freeze for a short time to get us through." Lo and behold, what have we discovered? It is not really a wage freeze; it will be a wage cut. What is on the table is 1.5 per cent. If we are genuine and sincere about the value of employment and we want to encourage people to go into these noble professions, we need to pay them properly. We need to ensure that we do not say, "We want 110 per cent from you but we're only going to give you 1.5 per cent."

The rate of inflation sits at around 1 per cent. A lot of things will rise by 1 per cent. Tolls, for example, will go up 4 per cent per year. We can have a wage increase of 1.5 per cent and inflation at 1 per cent, but the tolls will go up 4 per cent year upon year. In five years' time they will be 20 per cent higher—that is my basic maths. Everybody would remember that prior to the last State election there was a debate between the two candidates. The Premier at the time, who is the current Premier, was asked a question about privatisation. She said, "We've said no. If we were, we would have told you up-front." Maybe at that time there was not a plan. Is this the time we are being told about the so-called asset recycling, or is it the public asset sell-off? If this was always the plan, the Government has done the wrong thing by not telling people what its plans were. This is a Government that prides itself on being transparent and telling people what is going on.

**Mr Gareth Ward:** Are you talking about generators, when you shut down the Parliament to sell them off?

**The DEPUTY SPEAKER:** The member for Kiama will come to order.

**Mr JIHAD DIB:** But the privatisation comes down to this. And it is interesting that everyone was quite respectful until I pointed out the truth. The Government cannot tell the truth; that is the truth.

**The DEPUTY SPEAKER:** Order! Members are making unparliamentary comments.

**Mr JIHAD DIB:** The question was asked and the response was, "No, we were not and if we were we would tell you." People were not told. It was not taken to the election. Now the Treasurer, who has referred to asset sales as a golden key—"asset recycling" makes it sound good—sold \$62 billion worth of revenue-producing State assets in less than 10 years. This is not a Liberal-Nationals Government; this is a Guntree Government because it loves to sell things.

**The DEPUTY SPEAKER:** Order!

**Mr JIHAD DIB:** It is a Government that likes to put profits before people. It is always trying to justify this by saying it wants better efficiency and savings. It is interesting that when bus services in section 6 were sold—

**Mr Gareth Ward:** Region 6.

**Mr JIHAD DIB:** I stand corrected. Afterwards, a damning report showed that the so-called efficiencies and improvements in on-time running did not happen. What was the Government's response? It just cut bus stops. Where a bus stop used to exist, it was cut. How does that match up with the idea of improving services and conditions?

**Mr Gareth Ward:** You lot privatised schools.

**Mr JIHAD DIB:** The Minister and member for Kiama likes to interrupt. He will have a chance to speak and I am sure that he will.

**The DEPUTY SPEAKER:** The member for Kiama will have a chance to speak, if that is what he wants.

**Mr JIHAD DIB:** This is coming from the person who refuses to rule out a privatisation of TAFE.

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

**Mr JIHAD DIB:** Do not get me started on TAFE; the Government has not ruled out privatising TAFE.

**The DEPUTY SPEAKER:** The member for Rockdale will come to order. It is those on the member for Lakemba's side who are doing the interjecting, I note.

**Mr JIHAD DIB:** Let me make this very clear: Those opposite are not going to be talking about privatising in the sense of recycling and selling things. They are going to outsource everything they can. If it could, this Government would outsource every responsibility it has. If this Government could sell the kitchen sink, it would. I would not be surprised if it starts eyeing Parliament House itself to put on the market. If any real estate agents are tuning in, members opposite will sell it off. They will be selling a heap of different things. What is next? Is it the train lines? Is it Sydney Water? Is it the buses? Is it the metro? What will it be?

The only thing that we can guarantee about this Government is when it says, "We will not privatise", do not believe it. When it says, "We won't sell", do not believe it. Those opposite love to flog off everything. They love to get rid of everything they possibly can. As a case in point, when the Premier was asked, "Will you rule out privatisation?" she said, "If we were going to, we would tell you." We went to an election and she did not say it. Lo and behold, the Government is using this opportunity. When people are desperate, this Government responds by selling their assets. [*Time expired.*]

**Mr ALISTER HENSKENS (Ku-ring-gai) (17:08:08):** Today's public interest debate amply demonstrates two things. The first is that Labor is unable to acknowledge the exceptional benefits of the Government's massive infrastructure program since 2011, which has come in no small part because of privatisation and through the leasing of poles and wires.

**The DEPUTY SPEAKER:** Order! The member for Kiama will come to order.

**Mr ALISTER HENSKENS:** The second thing that this public interest debate shows is that Labor has collective amnesia, especially about its own history. There is a cruel irony that the Labor Party would ask a well-liked person such as the member for Lakemba, in the very week that the NSW Electoral Commission has recommended the abolition of his seat, to lead this hospital pass of a motion. It is a complete travesty. Let us hope that if the member for Lakemba returns to his former career as an educationalist, he will do a little better than his homework on this motion. Paragraph (1) of the motion wrongly states that the Government will cut wages of public sector workers. We all know that a 1.5 per cent wages cap is certainly not a cut. This claim repeats of course the very dishonest mantra that has come from Labor about a cut in public sector wages this year. I will set out the relevant history. Firstly, in March 2020 the public sector unions took the Government to the Industrial Relations Commission. The independent umpire, based on the evidence that the union movement brought by its own economist Dr Andrew Charlton, recommended a 0.3 per cent wage increase in order to maintain the real value of public sector wages. I will provide the decision to the member for Lakemba following this debate. I will also provide the highlighted sections, to make it easier for him.

**Mr Jihad Dib:** Annotations?

**Mr ALISTER HENSKENS:** The second problem is collective amnesia. The 2006-07 New South Wales Budget Infrastructure Statement by the former Labor Government stated in relation to:

Working with the Private Sector to Deliver Infrastructure

The Government assigned contracts with the private sector for the delivery of the following Privately Financed Projects:

- *Forensic Hospital ... at Long Bay Correctional Centre ...*
- *Newcastle Mater Hospital Redevelopment ...*

The last Labor State budget of 2010 stated:

Health Public Private Partnerships

NSW Health will also continue its program of public private partnerships (PPPs):

- the Royal North Shore Hospital redevelopment PPP is underway and due for completion in 2013-14 ...

- the redevelopment of the Orange Base Hospital/Bloomfield PPP is continuing and due for completion in 2011 and
- \$7.1 million will be spent on cyclic maintenance of PPP hospitals for the Newcastle Mater, Long bay forensic Hospital, Orange/Bloomfield and Royal North Shore Hospital.

I am sure the member for Kiama, and Minister for Families, Communities and Disability Services, does not forget the 2015 Labor Infrastructure Policy in the lead-up to the election, which stated:

The private sector will play a major role in infrastructure delivery under Labor.

In Government we made extensive use of Public Private Partnerships to deliver infrastructure projects, including construction of roads, rail, schools and hospitals. We look forward to working in partnership with the business community to deliver Labor's infrastructure agenda.

I point out that in almost every year of the 16 years of the Labor Government from 1996 to 2011, except 2001, a different public enterprise was privatised under Labor, including the gentraders transaction and others. I seek to amend the motion. I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

"this House notes the Government's record investment in schools, hospitals, roads, rail and infrastructure to rebuild our State and create jobs."

**Mr DAVID MEHAN (The Entrance) (17:13:32):** I support the motion moved by the member for Lakemba but oppose the amendment moved by the member for Ku-ring-gai. In doing so, let me make it clear: Privatisation is central to the way they do government. When it comes to the budget, there is never any spending from that mob opposite without privatisation. We can be sure that one goes with the other. We can also be sure that when it comes to public servants those opposite will talk loud and hard about how they honour the work of public servants but they do not care a jot about their public sector workers or about the value of the spending of public servants in our community.

Public sector jobs assist to secure regional jobs and to support regional communities. The Government is only interested in praising the work done by public servants, not the economic and social advantages that public servants bring to the State. This motion also goes to the views of Government members on privatisation, which they do not talk about during an election campaign. Even when the Premier was asked a direct question during a budget debate—Will you privatise?—the Government would not admit to privatisation. Government members know the community does not support privatisation. In an election environment they will lie but once they are elected they sneak in any privatisation they can. There is never any spending from this mob without privatisation.

My community supports our public sector enterprises all the way, as was shown during the last term of the Coalition Government when we opposed the Government's attempts to privatise Wyong Hospital and the public health system on the Central Coast. Our campaign showed that our community is deadset against privatisation of those essential government services. Electricity privatisation on the Central Coast has been a nightmare. There are now fewer workers at my local Ausgrid depot at Ourimbah than there were five years ago. Instead of prices going down, as promised by the Government during the 2015 election, prices have gone through the roof. Privatisation of electricity has increased prices overall, not reduced them. Privatised roads are far more expensive than the public provision of roads. We have just seen the spending of \$2.8 billion on NorthConnex, at the end of the F1 from the Central Coast. That amount of spending could have been provided to the work being done by the public sector and the project could have been spread over a longer period so that the toll on people in my electorate and those on the Central Coast who commute to the city would not be as bad as the \$16 return for cars and \$50 return for trucks that they will have to pay following the privatisation of those public assets under this mob opposite.

The provision of housing in my area has been a disaster. We now have less public housing in my electorate and across the Central Coast than we had 10 years ago as a result of nine years of the Liberal-Nationals Government. My electorate has less housing security and less affordable housing. We have 266 fewer social housing homes in my electorate than we did in 2011, when this mob got elected. My electorate has seen the sell-off of public homes and of vacant public land. I understand the argument that the money can be reinvested in new public housing and upgrades, but we are not seeing that happen. The proof is in the figures. We have less social housing on the Central Coast now than we had nine years ago. I have not seen any upgrades to the homes in the public housing estates, such as the estate around Debra Anne Drive at Bateau Bay and the Wyoming estate around Japonica Drive, nor any new homes built. I have just seen stagnation and a sell-off of existing homes to the private sector which are then rented out at private market rates. There is no affordable housing. It has been a rort.

The privatisation of valuable public assets has reduced the social amenity of my area. The privatisation of banks attracts a royal commission; the privatisation of child care results in the most expensive child care in the world. In relation to the 2020-21 budget, at the least I ask those opposite for a little bit of the money back that they have gouged out of my constituents through the privatisation of valuable public assets in my electorate. I tell

my constituents that I will always oppose privatisation both within the Australian Labor Party and in this Parliament. I do not care what anybody says, the provision of public sector services is, by and large, the most efficient way to deliver essential services to my community. That is a position from which I will not resile.

**Mr JAMES GRIFFIN (Manly) (17:18:53):** I welcome the opportunity to make a contribution to the public interest debate brought by my good friend the member for Lakemba.

**Mr Gareth Ward:** Don't mislead the House.

**Mr JAMES GRIFFIN:** And soon to be member for somewhere else, I am sure.

**The DEPUTY SPEAKER:** Order! I cannot hear the member for Manly because of interjections from Government members.

**Mr JAMES GRIFFIN:** What I am most looking forward to is supporting the amendment of my good friend the member for Ku-ring-gai. Does this Government have its budget priorities right? Absolutely it does. We have already seen an outstanding job by this Treasurer and this Government in the face of COVID to provide support for people across New South Wales through all sorts of challenges that they have faced. We have already seen some announcements from the Government that have demonstrated that this budget will be a difficult one, but it is providing support that people need across this great State. All members need to do is look at the Government's track record. For instance, I note the major projects—some \$100 billion worth of infrastructure projects being delivered across this State—WestConnex, the Sydney Metro City & South West, the Sydney Metro West, the Sydney Metro, Western Sydney Airport, the Parramatta Light Rail and NorthConnex, which I understand is now open.

The Government is doing an absolutely fantastic job. If I ever wanted to, I could go up to the Central Coast—which I do not because I am fine in Manly. Other projects include the Liverpool Hospital upgrade, the new Sydney Fish Markets, the Warringah Freeway upgrade—that is a fantastic project—more trains and more services. There are some 190 new and upgraded schools. We have a beautiful new school at Curl Curl; we have had a wonderful one at Manly Vale. I speak with great certainty of the pleasure that teachers, principals, students and parents have in being able to appreciate their schools. We have also delivered 40 new and upgraded hospitals. We have delivered on the new M4 tunnel and M4 widening, the M8 tunnel, Western Sydney Stadium, the North West Metro, Sydney Light Rail, the Northern Beaches Hospital—

**The DEPUTY SPEAKER:** I remind the member for Rockdale that we do not need his commentary.

**Mr JAMES GRIFFIN:** The Northern Beaches Hospital is an outstanding facility. I have been there twice now, for the birth of my son and my daughter. Each time was a fantastic experience. Finally, we have delivered the Newcastle Light Rail. They are only the infrastructure projects. Members could look at the \$10.2 billion for health, with 8,000 nurses, midwives and health workers; education, where \$7.3 billion has seen nearly 5,000 teachers; or transport, with \$57.5 billion in funding. It would be remiss of me not to look to our regions and rural New South Wales; we are investing there as well. The member for Cootamundra will cover that in her contribution, and do a fantastic job. I will not steal her thunder. However, Restart NSW has done a fantastic job in providing regional infrastructure and spending.

It is also worth highlighting some of the discussion around the sale of WestConnex. What members opposite need to understand is that it is the proceeds from the sale of things like WestConnex that then gets put into the NSW Generations Fund, a world-leading fund created by the Treasurer in 2018. The fund had a balance of \$10.9 billion at 30 June 2019. The fund has had \$903 million in absolute investment returns since its inception in November 2018. It is expected to grow to more than \$28 billion over the next decade, which will benefit lives and communities across this great State. What is important to recognise about the NSW Generations Fund is that its first inflow was seeded with \$3 billion from the State's balance sheet, and a further \$7 billion was invested in December 2018. Where did that \$7 billion investment come from? It came from the Government's successful sale of its 51 per cent stake in WestConnex—

**Mr Chris Minns:** You sound like Bernie Madoff, like you're trying to sell us some kind of privatisation: "Have I got a deal for you!"

**Mr JAMES GRIFFIN:** I hear the interjection from the member opposite. The facts are that \$7 billion from the sale of WestConnex went into funding the NSW Generations Fund, which is a fund that will keep the State's triple-A credit rating and allow this Government to continue to fund community projects across our State that will benefit our communities well into the future.

**The DEPUTY SPEAKER:** I remind the member for Kogarah that he is on three calls to order.

**Mr JAMES GRIFFIN:** As we have said before, members opposite pipe up when they do not like the truth. I am looking forward to supporting the amendment moved by the member for Ku-ring-gai. I appreciate the opportunity to contribute to this public interest debate.

**Dr MARJORIE O'NEILL (Coogee) (17:24:12):** I support this very important public interest debate on the motion moved by the member for Lakemba and oppose the amendment of the member for Ku-ring-gai. I start by recapping a number of the \$60 billion worth of assets that this Government has sold off since it came to power in 2011. In 2012 it sold off and privatised the Sydney Desalination Plant. It privatised an essential resource that people need in order to live their lives.

**Mr Mark Coure:** You sold off Qantas, the Commonwealth Bank—

**Dr MARJORIE O'NEILL:** You sold off water!

**The DEPUTY SPEAKER:** The Clerk will stop the clock. I ask the member for Lakemba whether he wants his motion debated. He will cease interjecting. The member for Ku-ring-gai will come to order. I call the member for Oatley to order for the first time. I call the member for Oatley to order for the second time. The member for Coogee will be heard in silence. The member has the call.

**Dr MARJORIE O'NEILL:** In 2012 the Government sold off the desalination plant, privatising water—an essential resource that people need to consume in order to live their lives. I think that is probably one of the single most unethical and immoral things a government can do; the Government puts Coca-Cola to shame. In 2013 it sold off Port Botany and Port Kembla. In 2014 it sold off the Port of Newcastle. These were revenue-making assets that fed billions of dollars into the coffers of New South Wales.

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

**Dr MARJORIE O'NEILL:** I do not know which low-altitude flyer thought that was a great idea, but if it were my horse I would put it out to pasture. In 2017 the Government then went and sold off the Land Titles Office—again, another great revenue-making asset. Government members claim to be these great economic managers, but assets such as these continue to be sold off time and time again. The Premier went to the last election with a clear pledge, which she made on 20 March 2019, that there would be no further privatisations. She made that commitment. We now know that it was an outright lie to the people of New South Wales. Only a couple of months later the Premier declared that the last remaining public buses in Sydney would be sold off, including those in the Eastern Suburbs. What was even more abhorrent was that when Opposition members called her out about it in this Chamber on 24 October 2019 her response was, "Wakey-wakey, New South Wales! We've been doing it for eight years!" What kind of person does that?

Government members think they can say one thing and do the complete opposite. Their views about the people of New South Wales are absolutely abhorrent. But we know there is absolutely more privatisation to come. The thing is, though, that the people of New South Wales will oppose it and I will oppose it every single time. Every single time those opposite privatise public assets, profits come before people and the interests of shareholders trump those of citizens. That is actually embedded in the corporations Act, as Government members would know. We know that there is more to come, and we know that the trains are next. In 2018 the transport Minister and Transport for NSW declared that they were already working to separate the running of the T4 Eastern Suburbs & Illawarra line.

**Mr Mark Coure:** That's not going to happen!

**Mr Gareth Ward:** What, like Victoria?

**Dr MARJORIE O'NEILL:** It is here in an article, mate; you are going to be doing it. The member for Oatley says it is not going to happen. You say one thing and you do another. There you go: You have sold off all the buses and we know that the trains are next.

**Ms Anna Watson:** What about the schools? The schools will be next.

**Dr MARJORIE O'NEILL:** Absolutely. We will explore that later. This Government does not understand that in order for its neoliberal agenda to work it requires competition—real competition—and one of the best competitors to have is actually government and public interest.

**Mr Alister Henskens:** Really?

**Dr MARJORIE O'NEILL:** Yes.

**The DEPUTY SPEAKER:** The member for Ku-ring-gai will come to order. The member for Coogee will direct her comments through the Chair.



**Dr MARJORIE O'NEILL:** All members in this place have one fundamental job: to improve the lives of people in this State. The Government is definitely not doing that. It is the most horrendous economic manager, to say the least. I appreciate that the Treasurer's background is as a commercial lawyer. If he wants a couple of educational lessons from people who have economics and finance backgrounds there are plenty of members on this side of the Chamber who want to give them. The short-sighted ideological views of Government members have resulted in public education being gutted and our health care being gutted. Their selling off of essential public services puts corporate interests ahead of those of the people whom they claim to represent. Time and time again the people of this State continue to say that they want this Government's hands off public assets that belong to them. More than 60,000 people signed petitions stating that they do not want their bus services privatised and we continue to collect signatures day in and day out. I say this to the Government: Get your hands off public assets that belong to the people of this State and get some lessons in economics.

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

**Ms STEPH COOKE (Cootamundra) (17:30:04):** I utterly refute the Opposition's attack on the financial management of the Berejiklian-Barilaro Government and I am pleased to support the contributions to this public interest debate by the member for Ku-ring-gai and the member for Manly. I also support the amendment moved today by the member for Ku-ring-gai. I am a proud resident of regional New South Wales and have seen across my electorate and outside it, including in communities not held by Government members, the record investment in infrastructure and services.

Since 2011 more than \$60 billion has been committed to rural and regional New South Wales—testament to the concern this Government has for our communities and to the neglect those communities endured through years of Labor. In my own electorate, communities that struggled to see a cent of investment during 16 years of Labor now have new ambulance stations, such as in Grenfell, Cootamundra and Coolamon; schools with new air conditioning; upgraded roads and bridges; truck washes in places like Narrandera; and community projects in every town, village and hamlet.

Other rural and regional communities are benefiting also, with the Dubbo hospital receiving a new dialysis unit; new ambulance stations at Bungendore, Pottsville, Rutherford and Yass; and a major upgrade to the New England Highway, opening up the Hunter and New England regions—just to name a few benefits. As we have already heard from Government members who preceded me in this debate, this is part of a \$100 billion program that has created 8,000 jobs for nurses, midwives and healthcare workers and 4,600 jobs for teachers. Each one of those jobs is potentially a whole new family moving into a community, a new career for a person and an additional support for those who are already employed in the health or education sectors. This \$100 billion program represents record spending of \$10.2 billion for hospitals and health facilities, \$7.2 billion for schools and skills infrastructure, \$4 billion for justice and emergency services infrastructure and \$57.5 billion for public transport and roads. This incredible investment in our communities continues despite the extensive unexpected costs brought on by the once-in-a-century global pandemic and natural disasters of bushfires, droughts, storms and floods, as well as the global economic downturn.

The natural disasters have all been met with support for those impacted by them, including more than \$4 billion for drought assistance. This aid has helped many communities in my electorate of Cootamundra and elsewhere right across the State who have endured years of drought, handfeeding of livestock and harvesting little to no crops. The management of the COVID-19 pandemic has been sensible and the Government has constantly drawn on the knowledge and talents of our local health districts and our Chief Medical Officer. There has been a conscious effort to engage local manufacturers and encourage them to produce personal protective equipment by offering incentives and manufacturing grants. In my own electorate of Cootamundra this campaign has resulted in at least two distilleries switching from producing spirits to hand sanitiser, and all manner of other manufacturers are getting involved. When we look to our neighbours in this country and our friends overseas it is not sheer luck that our lives have been able to continue almost as normal or as best as possible and that business has continued to carry on; rather, that has all been due to stable and sensible administration in New South Wales.

The financial management by this Government and previous governments under the guidance of Coalition Premiers has resulted in New South Wales' economy fighting its way back from being a sick and stagnant State that we inherited from Labor to outperform all other States in this country. The State's steady economic growth can be attributed in large part to sound policy and economic management decisions by this Government. That is why I cannot help but feel exasperated at the fearmongering of Opposition members ahead of the upcoming budget. Sensible asset recycling programs have driven much of the new investment in this State and that in turn has allowed this Government to deliver the best outcomes for the people of New South Wales. I look forward to next week's budget with optimism, confident in the knowledge that the steady hands of the New South Wales Government will continue to steer the State in the right direction.

**Mr JIHAD DIB (Lakemba) (17:34:58):** In reply: Let me say at the outset that the Opposition opposes the amendment. What is really interesting is that the Government does not want to be voting to rule out privatisation, which tells the Opposition very clearly that the Government has a privatisation agenda. I have heard members speak in a really lovely manner about a whole range of things, but the truth is that when Government members talk about recycling or moving money around, they are removing assets that were generating income for this State. I point out what was said by the member for Cootamundra, who said that the Government inherited a sickly State. The truth is that this Government inherited a State with \$60 billion more in assets than the State has now. The Government sold \$60 billion of public assets.

**The DEPUTY SPEAKER:** The member for Kiama will come to order.

**Mr JIHAD DIB:** I will say that again: This Government sold off \$60 billion worth of public assets. Those assets used to generate income.

**The DEPUTY SPEAKER:** Order! I remind the member for Oatley that he is on two calls.

**Mr JIHAD DIB:** That was the income that was used for hospitals, schools and all the services. We heard an awful indictment of this Government by the member for The Entrance who said that there are now fewer social housing properties in his electorate than when this Government took over running the State. That is a major concern. The Government keeps talking about the benefits of privatisation, but this is not about privatisation. This is about the Government outsourcing the responsibility of being a government. Earlier I mentioned that this Government is a Gumtree Government.

**Mr Gareth Ward:** You're a gumnut.

**Mr JIHAD DIB:** And you're a numbnut, mate. This Government is interested only in sales. Let me make it really clear: How has this Government improved people's lives—by the privatisation, the M8, the WestConnex? Government members should try to tell that to the people who are paying the tolls, to the truck drivers who are forced to use service roads and to the people who cannot get a decent night's sleep. Tell that to the people who are on hospital waiting lists, to kids in schools who are crammed in like sardines. This Government is looking for a sugar hit but down the track its only source of income will be through raising taxes. That is the only way the Government will be able to raise revenue.

Government members will say that Labor has a fear campaign but this much is really clear—and I will say it as simply as I can: If the Government gets rid of the income-producing assets that this State has, where will we get revenue from? The only source of revenue will be by raising taxes, by increasing fines and by decreasing services. Government members can dress up the situation any way they want to but next Tuesday when this State gets the budget, the people will find out that we will be carrying the can for an incredibly long time. This Government has walked away from its responsibility of looking after the people of New South Wales.

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

**The House divided.**

Ayes .....42  
Noes .....36  
Majority.....6

#### AYES

Anderson, K  
Ayres, S  
Barilaro, J  
Bromhead, S  
Clancy, J  
Constance, A  
Cooke, S (teller)  
Coure, M  
Crouch, A (teller)  
Davies, T  
Dominello, V  
Elliott, D  
Evans, L  
Gibbons, M

Griffin, J  
Gulaptis, C  
Hancock, S  
Hazzard, B  
Henskens, A  
Johnsen, M  
Kean, M  
Lee, G  
Lindsay, W  
Marshall, A  
O'Dea, J  
Pavey, M  
Perrottet, D  
Petinos, E

Preston, R  
Provest, G  
Saunders, D  
Sidgreaves, P  
Sidoti, J  
Singh, G  
Smith, N  
Speakman, M  
Stokes, R  
Taylor, M  
Toole, P  
Tuckerman, W  
Upton, G  
Ward, G

## NOES

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

## PAIRS

Berejiklian, G	Car, P
Conolly, K	Haylen, J
Roberts, A	Hoenig, R
Williams, R	Hornery, S
Wilson, F	Lalich, N

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Bills***ELECTRICITY INFRASTRUCTURE INVESTMENT BILL 2020****Second Reading Debate**

**Debate resumed from an earlier hour.**

**Ms YASMIN CATLEY (Swansea) (17:51:05):** As I was saying before the debate was interrupted, we must also strengthen the Government's task force mechanism and ensure it is able to deliver meaningful outcomes for workers over the medium to long term. We want to see it meet twice per year, report to Parliament and be accountable to the Parliament. We want the task force to be more than a talkfest; it must be tasked with delivering jobs. The task force should be made up of industry, business and workers representatives. It must balance the needs of consumers and of the industry. It should look at projects that we need to start in the short term and it should look at the associated infrastructure that we need to upgrade in order to maximise the long-term viability of an innovative, world-class export industry.

We need to turn the anti-worker, anti-industry thinking of the Berejiklian Government on its head. Instead of starting off with a view that local workers cost too much and that they cannot do it, we need to take the view that local workers build and design the very best. We should support them to do that, not just for Australia but so they can export that expertise and quality to the rest of the world. We need to encourage investment, development, employment, education and training throughout the energy sector. That is the only way we will be able to take people with us as more and more renewable energy projects come online. People need to have faith in the concept and have trust in the delivery. Workers need to trust that the Government has got their backs and they need to be able to trust that they will have a job, not just next year but also for the next decade. Consumers need to trust that prices will remain affordable and the reliability of supply will be guaranteed.

The only way those needs can be met is with the incorporation of Labor's amendments. I agree with the Minister that New South Wales has some of the best energy resources in the world. I also agree that we must take advantage of the full variety of those resources, but we can only do that by improving our network and our transmission infrastructure. In some ways that is why it is so disappointing that, instead of spending the first five or six years in government responding to the changing needs of our energy network, the Government wasted its time selling it all off to the private sector. That of course means those in the private sector have an incentive to not upgrade or change the network and the Government must now come through and offer them further inducements to invest in renewable energy.

So in many ways the bill exists to correct a failure of the market and a failure of the Liberal Government to see what was on the horizon. Over the past five years in particular we have been making the case that the market model for electricity generation and distribution is broken. That is due to the inaction of the Berejiklian Government and the hostility of the Federal Liberal Government to any form of renewable energy. As a consequence we have not seen the investment in the next generation of power plants as quickly or as broadly as has long been necessary.

We know that many existing coal-fired power stations will reach the end of their life span over the next 10 to 15 years. We know that many of their owners are not interested in extending their lifespans beyond that time. If unaddressed, that will lead to a lack of energy during peak seasons and power price spikes which will cripple household budgets. So it stands to reason that for the simple reason of supply and demand, we must investigate, plan and build new energy projects now so that we are ready in 10 years' time when those old power stations go offline. That is simply the reality.

We on this side acknowledge the reasons the bill is imperative and we acknowledge that the Government has finally begun to engage with an issue which Labor has been warning it of for many years, but we also say to Minister Kean that this is his one opportunity to get it right. He must amend the legislation and take seriously what we have been suggesting to him and his colleagues. The renewable energy infrastructure investment that must take place must also bring energy, manufacturing and infrastructure workers along with it. I reiterate my calls for the Government to support Labor's amendments.

**Ms FELICITY WILSON (North Shore) (17:56:17):** I am pleased to speak in support of the Electricity Infrastructure Investment Bill 2020, which is a key piece of legislation to deliver the New South Wales Electricity Infrastructure Roadmap. This is a show of leadership by the New South Wales Government to address the energy reliability and price challenges that we face in the future. It is a challenge that for too long has not been addressed. The leadership shown by this Government and by the Minister for Energy and Environment is something that we should all be very proud of as we move into the coming generation.

We all know that reform is needed to make sure that we have the required capacity to replace closing power stations at the right time, in the right places and in optimal portfolios. We need to start now because it will take a long time. It took 30 years to build the existing coal-fired power stations in New South Wales, and four out of five of them will retire in less than 15 years and will need to be replaced. Those power stations make up 75 per cent of the State's energy supply. The required capacity to replace closing power stations will not be brought forward at the right time, in the right places and in optimal portfolios by private investors under current market and regulatory frameworks. That is why we need to act now to build a modern grid at the lowest cost and in places that work for our regional and rural communities, which is an absolute priority for the Government. If we delay, consumers will face long periods of high prices and unreliable supply.

We all know that the market is moving away from thermal coal and that there is a challenge to try to replace coal-fired power stations. My community in particular is focused not only on that issue but also on the need to address climate change and invest more heavily in renewables as a more optimal option for our community and environment—and also a more financially sustainable option in to the future. I am very proud to support the legislation on behalf of my community that sees it as a significant economic challenge and a significant challenge for the environment. The bill also embeds regional outcomes into the fabric of the energy transition. The nature of the projects means that the vast majority of investment will occur in regional New South Wales.

The Committee on Environment and Planning—which includes me and my colleagues the member for Sydney, who is chair, the member for Macquarie Fields, the member for Wollondilly and the member for Manly—has been undertaking an inquiry into the sustainability of energy supply and resources. We have heard significant contributions from people in regional communities who are concerned about the future of their industries, livelihoods and communities, and the effects that the loss of those coal-fired power stations could have on their communities. We have an obligation to step forward and make sure that we are planning for the future transition for those industries and communities. The leadership position put forward in this legislation shows that we are taking that stand to invest in those communities.

We know that the private sector already sees the potential in New South Wales and has signalled its readiness to invest in energy infrastructure. There are 120 distinct large-scale energy projects in the planning system, representing about \$25 billion of potential investment. The road map is forecast to deliver up to \$32 billion in private investment by 2030 and support 9,000 new jobs by 2030. The majority of this investment and jobs which flow from it will be in regional New South Wales, with approximately \$20.7 billion to be invested in the renewable energy zones [REZs] alone.

The infrastructure safeguard has been designed to ensure new energy infrastructure optimises benefits for consumers at lowest cost and risk. It will do this by encouraging new low-cost projects, keeping project costs

down, leading to lower energy bills, reducing risks of delayed investment and associated price spikes which we have seen in other jurisdictions when coal-fired power stations have closed, and ensuring sufficient capacity in the system to keep the lights on when demand is high. Long-term energy service [LTES] agreements give investors confidence by providing certainty of a competitively set minimum return. As we know, global demand for low-carbon products is increasing. Industries such as chemicals and materials manufacturing, transport and heavy industry are all going to rely on clean energy to decarbonise. Abundant cheap, clean and reliable energy in New South Wales will attract international investment, particularly to New South Wales regions.

This bill will help New South Wales take advantage of a share of the national hydrogen, green ammonia and green steel industries. In the renewable energy zones the Government will work to attract co-located industries such as minerals processing, IT and data centres, agriculture, manufacturing and food processing, meaning the benefits of cheap, clean energy will last beyond construction. The road map complements the Energy Security Board's post-2025 market review and the Australian Energy Market Commission's work on transmission access reforms and is complementary to the retailer reliability obligation. New South Wales will continue to work with national bodies to ensure that our reforms are mutually reinforcing.

Under the infrastructure safeguard a consumer trustee will be appointed to run competitive process rounds to offer long-term energy service agreements for generation, long duration storage and firming. Development pathways for generation, long duration storage and firming will guide these competitive processes and ensure that investment planning is integrated to produce the lowest cost and high reliability for electricity consumers. Technologies can participate in the competitive process that is appropriate for each energy service, with contracts expected to be awarded to wind, solar, gas and storage projects.

The infrastructure safeguard established under the bill will provide revenue certainty for private investment in new generation, which will help secure finance for its construction. It will provide an early signal to investors that their generation and storage projects will have a transmission line to connect to. An integrated whole-of-system approach adopted by the road map ensures that the capacity, location and timing of transmission, generation and firming projects are harmonised to maximise the affordability, reliability and security of New South Wales' electricity supply, and economic and social benefits to regional communities.

The Energy Corporation of NSW will lead the strategic coordination of the Government's approach to community and stakeholder management, helping to establish the social licence for the new REZ infrastructure. It is crucial that the planning pathway and supporting framework enables coordinated infrastructure development. All aspects of delivering new energy infrastructure will be considered: land use, community benefits, planning and assessments, and regional economic development. Our renewable energy zones and pumped hydro sites have the potential to deliver a huge boost to local communities—growth and long-term jobs where our communities need it most.

Major energy infrastructure projects will bring jobs to the regions with flow-on benefits including improvements to roads and telecommunications. Landholders who host infrastructure supported by the infrastructure safeguard will receive lease payments estimated at \$1.5 billion by 2042. The bill provides for an access regime within renewable energy zones where the vast majority of regional investment is expected to occur. In return, generators pay access fees, a portion of which will go to community enhancement funds such as in health, sports or upgrades to parks and playgrounds.

Earlier this year the Government extended the life of the Energy Savings Scheme from 2025 to 2050 and announced increases to its energy savings target. These initiatives will improve energy affordability, reliability and sustainability for households and businesses. Amendments to the Electricity Supply Act will allow energy savings targets to be set beyond 2025 and to be changed if there is a forecast breach of the Energy Security Target. The scheme has been successful to date in encouraging households and businesses in New South Wales to save energy and money; however, small retailers have faced challenges in meeting their obligations under the scheme as a result of the COVID-19 pandemic. The bill will make it possible to exempt small retailers from their obligations during emergencies like the pandemic. The bill also streamlines the administration of the Energy Security Safeguard by ensuring that the new peak demand reduction scheme can use the same administrative arrangements as the existing Energy Savings Scheme.

We know that the bill will create jobs. It drives investment and will deliver benefits for the citizens of this State for generations to come. While there will be many discussions and contributions to this debate, with a lot of support thankfully from those across the Chamber, it is an issue that needs leadership and I acknowledge the leadership of this Government. Energy policy in Australia is not something where achieving an outcome is always easy and disappointingly has not always addressed the real needs of our communities, but we need to make sure that we keep the lights on in New South Wales, and that is what this bill will do.

We need to put downward pressure on electricity prices, particularly when people are really struggling with the cost of living, and that is what this bill will do. We need to make sure that we address the global challenge that is climate change and meet our targets of net zero emissions, and that is something to which this bill will contribute. By creating the investment pathway, we are investing in jobs for the future for New South Wales, particularly in regional communities, and we are investing in a brighter, healthier and safer future for children and for generations to come. I commend the bill to the House.

**Mr ALEX GREENWICH (Sydney) (18:05:49):** I support the Electricity Infrastructure Investment Bill 2020, which gives New South Wales the best chance it has ever had to develop a modern, reliable and environmentally responsible electricity system. I commend Minister Kean and the New South Wales Government for their leadership in delivering this legislation and acknowledge the contributions of the member for North Shore and the member for Manly, who are members of the committee inquiring into energy sustainability in New South Wales, a committee that I chair.

Coal has long powered New South Wales communities, but burning coal for electricity produces significant greenhouse gas emissions that are driving dangerous climate change. It also poisons the air, water and land. While we still source almost 80 per cent of our power from coal, four out of five coal-fired power stations in this State will close in the next 15 years and there is now an abundance of affordable, reliable and green electricity alternatives to move ahead with. Electricity provides one of the easiest pathways to cutting large volumes of greenhouse gas emissions. Technological advances in renewable energy have seen its price drop and its reliability go up. Solar and wind power are now the cheapest forms of new power generation—cheaper than coal; cheaper than gas. Battery technology development has made renewable energy available when there is no sun or wind, or when the grid needs supplementation. But we need strong policy and legislation to make the switch because there are challenges that the market alone cannot resolve.

The transmission network is at capacity and new infrastructure needs to be coordinated with new generation. Without a plan, the private sector will see investment as a risk. The renewable energy target demonstrates the potential of good energy policy. The target cut greenhouse gas emissions in the Australian electricity market by 26 per cent on 2005 levels and propelled a renewable energy boom that supported jobs, technology and declining energy costs. The target gave clear signals to energy providers on the required mix of electricity sources in the market resulting in strong investment. But that investment has stalled with the expiration of the target, especially in the transmission network, and I hope that this bill and the policy that underpins it will not only fill the void but set up a clean electricity system for the State's future.

The bill will deliver a massive boost in renewable energy generation and sets up a framework to encourage more renewable energy investment beyond legislated goals including by making sustainability a statutory object of the State's electricity plan. I believe the bill could be stronger in its bid to shore up new firming infrastructure to guarantee that the most sustainable long-term options are implemented. Climate change leaves us no choice but to drastically cut our emissions. The State Government has committed to reaching net zero emissions by 2050 and this aim must be a priority in reshaping the electricity system. I foreshadow that I will move an amendment at a later stage to allow a standing or special committee which under the bill can be established to advise the Minister on relevant matters, to provide advice on strategies in the electricity sector to help achieve net zero emissions by 2050. The transition to a clean, green electricity supply will not cause any disruption for the vast majority of people, but risks of economic shock exist for communities in which a power station is a major employer and part of the community.

There are responsible and irresponsible ways to close a power station. Closure of the Hazelwood coal-fired power station in the Latrobe Valley in Victoria is an example of how not to do things. There was little preparation and now 25 per cent of workers who did not retire remain unemployed. By contrast, Germany's targets to increase renewable energy share to 65 per cent by 2030 and 80 per cent by 2050 drew support from former power station workers because they were involved in planning, investment, retraining and income compensation through the Commission on Growth, Structural Change and Employment. The skills of coal-fired power station workers can be transferred to meet the requirements of renewable jobs as well as jobs in other industries like manufacturing or power station and mine rehabilitation. But for this to happen, early preparation, coordination and consultation is needed. Some power stations are taking initiatives that build resilience in their workforce and local economies before they close but not all are.

We need a dedicated body to look at jobs investment, transferable skills, skills gaps and retraining in order to prevent a shock in the regions before coal-fired power stations close. The body should work with employers, employees, community representatives and unions to ensure that no-one is left behind. I will move an amendment at a later stage to allow for a standing or select committee to look at the transition for workers and communities impacted by the changing energy supply. We have to bring communities in new renewable energy zones and those adjacent to renewable generation and transmission infrastructure projects with us on this journey if we are to

deliver a modern and sustainable energy supply. Large renewable energy products can attract opposition from residents and farmers due to impacts on tourism, property values or agriculture. We need to engage with affected communities and look at solutions to address their concerns while ensuring that renewable energy can be delivered. Perhaps the narrow definition of "lowest economic cost transmission planning" could be broadened to favour developments that are not in towns or on prime land, and can therefore be fast-tracked to make them more efficient in the long term.

We need to be mindful that most renewable and transmission capacity in this State is on land that belongs to traditional owners. They must also be engaged in any infrastructure planning process. Community and traditional owner engagement in renewable energy zones and large renewable energy generation and transmission products could be a role for the consumer trustee or the infrastructure planner. I ask the Minister to address in his reply how the Government will ensure that local communities will have input. I acknowledge that the member for Wagga Wagga has put forward an amendment addressing this concern.

Human-induced climate change is making the planet uninhabitable. We need a plan to get to 100 per cent clean energy that phases out coal. We know from the Intergovernmental Panel on Climate Change that we must cut carbon emissions by 45 per cent on 2010 levels by 2030, with net zero emissions achieved by 2050 to limit warming to 1.5 degrees Celsius. This requires far-reaching, rapid and unprecedented changes in all aspects of society. While a major challenge, there are substantial social, economic and environmental benefits to taking this action, and these are most obviously seen in transitioning our electricity network to a renewable base. The widespread community support for greening the energy supply is reflected in the large number of submissions from members of the public to the inquiry into the sustainability of energy supply and resources in New South Wales, especially from people living in regions with coalmining and coal power generation.

Coal power cannot be the future because of its role in climate change. The world is fast shifting to other forms of energy, and it is predicted that by 2050 coal will supply only 12 per cent of the world's power. I welcome the long-awaited catch-up that comes with the bill, and I congratulate the Minister on this landmark, forward-thinking legislation. The electricity policy area has been fraught with scaremongering that has stalled progress for too long. In what has been a tough year, it shows maturity from members of Parliament that these reforms can be achieved with multi-partisan cooperation. I commend the bill to the House.

**Mr DUGALD SAUNDERS (Dubbo) (18:13:58):** As the member for Dubbo it is a great privilege to speak in support of the Electricity Infrastructure Investment Bill 2020, which was announced at the "Festival of Dubbo" on Monday. A number of Ministers joined me to also announce the Electricity Infrastructure Roadmap, including the Minister for Energy and Environment, the water Minister, who was there to present opportunities in the pumped hydro sector, as well as the Treasurer and the Deputy Premier. The bill will enable the Government to deliver cheap and reliable electricity for businesses and families across New South Wales. The Nationals are the voice for rural and regional New South Wales in government. We fight to make sure that our communities are heard and supported and that the policies created in this place deliver a good outcome for those people.

The bill and the road map it will enable is a bonanza for the bush. The plan is designed to rev up our regions, delivering 9,000 jobs and \$32 billion of private sector investment by 2030. It will deliver an average electricity bill saving of \$130 a year for households and \$430 a year for small businesses between 2023 and 2040. Importantly, it will also provide regional communities with a voice, ensuring that renewable energy infrastructure is only developed where it is wanted so as not to impact valuable agricultural land. We know that regional incomes and economies have been hit hard by the unprecedented back-to-back challenges of the recent drought, the summer bushfires and the COVID-19 pandemic. This road map will provide an invaluable opportunity for our farmers to diversify and droughtproof their incomes, with more than \$1.5 billion of lease payments expected to flow to farmers hosting new infrastructure on their land by 2042.

I am particularly pleased to support the bill because of the tangible benefits it will deliver for regional communities across our great State and the local job and investment opportunities it will bring for my community. As I mentioned, on Monday we released the Electricity Infrastructure Roadmap in Dubbo—the heart of the Central West, the capital of western New South Wales and home to the State's first pilot renewable energy zone [REZ]. This zone will deliver 3,000 megawatts of new transmission capacity, which is enough to power about 1.4 million homes. Work on the Central-West Orana REZ is well underway. Over \$40 million of funding has already been announced to support the development of the pilot. The Government also recently put out a call for developers to register their interest in the zone. To put it simply, the response was overwhelming. Proposals that will generate 27,000 megawatts have been registered for the region, potentially worth about \$38 billion in new private capital investment. Interest is already nine times the capacity needed to make this REZ a reality.

If it was left to existing market signals, the investment required could come too late to prevent things like price spikes and reliability issues, or it may not come at all. Our regulatory and market frameworks are not set up to enable the private sector to deliver the renewable energy zone infrastructure we need within the necessary time

frame or at the requisite scale. Transmission projects have long lead times and can take many years to develop. The delivery of transmission and generation projects needs to be coordinated to make sure they scale efficiently and deliver long-term benefits for the communities that host them. Generators also need certainty of revenue to act as a buffer against the risks of congestion on the network to secure the cheapest possible finance, and this bill helps create a framework that provides that certainty. It overcomes these barriers to deliver the Central-West Orana Renewable Energy Zone and other REZs when and where they are needed and where regional communities want them.

The bill introduces an access scheme that will offer more certainty for investors when committing to projects in a renewable energy zone. It also introduces the Electricity Infrastructure Investment Safeguard, which is a key component of the road map that provides an investment signal to deliver the new electricity infrastructure that New South Wales needs. The safeguard will ensure that new energy infrastructure in REZs ramps up the benefits for consumers at the lowest cost by encouraging new low-cost generation. It also introduces an infrastructure planner and a consumer trustee to support this process. The Central-West Orana REZ will build on a detailed feasibility study being carried out by TransGrid, for which the Australian Renewable Energy Agency will contribute up to \$5 million.

The bill will also support the implementation of the Australian Energy Market Operator's 2020 Integrated System Plan, which identified the Central-West Orana REZ as a priority actionable project. As the member for Dubbo and personally, my interest and commitment has been around ensuring that our regional communities are the beneficiaries of these renewable energy zones and this road map. That includes not just the tangible benefits around the planning agreements and the grant money that will flow from the projects that support our local communities but also the community acceptance, or not, of any proposed project, as I mentioned earlier. That is important. It is about making sure that locals have a proper say on whether solar, wind or pumped hydro will go ahead in their community and where and when. It is about local voices; it is not just about developers. In very simple terms, the bill enables the New South Wales Government's Electricity Infrastructure Roadmap. It delivers jobs and investment and, more importantly, it delivers cheap, reliable electricity for homes and businesses in every corner of the State. I commend the bill to the House.

**Mr PAUL SCULLY (Wollongong) (18:20:30):** In the last three or so contributions to the debate on the Electricity Infrastructure Investment Bill 2020 we have heard about some of the disparate issues in the bill and the challenge around the transformation of our energy generation and transmission system in New South Wales. The member for Swansea represents an energy generating electorate in the Hunter and Central Coast that has a long history of powering New South Wales. She recognises that her community faces a real risk of not having jobs in the long term. The member for Sydney is very passionate about addressing climate change, as his constituents are and many of our constituents are. He says that his constituents would welcome this bill. He also showed a degree of empathy for some workers who will be at the vanguard of this change. The member for Dubbo in the Central-West Orana Renewable Energy Zone is here for his community, and rightly so. He is talking up the opportunities that come from not only the direct generation but also the construction of the generation capacity, its use and the potential attractiveness of related industries.

I come from the Illawarra. I represent Wollongong, the only steel-generating region in New South Wales. When I woke up yesterday morning and saw splashed across the front page of *The Daily Telegraph* that this bill was going to come with a steel mandate—that the New South Wales Government was finally going to recognise that Port Kembla produces the best steel there is and that it was going to be used in the renewable energy zones and the renewable energy future of New South Wales—I was quite impressed. I thought, "This is a real opportunity for the Illawarra." Last night, less than 24 hours ago, when the Minister got to his feet and went through a lengthy second reading speech, I was poised and ready to hear about this steel mandate, what it might mean and what opportunities might come from it. In his speech and in the 47 pages of the bill there is not a mention of steel, there is not a mention of aluminium, and there is not a mention of mandate: no steel, no aluminium, no mandate. The rhetoric of the Minister was not matched by the legislative framework that he introduced to the House.

The Illawarra community sits in stark contrast to the Central West and other communities who are set to benefit from the construction activity and the ongoing albeit only 2,800 jobs associated with renewable energies. It is for that reason that NSW Labor will move a series of amendments to this bill requiring local content, the establishment of a board to consider and develop local content requirements and a jobs advocate to support those communities who are also left out: the Hunter and Lithgow. These are huge energy-generating areas that have been largely lost in this region. We do this because the bill focuses on energy-related sectors, but it does not contain the steely legislative resolve that I want to see to match the Minister's rhetoric around steel.

The objectives of the bill are far reaching and represent a substantial investment in electricity generation and transmission. NSW Labor believes that all of New South Wales can share in the benefits of the manufacture of this renewable technology, especially the regions. The amendments we propose make sure that no region or



community is left behind. They will all have a share in the renewable energy zones and associated activity that is identified and established in the bill. While Labor members support the overall direction of the bill in principle, we are concerned the Government appears very hasty in trying to ram the bill through the Parliament.

Our bottom line is that we want cheap, reliable, sustainable energy generation because it supports jobs in manufacturing communities like the Hunter, the Illawarra and western Sydney. It benefits households throughout New South Wales. But while that is our absolute aspiration, we also want to squeeze every possible job from this generation of transformation. More importantly, we want to support regions where jobs and workers and their families are at risk. We do not want to see them left behind. As a Parliament we want to see this big proposed investment have a big dividend for jobs and for taxpayers, who are forced to underwrite this over the next two decades.

The regulatory framework proposed in the bill is assessed for the risk. The risk is acceptable and appropriate. It provides new power generation required to keep the lights on in New South Wales and in energy-dependent communities. It will share the economic and job benefits across the regions and the generation and transmission of electricity will be cost effective while reducing emissions. As I said earlier, I represent the only remaining steel-producing region in New South Wales. In 2015 the outlook for the steel industry was dire and there was a big threat that the Illawarra may stop making steel as it had for nearly 100 years. That would have meant 3,000 direct jobs and around 10,000 other jobs gone. For each \$1 million of steel sold through BlueScope, \$1.8 million is injected into the New South Wales economy. I acknowledge former Premier Bob Carr, who is in the gallery. He has been a huge supporter of the steel industry in the Illawarra over many years. We probably would not have a steel industry in the Illawarra had it not been for the actions of a Premier who had the foresight to understand that we can protect the environment and support jobs at the same time. I am glad he is here to hear some of this debate.

The impact on the Illawarra if steel had disappeared would have cut more than \$2 billion a year in gross regional product. We would have become the Detroit of Australia. Local workers made sacrifices and New South Wales brought forward bills because we wanted to see our steel made in New South Wales—the best steel—in every road, bridge, school and hospital in the State. We also want to see it in every renewable energy project. We proposed a bill to make that happen and the Government opposed it on five separate occasions. It appears in the media headlines that there might be some movement on this. I welcome the fact that Minister Kean has been actively speaking to Labor about this issue and making sure that we can do this. I welcome the contribution of the affiliated and affected unions in this case. They have helped Labor develop a set of amendments that we think will be acceptable to the Government and importantly will not leave interventions and local content requirements to chance or to the whim of future governments or individual Ministers. They will be L-A-W, law.

We believe our amendments will give life to what BlueScope chief executive officer Mark Vassella said in *The Daily Telegraph* on Tuesday, which was that there could be a manufacturing renaissance in New South Wales and the \$32 billion spend should see the creation of a substantial number of skilled manufacturing jobs and ensure local steel for local infrastructure. The reason I know this is I have been working with BlueScope on a plan similar to this for some time. Since I have been the shadow Minister for Natural Resources I have been saying for a long time that our emissions reduction objectives should be seen through the framework of industry policy, infrastructure policy, workforce skills and training policy and cost of living policy as well as environmental policy.

It is not just environmental policy. It is not just climate change policy. This is about the future of the economy and the future of opportunities not only in the new areas where energy fuel will be generated but also in the areas that have propped up energy generation in this State and country for decades and have cost the lives of miners. These are people who work hard in dirty jobs; the ones who shower after work, not before work; the ones who have made sure that the lights have stayed on and that our manufacturers have had energy available to them.

Let us not be fooled into thinking there is a false choice between renewables and resources, because renewables need resources. That is why it is important that areas such as the Hunter and the Central Coast and their workers are not left behind. Labor will move an amendment to the bill to include those areas in the renewable energy zones. It is important that areas such as Lithgow, which saw the closure of the Wallerawang Power Station and the Angus Place Colliery in late 2014 and has not had any support since then for the 600 jobs that were lost, are not left behind. Labor wants to make sure that opportunities are spread right throughout the State and that is why we will move our amendment. [*Extension of time*]

This bill represents the most important change to energy generation in New South Wales that we have seen for several decades and probably the most important change that we will see for many decades. That is why I caution that we hasten carefully. At the beginning of my remarks I indicated that it appears the Government is in a rush to get this bill through Parliament in the final two sitting weeks of the year. Any time a government seeks to get legislation quickly passed through Parliament, it should always ring alarm bells for members because it is often the case that something will be missed. In the original version of this bill, the much vaunted steel

procurement and support for regions such as the Hunter and Lithgow was missed. There are substantial risks to taxpayers as the Government underwrites these renewable energy assets.

I put on record my concern about the operation of the electricity infrastructure fund and how much it might expose energy consumers to in the future. On Tuesday the *Australian Financial Review* published comments from a range of energy stakeholders, who basically said that the New South Wales energy plan transfers risks to consumers and taxpayers. That is something that we must take into consideration as we look at this bill and consider any amendments to it. We want to make sure that we get it right, and not just so that we have an energy generation capacity in New South Wales that is fit for the future and ready to go. It is important to recognise that coal-fired power generation will not close overnight, but through time those ageing assets will move out of the system. It is important to recognise the need to get the risk-sharing arrangement right for the future, because if it is wrong it will be wrong for potentially a very long time and it is a very costly measure.

We want to make sure that large energy consumers that employ thousands of people in New South Wales have a fair chance at getting low-cost energy in the future to support and maintain those jobs. Because Labor ultimately is about jobs and workers, we want to make sure that workers in mining communities and in our existing power generation industry are not left behind and that they are supported. We want to make sure that the benefits are not concentrated in the three areas—or, if the Government accepts Labor's amendment, the four areas—that are our renewable energy zones. Areas such as the Illawarra and western Sydney can manufacture the components. If businesses are given investment certainty so that they can invest and scale up, they will be able to contribute as well. They will be able to benefit and build jobs. They will be able to employ people and make sure that people can put food on the table and pay their mortgages.

Those jobs are not only important for making sure we have good employment in high-paying and secure jobs in the future. They are also important for making sure that we can harness the manufacturing renaissance that the road map could achieve and reorient our economy to import replacement industries and export-oriented industries. That will make sure that we grow even stronger. If areas such as the Illawarra, western Sydney, Newcastle and Lithgow have hundreds of jobs for people to choose from, kids will not have to move away from their communities and those communities will not be left hollowed out with a group of older people who have retired from the workforce while younger people cannot find a job. We have to make sure that we do this properly. While I foreshadow caution and consideration of the provisions of the bill, I strongly encourage the Government to adopt the amendments proposed by Labor to make sure all regions in New South Wales—particularly our traditional manufacturing powerhouse regions such as the Illawarra, the Hunter and Lithgow—have a fair stake in the New South Wales power generation and transmission of the future.

**TEMPORARY SPEAKER (Mr Greg Piper):** As the member for Wollongong made passing reference to the visit of former Premier the Hon. Bob Carr, it is worth noting for the record that the former Premier briefly joined us in the House tonight to look in on this most important debate for the people of New South Wales. I note that he is not yet on his way to the football.

**Mr PETER SIDGREAVES (Camden) (18:35:55):** As the member for Camden I am pleased to speak briefly in support of the Electricity Infrastructure Investment Bill 2020. I support the bill because it will deliver cheaper electricity for our families and small businesses. Our prosperity and way of life in New South Wales is underpinned by access to cheap and reliable electricity. It powers our homes, our small businesses and our heavy industries that employ many hardworking people in New South Wales. This bill and the NSW Electricity Infrastructure Roadmap lay out our Government's 20-year plan to modernise our electricity grid and power our economy in the future. The road map is focused on delivering the energy infrastructure that would generate cheap and reliable electricity, create jobs and recharge our local industries.

By 2030 our plan is expected to deliver 9,000 jobs and \$32 billion worth of private investment for our regional communities. It will provide an invaluable opportunity for regional landholders to diversify and droughtproof their incomes, with more than \$1.5 billion in lease payments up for grabs for regional landholders that host renewable infrastructure by 2042. Importantly, it also ensures renewable energy infrastructure is only built where our regional communities want and welcome the projects. The people of New South Wales have faced unprecedented back-to-back challenges: first the drought, then the catastrophic summer bushfires and now the COVID-19 pandemic. This bill will deliver cost-of-living benefits for our citizens—and the citizens of the Camden electorate—with households expected to save an average of \$130 per year and small businesses an average of \$430 per year on their electricity bills between 2023 and 2040.

This is a game changer for the State of New South Wales. It puts us in pole position to be a national leader in renewable energy generation, storage and transmission and makes sure the people we represent—the people of New South Wales—reap the benefits for generations to come. This bill, and the road map it enables, will deliver jobs and investment and will cement our State as an energy and economic superpower. Most importantly, it will deliver to homes and businesses in New South Wales some of the cheapest electricity in the world. It is now more

important than ever to pursue productivity reforms like the one before us today. In summary, this bill will deliver cheaper electricity for families and small businesses while keeping the lights on. It will grow the economy, create jobs and support the regions. For these reasons I commend the bill to the House.

**Ms JODIE HARRISON (Charlestown) (18:39:25):** I contribute to debate on the Electricity Infrastructure Investment Bill 2020. I do so because of the necessity, which we have known about for some time, to chart a path away from total reliance on fossil fuels and towards renewables as a significant source of energy production. A few nights ago on the ABC, former Prime Minister Malcolm Turnbull correctly referred to climate change as a matter of physics and economics. He said that refusing to accept climate change is akin to refusing to accept gravity. We need to make changes to the way we generate, store and distribute power in this State. We know that this will pose substantial challenges and the dangers inherent in any plan that excludes many in our communities.

I join with my colleagues in offering conditional support for the intention of this bill, which is to make renewables a key aspect of electricity generation, storage, firming and transmission. For the Government to acknowledge that it has to act to secure our energy future is noteworthy. But I have serious concerns about the legislation in its current form, as was outlined by the Deputy Leader of the Opposition, the member for Swansea, and the member for Wollongong. The Charlestown electorate is in the Hunter. I note that the renewable energy zones outlined by the plan—the New England Energy Zone, the Central West Energy Zone and the South West Energy Zone—are to be based around Armidale, Dubbo and Hay respectively. The plan excludes the Hunter, a region with a long history of manufacturing and energy production and a region where a substantial number of jobs will be impacted by a shift to renewables.

The Holy Grail of moving from fossil fuels to renewables has always been "jobs for the future". We need to ensure living standards and economic opportunities for workers in affected industries are continued. This is difficult to do. Few overseas jurisdictions have managed to successfully thread that needle. I am concerned that the current legislation, whilst making positive steps in terms of developing renewable energy infrastructure, will leave impacted workers behind. The lack of a plan for jobs for the future when stepping down an industry can be catastrophic for families and communities. We need only look at former mining communities in Wales, the north of England and Scotland to see how devastating the lack of a plan can be. The decisions taken by the United Kingdom Government in the 1980s, closing coalmines without adequate support for impacted workers and communities, can now be seen to have entrenched multi-generational unemployment and poverty in these areas. We must avoid outcomes like those experienced in the United Kingdom at all costs.

I do not want to see a repeat of Thatcher's Britain in Newcastle, Lake Macquarie and the surrounding region. I do not want to see workers in the Charlestown electorate and the broader Hunter Region shut out of the jobs of the future. But there is more to it than that. With the CSIRO, the University of Newcastle and a strong crop of local innovators and entrepreneurs in the area, the Hunter Region is already primed to be at the leading edge of this change. Our State cannot afford not to harness that expertise and potential. Peter Jordan, President of the Construction, Forestry, Maritime, Mining and Energy Union, expressed similar concerns to the *Newcastle Herald*, saying that there was nothing in the legislation about the future of power workers and their communities.

In an editorial on the topic, the *Newcastle Herald* pointed out the strangeness of a Coalition Government, which supposedly lives by a free market mantra, failing to let the businesses involved decide where the infrastructure goes. Instead, this Government seems willing to be picking economic winners and losers based along political lines, trying to fight off challenges in the bush from rural Independents and the Shooters, Fishers and Farmers Party. In its current form, I do not think the legislation can be seen to be anything but. The Hunter deserves better than that. The workers and communities that have been the powerhouse of this State's economy since its founding deserve better than that.

With the Premier's comments earlier this year which totally dismissed the Hunter's manufacturing capabilities, I am left to assume that perhaps the Government does not know about what the Hunter can achieve in this area. I call on the Government to include the Hunter region and Hunter communities in this plan, to recognise what we have achieved in the past and what we can achieve in the future. I note the very high potential for significant positive employment impact if this plan is implemented in the right way. Mr Jordan told the *Newcastle Herald*, "The Government claims this road map will create 9,000 jobs but most are only in construction and only 2,800 would be ongoing." This is a significant concern. If this Government cannot build the jobs of the future, if it cannot build on the economies of towns which may well be devastated by a change, what hope can the people of this State have in this Government? What chance is there of buy-in from the affected communities? We need to be smart about this.

I hope that the Government accepts the amendments being proposed by the Opposition. The Opposition's "made in New South Wales" bill and the underlying policy behind it is a clear pathway to address these concerns. Putting in place procurement requirements that demand the purchasing of local materials, the hiring of local labour

and the utilisation of local expertise will build local economies all over the State. I agree with my colleague the shadow Minister for Innovation, Science and Tertiary Education and shadow Minister for the Hunter, the member for Cessnock, who earlier this week told the *Newcastle Herald*:

It's imperative the Government maximise the use of locally made equipment in this process, rather than their usual reliance on off-shore products that cost Australian jobs, often fail and don't save money.

This is a chance for this Government's demonstrated ideological inconsistency, as the Herald's editorial picked up on, to do some good. I know the Government is generally opposed to this sort of economic stimulus, to building jobs and economies in that manner, but the extraordinary challenge posed by climate change and the need to look at the future of energy production justifies taking unorthodox steps. The Minister has talked well on this issue so far but there seems to be little detail about it in the legislation and no guarantees. The Government knows this sort of policy is popular and it wants to play into that popularity but without guarantees, without legislation to back it up, all that talk will come to nothing. Procurement requirements that emphasise the use of local materials, local labour and local know-how need to be enshrined in legislation.

Another serious issue that needs to be addressed is how long the Government has been dragging its feet on this matter. Mount Piper Power Station has the longest life expectancy of any of our power stations and it is due to go offline in 2042. That leaves us less than 22 years to fundamentally shift the nature of energy generation, storage and transmission in this State. It took 23 years from the 1949 start of construction on the Snowy Mountains scheme until its 1972 opening. Because of this Government's inaction, New South Wales will be racing against the clock to ensure our energy future. We do not have any more time to waste. We need to get this right now.

If it is done right, the legislation has the potential to build the industries of the future in our State. If it is done right, the legislation has the potential to deliver jobs, and lots of them, and to secure our energy grid for the next century. We need to ensure that this legislation lives up to that potential. I call on the Government to ensure that that happens by including the Hunter as a renewable energy zone and enshrining job-building procurement requirements in legislation. Let us end destructive and pointless fights over energy and climate policy; let us do it fairly, justly and responsibly. I join with my colleagues in the conditional support of this legislation. I certainly hope that the Government accepts the amendments being proposed by the Opposition so that we can get this legislation right. We are running out of time.

**Mr MICHAEL JOHNSEN (Upper Hunter) (18:49:16):** I will give a short speech at this point in support of the Electricity Infrastructure Investment Bill 2020. I foreshadow that I will be moving amendments to this particular bill at the appropriate time. I completely and utterly support the bill on the basis that I am well-known for my support of my electorate and its mining industry. I also support all forms of energy generation that provide security and cost-benefit to everyone, whether it be households or businesses that ultimately employ so many people indirectly from the energy and mining industry.

It is well-known that in my electorate the Liddell Power Station will be closing in a couple of years and Bayswater has been flagged to close a few years after that. We need to ensure that we replace the energy generation and dispatchable power that is available to New South Wales. Importantly, we have many hundreds of workers directly involved in those power stations. If my amendments are supported by the House, the bill will provide electricity workers with long-term job security and a strong future in the Upper Hunter—indeed, right throughout the Hunter and Lake Macquarie regions. I will speak further when we move the amendments.

**Mr DAVID HARRIS (Wyang) (18:51:11):** I speak in debate on the Electricity Infrastructure Investment Bill 2020 and endorse the position that was put by the shadow Minister, the member for Swansea. We have discussed this issue at length. Tonight I will particularly talk about the proposal to make the Hunter and Central Coast a renewable energy zone as well as a targeted jobs area. For members who know the Central Coast—Mr Temporary Speaker, coming from that area you know it very well—we have been part of the backbone of energy production in this State for decades. Many people who live in my electorate are either employed directly in the power industry, have family members who are, or they support industries for power stations. At Soldiers Beach Surf Life Saving Club I patrol with many members who have had a history in the energy sector.

Obviously in recent times we have gone through the closure of Munmorah Power Station, which was originally commissioned in 1967 but closed in 2012. A little bit up the road from there is Vales Point, which at the moment is due to close in 2029, and of course Eraring is due to close by 2032. All of those dates are coming very quickly, and there is going to be a real issue around future jobs in our area. Making the Central Coast and the Hunter part of a renewable energy zone makes sense. It gives an opportunity to transition those jobs from the power industry to jobs in renewable energy. When those power stations close we will have those sites that can be used. It makes sense that they continue to be used for power generation.

Our community is growing and it is really important that we get that investment in jobs. In my electorate we are seeing huge growth in residential housing. Unfortunately, while there is some job growth it is not occurring

at the rate that it needs to so that we can keep offering people local jobs. This is an opportunity. I have been a long-term supporter of renewable energy. Moving forward, it will create opportunities for New South Wales in energy generation as well as continuing to support manufacturing. When we develop new areas we have to put in new transmission, which comes at a cost. One of the bonuses of that Central Coast-Hunter area is the fact that all the transmission lines are already in place; it is actually a cheaper way of doing business.

I have read the *NSW Electricity Infrastructure Roadmap*. I am generally supportive of what is being put forward and the fact that regional jobs will be created in those areas already identified as renewable energy zones. As the shadow Minister for Aboriginal Affairs, I hope there is an emphasis on employing young Aboriginal people and skilling them in that particular area. In his reply it would be great if the Minister would make a commitment to Indigenous employment in those areas. It is absolutely vital that those young people can see a future close to their homes and on their country, and that they have opportunities to get well-paid, significant jobs close to where they have grown up and went to school so they are not forced to move away.

I know that in our area on the northern part of the Central Coast we have become very used to having those power stations operating. Unfortunately they do not employ as many people as they used to. Through the implementation of technology the number of jobs has dropped. To give members an idea of some of the issues—it is a negative-positive, in a way—we have got the Colongra gas-fired power turbines next to the old Munmorah site. When they built that a lot of people were involved in construction, but now it basically employs around three people who do the cleaning et cetera. It has a control room, but it is controlled by someone using a laptop in Sydney because it can be turned on and off when needed. We used to have thousands of people employed next door at Munmorah. Those numbers dropped off as the technology improved. Munmorah shut down and then we had the new turbine—which is a good thing—but the number of jobs involved with that have dropped significantly. Members have to recognise that as this transition happens we have to create new opportunities for people to be employed.

The fact that the Government is pushing forward with this road map looking into the future is a positive, and I thank it for that. For a long time those industries had a finite life and people were really struggling with what would come next, because there was no future road map. As the member for Swansea, the shadow Minister, said in her contribution, NSW Labor took a policy to the last election that was looking at that forward thinking. It is good that the Government has incorporated some of the ideas that were part of that policy and added to them. As these things evolve, particularly around pumped hydro, we can find better ways of doing business. If we want to remain a major manufacturing State then we have to have reliable energy. It does not come from thin air. It has to be reliable and it has to be on call all the time, because those industries operate 24/7. The bill will give this industry a lot of comfort. It is probably a shame that we are not seeing the same leadership at a Federal level and there are still not very good signals for business investment moving forward, but it is good that those issues are being addressed at a State level.

I support all the amendments that are being put forward by the Opposition. I will not go through those now, because I know that other members will speak about those in this Chamber tonight. I want to put fairly and squarely on record that there is a need to have the Hunter-Central Coast as part of a renewable energy zone and a targeted jobs area. Unfortunately, the Central Coast was left out when the State nominated some of the strategic employment zones. That was a lost opportunity. On Friday I will speak at the Central Coast chapter of the Urban Development Institute of Australia. I will talk about opportunities for the Central Coast to have at least two or three nominated zones or to have the Central Coast nominated as a zone overall. There are some good employment opportunities and private businesses that want to invest. It is a great opportunity, particularly given the opening of the NorthConnex and the development of the transportation link with north-western Sydney.

I went back through the census. In 2016 some 1,554 people were still employed in the energy industry on the Central Coast. As I said, that has dropped down a long way from earlier days but technology was always going to impact it. Those 1,554 families will take some comfort from the fact that there is a road map but will derive more comfort if the Central Coast is included as one of those renewable energy zones. I hope the Minister will consider carefully that suggestion from the Opposition. As I said, the transmission towers are there and the land is there as the power stations close. It is an economical opportunity that the Government should look at carefully to support jobs on the Central Coast.

**Mrs MELINDA PAVEY (Oxley—Minister for Water, Property and Housing) (19:01:12):** I am pleased to speak in support of the Electricity Infrastructure Investment Bill 2020. I acknowledge the respectful contribution of the member for Wyong. He addressed well the role of the Central Coast in providing electricity to the people of New South Wales over many decades and he acknowledged that the bill is a good move by the Government. The bill will give effect to the NSW Electricity Infrastructure Roadmap—a coordinated and integrated plan to deliver an affordable, reliable and sustainable energy future for New South Wales. I acknowledge the work of the Minister for Energy and Environment in developing the road map, which will drive

down electricity prices, provide opportunities for new manufacturing across New South Wales and the regions, and create thousands of jobs in the process.

I am pleased to support the bill and the road map because they will provide incredible opportunities by harnessing our world-class natural resources and by futureproofing our regions. As the water Minister, I am proud of the road map's opportunities for pumped hydro, in particular. Four of our five power stations will come to the end of their lives in the next 15 years so we need to modernise our grid now in a way that delivers for regional New South Wales. The Australian Energy Market Operator has projected that New South Wales will need nearly 2.3 gigawatts of new energy storage projects to maintain system security and reliability in addition to Snowy 2.0. Renewables provide cheap electricity when it is sunny and windy. However, we need storage solutions like pumped hydro to back them up and keep our grid reliable.

Pumped hydro works like a big battery: Water is pumped uphill when electricity supply is abundant and released downhill through turbines that generate electricity on demand when we need it the most. Since 2018 the New South Wales Government has been working with the private sector to develop renewable energy and storage projects with WaterNSW dams across the State. That program provides an opportunity to maximise and diversify the use of our dam infrastructure, delivering not only better energy security but also better water security. The Government is supporting three pumped hydro projects through the Emerging Energy Program. Grant funding is going to those projects to undertake critical planning and feasibility studies.

Last month the New South Wales Government declared one of those projects—the billion-dollar Oven Mountain Pumped Hydro Energy Storage project—to be critical State significant infrastructure because of its importance to the State's future energy supply and its capacity to generate reliable, renewable power. Using almost \$2.5 million in Government funding, the Oven Mountain project is assessing the commercial, engineering and operational potential to build an off-river, closed-looped pumped hydro storage site. The project will add 600 megawatts of on-demand capacity to our grid and provide up to 600 direct and 1,500 indirect regional jobs within the northern New South Wales region. The project will also inject more than \$1 billion of investment into our regions. As the member for Oxley, I am particularly happy about that.

I pick up on a point made by the member for Wyong. There is a very strong desire from our Government to include Aboriginal employment and opportunities, particularly for the Oven Mountain project located midway between Kempsey and Armidale—10 kilometres within the electorate of the member for Northern Tablelands. The Thungutti land council has been meeting with the proponents, which is a positive step forward. It is on private land but there will be job opportunities for the future. Certainly we want our local communities to benefit from that, to be trained and to be part of this new generation of electricity in New South Wales.

A key advantage of the Oven Mountain project is that it is a closed-loop project that pumps water between two new reservoirs. That means no rivers are dammed or diverted and it ensures that sensitive ecosystems and natural water flows are protected. As water Minister, I advise that we are looking at a special activation licence that will require water but on a one-off basis. That water will be used over and over again. If we have a drought like the State experienced last summer, when Kempsey and many communities on the mid-North Coast came very close to running out of water, that would be an additional water source we could tap into. The proponents have made that suggestion.

The bill recognises that long-duration storage projects like pumped hydro are critical to replacing retiring power stations over the coming decades. Pumped hydro projects can make a substantial contribution to New South Wales' future electricity storage needs but they require bespoke design, face long lead times of up to eight years and are capital intensive, which creates a high barrier to their development. Given those barriers, the bill establishes an important framework called the Electricity Infrastructure Investment Safeguard that will make sure adequate storage is in place before the closure of existing power stations. The safeguard will provide the certainty the private sector needs to invest by running competitive processes to award long-term energy service agreements to long-duration storage projects like pumped hydro.

The bill and the road map it enables will see two gigawatts of long-duration storage built in New South Wales by 2030. That objective will kickstart a decade-long jobs and investment boom in the bush. Some \$50 million will be up for grabs for pumped hydro projects as part of the 2020-21 New South Wales budget. Those grants will play a key role in providing the certainty the private sector needs to invest now. They will help to create a pipeline of shovel-ready pumped hydro projects and to improve competition for long-term energy services agreements. Unlike traditional grant programs, the program will operate by recovering grants paid to proponents when the project reaches a certain stage of development, such as when the project reaches financial closure or development rights are sold.

The recoverable grant model seeks to support projects during their high-risk early development stages but also to allow the New South Wales Government to recycle the funds into other projects in the future. The bill

includes amendments to enable recoverable grants under the NSW Climate Change Fund. The pipeline of projects supported by the grants program will then be able to compete for long-term energy service agreements. Our Government's priority is the provision of cheap, reliable electricity for households and businesses across the State. Our cheap, reliable energy grid of the future will comprise a mix of technologies, from rooftop solar through to large-scale pumped hydro projects. The Electricity Infrastructure Investment Bill gives us the clear framework we need to deliver that grid in a way that lowers power prices, keeps the lights on and delivers tangible benefits for the people of New South Wales. We expect around 6,300 construction jobs and 2,800 ongoing jobs to be created by 2030 off the back of the road map. Landowners who host infrastructure projects will also receive lease payments for doing so, helping to droughtproof farmers by diversifying income streams.

It is estimated that that will amount to around \$1.5 billion in landholder lease payments for farmers by 2042. That scale of job creation and investment is a no-brainer as our regional communities and economies recover from the consecutive challenges of drought, catastrophic bushfires and the COVID-19 pandemic. I also point out that, as the Minister in charge of Crown lands, I am supportive of my agency looking at the potential for transmission through some of the stock routes so that we can get income to maintain them, and potential payments to land councils. So although it is private it can also be government land. I am proud to support a bill that sets our State up to be an energy and economic superpower. I commend the bill to the House. I congratulate all those who have worked hard on bringing the bill and the road map to fruition.

**Mrs HELEN DALTON (Murray) (19:11:01):** I speak in debate on the Electricity Infrastructure Investment Bill 2020. There are two aspects of the bill that I wish to discuss. I will use the Snowy 2.0 project to highlight some of the issues with that development, which I believe can be extrapolated out to other hydro projects. Snowy Hydro 2 is a project that is likely to cost five times more than the then Prime Minister Malcolm Turnbull said it would, and its capabilities fall short of what was promised. The project will be a drain on the public purse. Snowy Hydro 2.0 was a political get-out-of-jail card, played at the public's expense. We need the project paused while an independent panel reviews the worth of the project and whether the money could be better spent. The estimated cost has doubled since its announcement. By April 2019 a contract for part of the project was signed for \$5.1 billion, not including transmission costs, which will cost billions more. It is still being decided who will pay for transmission. While costs have escalated, time frames have also blown out.

Environmental groups are calling for an independent inquiry into the Snowy Hydro expansion with concerns that it would impact sensitive ecosystems. Kosciuszko National Park is a case in point. Around 100 square kilometres of that park will be permanently damaged and, in some cases, destroyed. The new scheme is designed to be an energy store. For that to work, water has to be pumped from the lower reservoir, Talbingo, to the upper reservoir at Tantangara when power prices are low. The water will be released and resultant electricity sold back into the market when demand and power prices are high. To be able to do that on the scale needed requires 27 kilometres of new tunnels. The economics just do not stack up. The Government's backing of a project the size of Snowy Hydro 2.0 means that private investors do not think they can compete. The market is already distorted as competitors are not building projects because it looks as though Snowy 2.0 will definitely happen. That is not the best outcome for Australia.

I have two other concerns with the project: when it is dry and when it is wet. When it is dry, who has the greater need for the water? Towns and irrigators or the national energy grid reliant on the huge Snowy 2.0 battery? Irrigators and their communities will be the losers. Water will be held back for battery use rather than released to the rivers. When it is wet, it will be worse. It will create a flood danger. Snowy Hydro has an agreement with the State regarding airspace in Blowering Dam. Essentially, it can force Water NSW to release water when Blowering exceeds 90 per cent capacity so that there is airspace for them to generate into. I am concerned that in wet periods there will be significantly greater forced releases from Blowering, reducing the stored water upstream. That is an example of the impacts of hydro-electricity developments: cost blowouts, cost shifting and a lack of a business case to support it. This Government often has grand plans but does not deliver any of the promised benefits, just massive debt and fudged figures.

Another concern I have relates to solar farms. While there are obviously benefits, the proliferation of solar farms across the Murray electorate has its downsides too. Solar seems to be the answer to all our problems. It seems great to have them in the sunny, wide-open spaces. But there are some things we need to consider. Firstly, the term "solar farm" is misleading. It is really an industrial site. Solar farms have in some circumstances been established on high-value, prime agricultural land such as irrigation farms. They are swallowing up our most productive land. Agricultural land has often been highly developed in order to produce high-value crops. That is ongoing year after year provided the water is there. Jobs for processing, such as those in the rice mill, are created—it is the gift that keeps on giving—providing ongoing financial stability for rural and regional communities. Foreign companies are more often than not the ones that come to town with a fistful of cash. Money and jobs are injected temporarily into the local economy.

However, it is a sugar hit with an end date. After the backpackers are gone, the makeshift camp disappears and money generated from solar energy will head overseas. Foreign investment equals foreign profits, meaning money goes offshore. There is no upside for communities after the streets are left bare. Yes, solar in the right place with better planning, regulation and technology is needed. We need sensible regulation, which is lacking within the planning process. I support the move towards renewable energy; it is an admirable goal. But if it is implemented in a sloppy, expensive and thoughtless way, it will lead to buck passing, environmental damage and cost blowouts. Hopefully, we can do much better than that.

**Mr MARK COURE (Oatley) (19:17:33):** As the member for Oatley, I am pleased to speak in support of the Electricity Infrastructure Investment Bill 2020, which is one of the most significant pieces of legislation to be introduced this year—perhaps even in the next year or two. The bill will give effect to the NSW Electricity Infrastructure Roadmap—a coordinated and targeted plan to deliver an affordable, clean and reliable energy future for New South Wales. It is an historic moment for all members in this Chamber tonight, for those who are contributing to the debate and those who are supporting the bill.

The bill is our Government's plan to cement our State's spot as an economic and energy superpower. Our priority is delivering cheap, reliable energy for homes and businesses across New South Wales, in particular, for those in my electorate. Our road map does that and more. It delivers 9,000 new jobs expected to roll to the regions by 2030 and huge investment, with \$32 billion of private sector investment in renewable infrastructure expected by 2032. It eases cost-of-living pressures, delivering average savings of \$130 for households and \$430 for small business across the State in coming years. It also gives our farmers and rural and regional landholders an opportunity to diversify their income streams, with more than \$1.5 billion in lease payments expected to go to landholders by 2042. This is a game changer.

I would like to tell the House about some of the feedback—in fact, it is fair to say endorsements—that we have received from the investment community and New South Wales consumers since the road map was announced. The bill proposed a new Electricity Infrastructure Investment Act with objects including "to encourage investment in new generation, storage, network and related infrastructure by reducing risks for investors". I am glad to report to the members of this Chamber that the investment community has welcomed the road map, which is part of the bill, with open arms. Some of the feedback and endorsements that we and the Minister have received include those from the Clean Energy Investor Group, which represents institutional investors who have funded Australian renewable energy projects worth over \$9 billion. The group's chair says:

This Roadmap is a welcome plan for private sector investors, harnessing the power of private markets to accelerate NSW's renewable energy goals—all through providing policy certainty and distinct market signals. CEIG has consistently argued for a greater focus by governments on developing Renewable Energy Zones and bringing forward investment in new transmission infrastructure to unlock grid congestion and provide greater certainty for investors to proceed with renewable energy projects. The commitment today by the NSW Government to provide financial mechanisms to support investor certainty ... is a welcome development that will strengthen investor certainty at a critical time.

Aware Super, one of Australia's largest superannuation funds, echoed these sentiments. Chief Investment Officer Damian Graham said:

One of the barriers to this investment in Australia has been significant capacity constraints with the energy grid. Announcements like the NSW Government's Electricity Infrastructure Roadmap help to provide long-term investors like Aware Super with more certainty.

This is critical. This is one of the themes that we are seeing with this recent announcement. The proposed objects of the bill also include improving the affordability, reliability, security and sustainability of our electricity supply and supporting economic development and manufacturing. It is not just investors but also New South Wales' largest energy users and most highly regarded consumer advocates who have come out and strongly supported the Government's road map. The Public Interest Advocacy Centre's CEO said:

As people struggle following bushfires, drought, floods and the pandemic, it's more important than ever that we ensure the benefits of the energy transition go to those most in need and no one is left behind. Minister Kean and the NSW government have today shown bold climate action that helps secure our economic future while delivering benefits for people today is no longer up for debate.

Energy Consumer Australia's interim CEO said:

This Roadmap is an important step forward in New South Wales as we plan for the fundamental transformation of the energy sector, which is being driven by technology and changing consumer demands.

We have heard already from the Ai Group's Chief Executive, who said:

Rebuilding an energy cost advantage for industry and taking pressure off households will mean navigating a massive transition in our electricity sector to new technology, new infrastructure, higher demand and a more active role for energy users. Intense uncertainty in energy policy and the energy market raises the cost and difficulty of doing this. Addressing uncertainty is the number one benefit of the proposed NSW approach, and would plausibly lower costs overall.

Tomago Aluminium Smelter's Matt Howell said:



Anything that delivers cheaper, cleaner, more reliable energy is clearly of interest to a large, energy-intensive manufacturer such as ourselves. We look forward to working with the NSW government to understand more about the detail behind the plan and how we might engage with it.

BlueScope Steel's Managing Director and CEO, Mark Vassella, is quoted in the *Daily Telegraph*:

The scale of the new NSW energy plan would "stimulate a manufacturing renaissance in NSW"

...

"The \$32bn renewable infrastructure spend should see the creation of a substantial number of skilled manufacturing jobs and ensure local steel for local infrastructure."

This is an important piece of legislation not just for the industry it creates and builds upon but for the jobs it creates. The bill gives effect to the New South Wales Electricity Infrastructure Roadmap, an integrated policy framework to secure an affordable, clean and reliable energy future for New South Wales. It will encourage investment by reducing risk. It certainly needs to occur right across Australia, not just in our State. It will support economic development, create jobs and support manufacturing. Most importantly, it will improve the affordability, reliability, security and sustainability of electricity supply into the future. I commend Minister Kean and I commend the bill to the House.

**Ms TANIA MIHAILUK (Bankstown) (19:26:13):** I make a brief contribution to debate on the Electricity Infrastructure Investment Bill 2020, which for the most part fundamentally appears to be a clear adoption by the Government of NSW Labor's 2019 clean energy plan, which was presented to the New South Wales people prior to the last State election. It is a relief that this Government has finally managed to come up with a plan. It is long overdue. I am still surprised at the timing of it. It was delivered into the House only yesterday. Given what is contained in the bill, one would have thought that the Minister and the Government must have been sitting on it for quite some time. It would be interesting to know the deliberations that occurred at Cabinet level and how long Minister Kean has indeed had the bill because, as I said, the vast majority of the bill is the NSW Labor's 2019 clean and cheaper energy plan.

I will set out briefly a little of the history in recent years. This Government has overseen the skyrocketing of electricity prices. At times they have been among the highest in the world. This was not always the case. In the late 1990s when the National Electricity Market was created, Australia had among the lowest retail prices in the world. In fact, as recently as 2004 Australia had the fourth lowest electricity prices in the OECD. In contrast, by 2017 New South Wales electricity users were paying among the highest prices in the world, with retail consumers paying more than twice as much for electricity as consumers in the United States. Years and years of policy uncertainty and Coalition infighting—which I suggest has taken place even in recent months, not just in this portfolio area but in others—have exacerbated this massive financial burden on the shoulders of the families and business owners in this State.

This uncertainty has stifled private investment in new electricity generation and has led directly to the price inflation that we have seen. The only certainty that families, communities and businesses in New South Wales have had from this Government when it comes to electricity is the certainty that it is prepared to sell publicly owned assets at the first opportunity. The certainty that this Government has provided when it comes to planning the infrastructure around electricity is that it is always prepared to privatise it, as it has in the past. To date, privatisation has been its policy. In the past seven years alone, the Government has offloaded about 10 power stations, including Eraring Energy, Mt Piper Power Station, Green State Power, Bayswater, Liddell Power Station and many others.

The sale of the State's entire power generating infrastructure has been a disaster for energy users in this State and has prevented the Government from ensuring that these assets are operated in the best interests of taxpayers. It has allowed private companies to dictate the market and to inflate prices. The Government has offloaded TransGrid, Ausgrid and Endeavour Energy via 99-year lease. This has effectively handed a monopoly over New South Wales's high-voltage transmission and electricity distribution assets to various consortiums of private investment funds. Since the lease of TransGrid in 2015 no increase in transmission capacity has been developed in New South Wales. Only one in 20 new energy projects can connect to the grid. That is a disastrous outcome for this Government and is a driving factor behind the price inflation that the residents of this State have suffered.

These transactions may have delivered a windfall for the overseas investment and sovereign funds that have purchased or leased these assets but that windfall has come at the expense of working families, small business and our State's manufacturing sector. Thankfully there has been some lowering of coal and gas prices in recent times but that will not be for long. There needs to be a plan. I reiterate that I am delighted that the Government has decided in part to adopt Labor's plan, one that Labor spent many months—in fact, a very long time—preparing prior to the last State election. The Australian Energy Market Commission's most recent *Residential Electricity*

*Price Trends* report projected that residents of New South Wales will have the most expensive electricity bills of any State on the east coast by the 2021-22 reporting period. This should not come as a surprise to this Government. AGL gave the State and Federal governments seven years' notice that it would close the Liddell Power Station in 2022. This has now been extended to April 2023. That is why it is such a surprise that it has taken so long for this Government to get its act together.

We have not really heard the finer detail as to what has caused the delay. When you look at the various different parts that have been presented in the legislation, much of it has come from Labor's plan. There is nothing too difficult in what has been established here. The Government has established an electricity infrastructure fund that will need to be monitored very carefully and I suspect that Labor will have some amendments in that regard. As the member for Swansea indicated earlier, Labor will also have amendments with respect to procurement and job creation. The Government has also indicated in part 7, the administration section of the bill, that there will be a regulator. There is nothing that difficult or surprising in that regard. That is something that this Government has now well and truly established in the way that it undertakes most of its regulatory strategies and enforcement protocols. At some point I am sure that we will hear the finer detail of what has caused the delay, but we know that for the people of New South Wales this plan could not come fast enough.

Liddell provides 13 per cent of New South Wales's electricity supply. The Government's Liddell Taskforce reported in September that its modelling projects the closure will increase wholesale prices in New South Wales from \$60 per megawatt hour in 2022 to between \$75 and \$80 in the 2023-24 period. That is a 25 per cent to 33 per cent increase in wholesale prices, which would mean a disaster for families and businesses already suffering through the pandemic and a recession. Three other coal-fired power plants, which together with Liddell provide up to three-quarters of New South Wales's energy supply, are expected to close in the next 15 years. At the eleventh hour, we are now greeted with the Electricity Infrastructure Investment Bill 2020.

We have clearly indicated our support for the bill, with the proviso that we will make certain amendments. I reiterate that the Labor Party is pleased to see that the Government has adopted in part our energy plan, including the reverse auction mechanism and the operation of a new State energy corporation. We hope that it will avert the impending disaster that the Government's lost decade on energy policy has created. The Minister for Energy and Environment obviously had to manage this through his Cabinet—and probably through a very difficult Cabinet. I can only imagine that he would have had some opposition to some of this plan and one can appreciate what has caused this delay. I seek an extension of time. [*Extension of time*]

On a brighter note, I am pleased to see that Minister Kean has been spending a lot of time with the Treasurer. I have been watching their social media—their Twitter accounts and Facebook—and I have noticed that the two seem to have been spending a little bit of time together.

**Mr Clayton Barr:** What does it mean?

**Ms TANIA MIHAILUK:** I wonder what it does mean. I suspect that there have been all sorts of discussions between the two of them. It is a bad cop, good cop scenario because I cannot see the Treasurer being too keen on any of this. But I would be very interested in finding out through some of the gossip chains what is happening between the Treasurer and the Minister. Minister Stokes should be watching it. What is going on between those two? They are having coffee together. Have they invited Minister Stokes along? We have to watch this space. Perhaps there is a new leader or deputy leader of the Liberal Party. Who knows? I think that there will be more for us to watch in the future as those two interact together.

**Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces) (19:38:26):** I support the Electricity Infrastructure Investment Bill 2020. I commend my colleague and friend the Minister for Energy and Environment for his vision and determination to see some really transformational public policy introduced through this place. It is one of those wonderful opportunities and occasions as a Chamber and as a House when the things that unite us prevail over the things that divide us. This is a bill that truly provides us with the opportunity to set an architecture to catalyse investment in the sorts of energy infrastructure that we will require to build future prosperity, so that people's lives both now and into the future can continue to improve. This bill is integral to the prosperity and the progress of our society. The stakes are that high.

I recall a text written by a scholar named Jeremy Rifkin, *The Third Industrial Revolution*. His thesis effectively was that the first industrial revolution was powered by coal and communicated by the telegraph. The second industrial revolution was powered by oil and communicated by the telephone. The third industrial revolution was powered by new energy and renewables and communicated through digital technology, the internet and the internet of things. We are at an inflection point. There is a period of rapid, almost revolutionary change to a new period of stasis. Margaret Archer in her book on human society referred to it as anthropomorphic change when you go from one period of stability through a rapid period of change to a new period of stability on the other side. This is the debate we have been having at a national level, not to mention at an international level, for the

past couple of decades. It is truly gratifying to see this bill crystallise a clear, transparent, solid and well-researched basis upon which to drive investment to provide certainty for consumers of energy, whether households or businesses, and investors in energy in the years ahead.

In one sense it is ironic that at the time the National Electricity Market was created in the late 1990s it was almost at the apogee of centralised generation and distribution to diverse receptors. Almost as soon as the ink was dry, the National Electricity Market, with the various agencies established off the back of it, the Australian Energy Market Commission and the Australian Energy Market Operator, witnessed technology beginning to change. Renewables, new energy and new systems of distribution began to disrupt the established order that was based around centralised generation and distribution to a diverse range of atomised receptors of energy. Suddenly those atomised receptors of energy began to democratise and became generators of electricity and energy. That truly disrupted the very forward view of a command/control style of grid.

Opposition members referred to the long-term leasing of poles and wires. Effectively, the reason for that strategic approach was that we knew, because of the progress of technology, that those assets inevitably would lose value. It was sensible to sell them at a point at which we could return a great profit to the taxpayer and invest that money in new infrastructure that we knew we would need for the next generation of growth, progress and sharing across our community. It was better to sell them rather than watch those legacy assets continue to lose value. This bill is all about establishing the investment certainty required to catalyse investment in the new energy that we know we are going to need—and this is exciting—and that investors want to invest in. At this point I will add that ideally the way our Federation should work in my view is that the Commonwealth should lead on big national policy positions and the States should work in concert with the Federal Government, irrespective of whether that is in relation to scope 3 emissions from coalmines. I see my friend the member for Balmain on the opposite side of the Chamber taking an interest.

**Mr Jamie Parker:** They should.

**Mr ROB STOKES:** Ideally, the Federal Government would provide a clear context in which decisions can be made, but in the absence of that clarity the States have to step into the breach. The situation is similar with energy policy. The Berejiklian-Barilaro Government was keen to support the National Energy Guarantee because it provided a certain nationwide position to channel investment into new energy. Sadly, for various reasons the Federal Government has been unable to provide an overarching vision and the various States have had to go their own way. Of course, the challenge for New South Wales, if various States have their own policies, is to provide investment certainty. If we do not act then investment that could otherwise create jobs and opportunities in New South Wales will go to other States. That is why this bill and that certainty is so important. It will provide jobs and investment in the future in New South Wales.

I notice the presence in the Chamber of the Minister for Agriculture and Western New South Wales. Effectively he is a co-sponsor of this bill because he knows that regional and rural communities will benefit from so many of the jobs when this infrastructure is delivered in the right locations in regional and rural New South Wales. We know that there are some challenges and issues in relation to some of the external impacts of renewable energy technology if it is situated in inappropriate locations, such as if it takes away significant agricultural land. For example, I have heard of cases where poorly planned solar farms could displace land that might otherwise be used for intensive agriculture or where wind turbines have created scenic challenges in parts of the country. We want to ensure that we provide clarity about where investment is sought but equally recognise that the benefits of investment will be largely felt in regional and rural communities, which are exactly the communities that have not necessarily benefited from some of the technological breakthroughs that occurred in the last 50 years or so.

It is wonderful that we can ensure that some of the vulnerable areas of the State can benefit from the new investment that this bill will unlock. Even though the uncertainty at a national level has created a bit of time in which we have been able to achieve this landing, it has enabled us to look around the world at the best policy settings for encouraging investment in renewables. In the United States there is common use of renewable portfolio standards, feed-in tariffs and reverse auctions. A whole series of comparative standards and evaluations have indicated that reverse auctions are the very apparatus that will encourage the greatest levels of investment and the most efficient allocation of resources in that investment. What could be better than ensuring that we have an energy system that gets energy generators to compete against one another for who can provide that service most cheaply to consumers? It is a brilliantly designed idea. We have seen around the world that reverse auctions are exactly the type of technique that works best to put downward pressure on energy generation.

**Mr Jamie Parker:** The ACT does that.

**Mr ROB STOKES:** I acknowledge the interjection. I notice that the former Chief Minister of the ACT has come out in support of exactly what Minister Kean is seeking to achieve through this bill. As I look across the Chamber it is wonderful to note that in the people's House, the lower House, we represent what the people of this

State believe and feel. When we come together on these important issues of architecture and identifying the way we can catalyse investment, when we come together and agree on the big picture issues, we know that that is exactly what we should be doing. That is why I support this bill and commend it to the House.

**Mr GREG PIPER (Lake Macquarie) (19:48:41):** I state at the outset that it is extraordinary how much agreement there is across this House in debate on the Electricity Infrastructure Investment Bill 2020. While we have heard some differences, it is extraordinary that with such a major policy change for New South Wales there is so much agreement.

**The DEPUTY SPEAKER:** Order! There is too much audible conversation in the Chamber. The member for Lake Macquarie has the call.

**Mr GREG PIPER:** I have to say that I broadly support the bill, but we know that some changes need to be made and they will be proposed by way of amendment by me and the two other Independent members in this House, Opposition members and through a Government amendment. As significant as this bill is for the Government in planning a way forward for energy infrastructure, I am concerned about a number of aspects. Many other members have spoken to those issues. I note that I have had discussions with the Minister about these concerns and I encourage him to share his response in his reply. I believe there will be changes that will be acceptable to most, if not all, of us in this place.

I flag that I will propose an amendment to establish a new renewable energy zone [REZ] in the Hunter region. However, that may be superseded by other amendments. The members for Sydney and the member for Wagga Wagga will also seek to amend the bill to improve the level of consultation required for infrastructure projects and better support communities with traditional energy production, as well as the private operators and workforces that already exist in those areas. There is very little dispute that energy production and energy markets are changing around the globe. I have made a number of submissions to the Government over the years stating we must plan for the inevitable transition that will be needed in communities that have been reliant on the coal industry for the best part of a century. In June last year I joined my Independent colleagues, the member for Sydney and the member for Wagga Wagga, in calling on both major parties to commit to a 10-year adjustment strategy for those communities.

I am pleased that the Government is taking a significant step towards adjusting the energy policy in New South Wales and equally pleased that the inquiry into sustainability of energy supply and resources in New South Wales is now well underway—I might add, under the chairmanship of the member for Sydney. My electorate of Lake Macquarie is home to Eraring Power Station. It is the largest coal-fired power station in Australia, providing about 25 per cent of the State's baseload electricity. As the Minister and others have already noted, Eraring is scheduled to close in 2032 as it reaches the end of its practical lifespan. I have regular meetings with Eraring's owner, Origin Energy. In fact, I had an extensive tour of the site only two weeks ago when I was briefed on, amongst other things, the company's coal ash recycling strategy. Naturally, the future of energy production at the site is often discussed and I know that Origin is looking at a number of options for the future of the Eraring site. It is supportive of the bill.

Eraring is not the only coal-dependent operation in the area. We also have the Vales Point Power Station at the southern end of the lake, which the member for Wyong referred to extensively. My electorate is also home to a number of mining operations run by Centennial Coal. They include underground mines at Mandalong, Myuna Bay and Newstan mine, which is currently under care and maintenance, and they provide opportunities for possible pumped hydro using those shafts. They are part of the significant coalmining industry in the broader Hunter region, which generates about \$4.3 billion in annual economic activity. Coalmining alone employs more than 600 people in my electorate, generating more than \$88 million annually in wages and supporting 262 small businesses in the electorate. Those figures are even greater in neighbouring districts of the Hunter Valley such as Muswellbrook and Singleton. The Port of Newcastle is the largest coal export port in the world.

All of this brings me to my most important point: The bill must ensure that we keep a spotlight on areas and communities that have traditionally been the State's powerhouse—quite literally. Without question, there will be many challenges and opportunities for future electricity generation due to things such as emergent technology, changing markets and the need to address climate change. Communities such as mine in Lake Macquarie, given the chance, are ideally placed to meet those challenges. The bill must recognise that and place a high degree of focus on ensuring that those communities, operators and workforces are at the forefront of this shift. We have three major coal-fired power stations in this region that will be closing within roughly a decade. Transmission infrastructure in those areas is already in place and the skilled workforce already exists. I acknowledge that the Government's road map talks about new investment, both private and through government incentives, in regional parts of the State.

We must make sure that this investment reaches the areas that will be most impacted by this shift. It is a plausible bill. It just needs plausible efforts to save and transition the communities that will be most affected by these changes in the years and decades ahead. Construction, Forestry, Mining and Energy Union District President Peter Jordan said this week that the Government is forgetting the people whose hard work has been powering New South Wales for decades. He will be right if we do not include those people and those communities in this road map. They must be the focus of any plan moving forward. The unions, just like me and just like the current operators of coal-fired power stations, know that things are changing and will need to change over the next decade as key infrastructure such as Eraring comes to the end of its working life. They are a key part of the future transition and must be treated that way. I again acknowledge that the Minister has recognised that and is moving towards that goal.

The Minister has said that this road map will create 9,000 jobs over the next 10 years, although I note that most of those jobs are in construction and the number of ongoing jobs totals about 2,800. There must be enough jobs to replace those in communities where they may be lost as the energy sector evolves over the coming decade. If I can expand on one of those points, in electorates such as mine the debate is no longer an ideological one and I am glad we have moved away from that. Regardless of one's views on climate change—although I have made mine perfectly clear—we know that the coal and energy market is changing and we know that the domestic market is also changing. Our coal industry will probably fare reasonably well in the short term but we know that most of the biggest export markets in China, Japan and South Korea are beginning to move towards renewable energy sources and, in particular, hydro. The local mining companies and energy producers are also shifting towards renewables. The unions know and accept this. Many of the miners and power station workers know and accept this.

It is a debate not about ideologies but about the need to act quickly on a transition plan for this industry and the communities within which it exists. It is fantastic that the Government is committed to delivering the three renewable energy zones. They will be rolled out in the Central West Orana, New England and south-west regions. I have therefore submitted an amendment to the bill that would see renewable energies only established in the Hunter region. I have been encouraged by the response from the Minister and the Government and remain hopeful that the Opposition and crossbench members are also supportive. We know that is the case. The Hunter region already has the workforce to transition infrastructure, the land and the private operators who will do it. I again urge the House to back those communities that have powered this State for decades and that stand to lose the most if this transition is not handled properly.

As I mentioned previously, an amendment from the member for Sydney will also ensure that these operators and communities are not left behind but remain the focus of this road map to the future. I hope it will be supported by the House. The bill will be a significant boost to renewable energy generation in New South Wales. It will encourage more renewable energy investment and provide a clear signal and incentive to private operators while reducing energy costs and power bills for households in the long term. We know that we must be more than a resource lucky country; we also need to be the resource smart country. I believe this bill takes an important step towards that goal. It will be a better bill with the amendments that are proposed. I say right here that some of the amendments I have heard Opposition members discussing are worthy of consideration by the Government. I hope they will be given serious consideration. I appreciate the way in which this House almost overwhelmingly is coming together in a like-minded manner to take this very important step. It is a paradigm change in the generation and distribution of electricity in New South Wales. I commend the bill to the House.

**Debate adjourned.**

## **BUSHFIRES LEGISLATION AMENDMENT BILL 2020**

### **Second Reading Debate**

**Debate resumed from 10 November 2020.**

**Ms TRISH DOYLE (Blue Mountains) (19:59:00):** As the shadow Minister for Emergency Services, I speak on behalf of the Opposition to the Bushfires Legislation Amendment Bill 2020. The bill is a major disappointment and falls short of the level of transparency and accountability expected in this place but it is exactly what we have come to expect from the Minister for Emergency Services. I am not entirely surprised. The bill comes from a Government that promises the world and delivers zilch. The final report of the New South Wales independent bushfire inquiry was handed down on 31 July 2020. It was based on almost 2,000 submissions and was compiled by two great minds in New South Wales: former New South Wales police Deputy Commissioner Dave Owens and Professor Mary O'Kane, AC. I have no doubt in my mind that the report was drafted with the best of intentions and with the people of this great State in mind.

On 30 January 2020 the Premier announced an inquiry into the 2019-20 bushfire season to make recommendations in relation to bushfire preparedness and response and to report by the 31 July 2020—ahead of the 2021 bushfire season. As we know, the bushfire danger period commenced on 1 August in some local government areas in the northern parts of the State and on 1 September in 21 other areas. The statutory period across the State saw the bushfire danger period in New South Wales commencing on 1 October each year. Yet here we are in November debating legislation that should have been brought to this House many months ago.

When the report was handed down, it contained 76 recommendations, that is, 76 failings of this Government. At the end of August the Government indicated that it would accept all recommendations in the report and the Minister indicated at the time that he would give six weeks to plot a time line for the rollout of those recommendations. We are well past the six-week mark and the Government is still yet to realise any such time line. What we did get was a flashy announcement and a media release where the Minister announced 120 new trucks to be rolled out before the end of the financial year.

We know from documents tabled at the Royal Commission into National Natural Disaster Arrangements that 76 firefighting appliances and 52 support vehicles were destroyed in the last bushfire season. That is a total of 128 RFS and foreign rescue appliances destroyed. The vast majority were replaced by insurance—eight short, Minister, but it goes further than that. The Minister also boasted about the refurbishment of 70 vehicles. The RFS operates over 6,000 vehicles and the refurbishment of 70 represents an upgrade of less than 1.2 per cent of that fleet and substantially less if one includes the Fire and Rescue NSW fleet. The Minister has essentially dressed up an insurance claim as an increased firefighting capability, and that is just not the case. I am not entirely surprised.

We have a Minister that has a 737 large air tanker that could in theory deploy 70 firefighters anywhere in the State. Unfortunately, the theory is far from the reality. We have a large air tanker that has reduced fire-retardant capability and capacity to fit 70 seats—which are not certified by the Civil Aviation Safety Authority [CASA] to have passengers in them. That is not an isolated case. The Minister for Emergency Services also announced the refit of two ex-military Black Hawk helicopters, which would be great to move firefighters across the fireground. When did the Minister start making investigations with CASA about whether or not they were suitable? They started making inquiries three months after that announcement. Again, CASA has advised that those aircraft are not certified to transport civilian firefighters.

In the interests of the State of New South Wales, I do hope that we can work through those certification issues. The simple fact is that we have a Minister who is addicted to announcements and allergic to delivery. I suggest that this is why the public is yet to see a time line for the rollout of those important 76 recommendations, along with funding and investment attached to each of those recommendations. One does not need to read too far past the first recommendation in the report, which states:

That, in order to ensure recommendations accepted by the Government are implemented in a timely and transparent manner, Government establish a central accountability mechanism to track implementation of recommendations from bush fire-related reviews and inquiries and consider expanding this to other policy areas.

In the interests of transparency, the Government must commit to tabling a quarterly report on the status of those recommendations. That is not unheard of or onerous. In fact, the final status report to the *Special Commission of Inquiry into the 2005 Waterfall Rail Accident Report* was tabled just yesterday. It is important to note that.

The bill purports to amend the Rural Fires Act 1997 and other legislation in response to the final report of the New South Wales bushfire inquiry. Having read the report with great interest and having read the legislation before the House, it is hard, if not impossible, to understand how the two are related or how some of the provisions in the bill were arrived at. I have already noted recommendation 1 and I also note that the commitment to transparent reporting is totally absent from the bill. Let us turn to the first substantive issue that the bill addresses, that is, industry brigades. The term "industry brigade" is not defined in the Act and nor does the bill offer a definition. The industry brigade is a relatively new and novel concept. The existing legislation states at section 15 (3):

A rural fire brigade may be formed on the initiative of the local authority or local authorities concerned or on the request of any interested person.

It is hard to understand why that provision exists but new section 33AA of the amending bill does offer some insight by allowing the "reimbursement of expenditure incurred by industry brigades". That very much looks like the establishment of private firefighting forces at the taxpayer's expense. I invite the Minister to clarify exactly how they will work in practice. It is very hard to understand what has been proposed. This is largely because the Minister has failed to consult in the development of the bill and he is now seeking to ram it through the Parliament.

I was briefed on the bill late last night, after the second reading by the Minister, by which time the bill was public knowledge. I thank the Minister's adviser for his time and also the Deputy Commissioner of the RFS. I was

briefed after the second read—very disappointing. Since then I have discussed the bill with a number of stakeholders and have discovered that they have been entirely blindsided by the Minister's approach. I am advised by the Fire Brigade Employees Union and the Public Service Association, which both represent our firefighting and hazard reduction staff, that they have not been consulted. I am advised that the Fire Services Joint Standing Committee in this State, which was established by an Act of this Parliament in 1998 and reporting to the Minister for Police and Emergency Services, has not been consulted.

The lack of consultation is as negligent as it is dangerous. I ask the Minister to answer the question about his consultation with the other major firefighting agency that will be impacted by the bill. Minister, did you consult with the Fire and Rescue NSW Commissioner on the bill? I think people will be surprised by the answer. The Fire Services Joint Standing Committee is a six-member committee comprising the Commissioner of the New South Wales fire brigades, the Commissioner of the NSW RFS, a member of staff of the New South Wales fire brigades nominated from time to time by the Commissioner of Fire and Rescue NSW, a member of the NSW RFS nominated from time to time by the Commissioner of the NSW RFS, a person appointed by the Minister on the recommendation of the Fire Brigade Employee's Union, and a person appointed by the Minister on the recommendation of the New South Wales Rural Fire Service Association.

They are key stakeholders, one would say, and they have not been consulted. The functions of that committee include developing and submitting to the Minister strategic plans for the delivery of comprehensive, balanced and coordinated urban and rural fire services at the interface of fire district boundaries and rural fire district boundaries, and developing and submitting to the Minister implementation strategies to minimise duplication and maximise compatibility between the services of the New South Wales fire brigades and the services of the NSW Rural Fire Service.

These issues came up in the report and in the recommendations. People have spoken to me about these issues for the past year as I have travelled around New South Wales. Firefighters and the communities that they protect are angry and upset, and many are traumatised, by the lack of compatibility of many of the systems within our fire agencies. It is imperative that the first piece of legislation that is pushed through this place after the Black Summer should involve consultation with that committee and each of the agencies that plays a role. People are shocked and very angry.

Other functions of the Fire Services Joint Standing Committee are to report to the Minister on any matter referred to the committee by the Minister and, if it considers it appropriate, to make recommendations and to perform a range of other tasks as conferred or imposed on the committee by or under this or any other Act. This is a very important committee in the grand scheme of keeping people safe in this State. I understand the Fire Services Joint Standing Committee is meeting tomorrow. The question is why the Minister did not consult with the committee on this bill beforehand. I move briefly to the essence of the matters that will be raised in this place as amendments. I foreshadow that I will be moving four amendments and there will probably be double that moved in the other place. The process has been scandalous.

The four amendments I will be moving relate to the composition of the Bush Fire Coordinating Committee, the rural boundary clearing code and the need for extra protections and a progress report. I note that a motion has been moved in the Legislative Council relating to a ministerial progress report around the NSW Bushfire Inquiry and that it report to both Houses of Parliament quarterly. This piece of legislation, as I have mentioned, has been rammed through Parliament without consultation. This legislation does not address the NSW Bushfire Inquiry report or its recommendations. I now turn to the feedback I have received from a number of concerned residents and groups around our State.

The Independent Bushfire Group, which comprises many former and current firefighters across a range of agencies, warned today that this Bushfires Legislation Amendment Bill will not mitigate fire risk. It has called on the Government to focus on implementing the New South Wales inquiry report rather than this bill. The group says:

The NSW bushfire inquiry report was released on 31 July, more than 100 days ago, but much of it remains unaddressed. With just one-day notice—

even less—

we see an ineffective measure introduced for debate in Parliament and without the all-important clearing code being available for MPs to consider.

I note the concerns of the Independent Bushfire Group, which made a substantial and very sensible submission to the bushfire inquiry. I want to note that in this House and in *Hansard*. The group goes on:

The NSW Bushfire Inquiry presented 76 recommendations to the Government. Introducing a new power for landowners to clear 25m from their property boundary was not one of them.

That was not in the recommendations. It continues:

The measure has no sound basis or evidence to support the idea that bushland near rural boundaries is the problem that needs to be fixed.

The NSW Inquiry report said that a risk based approach should be applied rigorously across the State, informed by the best research on risk reduction ...

Clearing along rural boundaries may have no relation to assets or their fire risk mitigation.

It goes on to say:

Property boundaries are historical "lines on maps" that zig-zag all over the landscape with no recognition of topography, vegetation or fire risk. Asset protection measures need to be focused close to assets for maximum benefit. We need a coherent, evidence based plan for managing risk like the Inquiry recommended.

It finishes by saying:

In our escalating fire climate, this debate is a distraction from the more important measures that are not being addressed, such as an action plan to implement the full vision created by the NSW Inquiry and their recommendations. Further, volunteer fire fighters would benefit from a thorough analysis of last year's fires so we can do more of what worked well last year and less of what didn't work as a first step to creating a learning culture in the bushfire community.

Those statements come from bushfire firefighters. The Nature Conservation Council and the National Parks Association of NSW refer to the NSW Independent Bushfire Inquiry and the Commonwealth Royal Commission into National Natural Disaster Arrangements and note that the final reports of both have been released and both recommend ways to improve bushfire planning, improve operational and risk management processes and develop better emergency response mechanisms. Those reports are comprehensive, as the National Parks Association and the Nature Conservation Council notes. Both find that the 2019-20 bushfires across south-east Australia were driven by extreme weather conditions exacerbated by climate change. The extent and intensity of the fires was not due to fuel loads alone. The reports also conclude that the benefits of fuel management significantly decline as fire weather conditions deteriorate. This is particularly so on severe and extreme fire danger days, when most lives and built assets are lost in bushfires.

The Nature Conservation Council and the National Parks Association of NSW also rightly point out that the New South Wales Government has yet to explain how it will implement the 76 considered and detailed recommendations from the bushfire inquiry report. The proposed land clearing rule change is not one of those recommendations and is not evidence-based bushfire risk management. They say:

To amend the Rural Fires Act 1997 with the object to protect life, property and the environment we call for:

- Background paper from the NSW RFS involving consultation with the Bush Fire Coordinating Committee which justifies the need for this initiative;
- Public consultation on the draft code prior to First Reading Speech;
- Draft code to be finalised and jointly signed off by the Minister for the Environment and Minister for Emergency Services prior to assent of any legislative change.

They make some good points. Last year as I travelled round the State I met a senior firefighter who has been lauded with awards from the current Premier of this State and previous Premiers. He is a man of high intellect, immeasurable experience and calm. His wisdom is spoken of by people all over the State. He has managed many critical incidents over the decades. He said to me today, "Where is the science to support the methodology, direction and claims in this bill? Can I remind the people of this House making these decisions for the benefit of those of us on the front line that fires can spot many kilometres ahead of the fire front, so 25 metres will simply impact on the loss of vegetation for all time, not just when a fire event occurs." He says:

There should be no exemptions granted that will impact on cultural heritage sites, both Aboriginal and European. This [bill] is outrageous!

He goes on to say:

The Bio-diversity Conservation Act is there for a good reason. We cannot keep losing species due to the destruction of the land and bush. There should be no exemptions allowing land clearing where identified threatened species are protected and known.

The entire thrust of the [bill's] amendments are without scientific basis and lack oversight concerning the wholistic management of bushfire prevention.

He said he is disappointed because he feels that the Liberals and The Nationals "would no doubt like concrete pavement everywhere". He said, with some despair, "I tell you that if the Federal Government and, for that matter, the State governments took climate change seriously we would not be looking down a loaded double-barrelled bushfire gun." Experts all say that this bill does not offer the answer, and the recommendations contained in the independent NSW Bushfire Inquiry do not point to the need for broadscale land clearing.



There were numerous examples during the last fire season where traditional firefighting practices did not work. In fact, in some cases they made the situation worse for communities and the firefighters trying to protect them. We need to listen to our firefighters and I do not think we have in this bill. The Fire Brigade Employees Union and the Public Services Association are angry beyond words. They say, "We are two of your key stakeholders in hazard reduction and professional firefighting and we have had no consultation on this bill until you, Trish, as the shadow for emergency services brought this to our attention late last night." They say:

This rushed legislation will lead to confusion and confusion on a fire-ground can lead to deaths.

Recommendation[s] out of last year's bushfires are about interoperability and lines of communication.

This legislation does NOTHING to address that.

I wanted to make sure that when I came into this place I represented a range of views. Some of my colleagues will speak further to some of those views that have been shared with us today. Many people—the farmers, for instance—are angry about elements of the bill and were not consulted. I have mentioned a number of environment groups and the views of firefighters and a range of communities. I foreshadow that the Opposition will move in the other place a selection of amendments which will insert a provision for a statutory review to take place as soon as possible; limit the rural boundary vegetation clearing; amend some of the provisions around the rural boundary clearing code—because not all private landholders and farmers believe that clearing the land of trees will stop bushfires; some of them actually understand the science—and, most importantly, insert the reporting mechanism that requires the Minister to report to Parliament on progress towards implementing all 76 of the recommendations.

The people of New South Wales expect nothing less than a quarterly update and report to both Houses of Parliament. A range of people have also asked me to seek some changes to the composition of the membership of the Bush Fire Coordinating Committee to include different agencies. There are many disappointed people in the State today, not just because of the lack of consultation but because they do not think this legislation, the first since the mega-fires, addresses what it needed to. Whilst personally and as the shadow Minister I am uncomfortable with this position, the Opposition has arrived at the decision not to oppose the bill but to move several amendments that substantially change the bill.

**Mr NATHANIEL SMITH (Wollondilly) (20:26:50):** I make a contribution in support of the Bushfires Legislation Amendment Bill 2020. It truly was a torrid time over the Black Summer, especially in my electorate of Wollondilly—and the electorate of Bega and many other electorates in our region. Dangerous fire activity blackened the sky for much of that time. Our RFS fought at the gates of hell for several months, and I put them at the centre of my contribution. The electorate of Wollondilly is home to 24 Fire and Rescue NSW and two RFS brigades, two SES units and teams from NSW Ambulance. They work incredibly hard to keep our community safe.

The deadly Green Wattle Creek fire burnt through 278,199 hectares, destroying 65 homes, nine facilities and 213 outbuildings. For many landowners these outbuildings are their livelihoods, but within hours they were gone with hardly any warning. On 21 December last year in Balmoral, the Hon. Lou Amato lost many possessions when his outhouse burnt down in the blink of an eye, including items related to his family's war history. That fire also tragically claimed the lives of two of our hero volunteers, Deputy Captain Geoffrey Keaton and firefighter Andrew O'Dwyer from the Horsley Park Rural Fire Brigade. They came to our electorate to aid our townships and my electorate. Also in that brigade was the member for Prospect, Hugh McDermott, who bravely fought the fires. The member for Myall Lakes, Stephen Bromhead, also fought the fires in and around the Forster area. A former Prime Minister, the Hon. Tony Abbott, was also in my electorate in Bargo and Balmoral during that period. We will never forget Andrew and Geoffrey's sacrifice.

The Premier announced the NSW Bushfire Inquiry on 30 January this year with the aim of learning from the catastrophic 2019-20 bushfire season and applying those learnings to the future. The inquiry was headed by Dave Owens, APM, former Deputy Commissioner of the NSW Police Force, and Professor Mary O'Kane, AC, Independent Planning Commission Chair and former Chief Scientist & Engineer. Both brought a wealth of valuable knowledge, qualifications and experience to the inquiry. The inquiry consulted widely, receiving close to 2,000 submissions and countless amounts of feedback from face-to-face meetings, videoconferencing and community meetings. I was involved with several of them and some of the stories were heartbreaking. The meetings were held in fire-affected areas, including mine. There is no doubt that the inquiry was well informed, on both the technical and scientific aspects of the season from our operational experts and community feedback. The Government accepted all 76 recommendations and has already commenced their implementation, including with the important reforms in the bill and our \$192 million initial response package.

I was particularly heartened to read recommendation 28, which spoke about the need for the Government to review vegetation clearing policies to ensure that the process is clear and easy to navigate for the community. That will enable appropriate bushfire risk management by individual landowners without undue cost or

complexity. This recommendation is reflective of the conversations that I have had with many of my brigades and with people who have lost their homes. Time after time, volunteer firefighters and landowners have said this to me. The inquiry stated that landowners and community groups told it that they felt unable to manage and prepare for the 2019-20 season effectively because of the complexity of the approval process for vegetation management. This is an issue close to my heart and that of my community.

This is why it is with great pleasure that I support the bill, which includes provisions that will address the concerns of my community and other bushfire-prone communities across our State and simplify vegetation management. We all know that dirt does not burn and that empowering our landowners to clear vegetation on their properties will make their properties more resilient and more defensible, and the lives of our firefighters a little easier. Everyone has a part to play in keeping our communities safe and resilient from the risk of bushfire. The bushfire threat is not going away, and the Government is not retreating from the challenge. The bill will allow landowners in rural zones to clear vegetation within 25 metres of their property boundary—and thank God for that.

**Mr Clayton Barr:** What's that going to do?

**Mr NATHANIEL SMITH:** Why not?

**Mr Clayton Barr:** What's it going to do?

**Mr NATHANIEL SMITH:** You come down to my electorate and start speaking to those who have lost their homes, and you will not be laughing. Applicable rural zones are RU1 primary production, RU2 rural landscape, RU3 forestry, RU4 primary production small lots, RU5 village or RU6 transition. Landowners or occupiers of those areas will not require approvals under the Biodiversity Conservation Act 2016, the Environmental Planning and Assessment Act 1979 or another Act or instrument made under an Act other than the new rural boundary clearing code. Further, owners and occupiers who carry out clearing in accordance with the code will not be guilty of an offence under the Acts listed at new section 100RB merely because they have carried out vegetation clearing work.

The bill also amends the Biodiversity Conservation Act 2016 to provide a defence to offences under division 1 of the Act in relation to vegetation clearing work in accordance with the new provisions. However, there are still important safeguards to ensure that the code is not misused. While the bill provides these protections, the bill and the code will not exempt landowners from existing legal obligations and agreements to protect vegetation and habitat, such as conservation agreements made under the National Parks and Wildlife Act 1974 or property vegetation plans under the Native Vegetation Act 2003. Landowners will also still have the duty of care to avoid harm and cruelty to protected flora and other animals when clearing trees or vegetation under the 25-metre rule. Further, clearing vegetation in accordance with the code will not absolve landowners of their responsibility to avoid harming protected flora or any act of deliberate cruelty to animals.

It is a well-balanced code, and one which the Minister for Police and Emergency Services will sign off on with the Minister for Agriculture and Western New South Wales, the Minister for Energy and Environment, and the Minister for Planning and Public Spaces. Once agreed to by all relevant Ministers, the code will be published in the *Government Gazette* and on the New South Wales RFS website, and I look forward to that day. The code may set out environmental and other considerations related to the clearing. These include: the type of vegetation that can and cannot be cleared; the manner of clearing vegetation; requiring the consent of the owner or occupier or other person as a precondition to the clearing of vegetation; the clearing of vegetation in habitats of threatened species within the meaning of the Biodiversity Conservation Act 2016; the clearing of vegetation in riparian corridors; the management of soil erosion and landslip risk in connection with the clearing of vegetation; and the protection of Aboriginal and other cultural heritage in connection with the clearing of vegetation.

New section 100RB provides that the code must be in place before the vegetation may be cleared under the new provisions. The code and the bill will ensure that landowners can protect their properties, themselves and their loved ones from bushfires, and that they can do so without any complication. It ensures that the calls from communities like mine are heard and acted on. I commend the bill to the House.

**Ms TAMARA SMITH (Ballina) (20:36:53):** I contribute on behalf of The Greens to debate on the Bushfires Legislation Amendment Bill 2020. Where to start? Basically, it is hot off the photocopying machine. We have had 24 hours to try to get our heads around something that is at extreme odds with the 76 recommendations of the independent bushfire inquiry. We had issues even with the inquiry, but the 76 recommendations one would think would factor squarely in this legislation. They do not. What is more, there are recommendations in the bill that seem to have no basis in scientific evidence and no basis in a risk-based approach, which is what we were expecting. It is very disappointing. It is very rushed. As we have heard from the

member for Blue Mountains, the shadow Minister for Emergency Services, it is non-consultative—and we have confirmed that.

The bill bears very little resemblance to the 76 recommendations of the independent inquiry that the Government pretty much orchestrated and which was very limited in its composition. But even that is not guiding the Government on this bill. We are concerned because when one thinks of the catastrophic impacts of bushfires—the loss of life and property—and the extraordinary biodiversity in my area and in many other areas across the State, the gravity required is simply not borne out by this legislation. I say to the Minister: Shame on you. It is just not good enough. The bill is being rushed through on a State of Origin night and its content is disturbing. It is absolutely not fit for the job.

For well over 20 years scientists have told us that climate change would increase the risk of extreme bushfires in Australia, and that warning was accurate. The Climate Council's briefing paper "This Is Not Normal", published in November 2019, outlined five key findings that are relevant to the frequency, intensity, timing and location of bushfires in New South Wales in the 2019-20 bushfire season. The council's research found that the catastrophic and unprecedented fire conditions that affected New South Wales and Queensland were aggravated by climate change. Bushfire risk was exacerbated by a record-breaking drought, very dry fuels and soils and record-breaking heat. The council found that bushfire conditions are now more dangerous than in the past, that the risks to people and property have increased and that fire seasons have lengthened. The fire season has lengthened so substantially that it has already reduced opportunities for fuel reduction burning. That old way of thinking about preparing for worsening conditions has gone out the window. In my electorate, with a population density of about 0.7 people per square hectare, it is ludicrous to think that clearing 25 metres will make any difference to the kind of fires that we saw in my electorate and beyond.

We know that the costs of fighting fires are increasing. Australia relies on resource-sharing arrangements between countries and between States and Territories within Australia. As seasons overlap and fires become more destructive, governments will be increasingly constrained in their ability to share resources and the costs of tackling fires will increase. The Government must develop an urgent plan to prepare Australian communities, health and emergency services and the health and wellbeing of emergency services personnel for escalating fire danger. The council's final recommendation was that we must rapidly phase out the burning of coal, oil and gas, which is driving more dangerous fires. I note that in her contribution the member for Blue Mountains said that confusion on the fireground leads to death and that lines of communication and operability and a cohesive plan are what we expected to see in this bill. The fact that we do not see those things being delivered here today is irresponsible in the extreme. The Nature Conservation Council has reached out to us and said, particularly with reference to the member for Wollondilly, that:

Current NSW laws allow property owners to clear trees within 10 metres and shrubs within 50 metres of a house or other building to mitigate bushfire risk.

Property owners can already do that. They can clear 15 metres in coastal New South Wales, 30 metres in central New South Wales and 40 metres in western New South Wales to construct or maintain rural infrastructure. So the idea that that is a silver bullet or cure-all is very concerning. The council also noted that there is a complete lack of scientific rigour in the proposal to allow property owners to clear 25 metres from property boundaries. The Independent Bushfire Group has also thrown up its hands and said, "What the heck?" to the idea that clearing 25 metres of land is going to de-escalate fires.

A concern that The Greens and others have about the NSW Bushfire Inquiry is that it stopped short of developing a strategic framework for fire management in New South Wales. That is actually the job of the Minister and the Government, and that is not what we see here today. Whilst the inquiry's report has a very good overview of the fires and their causes, extent and severity, it implicitly assumed that control efforts were largely appropriate. The detailed debriefing that we have seen at a Federal level has not happened. The inquiry had a huge task in addressing many complex issues in a short time frame, which meant that it did not have the same rigour as a royal commission, for example, would have had. It also lacked specific fire expertise. Although the report included parts of agencies' and scientists' input, they have not been published so there is no opportunity to fully understand, peer review or comment on those perspectives. Even so, the Minister is not acting on those recommendations.

There are views that stronger recommendations could have been made for how communities can work together to increase their resilience, how research into fire events should progress and how control strategies could be improved to limit fire spread. I note that the councils in my electorate are working very hard to streamline early warning systems for communities because they know that that is the pointy end. I saw that myself when doorknocking with the Salvation Army and seeing people who were reluctant to leave their homes. There is a lot of work to do and we just do not see it in this bill. We need new research to develop new fire behaviour prediction models. We need new research to analyse the 2019-20 fires and research into how and when to use fire suppression

options in our changing fire climate. We need new research into the most effective mix of aviation resources. We need to fund new rapid response capacity to deal with small fires. We need more locally expert incident management teams and to develop locally expert divisional commanders, fire behaviour analysts and fire strategists. The recommendations go on and on.

We know that First Nations people played an important role in managing fire regimes over many thousands of years and they continue to manage large parts of Australia through the careful and culturally guided use of fire. We need their input into whole-of-community planning and risk management. The bill, sadly, does not lay the groundwork for that. Climate change is driving these fires and the Government is responding with a war on trees. It is not just bad policy; it is going to make things worse. We have seen unprecedented land clearing over the past two years and the most catastrophic fire season on record. Land clearing does not protect us from fires. The Government claims to be learning the lessons of the bushfire season, but there is nothing new here.

**Mr JUSTIN CLANCY (Albury) (20:47:03):** I speak in support of the Bushfires Legislation Amendment Bill 2020. The Black Summer left devastation in its wake, especially in the electorate of Albury. However, I know that it brought out the best in our people as well, which was particularly exemplified by our volunteer firefighters. Of the many devastating fires that have impacted my electorate, none were fiercer than the Green Valley Fire, which burnt through 208,275 hectares, destroyed 10 homes, two facilities and 47 outbuildings, and tragically claimed the life of one of our brave volunteer firefighters, Samuel McPaul. Again I extend my condolences to Christine, Megan and her little bub and the McPaul family. Our hearts go out to them and to all families impacted by that summer of bushfires.

Once the fires have been put out, the job of rebuilding begins. While the memories of the disaster lie fresh in the minds of those impacted, the last thing they would want to deal with is additional regulation that inhibits their ability to move forward after the disaster. That is why I am pleased to support the bill, and I note the importance of its efforts to streamline the rebuilding effort. The bill amends the Biodiversity Conservation Act 2016 to provide a 24-month exemption from biodiversity assessment and offsetting requirements for people who are rebuilding property destroyed or damaged in the 2019-20 bushfires. Our Government is committed to helping communities devastated by the 2019-20 bushfires to rebuild as quickly and easily as possible. Last season's bushfires were unprecedented in their scale, intensity and duration. Over 2,400 homes were destroyed and many more were damaged to the point of being uninhabitable. Many have been left without a home and forced to stay in temporary accommodation or to rely on family and friends for months.

For those who lost a home or business, we must be there to help them deal with the challenge of rebuilding homes and communities. We know it will be a long and difficult recovery process, particularly with the added burden of the COVID-19 pandemic. The exemption will help ease some of the effort and cost for those rebuilding. It will also help people who are rebuilding put in asset protection zones to reduce the risk of bushfires destroying or damaging their property again. The bill and a related amendment to the regulations will provide an exemption from the Biodiversity Offsets Scheme for rebuilds of buildings or structures damaged or destroyed in the bushfires between 5 August 2019 and 2 March 2020 that are the same, or substantially the same, as what was damaged or destroyed. This exemption will remain in force for 24 months from passage of the bill, and will help people rebuild by reducing the time and cost involved in preparing development applications. It will also save time and money by removing the need to assess biodiversity and find biodiversity offsets.

The bill will eliminate a double standard between public and private land, ensuring a tenure-blind approach to the repair and replacement of boundary fencing damaged by bushfire. We know, particularly in my electorate, of the burden of repairing and rebuilding fences following bushfires. Throughout the last fire season close to 90,000 kilometres of boundary fencing was damaged, which is the equivalent of driving from Sydney to Perth 22,500 times. I can certainly recall travelling through my electorate and seeing people like Rob Cox, who lost so much fencing, spending many hours and weeks rebuilding fences, helped by volunteers. Section 76 of the Rural Fires Act 1997 allows for private landholders to issue notices to their neighbours to repair or restore their fences if the fences were destroyed by fire that was caused by the neighbour's failure to clear combustible material on their boundary. If the neighbour fails to act on the notice, section 77 allows for cost recovery.

Currently public land may be excluded from those notices if an exemption is approved in the local bushfire management plan. The bill amends the Act to remove the capacity to exclude land, and therefore eliminate this double standard between public and private land. I also comment about the vegetation clearing provisions in the bill. The past fire season impacted many parts of the State, but particularly rural areas such as my electorate. As the NSW Bushfire Inquiry heard, many landholders felt unable to manage and prepare for bushfires effectively because of the complexity of the approval processes for vegetation management. Indeed, this became one of the recommendations—no doubt echoed in the close to 2,000 submissions received and community meetings held throughout the inquiry process. Recommendation 28 asks the Government:

... to review vegetation clearing policies to ensure that the processes are clear and easy to navigate for the community, and that they enable appropriate bush fire risk management by individual landowners without undue cost or complexity.

The vegetation clearing scheme in the bill achieves this through empowering landholders to clear 25 metres of vegetation from the boundary of their land without onerous approvals. To ensure that landholders carry out this clearing in a way that does not impact the community negatively, the bill makes provision for a Rural Boundary Clearing Code, which will take into account environmental and other considerations. This code will be developed under the stewardship of Minister Elliott and be jointly approved by the phalanx of Ministers Marshall, Stokes and Kean. I welcome this provision in the bill and trust it will be put to good use in my electorate.

Finally, I note the provisions in the bill for the creation of industry brigades. It is important to point out that in addition to the four statutory firefighting authorities in New South Wales—the Rural Fire Service [RFS], the National Parks and Wildlife Service, Fire and Rescue NSW, and the Forestry Corporation—private forestry companies and other informal brigades provided invaluable help fighting the 2019-20 fires. Especially in the case of the border fire, we saw many private foresters chip in and help the firefighting effort with the appliances they use year round to protect their assets. Similar provisions are in place already under Victorian legislation enabling the Country Fire Authority to establish such brigades. The bill will enable our RFS commissioner to designate such brigades and augment our firefighting capacity with additional boots-on-the-ground firefighters for seasons ahead.

I conclude by reflecting on the importance of learning the lessons of the fire season. As a society, we learn from the past to inform the present and better prepare for the future. I take this opportunity to thank Mr Dave Owens, APM, the former Deputy Commissioner of the NSW Police Force, and Professor Mary O'Kane, AC, the Independent Planning Commission Chair and former NSW Chief Scientist & Engineer for their services to the State throughout the NSW Bushfire Inquiry. I thank the Minister for bringing this bill to the House and I thank the Minister's team. I commend the bill to the House.

**Dr JOE McGIRR (Wagga Wagga) (20:56:02):** I make a brief contribution to debate on the Bushfires Legislation Amendment Bill 2020. As the House is aware, the Black Summer bushfires had a massive impact on my electorate. Almost half of the Snowy Valleys Council area was burnt. Forests and orchards were destroyed and agriculture devastated. Communities were brought to their knees. This was part of the worst bushfire season ever that caused death and destruction across the State and the country. I thank again all those in our emergency services who worked to fight the fires and joined in our disaster response—especially the brave volunteers. My heart goes out to all who suffered, and especially those who lost loved ones. As the NSW Bushfire Inquiry noted, it is clear that we should expect fire seasons like 2019-20, or potentially worse, to happen again. So it is important—and we owe it to our fellow citizens—to learn from the fires. I commend and thank New South Wales commissioners Mr Dave Owens, APM, and Professor Mary O'Kane for their work on the NSW Bushfire Inquiry. I note that the Government has committed to implementing all the recommendations.

This bill implements some of the recommendations, and that is important. However, I will speak specifically about the organisation and oversight regionally for preparation and response. It is clear that a regional approach to bushfire prevention, hazard reduction, asset identification and response is critical. There was much discussion in my electorate about the need for this regional response and for all the agencies to work together. Fires do not distinguish between land or vegetation that is owned by the Forestry Corporation or National Parks or a private company. So, too, our response should be tenure blind, brought to the highest level possible and consistent across all agencies.

The inquiry found that a mechanism was in place for this to happen: the bushfire management committees, operating under the Bush Fire Coordinating Committee. However, these committees had not worked as well as they might. I think that was the reason for the discussion about a regional response because, frankly, they were missing in action in some areas. The inquiry considered there was a need for the NSW Rural Fire Service commissioner to strengthen oversight of the bushfire management committees to ensure that they are held accountable for meeting their responsibilities. The inquiry made recommendations to improve the functioning of the committees, particularly in regard to cross-agency cooperation. For example, recommendation 8 recommended that the Bush Fire Coordinating Committee develop a risk-based performance auditing cycle to ensure that the bushfire risk management plans, the operation coordination plans, and the fire access and fire trail plans are fit for purpose, and any opportunities for improvement are identified and actioned.

I understand that the RFS has established community safety teams to assist committees to develop and implement their management plans. I also understand that an audit function has been established in regional offices to independently assess progress. I welcome these initiatives as implementing this very important approach to regional preparation and response. In the same recommendation, the inquiry recommended:

- (f) relevant agencies review Bush Fire Management Committee [BFMC] membership and confirm to the NSW RFS that members have sufficient discretion and authority to agree and implement risk mitigation activities at the local level.

It also recommended:

- (g) the NSW RFS Commissioner amends the BFMC Policy to require BFMCs to refer unresolved issues to the BFCC for resolution.

These are important actions, and I understand the RFS is implementing them—it must. Agencies must commit to these regional committees. They must not leave issues to be batted back and forth without action. It leaves our communities too vulnerable.

The function of these bushfire management committees will be a key to ensuring that the best preparation and response to bushfires occurs in our regions. Of course it is not the only action, but we will not get far if we do not have all of our agencies genuinely working and, above all, acting together. On this point, I note that in addition to the RFS there are important agencies—Fire and Rescue NSW, NSW National Parks and Wildlife Service, Forestry Corporation and those who work in local government—that are also part of this, that contributed to fighting the fires and will continue to do so. They are an important part of the response and an important part of this committee structure.

Talking about the committee and how it operates, the inquiry recommended that the RFS consider the best way of enhancing the transparency of the coordinating committee and its decision-making—for example, by publishing the Bush Fire Coordinating Committee membership and minutes on its website. Tonight I make the point that just as the transparency of the coordinating committee is critical, so is the transparency of the Bush Fire Management committees [BFMCs]. The key element is the transparency and profile of those committees. I have written to the Minister on this issue.

I state today that I am strongly of the view that the BFMCs should have their memberships published, along with their meeting times and minutes, or at least key decisions of their meetings. This will ensure that the community is aware of the work being done so it can support the work. It will also ensure that vitally important decisions are not delayed unnecessarily. I call on the Minister to consider that matter. Finally, I also note the work being done to improve communication between the RFS and farmers through the farm fire unit integration units and I look forward to seeing this progress. It is also an important part of a coordinated regional response.

**Mr DAVID HARRIS (Wyang) (21:02:04):** Tonight I speak on the Bushfires Legislation Amendment Bill 2020, but I first endorse the words of the shadow Minister about the way this legislation has been dealt with. It is very sad that members have only been given 24 hours' notice on an important piece of legislation like this. It has also lacked consultation across key groups that should have been at the forefront of both understanding and having the opportunity to comment on legislation such as this. I also acknowledge the multi-agency response in terms of fighting bushfires, which of course includes the volunteers of the Rural Fire Service but also the very important work of Fire and Rescue NSW, those in forestry, NSW National Parks and Wildlife Service and all of the other frontline organisations that contributed to fight those horrific fires that we saw. It is almost the anniversary of when the first flames started across the State a bit over 12 months ago, or a bit earlier than that.

**Mr Andrew Constance:** It was July.

**Mr DAVID HARRIS:** It was July, that is right. There was one lot and then a second lot that went for quite a while. But tonight I specifically wanted to speak in my capacity as the shadow Minister for Aboriginal affairs and Treaty to one of the amendments that NSW Labor is putting forward in regards to the composition of the Bush Fire Coordinating Committee. We do note and support the fact that the legislation contains an appointment from the NSW Aboriginal Land Council who will be appointed by the Minister, and we certainly have no problems with that. But what we are asking the Minister and the Government to consider is to add a further two positions to be representative of Aboriginal people across New South Wales and the role that they could play in future management of bushfires.

We are proposing that there also be one representative from the New South Wales NTSCORP, which is the organisation that represents traditional owners and native title holders. Their role in this committee is very important, because large swathes of New South Wales are being put into their care in non-exclusive agreements right around the State. One of the biggest areas that was granted in 2017 was that belonging to the western Bundjalung people, which includes areas such as Casino, Tenterfield and Grafton. There are also areas that have been put under the care and protection of the Bundjalung people and also the Gumbainggir people, as well as other native land title holders. It would seem very important that they have representation on this committee because of the nature of the land holdings that they will have carriage over.

The third position for Indigenous people is one for cultural burning integrity. That could be nominated by the Aboriginal affairs Minister and would represent those people who are actually involved in frontline services offering cultural burning techniques. People who are connected with the cultural burning community actually met with the Bush Fire Coordinating Committee [BFCC] on 8 October. They raised this coordination model with the

prospect of the three Indigenous seats to oversee the protocols and heritage values of cultural burning on country. They put forward those three positions. They got a very positive response from the BFCC. A number of people who sit on that committee endorsed the fact that cultural burning could play a major part in bushfire response and land management techniques moving forward. They state:

There is huge potential here for Cultural Burning to be integrated with Bush Fire Risk Management Planning in line with royal commission recommendation No. 18.2: Indigenous land and fire management in the execution of public land management activities. There is also strong demand from private land managers (NSW Farmers and Local Government NSW) for the same.

I know that you do not want a committee to be too big, but having strong Aboriginal representation on the committee is very important. They can play a very important role. The rationale for the three-Indigenous-seat membership—and also increased membership on Bush Fire Management committees [BFMCs]—is that it is integral for cultural burning to occur in the most coordinated and culturally appropriate way, to the highest standards of fire and land management in New South Wales. That was recognised in a letter from Commissioner Rob Rogers, AFSM, to the members who had addressed the BFCC. He wrote:

On behalf of the Bush Fire Coordinating Committee (BFCC), I would like to thank you for your presentation to the BFCC on 8 October about an indigenous-led cultural fire model that could integrate with the statutory framework of the BFCC and the Bush Fire Management Committees (BFMCs).

The BFCC found the presentation to be very informative and is supportive of initiatives that drive greater engagement between Aboriginal groups and other land managers at the BFMC level.

The BFCC will be working with the Department of Infrastructure Planning and Environment along with Aboriginal Affairs as the lead organisations for cultural burning, to progress the integration of Aboriginal land management practices with bush fire management across NSW.

That is an endorsement of having representation from Indigenous groups at the highest level when decisions are being made. What we have seen with Aboriginal groups and people before is that they are consulted but are not actually part of the decision-making process.

While the Opposition welcomes this legislation appointing one position, we think that it is incredibly important to make sure that all three of the stakeholders are represented so that we get the best model possible and so that cultural land burning practices form an integral part of future major planning. With the greatest respect to the Minister, the Opposition requests him to consider including two additional positions. The Opposition has put forward that proposition through the amendments circulated by the shadow Minister. I believe it is an easy thing for the Government to do. The additional appointments can only add expertise to the committee, which will be of great assistance.

All the people who attended the meeting, including representatives of Crown land, welcomed cultural burning on fire trails and asset protection zones and encouraged other public land managers to do the same. National Parks and Wildlife Service representatives said that similar zones of land are open to cultural burning. Land managers at the highest level are recognising that they need cultural burning expertise not only to assist them in planning and modelling going forward but also to participate in bushfire management committees. Although there is a local Aboriginal land council position on those committees, they are often not filled or are filled by someone who does not necessarily have knowledge of cultural burning practices. Having the additional positions integrated into local committees by statute will ensure that that expertise can be accessed and applied.

There is great potential for cultural burning to be a land management tool and for the management of potential bushfire risk. It has great benefits for the land, for communities and for cultural values for Aboriginal people right across the State, particularly younger people. It also has the potential to create Aboriginal employment. I ask the Minister to seriously consider the extra two positions to ensure that there is robust Indigenous representation on the Bush Fire Coordinating Committee.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Roads) (21:11:50):** I thank all members who are contributing to the debate on the Bushfire Legislation Amendment Bill 2020 because I think our State and nation are worthy of it. I am going to be honest: I do not think there is any measure that we can put in place or any committee we can appoint that will deal with what is without doubt a global event of incredible significance. The 2019-20 bushfires in this State were not what we are accustomed to dealing with in regular bushfire seasons. Rather, they were an event driven by climate change exacerbated by poor land management and an event that means that our land tenure and land management practices have to change. They were an event that has made clear that the fragmented policies around climate change and around the science, the data and the way in which we continue to argue must change. The degree of expended energy wasted in fighting each other on these issues is letting everybody down.

**Mr Clayton Barr:** Hear, hear!

**Mr ANDREW CONSTANCE:** If we look to the maturity of the debate in Europe, we cannot walk away from the fact that we have experienced not bushfires but firestorms. We have a small window of opportunity to take the necessary steps to try to prevent what we all lived through last summer, last winter and last spring from happening again. I think it is fair to say that what I saw firsthand led me to keep out of the public policy debate while my community healed, but it is now time for us to actually get this right. We cannot continue to look at bushfire management in the same way as we have in the past. Many of the measures in this bill are a first step forward, but I assure all members of this House that I will fight tooth and nail—and I do not care where and with whom—to ensure we do everything we can to avoid firestorm activity.

By not examining this issue in a way that is different from the way we traditionally have dealt with bushfire season we will be presented with enormous challenges moving forward. I reflect on what the burning of 5.5 million hectares means. If you actually think about what that means, the rate of recovery over such large areas means that the traditional bushfire fighting techniques that we have all unreservedly accepted, such as the patchwork burning technique and the way in which we have begun to engage our Aboriginal people, will need to be very different in future. Members of my local Rural Fire Service have told me that techniques we deployed in years gone by will not work in the future because of the very nature of firestorms and the very large tracts of land that have been absolutely decimated.

I can take any member of this House and show them bushland that will never ever recover its biodiversity. While there are lots of trees showing green shoots up the sides of their trunks, there are also a lot of hillsides that were decimated. Our water table and our bushland were diminishing well in advance of the 2019-20 firestorm activity. I have considered this bill in the knowledge that we will have bushfires this summer and the next, but what we must avoid is a repeat of the firestorm activity of last summer. That will take a herculean effort by this State and our country to prevent that from occurring. I am fearful that we will not get there. I am fearful that the more everyone continues to argue about climate change policy, land management and hazard reduction burning it will stop us getting where we need to be in dealing with our greatest challenge, particularly in regional areas. Everyone needs to be engaged and be a part of this.

Ultimately, all our farming practices, management of water tables, management of top soil, management of our bushland and our government agencies working in a fragmented manner have to change. That presents some very serious challenges for rural communities. I am not discounting the need for more hazard reduction burning, but it will need to be deployed in a very different way, given the way that the land is currently recovering from the firestorms. We must think about things differently. Ultimately legislation of this type is only a small step forward. The report contains a lot of good recommendations but many other things need to happen beyond the recommendations of the royal commission and the NSW Bushfire Inquiry. If we see similar events again, we will need to wake up to the fact that we will need to get everyone the hell out of the way of the firestorms because they are unstoppable. Containment lines did not work. People were placed at enormous risk. I know that the member for Blue Mountains has personal experience of that regarding her son.

We must be realistic about how we will be able to evacuate whole communities so that they do not burn to death. By rights, we should have been burying thousands of people after the summer firestorms. I still do not know how that did not happen. I have said to the Minister for Energy and Environment, who is present in the House, that we have to convince people to think about climate change differently. It is a fundamental principle that should be enshrined in everything we do, considering the impact of firestorm activity. The bill has quite a number of good provisions. I would not discount them all, but I can understand the arguments we might have in relation to clearing of vegetation. Having had a little bit of experience, which I will not go into except to say that I have needed a lot of help to cope with what that experience did to me, I know ultimately for some landholders there are very clear reasons why they should endeavour to gain a greater understanding of the requirements of hazard reduction burning on their properties.

One of the good provisions in this bill is the consistency between public and private land holdings. It may sound controversial, but we have spent a lot of time fighting issues around the National Parks and Wildlife Service but paying little regard to how the local community might clean up the Crown land reserve down the bottom of the street or the council reserve that has not been touched. There were council reserves that burnt like buggery and the point is that they took a lot of homes. A simple rake around the trees would have gone a long way to potentially slowing the fire activity down and giving the brigades a chance to try to save those homes. There is no doubt that with all of this we have to make sure that we act quickly and we are agile.

It is important to give our Indigenous people every opportunity to participate. They are raring to go and want to be part of the solution. They themselves have responsibility for very large tracts of land. They want to engage their young folk to learn about their culture, and cultural burning plays an important role in those teachings. The wider community will benefit from the reduction in the degree and volume of vegetation that can explode in



a fire storm. It is important to note that as part of this we are also empowering those needing to rebuild their homes. Close to 1,000 homes were lost in the electorate. [*Extension of time*]

If there had been 1,000 homes lost in a metropolitan area it would be interesting to see how the community would react and the focus that would be on it. One important thing is to give each person who has lost their home the opportunity and ability to rebuild as quickly as they can. There is an exemption for a 24-month period. I am conscious of that because I recognise there are issues around biodiversity and our flora and fauna, which has been extensively damaged. To this day no-one has been able to quantify the loss. We have had a public debate about koalas, but the reality is that in many ways we do not know what is left of those colonies. They are one species of many that were taken out and destroyed by what occurred.

Significant powers will go to the RFS that will hopefully help it in terms of its localised management around fire activity. That is important. I know that Shane Fitzsimmons and Rob Rogers were engaged as part of the development of the policy in this bill. I take on board what the member for Blue Mountains has said. No process is perfect, but it has to be worked through. We cannot have politics derail this. I am sorry, everyone, but I just do not care. I just mean it. You try telling this to someone living in a caravan tonight at the back of Nerrigundah or Pericoe. Out of respect for them, we have to take the politics out of this and get it right. This is a small step. There is so much more to do. Certainly in terms of some of the telecommunications and interoperability and those types of things, we do not need legislation to get that right. That is a straight-out investment from government. The first payment of \$192 million has been made by the State.

There are a number of measures in the report, but we have a long way to go. I caution anyone who thinks we can treat last summer as a normal bushfire season that they are having themselves on. It was a global event of global significance. It will happen again. It will happen quicker than we think. I do not believe anyone who says they are not going to see that again in their lifetime. That is rubbish. The intensity of change is huge in what is happening. My personal experience was of 35 degree heat at 3.00 a.m. with no humidity, day in and day out, with fires burning for close to 50 days. It was not an afternoon fire that ran through Cessnock or Bega like we have seen in previous years. It was intense. We owe it to ourselves and our children to ensure that we get this right. It will take some political courage on all sides to achieve that and get our policies right.

Presently, climate change policy is too fragmented. I can electrify the diesel fleet in Sydney and Minister Kean can look at energy, but if we continue to see fragmented science and if we cannot simplify what our scientists are saying for the broader community to take them with us then we will continue to see political argy-bargy. The maturity of the debate in Europe is next-level sensible, but in this country it is disappointing. Ultimately, it is going to take everybody working together, listening to people like Greg Mullins and others and making sure that we do not go down the same path with the same argument because our world has significantly changed.

**Mr CLAYTON BARR (Cessnock) (21:26:48):** I commend the member for Bega for his contribution to the debate on the Bushfires Legislation Amendment Bill 2020 and urge people to heed his very sensible words. Last year at the Federal election there was much talk about climate change and climate change policies. Ultimately, one of the pivotal questions posed by the re-elected Government was about how much does dealing with climate change cost. With the policies rolling out across various States and at a Federal level, we are already paying those costs. People taking out insurance in areas declared as bushfire zones are paying an increased cost for climate change. The Minister stated in his speech that the Government has committed \$192 million in funding. That is a cost. Sadly, the thousands of buildings and—I do not make light of this—I dare say the lives lost in last year's fires are a cost of climate change. We are seeing the costs.

At a campaign level during an election we may pretend that the cost is something we are not already paying so that those on the other side have to explain it. That is absurd. It is childish. It is opportunistic and it is politics at its worst. We are paying the cost, and we have been paying the cost for some time. I endorse the words of the member for Bega when he said that we should look to Europe to see the maturity with which they deal with this issue. It is bipartisan across all sides of politics in those countries. They have said, "We have to do something. Do we all agree on that? Yes. Now let us figure out together what we are going to do." They have their differences but not at the level of whether they need to do something or not.

I turn to some of the conditions of the bill, particularly the Minister's speech. I will link that back to the alleged source of this particular piece of legislation, which is the report of the NSW Bushfire Inquiry dated 31 July 2020. There were 76 recommendations that came out of that report—76 fantastic recommendations—that I know the Government, the wider community and Labor all endorsed. I think the document is something in the vicinity of 500 pages; it is a pretty long and detailed read. It was put together by people who absolutely know their stuff. There is so much that we can choose from inside of that report to enact and to enable.

For better or for worse, I spent four years as the shadow Minister for finance and I must admit that when I read the report I thought, "Ooh, that is a lot of money. That is going to cost money. There are dollars to be spent

there." And there are—that is just the reality of it and we need to do that. There is only one week before the budget for New South Wales is handed down and we have this particular piece of legislation before us. Apart from the \$192 million that has already been earmarked for expenditure over the next five years, I am a little bit concerned that this legislation is not really biting into the meaty issues and the expensive issues that can be found in the recommendations—the stuff where we need to put serious money on the table to achieve some of the outcomes and some of the advances in our ability to respond to fire that were proposed in the bushfire inquiry report. So I am a little bit concerned as we deal with this legislation today.

I am also extremely concerned about dealing with this legislation in the way that we are. It was tabled and read yesterday and 24 hours later we are responding to it. That is not normal. There is no need for that. The report on the NSW Bushfire Inquiry was handed down in July; that is more than 100 days ago. We have had months for this legislation to be drafted. It could have been on public display for comment. It could have included engagement with members of Parliament and external stakeholders, but none of that has happened and that concerns me. It also concerns me that—as I have seen in my 9½ years in this place—sometimes on State of Origin night or State of Origin week the Government rushes through legislation that they do not want too much focus on. That should not be the case when we are talking about bushfire legislation amendments. We should all be able to be proud of and supportive of the legislation coming through. Members may think me cynical but I have been in this place on many State of Origin weeks and nights when some of the most atrocious pieces of legislation have gone through this House, and now we are dealing with this particular piece of legislation.

I commend and recognise some parts of the bill. I think that allowing people affected by bushfires to quickly rebuild similar structures or ones of the same substance that have been affected by fire without too much trouble and concern is perfectly fine, legitimate and sensible. I think that is a good outcome and I also note that it has a sunset clause of around two years. I think that is a good thing. But there are some other parts in the bill that I just cannot understand or explain, so I went back to the final report to see if it could explain some of those things and I was a little bit disappointed. Quite frankly, I am not sure if the Minister has fully understood the report or if he has been ill-informed, or if, in some instances, he may have chosen to gild the lily a little bit.

I will start with the clearing of vegetation and I will talk about it on a few different levels. First, is clearing of vegetation the intended outcome for recommendation 28? What has been changed is the ability to clear vegetation without being exposed to fines and repercussions that would normally occur and without consideration of some important Acts of this State, particularly around biodiversity, Indigenous assets and some of the important riparian zones that are the last remaining habitats on some of our waterways. There are very good reasons based on science as to why those laws are in place and why there are consequences for breaking them. The bill, which is labelled as a "bushfire bill", allows people to clear 25 metres around their boundaries. It is not really a bill about bushfires at all; it is a bill about clearing vegetation. The absurdity of that is found in the science around the generation of condensation and clouds for rainfall. [*Extension of time*]

One of the key criteria for generating clouds and condensation, and having access to moisture and putting it into the atmosphere to create the possibility of rainfall, is having vegetation, particularly once you get inland. The science is very clear: The more you clear, the less it will rain. Since the Government took control of the Treasury books in 2011 we have seen a massive expansion of the ability to clear land en masse at a time when our climate is changing to be warmer and drier, and in the middle of a drought. What do we need to break a drought? Rain. How do we possibly promote the opportunity for rain? Vegetation can hold moisture from the last rain event and has the ability to suck the moisture out of the ground, which can then be evaporated into the air where it creates a cloud and makes rain possible. That might break a drought. That might limit the fire fuels that are on the ground. But this Government is going in the opposite direction on every level and massively expanding the ability to clear vegetation, decrease the chance of rain and increase the drought conditions and the fire conditions. In this piece of legislation the Government is doubling down.

I have been out on properties throughout New South Wales as shadow Minister for water. There are some properties where the house can be 1,000 kilometres away from the boundary of the property and the boundary can be determined by a river—not a fence but a river—and around that river there might be the last few remaining trees. Under this legislation that property owner will be allowed to go and wipe out those last remaining trees. That is not science; that is nuts. The other part of the science around bushfires is very clear, and everybody should know this: If you want to protect house and property, and consequently life, the most important 20 metres is the immediate 20 metres beside the house or property. That is the land that needs to be cleared; the science tells us so. Land and property owners need to be on top of that because it will help protect them from bushfire and tragedy. That is the science. Clearing a boundary that is 50, 100 or 1,000 metres away—maybe 1,000 kilometres away—is not supported by science and is not even in the findings of the bushfire inquiry.

When we open the inquiry report and turn our attention to page 195, paragraph 4.4.4.6, we quickly learn that this proposal to clear land is not a part of the inquiry. It is a dream or thought bubble that has somehow

manifested its way into the legislation—just like another part of the legislation which I take objection to, that is, the creation of industry brigades. What the hell are they? I thought I might have been able to understand it when I read the legislation but I did not—because it is indecipherable. It is going to be done by way of regulation. When will we see that?

I thought "industry brigades" may be in the inquiry report but there is not a single mention of them. Then I thought the Minister's second reading speech will explain it. The Minister devotes about 120 words talking to it but there is no explanation. There are fundamental parts of this legislation that are just silly and cannot be explained. There is no science and no logic behind them, they have no presence in the inquiry, yet they are in legislative form—but not fully because they are to be tabled or gazetted in regulation at another time, away from the scrutiny of this House. The New South Wales Labor Opposition will be moving a number of amendments to improve this bill. The bill is underdone and is a bit of an insult to the 76 recommendations in the committee inquiry report.

**Ms MELANIE GIBBONS (Holsworthy) (21:42:02):** As the Parliamentary Secretary for Emergency Services, I am pleased to speak in support of the Bushfires Legislation Amendment Bill 2020. This bill is part of the Government's comprehensive response to the 2019-20 bushfires. I thank the Minister for emergency services for bringing this legislation to the House. I am particularly pleased to see these changes come to this Chamber quickly so that we can start to help to make a difference to the lives of the people of New South Wales. Earlier this year, even before the bushfire inquiry made its recommendations, the Government committed around \$45 million to fast-track hazard reduction through the employment of 100 extra Rural Fire Service mitigation crew roles. That will get boots on the ground to assist our volunteers in hazard reduction. That \$45 million is important in making a difference for our volunteers. On top of that is an extra \$34.4 million, which essentially doubles annual fleet funding in what is an already record budget.

These legislative amendments come in addition to our \$192 million initial funding package to the NSW Bushfire Inquiry, which included \$23 million in additional personal protective clothing for frontline firefighters, \$17 million to retrofit NSW Rural Fire Service and National Parks and Wildlife Service [NPWS] vehicles and to replace Fire and Rescue NSW tankers and \$36 million for a new first responder mental health strategy for emergency services. I am particularly pleased to see that because recently an RFS member called me and told me what the volunteers went through. We obviously have some idea—the member for Blue Mountains has brought her son's experience to this House and we all saw it on television—but to hear in that phone call what she had gone and was going through had quite an impact on me. I took her matter to the Minister and was pleased to hear that \$36 million was going toward supporting mental health for these important volunteers who give and give and give to ensure that we are all safe. That is just some of the investment that is going into making a difference.

It is the intention of this Government, through this bill and the other measures that it is undertaking, that New South Wales will be safer and better prepared for bushfires than ever before. We are providing more and better support to individuals and communities to help them recover from last season's bushfires. As we are all aware, the 2019-20 Australian bushfire season saw hundreds of fires. Locally, the Holsworthy electorate was hit worse the year before than this year but, like many parts of New South Wales, we were not strangers to fires. Just this year on 5 January a bushfire broke out in bushland at the back of Voyager Point. This fire threatened to impact houses in Voyager Point and Hammondville. Authorities were concerned about the local nursing home and the need to close the M5 motorway due to the heavy smoke conditions.

Thankfully, with the support and quick action of our firefighters, no property was damaged, no lives were lost and no-one was injured as a result of that fire. I particularly thank the Sandy Point RFS brigade and the nearby Woronora RFS, who fought from the water, for their efforts that day in combating the fire. The teams were also supported by other teams and aircraft as well. Their heroic actions will never be forgotten by our community. The fires across New South Wales took their toll. Devastatingly, lives were lost, homes were destroyed and memories gone. As someone who remembers the 1994 and 1997 bushfires in and around Menai, my thoughts were with all those who were impacted. I know how long it takes to even start to somewhat heal and for some it can take a lifetime.

This bill responds to recommendations of the NSW Bushfire Inquiry, which was commissioned by the Premier in January this year to ensure that our State can learn the lessons of the 2019-20 bushfires—a fire season of a size and scale never before seen. The New South Wales independent bushfire inquiry was headed by former Deputy Commissioner of the NSW Police Force, Mr Dave Owens, APM, and former NSW Chief Scientist and Engineer, Professor Mary O'Kane, AC. The inquiry heard from operational experts and community members alike, receiving nearly 2,000 submissions and holding consultations with bushfire-affected communities right across our State.

During its consultation with bushfire-affected communities, members of the public who live next to public land raised concerns that public land managers were not addressing bushfire risks adequately. Concerns were also raised that bushfire hazard complaints about public land were not being addressed. The inquiry heard that public land managers were not being good neighbours when it came to preparing for and reducing the risk from bushfire. As someone whose electorate has large areas of government-managed land, including the Georges River National Park, the appropriate governance and audit of fuel management and risk assessment practices rightly concern me, as it did those who contributed to the inquiry process. This led the inquiry to recommend at recommendation 24 that public land managers should aspire to be the best neighbours possible in terms of bushfire preparedness. The bill makes a number of changes to encourage public land managers to ensure public land is well managed, with its neighbours in mind when preparing for bushfires.

It also removes the distinction between public and private landholders with respect to bushfire hazard reduction complaints. Importantly, this does not change how a complaint needs to be made. Complaints about public land are to be made to the RFS commissioner. However, the bushfire inquiry found that some people forwarded complaints about public land to the public authority that managed that land. It is an understandable and easy mistake to make. There is currently no statutory requirement for public authorities to forward such misdirected complaints to the RFS commissioner and for the RFS to have oversight of these matters. Thankfully, the bill changes that and creates a statutory requirement and implements a tenure-blind approach where public safety will always come first.

The bill now also simplifies the process for responding to substantiated bushfire hazard reduction complaints by making the process the same for public authorities as it is for private landholders. Currently, if the commissioner finds through an investigation of a bushfire hazard complaint that a bushfire hazard exists on public land, the commissioner is only able to take action if the complaint relates to a public authority's failure to take notified steps or otherwise perform its duty to prevent the spread of bushfires. Notified steps are steps that the Bush Fire Coordinating Committee has advised a public authority to take to reduce bushfire risk, or steps that are included in the bushfire risk management plan.

The bill simplifies the process and removes the need for a bushfire hazard on public land to have been previously identified either by the committee or in a plan. The bill proposes that where a bushfire hazard complaint about public land is substantiated, the commissioner may direct a senior RFS officer of superintendent rank or above to serve a notice on the public authority. The bill introduces a new penalty for public authorities and corporations that fail to comply with a bushfire hazard reduction notice. The penalty is set at 100 penalty units, double the amount for an individual, and is reflective of the greater responsibility we place on those with the means to act.

During the last bushfire season, rural communities were impacted severely. Aside from the devastating impact the fires had on people, over 600,000 hectares of pasture and 90,000 kilometres of boundary fence were damaged, and close to \$900 million of infrastructure losses were reported. That does not even take into account the flora and fauna that was destroyed. The rebuilding of fences after fires is a major burden on rural landholders. At present, section 76 of the Rural Fires Act 1997 allows private landholders to issue notices to their neighbours to repair or restore their fences if they were destroyed by a fire caused by that neighbour's failure to clear combustible material on their boundary. If the neighbour fails to act on the notice, section 77 allows for cost recovery. [*Extension of time*]

Currently, public land may be excluded from public notices if an exemption is approved in the local bushfire management plan. The bill amends the Act to remove the capacity to exclude land and eliminate this double standard in relation to public land, therein ensuring a tenure-blind approach to the repair and replacement of boundary fencing damaged by bushfire. It will ensure that public land is better managed in terms of bushfire preparedness and that the potential for the spread of bushfire to neighbouring properties is taken into account.

I thank all of our local Rural Fire Service volunteers who worked tirelessly during last summer's bushfires to ensure that the local community was safe. Their dedication, service and commitment is valued and was outstanding, and for that they should be commended. I particularly acknowledge the captains from each of my local fire brigades, as their hard work and leadership does not go unnoticed. I recognise Captain David Collins of Casula RFS Brigade, Captain Mark Cassidy of Sandy Point RFS Brigade and Captain Stuart Townsend of Menai Bushfire Brigade. They lead phenomenal teams and I thank them for their time and effort.

Communities would be more at risk to disasters and emergency situations without our emergency volunteers. I thank them for the time they give in service of their communities across the State. When speaking to many volunteers after the January fires, I discovered how much time they had to take off work and how much time they had to spend away from their families. I also learned how they had to find babysitters to take care of their children, work out who was getting them to school that day, ensure that their meals were prepared and that

their washing was done. Those tasks that make a family run still had to be done all while they were in the back of a fire truck trying to keep others safe. Their commitment is phenomenal, and I thank them for their time and effort.

During the 2019-20 bushfires our volunteers never gave up, and their courage and professionalism is a credit to them. Together with other changes and with a record budget for our emergency services, plus the additional funding, this bill will help New South Wales be better prepared for bushfires than ever before. I thank the Minister for all the work that he has done and I commend the bill to the House.

**Ms JENNY AITCHISON (Maitland) (21:53:54):** From the outset I flag my deepest concerns about the way in which the Bushfires Legislation Amendment Bill 2020 has been rammed through this place. It is appalling that, as usual, I was the first member of Parliament to call NSW Farmers and the Country Women's Association about important Government legislation that will have a significant impact on farmers and regional and rural people in this State. Despite all the resources of government and the advisers that Minister has, he still did not have time to pick up the phone. What is wrong with this Government? Just as with every other piece of Government legislation, regulation or other statutory instrument, farmers are the face of it but they are the last to know about it. In fact, it has been mooted in the media in the last 24 hours that the Minister for Agriculture and Western New South Wales might have to pull his own land clearing legislation because he cannot get the full support of Coalition members in the other place. That is further evidence of a deeply divided government and it shows that the Minister is lazy and ineffective and does not understand the need to consult on legislation with stakeholders.

The Nationals are always poor at consultation, and the lack of consultation on this bill is very dangerous for farmers in this State. I defy anyone in New South Wales to find any farmer who is fully across what they are legally entitled to do with their land in relation to clearing and bushfire hazard reduction. Under this Government, the rules have changed so regularly that we have even had the ridiculous situation of farmers who were found to have illegally cleared their land alleging that a former Minister gave them the green light to do so. The Nationals are telling farmers that they can do whatever they like with their land, yet 150 or more farmers, mostly from the north-west of the State, are facing compliance actions over land clearing.

We are not just talking about clearing a firebreak; we are talking about a Nationals Minister allegedly telling a farmer that it would be okay to clear 423 hectares. One thing is clear: The New South Wales Government has made a complete hash of land management, and farmers and people in the regions have paid the price through compliance actions, prosecutions, lack of certainty and multiple changes to practical land management driven by extreme ideology and developers. The member for Cessnock was clear when he spoke on the other practical outcomes of this bill, which included a warmer climate and a greater risk of bushfires.

Farmers want certainty around their land, but this Government has failed at every turn to provide this. Now it is not even talking to key stakeholders about these issues. That is shameful because NSW Farmers and the Country Women's Association are both extremely effective bipartisan lobby groups for farmers in this State. If the Minister is not consulting with them on what is happening to land in regional, rural and remote New South Wales, who is he consulting? If we learnt nothing else from the fires of 2019-20, we know we have to have a statewide multi-agency response. That has to include not just RFS but also Fire and Rescue NSW, NSW National Parks and Wildlife Service firefighters, Forestry Corporation fire crews, local farmers and their families, the SES, the NSW Police Force, paramedics and the Australian Defence Force. All those people who got together on the front line to fight these fires are being disrespected by this Government again and again.

We know that there is no one-size-fits-all solution to hazard reduction in this State. The geography, topography, demography and industries that are involved in the management of rural, regional and remote lands are complex and differ widely. I have heard many stories from people who have been devastated by the fires. The deepest trauma occurs when people have no control over what is happening to them. What is the Government doing to help? Even on a macro level it has no control. It is ramming this legislation through the Parliament and not consulting with the Opposition or stakeholders. Government members cannot even consult with themselves. Where is the Minister for Police and Emergency Services? Where is the Minister for Agriculture and Western New South Wales, the Minister for Planning and Public Spaces and the Minister for Energy and Environment? They are meant to have concurrence as a result of this legislation, but not one of them is in the Chamber.

The member for Blue Mountains has been in the Chamber throughout the debate on the bill. I have been in my office listening to the debate very carefully, as have many other Opposition members. The Deputy Premier conned the people in this State about hazard reduction. His government cut National Parks and Wildlife Service brigades, State fire brigades and other services. It is not a lack of will to undertake reductions; it is a lack of people.

I turn to the legislation more specifically to give the Minister some feedback from the stakeholders, because he does not really like to listen to anyone else. Schedule 1 [15], [16], [19], [20] and [21] all address bugbears that have been there for farmers for many years. Farmers have told me they did not feel this was adequately addressed,

either in the bushfire inquiry or the royal commission. They feel that the Government should be held to the same standards of responsibility for fire hazard reduction management and it should be a good neighbour. It is appropriate that the Government will now be subject to the same compliance and management standards. The farmers I spoke to in Tumut, Batlow and other parts of the State were helpless to deal with weeds and pests on State Government land—whether it is Crown land, national parks or State forest—that was not being properly managed. We know it is about the resources, not about the people. It is about people not being able to get to those jobs because they do not have the resources to do it. That was a huge concern for people.

Schedule 1 [22] aligns with the NSW Farmers Association policy around adjoining farms. Schedule 1 [27] reflects changes that have been their policy for some time. However, the sticking point for them is the uncertainty around the rural boundary clearing code, which has not yet been drafted. As they say, the devil will be in the detail. The irony is everybody is worried about this. People are very concerned from the environmental perspective because the code has not been drafted. If one speaks to farmers, they are worried because it is not written. No-one trusts the Government to be a clear and transparent player because it has not shown the capacity to do so. We do not know what the code will look like. We do not know what kind of legislation it will be. We do not even know if we in this House will have the right to look at it. Will it be something that just arrives in the Gazette? Will it be something like the State environmental planning policy [SEPP] that just gets put in through some deal done between the Liberals and The Nationals in the Coalition? This is a set of deals that continues around and around in a circle and farmers are the ones who have no certainty of what is going to happen with their own land.

The inclusion of local Aboriginal land councils in the bushfire coordinating committees is an important aspect and is something which should be done. But we need to know that those people are listened to. I am concerned about the industry brigades. It is unclear whether these are setting up private brigades or what they are doing. NSW Farmers and I are unsure if this is what is supposed to be covering the so-called mosquito fleets, the farm fire units who fought side by side with the Rural Fire Service, Fire and Rescue NSW, State forests, the Australian Defence Force, NSW Ambulance, national parks, SES, police and all the others.

Are they going to be part of this? This has definitely been a concern for them. They are not sure and it is not clear when their insurance coverage kicks in. We know that this was covered to some extent around the provision of personal protective equipment but section 33AA (2) (g) talks about the financial ramifications and the reimbursement or expenditure incurred by industry brigades, including regulating or prohibiting payment from the New South Wales Rural Fire Fighting Fund. Is that funding going to be paid to these mosquito fleets to reimburse them for services that they have undertaken to save life? [*Extension of time*]

I share the concerns of the shadow Minister and various unions, particularly the Fire Brigade Employees Union [FBEU] and the Public Service Association [PSA], around what this will mean for the privatisation of our brigades, because we know that this Government has an agenda to privatise everything. Farmers need to be more engaged in the decision-making around fire management, but this legislation still does not address the fundamental tension. Farmers need to be included in local decision-making about fires. No-one knows the land as well as the person who farms it every day. They are there. They know what is going to happen. Yet so many times in 2019 and 2020 we heard farmers speak of being cut out of decisions about the way the fires were fought.

There is also another tension here and that is how the responsibility will sit. Will farmers be caught up in these brigades to the extent that they lose their autonomy and decision-making, or will they be included and be part of the decisions? Then what is going to happen? Disturbingly, farmers are asking questions and the Government is failing. The Minister for Police and Emergency Services is failing to answer questions about what happens when fires get out of control on a farmer's property. When does the responsibility for that fire shift to the RFS or other firefighting agencies that come in? There have been some real concerns about the lack of clarity around the handover of authority. How does that work around liabilities, use of resources and all of that sort of thing? That is a real concern for farmers. It is something that I urge the Minister to address in his reply.

I pay special thanks to Peter Arkle, Annabel Johnson and Kathy Rankin from NSW Farmers for the enormous help that they have given me as they provided their perspective on what this legislation may do in the very short time they had to look at it. I also thank Danika Lees from the Country Women's Association, Leighton Drury from the FBEU and Stewart Little from the PSA, who have similarly been very generous with their time, and the many environmental groups who have consulted with NSW Labor on this bill. I am sorry as I know they would have been left out of the Government's consultation process.

Real change that will stop us experiencing the horror of the bushfires in 2019-20 can only be achieved with full, true consultation, respect and understanding of each other and the perspectives we come to this with, not just flying to ideological corners and having a hissy fit. We know this bill is yet again about the Government trying to sort out its own internal conflicts. The problem is that in trying to sort out those conflicts in order to wrest back the control of the mess which is its land conservation and management framework, its fire reduction strategy, the Government is holding to ransom every person in the State who lost someone, lost an animal, lost property, lost

their home or lost their job—and worst of all, the 25 people who lost their lives. Those opposite are saying, "We are going to do some good things here, but we know best and we are not going to listen to you."

I take a moment to repeat the names that I spoke on 5 February 2020 in this place, because at the end of the day these are the people who are let down by the tactics of this Government, which have nothing to do with saving people's lives and everything to do with politics in Macquarie Street. They are Geoffrey Keaton, Andrew O'Dwyer, Samuel McPaul, Colin Burns, Captain Ian McBeth, First Officer Paul Clyde Hudson, Flight Engineer Rick DeMorgan Jr, Robert Lindsey, Gwen Hyde, Vivian Chaplain, George Nole, Julie Fletcher, Barry Parsons, Chris Savva, Russell Bratby, Patrick Salway, Robert Salway Laurie Andrew, John Butler, John Smith, Michael Campbell, David Harrison, Ross Rixon, Michael Clarke and an unknown man aged 56. These are the 25 people in our State and from the United States who we lost in these fires. I urge the Government to pay more respect to those people and not to use them for this travesty.

**Ms GABRIELLE UPTON (Vaucluse) (22:08:51):** I make a brief contribution to debate on the Bushfire Legislation Amendment Act 2020. This Act will amend the Rural Fires Act 1997 and other legislation and implement some of the recommendations from the NSW Bushfire Inquiry report dated 31 July 2020. The inquiry, led by former Deputy Commissioner of the NSW Police Force, Dave Owens, and the Chair of the Independent Planning Commission of NSW, Mary O'Kane, AC, endeavoured to understand what had happened during the 2019-20 bushfire season and made recommendations on bushfire preparedness and response ahead of our 2020-21 bushfire season.

It is a comprehensive report by two experts who are held in very high regard, and I thank them sincerely for their excellent and comprehensive work. I take this opportunity to mention Mary O'Kane, who was our inaugural Chief Scientist. I have always found Mary to be very generous with her time and her efforts. She has set the benchmark for the way in which independent scientific advice can assist a government with making policy. I note that all 76 of the NSW Bushfire Inquiry report's recommendations were accepted in principle by the Government. As I said, some of the recommendations are being acted upon in this bill. I warmly welcome them. They are important and will enhance public safety through a number of measures. They include giving power to rural landholders with a simpler vegetation clearing scheme, strengthening governance around bushfire hazard management on public land and improving the coordination of bushfire planning and operations.

Other members have spoken directly to the bill. Some have wandered off topic. I take this opportunity to speak to some of the other recommendations that the New South Wales Government has committed to but that are not addressed in the bill. They are part of the complement of the report. An initiative I have been working on for the Premier for the past year is focused on making sure that we accelerate our research and development in New South Wales, meaning that we turn the great ideas we have in New South Wales into more solutions, jobs, products and services and international products, services and jobs. My work to produce an action plan to do that has been guided by an amazing advisory council chaired by David Gonski, AC. It includes a lot of eminent leaders known to this House and across the nation in the innovation, government, business and tertiary sectors: Catherine Livingstone, AO; David Thodey, AO; Jennifer Westacott, AO, who heads the Business Council of Australia; Professor Michelle Simmons, AO, who was Australian of the Year a number of years ago; our Chief Scientist, Hugh Durrant-Whyte; and venture capitalist Daniel Petre, AO. They are just some of the members of the council.

New South Wales has some of the best universities in the world, the most start-ups in the nation—I thank the member for Parramatta and Minister for Skills and Tertiary Education; indeed, that is true—and a highly skilled workforce. We are a safe place to invest, having handled the COVID-19 pandemic in an exemplary way. But the simple truth is that we have not turned research into commercially viable technologies and products as much as we should have. We are missing a massive opportunity to power the New South Wales economy by building new industries and new jobs and becoming a world leader in new technologies. The New South Wales Government will use the report's recommendations as an opportunity to use some of our great ideas to tackle one of our biggest public policy challenges: bushfires. We can take those technologies to the world and to countries that also have big bushfire risks. We can do that better than anyone else.

For example, the report says that we need to push available technologies harder—specifically in fire science, remote sensing, data science and artificial intelligence—to better understand what happens during a bushfire and respond more quickly. We need to create the environment for new technologies to emerge—ones that we have not even dreamt up—that will help us solve problems such as bushfires. We have not done that, but I am convinced we do have that kind of creativity and talent in New South Wales. The Government does not have all the answers. We need to work closely with industry, universities, start-ups and small businesses to leverage whatever resources we have and whatever funding initiatives the Commonwealth Government has on the table.

Specifically, recommendation 4 in the report is to establish a spatial technology acceleration program to maximise the information we have to improve how we detect ignitions and monitor all fire edge intensity across the State in real time. Recommendation 5 is to establish New South Wales as a major centre for bushfire research,

technology development and commercialisation. It states we should establish a bushfire technology fund—mirroring NSW Health's successful Medical Devices Fund—to assist with the rapid development of technologies and services to sense, fight, mop up after and protect us from bushfires. It also states we should do more research into extreme fire behaviour so we can better understand, model and predict the likelihood of extreme fire behaviour. It will mean we can target our firefighting resources to areas where the fires are likely to become most damaging. The Royal Commission into National Natural Disaster Arrangements tabled its report at the end of last month. The commission's report made similar points, stating:

There are opportunities to develop and utilise technologies in all phases of a natural disaster. This should not just be through the development of new technology, but also through better use of existing technology.

Excellence in technology in New South Wales is what we are all about in this bill, which is focused on saving lives, property and livestock and preventing trauma across New South Wales communities during bushfires. The approach that I have outlined, which is underscored in the report that has been presented to the Government—which the Government has embraced and has supported all of its recommendations—together with this bill is focused on those outcomes. I support the bill and I look forward to helping the Government deliver on the report's recommendations, in particular, recommendations 4 and 5, which go to the saving of life and property and the creation of new industries and skills, making us a worldwide exemplar in stopping bushfires that affect our community.

**Dr HUGH McDERMOTT (Prospect) (22:16:27):** I contribute to debate on the Bushfires Legislation Amendment Bill 2020. The 2019-2020 bushfire season was unprecedented—the most devastating in our State's history. The destruction of our State's unique flora and fauna, the damage to our infrastructure and communities and the loss of life have left thousands of our community members traumatised. Over 17 million hectares have been burnt across New South Wales, Victoria, Queensland, the Australian Capital Territory, Western Australia and South Australia. The New South Wales Department of Planning, Industry and Environment noted that as of 28 January 2020 the fires in New South Wales alone had burnt 5.3 million hectares—approximately 6.7 per cent of our State. The fires then continued for another month after that date. The department further noted that 80 per cent of the World Heritage-listed greater Blue Mountains area and 54 per cent of the New South Wales components of the Gondwana Rainforests were affected by the ferocious intensity and extent of the fires.

Professor Chris Dickman at the University of Sydney estimated that more than one billion animals had died nationally and more than 800 million of those were in New South Wales. Professor Dickman noted that his calculations were conservative and that the figures may be substantially higher. Those figures are simply the environmental effects of the catastrophic bushfires. The 2019-20 bushfires affected thousands of families, who have been forced to rebuild their lives. On 12 February 2020 the NSW Rural Fire Service reported that as a result of the bushfires, some 2,439 homes had been destroyed in New South Wales. We need to understand the real effect and devastation of this disaster. Families are still unable to gather around dinner tables in the evening and many children still do not have a permanent warm bed to sleep in at night. The lives built by thousands of hardworking Australians over many years have been destroyed. Further, the devastating bushfires that ripped through the country resulted in the tragic deaths of many. Destroyed property can be rebuilt by our hardworking, resilient and determined community. However, the loss of our family members, friends and colleagues is a trauma that no-one should have to bear.

Thirty-three people tragically lost their lives. A total of nine firefighters were included in that number: Rick DeMorgan Jr, Paul Hudson and Ian McBeth from the United States of America, Matt Kavanagh, Geoff Keaton, Samuel McPaul, Bill Slade, Andrew O'Dwyer and David Moresi. Two of the volunteer firefighters who lost their lives, Geoff Keaton and Andrew O'Dwyer, died in the Green Wattle Creek blaze just before Christmas, leaving behind two young families. As I have explained to this House more than once before, those two men were colleagues and friends of mine. The impact of those fires not only on the rural community but also on the Prospect community and across western Sydney was immense.

In the Rural Fire Service Cumberland Zone that comprises the two brigades that serve my electorate, the Horsley Park Brigade and Eastern Creek Brigade, some 800 members were deployed over those few months. That they were constantly deployed from September throughout New South Wales from the North Coast to the South Coast, to the west, to the mountains or wherever showed the impact of the fires on every single person in the State. We also had a major bushfire in the electorate of Prospect, on Prospect Hill, which threatened hundreds of homes, including my own. Who would have thought a major bushfire would affect the middle of western Sydney, the North Coast, the South Coast, the Blue Mountains and the Snowy Mountains at the same time? Those bushfires caused a national emergency and a national disaster that was unprecedented, and we must take action.

Earlier today I spoke at length with the NSW Rural Fire Service Association [RFSA]. Although the bill does not discuss the majority of concerns raised in the NSW Bushfire Inquiry report, the RFSA supports the amendments that have been put forward. However, like me, the RFSA is concerned that it was not consulted at



any stage during the drafting of this legislation. The peak body that represents volunteer firefighters in New South Wales was not consulted. RFS members read about the proposed legislation in a press release a few months or some weeks ago and then saw a copy of the bill this morning when I sent it to them. In future, I urge the Government and the Minister to liaise with the RFS, which has over 40,000 RFS members and basically represents all volunteer firefighters in New South Wales. It is imperative that the RFS is consulted when legislation is proposed that will affect its members and those first responders who protect our community.

The Bushfire Legislation Amendment Bill 2020 amends the Rural Fire Services Act 1997, the Biodiversity Conservation Act 2016 and the National Parks and Wildlife Services Act 1973, and makes minor reforms to the Local Land Services Act 2013, the Rural Fire Service Regulation 2013 and the State Emergency and Rescue Management Act 1989 in response to the bushfires. Schedule 1 to the bill refers to industry brigades. There has been some confusion about what an industry brigade is—I have seen that happen many times but it is straightforward. Sometimes the Forestry Corporation but usually hardworking farmers put together enough resources and undertake a high level of training to enable them to work with the RFS, Fire and Rescue NSW, National Parks or Forestry to fight fires. But until this bill they have had no protection.

Time and time again, I have seen those volunteers go into very dangerous situations with members of the RFS in order to protect people's homes. Many homes may be threatened during bushfires and schedule 1 to the bill recognises that people need to be trained to defend their community and have the same responsibilities and level of protection as is afforded to members of the RFS. I think that is one of the better parts of this legislation. Another positive element of the bill is schedule 1 [7] regarding the proposed expansion of membership of the Bush Fire Coordinating Committee. The amendment promotes the inclusion of a member of the NSW Aboriginal Land Council. This will enhance the involvement of Aboriginal people and assist the community in preparing for upcoming bushfire seasons. It is so important to consider many different groups that can feed as much information as possible into our fire management plans.

The bill also amends the Rural Fire Services Act 1997 and proposes new section 100RB to empower rural landowners to clear up to 25 metres of their property from the boundary without onerous approvals. Two main conditions of this new rule are upheld in schedule 1 [22]. The first is that vegetation clearing work is only to be carried out within 25 metres of the property boundary. I was surprised by that condition as it was not mentioned in the NSW Bushfire Inquiry report or in its recommendations. I then received correspondence from the Nature Conservation Council [NCC] and the National Parks Association of NSW that highlighted concerns about the proposed amendments. Unfortunately, I will not have time now to go through all those issues. The NCC said it does not understand how clearing work helps with bushfire mitigation. I also received correspondence from the Independent Bushfire Group, which has raised concerns about the bill and calls on the Government to focus on implementing the NSW Bushfire Inquiry report. [*Extension of time.*]

The NCC, the National Parks Association, the Independent Bushfire Group and a number of my colleagues have raised concerns about clearing work to be carried out within 25 metres of the property boundary. That is not reflected in the recommendations of inquiry and I do not understand its purpose because it will not help with bushfire mitigation. I am happy for someone to explain to me how it will work but no-one I know can tell me its purpose at this stage. I join my New South Wales Labor Opposition colleagues in not opposing the amendments proposed in the bill. However, as noted by the NCC and the Independent Bushfire Group, the bill ignores 76 detailed recommendations made by the NSW Bushfire Inquiry independent report that was released on 31 July—some 100-plus days ago. Empowering residents of New South Wales to clear 25 metres from their property boundary was not one of the inquiry's recommendations; nor is there any evidence to prove that the introduction of this amendment and the ability to undertake hazard reduction as introduced by this bill in rural areas will solve the issues we faced during the 2019-20 bushfire season.

The lives and houses that were saved during the 2019-20 catastrophic bushfires were saved through the hard work and efforts of thousands of volunteer and paid firefighters who were on the front lines for months, protecting our communities. They were united, with one goal: to prevent the fires from reaching the communities they were protecting. Lack of action by the Government must not continue to endanger the lives of our volunteer and paid firefighters. It is imperative that the Government focus on implementing the recommendations of the NSW Bushfire Inquiry and propose effective measures and legislation that will adequately protect our community from another catastrophic bushfire season.

This will not be achieved by introducing legislation with one day's notice, without allowing elected members of Parliament and experts in bushfire prevention and management to analyse the bill efficiently. It is time for the Government to step up on this issue and introduce legislation that will further ensure the safety of our communities. The Government must move forward and introduce legislation in line with the recommendations of the NSW Bushfire Inquiry. I am saddened that that will not happen by the end of this year. It has been three

months, but we have no legislation. This bill is nice to put up but it will not address the issues that we faced during the last catastrophic bushfire season. The Government must step up.

This should be a nonpartisan issue. This is about saving lives in our community. As has already been said, we will be facing this problem again for the next five to seven years. I do not want to be in a situation as an MP or a volunteer firefighter where we have to again go through what we have just gone through because of inaction by any government.

**Ms ROBYN PRESTON (Hawkesbury) (22:29:58):** I speak in support of the Bushfires Legislation Amendment Bill 2020. The 2019-20 bushfire season was truly a demonstration of the new extreme and showed us what mega-fires can do and how dangerous they can be for our communities and our firefighters. Of greatest sadness were the deaths of our brave firefighters and civilians. Those fires tragically claimed too many lives. At a public bushfire State memorial honouring those victims the then Rural Fire Service Commissioner, Shane Fitzsimmons, told the service that each death served as a tragic reminder of the horror of that summer. Nearly 2,500 houses were destroyed, as well as three schools. The fires burnt over 5.5 million hectares of land as well as caused almost \$1 billion in infrastructure losses in New South Wales.

The Bushfires Legislation Amendment Bill will amend the Rural Fires Act 1997 and other legislation to implement recommendations from the NSW Bushfire Inquiry, which was commissioned earlier this year and headed up by two eminently qualified persons: former Deputy Commissioner of the NSW Police Force Mr Dave Owens, APM, and former NSW Chief Scientist & Engineer Professor Mary O'Kane, AC. The inquiry heard from operational experts and community members alike, held consultations with bushfire-affected communities right across New South Wales and received nearly 2,000 submissions. I know many MPs were in Zoom conferences at some of those community-held consultations.

Proposed changes in the bill will enhance public safety outcomes through empowering rural landholders, simplifying the vegetation clearing scheme, strengthening governance and arrangements around bushfire hazard management on public land, and improving coordination of bushfire planning and operations. The bill also makes changes to simplify the rebuilding of homes following our Black Summer by providing exemptions from the Biodiversity Offsets Scheme. The bill was developed by the NSW Rural Fire Service and Resilience NSW. The primary stakeholders in the drafting of the bill were the NSW National Parks and Wildlife Service, Local Land Services NSW and the NSW Department of Planning, Industry and Environment.

Previous policies were too complicated, and the community wanted reforms for a clearer way forward. The Government is determined to learn the lessons of the last bushfire season and to make New South Wales safer than ever before from bushfires. The inquiry's final report made 76 recommendations—and members have heard other members refer to those—to improve our State's planning, preparedness and response to bushfires, all of which have been accepted by the Government. The recommendations included accelerating the creation of a strategic fire trail network, including funding immediate shovel-ready programs in 11 regional areas.

The report also called for extending NSW Rural Fire Service mitigation crews and NSW National Parks and Wildlife Services firefighter positions to deliver more hazard reduction work and to trial new mitigation trucks and posi-tracks; employing new community safety teams to ensure planning work is completed and agreed hazard reduction plans and compliance activities are enforced; and introducing new equipment and support for volunteers and firefighters, including additional personal protective clothing, mental health initiatives, fire truck safety retrofits and a trial of new flood and ration options for frontline workers.

It recommended new extreme fire behaviour analysts, training for firefighters, and improvements to public information and communications capabilities, including the new Fires Near Me app, air quality forecasting and monitoring systems and UHF radios to allow RFS trucks to talk to farmers. It recommended introducing enhanced critical communications for emergency services, including the rollout of integrated dispatches, and providing funding to collaboratively develop an Indigenous cultural fire management strategy. Finally, the report also recommended introducing initiatives to help protect the natural environment during and after bushfires, including water catchments, soil protection and wildlife conservation, and initiatives to enhance local emergency infrastructure in local emergency management operations centres.

The Bushfires Legislation Amendment Bill 2020 will seek to implement some of the legislative changes recommended by the inquiry. Proposed changes will enhance public safety outcomes through empowering rural landowners with a simplified vegetation clearing scheme. The changes will also strengthen governance arrangements around bushfire hazard management on public land and improve coordination of bushfire planning and operations. The bill also makes changes to simplify the rebuilding of homes following our Black Summer by providing exemptions from the Biodiversity Offsets Scheme. Our Government continues to work with the Commonwealth to work through the royal commission report and its recommendations.

Key changes made by the bill before the House include 25-metre rural boundary vegetation clearing. This allows landowners in rural zones to clear vegetation on their own property within 25 metres of their property boundary. Clearing may be carried out despite the need for approvals under other Acts if conducted for bushfire hazard reduction purposes and in accordance with the Rural Boundary Clearing Code. This code will be developed and approved by the Minister for Police and Emergency Services, with the agreement of the Minister for Agriculture and Western New South Wales, the Minister for Energy and Environment and the Minister for Planning and Public Spaces.

The 10/50 Vegetation Clearing Scheme provides an additional way for New South Wales residents who live near bushland to better prepare their homes for potential bushfires. The 10/50 rule will allow land to be cleared up to 25 metres from the property boundary, citing bushfire concerns without an environmental approval—a move that will empower property owners to reduce bushfire risk. Buildings that the 10/50 rule cover include external walls of buildings that have habitable rooms, including homes and visitors accommodation buildings. Manufactured homes, caravans within the parks and tourists' rooms are also covered by the rule. Facilities such as childcare centres, hospitals and schools are also covered by the rule, and vegetation around these facilities should be controlled through the rule.

Additionally, if a person lives in a designated bushfire zone they are able to clear certain vegetation near their home without having to get approval from the local council or land services office. This rings true to my heart. Many of my constituents have been tied up in red tape and have had to put in tens of thousands of dollars worth of reports to councils yet they still cannot get over the line for the clearing and protection of their assets and their family home. The vegetation includes trees on a person's property within 10 metres of their home, the definition of a tree being any permanent wood plant that lies within the area. It is further defined as having a single stem that exceeds three metres high. The tree should also have a circumference of more than 30 centimetres at the chest height. The vegetation also includes underlying vegetation such as shrubs—not trees—on a person's property within 50 metres of their home. The sorts of things I am referring to are bamboo, citrus, cotoneaster, privet, bananas and mulberry trees, which may be cut down or pruned without permission from the City of Sydney unless the tree is on the city's Significant Trees Register.

The key changes in the bill also include allowing the RFS commissioner to designate "industry brigades"—such as private foresters—to enhance the State's operational capabilities. Changes also ensure Indigenous representation, permitting the Minister to appoint a representative of the NSW Aboriginal Land Council to the Bush Fire Coordinating Committee and reflecting the representation that exists at the local level in Bush Fire Management Committees. As chair of the Bush Fire Management Committee for The Hills Shire Council area for the past 12 years, I concur that this is an excellent recommendation. *[Extension of time]*

Furthermore, the bill will ensure the following: consistency between public and private landholders; that references relating to bushfire hazard reduction are updated to ensure public authorities are treated equally to private landowners, including removal of the provision allowing land to be exempted from the requirements to repair and replace dividing fences that have been damaged by bushfire; that a senior Rural Fire Service officer is authorised to issue bushfire hazard reduction notices to public authorities; that a penalty is introduced for public authorities and corporations that fail to comply with a bushfire hazard reduction notice of 100 penalty units, which is double the penalty applicable to an individual; and that the NSW Rural Fire Service has greater audit powers, enhancing the RFS commissioner's powers to order bushfire plans and manage bushfire hazard complaints, including requiring public authorities to forward bushfire hazard complaints to the RFS commissioner.

The bill will introduce a 24-month exemption to the Biodiversity Offsets Scheme for structures being rebuilt after having been destroyed in the 2019-20 bushfires. The Minister for Energy and Environment will be empowered to declare assets of intergenerational significance within national parks, such as the Wollemi pines that are in my electorate of Hawkesbury that I am so blessed to have, and to allow the regulations to make provisions for actions that the chief executive may take with respect to those assets. The bill also provides for continuous improvement in emergency management by updating the statutory functions of the State Emergency Management Committee to include a responsibility to promote continuous improvement in the emergency management sector.

Hawkesbury is still healing from the devastation of the Black Summer bushfires. As I drive around Bilpin, Colo Heights and St Albans, I have to agree with Minister Constance's earlier comments when he said that it will take time to recover. My community has families now living in caravans on their blackened and bedraggled home sites. Gone are the sprawling homesteads and gardens they had once enjoyed and drove up to as they came home from a day's hard work. Instead the sites are punctuated with blackened bark sticks that are now sprouting green shoots in sudden contrast. It will take time to recover, and part of the healing is empowering landowners to be able to protect their property, homes, fences and ultimately themselves.

I thank the 23 brigades in Hawkesbury for their mighty effort. I also thank those volunteers who joined with us to fight and gain control of the bushfires. The amendments in the bill are born of the NSW Bushfire Inquiry recommendations. I hope that with the support of this House we can move forward together to enhance public safety, empower rural landowners, simplify rules and regulations in relation to land clearing and improve bushfire planning and operations. I commend the bill to the House.

**Ms JODIE HARRISON (Charlestown) (22:43:24):** At the outset of my contribution to debate on the Bushfires Legislation Amendment Bill 2020 I acknowledge the experiences that every person, every landowner, every resident, every community member, every community group and every volunteer has experienced in recent years when they have been affected by bushfires. But in relation to this bill I firstly reiterate concerns expressed by the shadow Minister and other Opposition members who preceded me in this debate. I acknowledge the very speedy work of the shadow Minister and others who have worked with her and the team supporting her. In particular, the concerns I wish to raise are the lack of consultation and the haste with which this legislation has been brought to Parliament and the Government not taking this legislative opportunity to incorporate all the recommendations of the NSW Bushfire Inquiry.

In the interests of saving time tonight, I will not deal in detail with those concerns because they have been adequately addressed by Opposition members. However, I will raise the key concerns about this bill expressed by one of the stakeholders—the Environmental Defenders Office [EDO]—in letters written to Opposition members. For the record, I state that the first concern relates to the proposed Rural Boundary Clearing Code that will be part of the amendment to the Rural Fires Act. The EDO is concerned because the proposed code will facilitate clearing of vegetation without the need for robust environmental assessment or approval and without a clear framework for monitoring and oversight, in some cases overriding existing environmental protections. Given the significant implications this could have on native vegetation and biodiversity, significant scrutiny is warranted. There has been no appropriate justification for that proposal.

The proposal to permit rural landholders to undertake clearing of vegetation on land in a rural zone for the purpose of bushfire hazard reduction was not a specific recommendation of the independent NSW Bushfire Inquiry; rather, the inquiry made a broad recommendation that the Government review vegetation clearing policies to ensure that the processes are clear and easy to navigate for the community and that the policies enable appropriate bushfire risk management by individual landowners without undue cost or complexity. The EDO also stated that there is little explanation of exactly what outcomes will be achieved by introducing the Rural Boundary Clearing Code. For example, why were particular land zoning categories included or excluded? What is the justification for 25 metres? What assets will be protected?

Furthermore, there has been no indication of how much clearing would be expected to be undertaken under the code or whether any analysis has been done. Given the already significantly higher levels of land clearing occurring in New South Wales, this proposal should not go ahead unless there is an understanding of how it may contribute to further and excessive increases in land clearing. Without an up-front understanding of the potential implications of this proposal, there is a real risk that it could lead to perverse outcomes, just as occurred with the 10/50 bushfire code that was introduced following the 2013 bushfires. Substantial detail, including the type and extent of vegetation that can be cleared and how it can be cleared, as well as what protections, if any, will be in place for clearing threatened species habitat, riparian corridors and Aboriginal and other cultural heritage, is not included in the bill. These matters will be left to the Rural Boundary Clearing Code, which is not yet available.

At this stage there is no indication of what, if any, oversight there will be for clearing under the Rural Boundary Clearing Code. For example, will landholders be required to notify a relevant authority before undertaking clearing or to obtain confirmation of code compliance before undertaking clearing? It is also unclear if there will be a framework in place for monitoring clearing under the Rural Boundary Clearing Code to make sure that clearing being undertaken is compliant, or how this would interact with monitoring of clearing on rural land under the Local Land Services Act 2013. There is no legislative requirement to undertake public consultation on the Rural Boundary Clearing Code before it is made. The Environmental Defenders Office states:

In our view, there are substantial risks with allowing the proposed amendments to the Rural Fires Act relating to the Rural Boundary Clearing Code to proceed without further justification for the proposal and an understanding of its impacts, including anticipated rates of clearing; and without further detail on the type and extent of vegetation that can be cleared under the code and how, and what protections will be in place for clearing and threatened species habitat and riparian corridors and for Aboriginal and other cultural heritage.

The Environmental Defenders Office has some concerns in relation to proposed changes to the Biodiversity Conservation Act. It says:

This proposal overrides the important environmental impact assessment requirements under the BC Act. Appropriately, the proposed amendment will have limited application, including that it only applies to development applications:

- in bushfire-affected development,

- that will result in a building or structure that is the same substantially the same,
- made no later than two years after the commencement.

We note that the term 'substantially the same' is undefined, and without further guidance, may be difficult to apply in practice and difficult to enforce.

In relation to the proposed changes to the National Parks and Wildlife Act, the Environmental Defenders Office says the bill proposes to insert a new section 188H into the National Parks and Wildlife Act to protect assets of intergenerational significance. It states:

While we generally support this amendment, as it is intended to protect important environmental and cultural assets, such as the Wollemi Pine, we note that certain aspects of this proposal, including the actions that may be taken for the management of declared land, including protection of the land from bush fire risks are not included in the Bill, but will be provided for in the Regulation.

As legislators, I think we should be better than this. We should not be dealing with legislation at the last minute at this stage of the parliamentary year. We should be informed through consultation with stakeholders, we should be informed through evidence and we should be informed by the inquiry undertaken by this very Parliament. I truly hope—perhaps in vain—that the Government will support the amendments that will be put by the Opposition as a result of consultation that we have undertaken in the absence of consultation by the Government. That is what our communities expect of us. That is what we should be doing tonight.

**Mrs LESLIE WILLIAMS (Port Macquarie) (22:51:41):** I speak in support of the Bushfires Legislation Amendment Bill 2020. We all know how challenging the bushfires of last summer were for so many communities right across New South Wales, including on the mid North Coast. We also know how important it is to reflect following our Black Summer and to implement the lessons of the season. We are fortunate that many of these lessons are captured in the NSW Bushfire Inquiry's recommendations, all of which have been accepted by our Government, with implementation underway. I, like many others in this House, congratulate Mr Dave Owens, APM, former Deputy Commissioner of the NSW Police Force, and Professor Mary O'Kane, AC, Chair of the Independent Planning Commission, former NSW Chief Scientist & Engineer, for their work in making sense of what was a truly unprecedented time.

The bill proposes a variety of changes that will enhance public safety outcomes through strengthening governance arrangements around bushfire hazard management on public land and improving coordination of bushfire planning and operations. I am fortunate to have had the opportunity to meet with many of our frontline volunteers who witnessed the devastating summer fires firsthand. The strengthening of governance arrangements was raised during many of our conversations and I genuinely thank those who shared their experiences, their knowledge and their views with me. I will, however, focus on one aspect of the bill that will also deliver important outcomes for the protection of areas of exceptional environmental and cultural significance.

This is an incredibly important issue to me personally and to my electorate, which boasts pristine waterways and forested areas. We know that, in addition to the immense toll on people and properties during the 2019-2020 bushfire season, we also saw devastation to some of our most precious natural environments. Some scientists, as other members have highlighted, have suggested that close to one billion native animals perished. That is an incredible loss for the State and for future generations. Despite all the heartache from the last fire season, we saw amazing acts of courage and action to protect our wildlife and assets. They included community volunteers who helped our injured wildlife and groups such as For Australian Wildlife Needing Aid—FAWNA—the Koala Hospital at Port Macquarie, the RSPCA, WIRES and the incredible efforts of many individuals.

Expert firefighters from the NSW National Parks and Wildlife Service were dropped into extremely remote and rugged areas and successfully fought for the survival of the sole wild population of the ancient Wollemi pine. It is a population that faces the risk of permanent extinction. These efforts were recognised by both the independent NSW Bushfire Inquiry and the recently released report of the Royal Commission into National Natural Disaster Arrangements. I am delighted to acknowledge them in this place. The NSW Bushfire Inquiry highlighted the critical need to make sure that our State's most significant environmental and cultural assets, such as the Wollemi pine, are better recorded and factored into a risk-based approach to fire management in the future.

We know that once we lose those assets we will never get them back, and what a travesty that would be. It is essential to make sure that priority actions to conserve these values can be taken in advance of bushfires and other risks emerging, but also so that decision-making during an emergency event can occur with the full knowledge of significant assets in mind, whether they are property, infrastructure, community or environmental assets. The bill before this Parliament responds to the observations of the NSW Bushfire Inquiry and will amend the National Parks and Wildlife Act 1974 to enable the Minister for Energy and Environment to identify and declare environmental or cultural assets of intergenerational significance within national parks and reserves. The bill will also make provision for regulations to be prepared to detail the management actions that may be undertaken to conserve and restore declared areas.

Importantly, the bill ensures that any such regulations must not affect the operation of the Rural Fires Act 1997 or the regulations under that Act. The ability to declare and take additional steps to protect environmental or cultural assets of intergenerational significance within national parks and reserves provide an important new mechanism to prioritise the specific action needed to protect our most valuable assets. Importantly, it covers both environmental assets, such as land containing important habitat or threatened plants and animals, and cultural assets. This will ensure that areas of exceptional significance to Aboriginal peoples are better protected. The regulations will identify actions required to protect our most important national park assets for future generations.

As highlighted in the inquiry, this could include special and localised fire management strategies consistent with the Rural Fires Act 1997. In addition, it could include special measures to deal with other threats such as feral animals, invasive weeds or even erosion. The bill will also improve the way that bushfire management actions are planned and implemented by introducing additional audit processes for bushfire risk management plans and by facilitating greater Aboriginal community involvement on the peak advisory body, the Bush Fire Co-ordinating Committee. Critically, the bill will make it easier for actions to be taken to address identified risks quickly and with less red tape. That includes additional powers for the NSW Rural Fire Service to issue bushfire hazard reduction notices, penalties for non-compliance with such notices, and clear requirements for complaints about potential hazards on public land to be referred to the RFS for assessment.

The bill will also provide a level playing field between public and private land when it comes to provisions regarding the repair or restoration of boundary fences damaged by fire by removing the ability for bushfire management plans to exclude some land from these requirements. As a member whose community came under threat of fire early in the bushfire season last summer and who has seen the devastation it can reap firsthand, I am pleased to commend the bill to the House.

**Ms LIESL TESCH (Gosford) (22:58:23):** I start by acknowledging the multi-agency response from our fires and all the individuals and communities that were impacted by fires over the summer. I am surprised that the Government can conduct an inquiry and ignore the recommendations by rushing this legislation through. Why do we bother? Why are we here—supposedly as the voice of democracy—when the stakeholders impacted by the bill have not been heard? The independent NSW Bushfire Inquiry and its recommendations are not reflected in this bill. As a legislator in this Parliament, I find that appalling. Our communities need to see funding and a time line clearly attached to each of the 76 recommendations as a matter of priority.

Those conducting the NSW Bushfire Inquiry held meetings in Lithgow, Tenterfield and Glen Innes before COVID and then conferenced online with 12 other communities across New South Wales. It is such an important matter so this legislation is a slap in the face to every person who was impacted and every single community member who has made representations. They feel like they have not been heard. I also thank the people on the Central Coast who were impacted. We were not even given the decency of having a video link-up in our heavily impacted mountain district community, so the individuals and community groups of that district made recommendations to my office.

Last summer was the most devastating bushfire season in our State's history. Fires destroyed 2,448 homes and 14,481 homes were saved. There were six days on which we had catastrophic fire and weather conditions across New South Wales, with an average of 2,500 firefighters on each shift and up to 4,000 on days of increased fire danger and impact. Tragically, 25 lives were lost, including three NSW RFS volunteers and three US aerial firefighters. I send my condolences to everyone who lost loved ones. We are yet to see a time line for the rollout of the 76 recommendations made in the 2020 NSW Bushfire Inquiry.

The first recommendation requires that the recommendations are implemented in a timely and transparent manner, and yet as we enter into the next bushfire season that recommendation is still to come. That stands beside the Minister's rush of the bill and lack of consultation with key stakeholders, including the mighty Fire Brigade Employees Union and those who coordinate the relationship between Fire and Rescue and the NSW RFS. In light of this rushed legislation, many stakeholders are calling for real action to support the mitigation of fire risk rather than pushing this legislation through.

The Central Coast was lucky. While we had extensive burning, we sustained relatively little damage to property—compared to other regions—in the face of bushfire threats from the Three Mile fire and smaller blazes, including those at Charmhaven and Wangi Wangi at the peak of the season. Around 10 per cent of the bushland across the Central Coast and Lake Macquarie was lost, including four residential homes, a toilet block at Mangrove Dam and 15 outbuildings. Another 13 homes and 13 outbuildings sustained damage but thankfully no lives were lost.

My electorate is well served by the RFS and I look forward to visiting more RFS and Fire and Rescue brigades in the coming weeks to see how their preparations are going for the future fire season and to see how their battle plans have changed from last year. Those volunteers took days and weeks of leave to do their bit to

protect our region and beyond, and it was only through their great actions that we escaped relatively unscathed. Tonight we celebrate their commitments and we cannot thank them enough. The firefighters of New South Wales and the people of New South Wales who were impacted by fire have made recommendations. While we have seen damaged vehicles replaced by insurance, we are yet to see a significant increase in vehicles across New South Wales despite those recommendations and promises.

I thank Celeste Barber and the people of New South Wales for their generous fundraising and financial contribution to NSW RFS brigades. That has allowed them to achieve locally identified upgrades, which is fantastic. I salute members of the Copacabana brigade who put out a call for funding during the fires to protect themselves with appropriate masks—good on them. I also thank the Country Women's Association Woy Woy and Central Coast Disaster Relief for their work to support fires during the fires. Yesterday they delivered approximately 1,000 pairs of Victorian-made Australian merino wool socks and homemade cooling neckties to be distributed to our Central Coast RFS volunteers. Our community efforts to support those heroes continues. After the Black Summer, our communities do not want to see rushed legislation which amends a number of Acts. We want to see funding and a time line attached to the 76 recommendations from the NSW Bushfire Inquiry as a matter of urgent priority.

**Mr David Elliott:** You have got it, \$200 million—\$192 million already announced.

**Ms LIESL TESCH:** And the 76 recommendations, transparency? Thanks, Minister. While the bill introduces the concept of "industry brigades", the legislation also seems to indicate a gap around the insurance protecting anyone operating within them. We would appreciate further explanation. The Government has already legislated the butchery of koala lands across New South Wales. While the bill allows for clearing work to be carried out on land in a rural zone within 25 metres of the holding's boundary with adjoining land, provided it is carried out for the purpose of bushfire hazard reduction and in accordance with the Rural Boundary Clearing Code, it horrifies many environmental and community groups, scientists and firefighters who are all very concerned about potential broadscale land clearing.

This rushed legislation seems to further the destruction of koala habitat with no scientific backup. The Biodiversity and Conservation Act is there for a good reason and should be supported by science. I thank the National Parks and Wildlife Service and the Nature Conservation Council and their experts for pointing out that the land clearing in the bill was not one of the recommendations in the NSW Bushfire Inquiry. I thank the member for Cessnock for pointing out that in many cases the boundaries, which are often waterways, are kilometres from buildings on properties.

Alternatively, asset protection measures need to focus on evidence-based property risk management as recommended by the inquiry. The science says that if the State and Federal governments had taken the necessary action on climate change, things could have been different. Sadly, this is the first piece of legislation on the bushfires in New South Wales after the horrific events of last summer, and it has not been developed in consultation with key stakeholders. The Fire Service Joint Standing Committee is meeting tomorrow. We need to listen to our firefighters and key stakeholders in developing any legislation in this place.

I thank the multi-agency response from our fires and acknowledge our RFS, the great efforts of Fire and Rescue NSW, the fire crews from the National Parks and Wildlife Service who work day and night, nonstop across my electorate and beyond, and the fire crews from Forestry who do such amazing work across New South Wales. We are so privileged to have such a talented firefighting force in New South Wales, including our paid workforce and the world's largest volunteer fire service with 72,000 volunteers. I encourage everyone to continue to reach out to the RFS, and donate and volunteer. Those men and women truly are community champions and require ongoing resourcing from the New South Wales Government. They need every resource they can get to protect us.

**Ms JANELLE SAFFIN (Lismore) (23:07:11):** I speak to the Bushfires Legislation Amendment Bill 2020. I am pleased to speak to any improvement that we can give to protection for landholders and farmers, and anything that makes people feel safe and become safe. I am pleased to be able to do that. I am disappointed, though, that such a seminal issue is not being given enough time for a debate. I know that we are debating it within the normal standing orders and all of that, but given what has happened with the extent of the bushfires, the trauma that we are still living with and the recovery that we are still living with, it would seem to me that it would be important to have more time for debate in this Parliament. As the representatives of our communities we can then put their thinking, their feeling and their wishes on the record because they are the ones who need to be heard in the Chamber. Sometimes we are a bit like an echo chamber, going backward and forward, up and down, and round and round. On this issue it would be good if we could do that—and I say that noting the presence of the Minister and others in the Chamber.

The Minister spoke about the Aboriginal Land Council being included in the Bush Fire Coordinating Committee, which is a good thing because it is essential. We talk a lot about cultural burning and incorporating that more into the whole framework of how we respond, plan and react to bushfires. Having a presence is a good start. I know that we will hear more about cultural burning. My local farmers talk about mosaic burning and I have raised that issue directly with the Minister. I have gone out with the farmers to look at it. It is important to include those approaches. I am not sure exactly what is meant by "industry brigades". I looked for a definition, and I am still not sure. I think it is a good thing.

**Mr David Elliott:** Dr Hugh McDermott explained it very well, so if you listen to your own member he will explain it better than I could.

**Ms JANELLE SAFFIN:** I missed the contribution of the member for Prospect. I was not sure but, as I said, I think it is a good thing. The Minister said that the member talked about it and knows what he is talking about.

**Mr David Elliott:** Yes, he understands it. He endorsed the policy.

**Ms JANELLE SAFFIN:** I am pleased. As I said, I think I know what it means but I was not 100 per cent sure. I will make sure that I read the member's contribution. I thank the Forestry Corporation and the National Parks and Wildlife Service, which were part and parcel of responding and worked side-by-side with the RFS, Fire and Rescue NSW, the farmers and local landholders. We talked a lot about being good neighbours. I said, "Even if you are a public authority, you are an agency of the State, you have to be a good neighbour and that means repairing fences." That is in the bill.

**Mr David Elliott:** Yes.

**Ms JANELLE SAFFIN:** That is how I read it. It took quite some time to get people to come to the party—the Government, but anyone with money—to make sure that there were funds available to repair fences. But we never gave up, and it happened.

**Mr David Elliott:** So you are endorsing the policy?

**Ms JANELLE SAFFIN:** I am endorsing part of the policy, Minister. Do not verbal me across the table.

**The DEPUTY SPEAKER:** The member for Lismore will direct her comments through the Chair.

**Ms JANELLE SAFFIN:** There was some debate about whether they should be included in the Dividing Fences Act and I said I did not expect they needed to be. We just need to make sure they are good neighbours.

**Mr David Elliott:** Model neighbours.

**Ms JANELLE SAFFIN:** Model neighbours, yes. That means planning beforehand. I have seen public land abutting private land where the private land has fire breaks and the public land does not. I see it in my area. The way I read this amending bill, action can be taken in terms of fire breaks—before, not just after. One thing I would like to see, because I like to see things in the machinery of government spelt out clearly—and I do not think the bill gives expression to the 76 recommendations—

**Mr David Elliott:** No. It was never going to.

**Ms JANELLE SAFFIN:** I think it is not meant to. Is that correct?

**Mr David Elliott:** Finally, somebody from the Labor Party who understands what we are doing here.

**The DEPUTY SPEAKER:** The member for Lismore will direct her comments through the Chair. I know it is difficult, but the member should ignore the Minister's interjections.

**Ms JANELLE SAFFIN:** It is hard when he keeps eyeballing me. I would like to see that come before the Parliament sooner rather than later. We need to have that discussion about the 76 recommendations and work our way through them because everybody—the whole of New South Wales—was impacted by the bushfires. Some people were terribly impacted and are still suffering. We need to see it in a tabulated, structured form so that we can have that discussion. The bill refers to hazard reduction. I get that. We have talked about it a lot. Our former Rural Fire Service Commissioner, now our Resilience Commissioner, Shane Fitzsimmons, said that hazard reduction is absolutely an important factor when it comes to fire management and managing fire in the landscape, but it is not a panacea. We all recognise that. It is part of the package—

[Interruption]

**The DEPUTY SPEAKER:** The Minister will come to order.

**Ms JANELLE SAFFIN:** The Minister is out of control, Madam Deputy Speaker.



**Mr David Elliott:** I have always liked you.

**Ms JANELLE SAFFIN:** Calm down.

**The DEPUTY SPEAKER:** The member for Lismore has the call.

**Ms JANELLE SAFFIN:** Some 51 bushfire inquiries have been held since 1939, and there have now been two more—the New South Wales one and the royal commission. So that is 53 in total. The first 51 inquiries never talked about global warming, the weather or its impacts. But the two since then have done so—including in their recommendations. That is welcome because we are suffering extreme weather events, climate change, global warming—all of that—which have impacts. We need to see that reflected in legislation. That will be most welcome. This is more a Federal issue but it impacts on us as a State. People talked about when the Australian Defence Force [ADF] can be called out.

The ADF has been called out many times by successive Federal governments without deep concern about the legalities involved—even though there are such legalities. I will not go into section 51 of the Defence Act, but there are issues. ADF personnel were a welcome sight and it would have been preferable if we could have had their support sooner—doing the things they are good at doing, particularly logistics and a whole range of other tasks, in a coordinated, calibrated way. When the ADF did come, it was very welcome. We need to have that ready response so we know how to calibrate it. I have a couple of other things to say, but I will not seek an extension of time. Given the hour, I will finish there. I am sure I will have more opportunities to discuss these matters.

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (23:17:19):** In reply: I particularly thank the member for Lismore, and indeed the member for Prospect. In my mind, they should both compete for the role of shadow Minister for Emergency Services because they are clearly the only two Opposition members who understand the Government's agenda and the intent of this legislation. I was sitting here reading the headlines while waiting to reply to the debate and I noticed the headline in *The Daily Telegraph*, "How has Labor got it so wrong?" I thought it was referring to the speech of the shadow Minister for Emergency Services tonight. In fact, it was talking about Joel Fitzgibbon, but it is very much interdependent when it comes to parliamentary and political observations.

The member for Lismore hit the nail on the head. Most of the recommendations do not require a legislative response. The shadow Minister for Emergency Services and other Opposition members were very critical that the legislation does not go far enough because it does not address the 76 recommendations of the NSW Bushfire Inquiry. If they had read the 76 recommendations, they would know that most of the recommendations do not require a legislative response. Some of them require business cases, some of them require cross-jurisdictional engagement and some of them do not require anything—they will just be policies and standard operating procedures implemented by the Rural Fire Service and Fire and Rescue NSW. I am confused by the fact that half the Opposition members have said that this legislation was rushed through and no stakeholder engagement was sought, but the other half have said that the Government has had 100 days to introduce the bill and they have asked what has taken so long. As is the case in a lot of political debates, if you upset both sides of the Labor Party then you might have got it right, so I will take their reaction as an endorsement of my legislative response.

Given the member for Blue Mountains did not follow the NSW Bushfire Inquiry, I stress to her that it was an independent process conducted by two highly qualified and eminent individuals, Dave Owens, APM, and Professor Mary O'Kane, AC. The inquiry was fundamentally a consultation process, so anybody who says that they were not consulted clearly did not know that for the last six months the inquiry was running. The Government has heeded operational advice on all matters, and I have not introduced anything in the bill that has not been endorsed by operational firefighters. I have worked closely with frontline agencies to identify priorities and key recommendations arising from the inquiry and in response to its findings the Government has already announced a record \$192 million in funding to provide new equipment for night-time aerial firefighting, enhance strategic fire trails and improve local emergency infrastructure.

This announcement and other legislative amendments are just the first step. The bill does not represent a panacea and this is not the end of the story. I said from the day the inquiry handed down its 76 recommendations that I would not be restricted by them, so the criticisms around the 25-metre land clearing issue are clearly from people who have not followed the debate. The bill is only one part of the Government's response to the inquiry. I was in the electorate of the member for Blue Mountains on 27 September to open two new fire brigades and I met residents from Blaxland and Lawson who supported the inquiry and applauded the Government's efforts to support communities affected by fires. Clearly the member for Blue Mountains has not consulted with those in her own backyard. The wonderful proverb says, "Take the speck out of your own eye so that you can see the speck in your brother's." In addressing some of the inaccurate assertions made by the member for Blue Mountains earlier

this year, the Government has committed \$45 million in funding and fast-tracked hazard reduction through the employment of 100 extra RFS mitigation crews.

**Ms Trish Doyle:** You are just replacing what you have cut.

**Mr DAVID ELLIOTT:** We have heard enough ignorance tonight, so how about you just be quiet for a little while? Included in this funding was an extra \$34.4 million, which essentially doubles the annual fleet funding in what is already a record budget. The Opposition has proposed adding members to the Bush Fire Coordinating Committee, including a representative from Fire and Rescue NSW nominated by the Fire Brigade Employees Union, a person nominated by NTSCORP Limited and a person nominated by the Aboriginal affairs Minister in order to promote cultural learning.

The Government does not support these recommendations because many of them are already embraced in the bill. Fire and Rescue NSW is already represented on the Bush Fire Coordinating Committee. If the shadow Minister knew anything about emergency services then she would know that. The bill already permits the Minister for Police and Emergency Services to appoint a representative from the NSW Aboriginal Land Council, reflecting the representation that exists at the local level on bushfire management committees. The additional representatives the Opposition have proposed could be considered for inclusion in the working group currently being formed by the Department of Planning, Industry and Environment regarding cultural fire management. This will ensure that those members' contributions towards the development of a broader consistent government approach to Aboriginal cultural fire management continue.

The Government is working hand in glove with the NSW Farmers Association and I was recently in Grafton with its president and the RFS Commissioner to launch the new Farm Fire Units project. These units will see volunteer firefighters working closer than ever with farming communities where fire is unfortunately a part of life. I cannot let the member for Maitland's comments about the "lack of respect" from this Government go unanswered given that no member of the shadow Cabinet, including the Opposition leader, bothered to attend the funerals of our fallen firefighters, whom they inappropriately named publically at the time, nor did any of them attend last month's annual commemoration service for emergency services workers. The shadow Minister for emergency services lectures me about respect yet she did not even bother turning up to the service, which her predecessor, the former member for Blue Mountains, Bob Debus, established as an annual commemoration of the fallen who have served our emergency services fraternity so well.

I will not take lectures from members opposite but I am keen to acknowledge the contribution from the member for Wollondilly to this debate. He clearly pointed out that this bill will respond to calls for more simplified vegetation management. He was at the coalface in his electorate during last summer's bushfire crisis and his passion was reflected in his remarks. I acknowledge those firefighters who were lost in his electorate during the Black Summer fires. The member for Blue Mountains referred to those sections of the bill that will help landowners rebuild homes damaged or destroyed by bushfire by providing a 24-month exemption to the Biodiversity Offsets Scheme. The member for Albury's community was also impacted heavily by bushfires, and the recovery there continues. We heard in his speech that this is a subject in which he is deeply interested.

The Parliamentary Secretary for Families, Disability and Emergency Services, who did a sterling job in assisting me during the Black Summer bushfires, detailed how the bill will enhance public safety through strengthening governance around bushfire hazard management on public land. I thank her for making reference to the Government's commitment to implementing recommendations from the NSW Bushfire Inquiry. Unlike members opposite, she also made reference to the \$192 million investment the Government announced. Clearly those opposite have not been following the public debate on this matter. She identified that this investment will fund the implementation of the more urgent recommendations made by the inquiry and also stated that these recommendations are certainly not exhaustive. [*Quorum called for.*]

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

I thank the Deputy Speaker for her contribution about the bill's important changes to the environment including the mapping of assets of intergenerational significance such as the Wollemi pines. I acknowledge the contributions of the members for Bega, Vaucluse, Hawkesbury and Wagga Wagga. I acknowledge the member for Prospect's support for the elements of the bill that support industry fire brigades. Hopefully he will explain to the member for Blue Mountains what they are about. His contribution endorses much of the Government's approach and I look forward to him being the next shadow Minister in the coming reshuffle. These valuable contributions note the important nature of the bill: to empower local landowners to clear vegetation on their own land without onerous approvals, the application of a tenure-blind approach, the elimination of double standards which exist between public and private landowners, and the strengthened powers of the RFS to audit and have greater oversight of local planning to keep our communities safe.

Before I conclude, I thank all those who contributed to the drafting of the bill, particularly—and despite what we have heard from those opposite—the Rural Fire Service, who through Commissioner Rob Rogers and assistant commissioners McKechnie, Midgley and Heffernan and their teams, provided a great deal of feedback after the 76 recommendations were handed to the Government. I also thank other agencies, including Fire and Rescue NSW and Resilience NSW. And how could I not acknowledge Commissioner Shane Fitzsimmons, Sam Toohey, Nathan Vincent, Alison Morris and their teams. It would be remiss of me not to also thank those in other departments, including Planning, Industry and Environment; Local Land Services; NSW National Parks and Wildlife Service; Aboriginal Affairs and their respective Ministers' offices. Finally, I thank my team, including my chief of staff, Tanya Raffoul, policy adviser Dom Bondar and the whole team who have been involved in this collaborative process. As I said in my second reading speech, we cannot forget that this is for the first responders and the communities they seek to protect. The introduction of those measures will make our State a more resilient and safer place. I commend the bill to the House.

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

**Motion agreed to.**

**Consideration in detail requested by Ms Trish Doyle.**

### **Consideration in Detail**

**The DEPUTY SPEAKER:** By leave: I shall propose the bill in one group of clauses and schedules. The question is that clauses 1 to 2 and schedules 1 to 2 be agreed to.

**Ms TRISH DOYLE (Blue Mountains) (23:33:01):** I move Opposition amendment No. 1 on sheet c2020-245C.

**No. 1 Bush Fire Co-ordinating Committee**

Page 3, Schedule 1[2], line 31. Omit "15 members". Insert instead "18 members".

Amendment No. 1 relates to the Bushfire Coordinating Committee and seeks to increase the representation on the committee from 15 members to 18 members. That has been a request from the community across New South Wales.

**Mr David Elliott:** Who?

**Ms TRISH DOYLE:** You should have been listening, Minister. I make a brief statement in relation to amendment No. 1 that we increase the number of representation on the Bushfire Coordinating Committee.

**Ms JENNY LEONG (Newtown) (23:34:10):** I assumed that Opposition amendments Nos 1 and 2 would be moved together, but I will speak now because I do not think No. 2 can work if No. 1 does not work. I offer The Greens support to this amendment. It is important, given that we are looking at broad community representation and support. The Greens support the idea of someone on the committee having cultural burning practices experience, and similarly recognise the importance of the inclusion of a representative as set out by the Fire Brigade Employees Union and recognise that they have a significant role to play. We support their presence on the committee and commend Labor for moving this amendment.

**The DEPUTY SPEAKER:** The question is that Opposition amendment No. 1 on sheet c2020-245C be agreed to.

**Amendment negatived.**

**Ms TRISH DOYLE (Blue Mountains) (23:35:30):** I move Opposition amendment No. 2 on sheet c2020-245C.

**No. 2 Bush Fire Co-ordinating Committee**

Page 4, Schedule 1[7]. Insert after line 10—

- (n) a person employed in Fire and Rescue NSW nominated by the Fire Brigade Employees Union,
- (o) a person nominated by NTSCorp Limited (ACN 098 971 209),
- (p) a person nominated by the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts to promote cultural burning practices.

This amendment relates to the Bushfire Coordinating Committee and the composition of its membership. Alongside the insertion of the Aboriginal Land Council there is a suggestion that we should include further representations from other stakeholders. They are listed in (n), (o) and (p). This is a focus on native titleholders

in New South Wales and those who promote cultural burning practices, as has been noted by many in this place as part of the debate and much discussion held in the community around New South Wales post the Black Summer of 2019-20. Clause (n) states:

... a person employed in Fire and Rescue NSW nominated by the Fire Brigade Employees Union ...

**The DEPUTY SPEAKER:** The question is that Opposition amendment No. 2 on sheet c2020-245C be agreed to.

**Amendment negatived.**

**Ms TRISH DOYLE (Blue Mountains) (23:37:21):** I move Opposition amendment No. 3 on sheet c2020-245C. This amendment relates to the Rural Boundary Clearing Code, page 6, schedule 1 [27].

**No. 3 Rural Boundary Clearing Code**

Page 6, Schedule 1[27], proposed section 100RA. Insert after line 29—

- (3A) The following provisions apply to the Rural Boundary Clearing Code, and to publication of the Code in the Gazette, in the same way as they apply to a statutory rule, and to publication of a statutory rule on the NSW legislation website—
- (a) sections 40 and 41 of the *Interpretation Act 1987*,
  - (b) section 8 of the *Subordinate Legislation Act 1989*.

We have not seen the code because it is yet to be drafted. The Government wants us to take it on good faith that it will actually achieve its objectives. In relation to the Rural Boundary Clearing Code this amendment will provide a disallowance regulation at the will of the Parliament. This will give the Parliament oversight.

**The DEPUTY SPEAKER:** Order! There is too much audible conversation in the Chamber. The member for Oatley will take a seat. The member for Blue Mountains has the call.

**Ms TRISH DOYLE:** This will give the Parliament oversight of the code so that the Government does not misuse this powerful code.

**Ms JENNY LEONG (Newtown) (23:38:28):** I support Opposition amendment No. 3 that relates to the code. We note that while it is not an ideal practice to be passing a code like this in a piece of legislation without the full details of the scheme, we recognise the speed with which this bill is passing through this Chamber and the other place and we offer our support for the oversight that the member for Blue Mountains referred to.

**The DEPUTY SPEAKER:** The question is that Opposition amendment No. 3 on sheet c2020-245C be agreed to.

**The House divided.**

Ayes .....31  
Noes .....42  
Majority.....11

#### AYES

Aitchison, J  
Bali, S  
Barr, C  
Catley, Y  
Chanthivong, A  
Cotsis, S  
Crakanthorp, T  
Daley, M  
Dib, J  
Doyle, T  
Finn, J

Harris, D  
Harrison, J  
Kamper, S  
Leong, J  
Lynch, P  
McDermott, H  
McGirr, J  
Mehan, D (teller)  
Mihailuk, T  
Minns, C

O'Neill, M  
Park, R  
Parker, J  
Saffin, J  
Scully, P  
Smith, T  
Tesch, L  
Voltz, L  
Warren, G  
Watson, A (teller)

#### NOES

Anderson, K  
Ayres, S  
Bromhead, S  
Butler, R

Evans, L  
Gibbons, M  
Griffin, J  
Gulaptis, C

Preston, R  
Provest, G  
Saunders, D  
Sidgreaves, P

## NOES

Clancy, J  
 Constance, A  
 Cooke, S (teller)  
 Coure, M  
 Crouch, A (teller)  
 Dalton, H  
 Davies, T  
 Dominello, V  
 Donato, P  
 Elliott, D

Hancock, S  
 Henskens, A  
 Johnsen, M  
 Kean, M  
 Lee, G  
 Lindsay, W  
 Marshall, A  
 O'Dea, J  
 Pavey, M  
 Petinos, E

Sidoti, J  
 Singh, G  
 Smith, N  
 Speakman, M  
 Stokes, R  
 Taylor, M  
 Toole, P  
 Tuckerman, W  
 Upton, G  
 Ward, G

## PAIRS

Atalla, E  
 Car, P  
 Haylen, J  
 Hoenig, R  
 Hornery, S  
 Lalich, N  
 McKay, J  
 Zangari, G

Barilaro, J  
 Berejiklian, G  
 Conolly, K  
 Hazzard, B  
 Perrottet, D  
 Roberts, A  
 Williams, R  
 Wilson, F

**Amendment negatived.**

**Ms TRISH DOYLE (Blue Mountains) (23:50:59):** I move Opposition amendment No. 4 on sheet c2020-245C:

No. 4 **Progress report**

Page 8. Insert after line 8—

**[28] Section 136**

Insert after section 135—

**136 NSW Bushfire Inquiry—Ministerial progress reports**

- (1) The Minister must lay or cause to be laid before both Houses of Parliament a report on the Government's progress in implementing all 76 recommendations of the Final Report of the NSW Bushfire Inquiry, dated 31 July 2020, every 3 months.
- (2) If a House of Parliament is not sitting when the Minister must lay a report before it, the Minister must present the report to the Clerk of the House concerned.
- (3) The report that is presented to the Clerk of a House—
  - (a) is, on presentation and for all purposes, taken to have been laid before the House, and
  - (b) may be printed by authority of the Clerk of the House, and
  - (c) if printed, is for all purposes taken to be a document published by or under the authority of the House, and
  - (d) must be recorded—
    - (i) for the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and
    - (ii) for the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,

on the first sitting day of the House after receipt of the report by the Clerk.

This amendment is self-explanatory. It relates to a progress report and seeks to have the Minister provide reports to the Parliament every three months on the Government's progress in implementing all 76 recommendations of the final report of the NSW Bushfire Inquiry, dated 31 July 2020. It is with deep respect that I acknowledge communities, our emergency service personnel, their families and all of these people across the great State of New South Wales who want to see this Government held to account, to see some transparency and to receive a

report based on the progress of the Government's implementation of these important recommendations from the independent inquiry.

**Ms JENNY LEONG (Newtown) (23:51:42):** I offer the support of The Greens to this amendment. Anything that we can do to create more transparency around the Government's actions and response, and to inform the community about how this Parliament is progressing towards implementing these recommendations is absolutely crucial. We know that every three months is quite a short time period to be reporting on but we recognise also the urgency and the stress that people are facing across the State. We are aware of the significance of the need to move quickly to implement these recommendations and we must ensure that we do not drop the ball. In January this year, I do not think any of us would have imagined that we would be facing a bigger or more distracting crisis than the bushfire crisis to hit families and communities and people across this State in March and April.

Obviously, and with respect, the Government acted and responded to that crisis but it meant that other priorities of the State were not at the front of everyone's mind. Putting a condition into this legislation that requires regular reporting will mean that as we progress dealing with what is a climate crisis and the current health crisis, this Parliament and this Minister will be held to account by reporting on the recommendations of the inquiry. They will provide progress reports to ensure that we do not as a Parliament take our eyes off this very pressing need to implement these recommendations, no matter what kind of other crisis we are dealing with at the time. For this reason, The Greens support this amendment.

**The DEPUTY SPEAKER:** The question is that Opposition amendment No. 4 on sheet c2020-245C be agreed to.

**The House divided.**

Ayes .....35  
Noes .....39  
Majority.....4

#### AYES

Aitchison, J  
Bali, S  
Barr, C  
Butler, R  
Catley, Y  
Chanthivong, A  
Cotsis, S  
Crakanthorp, T  
Daley, M  
Dalton, H  
Dib, J  
Donato, P

Doyle, T  
Finn, J  
Harris, D  
Harrison, J  
Kamper, S  
Leong, J  
Lynch, P  
McDermott, H  
McGirr, J  
Mehan, D (teller)  
Mihailuk, T  
Minns, C

O'Neill, M  
Park, R  
Parker, J  
Piper, G  
Saffin, J  
Scully, P  
Smith, T  
Tesch, L  
Voltz, L  
Warren, G  
Watson, A (teller)

#### NOES

Anderson, K  
Ayes, S  
Bromhead, S  
Clancy, J  
Constance, A  
Cooke, S (teller)  
Coure, M  
Crouch, A (teller)  
Davies, T  
Dominello, V  
Elliott, D  
Evans, L  
Gibbons, M

Griffin, J  
Gulaptis, C  
Hancock, S  
Henskens, A  
Johnsen, M  
Kean, M  
Lee, G  
Lindsay, W  
Marshall, A  
O'Dea, J  
Pavey, M  
Petinos, E  
Preston, R

Provest, G  
Saunders, D  
Sidgreaves, P  
Sidoti, J  
Singh, G  
Smith, N  
Speakman, M  
Stokes, R  
Taylor, M  
Toole, P  
Tuckerman, W  
Upton, G  
Ward, G

#### PAIRS

Atalla, E

Barilaro, J

## PAIRS

Car, P  
Haylen, J  
Hoenig, R  
Hornery, S  
Lalich, N  
McKay, J  
Zangari, G

Berejiklian, G  
Conolly, K  
Hazzard, B  
Perrottet, D  
Roberts, A  
Williams, R  
Wilson, F

**Amendment negatived.**

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

**Clauses 1 to 2, and schedules 1 to 2 agreed to.**

**Third Reading**

**Mr DAVID ELLIOTT:** I move:

That this bill be now read a third time.

**Motion agreed to.**

**MANDATORY DISEASE TESTING BILL 2020****First Reading**

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

**Second Reading Speech**

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (00:02:46):**

I move:

That this bill be now read a second time.

The Government is pleased to introduce the Mandatory Disease Testing Bill 2020. The bill seeks to establish a scheme under which a person can be ordered to provide a blood sample for testing if the person's bodily fluid has come into contact with a health, emergency or public sector worker as a result of the person's deliberate action, and the worker is at risk of contracting a blood-borne disease as a result. For police officers, emergency services personnel and other frontline workers such as healthcare professionals and correctional officers, involvement in confronting situations can be a routine part of the job, from responding to violent incidents to providing assistance during medical emergencies. These workers are on the front line and can be involved in dangerous situations to protect the health and safety of others and safeguard our community.

In the course of carrying out their duties, these frontline workers can be exposed to bodily fluids of others. Where the exposure to bodily fluids gives rise to the risk of transmission of a blood-borne disease such as HIV, hepatitis B or hepatitis C, this can be the cause of significant stress and anxiety for the worker and their families. As these diseases may have window periods of three to six months during which the disease is present in the body, but antibodies cannot be detected with confidence, an exposure incident can result in a long period of uncertainty for the worker before it can be confirmed whether the transmission occurred. Under NSW Ministry of Health policies, following an exposure incident involving a healthcare worker employed by NSW Health and a patient, the patient may be requested to consent to disease testing. However, the patient cannot be obliged to provide a sample.

Outside NSW Health, no formal arrangements are in place to request that a person consent to disease testing, and there is currently no mechanism in New South Wales that requires or compels a person whose bodily fluids were involved in an exposure incident to be tested for infectious diseases. The Mandatory Disease Testing Bill 2020 seeks to address this gap by introducing a scheme that allows mandatory testing orders to be made. Mandatory testing orders require a third party who has deliberately caused their bodily fluids to come into contact with a prescribed worker to provide a blood sample for testing for blood-borne diseases.

"Bodily fluids" are defined in the dictionary of the bill as including blood, faeces, saliva, semen, or other bodily fluid prescribed by the regulations. "Blood-borne disease" is defined in the dictionary of the bill as including HIV, hepatitis B and hepatitis C. While these diseases can be prevented and treated, if they are not, they can lead to serious health problems. Other communicable diseases that might be transmitted by contact with bodily fluids are not covered by the scheme. This is because, in general, these diseases are not likely to be lifelong, there

may be no useful screening method and infections are likely to be detectable in the worker in a shorter period than the diseases covered by the scheme.

The bill will allow prescribed workers, including police officers, correctional officers, firefighters and employees of NSW Health, to make an application for a mandatory testing order following an incident in which a third party's bodily fluids have come into contact with them. The application is to be made to a senior officer. A senior officer may make a mandatory testing order if satisfied that the third party will not voluntarily provide blood to be tested for blood-borne diseases, and that testing the third party's blood is justified in all the circumstances. If it appears to the senior officer on the information available that the third party is aged between 14 and 17 years, the senior officer must either apply to the Children's Court for a mandatory testing order or refuse the application.

If the third party is above the age of 18 and appears to the senior officer on the information available to have a mental illness, mental condition, or cognitive impairment that significantly affects their capacity to consent to voluntarily provide blood to be tested, the senior officer must either apply to the Local Court for a mandatory testing order or refuse the application. A mandatory testing order requires the third party to attend a specified place to provide blood to be tested for blood-borne diseases, with those results to be provided to a medical practitioner specified by the worker. Failure to comply with a mandatory testing order within two business days is an offence punishable by a maximum penalty of 100 penalty units, 12 months imprisonment, or both.

I now turn to the detail of the bill. Part 1 of the bill provides for preliminary matters, including clause 3 which sets out the objects of the proposed Act. These are to provide for mandatory blood testing of a third party in circumstances where a health, emergency or public sector worker comes into contact with a third party's bodily fluid as a result of the third party's deliberate action; to encourage the worker to seek medical advice and information about the risks of contracting a blood-borne disease while at work; and to protect and promote the health and wellbeing of workers covered by the scheme. Clause 5 of the bill defines a "mandatory testing order" as an order that requires the third party in relation to whom the order is made to attend at a specified place within two business days of being served with the order, and to provide blood for testing for blood-borne diseases, and authorises the testing of that blood for the blood-borne diseases specified in the order.

Part 2 of the bill sets out how applications for mandatory testing orders are to be made. Clause 7 states that a worker is eligible to make an application for a mandatory testing order if they have come into contact with the bodily fluid of the third party, the contact occurred in the execution of the worker's duty as a result of a deliberate action of the third party, and the worker did not consent to the contact. Clause 7 further states that an application may not be made if the third party is under the age of 14 years. Clause 7 also provides that an application must be made to the worker's senior officer within five business days of the contact occurring, and only after the worker has consulted a relevant medical practitioner.

Clause 8 of the bill makes provisions relating to the consultation with a medical practitioner that must take place before a worker can make an application for a mandatory testing order. Such a consultation is to take place as soon as reasonably practicable but no later than 24 hours after the contact occurred, although if reasonable in the circumstances consultation may occur up to 72 hours after the contact. This time frame ensures that any preventative measures that may need to be taken as a result of the contact, such as post-exposure prophylaxis, can be commenced as soon as possible. The medical practitioner consulted is to be one with qualifications or experience in blood-borne diseases. However, if one is not available at the time the worker requires the consultation another medical practitioner may be consulted. During the consultation the medical practitioner must inform the worker about the risk to the worker of contracting a blood-borne disease as a result of the contact, the appropriate action to be taken by the worker to mitigate risks of contracting a blood-borne disease or transmitting it to others, and the extent to which testing the third party's blood will assist in assessing the risk to the worker.

Clause 9 of the bill sets out the matters that an application for a mandatory testing order is to include, such as a detailed description of the contact and surrounding circumstances, statements that the worker did not consent to the contact, that in the worker's opinion the contact was the result of a deliberate action by the third party, that the worker consulted a relevant medical practitioner, and the details of the medical practitioner who is to receive the results of any blood test on the worker's behalf. Part 3 of the bill sets out how applications for mandatory testing orders are to be determined by senior officers. Senior officers are defined in the dictionary of the bill for each category of prescribed worker. In the case of a member of NSW Police Force, a senior officer is to be a police officer holding the rank of inspector or above. In most other cases, the prescribed senior officer is the head of the agency that employs the worker. A senior officer's functions may be delegated pursuant to clause 34 of the bill.

Clause 10 requires a senior officer to determine an application within three business days, unless a longer period is necessary in the circumstances. The senior officer must seek the third party's consent to provide a blood sample voluntarily and provide them with an opportunity to make submissions. If the senior officer is satisfied



that the third party will not voluntarily provide a sample and that testing the third party's blood for blood-borne diseases is justified in all the circumstances, the senior officer may make a mandatory testing order. Different processes apply if the third party appears to the senior officer to be a vulnerable third party based on the information available to the senior officer. A "vulnerable third party" is defined in the dictionary as a third party who is between the age of 14 and 17, or an adult who appears to have a mental illness, a mental health condition or cognitive impairment that significantly affects their capacity to consent to voluntarily provide blood for testing.

If the third party appears to the senior officer to be a vulnerable third party, the senior officer must provide the third party and their parent or guardian, if any, with the opportunity to make submissions. If the senior officer is satisfied that testing the third party's blood for blood-borne diseases is justified in all the circumstances, the senior officer may make an application for a mandatory testing order to the Children's Court or the Local Court. Applications relating to vulnerable third parties aged between 14 and 17 years will be determined by the Children's Court. All other applications relating to vulnerable third parties will be determined by the Local Court. In all circumstances, the senior officer must make his or her decision having had regard to the guidelines issued by the Chief Health Officer of NSW Health and any other matters the senior officer considers relevant.

Clause 11 states that a senior officer may refuse an application if they cannot locate the third party after making reasonable inquiries, or for any other grounds the senior officer considers appropriate in the circumstances. Clause 12 requires the senior officer to give written notice of their determination to the worker, the third party and, in the case of a vulnerable third party, their parent or guardian, if any. Part 4 of the bill sets out the processes involved in the Children's Court and the Local Court for the making of mandatory testing orders that relate to vulnerable third parties. Clause 13 of the bill prescribes the requirements for the making of an application to the Local Court. An application must be in writing, include a copy of the worker's application for a mandatory testing order, the blood-borne diseases for which the blood is to be tested, and any other information the senior officer considers relevant. As soon as practicable after making the application, the senior officer must notify the worker, the third party and their parent or guardian, if any, and the Chief Health Officer. The Chief Health Officer is entitled to make submissions to the Local Court in relation to an application made by a senior officer.

Under clause 14 the Local Court may make a mandatory testing order if satisfied on the balance of probabilities that testing the third party's blood for blood-borne diseases is justified in all the circumstances, having had regard to the best interests of the third party, the wishes of the third party and their parent or guardian, the submissions made by the Chief Health Officer and any other matters the Local Court considers relevant. Clause 15 of the bill makes clear that clauses 13 and 14 also apply to the Children's Court. In addition, the regulations will provide further clarification for the procedures to apply in relation to applications made to the Children's Court. In respect of Local Court proceedings, part 4 of the Local Court Act 2007 will apply. Clause 16 of the bill provides that if, during the course of proceedings, it appears to the Local Court that the third party is not a vulnerable third party, the court may still proceed to determine the application. This is to avoid the considerable delay that may develop if the application were required to be referred back to the senior officer for decision.

There is no avenue for statutory appeal included in the bill. Decisions under the mandatory disease testing [MDT] scheme need to be made in a timely way to ensure the best possible advice is provided to the worker about risks and actions to be taken to mitigate risks. Allowing for a lengthy court-based appeal process would undermine the need for the testing to take place quickly. Part 5 of the bill addresses the content and service requirements of mandatory testing orders made by senior officers and the courts. Clause 17 prescribes the contents of a mandatory testing order, which are to include the place the third party is required to attend to provide blood, the name and contact details of medical practitioners authorised to receive test results on behalf of the worker and third party, and a statement that a failure to comply with a mandatory testing order is an offence.

Clause 18 sets out the service requirements for mandatory testing orders. If the order has been made by a senior officer, then the senior officer is to cause a copy of the order to be served in person on the third party as soon as reasonably practicable, but no later than five business days after the mandatory testing order is made. In relation to orders made by the Local Court, in general the provisions will ensure that a registrar of the Local Court is to ensure that a copy of the order is given to the third party. However, if the third party is not present in court or is present but fails to attend the registry to obtain a copy of the order, the senior officer must cause a copy of the order to be personally served on the third party in accordance with the five business day time frame. The Registrar of the Local Court will also arrange for the order to be posted.

Part 6 of the bill sets out how mandatory tests are to be conducted. Under clause 19, blood samples are to be taken by a person of a class approved by the Health secretary, and a mandatory testing order authorises such a person to take a blood sample from a third party even if they do not consent to providing blood. A blood sample is to be taken in a manner consistent with relevant medical and other professional standards, and not using any more force than ordinarily required to take blood from a person. Any blood taken from a third party under a

mandatory testing order is to be tested for blood-borne diseases specified in the order in a pathology laboratory accredited by the National Association of Testing Authorities for that purpose.

Under clause 20 when a third party is in police custody or is an inmate, police officers and correctional officers are authorised to use reasonable force to transport the person to a facility where a blood sample will be taken; to assist a person to take blood from the third party; and to prevent loss, destruction or contamination of the blood sample. Results of blood tests are to be provided to the medical practitioners authorised by the worker and third party to receive results on their behalf and, if the third party has not authorised a medical practitioner to receive results, to the Chief Health Officer. Part 7 of the bill provides for reviews by the Chief Health Officer of decisions by senior officers. Clause 22 permits a worker or a third party to apply to the Chief Health Officer for such a review, with applications to be made within one business day of the applicant being notified of a senior officer's decision. However, an application may not be made in respect of a senior officer's decision to make an application to the Children's Court or Local Court for an order in respect of a vulnerable third party.

The Chief Health Officer must determine a review within three business days by either affirming or setting aside the senior officer's decision. When the Chief Health Officer sets aside the decision of a senior officer to refuse an application, the Chief Health Officer may make a mandatory testing order or, if the third party appears to be a vulnerable third party, make an application to the Children's Court or the Local Court for a mandatory testing order. However, before making a mandatory testing order or an application to a court, the Chief Health Officer must provide the third party, and in the case of a vulnerable third party any parent or guardian, with the opportunity to make submissions. After determining a review, the Chief Health Officer must notify the worker, the third party, if the third party is a vulnerable third party, any parent or guardian and the senior officer.

Clause 23 provides that if an application for review by a Chief Health Officer relates to a decision by a senior officer to make a mandatory testing order, the application for review does not stay the order. The third party must still comply with the order by providing a blood sample. However, test results are not to be provided until the Chief Health Officer has completed their review, and if the Chief Health Officer sets aside the decision of the senior officer to make a mandatory testing order, the test results will not be provided to the worker's authorised medical practitioner. This approach minimises delays for the prescribed worker, while allowing time for the review to be conducted.

Part 8 of the bill sets out matters relating to offences under the scheme and proceedings. Under clause 26 failure to comply with a mandatory testing order is an offence. It will be a defence to a prosecution if the third party proves that they had a reasonable excuse for the failure to comply. It is also an offence under clause 27 for a worker or third party to knowingly give false or misleading information to a person exercising functions under the Act. Clause 26 (3) provides that if, at the time a third party is being sentenced to imprisonment for an offence of failing to comply with a mandatory testing order, the third party is serving another sentence of imprisonment, the sentence for the offence is to be served consecutively with the other sentence of imprisonment, unless the court directs otherwise. A consequent amendment to section 58 of the Crimes (Sentencing Procedure) Act 1999 is provided for in schedule 2 to the bill to give effect to this provision.

Clause 28 prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in prescribed circumstances. Permitted disclosures include disclosures of health information relating to a third party with their consent, disclosures in connection with the administration or execution of the proposed Act or the Public Health Act 2010, and disclosures for the purposes of legal proceedings arising from the proposed Act. Disclosure of information other than as permitted by clause 28 is an offence. There is also a consequent amendment to section 56 of the Public Health Act 2010 in relation to the protection of patients' identities who may be diagnosed with a category 5 condition. The maximum penalty for all offences under the bill is 100 penalty units, imprisonment for 12 months or both. Clause 29 provides that proceedings for offences under the Act are to be dealt with summarily.

Clause 30 provides that information or documents given for the purposes of an application for a mandatory testing order or the determination of the application and the third party's blood test results are not admissible in any proceedings against a third party, with the exception of criminal proceedings under the proposed Act for failing to comply with a mandatory testing order or of providing false or misleading information. Clause 31 of the bill provides protections from liability for persons exercising functions under the proposed Act. No civil liability attaches to a person for anything done in good faith and for the purpose of exercising functions under the Act. Similarly, no criminal liability attaches to someone for anything properly and necessarily done in good faith and for the purpose of taking or assisting someone to take blood under a mandatory testing order. Finally, a person will not be taken to have breached professional etiquette or ethics or to have departed from accepted standards of professional conduct for anything done in good faith for the purposes of exercising functions under the Act.

Parts 9 and 10 of the bill contain provisions relating to the administration and oversight of the Act and other miscellaneous provisions. Clause 32 provides for the issuing of guidelines by the Chief Health Officer which

are to assist senior officers, relevant medical practitioners and persons taking blood from third parties when exercising their functions under the proposed Act. The guidelines are not limited to the following matters but may include: information about how blood-borne diseases are transmitted and the minimisation of risks of infection and further transmission; information about the prevention, diagnosis and treatment of blood-borne diseases; and, advice and information to be given to third parties providing blood under a mandatory testing order.

Before issuing guidelines, the Chief Health Officer is to consult with heads of agencies whose employees are prescribed as workers under the bill. Clause 33 provides that costs incurred under the proposed Act relating to medical consultations by the worker, compliance with an order by the third party and testing of the third party's blood are payable by the funding provider for the worker, as defined in the dictionary to the bill. Clause 34 permits functions of a senior officer and the Chief Health Officer to be delegated to a person of a class prescribed by the regulations. The dictionary to the bill provides for key definitions related to the scheme. This includes the definition of a "vulnerable third party".

For an adult who may have a mental or cognitive impairment that significantly affects his or her capacity to consent to voluntarily providing a sample, the definition is linked to the current Mental Health (Forensic Provisions) Act 1990. However, schedule 2 to the bill includes a provision to update this link to the new Mental Health and Cognitive Impairment Forensic Provisions Act 2020, upon its commencement. The dictionary also provides a regulation-making power to add additional classes of workers, senior officers and funding providers into the mandatory disease testing scheme via regulations. This provides flexibility to expand the operation of the scheme to other sectors of the public service in the future, should this be appropriate.

Under part 10 of the bill the operation of the proposed Act is to be monitored by the Ombudsman, who is to prepare a report about the monitoring as soon as is practicable after 12 months from the commencement of the Act and every three years thereafter. To facilitate the Ombudsman's monitoring and reporting function, the Ombudsman may require information relating to an application for a mandatory testing order made by a worker to be provided by the senior officer for the worker or, in the case of a worker who is a police officer, the Commissioner of Police. Senior officers and the Chief Health Officer are to provide notifications on a quarterly basis of any determinations made under the bill.

The bill provides for a statutory review to be undertaken as soon as is possible after the initial report by the Ombudsman on the operation of the Act. The review will determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. The commencement of the bill will be delayed to allow time for agencies to implement changes to policy and to deliver training and education to their staff. In conclusion, the Mandatory Disease Testing Bill 2020 implements recommendation 47 of the final report by the Legislative Assembly Committee on Law and Safety following its inquiry into violence against emergency services personnel that was released in August 2017. The bill delivers on the Government's commitment in November 2019 to establish a mandatory disease testing regime for frontline workers, police officers, those working in the correctional system, emergency services personnel and first responders. Our police and emergency and health workers put their lives on the line to protect us every day, and this bill will help to reduce some of the stress and anxiety they may suffer if exposed to the risk of a blood-borne diseases. I commend the bill to the House.

**Debate adjourned.**

*Private Members' Statements*

## **RECLAIM THE NIGHT**

**Ms TRISH DOYLE (Blue Mountains) (00:23:18):** Before reflecting on what it means to have somewhere safe to walk and a place where women and children can live free from violence, I pay my respect to the traditional custodians of the land and the Elders past, present and emerging. During NAIDOC Week I acknowledge the intergenerational trauma that impacts Aboriginal communities as a result of colonisation and dispossession. For more than 40 years, communities across the globe have been marching in the spirit of Reclaim the Night—a cause that was initiated in the English city of Leeds following the Yorkshire Ripper murders in the mid-1970s. In response to the investigating police telling women to "stay out of public spaces after dark", women took to the streets carrying signs such as "No Curfew on Women—Curfew on Men." This march went on to inspire women across the globe, including women in Australia, to protest and demand safety for women on the streets at any time of the day.

Whilst the scale of the marches may have reduced somewhat since the heyday of the 1970s and 1980s, Reclaim the Night continues to galvanise communities in their efforts to address violence against women and women's safety. We know that most acts of violence against women and children are committed by men they know, often men they are intimately involved with. Like many of you, I am outraged by the weekly death toll of

women at the hands of their intimate partners. This is an outrage and completely unacceptable. We must do all we can to bring this violence to an end. As the shadow Minister for the Prevention of Domestic Violence and the shadow Minister for Women, I demand safety for women and their children. I demand safe places for women and children so they can escape domestic and family violence. I demand resources in the community so that police can respond, health services are accessible and specialist domestic violence services can provide support at the very time this is needed.

Today as we reflect on the terror that affects women of all ages and all cultural backgrounds, from all walks of life and in all our towns and cities, I acknowledge the role of victims and survivors, the advocates and the supporters in calling for an end to violence. It is not good enough to hold women responsible for men's violence. We have put up with that for far too long. I demand that men be held to account for their violence. I call on other men to join in and call out the violence and the threats of violence when they see it. The only way we can reduce the statistics of violence against women is to work together—men and women, community, non-government organisations, police and healthcare workers, researchers and academics and all levels of government. We must work together, learn what works and makes a difference and focus our efforts there.

I acknowledge the work of the domestic violence, women's health and community legal sectors across this State who have advocated for women's right to safety for many decades. In a myriad of practical ways they have helped women to have their day in court and ensured that women and children have a safe place to sleep and that they are able to get the support they need. I sing the praises of the frontline emergency workers who deal with domestic and family violence and sexual assaults on a daily basis. I thank the NSW Police, the NSW Ambulance Service and the doctors, nurses and counsellors who staff the hospital emergency departments in communities across this State. I thank and acknowledge the efforts of the organisers of Reclaim the Night in the Blue Mountains and in Sydney. They did an amazing job at bringing together a groundswell of women and men who are seeking a safer and respectful future for women and children in our cities and regions.

I acknowledge Cherie Brandon and Clare Darling from the Blue Mountains Women's Health and Resource Centre, and author and illustrator Ailie Banks, who hosted a conversation with me in Katoomba which was streamed through Facebook live on Reclaim the Night. I thank Chloe and Lucy, the organisers and the convenors of Sydney's Reclaim the Night. It was a rowdy yet respectful crowd. They can be proud of their event and the attendance. I ask everyone in this place to acknowledge the importance of Reclaim the Night. As many of us over the last months have spoken of family and domestic violence, I ask that you walk the talk as well as talk the talk.

#### **COFFS HARBOUR ELECTORATE COMMUNITY SERVICE AWARDS**

**Mr GURMESH SINGH (Coffs Harbour) (00:28:00):** Premier Gladys Berejiklian was a welcome guest in the Coffs Harbour electorate when she visited last month. We kept her visit a surprise for the local heroes she was about to meet. The Premier and I were proud to celebrate the inspirational work of these local community champions, who have changed lives for the better. We presented New South Wales Government Community Service Awards in recognition of the extraordinary contributions made by the following Coffs Coast residents: Alison Johnson and Debbie Worlton for their remarkable efforts in the 2019 bushfires and Dean Evers and Auntie Kerrie Burnet for their care and compassion for people in need.

I am always heartened by the outstanding work in our community by people who give selflessly. They are forces for good and I applaud them for their positive influence on the ground every day. They make our beautiful part of the world an even greater place in which to live. During the bushfires affecting Nana Glen, Alison Johnson was the community's first point of contact. She helped residents with emergency advice and her cafe, the Idle In, was a drop-off point for emergency supplies. She helped the RFS by providing advice, food and drinks in very stressful and emotional circumstances. At those same bushfires, Debbie Worlton coordinated the storage and distribution of essential items to affected families, such as blankets, food and other household items. She helped arrange temporary accommodation for people who lost their homes and helped organise the clean-up of properties.

Dean Evers started Hope for the Homeless some four years ago when he saw a need for an independent charity to help people who are homeless. The charity provides household items to people in need, free of charge, when they are fortunate enough to find suitable accommodation. Dean has a caring nature and his door is always open to people in need. Hope for the Homeless Coffs Harbour is a not-for-profit organisation and is registered as a charity. The Hope for the Homeless campaign raises awareness about homelessness in Coffs Harbour and provides practical and simple ways for people to help those without a place to call home. The organisation's mission is to focus on making the maximum positive effort to assist those in need. The volunteers provide the momentum that helps effect change and assist in providing solutions that make the long-lasting difference in our community. While short-term fixes are important for people in a crisis situation, the campaign is about providing long-term help and sustainable solutions for people experiencing homelessness to rebuild their lives.

Auntie Kerry Burnet gives her time freely to help young people from disadvantaged families in the Toormina area live a happy and healthy life. She provides food to young people and holds Christmas and other festivities for children whose families are unable to do so. She also mows community land to ensure that children have somewhere safe to play. Each of these people is a shining light in our community and I thank them for what they do every day. The surprised delight on their faces when the Premier arrived was absolutely priceless. The Premier's visit was also an important opportunity to thank local organisations which are the heart and soul of the vibrant village life at Nana Glen.

We were delighted to announce \$25,000 for Nana Glen Heart-Start and \$10,000 for the Nana Glen Preschool. Heart-Start is raising funds for a vehicle that can be used by the Nana Glen community first responders while Nana Glen Preschool projects include new playground fencing and driveway improvements. I know the Premier was excited to be at Nana Glen to listen to local residents and provide reassurance that the New South Wales Government will always be there to help them. This close-knit community, like many across New South Wales, has had a very tough 2019 and 2020 in the aftermath of bushfires, floods and the COVID-19 pandemic restrictions. We know how important local organisations are to villages like Nana Glen and hope these grants will help them continue their valuable work in this resilient and hardworking community.

Both Nana Glen Heart-Start and Nana Glen Preschool are providing vital services for local residents and I am thrilled to say they are being supported by the New South Wales Government in this way. I have always found Nana Glen to be an outgoing and positive place but I know through my regular visits that they have been doing it tough lately. I warmly welcome any injection of funds that the New South Wales Government is able to provide. We enjoyed spending time at the funding announcements with Nana Glen Heart-Start member Shannen Mitchell and grants coordinator, Stephen Joyce, and Nana Glen Preschool director, Lisa Ralston, and their supporters. I applaud each organisation and everyone involved for their passion and dedication.

#### **MICHAEL TYNAN MEMORIAL CHALLENGE**

**Ms ELENi PETINOS (Miranda) (00:32:11):** I bring to the House's attention the 2020 Michael Tynan memorial challenge. Taking place for the fifth consecutive year, the Michael Tynan memorial challenge brings our community together to walk for a better tomorrow, raising money for the St George and Sutherland Medical Research Foundation and University of Wollongong medical research teams. The challenge supports innovative clinical medical research, including research into pre-eclampsia, cancers, antimicrobial resistance, arthritis, inflammatory bowel disease, clotting and microbiome, to name a few.

Spearheaded by Madeline Tynan, the annual challenge takes place in honour of her late father, Michael Tynan, a local entrepreneur, businessman, philanthropist and family man. Michael worked exceptionally hard throughout his life to turn a small business into the multi-franchise automotive empire that it is today. I am sure that my colleagues in neighbouring electorates would agree that you would be hard-pressed not to find a vehicle on our local roads without a Tynan Motors logo at any one time. Over the years he also served as a local councillor, an active church member, an NRMA board member, a Calvary Hospital board member and a huge supporter of the St George and Sutherland Medical Research Foundation. Above all Michael was a humble family man and his hardworking community spirit is alive and well in those that survive him today.

I was delighted to participate in the Michael Tynan walking challenge for local medical research last month. Whilst the almost 30-kilometre coastal track from Otford to Bundeena—in your electorate, Mr Temporary Speaker Evans—provided a spectacular view of the Royal National Park and its numerous lookouts, beautiful swimming spots and native flora, it was not without its challenges. In addition to the steep climbs and tracks across sandy beaches, whilst the wet weather held off for the first few hours, the skies later opened up and made the final stretch all the more challenging. However, it was incredibly pleasing to see the hundreds of participants embracing the event with an enthusiastic and positive attitude, overcoming any self-doubt to walk for a better tomorrow.

In this fifth year, participants donned a yellow wristband with the message "Our Bond will live on" in honour of the late Darcy Bond. Darcy was a member of the Tynan Motors marketing department, who sadly took his own life early this year at the young age of 22. In his honour, every dollar raised this year will assist mental health research being undertaken by the St George and Sutherland Medical Research Foundation and the University of Wollongong medical research teams. As Madeline said on the day, her father would have been incredibly proud that his community was walking in Darcy's honour.

I was incredibly pleased to see so many members of our community embracing the fifth annual walking challenge, including sporting figures, police, hospital staff, local business owners and their employees. Like others in our community, this year I embarked on the journey with my own group of family and friends, who ensured that, despite the rain, this was by far my most enjoyable challenge walk. I take this opportunity to recognise those who joined me to walk for a better tomorrow, including my mother, Marianna; my sister, Christie; Deanna and Domenica Barilaro; Fiona and Ellie Stamatelatos; and John and Karissa Mavrodontidis.

In addition to the coastal walk, other events this year included a drive day, shire walk challenge with local businesses and a virtual challenge taking place over October. I acknowledge the Tynan employees who donate so much of their time to ensure these events are a success, including Virginia Venckus, Tamara Winstanly, Emma Graham and Emma Lancaster. There is no doubt that the Michael Tynan legacy lives on with his family. I take this opportunity to acknowledge the Tynan family members who continue Michael's work, including Madeline, Prudence, Brendan, Nicholas, Samuel, Emina, Alex, Daniel, Natasha, Harry, Dominique, Sophie and Kieran. I particularly commend Madeline for her ongoing commitment to our community and congratulate her on yet another successful event, despite the challenges of 2020. I commend all those who took on this year's Michael Tynan Challenge for a better tomorrow and I look forward to joining in again next year.

### **KINCUMBER NAUTICAL VILLAGE**

**Ms LIESL TESCH (Gosford) (00:36:37):** Tonight in the New South Wales Parliament I commend the action of residents of the Kincumber Nautical Village, Bob Morris, and the residents' committee of Kincumber Nautical Village, alongside the support of the Tenants' Union of NSW who continue to support residents groups and associations in the course of litigated disputes arising with respect to their land lease living communities. The situation that has unfolded at the Kincumber Nautical Village appears as a disappointing abuse of power and disrespect of residents and the NSW Civil and Administrative Tribunal [NCAT] by the owner.

Despite clear recommendations in the legislation, the owners continue to increase fees in a manner that appears unlawful and incongruent with recommendations in this legislation. Cheers to the residents who identified this and took their concerns to the NSW Civil and Administrative Tribunal where it was declared that the fixed method of fee increase being used by the owner since 2016 was illegal. When challenged in the NCAT to commit to the legislated fair process for management of fees and increased charges on residents, the owner of the Kincumber Nautical Village was given clear instructions.

The NCAT order included to stop using the method currently used to increase fees and to adopt the use of calculating the lowest possible method of increase when increasing fees. In contempt of the instruction of NCAT the owner has since written to residents clearly flouting the recommendations and advising residents that their fees will increase by a method and/or amount that is not the process or direction clearly outlined by NCAT. This is a very disappointing display of disrespect for the operation of the regulator in New South Wales by the person who is the owner of the Kincumber Nautical Village, the president of the Caravan & Camping Industry Association NSW, a director of BIG4 Holiday Parks and a published supporter of Chris Hartcher and the Liberal Party in the lead-up to the 2015 New South Wales election.

The owner of the Kincumber Nautical Village has now requested that the next step be heard in the Supreme Court and not at NCAT. This is obviously not an affordable option for the residents' committee of the Kincumber Nautical Village, many of whom are struggling to pay their week to week fees and ongoing living costs let alone afford the costs of a barrister or potential liability costs in the Supreme Court. Residential land lease living is a very popular form of affordable housing across the Central Coast and it is very important to our residents, especially as a solution for older Australians who cannot afford the residential property market. The Residential (Land Lease) Communities Act is supposed to encourage industry growth and viability, improve operator conduct and better protect home owners when operators do the wrong thing. According to the Tenants' Union and despite residents' complaints about the rule breaches to Fair Trading, operator conduct has not improved, as exemplified by the example in the Terrigal electorate, which has been brought to the attention of the member for Terrigal.

On that note I thank the Tenants' Union for its ongoing work promoting the interests of residential tenancy groups, including those land lease community residents, in challenging the actions of the owner of Kincumber Nautical Village. It is clear that the current legislation's lack of clarity around price adjustments and site fees must be improved in future legislation so that no further creative interpretation and exploitation of residents in land lease communities can occur. I commend the Tenants' Union's recommendation for the five-year review of the Residential (Land Lease) Communities Act 2013. I encourage the Minister for Better Regulation and Innovation to ensure transparent input by residents to the review of the Residential (Land Lease) Communities Act, to ensure legislated improvements in operator conduct, and a fair life and financial situation for the residents of those communities.

**Mr ADAM CROUCH (Terrigal) (00:40:32):** I acknowledge the speech just given by my colleague from the Central Coast, the member for Gosford. I too have had the pleasure of meeting with residents from Kincumber Nautical Village and I share the member for Gosford's concerns about their treatment. I am pleased that the Government is setting up a framework and has asked tenants, such as residents from the Kincumber Nautical Village, to make submissions on behalf of residents. I am pleased that the NSW Civil and Administrative Tribunal came up with the decision that it did. I have met with village residents on multiple occasions and I share their concerns. Those people have every right to have fair and equitable housing on the Central Coast. We have so

many forms of housing and places like Kincumber Nautical Village are incredibly popular across the Central Coast, from one end to the other. I know the Minister has taken a lot of that on board. The hearings have been very public. We want submissions from the public to make sure that the framework protects all tenants across New South Wales, including those at the Kincumber Nautical Village.

### **CANTERBURY BANKSTOWN INFRASTRUCTURE**

**Mr JIHAD DIB (Lakemba) (00:41:37):** I speak about the Government's poorly considered Metro extension and conversion of the T3 Sydenham to Bankstown rail line. On the face of it, it might appear to be a project that would bring benefits to the Canterbury Bankstown community; unfortunately, that is not case. The Berejiklian Government has been so focused on delivering for its developer mates that it has completely ignored and forgotten the people it represents. The community and people of the Canterbury Bankstown area are so low on the Government's totem pole that they have effectively been ignored in the decision-making process for the Metro, and the associated work and development. Affordable and accessible public transport is something we desperately need. The conversion of stations to become fully accessible, with lifts and level access between platforms and trains, would be extremely beneficial for our area. Members know how often I have pleaded for a lift at the Punchbowl station, only to be rejected every time.

The Berejiklian Government seems to have forgotten that the Metro alone does not address the issues facing the Canterbury Bankstown area. We do need accessible transport and more services, but we also need to recognise that with the proposed Metro will come a massive population surge of an expected additional 100,000 residents on top of the already 360,000-plus people who live in the Canterbury Bankstown catchment. Unfortunately, that population explosion will need more than just a Metro to move people around and a massive increase in high-rise units surrounding the Metro corridor. What is needed is all the other forms of infrastructure that an additional 100,000 people would require. The Government seems to have forgotten the social infrastructure. We already need quality affordable housing. My office, like many others, is inundated every day with families, individuals and elderly people who are desperate for assistance with accommodation. The number of people who have been on housing waiting lists for 10, 15 and in some cases 20 years is appalling.

I would not have believed the situation unless I had seen it myself. There are people who join the waiting list as young families who need a bit of support, and 20 years later they are still asking for help with housing without stairs as they have developed health issues. The Government has not thought about the need for green space; new, quality schools for families; child care for younger children; and education and local job opportunities for the growing number of young adults in the area. The Opposition has been calling on the Government to address the urgent need to upgrade Canterbury Hospital, to improve the health services in the area. That need will only increase with the development expected to come. Services provided by local councils are another important part of the social fabric of the community that needs strengthening.

Unfortunately the Government has decided to ignore Canterbury Bankstown Council and its more than 360,000 residents. As the second-largest council by population in New South Wales and a council that was forcibly amalgamated, you might have thought that it would qualify for funding under the \$252 million Stronger Communities Fund, but not a cent was allocated to Canterbury Bankstown. The Government did not even bother telling Canterbury Bankstown Council about the fund. Clearly Government members had made up their minds from the beginning that they would not provide funds to our community, no matter how much we need it and no matter how much the Metro project and associated development would cause a population explosion in our area—even though there were several shovel-ready projects ready to go which would have helped build desperately needed infrastructure.

Instead the Berejiklian Government funnelled 95 per cent of the \$252 million into Coalition electorates. The Premier's office was so worried about the decision-making process that it shredded the documents that would have told us who made the decisions to allocate the funds. While I would normally support projects in my electorate that build on infrastructure in the area, it is difficult to support the Metro when there does not appear to have been an overarching plan or an assessment by the Government of what is needed. I call on the Government to release its most up-to-date business case, plans, costings, and the reasons why it intends to tear up an existing heavy rail line to replace it with a Metro. I call on the Government to work with the community of the Canterbury Bankstown area to address their needs. They need not only transport but also schools and hospitals—not just housing driven by developers, but affordable, integrated housing. It is that considered and complete development that not only will benefit the business sector and deliver jobs in our local area but also will benefit the people and the community. It is time to release the business case.

### **WESTERN SYDNEY WASTE INCINERATOR PROPOSAL**

**Mrs TANYA DAVIES (Mulgoa) (00:46:17):** In 2014 it was announced that western Sydney would be the site for Dial A Dump Industries' massive energy recovery plant. A plan to build Australia's largest

waste-to-energy incinerator at Eastern Creek—farcically named The Next Generation proposal—was launched. It is farcical because countries in the European Union that first introduced that waste disposal technology are now moving away from it due to the health risks from toxic emissions. It is not "next generation" technology. After a number of years of fighting this proposal, and even when the proponent changed the scope of the development and offered free rooftop solar power generation systems to 1,000 households, it was officially rejected by the Independent Planning Commission in 2018. While the community has won the first round, the proponent is fighting the decision in court. The matter is not yet finalised.

Last year Cleanaway and Macquarie Group requested a meeting where they presented the Western Sydney Energy and Resource Recovery Centre proposal, located in Eastern Creek, which was another incinerator that would burn non-recyclable waste all year round. At the meeting I made clear my views and the views and position of my community: We reject incinerators in western Sydney. My electorate is facing two incinerators in the space of a couple of years. It is an electorate already suffering with higher rates of asthma, an inversion layer and greater levels of pollution. I commend the work of the Independent Mr Justin Field, MLC, in the other place, who gave notice of the Environmental Planning and Assessment Amendment (Waste Incinerator Facilities—Residential Exclusion Zones) Bill 2020 in the Legislative Council. Whilst the text of the bill is unavailable at this time, I want to repeat the introductory comments by Mr Field:

The bill will seek to prohibit the construction of waste incinerators in urban areas with the bill's details to be drafted in consultation with local communities concerned about the potential health impacts of mixed waste incinerators.

There are currently four proposals for major waste incineration projects in the Greater Sydney and Blue Mountains region including at Eastern Creek, Blacktown, Matraville and Lithgow.

The European Union is moving away from burning rubbish for energy because of the health risks from toxic emissions. We should set clear legislated parameters around these projects to ensure the community's health is not put at risk ...

Public health was an overriding consideration when the Independent Planning Commission rejected *The Next Generation* waste incinerator proposal at Eastern Creek in 2018 ...

I'm also concerned a move to burning rubbish will undermine the recycling and reuse sector ...

Anyone pretending that waste incineration is green or renewable energy is ignoring the massive environmental impacts of these projects. I acknowledge the work that environment Minister Matt Kean is currently overseeing with our health and scientific experts in relation to air quality, emission measurements and monitoring standards. That work is yet to be finalised, but it will ensure that the standards the Government uses to assess the proposals are the strongest and toughest. The Cleanaway and Macquarie Group proposal at Eastern Creek remains of great concern to me, not only because of the incinerator technology but also because of the poor track record of Cleanaway's adherence to health and environmental standards. In October 2020 senior companies reporter Michael Roddan from *The Australian Financial Review* revealed an ongoing pattern of failures by Cleanaway to protect the health and safety of its employees and the environment. He wrote:

Cleanaway Waste Management's self-professed "zero harm" safety philosophy has been called into question by the NSW government's Environmental Protection Agency, which has blasted the company over concerns about its "management of its operations" and the approach and knowledge of employees about environmental safety.

The NSW EPA has also slapped Cleanaway ... with a raft of licence conditions, show cause notices, warning letters and advisory letters after uncovering "consistent areas of concern" following an inspection blitz of 26 company sites in late June ... Of the 26 sites the EPA inspected ... only one ... was given a "no action" finding.

Mr Roddan's article continues:

... Cleanaway was found ... to be storing waste in damaged containers, incorrectly labelling waste and stacking it in precarious positions, while allowing liquid waste to form ponds and potentially pollute waters.

Cleanaway was also found to maintain "questionable" tank infrastructure for waste storage, which was "in poor condition or poorly maintained" and could result in a lower capacity to retain any spills that eventuate ...

The EPA found the company's pollution incident response plans were out of date, including one site's plan that was five years out of date. At others, documentation was "incorrect, missing or illegible".

The EPA said "general knowledge of environmental responsibilities" regarding licence conditions was "poor" for some employees.

Last month a video emerged showing Victorian Cleanaway frontline workers transferring medical waste from bins into larger tubs without protective wear at the height of the COVID-19 crisis. In another October 2020 *Australian Financial Review* article, Michael Roddan reported that one source said:

Decanting bins is quite dangerous. Even though sharps are not meant to go into soft clinical waste bins, they often do, which is why OH&S policy is against decanting bins ...

The article continues:

The Australian Financial Review can reveal the Western Australian Department of Water and Environmental Regulation has "some active investigations" into Cleanaway in WA.

The Federal Government's workplace health and safety watchdog, Comcare, has opened an investigation into Cleanaway following an *Australian Financial Review* investigation which found that the company's plan to



overhaul its information technology [IT] system to push workers into negative annual leave balances during the coronavirus pandemic may have breached the Fair Work Act 2009. Clearly, Cleanaway has a large number of very serious questions to answer in its operational and employment practices. Frankly, if Cleanaway is already bending and breaking rules, it cannot be trusted to do what is right by the people of western Sydney in its plans to build an incinerator in our community. Its disregard for workplace safety and environmental standards in favour of company profits is evidence enough that its proposal for an incinerator must be rejected.

**Mr ADAM CROUCH (Terrigal) (00:51:36):** I support the contribution of the member for Mulgoa. When I was first elected to this place, she single-handedly championed for her community regarding the first incinerator that she mentioned. I congratulate her on her tireless efforts and on her contribution to the debate tonight. She is a strong and powerful voice for her community of Mulgoa in rejecting such projects. I have no doubt that with the second incarnation of the incinerator she will take up the fight and protect the people of Mulgoa and her electorate, which is the job all members are elected to do. The people of Mulgoa are very well served by her advocacy on issues such as incinerators. She has done it once and I have no doubt that she will be able to do it again.

#### LEANNE, JOHN AND DIANE KEEVERS

**Ms ROBYN PRESTON (Hawkesbury) (00:52:35):** I commend Leanne Keevers and her parents, John and Diane Keevers, and thank them for their service to our community through volunteering for the St John Ambulance Australia Hawkesbury Division for the past 13 years. The Hawkesbury division provides first aid training, products and first aid services at events in and around Hawkesbury. That includes what would be the biggest event of the year, the Hawkesbury Show. The division also serves at other showground events, including showjumping and equestrian shows, the weekend Lions markets and annual swap meets at the Hawkesbury Showground. The division attends Anzac Day, among other memorial days, as well as Colo Heights for four-wheel drive events and St Albans for the folk festival.

In addition to their visible presence, the volunteers also devote themselves to meetings, preparation and training. Due to the geography of the Hawkesbury region, many of the places where our volunteers serve are hours away from each other so the travel time alone is a great sacrifice, let alone the time and effort spent prior to and after arrival. Leanne made the decision to volunteer for the St John Ambulance Australia Hawkesbury Division 13 years ago. Her parents followed suit. It is clear that Leanne derived honourable traits from her parents who have a long history of service to the community as volunteers.

John and Diane have volunteered their time and efforts at Hawkesbury Meals on Wheels and the NSW Rural Fire Service catering team. It was there that Leanne would have seen firsthand the positive impact that volunteering can have on those who are in need or who find themselves requiring assistance. Leanne would assist with Meals and Wheels, and what a blessing she was. She showed the initiative to volunteer at St John Ambulance Australia Hawkesbury Division and to bring her parents on board. The duration and consistency of the Keevers' service is enlightening. They have volunteered for many years across numerous organisations in the Hawkesbury. Undoubtedly, they will do so for many more. I am very proud that volunteering is in the DNA of our Hawkesbury locals and volunteers. They have done so in an area that seems to have more than its fair share of the wrath of Mother Nature, which makes the work of volunteers more difficult and busy.

It is pleasing to know that a wonderful person of amazing parents is excelling in her professional life. Leanne is employed as a neonatal intensive care unit nurse at Westmead Children's Hospital and is also a qualified paramedic at the NSW Ambulance Blacktown station. Her father, John, is the duty officer of the St John Ambulance Hawkesbury Division—an important job that on its own would keep John very busy. I commend Leanne and her parents, John and Diane, and thank them for their service. I congratulate them all on their success and wish them all the best in the many years ahead. I also extend my thanks to their fellow volunteers at St John Ambulance Hawkesbury Division and all other volunteers in the Hawkesbury area.

#### REMEMBRANCE DAY

**Dr HUGH McDERMOTT (Prospect) (00:56:10):** On 11 November Australians and other member countries of the Commonwealth gather to honour the members of our Defence Forces who sacrificed their lives during the wars our nations have fought. The day captures our Commonwealth's attention. We stand to honour the memory, acknowledge the sacrifice, celebrate the strength and admire the resilience of those who paid the ultimate sacrifice for our freedom. At the eleventh hour of the eleventh day of the eleventh month of 1918 the Allied Armies that had successfully stopped the German invasion of Western Europe entered into an armistice. Finally, after four years of brutal warfare, the sound of gunfire on the Western Front fell silent. More than 330,000 served overseas to defend our allies, our values and our newly founded democratic nation. It was an immense task for our new nation but one that Australia did not shy away from. Some 155,000 Australians were wounded, 4,000 were taken as prisoners of war and, tragically, over 60,000 Australian men lost their lives. The names of our service men and women deserve to be honoured and remembered in *Hansard*.

I address the heroic actions of a few of our brave soldiers who lived in the suburbs now part of the electorate of Prospect and I pay my respects to their sacrifice for our nation. Corporal Walter Ernest Robertson was living in Fairfield when he enlisted. He was a carpenter by profession. He landed at Gallipoli with the Australian and New Zealand Army Corps [ANZAC] force and later fought on the Western Front. He was wounded in combat a number of times, suffering gunshot wounds to his hands at Gallipoli and to his arm and leg whilst fighting on the Western Front. Later he suffered gas poisoning. From 30 August to 4 September, as a senior non-commissioned officer of his section he assisted his officer in the successful completion of a footbridge across the deadly Somme Valley. He went up and down the column of his men continually, urging them on with untiring energy throughout the day and night. He showed himself to be a capable leader of men under extremely trying conditions of machine gun and shell fire. On 17 June 1919 Corporal Robertson was awarded the Military Medal for great gallantry and devotion to duty.

Sergeant Robert Roberts enlisted in the 8th Australian Field Ambulance unit. At 1.00 a.m. on 14 May 1916 Sergeant Roberts led a squad of three men through a German barrage and assisted valiantly in carrying a patient to safety. Sergeant Roberts risked his own life in the process—a true act of bravery and selflessness under fire. On 2 July 1917 Sergeant Roberts was awarded the Military Medal for his bravery in the field. Australian selflessness and compassion were witnessed throughout the duration of the war. On the Middle Eastern Front, Australian forces also assisted the Assyrian and Armenian communities fleeing the Ottoman Turkish Empire's systematic genocide of Christians in the region.

The Dunsterforce, which was made up of a group of volunteers from the Western Front, was established in January 1918 by the British High Command and assigned to destroy enemy supply lines that were directing ammunition and finances throughout the Middle East. However, during their station at Urmia—located in modern day Iran—Australian Captain Stanley Savage and a small force of 24 soldiers assisted over 70,000 Assyrian and Armenian refugees to safety. Captain Savage and his force protected women and children while holding back the Ottoman and Kurdish forces. If it was not for the heroism and bravery of Captain Savage and his men, tens of thousands of Assyrian and Armenian refugees would have been slaughtered in the deserts of Syria. Their heroic actions are a true testament to the Australian fighting spirit and determination to care for the most vulnerable when they are under threat.

Today, many of the descendants of those refugees now live in the electorate of Prospect. We have seen the modern Anzac spirit in the Australian Defence Force deployments to East Timor, Somalia, Cambodia and Rwanda. Today is a sacred day. Engraved on the walls of the Australian War Memorial are the names of over 102,000 Australians who have valiantly fallen while protecting our democratic nation. We salute them; we honour them. They are our brothers, sisters, fathers, mothers, grandfathers and grandmothers, and as Australians, we are, and will remain, eternally grateful for all they have sacrificed. To those who continue to wear our nation's uniform, we stand with you and thank you and your families for your service and sacrifice. Lest we forget.

#### **SOUTH TACOMA FIRE TRAIL**

**Mr DAVID HARRIS (Wyong) (01:01:26):** Tonight I speak about the plight of residents at South Tacoma. Anybody who has been to South Tacoma knows that it is one of the world's most beautiful places. On one side is the shore of the Wyong River and on the other side is the Central Coast Wetlands, which backs onto Pioneer Dairy. It is a fantastic part of the Central Coast and a haven for international migratory birds that fly from Russia and other places. Most residents do not move there for a short time; they move there for a lifetime. They have been contacting me since as far back as April this year to complain that the Central Coast Council has upgraded the fire trail at the back of their properties. I said to them that, given the bushfires, one would think that was not such a bad thing. However, the fire trail is acting like a dam and causing massive flooding because the water cannot drain away. Council officers came and checked on it. They told the residents that they had it wrong, there was proper drainage put in and the water could drain away. They checked the slope and told the residents that it was all really good.

Last Saturday the residents invited me to have a look at that well-functioning drainage system and I was quite shocked at what I saw. The properties are being almost permanently flooded by water that cannot drain. The level of the water in some sections is amazing; I could not walk across them as the water was almost up to my knees. There was obviously no water flowing. One would suspect that, given there is water on both sides, the water would flow and drain away from the back of people's houses, if the trail had been built properly. That is certainly not the case. There is a national park walking trail in one section that you would seriously need a canoe to use—the trail is flooded as far as you can see. When you look at the road, you can see that it is built up higher, which prevents water from flowing across it like it usually did. There are small trenches every 100 metres with big, thick blue metal across them. The levels of the blue metal trenches are higher than the sides of the road, so the water is effectively dammed and does not drain. If there was a torrent of rain, I could imagine that they would work, but once that rain slows down the water just sits there.

Residents used to be able to walk along the trail with their children, ride their bikes and do all those sorts of things that they cannot do anymore because they cannot access it due to the back of their properties being flooded. Apart from that, one of the issues they are concerned about is the spectre of mosquitoes. I think they are pretty much right that if there is stagnant water sitting for a long time—and it was obvious that the water had been sitting there for a long time—there will be a mosquito problem as we move into summer. I contacted the council again. We now have an administrator, so I am hoping that he may have fresh ears and eyes. I hope he might have a look at the problem again because clearly the people who built the road have it slightly wrong—or a lot wrong. The water is not getting away, and those residents deserve to get their backyards back.

During my visit we walked through the house of a gentleman who had lived there for 30 years. He said, "Yes, it does flood if there is huge rainfall, but it has never been like this." It was quite amazing. About a quarter of his backyard was under water; it was flooded. He said that it had been like that for weeks and that the water used to get away. He said that he would actually see it running down the hill and into the lake further down, but now it just sits stagnant. I told the residents that I would raise the issue in the House and with the council. I think it is inherent on the council that it does not do this sort of work in a way which impacts local residents. The residents pay their rates and they have a vacuum sewerage system. The system fails all the time because the water goes over the level of the sewerage and the sewage runs into their yards. I am hoping that the new administrator can work with the residents to fix the problem before the inevitable mosquito problem comes down the track.

### **MICHAEL HUGHES FOUNDATION**

**Dr GEOFF LEE (Parramatta—Minister for Skills and Tertiary Education) (01:06:40):** I bring to the attention of the House the fifth birthday of the Michael Hughes Foundation and the good work it does in our community. The Michael Hughes Foundation, based in the Parramatta electorate, is a registered Australian charity which incorporates a social enterprise model to provide access to a range of medical products, services and training programs that underpin its mission. That mission is to turn bystanders into first responders. Its core focus is to increase the confidence of individuals to act and create coordinated communities to reduce time barriers, strengthen links to emergency services and ultimately save lives. A cardiac arrest is not a heart attack and the Michael Hughes Foundation provides education to enable individuals to recognise a cardiac arrest, which is when a person is unconscious and not breathing. Across Australia over 30,000 cardiac arrests happen in the community every year, with 7,500 occurring in New South Wales alone. Eighty per cent of events happen in our homes and for every minute that passes without CPR or the use of a defibrillator, survival of a cardiac arrest decreases by 10 per cent. Only one in 10 people survive a cardiac arrest.

Created out of personal loss, the foundation was established as a legacy for Michael Hughes, who passed away from cardiac arrest in 2013 at the age of 38. Thanks to the support of the board, key partners, volunteers and donors, the foundation has grown significantly since its inception in 2015. The team is committed to its endeavours and has achieved many significant milestones, including having over 350 defibrillators placed throughout New South Wales, delivering 263 accredited first aid courses and 1,401 combined teaching hours delivered, and engaging a staggering 3,547 combined first aid course participants. One of the key partnerships of the foundation is with PCYC NSW. It saw the placement of a defibrillator in every club throughout New South Wales and the delivery of accredited first aid training through the NSW Police Force commissioner's RISEUP program, which incorporates job ready programs, mentoring and vocational training for at-risk youth aged between 15 and 18 so they can build their engagement with education, employment opportunities and the community.

The Michael Hughes Foundation has also partnered with leading property companies PAYCE and Sekisui House Australia to establish a heart-safe community at its groundbreaking Melrose Park project in the Parramatta electorate. Up to 30 defibrillators will be installed throughout the master plan area. Six of those have already been deployed as part of the first stage of Melrose Park North, due to open to residents this month. Over the past five years the foundation has been recognised for its work through the Western Sydney Awards for Business Excellence, receiving Excellence in Social Enterprise in both 2018 and 2019, and taking out the NSW Business Chamber award for Excellence in Social Enterprise in 2019.

To top it off, executive director Julie Hughes and acting chair Kevin McSweeney were named the City of Parramatta's Citizen of the Year in 2016 and 2020, respectively. I congratulate both of them. As the member for Parramatta and in my position as acting sports Minister and Minister for Skills and Tertiary Education, I wish the Michael Hughes Foundation a happy fifth birthday and congratulate it on its continuing commitment to health issues and its professionalism and dedication representing western Sydney and New South Wales.

### **MURWILLUMBAH SCHOOL CLOSURES**

**Ms JANELLE SAFFIN (Lismore) (01:10:50):** Tonight I continue my contribution concerning the Government's planned closure of four schools in Murwillumbah to create a mega school, the Murwillumbah High School, on one of the sites. I express concern on behalf of the community that it was done without consultation.

I note that the Department of Education's protocol for "schools where recess, closure and amalgamation or other educational provisional models are to be considered" was not followed in that case. It states, "These protocols apply to all NSW's Government schools, regardless of their size." Those are four New South Wales Government schools in Murwillumbah that we are talking about.

The protocol states that if recess, closure, amalgamation or an alternative educational provision model is seen to be considered, the executive director will contact the local member and certain other groups, including the NSW Teachers Federation. Clearly that was not followed. I was told one minute before it was announced. I had access to some of the papers and was thinking about how to respond. It also states that the executive director will develop a fact sheet for the information of the Department of Education and Communities senior executive and the NSW Teachers Federation. From my knowledge and everything that I have read and seen, clearly that was not done.

I also go to the other issue that I have previously discussed: In this place I detailed a time line that demonstrated that the Minister told the community—and the Parliament through responses to my questions on notice—that Murwillumbah East Primary School would have new classrooms built and upgraded starting in 2021 and be completed in 2022. However, the department's documents show that the Minister signed off on the plan to proceed to the amalgamation. That means that the upgrades were never going to happen at Murwillumbah East Primary School. Last night I said—and I do not say such things lightly—that the only conclusion I can draw is that the Minister was being untruthful to the community. It is all detailed in the time lines and in answers to questions on notice. The document states:

In February 2020 the NSW Minister for Education provided approval for planning to proceed and a Project Management Group (PMG) was established to prepare a Master Plan and Business Case in consultation with local Directors of Educational Leadership and principals of four schools.

Reading the documentation shows that that was clearly done to amalgamate the four schools. I am very disappointed. The community has been shocked and its reaction has been fierce. The four P&Cs have asked the Minister to halt and consult. I have put forward that reasonable request. The Australian Professional Teachers Association did likewise, as did the Teachers Federation and some of the students. The current captains and vice-captains as well as the former ones have also asked for that. The way in which they requested it was reasonable.

I have also said that I am seeking guarantees that any proposed change is only ever based on the needs of our children. That means better educational services and opportunities, state-of-the-art teaching facilities and better support for students with disabilities. So far the community has not heard that those things will happen. Schools are not just buildings; they are repositories of culture, memories, aspirations, experiences, friendships and all the things that shape lives. It is easy to march into a community and say that four of their schools will be closed down to give them a great mega one. But imagine someone walking in and saying that they are about to close our homes, getting rid of four so that we can go and live in one grand home. It is not good enough.

### WAGGA WAGGA ELECTORATE VETERANS

**Dr JOE MCGIRR (Wagga Wagga) (01:16:04):** Yesterday was Remembrance Day and, as the House continues to sit into the morning, we remember those who have made the ultimate sacrifice in defence of our country. It is also a day to reflect on the needs of those who continue to suffer the effects of war. So it is timely to speak on some wonderful initiatives in the Wagga Wagga community to support our veterans, particularly those from our more recent theatres of service. Our veterans face many challenges and it is clear that we have much to do to support them. We know, for example, that as well as physical disability there are the high rates of depression and suicide. Thankfully, some organisations have sprung up to help. One of those is Defence Sheds. Defence Sheds are based on the Men's Shed principle and offer assistance to all veterans, police and emergency services personnel and their families who are in need. The sheds are organised and managed by current and former Defence Force and emergency services personnel who have a passion to help.

They provide a safe place of mateship, understanding and social connection to help members meet their mental and physical challenges. Defence Shed Wagga Wagga was started after a group of locally-based, former service personnel began talking about the need for more services for veterans in Wagga Wagga. Jason Frost, the president of Defence Shed Wagga Wagga and a veteran of 16 years in the Australian Army, said that a meeting between the local veterans and a group from South Australia brought the concept to Wagga Wagga. With the support of our local men's shed, a temporary home has been set up on premises owned by the Salvation Army. Within just weeks, the new Defence Shed had 20 to 30 members. Despite the pandemic, courses and activities that were begun have resumed. Shed members—men and women—are busy learning skills that could lead to new jobs or be passed to other members. Last month Minister Geoff Lee visited the Defence Shed Wagga Wagga and met with members and their supporters, including Jason Frost, Brad Maynard, Greg Seymour, Lyle Salmon, Lachlan Feeney, Alastair Mills, Burdene Oxley-Boyd and Colin Taggart.

Jon Black, CEO of RSL NSW, and Nicki Young of RSL LifeCare joined the meeting via web link, while David Gardiner, David Williams and Robert Buckley represented the Wagga Wagga RSL Sub-Branch. I thank the Minister for all the time he spent with the members. Not satisfied with that impressive start, Jason Frost and his team briefed the Minister on a new initiative: a centre for health and wellbeing for veterans in Wagga Wagga on the site of the former Carmelite Monastery, which was founded 53 years ago as a war memorial shrine to Our Lady Queen of Peace. In the years since, it has provided a powerhouse of prayer for our region and our country. Sadly, the nuns have had to leave that special place, yet they have decided to allow their facility to be developed to operate as a centre for health and wellbeing for veterans and first responders. The centre will be called Pro Patria, which in Latin means for our country. These words are inscribed on a memorial at the monastery to the armed services from which a cross rises over the Riverina. In referring to the concept of the Defence Shed and the proposed centre, Sister Maria Hughes, the last prioress of the monastery, said at a handover mass and ceremony last Saturday:

The hands-on mission of the wounded helping the wounded is an organic embodiment of Carmel's spiritual work of prayer, compassion and friendship.

Jason Frost said:

Running the shed highlighted the need for better medical, advocacy, community, training and employment support, in that order.

The Pro Patria Centre will help by offering new treatment and support service options to the rural community for veterans and will be focused on networking and integrating both conventional and modern research-based therapies. With a passionate team behind us and with the support of the Wagga Wagga community, the next 12 months are looking very positive. The Carmelite Monastery has been a part of Wagga Wagga for a long time and is well supported by the community. The feeling at the handover ceremony on Saturday was one of immense energy and pride that this wonderful tradition would continue in a real sense with these young men helping veterans and first responders. Bishop Marc Edwards said at the time:

It will be a place to wipe away the tears of suffering, the tears of shame, the tears of grief and to heal and make whole the veterans and their families.

I thank the Carmelite nuns and I wish Jason Frost, Lyle Salmon and their team all the very best.

#### **CHARLESTOWN ELECTORATE BUILDING DEFECTS**

**Ms JODIE HARRISON (Charlestown) (01:21:12):** Buying or building a home is the largest financial commitment many people make during their lifetimes. Buying a home is stressful, but when it comes to building a new home or undertaking significant renovations to an existing property the stresses go to a new level. With so much at stake, it is important that regulations exist to protect consumers when things go wrong. The people of New South Wales rely on the Government to create the necessary protections so that they can make such a big financial commitment in good faith. Without adequate regulation, there is no consumer confidence.

In the Charlestown electorate two constituents have been left in the lurch after Ben Geary of BJG Builders Pty Ltd failed to complete work on their new home at Adamstown Heights to an acceptable standard and also inadequately carried out significant renovations on an existing home at Kahibah. Just across the electorate border in Newcastle, three more families have also felt the financial sting and stress of doing business with this builder. The Adamstown Heights home was left with unsafe retaining walls, gas leaks, incomplete plumbing and more than 100 building defects. It currently has no occupancy certificate. At this property there are \$90,000 worth of works outstanding and the cost of repairing the numerous defects will be in excess of \$80,000.

Another of these homes where work was undertaken by Mr Geary has water running through its garage, causing damage to the property. Downpipes were not connected to stormwater drains, leading to the home's footings being undermined each time it rained. Work on this home began in 2018 and it remains damaged, incomplete and defective. To make matters worse, the owners have since discovered that Mr Geary had not taken out home warranty insurance. One home owner engaged him in 2018 for a 20-week build yet Mr Geary has still not completed the work. Just around the corner, another family of five has been left devastated after engaging Mr Geary in March 2019 to build a new home. They have been left with a home that has 17 building defects and has not been issued with an occupation certificate. They now face the prospect of spending tens of thousands of dollars in legal fees.

Mr Geary has been issued multiple rectification orders by NSW Fair Trading to complete and rectify works on these properties. These orders have come and gone without the multiple defects found in each home being corrected. This builder has left these five families with defect-riddled homes, and together they are out of pocket many thousands of dollars. But more than this, there is no price that can be put on the stress that these families have had to endure. I have witnessed the enormous pressure they have been under and the financial strain they have had to bear as a result of engaging Mr Geary to build or renovate their family home. Yet, unbelievably, he

still holds a builder's licence and is still free to work for other customers and operate as a builder in the Lower Hunter.

I have written to the Minister about this matter and I believe the Government stands with the Opposition in wanting to make sure that the people of New South Wales are protected against unscrupulous builders. Labor supported the Government's legislation that allowed for the establishment of the NSW Building Commissioner in order help to execute policies and laws to provide a robust regulatory framework for complainants. I call on the Minister to order an urgent investigation into Ben Geary of BJG Builders to bring this matter to an end for these constituents, and to protect others who may unwittingly seek to engage his services.

### SISTA CONNECTIONS PROGRAM

**Mrs LESLIE WILLIAMS (Port Macquarie) (01:25:28):** I acknowledge the traditional custodians of the land on which we stand, the Gadigal people of the Eora nation, and I pay my respects to Elders past, present and emerging. I also acknowledge the Birpai people, who are the custodians of the land on which the regional city of Port Macquarie is located. I recognise this is NAIDOC Week, and it is wonderful that it has coincided with the celebration of the emergence of Sista Connections at the Hastings Secondary College. I applaud and commend the program, which is aimed at bridging educational gaps in young Aboriginal girls while improving their access to health and education opportunities.

Wiyabu, which means "hello" in the native Birpai language, was the word used to begin an inspiring speech on cultural identity and inclusion given by year 10 student Zara Bryson, who proudly represented Hastings Secondary College in the YMCA NSW Youth Parliament on 29 October. Zara is one of many bright young Aboriginal women who have enrolled in the Sista Connections program, which is already showing some promising academic results in Indigenous learning. On 3 November I attended the official launch of the program at the college's Port Macquarie campus to join in the celebrations as the refurbished and revitalised classroom was unveiled. For the almost 100 young Aboriginal women attending the Port Macquarie and the Westport campuses, Sista Connections will provide a positive, empowering and motivational environment in which they can learn.

My dear friend Uncle Bill O'Brien commenced proceedings with his impressive and influential welcome to country, before the ribbon was cut to signify a revolutionary advancement in Indigenous education from a coastal, regional classroom that is clearly motivated to raise the bar to reduce educational inequality for Aboriginal girls. The Sista Connections program thrives on the core principles of together we are, together we can and together we will. As an observer, I have seen this implemented through the nurturing role each educator at Hastings Secondary College plays in the life of an Indigenous student's educational development.

At the core of the program are the key values of respect, personal best, resilience and leadership. As part of the program, each young woman will learn about building self-esteem as a result of gaining new skills and knowledge, understand their sense of identity in today's society, be confident and proud of themselves and connect positive choices about education with future career prospects. A homework club will be run where they can receive assessment support, and access to training opportunities and senior pathway options will allow them to learn about women's business and entrepreneurship.

The focus of the program is to ensure that each girl is prepared and equipped for employment beyond school while building capacity through better mental health and wellbeing, often seen as an impediment to Indigenous learning. As a former teacher I understand all too well the inequities that Aboriginal people have faced in education and employment. I am encouraged to see that people like Aboriginal education officer Kelly O'Brien, deputy principal Jacyntha Moylan, partnership officer Leanne Jeffery and director of educational leadership Andrew Kuchling are championing initiatives like Sista Connections to make sure that no student is left behind and, more importantly, every child is treated equally and fairly.

I recognise the following individuals from the Sista Connections program team who have worked exceptionally hard to ensure the inspirational program has come to fruition: Kelly O'Brien, Angela Gordon, Brooke Paul, Shelby and Leilani Grainger. I commend Hastings Secondary College campus principals Meaghan Cook, Ian Ross, Leon Ruhl, Jacyntha Moylan, Willem Holvast, Leanne Jeffery and Andrew Kuchling on their hard work. I also recognise the efforts of Hastings Valley Community of Schools principals Brett Thurgate, Tony Johnson, Jock Garven, Jodie Patterson, Phil Harris, Duncan Adams and highlight the work of local community groups, the NSW Aboriginal Education Consultative Group, Charles Sturt University, The Other Chef and the Birpai Aboriginal Land Council.

In NAIDOC Week we celebrate the culture and history of our First Nations people who have occupied our nation for 65,000 years. NAIDOC is also about acknowledging the accomplishments of Indigenous people across all aspects of society and recognising those role models who inspire and shape Aboriginal men, women and children in our community. In highlighting the Sista Connections program I applaud Aboriginal former student

Shelby Grainger, who graduated from Hastings Secondary College, Port Macquarie Campus, in 2018 and has since commenced pursuing her career goal by undertaking a traineeship in education. Shelby has done well. In conclusion I congratulate everyone involved in NAIDOC Week activities and commend the 2020 theme, "Always Was, Always Will Be".

*Community Recognition Statements*

**REVEREND EMILY PAYNE**

**Mr JUSTIN CLANCY (Albury) (01:30:03):** I was honoured to be invited to the induction ceremony of Reverend Emily Payne to ministry with the Anglican Parish of Northern Albury on Saturday 31 October. Officiated by the Right Reverend Clarence Bester, the eleventh Bishop of Wangaratta, the ceremony was a beautiful expression of community faith. In the presence of the St Mark's congregation, Emily committed herself to the task of priestly leadership, willingly committing herself to God's mission in North Albury. It was a spiritual celebration and a beautiful time with the community, sharing the commitment with the people of the parish. On this note, I conclude by quoting Bishop Bester:

May the Lord who has given you the will to do all these things, give you grace and power to fulfil them in his name.

I wish Emily all the best.

**AUNTY ISABEL REID**

**Dr JOE McGIRR (Wagga Wagga) (01:30:55):** Many people in Wagga Wagga would recognise Aunty Isabel Reid for the thoughtful and dignified manner in which she has performed the welcome to country at official events. Aunty Isabel is a much-loved, highly respected and inspirational Wiradjuri Elder. I am delighted that she has been named the NSW Senior Australian of the Year. Born in 1932, Aunty Isabel is the oldest survivor of the Stolen Generation and has worked tirelessly to raise awareness and advocate for reparations. Aunty Isabel is a former chair of the Coota Girls Aboriginal Corporation and the founder of the Mawang Gaway Aboriginal Consultative Group in Wagga Wagga, which aims to support activities that advance relationships, education, community knowledge and reconciliation for all members of the community. She has contributed to organisations like the Healing Foundation and inquiries at local, State and Federal Government levels and worked tirelessly to progress the recommendations of the *Bringing them home* report that was tabled in Federal Parliament in May 1997. In 2001 Aunty Isabel co-authored the book *Making Waves for a New Dreaming*. Charles Sturt University has conferred the Order of the Companion of the University on Aunty Isabel.

**RIZALYN WILBOW**

**Mr DAVID HARRIS (Wyang) (01:32:06):** I congratulate Rizalyn Wilbow from Warnervale on being awarded the Central Coast's 2020 Educator of the Year. Rizalyn has worked in early childhood for 23 years. She currently runs her own day care business, Riza's Pambata Family Day Care. The day care was nominated by one of the client's families and was chosen by Family Day Care Australia as the coast's top educator for its continuous support through the pandemic and its outstanding approach towards child care. Family day care businesses have become more recognised in the industry. They provide smaller groups that make it easier to avoid illness and allow easier tracing. Parents realise this and there is more appreciation and interest for home day care, which is great value for sole traders like Rizalyn. For Rizalyn 2020 will be a year to remember as she celebrates the 10-year anniversary of her business, especially if she progresses to national finalist, which will be announced in December. I wish her the best of luck with her endeavours.

**ST AGNES' CATHOLIC PARISH**

**Mrs LESLIE WILLIAMS (Port Macquarie) (01:33:03):** I acknowledge the energetic and highly enthusiastic residents of St Agnes' Catholic Care of the Aged Emmaus for embarking on a 772 kilometre pilgrimage to raise funds for families facing financial hardships. We can all attest to this year having tested us in some way—sadly, with many families feeling the pinch due to the unprecedented COVID-19 pandemic, which has created much uncertainty and vulnerability in the economy. For families this means that some parents will struggle to pay for their children's education. Literally stepping up to tackle the financial inequalities for our students, the St Agnes' Catholic Parish walkers are planning to cover a mammoth 772 kilometres, which equates to the great Christian pilgrimage of the Camino de Santiago's French Way from St Jean Pied de Port in France to Santiago de Compostela in Spain. Team leader Lance Devine outlined the notable journey the residents will take to raise money for families in need. The group meets each morning at the same time and commences their walk around the level path of the grounds that overlook the surrounding paddocks and natural environs. I thank the Emmaus residents for participating in this unique fundraiser. I am particularly impressed by their generosity and kindness.

### REMEMBRANCE DAY

**Ms JODIE HARRISON (Charlestown) (01:34:10):** Every year the eleventh day of the eleventh month is reserved for solemn reflection and remembrance. One hundred and two years after the Armistice was signed, Remembrance Day has come to commemorate the sacrifices made by soldiers from all over the world for that most important cause: peace. I pay tribute to men and women of the Charlestown electorate who have served their country in uniform, both those who returned and those who now rest in foreign fields. This year Remembrance Day takes on an added meaning as so many Australians were unable to commemorate Anzac Day due to lockdown measures. I pay tribute to services around the Charlestown electorate, particularly at Dudley and Cardiff. While I could not attend personally this year, I would like to commend the memory of our fallen warriors to the House. Lest we forget.

### 1ST AVOCA BEACH SCOUT GROUP

**Mr ADAM CROUCH (Terrigal) (01:35:14):** On Thursday 29 October I had the pleasure of attending the 1st Avoca Beach Scout Group to present them with \$15,000 worth of Government funding from the New South Wales Government's COVID-19 stimulus program. This \$15,000 will go a long way to upgrading the kitchen at the fantastic Avoca Beach Scout Hall. I was joined by Peter Oliver, the leader in charge, and also the regional commissioner, Steve Fernie, to make the announcement to the very excited group of local scouts. I am also pleased to confirm that that \$15,000 will be used to upgrade the kitchen using local tradies from the Central Coast. Again, this funding will benefit and go to a fantastic organisation and local tradies on the Central Coast will be the ones delivering the work to this fantastic scout hall. I congratulate the team at the 1st Avoca Beach Scout Group for applying for this fantastic fund. I was delighted to be able to deliver it to them.

### COASTAL TWIST FESTIVAL

**Ms LIESL TESCH (Gosford) (01:36:24):** Wowee! I love the Coastal Twist Festival, everything they stand for and all they do to invigorate and enliven our beautiful community. November is a fabulous time to explode out of COVID-19, with five performances, actions, shows and installations for community members from across the coast and beyond to embrace. The Gosford electorate office is proudly displaying a photo in the sidewalk Shopfront Photo Exhibition. This exhibition is fabulous, vibrant and dotted across the community. It almost creates the joy of the Coast Twist festival, which had to be cancelled this year due to COVID-19 after celebrating its inaugural event in 2019. On Saturday a limited-edition, COVID-sized crowd celebrated the third birthday of Clambake. While I loved the lithe and incredibly talented drag queen Vallarie, drag king Rocco D'Amore singing in Italian, Kira Hulala and Glitta Supernova, the wacky egg and super hostess with the mostest, my favourite performer was the Adopted Gay Aboriginal Dale Would Do It and his lasso whip rose act. I wish him a happy birthday. And this Sunday Girls on the Green has already sold out to 500 people at Everglades' biggest ever event. I cannot wait.

### HILLTOPS WINERY BALLINACLASH

**Ms STEPH COOKE (Cootamundra) (01:37:35):** I congratulate Hilltops Winery Ballinaclash, which recently won Best Cabernet Sauvignon for its 2019 Tom Cabernet Sauvignon at the 2020 Hilltops Wine Awards. This same drop also won the 2020 NSW Wine Awards' Best Cabernet Sauvignon. The Tom Cabernet Sauvignon is not its only wine that has won awards. Ballinaclash also won gold for their 2018 John Shiraz and a bronze for the 2018 Joe Shiraz at the 2020 NSW Wine Awards. Ballinaclash in Young was established in 1965 by the Mullany family and is still run by Peter and Cath Mullany and their six children. Their vineyard on the Olympic Highway offers a pick-your-own-cherry experience for the whole family as well as cherry pie making classes. I say well done to the whole Mullany family for their hard work. I am glad their wines have received the recognition they deserve.

### BRILLIANT BUSINESS KIDS AWARDS

**Mr DAVID HARRIS (Wyang) (01:38:38):** I congratulate Gorokan High School students Amber Herder and Sophie Lawson on winning first place in the New South Wales Government's 2020 Brilliant Business Kids Awards. The awards are a part of the Startup Business State Pitch Competition, where schools pitch a sustainable business idea to solve an existing environmental issue. Amber and Sophie pitched their idea on "Bio Balloons", a business model for a new type of biodegradable balloon that would directly reduce the harmful environmental impact for which the party decoration is increasingly becoming known. The students' detailed research and well-executed presentation is what really pushed Gorokan's pitch over the line. It included details on the chemical make-up of their balloons as well as how they would be manufactured. The program had to be changed during the pandemic, creating disruptions for the two students. They achieved amazingly well with their high-quality presentation. Amber and Sophie are now onto their next journey of being qualified to participate in the Brilliant Business Kids Festival, where they will pitch their idea to other States' winners in Australia.



**JIM AND RIVA DALE**

**Ms ROBYN PRESTON (Hawkesbury) (01:39:46):** I congratulate Jim and Riva Dale for reaching the beautiful milestone of 60 years of marriage in October this year. These two lovely people met in England when they were both 18. Worthy of a true fairytale story, Jim and Riva featured together in local musicals. They married when they were 20 years old. In 1966 they moved to Australia with their two small sons. Jim would go on to make films whilst Riva became an accountant and tax agent. Jim and Riva live on a beautiful property in the Dural area where they built and run the Geranium Cottage Nursery & Cafe. I look forward to visiting the cafe as Jim's coffee-making skills and Riva's gardening skills are renowned. I congratulate Jim and Riva on 60 years of marriage and wish them many more years of happiness.

**JASMINE MITCHELL**

**Ms LIESL TESCH (Gosford) (01:40:50):** I congratulate every student who has completed their HSC in 2020. It is an amazing demonstration of commitment, perseverance and profound resilience. I offer a super special shout-out to fabulous Jasmine Mitchell, a graduate from NG Central School for her fabulous efforts completing her year 12 major artwork. I had the honour of meeting Jasmine at the Central Coast Primary Care Mental Health Art Exhibition. Jasmine shared her deep personal story reflecting on her artistic skills and techniques she used to highlight her friend's journey with mental health challenges. Jasmine's work has deep symbolism and techniques to blend black and white, featuring a backpack representing the baggage we carry, and the dark negativity of social media and the ability of words that bring people to their lowest. In contrast, infrared editing abstracted colours portray the positive side of social media, and the opacity of posts to symbolise how words hang over us as distant memories for so long. Was Jasmine's work a greater reflection of the light and dark, the depth of intense memories, that impacted differently by social media and the extremes experienced by year 12 students in 2020?

**IVAN SAJKO**

**Mrs LESLIE WILLIAMS (Port Macquarie) (01:42:07):** I congratulate local photographer Ivan Sajko for capturing the destructive force of a major storm cell off Lighthouse Beach, Port Macquarie, which has made the prestigious 2021 Bureau of Meteorology calendar. It was an afternoon to remember for the professional photographer and storm chaser, who shot *Stairway to the Storm*, a violent thunderstorm that had generated through a low pressure trough off Central Australia and journeyed its way to the mid North Coast. The spectacular image caught on camera by Ivan highlights the ferocity of the tornado-like event which descended over Port Macquarie on 2 February 2020. Breathtaking, powerful and commanding are words that describe Ivan's beautifully framed picture, which deservedly achieved inclusion in the 2021 Bureau of Meteorology calendar. No doubt that is a career high for Ivan and an accomplishment to be proud of. The storm cell was generated through a blend of warm moist air and cooler drier air, leading to instability in the atmosphere and the creation of a dramatic thunderstorm. Ivan remarks that his good fortune is the product of finding the perfect location to capture his world-class image *Stairway to the Storm*, which no doubt will be appreciated and valued by weather enthusiasts for generations.

**JOSH RICKARD**

**Mr JUSTIN CLANCY (Albury) (01:43:14):** I congratulate Josh Rickard, who was awarded Young Citizen of the Year. Josh is a 23-year-old resident of Albury who was named the NSW Volunteer Rescue Association's Officer of the Year in an event held in Dubbo at the Emergency Services Community Awards. Josh has been a valued member of the Albury & Border Rescue Squad since 2018. He formed part of the rescue team which carried out the search for swimmer Bigul Pandit, who went missing in the Murray River. Josh also contributes his time and energy to other welfare organisations. I see Josh in a number of capacities across our Albury community. The Albury & Border Rescue Squad have been extremely busy during the 2019-20 bushfires and throughout COVID. I acknowledge the amazing work done by Josh and the team. Well done, Josh.

**WYONG PUBLIC HOSPITAL**

**Mr DAVID HARRIS (Wyang) (01:44:06):** I congratulate Wyong Public Hospital on celebrating its fortieth anniversary on 1 September. Celebrations did not go ahead due to the pandemic; however, the hospital's official opening souvenir booklet has been shared to mark the occasion through photos of the opening of the hospital and interviews. Wyong hospital was officially opened on Saturday 22 November 1980 by the Minister for Health, the Hon. K. J. Stewart, MP. Miss L. Spears was the first patient at Wyong hospital. Today the hospital is in the middle of a redevelopment, which will deliver expanded infrastructure and services to the Wyong community including a new emergency department, increased intensive care services, paediatric services, inpatient beds, an additional operating theatre, rehabilitation, ambulatory services and additional parking. I pay tribute to the present and past staff members for their care towards the community and contributions over the years. I also acknowledge the general Wyong community who have always shown great support for their public hospital, particularly the volunteers who make up the Wyong Hospital Auxiliary.

**NELLA HICKEY**

**Mr ADAM CROUCH (Terrigal) (01:45:06):** Last Thursday I had the pleasure of catching up with Terrigal resident Nella Hickey and her son, Michael. What makes Nella so special is that she is a sprightly 106 years old. She is a delightful lady. I caught up with Nella last year for her 105th birthday. It was a pleasure to catch up with her again for her 106th. Nella is a true lady in every sense of the word. She has not lost any of her sparkle, even though she is 106. She is still an avid reader, although she told me her eyes are getting a little tired. Every chance she gets she keeps up to date with current events. Her son, Michael, calls in to see her every day. I thank Nella for her time with me last week. It was a pleasure to catch up again. She puts her youthful good looks down to a lifelong use of Nivea products. I thank Nivea for sending Nella a basket, which was signed by almost every Nivea employee.

**SCOTT ROWLINGS**

**Ms STEPH COOKE (Cootamundra) (01:46:11):** I acknowledge Mr Scott Rowlings, a teacher at Narrandera High School who shaved his head and beard to raise money for Narrandera CanAssist. Year 12 students at Narrandera High School set the challenge at the beginning of the year with Mr Rowlings undertaking to commit to the "big shave" if the fundraising target of \$10,000 was met. Students exceeded the target set by Mr Rowlings by raising over \$12,000 for Narrandera CanAssist. This is an amazing effort by all of those involved. I acknowledge the year 12 students for organising this fundraising event and all who donated. I thank Mr Rowlings for bravely offering to take the "big shave" for a good cause.

**YMCA NSW**

**Ms ROBYN PRESTON (Hawkesbury) (01:47:08):** I commend YMCA NSW for inviting HSC students to work out free of charge at Hawkesbury Oasis in South Windsor during the HSC exam period. The HSC can be a very stressful time for students, even more so with the disruptions and effects of COVID-19. It is fortunate that we have wonderful organisations such as YMCA NSW doing what they can to alleviate the stress. I am sure many HSC students will appreciate the gesture and financial relief YMCA NSW offered during this time. It is truly reflective of the Hawkesbury community spirit where they all help each other during what may be tough times for some in our community. I thank YMCA NSW and wish all of our Hawkesbury HSC students the very best of luck as they await their results.

**CENTRAL COAST DISASTER RELIEF**

**Ms LIESL TESCH (Gosford) (01:48:05):** I wish Central Coast Disaster Relief [CCDR] and everyone involved in this fantastic organisation a very happy first birthday. Central Coast Disaster Relief was born as the fires were burning in the north of the State last year. Beautiful Carly Pal had a vision, saw the strength and generosity of our community, and used her passion and enthusiasm to bring people together to donate resources to fire-impacted communities in the north. As the Central Coast came on board with generous donations and offers of support, little did Carly know the fires would continue into our own community and to the south, and CCDR gathered greater momentum. During the floods on Tuggerah Lake CCDR helped many people, and as COVID locked everyone inside, the generosity of the Central Coast community became evident once again. Donations were collected, organised and distributed with love to isolated and vulnerable people. I send massive congratulations and gratitude to Carly Pal, her fabulous family and administrative team of Jessi Keighran-Keary, Kylie Clark and Tricia Carlow for their sense of community, love and generosity on the Central Coast.

**ARIAH PARK SHOW SOCIETY**

**Ms STEPH COOKE (Cootamundra) (01:49:08):** With so many agricultural shows being cancelled this year due to COVID-19, it is wonderful to hear about the Agricultural Societies Council of New South Wales No Show Scarecrow initiative, which is aimed at spreading joy and keeping community spirit alive. The Ariah Park Show Society has joined this fun project and encouraged people to create a scarecrow with an item that identifies Ariah Park and display it in the front yard, at the farm gate or in a paddock. The society has even posted instructions on how to build a scarecrow on its Facebook page. The good news is that the Government has announced that country shows can resume in New South Wales and show committees and regional communities can start planning events scheduled for early 2021.

**TERRIGAL PUBLIC SCHOOL**

**Mr ADAM CROUCH (Terrigal) (01:50:02):** Last Thursday I had the pleasure of attending the leadership workshop at Terrigal Public School. I give a big shout-out to the amazing school leaders at Terrigal Public School: Evie, Angus, Chloe, Jet, Luke, Coco, Marley, Truman, Tyla, Matilda, Clara, Cooper and of course assistant principal Clint Lowe. It was absolutely wonderful to spend time with the students. They have been such a great group of school leaders in a very difficult year 6 for them coping with COVID. They have been true leaders

in the pure sense of the word. It was a pleasure to answer their questions and spend that time with them. Obviously they were very disappointed that they could not come into the New South Wales Parliament this year. Attending the leadership workshop was my way of showing them that we value their leadership and what they have done at Terrigal Public School this year. They have been great role models for the next year 6 students in 2021 and I wish all of them the very best for their first year in high school next year.

#### NICOLE HARVEY

**Ms LIESL TESCH (Gosford) (01:51:01):** This morning I would like to acknowledge the incredible dedication of Nicole Harvey, program manager of the Together Home project at Pacific Link at Gosford. Nicole has years of experience working within the sector and providing assistance to some of the most vulnerable people within our community. Sadly, she is a very busy lady, with more and more people needing her expertise. Recently Nicole's knowledge and experience were on hand to assist a very vulnerable constituent in my electorate, Joanne Gaffey. Joanne is living rough and experiencing mental and physical health issues. Her complex needs were identified quickly by Nicole and the Pacific Link team. They moved swiftly and effectively to assist Joanne, with a positive outcome on the horizon. Nicole Harvey is passionate about providing support and dignity to our community members who are facing homelessness. She ensures that they are linked in with the services available and has a network of connections to take swift action when needed. I thank Nicole for her hard work, her unwavering care, her compassion and her strong sense of social justice.

#### JAKE SMITH

**Ms STEPH COOKE (Cootamundra) (01:52:00):** I congratulate Jake Smith from Elders, Gundagai, who was announced as the winner of the 2020 Australian Livestock and Property Agents Association Agency Award. The significant award recognises an innovative marketing campaign from an agent with less than 10 years industry experience. Jake won the award for the extensive marketing campaign that he managed for the sale of Heaven Farms, four adjoining Murrumbidgee River properties. This was Jake's first real estate sale and after winning the award he acknowledged the support that he has received from the talented and experienced Elders team. Well done to Jake. I am sure that it is a great honour to be presented with the 2020 Mike Nixon Shield for Excellence in Marketing.

#### ST PATRICK'S CATHOLIC PRIMARY SCHOOL

**Mr ADAM CROUCH (Terrigal) (01:52:52):** I acknowledge the fantastic year 6 students at St Patrick's Catholic Primary School, who again invited me to attend an information afternoon to explain to the year 6 students what happens in the New South Wales Parliament. As they were unable to do a tour of Parliament or go to Canberra, obviously the next best thing was to invite a politician into the school. It was great to be able to answer their questions on the day and these year 6 students were so engaging. They are moving on into high school next year and they have had a very difficult year. It was a pleasure to be able to answer their questions, especially explaining to them what the Government Whip actually does. I thank all of the year 6 students for their great questions. I wish them all the very best next year for their first year of high school. I also acknowledge Mr Lee Sullivan, a year 6 teacher who coordinated this visit. I give a big-shout out to the New South Wales Parliament team, as the year 6 students took part in an online tour of the Parliament. They said how fantastic it was. Congratulations to the New South Wales Parliament for that online tour.

#### JUNEE LIBRARY

**Ms STEPH COOKE (Cootamundra) (01:53:55):** I acknowledge the Junee Library on its tenth birthday. Over the last 10 years the building has remained relatively unchanged; however, there have been some amazing and valuable improvements. These improvements consist of new technology including wi-fi, more books, virtual reality equipment for the children to enjoy in their school holidays, games and sporting gear and improvements to the new building such as new signage and an automated front door. I congratulate everyone who has contributed to the success of the library. It has been very successful in adapting to new ideas and technologies that help to support and educate our younger generation. This is a wonderful achievement.

#### JUNE KILLINGTON

**Ms LIESL TESCH (Gosford) (01:54:47):** I am honoured to recognise fabulous local resident June Killington. June is a powerhouse success story and a fantastic example of what a positive mindset can achieve in our community. As a Pacific Link resident in Woy Woy, June was frustrated looking at graffiti on the wall of a privately owned establishment opposite her residence. Taking matters into her own hands, she approached me to see if there was anything that we could do. We sat together and brainstormed, inviting people who had written to me expressing an interest in such a project over the past three years, and June set to work. I congratulate June on her dogged commitment to tracking down the owners of the property and seeking permission to paint a mural. Local professional artists are now on board. We have quotes ready and links with other local organisations. A

grant application is on the way and community fundraising has started. Thanks so much to June. Keep the energy high and we are right beside you. Watch out, Woy Woy. This is going to be spectacular and there will be more to come.

#### **GLEE COFFEE**

**Mr ADAM CROUCH (Terrigal) (01:55:43):** I had the pleasure recently of taking the Minister for Finance and Small Business to the fantastic Glee Coffee establishment. One of its shops is located in my electorate at Erina Heights and another is located at Wyong. This fantastic company was started up by Ben Gleeson and his very energetic wife, Jemima, and it has gone from strength to strength. It is a fantastic local business story. They took something that they were passionate about and delivered a world-class, world-quality coffee product. I am sure that the member for Wyong is a very large consumer of Glee Coffee, as I am. They are world leaders. I congratulate them on winning best coffee in the world last year. I have taken the opportunity to deliver a bag of Glee Coffee to the New South Wales Parliament. If members get a chance, they should pop into the cafeteria and have a really good cup of Glee Coffee. It is a fantastic, world-class local product. I again congratulate Benjamin and Jemima Gleeson on the fantastic work that they are doing at Glee Coffee.

#### **OWEN LYONS**

**Ms STEPH COOKE (Cootamundra) (01:56:45):** I acknowledge Mr Owen Lyons, a Narrandera Wiradjuri artist who has been selected to undertake artwork in the new stage three building at the Wagga Wagga Base Hospital. The artist was selected by the project's art strategy working group following a call for expressions of interest from Aboriginal and Torres Islander artists. Owen's art is in the traditional dot painting style, with a focus on the Murrumbidgee River. Owen has been involved in the creation of Aboriginal art for well over 30 years. He was a young child when first exposed to Aboriginal art by his father and continued to learn his technique from his well-known older brother Michael, of Sandhills Artefacts in Narrandera. He went on to develop his own unique style. Congratulations to Owen on this amazing achievement.

#### **AUSTRALIA'S OLDEST DAIRY CO-OPERATIVE, NORCO, TURNS 125**

**Ms JANELLE SAFFIN (Lismore)—**I wish to congratulate Australia's oldest dairy co-operative, Norco Co-operative Limited, which this June celebrated the incredible milestone of 125 years delivering for its customers, farmers, people and communities. And the 100 per cent farmer-owned dairy co-operative did so in style with a record opening milk price for its 325 active members who operate 214 dairy farms across New South Wales and Queensland. Founded in Clunes in June 1895, Norco has had to adapt to survive hard times over its long history and currently is in great financial shape. Much of this success can be attributed to long-serving chairman Greg McNamara, now retired, and new chairman Michael Jeffery. I acknowledge Mr Jeffery's fellow directors—Heath Hoffman, Matthew Trace and Heath Cook—and Paul Weir who takes up his directorship today. Chief Executive Officer Michael Hampson leads a talented management team, including Chief Financial Officer Sean Southwood, General Manager [GM] Rural Agri, Damon Bailey, GM Commercial Foods Brett Arthur, GM Manufacturing Foods Adrian Kings, and GM People & Culture Tarnia Sniadala. I proudly buy Norco products, not only to support our local farmers, but because they are of such consistently high quality and taste so good.

#### **VISIT TO BONALBO COMMUNITY MEN'S SHED**

**Ms JANELLE SAFFIN (Lismore)—**It was my pleasure recently to visit the Bonalbo Community Men's Shed, which is fast becoming a hub for the communities of Bonalbo, Old Bonalbo and surrounding areas. This men's shed has only been established for three years and has 18 active members made up of local men, women and youth. Its hard-working committee includes President John Tart, Vice President Peter Smith, Secretary Debbie Johnston and Treasurer David Francis. Debbie Johnston is a wizard at writing grant applications, securing \$116,748 under the NSW Government's Stronger Country Communities Fund Round 3 to expand and improve the shed. This is one of Kyogle Council's priority community infrastructure projects and I look forward to seeing the first sod turned early next year. John is teaching the women how to use woodworking tools and they are building their own timber toolboxes. Members recently made a large bookcase for the Tabulam Co-operative Specialty Grocery Store and more community projects are likely in the future. I also recognise John Tart's community leadership as President of Bonalbo SOS Progress Association and the other hats which Debbie wears – Secretary-Treasurer of the Louisa Johnston Centre and Public Officer of the Bonalbo Garden Club.

#### **BANKSTOWN SPORTS CLUB SIXTY-THIRD AGM**

**Ms TANIA MIHAILUK (Bankstown)—**I was delighted to attend 63rd Annual General Meeting of the Bankstown Sports Club on Monday, 2nd November 2020 Bankstown Sports Conference and Events Centre. I take this opportunity to acknowledge the club's tremendous contribution to our local community and communities across NSW, including through its ClubGRANTS Emergency Relief contribution of \$100,000 for clubs on the NSW South Coast to provide emergency relief to communities affected by the 2020 Bushfires, as well as their

donation of \$50,000 to Disaster Relief Australia's "Litres for the Land" drought relief efforts, which delivered water to drought affected communities in rural and regional NSW. I acknowledge Bankstown Sports Club's Chairman Mr John Murray OAM, Directors Mr Richard Phillips, Mr Jim Ronis, Mr Vernon Falconer, Mr Martin Klumpp OAM, Mr Jim Hanna and Ms Carolyn Campbell, as well as Chief Executive Officer Mr Mark Condi, and I congratulate them on what has been another successful year for the club. I would also like to thank the Club for the continued honour of serving as the Club's Patron and wish the Club's Board and Directors and Management every success into 2021.

#### **GEORGES RIVER GRAMMAR**

**Ms TANIA MIHAILUK (Bankstown)**—I would like to congratulate Georges River Grammar teachers Ms Charlotte Paterson and Ms Narelle Valentine on being awarded Teachers' Guild of NSW Awards at the Guild's Virtual Annual Awards 2020 event on Friday, 23 October. Ms Paterson received the Primary School Division Award, and Ms Valentine received the World Teachers' Recognition Award, in recognition of the strong commitment they have demonstrated to the success of their students, enhancing their professional knowledge, and identifying new ways of engaging with students and the wider community. I particularly note that during Ms Valentine's tenure as Head Teacher Science and Administration, that the number of students entering STEM fields has increased, which is a tremendous outcome for both the School and its alumni. I commend Ms Paterson and Ms Valentine for the invaluable support and care they provide to students at Georges River Grammar, and congratulate them on this well-deserved recognition of their efforts. I also recognise Georges River Grammar Principal Ms Raquel Charet for her continued leadership of the School, faculty and students, and P&C President Ms Carolyn Emmas for her efforts maintaining the close knit relationship between the school and the local community.

#### **FAREWELL TO NEW ITALY'S DRIVER REVIVER**

**Mr CHRISTOPHER GULAPTIS (Clarence)**—I rise to acknowledge a team of dedicated volunteers who have run the Driver Reviver on the Pacific Highway in New Italy for the past 25 years. Unfortunately a difficult decision has been made to call it a day due to growth in nearby facilities leading to a decrease in demand for the service. About 80 volunteers ran this free service for commuters, providing free tea or coffee, biscuits and a chat to weary drivers. At its peak, the team handed out supplies to more than 8,000 travellers each year. These included members of surrounding communities as well as Lions, SES and the Rural Fire Service, with many people volunteering for the entire 25 years it has been operating. We all know that encouraging drivers to take a break during a long drive helps combat fatigue and reduces the incidences of crashes and fatalities. I would like to thank all the volunteers for their wonderful contribution to the cause of road safety. I would also like to thank the New Italy Museum and the sponsors who have made this program such a great success. I'm sure I speak on behalf of the entire community in expressing my gratitude.

#### **AUSTRALIAN CIVIL AIR PATROL**

**Mr MATT KEAN (Hornsby—Minister for Energy and Environment)**—Today I would like to acknowledge and thank the members of The Australian Civil Air Patrol who will be receiving the 2020 Premier's Bushfire Citation Medal along with long-service medals in a ceremony later this year. These amazing volunteers serve our community by providing aerial support in times of need and were on hand during the devastating 2019-20 bushfire crisis. I would like to congratulate Senior Observer John Harmer who will receive the National Medal for his many years of service. Squadron Leader Graham Williams and Chief Pilot John Anderson will be receiving their VRA Long Service Medal. Thank you for your many years of service to our community. Receiving the Bushfire Citation are: Squadron Leader, Graham Williams; Director of Operations, Neil Collins; Pilot, Erick Wyman; Pilot, Amy Chang; Pilot, David Winter; Chief Observer, David Johnston; Senior Observer, Jean Pierre Brochard; Senior Observer, Gerard Buchtmann; and Treasurer, Grace Matts. Your service to our community and the people of New South Wales will not be forgotten. Congratulations on your recognition and thank you for continuing to keep the community safe from up high.

#### **HAWKESBURY RIVER VOLUNTEER RESCUE ASSOCIATION**

**Mr MATT KEAN (Hornsby—Minister for Energy and Environment)**—Today I would like to acknowledge the members of the Hawkesbury River Volunteer Rescue Association. These amazing volunteers assist boaters and residents on the Hawkesbury River. No matter what time of day or night, these volunteers go out to help those on the water when they need it most. All of their members need to be congratulated for their hard work and dedication. However, 3 members of their squad will be awarded the Premiers NSW Bushfire Emergency Citation in a ceremony on November 14th. The medal is awarded to recognise the outstanding role our volunteers played in the 2019-20 bushfires. I would like to congratulate, President Robert Brownrigg. Robert is the retired master of Sydney Harbour Ferries who now volunteers to assist the river community. Training Officer Terry Matts who has been with this organisation for 40 years. Committee member Bill Glover, who is a Life Member for the

Volunteer Rescue Association. I would also like to acknowledge Gerald Aalders who will be receiving his 20-year long service award. Thank you Robert, Terry, Bill, Gerald and the entire Hawkesbury River Rescue for your hard-work, dedication and sacrifice to ensure the safety of our community.

#### **COOPER IVORY**

**Ms SONIA HORNER (Wallsend)**—We have so many talented young people in the Wallsend electorate and local students, Cooper Ivory, Curtis Jubb and Jayson Mills from Merewether High School are no exception. The Year 10 students were recently selected as finalists in the Australian National Videos For Change competition. Every single day in Australia, six men take their own lives. Countless others battle mental health illnesses, including depression and anxiety, and 2020 has only made things worse for those affected. The trio created a video, titled Men-tal Health, as part of a unit of learning in PDHPE on social advocacy. They were challenged to create a short film promoting a social cause they are passionate about. The task combines students' learning in PDHPE with the culmination of the High Resolves Program that students at Merewether High School complete as a component of the wellbeing program from Year 7 to 10. The aim of their video is to raise awareness on mental health issues and to start a conversation about men's mental health. Good luck Cooper, Curtis and Jayson when the winners are announced.

#### **NEWCASTLE CACTUS AND SUCCULENT SOCIETY**

**Ms SONIA HORNER (Wallsend)**—In early October, Cafe Tempest owners Julie and Rhys Walter, arrived at work to discover that the planter box located outside their business on Nelson Street in Wallsend had been the victim of a long weekend raid. The plants they had lovingly taken care of had been stolen, along with all the soil in the large planter box. After posting about the incident on my social media channels, the Newcastle Cactus and Succulent Society decided they would do something nice for the local community and refurbish the planter box. On Saturday, 10 October, the group, consisting of President Danella Cole, Sharon Barker, Kasey Cole, Ann Frost and Sharon Ratjens, gathered outside of the café and proceeded to fill the planter box with established succulents. The society has not had many meetings due to COVID-19 restrictions and this was an opportunity for them to catch up. Thank you to the members of the Newcastle Cactus and Succulent Society for showing such great community spirit and for making the planter box the best looking in Nelson Street.

#### **FRANK WALKER LECTURE**

**Mr PAUL LYNCH (Liverpool)**—I recognise the Annual Frank Walker Lecture. The 2020 Lecture featured an address by Hon Michael Kirby AC, CMG. The lecture was conducted virtually on 28 October. The lecture is organised by the NSW Society of Labor Lawyers. It was established to celebrate the life and times of the late Attorney General of NSW, the Hon Frank Walker QC, MP. He was the 41st Attorney General of this State from 1976 to 1983, and served as the member for the Georges River electorate from 1976 to 1983. He subsequently held the Federal electorate of Robertson and served in Federal Cabinet. He then served as a Judge in New South Wales. Hon Michael Kirby's lecture highlighted the need for a Criminal Cases Review Commission to improve the legal system response to miscarriages of justice following models in Canada, New Zealand, and England. He also raised issues concerning prisons and prisoners including the impact of COVID-19, the lack of accommodation for people leaving prison, and indigenous incarceration rates.

#### **FEDERATION OF DEMOCRATIC KURDISH SOCIETY AUSTRALIA**

**Mr PAUL LYNCH (Liverpool)**—I recognise the Federation of Democratic Kurdish Society – Australia (FDKSA). This is an association with members resident in the electorate that I represent and with members in many other electorates as well. I recently met with a delegation from FDKSA who are most concerned with the recent issue of arrest warrants in Turkey for a group of 82 people for alleged involvement in protests in Turkey between 6-8 October 2014 against the siege of the towns of Kobane in northern Syria and military inaction in the face of an imminent ISIS massacre. Those arrested include a number of public officials. My constituents are concerned at the human rights implications of this. They are also concerned at the future of those of Ezidi (also known as Yazidi) faith. They are now located in Iraq having escaped the genocidal actions of ISIS in 2014. They seem to have a degree of autonomy in their region and it is important to maintain this.

#### **CHRIS DELANEY – RAINBOW GOLD ENDURO**

**Mrs LESLIE WILLIAMS (Port Macquarie)**—I rise to congratulate the winner of the Rainbow Gold Enduro Chris Delaney from Port Macquarie who completed the 21 kilometre event in a new course record of two hours and four minutes. Recognised as the grand champion of the surf, Chris Delaney braved the weather conditions on the 24th October to secure a well-earned victory at the Rainbow Gold Enduro hosted by the Wauchope-Bonny Hills Surf Life Saving Club. Twenty nine teams and individuals competed for the prestigious ironman-like title - a competition which replaced the 2020 Coolangatta Gold that had been cancelled due to COVID-19 health restrictions. The course entailed a gruelling 10.5km ski paddle, 2km swim, 3km board paddle

and a 5.5km beach run. Chris is by no means a novice in the surf having grown up swimming in the ocean from a young age and competing at various events on the local circuit. Coming from behind on the first leg, Chris' measured approach saw him overtake fellow competitor Luke Morris in the swim and from then on led the race all the way to the finish line. An Ironman in the making, congratulations Chris for your hard-fought win in the Rainbow Gold Enduro.

#### **ROTARY CLUB OF PORT MACQUARIE – ANNUAL BOOK SALE**

**Mrs LESLIE WILLIAMS (Port Macquarie)**—I rise to commend our hardworking Rotarians in Port Macquarie for coordinating the annual Spring Book Sale with all proceeds going towards supporting some tremendous community service organisations in our region. True to their form the Rotary Club of Port Macquarie was hard at it again collecting and sorting books for the annual book sale with an estimated 2500 people walking through the doors from 3rd to 11th October 2020. Book sale coordinator Bob Cleland was pleased with the turnout with an astounding \$15,800 worth of books purchased throughout the week. The Rotary Club of Port Macquarie has enjoyed 72 years of serving our great community with over 400 members inducted into the club since its charter in 1948. The Club strongly upholds the mission of 'Service Above Self' in the manner in which they support some outstanding charities in our region. Money raised at the Book Sale will go towards the funding of programs at Endeavour Mental Health Recovery Clubhouse, Lifeline Mid Coast, RYLA and a multiple of youth support programs across our community. Thanks to President Elizabeth Fielding, Bob Cleland, Phil Perry and all the hardworking members for their amazing volunteer contribution.

#### **RECLAIM THE NIGHT**

**Ms YASMIN CATLEY (Swansea)**—Speaker, I rise to acknowledge the important work of the Reclaim The Night movement in raising awareness of domestic and sexual violence within our community. Reclaim The Night held its annual event on Friday 30 October. As a result of COVID-19 restrictions, the event went virtual this year – including an online gathering, and supporters posted videos and photos on social media using the ReclaimTheNight hashtag. I was proud to once again support Reclaim The Night. Every woman has the right to be free from sexual assault and abuse. Reclaim The Night has a proud history in Newcastle and Lake Macquarie, with marches held every year that attract broad public support. I have been lucky enough to attend a number of these events as the Member for Swansea. I thank the organisers of Reclaim The Night and everyone in the community who supported this important cause.

#### **WORLD TEACHERS' DAY**

**Ms YASMIN CATLEY (Swansea)**—Speaker, I rise to thank teachers from across the Swansea electorate – and around the state – for their hard work during a difficult year. Friday 30 October marked World Teachers' Day – an occasion when we acknowledge the important role our teachers play. We entrust teachers to help guide the next generation on their education journey and help shape them as human beings. This year our teachers have faced significant challenges due to COVID-19. Teachers enabled schools to stay open for the children of essential workers, while also adapting to deliver classes online. I thank all the teachers from the Swansea electorate and the more than 160,000 primary, secondary and early childhood teachers across New South Wales for their dedication to supporting students and their families through a difficult school year.

#### **NAIDOC WEEK**

**Ms JODIE HARRISON (Charlestown)**—This NAIDOC Week, I acknowledge the contributions First Nations people have always made to the Charlestown Electorate and our broader community. Charlestown encompasses land traditionally belonging to the Awabakal people, and I pay my respects to Aboriginal people of today and Elders past, present and future. For tens of thousands of years, the Awabakal people lived in the area we now know as Charlestown. I acknowledge the extraordinary sadness felt by Aboriginal people due to the disconnection from their land, language and culture. I would also like to acknowledge the work done by Awabakal and Bitahbah Local Land Councils, and by two local Aboriginal women in particular. Roselea Newburn is the facilitator at Milabah, Windale Public School's Schools as Community Centre, connecting the school with the broader Windale community and building and strengthening supportive learning environments. I thank Roselea for her immense longstanding commitment to the program, and to the Windale community. I would also like to acknowledge Maree Edwards, Aboriginal Community Development Officer at Lake Macquarie City Council. Maree is a committed and engaged member of our community, who sits on the Centre for Hope board. The Charlestown Electorate always was and always will be Awabakal land.

#### **NEWCASTLE EMERGING ARTIST PRIZE**

**Ms JODIE HARRISON (Charlestown)**—Congratulations to all the entrants and winners of the Newcastle Emerging Artist Prize, particularly those entrants from the Charlestown Electorate. The NEAP offers over \$9,500 in prizes, and reviews emerging local artists across various mediums, including painting,

photo-media, sculpture and drawing. There is a winner in each category, a People's Choice prize and an overall winner, as well as a youth prize for artists under 25 years old. This year, there was an extraordinary amount of talent on display and I'm sure the judges had a difficult time deciding who to award the prizes to. Once again, I congratulate all the artists who entered—in this difficult year, we have come to appreciate the value of art in our lives more than ever.

### KILLARA REFUGE

**Dr MARJORIE O'NEILL (Coogee)**—I rise today to acknowledge the essential work of the team at Killara Refuge, with whom I recently had the pleasure of meeting. Killara Refuge is an organisation that provides crisis accommodation and case management for women and children who have experienced domestic abuse. They boast a dedicated team of support workers and case workers committed to assisting women with children who have escaped family violence, and have also fostered key partnerships with other specialised and mainstream services ensuring well rounded and individually tailored care. They provide safe shelter with individual rooms, and a client centred service founded on trauma informed and cultural competent practices, and values of empowerment, trust, and safety. Today their work is more important than ever, as we have observed increased rates of domestic violence this year as a result of the COVID-19 pandemic. I would like to take this opportunity to thank the Killara Refuge team for your incredible and tireless work supporting vulnerable members of our community.

### TRANSFORMING WOMEN'S LEADERSHIP PATHWAYS

**Dr MARJORIE O'NEILL (Coogee)**—This year, I have had the privilege to participate in the transforming women's leadership pathways program, run by the PLuS Alliance, consisting of Arizona State University, Kings College London, and the University of New South Wales. Borne in the wake of the MeToo and Black Lives Matter movements, which have highlighted the systemic inequality in our societies, this initiative works towards achieving gender equality in leadership roles in academia, the private sector, and in politics. This pioneering digital event brings together opinion shaping women and men to examine the evidence on the critical factors that limit women's pathways to senior leadership in their fields, and to develop ten action plans that articulate the practical actions Government, Universities and Industry must take to close the leadership gender gap. Together, these action plans will form a single plan titled What will it take: women in leadership by 2030. This is a fantastic initiative that I am honoured to be a part of.

### ROBYN PATON

**Dr JOE McGIRR (Wagga Wagga)**—In the Wagga Wagga area, Robyn Paton has long been recognised as a dedicated health professional with a particular expertise in asthma and respiratory issues. Ms Paton, the Murrumbidgee Local Health District's clinical nurse consultant (asthma and respiratory), began her five-decade nursing career at Wagga Wagga Base Hospital. But it was while applying for a job as a diabetes educator that Ms Paton took a chance and voiced her interest in becoming an asthma educator, a position that didn't exist in regional areas at that time. Ms Paton suffered severe asthma as a child, as did one of her own children, while another had allergies, so it was an issue close to her own heart. From that initial conversation, Ms Paton did become the asthma educator and has dedicated herself since to respiratory care. Importantly she has led the campaign each year to ensure the community is prepared for the thunderstorm asthma season. Among her career highlights, she includes helping in the development of postgraduate courses up to Master's Degree level. Our region and our state are lucky to have a dedicated professional like Robyn Paton, whose care and commitment have meant better health for so many.

### INTERNATIONAL PATHOLOGY DAY

**Mr MARK COURE (Oatley)**—Speaker, in light of International Pathology Day on the 11th of November, I rise to acknowledge the incredible contribution of all pathology members across the State. During the COVID-19 pandemic, our pathologists have worked tirelessly as part of the testing process, ensuring that positive cases are identified and treated. We are incredibly lucky in our local area to have multiple pathology clinics, in suburbs like Oatley, Penshurst and Hurstville. Their clinics are safe, efficient and professional. NSW's outstanding handling of this virus can be attributed in no small part to all pathologists across the State. These staff have worked hard to ensure the COVID-19 testing occurs in a timely and accurate manner and they have also had to perform their usual tasks. I would like to especially thank all frontline staff, and those working at St George Hospital, as well as all members of the Health Services Union, who have been instrumental in our fight against COVID. In particular, Adam Hall, HSU's Political Manager. We cannot thank you all enough.

### 3BRIDGES VIRTUAL COMMUNITY INCLUSION CENTRE

**Mr MARK COURE (Oatley)**—Speaker I am pleased to extend my appreciation to all of the fantastic staff and volunteers at 3Bridges for their hard work and commitment throughout the COVID pandemic. Thanks



to their COVID safe plan, the organisation was able to provide much needed services in the height of the pandemic including their frozen meal service and they even began doing phone calls to check in on the elderly and those who were socially isolated. This showcases the dedication of Chief Executive Officer, Raj Nair and his team as they continued to provide care and compassion to those who needed it most. Earlier this year, I was able to provide \$25,000 to this incredible organisation to provide a virtual community inclusion centre thanks to the Community Building Partnership grant. This funding means that 3Bridges can continue to provide these vital services during this difficult time while continuing to keep the community together and engaged. I would again like to thank Raj Nair, Barry Gallagher and their team for all of their outstanding work and it is an honour to acknowledge them here today in Parliament.

#### **SNOWY VALLEYS COUNCIL BUSHFIRE RECOVERY PROJECT**

**Dr JOE McGIRR (Wagga Wagga)**—After the bushfires of January 2020, communities were left with the mammoth task of recovering, rebuilding and renewing. Almost half of the Snowy Valleys Council area – in my electorate of Wagga Wagga – was destroyed. In the midst of a nationwide crisis, made worse by the pandemic, the Snowy Valleys Council (SVC) Bushfire Recovery Project was created. Last month, at the 2020 NSW Resilient Australia Awards, the SVC was highly commended in the local government category for its work on this important project. Council's chief executive officer Matthew Hyde says the bushfire recovery project provided continuity of service and support to bushfire-affected community members at a grassroots level, ensuring people had access to the appropriate level of information and assistance. Many people struggled in the wake of the fires, coping with isolation, loss and stress. Communication was difficult at a time when information was vitally important. As information, assistance and resourcing frequently changed, the project team responded quickly to the challenges of meeting the community's needs. I would like to commend Snowy Valleys Council on the important work done for the Bushfire Recovery Project.

#### **BYRON BAY INTERNATIONAL FILM FESTIVAL**

**Ms TAMARA SMITH (Ballina)**—Today I recognise the dedication of the team behind the Byron Bay International Film Festival. This year, in response to the limitations imposed by Covid-19, Festival Director J'aimee Skippon-Volke, her partner Osvaldo Alfaro and a crew of tireless volunteers staged a special edition hybrid festival, scaled down but still screening 52 films, 22 of them Australian-made. The festival opened with the New South Wales premiere of the documentary 'Firestarter – The Story of Bangarra', relating the history of the iconic Indigenous dance group. In a separate forum, the film's co-director, well-known actor Wayne Blair, joined Australian cinema legend Jack Thompson to discuss Australian filmmaking and the vibrancy of Indigenous filmmaking. The festival has become a leading provider of augmented and virtual reality experiences and this year once again broke new ground by showcasing its Young Australian Filmmakers category in an online event, a 360° experience in a state-of-the-art virtual "theatre", putting Byron Bay on the global cinematic map. Independent filmmakers were once again given the opportunity to have their work viewed by Australian industry leaders through the festival's Awards Competition and I congratulate the Director and her team on an amazing festival.

#### **RIVER WARRIORS VOLUNTEERS**

**Ms TAMARA SMITH (Ballina)**—Today, I recognise the excellent work of the 'River Warriors', a team of 50 volunteers co-ordinated by non-profit organisation Positive Change for Marine Life and Byron Bay Eco Cruises and Kayaks. On a recent community survey expedition the River Warriors cleared more than 760kg of rubbish from the stretch of the Brunswick River from Mullumbimby to Brunswick Heads. It was the latest of four kayak-based clean-ups in the past 11 months, which have removed about 5600 pieces of debris from the river. Plastic and polystyrene items, which are especially troublesome, made up 71 per cent of the obnoxious haul, with glass objects making up 22 per cent. The Warriors are committed to making such regular sweeps of the river, but another aspect of their mission is also worthy of note: the successful engagement of local community members, businesses and other stakeholders to join in the action. With the help of several local businesses, the Warriors are now able to focus on Phase II of the project, which is to survey a greater length of the river and to build a more holistic, ecology-based understanding of its health.

#### **BRIAN CROSSLING**

**Mr GREG WARREN (Campbelltown)**—I've said it many time before but Campbelltown truly is full of talented people. Whether it's academic or on the sporting field, there is certainly a lot of people from our community to excel in their field. One of those locals in teenager, Brian Crossling. He may only be 15 but it is clear that Brian has the boxing world at his feet. The Campbelltown Performing Arts High School student only put on the boxing gloves two years ago but he has already been selected to represent NSW. It's a tremendous achievement and one that I am particularly proud to recognise. In a recent interview with Campbelltown-Macarthur Advertiser, Brian spoke about how being bullied inspired him to take up the sport. And to have one of the best trainers in his corner in former world champion and proud Macarthur resident, Daniel

Geale, would no doubt have helped his rapid rise. Brian will represent our state – and our community at the Australian Club Championships of Boxing later this month. Rest assured mate, that Campbelltown is well and truly in your corner. Good luck mate, I'm sure you'll enjoy great success in the future.

#### **MARTIN GASPARI - SHOCKTOBER**

**Mr GUY ZANGARI (Fairfield)**—I acknowledge the work of Mr Martin Gaspari in volunteering with the St John Ambulance members Fairfield Division 25 years and in his most recent advocacy work for Shocktober, an initiative promoting defibrillator awareness during the month of October. As a NSW Ambulance paramedic, Martin has spread awareness about how essential defibrillators are in an emergency and how straightforward they are to use. Cardiac arrests are the leading cause of death across the nation. The hearts of sixteen Australians suddenly stop pumping every day and a defibrillator could increase survival rates by up to 70%. This makes making raising awareness for initiatives such as Shocktober even more important. I would like to take this opportunity to thank Mr Gaspari for his longstanding volunteer work with St Johns Ambulance members Fairfield Division. And I would also like to thank him for his dedication to promoting defibrillator awareness month, and highlighting in the Fairfield area the importance of having access to and knowing how to use defibrillators.

#### **CIRCLE OF HOPE GRAND OPENING**

**Mr GUY ZANGARI (Fairfield)**—I recently had the honour of attending the opening of the Circle of Hope's new disability centre. The Circle of Hope is a registered provider of the National Disability Insurance Scheme situated in Yennora, and provides in-home disability support services which help people with a disability live independently at home within the local community. The centre itself has exciting features for additional support and skill developing on the premises. These include a sensory room; cinema room; computer room; arts and crafts area; sports & recreational area; garden area; lounge room; kitchen; a quiet/zen room and much more. On the day attendees were treated to COVID-safe tours of the space and it was a great opportunity to see the amount of work and attention to detail that has been given to the different areas. I would like to congratulate Mr Waseem Saleh, Managing Director and Ms Nora Saleh, Director on the addition of this wonderful and welcoming centre to our community. I wish them all the very best in this endeavour and I thank them for the assistance they provide to the people with disabilities in our area.

#### **OXI DAY**

**Mr CHRIS MINNS (Kogarah)**—Today I acknowledge the wonderful Greek community in my electorate who recently commemorated Oxi Day, on October 28th. Oxi Day is celebrated by Hellenic people around the world as a commemoration of the day that Greece stood up for freedom and democracy in 1940 by refusing to allow the Axis powers to occupy Greece. There are some wonderful local Greek groups in my community, including the St George Greek Senior Citizens. The group was established by Bill Ziazaris and Alex Peppas over 15 years ago, and it has given many in the Kogarah Greek community a place to gather and an opportunity to form long lasting friendships. Bill has worked tirelessly to build and maintain the network of support provided by the group and provides help to anyone who needs it. My best wishes and thoughts go to Bill and his family, and I thank him for his service to our community. I also acknowledge John Theodoropoulos who has stepped up to take on the role of committee President, and has been working to support the group through this challenging year. I look forward to supporting the work of this group in the future.

#### **TAREE MOTOR CYCLE CLUB SUCCESS**

**Mr STEPHEN BROMHEAD (Myall Lakes)**—Mr Speaker, I rise to recognise and congratulate 13-year-old Hayden Nelson who won two state titles at the Akubra Classic NSW Dirt Track Championship. Hayden took out both his classes—the 85cc two stroke 12 to under 16s and 250 four stroke 13 to 16s. He's been training hard all year but due to COVID-19 the championships were only his second competition for the year. The young motorcycle rider has aspirations to make the top 5 in the Oceania championship, trying out for an Asian championship. I also want to recognise Taree Rider Thoren Openshaw who finished second to Hayden in the 85cc race and 3rd in the 250cc. I again congratulate both riders for their achievements and wish them luck with their future aspirations.

#### **BOOMERANG BEACH RESCUE**

**Mr STEPHEN BROMHEAD (Myall Lakes)**—Mr Speaker, I rise to recognise Pacific Palms Surf Club volunteers Dan Morgan, Jeanette Allen, Kel McCredie, Jerrad Allen and Cape Hawke volunteer and Duty officer Richard Ellery who have recently received NSW police citations. The group of volunteers have been recognised following their heroic effort to rescue a married couple that was swept off rocks at Boomerang Beach in June 2019. The volunteers battled cold and very dangerous conditions with high winds and large swells in the search and rescue operation. The couple who were thankfully wearing life jackets at the time of the incident were found floating 100 metres from shore by Duty Officer Richard Ellery who brought them to safety on a jet ski. The

dangerous conditions faced by volunteers in this search and rescue operation is highlighted by the couples injuries which included a fractured leg and lacerated arm. The couple was also treated for hypothermia due to the frigid water temperatures. The work of all these volunteers who acted with extreme bravery to bring the couple to safety is to be commended.

#### **MILTON ULLADULLA ROTARY CLUB**

**Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government)**—Many events have been cancelled due to COVID-19 this year, one being the annual Ulladulla Blessing of the Fleet, which has been running for more than 60 years in the South Coast. It was sad to hear of the cancellation of this year's event at Easter, however thanks to the hard work and determination of Milton Ulladulla Rotary Club President Leonie Corrin, along with fellow committee members Phillip Brown, Brian Morrison and Stephen Hladio, the Princess Ball will now go ahead on December 8 at the Dunn and Lewis Centre. It's been a hard year for many, so to give young people the opportunity to dress up and have this year's winners awarded prizes among their community will be extra special for the estimated 300 attendees, including princesses, partners and their families. Thank you to Milton Ulladulla Rotary Club for organising the event and I wish everyone a wonderful evening.

#### **JOHN NICHOLAS**

**Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government)**—The South Coast community rely on our emergency service men and women more than most. This has been proven again this year with our region responding to the Black Summer Bushfires and multiple floods. John Nicholas is a founding member of the Sussex Inlet SES, and established the first radio base there in his butcher shop in 1974. The volunteers of Marine Rescue Sussex Inlet have continued to provide a vital rescue service to the local and visiting boating community, launching 27 rescue missions, including 3 in response to life-threatening emergencies, in the past financial year. I was delighted to join John's wife, Dorothy Nicholas, along with members of the community for the commissioning of the latest vessel in the Marine Rescue NSW fleet, Sussex Inlet 2-0, ahead of what we all expect to be a very busy summer boating season, which has been named in honour of John Nicholas. I thank all volunteers of Marine Rescue Sussex Inlet, past and present, for your service.

#### **PENOLA CATHOLIC COLLEGE STUDENT LEADERS**

**Mr STUART AYRES (Penrith—Minister for Jobs, Investment, Tourism and Western Sydney)**—As the end of the 2020 school year is quickly approaching, I wish to offer my congratulations to the incoming student leadership team of Penola Catholic College. The leadership team for 2021 includes, Captains: Tia Auld and Jesse Warner and Vice Captains: Gabriella Grimaldi and Jack Prendergast. Additional members of the leadership team are College Leaders: Liam Austin, Luka Bodirosa, Jayden Burman, Hannah Cladingboel, Christopher Elliot, Grace Hopton, Chayce Kenyon, Lana Langton, Abbey McAlister, Emma Moses, Carla Patterson, Anna Porter, Brooke Robertson, Anneleise Shapcott, Georgia Single, Ebony Sorini and Abbey Watson and Senior Prefects: Broc Geronimi, Maya Grantham, Bailey Gregory, Adrian Jones, Torrance McLean, Samantha Rowe, Zac Thompson and Danielle Yates. Student leaders play an important role and I have no doubt these students will make positive and valuable contributions across their school community.

#### **SINGLETON STRIKERS FOOTBALL CLUB**

**Mr MICHAEL JOHNSEN (Upper Hunter)**—I would like to congratulate the Singleton Strikers Football Club for winning the Northern League One grand final against New Lambton, beating their opponents 2 Nil. This victory was well deserved as it has been 28 years since the Singleton Strikers Football Club had claimed a Northern League One title. I would like to acknowledge the players: Hayden Nicol (Captain), Corey Cleaver, Tristian Muir, Jackson Skinner, Ben Henry, Bradley Cox, Lachlan Nicol, Jake Barner, Bowen Bagnall, Joel Barner, Jack Clare, Dylan Bentley, Joseph Civello, Marcus Morris, Ethan Garrington, Jackson Bartlett and Jackson Cox. To the officials Brendan Slade (coach), Luke Geipel (team manager), Todd Geddes (club president), Warren Gillespie (club secretary) and Liam Brown (club physiotherapist). Again congratulations to all the players and officials and I wish them every success in defending their title.

#### **VIC ALHADEFF**

**Mr RAY WILLIAMS (Castle Hill)**—I would like to take this opportunity to recognise the wonderful career of Vic Alhadeff, who has recently announced his retirement as CEO of the NSW Jewish Board of Deputies, a post he held for 16 years. Vic first gained notoriety as a journalist and editor, reporting from Southern Africa as an anti-apartheid journalist before heading The Australian Jewish News. I had the pleasure of working closely with Vic when I was Minister for Multiculturalism, and always admired the dedication, and importantly the passion, he brought to the role. In 2018 Vic was instrumental in his successful efforts to reclassify hate speech as an indictable offence as a part of the Crimes Act. Working with him during this period proved to me his absolute

professionalism and competence. Whilst I am sad that he is leaving the role, I wish him all the best in his well-earned retirement and give my best wishes to whoever is chosen to succeed him.

#### **BIVIANO'S RESTAURANT CELEBRATES 20 YEARS**

**Mr RAY WILLIAMS (Castle Hill)**—I would like to take this opportunity to congratulate Biviano's Restaurant in Dural on their 20 year anniversary. Three individuals have been particularly instrumental in forming the restaurant into what it is today, original owner Gino Belmonte, who taught businessman Raj Kumar how to make pizzas, before Silvio Biviano took over with Raj assisting him, renaming the eatery in 2000, and developing it into the current favourite of Hills locals. Over the last 20 years the restaurant has worked with over 500 staff, employing locals and keeping local business moving. Every year the highlight of Biviano's busy social calendar is their Charity Ball, with a different charity benefitting from their and the community's generosity annually. Over the years, Silvio and Raj, as well as Mag, their marketing manager have raised much needed funds for worthwhile organisations such as The Grace Centre at Westmead Hospital, Riding for the Disabled, The Sanctuary and most recently more than \$70,000 for locally based Foster Care Angels. Once again, congratulations to Biviano's for their 20 year anniversary, and I wish them all the best for another 20 years.

#### **BARRIE BROOKS, MOREE LIONS CLUB VOLUNTEER**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)**—I pay special tribute to Moree Lions Club volunteer, Barrie Brooks for his 50 years of dedication to the organisation. In recognition of Barrie's 50 years, Moree Lions Club President, Jock King presented him with a medallion during the club's monthly dinner meeting at the start of November. Barrie first joined the club in 1970 after a couple of mates invited him along to a meeting one day and half a century later, he is still proudly serving and contributing his time to help better the community. Over the years, Barrie has served as President on four separate occasions, Secretary for seven years, was on the District Cabinet for several years and served as Zone Chairman and was also the Convention Chairman in 2005 and again in 2015 when Moree hosted the Zone Convention. I want to congratulate and thank Barrie for his commitment, hard work and devotion in giving back to his community and upholding the true tradition of Lions. Well done!

#### **JESSICA WRIGHT AND HANNAH DUNN**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)**—I recognise the achievements of two Glen Innes High School students, Jessica Wright and Hannah Dunn for their participation in the 2020 Northern Tablelands Local Lands Services Property Planning Competition with Jessica taking out the reserve champion place, an extraordinary accomplishment. Hannah and Jessica individually devised plans for a property east of Guyra, including a five year budget, biosecurity, legal obligations, and strategies. I congratulate Jessica and Hannah for entering the competition which gave them an opportunity to develop their studies and utilise new technologies. Your efforts were remarkable. Well done Hannah for your contribution and to, Jessica, for winning the reserve champion place in a very competitive and significant competition through the 2020 Northern Tablelands LLS Property Planning Competition.

#### **GRAYS POINT SOCCER CLUB**

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence)**—I congratulate Grays Point Soccer Club on its completion of a successful 2020 season. COVID-19 brought many challenges for the Possums. beginning with a delayed start to the season and a reduced number of competition games once the season commenced. Grays Point Soccer Club was proactive in its management of the pandemic by constantly updating club members on changes to restrictions in a constantly evolving environment. President Mark Williams, Secretary Kirk Barden and other executive committee members guided the club and its 573 players through the ongoing challenges of COVID-19 such as reduced spectators at games and social distancing. I congratulate Mark on a successful 10 years in executive positions as he steps down from President and being made a Life Member. I congratulate Secretary Kirk Barden who will now step up as club President and wish him all the best in his new role. I congratulate the Grays Point 18E and W13C teams for winning their respective competitions. This is a great achievement and all players, coaches and managers should be proud of their efforts.

#### **KERRY BURCHETT**

**Mr PHILIP DONATO (Orange)**—Speaker, I wish to recognise Kerry Burchett, who was recently announced the Central West Adult Volunteer of the Year in the 2020 NSW Volunteer of the Year Awards. Kerry was recognised for her volunteer service to community through continued involvement in St John Ambulance Australia for more than twenty years. Kerry is a valued member of the Molong Cadet Division, where she continues to share her experience, garnered over two decades, in the development and guidance of the younger and less-experienced members. Kerry is integral to the volunteer organisation and her dedication is certainly a

factor in the strong membership of the Molong Cadet Division, which is one of the state's largest units. I applaud Kerry for her twenty-plus year service to the St John Ambulance, and I congratulate her on being awarded 2020 Central West Adult Volunteer of the Year. Well done, Kerry.

#### **LEST WE FORGET**

**Mrs HELEN DALTON (Murray)**—Today I would like to recognise and thank the many members of our armed forces, both returned and servicing from the Murray Electorate, for the sacrifices they make. Remembrance Day is a time for us all to pause, remember and come together to honour those service personnel lost in the line of duty both at home and overseas. In a time of uncertainty for many of our regional towns, the many Returned and Services League sub branch across my electorate are today hosting memorial services and providing an opportunity for these towns to come together as a community. I want to highly praise the dedication and bravery of our service men and women who fought so hard to protect our country. Lest We Forget.

#### **BATYR**

**Mr MARK TAYLOR (Seven Hills)**—I acknowledge the important issues being addressed by Batyr in their efforts to assist young people within the Seven Hills Electorate and beyond. Last week I met with members of Batyr to discuss their role in reducing youth unemployment in New South Wales, whilst also addressing the youth mental health conditions matters. The Batyr team has reached over 260,000 young people in Australia since 2011 and worked with close to 400 schools through their specifically tailored programs. The aim of their programs is to reduce mental health stigma and give students important skills required to enter professional work spaces. Through the current coronavirus pandemic Batyr has continued their programs, reaching out to both school and university students to mentor and counsel those in need throughout our communities. I thank Batyr for the work they do in Seven Hills Electorate and look forward to working with them in the future.

#### **CONNIE AVENUE RESERVE COMMUNITY GARDEN**

**Mr MARK TAYLOR (Seven Hills)**—I acknowledge The Hills-Kellyville Rotary Club and The Hills Shire Council for recently entering into a licence agreement for a new community garden at Connie Avenue Reserve in Baulkham Hills. The new community garden will be managed by the local Rotary Club. Initiatives like these strengthen the connection between local community organisations which I strongly encourage across the Seven Hills Electorate community and the Blacktown, Hills and Parramatta districts in which residents reside. I know Hills Shire residents of Baulkham Hills in the Seven Hills Electorate use Connie Avenue Reserve and are ecstatic with this announcement. I commend the members of The Hills-Kellyville Rotary Club – some of which are Seven Hills Electorate members. The construction of this space will provide an area for community members to connect with each other, improve their mental health and promote healthy eating through the growth of various fruits and vegetables. The Hills-Kellyville Rotary Club has a strong community presence, often raising money for local organisations and charities. I thank The Hills-Kellyville Rotary Club and their President, John van den Burg, alongside The Hills Shire Council Mayor, Dr Michelle Byrne, for their collective efforts in bringing this project to fruition.

#### **BRONTE HENDRICKS – STELLAR EXPERIENCES**

**Mr LEE EVANS (Heathcote)**—I wish to congratulate Bronte Hendricks as a very deserving recipient of the Westfield Local Heroes Award 2020. Bronte and her business partner, Luke Muttdon, launched Stellar Experiences last year. This is a local business where young adults with mild to moderate disabilities and mental health conditions have the opportunity to partake in supported social outings and travel. I also commend Bronte as she was nominated for the Young Australian of the Year Award 2021 which recognised the advances she is making for inclusivity for young people with disabilities. Last week I had the pleasure of visiting Stellar Experiences with the Premier and seeing firsthand the amazing outcomes Bronte and her team are achieving for young people. It was abundantly clear how appreciated she is by the Stellar group and just how great of a positive impact Bronte has on the lives of those involved. They could not speak more highly of her and I would agree- she is an exceptional young woman. Once again congratulations Bronte on the outstanding achievement and also thank you for your work and dedication to the community, keep up the good work!

#### **CAROLE ANN KING**

**Mr ALEX GREENWICH (Sydney)**—On behalf of the Sydney electorate, I'd like to record the many years of voluntary work by Woolloomooloo constituent Carole Ann King. Carole Ann founded the Luncheon Club AIDS Support Group which provided social interaction, nutritious meals and essential items for people with HIV/AIDS between 1993 and 2008. The Luncheon Club reached out to people who were excluded and ostracised – especially gay men, lesbians, intravenous drug users, and their families. She added The Larder to provide basic food items for people living with HIV/AIDS to take home. Carole Ann was the driving force, raising funds, organising venues, coordinating volunteers, promoting the organisation and personally helping many. More lately

Carole Ann has been a key support person for marginalised people sleeping rough in Woolloomooloo, linking them with crisis and housing services and giving vital feedback to government and service providers about changing community needs. As Member for Sydney, I've valued Carole Ann's feedback and alerts about local needs and seen her commitment to social justice in action over many years. I thank Carole Ann for her amazing community spirit and the incredible care she has shown to many people for many years.

### **ROUGHTOBER**

**Mr ALEX GREENWICH (Sydney)**—On behalf of the Sydney Electorate I would like to commend Rough Edges for adapting their important annual fundraiser, Roughtober, to be a COVID-safe community event. Roughtober is a community sleep out where supporters sleep rough for one night to show support and raise money for people experiencing homelessness and marginalisation. I've previously taken part and was proud to recently launch the event and speak about why we need to address homelessness. This year, Roughtober was transformed into a virtual event with socially distanced fundraisers sleeping out on their balconies, in carparks, offices, church grounds and backyards. A live stream allowed participants to share their experience with the wider community through interviews and interactive chat. The people who joined Roughtober know they had only a tiny taste of what it is like to sleep rough, but their contributions raised over \$170,000. This money will allow Rough Edges to continue their work in supporting and bringing together different groups and individuals to share a meal and connect with each other. I commend Roughtober for raising awareness and the funds to continue Rough Edges providing a place of inclusion and belonging to everyone who walks through their Darlinghurst door.

### **JEZANNA WINCHESTER**

**Ms STEPH COOKE (Cootamundra)**—Speaker, congratulations to Year 5 student, Jezanna Winchester, who is winner of this year's Pens Against Poverty short story competition for students in years 5/6. More than 650 students entered the competition and Jezanna impressed the judges with her story 'Under the Covers'. Jezanna loves writing and is also a very keen reader who receives plenty of support and encouragement from her teachers at St Patrick's Primary School, Gundagai. St Patrick's also won this year's Pens Against Poverty Rural and Regionals School's Award for the highest quality entries from a country school. Well done Jezanna and St Patrick's Primary School, you should be very proud of these achievements.

### **BIRDS OF THE GREENWAY**

**Ms JO HAYLEN (Summer Hill)**—The Greenway corridor stretching from Iron Cove to the Cooks River is a paradise for bird watchers and nature lovers, being home to over 239 different species of birds including rare and precious native species. As open green spaces are slowly eroded across Sydney, the Greenway corridor serves as an important habitat for dozens of species of native birds and animals. Thanks to the hard work of local bush-care volunteers, we now have a handy guide to better identify and understand them. The Inner West Environment Group has created a comprehensive Photo Guide to Birds of the Greenway and continue to host monthly bird-watching walks and surveys for avid bird-lovers and interested locals. The IWEG encourages inner westies to slow down, take a moment to appreciate our beautiful natural environment and keep an eye out for native birds with which we share our parks, streets and green spaces. I offer special thanks to Jo Blackman for her dedication to the Inner West Environment Group and for all she has done to create the guide, run programs and walks, and to make sure local residents fully appreciate the beautiful birds and wild places of the Inner West.

### **YIRRAN GUMAL EARLY LEARNING CENTRE**

**Ms JO HAYLEN (Summer Hill)**—Parents and kids in the Inner West are thrilled to have a brand new council-run childcare centre with Yirran Gumal Early Childhood Learning Centre opening last month in Marrickville. In the local Aboriginal language, Yirran means 'many' and Gumal means 'friendships'. I know that many little inner westies will be making Yirran Gumal (many friendships) at the centre. The centre's unique appearance was inspired by the original forest near the Cooks River and is fitted with multi-coloured timber columns supporting a cantilevered roof, and environmentally sustainable features including high efficiency heating and cooling. But the centre is so much more than a building - it adds to the renowned childcare services offered by Inner West Council that continue to set the benchmark for quality, public childcare in NSW and which offer affordable, quality childcare options to families across the inner west. I congratulate Inner West Council, particularly Councillor Sam Iskander for opening the Yirran Guman Early Learning Centre. I also pay tribute to the late Councillor Emanuel Tsardoulis for his contribution to seeing this centre realised. I congratulate the educators and Marrickville families who will make this service a community.

### **WANGI WANGI VIEW CLUB**

**Mr GREG PIPER (Lake Macquarie)**—There was just one new VIEW club registered in NSW during 2020 and that club is in my electorate. I would like to acknowledge and congratulate the remarkable women who formed the Wangi Wangi Voice, Interests and Education of Women Club during the COVID-19 pandemic.

Having recently moved to Eraring, club president Lynda Pearson saw a need to establish a club on the western side of Lake Macquarie which, in addition to fulfilling a fundraising role for The Smith Family, could also act as a social outlet for women. In these times of physical and social isolation, such a goal has never been so important. During the COVID lockdown many of the club's members were cut off from family members who live interstate or overseas. The club has provided members with invaluable support, new friendships have been made and networks formed. Despite the difficulties posed by the pandemic and the physical restrictions on meetings, the club has managed to flourish, holding its first fundraisers and attracting more than 30 members. I congratulate everyone involved in the Wangi Wangi VIEW Club and wish them every success in years to come.

#### CHRIS KUSZELYK

**Mr GREG PIPER (Lake Macquarie)**—I'd like to acknowledge the contribution of Toronto resident Chris Kuszelyk to the expansion and development of cricket in Lake Macquarie. For more than a decade Chris has been the secretary of Toronto Workers' Club Cricket Club but before that he was an active club member, starting in the junior ranks and progressing through to the highest level in the major Newcastle competition. During his time as club secretary, Chris has been instrumental in the club's expansion, developing a range of opportunities for men, women and children in the local area. It's due to his efforts that the club is the only cricket club in the Newcastle District Cricket Association to have senior, junior and women's cricket under the one banner. Chris is also captain of the club's fourth grade team, a role which involves mentoring and coaching younger players before they're able to play against senior teams. Chris continues to dedicate countless hours to the club, often at the expense of time with his own family, and is the epitome of a truly dedicated community member. I applaud Chris on his dedication to the club and the sport in Lake Macquarie.

#### DISABILITY SERVICES AUSTRALIA

**Dr HUGH McDERMOTT (Prospect)**—Disability Services Australia (DSA) is a dynamic social enterprise supporting over 3000 people with disabilities. DSA provides people with disabilities the opportunity for choice and inclusion in our community by providing training and education in employment sectors. DSA puts young Australians with disabilities first and strives to ensure no member of our society is left behind, marginalised or disadvantaged. Over the last few years, I have joined Disability Service Australia's 'Picnic in the Park' celebrations, celebrating the International Day of People with a disability at Blacktown Showground. The day is filled with performance and accessible activities for members of the disabled community. Due to the COVID-19 pandemic, this year's 'Picnic in the Park' was unfortunately cancelled. However, I would like to thank the fantastic volunteers and hardworking and dedicated staff at DSA for all their efforts over the last year. I look forward to attending the 2021 'Picnic in the Park' celebrations. I remain a steadfast supporter of the great work the team at Disability Services Australia undertakes and stand with them as they ensure all members of our community have a fair go. Well done to the staff and volunteers at Disability Services Australia.

#### ANNUAL TAMIL BUSINESS NIGHT CELEBRATIONS

**Dr HUGH McDERMOTT (Prospect)**—On 24th October 2020, I joined the Australian-Tamil community in participating in the Annual ATCC's Tamil Business Night celebrations for 2020. Wester Sydney's hardworking Tamil business community is a real success story. COVID-19 has meant that many community events have been postponed or cancelled. However, this year's annual Tamil Business Night was organised as an online zoom webinar. Participants from all across the world, including Tamil communities from Singapore, India, Malaysia, Sri Lanka and Myanmar participated in the event. I was pleased to join, Guests of Honour, Dr Maha Sinnathamby AM, Chairman, Springfield City Group and Dr Parveen Sultana, Tamil Orator, Writer, Speaker and Debater. The event also featured international Tamil guest singers such as Srinisha Jayaseelan, Ajay Krishnaa and Karthik Devaraj. Thank you to Thiru Arumugham, President, Australian Tamil Chamber of Commerce for a well organised and entertaining online event. I would sincerely like to thank the Australian Tamil Chamber of Commerce and the broader Australian Tamil community for inviting me to address the annual event as a friend of the Australian-Tamil community.

#### REMEMBRANCE DAY

**Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for the Prevention of Domestic Violence)**—On Remembrance Day we remember those who fought and died to protect our freedoms and way of life. I acknowledge all Australians who have served in all conflicts past and present. These include seven men from with Cronulla who sacrificed their lives in World War I. Corporal Albert Connell, Gunner Harold Giddings, Private George Hooley, Gunner Edgar Kirkham, Private Robert McDonald, Private Henry Preece and Private Arthur Tomlins all fought and perished in Europe, never returning home to see their families on the beautiful beaches of Cronulla. Two men from with Caringbah, Driver Thomas Atkins and Private Robert Bridges, also never returned home. In the Korean conflict, four young men from Cronulla, Captain Bryan Luscombe, Private Kenneth Matchett, Lance Corporal Hugh Morgan and Private Lawrence Salter, never returned home. I pay

tribute to all who have served in the past and who serve in the present and I reflect on the lives of the brave people who travelled to foreign shores to defend our sovereignty, never to return home. We will remember them. Lest we forget.

#### **EMILY BURGESS AND CHLOE PARKER – IMPRESSIVE YOUNG WOMEN**

**Ms JENNY AITCHISON (Maitland)**—One of the great highlights my service as a Member of Parliament is having the opportunity to recognise significant milestones in people's lives. On the weekend I was at the Honeysuckle Hotel in Newcastle when I was approached by two young women who live in my electorate, Emily Burgess and Chloe Parker. They had each recently received a letter from me: Emily to welcome her to the Maitland electorate, and Chloe on reaching her 21st birthday. These two impressive young women, came up to speak with me, told me they were out celebrating Chloe's birthday, and thanked me for the letters. We hear all the time about the need to increase young people's engagement with the world of politics and good citizenship, but it is important that we as politicians do not lose sight of the need to take every available opportunity to engage with young people in our communities, and to show them that we do care about improving lives, even if it is sometimes just in the small gesture of honouring their important life events. Again I say: welcome to Maitland Emily, and Happy Birthday Chloe!

#### **YOUNG AUTHOR LAILA SARKI**

**Ms JENNY AITCHISON (Maitland)**—A heartfelt desire to bring cheer to sick children in hospital has led six-year-old Laila Sarki to become possibly Australia's youngest published author. Laila lives in Gillieston Heights with her mother Dr Saira Chandio, father Dr Shahid Sarki and little sister Nooriya. Due to the family's medical connection, Laila has developed a deep interest in, and empathy for, sick children who find themselves in hospital. When the COVID-19 pandemic struck and hospital visitor numbers were restricted, Laila told her mum she wished she could read a story to children in hospital. Her mother encouraged her to enter her school's Book Week story competition. And so began the tale of Hop Pop the Flying Unicorn. Laila, who is in Kindergarten at Hunter Valley Grammar School, wrote and illustrated the content herself, hand-scribing each letter in a different colour. An independent publisher turned the work into book form. The family is awaiting confirmation from the National Library of Australia about whether Laila is indeed our country's youngest author/illustrator of a children's book. I commend Laila's empathy and initiative, and look forward to her continued development as a writer, as an illustrator, and as a compassionate young woman.

#### **WESTFIELD LOCAL HERO WINNERS 2020**

**Mr EDMOND ATALLA (Mount Druitt)**—I would like to congratulate each of my community winners of the 2020 Westfield local hero program, and thank them for their outstanding work in improving my community. I would like to thank Ms Bronwyn Mackintosh. Ms Mackintosh developed the "Girls on Fire" initiative; which is a camp where young girls can learn the skills used daily by emergency service personnel, with the aim of improving gender equality within our emergency services. I also would like to thank Ms Tinonui Isaia. Ms Isaia is the operations manager of "Rap 4 Change". Rap 4 Change is a charity organisation that uses Sport, Art, and Music programs to help disadvantaged children make more positive choices in their lives. And lastly, I would like to thank Mr Yousef Abou Ammar, of the Mount Druitt Ethnic Communities Agency (MECA). Mr Ammar is a caseworker at MECA, who has dedicated himself to helping asylum seekers and refugees with their transition into our communities. Each of these 3 people are invaluable members in my community, and I would like to again congratulate them all on their most deserved win.

#### **MACARTHUR FOOTBALL ASSOCIATION 2020 GRAND FINAL MEN'S LEAGUE**

**Mr PETER SIDGREAVES (Camden)**—The recent 2020 Grand Final of the Macarthur Football Association saw a number of Camden teams walk away with magnificent wins and I would like to recognise these teams and the fantastic players that contributed. The M-league Colts Grand Final was taken out by Harrington United whilst the M-League Reserve finals saw the Oran Park Rovers win the match. The Camden Tigers won in the Over 35s Division 1 Grand Final whilst the Oran Park Rovers White took out the Over 45s Division 1 Grand Final. The Under 12s Grand Final was won by the Camden Tigers who also won the Under 15s Grand Final. The Under 16s Grand Final saw the Mount Annan Mustangs come out on top whilst the Camden Tigers Under 17 side emerged as the winners of their Grand Final. The Narellan Rangers Under 18 Team also won their Grand Final. I congratulate all these teams and players for their outstanding and well deserved wins in an unprecedented season and wish them all the best in their future soccer endeavours.

#### **MACARTHUR FOOTBALL ASSOCIATION 2020 GRAND FINAL WOMEN'S LEAGUE**

**Mr PETER SIDGREAVES (Camden)**—As a father of four daughters who all play sport, I understand the importance to recognise excellence in women's sport within the Camden electorate. The recent 2020 Grand Final of the Macarthur Football Association saw a number of Camden teams walk away with magnificent wins



and I would like to recognise these teams. The M-League Women's title was taken out by the Camden Tigers in a thumping 4-0 win over the Ingleburn Eagles. The Under 14 Girls Grand Final was an incredibly close match but eventually the Oran Park Rovers came out on top and I congratulate them on such an outstanding win. The Harrington Park United Under 16 Girls team also won their Grand Final, which was the third consecutive win in a row for this outstanding team. Meanwhile, the Under 18 Girls Grand Final was won by the Narellan Rangers team in a spectacular win. I congratulate all these teams and players for their outstanding and well deserved wins in an unprecedented season and wish them all the best in their future soccer endeavours.

### **DIGGERS MIRANDA RSL**

**Ms ELENi PETINOS (Miranda)**—I bring to the House's attention the wonderful Diggers Miranda RSL. Diggers Miranda RSL plays a huge role in our local community, from its support of local charities, organisations and sporting groups, to providing weekly raffles, trivia nights and a fabulous dining experience for its members and their guests. Last month, I had the pleasure of meeting with representatives of the Club who donated one of their courtesy buses to BelieveAbility Adventures, a disability support organisation that facilitates exciting adventure outings, relaxing getaways and recreational holidays for members of the community living with a disability. The Diggers' courtesy bus will enable the group's carers to make outings more accessible for their clients and demonstrates just one of the many ways that the team at Diggers Miranda RSL are giving back to our community. I take this opportunity to acknowledge the club's Board of Directors, including President John Rowan, Vice President Patrick Feeney, Margaret Hoffman, Robert O'Shea, Stephen Hooper, Harden Erskine and Laurent Rabel and thank them for their efforts. I commend those at Diggers Miranda RSL for their continued service and dedication to our community and extend my best wishes for the future.

### **CUBBY HOUSE TURNERS AND WOODIES**

**Ms ELENi PETINOS (Miranda)**—I acknowledge the Cubby House Turners and Woodies, a wonderful group of community members located in Oyster Bay. Run predominately for seniors with a passion for transforming a plank of timber into a piece of art, the group meet regularly to wood turn, conduct training sessions, hold exhibitions for their items and make toys for distribution to charities. The Turners and Woodies also host Bunnings barbeques throughout the year, teach students from local schools to turn wood, and work tirelessly to produce unique, hand-crafted toys that put a smile on the faces of local children in need at Christmas. I commend the more than 80 members of the Cubby House Turners and Woodies who work together to not only pursue a hobby, but make our community a better place along the way. In particular, I recognise Patron Pat Thorpe, President Keith Jones, Vice President Phillip Dean, Secretary Glenn Lavender, Treasurer Steve Hooper and Editor of 'Cubby House News', John Moss. I take this opportunity to extend my best wishes for the future to all those involved at the Cubby House Turners and Woodies.

### **WILCANNIA RIVER RADIO**

**Mr ROY BUTLER (Barwon)**—I would like to congratulate the Wilcannia River Radio, who are once again finalists in the Community Broadcasting Association of Australia, Community Radio Awards. Last year the station won the Tony Staley Award for "Excellence in Community Broadcasting". This year, the Wilcannia River Radio Station is a finalist in "Excellence in Innovative Programing and Content". The Wilcannia River Radio broadcasts seven days a week, 24 hours a day and not only works to keep the community up to date on current news and events, but in March 2019 became the central point for the distribution of clean drinking water to the community, when the Darling Baaka River ceased to flow. The staff of Wilcannia River Radio are all locals who support the community in so many positive ways.

### **REMEMBRANCE DAY**

**Mr NATHANIEL SMITH (Wollondilly)**—102 years ago, the guns fell silent ending the war to end all wars. Like so many places, towns in my electorate of Wollondilly will mark Remembrance Day. Due to COVID these services will be on a much smaller scale compared with previous years. The book, Wollondilly's Fallen, provides the details of many locals that served and died. One of them, Private Thomas McGregor, was born in Picton and prior to his enlistment was working on the railway. Joining the 30th Infantry Battalion he served in France and saw his last action near a small, rural village not unlike his own. On July 20, 1916, he assaulted over open ground in broad daylight. Within minutes, over 5,500 Australians had become casualties and almost 2,000 of them, including Private McGregor, 19, were killed. Rightly, some consider Fromelles the most tragic event in Australia's history. It is unsurprising that war correspondent Charles Bean reflected here in the hours after the armistice. I honour the sacrifice of Private McGregor and the many others who laid down their lives for us and our values. And I am grateful for the liberties I would not now enjoy but for their sacrifice. Lest we forget.

### **SPRING GARDEN COMPETITION**

**Mr NATHANIEL SMITH (Wollondilly)**—The Wollondilly Shire Council's Spring Garden Competition was held in October this year and many talented gardeners got their hands dirty and competed for various honours. Individuals, businesses, community groups and schools were assessed by a judging panel that travelled throughout the Shire. Spring is a time of renewal and beauty. And after what has been a challenging 12 months, this competition has brought out the best aspects of this much beloved season. Thank you to all those who participated in this year's competition and for delighting our community with colour and beautiful fragrances from their gardens. In particular, I congratulate Cawdor Public School, Sharon Robertson, Robert and Carol Walton, Hannah Rebelo, Agris Hutrof House, Gordon Clipsham, Greg and Janette Touzel, Hendrick and Atun Heijnis, Lizzie Buscaino, and Gerald and Sandra Colluci on winning their respective categories. I also thank the judges for volunteering their time and without whom this event could not have taken place.

### **Q&A WITH TERRIGAL PUBLIC SCHOOL**

**Mr ADAM CROUCH (Terrigal)**—Last week I had the opportunity to meet with the Leadership Group from Terrigal Public School, Mister Speaker. Students from Terrigal Public School took part in a Leadership workshop. I was lucky enough to take part in a Question and Answers session with our future leaders. It was fascinating to see the different questions that the students had, including what topics of interest was most important to them. Some of these topics included; upcoming infrastructure projects for not only my Electorate of Terrigal, but for the whole of the Central Coast, the biggest challenge I've had to face since becoming an MP, what my role in Parliament entails and how my life has changed since COVID-19 hit. I want to thank Evie, Angus, Chloe, Jett, Luke, Coco, Marley, Truman, Tyla, Mattie, Clara, Cooper and Mr Lowe for all your questions. It was my honour to take part in the Q & A, and I hope to have the opportunity to do this again with the Future Leaders in 2021.

### **INDIGENOUS TALENT ID DAY**

**Mr ADAM CROUCH (Terrigal)**—Mister Speaker, the Central Coast Academy of Sport, Underwriting Agencies Australia Indigenous Talent ID Day for 2020 ran a COVID safe event at Breakers Indoor Sports Stadium this month, for its second consecutive year. Indigenous students from a variety of Central Coast High Schools had the opportunity to come together under the watchful eyes of some of our regions most experienced sports coaches. The concept was first developed as part of a partnership between Central Coast Academy of Sport and Underwriting Agencies Australia, with a strong focus towards unearthing local indigenous talent, providing full scholarships to CCAS Sports Programs - this is a strategy unique to the Central Coast, not seen anywhere else in NSW. The goal at the end of the day was for the Academy to provide the top performers from the 5 key sporting disciplines; AFL, Basketball, Netball, Golf and Test & Measurements, the opportunity to take part in an 8 week training program commencing term 1, 2021. Congratulations to this year's top performers. I look forward to seeing this program have a successful third year in 2021.

**The House adjourned pursuant to standing and sessional orders at 01:58 until**

**Thursday 12 November 2020 at 09:30.**