



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 10 November 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE ASSEMBLY

Wednesday, 10 November 2021

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

The Speaker read the prayer and acknowledgement of country.

Bills

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2021

First Reading

Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.

Second Reading Speech

Mr ANTHONY ROBERTS (Lane Cove—Minister for Counter Terrorism and Corrections) (09:31):

I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Administration of Sentences) Amendment Bill 2021. The bill introduces a number of amendments to improve the operation of the Crimes (Administration of Sentences) Act 1999 and the Crimes (High Risk Offenders) Act 2006, particularly in respect of the Victims Register and high-risk offender processes. The amendments will improve process to promote community safety. They will clarify, address gaps and ensure there is consistency in legislation, and also improve the State Parole Authority's decision-making processes. Several of the amendments will improve the welfare and wellbeing of victims of crime through improvements to the Victims Register. The amendments have been developed as part of the regular legislative review and monitoring program within the Stronger Communities Cluster, and the bill has been drafted in consultation with key stakeholders.

I now turn to the detail of the bill. The Crimes (Administration of Sentences) Act 1999 establishes the State Parole Authority, which determines matters relating to the granting of parole and the conditions on which parole is granted. Community safety is central to the decision-making of the State Parole Authority, with section 135 (1) providing that the authority must not make a parole order directing the release of an offender into the community unless satisfied that it is in the interests of the safety of the community. In determining whether it is in the interests of the safety of the community to release an offender, the State Parole Authority is required to consider a number of matters, including the offender's criminal history and any relevant comments made by the sentencing court, and further that an application has been made, but not determined, for an extended supervision order or continuing detention order under the Crimes (High Risk Offenders) Act 2006 or the Terrorism (High Risk Offenders) Act 2017.

Schedule 1 [5] and [6] to the bill amend the Crimes (Administration of Sentences) Act 1999 to require that the State Parole Authority, when determining whether to make a parole order directing the release of an offender, also considers any recommendation by the High Risk Offenders Assessment Committee that an application for an extended supervision order or continuing detention order be made in relation to the offender under the Crimes (High Risk Offenders) Act 2006 or the Terrorism (High Risk Offenders) Act 2017. One of the primary functions of the High Risk Offenders Assessment Committee is to review the risk assessments of offenders and make recommendations to the Commissioner of Corrective Services NSW as to whether a continuing detention order or extended supervision order under the Crimes (High Risk Offenders) Act 2006 or the Terrorism (High Risk Offenders) Act 2017 should be sought in respect of an offender. Applications for such orders are made to the Supreme Court by the Attorney General, informed by reports from the Commissioner of Corrective Services NSW.

Currently, section 135 (7) expressly prohibits the State Parole Authority from having regard to the fact that an application for an extended supervision order or continuing detention order may be made in respect of an offender when considering whether to release the offender on parole. Instead, the authority can only consider an application that has been made in relation to the offender. This provision was inserted in 2017 to implement a recommendation of the 2017 statutory review of the Crimes (High Risk Offenders) Act 2006 that the State Parole Authority should not consider the possibility of such applications being made when deciding whether to grant parole, but should take into account any application for an order that was on foot in the Supreme Court. This

amendment will remove this prohibition and create a requirement for the State Parole Authority, when determining whether a parole order should be made, to consider any recommendation of the High Risk Offenders Assessment Committee that an application for an extended supervision order or continuing detention order be made in relation to the offender.

This reversal is necessary as, in practice, parole matters and applications for extended supervision orders and continuing detention orders are subject to separate processes and different time frames, and it is not always possible for an application to be made against an offender before the State Parole Authority makes a parole decision about that offender. Given that releasing an offender on parole means that the community is exposed to the offender's risk of reoffending, it is necessary that the State Parole Authority take into account a recommendation of the High Risk Offenders Assessment Committee about the offender when deciding whether it is in the interests of community safety to grant parole in circumstances where a decision to apply for an extended supervision order or continuing detention order has not yet been made. This amendment will increase community safety and strengthen high-risk offender processes by ensuring that the State Parole Authority takes these recommendations into account when determining whether or not to release an offender on parole.

Schedule 1 [7] to [9] support the amendment by amending the Crimes (Administration of Sentences) Act 1999 to clarify that information obtained by the State under section 25 of the Crimes (High Risk Offenders) Act 2006 may be used in parole proceedings before the State Parole Authority, but only if the provider of the information consents. This will ensure that key information considered by the High Risk Offenders Assessment Committee when making a recommendation about a whether a post-sentence order should be sought in relation to an offender under the Crimes (High Risk Offenders) Act 2006 is also available to the State Parole Authority to assist in determining what weight should be given to the committee's recommendation. This will also create consistency across the high-risk offender regimes by mirroring an existing provision that enables information about terrorism-related offenders to be given to the State Parole Authority under section 71A of the Terrorism (High Risk Offenders) Act 2017. To ensure consistency across the high-risk offender regimes, schedule 1 [7] to [9] extend the current requirement for the State Parole Authority to allow the withdrawal of offender information provided under section 71A of the Terrorism (High Risk Offenders) Act 2017 at any time before the proceedings are determined to information provided under section 25 of the Crimes (High Risk Offenders) Act 2006.

Schedule 1 [11] removes a restriction on the Chief Executive of Justice Health to delegate a function conferred on them to another person. The Crimes (Administration of Sentences) Act 1999, or CAS Act, provides the chief executive with a statutory right of free and unfettered access at all times to all parts of a correctional centre, all medical records held at a correctional centre and all offenders held in custody in a correctional centre. This applies to both privately managed correctional centres, known as "managed correctional centres", and government-run correctional centres. The right of free and unfettered access is for the purpose of ensuring the provisions of the Crimes (Administration of Sentences) Act 1999 are being complied with insofar as they relate to (a) the medical treatment or health of offenders, in respect of managed correctional centres; and (b) the functions of Justice Health, in respect of government-run correctional centres.

The Chief Executive of Justice Health can delegate all functions under the CAS Act, including functions relating to the monitoring of the provision of health services within correctional centres. However, the chief executive is not able to delegate the right to free and unfettered access to all parts of a correctional centre. In practice, this could make exercising the function of monitoring the provision of health services in managed correctional centres difficult or even impossible, as a delegate could be refused entry or access to such a correctional centre. This amendment will allow the Chief Executive of Justice Health to delegate the right to free and unfettered access, thereby ensuring that a delegate has free and unencumbered access to both managed and government-run correctional centres when exercising relevant delegated functions.

I turn now to the amendments to improve the Victims Register. The Crimes (Administration of Sentences) Act 1999 establishes a Victims Register in which victims of certain offenders and, in some circumstances, family representatives of victims can be recorded. Recording of victims in the Victims Register allows the Commissioner of Corrective Services NSW to provide specific information about an offender to the victim, including the offender's earliest possible release date, the name of the correctional centre in which the offender is housed, the security classification of an offender, and if the offender is issued with a local leave permit. There are other rights available to victims who are on the Victims Register. For example, the State Parole Authority must notify registered victims if the offender is being considered for release under a re-integration home detention order or on parole. Registered victims are able to make submissions to the State Parole Authority on these matters, which must be considered.

Schedule 1 [12] and [13] to the bill remove the existing provisions of the Crimes (Administration of Sentences) Act 1999 concerning the Victims Register and introduce a new part which makes improvements to the operation of the register. New section 279 in schedule 1 [13] to the bill removes the condition in section 256 (2) (a)

of the Crimes (Administration of Sentences) Act 1999 that an eligible victim is required to have requested information about the possible parole of the offender concerned in order to be recorded in the Victims Register. This is because the effect of this requirement is that only victims of offenders who are eligible to apply for parole are able to be recorded. By limiting the recording of victims in the Victims Register to victims of offenders who are eligible to be released on parole, victims of offenders sentenced to a fixed term or a life term are not able to be recorded in the register because parole cannot be granted for those sentence types. These amendments will ensure that victims of offenders who have been sentenced to any term of imprisonment, not just a term of imprisonment for which parole may be granted, can be recorded in the Victims Register.

The bill will also enable victims of offenders who are subject to an intensive correction order [ICO] for a personal domestic violence offence within the meaning of section 4 of the Crimes (Domestic and Personal Violence) Act 2007 to be recorded in the Victims Register. The definition of personal violence offence captures assault offences, sexual assault offences and other domestic violence-related offences such as stalking and intimidation. Although the Victims Register has traditionally only applied where an offender has been sentenced to a term of imprisonment, given the nature of personal violence offences and the impact of these offences on victims, it is appropriate that eligibility for the Victims Register be expanded to include victims of offenders who are subject to an ICO for a personal violence offence.

Currently, section 256 of the Crimes (Administration of Sentences) Act 1999 provides that a family representative of a victim must be recorded in the Victims Register instead of the victim where the victim is dead or under any incapacity. In those circumstances, information disclosed about an offender is then provided to the family representative on the victim's behalf. It has been understood that victims under the age of 18 are considered to be under an incapacity. New section 280 will expressly provide, for the avoidance of doubt, that a family representative of a victim must be recorded in the Victims Register if the victim is under 18 years old.

This section will, however, give the Commissioner of Corrective Services NSW discretion to direct that a victim aged 16 or 17 be recorded in the Victims Register instead of a family representative. In determining whether to do so, the commissioner must consider the victim's individual circumstances. The victim's welfare will be of paramount importance. There are situations where it is appropriate that a victim in this age group be recorded and information about an offender provided directly to the victim instead of being provided to a family representative, for example, where a 16- or 17-year-old victim has left home or is estranged from their primary caregivers. Giving the commissioner a discretion to record 16- and 17-year-old victims in the Victims Register will allow an individualised approach to assessing the needs of a victim in this age group.

New section 281 of the Crimes (Administration of Sentences) Act 1999 will permit a victim who is recorded in the Victims Register to nominate an individual as a representative to act and receive information on their behalf. There are numerous situations in which it may be beneficial for a victim to be able to appoint a nominee to act on their behalf, including in circumstances where there is a language or literacy barrier, the victim is living interstate or internationally, or the victim considers that personally receiving information via the Victims Register would negatively impact their health or wellbeing. The commissioner will be able to refuse to accept an individual's nomination as a representative if the commissioner is satisfied it is not appropriate in the circumstances. Some of the factors the commissioner may consider include the security, discipline and good order of a correctional centre; the safety and wellbeing of offenders and other persons; the risk of unauthorised disclosure of information; and the safety of the community.

New section 285 reproduces the information that the Commissioner of Corrective Services NSW may provide to registered victims of adult offenders and high-risk offenders, which is presently provided in section 256B (1) and (1A) of the Crimes (Administration of Sentences) Act 1999, with two new additions. As the Victims Register is being expanded to include victims of offenders who are subject to an intensive correction order for a personal violence offence, new section 285 (3) provides that the commissioner can notify the victim if an offender breaches their intensive correction order for a personal violence offence and that breach results in the offender being taken into custody. The victim will not be informed of minor breaches that do not result in the offender being taken into custody. This amendment is necessary because other information that can be disclosed to victims is only relevant to offenders who are serving a sentence of imprisonment by way of full-time detention and will ensure that these victims can be kept informed of an offender's location to assist them with safety planning.

The bill also provides that the transfer of an offender to the custody of another State or Territory or the Commonwealth is information that can be disclosed to a victim recorded in the Victims Register. This information could include the transfer of an offender to another State's or Territory's correctional system or, in the case of the Commonwealth, the transfer of an offender to an immigration detention centre. This amendment will address a gap in the Crimes (Administration of Sentences) Act 1999 that may cause significant distress to a victim if they

are unable to be provided with accurate information about an offender's location once that offender is no longer in the custody of Corrective Services NSW.

In conclusion, this bill is an important part of the Government's regular legislative review and monitoring program. The amendments in the bill will make significant improvements to the operation of the Victims Register that will benefit victims of crime, clarify uncertainty regarding delegated functions and promote community safety by ensuring that the State Parole Authority can have regard to relevant matters when an offender is being considered for parole. I commend the bill to the House.

Debate adjourned.

TATTOO PARLOURS AMENDMENT (STATUTORY REVIEW) BILL 2021

First Reading

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

Second Reading Speech

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (09:49):

I move:

That this bill be now read a second time.

The Tattoo Parlours Amendment (Statutory Review) Bill 2021 amends the Tattoo Parlours Act 2012 to improve the efficiency and effectiveness of the tattoo industry regulatory scheme in New South Wales. This bill will strengthen the regulatory framework for the tattoo industry, which was introduced to curb infiltration of the industry by organised criminal groups. Since the current Act commenced in 2012, gang and organised criminal activity in the tattoo industry has dramatically reduced. For example, in the 2010-11 financial year, the NSW Police Force recorded a total of 136 offences committed within a tattoo business. However, when the licensing scheme began under the Tattoo Parlours Act 2012, the total offences recorded at tattoo businesses dropped to just 27 offences for the 2011-12 and 2012-13 financial years combined. This is a significant drop in offences, which have remained consistently low. However, there is still more work to be done.

This bill addresses specific issues identified by peak industry bodies, tattoo business owners, tattooists and the joint regulators: NSW Fair Trading and the NSW Police Force. The amendments will ensure that the newly named Tattoo Industry Act 2012 remains fit for purpose. The bill will limit infiltration of the body art industry by organised criminal groups by creating a new offence for advertising body art tattooing procedures without a licence. It will improve transparency in relation to grounds for refusal of a licence under the Act and provide further opportunities for international artists to trade in New South Wales. To that end, the bill makes six significant amendments to the current tattoo licensing scheme in New South Wales. Firstly, it changes the name of the Tattoo Parlours Act 2012 and regulation to the Tattoo Industry Act 2012 and the Tattoo Industry Regulation 2013. The industry is made up of small businesses and professional artists who provide a growing and now mainstream service to the community. Modernising the language of the Act represents the modern professionals who operate in the industry.

Secondly, the bill will make the Commissioner of Police the sole authority responsible for regulating the tattoo industry under the Tattoo Industry Act 2012. In this manner government will be made easy, as the commissioner will be the only authority with which the public and industry must deal under the Tattoo Industry Act 2012 rather than the current situation, where both Fair Trading NSW and the NSW Police Force have regulatory responsibilities. The third significant amendment in the bill provides that the regulation may prescribe criminal organisations to be excluded from applying for any form of licence under the Act. This amendment seeks to rectify an issue identified with the current provisions. Currently, criminal organisations declared by the Supreme Court under the Crimes (Criminal Organisations Control) Act 2012 may not apply for a licence. However, the Supreme Court has not made a declaration of a criminal organisation to date. This provision in the Act is therefore not achieving the intended purpose of excluding outlaw motorcycle gangs and other criminal groups from participating in the tattoo industry.

Just this month, the NSW Police Force arrested two high-ranking outlaw motorcycle gang members in relation to a fire at a tattoo parlour in Sydney's west in June 2021. This exemplifies the danger to community safety and damage to the integrity of the industry that the involvement of criminal groups presents. Therefore, this bill will enable the regulation to prescribe criminal groups or gangs, based on the advice of the commissioner, to disqualify their members from applying for a licence under the Act. The fourth major amendment will prohibit the advertising of a body art tattooing business or body art tattooing procedures without an appropriate licence. This will help to uphold the law that only licensed businesses and tattooists can legally carry on the business of

tattooing. It addresses stakeholder concerns that "backyard tattooing", or those who are conducting tattoo procedures without a licence or permit, undermines legitimate industry professionals and poses a risk to the public.

The bill provides enforcement powers to authorised officers to investigate and prosecute offences within this section under new division 2A, entitled "Power to obtain information or records in relation to advertising offence", sections 31A, 31B and 31C. The fifth major amendment is that licence applications, renewals and restorations will be subject to clear disqualifying offences. If the applicant has, within 10 years before the application, been convicted of a disqualifying offence, they will be considered unsuitable for a licence or permit under the Act. It is intended that these disqualifying offences will be prescribed in the regulation following consultation and will include serious offences such as those linked with organised criminal activity and violent offences. Inclusion of these disqualifying offences will ensure that applicants of master licences, tattooist licences or visiting tattooist permits will know up-front what types of criminal history are grounds for refusal. The intent is that the time waiting to know the outcome of a licence or permit application will be reduced and the process is made more transparent.

The sixth significant amendment is that the bill will enable international tattooists to operate in New South Wales on a temporary basis by implementing a new visiting tattooist permit scheme. The regulation currently allows for interstate and international tattooists at certain tattoo trade shows to be exempt from licensing requirements. This amendment will mean that New South Wales tattoo businesses, for the first time since the regulatory scheme commenced, can benefit from hosting international talent at their businesses to improve local expertise and their customers' experiences. These amendments have been recommended to the New South Wales Government after consultation with industry peak bodies and tattoo businesses. We asked our industry stakeholders what could be improved. They spoke and we have listened.

I turn to the other details of the bill. The bill will amend section 1 to rename the Act to refer to the tattoo industry rather than the outdated expression "tattoo parlours". It omits the definition of an "adverse security determination" from section 3. Provisions for security determinations are found in sections 14, 16, 19 and 19B. These have been redrafted to be in line with the commissioner being the sole regulator. The bill makes amendments to section 3 and other sections throughout the Act and regulation to give effect to machinery changes that transfer authority previously held by the secretary to the Commissioner of Police. The definition of "authorised officer" is amended to omit investigators under the Fair Trading Act and to clarify that an authorised officer is a police officer or another officer within the NSW Police Force who is authorised by the commissioner in writing.

Section 3 and other sections throughout the Act will also be amended to replace the term "operator licence" with the term "master licence". A master licence will allow a person to operate a tattoo business. The definitions of the new master and tattooist licences remain the same, but this streamlines the language to align with other similar schemes. There are several new additions within the section 3 definitions. Definitions of "licence number", "master licence", "permit", "permit number" and "permanent Australian resident" are included. Further, a "disqualifying offence" is included to mean an offence prescribed by the regulations that is a ground for ineligibility for a licence. "Member" and "prescribed criminal organisation" are also defined to give clarity about members and associates of prescribed organisations who would also not be eligible to apply for a master or tattooist licence.

The bill inserts new section 4A that enables the regulation to prescribe an incorporated body or unincorporated group, however structured, to be a prescribed criminal organisation. This requires the Minister to consider the advice of the commissioner before prescribing a group or body. New section 7 (2) (a1) exempts visiting tattooist permit holders from the requirement to be licensed under the Act. Section 8 provides that a person cannot employ an individual to work as a tattooist unless they hold a tattoo licence. The bill will amend this section to also allow a person to engage an individual holding a visiting tattooist permit. New section 8A creates an offence for advertising body art tattooing by persons not holding a master licence. An advertisement can be in any form of notice or statement where its purpose is to advertise the performance of a body art tattooing procedure such as a social media post.

The section also sets out other related requirements, including that the holder of a master licence must put the person's licence number on business advertisements, licensees and permit holders must put their licence or permit number on advertisements relating to their performance of tattooing procedures, and a person must not advertise performance of a body tattooing procedure unless the person is self-employed at the licensed premises or has a tattooist licence or permit. The maximum penalty for a breach of these provisions is set at \$11,000 for corporations and \$5,500 for individuals. However, it is intended that the regulation converts these into penalty notice offences, which will be further explained when the proposed changes to the regulation are reached.

The bill will amend section 11 to clarify that applicants for a licence under the Act must be an Australian citizen or permanent Australian resident. New section 14 confirms that the commissioner may carry out

investigations and inquiries necessary for the proper consideration of new licence or permit applications, or for the renewal or restoration of existing licences or permits. This section allows for the investigation and determination of matters such as whether the applicant or their close associate is a fit and proper person, whether it would be contrary to the public interest for a licence to be granted, whether the applicant has been convicted of a disqualifying offence in the past 10 years, and whether the applicant is, or was, in the previous 12 months a member of a prescribed criminal organisation. This provision is mirrored by new section 19 in relation to the commissioner's powers to investigate, inquire and make determinations about existing licence or permit holders.

Section 15 (1) is amended so that the commissioner may require applicants for the restoration of a licence to provide further information concerning the application, in addition to applications for a new licence or renewal of an existing licence. The bill amends section 16 (3) to provide further circumstances under which the commissioner must not grant, renew or restore a licence. Subsection (3) (f) and (g) include new disqualification grounds, providing that the commissioner must not grant, renew or restore a licence if satisfied that the applicant has been convicted of a disqualifying offence within the past 10 years, or is a current or past member of a prescribed criminal organisation within the past 12 months. The bill amends section 18 to ensure that all licences are issued with a licence number. That is in line with industry feedback about the administration of the scheme. Making it mandatory for the regulator to provide a licence number when issuing the licence will make administration much easier for all parties.

A new division 3A, section 19B, clarifies how the commissioner may have regard to criminal intelligence reports and other information such as criminal charges and spent convictions when making fit and proper person and other determinations in relation to both existing licensees and new applicants for a licence or permit under the Act. In particular, the commissioner may have regard to a criminal intelligence report or other criminal information that is relevant to the business or procedures proposed to be carried out; and that causes the commissioner to conclude that improper conduct is likely to occur, or not to have confidence that improper conduct would not occur if the licence or permit was granted or continued.

Section 20 is amended to merge subsections (1) and (2) in line with the change to the commissioner being the sole regulator of the Act. The bill also amends section 22A to extend its application to holders of a visiting tattooist permit. That will mean master licence holders must not permit individuals to perform any body art tattooing procedure unless the person holds a tattooist licence or permit. The bill amends section 24 to clarify that master licence holders must ensure that documents and information prescribed by the regulations, such as a licence number, are conspicuously displayed at the licensed premises. Section 26 is amended to confirm the commissioner must cancel a licence if the commissioner is satisfied that mandatory disqualifying grounds apply. The new division 5A gives effect to a new "visiting tattooist permit" so that a permit may be granted to international applicants. Authorised permit holders will be legally able to perform body art tattooing procedures in New South Wales under conditions imposed by the commissioner.

Industry stakeholders raised concerns that under the current Act, international artists are only permitted to perform at large-scale commercial trade shows that are exempt from licensing provisions. Section 26A of division 5A now makes it clear that once a visiting tattooist permit has been issued to an international applicant, they can perform as an individual tattooist, and are not restricted to a trade show. The new section 26B provides that applicants for a visiting tattooist permit must be aged at least 18 years and not be Australian by citizenship or permanent residential status. That means interstate tattooists are not eligible for the permit.

The new section 26C provides that the commissioner can grant or refuse a visiting tattooist permit in accordance with the grounds prescribed in the regulation. The new section 26D will allow the permit to be in a form approved by the commissioner and to contain a permit number. Section 26E will allow the commissioner to cancel or suspend a permit based on the determination of a matter under section 19 or other grounds. Sections 27 (1) (d) to (f) and 27 (2) are amended by the bill to include provisions for visiting tattooists to seek administrative review from the NSW Civil and Administrative Tribunal [NCAT]. The bill amends sections 27 (3) and 27 (4) to remove the requirement of the Secretary of the Department of Customer Service to be a party to NCAT proceedings, consistent with the commissioner as the sole decision-maker. Section 27 (5) of the current Act is omitted by the bill as the NSW Police Force can conduct internal reviews upon request.

The new division 2A under part 4 provides police with a power to enforce the new advertising offence in the new section 8A. Section 31B authorises officers to obtain information and records in relation to an advertising offence, by written notice. The notice must specify the way information or records are required to be given, and the reasonable time by which the information or records are required to be given; and may require a person to hand over existing records that are in the person's possession or in their power to lawfully obtain. The authorised officer may take copies of the records and if a record is in electronic, mechanical or other form, the record must be given in writing, unless otherwise specified.

The new section 31C is a power for authorised officers to require answers and record evidence if the officer suspects on reasonable grounds that a person has knowledge of matters in relation to which information referred to in section 31B is reasonably required. In that case, the authorised officer may require the person to answer questions about the matters; the commissioner may require a corporation to nominate a director or officer of the corporation to answer questions; an authorised officer may, by written notice, require the person to attend at a specified place and time to answer questions; an authorised officer may record questions and answers if the officer has informed the person of this; the record may be made using audio and/or visual apparatus, or another method decided by the authorised officer; and a copy of the record must be provided to the person as soon as practicable after it is made. Those powers are intended to allow proper investigation into the offence of advertising "backyard tattooing", which is unfair to honest and compliant traders.

The bill amends section 32 to require visiting tattooists to produce their permit on demand to an authorising officer. A new section 32A clarifies that the authorised officers, who are not police officers, are required to carry an identification card when they are exercising their functions under the Act, and to provide that if asked by a person. The bill amends section 33A with drafting conventions to modernise the language of the Act. The current section 36A (2), which relates to matters of evidence for interim closure orders, is omitted because that has been provided for under the new section 36A (1) (i). Section 37 (1) (b) and (c) are amended by the bill so that visiting tattooist permit holders will not be paid compensation if their application for a permit is refused, or their permit suspended or cancelled. That is consistent with the current provision that applies to licence applicants and licensees under the Act.

I now turn to the savings, transitional and consequential amendments in the bill. Schedule 1 [69] to the bill inserts new part 6, which provides consequential amendments for existing licence applicants and amendments to other Acts. Clause 11 provides that a reference in another Act or statutory instrument to the Tattoo Parlours Act should be read as a reference to the new Act. Clause 12 sets out that any pending applications before the commencement of the bill for a new or renewal licence can be treated as being made to the commissioner. That will ensure those licence holders who have already made a "new licence application" to Fair Trading NSW prior to commencement of the amended Act, are not required to withdraw their application and can have it dealt with under the new laws.

Clauses 13, 14, 15 and 16 set out that a person who has applied for, or currently has an operator licence, is taken to now have a master licence. Clause 17 makes sure that existing licence holders will not be subject to a suspension or cancellation due to the introduction of the new mandatory disqualifying grounds for refusal. However, clause 17 also provides that restorations or renewals will be subject to the new provisions, including memberships to prescribed organisations and mandatory disqualifying offences. Clause 18 refers to appeals and reviews in relation to existing licences or licence applications that have not been determined and provides these will be determined according to the amended Act. Clause 19 provides that relevant documents for licensing functions are to be transferred from the secretary to the commissioner.

Schedule 2 to the bill amends other statutes to refer to the new name of the Act. That schedule also makes amendments to sections 55, 56 and 57 of the Road Transport Act 2013 to include permits within its exemptions to release photographs. Further, the bill amends section 57 (3) of the Road Transport Act to allow the release of photographs to the commissioner on request, for the administration of the Tattoo Industry Act. Those provisions will make dealing with government easier for both licence applicants and the regulator. Schedule 2.7 makes amendments to the Tattoo Parlours Regulation 2013, with the first being a change of name to the Tattoo Industry Regulation 2013. Amendments are made throughout the regulation to refer to "master" licences.

The bill divides the current part 2, "Permits—tattooing shows", of the regulation into division 1 relating to "Tattooing shows", and division 2 relating to the new "Visiting tattooist permits". The new division 2, clauses 8 to 11A, set out the requirements relating to visiting tattooist permits, including: the maximum period for a permit being three months; prescribed personal information and documents to accompany applications to include the full name, date and place of birth of the applicant, the postal or residential address at which the applicant intends to reside while in Australia, a copy of the applicant's passport, or other kind of government issued identification, and a copy of the applicant's entry visa, or evidence that the applicant has applied for a visa; applications be made 28 days before the proposed commencement of the visit; and grounds for refusal include that two permits within that calendar year have already been granted, or that the application was not properly made.

Clause 13A prescribes criminal organisations as those listed under the new schedule 3 to the regulation. The bill amends part 1 of schedule 1 to the regulation to prescribe the fee amount for applications for visiting tattooist permits, which is set out at a total of 2.16 fee units. Schedule 2 to the regulation is amended to create a penalty notice offence for the new advertising offences found under the new section 8A of carrying on a tattoo service or business without a valid licence or permit, or for a master licensee not including the number of the person's licence on an advertisement. The penalty notice amount for a corporation for such illegal advertising is

\$1,100. The penalty for a person advertising themselves as a tattooist without a licence or permit or not including their licence or permit number on the advertisement is \$550.

Schedule 3 then sets out those organisations that are excluded from applying for a licence or permit. This mirrors those organisations prescribed in clause 98 of the Liquor Regulation 2018. By listing these organisations, it will be clear to applicants and business operators whether or not the applicant is eligible for a licence or permit under the Act or is able to be employed in the business. Further, prescribing these organisations as a schedule to the regulation will ensure that the list can be easily amended if new criminal organisations later emerge and there is evidence they should also be excluded. The bill makes a range of amendments to ensure that the Tattoo Industry Act 2012 remains fit for purpose to stamp out criminal infiltration in the New South Wales tattoo industry. I am pleased that the new measures included in this bill will reduce red tape for small businesses engaged in the industry and that the police are provided with the powers necessary to regulate effectively. For that reason, I commend the bill to the House.

Debate adjourned.

CHILDREN'S GUARDIAN AMENDMENT (CHILD SAFE SCHEME) BILL 2021

Consideration in Detail

Consideration of the Legislative Council amendments.

Schedule of amendments referred to in message of 9 November 2021

No. 1 PHON No. 8 [c2021-56CD.2]

Schedule 1, proposed Part 3A, Page 4. Insert after line 7:

8AA Consistency with Royal Commission Report recommending the Child Safe Standards

- (1) Implementation of the Child Safe Standards by child safe organisations is to be consistent with Royal Commission recommendations.
- (2) Where a Child Safe Standard can be implemented in more than 1 way, implementation that most closely reflects the Royal Commission recommendations is to be preferred.

No. 2 PHON No. 11 [c2021-56CD.2]

Schedule 1, proposed Part 3A, Page 4. Insert after proposed section 8AA as inserted by amendment 8:

8AB Ministerial guidelines

- (1) The Minister may issue guidelines to the Children's Guardian about the way the Children's Guardian is to—
 - (a) oversee the implementation of the Child Safe Standards by child safe organisations,
 - (b) enforce the Child Safe Standards within child safe organisations,
 - (c) establish child safe action plans with prescribed agencies,
- (2) Despite section 128 (3), the Children's Guardian must, when exercising functions concerning the Child Safe Standards, act in a way that is consistent with guidelines issued by the Minister under subsection (1).

No. 3 PHON No. 12 [c2021-56CD.2]

Schedule 1, proposed Part 3A, Page 4. Insert after proposed section 8AB as inserted by amendment 11:

8AC Oversight by Committee on Children and Young People

- (1) The Committee on Children and Young People has the following functions under this Part—
 - (a) to monitor and review the functions of the Children's Guardian in—
 - (i) overseeing the implementation of the Child Safe Standards by child safe organisations,
 - (ii) the enforcement of the Child Safe Standards within child safe organisations,
 - (iii) establishing child safe action plans with prescribed agencies,
 - (b) to review the activities of the Children's Guardian for consistency with the Royal Commission recommendations,
 - (c) to review guidelines issued by the Minister under section 8AB (1) for consistency with the Royal Commission recommendations,
 - (d) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter which the Committee considers should be brought to the attention of Parliament relating to the following—
 - (i) the exercise of the Children's Guardian's functions specified in paragraphs (a) and (b),
 - (ii) guidelines issued by the Minister under section 8AB (1).
- (2) In this section—

Committee on Children and Young People means the Parliamentary Joint Committee constituted under section 36 (1) of the Advocate for Children and Young People Act 2014

No. 4 **PHON No. 9 [c2021-56CD.2]**

Page 4, proposed section 8B Definitions. Insert after line 15:

Royal Commission recommendations means the Final Report Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

No. 5 **GOVT No. 1 [c2021-108]**

Page 5, Schedule 1[3], proposed section 8D (3) (a), line 9. Omit "changes to".

No. 6 **GRN No. 1 [c2021-110C]**

Page 6, Schedule 1[3], proposed section 8J, line 28. Omit "plan.". Insert instead—

plan, and

- (c) if the agency or related bodies provide services to Aboriginal children—consult with 1 or more Aboriginal controlled entities of a class prescribed by the regulations for this section.

No. 7 **PHON No. 10 [c2021-56CD.2]**

Page 16, proposed Schedule 1[21], Schedule 6 Dictionary. Insert after line 7:

Royal Commission recommendations—see section 8B.

Mr ALISTER HENSKENS (Ku-ring-gai—Minister for Families, Communities and Disability Services) (10:12): I move:

That the Legislative Council amendments be agreed to.

The Children's Guardian Amendment (Child Safe Scheme) Bill 2021 implements key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The bill contains amendments to the Children's Guardian Act that will protect children from abuse in organisations and will further strengthen the Government's ability to improve outcomes for children and young people in New South Wales. The bill will also contribute to the Premier's Priority of protecting our most vulnerable children.

The key aims of the bill are to adopt the 10 Child Safe Standards as the primary framework that guides child safe practice and to implement the new regulatory approach to the Child Safe Standards. I was in the other place last night as the debate with regard to the amendments took place. There was some spirited debate between the Hon. Mark Latham and Mr David Shoebridge, with contributions from the Hon. Penny Sharpe. The amendments that were agreed to in the upper House do not impact on the aims that I have set out in respect of the legislation; in fact, they strengthen the bill before the House in many respects.

The amendments provide for the Minister to have an ability to provide guidelines to the Children's Guardian on how she administers the Child Safe Scheme. It confines the scope of the administration of the Child Safe Scheme to the recommendations of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse. It also aligns parliamentary oversight of the Child Safe Scheme with that of the Reportable Conduct Scheme and the Working with Children Check responsibilities of the Children's Guardian. The member for Port Stephens was also present in the Chamber last night as the debate took place in the upper House. The debate was conducted in a pretty good spirit, although at times there was somewhat of a collision of philosophies between Mr Shoebridge and Mr Latham, I think it is fair to say.

In addition, the Government moved an amendment to correct a drafting error and remove any suggestion that the Child Safe Standards can be changed without the approval of the Parliament. Importantly, the Children's Guardian, Ms Janet Schorer, PSM, has confirmed that these changes "would not alter or affect the Child Safe Standards or the requirements of child safe organisations to implement them". Ms Schorer notes that this amendment would still enable her to "carry out the functions of [her] office, including overseeing the implementation of Child Safe Standards by, and enforcing the Child Safe Standards within, child safe organisations".

I acknowledge the work of Ms Schorer and her office—and particularly her general counsel, Ms Sharminie Niles—in not only assisting with the development of the bill but also working with my office on the large number of amendments proposed in the other place. This piece of legislation, now with these amendments, is incredibly important with regard to the protection of children. It is an important piece of legislation among many pieces of legislation which implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The legislation has been widely supported in both Houses of the Parliament, as it should have been. It is a very important piece of legislation that has come through this Parliament. I support the Legislative Council amendments to the bill.

Ms KATE WASHINGTON (Port Stephens) (10:17): As the shadow Minister for Family and Community Services, I speak on behalf of Labor in response to the amended form of the Children's Guardian Amendment (Child Safe Scheme) Bill 2021 that passed in this place. As the Minister mentioned, this is an incredibly important bill, which has received the support of both this place and the other place because it gives effect to key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. All members of both Houses of Parliament understand the importance of acting strongly and in accordance with those important recommendations that came from the royal commission.

I too acknowledge the important work being undertaken by the Children's Guardian, Ms Janet Schorer. She and her team are doing incredibly important work for the children in this State. I must say some comments were made in the upper House last night that were not necessarily befitting of the way she conducts her role and the work that she is doing to protect children in this State. I acknowledge the Minister's regard for the Children's Guardian and her role. That regard is also reflected on this side of the House. Labor does not support some of the suggestions that were made by a member of the other place last night during this debate about the Children's Guardian and her role.

We are discussing the bill today because of amendments that were moved in the other place, which were largely supported. The amendments were moved by The Greens and the Government to correct a drafting error in the bill, as well as by the Hon. Mark Latham. Most of the amendments moved by the Hon. Mark Latham were not supported by the Opposition or the Government. There is one particular amendment that was not supported by Labor in the other place and is not supported today. Labor maintains its steadfast opposition to the inclusion of ministerial guidelines in the bill. Last night's debate confirmed the position that Labor has taken. The debate as it ensued spelt out why we opposed the amendment in the first place and why we remain opposed to it now.

In our view, it is incredibly important that the role of the Children's Guardian is entirely independent of politics. The amendment for which support is sought by this House today requires ministerial guidelines to be made about how the Children's Guardian is to oversee the implementation of the Child Safe Standards by child safe organisations. The second part is that the guardian is required to act in a way that is consistent with the guidelines issued by the Minister. On both counts, Labor strongly opposes the insertion of this amendment into the bill. When the Minister introduced the bill in this place he did not include any requirement for ministerial guidelines because they are not necessary for the administration of the scheme. More so, they could undermine the ability of the scheme.

I have spoken to the Children's Guardian and I understand her position on this. I respect her views. However, I have strong concerns about the insertion of politics into a role that should be entirely independent of government. As the Minister has pointed out, there is the ability for oversight of the guardian by the Committee on Children and Young People and the bill brought the Child Safe Scheme into the purview of the oversight of that same committee. I am not suggesting that the current Minister will be amenable to influences, but in debate last night it became very clear why the Hon. Mark Latham sought to insert this provision into the bill. When he perceived there to be problems in the way that the Children's Guardian was fulfilling her role, he wanted to be able to go to the Minister and say, "Fix it." That is not a position any Minister should be placed in. The Children's Guardian is an independent role and should remain so.

The Hon. Mark Latham's amendment that we are debating today and his reason for seeking it is why the Minister should not have this role. Politics should not play a part in the Children's Guardian's role. We know that influences could come from any external body—whether it is a religious group, a business group, a political group or a union group. Any of those organisations can have influence over a Minister, whoever is in that role, and those influences should not be at play when it comes to child safety and protection. When we have the Hon. Mark Latham trying to introduce elements into the bill around gender fluidity, it speaks to why this provision should not be a part of the bill. I ask the Minister today to reconsider his position about this aspect of the bill. I move:

That the motion be amended by adding "except Legislative Council amendment No. 2, which not be agreed to" after the word "to".

Mr ALISTER HENSKENS (Ku-ring-gai—Minister for Families, Communities and Disability Services) (10:26): I regret to say that the member for Port Stephens has not accurately identified the nature of the amendment that she objects to. She stated to the House that the amendment requires the Minister to issue guidelines to the Children's Guardian. That is not what the amendment says at all. The member for Port Stephens is a trained lawyer. She understands the difference between "will" and "may" in legislation. "May" is a discretion that may or may not be done. That is the word used in the amendment. There is no requirement on the Minister to issue guidelines. The amendment gives the Minister ministerial accountability with regard to any deviation from the legislation. The Child Safe Standards are set out in the legislation. They were the same Child Safe Standards that were recommended by the royal commission. They are an additional piece of oversight that I would have thought the Labor Party would support. The Government agrees to the Legislative Council amendments.

The ASSISTANT SPEAKER: The question is that the amendment of the member for Port Stephens be agreed to.

Amendment negatived.

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

Motion agreed to.

CRIMES LEGISLATION AMENDMENT (LOSS OF FOETUS) BILL 2021

First Reading

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

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (10:29): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Legislation Amendment (Loss of Foetus) Bill 2021. This bill represents a suite of important reforms by the New South Wales Government to better recognise the loss of a foetus as a result of a third-party criminal act. In 2018 the New South Wales Government committed to seeking expert advice on the complex legal issues involved in recognising this loss in order to achieve effective and appropriate reform. The loss of a foetus in all circumstances is harrowing, and to lose a foetus as a result of another person's criminal offending is profoundly distressing for parents, victims, families and the wider community. Tragically, several families in New South Wales and other Australian States and Territories have suffered this loss in previous years, most commonly as a result of dangerous driving. In some circumstances these criminal acts have also resulted in the deaths of a pregnant woman and other individuals. I acknowledge all the expectant parents who have been advocates for reform, particularly Brodie Donegan. I recognise her courage and remarkable advocacy over too many years for these reforms. I also recognise Chris Spence for his tireless contribution in advancing these matters inside and outside of Parliament.

Currently the law in New South Wales, like several other Australian jurisdictions, recognises the destruction of a foetus as grievous bodily harm to the pregnant woman. However, despite accommodating the loss within grievous bodily harm to the mother, there is currently no guarantee that the loss of a foetus will be specified within the particulars of a criminal charge, nor result in the imposition of a higher penalty to recognise the criminality of the act or the unique harm caused by the loss. Close family members are currently unable to provide a victim impact statement to a court regarding a loss. This means they are unable to address the harm caused to them by the loss of a foetus separately in sentencing proceedings when grievous bodily harm to a pregnant woman has occurred, or when the pregnant woman has died. I am pleased to announce that today's bill will strengthen the criminal law and its recognition of the loss of a foetus as a distinct and grave harm suffered by a woman and her immediate family. These amendments will also improve support and recognition available to these families.

Importantly, the bill does not in any way affect a woman's ability to obtain a lawful abortion under existing New South Wales legislation. It also does not displace the "born alive" rule, which deems legal personhood to apply when an infant is born independently of its mother and has taken a breath. The born alive rule has existed for centuries, not just in Australia but across a number of other Commonwealth jurisdictions, including England and Wales, Canada and New Zealand. In New South Wales it is reflected in the criminal and civil law. The born alive rule ensures that a foetus does not have a legal personhood that can compete with the rights or interests of other existing persons, primarily the woman carrying the foetus. This bill provides a way to maintain this fundamental aspect of the law and to provide better recognition of the loss of a foetus as a result of criminal behaviour, including serious personal violence and driving offences.

The reforms will introduce two new offences into the Crimes Act 1900. The first is a standalone "Offence of causing loss of a foetus", which can be charged when grievous bodily harm is occasioned to the pregnant woman, causing the loss of the foetus. This offence will carry a maximum sentence that is three years higher than currently available for this conduct under existing law. The second is a standalone "Offence of causing loss of a foetus (death of pregnant woman)", which can be charged when a homicide offence is also charged for the death of the pregnant woman—such as murder, manslaughter or dangerous driving occasioning death—and the foetus has also been lost as a result of conduct giving rise to the homicide offence. This offence will carry a maximum penalty of three years' imprisonment. The maximum penalty for the homicide offence will also apply with respect to that offence.

The bill will amend the Criminal Procedure Act 1986 to allow the name of an unborn child lost due to a third-party criminal act to be included on an indictment in the particulars of the criminal charge. The bill will amend the Crimes (Sentencing Procedure) Act 1999 to expand eligibility for making a victim impact statement to the immediate family members of the pregnant woman whose foetus was lost as a result of an offence, to explain the impact of the loss on them to the court. The bill will ensure that relevant family members will have a statutory entitlement under the Motor Accident Injuries Act 2017 to claim funeral costs for the foetus when lost as a result of a motor accident. Each amendment has been carefully developed to take into account the range of views held by stakeholders and the community. In addition to this bill, the Government is also developing an administrative payment scheme to provide a bereavement payment to families who lose a foetus due to a third-party criminal act. This recognises the loss and ensures that families can access the support services they need during such a difficult time.

Before detailing the contents of the bill I will briefly outline the development of these reforms and thank stakeholders and the community for informing these legislative reforms. In October and November 2018 the then Premier committed to seek expert advice and community feedback about how the loss of a foetus as a result of a third-party criminal act might be further recognised in New South Wales law. The Government closely consulted with expert stakeholders, legal bodies, victims' groups and affected families in order to ensure that these reforms are effective and appropriate. In 2020 the Government developed an exposure draft bill entitled the Crimes Legislation (Offences Against Pregnant Women) Bill 2020, which was consulted on via the Have your say website from 10 November 2020 to 29 January 2021. A total of 114 submissions were received in response to that bill, including from seven advocacy, not-for-profit or medical organisations; eight legal body stakeholders; one political party branch; four religious leaders; and 95 individuals. Stakeholder views were diverse. Some members of the community called for harsher punishment and standalone criminal offences for the loss of the foetus. Others opposed any reform, suggesting that existing criminal and sentencing regimes are sufficient.

The Government remains committed to reform to address the gaps that have been identified in the law, and to reflect the widely held community view that it is necessary to recognise in the criminal law the loss of a foetus as a result of a criminal act of another. Today's bill provides a different approach to the exposure draft bill by introducing two new standalone criminal offences that may be charged when a foetus of a gestational age of at least 20 weeks, or 400 grams, has been lost as a result of criminal acts affecting the pregnant woman. The standalone offences ensure there is independent recognition of this harm, separate to the existing offences under the Crimes Act. This bill, together with the administrative payment scheme, will provide better recognition of the gravity of the loss of a foetus due to a third-party criminal act.

I turn now to the substance of the bill. The most significant aspect of these reforms is the introduction of two standalone criminal offences in schedule 1 to the bill. The new offences will recognise that causing the loss of a foetus is a specific type of harm that merits express and distinct recognition. These offences will be available to be charged when a foetus has reached a gestational age of at least 20 weeks or, if this cannot be reliably established, a body mass of at least 400 grams. Identical thresholds are contained in the Births, Deaths and Marriages Registration Act 1995 applicable to the registration of a stillbirth. Importantly, both offences make clear that they do not apply to the termination of a pregnancy under the Abortion Law Reform Act 2019, or any act or omission of the pregnant woman that causes the loss of her foetus.

These reforms do not in any way intend to criminalise either of these circumstances. They seek to address a very specific gap in the law in relation to the criminal behaviour of a third party towards or affecting a pregnant woman which causes the loss of her foetus. Proposed new section 54A of the Crimes Act, as contained in schedule 1 to the bill, will introduce a new offence of causing the loss of a foetus. This offence provides an additional penalty of three years' imprisonment where a grievous bodily harm offence that resulted in the loss of a foetus of over 20 gestational weeks, or a weight of 400 grams, is proven. Under New South Wales law, the destruction of a foetus is included in the definition of "grievous bodily harm" to the pregnant woman within section 4 of the Crimes Act. This applies whether or not the woman suffers any other harm. The bill does not change this definition, and that offence remains available, particularly when the foetus that was lost was under the required gestational age.

New section 54A will draw on and modify existing offences in which grievous bodily harm is an element, where a foetus of the relevant gestational age has been lost as a result of the act or omission of an accused. In order to establish this new offence, all of the elements of the relevant substantive grievous bodily harm offence must still be proved by the prosecution. This includes any relevant mental element, such as specific intent or recklessness, specified for those offences. Proposed new section 54A (5) also makes clear that it is not necessary for the prosecution to prove that the defendant knew, or ought reasonably to have known, that the woman was pregnant unless that knowledge or intent is an element of the grievous bodily harm offence. The drafting of the provision will capture offences like dangerous driving, where the defendant may not directly interact with the woman, and therefore may not have known that she was pregnant.

Currently there are more than 20 offences in the Crimes Act that have a physical element of grievous bodily harm, with sentences ranging from a maximum two years' to 25 years' imprisonment. Drawing on existing offences will ensure greater flexibility, better recognition and a more targeted response to the specific circumstances that causes the loss of a foetus in any given case. It will also ensure that the new offence can address varying levels of criminal behaviour and intent. A charge under section 54A also leverages the full suite of existing maximum penalties for these grievous bodily harm offences, increased by three years.

For example, in the case of dangerous driving causing grievous bodily harm, which carries a maximum penalty of seven years' imprisonment, under proposed new section 54A an offender is liable to 10 years' imprisonment. In the case of grievous bodily harm with intent that carries a maximum penalty of 25 years' imprisonment, under new section 54A an offender is liable to 28 years' imprisonment. If other harm is occasioned to the pregnant woman as a result of the same act or omission, proposed new section 54A (3) makes clear that other offences can still be charged separately from the offence of causing the loss of a foetus.

However, proposed new section 54 (4) will limit the total penalty for multiple offences arising from the same act or omission to the maximum penalty available under new section 54A (3), being the maximum penalty for the substantive grievous bodily harm offence charged, plus three years' imprisonment. This requirement aims to prevent disproportionate sentences being imposed for overlapping conduct and reflects the likely sentencing practice of the courts—that is, that sentences for the same course of conduct are usually served concurrently or only partly consecutively. The higher maximum penalty that applies by virtue of new section 54A (3) will provide courts with ample sentencing scope to impose appropriate sentences in these cases.

Proposed new section 54B of the Crimes Act, as contained in schedule 1 to the bill, provides a new standalone offence to address the circumstances where, tragically, a pregnant woman has died and a foetus has also been lost as a result of criminal offending. This offence will only be able to be charged when an applicable homicide offence for the death of a pregnant woman has also been charged. The relevant homicide offences are listed at proposed new section 54B (6) and include murder, manslaughter and dangerous driving occasioning death. The commission of the relevant homicide offence is an element of proposed new section 54B that must be proved beyond reasonable doubt. This is contained in proposed new section 54B (1) and means that an accused may only be found guilty of this offence if the tribunal of fact is satisfied that the relevant homicide offence occurred. Similar to new section 54A, it will not be necessary for the prosecution to prove that the defendant knew, or ought reasonably to have known, that the victim was pregnant as an accused takes a victim as they found them.

A person who is guilty of the proposed new section 54B offence will be liable to a maximum penalty of three years' imprisonment. They will also be liable to the maximum penalty for the relevant homicide provision that has been charged because, as a matter of practice, the person's guilt must have also been established for that offence in order to find the offender guilty of new section 54B. The total sentence imposed by a court will be subject to existing sentencing principles including totality, proportionality and the need to give effect to the purposes of sentencing, including deterrence and rehabilitation. This provision will be unique to New South Wales and only invoked when another offence has been established. This provides an effective way to maintain the "born alive" rule, while recognising the serious harm that occurs when a pregnant woman has been killed and a foetus has been lost.

Schedule 3 to the bill is another important amendment that will allow for the independent recognition of a foetus that has been lost within the particulars of a criminal charge. This amendment will apply to the proposed new offences in schedule 1 to the bill, as well as all existing offences in the Crimes Act that may be charged where a foetus, of any gestational age, has been lost as a result of a criminal offence. Currently in New South Wales, criminal charges are required to be expressed and described in a manner that contains the particulars of each element of an offence when appearing on an indictment. In circumstances where a foetus has been lost, it is unclear whether the name of the unborn child may be included within the details of the criminal charge. Although there is no legal principle preventing this, doing so is not required for the purposes of the prosecution of these criminal offences and concerns have been raised that if this occurred it may lead to arguments that the indictment is prejudicial, defective or duplicitous.

Schedule 3 [1] to the bill will amend the Criminal Procedure Act 1986 to ensure that the name of an unborn child can be included within the particulars of a criminal charge. This will provide clarity and recognition of the extent of harm caused by the offender. However, it will not be mandatory for the name to be included on the indictment. That is because in some circumstances it may not be appropriate, especially if the family does not want the name included or may not yet have decided on one. Schedule 2 to the bill will make changes to the Crimes (Sentencing Procedure) Act 1999 in relation to victim impact statements. Significantly, it will expressly allow close family members of a "primary victim" who has lost a foetus, of any gestational age, as the result of a

third-party criminal act to also give a victim impact statement in relation to the harm they have suffered as a result of that loss. This entitlement will exist whether the primary victim is alive or has died.

Currently, under division 2 of part 3 of the Crimes (Sentencing Procedure) Act 1999, following conviction and prior to sentencing, a court may only receive and consider a victim impact statement from either the "primary victim" of the offence, or, if the primary victim has died as a result of the offence, his or her "close family members", outlining the particulars of the harm caused to them. If a woman loses her foetus as the result of a third-party criminal act and survives, she is the "primary victim" and the only person who may give a victim impact statement in relation to harm she has suffered. These reforms recognise that the harm caused by such offending can cause widespread harm for the immediate family of a pregnant woman, especially including her spouse or partner who would have been the other parent.

Victim impact statements play an important role in sentencing proceedings. They are a written or spoken statement that provides a voice to victims and their immediate family members and offers a personalised perspective for courts which may assist in their determination of an appropriate sentence. These statements may include particulars of any personal harm suffered as a direct result of the offence, as well as emotional suffering or distress, harm to relationships with other people and any economic loss. This reform will expand eligibility of those entitled to give a victim impact statement in circumstances where an unborn child has been lost to family members, recognising the impact this loss can have on a family unit. This entitlement is not dependent on securing convictions for either of the proposed new offences in schedule 1 to ensure consistent operation of the entitlement in all sentencing proceedings.

Schedule 4 to the bill introduces an amendment to the Motor Accident Injuries Act 2017 so that statutory benefits are payable for any funeral expenses incurred as a result of the loss of a foetus in a motor accident. Currently, under section 3.4 of the Motor Accident Injuries Act 2017, such benefits are only payable "if the death of a person results from a motor accident". This reform will make it clear that the entitlement extends to funeral expenses for a foetus of any gestational age that is lost as a result of a motor accident. Under part 3 of the Motor Accident Injuries Act 2017, a mother will remain entitled to obtain benefits for income loss, treatment, which includes grief counselling, and care expenses incurred as a result of her prenatal injuries. This amendment provides an important acknowledgement of the suffering and grief that families and parents experience in these terrible situations. This amendment will ensure that, if families wish to hold a funeral or memorial for the unborn child who was lost as a result of a motor accident, they will be able to do so without being financially burdened.

I turn now to the proposed commencement and transitional provisions in the bill. The bill provides that the new provisions, if passed, will commence on proclamation. We will be working with agencies and stakeholders to operationalise the bill as quickly as possible, and I anticipate commencement will occur in the first quarter next year. Schedule 1 [2] to the bill provides that the new provisions within the Crimes Act will be available to apply to offences committed on or after their commencement. Schedule 2 [3] to the bill provides that family victims will be eligible to provide a victim impact statement in sentencing proceedings that are commenced after the commencement of the provision. Schedule 3 [2] to the bill provides that the name of the unborn child may be included within the charge on an indictment in proceedings that have not yet commenced. Schedule 4 [2] to the bill provides that funeral costs incurred for the unborn child lost as a result of a motor accident that happens after the commencement of the amendment will be available to be claimed under the Motor Accident Injuries Act 2017.

I am pleased to introduce this bill to make these changes to the laws in New South Wales to ensure that the loss of an unborn child as a result of a third-party criminal act is better recognised, especially in the criminal law. This bill does not displace recognition of the harm that has been caused to the mother as the primary victim of the criminal offending but it ensures that the grave consequences that she, and other immediate family, experience when a foetus is lost as a result of a third-party criminal act will be independently recognised by the courts. These changes are necessary. On the basis of the state of the current law, such recognition is not guaranteed. Throughout the course of consultation with the community and with stakeholders, important gaps have been identified and this bill provides a way to address these issues.

This bill strikes the right balance, by recognising and implementing changes that acknowledge the gravity of the loss of a foetus, without abrogating the born alive rule, or conflicting with the rights of the pregnant woman. I thank all of the stakeholder groups and members of the community within New South Wales who have engaged closely with these reforms. I would especially like to pay my respect to families and expectant parents who have lost loved ones as a result of another's criminal behaviour. This Government is committed to improving the way that our justice system supports victims and these reforms serve as another very important example of this work. I commend the bill to the House.

Debate adjourned.

GREATER SYDNEY PARKLANDS TRUST BILL 2021**First Reading**

Bill introduced on motion by Mr Rob Stokes, read a first time and printed.

Second Reading Speech

Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces, and Minister for Transport and Roads) (10:55): I move:

That this bill be now read a second time.

As our State's first ever Minister for Planning and Public Spaces I am absolutely thrilled to introduce the Greater Sydney Parklands Trust Bill 2021. This bill presents this Parliament with a once in a generation opportunity to make parks and public spaces as important as other types of essential infrastructure—roads, trains, hospitals—and to create a trust that has a powerful voice for parklands. Our communities know just how important our parks are. We now need to translate what we all know into great legislative power and identity. This bill ensures that parklands in Greater Sydney will be maintained and improved through the establishment of the Greater Sydney Parklands Trust, which will act as an innovative manager and responsible custodian of the current parklands estate. In doing so the bill will ensure the effective management and operation of parklands across Greater Sydney—east, west, north, south—and the delivery of world-class and ecologically sustainable parklands for the use and enjoyment of our diverse community.

In 1888 Sir Henry Parkes, at the opening of Centennial Park, said, "This is the people's park", and, thanks to his vision in establishing what has become the Centennial Park and Moore Park Trust, it has been safeguarded for the people of Sydney and, indeed, New South Wales for many years. The trust is a beacon of hope and a real statement of hope about the aspirations and vision of future communities to equitable access to excellent and beautiful parklands. But I do wonder if, at the time of making the Centennial Park bill, Sir Henry Parkes had imagined how much Sydney would grow and change since introducing the Centennial Celebrations Act in 1887, which made provisions for the parklands we can all enjoy today. The Greater Sydney Parklands Trust Bill builds on the vision of Sir Henry Parkes—who was aptly named, by the way—to create a trust for future parklands to be protected in perpetuity and for generations to come. It is my vision and that of everyone in the New South Wales Government—and, I do believe, everyone in Parliament—for Greater Sydney to evolve as a city within a park. Rather than having discrete parks in the fabric of a city, we can instead rethink and reimagine ourselves as a city encompassed within a park.

This idea draws on those of Ebenezer Howard, who in Great Britain was a great utopian thinker. Towards the end of the nineteenth century he wrote *Garden Cities of To-Morrow* and really drew this vision of a garden city. When we consider Sydney and the great regional parks that are across the fabric of our thriving metropolis, in many ways Sydney is a garden and we can be a great garden city. To recognise the importance of our parks and the primacy of our parks in city planning can only help us to collectively achieve this amazing vision of a city in a garden, a city in a park. This means increasing the amount of parkland through a network of connected green and blue spaces and creating an agency charged with championing this vision.

The problem has often been a modernist approach to park planning. We put a park over here and a park over there, but seemingly they are disconnected from one another. The time has come in the twenty-first century for us to start to really build connections between our parklands. In the same way that the city is connected with sewerage, electricity, freeways and railway systems, we need to connect our great parks as well and build upon them. What is more just—in terms of achieving this great idea of a just city—than providing quality parklands that are properly cared for on behalf of all Sydneysiders? The lived experience of the pandemic and the lockdowns it caused pointed out a cleavage that exists in the city between the people with access to great quality parklands and people without. It exposed the need to provide equitable access to great green public open spaces for all.

That is the vision at the heart of this bill. It is more important than ever. The lockdowns have emphasised the importance of providing equitable access to quality open spaces. Quality open spaces are important from not just a recreational perspective but also a health perspective. Ultimately health begins in our great outdoors and open spaces. Providing access to these places can have genuine positive impacts on the health budget, the quality of people's lives, on mental health, on physical health and wellbeing, and on social connections between people from different backgrounds, cultures, ethnic groups and income brackets, to ensure that there is a shared context where we can come together and better understand one another. It will create a truly just city. We have the most incredible, and I believe most successful, multicultural nation on earth. Creating the context for more social interaction in beautiful places is an amazing vision that I believe everyone can share.

This bill will create a legacy for the city that is just as visionary as that of our forebears, who more than 100 years ago set aside land for Parramatta Park, Moore Park and Centennial Park. I should acknowledge in a

bipartisan spirit that there was a great Labor Minister for lands called Nielsen—and his name is now borne by one of our great parklands. It is his vision that this bill is seeking to build upon. Some of our forebears had the foresight to create the legislative infrastructure that is required to build upon, improve and expand our city's parklands. The bill is about establishing a new parks trust to protect future parks in perpetuity for generations to come, and coordinating this is a big job. By establishing the Greater Sydney Parklands we now have a central agency of specialist parkland managers that work with councils and others to promote a grid of blue and green spaces across the city.

I should point out that we first created the agency at an administrative or public service level to demonstrate to the community that this model can work. That is why we took the step of the administrative alignment across the parklands, to demonstrate the savings in procurement and the benefits that could then be poured back into improving parklands for all. With progressive change, there are always conservative voices who will argue that this is somehow a mechanism for turning parklands into cash cows. I say that could not be further from the truth. This bill is not about freeing Treasury from committing funds to parklands, nor is it about making the parks pay for themselves. I am delighted to have the opportunity to emphasise that point on the record in this place. I say this competently and proudly: This Government has invested record amounts in public spaces across the State and record amounts in the Greater Sydney Parklands themselves.

Over the last year Greater Sydney Parklands has invested \$65 million in new capital works, including heritage restoration projects of about \$2 million at Parramatta Park. It has worked to deliver \$14 million at Callan Park. It is the first significant investment in this parkland for a very long time. The aim is to restore key heritage buildings while opening up more open space for the community at the waterfront. It will ensure that the enormously popular Bay Run is safe and that there can be appropriate social distancing in a time of pandemic, to make sure that it is elegant, beautiful and accessible to all, including people with disabilities. More than \$2 million has also been expended at Western Sydney Parklands for the first stage of what will be Australia's largest combined BMX and mountain biking hub, and a wide range of upgrade works to recreation facilities right across the parklands estate. It is important to note that there are unique and precious ecological aspects of our parklands that need to be protected, restored and rehabilitated.

These parklands are also about active and passive recreation. It is about doing things that you might not be able to do in the national park estate. It is really important for growing families and diverse communities to get out there and enjoy the great outdoors. Next year there is \$58 million set aside for new projects, including \$2 million for the upgrade of Kippax Lake at Moore Park, almost \$4 million in upgraded sports facilities at E.S. Marks Athletics Field and \$4.5 million for new walking tracks and places for play and recreation in western Sydney parks. In Liverpool there is \$2 million for the People's Loop at Parramatta Park and \$1.5 million to improve biodiversity right across the Greater Sydney Parklands estate. I note at this point the incredible work being done in reforestation in the Western Sydney Parklands. We are in the process of planting thousands of indigenous trees to cool this beautiful park, which was cleared many years ago. There is an exciting opportunity to not just protect our parklands but also restore and rehabilitate them.

I believe earnestly that there is something restorative in the heart of all humanity. The capacity to restore relationships or parklands is something that we all feel deeply. The opportunity to create the legislative mechanism to advance this sort of restorative work is an exciting opportunity for this Parliament. The COVID-19 pandemic has underlined the importance of parklands and this Government has responded with record amounts of funding. Without seeking to be partisan—although it is partisan—I acknowledge the efforts of the member for Maroubra, who argued quite passionately for some of the restorative work that is happening at E.S. Marks Athletics Field. I acknowledge his advocacy and that of other members for the Opposition, who have worked really hard to advocate for parks in their local communities. That should be commended. I would not be doing my job as a member of the Government if I do not point out that over the past 10 years, this Government has invested \$275 million in these parklands. The former Government invested about \$100 million over the preceding 10-year period. This Government has really ramped up funding, as the community expects us to do.

I point out that this bill has been through a really detailed, collaborative process of investigation, of teasing through the issues, of seeking to explain to the community and bring them along on the journey. Before bringing the bill to the Parliament, we embarked on the traditional Westminster green paper and white paper exposure bill process. A former legal partner of mine, Robert Dunn, would say that the long way is always a short way. The Westminster process identifies that by actually going through the process of refinement and consultation you can come up with a product, be satisfied it has been properly ventilated, and people have had the opportunity to see what it is proposing. We have sought to listen and respond to the many passionate submissions that were made. I thank everyone who has contributed. I thank the alliance that has come together in relation to Greater Sydney Parklands. They are committed people who care about the future of our parks and see themselves as custodians for present and future generations, for local communities and visitors alike.

It is wonderful that we have people in our community who are passionate and ambitious for things other than themselves. It is an encouraging part of being a local member, to meet people who have a great passion for things that matter, for our environment and ultimately for each other. In order to provide the Parliament with a snapshot of some of the feedback that we have received I will quote from the submission by the City of Sydney Local Government Area. It states:

Providing a legislative framework for the GSP is supported to provide clarity on governance, our communities' participation and strategic planning requirements for existing parklands managed by the GSP. It also progresses opportunities for the future expansion of parklands.

The Walking Volunteers are magnificent volunteers—I do not want to call them all retired, but many are retired—and an incredible, wonderful group of passionate and committed walkers who want to extol the virtues of getting out and engaging in active transport. It has great social interaction opportunities, together with the mental and physical health wellbeing aspects of walking. The Walking Volunteers submitted:

We support the concept of an umbrella organisation for both the existing parklands and the wider responsibility of the Green Grid provided the safeguards are in place to address the unique needs of each park.

I emphasise that we accept the need for safeguards, and I will speak to that shortly. The Committee for Sydney submitted that the Greater Sydney Parklands Trust offers the opportunity to create a public sector agency that has a range of unique skills and expertise in managing complex precincts. The collocation in a single agency of expertise in environmental and landscape conservation, heritage protection, place activation and precinct management will provide a much-needed resource for other public lands beyond the existing parklands. It is this wonderful, assertive, "What can we do to help elsewhere?", can-do attitude of the agency that I commend to the Parliament. Too often in the past parklands agencies have been defensive, looking in and seeking just to protect what is there, rather than being assertive and expansionist and saying, "What can we do to expand this parkland and build this parkland estate?"

However, concerns were also raised by the community, particularly regarding the protections for parklands against sale or transfer, about the requirement for the Greater Sydney Parklands Trust board to have certain skills appropriate to parkland management and the importance of balancing city-wide strategic vision for parklands with local input and representation for each park. These are paradoxes. We need to have that strategic skills-based vision, but we also need to have passionate local representatives and the opportunity for those representatives to have a voice on behalf of individual parks. In other words, we have to walk and chew gum at the same time.

I am confident that, by responding to community concerns, this bill presents the right framework and operating model to allow the New South Wales Government to expand State-owned parks for a growing Greater Sydney. Where we did not get it quite right we have sought to respond and amend, and I hope that the many parkland advocates can see their mark on this final bill. This was a genuine process, a genuine opportunity, and we did listen. It will be clear to those who have made submissions how their feedback has been incorporated and has, in many cases, changed the way in which this bill is being presented, and that is a great example of democracy at work.

The Greater Sydney Parklands Trust Bill 2021 is essentially the first-ever metropolitan-wide legal framework that will deliver a network of parklands and green open spaces right across Greater Sydney in New South Wales. The Greater Sydney Parklands Trust Bill 2021 will ensure local communities continue to have a role in decisions about the major parks that are so precious to them in their local area. There is not a one-size-fits-all proposal for sustainable funding or planning for parklands, and different parks will require different approaches dependent upon heritage and environmental values, and local community views, interests and need for open space.

The bill recognises the unique identities of parklands, their communities, their environment and their historical and First Nations assets. In response to the community's concerns about the overshadowing of our great parks by nearby development, we are taking extra steps to safeguard the parks over the long term. The bill sets out a requirement for councils to ensure that overshadowing is controlled as part of any new development assessment. This is particularly important for parks, like Parramatta Park, that lie at the heart of a growing city to ensure that they will be a place to relax in the sunshine for the long term—or in the shade in the middle of summer.

The bill ensures that existing parklands and their associated trusts remain protected by their own legislation while making a few amendments primarily to promote the role of local communities by encouraging consultation and collaboration in the decision-making process. Standard enforcement provisions have also been amended to strengthen consistency across parklands in the associated trusts legislation. These amendments are noted in schedule 5 to the bill, which refers to the following associated trusts legislation: the Callan Park (Special Provisions) Act 2002; the Centennial Park and Moore Park Trust Act 1983; the Parramatta Park Trust Act 2001; and the Western Sydney Parklands Act 2006.

I will now outline the provisions of the bill. Part 1 of the bill outlines the basics of what will become the Greater Sydney Parklands Act 2021 once it is enacted. The Act's provisions will commence on a day or days to be proclaimed and, most importantly, part 1 outlines the overarching objectives of the bill. The objects act as guiding principles that the Greater Sydney Parklands Trust will follow when managing new parklands and operating the parklands of the associated trusts under the associated trusts legislation. I encourage aficionados of this stuff to compare the objects of this Act with the objects of the other Acts. They will see how the objects are far more inclusive, far more progressive; they really focus on the need for ecological preservation and restoration. The earlier Acts were simply products of their time and this Act will have much stronger objectives to direct and enable the work of the trust.

The objects in the bill aim to work together with the existing objects in the associated trusts legislation. In particular, the bill aims to maintain and improve the parklands estate consisting of land managed by the Greater Sydney Parklands Trust and the associated trusts across Greater Sydney by ensuring the protection of the parklands' environment and cultural heritage. The bill also aims to encourage the use and enjoyment of parklands by the community by promoting recreational, historical, scientific, educational, cultural and environmental values within the parklands estate. Importantly, the objects include explicit requirements to ensure the conservation of natural and cultural heritage values of the parklands estate and the protection of the environment within the parklands estate.

In addition to this, the bill aims to provide opportunities for First Nations people for the first time to connect to country, and increased consultation and collaboration with local communities to respond to the specific needs of the parks across Greater Sydney. I believe it is an extraordinary flaw in the existing trust legislation that the fundamental connection to country and the fundamental interests of First Nations people are not appropriately recognised. The bill ensures that that aspect of practical reconciliation can be identified and responded to, which is something that this place, in my view, should certainly support. In doing so, the bill aims to meet the New South Wales Government's commitment to advocate for a long-term vision of more parklands and green open spaces through an inclusive governance framework throughout Greater Sydney.

Part 2 of the bill establishes the Greater Sydney Parklands Trust and sets out the governance structure for the trust. It will be a New South Wales government agency, subject to ministerial direction in exercising its functions, as the current park trusts have operated. The Greater Sydney Parklands Trust will also be a corporation similar to existing trusts, meaning that it can own land and manage funds. Part 2 also establishes a board of the Greater Sydney Parklands Trust. Board members will be appointed by the Minister and include a chief executive. The appointed members of the board must have a certain set of experience or management skills in community consultation and/or environmental, park, heritage and/or financial management. This will ensure that the board is made up of people with the right competencies as well as ensuring a diverse mix of members representative of parklands across Greater Sydney.

I emphasise that this board is fundamentally skills based to ensure that we have the right skills to come up with the right strategy for managing, protecting and expanding our parklands estate. This board mix was also developed in response to strong community concerns about the make-up of the board and the need to ensure that people with the right skills are appointed rather than being open to simply anyone of the Minister's choosing. Importantly, in response to community feedback, the Minister must have regard to the desirability of the board having members with diverse backgrounds, including members who reside in western Sydney. It is critical that the board is not Eastern Suburbs centric, especially when future regional parklands are likely to be located within western Sydney.

The Greater Sydney Parklands Trust may establish advisory committees to assist with its functions and, in particular, the Greater Sydney Parklands Trust may establish a blue-green grid committee to advocate for quality parklands across Greater Sydney. This is critical in ensuring that the vision to connect the parks and further develop the critical blue-green corridor between the parklands is achieved not only for people but also to serve as habitat corridors for our precious flora and fauna. The Greater Sydney Parklands Trust will operate with a chief executive supported by staff who manage parklands in accordance with the advice of the board.

Part 3 sets out the functions of the trust. In particular, the Greater Sydney Parklands Trust's functions include conserving and enhancing the natural environment, and the cultural and heritage values of the parklands estate, being all the parklands it manages and those parklands under associated trusts legislation. In doing so, the Greater Sydney Parklands Trust is obliged to promote the use of the parklands for a variety of educational, environmental, scientific, entertainment and sporting purposes. Crucially, the trust must also promote public access and enjoyment of parklands to all communities while consulting and engaging with those communities about the management of the parklands estate. The trust must advocate for the 50-year vision of promoting more parklands and green open spaces while also providing financial and operational management so that it can maintain the trust's assets.

The trust also has functions in relation to acquiring land for new parks and managing its estate by entering into agreements with other government agencies. The Greater Sydney Parklands Trust may also grant leases, licences and easements over land in its estate, with the Minister's approval required for leases over 25 years. These leases include things like sports fields managed by Blacktown council at Western Sydney Parklands, the golf course at Moore Park, cafes, or shorter-term attractions like filming *Thor* at Centennial Park or attending an afternoon concert at Parramatta Park. Part 3 prohibits the Greater Sydney Parklands Trust from selling land or transferring within its estate. This is critical for the integrity of the parklands and crucially important. I thank the advocacy of the Alliance of Public Parklands and the Friends of Fernhill, in particular, who worked so hard to get this right.

Planning functions of the trust are also included in part 3 of the bill and include the requirement for the trust to ensure that each park has a plan of management setting out its strategic direction and principles to be applied relating to uses of that land. Importantly, plans of management must include principles relating to leasing activities. Plans of management are the best place to include this check and balance because plans of management must be thoroughly consulted on with the wider community and the community trustee boards, which I will explain in a moment. It also ensures that commercial leases and licences respond to the uniqueness of each park. For example, Moore Park, which is located next to the Sydney Football Stadium and the Sydney Cricket Ground, is the natural place to consider leases for elite sports fields and training grounds, while this would not be at all appropriate for Fernhill Estate, for example. The trust must also ensure it has a plan of management for each park that it acquires and owns into the future.

The Greater Sydney Commission will be required to consult with the Greater Sydney Parklands Trust in the exercise of its functions to lead metropolitan planning for Greater Sydney. There is a real alignment across land use planning and parkland management to make sure that we identify the need for future parks and have an agency that has the skill set ready to go to manage them properly. Part 3 also requires councils adjacent to the parklands estate to consider any overshadowing impacts when assessing development applications to ensure that the amenity of the parklands is protected from development. Very often parks management ends at the fence around the park. Instead, we need to recognise that surrounding land uses can have an impact on the enjoyment of parks, and the bill identifies and gives expression to the need to bring wider land use planning concerns into parkland management.

Part 4 of the bill requires the trust to have a consultation and engagement framework, which is sadly lacking from some of the existing legislation. The purpose of the framework is to provide guidance to the Greater Sydney Parklands Trust about how it consults and engages with the local community and will provide transparency and opportunities for collaboration across those communities. The framework will also set out further details and procedures for how the Greater Sydney Parklands Trust interacts with community trustee boards. These boards are to be established by the Greater Sydney Parklands Trust for every park within the parklands estate. Community trustee boards will consist of seven members approved by the Greater Sydney Parklands Trust, which will ensure that the appointed members represent a wide range of interests and voices.

The community trustee boards will be truly independent and critical local stewards of the parklands, giving a voice to individual parks within the broader framework of parks all across Sydney. Community trustee boards will have the functions of providing advice and recommendations from a local perspective to the Greater Sydney Parklands Trust on park uses and activities; environmental, heritage and cultural issues; plans of management, crucially; master plans; and leases and licences. It is intended that its oversight over these critical points be carefully considered by the trust, and ultimately by the Minister, because we understand the importance of balancing a city-wide trust with local representation for individual parks.

Part 5 of the bill establishes the Greater Sydney Parklands Trust Special Deposits Account. Within this fund there is to be a separate account for each associated trust and each other park managed by the Greater Sydney Parklands Trust for transparency. This matter was raised, in particular, by representatives from western Sydney who are concerned that funds generated to support the great Western Sydney Parklands, for example, do not go to subsidise parks in the east. I could not agree more, and so this part is all about ensuring that if a parkland is able to generate some funds then those funds are expended within those parklands. This will ensure the better management of the parklands as well as ensuring clear and transparent reporting of all financial arrangements so that everyone can see where the money is going.

As an added protection for the associated trusts, in allocating funds from a separate account, the Greater Sydney Parklands Trust will be required to prioritise the associated trust or park for which the separate account was established. In other words, the needs of the individual parks must come first in terms of allocation decisions. That is obviously a fundamental point that has been raised by members of the House. With these arrangements in place, all other financial requirements are consistent with the financial requirements of the existing associated

trusts legislation. There is some extra transparency in the bill, but in all other respects it corresponds with what was already there.

Parts 6 and 7 of the bill include standard enforcement and legal proceedings provisions as well as miscellaneous provisions for consistency with the associated trusts legislation. Schedules 1 and 2 to the bill set out details for the constitution and procedures of the Greater Sydney Parklands Trust board and the community trustee boards. Schedule 3 to the bill includes provisions of a savings and transitional nature, and includes that the Greater Sydney Parklands Trust has three years to prepare a plan of management for Callan Park and 12 months to prepare the consultation and engagement framework for the parklands estate. Schedule 4 to the bill sets out the definitions in the bill, in particular, an associated trust being a trust under the associated trusts legislation and the parklands estate extending to all land managed by the Greater Sydney Parklands Trust and the associated trusts. Schedule 5 to the bill makes some amendments to the following legislation: the Callan Park (Special Provisions) Act 2002; the Centennial Park and Moore Park Trust Act 1983; the Parramatta Park Trust Act 2001; and the Western Sydney Parklands Act 2006.

The Callan Park (Special Provisions) Act will be amended for consistency with the Greater Sydney Parklands Trust provisions of the bill by requiring the trust to consult with the community trustee board and requiring the Greater Sydney Parklands' compliance with the approved consultation and engagement framework. Other amendments to the Callan Park Act will allow the substratum of Callan Park to be acquired for a public purpose—such as, most notably, the Sydney Metro—and permit the granting of longer term leases up to 50 years at Kirkbride, Broughton Hall and the Convalescent Cottages at Callan Park with the Minister's approval. Express legislative priority is to be given to leases for not-for-profit uses of Callan Park. I thank the member for Balmain for his strong advocacy on behalf of his community in this respect and the former Mayor of Inner West Council, the irrepressible Darcy Byrne, for his strong advocacy as well.

The Callan Park Act is also being amended in relation to the use of Callan Park. In 2002 the Act tied the legislation to the local environmental plan that was in place at that time. By omitting section 7 (1) and (2) from the Act, the bill updates the planning arrangements for how the park will be managed under the local environmental planning instruments. The council will continue to be the consent authority for development applications at Callan Park and it is intended for the relevant local environmental plan to apply to Callan Park as the plan is the appropriate instrument to provide planning controls and protections for the park. For the sake of certainty, section 4.5 (d) of the Environmental Planning and Assessment Act 1979 designates the consent authority as the council of the area in which the development is to be carried out unless the development is State significant development, regionally significant development or development for which a public authority is the consent authority.

Other amendments to section 7 of the Callan Park Act introduce the ability to allow arts and culture; food-and-drink premises; and educational, health and community facilities at Callan Park so that everyone in the community can enjoy this incredibly precious heritage landscape. Greater Sydney Parklands has had over 800 responses to a community survey that opened last week about the future of Callan Park. Almost 70 per cent of people wanted to be able to have a cafe in the park and over 60 per cent wanted arts and cultural activities to enjoy. We heard comments from the community such as:

I think there is great opportunity with the right operators and mixed use to really make Callan Park amazing for locals and broader community. I also think there is great opportunity for art and live music to have a place here too, combined with outdoor parkland and recreation spaces which is very important to retain.

Our amendments will allow the Greater Sydney Parklands Trust to meet those community aspirations, but we heard loud and clear that overdevelopment and privatisation is not supported. That is why in the bill we have also expressly prohibited hotels or function centres at Callan Park. I also note that it was observed that a cafe had operated in the past at Callan Park. The advice I have was that that was not a lawful use under the existing laws. Ultimately, these are uses that are appropriate to activate parklands and, ultimately, any use has to be consistent with the objects of the Act. That is why I think the focus for members needs to be on those objectives. If members are proposing uses that are inconsistent with those objectives, then those leases would simply not be permitted. I think that is a really important point to make.

The Centennial Park and Moore Park Trust Act will be amended to also require consistency with the Greater Sydney Parklands Trust provisions. The Centennial Park and Moore Park Trust will be required to have an approved plan of management to guide the use and development of each of its parks. If a community trustee board is formed, there will also be a requirement for the Centennial Park and Moore Park Trust to comply with the consultation and engagement framework. Other amendments to the Centennial Park and Moore Park Trust Act ensure consistency with enforcement and legal proceedings provisions throughout the associated trusts legislation. Leases, easements and licences may also be granted over the Centennial Park and Moore Park Trust,

with ministerial approval required for leases over 25 years consistent with Greater Sydney Parklands Trust provisions.

The Centennial Park and Moore Park Trust legislation will also be amended to remove parking on the grass at Moore Park. The bill will make parking on the grass at Upper Kippax Lane in Moore Park illegal, while also prohibiting parking on grass throughout Moore Park East from 31 December 2023. I particularly commend the member for Sydney for his strong advocacy for these changes. From his perspective they have been a long time coming. It is absolutely appropriate that we recognise that car parks and parks are quite different, and that we need to liberate beautiful public open spaces to be used by everyone in the community and not just by cars. A map showing the parking prohibition in Upper Kippax Lane in Moore Park will be included in the Centennial Park and Moore Park Trust legislation, and the maps showing the parking prohibition on grass in Moore Park East from 31 December 2023 will be included in the Centennial Park and Moore Park Trust Act.

I acknowledge the tireless work of the advocates who have passionately fought for the bill. I have already mentioned the member for Sydney. I also mention the tireless advocacy of the Lord Mayor of Sydney. However, the biggest plaudit goes to Michael Waterhouse and his team at Saving Moore Park. Collectively, those community activists and two local representatives have fought very hard for something their community really cares about. The bill will amend the Parramatta Park Trust Act to ensure that the Parramatta Park Trust has a plan of management for each of their parks. If a community trustee board is formed, the Parramatta Park Trust will be required to comply with the approved consultation and engagement framework. New section 9AA will amend the Parramatta Park Trust Act to allow the substratum of the parklands to be acquired for a public purpose.

I expressly acknowledge the submission made by the member for Granville and Councillor Donna Davies, who expressed concerns with the last amendment to Parramatta Park that included that 21 hectares of Mays Hill were subject to 50-year leases because of its pool. I hope they would be pleased to know that we have sought to correct this in the bill. We have also sought to cement the long-awaited transfer of Wisteria Gardens to the Parramatta Park Trust through an amendment in the bill. That important and much-needed transfer will be affected through this legislation—yet another reason why I commend the bill to the House. The bill will amend the Western Sydney Parklands Act to require the Western Sydney Parklands Trust to have a plan of management for each of its parks. If a community trustee board is formed, the Western Sydney Parklands Trust will be required to comply with the approved consultation and engagement framework. In addition, land at Fernhill Estate will not be able to be used for the purposes of a cemetery or crematorium. The local community expressed concern about this, so it has been reflected in the bill. The Act will also be amended to include standard enforcement and legal proceedings provisions for consistency with the associated trusts legislation.

I thank the House for its indulgence in allowing me to provide quite a detailed and, dare I say, passionate overview of this legislation. I truly believe this is great legislation that has been exhaustively tested. It is a real statement of progress about the future of this city and the absolute and fundamental importance of parklands to future growth in Sydney. We simply cannot allow this metropolis to expand without having a framework to also expand, preserve and, excitedly, restore our parklands. In the past parklands legislation has been protective about trying to stop the erosion of environmental values. What I want to see through this agency and legislation is that we do not just protect against further decline but that we aggressively and assertively restore, rehabilitate and build upon our parklands. I know parklands can provide a wonderful context—as all members in this place know—to build a healthier, freer and fairer society. Surely that is an aspiration that all members can share. I commend the bill to the House.

Debate adjourned.

GAMING MACHINE TAX AMENDMENT (PROMOTIONAL PRIZES) BILL 2021

First Reading

Bill introduced on motion by Mr Matt Kean, read a first time and printed.

Second Reading Speech

Mr MATT KEAN (Hornsby—Treasurer, and Minister for Energy and Environment) (11:34):
I move:

That this bill be now read a second time.

The amendments in the Gaming Machine Tax Amendment (Promotional Prizes) Bill 2021 confirm the original legislative intent of taxing all bets placed on a gaming machine, regardless of whether bets are made using cash or non-cash means. The bill makes amendments to definitions relating to taxable profits in the Gaming Machine Tax Act 2001 and confirms alignment of the law with longstanding tax collection practices of the gaming regulator, Liquor & Gaming NSW. These definitions have been in place since the commencement of the Gaming

Machine Tax Act 2001 and need to be clarified and modernised to ensure certainty for taxpayers on their payable taxes.

The proposed amendments to the definitions in section 3 of the Gaming Machine Tax Act have three specific purposes. Firstly, the bill clarifies that tax is, and will continue to be, payable on gaming machine bets that are paid using promotional prizes such as reward schemes and other marketing or promotional activities. Many clubs and hotels across New South Wales offer player reward schemes or other promotional prizes to encourage people to spend more on gaming machines. These prizes and schemes have operated since at least the early 2000s and are regulated by the Gaming Machines Act 2001. This change seeks to provide clarity to taxpayers who offer such prizes and schemes, and improve the transparency and simplicity of our tax system. Secondly, the bill clarifies the point at which a bet becomes taxable—that is, when the bet is placed in a machine rather than when the player inserts money into a machine. This change removes any potential ambiguity in the law regarding the point at which money is invested in a gaming machine.

The bill also clarifies the point at which deductions are included in the tax calculation—that is, when a player wins a prize, including a progressive jackpot prize, from playing a machine. Finally, the bill clarifies what the scope of revenue from a gaming machine has always included, and will continue to include bets placed through non-cash means such as stored-value cards and digital wallets. This means that for tax purposes, regardless of the method used to fund a bet, all bets placed in a machine have been, and will continue to be, part of the revenue used to calculate tax liability. This has always been the Government's position and the legislative intent. As such, the amendments provide further clarity and will ensure that the taxation system continues to be robust enough to handle future technological developments in payment methods and gaming machine functionality.

Our laws need to provide regulatory consistency, legal confidence and certainty to industry. The use of promotional prizes and non-cash payment methods are likely to continue to evolve. This bill therefore makes it clear that any bets placed in a gaming machine, regardless of the payment method a player uses, are covered by the tax system, including through non-cash means. These changes are consistent with longstanding tax treatment and collection practices by Liquor & Gaming NSW and clarify the alignment between the legislation and its application to taxpayers. There will be no change in how gaming machine tax has been, and will be, calculated in the future. Accordingly, for taxpayers there will be no change in historical or future tax liability as a result of these amendments. The bill therefore clarifies that the amendments discussed are taken to have been made on the commencement of the Gaming Machine Tax Act. In summary, the clarifications in the bill resolve any ambiguities in the law and confirm the application of the law by the regulator since the Gaming Machine Tax Act was introduced. I commend the bill to the House.

Debate adjourned.

PUBLIC SPACES (UNATTENDED PROPERTY) BILL 2021

First Reading

Bill introduced on motion by Mrs Shelley Hancock, read a first time and printed.

Second Reading Speech

Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government) (11:39): I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Public Spaces (Unattended Property) Bill 2021 following a major review and consultation on the outdated Impounding Act 1993 over the past two years, which is to be repealed. Through the new, future-focused public spaces bill, the New South Wales Government is meeting its commitment to keep our roadsides, open spaces and other public places safe, accessible and enjoyable for our local communities across New South Wales for generations to come. The bill will resolve a range of concerns that our communities have raised with every member of the House and every council in New South Wales for years. Those concerns are about shopping trolleys, abandoned vehicles and stray stock.

The bill will protect our urban and growth areas. It will keep public spaces free from safety, access and amenity problems caused daily by unattended shopping trolleys, vehicles, trailers and other items. The bill helps implement the Government's priority for well-connected communities with quality local environments, including greener public spaces. It also supports the Government's Future Transport 2056 Strategy by supporting the vital role played by vehicles and innovative shared services, such as share bikes, in keeping us mobile, cutting commuting times and creating livable, enjoyable and successful places into the future.

Our rural and regional communities will also be protected. The bill will help to prevent stray cattle, sheep and other stock wandering onto roads and causing tragic accidents. Further, our farmers' livelihoods will be protected from the threat of disease and weeds caused by stock straying onto their land from neighbouring

properties. Importantly, the bill protects the welfare of animals by making it clear that animals taken into possession must be cared for in line with the Prevention of Cruelty to Animals Act 1979. The bill, building on the successful scheme to regulate share bikes introduced in 2018, will also have the flexibility to deal with new property that may emerge in public spaces over time and that may be used by or shared with the public at large.

Unattended shopping trolleys, vehicles and stray animals are costing our local communities and councils \$17 million per year. It is clear from extensive feedback that the community has had enough of other people's property cluttering public spaces and impacting the access and enjoyment of those spaces. The Government listened carefully to that feedback and the provisions of the bill create a whole new approach to managing those concerns more quickly and efficiently. The bill puts the onus on owners and others responsible for private property left in public to attend to it responsibly or face tough new laws, including appropriate fines, penalties, orders and taking possession of and storing their items and caring for their animals. That reverses the current situation in which councils and other authorities must spend time and resources trying to catch someone in the act of leaving their property unattended or attempting to find the owner or bearing the high cost of disposal when the person responsible cannot be found or refuses to take responsibility.

Put simply, the bill will make those responsible take responsibility, and give necessary powers to help our councils, police and other public land managers deal with irresponsible behaviour and private property left unattended in public. Abandoned and unattended shopping trolleys alone have been causing problems in the community for decades now. In fact, a former Department of Local Government circular, dated 12 December 1980, shows that the need to control abandoned shopping trolleys was the reason that new laws to impound articles were brought in over 40 years ago, after a voluntary agreement between the then Local Government Association and the Retail Traders Association failed.

While there have been several attempts to revive voluntary codes of practice for shopping trolleys over the ensuing years, the community, councils and local members have told me that dumped, abandoned and unattended shopping trolleys are still a huge issue. We still have daily problems with shopping trolleys dumped in the bush and waterways, putting our natural environment at risk. We still have daily problems with shopping trolleys left where they obstruct access to train stations, bus stops and emergency exits. We still have daily problems with trolleys causing hazards on footpaths for the elderly and those with sight impairment.

The bill will require retailers, or those responsible, to pick up their trolleys within risk-based time frames, or face fines and/or have their trolleys taken into possession and moved to a place of storage where they must then collect them, pay the fees associated with collecting them or face another fine for not collecting them. We understand that will mean significant changes for retailers that distribute shopping trolleys. I am pleased to say that the Government has had positive engagement with supermarket chains, which have chosen to engage in consultation with us, and have indicated their commitment to better manage trolleys in collaboration with local councils. We will work with councils and the retail industry to put in place sensible regulations, as well as a mandatory code of practice if required.

While the regulations are still being prepared, following consultation to date, as well as the successful scheme the Government put in place for managing share bikes in 2018, it is proposed the regulations will require those responsible for shopping trolleys to organise their removal from a public place within three hours of notice if they are causing a safety risk or access issue, or within four days of the notice if they are simply left unattended for seven days or more, or causing an amenity issue. Penalties for not picking up a trolley within the risk-based time frame may apply. There will be a \$2,750 maximum court-imposed penalty, or a \$660 fine, for a trolley left unattended after reasonable notice. Further, those penalties and fines may compound by 10 per cent for each additional trolley up to 10 more trolleys. That recognises the increased risk that each additional trolley poses. In addition, maximum penalties will be 125 penalty units, which is \$13,750, for corporations, reflecting public expectations for stronger action against corporate wrongdoers.

The regulatory framework will also require clear branding of shopping trolleys and anything else considered necessary to protect public safety, access and amenity. However, importantly, we do not want to put an onerous and unnecessary burden on our small businesses, such as small mum-and-dad supermarket stores. The regulatory framework will therefore also provide for exemptions from those requirements for retailers with fewer than 25 trolleys. Further, to deal with the few retailers that continue to fail to meet the new standards, the bill provides for appropriate directions, or orders, to be imposed by an authority on a retailer, such as to enter into a shopping trolley management agreement with that authority. Those measures will help to address the issues reported by western Sydney councils, which reported collection of over 1,000 trolleys from streets and parks during two blitzes in 2019, including 550 in one week by Fairfield, Penrith, Liverpool and Cumberland councils. The measures will meet the needs of community members who are fed up with how often trolleys are abandoned and feel powerless in the face of what they see as a lack of action by retailers or councils.

In the case of unregistered cars and trailers parked long-term on residential streets where parking is scarce, councils and members of Parliament have told me they get daily calls from frustrated residents about them, and that they are told very little can be done. Councils currently need to track down the owner before they can even seek to impound a vehicle. Then if an owner claims the vehicle, even if it is in poor repair and unregistered, councils often cannot issue fines or impound the vehicle. That is why consequential amendments to road transport laws will fix the issue of unregistered cars and trailers taking up valuable parking space on our roads once and for all. The bill will enable councils, police and transport authorities to issue an on-the-spot fine to the registered operator of any unregistered car or trailer parked on a street 15 days after registration lapses.

We have also listened carefully to feedback from the community, councils and boating enthusiasts about boat trailers parked on our streets. We recognise that law-abiding owners of boat trailers, who regularly attend to their boat trailers, are not the key issue here and we have therefore removed the special scheme in place for boat trailers from the bill. Instead, the bill will create a level playing field in providing a fair, equitable and effective scheme for owners and other persons responsible for all motor vehicles, including boat trailers and other trailers. That provides a workable solution for a range of problem areas, from cars and trailers left obstructing driveways or school drop-off zones to abandoned, undrivable vehicles and unregistered vehicles and trailers. Yes, that includes problem boat trailers that may be unregistered and take up valuable parking spots, or cause other amenity issues because they are unattended or even abandoned at the end of their life.

The reforms will help to address the 1,000-plus complaints about potentially unattended or abandoned vehicles that councils like Randwick City Council have told me they get each and every year. The bill will help to put the onus squarely on those responsible to manage their vehicles and trailers, and make it easier and quicker for authorised officers to access the information they need to identify and notify people responsible for vehicles, including specific but limited powers of entry to vehicles to do so. Penalties for not attending to a vehicle within risk-based time frames will apply up to a \$2,750 maximum court-imposed penalty, or a \$660 fine for a vehicle left unattended after reasonable notice. Further, these penalties and fines may continue for up to three consecutive days to act as an incentive to swiftly attend to a vehicle deemed unattended.

Turning to animals, stock animals on roads tragically cause traffic accidents that can result in serious injury, even fatalities. As recently as this year, for example, one 18-year-old man was killed and another hospitalised after separate collisions with livestock in the Upper Hunter. Farmers have also told me that the current laws do not adequately deal with irresponsible neighbours letting their stock wander onto neighbouring farms, potentially bringing disease and weeds. This bill will provide meaningful incentives for irresponsible people to take better care of their animals and make sure they are fenced in to prevent road tragedies and threats to other farmers' livelihoods. Penalties for letting an animal stray onto public land or a neighbour's private land have increased up to a \$2,750 maximum court-imposed penalty, or a \$660 fine for one stray animal. As for trolleys, these penalties and fines may compound by 10 per cent for each additional animal up to 10 extra animals. Further, directions or orders may also be issued to require owners to fence their land, with serious penalties for not complying.

In addition, this bill will enable authorities to temporarily place stock posing an unacceptable risk to health or safety onto nearby private land. This will apply only in emergencies like livestock truck rollovers and other road accidents, amongst other things. Also, importantly, emergency orders under the Biosecurity Act will still prevail. Importantly, when dealing with stock emergencies, authorities must make all reasonable attempts to obtain the consent of the occupier of the property and comply with their reasonable requests relating to keeping the animals, including to minimise biosecurity risks. Ultimately, we need to do better to empower authorities to act promptly and to work together to protect our regional and rural communities. I am assured that the Office of Local Government will work closely with the Department of Primary Industries and the NSW Police Force to develop protocols for seeking landowner consent and other guidance to mitigate biosecurity risks.

To support better collaboration, the bill will enable authorities such as councils, Local Land Services and the National Parks and Wildlife Service to enter into agreements to exercise powers across each other's land. This will make a huge difference in being able to pool resources when responding to stock rollover and other issues on jurisdictional borders in our regional and rural areas. Finally on this matter, I emphasise that the bill does not affect the obligation of authorities to treat animals in accordance with animal welfare laws and, wherever possible, to seek the assistance of a veterinary practitioner to assist in exercising relevant functions.

While the bill will provide for clearer, minimum requirements for those responsible to manage their property, it also provides greater flexibility to meet these requirements in a way that suits them. This is particularly important for retailers, share bike scheme operators and other businesses that operate shopping trolleys, share bikes and other shared devices. For example, retailers will not be required to adopt perimeter fencing, wheel lock devices, coin deposit schemes or use GPS technology to track their trolleys. Instead, as long as retailers meet risk-based time frames for collecting their unattended trolleys from public places, they can choose how they can best meet the time frames based on local circumstances. In addition, the bill provides for standards and codes of

practice to be made, where needed, for specific items and industries. These may be negotiated with industry and regulators to make sure the requirements are clear and sensible.

This bill not only provides for more efficient and effective management of our public spaces but also reduces costs and red tape in a range of areas for councils and other authorities. The net benefit of implementing all of the proposals in this bill is estimated at \$9.7 million per year—a 60 per cent reduction in costs. The proposals would also ensure that these costs are borne primarily by the owners and others responsible, not the community. The bill provides for improved compliance and administrative processes, making it easier for councils and other authorities to establish and share facilities to store items and care for animals. In practice, this flexibility will significantly reduce time and costs of taking, storing or caring for and disposing of property. As members are aware, these costs are ultimately borne by ratepayers and taxpayers, so this will be welcome news to our communities.

Over the past two years, I have overseen extensive consultation to develop the reform proposals reflected in this bill. The Office of Local Government has engaged many times with local councils, the retail sector, recreational boating and fishing groups, farmers associations, disability advocacy groups, affected State agencies and others. I know that many in the community have an interest in the outcomes of this review, particularly in relation to problem shopping trolleys, vehicles and straying stock. Opportunities for feedback were provided in response to a discussion paper, options papers, targeted stakeholder workshops and a range of meetings since I initiated this review in 2019. This feedback was carefully considered and has been instrumental in shaping the bill. I particularly recognise the member for Oatley for his contribution to the consultation process. He has actively supported this reform process by chairing consultation workshops in July this year and putting forward the needs and circumstances of the communities he represents with respect to both shopping trolleys and vehicles.

I now turn to the detail of the bill and the objects of the Act. The bill sets out a primary outcomes-focused object of encouraging owners and other persons responsible for property to mitigate risks to access, safety and amenity that may arise from the property being left unattended and to ensure public spaces can continue to be used, shared and enjoyed by the community as a whole. This is in stark contrast to the objects of the current Impounding Act, which focuses on operational processes. The bill also sets out secondary objects to achieve this new outcomes-focused primary object, including to empower authorities to move or otherwise deal with property left unattended in their area of operations and, if necessary, to take regulatory and enforcement action; to make arrangements for the appropriate and efficient storage of items or care of animals, where necessary, on a temporary or longer term basis; to ensure that animals dealt with under the Act are cared for in line with community expectations and animal welfare laws; and to provide for the recovery of costs from responsible persons of dealing with their unattended property, where authorities do take possession of it.

Finally, the bill proposes maintaining the object in the current Act of empowering occupiers of private land to take possession of stray stock animals on their land, such as farmers, who need to minimise biosecurity and other risks to their animals and crops. I now turn to the key concepts in part 2, division 2 of the bill. These are of particular importance in understanding the provisions of the bill, so I will spend some time explaining them. The bill classifies property that may be possessed by a person into two distinct classes: animals and items. It then specifies three classes of items in proposed sections 6 to 9 to enable specific rules to apply to each when determining whether they are "unattended" for the purposes of the bill. The first class is for small- to medium-sized items that can be ordinarily collected by one or two persons without the need for machinery to lift, tow or move that item. This would include, for example, baggage, personal equipment or personal recreation equipment such as bikes and surfboards and kayaks and the like.

The second class of items captures items made available for use by the public at large, whether they are required to be paid for or not, including as part of a specific "sharing service", such as share bikes, and shared devices used by the public, such as shopping trolleys. A third class of items captures "motor vehicles", including hire cars, as defined in the Road Transport Act 2013. This, therefore, applies equally to cars, caravans, boat trailers and all other trailers. Importantly, the bill has flexibility to move items between classes and to create new classes of items if needed in future, such as for share cars, which could arguably fit into either class 2 or class 3 items. In addition to items, the bill provides for arrangements for the management of most animals under proposed section 5, which are a type of property for the purposes of the Act. Importantly, the term "animals" is to include stock animals, as defined in the Local Land Services Act 2013, but is not intended to capture feral and non-farmed natives, which are not generally considered property of a responsible person. These are to be excluded by regulations.

Further, as under the Impounding Act at present, it is made clear that the bill would not apply to companion animals—that is, cats and dogs—with the specific exception of dogs in national parks. For many years in this State our community, councils and other authorities have operated under the Impounding Act, which broadly provides that impounding action may be taken when an item is left unattended or abandoned but does not clearly

provide for what that actually means. We have heard time and again in feedback discussions that this has created uncertainty in many circumstances, leaving property owners and authorised officers to determine how long and in what circumstances property may be left in a public place, as well as when it becomes "unattended" so that regulatory action may be justified. Therefore, this bill provides for the key concept of "unattended" at proposed section 16 as the key threshold for action. It ensures that an authority would only ever be able to use its powers under this bill once it has reason to believe that property is "unattended" or "not under the direct control or supervision of a responsible person".

Further provisions around the circumstances under which property may be considered unattended in public are then provided for in proposed section 18 for animals and section 25 for items. This completely replaces the narrower term "abandoned", which was too limited and also confusing, given its specific meaning under animal welfare laws. The bill recognises that, in practice, many different people are responsible for property. With that in mind, proposed section 15 sets out in detail who, in addition to the legal owner of property, may be held responsible for property and for failing to attend to it under the bill. This includes, in part, a person who collects or manages property for its owner and a person who is in possession, or is entitled to possession, of the property. It also includes a person who caused the property to be unattended or engaged in conduct reasonably likely to result in the property being unattended. This may mean, for instance, a shopper who leaves a shopping trolley on a footpath outside the supermarket but is not the owner of that trolley or a person who leaves a gate open on a farm enabling an animal to stray, but is not the owner of the animal.

Proposed section 15 (2) then spells out more specifically some of those people who are responsible for the different classes of items, such as the operators of sharing services for share bikes or operators of shopping trolley services used by the public. I turn to places of care and storage. Under present impounding laws, councils and other authorities have tended to establish formal pounds for animals and other items. The Government heard very clearly during the review that we need greater flexibility to enable different and shared arrangements for storage of items and care for animals in different places within an authority's area of operations, as well as between authorities. With that in mind, the bill more flexibly refers to "places of care" in relation to unattended animals and to "places of storage" in relation to unattended items of property.

Importantly, the bill provides, at proposed section 10, that a place of care for an animal means a place that is appropriate for keeping the animal while in the possession of the relevant authority, taking into account both the animal's needs and how long the animal has been, or is likely to be, cared for at the place. As under the current legislation, authorities with responsibility for animals in their possession must also comply with animal welfare laws and standards for caring for those animals. I turn to dealing with unattended animals. Part 3, division 1, clause 18 of the bill sets out the circumstances in which an authorised officer may take possession of unattended animals on public land. This enables an officer who reasonably believes an animal is unattended in a public place to take possession of that animal. It also provides for important exceptions to this power in a range of particular circumstances—such as, for instance, where the animal is left with the consent of the relevant public authority, or stock animals grazing on a road or travelling stock reserve.

Importantly, the regulations may provide for additional matters to be considered by authorities in determining whether an animal is unattended in order to deal with issues that could arise in future. Further, proposed section 21 provides that an animal taken into possession must be either returned to the responsible person for the animal, or taken to a place of care. As I have said, this concept of places of care provides greater flexibility for authorities. To provide certainty for councils and other authorities, however, the bill provides that an authority may nominate a place as a "place of care" to which their authorised officers may take animals. Importantly, once the authority has taken possession of an animal, it retains an appropriate level of responsibility to ensure that the animal's welfare needs are met while in that place of care, even if that place of care is a place owned or managed by a third party, such as an animal shelter or private individual.

While either returning an unattended animal to its owner, or taking it to a place of care are the preferred options, there are certain circumstances in which this is simply not appropriate. In proposed section 22 the bill provides for when an authorised officer reasonably believes the animal is so severely diseased or injured, or in so poor a physical or psychological condition, that it is cruel to keep the animal alive. Alternatively, he or she may reasonably believe the animal is a threat to the health and safety of persons, other animals or the environment. In either of these circumstances, if a veterinary practitioner is not available, or the authorised officer reasonably believes waiting for a veterinary practitioner would be cruel or otherwise inappropriate, the authorised officer may enable the animal to die quickly and without unnecessary pain. The bill provides that in certain circumstances an authorised officer may, without taking possession of a stock animal, arrange for it to be kept on any practicable premises in the vicinity of the place at which the animal was left unattended.

These circumstances are when there is an emergency—a term to be prescribed by regulation to include truck rollovers involving livestock—and when the officer reasonably believes the animal is unattended, that

appropriate arrangements cannot be made for the officer to take possession of the animal, and that failure to move the animal poses an unacceptable risk to the health and safety of persons. Importantly, however, the authorised officer may only arrange for the animal to be kept on private land if he or she has made reasonable attempts to obtain the consent of the owner or occupier of that property and to comply with any reasonable requests that person makes in relation to keeping the animal on the premises. In addition, under the bill the authorised officer must arrange for the animal to be removed from the premises as soon as reasonably practicable after the emergency ends, unless the owner or occupier of the premises agrees to the animal remaining on the premises. It is also made clear in proposed section 19 (6) that this provision would prevail, to the extent of any inconsistency with the Biosecurity Act 2015, over that law except in relation to any emergency order made under the Biosecurity Act.

As currently exists under the current Impounding Act, proposed section 23 would enable occupiers of private land to take possession of an animal that is unattended on their land without permission. Importantly, where this takes place, under proposed section 24, the occupier must either contact a responsible person for the animal within 24 hours and return the animal within four days; take reasonable steps to identify that person within four days; or contact an authority and make arrangements for the animal to be taken to a place of care. Further, if an occupier takes possession of an animal in these circumstances, the responsible person for that animal must pay the occupier for certain costs incurred in keeping the animal. These costs include, for instance, transportation, food and veterinary costs. The bill also provides that if these costs are not paid, the occupier may recover the amount owing to them as a debt.

Part 3 of the bill also provides separately, under proposed section 25, for powers to enable an authorised officer to take possession of items of property. This captures all three classes of items, from motor vehicles to shared devices and other things such as personal recreation equipment. Under division 3, an authorised officer may take possession of an item of property if he or she reasonably believes it is unattended and one of a number of other circumstances is met. This includes where the item is obstructing access to or within a public place; is posing a risk to persons, animals or the environment; is interfering with public amenity; or that the item has simply been in the same or substantially the same place for seven days, or another period prescribed by the regulations. Again, as for animals, the bill provides for what must happen to items of property that are taken into the possession of an authorised officer. He or she must either move the item to a place in the same general area where it will no longer pose a risk to persons, animals or the environment, or move it to a place of storage.

The bill then provides for regulations to be made that will set out actions that may be taken in relation to these items. Part 3 of the bill also sets out when an authorised officer may deal with an item where he or she reasonably believes it is not necessary to take possession of the item. This provides flexibility, under proposed section 27 (2), for the item to be simply returned to its owner or moved to a place in the same general area where it will no longer pose a risk to persons, animals or the environment. Authorities have told us that this flexibility is important in cases where, for instance, a vehicle simply needs to be moved a short distance because it is in a place that will block access relating to a temporary event, such as a major fun run event, that the responsible person may not have been aware of.

Relevant liability protections for authorised officers are also provided for—whether or not an authority takes possession of an item—under proposed section 57. It will continue to be expected that authorised officers consider the specific needs and circumstances of homeless people in undertaking their functions. Importantly, under part 4 of the bill, an authority must take reasonable steps to identify the property's owner and give notice that it is in their possession. This must occur as soon as practicable. The owner may simply then apply for return of their property at any time before the deadline for the property to be sold or otherwise disposed of by the authority, and must pay any fees owing for their costs to date. A clear deadline of seven days is then provided for a person to collect their animal, or of 28 days to collect an item of property. If all reasonable steps have been taken to identify and notify the property's owner and the item is not collected by the specified time, the authority may arrange for an item to be disposed of.

This includes destroying an item—but not an animal—if the value of the item of property is under a certain amount. This amount will be set by the regulations but will otherwise be \$200 for most items and \$1,500 for a motor vehicle. Proposed section 32 provides that disposal may occur by sale, gift or otherwise rehoming of an animal, or recycling an item, as appropriate. The Government has a clear expectation that, wherever possible, animals will be returned to their owner or rehomed. Unlike the Impounding Act, the bill no longer provides for an animal to be disposed of based purely on its financial value and proposed section 32 (4) makes it clear that this type of extreme measure for an animal is only ever an action of last resort. The bill also provides for the keeping of records by authorities about property taken into possession, places of care and date of return to owner or disposal, and the inspection of these records by members of the public.

I turn to applications to the NSW Civil and Administrative Tribunal. Part 5 of the bill continues to enable a person responsible for property to apply for administrative review of a number of specific decisions taken by

authorities. This is an important check in the system to ensure authorities, and the occupiers of private property, take proper decisions in relation to property they take possession of. To provide certainty and reduce costs, the bill provides for these applications to be made within 28 days from the day the responsible person for the property was notified. The bill also provides for decisions that may be made by the NSW Civil and Administrative Tribunal once an application has been made, including where an authority or occupier's decision is set aside, to return the property to its owner free of fees and at the expense of the authority.

Part 6 of the bill also provides for new, clearer and stronger offences for people who fail to take responsibility for property under their control or supervision so that they can be better held to account. The bill makes it clear a person that may be held responsible for an offence may be the owner, the person in control or supervision of property, or a person who has caused property to become unattended, such as a person leaving a gate open allowing stock to stray. The bill provides for a range of offences which may be committed if a person leaves property, including an animal or an item, unattended in a public place contrary to the requirements I have already outlined. The bill also continues to provide for appropriate offences for causing or permitting an animal to trespass, unlawfully recovering property or obstruction of an authorised officer. Importantly, the bill also creates some new offences. These include a new offence for failing to recover property from an authority in response to a notice. This has been provided to offer a greater incentive for owners to recover their items, once impounded, rather than to leave them for the authority to dispose of at the cost of the community.

Across the offences in the bill, higher maximum penalties have been provided to bring this area of the law into line with current penalties for similar offences across the statute book. This is appropriate as penalties currently in place under the Impounding Act have not changed for nearly 30 years, a period over which their value would have doubled if the consumer price index was applied. A reasonable approach has been taken, however, to specify different maximum penalties for different classes of items to reflect their different values and the potential risk they pose. As with many laws, the regulations may prescribe which of these offences is a penalty notice offence so that "on the spot" fines may be paid in lieu of prosecution. To ensure that appropriate penalties may be applied by the courts in relation to different offenders and circumstances, the bill also importantly provides for new offences with higher maximum penalties where a person has been reckless or negligent in their conduct. The penalties for these offences are double that of strict liability offences. It is also important to note that higher maximum penalties are provided for in relation to offences committed by a body corporate. This reflects the greater expectations our community has of corporations to behave responsibly.

The bill also provides for higher maximum penalties to apply where multiple animals stray in a herd or items are left unattended in a cluster. An additional 10 per cent penalty may be applied for each additional animal or item up to a maximum of 11, other than for vehicles. This is appropriate as greater numbers of animals or, say, shopping trolleys, pose a higher level of obstruction, risk or interference. In relation to motor vehicles, however, the bill provides for maximum penalties which are, in effect, higher up if the conduct that comprises the offence is continuing, up to a maximum of three days. This will act as a disincentive to property owners simply leaving it to authorities to remove their property, passing these costs on to the community as a whole. The bill also provides for the regulations to prescribe offences as penalty notice offences and to set out the relevant penalty notice amounts for these offences.

Under proposed section 39, a responsible person may demonstrate to an authority or court, in relation to an offence of leaving property unattended, that the property was, at the relevant time, stolen or otherwise illegally taken and used. Further, this section also enables an approved nomination notice to be given to nominate another person as responsible for the item at the relevant time. Part 7 of the bill provides for enforcement and legal proceedings, including the appointment and functions of authorised officers and the conduct of legal proceedings for offences and for the recovery of debts under this law. It enables authorities to enter into an agreement to collaborate across boundaries under proposed section 47, which, as I noted previously, will be vital in emergencies involving stock truck rollovers and also useful in dealing with property on authorities' borders. The bill provides flexibility for an authorised officer to simply direct the responsible person for an item to remove an item of property that is unattended by issuing a written notice. A similar written notice may also be issued to prevent the property becoming unattended again, and it will be an offence to fail to comply with that notice.

The capacity to issue these kinds of notices provides the kind of flexibility councils and members of the community need. It removes bureaucratic processes and red tape, enabling action to be taken quickly to address concerns with less cost for all parties concerned. Similarly, the bill enables an authorised officer to enter an unattended vehicle for the purpose of identifying the responsible person for the vehicle. This may be useful where, for example, the vehicle lacks licence plates, and will enable the registered operator of a vehicle to address a risk by simply moving their property. Part 8 of the bill then sets out a number of miscellaneous matters, including requiring the payment of certain fees for the exercise of functions under the Act. Importantly, this part also provides for protections from personal liability for the exercise of functions in good faith under this Act. Finally,

schedule 1 to the bill provides for a number of savings and transitional matters as well as other consequential matters.

As I said earlier, schedule 2 to the bill provides for small but vital changes to the Road Transport Act 2013 and the Road Transport (General) Regulation 2021. These amendments will enable councils, police and transport authorities to issue fines to the registered operator of unregistered vehicles parked on roadsides 15 days after the registration lapses. No longer will councils need to go through the onerous process of trying to find the owner of the unregistered vehicle parked on the roadside. Importantly, the fines may apply to all class A motor vehicles, including cars, trailers and combinations of both. I am sure that every member of this House and the other place can agree that the proposals in the bill will help to address the parking congestion in urban and growth areas that councils and communities have been voicing their concerns about to each and every one of us for years.

This bill has been a very long time coming—nearly 30 years, in fact. This bill proposes sensible changes that all members of Parliament and all members of local communities can get behind and support. I put on record my thanks to each and every member of our community—and each and every member of this House and the other place—who provided important feedback during the review of the Impounding Act over the last two years. I again thank Mr Mark Coure, the member for Oatley, for his contribution to the consultation process. Mr Coure chaired two of three consultation workshops in July and provided a valuable role consulting with stakeholders, discussing their concerns and their opportunities to improve impounding processes for shopping trolleys and vehicles, including boat trailers. Finally, I thank the Office of Local Government, particularly those in the policy team, and the staff in my office, who have all worked tirelessly to consult stakeholders and deliver this reform.

The proposals will put the onus on those responsible to manage their property in public or face much tougher penalties and legal consequences. This means there will be a much stronger incentive to drive responsible ownership of animals and items in public and a significant reduction in costs currently borne by the community for dealing with property left unattended in public. Finally, the bill will help to rid our public spaces of the dangers, access problems, environmental issues and unsightly clutter of shopping trolleys, cars, trailers, other problem items and the dangers posed by stray stock on roads once and for all. The bill will deliver sensible changes to protect public safety, animal welfare and our valuable public spaces in New South Wales into the future. I commend the bill to the House.

Debate adjourned.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: BILLS

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service, and Minister for Digital) (12:17): I move:

That standing and sessional orders be suspended to permit the introduction and passage through all stages, at this or any subsequent sitting, of the following bills:

- (1) Electronic Transactions Amendment (Remote Witnessing) Bill 2021
- (2) Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021

Mr RON HOENIG (Heffron) (12:18): The Opposition does not oppose the suspension of standing and sessional orders in respect of these two bills. However, it wishes to place firmly on the record, with no reflection on the Leader of the House or the Government Whip, that it is of the view that the private members' bills standing in the names of the member for Barwon and the member for Liverpool should also proceed through all stages tomorrow, rather than only having 90 minutes as proposed. It is very important that the range of members who wish to contribute to the important debates on the range of private members' bills have the opportunity to do so, so that these bills can proceed through all stages. I understand there has been some discussion about it but MPs are committed and quite prepared to be here to deal with those important bills. The Opposition urges the Government to deal with the two bills standing in the names of the member for Barwon and the member for Liverpool tomorrow so that we can utilise Friday to debate the voluntary assisted dying bill, to enable that matter to proceed and be finalised in this sitting of the House.

TEMPORARY SPEAKER (Mr Gurmeh Singh): The question is that the motion be agreed to.

Motion agreed to.

*Bills***SERVICE NSW (ONE-STOP ACCESS TO GOVERNMENT SERVICES) AMENDMENT (COVID-19 INFORMATION PRIVACY) BILL 2021****First Reading****Bill introduced on motion by Mr Victor Dominello, read a first time and printed.****Second Reading Speech****Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service, and Minister for Digital) (12:20):** I move:

That this bill be now read a second time.

I am pleased to introduce the Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill. The bill will limit the disclosure and use of any personal and health information collected by Service NSW under the COVID-19 public health orders. The Service NSW COVID Safe Check-in app has been central to the New South Wales Government's pandemic response. It has allowed us to quickly identify people who may have been in contact with a positive case and support efficient and effective contact tracing. Now, as New South Wales continues to reopen, the COVID Safe Check-in app provides customers with case alerts for venues they have attended. The check-in app has given people confidence that they will be notified if they come in contact with a positive case and will be able to protect their family and friends.

During the Delta outbreak, we asked the people of New South Wales to assist contact tracing by checking in when attending any indoor venue. We also asked the people of New South Wales to provide declarations and obtain permits for travel and other activities that would ordinarily be part of their everyday lives. Those measures work only with public buy-in. Trust and compliance is central to their effectiveness, and to our ability to reduce the spread of COVID-19. Over 7½ million people have used the Service NSW COVID Safe Check-in app, for over one billion total check-ins. That is over one billion times people in New South Wales have entrusted the Government with their personal information.

Throughout the pandemic, we have recognised the significance of this trust and have sought to ensure that it is reflected with robust privacy protections. The public health orders state that contact details collected through the COVID Safe Check-in are to be used or disclosed only for contact tracing during the COVID-19 pandemic. Service NSW has upheld this position and has not provided any personal information collected through the COVID Safe Check-in to NSW Police Force. All contact details held by Service NSW are stored in an encrypted database that is accessible only by NSW Health through a restricted authenticated interface for the purposes of COVID-19 contact tracing. If information is not required by Health, Service NSW deletes personal check-in information it holds after 28 days.

The Government has listened to advice from the Privacy Commissioner and decided to further strengthen privacy protections through the introduction of the COVID-19 information privacy bill. The bill takes the longstanding position that check-in data is to be used only for the purpose it was collected, or contact tracing, and enshrines it in legislation. It will ensure that information cannot be accessed for secondary purposes, including for law enforcement and by use of a warrant. It will reinforce to the people of New South Wales that the additional collection of their information during the pandemic is only to protect public health. The bill will prevent Service NSW from disclosing personal and health information collected under the public health orders for any use other than the purpose it was collected—contact tracing—to provide it to the person it is about, or, in limited circumstances, to investigate a breach of the public health orders.

Service NSW will be able to use or disclose personal information from the COVID Safe Check-in only for the purpose for which it was collected or for contact tracing purposes. This will include contact tracing within other Australian States and Territories, to support our border communities and ensure that contact tracing can continue to be effective as our borders begin to reopen. Permit information and declarations about entering or leaving New South Wales will continue to be able to be disclosed to NSW Police Force if required to investigate or prosecute a breach of the public health orders related to the permit. The bill will not impact the ability for an individual to show their check-in information or vaccination certificate on the Service NSW app to a business or to a police officer in line with the public health orders.

As we move forward with the COVID-19 road map, we hope to reduce the need to ask the people of New South Wales to provide us with their personal information as they conduct their everyday lives. However, the COVID-19 information privacy bill will give the people of New South Wales the assurance that if Service NSW needs to collect their information to ensure the safety of the community from COVID-19, their privacy is protected by legislation. I commend the bill to the House.

Second Reading Debate

Ms YASMIN CATLEY (Swansea) (12:25): I lead for the Opposition in debate on the Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021. The bill will address an important issue: the security of COVID Safe Check-in data. It is crucial that the community maintains confidence that their COVID Safe Check-in data is safe and secure, and used only for the purpose for which it was collected. As such, the bill will legislate limitations around the disclosure of personal and health information collected by Service NSW under the COVID-19 public health orders.

Throughout the pandemic, the Service NSW COVID Safe Check-in app has played an important role in our State's pandemic response. The data collected has allowed our contact tracers to quickly identify people who have potentially been in contact with a positive case. I thank our contact tracers for the fantastic work that they have done during some of the toughest times of the pandemic. With our State reopening, the COVID Safe Check-in app will continue to play an important role in notifying people if they have come into contact with a positive case. I note that push notifications for the app have now gone live. I am pleased that the Minister is in the Chamber to tell him how happy we are to hear that. It will help to improve the effectiveness of the app.

As the Minister stated in his second reading speech, to deal with the Delta outbreak we have asked people to check in when attending any indoor venue and when obtaining permits for travel and work. I echo the words of the Minister that these measures work only with public buy-in. Trust and compliance is central to their effectiveness and to our ability to reduce the spread of COVID-19. That is why this legislation is so important. Over 7½ million citizens in New South Wales use the Service NSW COVID Safe Check-in app and we have a responsibility to ensure that their data is protected. I note the bill was based on advice provided by the Privacy Commissioner to further strengthen privacy protections, and the Opposition supports that.

Under the current public health orders, personal information collected by the COVID Safe Check-in app can be used only for contact tracing. Service NSW deletes the data after 28 days. The bill will reinforce in legislation that the additional information collected during the pandemic is only to protect public health. New section 17B (2) makes clear that information held must not be used or disclosed except for the purpose that it was collected or for contact tracing, including in another State or Territory. The information collected in relation to the issue of a permit can be used for the purposes of investigating or prosecuting a breach of a public health order related to that permit. The same provisions apply to declarations made when entering or leaving New South Wales. This information can be used for the purposes of investigating or prosecuting a breach of a public health order related to the declaration.

These two provisions allow for information to be disclosed to the New South Wales police to investigate and prosecute a breach of the public health order. The bill makes clear that this information cannot be accessed for any secondary purpose, including for law enforcement or by use of a warrant. Nothing in this bill will prevent an individual from displaying their check-in information or vaccination certificate on the Service NSW app to a business or to a police officer in line with the public health orders. I note the bill will allow for information to be shared between States and Territories. This is information for contract tracing as we, as a country, begin to reopen. It will also help to support our border communities. I take this opportunity to thank the Minister, his staff and the Department of Customer Service for their work throughout the pandemic and for getting the COVID Safe Check-in app up and running. It has been a most important tool in fighting the pandemic.

Our public health orders have to date protected our citizens' data from being accessed for a purpose other than for which it was collected, but the Opposition will continue to monitor this space to ensure this data is protected going forward. I am pleased to offer Labor's support for this important bill. I appreciate the Minister working with the Opposition to support the passage of such important legislation.

Mr MARK COURE (Oatley) (12:31): I support the Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021. For the record, I thank the Minister for Customer Service, who is in the Chamber, his very capable staff and the staff of his department. The COVID-19 pandemic has dramatically changed the lives of people throughout New South Wales. The New South Wales Government responded quickly and rolled out a wide range of health measures, including contact tracing and the COVID Safe Check-in app. As I look around the Chamber, I hope that everyone has checked in to the Parliament of New South Wales. I commend the New South Wales Government, and particularly the Minister for Customer Service, and Minister for Digital and his department, for their work in getting these services up and running as quickly as possible in the middle of the pandemic.

Whilst the COVID Safe Check-in app was introduced in less than ideal circumstances, it has demonstrated the ability of our Government to develop high-quality, customer-friendly digital infrastructure to respond to the needs of the community. I must say that this innovation is one of many that the Minister for Customer Service,

and Minister for Digital and his department have implemented over the past few years—FuelCheck was one of them.

Mr Victor Dominello: How good is that?

Mr MARK COURE: I use it regularly. Do you want to do this?

Mr Victor Dominello: No.

Mr MARK COURE: The pandemic has changed, and so has the COVID Safe Check-in app. It allows for integrated vaccination status checks and provides targeted case alerts. These digital services are making compliance with public health orders much easier for businesses and customers as New South Wales opens up. The people of New South Wales should feel very confident as they use the COVID Safe Check-in app that it is not only convenient but also private. The personal information people provide will be used only as needed for contact tracing. I think many members in this Chamber have been on the other end of that process and have been traced or contract traced over the past six months.

The privacy of individuals' personal and health information is crucial to maintaining public confidence in the public COVID-19 health response. The Government has sought to protect privacy throughout the pandemic. NSW Health's public health orders prohibit sharing of contact details collected through the COVID Safe Check-in app for any purpose other than contact tracing. Today we look to further strengthen those protections by introducing the COVID-19 information privacy bill. The limited disclosure and use of COVID Safe Check-in data will now be clearly defined within this legislation. Under this bill, Service NSW will be able to disclose personal health information collected and held under COVID-19 public health orders only for the purpose it was collected. This is for contact tracing or to alert the person the information is about, as well as providing permit or declaration information to the police for the investigation or prosecution of a breach of the public health orders. The bill will also override any other law, including a warrant if one of the four reasons for disclosure is not satisfied.

Although the NSW public health response to COVID-19 has been world leading, these amendments further strengthen public trust and confidence by adding another layer of checks and balances. This is the standard the people of New South Wales expect from their Government. I again commend the Government for implementing these important initiatives that have provided vital tools for NSW Health and contact tracers during the pandemic right across New South Wales. Of course, as we know, apps like the COVID Safe Check-in app are certainly being copied in other jurisdictions across Australia. Before the pandemic and the lockdown, I visited Victoria for the first time in 10 years with some of my parliamentary colleagues to attend a course that we currently doing. The Victorian check-in app is completely different—in a bad way—from the New South Wales app. I certainly think New South Wales has some of the best technology being applied. I thank the Minister, his department and the Minister's staff. As a result of these tools, the health and wellbeing of our community have been protected significantly. I know that the St George area and the people of New South Wales are extremely grateful for their app. I commend the bill to the House.

Mr RON HOENIG (Heffron) (12:36): I indicate how impressed I was by the contribution to debate on the Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021 by the member for Oatley. Because of his dulcet tones and the way in which he expressed in his impassioned speech his admiration for the success of the Minister for Customer Service and Service NSW, I value his contribution. I cannot understand why he has not progressed from the back of the queue to the frontbench.

Mr Victor Dominello: Hear, hear!

Mr Mark Coure: I have been asking the same question.

Mr RON HOENIG: What an outstanding member of Parliament and what an outstanding contribution he has made to debate on the bill. Unfortunately, I have to say that the member for Oatley is a bit like me: When you pass the intelligence test, they do not want you. I contribute to this debate to say that this is an extremely important bill. It is important for privacy. I thank the member for Swansea for her advocacy for the introduction of this legislation. She has been advocating for this bill for quite some time. It would not have been an easy feat for the Minister for Customer Service to produce this bill because just about every single State and Federal law enforcement organisation would have been desperate to try to get hold of the data. I note for the record that the Minister is nodding.

It is fundamental to a public health response that when the Government gives an assurance the purpose of collecting that data is for the public health response the Government then guarantees the embargo. It is absolutely fundamental. The public need to have confidence when they are asked to cooperate by providing their details and personal data. It is absolutely fundamental that that data is collected only for that purpose and for no other, except to ensure the integrity of the health orders. I express my appreciation to the Minister for Customer Service for

introducing the bill. I imagine he would have preferred to bring the bill to this House quite some time ago—I see he is nodding—but had a battle to fight.

We need to acknowledge that battle. I also acknowledge that the Government's public health response has been subject to considerable bipartisan support. Indeed, that has been one of the reasons for its success. Some years ago I said in this House that many of us are surprised by the efficiency and service that has emerged from Service NSW. I have complimented the Minister previously about that. Those old guys like us, who used to line up for hours at the department of motor transport just to renew a licence or register a vehicle, remember what it was like for decades. Pandemic aside, now it is a considerable government service to be able to go to Service NSW and be greeted by a concierge who is able to give you a number and direct you so that you are in and out of the place within five minutes. I will share with the House a brief story about a recent experience.

During the COVID lockdowns a law came in which required a sticker to be placed on the numberplates of all electric vehicles [EVs]. You had until 1 July to do it. I have a hybrid vehicle. So, I went to the Service NSW office at Botany and when I asked for an EV sticker the concierge said, "Sorry, we do not have any. You can either go to Marrickville or we can place an order and call you back when we get them." The concierge then took my details and as I walked out I thought to myself: the department of motor transport is actually going to call you back for something? I had never heard of that in my decades of existence. Can you believe it? Six days later I got a call saying, "Mr Hoenig, your stickers have arrived. You can come and collect them." I then went to Lord Street, Botany, where I was greeted by the concierge and they were in my hand within 30 seconds.

That was at Botany: an area where no member of the Tories would ever have sullied their toes to be provided with that service. In this portfolio there have been substantial improvements in service for the public. That is in no small measure due to the way in which the organisation has been put together. I echo the words of the member for Swansea. The way in which the app has been rolled out and integrated with Service NSW in the middle of a crisis pandemic crisis is truly impressive. But I do have one request of the Minister for Customer Service. I have a problem with the IT here. They cannot connect my iPad to the Parliament portal. Would the Minister do it for me?

Mr Victor Dominello: We will have a coffee after.

Mr RON HOENIG: I repeat, I echo the words of the shadow Minister and the Opposition. The effort that has been made to get the bill to this stage is impressive. I know the battles that the Minister must have had, without actually knowing what they are. It is an important piece of legislation. The importance of it was obvious when the member for Swansea approached me last night to ensure that we agreed to a suspension of standing orders, so that this could proceed through all stages. I commend the bill to the House.

Debate interrupted.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

Debate resumed from 20 October 2021.

Mr DAVID MEHAN (The Entrance) (12:44): I thank the Chair, Mr David Layzell. He is a courteous man and does a great job as chair of the Committee. It gives me great pleasure to speak on the report of the Legislation Review Committee entitled *Legislation Review Digest No. 33/57*, tabled out of session on 7 September 2021, and the report entitled *Legislation Review Digest 34/57*, tabled on 12 October 2021. Encapsulated within those two reports was a whole bunch of work. The Committee considered five bills, including the cognate bills around the budget. Of particular interest to members will be the Electric Vehicles (Revenue Arrangements) Bill 2021 and the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021.

We also considered 83 regulations—or "blue tape" as I am calling them now. We commented on 21 of those regulations. I will not read the title of each regulation that was commented upon but I direct members' attention to them. Some of those regulations are quite significant and important. For example, the Weapons Prohibition Amendment Regulation 2021 has tightened the rules around individuals who can obtain a firearm licence. It also restricts possession of certain firearms equipment such as bump stocks—that is, a device that can be fitted to single-shot firearms to allow automatic fire. It is good to see that has been handled by the regulations.

The Committee also received the Government's response to report No. 1/56 of the Legislation Review Committee inquiry into the operation of the Legislation Review Act 1987, dated November 2018. The Committee had to remind the Government a couple of times, but pleasingly we finally got the response. The Committee made four recommendations and the Government has supported in principle those recommendations that directly relate

to items under its control. However, in relation to recommendation 1 the Government did not give a response. Recommendation 1 states:

The Committee recommends that the Houses give consideration to amending their respective Standing Orders to require the member with carriage of a bill to address any matters identified by the Legislation Review Committee during a debate on the bill.

The Legislation Review Committee subsequently wrote to the Standing Orders and Procedure Committee and at our last meeting we received an acknowledgement that the Standing Orders and Procedure Committee has the matter under consideration. I will continue to pursue this until we receive a proper response to all of the recommendations made in 2018. I again thank my fellow Committee members. I extend a super big thank you to the secretariat who support the Committee and who do most of the work. I commend *Legislation Review Digest No. 33/57* and *Legislation Review Digest 34/57* to the House.

Reports noted.

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

Reports

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

Mr DUGALD SAUNDERS (Dubbo) (12:48): As Chair: Today I talk about the *2021 review of the annual and other reports of oversight agencies* report. The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission oversees a number of important agencies. Those agencies include the NSW Ombudsman and the Child Death Review Team, the Law Enforcement Conduct Commission and its inspector, the New South Wales Crime Commission, the Inspector of Custodial Services, and the Information and Privacy Commission. The report, which covers the 2019-20 reporting period, embodies one of the core functions of the Committee: to scrutinise the performance of these agencies.

During that reporting period, the impact of the COVID-19 pandemic on New South Wales agencies was significant. In this report the committee acknowledges that there were challenges and it acknowledges those challenges faced by agencies in responding to the pandemic. Agencies were required to adapt to increased workloads, limited face-to-face contact, and the increased use of technology. The committee commends all agencies for continuing their important work through this really challenging time.

In the report the committee also highlights a number of issues that it will monitor over the next reporting period. The committee refers to the introduction of a mandatory notification of data breach scheme. Under this scheme public sector agencies must notify the NSW Privacy Commissioner and affected individuals if there is a data breach of personal or health information that is likely to result in serious harm. A draft bill proposing the scheme was announced in early 2021 and the committee will continue to monitor the progress of this issue and any impact it may have on the work of the Information and Privacy Commission. The committee also comments on the progress of the bill to amend the Public Interest Disclosures Act 1994. The committee has a longstanding interest in that particular issue and I note the recent introduction of the Public Interest Disclosures Bill 2021. The committee will be monitoring the progress and implementation of that bill over the next reporting period.

Another issue that the committee commented on is the recent structural changes applied to the Law Enforcement Conduct Commission. In the committee's last annual review, the committee referred to the immense period of change that the Law Enforcement Conduct Commission underwent in early 2020 and made recommendations aimed at clarifying the status and roles of the commissioners. During this annual review, the committee heard that structural changes to the Law Enforcement Conduct Commission have since been implemented and are understood to be working well. The committee again will monitor this area to ensure these changes continue to be viewed in a positive light.

I thank all of the oversight agencies for their work and also for participating in this annual review. I also thank all of the fellow committee members for their assistance in this review and for the work of the committee more generally. A special mention goes to Emma and all of the staff who have worked behind the scenes and, importantly, alongside the committee for the period. We all really appreciate the work that the staff do. I commend the report to the House.

Report noted.

LEGISLATION REVIEW COMMITTEE

Reports

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

Mr DAVID LAYZELL (Upper Hunter) (12:52): As Chair: I address the House regarding the *Legislation Review Digest No. 35/57*, tabled on 19 October 2021. In the thirty-fifth digest, the committee examined the 11 bills introduced in the sitting week beginning 12 October 2021. I now draw the Parliament's attention to some of the issues raised in the bills reviewed in that digest. The Energy Legislation Amendment Bill 2021 makes amendments to various Acts regarding electricity and gas production, storage, transport and supply in New South Wales. The committee noted that the bill amends the Electricity Supply Act and provides compliance officers broad powers to investigate compliance with the Energy Security Safeguard scheme.

That includes the power to enter premises used in connection with an energy savings activity and the principal place of business of an accredited certificate provider. Those powers allow compliance officers to examine and test equipment, take photographs or copies, and seize anything they reasonably believe is connected to an offence under Part 4A. A person who hinders or obstructs a compliance officer may be issued a maximum penalty of \$22,000 for a corporation or \$5,500 for an individual. By allowing authorised officers to enter private property without notice or warrant, the bill may impact a person's right to privacy and property. The committee recognises that compliance officers may not enter residential premises without the occupier's permission. However, given the wide scope of those powers, the committee referred the matters to Parliament for its consideration.

Another bill introduced this week in the Legislative Council is the Modern Slavery Amendment Bill 2021. This bill amends the Act to provide the date of commencement as 1 January 2022 and makes various amendments to combat modern slavery and provide assistance and support to victims of modern slavery. The committee noted that the bill provides that absolute privilege applies to certain matters published by the Anti-Slavery Commissioner, including strategic plans, annual reports, referrals to police and other agencies, and reports under the Children and Young Persons (Care and Protection) Act. Absolute privilege is the immunity from an action that protects a person or class of persons from a lawsuit, even if the action was false or had a malicious motive. In this case it would prevent defamation action for those types of publications. This may prevent a course of legal action for a person who has incurred damage or loss as a result of a publication which was false or malicious.

However, the committee recognised that the provision ensures that the Anti-Slavery Commissioner can publish information relating to modern slavery matters without the threat of legal action hindering its functions under the Act. In those circumstances, the committee made no further comment. Turning now to a private member's bill introduced in the Legislative Council this week, the Companion Animals Amendment (Puppy Farms) Bill 2021 intends to regulate the conduct of businesses breeding companion animals and provides enforcement powers to regulate the conduct of those businesses. The committee observed that the bill contains a number of strict liability offences for not complying with obligations of conducting a companion animal business. That includes conditions of registration, animal health and safety, and restrictions on breeding. Those offences carry penalties of up to \$110,000 in fines or up to two years' imprisonment, or both in the most severe cases.

The committee noted that these amount to strict liability offences as they do not require a mental element to the offence. The committee acknowledged that the bill seeks to toughen the New South Wales regulations for companion animal breeding. However, given the significant penalties, including potential imprisonment, the committee referred the matter to the Parliament for its consideration. That concludes my remarks on the thirty-fifth digest for this Parliament. I commend the digest to the House.

Mr DAVID MEHAN (The Entrance) (12:57): I comment on the thirty-fifth digest of this Fifty-Seventh Parliament, dated 19 October 2021. The committee considered 11 bills: The Coastal Management Amendment Bill 2021; the Companion Animals Amendment (Puppy Farms) Bill 2021, which is a private member's bill; the Constitution Amendment (Virtual Attendance) Bill 2021, again a private member's bill; the Crimes Amendment (Display of Nazi Symbols) Bill 2021, a private member's bill; the Energy Legislation Amendment Bill 2021; the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021, another private member's bill; the Local Government Amendment (COVID-19—Elections Special Provisions) Bill 2021; the Modern Slavery Amendment Bill 2021; the Public Interest Disclosures Bill 2021; the Voluntary Assisted Dying Bill 2021, a private member's bill; and the Water Industry Competition Amendment Bill 2021.

We commented on nine of those bills and I encourage members to look at the comments made by the committee on those bills, particularly the Voluntary Assisted Dying Bill 2021, which I am sure all members in this place are turning their minds to and receiving correspondence on from their constituents. The committee has tried to cover all of the important points that relate to whether the bill trespasses on personal rights and liberties and I am hopeful that it will assist members in the debate and their deliberations on this important bill. Once more I thank my fellow committee members for their work and thank the secretariat that supports us. I commend the digest to the House.

Report noted.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE**Reports**

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

Mr PETER SIDGREAVES (Camden) (12:59): As Deputy Chair: I am delighted to speak to the recent report of the Committee on Children and Young People entitled *2021 Review of the Annual Reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian*. The report was tabled out of session on 25 October 2021. In our public hearing this year, the committee heard from the Advocate for Children and Young People, Ms Zoe Robinson; the Children's Guardian, Ms Janet Schorer; other representatives from their offices; and representatives from the Youth Advisory Council.

One of the committee's oversight responsibilities is to report on how the Office of the Advocate for Children and Young People has performed its functions as set out under the Advocate for Children and Young People Act 2014. The committee was pleased to find that the advocate's office has been fulfilling its functions and following the principles governing its work. A key aspect of the advocate's role is to consult with children and young people in New South Wales and give them a voice in decisions that affect them. The advocate consulted widely during the reporting period on issues as broad as disability, disaster recovery and youth justice, as well as issues affecting Aboriginal children and young people, and young people's sentiment during the COVID-19 pandemic. The committee was particularly pleased to hear that the advocate adapted its processes so that consultations could continue during the pandemic through a variety of online consultations and polls.

The committee's report also highlighted the advocate's responsibilities for developing the next New South Wales Strategic Plan for Children and Young People. In our previous annual review, the committee recommended that the advocate prioritise the evaluation of the 2016-19 strategic plan. The committee was pleased to note that this had been completed and was tabled in the Legislative Assembly. Given the length of time it takes to produce a review of the strategic plan, the committee recommends that the next plan incorporate the requirement for the advocate's office to publish an annual progress report. That will provide Parliament and the public with more current information to improve accountability in this area. The committee was also grateful for the opportunity to meet members past and present of the Youth Advisory Council and to hear their views on issues affecting young people.

The committee also has a responsibility to monitor and review the functions of the Office of the Children's Guardian under the Child Protection (Working with Children) Act 2012 and the Children's Guardian Act 2019. The committee found that the Office of the Children's Guardian has been fulfilling its functions and responsibilities under these Acts, particularly in its administration of the Working with Children Check and the Reportable Conduct Scheme. We also commend the work that the guardian is doing in promoting safe environments for children. The Children's Guardian has recently taken on responsibility for the Reportable Conduct Scheme. We were pleased to hear that this transfer has been progressing smoothly. However, we have recommended that Treasury approve additional funding for the Office of the Children's Guardian so that it is able to administer the scheme without compromising their effectiveness when fulfilling other responsibilities.

The committee reported on the transition from the voluntary Child Safe Standards to a new mandatory scheme that is proposed under the Children's Guardian Amendment (Child Safe Scheme) Bill 2021. That bill will provide new regulatory powers for enforcing the implementation of Child Safe Standards in organisations that work with children, such as by creating new offences and the power to review organisational systems and policies. In the light of this growth in the guardian's powers and responsibilities, we recommend that the responsibilities of the Committee on Children and Young People also evolve. That will enable us to provide oversight of these new powers if and when the new scheme commences. I thank Ms Janet Schorer for her work and service to the community as the Children's Guardian and Ms Zoe Robinson for her work and service to the community as the Advocate for Children and Young People. I also thank my fellow committee members in this House and the other place and the committee secretariat for their hard work and support. I commend the report to the House.

Mr GARETH WARD (Kiama) (13:04): I commend the deputy chair of the Committee for Children and Young People, the member for Camden, and thank him for his excellent address. I thought that as the former Minister for Families, Communities and Disability Services I would come into the House to, firstly, reflect on the outstanding work of Ms Janet Schorer as the Children's Guardian and Zoe Robinson, who I had the absolute delight to appoint as the Advocate for Children and Young People. I know that in the House this morning the Child Safe Standards bill, which I instigated, passed through the Chamber with some amendments. I am very pleased the bill has passed. As mentioned earlier in the Chamber, it is a reflection on important recommendations that came out of the royal commission that deal with making sure that organisations are child-safe. The way in which the Government chose to approach the bill was the right one, which you would expect me to say because

I authored it. It was about ensuring that organisations thought about things that are important for children, making sure their voices are heard and that the standards reflect what organisations are capable of doing.

I am very pleased that that bill has passed, although it seems that some people in the upper House like the Hon. Mark Latham just cannot help but be a frustrated mechanic. They need to tinker with things; they need to sometimes bully their way through and upset people because they have got a political point to make. But actually thinking about how those things impact on children and young people, I am quite frankly sick of the scintillating dictum of Mr Latham, who is an expert on absolutely everything but a master of nothing. He got some amendments through, which is fine because I know that Janet Schorer as the professional that she is will make sure that she exercises very well what has been asked of her by the Parliament. I thank her for her incredible service and work.

As the member for Camden mentioned, the Reportable Conduct Scheme is incredibly important. As Minister, I was delighted to ensure that we worked with certain sectors like religious groups to make sure they were brought into the scheme. I was also delighted about making psychologists mandatory reporters, which is incredibly important given their proximity to children and young who have often gone through very challenging times. Zoe Robinson replaced Andrew Johnson as the Advocate for Children and Young People, and I know how passionate she is as she used to be the CEO of Yfoundations, which supports young people who are homeless.

She came from there to the Department of Premier and Cabinet and we managed to bring her across to the role of the Advocate for Children and Young People, which was established by the member for Ryde, who is sitting at the table. It was a great decision to make sure that people had at the heart of government somebody standing up for the interests of young people. The Youth Advisory Council was a fundamental component of that. Having worked with the Youth Advisory Council over many years, I thank all of the members of our community who have come forward from right around this great State. I also commend the Hon. Bronnie Taylor for setting up the Regional Youth Advisory Council to make sure the voices of regional young people are heard.

I thank Ms Robinson for her extraordinary efforts, particularly during the bushfires. She came to my electorate as an area that was affected by bushfires. Often the last people that are thought of in terms of crises like pandemics or fires or floods are young people. Those events impact on them, often silently, and we often only see what happens as a result of statistics rather than listening to those voices. I thank the committee for its work. I thank those two outstanding servants of the State. I condemn Mark Latham because he is an idiot, and I thank everybody for their great work.

Report noted.

LEGISLATION REVIEW COMMITTEE

Reports

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

Mr DAVID LAYZELL (Upper Hunter) (13:09): As Chair: I address the House regarding the Legislation Review Committee's *Legislation Review Digest No. 36/57*, tabled on 9 November 2021. In the thirty-sixth digest the committee examined the six bills introduced in the sitting week beginning 19 October 2021. The committee also commented on 10 statutory instruments. I will draw to the attention of members some of the issues raised in the bills reviewed in that digest. The Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021 will amend the Crimes Act 1900 and the Criminal Procedure Act 1986 to enact significant reforms to the law of consent in relation to sexual offences in New South Wales and adopt an affirmative model of consent.

Amongst these reforms, the committee identified that the bill will place the onus of proof on an accused to show that, on the balance of probabilities, they had a cognitive or mental health impairment if they argue that their belief that a person was consenting without affirmatively confirming that consent was not unreasonable. The committee generally comments where there is a reverse onus of proof because it may undermine the presumption of innocence and a person's right to a fair trial. However, it noted that the prosecution still bears the onus of proving the mental health element of a sexual offence. The committee also noted that an accused person is under a lesser burden of proof, being the balance of probabilities, which may reduce the prejudicial effect of the amendments. In these circumstances, the committee made no further comment.

I turn to a private member's bill introduced in the Legislative Assembly, the Road Transport Amendment (Prohibition of U-turns and 3-point Turns in School Zones) Bill 2021. The bill will amend the Road Rules 2014 to prohibit the making of U-turns and three-point turns in school zones during school zone times. The committee observed that the bill sets out offences for not complying with that prohibition, which will carry a maximum penalty of \$2,200. It also noted that these amount to strict liability offences because they do not require a mental health element to the offence. However, the committee acknowledged that imposing strict liability offences can promote compliance and strengthen provisions. The committee also noted that the maximum penalty imposed by

the bill is not overly burdensome and only monetary, and that the bill contains additional provisions permitting U-turns and three-point turns in specific circumstances. In these circumstances, the committee made no further comment.

I turn to a statutory instrument examined in this week's digest. The committee examined the Liquor and Gaming Legislation Amendment Regulation 2021, which will amend the Liquor Regulation 2018 in relation to premises that currently hold a liquor licence under the Liquor Act 2007. This regulation will grant the secretary certain powers regarding live music and performance venues. Specifically, the committee observed that the secretary will have the power to compile a list of licensed premises that are live music and performance venues, which will entitle the licensee or manager to be eligible for the Live Music Support Package, established by the Government in response to the COVID-19 pandemic. Under clause 61B, the secretary will have the power to remove a licensed premises from the list where they are satisfied that criteria in the provision have been met, and the secretary must give the licensee or manager of a premises to be omitted from the list written notice of its removal.

The committee noted that this regulation does not specify the time frame in which the secretary must give that written notice or the contents of that written notice, including the provision of reasons for removal from the list. The committee also observed that, without further clarification, this may result in negative business outcomes for licensees or managers relating to their businesses' eligibility for the Live Music Support Package. In these circumstances, the committee referred this provision to the Parliament for its consideration of whether the provision calls for elucidation. That concludes my remarks on the thirty-sixth digest for this Parliament. I commend the digest to the House.

Debate interrupted.

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

Question Time

INNER WEST LIGHT RAIL

Mr CHRIS MINNS (Kogarah) (14:17): My question is directed to the transport Minister. Yesterday the Minister said that taxpayers would "not pay a red cent" to repair the Inner West Light Rail. Will the Minister guarantee that the Spanish manufacturer that built the Inner West Light Rail will pay for all the repairs?

Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces, and Minister for Transport and Roads) (14:17): I thank the Leader of the Opposition for his question. I reiterate to the House the regret we have about the situation facing commuters on the inner west line. I thank the member for Summer Hill for raising concerns with me on behalf of her community, and for working hard to ensure there is a replacement service while we get around the urgent business of effecting repairs as quickly as we can. I am happy to inform the House that, yes, I reiterate, it is my expectation that the taxpayer will not pay one cent towards the costs of rectification. We will pursue that with the relevant contractors, and the manufacturer in particular. It is my expectation that the transport agency will do that. The basis upon which I say that is advice I received from Transport for NSW.

[An Opposition member interjected.]

You have asked your question, and I respect that. I am happy to once again emphasise to the House that it remains the expectation of the New South Wales Government. I thank the member for his question.

STATE ECONOMY

Mr DUGALD SAUNDERS (Dubbo) (14:18): My question is addressed to the Premier. Will the Premier update the House on how confidence is driving New South Wales' economic return and ensuring future generations have access to the jobs and infrastructure of the twenty-first century?

Mr DOMINIC PERROTTET (Epping—Premier) (14:19): That is a great question from the great member for Dubbo. We were at Dubbo last week. I promised the Deputy Premier the first plane out, and we were on it. We had a great day at Dubbo meeting many business owners and, as Minister Toole said yesterday, we went to the zoo, which was great. We met many business owners, including a man by the name of David Simmons. It is always great to see the impact on the ground of the job-creating policies of the Liberals and The Nationals. David Simmons is the CEO of Simmons Global, which is an engineering company in drone manufacturing that moved its production from Western Australia to Narromine. I am pretty sure 250 or so jobs were created in Narromine as a result of the change.

The member spoke about confidence in his question. Last month, we saw a record level of business confidence in our State, and the biggest increase on record. Business confidence was plus 27 in a NAB survey. Yesterday a survey came out again and we are plus 29. We are breaking our records. Why is business confidence important? It leads to capital investment and drives jobs, growth and employment right across the State, particularly in Dubbo. If we go around the grounds to see where that compares in Victoria, we are plus 29 and Victoria is plus 23; they are doing well. Queensland is plus 14, South Australia is plus 14 and Western Australia is plus five. There you have it. A Liberal-Nationals State is leading the way, while the Labor States fall away. That is not just business confidence, as downstream will now see substantive business investment in employment growth at the back of it, but consumer confidence and higher consumer levels as well.

Why is confidence high? The Liberals and The Nationals are talking up New South Wales around the State. We are talking up confidence and hope, and the people of New South Wales are listening. Members on the other side of the House are talking New South Wales down. They are negative. The only good thing for the people of New South Wales and for the State is that no-one is listening to them: they are listening to the Liberals and The Nationals in New South Wales. That is why confidence is going through the roof. We will get the jobs numbers out tomorrow. I do not want to predict them, but I am pretty confident they will be good. Why will they be good? The Liberals and The Nationals are in charge. We are opening up New South Wales safely, with a strong health response and a strong economic response right across the board. That business confidence is also off the back of capital infrastructure, with 900 infrastructure projects currently in delivery.

Mr David Elliott: How many?

Mr DOMINIC PERROTTET: There are 900. Under those opposite it was about nine. There are 900 projects, including public transport and roads. The great transport Minister got the first question today and did so well. He smacked that straight back. There is \$71.5 billion in public transport and roads, the health Minister and his health building operation has \$10.8 billion, and education and skills has \$8.5 billion. Those programs are off the back of our other initiatives that are helping drive capital investment and manufacturing, leading to jobs growth in New South Wales. The \$250 million Jobs Plus Program will create and support up to 25, 000 jobs to 30 June 2022. That is not just from businesses moving across the country into New South Wales, as we saw in Dubbo and Narromine. Businesses globally want to set up in our State as well. There will be more announcements on that shortly.

Then there is the \$5 billion WestInvest Fund, which is so good. Those opposite were triggered when we announced that \$5 billion fund because for the first time they had a lightbulb moment that maybe asset recycling actually works, replacing old assets with new assets. A new road was opposed by Labor, a sale was opposed by Labor, and a \$5 billion investment was opposed by Labor. I cannot wait to be with the Minister for Western Sydney as those projects start rolling out. As we roll them out, we will have signs that say, "The New South Wales Government: Brought to you and built by the Liberals and The Nationals, and opposed by Labor." I will check with the Department of Premier and Cabinet legal if we are allowed to do that. If we are allowed, we will do it.

INNER WEST LIGHT RAIL

Ms JO HAYLEN (Summer Hill) (14:24): My question is directed to the Minister for Transport and Roads. Given the Minister's department considered providing free travel for affected inner west passengers, why did the Minister instead insist that passengers have to pay to use slower replacement buses?

Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces, and Minister for Transport and Roads) (14:24): I thank the member for her question. The premise of the question is quite incorrect. I asked the department to look into alternatives and what could be done to recognise the inconvenience to passengers on the inner west line. My immediate instinct was to ask what we can do to ensure that passengers who have been inconvenienced by the closure of their regular service have a replacement up as quickly as possible, which are the 489 and 499 services. We also looked at what we could do to ensure that it was as affordable as possible, recognising the extra inconvenience. I received advice this morning that an ordinary trip on the inner west line takes 37 minutes; the trip on the replacement bus yesterday took an average of 40 minutes. So it is a slower trip.

To recognise that, I asked the department to look into options for a cheaper fare or, in fact, to see if free travel might be an appropriate response. The advice from the department was, as members would appreciate, transport is a system and when one service is made free, that would have consequences on other services. My focus was to do everything we can to ensure that the commuters displaced from their regular service had access to a replacement. The advice I received was that if we were to take action that might induce extra demand onto that replacement service, particularly when it is COVID-constrained as we try to manage capacity in the light of the pandemic, and that would create unintended consequences for the network as a whole. On that basis, it was felt that the right balance was to provide half-price fares and also to look at what other alternatives might be able

to be looked at. At this point, I commend the member for Balmain, who also suggested that we could look at putting ferry services in place. That is currently under—

Ms Jo Haylen: Ones that can't go at night or ones full of asbestos?

Mr ROB STOKES: You have asked your question. That service is currently under consideration. We are doing this all in real time to make sure that the undeniable inconvenience is managed as compassionately and sympathetically as possible but also recognising that we have responsibilities to everyone across the transport network. That is why it was felt that the appropriate balance was to recognise the inconvenience by offering half-price fares.

COVID-19 AND EMPLOYMENT OPPORTUNITIES

Mr MARK TAYLOR (Seven Hills) (14:27): My question is addressed to the Minister for Jobs, Investment, Tourism and Western Sydney, and the Minister for Industry and Trade. Will the Minister update the House on how the New South Wales Government's handling of the pandemic helped secure jobs and increase employment opportunities for the people of New South Wales?

Mr STUART AYRES (Penrith—Minister for Jobs, Investment, Tourism and Western Sydney, and Minister for Industry and Trade) (14:27): I thank the member for Seven Hills, who I know is a passionate advocate for his local community and a strong advocate for western Sydney, for his question. We know the importance of job opportunities and the impact of the pandemic right across western Sydney, particularly in the electorate of Seven Hills. The strong recovery that we are seeing is really roaring back into town. The basis of that recovery is the fact that people right across New South Wales have rolled up their sleeves and got vaccinated. In the past 24 hours New South Wales achieved 90 per cent double-dose vaccination rates.

It is an extraordinary, world-leading achievement, and it gives the Government the confidence to keep rolling back restrictions, which is absolutely critical to getting people back in employment. The changes that we made to our roadmap in the past week have allowed us to get more people back into businesses, cafes, restaurants, bars, clubs and offices. The best form of business support is a customer. We have pulled restrictions back as people have done what we asked them to do. We went into a compact with the people of New South Wales and said that if they get vaccinated, we will be able to reduce those restrictions and people will be able to go back to work, and that is exactly what is happening.

Through the dark depths of the pandemic, it was the support from the Government that kept more people in work. People lost hours and people lost jobs. If it was not for the JobSaver program, that number would have been in the tens of thousands, if not over a hundred thousand, and potentially even more, as we continue to see the data come through. Over 206,000 applications for JobSaver were processed, and we supported businesses with over \$6.4 billion in JobSaver payments. That is pay packets going into businesses to keep people working. That is the Government making sure we keep the economy strong. They are the people who are coming back into work now, getting extra hours and making sure that the economy is absolutely pumping and generating business confidence.

The Premier just went through some data. New South Wales recorded a record-high business confidence of plus 29, the first time we have ever seen that number in New South Wales. Between reporting surveys, the State has gone from minus 5 to plus 16 in business conditions, which is the single highest positive change in business conditions in New South Wales. We have been talking about confidence and people are backing it in, and we need people across the State to keep spending. They should go to local businesses and cafes and buy that extra thing for the house. Every time people put their hand in their pocket and invest in something for their household, families or community, they are putting someone back in work. We need people spending, we need people to stay confident, and we need businesses to know that those customers will continue to be there because, as the Premier said, that means businesses reinvest into their business and bring more and more people back to work.

Some of the sectors that have been impacted hard, such as tourism and hospitality, are really starting to come back online. In fact, when the Premier and the Deputy Premier were out in Dubbo, catching the first flight to regional New South Wales, I was at the international airport terminal to welcome the first flight of people back into New South Wales who did not have to quarantine. It was literally like that scene from *Love, Actually*, watching people come back and reunite with those they have not seen in such a long time. It was absolutely fantastic. People are going to regional New South Wales, and people are coming from overseas into New South Wales. There was plenty of love around and plenty of confidence.

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

Mr STUART AYRES: As the Premier said, it was a fantastic day in New South Wales, and we have absolutely more coming, with \$250 million going into Stay & Rediscover vouchers for people to enjoy a weekend

in the Sydney CBD or travel to regional New South Wales and enjoy some time there. The State Significant Event Fund will restart events. A total of \$100 million will be re-profiled back into event recovery to get events all over the State back up and going. If anyone has a fantastic idea and wants to bring an event to New South Wales, they should pick up the phone and ring Destination NSW. We have the "open for business" sign up. We want the best events happening here. We also have the new "Feel New" campaign. Everyone wants to feel new again. We want to get people pumped up. We want people travelling. It is best that we have seen in a long time. Forget about anything Tourism Australia has done; we have the new "Feel New" campaign going. It has just been absolutely fantastic. [*Time expired.*]

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

Ms PRUE CAR (Londonderry) (14:32): My question is directed to the Premier. Over a 12-month period, the Premier was told the following about the Transport Asset Holding Entity [TAHE]: that Treasury's numbers used for the budget are wrong; that the budget was some \$10 billion or more worse off than Treasury had claimed; that the New South Wales Government has lost sight of what matters with the public rail system. After repeated detailed warnings from the Government's own consultants, why did the Premier insist on setting up TAHE?

Mr DOMINIC PERROTTET (Epping—Premier) (14:33): The Negative Nancies on the opposite side of the House continue to bring more and more negativity into the Chamber. When it comes to the budget, particularly at the outset of the pandemic, we have always said that we were going to put the economy and the people of our great State before the budget. The Opposition has now woken up to the establishment of TAHE, which was announced in the 2014-15 half-yearly review.

[*A member interjected.*]

Yes, I was not even born. This article today goes on about how the Treasurer was at an explosive meeting about Treasury matters. It is like members opposite are playing Cluedo in the Chamber: It was the then Treasurer with the Treasury secretary in the Premier's office—"caught out, red-handed, working through Treasury matters with Transport." The reality is, the Australian Bureau of Statistics [ABS] sets the standards and the qualifications, and Treasury and Transport work through that, just like they work through it in—shock, horror—Queensland and Victoria, the two Labor States, in relation to how they manage their transport assets. It is exactly following the same approach. If New South Wales was guilty of anything, it was being too slow to follow the leadership of the roles that were taking place in respect of the Labor States. Clearly it takes a while to make this transformation, we have seen that in other States. From time to time—

The SPEAKER: Order! The member for Maroubra will remain silent.

Mr DOMINIC PERROTTET: —when those ABS deadlines were set, there needed to some extensions in relation to that. In every budget it was reported. This really just comes down to the two different aspects of the two sides of this Chamber—a Government that is delivering record transport investment right across the State and an Opposition that, when in government, delivered absolutely nothing and left the State, as we know, with a \$30 billion infrastructure backlog. We had the member for Summer Hill coming in yesterday and talking about the rail out to her electorate. Guess who built it. Who took it from Lilyfield to Dulwich Hill? That is right, it was the Liberals-Nationals, otherwise the member for Balmain would have been the one who would come in here. I am very happy to answer any questions about infrastructure projects we are delivering for the people of Summer Hill.

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

Mr DOMINIC PERROTTET: We might even run a good candidate, because it is infrastructure investment, public transport investment right across this State—

Ms Jo Haylen: It doesn't work, Dom!

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

Ms Jo Haylen: They're not running. No trams!

Mr DOMINIC PERROTTET: We are working through that. Jo, it is under control, we are working through it. The Minister is across it. We are fixing it.

The SPEAKER: The member for Summer Hill will desist. I call the member for Summer Hill to order for the third time.

Mr DOMINIC PERROTTET: She loves it, Mr Speaker, just like she loves WestConnex, which she opposed, which she secretly drives on every single day. Every one of these projects right across the State, built by the Liberals and The Nationals, was opposed by Labor. We are happy to discuss accounting standards any day of

the week, but if this side, the Government, is to speak, it talks about one thing and that is the great people of New South Wales, delivering a strong economy with strong finances that underpin that, that leads to an asset recycling approach and strong fiscal management that drives \$108 billion of infrastructure investment. A record pipeline—

Mr Michael Daley: TAHE is strong fiscal management?

Mr DOMINIC PERROTTET: There goes the member for Maroubra again, the whining whinger on that side of the House.

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

Mr DOMINIC PERROTTET: The failed—

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

Mr DOMINIC PERROTTET: —former finance Minister that drove the State's finances into the ground; the failed Leader of the Opposition that led Labor to one of the worst electoral defeats and now he is back—

Mr Michael Daley: I never concocted icare.

The SPEAKER: The member for Maroubra will desist. I call the member for Maroubra to order for the third time.

Mr DOMINIC PERROTTET: —as the potential future Attorney General, which we will have a lot of fun with as we approach the next election.

The SPEAKER: I make it clear that when I call a member to order, I expect that member to stop speaking. On multiple occasions the member for Maroubra and the member for Summer Hills continued speaking after I had called them to order, which is why they are both on three calls to order.

SHARK MANAGEMENT PROGRAM

Mr GEOFF PROVEST (Tweed) (14:38): My question is addressed to the Minister for Agriculture and Western New South Wales. Will the Minister update the House on how the New South Wales Government's world-leading shark management program is helping keep beachgoers safe this summer?

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales) (14:38): I thank the member for Tweed for his question—he is not only 100 per cent for the Tweed but, without doubt, one of the greatest under-promisers and over-delivers in this Parliament. He did it with his hospital. What was it? The health district wanted an \$80 million redevelopment. What is he delivering? A half a billion dollar brand new hospital up there in the Tweed, opposed by those opposite, and Geoffrey is delivering it. He has done the same thing with shark management. His local council wanted three new SMART drumlines up there. How many is he delivering? Fifteen new SMART drumlines—Geoff, you are amazing. Well done. To the point at hand of the question about the shark management program that this Government is rolling out—

Mr Ryan Park: Reshuffle Toole.

The SPEAKER: Order! That is enough from the member for Keira.

Mr Ryan Park: My money's on the rookie.

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

Mr Ryan Park: The kid from The Corso.

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

Mr ADAM MARSHALL: This Government's shark management program is world-leading. I thank the member for Tweed for the question because this is a very important topic. Our beaches in New South Wales are some of the best in the world. They attract around five million visitors each year, as the Minister for Tourism knows. This Government has stepped up its game as well with a recent world-leading and record package of \$21.4 million to embrace new cutting edge technologies that this Government has been researching for a number of years and to massively increase the number of SMART drumlines, drones and listening stations that are deployed on beaches from the North Coast, right up in the Tweed, to right down in the south below the Bega Valley. As I said earlier, I know I said it in jest, but quite seriously 15 new SMART drumlines and listening stations for the Tweed and more for every part of the State going down the coast is incredible.

It is important because it is not just a critical part of looking after locals and local families in those communities to ensure they are safe when they go to the beach. It is important as we open up post-COVID this

summer to ensure tourists that come from overseas or interstate are able to swim with confidence at our beaches, that they are being protected not just by the very best in Surf Life Saving NSW volunteers but supported by the technology that is paid for by this Government under that shark management program, whether it is extra drones in the sky, SMART drumlines in the water or listening stations that will be up and down our coast. The drones will patrol 50 beaches this summer, up from 34 beaches last summer. Last summer there were 227 instances where the drones identified sharks deemed to be a threat and alerted those on the beach, which led to 120 beach evacuations. As I said, the number of SMART drumlines will be boosted from 35 in the State last summer to more than 170 this summer, combined with a number of our VR4G listening stations, which pick up the more than 1,000 sharks tagged by our expert scientists that are being monitored by those listening stations up and down our coast.

Of course there is no silver bullet. We can never ever remove the total risk on our beaches, but people who use beaches in New South Wales—the families, the youngsters, the grandparents—can be assured that there are no safer beaches to be on this summer than those in New South Wales. There is no silver bullet. We are combining those with the older technology of our meshed beaches: 51 beaches will continue to be meshed. I know that program has its critics but I remind the House, as I have said in public a number of times, we have had a meshed beaches program in New South Wales since 1934 and in all of that time there has been just one fatality on a meshed beach in New South Wales. I think the member for Wakehurst might have been there when they put the first nets in. Again, I thank the member for Tweed. I congratulate him on the work that he is doing to keep his people safe at beaches like Cabarita or Caba Beach. I thank every member of this House for their support of this world-leading program.

INNER WEST LIGHT RAIL

Mr STEPHEN BALI (Blacktown) (14:43): My question is directed to the Minister for Planning and Public Spaces, and Minister for Transport and Roads.

Mr Dominic Perrottet: How are the Doonside lifts going?

Mr STEPHEN BALI: The lifts are going really well, thank you very much, Premier. We are doing public exhibition.

The SPEAKER: I ask the Premier to remain silent please. The member for Blacktown has the call.

Mr STEPHEN BALI: I understand we are going to open it together, aren't we?

Mr Dominic Perrottet: Start again.

Mr STEPHEN BALI: Start again? Don't talk about Doonside, hey.

Mr Dominic Perrottet: Come over to this side of the House. Who is the question to?

The SPEAKER: Order!

Mr Dominic Perrottet: Change the question: more money for Blacktown.

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

Mr STEPHEN BALI: Will the Minister commit to never again purchase multibillion-dollar transport assets from overseas without at least conducting and publishing the wider economic benefits, including local jobs?

Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces, and Minister for Transport and Roads) (14:45): I thank the member for Blacktown for his question. To be fair, I have been in the role for four weeks. It is a bit rough to ask me to "never again" purchase because I have not had the opportunity to purchase anything. However, I look forward to purchasing lots of things in the future. With that moment of hilarity aside, in all the Government does, it will always look to prefer the interests of Australians, however that might best be achieved. Obviously that relates to Australian jobs, Australian materials and Australian manufacturing.

We want to do everything we can to support Australian families. That includes providing great transport services and great opportunities for employment. Procurement is a complex process and there are opportunities to look at a wide range of providers for all sorts of things. However, my expectation, and certainly my practice, will always be to look at how we can advantage the Australian community through our procurement decisions by making sure we get the best equipment, the best advice and the best opportunities for great transport infrastructure and great Australian jobs.

I am confident we can achieve all of those things in a free and open market. I honestly believe that Australians have got great claims in a global community. We provide incredible expertise that is internationally

recognised in relation to project management, infrastructure and engineering. In all those sorts of issues Australia punches well above its weight, and it would certainly be my expectation that in all future procurement decisions we do everything we can to ensure that the interests of Australia and Australians are paramount. However, I do need to call something out. Obviously all members in this place focus on the interests of our communities that we represent. But let us not suggest for one moment that because a worker may have come from overseas, they are necessarily any worse at doing their job. I understand where the Opposition is going with this, and fair enough, but let us remember—

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

Dr Hugh McDermott: Are you saying that Australian workers aren't as good?

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

Mr ROB STOKES: I take the interjection of the member for Prospect. He said, "Are you saying that Australian workers aren't as good?" Nothing could be further from the truth.

Mr Chris Minns: But your procurement record suggests that.

Mr ROB STOKES: Now the Leader of the Opposition is asking about my procurement record. I have already answered that question.

Mr Chris Minns: Oh, so it's his fault, is it?

Mr ROB STOKES: Mr Speaker, I ask that the Leader of the Opposition stop interjecting. I am doing the best to answer the question.

The SPEAKER: I ask the Leader of the Opposition to maintain silence.

Mr ROB STOKES: If he wants to answer the question, he is more than welcome to. But I acknowledge the interjection that somehow I was suggesting that Australian workers do not work as effectively or as well. Nothing could be further from the truth. On Monday I had the opportunity to meet with some great Australian engineers who were working their guts out to come up with solutions to the problems we are currently facing on the Inner West Light Rail line. I have instructed Transport for NSW to use the great workers we have in this country to find a fix for the problem that we face. That will continue to be my focus. It could not be further from the truth to suggest that somehow I do not think Australians are capable of doing the work—of course they are. But I also think it is beneath all members in this place to imply that foreign workers are less good. Australian workers do an incredible job. Of course, in all of our decisions in relation to manufacturing—

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

Mr ROB STOKES: —and procurement we will always look to advance the interests of Australian workers and Australian firms. That has always been our intention and that will continue to be the case.

Mr Chris Minns: The history in Transport is the exact opposite of that statement.

Mr ROB STOKES: The Leader of the Opposition is still trying to interject on me. However, I will continue to say that our focus will always be on supporting Australian businesses and Australian families.

CTP PREMIUMS

Mr KEVIN CONOLLY (Riverstone) (14:50): My question is addressed to the Minister for Customer Service, and Minister for Digital. Will he update the House on how the Government's reforms have made compulsory third party [CTP] premiums more affordable for New South Wales motorists?

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service, and Minister for Digital) (14:50): I thank the member for Riverstone for his question and for his outstanding advocacy for his electorate, particularly given how many motorists there are appreciating the benefits of the compulsory third party [CTP] reform that this Government has delivered. If members will indulge me, I will start with a story set in a galaxy far, far away. It is a story about a wise man who once described CTP reform as the equivalent of the first 30 minutes of *Saving Private Ryan*. He was a man from a different place—a different party—who stood for something, unlike those members opposite. Mr Speaker, you know who that man was. He was the Yoda of the Labor Party: John Della Bosca.

Mr Della Bosca knew a thing or two about big reform and tackling vested interests. When Mr Della Bosca made reference to *Saving Private Ryan*, he was simply saying that on one side of the debate you have the insurers making massive super profits while on the other side you have the lawyers, who are also making decent profits. Squeezed between them were the motorists, who were paying premiums through the roof, and injured road users. Nobody was looking after the ones in between, particularly not those members on the other side of the House. For

the 16 years those opposite were in power, nothing happened. There was no significant reform. As John Della Bosca said, it was like the first 30 minutes of *Saving Private Ryan*: It was a bloodbath.

Mr Dominic Perrottet: Then came Victor onto the battlefield.

Mr VICTOR DOMINELLO: Onto the battlefield came the Liberal-Nationals Government. We tackled the big reform. We are a Government that tackles the really complex issues and we do not look after vested interests. There we were, looking after those who were injured on the road and those who were paying the premiums—the motorists.

Dr Hugh McDermott: This is story time!

Mr Chris Minns: This is *Fractured Fairy Tales*.

Mr VICTOR DOMINELLO: I heard the interjection about fairytales. Let us do a fact check about the Labor Opposition. At the time, Opposition members absolutely criticised our reform. They said that we were looking after the insurance companies because we wanted more profit for insurance companies. Well, let us look at super profits. In the first three years of Labor reforms, how much do members think the CTP insurers made? Was it 5 per cent?

Mr Brad Hazzard: Tell us.

Mr VICTOR DOMINELLO: Was it more? Was it 10 per cent super profit?

Mr Matt Kean: Are we warm?

Mr VICTOR DOMINELLO: It was more. Was it 15 per cent? No, it was more.

Mr Matt Kean: Was it 20 per cent?

Mr VICTOR DOMINELLO: No, it was higher. Was it 25 per cent?

Mrs Shelley Hancock: Was it 30 per cent?

Mr VICTOR DOMINELLO: I will stop at 30 per cent, but it actually went higher. Under Labor, insurer super profits got beyond 30 per cent. Under the Liberal-Nationals Coalition we have now got it down to 8 per cent—and we have got a clawback mechanism. When there is a super profit on the horizon we claw it back—which those opposite did not do—so we can give it back to the motorists, in the form of a discount to their premiums. That is what you call looking after those on the field, as it were. We were not on the field—the motorists and those injured on the road are on the field every day. This Government backs them in, rather than looking after vested interests.

If we continue on with the meerkat example and look at the average wait time for access to income support: under Labor—between 1½ to five years; under our government—eight weeks. I have already discussed insurer profits. What about people who receive benefits within the first three months of their accident: under Labor—only 26 per cent; under our government—90 per cent of injured people are paid within one month. When we compare the pair, there is a world of difference between a reforming government that looks after the people who are really struggling every day with cost of living pressures and those who focus on themselves.

Mr Ryan Park: Point or order: Given the gravity with which the Minister is holding the floor, we seek an extension of time.

The SPEAKER: That request has to come from the member who asked the question. I noticed that the member for Riverstone was on his feet just in case he wanted to do that.

Mr Kevin Conolly: I was making sure the Minister was able to answer without being interrupted.

The SPEAKER: Are you requesting an extension of time?

Mr Kevin Conolly: Yes, the Minister needs some time to finish.

The SPEAKER: I grant an extension of two minutes.

Mr VICTOR DOMINELLO: I will get to the savings under this Government. When the reforms were introduced they were \$635, and they were travelling north. Everybody was talking about it at the time—whinging, and rightly so, about the cost of green slip insurance—because they were travelling only in one direction. We introduced the reforms and they were really tough reforms at the time. But, no thanks to the Opposition, we got them through. When we did, the premiums started to come down. The premiums have now come down to an average of \$470. That is a reduction of \$150. More importantly, it represents a reduction of about \$91 million a year that we are clawing back from the insurers in super profits.

If it were not for our reforms, that money would be with the insurers, and those opposite, who do not look after the motorists and those who are injured on our roads, would be crowing about it. As a result of the difficult reforms that we have introduced, the only beneficiaries that I can see in front of us are those who are paying the premiums, with premiums coming down; and those who are injured on the road, whose benefits and protections are going up. This Government has introduced a series of personal injury reforms. We introduced the Personal Injury Commission. Again, significant landmark reforms that those opposite did not tackle. They were too focused on fighting amongst themselves over leadership positions and the like. This Government will continue to focus on the people of our State to ensure that we drive a better future.

SHORT-TERM HOLIDAY LETTING

Ms TAMARA SMITH (Ballina) (14:57): My question is directed to the Minister for Planning and Public Spaces, and Minister for Transport and Roads. Given the Government's commitment to protect our community from the over-proliferation of short-term holiday letting, will the Minister defer the application of the statewide policy for Byron shire until the Gateway determination is concluded?

Mr ROB STOKES (Pittwater—Minister for Planning and Public Spaces, and Minister for Transport and Roads) (14:58): I thank the member for Ballina for her question and for her advocacy on behalf of her community on this important issue to the council and the community of Byron shire. Housing pressures across New South Wales are particularly acute at the moment, and nowhere more so than on the State's North Coast. I know for some time the council has been grappling with the issues of demand, partly created through people seeking to relocate with the benefits of flexible working that I guess have been a silver lining to the COVID-19 pandemic, which has seen changes in settlement patterns. That is great news for flexibility for many families but it creates additional pressures in very attractive regional areas like the far North Coast.

It has also been something of a perfect storm when looking at the economic disruption around accommodation that has been generated by short-term rentals. We have seen that issue coming for some time, which is why it was recognised in February 2019, due to strong lobbying by council and others at the time, to ensure that while we wanted to move to statewide clear rules about short-term rental accommodation across New South Wales. There was a special case for a different approach to be taken because of the unique pressures faced in the Byron shire. The council is doing its best to look at innovative solutions to its housing challenges. One of the issues that we can always look at in providing more accommodation for local people is to increase supply, but when there is a very desirable and fragile coastal environment, like Byron shire, the opportunity for more housing supply is understandably difficult. So we have to look at more innovative solutions.

I commend the council and put on record my appreciation for the work of former mayor Simon Richardson, who I always found to be someone who had the interests of his community at heart. I wish him all the best in his retirement from council. I also commend the great innovative Byron shire town planner Shannon Burt, who does an incredible job with limited resources to advocate for the interests of her community. I have worked with council on its plans for 22 Stuart Street, Mullumbimby, as well as its innovative ideas around tiny houses and its advocacy to ensure they progress their Gateway application to see if a unique or bespoke solution can be achieved in short-term rental accommodation in the Byron shire.

That exclusion from the statewide policy was first provided to Byron in July 2019, as mentioned. It has been extended on a couple of occasions and it now has until the end of summer to complete that work. To be honest, that has provided a bit over three years to do that work. I believe that is a good amount of time to provide that certainty to the community to finalise the socio-economic work needed to justify the particular solution it is seeking. My instruction to the department is always to work with councils to finalise the outstanding work that they need to do, but there is a process and there have been deferrals. At some point I need to draw a line in the sand and say, "Now is the time that you need to come forward with a concrete proposal based with justification through evidence." I certainly will work with council to help it achieve that deadline, but I do not think it would be appropriate to entertain a further extension beyond those that have already been provided.

Nonetheless, I am very happy to work with the member for Ballina, her office and the council to ensure that important evidentiary base is prepared as quickly as possible so that we can advance on this challenge. In conclusion, I thank Byron shire for its submission to the Regional Housing Taskforce and the way in which it is working cooperatively to solve what are some very complex issues for everyone across New South Wales, but no more so than in Byron shire.

NSW POLICE FORCE

Mrs WENDY TUCKERMAN (Goulburn) (15:02): My question is addressed to the Minister for Police and Emergency Services. Will the Minister update the House on the work of the NSW Police Force in keeping our community safe?

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Police and Emergency Services) (15:02):

I thank the member for Goulburn, a former police officer herself, for her question. This is a great day for Australian justice: Mostafa Baluch is back in custody; Eddie Obeid is in jail; Ian McDonald is in jail; and Milton Orkopoulos is on parole. It is an important day and we have a lot to be proud of. If you commit a crime in New South Wales you will be tracked down. Overnight, with the wonderful work of Assistant Commissioner Stuart Smith and Superintendent Rob Critchlow, we saw that no matter what time of the day and no matter where people are the door will knock. It might be your front door, it might be your car door, or it might be a container door, but the door will knock. Indeed, the people of New South Wales can rest assured that the arrest of Mostafa Baluch is just one fine example of the work that out 17,000 officers do day in, day out across the State.

This particular overnight operation was indeed a cross-jurisdictional operation. It is important for me to acknowledge the work of the Queensland Police Service, South Australia Police, Victoria Police and of course the wonderful work of the Australian Federal Police and the Australian Border Force, who worked collaboratively to show to the world—our international agencies, our partners, our intelligence gatherers and of course our wonderful Five Eyes network—that if you are involved in any criminal activity, we will work together without rest to ensure that you are brought in under investigation and before the court.

Mostafa Baluch was our very own Pablo Escobar. He had been involved in more drug activity than the police can identify in any other Australian individual. That is why the police, under the Organised Crime Squad, established Strike Force Jillabanan, which resulted in New South Wales detectives, assisted by other agencies, conducting extensive searches. The investigation revealed that Mr Baluch had been travelling eastbound in a black Range Rover near Croydon. He went along the M4—probably did not pay the toll—and since then the NSW Police Force has been working around the clock to ensure that he was brought back to the clutches of the justice system.

This type of police activity allows the families of New South Wales to regain confidence. If people want to sell drugs and do harm to our families and if you want to get involved in criminal activities, as well as fund illicit acts, the NSW Police Force will not rest until you are brought to justice. But it is not just in Sydney and on the Gold Coast. It was only last week that the member for Upper Hunter and I visited Dungog to meet with the police and emergency services personnel. I made an unscheduled stop at the Dungog police station to speak with Senior Constable Brian Taylor.

Mr Paul Toole: Did you have your badge?

Mr DAVID ELLIOTT: I did not need a badge to get in, but he showed me his and I was very impressed. As the member for Upper Hunter would know, we saw crime. I spoke to Senior Constable Brian Taylor about the challenges of policing in regional areas. It is important to highlight the fact that certainly in regional areas the police operations being undertaken in relation to drink and drug driving are having an effect. The NSW Police Service is using its record \$4.2 billion budget allocation, which includes the distribution of 1,500 extra police officers Australia wide, thereby increasing frontline policing to a level that is more than they had in the past 30 years. The additional police officers will include 18 new officers in the regional enforcement squad, nine aged care prevention officers, 26 child protection registered officers and 12 high visibility policing officers.

Luckily in Tweed Heads, where Mr Baluch was caught, police numbers had been bolstered by an additional nine police officers, of which the member for Tweed and I are only too well aware. We will go through at a rate of knots the investigations to bring criminals, whether they are Mr Baluch or criminals involved in child sex crimes or investigations by the rural crime officers whom I met last week, and the NSW Police Force will not rest until all those people are brought to justice. That is why, on behalf of the House, I thank the men and women of the NSW Police Force for their unwavering commitment.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ROUTINE OF BUSINESS**

Mr MARK SPEAKMAN: I move:

That standing and sessional orders be suspended to amend the resolution of 21 October 2021 to provide for the following routine of business on Thursday 11 November 2021 after question time:

- (1) Ministerial statements.
- (2) Papers.
- (3) Committees—tabling of reports and announcements.
- (4) Petitions.
- (5) Placing or disposal of business.
- (6) Business with precedence under SO 118 if any.

- (7) Allow up to 90 minutes for the following general business orders of the day for bills:
 - (a) second reading speech of the member for Barwon on the Government Sector Finance Amendment (Government Grants) Bill 2021, after which the debate is to be adjourned; and
 - (b) resumption of the second reading debate on the Anti-Discrimination Amendment (Religious Vilification) Bill 2021.
- (8) At 4.00 p.m., if debate on the Anti-Discrimination Amendment (Religious Vilification) Bill 2021 has not concluded, the petition debate.
- (9) Resumption of the second reading debate on the Anti-Discrimination Amendment (Religious Vilification) Bill 2021 (if required).
- (10) Private members' statements, after which the House to adjourn without motion to the next sitting day.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: BILLS

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (15:10): I move:

That standing and sessional orders be suspended to provide:

- (1) That during consideration of the Voluntary Assisted Dying Bill on Friday 12 November 2021, the following motions may not be moved:
 - (a) member be not further heard;
 - (b) member be now heard; and
 - (c) question be now put.
- (2) That, after the reply of the member with carriage of the Voluntary Assisted Dying Bill, the question on the second reading of the bill, or any amendments on that question, be set down as an order of the day for the next day on which general business is considered.

Mr ALEX GREENWICH (Sydney) (15:11): By leave: I seek to address the motion briefly. I thank the Government for the suspension motion, which I support. It is an appropriate measure to ensure that all members can be present for a vote when one does occur. I seek a commitment from the Government on one aspect of the standing orders for a private member's bill. Under the provisions that have been provided, the next Government member who speaks, such as the Minister, could speak for an unlimited time. With the passage of this motion there is no way to prevent that from occurring. I seek a commitment from the Government that that unlimited time or that next speaker would be a member with a portfolio responsibility relating to the Voluntary Assisted Dying Bill—either the health Minister or the Attorney General—and to ensure that whoever that next member is certainly will not be speaking beyond what would be a reasonable amount of time for a speech in reply.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (15:12): In reply: I cannot give that commitment at the moment. I am happy to report back tomorrow after question time. I do not anticipate that I will be the first speaker for the Government. I will speak to the Minister for Health and Medical Research to see whether he will be, although that is not my expectation. I will check the list in the Government Whip's office for the speaking order and inquire of the member first listed how long they anticipate speaking for.

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

Motion agreed to.

Bills

SERVICE NSW (ONE-STOP ACCESS TO GOVERNMENT SERVICES) AMENDMENT (COVID-19 INFORMATION PRIVACY) BILL 2021

Second Reading Debate

Debate resumed from an earlier hour.

Mr KEVIN CONOLLY (Riverstone) (15:13): I contribute to debate on the Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021, which is a fairly impressive title. I welcome this bill as a further reassurance to the New South Wales community that information that has been collected in the interests of keeping people safe from COVID will be used only for that purpose. While it is already the case that the relevant public health orders issued by the Minister for Health and Medical Research throughout the pandemic have maintained this restriction on the use of the information collected from and about citizens, it is prudent and appropriate for this protection to be made explicit within the statute both for the sake of certainty beyond doubt and in preparation for the time when we no longer need to live with public

health orders. All of us have had to adjust throughout the pandemic to restrictions and infringements on our normal liberties in the interest of public safety.

I believe it is a healthy sign within a democratic, free society that these infringements chafe and provoke a level of scepticism. It is certainly true that they are widely regarded as necessary, but temporary. In particular, it is not a feature of our normal way of life to have to account to a Government agency for our movements and to allow that agency to track where we have been, how long we have been there and who else may have been there with us at the time. These are temporary emergency measures implemented for a specific emergency purpose. It is right that this Parliament should ensure that access to the information arising from these measures is strictly limited to the specific purpose for which it has been collected, just as it is right that the measures should be discontinued as soon as the emergency need ceases to exist.

The bill will prevent Service NSW from disclosing personal and health information it collects and holds under a COVID-19 public health order for any reason except the purpose for which it was collected, contact tracing, a permit or declaration upon entering or leaving New South Wales and investigating a breach of that permit or declaration, and to the individual the information is about. I congratulate the Minister for Customer Service, and Minister for Digital, Victor Dominello, on introducing the bill and on his commitment to the privacy of personal data. As he has noted elsewhere, prior to the pandemic he never would have expected to preside over the collection of data about people's movements, and is certainly committed to safeguarding the privacy of individuals from any misuse of that information.

I congratulate the Minister on the part played by Service NSW more generally in helping New South Wales deal with the challenges presented by the pandemic. Service NSW has proved to be a key advantage enjoyed by this State in enabling the Government to provide support and guidance to individuals, business and community groups, as well as providing a vehicle to assist contact tracing at a standard unsurpassed anywhere in Australia. The work done over previous years to establish and augment Service NSW has paid off handsomely for this community. I am happy to commend the bill to the House.

Mr PETER SIDGREAVES (Camden) (15:17): I acknowledge the great work that the Minister for Customer Service, and Minister for Digital, Victor Dominello, is doing with the Service NSW app and the Service NSW centres. I especially acknowledge the Service NSW centre in Gregory Hills for the great work it does. I support the Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021. We have all been using the COVID Safe Check-in on the Service NSW app to scan quick response [QR] codes. It is important that this personal identifiable information is used appropriately and protected appropriately. Strong measures have been taken by the Government to ensure the best possible protection from COVID-19 for New South Wales citizens. The collection of personal data for contact tracing through the COVID Safe Check-in app, administered by Service NSW, is an important part of the State's COVID response.

On 12 July 2021 the Government expanded mandatory check-in obligations to include supermarkets, retail businesses, offices, universities, shopping centres, tourist and visitor accommodation, and other specified premises. During the recent lockdown, the Government increased collection of personal data through requiring permits to travel within the State. Compliance with these measures has helped New South Wales to move out of lockdown and begin the journey of reopening our economy. It is important that we encourage ongoing compliance with the public health orders. One way to do that is to provide the public with confidence that their information will only be used for the purpose it is collected. This bill aims to provide the public with additional confidence about the treatment of their personal information. The bill expressly outlines the reasons Service NSW is able to disclose personal information collected under the authority of a public health order. The reasons include contact tracing and use of permit or declaration information to investigate a breach of public health orders.

The bill will allow police access to the information they need to continue to investigate breaches of the public health orders that put our community at risk, such as if a person has lied on a declaration to enter New South Wales. The bill will not prevent a venue owner, business or employer from asking to view a person's vaccination status, in accordance with the public health orders. It will not prevent police from asking to see a person's vaccination status, to ensure they have complied with a public health order. The COVID-19 digital vaccination certificate is another addition to the Service NSW app. This bill will prevent information provided to Service NSW under COVID-19 health orders from being used for purposes unrelated to COVID-19.

This bill establishes that personal information collected to fight COVID-19 will only be used to fight COVID-19. As we move forward into 2022 we hope that the need for extensive pandemic response measures will continue to reduce. However, the pandemic is not predictable. Having these privacy protections enshrined in legislation will provide some comfort to the people of New South Wales that whenever they are required to assist contact tracing by using the COVID Safe Check-in, or completing a permit or declaration through Service NSW, their personal information will be protected. I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Customer Service, and Minister for Digital) (15:21): In reply: I thank the members for Swansea, Oatley, Heffron, Riverstone and Camden for their contributions to the debate. I echo what the member for Swansea said. I extend my thanks to contact tracers for the work that they have done over the past 18 months throughout the pandemic. It has been instrumental in keeping us safe and open. The member for Oatley referred to what we have done with the Service NSW app as a vital tool for contact tracers, and I completely agree with him. The member said that it started with the journey of the digital driver licence, which gave us the platform to open up and enabled us to do so many other things. It was the reform around the digital driver licence in 2019 that opened us up and enabled us to implement world-leading reforms, in terms of the service app and the delivery of benefits to the people of our State.

I respect the contribution made by the member for Heffron in particular, because as a lawyer he understands how important the notion of privacy is and the integrity that is placed on that notion in this House. It is a slippery slope from democracy to autocracy, and the digital and data age has blurred the line. We must keep privacy foremost in our endeavours to do anything in a digital world. The member for Riverstone echoed what has been said previously: It is a temporary measure. From day one I championed the introduction of the QR code, and New South Wales led the way for the other States and Territories. Notwithstanding the fact that we introduced it, I will be the first to champion turning it off when Health advice indicates it is safe to do so. If I do not champion the move to turn it off, then who should? The author of it should turn it off. I understand the incredible power and obligation that is placed on the people of our State when they check-in. Again, it is not something that I want to feel comfortable about; there is nothing about it that I feel comfortable with. It is something that we do only to protect the public in pandemic conditions, but once those conditions ease we want to return to a normal state.

This bill will provide robust privacy protections for the information collected by Service NSW in connection with the COVID-19 health response. The bill confirms and strengthens the position taken by this Government throughout the pandemic that the information provided when people check in to a venue is only to be used to protect the community from COVID-19 through contact tracing. It is important to recognise that the trust and cooperation of the people of New South Wales is integral to the Government's ability to fight COVID-19. We ask that all people in New South Wales continue to comply with public health orders and provide their information through the COVIDSafe check-in, in the knowledge that their personal information is protected. This bill provides a double lock on the protection that is already contained in the public health orders.

It is a well-established position of this Government that the personal information collected through the COVIDSafe check-in app will be used only for contact tracing. This position is stated at clause 5.5 of the public health orders of 2021. The Privacy Commissioner asked the Government to examine whether the position established in the public health orders could be strengthened through legislation. The Government has decided to introduce this bill to provide further clarity on the limited disclosure and use of information collected by Service NSW under the authority of the public health orders. The bill provides certainty and assurance to the great people of our State, as well as Government agencies, that Service NSW cannot disclose personal check-in information for any purpose other than contact tracing. I thank the members for their support of the bill and commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr VICTOR DOMINELLO: I move:

That this bill be now read a third time.

Motion agreed to.

ELECTRONIC TRANSACTIONS AMENDMENT (REMOTE WITNESSING) BILL 2021

First Reading

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

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (16:09): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Electronic Transactions Amendment (Remote Witnessing) Bill 2021. This bill will extend temporary measures relating to the witnessing of personal and business documents, after a

successful trial period of 18 months and significant stakeholder support. In April 2020 the Government enacted provisions via the Electronic Transactions Regulation 2017, first, to enable documents to be witnessed remotely via audiovisual link; second, to enable Australian legal practitioners to take oaths, declarations or affidavits under section 26 of the Oaths Act 1900; and, third, to enable statutory declarations to be made before a person before whom a statutory declaration under the Statutory Declarations Act 1959 of the Commonwealth may be made. These measures were introduced as part of the Government's emergency response to the COVID-19 pandemic.

Public health restrictions and social distancing measures made witnessing the signing of documents in person—sometimes before a limited range of qualified witnesses—difficult and, in some circumstances, unsafe. The purpose of the measures was to give individuals and businesses the ability to continue to execute important legal documents safely and in accordance with physical distancing restrictions. In September 2020, following positive stakeholder feedback about the measures' operation in practice, they were legislated in part 2B of the Electronic Transactions Act 2000 to continue to operate until 1 January 2022. The decision to extend these provisions was made following extensive consultation with those who have used the scheme, including members of the legal profession, industry groups, Government departments, community advocacy organisations and heads of court jurisdictions. Stakeholders have indicated these measures have proven to be useful, even when COVID-19 restrictions have not prevented people from having documents physically witnessed.

Schedule 1 to the bill will make permanent the remote witnessing pilot. The measures have been positively received and there has been significant support for extending the remote witnessing pilot permanently beyond the duration of the pandemic. The provisions have provided individuals and business with modernised document execution processes and an alternative to physical witnessing. These measures have provided increased efficiency, flexibility, and time and cost savings for people executing important legal documents. For example, if signatories elect to have documents witnessed remotely, physical travel to access the services of an authorised witness is not necessary, which allows signatories to save time when getting documents witnessed. Continuing these measures may be of particular assistance to people living in rural, regional and remote areas, and to vulnerable members of the community, including older people, people suffering from illness or people with a disability. Remote witnessing provisions can significantly improve access to justice for vulnerable community members by enabling them to have important documents witnessed without having to leave their homes. The remote witnessing provisions also improve access to justice by making the process of accessing an appropriately qualified witness simpler and more convenient.

The Government listened carefully to concerns raised last year by some stakeholders about the risk that the remote witnessing pilot scheme could be used to take advantage of vulnerable community members through fraud or duress. The remote witnessing scheme contains several safeguards to promote the integrity of the document being witnessed and the integrity of the witnessing process to minimise the risk of fraud and duress. First, the witness must see the signatory signing the document in real time over audiovisual link [AVL]. Second, the witness must sign the document, or an exact copy of the document, signed by the signatory as evidence that the witness witnessed the signature. Third, the witness must be reasonably satisfied that the document they sign is the same document, or a copy of the document, signed by the signatory. Fourth, the witness must endorse the document they signed with a statement specifying the method used to witness the signatory's signature and that the document was witnessed in accordance with the Electronic Transactions Act.

In addition, existing safeguards in other legislation will continue to apply when documents are witnessed remotely under the provisions continued by the bill. Those protections include certification and verification of identity requirements, and the legal and professional obligations of particular classes of witnesses. Importantly, remote witnessing is not mandatory; it provides greater choice and flexibility for individuals and business. The bill does not do away with the ability to witness documents in person.

Building on learnings from the pilot's 18 months of operation, the bill will also add new provisions to the Electronic Transactions Act to clarify the application of the remote witnessing scheme. The bill contains additional provisions to increase the clarity and user-friendliness of the scheme. The bill adds a new section, 14H, to the Electronic Transactions Act to clarify what will constitute the "original" of a remotely witnessed document. This provision is being introduced to assist parties required to submit an original document for evidentiary or other purposes. The proposed section 14H provides that the original of a remotely witnessed document must contain, first, every page or part of the document; second, each signature or mark of the signatory and witness wherever required; and, third, the endorsement required by section 14G (2) (d) of the Electronic Transactions Act. Proposed section 14H will also provide that, where a signature, mark or endorsement has been written physically on a page or part of a remotely witnessed document, the actual signature, mark or endorsement must be included in the "original" document.

For example, where the witness or signatory has written their signature by hand on a page of a remotely witnessed document that page must form part of the original document. In some cases, the current remote

witnessing process will result in the generation of multiple copies of a document—for example, if the signatory prints and signs the document by hand in one location and the witness prints and signs a counterpart of the document by hand in another location. New section 14H (2) provides that in such cases the original document need not contain both full copies of the document. Instead, each page or part of the document must be included in the original only once, except where the signatory and witness have applied a signature, mark or endorsement to different copies of the same page. Where this has occurred, duplicates of that page must be included in the original so that every signature, mark and endorsement is included in the original. This approach to what constitutes the original of a remotely witnessed document is intended to minimise the administrative burden for those using the remote witnessing provisions while imposing appropriate measures to ensure the security of the remote witnessing process.

The requirement that the original of a remotely witnessed document be constituted by only one full copy of the document, rather than the full copy executed by the signatory plus full copies executed by any witnesses, will reduce the administrative burden for lengthy documents or documents executed by multiple parties. The requirement that an original document must include any signed, marked or endorsed pages and must include the actual pages containing physically written signatures, marks or endorsements ensures that the originals of remotely witnessed documents are appropriately secure.

The bill will add a new section 14I to the Electronic Transactions Act to make the territorial application of the remote witnessing scheme clear. New section 14I provides that signatories and witnesses using the remote witnessing provisions need not be physically present in New South Wales at the time of witnessing as long as the relevant document is made or required to be signed under an Act or law of New South Wales or is governed by New South Wales law. This would allow, for example, a person based overseas to have a document governed by New South Wales law witnessed by an authorised witness based in New South Wales. It would also allow a person based in New South Wales to have a document witnessed by an authorised witness, whether they are physically based in New South Wales or not.

Clarifying that people outside New South Wales may use the remote witnessing provisions is important in view of the ongoing disruption to physical movement generated by the COVID-19 pandemic. The bill will insert a new section 14J to clarify the place of execution of a remotely witnessed document. When the remote witnessing process is used, the remotely witnessed documents will be signed and witnessed in different locations. New section 14J provides that the location of execution is the place where the document was signed by the signatory. Finally, the bill introduces new section 14K to provide the power to make regulations about certain matters. The bill amends the definition of "document" in the existing section 14F of the Electronic Transactions Act to provide that certain documents may be excluded in whole or in part from the application of part 2B by the regulations.

The bill introduces new section 14K to the Electronic Transactions Act. It provides that regulations may set out methods, technologies or processes that will be taken to satisfy some or all of the requirements of part 2B. For example, matters that could be dealt with in a regulation made under new section 14K might include processes for remotely witnessing electronic signatures or transmitting and storing remotely witnessed documents. The ability to make regulations about these matters provides flexibility and enables the scheme to be responsive to new methods or technologies for signing and witnessing.

Schedule 2 [2] to the bill extends a provision authorising legal practitioners to witness written oaths, declarations or affidavits under section 26 of the Oaths Act 1900 on an ongoing basis. This change will permanently authorise Australian legal practitioners to witness oaths, declarations or affidavits under section 26 of the Oaths Act by providing for this in the Oaths Act and replacing the temporary provision in the Electronic Transactions Act. The Supreme Court of New South Wales has indicated that, on its interpretation of the Oaths Act, Australian legal practitioners could not witness certain categories of oaths falling under section 26. Most oaths are made under other sections of the Oaths Act. Oaths made under section 26 of the Act are typically oaths that might be required for the purpose of a court or tribunal, the registration of any instrument or for the purpose of arbitration.

Another example of a section 26 oath is an oath of office, which is taken when a person is appointed to a position of responsibility. An oath of office is a solemn undertaking to serve the office to which appointment is being made faithfully. An oath of office must be taken before a limited class of persons, which includes justices of the peace [JPs]. At times during the COVID-19 pandemic there was limited availability of JP services. Understandably, many people were reluctant to have face-to-face meetings. This meant that access to these services became suddenly limited. The difficulties that arose as a result of the COVID-19 pandemic uncovered this apparent inconsistency in the law. Australian legal practitioners were able to witness other categories of oaths, declarations or affidavits but not those in question under section 26 of the Oaths Act. The bill will correct this inconsistency, benefiting the community in two ways. First, it will be easier to execute oaths of office and other

section 26 oaths; and, secondly, this will be an important clarification to the law, which had previously been interpreted inconsistently.

Further, schedule 2 [1] to the bill expands the classes of persons authorised to witness a statutory declaration in New South Wales by aligning these with the classes of persons who can authorise Commonwealth statutory declaration requirements for a further 12 months. The bill will extend a temporary provision—currently in section 141 of the Electronic Transactions Act—that expands the classes of persons entitled to witness a statutory declaration in New South Wales to align with those who can witness Commonwealth statutory declarations. The bill will extend the provision for 12 months and relocate it from the Electronic Transactions Act to section 18 of the Oaths Act.

Statutory declarations are an essential part of the machinery of commerce in New South Wales. The provision was introduced to improve access to and availability of witnesses for statutory declarations during COVID-19 restrictions. Before April 2020, the categories of persons authorised to witness a New South Wales statutory declaration were much more restrictive. Previously a statutory declaration could only be witnessed by a justice of the peace, notary public, commissioner of the court for taking affidavits, Australian legal practitioner with a current practising certificate or other person authorised to administer an oath. By contrast, less restrictive approaches exist in other jurisdictions, including the Commonwealth, Victoria, Western Australia, Tasmania, the Northern Territory and the Australian Capital Territory.

The Commonwealth list of authorised persons is much broader than that in New South Wales. The list includes accredited professionals of the types listed in the Commonwealth legislation. That list includes professionals such as doctors, nurses, pharmacists, chiropractors, architects, migration agents and patent attorneys, to name a few. Aligning New South Wales law with the Commonwealth has made it easier for individuals to conduct their personal affairs when statutory declarations are required and to ensure that they are not unnecessarily impeded from doing so in times where the availability of authorised witnesses may be limited.

There are two reasons the bill proposes to extend the provision for 12 months only rather than making it permanent. The first is to allow the Government further opportunity to continue to consider and evaluate the efficacy of these measures in practice and stakeholder feedback as to whether these should be made permanent going forward. The second is that an inter-jurisdictional working group is currently looking at the State and Commonwealth statutory declaration schemes across Australia. It would be premature to make this provision permanent before the work of the inter-jurisdictional group is further progressed.

In conclusion, I thank the many stakeholders who provided invaluable feedback about their experiences using the temporary provisions in part 2B of the Electronic Transactions Act. These stakeholders include the courts, the Law Society of New South Wales, the New South Wales Bar Association, the Law Council of Australia, Justice Connect, Legal Aid NSW, the Legal Profession Admission Board, the NSW Justices Association, the Northern NSW Federation of Justices of the Peace, the Tweed Valley Justices Association, Allens, King & Wood Mallesons, the Crown Solicitor's Office, the Australian Banking Association, CPA Australia, and Chartered Accountants Australia and New Zealand. This bill is the culmination of extensive consultation, consideration and an 18-month trial. It will better support individuals and businesses to execute important legal documents. I commend the bill to the House.

Second Reading Debate

Mr MICHAEL DALEY (Maroubra) (15:44): I lead for the Opposition and make a brief contribution to debate on the Electronic Transactions Amendment (Remote Witnessing) Bill 2021. The bill is yet again more legislation that has been foisted on the House by the emergence of the COVID pandemic, and it probably hastens legislation to a point that it might have got to in a decade or so. We are here earlier than we would have been. The Opposition will not oppose the bill. On 22 April 2020 the Government gazetted the Electronic Transactions Amendment (COVID-19 Witnessing of Documents) Regulation 2020 to amend the Electronic Transactions Regulation 2017 to allow the signing of certain documents to be witnessed by audiovisual link. On 28 September 2020 the Stronger Communities Legislation Amendment (Courts and Civil) Act 2020 incorporated these electronic witnessing provisions into part 2B of the Electronic Transactions Act 2000 and extended their operation to 31 December 2021.

Prior to these amendments, legal documents including wills, powers of attorney, deeds, enduring guardianships, affidavits and statutory declarations had to be signed in the presence of an authorised witness in order to verify that the signatory was indeed the person present. The Electronic Transactions Amendment (Remote Witnessing) Bill 2021 will permit witnessing by audiovisual link permanently. In addition, the bill makes permanent provisions that allow for legal practitioners to witness an oath, declaration or affidavit. Further, it will expand the categories of persons who can witness a New South Wales statutory declaration to align with Commonwealth requirements. Without these amendments, the reforms are all set to expire on 1 January 2022.

Other States and Territories have introduced temporary remote witnessing in response to COVID-19. However, Victoria has since made its changes permanent. Potential issues of remote witnessing include ensuring that the individual is not acting under undue influence and, in the future, is not a victim of identity fraud through the use of deepfakes. The bill permanently extends the remote witnessing provisions in the Act and clarifies the application of the remote witnessing scheme, including what constitutes the original of a remotely witnessed document and the location where a remotely witnessed document is taken to be executed. It makes clear that witnesses and signatories need not be physically present in New South Wales at the time of witnessing if a document is required to be signed or is governed by a New South Wales Act or law. It also allows regulations to be made to exclude certain documents from the application of part 2B—remote witnessing—and to set out methods, technologies or processes that will be taken to satisfy the requirements of part 2B.

The bill also permanently authorises Australian legal practitioners to witness written oaths, declarations or affidavits under section 26 of the Oaths Act 1900 and expands the list of classes of persons who are entitled to witness a statutory declaration in New South Wales to align with Commonwealth requirements for a further 12 months. There are requirements for executing and witnessing under the Electronic Transactions Act for practitioners and people who are able to witness transactions. First, to witness the signing of a document by audiovisual link the witness must observe the person signing the document in real time. Perhaps because of the quality of the video link or the angle of the camera, a person might need to not just see the face of the signatory but be able to observe their signing hand—matters of practicality. Secondly, the witness must be reasonably satisfied that the document a witness is signing is the same document. "Reasonably satisfied" is not defined in the Act. Documents being signed in counterpart will effectively mean that there will be two versions of the same document, which is not unusual.

One way for a witness to satisfy themselves might be to have the document read aloud by the signatory so the witness can check that the counterpart is identical or, as a matter of practicality, they could bring the phone or camera closer to the document so they can do what is referred to as a "page-turn comparison". Third, a witness must sign the document or a copy of the document. The Electronic Transactions Act specifies two ways of doing this. Firstly, a witness may sign a counterpart of the document as soon as practicable after witnessing the signing or, if the signatory scans and sends a copy, the witness may countersign the document. Regarding wills, to meet the requirements of section 6 (1c) of the Succession Act 2006 the testator should observe each witness signing the counterpart or copy document in real time. The fourth requirement is that the witness must endorse a document and each copy of a document with a statement that specifies the method used to witness the signing and that the document was witnessed in accordance with the Electronic Transactions Act.

Practitioners have been cautioned to take care, to document the procedures followed in each case and to retain all copies necessary to evidence the signing and witnessing process. They should also be mindful to ensure confidentiality at all times. There is further caution in relation to documents that impart or confer powers, or that have the capability to transfer the beneficial ownership of a significant property or wealth and might be subject to fraud or contest. A face-to-face meeting, observing social distancing rules, might still be the most appropriate or desirable way to arrange for documents such as wills, powers of attorney and appointments of enduring guardian to be witnessed. Finally, the bill in its current form has been the subject of some stakeholder consultation in much the same way as the Government sought and obtained feedback on electronic real property conveyancing.

The feedback has been that the process has been working well. I will not go through all the stakeholders who were consulted on the bill but I will give members a flavour of the species of people involved. They include people from the courts; the Law Society of New South Wales; the New South Wales Bar Association; the Director of Public Prosecutions; Legal Aid; the Public Defenders Office; the NSW Justices Association; of course, legal practitioners; the Crown Solicitor's Office; the Law Council of Australia; the Australian Bankers Association; importantly Community Legal Centres—that is good to see; Women's Legal Service NSW; the Institute of Public Accountants; CPA Australia; and Chartered Accountants Australia and New Zealand. As I indicated at the outset, the Opposition will support the bill.

Ms MELANIE GIBBONS (Holsworthy) (15:53): The Electronic Transactions Amendment (Remote Witnessing) Bill 2021 extends part 2B of the Electronic Transactions Act 2000, which would otherwise be repealed on 1 January 2022. It is important that the Government supports the extension of remote witnessing arrangements on an ongoing basis because part 2B includes provisions that enable documents to be witnessed remotely via audiovisual link. This method was implemented successfully during the COVID-19 pandemic because people who were vulnerable, who may have had a disability or who may have lived remotely, still needed to have their documents witnessed but may not have been close enough to someone in the time frame they had to get that task done.

The extension of remote witnessing will provide ongoing efficiencies in the execution of documents in light of the widespread availability of videoconferencing technology, which is something we have become all too

familiar with over the past two years. People who need documents witnessed will be able to save time and costs that would otherwise be expended on traveling or arranging to meet with an available witness.

There was significant support among stakeholders consulted to enable remote witnessing on an ongoing basis. The remote witnessing scheme continued by the bill contains appropriate safeguards to address the risk of fraud and duress. For example, the remote witnessing scheme requires the witness to be reasonably satisfied that the document they sign is the same document, or a copy of the document, signed by the signatory. The remote witnessing provisions also require the witness to endorse the document they signed with a statement specifying the method used to witness the signatory's signature and that the document was witnessed in accordance with the Electronic Transactions Act. In addition, under the remote witnessing provisions, existing safeguards associated with witnessing are retained. That means witnesses must satisfy themselves of the same things they would if they were witnessing a document in person.

For example, a witness to an enduring power of attorney document must certify that the signatory appeared to understand the effect of the document. Professional obligations attached to particular classes of witnesses, such as Solicitors' Conduct Rules, would also continue to apply in the context of remote witnessing. Furthermore, remote witnessing is not mandatory and does not do away with the ability to witness documents in person—that is still possible—but a witness may refuse to witness a document remotely if they form the view that they cannot fulfil relevant witnessing requirements. Finally, enabling remote witnessing on an ongoing basis responds to ongoing COVID-related restrictions and the risk of further restrictions as we move into the future. The uncertainty that COVID-19 presents makes it more urgent than ever that a person can make legally effective estate planning decisions, make appropriate arrangements for someone to make personal and financial decisions on their behalf if they become unable to do so, or execute a range of other important legal documents. I support the changes at schedule 2 of the bill.

The first of the two proposals in schedule 2 will make permanent what was previously a temporary provision to authorise legal practitioners to witness oaths, declarations and affidavits under section 26 of the Oaths Act. The change will increase the availability of persons before whom oaths, declarations and affidavits can be made. As Australian legal practitioners are permitted to witness other categories of oaths, declarations and affidavits, the change will make a consistent and logical change to the legislation. It is appropriate for legal practitioners to witness those types of documents. The legal profession is subject to regulation and is well placed to proficiently take those types of oaths, declarations and affidavits. I understand the change has been welcomed by the profession, particularly in the context of taking oaths of office, but also applicable to the registration of instruments of any kind for the purposes of courts or tribunals. It will increase the ease in executing oaths of office and will reduce confusion by creating consistency between those who witness oaths and those who witness oaths of office.

The second of the two proposals contained in schedule 2 relates to the classes of persons before whom a statutory declaration may be made. The change will broaden the classes of persons who may witness a statutory declaration to align with Commonwealth requirements for a Commonwealth statutory declaration. The change will increase accessibility to statutory declarations where a declarant might not be able to locate a local Justice of the Peace. As local members of Parliament, we all know how many people come to our offices looking for a Justice of the Peace. We would love to help them, but broadening the list would also be helpful for our community, particularly those in regional communities who do not have the same ease of obtaining a local Justice of the Peace.

Statutory declarations are essential documents that must remain accessible to declarants wherever they may be. The change will make it easier for people to have statutory declarations witnessed in times of possibly restricted movements. I note that the change is a temporary extension for a period of one year to allow the Government to continue to assess its impact and suitability. An incremental and cautious approach of this kind is appropriately measured. I welcome the changes because they will ensure that New South Wales citizens can continue to make statutory declarations, and that they can do so with ease and timeliness.

Extending remote witnessing provisions on an ongoing basis will provide continued efficiency and flexibility in the way important legal documents are executed. In addition, the remote witnessing provisions contain appropriate safeguards to address the risks of fraud and duress. The provisions also do not remove existing safeguards associated with witnessing particular documents or do away with the ability to witness documents in person, as I said earlier. The changes contained in schedule 2 of the bill will increase ease, availability and accessibility for essential legal processes that are required in a range of individual circumstances and are essential for the conduct of personal and professional business affairs. For those reasons, I support the bill.

Mr ADAM CROUCH (Terrigal) (16:00): I speak in support of the Electronic Transactions Amendment (Remote Witnessing) Bill 2021. I acknowledge that the Attorney General has been in the Chamber for the entire debate on this bill. I also acknowledge the speech by the member for Holsworthy, and note the requirements of justices of the peace [JPs] in the offices of members of Parliament. The member for Tweed was excited by that

comment. All the staff who work in my office are JPs. They do a fantastic job in witnessing documents. Donna, Megan and Stella provide an excellent service to our community. But the member for Holsworthy is correct: getting access to JPs in regional areas can be difficult. The Electronic Transactions Amendment (Remote Witnessing) Bill 2021 will extend the pilot provisions in part 2B of the Electronic Transactions Act 2000, which would otherwise be repealed on 1 January 2022. Those pilot provisions include sections enabling documents to be witnessed remotely via audiovisual link. As well as extending remote witnessing provisions on an ongoing basis, schedule 1 of the bill adds new provisions to the Electronic Transactions Act to clarify the operation of the remote witnessing scheme. I support the addition of those new provisions.

New section 14H clarifies what will be taken to be the original of a remotely witnessed document. In some cases, multiple copies of a document will be generated when parties use the remote witnessing provisions. For example, the signatory could print and sign the document by hand in one location, while the witness could print and sign the document by hand in another location. Clarifying what amounts to the original document is important, insofar as original documents may be required to be filed, provided or stored in accordance with legislative or other requirements. New section 14I makes the territorial application of the remote witnessing scheme clear. It specifies that signatories and witnesses need not be physically present in New South Wales at the time of witnessing, as long as the relevant document is made or required to be signed under an Act or law of New South Wales, or is governed by New South Wales law.

That provision will ensure that the remote witnessing provisions are of maximum utility. That is especially important given the ongoing travel and physical distancing restrictions associated with COVID-19. Those restrictions may result in a person being stranded overseas and unable to access the services of an authorised person in that jurisdiction to witness a document governed by New South Wales law. With the clarification in new section 14I, the remote witnessing provisions could be used for exactly that purpose. New section 14J clarifies that the location of execution of a remotely witnessed document is the place where the document was signed by the signatory. Finally, the bill introduces the power to make regulations to provide that certain documents may be excluded in whole or part from the application of part 2B of the Electronic Transactions Act; and provide the methods, technologies or processes that will be taken to satisfy some or all of the requirements of part 2B.

These regulation-making powers ensure that the remote witnessing scheme will remain responsive to technological developments and that further detail can be provided in relation to remote witnessing practices without the need to amend the Electronic Transactions Act. It is so important to have that flexibility, given what we have all been through in the recent months of lockdown. We have seen how we have had to change and use technology across our communities, even in Parliament with our virtual sittings. It is important that the Act allows us to have the flexibility to do what we have to do. In conclusion, schedule 1 to the bill adds provisions to the remote witnessing scheme, which clarify its scope and application. Those provisions increase the clarity and user-friendliness of the remote witnessing scheme, as well as its adaption for future developments.

I acknowledge the great work of the Attorney General and his excellent team in drafting the bill. I pay full credit to his great staff, Amer Nasr and Elizabeth Pearson, who were responsible for updating this important piece of legislation. It ensures that the right options are available for the electronic transactions should they need to be carried out. For those reasons, I support the bill.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (16:05): In reply: I thank members representing the electorates of Maroubra, Holsworthy and Terrigal for their contributions to debate on the Electronic Transactions Amendment (Remote Witnessing) Bill 2021. The member for Maroubra raised some concerns about fraud. As he noted, stakeholders were consulted extensively on the continuation of the remote witnessing scheme. The majority of stakeholders consulted on the extension of the remote witnessing provisions did not consider that remote witnessing had increased the risk of fraud or duress. In fact, some stakeholders provided feedback that the remote witnessing provisions had been beneficial to vulnerable clients, including the elderly, those with disabilities and those suffering from illness. The remote witnessing provisions have improved access to justice for these people by allowing them to get documents witnessed without leaving their homes and making the process of finding a witness simpler and more convenient.

There are existing safeguards in the remote witnessing scheme to address these risks. For example, the remote witnessing provisions require a witness to observe the signatory signing the document in real time and to be reasonably satisfied that the document they sign is the same document, or a copy of the document, signed by the signatory. The remote witnessing provisions also require witnesses to endorse remotely witnessed documents with a statement specifying the method of witnessing and that the document was witnessed in accordance with the Electronic Transactions Act. In addition, for a number of documents with witnessing requirements, the witness must perform a certification function, which may help to deter fraud or duress. For example, a witness to an enduring power of attorney document must certify that the signatory executed the power of attorney instrument voluntarily in the presence of the witness and appeared to understand the effect of the instrument.

A witness to a statutory declaration must certify that they verified the identity of the person making the statutory declaration. Witnesses would need to comply with these certification requirements when witnessing documents remotely. The professional obligations attached to particular classes of witnesses would also continue to apply in the context of remote witnessing in the same way as they do for physical witnessing. For example, solicitors witnessing documents remotely would need to comply with their obligations under the Solicitors' Conduct Rules. Finally, the bill would not make remote witnessing compulsory. A witness could choose not to perform witnessing functions via audiovisual link and instead opt to witness documents in the physical presence of the signatory.

To conclude, the bill would extend the pilot provisions in part 2B of the Electronic Transactions Act 2000 to enable documents to be witnessed remotely via audiovisual link on an ongoing basis, to enable Australian legal practitioners to take oaths, declarations or affidavits under section 26 of the Oaths Act 1900, and to allow New South Wales statutory declarations to be witnessed by the expanded classes of persons who may witness a Commonwealth statutory declaration. The ongoing availability of remote witnessing will offer efficiency and flexibility and time and cost savings to people executing important legal documents. The provisions in the bill will provide an alternative to physical witnessing and be a step towards modernising document execution processes in New South Wales. Similarly, the amendments that the bill makes to the Oaths Act 1900 will make it easier for the people of New South Wales to have statutory declarations and other important documents witnessed by extending the expansion of those classes of person who can witness them. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr MARK SPEAKMAN: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES LEGISLATION AMENDMENT (SEXUAL CONSENT REFORMS) BILL 2021

Second Reading Debate

Debate resumed from 9 November 2021.

Ms ANNA WATSON (Shellharbour) (16:10): I speak in debate on the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021 introduced by the Attorney General, the member for Cronulla, and I note his presence in the Chamber this evening. I am very pleased to support the provisions that have been put forward, particularly with respect to the complexities in relation to the laws regarding sexual consent in New South Wales. In addition, I communicate my gratitude for this proposal's reflection of the findings by the NSW Law Reform Commission, and I share the thanks expressed by the member for Cronulla that was offered to those who undertook this work.

The problems and implications of sexual consent laws in New South Wales relating to the heinous crime of sexual assault have been persistent and in need of consistent reform. As early as 2008, the need for a shift in the way in which the community and key participants in the criminal justice system respond to people who have experienced sexual assault was identified under a Labor Government. The fact is that some members of the community still hold the disturbing view that women often say no when they mean yes, or that a woman who was raped often asked for it. This was observed by the then Attorney General John Hatzistergos and was referenced in the Law Reform Commission's report. With respect to the 44 recommendations provided by the commission, the overarching intention was to provide reforms that attempt to simplify and modernise the law, as well as clarify its objectives and to set clear and overt standards for consensual sexual activity.

I welcome those intentions, as well as the fundamental principles the recommendations are founded on, which include the right to choose whether or not to participate in sexual activity for every person; the fact that consent should never be presumed; and that consensual activity involves the ongoing and mutual communication, decision-making and agreement between participating parties. The reform pertaining to the knowledge element of this crime is of particular importance. The commission's review of the law of consent relating to sexual offences carefully reviewed the circumstances experienced by Ms Saxon Mullins, who bravely and publicly shared her lived experience of facing four court cases in five years in the Lazarus case, which many members in this place have mentioned in this debate.

The commission's recommendations address the "freeze" response of sexual assault victims in which an accused person can no longer rely on the fact that the victim did not physically resist or say stop to argue that

consent was not withdrawn. Additionally, I welcome the proposed expansion of laws concerning consent to sexual activity under the proposed section 61HI, which addresses "stealthing"—that is, a person consenting to a specific sexual act does not subsequently carry a presumption of consent for any and all other sexual acts. This offers participating parties a much greater sense of autonomy and control over their own body and their circumstances.

I also offer my support for the comprehensive list provided in new section 61HJ pertaining to circumstances in which there is no consent. I appreciate the clarification that such a list confers but also the fact that it is not exhaustive and allows room to consider any issues that may become apparent in the future. It is also worth noting the specific mention of "coercion" under paragraph (f) in which under circumstances that coercion is present, no consent is taken to be provided. The implications of coercive control is something I have spoken about passionately a number of times on behalf of the brave women from the Illawarra who have advised me on this matter. I hope that in addition to the relevant provisions of the proposed bill, the Government will be ready to consider and respond to the recommendations of the upcoming Joint Select Committee on Coercive Control by the end of the year about further legislative responses to the issue.

The proposed reform under 61HK is also an extremely important and significant shift from the current laws. The coupling of subsection (1), paragraph (c) with subsection (2) ensures that consent can never be assumed. This is an important principle that compels parties to uphold their duty of ensuring consent is provided by the other in a positive manner when engaging in activities of a sexual nature. I welcome any and all support for this bill and look forward to my fellow members words on the matter.

Mr ROY BUTLER (Barwon) (16:15): I thank the Attorney General for bringing this bill to the House. Often we in this place are asked to deal with issues in our society that are difficult. They are difficult to confront, they are difficult to comprehend and they are difficult to find a path forward on. Sexual consent laws are one of those difficult issues. When I went out to the Barwon electorate asking for people's view on how I should approach this bill, a number of people said to me, "But Roy, no means no and it doesn't need to get any more complicated than that." Sadly, there are numerous examples where no has not meant no. Then there are the examples where a victim has frozen, unable to provide a verbal response but in my mind a clear response to the advances. Again, there are some members of our society who have not got that message and that is why we are here addressing this issue.

For decent people in our society, the notion that a person would force a sexual act on another is abhorrent. The idea that a person would do something to another without their consent is again despicable. Unfortunately, the discussion around affirmative consent has become a lightning rod for quips in the media, headline-grabbing one-liners and confused education materials. The "milkshake ad" will go down in the records of failed Government communications—it trivialised a very serious issue. I do not want to simplify what has been a long campaign by a number of impassioned individuals and groups—a campaign driven by the personal experiences of many. But what this bill does in part is move from passive consent to active consent; consent being actively sought and actively communicated through words or actions; shifting from a no means no approach to a yes means yes approach.

In simple terms, you must obtain clear, expressed consent before and during a sexual act. Submission, without active participation will no longer be sufficient to claim that consent was given. Defences that a victim did not say anything or do anything to reject advances will no longer be accepted. This bill requires that a defence of reasonable belief in consent must establish what actions they took or what words they spoke to ensure they had consent. This type of law has operated without controversy in other jurisdictions for decades. The fact that these laws have worked elsewhere should be reassuring to those who are have expressed concern about Government overstep into what is a private act.

To make it really clear in plain speak, if you are a decent human being who respects other people, this legislation will change nothing in your life. I will not delve deeply into my own life, but as an example, for my wife and I, this bill will not change anything. What it will do is make clear for courts and people who do not respect other people and their wishes, that successful prosecution is much more likely. People who cross that line and do not respect another person need to be prosecuted. Sexual offences are a blight on our society and often cause long-lasting damage to people. I support this bill and the societal change it seeks to make. However, there is more we in this place need to do in partnership with the community.

The Australian Bureau of Statistics [ABS] estimates that one in five women and one in 20 men has experienced sexual assault since the age of 15. The ABS estimates that roughly only 28 per cent report their assault to police. Advocates and researchers suggest that this rate may be lower. When we look at the number of prosecutions, the numbers are significant. In 2017 just 7 per cent of sexual assaults reported to police led to legal action being taken. There are gaps in the data collected by the NSW Police Force in this State and I urge the Government to address these gaps so we may properly understand why this is occurring. According to the New South Wales Law Reform Commission, sexual assault charges are more likely to be withdrawn by the police or

the prosecution than charges for any other serious offence. A common reason for withdrawing charges is that the victim decides to cease participation. We must get to the bottom of why this is occurring. We must ensure that these victims are supported to the fullest extent we can provide.

I am not an expert in this space, I will not stand here and profess to have the answers, but there are many people in our society who do have some of the answers. I implore the Government to listen to these advocates. I state again quite clearly, for decent members of our society, for people who act with respect in all aspects of their lives, this bill will not affect your life. This is a bill that stands up for individuals who have experienced one of the lowest acts in our society. We should hope that this bill never features in our lives.

Mr JIHAD DIB (Lakemba) (16:19): I support the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021. In doing so, I acknowledge the work of the Attorney General, the Hon. Mark Speakman, as well as other members of Parliament in this and the other place, and the New South Wales Law Reform Commission for its review into the law relating to sexual consent in New South Wales. This law has been a long time coming for those in the community who have suffered as a result of significant weaknesses in the criminal law. It represents an important step in the larger, urgent task of shifting attitudes, discourse and culture around sexual assault. The nature of the problem was in some respects most succinctly captured by former Attorney General, John Hatzistergos, who noted back in 2008:

Some members of the community still hold the view that women often say "no" when they mean "yes", that women who are raped often ask for it, and that rape results from men not being able to control their need for sex and responsibility for rape is therefore removed.

The mass awareness of #TimesUp and #MeToo have created a critical mass that has necessitated overdue reform so that unacceptable conduct is treated as such. We heard stories of people such as Chantelle Contos that made us shudder. This critical mass has exposed us, oftentimes daily, to the most horrific examples of harassment and sexual violence that chills any person in this place who is motivated by the goodness we see in others. Sexual assault is not limited to one part of society, one group of perpetrators in one place, or one demographic of men. Sexism, misogyny, harassment, violence and assault are all shades of the same corrosiveness that must stop. As the former Prime Minister, Malcolm Turnbull, said:

Disrespecting women doesn't always lead to violence. But all violence against women begins with disrespect.

These shades of corrosiveness must be held to account and this bill is an important piece of a larger bulwark. Let us be clear: The pervasive sexualised objectification some young men have developed towards women is unacceptable. Limited formalised mechanisms to address this is unacceptable. That consent still remains unclear is unacceptable. All of this is unacceptable, but it is not new news. In March this year, I spoke of gendered violence in this place when I said:

I wish I had the one answer as to what we can do but I do not, and nor does any one individual or organisation. That is why we need to work together. This is a whole-of-society challenge and, as such, it needs a whole-of-society approach and solution. We should commit to a whole-of-Parliament approach, an education and awareness program detailing respect, consent, sexuality, power, offences and consequences. Young people of any gender must have access to information about pathways for making and resolving complaints and receiving support, therapy and counselling. Schools cannot shoulder this burden alone and we cannot have these topics as some sort of tick-a-box dot point squeezed into the school curriculum as the only solution. We must bring people together who represent all government and non-government agencies, along with people of different genders, to design the change needed.

The solution is found in a collective response. Legislation is only one part. I have previously said that the solution must be based on experiences and understanding. Women who disclose experiences of sexual violence and harassment must know that we support them. More than just moral support, it is an obligation of ours, particularly in this place, to ensure that there is a system that they can rely on, a system that physically supports them and understands how difficult it is for them to step forward and share this information. They must have confidence in a system that will not victim blame them, will not shame them and will not dismiss them. Women must have confidence in a system that will protect them and help them with anything they may need to move forward and rebuild their life.

I reiterate that we need a whole-of-society approach. It all starts with respect, not just implicit and tokenistic but explicitly taught and embedded in our cultural norms from an early age. Whilst the issues may make some people uncomfortable, we can find ways to deliver age-appropriate messages by gradually addressing issues that children face as they navigate their life journey. I believe it is better to have these potentially uncomfortable discussions rather than try to pick up the broken pieces left in the wake of leaving things unsaid or unattended. I am happy to see that whilst it may have been complicated, we did not leave it for the next generation of leaders to deal with. Other countries have developed and continue to develop a requirement for affirmative consent, and the harrowing accounts given by women of their sexual experiences must cause proper consideration of whether a key plank of protecting them is through an affirmative consent model.

While it may have been way beyond time to act, members in this Chamber today draw a line in the sand about things that matter. The bill reflects fundamental principles that ought to underpin the collective response. These principles are that every person has a right to choose whether to participate in sexual activity; consent should never be presumed, including in matrimonial or other ongoing relationships; and consensual sexual activity involves ongoing and mutual communication, decision-making and agreement between participants. The bill actions these principles by expanding the meaning of and circumstances surrounding what consent is and what it is not. Importantly, it tightens the knowledge element of the accused person, setting out that there is no consent if a person does not, within a reasonable time before or at the time of the sexual activity, "say or do anything to find out whether the other person consents to the sexual activity." This provision, in particular, is a significant strengthening of consent laws and is welcome.

The bill inserts a new objective that recognises every person has a right to choose whether to participate in a sexual activity, that consent to a sexual activity is not to be presumed and that consensual sexual activity involves ongoing and mutual communication. The expansion of the meaning of consent has a series of important flow-through effects. For example, new section 61HI (5) provides:

- (5) A person who consents to a particular sexual activity is not, by reason only of that fact, to be taken to consent to any other sexual activity.

Example— A person who consents to a sexual activity using a condom is not, by reason only of that fact, to be taken to consent to a sexual activity without using a condom.

This is the so-called "stealthing" provision and is a welcome addition to the bill. Provisions defining an absence of consent also have a series of flow-through effects. For example, proposed new section 61HJ (1) (a) provides:

- (1) A person does not consent to a sexual activity if—
(a) the person does not say or do anything to communicate consent ...

This provision addresses the issue of the so-called "freeze response" and is an important deconstruction of how people may or may not respond to sexual violence and the associated trauma before, during and after it occurs. I also reflect on the importance of including parameters of tackling the issue of protecting people who may, in effect, not be fully lucid at the time and vulnerable to being abused. The bill further provides that if coercion is present then no consent is taken to be given. I note that the Government is required to respond to the recommendations of the Joint Select Committee on Coercive Control by the end of the year. I hope that the resulting legislation to be debated in the new year will be as comprehensive as this bill is on consent. I also note the welcome inclusion of five new jury directions about consent for judges to give at trial, where appropriate. This will hopefully give added clarity for juries to prevent further miscarriages of justice for victims.

It will be a complex and difficult journey. We have to navigate social and judicial issues. But nothing is easy. Members come here to do the hard work, so let us do the hard work. If there is a lasting change, it is built on solid foundations. That is what we should see as the challenge ahead of us and we should continue to rise to that challenge. While it is well intentioned that people talk about protecting women, it has to be more than that. We have to address the root cause. Rather than just focusing on the issue and saying, "Let's protect women", a key feature is to build the systems to ensure that men do not behave in such an abhorrent way—that men understand they are the perpetrators of this behaviour. If we can deal with that, then the safety of women is key. I seek a short extension of time. [*Extension of time*]

I thank the House for its indulgence. We often hear people say, with good intent, "I can't imagine if the victim had been my daughter." Whilst I could very easily be in that position, another really important question we have to ask is, "Could you imagine if it was your son who was committing that act?" We need to flip that argument and make sure we provide the best education opportunities. We must protect women and ensure that there is safety but also do everything we can to make it clear to our boys and all our children that this is completely unacceptable. It is our responsibility to ensure these acts do not occur, just as much as it is to ensure that there are laws and protections for victims of sexual assault.

This is not a political issue. It is much bigger than politics. It goes to the very heart of what we are as a society, what we stand for and what we believe in. Every one of us can make a great speech—there is no doubt about that. But it is about more than just speeches; it is the actions we take that will make a difference. We cannot have a situation where any woman leaves her home in fear of being assaulted or taken advantage of. Conversely, we cannot have a situation where a young man is not fully aware of his responsibilities as a decent and respectful human being. Once we have supported the victim, we have a role to play in ensuring that offenders are directed towards life as a positive member of the community. At its most serious, incarceration is a consequence, but jail is not the only option. Community service, conferencing, rehabilitation programs and restorative justice are also very powerful ways to change behaviour, particularly for young men.

This is complex. This is hard. It can get messy. It will require skilled navigation through myriad social and judicial challenges that are well beyond what this small contribution in a parliamentary debate can make. I, like so many others who have entered this Parliament, came here to do important work and to make a difference. We seek to change the world for the better wherever we can. There is a unity across Australia's oldest Parliament today, and that does not happen enough in this Chamber. It is good, and it is what people expect of us. I acknowledge the New South Wales Parliament and my colleagues—representatives of all parties—for doing this important work, not only for the brave women who expect us to do it but also for the sake of our society as a whole. There is a complete desire among members on both sides of this House and in the other place to ensure that we resolve these issues. Therefore, let us support this bill and let us continue to work together on this important issue. Let us do everything we can to end the culture of sexual violence.

Mr TIM CRAKANTHROP (Newcastle) (16:32): I make a contribution to debate on the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021. Many bills are brought to this place because Acts need an update. Many were perfectly reasonable at the time they were passed but are now redundant or inadequate for a twenty-first century context. This is not one of those bills. This is an amendment that I so wish we did not need. The current legislation is absolutely inadequate, but its inadequacy has got nothing to do with how our world has changed. It is inadequate because it still allows people to get hurt. People of all gender identities can be survivors of sexual assault; however, the majority are female. There was a time when every member in this place was a man. Men sat on the benches of this Chamber and made decisions for everyone, often without consideration of the people whom those decisions affected. They made decisions about women but would not allow women the vote. They would not allow women employment in many industries. They would not allow them contraception.

Women had to face, and sometimes suffer, the consequences of decisions made by men. Between the inception of the New South Wales Parliament and the 1980s only four women sat in this place. In a sea of men, they faced an uphill battle. The 2019 abortion law reform was a significant example of this. That law corrected legislation that was enacted by men that told women what they could and could not do with their bodies. Despite being half the population, for so much of our legislation women were not considered because it was accepted and perpetuated, mainly by men, that men were superior, physically, emotionally and intellectually. Even though that could not be further from the truth, it was that mindset that saw legislation written that was narrow in its interpretation of sexual assault and put the onus on the woman to say "no", not on the man to seek a "yes". Let us not forget that while this was a time where female sexual assault was not often accepted as truly occurring, it was also a time when male sexual assault was not at all accepted as occurring.

For a woman to be believed, far too often the evidence had to be overwhelming, and one completely irrelevant statement was all that was needed for a woman to be disbelieved. How much has changed? Still, people say, "What was she wearing?" "Why was she walking alone?" "But did she actually say 'no'?" Still, we put the onus on the woman to stop herself being sexually assaulted, not on the man to not commit a sexual assault. I pay tribute to Saxon Mullins, whose testimony, experience and trauma were picked apart over and over again, and even though she did not say "yes", the law allowed her assaulter to hurt her. Her courage is an inspiration, and her dogged pursuit of change will help many. As it currently stands the law lets people get hurt, with the perpetrator facing no consequences. Our laws, institutions and people in authority allow people to exercise their sense of entitlement, their violence and their selfishness. No more. This amendment makes it clear that if a very clear "yes" is not given, the answer is "no".

Ms JO HAYLEN (Summer Hill) (16:37): I speak on the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021, which strengthens the definition of sexual consent within the criminal law to better protect victims of sexual assault. It seeks to respond to and legislate recommendations from the New South Wales Law Reform Commission's 2020 review into section 61HE of the Crimes Act 1900 (NSW), which deals with consent in relation to sexual offences. Broadly speaking, it seeks to insert objects into the law around consent, expand on the meaning of and circumstances surrounding what consent is and is not, and importantly, redefine sexual consent along the principles of affirmative consent, whereby consent must be actively sought, not just implied or assumed.

These reforms will hopefully clarify our understanding of consent and create legal clarity, strengthening the arm of sexual assault survivors as they seek justice and healing. We know sexual assaults and rapes continue to be under-reported. Statistics from the Australian Bureau of Statistics reveal that one in five Australian women and one in 20 men have experienced sexual assault, and that almost 90 per cent of women do not go to the police. The reasons for under-reporting are complex: sexual assault is deeply traumatic, the perpetrator is often known to the survivor and there can be barriers to reporting and accessing support. Importantly, criminologists report that only 2 per cent of sexual assault reports result in criminal convictions. For too many women, the criminal justice system is seen as hostile and onerous.

The Law Reform Commission review was sparked by the case involving the complainant in a rape case, Saxon Mullins, against Luke Lazarus. She accused him of sexually assaulting her in an alleyway behind a nightclub in Kings Cross. In 2015 the District Court found Lazarus guilty of sexual assault, but the New South Wales Court of Criminal Appeal quashed the verdict and ordered a retrial. A retrial in 2017 found him not guilty, which was again appealed on the basis that the judge failed to consider what steps he had taken to determine consent. The court decided it would be too oppressive for Lazarus to undergo another trial. Mullins has since become an advocate for reform, pointing out the failings of current consent laws and blasting the failure of the Law Reform Commission to recommend affirmative consent measures in its response as personally insulting. The commission's response was based on fundamental principles that included: every person has a right to choose whether or not to participate in sexual activity; consent should never be presumed, including in marriages and other relationships; consensual sexual activity involves ongoing and mutual communication, decision-making and agreement between participants.

Following suit, the bill seeks to legislate these principles. Importantly, it requires a person to, within a reasonable time before or at the time of the activity, "say or do anything to find out whether the other person consents to the sexual activity". The bill makes it clear that the accused person must have knowledge of the consent. The knowledge of consent requires one party to actively seek and receive it. This moves us towards an affirmative model of consent like that in effect in Tasmania and Victoria. It also seeks to address the ambiguities in the law around the freeze response, whereby a victim of sexual assault is rendered immobile in a threat response. This immobility has been used as a defence, with perpetrators relying on the fact that the victim did not resist or say, "Stop." Instead, these reforms draw a line in the sand that consent must be sought and clearly offered in return. It also establishes that consent can be withdrawn at any time and that consent for one sexual activity does not assume consent for other or future sexual activities. What a person wears, whether they flirt, whether they are in a certain location at a certain time, is not to be assumed as consent.

The bill also sets out circumstances in which sexual consent is not offered, including if a person is unable to offer consent due to intoxication or being unconscious or asleep; or if the person is under duress or unlawfully detained. The fact we need to legislate these matters speaks to the important work we must do outside this place. These reforms are significant and welcome, but they will not stop sexual assaults. To do that we need to embrace broad cultural change. That means increasing awareness of sexual assault in the community and removing the stigma survivors face. It means believing women and ending the victim blaming that stops women from stepping forward and reporting. It means interrogating the power structures and systemic imbalances that privilege perpetrators and sideline women survivors wherever we find them: in our homes, our workplaces, our schools, on the sports field, on our stages, and in our courts and parliaments.

We need to incorporate consent education and fund respectful relationships training in our schools as a matter of urgency. It is unacceptable that schools are crying out for the Love Bites program and other respectful relationships training, but are not able to access it because core funding is not available. Cultural change means looking at ways to better support women when they report sexual assaults, including finding ways to minimise further trauma as they seek justice. Finally, we need to also address the root causes of gendered violence in our community, asking difficult but necessary questions about how we fail to value women in so many spheres of social and civic life. The bill before us is testament to the persistence and courage of survivors of sexual assault and abuse, and advocates for consent reform.

Saxon Mullins, Grace Tame, Brittany Higgins and Chanel Contos have all redrawn the conversation and brought us to this point—I offer them my deepest respect and sincerest thanks—and so have organisations like Rape & Domestic Violence Services Australia, organisers of the Women's March Sydney and the excellent Women's Legal Service NSW. This bill is a critically important step for all women and for victims of sexual assault and rape, but it also stands as a call to action. It will better support and assist survivors of sexual assault in the criminal justice system following an assault, but we all need to do the hard work of stopping sexual assaults from happening in the first place.

Ms LIESL TESCH (Gosford) (16:45): Via video link: I speak in debate on the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021. One in six Australian women has been sexually assaulted at least once in their lives from the age of 15. That number is absolutely devastating. When I think about all the intelligent, beautiful, passionate and vibrant women who surround me and support me, it is horrible to know that statistically so many of them are survivors of sexual assault. I thank my colleagues who have shared their experiences in Parliament during this conversation and in conversations before this to bring this into absolute reality and to highlight the necessity of the changes that I am really proud to be a part of today.

For many of these women, even for women who have not had to deal with sexual assault in their own lives personally, they know that the burden that is created in trying to avoid being assaulted is enormous. For generations we have told women that the crime that has been committed against them was actually their fault: It

was because of their clothes and make-up; the fact that they were out late; that they gave signs or mixed signals, or that they did not say no. Instead of educating communities about the importance of respectful relationships, we have tasked women with the impossible feat of trying to protect themselves from the reprehensible acts of offenders. This enormous burden has been placed on women for far too long. It needs to stop.

For too long, women who have needed the help of our legal system due to sexual assault—unfortunately, in the moment they needed it most—have found that the legal system frequently failed to achieve any kind of justice or closure for victims of violence. This is based on the assumption that the assault has been reported but we know all too well that just a fraction of women make reports to the police because the failure of the system to support and protect survivors is very well documented. On the Central Coast, we have a disturbingly high rate of sexual assaults, with a rise from 289 to 393 over a period of five years. Even worse than these numbers is the fact that the increase may not even be a realistic indication of the sexual assault incidents in our community but, rather, is an indication of more victims coming forward. While their coming forward is a positive point, in reality only one in five sexual assaults results in convictions.

The grey areas involved in sexual assault and in the law have historically made it difficult to prosecute and therefore discourage people from coming forward. In my role I have heard firsthand accounts, primarily from young women in my community, of sexual assault stories. Many of them never came forward or took several years to gain the courage to speak up. I have also heard of their dealings with law enforcement and of the police often advising that pressing charges may not be in their best interests. They have been told that the odds were not in their favour as they will have to relive the experience in a process that is likely to result in no conviction. This bill sets out the changes we need within our social and legal structures. The simple fact is that only 1.1 per cent of sexual assaults result in convictions because there are too many grey areas and handouts for alleged sexual offenders whereas this bill adds clarity and protection for the victim-survivors.

Sexual assaults are unique crimes in that they rarely have witnesses and depend on the accounts of the accused and their victim. This bill clarifies, defines and reshapes the future for sexual assault survivors. The Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021 is based on recommendations identified in the Law Reform Commission's *Report 148: Consent in relation to sexual offences*. The bill makes clear that consent cannot be assumed. It sets out the circumstances in which a person does not or cannot convey consent. I thank my colleagues for outlining many details in Parliament during this debate about what is consent and what is not. For example, stealthing. Consent does not occur when one is asleep or passed out. Consent for a first time is not the same as consent for a second time. Consent involves outlining and projecting a fresh response and more.

I thank the women who have been active in the Me Too movement around the world creating a space for silent voices. I thank the thousands of women in the March4Justice across Australia this year, including Hannah Mercer, President of Young Labor on the Central Coast, and the 500 Central Coast women. I say thank you to Hannah, who by perfect coincidence is spending her last 10 minutes in our office today after two and a half years working together in the Gosford electorate office. Hannah's contribution and passion for protecting the lives of young women have definitely been embedded in me, and add passion and energy to the victory of this legislation going through Parliament today.

I thank Brittany Higgins, who took the very gutsy step of speaking out in Federal Parliament. I thank the over 10,000 young women who signed the petition to the New South Wales Parliament requesting improved consent education in New South Wales schools. I thank Saxon Mullins and her colleagues at Rape & Sexual Assault Research & Advocacy [RASARA], the Women's Health Service, Domestic Violence NSW and all those who have been advocates for the changes we are debating in Parliament today. I thank also the victim- survivors and survivor advocates who have been essential in drafting this bill. They have provided valuable insights into the drafting of what we need in this legislation. Tonight I thank all the women for getting involved in assisting us to get this right. We hear you, we see you and we believe you. Enough is enough!

I am so pleased we are taking a step today that makes a serious change and corrects a glaring error in our current legislation because the importance of affirmative consent should not be underestimated. If it is not an enthusiastic and informed yes, then the answer is always—always—no. This legislation alone will not solve all the systemic problems that exist in Australia, and indeed around the world, when it comes to disrespect and violence against women. No one piece of law is capable of undoing the countless generations of patriarchal structures that govern our society and harm women's lives. In addition, we also need to do a far better job of communicating to our community from a young age that every single person with whom they interact throughout their lives is worthy of respect, no matter their gender, sexuality, ethnicity, religion, cultural background, ability or status.

This point was emphasised in the submission made by the NSW Young Lawyers—that public education campaigns and reforms of this kind are essential. For this legislation to be as effective as possible, not only in punishing sexual assault but in preventing it, it needs to be made abundantly clear across our community that the

absence of the word "no" does not mean consent. I thank the Attorney General and the Law Reform Commission for their efforts and consultation that have resulted in this bill. This significant reform is long overdue and represents one step in a long list of changes that we need to make to ensure that sexual assault cases decrease, and reports and pursuit of actions against alleged offenders increase. This legislation represents changes and much-needed investment in cultural change and ongoing education—or, should I say, re-education. I absolutely support this bill. I commend the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021 to the House.

Ms KATE WASHINGTON (Port Stephens) (16:53): In contributing to this important debate on the Crimes Legislation (Sexual Consent Reforms) Bill 2021, I believe I am the last in a long line of members to address this House in support of the Government's bill, which will make changes to sexual consent laws that finally start meeting community expectations of respect, decency and personal autonomy. It is a bill that picks up the fundamental principle set out by the NSW Law Reform Commission whereby every person has the right to choose whether or not to participate in sexual activity; that consent should never be presumed; and that consensual sexual activity involves ongoing and mutual communication, decision-making and agreement between participants. These were the foundations of the recommendations made by the NSW Law Reform Commission after it was asked in 2018 to conduct a review into the law relating to sexual consent.

The commission handed down its report in September 2020. The review took place against the backdrop of the massive groundswell #MeToo movement and, importantly, a case that the community could not stomach. The case revealed how lacking our laws are when it comes to protecting women who have the courage to report the deeply personal and confronting trauma they experienced of rape and sexual assault. I pay tribute to Saxon Mullins and her brave response to her personal nightmare. Despite a jury and two judges finding Ms Mullins had not consented to have sex with her attacker, Luke Lazarus, he was found not guilty of sexually assaulting her. How could this possibly happen? Awfully, it has been happening for many years, over and again.

We have a justice system that is stacked against women who have suffered sexual assault. When Saxon Mullins' terrible experience of her assault became public in the so-called justice system, it became crystal clear that the law must change. Many people have known this for a long time and have been pushing for change for years because for too long women have been let down by the law. For a more stark reality of the failings of our law and the legal system, I encourage everyone to read *Eggshell Skull*, written by Bri Lee. Ms Lee bravely sets out her experience in the justice system from both sides of the bar table—as a young lawyer and judge's associate and then as someone who reported her own abuse and sought justice in a system skewed against those seeking justice.

As a former lawyer, Ms Lee's description of courtrooms painted an all too familiar picture of bias; from the bench, to the jury, to the bar table. Right now, only a small number of sexual assault cases even reach those courtrooms and the criminal justice system. Of the sexual assault cases that make it to the point that charges are laid and aggressors are held to account, only 1.5 per cent of them result in a conviction. That is not many victim-survivors of sexual assault—be they women, men or transgender people—finding justice in the justice system. That has to change. The bill before us today is a step towards a much-needed and welcome change. The most important change places a positive obligation to ascertain consent prior to sexual activity. Those amendments will be made to the Crimes Act 1900. Under those changes there is no consent if the person does not within a reasonable time, before or during the time of the sexual activity, say or do anything to find out whether the other person consents to the sexual activity.

The concept of consent is expanded in a positive and negative sense. It is a law that tries to set out plainly what constitutes consent and what does not. Under this bill, consent is when somebody freely and voluntarily agrees to the sexual activity. It can be withdrawn at any time. If sexual activity continues after consent has been withdrawn, it is not consent. If consent is given to a particular sexual activity, it is not necessarily consent to another sexual activity. Consent given to a person on one occasion is not to be taken as consent with that person on another occasion. Significantly, there is no consent when the person does not say or do anything to communicate consent, when they do not have the capacity to consent, when the person is so affected by alcohol or drugs as to be incapable of consenting, when the person is unconscious or asleep, when force or fear of force or serious harm to them or someone else is in play, and there are other occasions when there will be no consent.

The bill also proposes changes to the Criminal Procedure Act 1986 to introduce five new directions about consent for judges to give juries at a trial. Those changes are designed to overcome the bias against victim-survivors, as identified by the NSW Law Reform Commission and described intensely by Bri Lee.

Debate interrupted.

*Public Interest Debate***TRANSPORT INFRASTRUCTURE**

Mr TIM CRAKANTHORP (Newcastle) (16:59): I move:

That this House calls on the Government to stop the overseas manufacturing of transport infrastructure such as trains, buses, ferries and trams, and instead support Australian jobs by manufacturing this infrastructure in New South Wales.

I will begin this public interest debate by offering the member for Myall Lakes a seat on the Opposition benches. After his performance on *9News* last night backing-in local manufacturing, this side of the House is clearly the place for him. Members on this side of the Chamber want to see local manufacturing. We do not want manufacturing projects sent offshore. We want to create thousands of jobs and we do not want imported duds on our transport network. The Opposition wants to do something about unemployment; that is also what the member for Myall Lakes wants. That is what the mid North Coast needs because youth unemployment in Taree is at almost 20 per cent. It is no wonder that the member is worried. I have an advertisement that must be a cause for concern because it is showing that 586 Lansdowne Road, Taree is for lease. It states:

This former rail manufacturing and maintenance site offers an opportunity to utilise infrastructure rarely available.

Let us check out the features:

The buildings contain a variety of cranes ranging from 5 to 32 tonne.

Rail siding into two sheds with direct access to the Main North Coast Rail Line linking Sydney, Newcastle & Brisbane

...

Significant handstand and road infrastructure on-site ...

It sounds like it would make a fantastic rail manufacturing facility. Wait, it actually was. Tangaras, red rattlers and diesel locomotives were all produced on that site until 2013, when UGL shut up shop because the work just stopped flowing. Imagine what could be done in a facility like that. Rather than manufacturing in India, maybe some metro vehicles could be built there. Instead of buying from South Korea, we could try to build the New Intercity Fleet here. Maybe then the trains would fit the tracks.

The member for Blue Mountains is present online. Comrade, the trains that do not fit on the tracks, that do not fit in the tunnels and are too long for the platforms are a disgrace. The member for Blue Mountains has advocated strongly on that issue. When those contracts were awarded where was the member for Myall Lakes? He is in government, after all. Did he tell the Minister for offshoring—sorry, the Minister for employment in Spain, South Korea and Indonesia; sorry, I mean the Minister for Transport and Roads—what facilities were available in his electorate and what an opportunity it could be for his electorate? On Channel 9 he was very clear about the rail manufacturing site. The member said, "People from Taree and Manning Valley look at it and they say what if. 'What if we could get something happening there?' and I would love to see manufacturing come back."

Good on the member for Myall Lakes for taking the populist road on metro media. I will give the member for Myall Lakes a little tip: If you want to advocate for your community you actually need to speak to the person in charge before the contracts are awarded. There is no point in grandstanding in the media after the event. It is too late now, mate. Billions of dollars in contracts—poof—have already gone overseas. Why are the manufacturing contracts sent overseas? "It is all about value for money", this Government says. But that is just a tired old line from a tired old government. In fact, we were hearing it a decade ago from a transport Minister by the name of Gladys Berejiklian.

In March 2010 the Labor State Government awarded a \$106 million contract to build 150 articulated buses, which created 250 jobs in the Hunter, at Tomago. A year later the Liberals came to power. By September the next year, 60 jobs were lost and the country's largest spray-painting bay was closed when the Liberal-Nationals Government changed how buses were procured and the work dried up. Why? According to the former Minister for clay target shooting—sorry, I mean the former Minister for Transport, Gladys Berejiklian—it was great value for money. We have heard that before, have we not? We have heard it a few times. It is a line that is trotted out to this day.

Let us just dive into this, because I have a list. We have buses built in Malaysia, trains built in China and South Korea, metro carriages built in India, light rail vehicles from France and Spain, and ferries built in China and Indonesia. The South Korean trains, apart from being massively late, have arrived too long and too wide, and their design poses a safety risk to passengers. The ferries, also delivered too late, arrived filled with asbestos. The drivers cannot see out of them at night, they stall when they are put in reverse and they do not fit under bridges. Then we come to the inner west light rail vehicles. What a farce! They have 30-centimetre cracks and will be completely offline for 18 months. What a debacle! This Government could have created 5,000 direct and indirect jobs if it had bothered to keep those contracts onshore. It could have delivered real value for money by putting

locals in work so they could spend money at local businesses and give money to their local communities. When you purchase overseas, you purchase twice and the locals lose. When you purchase in New South Wales, everybody wins. [*Time expired.*]

Mrs LESLIE WILLIAMS (Port Macquarie) (17:06): I welcome the motion that has been brought to the House today by the member for Newcastle, and I am so glad that he mentioned the word "ferries". The last time I spoke about ferries in this House I also spoke about the great manufacturing industry we have in Port Macquarie in Birdon marine. Of course, we have many fantastic manufacturing businesses, including Birdon—which I will talk about a little more in a minute—HF Hand and Bale Engineering. They employ dozens and dozens of local people, and the work that we, as the Government, are providing to them creates dozens and dozens of local jobs.

I ask the member for Newcastle, when he responds to this debate, how he is going to refer to the ferries that we manufacture in Port Macquarie, because the last time I spoke in this House about the ferries those opposite referred to them as "cheap junk". That is the way they referred to the great work done by the engineers, fabricators and designers in Port Macquarie. Those opposite referred to the ferries that came out of my electorate of Port Macquarie as "cheap junk". I want to know from the member for Newcastle: Is he going to refer to those same ferries that come out of the electorate of Port Macquarie as "cheap junk" or will he use some other term to refer to them? I look forward to hearing that from him.

Let me return to the wonderful work that is being done in my electorate of Port Macquarie by the great family-owned company Birdon, a company that the people of my electorate, my community, are so incredibly proud of. It was established in 1977 by the late Jim Bruce, a wonderful man who leaves an incredible legacy that is being carried on by his family under the leadership of Jamie Bruce, who operates the company. As I said, the company employs dozens and dozens of local people. It is an industry leader. It showcases expertise to the world from the banks of the Hastings River in Port Macquarie and the people of my electorate are proud that it can make that happen. The company is also an outstanding corporate citizen. Just last week I attended an event in my electorate to name our latest Marine Rescue vessel after the late Jim Bruce because of the support he gave to Marine Rescue—and the company continues to provide support to this day. It invests tens of thousands of dollars in Marine Rescue every year to support that great volunteer organisation.

Let us talk about the ferries and make it very clear that this Government is committed to creating local jobs and supporting local families right across New South Wales, including in the regions and the electorate of Port Macquarie. We all know that the needs, the wants and the expectations of our customers are always evolving. There is now greater demand for technology-enabled personalisation, flexibility and ease of use. We are committed to ensuring that we harness rapid advances in technology and innovation to design, build and maintain a world-class transport system. A team of 16 people were involved in construction of the MiniCat ferry in my electorate of Port Macquarie. The River Class and the Emerald Second Generation Class fleet programs have employed 54 workers in New South Wales—36 have been supporting the entire program and handover of the River Class fleet to Transdev Sydney Ferries, and up to 18 additional workers have been engaged to carry out completion work on the three new Emerald Class ferries right there in Port Macquarie. Refurbishment of the First Fleet ferries employed 22 people, with a further six specialist consultants to support the program.

Outstanding work is being done right across our communities, all supported by the New South Wales Government. I also mention that, under the fantastic leadership of shipbuilders Birdon, two new multipurpose firefighting vessels will be built in Port Macquarie after the Port Authority of New South Wales signed a \$10 million contract. That money is going straight into my electorate, supporting local jobs and local families. It is absolutely fantastic to have Birdon on board to build and deliver purpose-built firefighting vessels right here in New South Wales—not overseas, as those on the other side purport. As I said, it is a great investment in local jobs in Port Macquarie, with 40 Birdon staff and an additional 20 subcontractors to work on the vessels locally. Again I ask the member for Newcastle how he is going to refer, in his reply, to the ferries in Port Macquarie because last time Opposition members referred to them as "cheap junk". Will he stand by that comment?

TEMPORARY SPEAKER (Mr Gurmesh Singh): I call the member for Newcastle to order. The member will have an opportunity to reply to the debate.

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (17:12): I support this public interest debate motion moved by my colleague the member for Newcastle—a member who understands the importance of local manufacturing and its positive economic and social benefits to the local community, and indeed to the New South Wales economy. Of course, Newcastle has a proud manufacturing tradition and history. Along with Wollongong, it is one of our great steel cities, a manufacturing hub and a place for minerals exports. The member for Newcastle knows first-hand how important it is for us to rebuild our economy through our local manufacturing industry.

In addition to jobs, economic opportunities and industry development, this motion is also about our confidence in the different pillars of our local economy. In moving this motion, New South Wales Labor has confidence in our local manufacturers to build high-quality transport infrastructure projects. We have confidence in the skills of our local workforce. We have confidence in our people and their hardworking ethic to help rebuild our economy. Where we are competitive, we should be using the powers of State government contracts and procurement to benefit our local manufacturing, invest in the skills of our people and support ancillary industries to employ more people.

For too long, this Liberal Government has followed a kindergarten economic approach in managing multibillion-dollar contracts based on savings that have not eventuated. For too long, this Liberal Government has had little confidence in the competitiveness of our industries and business, and the skills of our people. The rationale was that offshore would produce significant savings—up to 25 per cent of the contract, it said. It was a single variable equation when managing major contracts. Let us look at the facts, let us look at the evidence and let us shine some accountability on the rhetoric and economic rationale. Example number one is the Intercity Fleet contract valued at \$2.8 billion. A 25 per cent saving is about \$700 million—enough to fund thousands of nurses and teachers. Did we achieve this saving? Not even close. There was a 40 per cent budget blowout of \$1.1 billion. So a projected 25 per cent saving turned into a 40 per cent budget blowout.

Exhibit number two is the Sydney Metro project, which had a budget of \$1.15 billion and a potential saving of about \$250 million. What happened and how much did we save? Twenty-five per cent? Ten per cent? Five per cent? One per cent? We saved zilch. In fact, there was a 100 per cent budget blowout. I am not seeing a lot of financial savings. The suburban fleet was an original project that was to cost \$2.6 billion with potential savings of about \$650 million. The end result was a 44 per cent budget blowout of \$1.16 billion. Then of course there is the Sydney light rail. I say no more. If the rationale is to save public money, then where is this saving? As they say in the movie *Jerry McGuire*, "Show me the money."

For these four rail projects alone, the cost blowout was approximately \$4.7 billion. That does not include the disruption cost to the community and the adverse economic flow-on effects to the New South Wales economy. We were told there would be financial savings of up to 25 per cent, but all we have seen is financial ruin and ongoing costs to the New South Wales taxpayer. The NSW Labor Party is not about protectionism or unsustainable financial parochialism; it is about the facts. This Government promised New South Wales taxpayers financial savings of hundreds of millions of dollars and cumulatively billions of dollars in its management of local infrastructure asset contracts. That has not occurred. Its mismanagement of transport projects have ended up costing taxpayers millions—indeed billions—of dollars. If things are not working, surely the solution is to change your mind. As a humble working-class economist, I follow the words of John Maynard Keynes, who wrote:

When the facts change, I change my mind. What do you do, sir?

It is time that we change our minds about how we use procurement and government contracts for major transport assets, how we value and assess the entire economic benefits and how we can use the powers of the State to repair our economy as it bounces back from the pandemic. In the spirit of fairness and facts, let me say what the Liberals are actually good at: cooking the books, fudging the figures, blowing the project budget, pork-barrelling over probity in funding projects, mismanaging public money, inflating their imaginary economic competence, buying trains that do not fit, buying ferries that do not work at night or go under bridges, using rail lines that crack, and having an inner west tram set that does not even work. The Government's Opal card is a "tap and do not go and do not work". The facts and the evidence show that the Liberal Government is incompetent when it manages transport projects on behalf of the New South Wales taxpayer.

Ms ELENi PETINOS (Miranda) (17:17): No-one on the Government side of the Chamber will be lectured by Opposition members about how to run a budget, how to mismanage finances and how to completely not deliver on promises. That is all they did for 16 years. This State was completely neglected for 16 years under Labor, and the people of New South Wales know that, which is why this Government has been returned to office so many times. We have a fantastic record to stand by when it comes to transport and infrastructure projects. This Government is committed to placing the customer at the heart of planning and delivering transport services and infrastructure to each and every person in this State. It has always done that and will continue to do so.

Our customers rely on the transport system to access vital services and places, whether that be in health, education, employment, a learning centre or a leisure precinct. The people of New South Wales value a transport network that is integrated, safe, reliable, accessible and affordable. That has continued to be delivered by this Government over the past 10 years. Transport for NSW complies with the New South Wales Government's procurement and policy guidelines to ensure that all tenders are competitive and transparent to deliver the best outcomes for customers and value for the New South Wales taxpayer.

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

Ms ELENi PETINOS: Where possible, Transport for NSW assets are built, designed, managed and maintained in Australia. An example of how the delivery of the transport network in New South Wales is supporting jobs is the Waratah Series 2. I correct the record for members opposite. There was no local tenderer proposed to build the Waratah trains in Australia; however, the fleet is maintained in Sydney. The maintenance of 41 Waratah Series 2 trains has resulted in 60 new jobs for the life of the 25-year maintenance contract.

When it comes to the new intercity fleet, no local manufacturer bid to build the trains in Australia despite Australian manufacturers being provided the same opportunities to bid for the new intercity fleet. Parts of the new fleet will be procured from local and overseas suppliers. Construction of the new maintenance facility at Kangy Angy and enabling work across the intercity network has created around 1,600 local jobs. There will be around 90 permanent jobs created when the Kangy Angy facility is fully operational. John Holland, which is the contractor responsible for designing and building the maintenance facility, hired local Central Coast residents, including members of the local Aboriginal community, for this project. John Holland also achieved the employment target of one apprentice for every four tradespeople.

The DEPUTY SPEAKER: Order! I remind the member for Summer Hill that she is on three calls to order.

Ms ELENi PETINOS: The New South Wales Government is a strong supporter of the local steel industry and is leading the nation in the delivery of roads, rail and other infrastructure, making us the largest purchaser of steel in the nation. For example, the majority of steel procured for the WestConnex project was Australian-made steel sourced from Australian mills. On NorthConnex, 99 per cent of steel used to build it was Australian steel, with a majority sourced from InfraBuild. On the Sydney Metro Northwest, 100 per cent of around 7,000 tonnes of steel used to reinforce the tunnels was sourced in Australia. On Central Station Metro, 92 per cent of the steel, which is around 7,300 tonnes, that is being used to build the new underground metro platforms and Central Walk is being sourced in Australia.

I do not need to tell the Deputy Speaker about the things going on in her electorate of Port Macquarie. The build of the River Class and Emerald Class ferries has seen 54 people locally employed, with 18 of them directly and locally employed by Birdon, eight people indirectly employed by Birdon, 18 people during the final fit-out employed in Port Macquarie and 10 people employed during the final acceptance phase. Clearly this Government delivers jobs and infrastructure for the people of New South Wales. We know that by working collaboratively, we will all benefit by leveraging expertise and sharing our success with the people of New South Wales.

Mr RON HOENIG (Heffron) (17:22): I am an old public defender and I have taken a few difficult briefs in my time. I have got to say, the member for Miranda made a good fist of it. One would not want her opening the bowling in the first test with a long hop. At the end of the day, she was given a brief. I thought she did as well as she possibly could, bearing in mind the quality of the Government that she is purporting to represent. I nearly choked today in question time when the Minister for Transport and Roads was asked about the procurement of trains overseas and he bleated that he has been in the role for only four weeks. Someone ought to tell him about collective ministerial responsibility. Members opposite have been in government for 11 long years and I would have at least thought that when they really bugger something up they might say, "They are challenges. We are sorry. We have had problems in procurement."

I thought I should check with the manufacturers to see what they have to say. The CEO of Weld Australia, Jeff Crittenden, reminds everyone that when former Premier Gladys Berejiklian was asked about train manufacturing in Australia she said, "not good at building trains". Former Minister for Transport and Roads Andrew Constance said, "Train manufacturing does not exist in Australia." That is the response by the people that call privatisation by the new term "asset recycling". I will tell members what the industry says. In *Manufacturers' Monthly* Crittenden said:

Reforming procurement practices in Australia would have deep benefits for local and national communities.

State government rail procurement practices that support local welders and fabricators would create thousands of jobs, supporting local families and local economies in a post COVID-19 world. It would facilitate technology transfer and drive some of the world's most innovative research and development.

That is from the manufacturers of trains, Weld Australia, which is the representative of them all, reminding us what the former Premier said about procurement. Crittenden continued:

... NSW's trains are manufactured overseas with the \$900 million Waratah 2 trains being fabricated in China, the \$2.3 billion Intercity fleet of trains is being fabricated and built in South Korea, and the light rail trains are being built in Spain.

He indicated that those projects could have been awarded to local fabricators, which would have created thousands of jobs in New South Wales. He highlighted one issue that I think is relevant. He said:

As COVID-19 has highlighted how sensitive we are to global supply chains and as unemployment is rising, particularly in regional areas, now more than ever we need a plan for manufacturing which includes rail.

I do not know what has happened to the National Party in this House. It used to fight for regional New South Wales and provide local jobs. If the train procurement by this highly intelligent, well-organised Government had been successful, we would not have a \$2.3 billion contract for 512 double-decker train carriages awarded to a UGL-led consortium. The trains that were built in South Korea were too wide to go through the tunnels because standard trains are 2.9 metres wide but the replacements were 3.1 metres wide. Transport for NSW, which manages the State's rail program, had to widen the tunnels so the trains could go through them. What sort of procurement process exists in this State?

We have seen significant cracks in the inner west light rail carriages that were manufactured in Spain. They are off the rails. You could put your head through the cracks, I have been told. That is not all. The same manufacturers from Spain that built those dodgy-looking trams will now be used for Parramatta. Of course, there is also the embarrassment of the ferries that do not fit underneath the bridges and that cannot be used at night-time. At some point will someone on the other side of the House say, "We stuffed it up, we're sorry and we're going to do better"?

Mr Mark Coure: Five minutes of Mark Coure—I'm sorry.

Ms Anna Watson: Oh no.

The DEPUTY SPEAKER: I have not given the member for Oatley the call. I am waiting for members to come to order. I remind members, particularly Opposition members, that a number of them are on three calls to order. I do not want to have to remove them from the Chamber.

Mr MARK COURE (Oatley) (17:27): Which State in Australia is leading the recovery? New South Wales. Which State is on track to recover all the jobs lost during the pandemic by September next year? New South Wales. Which State is creating an additional 25,000 jobs? New South Wales. Which State has committed more than \$12.8 billion in its package to support residents during the outbreak? New South Wales. The Government aspires to recover all jobs lost by the September quarter 2022 and to create an additional 25,000 jobs by December next year. The Government's stimulus and support measures are aimed at boosting the economy, and restoring and creating jobs.

Which State is spending \$500 million to restore consumer and business confidence? New South Wales. Which State is spending \$250 million to support jobs and skills, including help for jobseekers to retain their jobs or upskill? New South Wales. Which State is spending \$212.2 million to boost vital sectors, including funding for the arts sector, Restart packages and, of course, support to bring our cities back to life across New South Wales? New South Wales and this Government is. Which State is spending \$200 million to boost the regions? It is this State and this Government. We are supporting events and facilities, local infrastructure and, of course, housing.

Madam Deputy Speaker, as the member for Port Macquarie, you would be well aware that we are spending \$25 million to support the sport and recreation sector, particularly in regional New South Wales and the local government areas heavily impacted by COVID restrictions. The \$5 billion WestInvest fund will support a strategy to rejuvenate western Sydney communities and boost jobs. But wait, there's more. The New South Wales Government has provided \$3.6 billion in Commonwealth and State cash flow support for businesses and not-for-profits through the JobSaver program. More than 212,000 applications have been received from businesses for the JobSaver program, and over 206,000 have been paid. There was also \$250 million for the Jobs Plus program, which was announced in November 2020, to support Australian and international companies that want to enter or expand their footprint in New South Wales.

Labor frontbench members should take note of this because New South Wales is leading the recovery effort across Australia. It gets better. In March the then Premier announced the creation of Investment NSW, a new body with a focus on jobs, skills and investment through consolidated funding opportunities, targeting business investment and attracting global companies to New South Wales. Investment NSW has been established to drive all trade and investment activities as a one-stop shop to maximise economic benefits and jobs growth across New South Wales. The New South Wales September unemployment rate stands at 4.6 per cent, the best of every single State except Western Australia. As of September 2021, New South Wales has almost four million people employed. Full-time and part-time employment have increased as well. When it comes to the economy, only a Liberal-Nationals Government will deliver the best for New South Wales.

Mr TIM CRAKANTHORP (Newcastle) (17:32): In reply: It beggars belief that for two years the member for Oatley was the Parliamentary Secretary for Transport and Infrastructure. I think he picked up the wrong speech on his way into the Chamber because he seemed to completely miss the brief, he completely missed the topic. I thought being a Parliamentary Secretary for two years, he might have been able to speak off the cuff. But no, he picked up his speech on the way in—very odd—and talked about many things.

I thank the member for Port Macquarie for her contribution. She talked a lot about the Emerald Class ships that were fitted out in Port Macquarie. A lot of steel was involved in the production of those ships, which came from China. Imagine how many more jobs would have been created if they had been constructed completely in Port Macquarie—happy days! She and the member for Myall Lakes could go on a unity ticket and talk up manufacturing in New South Wales. That would be fantastic. I was referring to the River Class ferries. They are full of asbestos and a lot of people are trying to fix the ones that cannot reverse or be driven at night.

I also thank the member for Macquarie Fields, who made a great contribution on the blowouts and mismanagements of this Government. He said this Government is "cooking the books", and I could not agree more with that. The member for Miranda was trying to defend the indefensible when she said that customers are the priority. The member for Summer Hill asked, "How is that going for the people in the inner west? How are customers feeling?"

Ms Jo Haylen: You can't get on a train.

Mr TIM CRAKANTHORP: You can't get on a train. Customers are number one. Absolutely.

The DEPUTY SPEAKER: The member for Macquarie Fields and the member for Heffron will come to order.

Mr TIM CRAKANTHORP: The Government says, "Why didn't New South Wales companies tender?" Train manufacturing is so run-down that there is no-one around to tender anymore. That is why the Senate inquiry into train manufacturing said that we have to plan train manufacturing and coordinate it throughout the country. The member for Heffron made a good contribution, particularly on the member for Miranda making a total fist of what she could. I could not support that more.

We have a great legacy of manufacturing in New South Wales. Before she exited, the former Premier indicated that we were going to turn over a new leaf and try to do a bit of that. The proof is in the pudding; we have not seen much of it. The poor old member for Myall Lakes was lamenting that just last night on Channel 9, saying how sad it is for his local people. It speaks for itself when a government representative says how sad it is and how it would have benefited his local community. The Government is turning on itself and eating its own people alive.

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

The House divided.

Ayes13
Noes17
Majority.....4

AYES

Butler, R
Car, P
Cotsis, S
Crakanthorp, T
Dalton, H

Harris, D
Hoenig, R
McGirr, J
Minns, C

Park, R
Piper, G
Washington, K
Watson, A (teller)

NOES

Cooke, S (teller)
Crouch, A (teller)
Evans, L
Gibbons, M
Griffin, J
Layzell, D

Petinos, E
Saunders, D
Sidgreaves, P
Sidoti, J
Singh, G
Smith, N

Speakman, M
Taylor, M
Upton, G
Ward, G
Wilson, F

PAIRS

Aitchison, J
Atalla, E
Bali, S
Barr, C
Catley, Y
Chanthivong, A

Williams, R
Berejiklian, G
Barilaro, J
Constance, A
Perrottet, D
Toole, P

PAIRS

Daley, M
 Dib, J
 Doyle, T
 Finn, J
 Harrison, J
 Haylen, J
 Hornery, S
 Kamper, S
 Lulich, N
 Lynch, P
 McDermott, H
 McKay, J
 Mehan, D (teller)
 Mihailuk, T
 O'Neill, M
 Saffin, J
 Scully, P
 Tesch, L
 Voltz, L
 Warren, G
 Zangari, G

Ayres, S
 Kean, M
 Hazzard, B
 Stokes, R
 Dominello, V
 Elliott, D
 Pavey, M
 Marshall, A
 Roberts, A
 Hancock, S
 Anderson, K
 Lee, G
 Henskens, A
 Gulaptis, C
 Bromhead, S
 Provest, G
 Clancy, J
 Lindsay, W
 Tuckerman, W
 Preston, R
 Davies, T

Motion negatived.

*Bills***CRIMES LEGISLATION AMENDMENT (SEXUAL CONSENT REFORMS) BILL 2021****Second Reading Debate**

Debate resumed from an earlier hour.

Ms KATE WASHINGTON (Port Stephens) (17:49): Continuing from my earlier contribution, essentially, what we are doing today is trying to legislate respect. But our lives are messy and complicated, so it is difficult to legislate, but it does not mean we should not. I acknowledge the broad support from many advocacy organisations for these changes, but I also note concerns raised by the Law Society of New South Wales and other organisations about the reality of applying the law in practice. For those reasons, I support the call from Labor's shadow Attorney General Michael Daley and shadow Minister for the Prevention of Domestic Violence Jodie Harrison for an earlier review of the legislation than the bill currently provides for. A review within three years instead of the five years set out in the bill makes sense, and I hope the Government is open to altering this time frame.

Right now we have a rising, seething tide of awareness. The Me Too movement, Enough is Enough rallies and advocacy from incredible women over so many years have finally seen this change happen. I pay tribute to Saxon Mullins, Brittany Higgins, Grace Tame, Chanel Contos, Bri Lee, Nina Funnell, Moo Baulch, Hayley Foster, Rachel Bergin, Renata Field, Denele Crozier and Karen Willis. They are all tireless advocates and public faces in a campaign we should not have to have. Speaking out no doubt comes at a great personal cost. I am full of respect, admiration and gratitude. I extend my gratitude to the teams at Rape & Sexual Assault Research & Advocacy, Women's Legal Service, Women's Safety NSW, Rape & Domestic Violence Services Australia, and Domestic Violence NSW. I also pay tribute to local service providers on the ground, which are so often the first port of call. They provide the practical support. In the face of a tsunami of need, they still find the time to advocate for the women and children that they support. In Port Stephens, we have the wonderful teams at Port Stephens Family and Neighbourhood Service and the Yacaaba Centre. I cannot thank them enough for their hard work and tireless advocacy, all with inadequate resources.

I do not imagine that there are many women in this place who do not have their own story to tell. When I was younger, the idea of reporting the assaults that I experienced was unthinkable. Instead, it just came with shame. Today, thanks to the strong voices of many brave advocates who have been fighting for this change for a long time, we are shifting the shame onto those who deserve it. Of course, changing the law is not enough on its own. To prevent domestic violence, sexual assault and rape, we need a cultural shift; community attitudes have to change. For this, education is key in our schools, in all institutions, law schools and the legal fraternity. That is the message I hope the Government and the Attorney General are hearing today. This is not the end of the story;

this is not the end of the job. It is the beginning of change that we need and must have. But right here, right now, we have an opportunity to make a difference so that all victim-survivors are seen, heard and believed under the law. I commend this important bill to the House.

Mr ADAM CROUCH (Terrigal) (17:53): I acknowledge the contributions to debate from members from both sides of the House on the important Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021. Listening to the feedback, the commentary and all that has been said in this place since yesterday has been very sobering indeed. It was so important that we simplified and modernised the sexual consent laws to give effect to the New South Wales Government's response to the very important NSW Law Reform Commission report, *Report 148: Consent in relation to sexual offences*, which was published in May 2021.

Recently I had the absolute pleasure to be invited to attend and take part in the incredibly well-run annual general meeting of the Central Coast Community Women's Health Centre. I have had the privilege of visiting the Central Coast Community Women's Health Centre on numerous occasions, and I congratulate that organisation on the outstanding work it does for women from one end of the Central Coast to the other. You hear many stories from these ladies. They support victims of domestic violence and sexual abuse. There are also instances of drunken behaviour and stark non-consent. I pay tribute to those amazing ladies on the board of the Central Coast Community Women's Health Centre. I congratulate them on their first virtual AGM, which was absolutely seamless. It was a pleasure to be part of it. If you want a job done right, you give it to a lady. These ladies are absolutely incredible. The three-hour AGM ran beautifully—it is a pity that party room meetings do not run as efficiently.

I want to ensure that I give a shout-out to all the ladies: chair Debbie Notara, vice chair Carol Davidson, treasurer Celina Farrell and retiring director Shayne Silvers. I have had the pleasure of meeting Shayne at many community centres on the Central Coast, not just women's health centres. Shayne has not hesitated to give her time to support so many others, especially women in crisis who need protection. I also commend Robyn Moore, Margaret Moon and Dr Stephanie Doris Short, who makes some excellent contributions to ABC Central Coast. All those ladies have very ably and competently taken the Central Coast Community Women's Health Centre from strength to strength. There are three centres in Wyong, Wyoming and Woy Woy—the three Ws. They do an amazing job protecting women on the Central Coast. It is a pity that centres such as this have to exist, but they are a testament to the women's determination, passion and advocacy.

I was pleased that we were able to give the centres additional funding through the Social Services Fund to help upgrade their IT systems. That was money well spent, but it pales into insignificance compared with the work the ladies do at that organisation every day on the Central Coast. It was a pleasure to attend the AGM and listen to some great guest speakers who talked about how we can shift community attitudes towards respect in relationships—obviously not just on the Central Coast but across this nation and the world. It was an honour and a privilege to be part of that.

Law and order is part of the issue when it comes to protecting women in our society from totally disgusting and abhorrent behaviour. I am pleased to say that we are seeing a cultural shift being led by some very brave and stoic women. Such behaviour is not acceptable under any circumstances and it is a pity that they have to do it. Every day the Central Coast Community Women's Health Centre protects women from the most disgusting actions perpetrated by people who are supposed to love and care for them. It is appalling that a woman of any age should be exposed to that sort of behaviour. I look forward to working more with the Central Coast Community Women's Health Centre. As I said, I have visited the centre multiple times as Parliamentary Secretary. I know that the member for Wyong works closely with the centre as well. It is a fantastic organisation whose members will be very pleased with the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021.

A lot of the issues raised in the bill were discussed at the AGM. As I said, it was an incredibly well-run event—a credit to all the ladies. It is great to see organisations such as this receiving support from the community at large both through volunteers and through government funding to ensure they deliver the best outcomes for women, especially on the Central Coast. I also acknowledge the work done by the Attorney General, the Hon. Mark Speakman, and Minister for Prevention of Domestic and Sexual Violence, who introduced the bill. I thank all members who have spoken to the legislation. This issue affects every jurisdiction, every suburb and every postcode across New South Wales. That is why it is so important we deal with it appropriately.

By way of background, in 2018 the Attorney General, in consultation with the then Minister for the Prevention of Domestic Violence and Sexual Assault, requested that the Law Reform Commission conduct a review of the law of consent in relation to sexual offences. The Law Reform Commission's report made 44 recommendations, including 40 recommendations for legislative reform. The report was tabled in Parliament in November 2020. In May 2021 the New South Wales Government announced its support or support in principle for all the Law Reform Commission's recommendations. The Government also announced its commitment to go further than the Law Reform Commission in respect of a number of issues.

Currently in New South Wales it is a crime for a person to have sexual intercourse with another person or sexually touch or engage in a sexual act towards another person without their consent if the person "knows" that the other person does not consent. An accused "knows" the other person does not consent if the accused has actual knowledge, is reckless or has "no reasonable grounds for believing" the other person consents. The bill will make clear that generally an accused's belief that consent existed will not be reasonable in the circumstances unless the accused said or did anything within a reasonable time before or at the time of the sexual activity to find out whether the other person consents. It is important to examine the proposed reforms.

The bill makes commonsense reforms to the Crimes Act 1900 and the Criminal Procedure Act 1986 to make consent law easier to follow and ensure more effective prosecutions. The bill reinforces the basic principle of common decency, and that consent is a free choice involving mutual and ongoing communication. Particular consideration has been given in drafting the bill to avoid any unintended consequences or overreach into private relationships. Some key aspects of the bill include clarifying that a person does not consent unless they freely and voluntarily agree to the sexual activity at the time of the sexual activity; and modifying and strengthening the circumstances where the law provides that a person does not consent, including when the person does not say or do anything to communicate consent, does not have capacity, is coerced, is under a mistaken belief or has been fraudulently induced to participate. Misrepresentations about income, wealth or feelings will not be considered fraudulent inducements.

Clarifying that an accused's belief that the other person consents to sexual activity is not reasonable if the accused did not, within a reasonable time before or at the time of the sexual activity, say or do anything to find out whether the other person consents. This requirement will not apply to an accused person who has a cognitive impairment or mental health impairment that caused them not to say or do anything. [*Extension of time*]

The bill also introduces five new jury directions to address common misconceptions about consent. It is important that all those things are made very clear. I also acknowledge the level of stakeholder consultation. The Law Reform Commission consulted widely over more than two years on its report. In addition, the New South Wales Government consulted on confidential drafts of the bill, including with the heads of jurisdiction; the Law Society of New South Wales; the New South Wales Bar Association; Justin Gleeson, SC; the Office of the Director of Public Prosecutions; Legal Aid NSW; the Public Defenders; Victims Services; the NSW Police Force; the Aboriginal Legal Service (NSW/ACT) Limited; the Judicial Commission of New South Wales; the Women's Legal Service NSW; the Wirringa Baiya Aboriginal Women's Legal Centre; the Council for Intellectual Disability; the Intellectual Disability Rights Service; Rape and Sexual Assault Research and Advocacy; Rape and Domestic Violence Services Australia; Domestic Violence NSW; Women's Safety NSW; Women NSW; and academics.

It is important to see that all of those stakeholders have been engaged in the detail, given the importance of this reform. I thank all of those organisations for taking part in the consultation. It is important that they are heard and that their advice is taken on board. In the time I have left I acknowledge the Attorney General and the contributions to this debate from all members. As I said earlier, I attended the Central Coast Community Women's Health Centre AGM recently, and those who were there were fully aware of, and very pleased with, this legislation coming to this place. I congratulate them all for their tireless advocacy and the work they do day in, day out for literally hundreds of women of all ages across the Central Coast through their Wyoming, Woy Woy and Wyong centres. It was a privilege and an honour to take part in that AGM and I look forward to continuing the relationship I have with that organisation. It is truly outstanding.

I have had the privilege and pleasure of visiting them on numerous occasions, as I know the member for Wyong has as well. They are held in the highest regard because they are at the front line of delivering protection and services to women who have suffered the most appalling circumstances, which they should never have to face. It is important that those who perpetrate those crimes are held to account in the most significant way possible. The fact that these laws go to help provide those additional protections is good. I look forward to seeing people being held to account. I note the lengthy contribution by the member for Newtown, who is in the Chamber. I thank her for that contribution yesterday, as I thank all of the women who have stood up and fought this fight very publicly. They are to be honoured and they are incredibly brave. It is just unfortunate that they have had to do so in the first place, but I am very pleased that we are moving forward with this legislation. With that, I commend the bill to the House.

Ms ROBYN PRESTON (Hawkesbury) (18:06): I am very pleased to support the very important Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021. The bill will simplify and modernise the law around sexual consent, following a comprehensive inquiry by the NSW Law Reform Commission and further consideration and consultation undertaken by the New South Wales Government. As my colleagues have stated in previous contributions to this debate, in May 2018 Attorney General Mark Speakman and the then Minister for the Prevention of Domestic Violence and Sexual Assault tasked the Law Reform Commission with examining sexual consent laws in New South Wales and reporting on whether the laws needed to be amended to better protect

victims. The Law Reform Commission consulted widely over 2½ years, which included conducting 27 face-to-face consultations and reviewing 197 written submissions and 3,858 responses to a survey on consent. The Law Reform Commission engaged with a range of key and expert stakeholders, including judges, prosecutors, defence lawyers, community legal centres, victims' advocates, police, health professionals, LGBTQI advocates, Aboriginal and Torres Strait Islander representatives, and academics.

The Law Reform Commission invited preliminary submissions from members of the community and key organisations and agencies. It received 110 preliminary submissions and held meetings with some key agencies and organisations. The Law Reform Commission released a consultation paper in October 2018. It received 36 submissions in response to the consultation paper, largely from legal agencies and advocacy groups. The Law Reform Commission published an online survey in October 2018. In total, 3,858 people accessed the survey, with 1,904 completing at least one substantive question and 1,078 completing all the substantive questions. The Law Reform Commission released a draft proposals paper in October 2019 and invited public responses, receiving 51 submissions in response. The Law Reform Commission's extensive consultation informed the preparation of its comprehensive report and, with the support of the Office of Parliamentary Counsel, the drafting of model legislative provisions.

On 25 May this year the New South Wales Government announced its support in principle for all the recommendations of the Law Reform Commission, and that it intended to go further in relation to the third limb of the knowledge element of consent. The bill builds on the legislative drafting suggested by the Law Reform Commission. Careful consideration has been given to each provision and further consultation has been undertaken with targeted stakeholders on the bill. Legal and academic stakeholders provided insight and guidance to the Government on these reforms. They included Legal Aid NSW, the Law Society of New South Wales, the New South Wales Bar Association, the Local Court, the District Court, the Supreme Court, the Public Defenders, the Aboriginal Legal Service, Women's Legal Service NSW, Wirringa Baiya Aboriginal Women's Legal Centre and the Office of the Director of Public Prosecutions.

Input from victim advocates has been integral to drafting of the bill. Victim advocates, particularly Rape and Sexual Assault Research and Advocacy, Rape and Domestic Violence Services Australia, Domestic Violence NSW and Women's Safety NSW, gave valuable insights that gave shape to the bill. The engagement with stakeholders will continue. The New South Wales Government has committed to a five-year statutory review of the reforms. Any operational issues will be monitored and considered as part of the review. Stakeholders will also be consulted during the review. Following the five-year statutory review, the Attorney General will determine whether another review of the provisions should be undertaken. Knowing that the reforms have been created collaboratively with stakeholders through extensive consultation, I am pleased to commend the bill in the House.

Mr LEE EVANS (Heathcote) (18:11): I commend the Attorney General for drafting the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021. It is very important and has been long awaited. I congratulate all members who have spoken in the debate on this bill. I also give a call-out to my local domestic violence organisation, The Family Co. It does a fantastic job.

Ms Eleni Petinos: Our local domestic violence organisation.

Mr LEE EVANS: Yes, I was just going to mention that without the member for Miranda interfering with my speech. The Family Co. is actually in her electorate but it covers the Sutherland Shire. It has an office just behind my office at Engadine. It does a fantastic job. The reforms before the House will go a long way towards providing clarity on what is sexual assault and what those accused will face in court due to their actions. As all members have stated in their contributions, the majority of sexual assaults are done by males. There is a portion that are done by females, but males are by far the most likely perpetrators of sexual assault. Previously I have said in this House that I do not have daughters. Hopefully in the not-too-distant future I will have a granddaughter.

Ms Lynda Voltz: You can have my daughters. They leave the place messy.

Mr LEE EVANS: Thank you. You can have my son. In the realm of young people going out, things happen. However, this bill clarifies those grey areas for those young people. Members have heard the horrific stories of people who are being raped being frozen, scared of what is happening. The bill will clarify that it is a crime. It will be a crime. It should make it clear to all young men that their actions will have ramifications for their future—and so they should. We should come down hard on perpetrators who use sexual assault as some sort of power play over young women. It has to be stamped out. In our respectful community, that most of us think we live in, there are elements who consider that assaulting women and taking advantage of them is acceptable. It is not acceptable in probably any society in the world, but the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021 makes it clear.

Some of the comments we have heard today are worth repeating. As has been stated, the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021 will simplify and modernise the law around sexual consent following a comprehensive inquiry by the NSW Law Reform Commission and further consideration and consultation undertaken by the New South Wales Government. It is clear that the Law Reform Commission consulted widely over 2½ years and engaged with a range of key and expert stakeholders, including judges, prosecutors, defence lawyers, community legal centres, victims' advocates, police, health professionals, LGBTIQI advocates, Aboriginal and Torres Strait Islander representatives, and academics. After releasing the draft proposals paper in October 2019 the Law Reform Commission invited public responses, to which it received 51 submissions.

These reforms will go a long way to ensure in the future that young women, and probably young men, will feel safe in the knowledge that if something does happen to them they will get justice within the New South Wales legal system. These reforms take out the questions and the grey areas that often well-paid lawyers use against the victim. In my 10-year tenure in this place I have had a fair bit to do with domestic violence. I have heard some horrific stories about the absolute denigration of people's personalities due to sexual assaults that are happening on a daily or weekly basis. There is not only physical but also mental anguish as well. How people can come through these crimes and still operate within our society astounds me.

Some of the stories that I have heard over a long period include a fellow who I have mentioned before. I have had a lot to do with him. He was sexually assaulted when he was seven. At 57 he is still suffering the consequences of those sexual assaults. He can remember it so vividly that when I took him to the police to make a report so he could apply for some compensation, he described the colour of the bedspread, what paintings were on the wall, what colour the door was. He could recount everything. This sexual assault happened to him when he was seven years old, yet at 57 it was like it was yesterday. Obviously a lot of women in our society, as well as people from the LGBTIQI community, have been taken advantage of. The bill will go a long way to ensure that they get justice within the New South Wales legal system. I commend the bill to the House.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (18:18): In reply: I thank the members representing the electorates of Maroubra, Port Macquarie, Charlestown, Holsworthy, Newtown, North Shore, Maitland, Cootamundra, Ballina, Manly, Granville, Balmain, Prospect, Coogee, Shellharbour, Barwon, Lakemba, Newcastle, Summer Hill, Gosford, Port Stephens, Terrigal, Hawkesbury and Heathcote for their contributions to this debate. I thank all members for their support of this important bill and for their thoughtful and respectful contributions to the debate yesterday and today. In particular I thank members for their recognition of victim-survivors. The Government welcomes the multi-partisan support for these important reforms and thanks in particular the members representing the electorates of Maroubra, Charlestown and Newtown for the careful consideration they have brought to bear on these matters.

No bill is ever perfect, but we cannot make the perfect the enemy of the good. This bill is the product of years of extensive consultation and discussion, including the Law Reform Commission's extensive inquiry and report. I again thank all stakeholders for their contributions. I turn now to address some questions and to clarify some matters that have been raised in debate by members. The member for Maroubra outlined a concern that the affirmative consent requirement—see new section 61HK (2)—may mean that an accused who relies on words inviting sexual activity, that they themselves had not done or said anything overt, will then not have a reasonable excuse. The affirmative consent model embodied in the bill places communication at the heart of consent. As a free and voluntary agreement, consent must be communicated. Where it is not communicated, there is no consent.

If a situation were to occur where one person told another person that they were consenting to sexual activity but later told the police they were not consenting, a prosecution could not succeed unless all of the elements of the offence could be proved. In particular, the prosecution would need to prove that the complainant was in fact not consenting. If the circumstances are that the complainant has told the other person that they were consenting, then it is my expectation that the complaint could not be proved beyond reasonable doubt. In other words, the crime of sexual assault has an act element and a mental element. The act element is sexual intercourse without consent. The concern that the member for Maroubra raised is that maybe a mental element is established because the accused cannot say they did or said something, and therefore cannot establish a reasonable belief. But the point of this example is you never get to that stage of asking what is the mental element because the act has not been proved.

In the circumstances described, where the accused did not say or do something because the complainant did or said something, you do not get to ask about the mental element because the *actus reus*, as lawyers call it, has not been made out. There has not been sexual assault without consent, because in the hypothetical that the member for Maroubra raises there is consent because the complainant has said or done something to indicate consent. I will put that more precisely. If the complainant has said or done something then it is unlikely that the

prosecution could prove beyond reasonable doubt that the complainant was not in fact consenting. There may be some unique circumstances where that is not the case, but prima facie that would be the case.

The member for Maroubra also asked whether any statutory review would include transcripts of trials, noting that the Law Society of New South Wales is concerned that the proposed provision in new section 61HJ (1) (a), that there is no consent where the person does not say or do anything to communicate consent, may put further emphasis on the conduct of the complainant. There would be an analysis of the transcripts of trials as part of the review of the Act. Statutory reviews are undertaken by the Department of Communities and Justice. As well as consulting with stakeholders, these reviews would ordinarily include legal research through judgements, remarks on sentencing and transcripts of some cases.

The members representing the electorates of Maroubra, Charlestown and Ballina asked about the review period of the bill and suggested that it should be shorter; that is, three years rather than five years. I understand that one or more amendments have been foreshadowed on this topic so I will reserve my remarks to the debate on that amendment or amendments. The member for Maroubra raised during debate whether a further jury direction might be appropriate to prescribe that a jury should not draw any inference regarding delay between a complainant experiencing the assault and in reporting to police. He made reference to Victorian law. The current reform package does not include a direction concerning delay in complaint because the Government considers that the existing direction in section 294 of the Criminal Procedure Act is appropriate.

Section 294 applies in any trial for a prescribed sexual offence where it is suggested that there was an absence of complaint from the complainant or a delay in complaint. In that case, the judge must do a number of things: first, the judge must warn the jury that absence of complaint or delay in complaining does not necessarily indicate that the allegation that the offence was committed is false; second, the judge must inform the jury there may be good reasons why a victim of a sexual assault may hesitate in making, or may refrain from making, a complaint about the assault; and, third, the judge must not warn the jury that the delay in complaining is relevant to the victim's credibility unless there is sufficient evidence to justify such a warning.

The same protections also apply in domestic violence proceedings. A judge has the power and discretion to provide this direction at any time during the proceedings, including at the time the issue is raised in evidence. It is a matter for the judge to determine when and how many times it is appropriate and relevant for this direction to be provided to the jury. Stipulating the time in which direction should be given in criminal trials is not something that should be legislated and requires careful consideration. Similarly to Victoria, if delay in complaint is raised or suggested in a hearing or trial concerning a sexual offence, the delay in complaint direction must be given. However, when it is given and how many times it is given is a matter for the judge to determine after hearing submissions from the prosecution and the defence. The member for Newtown raised a question relating to new section 61HK (2) of the bill about the affirmative consent requirement. Specifically, the subsection states:

... a belief that the other person consents to sexual activity is not reasonable if the accused person did not, within a reasonable time before or at the time of the sexual activity, say or do anything to find out whether the other person consents to the sexual activity.

I understand that the member for Newtown intends to move an amendment so I will comment on that question when the amendment is moved. I turn now to the question of the word "overt", which does not appear in the bill as presented to Parliament. New section 61HK (2) prescribes that a belief that the other person consented is not reasonable if the accused did not, within a reasonable time before or at the time of the sexual activity, say or do anything to find out whether the other person consents to the sexual activity. The member for Newtown asked why the provision does not require the person to say or do anything overt, which was included in a previous iteration of the bill. The current formulation requires the prosecution to show that the person did not say or do anything to find out—I emphasise the words "to find out"—whether the person consents. This nexus provides a threshold in regards to what the person said or did. It must have been to find out whether the other person consents.

New section 61HK (5) further requires a judge or jury to consider all the circumstances of the case, including what, if anything, the person said or did. Together, these requirements in the bill provide a threshold as to the adequacy and obviousness of what the accused person said or did. In the drafting stage, stakeholders rejected the use of the word "overt". It was considered to be unusual language for a statute and to be unnecessary, considering further requirements of the bill. Just to be clear, an internalised thought process of an accused, which is not manifested in any way, is not doing or saying something to find out whether the other person consents. So the word "overt" is unnecessary because to find out something requires some manifestation beyond an internalised thought process. Also, "overt" has not been included to maintain consistency of language of saying or doing something in this context of the state of mind with saying or doing something in the context of what constitutes consent in another part of the bill.

Questions were raised about the mental health impairment exception in new section 61HK (3). That subsection prescribes that the affirmative consent requirement does not apply when an accused person has a mental

health impairment or a cognitive impairment at the time of the sexual activity that was a cause of them being unable to say or do anything to ascertain consent. The question was raised in the course of debate as to whether this exemption for an accused person with a mental health impairment was appropriate in the circumstances. Mental health impairment and cognitive impairment are defined by the Crimes Act. The definitions were developed with forensic mental health experts for the purposes of updating the Mental Health and Cognitive Impairment Forensic Provisions Act in 2020. Relevantly, the definition for mental health impairment in section 4C of the Crimes Act is as follows:

- (1) For the purposes of this Act, a "person has a mental health impairment" if—
 - (a) the person has a temporary or ongoing disturbance of thought, mood, volition, perception or memory, and
 - (b) the disturbance would be regarded as significant for clinical diagnostic purposes, and
 - (c) the disturbance impairs the emotional wellbeing, judgment or behaviour of the person.
- (2) A mental health impairment may arise from any of the following disorders but may also arise for other reasons—
 - (a) an anxiety disorder,
 - (b) an affective disorder, including clinical depression and bipolar disorder,
 - (c) a psychotic disorder,
 - (d) a substance induced mental disorder that is not temporary.
- (3) A person does not have a mental health impairment for the purposes of this Act if the person's impairment is caused solely by—
 - (a) the temporary effect of ingesting a substance, or
 - (b) a substance use disorder.

During the course of debate, some members expressed some concern that referring to people with mental health impairment may reinforce stereotypes about people with mental illness. The purpose of subsection 61HK (3) is to ensure that people who are vulnerable because they live with a cognitive impairment or a mental health impairment are not treated unfairly or excessively harshly by the legislation if that impairment is a cause of them not doing or saying something to find out if the other person is consenting. In particular, people who live with these conditions may be unable to meet the same standard of conduct which can be reasonably expected of people who do not have these conditions. In that case, it would not be fair to impose that same standard on someone, in a criminal law context, who is unable to meet that standard.

The purpose of the provision is not to demonise or malign people who live with a mental health impairment. It would be wrong to suggest that a person who lives with a mental health impairment is more likely to commit a sexual offence because of that impairment. The purpose of this provision is to ensure fairness towards a person in that situation. The Government considers that when the provision is read in its full context in the bill as drafted, an appropriate balance is reached, including in the following circumstances: first, the bill is clear that the onus of establishing that the impairment was "a cause of the accused person not saying or doing anything ... lies with the accused person on the balance of probabilities". The onus is on the accused to establish the mental health impairment or the cognitive impairment.

Second, subsection 61HK (5) (a) provides that a trier of fact must, for the purpose of making any finding under this section, "consider all the circumstances of the case, including what, if anything, the accused person said or did". That means that where somebody has a mental health impairment, they will not be deemed not to have reasonable grounds, but their failure to say or do something will still be part of the circumstances of the case that will be considered under subsection 61HK (5). In other words, the prosecution will still have to show, even for someone with a mental health impairment, that they either had actual knowledge or were reckless or had no reasonable grounds. The question of whether or not the accused had reasonable grounds still arises with someone with a mental health impairment. The difference is that they are not deemed not to have reasonable grounds because they did not say or do something, but their failure to say or do something is still part of the circumstances of the case in deciding whether or not there were reasonable grounds.

The Crimes Act 1900 defines cognitive impairment and mental health impairment for the purposes of this section, noting that a mental health impairment must be clinically significant to reach the threshold. A definition of mental health impairment was designed with forensic mental health experts, so as to create an appropriate legal threshold for a lessened criminal liability. A person has a mental health impairment if a person has temporary or ongoing disturbance that would be regarded as—and I emphasise—significant for clinical diagnostic purposes, and that impairs the person's emotional wellbeing, judgement or behaviour. A mental health impairment can arise from an anxiety disorder, an affective disorder, a psychotic disorder, or a substance-induced disorder that is not temporary. Being upset, being angry, experiencing grief and so on will not qualify for this exception.

The Government considers that the provision as drafted sets appropriate thresholds. It is not a "get out of jail free" card. A person with a relevant impairment could still be convicted if the prosecution proves all the elements of the offence, including relevantly lack of reasonable grounds, beyond reasonable doubt. The member for Charlestown and the member for Newtown sought further information on how the bill covers coercive control in domestic relationships and grooming behaviours. The bill sets out a comprehensive but non-exhaustive list of circumstances in which a person does not consent. This is contained in new section 61HJ of the Crimes Act 1900, found in schedule 1 [9] to the bill. New sections 61HJ (1) (e) and (f) make it clear that a person does not consent to a sexual activity if the person participates because of force, fear of force, fear of serious harm of any kind, coercion, blackmail or intimidation, regardless of when the relevant conduct occurs and whether it occurs in a single instance or as part of an ongoing pattern.

The Law Reform Commission expressly stated that these terms would be "broad enough to cover a range of behaviours, including, for example verbal aggression, physical persistence, social pressuring and emotional manipulation". See paragraph 6.108 of its final report. This is intended to capture conduct amounting to coercive control, in the context of domestic and family violence. New section 292A of the Criminal Procedure Act 1986, found in schedule 2 [3] to the bill, also makes it clear that non-consensual sexual activity can occur in many different circumstances, including between people who are married or in an established relationship with one another. The reforms sufficiently recognise the observations made by the Law Reform Commission that sexual offences can, and commonly do, occur within relationships and inside a family unit.

Other aspects of a criminal trial also ensure that this can be taken into account and understood by a jury. This includes the ability for the prosecution to lead relevant context and relationship evidence about the dynamics between the accused person and the complainant, subject to the rules of evidence and common law precedent. Where relevant and admissible, it will also be open for the prosecution to adduce expert evidence about sexual offending in the context of a domestic relationship and patterns of domestic violence. This may enable specific themes that arise within the facts of a particular case to be better explained to a jury. During consultation, some stakeholders expressed concern that fear of force or fear of harm are very low subjective thresholds on which to assume that a person does not consent.

It was submitted that there may be cases of intimidatory or coercive conduct or other threats where it would be unjust to assume that consent is not present as a result. The Government considers that the law is clear that consent is the free and voluntary agreement to participate in sexual activity. Every person has the right to choose whether or not they engage in sexual activity with someone else. A person cannot exercise free and voluntary choice if their choices are affected by intimidation, coercion or threats of any kind, or because they are agreeing out of fear of force or harm. Those circumstances are not consistent with a free and voluntary choice, and without free and voluntary choice there can be no consent. These issues have been closely considered in the drafting of the legislation.

Following consultation, it was considered that "fear of harm" should be amended to better specify the severity of harm, to ensure that the provision does not operate too broadly. In particular, it was considered that the words "of any kind" following "fear of harm" could have extended the operation of this provision to situations that it was not intended to capture. "Harm of any kind" is a very broad descriptor and could include very low-level conduct, which could not be said to negate consent. "Fear of harm" has, therefore, been amended to "fear of serious harm" to ensure that an appropriate balance is struck between the affirmative model of consent embodied in this bill on the one hand, and an appropriate threshold of conduct expected of people in these circumstances on the other hand.

The member for Newtown asked whether withdrawal of consent by words or conduct in new section 61HI (2) includes the freeze response. This will turn on the facts of a case. However, there is sufficient scope within the law to address this circumstance if it should arise, without unfairly criminalising a person who may have taken reasonable steps at the beginning of the sexual encounter. In order to proceed with a sexual offence on this basis, the prosecution will need to establish that the accused knew the other person was not consenting—in this case, had withdrawn their consent—and continued anyway. I use the word "knew" in that context in its statutory sense, which includes the other states of mind that we have described that constitute knowledge, not necessarily limited to actual knowledge. For example, it may be that the complainant was actively and willingly participating and reciprocating and then his or her conduct changed so much that they lay there and were unresponsive. It may turn to a question of fact whether this might make out that consent had been withdrawn and the accused knew this and yet continued despite it.

The member for Newtown sought further information as to whether stealthing should feature as an example or a substantive provision of the bill. Stealthing does not need to be an expressed provision in order to criminalise this conduct as a sexual assault. Draft subsection 61HI (5), and its accompanying drafting note, already covers stealthing and reflects the approach adopted by the Law Reform Commission. The Government supports the

approach taken by the Law Reform Commission. The bill will make it clear that a person who consents to a particular sexual activity is not, by reason only of that fact, to be taken to consent to any other sexual activity. That this provision encompasses stealthing has also been clarified in the second reading speech. These reforms ensure that the issue of stealthing is appropriately and adequately dealt with by the criminal law to ensure that victims are sufficiently protected from this type of offending, by clearly conveying that stealthing is criminal behaviour and is prohibited by law.

The member for Newtown sought clarification as to how the fraudulent inducement provision in the bill would operate with respect to HIV status. As I outlined in the second reading speech, fraudulent inducement in the context of these reforms requires something more than silence or non-disclosure on the part of the accused: It requires a positive act or spoken words amounting to a falsity that the accused knows to be false. The accused must intend that by making the representation they seek to obtain the complainant's participation in the sexual activity. The member for Newtown noted that in New South Wales there is no longer a legal requirement to disclose HIV-positive status. However, people with HIV must take reasonable steps to prevent HIV transmission. Intentionally or recklessly infecting another person with HIV may be a serious crime in itself. The prosecutor and the courts will determine cases like this on a case-by-case basis, consistent with the interests of justice and of the community.

As noted in the second reading speech, distinct from non-disclosure, if, on the other hand, an accused person expressly and fraudulently warranted that they did not have an infection or disease but knew this to be untrue and the complainant made it clear that their consent was contingent on the representations, this may constitute a fraudulent inducement, depending on the context and state of mind of the accused. The acts of an accused would need to amount to a fraudulent inducement before these are criminalised. This is a high bar in itself. Typically, to constitute a fraudulent inducement, it will need to be clear, on the evidence, that the fraudulent or deceitful representation was to such a degree that the maker intended to obtain the complainant's consent to the act when they would otherwise not have given their consent but for the serious misrepresentation. The representation must have a causal connection to the obtaining of that consent. The member for Newtown requested clarification as to whether reference to identity in section 61HJ (1) (j) (i) of the bill includes gender identity. The Law Reform Commission closely considered the issue of gender identity and noted concerns raised by stakeholders at paragraph 6.158 of its final report:

There are concerns that this circumstance could capture mistakes about personal characteristics, such as a person's gender identity, sex characteristics or sexual health status. We are not aware of any cases where this has occurred. Such a broad interpretation would be inconsistent with the reason why this category of mistaken belief was added to the Crimes Act.

Sexual activity on the basis of mistaken identity is already criminalised at law. The provision does not intend to extend to gender identity. Should there be cases, however, where this is deliberately misrepresented to such a degree that it constitutes fraud, it may be criminalised elsewhere. The Government considers that there are sufficient safeguards within the consent provisions, including the need still to prove an accused's knowledge of consent or lack of consent, to ensure that prosecutions may only be pursued in appropriate cases. It was suggested in debate that the Attorney General should report back on the training and education of judges and the legal profession regarding consent.

The Law Reform Commission recommended that the Department of Communities and Justice should fund the design and delivery of a targeted education program to accompany any reforms. This should be available at a minimum to judges, prosecutors, criminal lawyers and police and include information about the nature and intended effect of the reforms, as well as research about trends and themes in sexual offending. Agencies have been consulted in relation to this. The Government is committed to working with them to ensure that all relevant parties are adequately trained to understand the reforms. The Department of Communities and Justice has also formed an implementation and monitoring working group to oversee this process. The Government will work with agencies to ensure that judges, lawyers and police are well informed about the changes to consent law.

However, the Attorney General is not responsible for the delivery of education to judges, prosecutors, criminal offence lawyers and police. The Judicial Commission of New South Wales provides a continuing education and training program for New South Wales judicial officers. That commission is an independent statutory corporation established under the Judicial Officers Act 1986. That commission reports to the Parliament of New South Wales. The separation of powers doctrine also dictates that the judiciary must operate independently of the Legislature. The Office of the Director of Public Prosecutions delivers education to lawyers in that office. The office is created by the Director of Public Prosecutions Act. The director acts independently and impartially. Under the Police Act 1990, the Police Commissioner is, subject to the direction of the Minister—not me—responsible for the management and control of the NSW Police Force. In the case of the Legal Aid Commission, training is delivered to that commission by that organisation. The Law Society of New South Wales delivers general training to the legal profession.

The Law Reform Commission recommended that the government initiatives directed to educating the broader community about consent and sexual activity should be reviewed to ensure that they incorporate, and are consistent with, the reforms. The reforms will be supported by a public education campaign to commence in 2022. It follows the Department of Communities and Justice's #Make no Doubt campaign, which was launched in 2018 to raise awareness and encourage positive conversations about sexual consent. The Department of Communities and Justice will also work with the Department of Education throughout the implementation of these reforms. The member for Newtown has foreshadowed a number of amendments. I will address those in the consideration in detail stage. In summary, this is an important area of law reform. It has been a long time coming. I thank all members for their important and respectful contribution to the debate. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Ms Jenny Leong and Mr Michael Daley

Consideration in Detail

TEMPORARY SPEAKER (Mr Greg Piper): By leave: I shall propose the bill in one group of clauses and schedules. The question is that clauses 1 and 2, and schedules 1 and 2 be agreed to.

Ms JENNY LEONG (Newtown) (18:51): I move: The Greens amendment No. 1 on sheet c2021-126A:

Proper medical or hygienic purposes

Page 3, Schedule 1[1]. Insert after line 5—

- (5) For the purposes of this Division, anything carried out by a health professional is not carried out for proper medical or hygienic purposes unless it is carried out in accordance with relevant professional standards and clinical guidelines for care.

As members will see—and I have gone through these amendments with members who were interested—amendment No. 1 on sheet c2021-126A seeks to address proper medical or hygienic purposes. The amendment makes clear that medical practitioners must be guided by professional standards and clinical guidelines rather than their own opinions or views when making decisions about interacting with a patient's genitalia. One of the things that is mentioned clearly throughout the bill and absolutely should be in the bill is the recognition that proper medical and hygienic purposes is a completely justified and reasonable reason for someone touching someone's genitalia or anus.

However, there are circumstances where being in a medical or health setting should not mean that anything is okay in that setting. The mere fact of being in a medical or health setting should not mean that anything that happens in that setting is automatically appropriate and acceptable. A health professional should not have the right to do whatever they like to another person solely on the basis that they claim that they believe it is for medical or hygienic purposes or because it is located inside a medical or health professional's offices or surgeries. We know that there is a clear power imbalance when it comes to the relationship between health professionals and patients. We also know that there is an increased capacity for sexual offences to occur where there is a power imbalance. Any good health professionals would not have a problem with this amendment. They will already be complying. In this legislation we do not seek to control what these professional standards and clinical guidelines say. These already exist and are a matter for the relevant professional standards and oversight bodies. Instead we wish to bring to the attention of the Chamber the fact that this amendment was raised with us out of genuine concern and real situations that have occurred in the context of people seeking medical assistance.

During our consultation with the AIDS Council of NSW [ACON] on this bill, they explained to us the impact and uncertainty around the issue that has commonly impacted transgender and gender-diverse people when seeking medical support. ACON explained that while clinical guidelines for the administration of hormonal management in adult transgender and gender diverse people explicitly state that genital examination is not required to commence hormone treatment, ACON is aware of doctors who force trans and gender diverse people to undergo a confronting genital examination before allowing them to access treatment. Those doctors are often resistant to change in their practices because it is their personal belief that they are doing it for medical purposes, despite the fact that there are no medical or professional guidelines suggesting that that is the case. One case study that ACON shared with us and requested we put on record for the Attorney General to consider was in relation to an individual, who wrote:

I would not recommend Dr *** for hormones, my experience was shared by many of my trans friends and it did not seem appropriate. ... she advised me that a physical examination was recommended, she said that I could say no however it was recommended to help my transition that I consent, so I did, I was told to lay on the bed, take my pants and underwear off while she touched and squeezed my testicles, and touched my penis, it was painful and unpleasant, and from what I heard after, this was not appropriate or part of the normal process. I didn't know this, I was told by her that it was a normal process and it was recommended so that if there was any problems then she would have a baseline to go off for my transition.

While that is an example that was provided to us today, it is clear that this type of situation can and does arise in a health and medical setting, and is in no way just confined to the trans community. Providing that health professionals must be guided by professional standards and clinical guidelines when making decisions about interacting with a patient's genitalia is a commonsense amendment that we hope will go to addressing the concerns that have been raised around the fact that medical and hygienic purposes that are adequate and in line with guidelines should absolutely not be captured under the content of the bill.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (18:56): The Government opposes the amendment. I respectfully suggest that it would represent an extraordinary overreach of the criminal law to potentially have someone found guilty of sexual assault with a maximum penalty of 14 years because they had departed from relevant professional standards and clinical guidelines. There may be extreme cases of the kind that the member for Newtown described where severe disciplinary sanctions would be imposed and the practitioner may be struck off. It may be that in extreme circumstances some criminal law has been broken, but mere departure from professional standards and mere unprofessional conduct should not, without more, be regarded as relevant penetration without consent that captures the opprobrium of being regarded as a sexual assault, particularly where there is no sexual motivation involved. Our amendments include tightening up what I will call the defence for medical purposes so that if there is a mixed medical and sexual purpose, that will not excuse the accused. We are proposing to amend section 61HA by inserting subsection (2), which specifies the word "solely":

- (2) Penetration carried out solely for proper medical or hygienic purposes is not sexual intercourse for the purposes of this Division.

The problem is that although the member for Newtown identifies an alarming case, it is and would be an extraordinary overreach to pick up every example of a departure from a professional standard and call that sexual assault. The Government does not support the amendment.

TEMPORARY SPEAKER (Mr Greg Piper): The question is that The Greens amendment No. 1 on sheet c2021-126A be agreed to.

Amendment negatived.

Ms JENNY LEONG (Newtown) (18:59): By leave: I move The Greens amendment No. 1 on sheet c2021-127A and The Greens amendments Nos 1 and 2 on sheet c2021-139A in globo:

No. 1 Meaning of "sexual intercourse"

Page 3, Schedule 1[2], proposed section 61HA(c), line 13. Omit "female genitalia". Insert instead "genitalia or anus of another person".

No. 1 Sexual assault by self manipulation

Page 7, Schedule 1[20], line 9. Insert "vagina" before "(including)".

No. 2 Sexual assault by self manipulation

Page 7, Schedule 1[20], line 10. Insert "Insert instead "genitalia"." after "*self-manipulation*".

The amendments relate specifically to changes to inclusive language and some inconsistencies that appear in the bill. In some cases there are situations where the bill refers to genitalia in a gendered way and in other cases it does not. There is a need for some consistency around that. The amendments work together to provide for consistent language around genitalia across the bill, ensuring that it is inclusive of all genders and that there is not an inconsistency about the types of acts done to one gender over another or one person to another. Amendment No. 1 on sheet c2021-127A deals with proposed section 61HA and the meaning of "sexual intercourse". 61HA (a) refers to the penetration to any extent of the genitalia or anus of a person, but 61HA (c) refers to the application of the mouth or tongue to the female genitalia. The amendment seeks to replace "female genitalia" with "genitalia or anus", in line with 61HA (a) as well as other parts of the bill.

It is unclear why the application of the mouth or tongue to genitalia would only be considered sexual intercourse if that genitalia belonged to a female. Are we suggesting that the application of a tongue or a mouth to male genitalia without consent is not non-consensual sexual intercourse? As it stands, the reference to female genitalia suggests that certain acts defined as sexual intercourse would only be considered sexual intercourse if they were applied to female genitalia and not to male genitalia. It is our view that the confusing reference to female genitalia must be removed from the bill to ensure that there is consistency, which would see references simply in relation to genitalia and anus as it is in 61HA (a).

The amendments on sheet c2021-139A have the effect of updating the definition of sexual assault by self-manipulation in proposed section 80A. I note that there was an error in the drafting of the amendment. It was intended to read "to remove 'the penetration of the vagina, including surgically constructed vagina or anus' and

replace that with 'the penetration of genitalia or anus'. The amendments create consistency with the earlier definition of sexual intercourse, and remove an unnecessary and potentially problematic reference to the gender identity of the person who was assaulted. They also seek to remove any dangerous confusion of the triers of fact in cases where the victim-survivor has diverse sex characteristics or gender identity, and questions must be asked around that before a consideration of whether consent has been given. I ask the Government to clarify why there is a reference to female genitalia and to vagina in some parts of the bill, while other parts simply refer to genitalia and the anus.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (19:03): The Government opposes both sets the amendments. Amendment No. 1 on sheet c2021-127A is a complex proposal that would expand the application of sexual intercourse. It would be more appropriately dealt with in the five-year review. It goes further than inserting inclusive language; the amendment will extend the definition of sexual intercourse to include the application of the mouth or tongue to the anus of a person.

The Law Reform Commission recommended—see recommendation 9.2—that consideration should be given as to whether the definition of sexual intercourse in section 61HA of the Crimes Act should include the touching or stimulation of any genitalia or the anus with the mouth or tongue. The issue arose out of Law Reform Commission research and was not initially raised in any submissions by stakeholders to the consent review. Stakeholders have not had the opportunity to comment on the expansion of the definition of sexual intercourse, which could have significant downstream implications on the justice system and may not appropriately reflect the criminality of the act.

The Law Reform Commission acknowledged that the issue is complex, may result in changing the thresholds for sexual offences and may impact court workloads. The application of the mouth or tongue to the anus of a person is currently classified as sexual touching. When it occurs without consent, it is already a crime under section 61KC of the Crimes Act or, if aggregated, under section 61KD. If there is any penetration of the anus with the tongue, or any other body part or object manipulated by the other person, this is sexual intercourse. If that occurs without consent it will be considered sexual assault under the law.

Using the general term "genitalia" may also result in ambiguity in the charging and prosecution of sexual offences. It is important that when dealing with sexual offences the law uses appropriate medical and anatomically correct terms so that the Act is particularised. This ensures that elements of a sexual offence can be made out in the detail that is required. It is acknowledged that descriptions of genitalia still draw on gender as a construct. However, for the time being this remains appropriate. The Government will reconsider this issue as part of the future statutory review of the consent reforms.

Moving to the amendments on sheet c2021-139A, they are not supported. The bill as proposed by the Government proposes the removal of the reference to "including a surgically constructed vagina" within the definition of self-manipulation as this will be addressed in the updated statutory definitions at section 61H, which apply to all offences under division 10. The amendment proposed by the Government to section 80A is consequential by reason of that updated statutory definition in section 61H, which in the bill will provide that it is not relevant for the purposes of the division whether a part of the body referred to is surgically constructed or not. Consent is not an element of the offence of sexual assault by forced self-manipulation so the other reforms have no bearing on its application.

The Greens amendment goes further and will expand the definition of self-manipulation to refer to the penetration of the genitalia rather than the penetration of the vagina. The use of the word "vagina" in this provision is distinct from an anatomical perspective compared with the use of female genitalia more generally, which includes the outer and inner labia. This will likely expand the section 80A offence much further in practice than is currently provided by the offence, which is mainly to address circumstances where a person forces another to use a dildo, vibrator or some other object. Any amendment to this event including expansion requires careful and in-depth stakeholder consultation to consider its scope and overall operation. It is not appropriate to expand to other sexual offences as part of these reforms, but will be considered as part of the further statutory review.

Ms JENNY LEONG (Newtown) (19:09): I appreciate the Attorney General's response and I appreciate the recognition of the need to look at these issues within the review process. I highlight the fact that it is really important in this context that we recognise that many of our laws, and many of the ways that our laws are drafted, do not reflect the gender diversity and the diversity that people in our community identify with, and their personal characteristics. It is really important in that context that the Attorney General recognises that it is very important that the right stakeholders are consulted when we are dealing with these matters. I would go back and have further consultation with those before we consider potentially moving additional amendments in the Legislative Council. But I feel strongly that consent reform—and do not get me wrong, this is a really important reform and I am very glad it is happening—is also seen very much as a women's issue. I think that there is a risk that, in us seeing it that

way, sometimes when we are making these reforms we do not think about the diversity of our community more broadly and I worry that potentially those from the trans and gender diverse communities have not been considered in relation to how some of this has been drafted.

If we look at the issues around sexual assault, sexual violence and the types of violence that are inflicted on the trans and gender diverse communities, that is significant and real. So it is crucial and important to put on the record, because sometimes we think about this and we sit it within a context of this is our women's rights discussions and these are our decisions in this space. And then we go to the drafters and the people who are doing it and talking about laws and in that process we forget about the diversity and those who are perhaps most marginalised in our community. It is really important, when considering making definitions around genitalia and people's sex characteristics, that we are not making assumptions that make it easier for the drafters but maybe do not allow us to address the complexities of the people's lives that we are talking about when we are making these laws. I thank the Government for that response, and we will look further into that in relation to potential amendments in the Legislative Council.

Ms JODIE HARRISON (Charlestown) (19:11): I indicate that the Opposition will be supporting The Greens amendment No. 1 on sheet c2021-127A and The Greens amendments Nos 1 and 2 on sheet c2021-139A.

TEMPORARY SPEAKER (Mr Greg Piper): The question is that The Greens amendment No. 1 on sheet c2021-127A and The Greens amendments Nos 1 and 2 on sheet c2021-139A be agreed to.

Amendments negatived.

Ms JENNY LEONG (Newtown) (19:13): I move The Greens amendment No. 1 on sheet c2021-128B:

No. 1 Objective

Page 4, Schedule 1[9], proposed section 61HF. Insert after line 13—

- (d) there is a high incidence of sexual offences committed within society,
- (e) sexual offences are significantly under-reported,
- (f) a significant number of sexual offences are committed against women, children and other vulnerable persons, including persons with a cognitive impairment or mental illness,
- (g) sexual offenders are commonly known to their victims,
- (h) sexual offences occur most frequently in residential locations,
- (i) there are legitimate reasons why victims of sexual offences may not physically resist sexual offenders, including—
 - (i) physiological responses to aggression, and
 - (ii) fear of escalating or prolonging the attack,
- (j) sexual offences often occur in circumstances where there are unlikely to be any physical signs of an offence having occurred,
- (k) there are legitimate reasons why a victim of a sexual offence may not immediately report the offence to police or another person, and a failure to make an immediate report does not discredit an allegation.

This amendment relates to the expansion of the objectives within the bill. One of the things that has become very clear in listening to this debate is that many members have identified the huge problems that we have had with these laws to date and the fact that it has much needed reform before. As it stands, the objectives of subdivision 1A—Consent and knowledge of consent—are to recognise that (a) every person has a right to choose whether or not to participate in a sexual activity, (b) consent to a sexual activity is not to be presumed and (c) consensual sexual activity involves ongoing and mutual communication, decision-making, and free and voluntary agreement between the persons participating in the sexual activity. We absolutely support these objectives because they capture some of the fundamental aspects of an affirmative consent standard. These objectives will be important in ensuring that this legislation is interpreted through an affirmative consent lens.

However, in line with the recommendations of *Family Violence—A National Legal Response*, a joint report from the Australian Law Reform Commission and the NSW Law Reform Commission released in 2010, this amendment seeks to build on that very good start of those three objectives and expand them by adding further recognition of the reality of sexual offending to challenge rape myths and stereotypes which have historically stood in the way of justice for survivors and to normalise healthy and communicative consent behaviour.

This amendment first seeks to insert recognition that (d) there is a high incidence of sexual offences committed within society and (e) sexual offences are significantly under-reported. This is a vitally important

recognition. In Australia it is estimated that only around 9 per cent of sexual assaults are reported to police, in part because survivors are given very little reason to believe that they will ever get justice and in New South Wales charges are laid against offenders in only about 26 per cent of reports made.

The amendment will also insert recognition that (f) a significant number of sexual offences are committed against women, children and other vulnerable persons, including persons with a cognitive impairment or mental illness; (g) sexual offenders are commonly known to their victims; and (h) sexual offences occur most frequently in residential locations. This is another vital inclusion and, as we saw from the many testimonies collected by Chanel Contos and the Teach Us Consent group, story after story detailed assaults by people known to and trusted by survivors. But still the prevailing community view on rape is that the most dominant version is stranger rape. It is important for us to include an interpretation of this legislation and ensure that it is done with a lens on the vast majority of cases where sexual offenders are commonly known to victims.

This amendment goes further to insert at (i) that there are legitimate reasons why victims of sexual offences may not physically resist sexual offenders, including (i) physiological responses to aggression, and (ii) fear of escalating or prolonging the attack. One of the key considerations of the NSW Law Reform Commission report into consent laws in New South Wales, which significantly informed this bill, was to address the issue of a freeze response where a person freezes in fear and cannot communicate their lack of consent. I note the Attorney General made special mention of this several times in his second reading speech, including recognition of the freeze response or other impassive responses to an assault, and these objectives will ensure that any interpretation of this legislation includes that consideration.

Finally, this amendment inserts recognition that (j) sexual offences often occur in circumstances where there are unlikely to be any physical signs of an offence having occurred, and (k) there are legitimate reasons why a victim of a sexual offence may not immediately report the offence to police or another person, and a failure to make an immediate report does not discredit an allegation. I note that the last insertion relates back to the comments that the Attorney was making in relation to the points raised by the member for Maroubra in his speech yesterday.

Again, these parts directly challenge rape myths about what does or does not constitute a sexual assault that are pervasive in our community and are what must not be considered in any interpretation of the bill. It is absolutely critical that we recognise the need to expand these provisions and, as a study noted in the Rape and Domestic Violence Services Australia submission to the Law Reform Commission report on consent, pre-existing attitudes about sexual assault not only influence judgements about the credibility of the complainant and that of the accused but also influence judgements more than the facts of the case. That is why it is so important that we have expanded objectives to be able to ensure that we do not continue to have legislation that is being considered based on rape myths.

Mr Mark Speakman: Is it 128A or 128B?

Ms JENNY LEONG: It is 128B.

Mr Mark Speakman: There was an earlier version I think.

Ms JENNY LEONG: Just to clarify, in case people have an earlier version which is 128A, the initial amendment sought to replace the existing objectives (a) to (c) with the other objectives, but what we actually intended was to expand the objectives to include these additional ones.

TEMPORARY SPEAKER (Mr Greg Piper): I thank the member for Newtown for the clarification. This is rather complex and I appreciate everyone's attempt to assist each other.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (19:19): I am grateful to the member for Newtown for that clarification. The proposed amendment inserts a number of additional objectives beyond those that were proposed by the Law Reform Commission. The principles that are sought to be inserted by these objectives are not solely relevant to consent but to sexual offence trends generally. In 2010 the Australian Law Reform Commission and the then NSW Law Reform Commission jointly recommended a similar set of objective principles in their joint report on family violence—see Recommendation 25-9. Some of these subsections have been replicated from that list. The 2010 recommendations of the Law Reform Commission made jointly with the Australian Law Reform Commission regarding a general list of objectives have been superseded by the Law Reform Commission's more recent recommendations regarding consent in relation to sexual offences. The 2020 recommendations incorporate some aspects of the previous New South Wales and Australian law reform commissions' recommended list in other ways. The Law Reform Commission in its 2020 consent report did not recommend the adoption of a more general list of objectives or principles as proposed by c2021-128B. Noting the submissions made by stakeholders recommending this approach, the Law Reform Commission at paragraph 4.34 concluded:

After considering this approach, ultimately we have not adopted it. This is because we have aimed to develop a list of principles that specifically reinforces the communicative model of consent that underpins the NSW approach to consent and knowledge of non-consent.

Adoption of the proposed amendment would pose a significant number of issues, including the following: First, the question of mandatory consideration requiring the court to have regard to these principles when interpreting the new consent provisions, but not all of the listed generalisations are going to be relevant to every case, so that may increase complexity in the application of the law in a sexual offence trial, which is not the objective of these reforms. The second question is prejudice to the accused. There is a risk that these considerations suggest the guilt of an accused on the basis of sexual offence trends. There may be an implication that an accused is guilty on the basis of the presence of any part of this list which is not based on evidence relevant to the particular trial.

The third issue is procedural complexity. The courts must have regard to this list when interpreting and applying the legislation, but they are not directions that are given to a jury. In effect, they may have limited effect on a criminal trial for the tribunal of fact. The fourth issue is an increase in the length of proceedings. If the court does not have regard to these principles or omits to include this in any judgement, it may create a ground of appeal, which increases the length of criminal proceedings. Aspects of this more general list of objectives can be found elsewhere in the reforms and within the existing law under the Criminal Procedure Act so that these principles may be more effectively applied where relevant to the facts of the criminal case. For example, the new jury directions proposed in schedule 2 to the bill for the Criminal Procedure Act 1986 include a direction that non-consensual sexual activity can occur in many different circumstances and between different kinds of people, including people who know one another, people who are married to one another or people who are in an established relationship—see proposed section 292A. This reflects proposed objectives (f) and (g) on sheet c2021-128B.

There is also a new jury direction at new section 292C to address lack of physical injury. That provides that people who do not consent to a sexual activity may not be physically injured or subjected to violence, or threatened with physical injury or violence, and the absence of injury or violence or threats of injury or violence does not necessarily mean that a person is not telling the truth about an alleged sexual offence. That reflects some of the other objectives in the list. Section 294 of the Criminal Procedure Act already provides a direction that addresses the issue of delay in complaint and how this should not impact credibility. That covers objective (k) in the proposed list. Jury directions are a more effective way of ensuring that juries can be directed about these issues where relevant, rather than only requiring judges to consider certain principles. To summarise, the bill reflects the recommendations of the Law Reform Commission, and the principles in the bill and the proposed jury directions will ensure that they will more directly assist the decision-makers on facts with their understanding and application of the communicative affirmative model of consent that is being introduced by the reforms.

Mr MICHAEL DALEY (Maroubra) (19:25): The Opposition does not support the amendment. First, as statements of fact, each of those statements that are embodied in the proposed objectives in the amendment are absolutely right on the money. There is a high incidence of sexual offences committed within society, sexual offences are significantly under-reported and so on. All of them are statements of fact and are true. But I addressed the House yesterday not only as the shadow Attorney General but as someone who has been a lawyer in a previous life, and I indicated that the Opposition's approach to these amendments was to be cautious insofar as they may have potential impacts on the conduct of a trial and its fairness or otherwise.

I hear what the Attorney General has said, and we are cautious of that approach. As a matter of strict drafting, I think some of the provisions are anomalous. For example, an objective of an Act, while not being mandatory if you like, does fall within the list of things that a judge will consider when sitting as the tribunal of law as to the intentions of a statute. Therefore it can have an impact on a trial. The objectives that are embodied in the bill in new section 61HF (a), (b) and (c) have a necessary relationship to the provisions of the Act. For example, new section 61HF to the bill states:

An objective of this Subdivision is to recognise the following—

- (a) every person has a right to choose whether or not to participate in a sexual activity,

An embodiment of that objective is found within the specific provisions of the Act. Take for example proposed paragraph (d) in The Greens amendment No. 1 on sheet c2021-128B:

There is a high incidence of sexual offences committed within society

No doubt that is true, but you will not find within subdivision 1A an effective provision that reflects that as a matter of drafting. The Opposition is sympathetic to the intentions of the member for Newtown in wanting to insert them. We want to insert them as well in terms of education in society; we just do not believe that in drafting terms they safely fit within the ambit of the Act.

Mr ALEX GREENWICH (Sydney) (19:28): I support the amendment of the member for Newtown, and I support all of The Greens amendments. I acknowledge the significant work that the Attorney-General and his department have done on this piece of very important legislation, which I support, and I also acknowledge the work of members across the Parliament. I particularly thank the member for Newtown for the stakeholder consultations she has done. A number of those stakeholders have contacted me expressing their support for the entire suite of amendments put forward by the member for Newtown, including organisations like Domestic Violence NSW and the Aids Council of NSW. The member for Newtown's amendments seek to make sure that this is strong, modern and inclusive legislation. I support this amendment and the entire suite of amendments. I commend the member for Newtown for her work on this.

Ms JENNY LEONG (Newtown) (19:29): To be clear, these amendments are not coming from me sitting in my office thinking up things to talk about in the Chamber on the issues of sexual assault and sexual offences. The amendments have been drafted in consultation with, and working with, a number of key organisations, including Saxon Mullins and Rachael Burgin at the Rape & Sexual Assault Research Initiative, Rape and Domestic Violence Services Australia, the Women's Legal Service, Domestic Violence NSW and the Aids Council of NSW. I appreciate that amendments can get caught up in the technicalities of how legislation is created, but I think it is important to recognise that key stakeholders in this space have been pushing for this reform. We have got this reform because of their work in advocating for affirmative consent reform. That is a wonderful thing, do not get me wrong.

If those key people, who are experts working every day of their lives with survivors of sexual assault and sexual violence and who are advocates in that space, are saying to Parliament that they believe the objectives of the bill should and can be expanded, and they are working on the drafting of that to reflect the best way they believe the justice system will provide justice to people who have been raped and sexually assaulted in a way that they have not got justice previously, then we need to recognise that expertise in this Chamber. I am very disappointed that despite sharing these amendments with members of the House 48 hours ago, the first I hear about concerns around the drafting from the Opposition comes when we are in the Chamber. If the Opposition had concerns about the drafting of our amendment, raising those concerns when The Greens shared the amendment would have been really wonderful.

I appreciate that there is no obligation on them to do that, but in the context of the work we have done with key stakeholders and women's groups, there has been no communication by the Opposition about their concerns around the amendment. Those concerns could have been addressed and we could have worked on some solutions that would have addressed them. The Attorney General's office was also aware of these amendments. If there was a way to resolve these concerns, it would have been good to undertake. Maybe I exist in a world where I think that when we share these things there is the ability to go back and forth and address concerns. That is okay. These amendments are not just me, the member for Newtown, and The Greens coming up with some crazy, wacky amendments in an office somewhere. I understand that many members have received letters of support from Rape and Domestic Violence Services Australia and Domestic Violence NSW for these amendments and they have been drafted in consultation with them. The amendments have been brought to the Chamber with the support of those organisations, groups, advocates and people with direct experience and understanding of the way the justice system is not providing justice to survivors.

Mr MICHAEL DALEY (Maroubra) (19:33): I respond briefly to that unfortunate contribution from the member for Newtown. No-one said that the member for Newtown and The Greens were sitting in an office coming out with "crazy, wacky amendments". I made it very clear and as respectfully as I could yesterday in a very long contribution to the second reading debate that the Opposition would be approaching this legislation in earnest and carefully, recognising that all the stakeholders the member for Newtown just acknowledged had a crucial role in bringing this seminal legislation to the House. I also made it clear that we would be very careful and cautious with it because it had been up hill and down dale for years with consultations. The Opposition will support some of the nine or 10 Greens amendments, like we did for the last two, and some we will not. This ought not be a matter of political battle, and it has not been until now.

TEMPORARY SPEAKER (Mr Greg Piper): The question is that The Greens amendment No. 1 on sheet c2021-128B be agreed to. A division has been called for. There being only five members for the question, the question is resolved in the negative. The names of the members will be recorded in the *Votes and Proceedings*.

Ayes, 5

Greenwich, A
Leong, J
McGirr, J
Parker, J
Smith, T

Amendment negatived.

Ms JENNY LEONG (Newtown) (19:42): I move The Greens amendment No.1 on sheet c2021-129A.

No. 1 Communicating agreement to sexual activity

Page 4, Schedule 1[9], proposed section 61HI(1), line 28. Insert "and communicates this by words or actions" after "activity".

Amendment No.1 on sheet c2021-129A strengthens the definitions of consent generally and reinforces the communicative nature of consent. If we are truly to implement affirmative models of consent in New South Wales, it needs to be explicit that consent cannot be implied or inferred. It must be clearly and positively communicated continuously throughout the sexual act. Currently the bill does not require words or actions for a person to give consent but does require words or conduct for it to be withdrawn. That appears to be a contradiction that The Greens believe should be rectified. If we were to identify key amendments that go to the heart of this reform, this amendment and the amendment around mental health impairment bring us the most serious concern about the bill.

The question must be asked: Recognising that without the standard of affirmative consent requiring that consent is communicated by words or actions, can the Attorney General confidently say this is affirmative consent? We need to recognise that if the Government will not support the insertion, it is critical that the Attorney General outlines and clarifies how the withdrawal of consent interacts with that element at proposed section 61HI (1) because, as it stands, the withdrawal of consent requires words or conduct, so it is difficult to see how a person who has frozen is able to withdraw consent. It is critical that in responding to the amendment the Attorney General clarifies whether freezing, submission or a similar impassive or non-response during an assault is considered conduct. In relation to the amendment, I will take a moment to go through the key issue. As it currently stands, consent at paragraph (1) says:

A person *consents* to a sexual activity if, at the time of the sexual activity, the person freely and voluntarily agrees to the sexual activity.

It does not require that to be communicated by words, actions or conduct. However, paragraph (2) says:

A person may, by words or conduct, withdraw consent to a sexual activity at any time.

On that measure, there is a contradiction and a misunderstanding of what it means to be actively and affirmatively consenting to sexual intercourse or a sexual act. If a person consents to a sexual activity, they must communicate that through words or actions. To withdraw that is not necessary because consent and affirmative consent is an ongoing and positive act. You do not withdraw something that is an ongoing and positive act. You stop providing consent when you stop providing the positive and affirmative consent to the activity. However, the explanation in the bill as it is drafted requires words or conduct to withdraw consent, but does not put the communication by words or actions to the person who is consenting to the sexual activity.

If we are to pass a genuinely world-leading, affirmative consent model in New South Wales, it is absolutely critical that change is made. By doing that, we reflect the positive confirmation of consent in a way that communicates it by words or actions, in the same way that the withdrawal of consent by the omission of words or conduct is required. In their contribution to the amendments brought forward today, Rape and Sexual Assault Research and Advocacy, Saxon Mullins and Rachel Bergin are 100 per cent keen to see those words inserted to confirm that affirmative consent is the model we deliver in New South Wales to ensure there is justice for survivors and victims of sexual assault.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (19:47): The member for Newtown proposes an amendment to the definition of consent in proposed new section 61HI (1) (a), which will add to the words, "the person freely and voluntarily agrees to the sexual activity", the additional words, "and communicates this by words or actions". The amendment is unnecessary and may add to the complexity that the Law Reform Commission and the Government have worked to minimise in the bill, by replicating a principle expressed elsewhere in the Act using different language. There is already a clear communication requirement in the bill.

Proposed new section 61HJ (1) (a) provides that a person who does not say or do anything to communicate consent, does not consent. That has the same effect as the proposed amendment. The requirement for communication is already there. The amendment would complicate the bill by duplicating the substance of the same requirement in different wording and in different provisions. The Law Reform Commission considered and specifically rejected a communication requirement for the definition. See paragraphs 5.30 to 5.34 of its final report. It instead recommended: recognising other aspects of consent, see proposed new section 61HI of the bill; reforming the list of circumstances in which a person does not consent, see proposed new section 61HJ of the bill; and the introduction of jury directions, see schedule 2 to the bill.

The definition of "free and voluntary agreement" intends to represent a communicative model of consent. The Law Reform Commission asserted that the term "agreement" emphasises that consent is something to be sought and communicated, rather than assumed. See paragraph 5.15 of its report. The definition of consent, as contained in the bill, is consistent with other jurisdictions in Australia. It embodies a communicative model of consent and has strong support from stakeholders. To amend it in the terms proposed is unnecessary and could cause complexity and confusion because the drafting is different. Although the member for Newtown does not seek to amend new section 61HI (2), which deals with withdrawal of consent, she did draw a contrast, as she contends, between the reference to words or conduct in paragraph (2) and the absence of those words from paragraph (1).

The inclusion of the words, "by words or conduct", in paragraph (2), reflects the express recommendations of the Law Reform Commission, which expressly recommended that those words be a requirement in the withdrawal provision. A person cannot meaningfully withdraw consent unless that withdrawal is somehow communicated. Under new section 61HJ (1) (a), consent is not given unless it is communicated. It would be inconsistent to allow consent to be withdrawn without the withdrawal also being communicated. It would create significant unfairness if the law treated consent as being withdrawn when someone having given their consent and verbally communicating it then internally withdraws it without saying or doing anything to communicate that they no longer consent. The mental element of non-consensual sexual offences also provides a safeguard in that respect. The Law Reform Commission noted:

Fairness dictates that, if consent has been freely and voluntarily given, its withdrawal should be communicated before a person acting on the consent could be convicted of a criminal offence. That is, in any event, inherent in the requirements that the prosecution prove that the person knew ... that the complainant did not consent.

See paragraph 5.45 of its final report. For those reasons, the Government does not support the proposed amendment.

Ms JENNY LEONG (Newtown) (19:52): I appreciate the Attorney General's response. We are talking about making the bill as strong as we can. The bill makes significant reform that is absolutely essential, and will introduce an affirmative consent model in New South Wales. I appreciate that the Attorney General references the Law Reform Commission's report, but the Government has gone further than the report recommended, which is absolutely welcome. That is a wonderful piece of news that it has gone further than the report. We need to recognise that when relying on the Law Reform Commission's report, the Attorney General is relying on a report that did not recommend as far as the New South Wales Government has gone. We welcome that the New South Wales Government took it that far, but not everything we are relying on in the Law Reform Commission's report will relate directly to the bill before us. The Government made the very welcome decision to take it further.

I do not understand how we can have an affirmative consent model that requires someone to do something by words or conduct to withdraw consent, when the entire process of an affirmative consent model requires someone to do something active and ongoing to indicate their consent. I would appreciate the Attorney General's response to this one simple question: Are we 100 per cent sure that the Lazarus case would have had a different outcome under this bill, which provides that a person may, by words or conduct, withdraw consent to a sexual activity at any time, instead of requiring that a person demonstrates consent by communicating it through words or actions? Let's not forget that the reason we are considering this reform today is the injustice that was particularly highlighted by the Lazarus case, among many others. The question to the Government and to the Attorney General is this: Are we 100 per cent sure that this reform would have allowed a different outcome in the Lazarus case?

My understanding of it is that we could not be 100 per cent sure because new section 61HI (2) states that a person may "by words or conduct, withdraw consent to a sexual activity at any time", and it does not require that consent is communicated by words or actions. If we are not 100 per cent sure then that is reason for us to consider including this amendment, which would take the bill further than the Law Reform Commission report—and the Government has taken it further than the Law Reform Commission report. So it is not enough to rely on the findings of the Law Reform Commission report when the Government, in a very welcome move, has gone further than what the Law Reform Commission recommended.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (19:55): I will attempt to answer the question from the member for Newtown. This is a statement of my expectation rather than a statement of what the law means; that is up to the courts. The issue in the Saxon Mullins case was that the complainant had frozen and never said or did anything to communicate consent. The accused claimed that he believed the complainant was consenting, but there was an absence of anything being said or done to communicate consent. In a future case that replicates the Lazarus circumstances, I would not expect an accused to have the same defence just because someone in the position of Saxon Mullins never said or did anything to communicate consent. I think the courts accepted that within Ms Mullins' own mind she had not consented, but nothing was said or done to Mr Lazarus to communicate that.

Going forward, to avoid a conviction for sexual assault in those circumstances, someone in Mr Lazarus' position would have to establish that either Ms Mullins had said or done something to indicate consent, or, if she had not, that he had done something to find out within a reasonable time beforehand. Mr Lazarus did not do that in that particular case, so I would expect a different outcome under this bill.

Ms JENNY LEONG (Newtown) (19:57): I appreciate the Attorney General's clarification and comments. The question speaks to a situation where consent has been given and then withdrawn. In a different case, where that individual has said, "Yes, I would like to go to a certain location and I would like to engage in this activity with you," if a reasonable time had passed after they said they were going to go and do that activity and then changed their mind when they did not think the place or location they were in was appropriate to engage in that activity, at that point they freeze. At that point they do nothing by words or conduct. Anyone would say that is a reasonable time frame. They say, "Should we go outside now?" "Yes, I want to do that", and then they change their mind. They do not use any words or conduct to indicate they withdraw consent because at that point they freeze. They are scared of the fact that they are in a place where they do not feel comfortable and they are with someone they do not know and they do not feel comfortable in that space, so they literally freeze and do not know what to do next. But that individual does not engage in any words or conduct to indicate a withdrawal of consent at that point.

What we are debating today is a law that requires affirmative consent. What we should be debating is the need to indicate and communicate, by words and actions, a continuous consent throughout that process. The idea that something must be done, by words or conduct, to withdraw consent when nothing needs to be done to indicate consent is a contradiction that undermines the intention of the bill, which is to introduce an affirmative model of consent. I appreciate the challenges around withdrawing just the words or conduct from the second element of the withdrawal. The solution to that is to mirror the proactive approval of consent so that it is the same test. The giving of consent requires words or actions by the individual in the same way that we are requiring words or conduct to be assessed in the withdrawal of consent. That is my worry, and I do not want that to happen to another person.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (20:00): It has been a very useful exchange with the member for Newtown. The Government's view is that there is not a disconformity or inequality between what is required for consent and what is required for withdrawal of consent. In both cases there is a need for communication. The Government does not accept there is a disconformity or inconsistency of principle. Even if there were, the member for Newtown's proposed amendment would not be a solution because the requirement for something to be said or done to constitute consent—which she seeks to have by changing the definition of "consent"—is already in the bill, as I described previously, in the section that says there is no consent unless somebody has said something or done something to communicate consent. That requirement for communication for there to be consent is already in a provision that sets out when there is not consent—that is, when something has not been said or done to indicate consent. The problem that the member for Newtown describes does not exist. Even if it did, her amendment would not solve that problem.

Ms JENNY LEONG (Newtown) (20:01): I appreciate the Attorney General's response to that question. The Greens will look further at those comments and see whether we might move amendments in that regard in the Legislative Council.

The ASSISTANT SPEAKER: The question is that The Greens amendment No. 1 on sheet c2021-129A be agreed to.

The House divided.

Ayes6
Noes22
Majority.....16

AYES

Greenwich, A
Leong, J (teller)

McGirr, J
Parker, J

Piper, G
Smith, T (teller)

NOES

Conolly, K
Cooke, S (teller)
Crouch, A (teller)
Dominello, V

Layzell, D
Lee, G
Marshall, A
Provest, G

Smith, N
Speakman, M
Stokes, R
Toole, P

NOES

Donato, P
Gibbons, M
Griffin, J
Henskens, A

Saunders, D
Sidgreaves, P
Singh, G

Upton, G
Ward, G
Williams, L

Amendment negatived.

Ms JENNY LEONG (Newtown) (20:07): I move The Greens amendment No. 1 on sheet c2021-135A:

No. 1 Time to take steps for reasonable belief

Page 6, Schedule 1 [9], proposed section 61HK (2), lines 9 and 10. Omit "within a reasonable time before". Insert instead "immediately before".

This amendment strengthens the requirement to take steps to ascertain consent at the time of the sexual activity. In our view and the view of the survivor advocates, expert lawyers and other organisations that we have consulted make it very clear that "a reasonable time frame" is just too broad and could lead to a situation where perpetrators could claim that consent is given potentially days before. Consider a situation where two people are standing outside of one of the person's houses kissing. One invites the other to come inside to have sex. They both agree. Two minutes later, inside the house, the guest notices that there is an entire wall of Nazi memorabilia and that makes them change their mind about wanting to have sex with that individual.

The guest did agree to sex within what most people would consider a reasonable time frame. It could have been a matter of minutes, but after the guest goes inside, they are no longer consenting to that act. But the "reasonable time frame" language leaves it open for the accused to claim a reasonable belief that consent was given in a reasonable time frame. Affirmative consent is not a tick-a-box activity. You do not tick the box of getting consent and then move on to do whatever you so choose afterwards, whatever may have been agreed to. Affirmative consent requires an ongoing communication and the reasonable time frame language undermines that. Reasonableness also invites a whole lot of other considerations that we need this bill to move away from, which it is trying to do. Reasonableness as a standard invites consideration of all things that could have occurred within that time frame, including the actions and behaviour of the victim.

What did she say or do within that reasonable time frame? Did she kiss him in that reasonable time frame? Did she kiss him before they went inside or after? Were they texting about having sex inside his house that night or the day before? Was that a reasonable time frame? These are all the things that this bill seeks to remove when considering if there was consent because an affirmative consent model requires there to be consent at the time that the act is taking place, not in a reasonable time period before. We know that the intention of the Attorney General is not to bring back a whole lot of questions about what the victim did nor did not do in the lead-up to the assault. We know that asking a woman what she did in certain circumstances or what she did or did not do before she was raped are not the kind of questions that we should be asking.

However, by introducing a reasonable time frame, all of a sudden the question of reasonableness requires a consideration of what happened in that time frame to determine whether or not it is a reasonable time frame. The Tasmanian legislation deals very well with this issue. It is a model that is supported by Saxon Mullins and RASARA. That legislation states:

... a mistaken belief by the accused as to the existence of consent is not honest or reasonable if the accused ... (c) did not take reasonable steps, in the circumstances known to him or her at the time of the offence, to ascertain that the complainant was consenting to the act.

"At the time of the offence" is clear; it is measurable. If the time of the offence took a longer time then it is possible to consider what happened at the time of the offence and whether consent was given. "A reasonable time frame" allows for a whole lot of questions that we do not want to be asked and that are completely irrelevant as to whether sexual assault or rape occurred. If we could implement that language in this bill, we would. We would find a way to say that we want "at the time of the offence" to be considered. I appreciate that in the Law Reform Commission's reports, in the various submissions and in the drafts of this bill everyone was aware of the Tasmanian version and chose not to use that clean-cut version of referring to what we consider to be a time frame. We have two options before us: the very broad "reasonable time frame" or The Greens amendment to use "immediately before", which we believe should be supported. "Immediately before" is as close as we can get to "at the time of the offence".

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (20:14): We are speaking here about what goes to the mental element rather than the underlying act, namely the requirement in relation to establishing reasonable grounds for a belief that there was consent. There is no doubt that the solution that the member for Newtown offers is clear-cut, but there is no doubt

that it potentially creates grave injustices. Take the example the member for Newtown gave of people kissing outside a house. They say, "Let's go in and have sex," and then two minutes later sexual activity occurs. Leaving aside the Nazi insignia for the moment, why should it not be open to a jury to acquit an accused in those circumstances? Why should it not be open to a jury to consider someone had been told two minutes beforehand that their sexual partner consented? Why should that person necessarily be convicted of the grave offence of sexual assault and potentially liable to 14 years' imprisonment?

It may be that the circumstances are such that two minutes beforehand is not a reasonable time. There may be circumstances that negative the accused's entitlement to rely upon what was said or done two minutes beforehand. But why, as a matter of absolute necessity, should the court have to hold that someone who had received consent two minutes beforehand and consent had not been withdrawn—there had been no communication that the complainant had changed their mind—be guilty of a very grave offence? Yes, the proposal contained in the amendment is clear-cut. Yes, it produces a definite result. In many cases it will produce the right result, but in many cases it will produce a gross injustice. It reflects an approach that is unduly rigid. It is for a jury to decide what is a reasonable time frame. It is not an open-ended time frame but what is a reasonable time frame, which will depend upon the particular circumstances. As I say, in some cases it may be moments before the sexual activity or at the time that it takes place.

In other cases, a person may do something or say something to ascertain consent at an earlier but reasonably close point in time—for example, at the outset of the intimate acts or as they are progressing. This could be close in time to the sexual act as sexual activity is progressing, but not so close as to be said to have occurred at the time of the sexual activity. A clean result from the amendment would potentially be a gravely unjust result. For those reasons, the Government does not support the amendment.

Ms JENNY LEONG (Newtown) (20:16): I pick up on the Attorney General's point about the risk of grave repercussions or gross injustice. I think all members would agree that the gross injustice that is currently suffered by over 50 per cent of the population is the under-reporting of cases and the failure to convict people who assault and rape women. It is important that members recognise that that is the current gross injustice we are trying to resolve here. The Attorney General asked why it should not be open to the jury to consider the matter. It is because with this bill we are introducing an affirmative model of consent. An affirmative model of consent requires ongoing and proactive communication of that consent. In a situation where you consent in a reasonable time frame before the act but then you are not consenting at the time of the act, that is not consent. That is not affirmative consent. If in a reasonable time frame before you actually said, "Yes, I want to do this", and then you did not want to do it any more, that is not an affirmative model of consent.

The Attorney General suggested there is a risk that if it happened a couple of minutes before it would be considered not to be immediately before, and asked how we define that. If a person is asked whether they want to have sex two minutes before the act and then the people go ahead and have consensual sex, it would never come before a jury because it was consensual sex. That person will not take it to police and report the incident. In the overwhelming number of cases the reason someone reports an offence is because there was no consent at the time. Under this inclusion in the bill—"a reasonable time before"—if you message someone and say, "Why don't we book a room? Why don't we do something on the weekend?" then you have a text message exchange. You have evidence of the fact that you have said yes to engaging in sexual intercourse, but at the time of the offence something happens and you do not want to do so. I worry that juries in these matters will consider whether it was a reasonable time frame.

Consider a woman who says that after the work Christmas party she wants to stay at a man's house and have sex for the first time. However, she sees what an idiot he is and how he has behaved at the party, or when she gets to his house she sees what was on the wall and decides she does not want to have sex anymore. However, it will be open to the jury to consider, "Well actually she texted him and confirmed in writing that she wanted to have sex with him that night" and to say that it was a reasonable time frame. To me, what is expressed in that situation is not affirmative consent. It is not recognising the really gross injustice that is happening to people in this State. It is not the gross injustice of people being convicted wrongly or being accused of raping people when they actually did not.

I am not sure of the statistics from the Bureau of Crime Statistics and Research for all those people imprisoned because they were convicted of rape but did not actually commit the crime. I am not sure how often we see those statistics. The gross injustice here is that women are not being listened to and respected when it comes to the sexual assaults that occur to them. The reasonable time frame test is cause for serious concern.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (20:20): I do not have an extensive reply because I think I have made my points in chief. However, I just emphasise that it is a question of doing or saying something a reasonable time before the activity,

but the consent has to subsist at the time of the activity. In terms of the mental element and what the accused said or did, that is one thing, but after that happens the consent still has to subsist unless withdrawn.

The ASSISTANT SPEAKER: The question is that The Greens amendment No. 1 on sheet c2021-135A be agreed to. A division has been called for. There being only five members for the question, I declare the determination of the House to be in the negative. The names of the members will be recorded in the *Votes and Proceedings*.

Ayes, 5

Greenwich, A

Leong, J

Parker, J

Piper, G

Smith, T

Amendment negatived.

Ms JENNY LEONG (Newtown) (20:26): I move The Greens amendment No. 1 on sheet c2021-137A.

No. 1 Mental health impairment

Page 6, Schedule 1[9], proposed section 61HK (3) (a), lines 13–16. Omit all words on those lines. Insert instead—

- (a) the accused person had at the time of the sexual activity a cognitive impairment within the meaning of section 23A (8) and (9), and

This amendment deals with mental health impairment. I appreciate the Attorney General responded when we raised this issue in the debate. The Attorney General read out very clearly the definition of mental health impairment under the Crimes Act. It is worth noting that under those definitions both an anxiety disorder and an affective disorder, including clinical depression, are considered mental health impairments under the Act. The subsection that we seek to amend here deals with circumstances in which an accused person is not required to have taken steps to have done or said anything for the belief in consent to be reasonable. Of course, there are considerations, including allowing for leniency where the accused person has a cognitive impairment. We absolutely agree that those are necessary.

However, given the potency of this subsection and its potential to undermine the section of the bill, we have real concerns that mental health impairment is way too broad when it comes to consideration. The definition of mental health impairment in the Crimes Act is extremely broad and includes such things as the person has a temporary or ongoing disturbance of thought, mood, volition, perception or memory, and may arise from the following disorders: an anxiety disorder; an affective disorder, including clinical depression and bipolar disorder; a psychotic disorder; a substance-induced mental disorder that is not temporary.

This easily could lead to a situation where any accused could obtain a doctor's certificate explaining that they had anxiety and potentially build a defence on a claim that this anxiety meant that they were too embarrassed to say or do anything to gain consent. It is extremely unclear why mental health impairment provides an accused with a legitimate reason to avoid the requirement to establish consent. It is not a complicated or difficult task and could involve a simple gesture, word or action. If you are well enough to engage in sex, it could be argued that you are well enough to seek consent to have that sex.

Of course, there are circumstances where we believe that leniency must be afforded. A profound psychosis, for example, may be one of those and it would be captured under cognitive impairment. But I put the question to the Attorney General: In the case of Lazarus, had Lazarus obtained a doctor's certificate that explained that he had been on a mental health plan to treat anxiety or depression at the time of the alleged assault, would the outcome of the trial have been altered by this? In his second reading speech, the Attorney General noted that there is a mental health impairment defence to murder, but this is only a partial defence. Here, on the other hand, it appears that a mental health impairment would fully excuse an accused from taking steps to ascertain consent. This is very unacceptable in our view. If the mental health impairment is so significant that it affects someone's ability to understand the charges against them, protections exist in legislation to protect an accused.

I mention briefly there are two amendments in relation to this issue that The Greens will move. The first one will be to delete all words on lines 13 to 16 in new section 61HK (3) (a) and to insert instead, "The accused person had at the time of the sexual activity a cognitive impairment within the meaning of section 23A (8) and (9)." To clarify for members, that would basically remove the mental health impairment subsection in that part of the bill. I foreshadow that The Greens will also move an amendment that would insert "substantial" in relation to the mental health impairment element that is considered as part of this section of the bill.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (20:32): It is possible that the member for Newtown is conflating different issues. The Government opposes the amendment. The member for Newtown said that a mental health impairment should not avoid the requirement to establish consent. To be very clear, what we are talking about is whether, because of a mental health impairment or a cognitive impairment—I paraphrase—the onus always remains on the Crown, but there is a requirement to establish reasonable grounds that the accused has said or done something. Relevantly, we are not talking about whether there still has to be reasonable grounds. There will still be an issue as to whether an accused with a mental health impairment had reasonable grounds to believe.

The effect of a mental health impairment, if it is a cause of not having said or done something, means that the deeming provision that there are no reasonable grounds if you have not said or done something, does not apply. But in the rest of the section, the tribunal of fact will still have to look at all the circumstances of the case, including what, if anything, was said or done to decide whether there were reasonable grounds or whether, to be more accurate, the Crown has proved that there would be no reasonable grounds for any belief, the onus always being on the Crown. If an accused wants to refer to a mental health impairment relevantly here, the onus of proof on the balance of probabilities is on the accused. It is not a matter of getting a sick note from a doctor, going to your local GP and getting a certificate to say that you have a mental health impairment. There would have to be expert evidence led in court that this was a mental health impairment and that it rose to the level of being clinically significant.

I will not repeat all the things that I said on this topic during my second reading speech, but I will rely upon them by cross-reference. It is appropriate that there be this carve-out. It is not a carve-out from criminal responsibility or criminal liability. It is simply a carve-out from what otherwise would be the deeming provision that, if something has not been said or done, there can never be reasonable grounds for any belief that there was consent. It does not mean, though, that even with a mental health impairment of the kind here that the Crown could still show a lack of reasonable grounds, or alternatively that there be a finding that there were reasonable grounds. For those reasons, given the context in which this appears, it is appropriate that the deeming provision not apply because the mental health impairment could explain why something was not said or done and it is up to the jury to decide whether that excludes liability or responsibility for reasonable grounds.

It is not just a question of: Has the accused on the balance of probabilities shown there is a mental health impairment? The accused also has to show on the balance of probabilities that there is a causal connection. There is some cause and effect between the mental health impairment on the one hand, which has to be clinically significant, and on the other hand the failure to have said or done something. For those reasons and the reasons that I adverted to in my reply to the second reading debate regarding this mental health issue generally, the Government does not support the amendment.

TEMPORARY SPEAKER (Mr Gurmeh Singh): The question is that The Greens amendment No. 1 on sheet c2021-137A be agreed to.

Amendment negatived.

Ms JENNY LEONG (Newtown) (20:36): I move The Greens amendment No. 1 on sheet c2021-138A:

No. 1 Substantial impairment

Page 6, Schedule 1[9], proposed section 61HK(3)(b), line 17. Insert "substantial" after "was a".

Taking into account the Attorney General's comments in relation to the need to consider the circumstances and the relationship between the mental health impairment and the act or the failure to act to seek consent, I suggest to the Attorney General—and I appreciate that it is not a complete ability for someone with mental health impairment to avoid any consideration as to whether they engaged in a non-consensual activity—it is a carve-out from the affirmative consent provisions that we are putting in the bill because it is providing the accused with the ability, if they have a mental health impairment and they can demonstrate that they have a mental health impairment, to not have to engage in the affirmative consent provisions and to not seek confirmation. The requirement to have said or done something—which is exactly what affirmative consent is—is not required in the situation of mental health impairment.

Given the Attorney General's comments in relation to that—and I take those comments as they stand—in relation to this amendment, The Greens would like to insert the word "substantial" in relation to mental health impairment. Proposed new section 61HK refers to knowledge about consent. I refer to subsection (3) (b). The Greens amendment would insert the word "substantial" into subsection (b) so it would read:

(b) the impairment was a substantial cause of the accused person not saying or doing anything.

If we are going to maintain that we will keep it as broad as having both a cognitive impairment and a mental health impairment as a reason to be considered in relation to not seeking affirmative consent, then it is the strong view

of The Greens that we need at the very least to insert "substantial" into subsection (b) to ensure that it was considered that the impairment was a substantial cause of the accused person not saying or doing anything. It is absolutely essential that "substantial" is in subsection (b) because, going back to the comments made and given the broadness of this discussion, I just cannot accept the counter argument.

I appreciate the Attorney General has seen a whole lot of examples that I am not privy to, but in all the experiences I have had, in all my consultations with stakeholders, and in all the discussions and cases that have been shared, I have not seen or heard a single example where someone thinks a person who has anxiety or depression would somehow be in a situation where they could not seek affirmative consent before having sex. I appreciate that the Attorney General identified the fact that cognitive impairment and mental health impairment have been put into the Crimes Act specifically to make sure that people who are in those situations are not treated unfairly under the Act. Absolutely we want to make sure that people with cognitive impairment and mental health impairment are not treated unfairly under the Crimes Act, but we also need to make sure that people who rape women and those who sexually assault people in our society are not able to point to a mental health impairment as an excuse to get away with not having sought consent for the sexual act that they are well enough to engage in.

The Greens are saying and it is my understanding—and if I am reading this wrongly, I ask the Attorney General to please correct me—that there is a circumstance where someone could be well enough to engage in sexual intercourse but not well enough due to a mental health impairment to ask the person whether they consent to engage in sexual intercourse; otherwise, why would we need subsection (b)? If it is about considering substantial mental health impairment and there is a substantial cause in relation to this, then let us put "substantial" in the bill at the very least to make sure that we are not just opening up the mental health impairment provision to a whole lot of misuse and allowing people to continue to get off and not be held to account for the crimes they have committed.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (20:41): This is one particular amendment that we have given a lot of thought to and it is tempting to agree to it. But, on balance, we think the legislation is better left as it is. There is some circularity in this discussion but a cause is a cause and unless there is a cause and effect, it is not a cause. If something is slight, it cannot be a cause. There has to be some causal connection between the cognitive impairment or the mental health impairment on the one hand, and the failure to have said or done something on the other hand. If something is slight or insignificant, it just will not be a cause. There will not be that causal connection of the accused not doing or saying something.

As I mentioned before, it has to rise to the level of clinical significance. It is not just mere anxiety or mere depression. It has to be a disorder that is a clinically significant impairment and the fact it rises to that level and is not just mere anxiety, worry, depression or grief goes to the need that there be some causal connection. It is not just an ephemeral state of mind. While we have been tempted by this amendment, we prefer the current approach because there is not a causal connection between something of clinical significance on the one hand and the failure to do something on the other hand, unless there is something that is more than slight and insignificant. For those reasons, on balance, we do not support the amendment.

Ms JENNY LEONG (Newtown) (20:43): It is most disappointing, given the serious concerns that have been raised around the scope and broadness of the mental health impairment definitions, that at the very least we cannot see "substantial" included in subsection (b). It is important to put on record the significant disappointment that will be felt by Rape & Domestic Violence Services Australia, by Domestic Violence NSW, by Rape & Sexual Assault Research & Advocacy and by others who have expressed grave concerns about the broadness of the mental health impairment provisions in the bill. I appreciate that there needs to be consideration in relation to the clinical significance of the impairment. I still am at a complete loss to understand which of the stakeholders or people who have been consulted on this bill are suggesting that we put this in here in such a broad way that there is no containment around the impairment being a substantial cause of the accused person not saying or doing anything.

We are broadening the area of discussion. There are real concerns in the sector from those who support survivors through this so-called justice system. This will open up whole areas of debate, discussion and consideration that will not focus on what he did to her or the assault that took place, but will instead focus on whether or not we can find ways to weasel out and justify the fact that he did not ask her if she consented at the time when he raped her. This is what it does. It opens up a whole level of consideration around a whole lot of things that we should not be doing in this bill. We still have the Legislative Council, but it is really disappointing to see that at this point in the Legislative Assembly we will not see any changes to the broadness of the mental health impairments, given the concerns raised by the sector.

TEMPORARY SPEAKER (Mr Gurmeh Singh): The question is that The Greens amendment No. 1 on sheet c2021-138A be agreed to.

The House divided.

Ayes6
 Noes17
 Majority.....11

AYES

Greenwich, A
 Leong, J

McGirr, J
 Parker, J (teller)

Piper, G
 Smith, T (teller)

NOES

Conolly, K
 Cooke, S (teller)
 Crouch, A (teller)
 Dominello, V
 Donato, P
 Gibbons, M

Griffin, J
 Layzell, D
 Lee, G
 Saunders, D
 Sidgreaves, P
 Smith, N

Stokes, R
 Taylor, M
 Toole, P
 Upton, G
 Williams, L

Amendment negatived.

TEMPORARY SPEAKER (Mr Gurmesh Singh): I note that amendment No. 1 on sheet c2021-140B from the member for Newtown and the amendment on sheet c2021-172A from the member for Maroubra both seek to omit lines 21 to 31 on page 7, schedule 1 to the bill and to insert new words. The two amendments are providing different options on how reviews of reviewable provisions should occur. As the member for Newtown circulated her amendment first, I will call on her to move her amendment. If the amendment of the member for Newtown is agreed to, the amendment of the member for Maroubra will lapse. If the amendment of the member for Newtown is negatived, I will call on the member for Maroubra to move his amendment.

Ms JENNY LEONG (Newtown) (20:52): I move The Greens amendment No. 1 on sheet c2021-140B:

No. 1 Review

Page 7, Schedule 1 [24], proposed section 583 (1)–(4), lines 21–31. Omit all words on those lines. Insert instead—

- (1) The Minister must conduct reviews of the reviewable provisions to identify if—
 - (a) the policy objectives of the reviewable provisions remain valid, and
 - (b) the terms of the reviewable provisions remain appropriate for securing the objectives.
- (2) The first review must be commenced within 6 months after the period of 3 years after the commencement date.
- (3) Subsequent reviews must be commenced every 5 years after the end of the 6 month period.
- (4) A report on the outcome of each review must be tabled in each House of Parliament within 1 year after the last day by which the review must be commenced.
- (4A) The Minister must, at least 6 months before each review, table in each House of Parliament a report on the training that has occurred during the review period in relation to communicative consent, detailing—
 - (a) the type of training provided, and
 - (b) the number and kinds of persons to whom it has been provided, including whether it has been provided to police officers, judicial officers or legal practitioners, and
 - (c) how effective the training has been.

This is the final amendment that we will be moving in the Legislative Assembly on behalf of The Greens. As we have foreshadowed, we will be moving other amendments in the Legislative Council. This amendment relates to the review of the reviewable provisions and the changes that we are making to this bill. It is The Greens' strong position that the first review of this bill should take place in three years, not five years and that there then be regular five-yearly statutory reviews after that. I note that in the submissions made by many to the consultation process, three years was overwhelmingly supported as the period of time for the first review. Some also expressed concerns that three years alone will be too soon to see some of the changes take effect. Therefore, having five-yearly statutory reviews after that would be appropriate. We also note the Attorney General's comments in the reform, that they can only be successful if delivered alongside adequate education. That is something that many highlighted in their submissions.

I note that the Attorney General said in his second reading speech that the law is only one part, and probably not the main part, of how we tackle sexual violence in our community. I appreciate the comments that the Attorney General made in responding to the questions we raised around the review, and the suggestion that there be some transparency and accountability around the education and training that takes place. The Attorney General talked about the fact that there was a separation of powers, that the judiciary is trained in a certain way, that the police have different types of training and different agencies have different models for how they do training and how they are reported or held to account. The unfortunate reality is that is the problem we are here to address: There is an issue of sexual violence that is systemic across the whole of society.

There needs to be a holistic approach to how we are dealing with that and changing the system. In that sense, what our amendment would seek to do is to bring the review in line with three years rather than five years, but also put a requirement on the responsible Minister—in this case the Attorney General—to table a report detailing what education and training has been delivered to police, judges, prosecutors and the general public in relation to this bill. It is absolutely clear that this is needed. We are not suggesting that the Attorney General should go out and train the judges or train the police; what we are saying is that there needs to be one person in this Chamber responsible for reporting back on that element of this reform.

The Attorney General recognises that this reform is only as useful as what happens outside of this Chamber and outside of this law, but this Chamber cannot be aware of what happens outside with a level of accountability if there is not some requirement in a holistic way to report back to this Chamber on what has happened. There must be someone in Government responsible for taking that holistic approach because the police Minister may have a different approach. I am not sure whether the police Minister has a strong view on affirmative consent or not, I am not sure whether a future Attorney General may have a strong view on affirmative consent or not. We need to make sure that there is accountability and transparency around that, and I note that almost all of the key organisations that made submissions to the New South Wales law reform process emphasised the importance of training, education and reform. It is absolutely critical that we address this and we provide a way for the sector to know and for the community to know what training is being delivered.

There is another really practical reason why we want something tabled before the review takes place because I can tell you now what a recommendation of that review in three or five years will be: more holistic training and education of the judiciary, the police and all the agencies involved in the justice system. To save us the time of having an entire review of the process to discover that the legislation is pretty good, we might want to make some changes like the ones we have tried to make today. The review will find that there was not enough education and training and there was not enough commitment to that holistic approach to addressing the education and training element. Why not pre-empt that by putting in something before that review commences to say that we will table the training and education that we have done to ensure those agencies have some accountability at this point of the reform and they know they will have to report to Parliament in three years' time. That would be very welcome.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (20:57): I have addressed aspects of this amendment in my reply to the second reading speech, so I will incorporate that by cross-reference. On timing, these reforms will only apply to sexual offences that are alleged to have arisen after they commence. There will be a lag between now and commencement, so we will get the judiciary, police, stakeholders and the general community up to speed; then there is obviously a time lag between when the alleged sexual assault occurred, when the arrest is made, when the charges are laid, when the matter gets committed, when it comes to trial and when sentence occurs. It would be better, as we propose, to have a five-year review rather than a three-year review because with those time lags you will not have much of a database or a case base within three years that would allow a meaningful review.

That is not to say that if you do not have some significant case—a Saxon Mullins case or a Lazarus case, for example—that will not trigger some review if circumstances like that arise, but to say now that we are going to do it in three years when there are all those lags in the system to get a sufficient case load is premature; we are better off waiting for five years. The other aspects that the member for Newtown raises I have addressed in my reply to the second reading debate, and I will rely on that.

Ms JENNY LEONG (Newtown) (20:59): As this is the last amendment that The Greens will move, it is important to thank the Attorney General for engaging in the discussion about the amendments. I also put on record my thanks to the organisations that we have worked with on these amendments. While recognising that support for the amendments in this place has not been what we required, it is important to remember that we moved the amendments on behalf of tens of thousands of people who want these reforms to be as strong as they can be. While it might feel like a slightly lonely place to be moving these amendments with my Greens colleagues, we had crossbench and independent support. It is really important to make it clear to those who are watching this debate

that they are the ones for whom we are moving these amendments. We know they believe this law could be made better than it is.

It is important to acknowledge that on a number of the later amendments The Greens moved, we had no engagement from the Opposition—no comments and no voting in the Chamber. It is completely unclear to me why the New South Wales Labor Opposition would not engage in either a positive or negative way with our amendments—not engage with them at all—especially when we have seen such key stakeholders in the sector engage with them. I do not know why members of the Labor Party in the Opposition did not come in to the Chamber to vote on those amendments. It is unclear what their position was because they did not speak to them. I find that quite astounding. As an opposition to the Government, we need to be united when we engage in this, but sadly it appears that the Opposition did not take a position on some of the key amendments that we moved on behalf of stakeholders in this space.

I take the Attorney General's point in relation to the time frame and a three-year review, but it is very important that no-one allows us to drop the ball on education and training, because this reform is not enough. The law itself is not enough for change. We have tried very hard to put amendments through that would improve this bill, but the legislation we are passing today will be a very good law. It will result in affirmative consent in New South Wales. A whole lot of people—tens of thousands of people out there on the streets—were pushing for this reform, and so many more were sharing their stories and have been advocating for this change. This reform is a credit to all of them and I commend them.

I particularly acknowledge the strength and power of Saxon Mullins, who has had her name and her circumstances used by people. I am not sure whether they sought consent to talk about the circumstances of her case in this Chamber, but she has been an absolute powerhouse. The experts on women, survivors and advocates in this space who have been pushing for this reform are the people who are leading the way. We are simply the voices of those people in this Chamber.

TEMPORARY SPEAKER (Mr Gurmesh Singh): The question is that The Greens amendment No. 1 on sheet c2021-140B be agreed to.

The House divided.

Ayes16
 Noes20
 Majority.....4

AYES

Car, P
 Chanthivong, A
 Cotsis, S
 Crakanthorp, T
 Greenwich, A
 Harris, D

Hoenig, R
 Leong, J
 McGirr, J
 Mehan, D
 Park, R

Parker, J (teller)
 Piper, G
 Smith, T (teller)
 Washington, K
 Watson, A

NOES

Conolly, K
 Cooke, S (teller)
 Coure, M
 Crouch, A (teller)
 Dominello, V
 Donato, P
 Evans, L

Gibbons, M
 Griffin, J
 Henskens, A
 Layzell, D
 Lee, G
 Petinos, E
 Sidgreaves, P

Smith, N
 Speakman, M
 Stokes, R
 Taylor, M
 Upton, G
 Ward, G

Amendment negatived.

Mr MICHAEL DALEY (Maroubra) (21:09): By leave: I move Opposition amendment No. 1 on sheet c2021-172A, and Opposition amendment No. 1 on sheet c2021-173 in globo:

No. 1 Review

Page 7, Schedule 1 [24], proposed section 583 (1)–(4), lines 21–31. Omit all words on those lines. Insert instead—

- (1) The Minister must conduct reviews of the reviewable provisions to identify if—
 - (a) the policy objectives of the reviewable provisions remain valid, and

- (b) the terms of the reviewable provisions remain appropriate for securing the objectives.
- (2) In conducting the review, the Minister must consider the transcripts of criminal trials—
 - (a) conducted during the review period, and
 - (b) to which the reviewable provisions were applicable.
- (3) The first review must be commenced within 6 months after the period of 3 years after the commencement date.
- (4) Subsequent reviews must be commenced every 5 years after the end of the 6-month period.
- (4A) A report on the outcome of each review must be tabled in each House of Parliament within 1 year after the last day by which the review must be commenced.

No. 1 **Review**

Pages 11 and 12, Schedule 2 [19], proposed section 368 (1)–(4), line 31 on page 11 to line 8 on page 12. Omit all words on those lines. Insert instead—

- (1) The Minister must conduct reviews of the reviewable provisions to identify if—
 - (a) the policy objectives of the reviewable provisions remain valid, and
 - (b) the terms of the reviewable provisions remain appropriate for securing the objectives.
- (2) In conducting the review, the Minister must consider the transcripts of criminal trials—
 - (a) conducted during the review period, and
 - (b) in which a consent direction set out in sections 292A–292E was—
 - (i) given, or
 - (ii) requested by a party to the proceedings to be given.
- (3) The first review must be commenced within 6 months after the period of 3 years after the commencement date.
- (4) Subsequent reviews must be commenced every 5 years after the end of the 6-month period.
- (4A) A report on the outcome of each review must be tabled in each House of Parliament within 1 year after the last day by which the review must be commenced.

These are the last amendments to the bill moved by members of any political colour. I thank all of the members who took part in the debate and I thank the Attorney General for his considered replies to the 10 or so amendments that were moved tonight. The Opposition supported some of those amendments and opposed some. We divided in favour of some of them while others were carried on the voices when we indicated support for them and there was no division. That is entirely consistent with the approach that the shadow Minister for Prevention of Domestic Violence and Sexual Assault and member for Charlestown and I elaborated on at great length yesterday during our contributions to the second reading debate. We have got a responsibility in this place to make sure that the laws we pass, particularly when people's criminal convictions and liberty are at stake, are fair and not dangerous, and that when criminal laws are being considered, laws do not lead to outcomes in the courts that ought not to have been reached. That has been our approach on the bill right throughout this debate.

The two Opposition amendments relate to the review provisions of the two Acts that are the subject of the bill. One is the review of the Crimes Act and the other is the review of the Criminal Procedure Act in relation to the directions that judges may give to juries. In effect, the Opposition amendments are consistent with what The Greens moved and consistent with what the Law Society recommended be considered, which is that the first review should happen after three years and not five years. I take on board that there might not be the volume of cases after three years to have an optimum review. That does not mean that after three years the Attorney General of the day cannot inform the House as to the progress of the review and seek different outcomes. On balance, the Opposition thinks that the first review is better considered after three years for the reviewable provisions of the two Acts.

The Opposition also seeks to include a provision for the review to consider the transcripts of trials brought under the Act. That is because stakeholders have pointed out to us that, notwithstanding the best intentions of an Act, there is still occasion for defence prosecutors to use them skilfully in a way that the Legislature might not intend and in a way that turns out to be less than fair in a courtroom. While reviews commonly go to the transcripts of proceedings, and outcomes from senior courts like the Court of Appeal, the legislation we are about to pass will have its first implications in trials in the first instance. The Opposition thinks that among the many things the review should consider, it is worth calling out the transcripts of those trials. I commend the amendments to the House.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (21:14): I thank the member for Maroubra for his constructive proposals, which overlap with a similarly constructive proposal from the member for Newtown that relate to reviews. I have addressed the question of the cycle of reviews and what should be in the review when addressing the member for Newtown's proposal and also in my reply to the second reading debate. For those reasons the Government does not support either proposal from the Opposition. I will add one other footnote. The proposals involve reviewing transcripts. I would assume that the member for Maroubra does not mean reviewing the transcripts of all sexual assault criminal trials because that represents roughly 40 per cent of the District Court case load, and that would be a mammoth exercise. If there is some selectivity in reviewing the transcripts of trials, so relevant trials where questions of consent were raised, I can assure the member for Maroubra that that would be part of the statutory review of necessity. The statutory review will look at transcripts of relevant trials, so that will be done in any event.

Ms JENNY LEONG (Newtown) (21:16): On behalf of The Greens, I contribute to debate on the Opposition amendments. I will highlight our concerns. While we recognise that there could be value in reviewing transcripts in detail, in the same way that there would be value in conducting a lot of other research, we have concerns that the focus would be on one element of this reform, which is much bigger than what is happening within the trial process. By identifying in this review that the Opposition's primary concern is to analyse trial transcripts, we are concerned that it would focus only on that element and the reform would not articulate the need to also look at survivors' experiences. I note that the sector has been calling for more research in this space. It might be time for members to collectively support another report along the lines of *Heroines of Fortitude: the experiences of women in court as victims of sexual assault*, which was published in 1996 by the Office for Women.

The report examined sexual assault matters in the District Court of New South Wales over a one-year period. It provided a very powerful insight into sexual assault complaints and highlighted the gender and racial bias in the legal system. The Greens recognise that there is a need and a value to commissioning and engaging in additional research in that area. However, it is important that we recognise that the review needs to be informed by much broader aims including increasing conviction rates, education, changing the justice system, whether there has been a reduction in the number of sexual assaults and rape, and whether there has been an increase in the rate of reporting as a result of those changes.

We also want to see changes in police practices, and discussions or shifts around prosecutorial decision-making. There is a range of things that we could identify as key priorities for this review. Obviously one part of the review is undertaking additional research as well as looking at the transcripts in detail. However, we need to recognise that this reform should seek to do a lot more than just look at those transcripts. For that reason The Greens will not oppose the amendments, but we believe that it is crucial that the experience of sexual assault survivors should be front and centre of decision-making when amending and strengthening the reforms.

Mr MICHAEL DALEY (Maroubra) (21:19): One needs to have regard to the words of the amendments. The salient words appear in paragraph (1):

The Minister must conduct reviews of the reviewable provisions ...

The reviewable provisions are defined in the Act to be confined to the provisions that the bill introduces into the Crimes Act. The review is about how the new consent provisions in the Crimes Act and the jury directions in the Criminal Procedure Act are working on the dispatch of criminal trials. The amendments moved by the Opposition are not in any way meant to be exclusive. The persons who are conducting the review will consider whatever matters they consider fit. The Opposition has sought to outline one matter that must be considered. If it was the case that we said that the Minister must consider only the transcripts of criminal trials then the member for Newtown would be right. The word "only" does not appear anywhere in the Opposition amendments, and therefore the member for Newtown is not entitled to draw the conclusions that she has. However, we are grateful that she has indicated that The Greens will support our amendments.

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence) (21:20): On the question of a broader review and looking at trial transcripts, Recommendation 10.3 of the Law Reform Commission report stated:

The NSW Department of Communities and Justice should fund research about the experiences of complainants of sexual offences in the NSW criminal justice system.

That is one of the 44 recommendations that the Government has accepted. Although that will not be part of the statutory review, we will look at the experiences of complainants in the criminal justice system from go to whoa and not just what happens at trial. The Bureau of Crime Statistics and Research will be heavily involved with the statistical rigour of that research.

TEMPORARY SPEAKER (Mr Gurmesh Singh): The question is that Opposition amendment No.1 on sheet c2021-172A and Opposition amendment No.1 on sheet c2021-173 be agreed to.

The House divided.

Ayes 15
 Noes 17
 Majority.....2

AYES

Car, P
 Cotsis, S
 Crakanthorp, T
 Greenwich, A
 Harris, D

Hoenig, R
 Leong, J
 McGirr, J
 Minns, C
 Park, R

Parker, J
 Piper, G
 Smith, T
 Washington, K
 Watson, A (teller)

NOES

Conolly, K
 Cooke, S (teller)
 Coure, M
 Crouch, A (teller)
 Donato, P
 Griffin, J

Henskens, A
 Layzell, D
 Lee, G
 Saunders, D
 Sidgreaves, P
 Smith, N

Speakman, M
 Stokes, R
 Taylor, M
 Toole, P
 Ward, G

Amendments negatived.

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

Clauses 1 and 2, and schedules 1 and 2 agreed to.

Third Reading

Mr MARK SPEAKMAN: I move:

That this bill be now read a third time.

Motion agreed to.

Private Members' Statements

LOFTUS TAFE

Mr LEE EVANS (Heathcote) (21:29): I ask the Minister for Skills and Tertiary Education to support Loftus TAFE by offering more free training courses for those in our community who have lost their jobs or who need to retrain in other careers because of COVID-19. I declare that my wife is the head teacher of hospitality at Loftus TAFE, but my love of TAFE as a past TAFE teacher myself spurs me on to make this private member's statement. Loftus TAFE offers classes in commercial cookery, hospitality, travel and tourism, event management, sport fitness, sport coaching and recreation, accounting and bookkeeping, massage and Visual FX for Film using After Effects.

Loftus TAFE is very well placed to play a key role in retraining, with a railway station at its doorstep and an abundance of onsite parking. People can easily travel to Loftus TAFE from the Illawarra, as well as from St George and the south-west. At this time of upheaval due to changes in employment caused by COVID, it is the perfect opportunity for prospective students to consider Loftus TAFE for training in future job opportunities. The Certificate IV in Hospitality must also be added to the curriculum, which will boost training offerings. Currently, students have to travel to Ultimo TAFE to study for a Certificate IV in Hospitality and a Certificate IV in Commercial Cookery. Loftus TAFE also has bar operations and a training restaurant called Embark. With three fully equipped commercial kitchens, Loftus TAFE has the capacity to sweat those assets.

Established on 1 March 1833, TAFE NSW is perceived to have been an outstanding training provider for 188 years. Those opposite always misrepresent the current Government as wanting to close TAFE, but that could not be further from the truth—I refer to Gillard's "Smart and Skilled". On 1 February 2012 then Prime Minister Julia Gillard changed TAFE forever by moving the payment system to a HECS-type format. Those opposite never mention that. Instead, they stand on their soapbox and yell that the current Government changed TAFE NSW by

linking its education system to that of universities, where students end up with a HECS debt. Having said that, TAFE's training is available to all, unlike private providers that accept only small numbers of people with disabilities and learning difficulties. If it were a level playing field, private providers would accept larger numbers of students with learning difficulties as standard.

The private training organisations cherry-pick students and charge fees on courses that are a "tick and flick" exercise. TAFE turns out well-trained, confident students who are ready to take up well-paid, satisfying careers. As I said, TAFE has a proud history in New South Wales of providing excellent training opportunities for the young and old. Loftus TAFE is a gem amongst New South Wales TAFE colleges, where students can learn in a leafy, relaxed and supportive environment. In today's employment market post COVID-19, opportunities for a career change are in the offing. Jobs have changed and new ways of making a living have surfaced. One example is social media producing online talent. People can make what some would consider a very good living on social media by posting and promoting goods and services and marketing to millions at the touch of a button. Those skills can be taught at TAFE.

Again, I ask the Minister to consider Loftus TAFE as a tertiary education option in the south for those who want and need an institution that will support them in their future careers. In summary, Loftus TAFE is a forgotten gem, with transport at its doorstep, plenty of parking, excellent facilities and outstanding teaching staff. Support Loftus TAFE by building a southern learning hub, rather than forcing students to go to Ultimo TAFE and dragging teachers from Loftus to teach classes at other TAFE colleges across Sydney. I urge the Minister to hear my plea.

AFGHANISTAN WAR

Ms LYNDIA VOLTZ (Auburn) (21:34): Tomorrow is Remembrance Day. This is the first Remembrance Day since the end of Australia's longest involvement in a conflict, the Afghan War. It is important tomorrow that we pause to remember the 41 Australian soldiers who lost their life in this conflict and the 261 who were injured. Australian and coalition forces have now withdrawn and the conflict has ended. However, the retaking of Afghanistan by the Taliban continues to have a devastating effect on many members of the large Afghan community in my electorate. Hundreds of thousands have fled and millions more—many whose families reside here—are left behind to live in fear. I was very proud that 57 of my parliamentary colleagues joined me in signing a joint statement on the plight of refugees. The statement said:

The plight of many minority groups is no longer assured with the Taliban again taking control of Afghanistan. Of equal importance, the human rights of women and girls is under direct threat, with increasing evidence that they face exclusion from education and employment, sexual slavery, violence and death at the hands of the Taliban.

There is an urgent need to ensure a coordinated international response for those at great risk who remain within Afghanistan, alongside those who have fled in the face of the Taliban and are now displaced. Many Afghans within Australia, whose families remained behind, are desperate to be reunited with loved ones who now face great risks in their current situation. Australia has a proud history of providing safe haven, including accommodating 170,000 displaced persons after World War II, resettling 80,000 Vietnamese in the decade following the end of the Vietnam War, and 12,000 displaced persons from the Syrian and Iraq conflicts.

In a joint statement, alongside 96 other nations, Australia committed to continue issuing travel documentation to designated Afghans and expressed a clear expectation of and commitment from the Taliban of their safe passage. Whilst Australia's announcement to receive 3,000 Afghan refugees is welcome, it falls well short of the commitments made by other coalition partners in Afghanistan. Canada and Britain, for instance, have each committed to resettle 20,000 refugees over the coming years. We call on the Federal Government to follow the example of these nations and increase our refugee intake, to provide a future to those fleeing the perils of a Taliban controlled Afghanistan, and to honour the legacy of those brave Australian Defence Force personnel and the Afghani allies, who fought in Australia's longest conflict, the Afghan War.

Many Afghans were given emergency visas but were unable to leave before the forces withdrew. Some have since managed to get out but many have been left behind. It is imperative that emergency visas be extended and a commitment to receive 20,000 Afghan refugees be given by the Federal Government. This is only part of the story, however, as an impending crisis is looming in Afghanistan: 22 million are now facing starvation, 14 million of them children. By next year, there is a very real probability that 95 per cent of the Afghan people will be facing starvation following four consecutive droughts. This puts Afghanistan up there with Yemen and the Sudan, and in the top five with Syria and Iraq.

During Australian forces' time in Afghanistan, there were significant gains made that are now at risk. It is imperative that we hold to those ideals and remain an important part of a robust multilateral response to the hunger and starvation now faced by those in Afghanistan—mostly minorities, women and children—who our forces spent two decades defending. We must continue to believe that change will come. There is a generation of young men and women who remain in Afghanistan and, for the first time in generations, have education and access to

technology. We must trust them to be the foundation of the future. It is not about recognising the Taliban Government; it is about engaging to ensure that tens of millions do not starve. Whilst we must hold the Taliban to account, like it or not, we must also ensure the economy is resuscitated or see a generation of children wiped out.

I understand this is complex and getting aid to the people without money ending up in the pockets of the Taliban is a difficult task, but we must avoid a tragedy on a mass scale. The World Food Programme cannot replace government in a failed state, but it can do its best to ensure 3.2 million children under the age of five who are expected to face acute malnutrition by the end of this year receive relief. The Federal Government needs to do more than being "a relatively small development partner in Afghanistan's multi donor landscape". We need to ensure the World Food Programme reaches those children.

COOTAMUNDRA ELECTORATE MENTAL HEALTH SERVICES

Ms STEPH COOKE (Cootamundra) (21:39): I highlight the tremendous efforts underway in the Cootamundra electorate in relation to mental health services. At the beginning of July this year, a range of local leaders, health professionals, first responders helped me bring together and hold a series of mental health and suicide prevention information evenings across the Cootamundra electorate. The purpose of these information nights was to educate and inform the community on the wide range of services and resources available to them and how they are able to access those services, with a view to helping themselves or someone close to them. Right around the Cootamundra electorate we held 12 of these information evenings, with the final evening held last Thursday, across a four-month period. I specially mention and thank the following people who made these nights possible and thank them more broadly for their work in this space.

From the Murrumbidgee Primary Health Network, I recognise Seryn Adams, Maja Asmus and Anita McRae. These ladies have done an absolutely fantastic job supporting me and the communities in my electorate in the running of these information evenings. From the Murrumbidgee Local Health District, I recognise the incredible team of Faith Rogers, Joy Howell, Jane McNamara, Stephen Blowfield, Alison Thorne, Catherine Walker, Rachael Sheridan and Matika Havazin. They are based in Young, Temora and Griffith, doing fantastic work in our local health district in strong partnership with the primary health network to deliver resources, programs and services to the people in the electorate. From Wellways, I recognise the fantastic team of Deb Howard, Shannon O'Brien, Madison Blackburn, Jacob Walker, Bethany Everett, Ned Evans, Jay Little, Will Gordon, Zoe Evans, Ella Fyfe and Scott Kershaw. Wellways does such a wonderful job in the after-care space. After a community and a family has experienced a death by suicide, the Wellways' Way Back service is absolutely incredible, and the focus on employing and engaging people with lived experience to help others is second to none. I thank the team at Wellways for their efforts.

From the local police, Inspector Jacob Reeves, Sergeant Jill Gibson, Superintendent Bob Noble, Superintendent Chris McKinnon, Inspector Adrian Matthews, Acting Superintendent Brad Ainsworth, Acting Inspector Tim Clark, Sergeant Shane Brasen, Acting Inspector Ben Smith and Senior Constable Angela Newton of the Ardlethan Police Station—and I give a particular shout-out to Angela, who is fantastic—pooled resources right across the Cootamundra electorate and played a huge role on the mental health and suicide prevention information nights. From the Western New South Wales Primary Health Network, we were supported by Andrew Coe and Marijka Brennan; from the Western New South Wales Local Health District, Amanda Anning and Judy Jeffs. I also recognise the work of Chad White from headspace, and Annie Crasti and Bronwyn Sainsbury from the Cowra Regional Suicide Awareness Group.

A huge group of people really pulled together to make the mental health and suicide prevention information nights such a success, attended by literally hundreds and hundreds of people, across the Cootamundra electorate. We are still going through the process of finalising our attendance lists and reaching out to everyone who attended the nights. I send a huge thank you to the people in each and every community who turned up and made these nights such a success. At some of the nights 70 to 80 people were in attendance, and it was just fantastic to have people come along and hear what we had to say and what was on offer. Finally, I thank everyone who stepped forward to share their own deeply personal stories, and I thank the community once again for turning up to these events.

HOLSWORTHY ELECTORATE COMMUNITY ORGANISATIONS

Ms MELANIE GIBBONS (Holsworthy) (21:44): I thank the local community groups who joined with me virtually in September to meet the new Minister for their sector, the Hon. Alister Henskens, SC, MP. The virtual electorate visit was a great way to still get to interact with our community groups during lockdown and for them to have the opportunity to ask the Minister some questions relevant to them. It was valuable to get their perspective about the challenges they faced during lockdown and for the Minister to hear what needed to be done as we come out of restrictions. The meeting had a lot of enthusiasm and was attended by Turbans 4 Australia—a

group I have mentioned many times in Parliament and one that is well known to many of our colleagues on both sides of the Chamber for the phenomenal and tireless volunteering that they offer to the local community, as well as people across the State. Amar Singh is a local Prestons resident and leads this group from strength to strength. I am pleased that they continue to grow and serve so many people.

We also met with Core Community Services, a group that provides a range of services, activities and programs across aged care, disability care, children's services and multicultural communities. In last year's Community Building Partnership program, I was able to provide the group with \$20,000 towards the refurbishment of its Liverpool youth refugee kitchen. I am keen to see the progress of the project once COVID restrictions and the parliamentary sitting schedule allow. The Shepherd Centre is another local organisation I have mentioned many times in the House. It offers hearing loss programs and support for children and their families. During the recent lockdown it quickly shifted the delivery model and ensured that many of the young people who have hearing loss or are deaf were still supported. The organisation also stressed the difficulty of mask wearing for hearing-impaired people. Liverpool South Anglican Church came along to the virtual electorate visit as well. It offers the Anglicare Mobile Community Pantry, which provides grocery items to local families who are doing it tough. We had a lot of people doing it tough, particularly during the pandemic.

I have had the pleasure to join the members to put together some packages and I am always impressed by their organisational skills and support of the Liverpool, Lurnea and Casula communities in particular. One thing that makes them unique is that they aim to ensure that they have foods relevant to the many faith and cultural needs of our community. The 1st Liverpool Scouts Group is one of the biggest scouting groups in the local area. It is full of dedicated and passionate volunteers like Ziad El-Daoud, who ensure that those young people can build important social skills and connections. The Young Adults Disabled Association, known as YADA, provides social support for people with disabilities in and around the Holsworthy electorate. Buffy McDonald has been a champion of this organisation for years and it was wonderful to have her in this meeting to provide her experience and insight.

The Autism Advisory and Support Service is another fantastic local not-for-profit organisation that assists and supports children and adults with autism and their families. Grace Fava, OAM, from that organisation attended our virtual meeting and, as usual, asked many interesting and important questions, which I know the Minister took on board. I know she has given him a lot of work to follow up and she will continue to do so. Grace is very passionate about what she does. She is a tireless campaigner for people with autism. She makes a massive difference in that area and she is one of the most passionate and hardworking people that I know. All those groups operate in an area significantly hit by the pandemic right from the very start. While some of the programs had to be put on hold, the groups were able to quickly adapt the way they offer their services so they could still provide the support, assistance and activities to vulnerable members of our community.

It also gave the Minister the chance to hear of the opportunities that are available into the future to improve services and once again ensure that those who are the most vulnerable in our community are supported. Like every community across New South Wales, including our Liverpool and Sutherland Shire communities, they rely on the hard work, passion and dedication of individuals and community organisations, especially in times of need. Those groups made a huge difference and it was incredibly interesting to get to hear from them and to see what they need, but also to thank them for what they do to make our community a better place. I thank all of our community organisations, not just the ones I mentioned, and all the organisations and volunteers that helped us out across the Holsworthy electorate, especially during what has been a difficult and stressful time. The community groups make us a whole. Without them, we would not be what we are. Thank you to all of them for making the difference.

BELLAMBI BOAT RAMP

Mr RYAN PARK (Keira) (21:49): I will talk about a recent and terrible tragedy that occurred off Bulli Beach on Sunday 31 October 2021. I was advised mid-morning by a local president of one of my surf lifesaving clubs that Sandon Point near Bulli was undergoing a mass rescue after a boat had capsized near Peggy's Reef, carrying seven males. The rescue operation was of significant scale and extremely challenging as first responders were faced with multiple men trapped under the boat, unconscious and requiring CPR. It is with great sadness that I report to the House that one of the males was not able to be resuscitated and passed away. I pass on my sincere condolences to the family and loved ones of the man.

I take the opportunity tonight to pay my heartfelt thanks to the first responders, the lifeguards and volunteer surfers who all leapt into action to help. Their actions undoubtedly saved lives. Families have their loved ones home safely thanks to the bravery of these individuals. I also formally take this opportunity to thank everyone involved in that extraordinary rescue, which was described by one emergency member, a man who has been in the emergency service for decades, as "absolutely chaotic". Members of the surfing community, surf riders, surfboard riders, alongside Bulli Surf Life Saving Club were part of the first responders. I understand the effort was soon assisted by neighbouring volunteer surf lifesavers from Sandon Point, Thirroul, Woonona and Bellambi

surf lifesaving clubs. Responding in inflatable rescue boats and side-by-side vehicles, duty officers from multiple clubs assisted. I am also informed support operation crews on jetskis responded from Coledale and Towradgi surf lifesaving clubs.

I officially extend my thanks also to the support provided by NSW Police Marine Area Command, NSW Ambulance service, Marine Rescue, Toll Ambulance Rescue, Wollongong City Council lifeguard service, CareFlight and the Westpac Rescue Helicopter Service. You can see the extent of the rescue. Tragically, this is the third fatal accident involving a boat launched from Bellambi boat ramp since June 2020. Those of us who have coastal electorates are very fortunate. We love the salt water and we love people coming to visit our beautiful parts of the world. But unfortunately, this boat ramp has seen far too much tragedy. Bellambi boat ramp has become an increasingly popular place for visitors and locals to launch their vessels. I am well informed by many local surfers, fisherpersons and surf lifesaving personnel that they have had to assist many individuals over the years who were ill-prepared for the conditions, had insufficient safety equipment and were overloaded in their boats.

Boating on the open water differs greatly to enclosed waters and it is becoming increasingly concerning to see the number of individuals who are taking risks on the water, putting their own and their passengers' lives in jeopardy, as well as those of the people who have to rescue them. I have raised with the Minister my concerns for the lack of regular preventative safety inspections by NSW Maritime at Bellambi boat ramp. We need additional patrols and inspections at the ramp. We need a blitz at the ramp. I make no apology to locals and visitors for requesting such action. We need urgent consideration for an immediate increase in those actions to crack down on what is unsafe behaviour. I believe it is necessary to have regular patrols whereby officers enforce laws related to safe boating. As we enter the summer season it is vital that individuals are checked prior to departing from the location to ensure that they have the correct safety equipment, licences and registration checked and vessels that are deemed to be carrying more passengers than they should are prevented from leaving. I believe that preventative strategy is crucial to reduce risk and it could also save lives.

It is imperative that people who enjoy the water and launch their boats off Bellambi boat ramp are safe and well equipped with knowledge and the correct safety gear. Most importantly, we must do all we can to prevent another tragedy so that people can return home to their families. Finally, I thank all of the volunteer and paid emergency surf personnel, surf lifesaving club members, surfers and locals who prevented what could have been an absolute tragedy off Peggy's Reef.

DUBBO ELECTORATE FIRE AND RESCUE COMMENDATIONS

Mr DUGALD SAUNDERS (Dubbo) (21:54): Last week I was honoured to help pay tribute to a number of local Fire and Rescue NSW members at a commendation ceremony. Tonight I will talk a bit about them and what they did to receive their commendations. One of the things I really look forward to, as many members do, is recognising and promoting these types of presentations and being able to say thank you to some really special people in our community. In the early hours of 28 October 2020 Fire and Rescue crews from the Dubbo and Delroy stations responded to reports of a building fire in the Dubbo CBD. When they arrived they found a two-storey building with an apartment on the second floor well alight. Officers from the NSW Police Force were already at the scene providing CPR to a person they had already rescued prior to fire crews arriving. Firefighters commenced fire attack while other fire crews went to the second floor and rescued a trapped female occupant. Had it not been for the actions of those firefighters, the trapped female may not have survived.

Tonight I recognise station officer Chris Cusack, senior firefighter Adam Campbell, leading firefighter Stephen Gilbert, senior firefighter Paul McLeod, captain Stephen Carlin, deputy captain Peter Ryan, and retained firefighters Scott Drady, Joshua Lawson, Kyle Lundholm, Ryan Mackintosh, James Neely and William Tandy from the Dubbo station. From the Delroy Station I recognise deputy captain Joseph Bacon and retained firefighters Andrew Hulbert, Michael Lowcock, James Mackay and Andrew Steele. In another incident, on 16 January 2018 Fire and Rescue crews and other emergency services responded to a major motor vehicle crash on the Newell Highway, 15 kilometres north of Dubbo. What they were confronted with was nothing short of carnage. Many people remember that horrific scene and the aftermath stayed with people for quite some time. The scene was strewn with the wreckage of seven vehicles, with critically injured and deceased people and multiple others trapped and injured.

The accident occurred when a line of vehicles, including a B-double truck, were stopped at a roadworks site when they were hit from behind by a semitrailer carrying concrete culverts. It was described as a horrific scene, with vehicle debris spread across the site. Firefighters worked for over three hours in extremely difficult and challenging conditions to stabilise vehicles and then remove people from crushed and damaged vehicles. From the Dubbo station I recognise station officer Simon Bracht, senior firefighter Phillip Barrett, leading firefighter Bernard McTeirnan, senior firefighter Bradley Edwards, and retained firefighters Scott Drady and Benjamin Moore. From the Delroy station I recognise station officer Bernard Reid and retained firefighters

Philip Lindley, Brett Ridley, Kurt Ryan and Warwick Taylor. The efforts of these firefighters are greatly appreciated and their actions were in the finest traditions of the service.

As I mentioned, last week I was part of a commendation breakfast. I was joined at the Dubbo Fire Station by the emergency services Minister, David Elliott, and the Commissioner of Fire and Rescue NSW, Paul Baxter, to present Commissioner's Certificates of Appreciation to these men for their outstanding service. A number of other locals were also recognised for their long and distinguished service. Deputy Captain Peter Ryan received a National Medal clasp. Retained firefighters Mark Williams and Andrew Steele each received a Long Service Good Conduct Medal. Retained Firefighter Mark Williams received a Unit Commendation for Meritorious Service.

It was not just the firefighters who were recognised; a number of the Region West management team were also presented with awards. Jane Lewis received her Long Service Good Conduct Medal and Karen Burow received a Long Service Good Conduct Medal clasp. There were others who were recognised for different achievements and involvements. It is always an honour any time we get to recognise and thank the people who make our communities tick and keep us safe. The highlight of the morning was the surprise tribute to Paul Schroder, who has retired as a retained firefighter after 45 years, six months and 13 days—truly a lifetime of service.

Former Dubbo Station Officer and now Deputy Commissioner Jeremy Fewtrell had heard on the grapevine that Paul was planning to retire. While there was not really enough time to arrange a more formal recognition, the deputy commissioner made a point of making sure Paul's service was noted in front of the commissioner, the Minister and me. He mentioned that when calls came into the Dubbo station—even in the middle of the night in the middle of winter—Paul was always one of the first people to arrive. The deputy commissioner is now based in Sydney but says he remembers his time at Dubbo really fondly, thanks to people like Paul and his wife, Laurie, whose dedication he also commended. To that point, firefighting is definitely a family affair. I thank Paul and Laurie—and all the staff and families of 280 Dubbo and 283 Delroy—for their commitment to serving our community.

KU-RING-GAI ELECTORATE EVENTS AND INFRASTRUCTURE

TRIBUTE TO DR NULI LEMOH

Mr ALISTER HENSKENS (Ku-ring-gai—Minister for Families, Communities and Disability Services) (21:59): The electorate of Ku-ring-gai is rich in bushland. Recently we saw back-burning operations in full swing when many members of my local community were actively involved in bushfire mitigation. On 11 and 12 September the Rural Fire Service, including the Ku-ring-gai and Hornsby fire brigades, hosted Get Ready Weekend online, providing residents with the opportunity to engage with their local brigade and plan for the bushfire season. The Ku-ring-gai brigade also joined the council to host workshops for residents, using a live 3D simulation to show how a bushfire could spread in our local community. The workshops included possible bushfire scenarios and guidance to prepare emergency plans. Many residents in my local community attended the workshops, which are particularly important as we have previously experienced destructive bushfires in our area. I commend the Ku-ring-gai and Hornsby fire brigades, as well as the local community for its participation.

I regretfully note the recent and sad passing of an outstanding person, Dr Nuli Lemoh, a member of Turramurra Rotary in my electorate of Ku-ring-gai. Nuli was born in Sierra Leone but came to Australia to study medicine at Sydney university. After his graduation he returned to Sierra Leone to give back to his community. Nuli eventually returned to Australia and started his career as a paediatrician. In the 1990s he joined Turramurra Rotary and in 2018 he was made an honorary member. Nuli's passion in life was to save the lives of children and babies in Sierra Leone, so he decided to build a children's hospital in his home town. Turramurra Rotary helped to raise the initial funds for the hospital, known as Bo Children's Hospital. The hospital has been operating since 2012 and has treated more than 21,000 patients. I offer my condolences to Nuli's family and all those at Turramurra Rotary who knew him. Vale Dr Lemoh.

Residents in my electorate of Ku-ring-gai will benefit from major upgrades to the Pacific Highway, particularly between Turramurra and Wahroonga, which are happening as part of the New South Wales Government's Pinch Point Program. Pleasingly, this program is delivering results in Ku-ring-gai along the Pacific Highway. It will alleviate the bottleneck of 60,000 motorists each day in this busy corridor. The widened highway will provide three continuous northbound lanes and improve the turning movements in and out of cross streets. Earlier this year work was completed at the intersection of Finlay Road. Construction is also underway at the intersections with Fox Valley Road and Redleaf Avenue in Wahroonga. Driving up the Pacific Highway through Turramurra and Wahroonga, it is easy to see the substantial progress being made relocating utilities, installing traffic signals, improving road pavement, building retaining walls and landscaping. Construction of footpaths will also commence soon. The upgrade is expected to be completed next year and the community is looking forward to the improved safety, traffic flow and efficiency along the highway.

I believe that our community deserves modern, safe and accessible infrastructure. I am therefore pleased that planning approval has been granted for the Killara Station upgrade in my electorate of Ku-ring-gai as part of the New South Wales Government's Transport Access Program. From 30 June to 27 July the community was consulted over the design. Key feedback included improving accessibility, retaining trees around the station and ensuring that the design is sympathetic to the heritage character of the station. As a result, this upgrade will provide a better experience for transport customers and will importantly upgrade the station to be more accessible to people with disability, limited mobility, parents and carers with prams, and customers with luggage. Construction will commence on 1 November and continue until February 2023. I have long supported this upgrade and recently participated in discussions with Transport for NSW regarding the project. I thank our local community for its feedback and the New South Wales Government for its responsiveness to the community and financial support for the project.

I am happy to update the House that the Wahroonga station Transport Access Program [TAP] upgrade construction is nearing completion, with the expectation that commuters will be enjoying the new facilities early in the new year. The upgrade will enhance accessibility with a lift, an accessible ramp to the local village, accessible and ambulant toilets, and accessible parking as part of the New South Wales Government TAP program. I am pleased that construction is now underway at Normanhurst, Thornleigh and Pymble stations, and Waitara and Killara stations are in the design and planning phase.

BLACKTOWN ELECTORATE VACCINATION HUBS

Mr STEPHEN BALI (Blacktown) (22:05): I thank health staff, emergency services workers and all frontline workers for their efforts at our hospitals and vaccination centres, where they placed their health at risk dealing with COVID-19 patients. Conversely, I register my absolute disappointment in the CEO of the Western Sydney Local Health District [WSLHD]. He left Blacktown City without a pop-up vaccination centre for much of the early COVID lockdown period and only after an outcry by many MPs and the mayor did he allow a handful of occasions for a pop-up vaccination centre, but then added additional criteria that I believe nowhere else in the State was subject to.

Pop-up vaccination hubs or centres are just that—open the doors and people will come. But not in Blacktown. Together with community organisations, I had to find people who needed to be vaccinated. We booked them into an allotted time, recorded it on our spreadsheet supplied by Health and then provided the details to Health, but we were not allowed to advertise to the general public the centre location. On the day, we would welcome the people, tick them off the list and pass them on to health workers, who then took over for the vaccination process. On one occasion a safety incident occurred when an alleged COVID-positive person arrived and the volunteers were declared close contacts. The Western Sydney Local Health District CEO failed in his duty of care to those volunteers and many of us who were impacted were never contacted by NSW Health or contact tracers. The WSLHD has not paid Blacktown PCYC for the deep clean undertaken as a result of that visit by the COVID-positive person.

I found the WSLHD CEO to be very condescending and dismissive throughout the COVID period. He made out that he was the fount of all knowledge and any suggestion was seen as interference. The WSLHD CEO failed to provide adequate vaccination resources for Blacktown City, so much so that the Northern Sydney Local Health District supplied vaccines to a real pop-up centre at Mount Druitt PCYC. Rohan Kent from International SOS, an organisation that operates in over 1,000 locations in 90 countries, came to the rescue in Riverstone through a federally funded program. I express my appreciation to Riverstone Neighbourhood Centre and to Community Aid Service Inc. CEO Angela Van Dyke. She pleaded for months, as I did on her behalf, with the member for Riverstone and WSLHD for a pop-up vaccination hub, only to have those pleas ignored. International SOS came to Riverstone. I was there with Riverstone Neighbourhood Centre Director Sue Lawrence as well as Riverstone, Schofields & Districts Chamber of Commerce & Industry members to welcome the friendly staff of International SOS and people requiring a vaccination.

Daphne came to the vaccination centre. The importance of local vaccination centres became very apparent with Daphne's situation. Daphne was extremely frightened of the vaccination needle. The last time she received a vaccination from her doctor was 20 years ago, and that ended badly when she stormed out. Daphne was accompanied by her sister, Rae. Together, Angela, Sue and I tried to take Daphne's mind off the process and talk about other things as the medical staff were setting up. Daphne contemplated taking off a couple of times but Rae was adamant that it was in her sister's best interests to get the jab. The staff administered the jab and Daphne did not even notice. Daphne was very brave and an inspiration to everyone present. She would not have gone to a pharmacy, a doctor or the mass vaccination hub, where tens of thousands of people were being processed. So Daphne would have missed out.

Forcing the people of Blacktown to spend up to three hours on public transport to travel from one COVID hotspot local government area to another or travel by car for over an hour to Homebush and home again, and in

the meantime queue for up to six hours, was a failure by both the WSLHD and the New South Wales Government. I hope the Government learns from this experience and that the Minister for Health and Medical Research takes it into account in the future.

HUNTER GP ACCESS AFTER HOURS SERVICE

Ms YASMIN CATLEY (Swansea) (22:09): GP Access After Hours is a vital Hunter healthcare service utilised by the people of Swansea and the broader Hunter. It was established in the region in 1999 and has since evolved into the most recognised quality provider of comprehensive after-hours care in the region. The service operates through the support of a team of over 200 local GPs, nurses, receptionists and clinic staff. By working as a team, these frontline workers are able to assist over 50,000 patients each year. Whilst people of various ages and backgrounds access the service, it is substantially visited by parents and their young children as an alternative to attending the often busy local emergency departments. Despite playing an integral role in maintaining the health and wellbeing of the Swansea community, significant funding cuts have forced Hunter Primary Care to close the Calvary Mater hospital clinic and to slash the hours of most of the remaining clinics, including the one located on the Belmont Hospital site. The Calvary Mater after-hours service will cease on 24 December and operating hours at several of the remaining clinics are due to be cut in January. This closure and slashing of hours will see the state of the struggling local health system worsen during the busy summer and holiday period.

The latest quarterly data from the Bureau of Health Information shows that emergency presentations in the Hunter have increased by a staggering 34.4 per cent. When the reduction of hours at GP Access After Hours clinics comes into effect, the percentage of emergency presentations will increase further and place local emergency departments under a substantial amount of pressure to provide quality health assistance in a timely manner. The rise in the region's emergency department presentations has resulted in the number of patients starting treatment on time drop by 12.6 per cent over the past year. With the halving of GP Access After Hours clinics, further treatments will be delayed because hospitals will be treating local residents who have no choice but to attend emergency departments if they require after-hours health care. It is highly likely that the remaining clinics will also witness an increased number of patients as a result of the cuts. They may also find it difficult to tend to patients appropriately.

In addition, there is a lack of after-hours healthcare providers in the Swansea electorate. The Belmont Hospital GP Access After Hours clinic is the only after-hours healthcare service in the area. Halving the weekend hours that this service is available to Swansea residents will have a negative impact on their health outcomes. A lack of funding from the nation's Liberal governments is to blame for the problematic clinic closures and halving of operating hours. Even though there has been a rise in operational costs, funding provided via the Federal Government's Primary Health Network's after-hours program has remained fairly static over the past few years. Moreover, financial assistance distributed by the Perrottet Government through Hunter New England Health plummeted from \$559,000 in 2020 to a mere \$105,000 this year. By failing to appropriately fund this important after-hours healthcare service, the Morrison and Perrottet governments have snatched a vital health service away from the people of Swansea and the broader Hunter, jeopardising their health and wellbeing in the process.

The State and Federal governments caused this problem. They must be held accountable and urgently fix the issue by joining forces to provide greater financial support for this much-needed program. I have written to the Federal Minister for Health and Aged Care expressing my concerns and urging him to increase funding for the after-hours health service—not just meet the funding required but increase funding for this vital service. I have also contacted the New South Wales Minister for Health and Medical Research requesting him to contact the Federal Minister for Health and Aged Care. The Minister said in this place yesterday he has done so, and I commend him for that and thank him very much. I certainly encourage the Federal Government to restore the adequate funding that is required. GP Access After Hours clinics are highly loved and valued by not only Swansea residents but also people across the Hunter region who use that service. I urge the State and Federal governments to increase the funding they allocate for the clinics to enable them to continue supporting the health of residents across the Swansea electorate and the broader Hunter.

LAKEMBA ELECTORATE COVID-19 VACCINATION HUBS

Mr JIHAD DIB (Lakemba) (22:14): As we surpass the 90 per cent double vaccination rate, we reflect on the achievement and the extraordinary efforts of the community at large to get to this point. Back in June, when we grappled with the situation, things looked bleak and panic was setting in, and we dealt with a number of issues. They evolved from, firstly, encouraging people to be safe, to physically distance, to mask up and adhere to health guidelines towards the very real issue of vaccine urgency. Against a backdrop of rising infections and limited vaccinations supply, we also faced a very real case of vaccine hesitancy, especially relating to the type of vaccine and preferences for one over the other. In some cases, it went beyond that into anti-vaccination as well.

It may not have been the traditional anti-vax sentiment that we know, but it was largely a movement due to misinformation and feverish opinions of people with public profiles but no medical experience. We asked people to get vaccinated but the opportunities to do so were limited. The mass vaccination hubs were either hard to access or difficult for people who faced many barriers. We had heard someone say it was not a race, but it absolutely was a race, especially as we saw case numbers climb. The challenge, of course, was that once vaccines were made available, we had to get them to the people. How does an electorate like mine, in the eye of the Delta storm with so many additional complications and a fair bit of hesitancy, find a way to ensure that people are vaccinated? I have said many times that when the story of the pandemic is written, the unsung heroes will be the health professionals and the community organisations.

We had to think outside the box. For a community where so many have English as a second language, where digital literacy is a problem and where making a trip to Homebush is daunting, we had to do something different—and something different we did. It took a lot of effort and a lot of convincing of health authorities, but locally we initiated and led the way with community vaccination hubs. I clearly remember the Zoom community meeting, which was also attended by my fabulous colleague Sophie Cotsis where this issue was discussed. The meeting involved us, NSW Health, community leaders and local health experts. I was proud to see those community hubs serve as the model to be replicated across the State. As a result of that meeting, we secured a local vaccination hub at the Lakemba Mosque, which is not to be underestimated.

The task of getting approval was difficult to begin with. The Lebanese Muslim Association's role and public attacks its members face from anti-vaccination elements were quite extraordinary. Yet the organisation's desire to push through and facilitate an important public service was a wonderful example of principled community leadership. Indeed, I visited on one of the first days and was so proud to see lines that stretched over 500 metres. A few weeks later, Ministers Ayres and I, in an act of bipartisanship, visited again, and again the lines were phenomenal. For all the vitriol, the local community made it clear that vaccination was key. Not long after, the Al Minia Charitable Association, based in Punchbowl but operating out of Chester Hill, organised a vaccination hub that vaccinated 10,000 people. St Charbels in Punchbowl, the Alawite community in Greenacre, All Saints in Belmore, the Riverwood and Greenacre community centres, The Acres Club, Bankstown Sports and the local PCYC all opened their doors and their efforts helped us achieve an absolutely phenomenal result.

I must say the success of this was a simple strategy. In a radio interview with Ray Hadley at the time, I spoke about how removing barriers to people getting vaccinated would be a key plank in moving forward. By having trusted, known and local community organisations to facilitate the vaccinations, we addressed hesitancy. By having people who could speak a number of languages, we removed the mystique and misinformation. By having a walk-up facility instead of a clunky and difficult booking system, we made vaccinations more accessible. I know that in the Al Minia association's case, for example, members of the committee went as far as calling people and arranging transport to their hub. I acknowledge the Minister for Health and Medical Research and his team, especially Ellie Stamatelatos, for being accessible and open to the community model idea.

I also want to thank the local health districts and Teresa Anderson and the Sydney area local health team. Ultimately, when everything was made possible, the community stepped up. They rolled up their sleeves and did all they could to meet the challenge at hand. During that most important race, the most obvious thing was that politics had to be put aside. Bipartisanship, good ideas and local knowledge that are used to achieve the best outcomes should always trump politics based on who has power and who has not. Over the past six months we learnt a lot about ourselves, our community, our State and our elected officials. We learnt who was up to the challenge and we also know those who were in hiding, missing in action. But more than anything else, we saw the extraordinary role that community groups play in the wellbeing of our society. It is a good lesson to remember when we know that they need more funding. The grassroots is always where it should always be at and the grassroots need to be broadly supported. Congratulations to the whole State of New South Wales and thanks everyone for getting us there.

MIRANDA ELECTORATE PHARMACIES

Ms ELENi PETINOS (Miranda) (22:20): I acknowledge the invaluable role our local pharmacies have played in vaccinating our community against COVID-19. New South Wales has one of the highest vaccination rates in the world and, impressively, the Sutherland shire was consistently placed among the highest vaccinated local government areas in Australia once the vaccine rollout commenced. Across New South Wales, our COVID-19 vaccination clinics, GP network and pharmacies have played an important role in our impressive vaccination rates, which is helping us return to normal in a safe and measured way. I turn now to the pharmacies in the Miranda electorate that have put jabs in arms to fight COVID-19. First, I acknowledge the team at Blooms the Chemist in Miranda whose efforts I saw firsthand when they administered my first dose of the AstraZeneca vaccine. I acknowledge pharmacists Eric Wu, Michael Kastak, Lara Martin and Anthony Paneras, who provide a

familiar and seamless service for customers and have vaccinated nearly 400 people against COVID-19 since August.

The relationship local residents build with their pharmacist is demonstrated by Eric's fortnightly delivery of medication to a regular customer in her eighties with mobility issues during the recent lockdown. Knowing that this lady did not have family or a carer that could pick up her medication, Eric offered contactless delivery on his way home from work, providing care to the lady by having a chat outside to ensure that she was okay and felt connected. Our local pharmacies are so much more than just medical providers. While they play an integral part in supporting health care, they are also a trusted familiar face to so many in our community. I acknowledge pharmacists Suzanne Wilson and Haley Tan of Sylvania Waters Pharmacy where I received my second vaccination dose. Their strong relationship with their customers is undeniable and evidenced in their ongoing patience and assistance to our community, which has been crucial during such a challenging time.

Pharmacists Michael Aquino and Dima Al-Sheikha of Oyster Bay Community Pharmacy have been inoculating approximately 40 to 50 people per week and regularly post encouraging and educational messages via Facebook for the community. Testament to their incredible work, Oyster Bay residents have held the leading vaccination rates in the Sutherland shire. Over at Kirrawee Pharmacy, pharmacists Michael Kaoutarani and Sarah Bernard observed the accessibility of pharmacies being a preferred option for many families and children. Michael noted that while many children were nervous to receive their shot, each walked out with a big smile, thanks to the caring support that the Kirrawee Pharmacy team provided. The COVID-19 Vaccine Clinic Finder service has aided many pharmacists such as John Skyllas and Carolyn Charalambous of Southgate Pharmacy to reach over 2,000 people in our community for vaccination. Pharmacists Donnie, Lucy and Jessica of Illawong Discount Drug Store have also been an ongoing support for residents and recently passed their 1,000th administered dose of a COVID-19 vaccine.

Despite the unfortunate circumstances, the vaccine rollout has connected people in unforeseen ways. Pharmacists Kevin and Jane of Bangor Pharmacy noted that due to the vaccine rollout, their customer base grew to over 90 per cent new families. The incredible team continue to reassure our community through the vaccination process, building many new relationships along the way. There are many more pharmacies in the Miranda electorate that continue to do an outstanding job in educating and vaccinating our community against COVID-19. I acknowledge pharmacists Salwa Karas and Terry Anderson of Agapy Pharmacy in Sylvania, pharmacist Dany Daher of Priceline Pharmacy in Gymea, pharmacists Chanh and Elise of Cincotta Discount Chemist Gymea, pharmacist Christine Hanna of healthSAVE Box Village Pharmacy Sylvania, pharmacists Harry Oglos and Ayah Touani of Priceline Miranda, pharmacists Dena, Lili and Michael of Terry White Pharmacy Miranda, pharmacist Susan of Clinic Pharmacy in Miranda alongside the wonderful team at MyCare Pharmacy in Jannali for their important work.

I am proud to be part of a community that was willing to roll up their sleeves and do their bit to combat the spread of COVID-19. I am pleased to update the House that as of Monday 8 November 2021, over 95 per cent of Sutherland shire residents aged over 15 had received their first dose of a COVID-19 vaccine, and 94.6 per cent have received their second dose. It is an amazing effort from our outstanding community members, who are doing their bit to keep everyone safe. I thank each of our local pharmacies for vaccinating local residents, and for the support that they have provided our community throughout such a challenging period.

FERNHILL ESTATE

Mrs TANYA DAVIES (Mulgoa) (22:24): Via video link: Throughout my 10 years as the member for Mulgoa, there are a number of key achievements that I personally lobbied for and delivered for my community that I am especially proud of. One of those achievements was securing the New South Wales Government's acquisition of the Fernhill Estate in Mulgoa in 2018. When I was first elected to this place representatives from the Mulgoa Progress Association came to lobby me to convince the then O'Farrell Government to purchase the estate for the people of New South Wales. We met with the then Premier and put a very convincing argument to him about the uniqueness, value and [inaudible] of this property for the people of New South Wales.

Regrettably, the former New South Wales Labor Government had run the Treasury holdings to worse than no money in the bank, and there was simply no funding for any parkland or recreational space. The priority at the time of the new Government was rebuilding the essential infrastructure of schools, hospitals, roads and emergency services that had been abandoned by the former Labor Government. The inability of the New South Wales Government under Premier O'Farrell to fund the purchase of this estate for the people of New South Wales was disappointing. It was a worthy ideal that I tucked away on my goal sheet as a project to one day achieve.

Throughout the next six to seven years the property went through a number of iterations of ownership, plans, proposals and acquisitions. During this time I had the opportunity to visit the site and not only see the magnificent environment and architecture, natural and man made, but also envision the potential for this estate to

be a fundamental building block of opportunity and recreational parkland for the people of New South Wales, especially with the exceptional growth of industry, employment and housing within Western Sydney. Fernhill Estate was part of a much larger Aboriginal estate across the Mulgoa Valley and extending onto the broader Cumberland Plain.

Prior to the arrival of the British, this land was actively managed by Aboriginal people for tens of thousands of years. Much of the estate still exists as it once did in the early days of the British colony when it was established by the early pastoralist Cox family through a series of land grants from Lachlan Macquarie to William Cox and his sons. Today it is part of the last of the rural countryside and woodland vegetation of the Cumberland Plain heading west over the Blue Mountains. The 423-hectare estate includes Fernhill House, which is a grand sandstone historical house and one of Australia's finest examples of a colonial era Greek revival architecture. The grand historical house has eight bedrooms, six bathrooms, a ballroom, a large dining room, an elegant sitting room and a cellar, which once stored wine from the property's own vineyard.

The estate also includes significant open rural parklands, large reserves of natural bushland and creeks, as well as an early colonial stables building. Later twentieth century farmers built outbuildings, equestrian buildings and its own racing track. The estate has also research potential for Aboriginal land management practices, culture and history before and after 1788. Prior to the New South Wales Government's purchase of Fernhill Estate, the Rookwood General Cemeteries Reserve Trust lodged a plan to transform the Fernhill Estate into a cemetery and crematoria. This certainly agitated a number of local residents. We worked together to petition the Liberal-Nationals Government to reject the cemetery proposal and instead used this as an opportunity, a catalyst, to urge the Government to purchase this property.

In 2018 the property was purchased by the Government. I am absolutely thrilled that, as the member for Mulgoa during this time, I was integral in leading the charge to secure this magnificent estate not only for the people of Western Sydney but also for the people of New South Wales. This is a fantastic purchase for our community and it is a significant part of the New South Wales Government's bold vision to grow, connect and care for our city parks put forward in the recent 50-Year Vision for Greater Sydney's Open Space and Parklands. The estate is the jewel in Mulgoa's crown. Now it is under public ownership, the community and other visitors are able to enjoy its uniqueness, which is intertwined with its historical, cultural and environmental significance.

We recently announced the Fernhill Estate Foundation Plan of Management. Under this five-year plan, bushwalking and picnicking will be opened up from next year. This will provide additional recreational facilities such as bike riding, specialised sports events, and cultural and artistic programs that could make it a new tourism destination. It is a special place for the people of not only Mulgoa but also Greater Sydney and New South Wales. Fernhill Estate will provide locals with new open spaces as well as ensuring appropriate management and support for its significant heritage and biodiversity. I commend my private member's statement to the House.

REMEMBRANCE DAY

Ms JULIA FINN (Granville) (22:29): Tomorrow is Remembrance Day, the day on which we commemorate those who lost their lives in all wars on the anniversary of the World War I Armistice on 11 November 1918. On Sunday I will join the Merrylands RSL Sub-Branch to commemorate Remembrance Day and recognise the centenary of the sub-branch, established in 1921. The first reference to the Merrylands Returned Sailors and Soldiers Imperial League of Australia [RSSILA] appears to have been in 1921. A meeting of a few returned soldiers was held at Merrylands in March 2021 to consider forming a sub-branch of the RSSILA. A provisional committee was formed and resolutions passed to contact the league and local returned servicemen. Less than two months later another meeting was held at the Prospect and Sherwood Council Chambers, where the Merrylands District Returned Soldiers Association was formed instead.

Australia was a very different place in 1921 but then, as now, we were recovering from a pandemic. During that pandemic around 15,000 people died and an estimated two million were infected, as the virus spread through Australia. The Spanish flu pandemic coincided with the repatriation program and the huge challenges faced by returning servicemen, especially those who had been injured or traumatised by war. The Royal Australian Air Force [RAAF] was founded in 1921. The centenary of the RAAF is an incredibly proud moment in our nation's history. My father served with the RAAF in World War II and I am incredibly proud of his service.

The formation of the Royal Australian Air Force was announced in the *Australian Government Gazette* on 31 March 1921, with approval from the King for the use of "Royal" received in August 1921. In January 1922 240 officers and airmen graduated from the first air force non-technical training course lasting three months. Aircraft production began in Australia in June 1922, with the Avro 504K. In October 1922 Wing Commander Richard Williams was appointed as the first Chief of Air Staff. In September 1939 war again threatened and Australia offered an expeditionary force to support the Royal Air Force as it prepared for war. In November 10 Squadron of the RAAF became the first air force unit of any British dominion to be on active service.

The RAAF base at Darwin was established in June 1940 and was key to the defence of Australia, along with other bases established at Amberley, Townsville, Wagga Wagga and Williamstown. By the time my father enlisted in February 1943, Darwin had been bombed and the RAAF had shot down Japanese bombers near Darwin, Sydney had been attacked, and the RAAF was heavily involved both in the defence of Australia and in the European and Pacific theatres of war. The Battle of Milne Bay saw the first defeat of the Imperial Japanese Armed Forces on land and also saw the first RAAF torpedo bomber attack of World War II. On 9 February 1943 William Thomas Finn enlisted as a technical trainee with the Citizens Active Air Force as a 19-year-old aircraftman. He trained as a fighter rigger at the No. 4 School of Technical Training in Adelaide and the No. 1 Engineering School at Ascot Vale. He qualified in August 1943 and was posted to the 7 Aircraft depot at Tocumwal. On 1 January 1944 he became a Leading Aircraftman.

He worked in RAAF ground crews, joining the No. 1 Reserve Personnel Pool in Townsville in August 1944. From September 1944, he was posted to the No. 26 Repair and Salvage Unit based in Kiriwina and Noemfoor, New Guinea. The No. 26 Repair and Salvage Unit was formed at Laverton Victoria on 20 August 1942 to repair and salvage aircraft, motor transport and other equipment, and to repair, maintain and modify equipment beyond the capacity of an operational squadron. In June 1943 it moved to Goodenough Island, New Guinea. The unit salvaged Beaufort, Kittyhawk, Beaufighter, Spitfire and Boston aircraft. On 7 September 1944 the unit moved to Noemfoor, with deployments sent to Morotai and later Tarakan in May 1945. Work suffered due to confrontation with enemy ground troops at one stage, with the unit's advance party only 90 metres from the Japanese lines.

With the end of the war in August, there was little work for the unit and on 18 November 1945 it was disbanded. In November 1945 Dad returned to the Bradfield Park RAAF base in Lindfield and he was discharged on 24 January 1946. He received the Pacific Star and 1939-1945 Star service medals, which I wear proudly on Anzac Day and Remembrance Day each year. My father did not tell me a lot about his war service, only the funny stories that were few and far between, but he was incredibly proud of the RAAF and the RSL, despite thinking war was a terrible, destructive and wasteful way to resolve any dispute. The air force reached its greatest strength by November 1944 of almost 184,000 personnel, including 165,000 males in the RAAF and over 18,000 females in the Women's Auxiliary Air Force. After World War II the RAAF served in the Korean War, the Malayan emergency, Vietnam, Iraq, Afghanistan peacekeeping operations, evacuations and humanitarian assistance. The centenary of the RAAF is something we can all be very proud of.

MOUNT CANOBOLAS MOUNTAIN BIKE TRAILS

Mr PHILIP DONATO (Orange) (22:35): Since being elected as the member for Orange, I have been a proponent of the Mount Canobolas mountain bike trails proposal. I have spoken about the development in this place on several occasions because it has tremendous merit. I have also been busy behind the scenes getting State Government support and holding discussions with Government Ministers with a view to seeing this project realised. Those Ministers were all very enthusiastic and saw the merit of the project for the communities of Orange and Cabonne local government areas, and for the State. All advised they would look towards funding on completion of the planning stages by council.

As with any local project development, there will be some people who are either less than enthusiastic or who oppose it. In this regard, the Mount Canobolas mountain bike project is no exception. Many people who are vocal in speaking against a project may not be fully aware of what it entails and the benefits it will bring. Revenue generated through tourist visitation and patronage of the facility will be channelled back into improved management of flora and fauna on the mountain, much of which is presently weed and pest affected. To date, the stewardship and management of Mount Canobolas has unfortunately allowed invasive weed and pest species to proliferate without apparent mitigation. Use of public land is critical to its care and management. Left as is, it is a tinderbox for another bushfire and a haven for weeds and pests to thrive.

The project will help to improve the greater mountain habitat. The footprint of the trails is dwarfed by weeds such as blackberries. The lock-it-up-and-leave-it approach to so-called preservation often has a negative ecological impact. The proposed trails have been mapped through much of the weed-inhabited areas of the mountain. The trail will require weed removal and itself provide ongoing access to manage weeds throughout the mountain's understorey. There are some who oppose trail development in State conservation areas or national parks; however, a number of trails already exist in the Mount Canobolas State Conservation Area, where hikers and mountain bike riders already enjoy their chosen activities.

The NSW National Parks and Wildlife Service actively promotes mountain biking on trails throughout many of its national parks and State conservation areas, including Glenrock State Conservation Area, Royal National Park, Dharug National Park, Blue Mountains National Park, Thredbo-Perisher, Kosciuszko National Park, Bouddi National Park, Everlasting Swamp National Park, Morton National Park, Garigal National Park, Ku-ring-gai Chase National Park, Murrumbidgee Valley National Park, Murray Valley Regional Park and

Kanangra-Boyd National Park. There have been some concerns regarding an apparent lack of community and stakeholder consultation about the project. However, I am advised that Orange City Council has been prudent, consulting with stakeholders including, importantly, the local lands council.

Aboriginal cultural heritage is incorporated in the project proposal and planning that is presently afoot. It is anticipated that the draft plans will soon be made publicly viewable for community and stakeholder consultation. What may not be known is that a component of this project will be the facilitation of opportunities for Indigenous-specific cultural tourism at Mount Canobolas to educate on Wiradjuri history and culture both on the mountain itself and throughout the broader district and region. There will be a broad range of employment opportunities in the tourism, transport and hospitality industries, which are necessary to cater for the estimated additional 50,000-plus visitors per year.

Orange is an increasingly popular tourist destination. Our wine and food culture is a huge drawcard, as are the calendar events held throughout the year. As good as these are, we are still absent a tangible and unique tourist attraction. Dubbo has a zoo, Bathurst has its race circuit and Orange should have its world-class mountain bike tracks at Mount Canobolas. We need to develop this project to diversify and enhance our tourist attractions. The mental and physical health, social, sporting and economic benefits of this project will be tremendous for the community of Orange and for visitors. As I always say, an active community is a healthy community. The project will no doubt encourage more locals to participate in mountain biking as a leisure activity or for competitive sport, and general use of the park precinct and the outdoors.

The economic assessment shows that the project stacks up. Having regard to the project's economic assessment dated 14 December 2017, the established benefit-cost ratio is robust, evaluated at 2.226. Even with the most conservative discount rates applied, the estimated net cash flow is positive and therefore an efficient use of funds in developing the project. I look forward to seeing the project realised and the many benefits it will bring to the local community.

TALLAWARRA B POWER STATION

Ms ANNA WATSON (Shellharbour) (22:40): While I welcome the influx of new jobs and opportunities that will flow from the Department of Planning, Industry and Environment's approval of construction of an open cycle gas turbine at Energy Australia's existing Tallawarra Power Station, there are considerable community safety concerns that I feel need to be addressed. Tallawarra B Power Station's open cycle gas turbine will be situated within the circuit area of the Shellharbour Airport, as determined by Australia's Civil Aviation Safety Authority. Since the initial attempt by Energy Australia to have the Tallawarra B Power Station approved as an open cycle gas turbine power plant in 2007, plume rise assessments have shown that the plume from a power plant like that proposed for Tallawarra emits an exhaust with a vertical velocity that poses a risk to aviation safety.

The majority of fatal accidents associated with aircraft loss of control occur when aircraft are either arriving to land or taking off. Aircraft in a reduced energy state such as this are much more susceptible to loss of control when confronted with turbulence associated with exhaust plumes in their circuit. The approval of the Tallawarra B Power Station to be situated directly within Shellharbour Airport's circuit area creates an unacceptable risk to aircraft operating within the vicinity of the airport and to local residents. There is a number of concerning issues with the current approval that are considered incorrect or have been overlooked. The data that was provided to achieve approval was taken from two different power station configurations using two different modelling approaches by Energy Australia and Katestone Environmental, as well as data relating to plume dispersion devices different from the one proposed.

In addition, the plume modelling report carried out by Stacey Agnew was selectively third-party peer reviewed under directions from Katestone Environmental rather than comprehensively peer reviewed. This is noted in the report itself, with the aviation impact assessments not having been third-party reviewed at all. Review of the plume modelling shows that the approved Tallawarra B open cycle gas turbine will generate plume with very high expected turbulence, with the plume velocity significantly exceeding the emission levels prescribed by the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 by an alarming amount. There is currently an e-petition seeking a review of the New South Wales Department of Planning, Industry and Environment's approval processes and subsequent decision, with a number of pilots who operate out of Shellharbour Airport and their families expressing great concern for pilot safety if they attempt to operate an aircraft that encounters the plume from the Tallawarra B Power Station.

While these pilots and other signatories support the construction of the closed cycle gas turbines as a necessary source of peak load energy, they strongly oppose the construction of open cycle gas turbines due to the risk they pose to aircrafts. Why does Energy Australia want to build open cycle units as opposed to closed cycle units when closed cycle units are safer for aviators, more efficient and more environmentally friendly? In addition to the clear benefits of closed cycle gas turbines as opposed to the approved open cycle gas turbines, significant

employment opportunities will still flow from such a development. The lower costs of maintaining open cycle gas turbines are clearly outweighed by the very real risks to aviators and the public that the units will create. I ask the Department of Planning, Industry and Environment to investigate this issue and have these risks assessed as a matter of urgency. Ensuring that the genuine safety concerns of all stakeholders—including pilots operating out of the airport and local residents—have been thoroughly investigated and addressed should be paramount.

Community Recognition Notices

HMRI 2021 AWARD FOR EARLY CAREER RESEARCH

Ms SONIA HORNER (Wallsend)—The HMRI Awards are a celebration of the outstanding efforts and achievements of individuals and teams who drive and support the opportunities that health and medical research bring to the wellbeing of our community. This year's awards were streamed live via Zoom from the HMRI building to virtually celebrate and honour medical research excellence. Dr Nicole Nathan was awarded the HMRI 2021 Award for Early-Career Research. The award recognises the outstanding leadership and achievements of a researcher within five years of completing their PhD. Dr Nathan has more than 15 years' experience as a health promotion manager with Hunter New England Population Health, where her primary role is to lead a multidisciplinary team to deliver childhood obesity prevention programs to the community. Dr Nathan's multi award winning work on childhood obesity prevention programs has now been rolled out to over 600,000 students across NSW. Her work has led to children in the Hunter region having a lower incidence of obesity than the rest of the Australian population. Congratulations on your award Doctor and thank you for the vital work you do.

JAYDEN JENNINGS - WORLDSKILLS CHAMPIONS

Ms SONIA HORNER (Wallsend)—Recently some of our home-grown, best of the best, talented young tradespeople were on show. The WorldSkills competition is a high-profile event, promoting Australia's skills excellence nationally and internationally. The opportunity to compete is open to all Australian apprentices, trainees and vocational education and training students. My brother Steve Horner was heavily involved in the WorldSkills competition. For over 28 years he held a variety of roles, including those of regional and national competition judge, category convenor, International Expert and Chief Expert and TAFE NSW WorldSkills Manager. Despite COVID-19 restrictions and a lengthy delay, the competition was able to held this year in Perth. Jayden Jennings was awarded the gold medal in the bricklaying competition, beating competitors from NSW, Victoria, WA, Queensland and Tasmania. He is a proud Wiradjuri man and at the age of 21, runs his own business and recently built his first home. He is a great ambassador for his trade and someone I know Steve would have been proud of. Congratulations Jayden on your win and I hope you get to ply your trade in China at the International Competition.

NUSWIM LONG COURSE RANKINGS

Ms SONIA HORNER (Wallsend)—COVID-19 has wreaked havoc on sporting competitors, and none more so than our swimmers, with many unable to train for weeks due to our pools being closed. But for 4swimmers from the NUSwim Club, based at The Forum, Newcastle University, they have fought through an incredibly difficult year to achieve long course rankings in the top 25 of their age group in Australia. Ella Mounter finished the year ranked 19th in the Female 13 years 100m Breaststroke with a time of 1:17.89. She also finished the year ranked 25th in the Female 13 years 200m Breaststroke with a time of 2:51.20. Gabriel Jeffery finished the year ranked 20th in the Male 16 years 50m Butterfly with a time of 27.28. Bryn Bowen finished the year ranked 17th in the Male 18 years 50m Backstroke with a time of 28.76. Aden Searant finished the year ranked 21st in the Mens 50m Breaststroke with a time of 29.39. Congratulations Ella, Gabe, Bryn and Aden on this incredible achievement. I look forward to seeing your continued success in the pool.

HAIRS ROK OF WALLSEND

Ms SONIA HORNER (Wallsend)—Hair styling has evolved quite a lot over the last 38 years. No-one would know this more than Janine King, the proud owner and operator of Hairs Rok of Wallsend. Janine established Hairs Rok in Wallsend in 1991 and just recently celebrated the salon's 30th Birthday. Born and bred in Wallsend, Janine decided to start her business in Wallsend because she knew that it was and still is a great strong community. Janine has 38 years' experience in the hairdressing industry. Her longevity in the business is a testament to her skill, interaction with clients and business acumen. Along the way, Janine has mentored a number of apprentices and has been active in fundraising events such as the World's Greatest Shave and donating to local schools and businesses. The hair dressing industry has been hit hard over the last couple of years due to the COVID-19 pandemic, but I think we are all happy that they are now back to business and busier than ever. Congratulations, Janine, on your success and we wish you well into the future.

CHELSEA HALL

Mrs LESLIE WILLIAMS (Port Macquarie)—I extend congratulations to Chelsea Hall from Bonny Hills for receiving the 2021 Wayne Richards Sporting Scholarship in recognition of her standout performances on the footy field. Chelsea Hall is described as a rising football sensation in the Camden Haven as she continues to impress and lead in local, state and national titles. Previously selected as a midfielder for Northern NSW at the national titles in Coffs Harbour she has already been sighted by former Australian representative Tracie McGovern. Chelsea is ambitious, talented and extremely committed and these characteristics are reflected in the results she has achieved for her team and a strong season with Mid Coast FC. The scholarship will enable Chelsea to purchase equipment and pay for training expenses which will only improve her chances of being selected one day in the women's A League team. Wearing the green and gold is a dream that Chelsea hopes to achieve in her football career and with retired Matilda's midfielder Tracie McGovern offering advice and encouragement, she is on the way to accomplishing her goal. Chelsea has a bright future and I congratulate on her most recent achievement.

JORJA LAMBERTH

Mrs LESLIE WILLIAMS (Port Macquarie)—Congratulations to 17-year-old Jorja Lamberth from Telegraph Point for recently being presented with the highly coveted Casey Miller Memorial Scholarship to kick-start her nursing career. Described as an angel with a heart of gold, Jorja is known for her genuine kindness and professionalism at Port Macquarie Disability & Nursing Services since commencing a school-based traineeship two year ago. Her passion to help and care for others has been rewarded recently with a \$6,000 nursing scholarship in recognition of the late Casey Miller who at the age of thirty lost her battle to cancer. It has proved to be a year to remember for Jorja, graduating from Newman Senior Technical College and then being offered a support worker position at Port Macquarie Disability & Nursing all the while gaining an early entry to studying a Bachelor of Nursing at Charles Sturt Port Macquarie Campus. I want to also take this opportunity to acknowledge the extraordinary person behind the Memorial Scholarship, Casey Miller who will be remembered for her passion and commitment to nursing while advocating for more educational opportunities to encourage careers in disability and health services. Congratulations Jorja.

ALEX JORDAN

Mrs LESLIE WILLIAMS (Port Macquarie)—I rise to congratulate local finalist for the 2021 Origin Little Big Idea competition Alex Jordan for inventing a 'one of a kind' built-in automatic water dispenser for pets. Making his mark in all things Science, Technology, Engineering and Mathematics [STEM], Alex Jordan from Mackillop College in Port Macquarie last year at the age of twelve designed an ingenious water dispenser connected to a fridge for pets to freely access without owners needing to add water manually. The new invention would allow the fridge to automatically monitor and refill water levels so that our dearly loved companions would never see an empty bowl again. Encouraged by his science teacher to pursue the idea, Alex entered his invention into Origin Energy's Little Big Idea aimed at discovering new, innovative ideas that shape the future and unlock the hidden talents of our students. Alex was selected as one of twelve finalist from 1,100 entries competing for the title and prize money of \$10,000. Regardless of the end result, Alex will walk away with \$1,000 and a mentoring session with one of the competitions judges. Congratulations Alex on this commendable achievement.

WAUCHOPE BONNY HILLS SLSC 24 HOUR ROW

Mrs LESLIE WILLIAMS (Port Macquarie)—On the 30th October I joined participants in the Wauchope Bonny Hills Surf Life Saving Club [WBHSLSC] 24 Hour Row. Mental Health is an ongoing challenge in society that many will face in their lifetime and is often suffered quietly, behind closed doors. We must work together, Government and community to break these barriers that can have a disastrous effect on loved ones if left unaddressed. During October we acknowledged National Mental Health Month and what better way to raise money and shine a spotlight on suicide prevention than through an Australia wide 24 hour row for mental health awareness. Passionate surf club member Steven Monaghan reflected on his own experience losing a dear friend to suicide in his late thirties. Back then depression was seen as a weakness but Steve believes that with a shift in focus and changed community attitudes over the years more people are opening up and seeking support. During the event over thirty participants were put through their paces on ten rowing machines with the community encouraged to make donations to support their efforts. All funds donated were directed to the charity Gotcha4Life.

CHARLI RYAN - MOAMA

Mrs HELEN DALTON (Murray)—Madam/Mister Speaker, today I would like to recognise Miss Charli Ryan of Moama for her ongoing support for and donation to the charity, Hair with Heart. In prep class, Charli's friend and classmate had alopecia. This personal relationship became an inspiration for her to help other people experiencing hair loss. Charli, now 11, has grown her hair 36cm in length and will donate this hair to the charity

Hair with Heart to be made into a wig for those living with alopecia, cancer or other illnesses resulting in hair loss. With an original goal to raise \$500, Charli has now reached \$2000 and is committed to further fundraising. Charli Ryan is to be commended for her hard-work and dedication to Hair with Heart.

AMY PERRY – MATHOURA

Mrs HELEN DALTON (Murray)—Madam/Mister Speaker, today I would like to recognise and congratulate Ms Amy Perry of Mathoura for her dedication to agriculture and sustainability. Ms Perry has grown up on an irrigated and cropping farm which was her inspiration to become an agronomist. Recently Ms Perry wrote an essay of application for the inaugural FMC LEAD Scholarship Program which focused on improvements in sustainability within agriculture. Ms Perry has been shortlisted as one of 10 women eligible for the national scholarship program. The scholarship provides women with the opportunity to participate and thrive in agriculture as well as drive innovation. The scholarship program offers a place at the annual National Farmers' Federation conference and a university course. I congratulate Ms Perry for her great dedication to agriculture and her innovation towards sustainability.

BRIDGE STREET KIDS EARLY LEARNING CENTRE

Mr MARK COURE (Oatley)—Speaker, I rise to recognise Bridge Street Kids Early Learning Centre for being awarded Best Early Childhood Centre as part of the 2020 St George Local Business Awards. This is a fantastic achievement and I would like to congratulate their owner, Nancy Kozarovski, for all of her hard work, which has enabled the Centre to achieve this incredible achievement. Earlier this year, I had the honour of attending their Hurstville Centre to present the organisation with a certificate to formally recognise this achievement. I would also like to thank Hurstville Centre Director, Vanessa Mijares and Bexley Centre Director, Natasha Kotevska, for their role in helping build these centres over a number of years. Bridge Street Kids Early Learning Centre is an organisation which is consistently expanding both in terms of staff, students and facilities and this is fantastic to see. Our entire community is grateful for the commitment and devotion of Nancy and her team and I wish you all the best for a strong end of year for 2021.

PENSHURST PUBLIC SCHOOL

Mr MARK COURE (Oatley)—Speaker, I rise to update the House on the opening of Penshurst Public School which occurred on day 1 Term 1 this year. I would again like to thank the former Premier, Gladys Berejiklian and the Minister for Education, Sarah Mitchell, for coming to the official opening ceremony. Speaker, this school is one of the best schools across NSW. It features 47 brand new flexible learning spaces, a new library, school hall, covered outdoor learning area and rooftop playground. This multi-storey facility will now allow over 1000 students to access the best educational facilities in NSW. Penshurst Public School also has some of the most innovative technology as well. Everything from smart boards to soundproof panelling can be found at the school. This is to the benefit of students as they ready themselves for the jobs of the future. Thank you to Principal Jeff Lie for all his hard work during the rebuild in maintaining normality for the students. Our Government is committed to providing students with the best educational facilities which can be found right in the heart of the St George area at Penshurst Public School.

GLEN INNES PIPE BAND

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)—I recognise Pipe Major Robert O'Brien and the Glen Innes Pipe Band for service to the Glen Innes and other communities in the Northern Tablelands. As part of the popular "Celtic Country" in and around Glen Innes, the band has been available for many events and ceremonies adding the celebratory or sober touch befitting the occasion. Band members provide free tuition for interested learners which is part of their generous spirit in providing entertainment at community gatherings. Performances have been limited during the COVID-19 period and as the country resumes more normal activities we look forward to hearing from the Glen Innes Pipe Band. The haunting sounds of the bagpipe reaches deeply into us all regardless of our backgrounds and we are grateful that this ancient instrument is kept alive in the Northern Tablelands. I congratulate Pipe Major Robert O'Brien and the Glen Innes Pipe Band for their service to our communities. I commend Pipe Major O'Brien for his dedication to the bagpipe and his commitment to the Glen Innes Pipe Band.

JESS WOODS AND ARMIDALE LIFELINE

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)—I recognise Jess Woods, shop manager at the new Lifeline shop in Armidale and her temporary assistant, volunteer Aaron Harris who gave of his time to help set up the new shop. The Lifeline shop isn't just about providing great bargains, it brings in needed funds for its life-saving services. Further to that, shopping at Lifeline is also good for the environment, helping to reduce, re-use, and recycle. Proceeds from Lifeline shops help fund local suicide prevention services. This shop is an important step in Lifeline's plan to bring more support services

to regional New England offering face to face and video counselling services. What constitutes an emergency situation in a person's life depends on the individual and Lifeline is there to help the individual through his/her crisis. I congratulate Jess on the opening of the new Lifeline shop in Armidale. I commend Jess and Aaron for their community spirit and commitment to helping others.

VALE GEMMA THOMPSON

Ms ROBYN PRESTON (Hawkesbury)—Mr Speaker, I rise to pay tribute to the late Gemma Thompson, who tragically lost her life in a car accident in Llandilo on the morning of 2nd November 2021. Gemma was a Science Teacher and Assistant Leader of Wellbeing at Bede Polding College in South Windsor. She was also a graduate of the College and was very well respected in the school community. Gemma was a lovely and vibrant young woman whose friendly and dynamic character was very much appreciated by all who were fortunate enough to know her. Her dedication to her students was second to none and this was reciprocated with great respect amongst the students, teachers and staff. Her passing is a great loss for our Hawkesbury community and there has been much sorrow since. My prayers and condolences go to her loved ones including her Father Chris, Mother Jocelyn, her siblings and her fiancé. May she rest in peace with the Lord. Thank you Mr Speaker.

PUBLIC HEALTH DENTAL WEEK 2021

Mr MARK COURE (Oatley)—Speaker, I rise to extend my support for Public Health Dental Week for 2021 which commenced on March 8. This initiative is designed to celebrate the hard work of our public health dental workers across the nation. These frontline staff have worked tirelessly throughout the pandemic while ensuring that our community can still access essential dental care. They have put their own lives at risk to protect those in need and that is something that must be commended. The program also raises awareness about the important work undertaken by public dental staff and their role in performing surgeries and procedures that are critical to the recovery and wellbeing of patients. I am proud to be able to acknowledge their every success because these dentists and nurses are the unsung heroes of our community. The work that they do behind the scenes is incredible as is their commitment and devotion to their work. Congratulations again to all of our frontline public health dentists across Australia.

PENDLE HILL COLTS CRICKET CLUB

Mr MARK TAYLOR (Seven Hills)—I take this time to acknowledge the Pendle Hill Colts Cricket Club and the recent \$1000 HomeWorld grant allocated to their team. Clubs across Western Sydney have been allocated funds in \$10,000 worth of funding as part of the HomeWorld Helpers Grant program. The Pendle Hill Colts Cricket Club were selected to receive part of these funds which will be used by the club to purchase new cricket uniforms and equipment. The gear purchased by the club will directly benefit their junior teams, as well as their "Woolworths Cricket Blast Program". I am delighted that such a fantastic community organisation is able to utilise grants like this to improve club performance and morale. I cannot think of a more deserving group. The Pendle Hill Colts Cricket Club have been a consistent advocate for community involvement in my Electorate of Seven Hills over their many years of competition. I thank the club for their involvement in my community and wish them the best of luck throughout the upcoming cricket season at their home pitch at Binalong Park in Old Toongabbie.

OUR LADY OF LOURDES SEVEN HILLS

Mr MARK TAYLOR (Seven Hills)—I would like to acknowledge the work of Our Lady of Lourdes Catholic Church community in southern Seven Hills during the recent COVID-19 Delta outbreak in delivery hampers to families across Greater Western Sydney. The hamper program was done with other local church communities to help refugee and asylum seeker families who use the Community Migrant Resource Centre. Our Lady of Lourdes Seven Hills delivered approximately 50 hampers to 20 families in Western Sydney. As we know, COVID-19 restrictions made the simple things like groceries a difficult task for many so I know the hampers that were delivered were greatly appreciated by the families. I thank the Our Lady of Lourdes community and all the volunteers who worked for this great cause. I also thank all the people who donated the products which were delivered through the program. I look forward to seeing the great work that Our Lady of Lourdes continues to do to help residents throughout the Seven Hills electorate and Greater Blacktown in the future.

COUNCILLOR JACOB JACKSON

Mr MARK TAYLOR (Seven Hills)—I acknowledge the great work of Councillor Jacob Jackson of The Hill Shire Council for his dedicated service to the people of West Ward. As the Member for Seven Hills, I represent parts of Baulkham Hills, including the Astoria Park II community in West Ward, where Councillor Jackson is highly regarded for his community work. Councillor Jackson was sworn in as a local councillor in August 2018 after a by-election and has consistently worked hard for to the local community with delivering results for local ratepayers. I have worked with him in getting upgrades to parks and playgrounds and more recently trying to get

outdoor exercise equipment and better local roads for the local residents of the Astoria Park II community. I thank Councillor Jackson for assisting Baulkham Hills residents in the Seven Hills electorate throughout his tenure on The Hills Shire Council. I wish him all the best as he is not seeking re-election at the December poll.

ST PAUL THE APOSTLE PRIMARY SCHOOL WINSTON HILLS LEADERSHIP CONVERSATION

Mr MARK TAYLOR (Seven Hills)—Recently, I was fortunate to speak with Year 5 students of St Paul the Apostle Primary School in Winston Hills about advocacy and local leadership. The students I spoke with have been vying for election as part of the school captain's team for 2022. It was good to speak about how you can advocate for others and always try to deliver the best outcomes for your community. St Paul the Apostle Primary has an awesome reputation for having quality school leaders and I cannot wait to meet the new 2022 team. I know any of the terrific students I spoke with will assist in leading the school with Principal Megan Baird in a great way. I also take this opportunity to thank the current student leaders on their work in assisting their local peers through the recent learning-from-home period.

BARRY JENNINGS

Mrs SHELLEY HANCOCK (South Coast—Minister for Local Government)—I would like to acknowledge and congratulate local musician Barry Jennings who flagged his intentions earlier this year to hold a fundraising concert in support of the Breast Cancer Foundation. Barry is excited to announce Saturday 11, December 2021 is the planned date for the event he has called 'A Concert for Jenny' in honour of his wife. Mr Jennings has been a musician for more than 60 years and planned to have held the fundraiser earlier in the year but due to COVID-19 his plans had to be put on hold. This fundraiser is something close to Mr Jennings Heart as wife Jennifer of 33 years is suffering from what he describes as a "horrible disease". Shoalhaven City Council has given Mr Jennings the green light to hold the fundraiser at the Nowra School of Arts, Mr Jennings has also had a great response from a number of other local musicians and performers. I acknowledge and wish Mr Jennings all the best with his fundraiser event and I look forward to hearing its success.

HUNTER TRADE COLLEGE

Ms JENNY AITCHISON (Maitland)—Since 2006, the Maitland based Hunter Trade College has worked with over 2,200 students from across the Hunter, Upper Hunter, and Central Coast regions delivering HSC vocational education and training programs. In recognition of their dedication to expanding the concepts of education, the Hunter Trade College has recently been named a finalist in the Australian Training Awards – a prestigious national celebration of Australia's best training providers, vocational students, apprentices, trainees, and employers. I congratulate the Hunter Trade College upon their nomination as one of three national finalists in the School Pathways to VET Award category. Their programs offer up to 175 students per year trade-focused Higher School Certificate programs, providing students with the opportunity to obtain a nationally recognised qualification and extensive work experience placements as they also complete their HSC studies. These programs provide a way for young people to transition from school into employment with real work experience in their chosen trades to help kick start their careers. The Hunter Trade College are focused on the importance of vocational education and training in our local economic recovery following the pandemic. I congratulate the Hunter Trade College upon their recognition at the national level.

CREATING CITIZEN HISTORIANS

Ms JENNY AITCHISON (Maitland)—I wish to recognise the innovative work of two Hunter based historians, Yvonne Fletcher & John Gillam, who have designed a national program to establish Living Memorials to the Fallen by encouraging school children to become Citizen Historians. During WWI, 60 000 Australian soldiers died. The issuing of medals to fallen soldiers was governed by the Deceased Soldiers Act 1918. Complications arising from the Act and its application resulted in large numbers of medals remaining unissued. Currently, relatives of WWI soldiers and/or eligible institutions such as schools, can apply to receive unissued medals. Since April 2021, John & Yvonne have actively supported eligible families and institutions across Australia to make applications for unissued medals for which they were eligible. They were inspired to develop a national schools' program Find Them, Remember Them – Creating Citizen Historians. The intent of the program is to research the soldier, and have students educate the local community at an appropriate ceremony. The schools will commemorate the sacrifice by their researched soldiers on commemorative occasions such as ANZAC Day and Remembrance Day. The memory of these soldiers, previously perhaps lost to time will now be kept current.

SONIA JAMES RISING STAR AWARD

Ms JENNY AITCHISON (Maitland)—On October 15, the Hunter Manufacturing Awards 2021 virtual ceremony was held, announcing 13 winners who are promoting and achieving excellence in the manufacturing industry. I rise today to offer a heartfelt congratulations to Sonia James for receiving the Rising Star award. Sonia is the Technical Development Engineer at ArmorGalv Australia, located in Thornton. Sonia took the brave step

of moving from India to Australia to complete her Masters in Engineering Science in Brisbane. Sonia then moved to the Hunter just over 12 months ago to start with ArmourGalv as a graduate Engineer. Impressively, Sonia now has the responsibility of managing all Research and Development within the company. She is a champion of the newly formed safety committee and is constantly highlighting potential improvements. Sonia has also developed a strong interest in Australian standards and was recently selected for the Standards Australia NEXTgen Program 2021-22 for young leaders. Outside of work, Sonia is a dancer, teacher, choreographer, and performer. She has trained in Indian classical dancing for over 13 years. Sonia is a well-deserved recipient of this honour. I look forward to witnessing Sonia prosper in the future as an emerging leader in our region.

PERINATAL MENTAL HEALTH WEEK

Ms JENNY AITCHISON (Maitland)—This year between November 7th- 13th is Perinatal Mental Health Week. I encourage everyone to take some time to consider the experiences of those who are on a journey through pregnancy and parenthood. I encourage them to take notice of how expectant and new parents are travelling, and simply ask "How are you going?" Starting that conversation can initiate the finding of valuable help and supports. The term 'Perinatal' refers to the period of pregnancy and up to a year after giving birth. Perinatal Mental Health Week is a time to raise awareness and collaborate to ensure that parents in need know that they are not alone. 1 in 5 new mums and 1 in 10 new dads experience perinatal depression and anxiety, which is around 100,000 Australian parents each year. This year service providers and new parents are working together to navigate lock-downs, visitor restriction and dozens of other unexpected adjustments. I am very proud of the collaborative work of the various health and community services in Maitland including The Valley Tribe and Mums and Bubs Maitland and wish to recognise the valuable and critical support they provide for expectant and new parents.

EMERGENCY SERVICES

Mr NATHANIEL SMITH (Wollondilly)—On Saturday October 23, Wollondilly was blown and battered by a ferocious hail storm. The freak storm hit Thirlmere the hardest, as well as Tahmoor and parts of Picton, leaving devastation in its wake. Hundreds of homes were damaged, more than 285 calls for assistance were made, and ten families were temporarily displaced. Emergency services responded swiftly and did a sterling job securing homes, assisting locals, and clearing storm debris. They had 40 teams in the field including NSW RFS, NSW SES, Fire and Rescue NSW and Wollondilly Shire Council. I would like to extend my gratitude to all the teams and volunteers and congratulate them on their tremendous efforts. A special mention to the following people who were leading the charge: Dylan Whitelaw - Incident Controller, Heather Rowe - Operations Officer, Ngaire McCarthy - Sector Commander, Valerie Couch - Deputy Sector Commander, Wollondilly, Ben Taylor - NSW RFS Duty Officer, Michael Malone - Local Emergency Management Officer, Wollondilly Shire Council, Superintendent Paul Fuller, Local Emergency Operations Controller [LEOCON], NSW Police. Thank you for your work and for assisting the Wollondilly community at a time of great need!

JOSH NICKL

Mr NATHANIEL SMITH (Wollondilly)—Josh Nickl of Bowral's famous Gumnut Patisserie has been awarded the gold medal in the Retail Baking Pastry category at the 2021 Worldskills Australian Championship. Josh carries on the family tradition 30 years after his father Tracy won the award in 1993. Mr Nickl has worked hard training over for the last two years for the competition in less than ideal circumstances. He faced many challenges and setback as the dates and timeframe for the competition was altered several times in response to changing COVID conditions. However, Mr Nickle was determined to persist, and his dedication has certainly paid off! Although you might say that pastry and baking are in his blood, Mr Nickl's success has come from years of patient learning and practice. Even during his high school years he travelled to different bakeries and pastry establishments around NSW in order to gain valuable work experience. I congratulate Mr Nickl on his well-deserved recognition of his talent, and I encourage all lovers of fine food to visit Gumnut Patisserie in Bowral and taste the success for yourselves.

LITTLE GEM MEDICAL

Mr NATHANIEL SMITH (Wollondilly)—I would like to extend my congratulations to Silverdale resident Dr Renee Mitchell who started Little Gem Medical centre in Silverdale just under one year ago. Dr Mitchell was previously working as a contract doctor in Narellan, but she saw the growing need for more medical care in her local area and decided to start her own medical practice. One year on, her practice is booked out every day and attends to the needs of approximately 3000 patients. A very impressive first year! Dr Mitchell's sister Natalie Egan works as the practice manager, and together they have given Silverdale residents a community-focussed medical practice that truly cares for its' patients. Little Gem provides medical, physiotherapy, podiatry, pathology, counselling, mental health and dietician services. I congratulate Dr Mitchell

and Ms Egan on the success they have achieved in such a short space of time and I thank the team at Little Gem Medical for the important service they are providing to the Silverdale community.

EVENING BRANCH - CWA

Mr NATHANIEL SMITH (Wollondilly)—The Southern Highlands Evening Branch of the Country Women's Association last week had a lot to celebrate, as they were not only able to meet face-to-face once again after many months apart, but they also celebrated their 10th anniversary at the Scottish Arms Hotel in East Bowral. The CWA is the largest women's organisation in Australia and works to improve conditions for country women and children. They are a network of women who support each other and their local communities through lobbying for change, running social events, and assisting with fundraising. The Southern Highlands Evening Branch is a dynamic group of women of different ages and interests which has something to offer for everyone. I am sure as things are now opening up the group will be busily planning activities once again. I congratulate them on their ten year anniversary and wish them a happy and successful year ahead.

AMELIE STUUT

Mr MATT KEAN (Hornsby—Treasurer, and Minister for Energy and Environment)—Today I would like to acknowledge Amelie Stuut of Galston High School who has been awarded the 2021 NSW Minister's Award for Student Achievement. Amelie, who is currently sitting her HSC, is one of only 36 students across the state to receive the award. The award recognises students who show achievement in the academic, sporting, cultural and leadership fields along with a commitment to school community and personal values. Ranked top in almost all of her subjects, she is also an accomplished cricketer. Playing at a local representative level as well as taking roles of coach, captain and referee at school. She is the current Galston High School Vice-Captain as well as peer support leader, student spirit team member and welfare team founder. She is an enthusiastic member of the school community who always puts others needs ahead of her own. I would like to congratulate Amelie on this award and wish her all the best as she completes her HSC. I have no doubt her star will continue to rise.

ROSE WONG

Mr MATT KEAN (Hornsby—Treasurer, and Minister for Energy and Environment)—Today I would like to acknowledge the work of Rose Wong who has raised hundreds of thousands for local and international charities. Rose, who runs a Tai Chi Group called 'Movement for Missions' has been donating the proceeds since it started in January 1996. The group has grown over that time to now have 67 members and holds multiple classes. They collect a small fee for attending the class, it was \$5 but it has recently increased to \$8 with all the money raised donated to a long list of worthy causes. Locally she has supported the Hornsby Salvation Army and the Hornsby Ku-ring-gai Women's Shelter. Not only have charities benefited from the class but the participants get a chance to exercise and make new friendships. Many who receive support from each other during difficult times. Rose is assisted in running the group with a number of volunteer office bearers but I understand it is her leadership which has seen the success over the last two decades. I would like to thank Rose for her amazing work and dedication to not just help our local community but those doing it tough around the country and the world.

GIVE A DOG A BONE, KEEP KITTY HAPPY

Mr ALEX GREENWICH (Sydney)—On behalf of the Sydney Electorate, I thank Nicola Addison and the 'Give a Dog a Bone Keep Kitty Happy' Christmas Appeal for their voluntary efforts supporting companion animals. The annual appeal provided toys and food to homeless pets for 13 years. The appeal asked people to add an item for a dog or cat to their shopping basket or donate unwanted food, toys, towels or blankets, which volunteers collected and delivered to animal shelters, animal rescue charities and homelessness services across Sydney, the Blue Mountains and the Central Coast. Nicola started small collecting donations from her friends, family and social network to support companion animals of people who are homeless and pets in shelters and foster care in 2007, and by 2019 the appeal provided food and toys to 25 organisations from a range of donation drop off points, including the Sydney electorate office. I thank these dedicated volunteers for their 13 year contribution to helping homeless people and their pets, and companion animals abandoned and rescued or awaiting new homes.

2021 EXCELLENCE IN EARLY CHILDHOOD EDUCATION AWARDS

Mr LEE EVANS (Heathcote)—Today I acknowledge the 2021 Finalists for the Excellence in Early Childhood Education Awards in my community. Congratulations to the following finalists: Fauna Place Early Education Centre, Sutherland—Education Program Excellence – Metropolitan Service; St George Montessori Engadine Early Education Learning Centre—Education Program Excellence – Metropolitan Service and Community Involvement Excellence; and Sutherland Shire Council Children's Services, Sutherland—Children's

Wellbeing & Health Program Excellence. Under the Excellence Awards for Individuals, I congratulate the following finalists: Rebecca Smith of Allison Crescent Early Education Centre, Menai—Metropolitan Female Educator Excellence Award; and Melissa Basile of Sutherland Shire Council Children's Services, Sutherland—Service Support Person Excellence Award. I thank all the Early Childhood Centres and Educators for the important work they undertake with providing children with a strong start to their education journeys. They make a real difference in the lives of our children and their families. Finalists will be recognised and winners announced at the Australian Childcare Alliance NSW Gala Night in March 2022 as it was rescheduled due to COVID-19. I commend them all as they're extremely deserving of acknowledgement and I wish them the success on the night.

DUBBO SWIMMING CLUBS

Mr DUGALD SAUNDERS (Dubbo)—Speaker, I would like to take this time to congratulate Dubbo City Swimtech who hosted the first swimming carnival in the Dubbo electorate post lockdown at the Dubbo Aquatic and Leisure Centre. With almost 350 entrants from 34 swim clubs from across the state including Newcastle and Sydney, it was by all accounts a great success. The results were outstanding for the day given many had been unable to train. Dubbo City Swimtech had 75 swimmers competing in a total of 442 events with 218 PBs, Orana Aquatic Swimming Club had 39 swimmers in 203 events and finished with 142 PBs, and Dubbo RSL Community Swim Club had 15 swimmers in about 90 events, all achieving at least 1 PB. Mudgee Indoor Swimming Club had 13 swimmers competing in 99 events and achieved 32 PBs, Macquarie Yabbies entered 12 swimmers who competed 49 events and achieved 16 PB's and Wellington Swimming Club had 4 swimmers competing in 23 events and finished with 6 PBs. Congratulations to Dubbo City Swimtech on a successful carnival and all the swimmers, coaches and families, it's great to see our kids and clubs back in action.

KATE WADE

Mr DUGALD SAUNDERS (Dubbo)—Speaker, I would like to congratulate Dubbo's Kate Wade who was recently awarded one of just 20 scholarships to study a Diploma of Event Management. The scholarships were awarded by the NSW Government in partnership with peak events industry body Meetings and Events Australia and Destination NSW, and are designed to help stimulate the visitor economy in regional areas like Dubbo. Kate works as the project delivery manager at The Exchange Dubbo, a co-working space which seeks to make a real social impact for businesses and wider community. As part of her role Kate already coordinates a range of events including networking and panel discussions during Women's Week. She also works to attract corporate events and conferences to our region – an industry worth an incredible \$145 million annually! Kate is excited to advance her knowledge and skills, and says she can't wait to "roll out some really amazing events that we can invite the whole region to attend".

PINK UP MUDGEES

Mr DUGALD SAUNDERS (Dubbo)—Speaker, throughout October, many towns across NSW participated in Pink Up Your Town events, displays, and activities, however Mudgee continues to set the standard when it comes to "Pinking Up". Each October, Mudgee shines pink during Breast Cancer Awareness month to help raise funds for the McGrath Foundation, who place breast care nurses in communities throughout Australia. Pink Up Mudgee founder and organiser, Hugh Bateman, said there had been amazing support shown, especially given the difficulties faced with COVID restrictions. Normally Mudgee hosts a range of events to help raise funds for the McGrath Foundation, however the pandemic forced these to be postponed until next year. Despite this, a record number of houses and businesses across Mudgee got involved with decorations, balloons, streamers, window displays and gardens, all turning pink. Thank you to everyone who helped pink up Mudgee. I am looking forward to seeing what is achieved next October!

HUY TRAN

Mr NICK LALICH (Cabramatta)—I rise to pay respect to an incredible man and local champion who was taken from us too soon, Mr Huy Tran. Huy was a well-respected, loyal member of NSW Labor and well known locally as a tireless advocate who was committed to bettering the lives of those less fortunate. Throughout my years on Fairfield City Council and as the Member for Cabramatta, I had the great opportunity to work directly alongside Huy and witness firsthand his unwavering passion and tireless dedication towards helping those in need, while supporting his local community. I will always remember Huy as the kind-hearted gentleman whose charity and generosity knew no bounds. He was always a true and honest friend to one and all. On behalf of this house, I would like to pass on our sincerest condolences to his wife Mai Le and his two young children, Vi and Nam. Huy will be dearly missed by us all.

ANNABELLE WIELAND

Mr DAVID LAYZELL (Upper Hunter)—I would like to congratulate Annabelle Wieland a Year 6 student of Singleton, who recently won The Senior Section of the Parliament of New South Wales School Holiday

Colouring-in Competition. I was very impressed with Annabelle's work, her entry depicting a very colourful Parliament House. With Annabelle's permission I am planning to use her work for my Christmas cards this year. Again, I congratulate Annabelle on her wonderful achievement and I look forward to presenting Annabelle with a Christmas card.

LACHLAN WALMSLEY DEBUT WITH SCOTLAND NATIONAL RUGBY LEAGUE TEAM

Mr DAVID LAYZELL (Upper Hunter)—I would like to congratulate Lachlan Walmsley of Merriwa who has made his international rugby league debut for Scotland against Jamaica on Sunday 24 October, 2021. Lachlan a former Scone Thoroughbreds player was named in the starting lineup in Scotland's "Bravehearts", played out a 30-30 draw against the Jamaica "Reggae Warriors". Lachlan featured in the game by kicking five conversions. Again, I congratulate Lachlan on his determination to play international Rugby League and I wish him all the best for his future endeavours.

JENNIFER BOYALL

Ms TRISH DOYLE (Blue Mountains)—Katoomba High School Principal Jenny Boyall is one of just three Principals in the public education system across Australia, to be awarded the prestigious Harvard Principals' Scholarship for outstanding leadership. Jenny became Principal at Katoomba High in 2013, and with the same leadership team, has turned around community perception of the school. When she arrived, there were 520 students enrolled, and in 2021, this has almost doubled to 970 students. She leads a group of staff, students and their families, who are proud to be involved in the Katoomba High community. The scholarship recognises Jenny's innovation and the key role she has played in helping her school community thrive in the most challenging of circumstances. The award will also enable her to build on and share more widely, her leadership insights and skills. Jenny is one of the most professional, empathic and inspiring leaders in education that I have met, and I wholeheartedly congratulate her on receiving this prestigious scholarship. With great honour, I supported the application! Her positive character, work ethic and commitment to the values of public education is an incredibly valuable asset to our Blue Mountains community. Thank you and congratulations, Jennifer Boyall.

PETER FRAZER

Ms TRISH DOYLE (Blue Mountains)—Congratulations to Blue Mountains father Peter Frazer for 10 years of road safety campaigning. Peter recently received the Australasian College of Road of Road Safety Fellowship award for his outstanding road safety advocacy over the past decade. Peter started the SARAH Group – which stands for Safer Australian Roads and Highways – after his 23-year-old daughter Sarah tragically died in a road accident in February 2012. She had broken down on the Hume Highway and pulled over in the breakdown lane. Both Sarah, and a tow truck driver who came to her aid, were killed when a passing truck hit them. Peter has campaigned tirelessly for improvements to road safety ever since. The SARAH group organises the annual National Road Safety Week in Australia, and their advocacy was instrumental in establishing the Sarah's Rule legislation, which enhances the safety of roadside workers such as emergency service workers, tow truck drivers and breakdown assistance workers. Under this legislation, motorists must slow down when passing emergency vehicles or those who have broken down. Thank you Peter, for your continued positivity and warmth, despite the loss you feel acutely every day, and for all that you do to help make our roads safer.

MIRANDA PUBLIC SCHOOL

Ms ELENi PETINOS (Miranda)—I acknowledge Miranda Public School's wonderful teaching and support staff for their response to the challenges of COVID-19. When learning routines were disrupted, the teachers quickly adapted to support students with engaging online content and provided essential equipment to those requiring support. This included virtual events such as family trivia evenings, lunchtime zooms where students shared a meal together, creative challenges such as designing school mascots or writing songs, and dress up events including Book Week, Pyjama Day, Crazy Hair Day and Crazy Sock Day. To lift students' morale, the teachers also organised Kindergarten and Year 6 buddy zooms, food hampers for families in need, encouraging video messages from the student leaders, wellbeing small groups, and 'Tea with the Teachers' where students and staff cooked recipes together. The teachers also worked hard to aid and nurture students who needed to be on site due to various reasons at home. I especially thank Principal Michael Duffy and Assistant Principals Janna Dowling, Daniel Richardson, Kelly Shields, Carleen Wilkins and Jade McMillan for leading and supporting their incredible team through the remote learning period. I commend the Miranda Public School team for their ongoing dedication to our students' education.

THARAWAL PUBLIC SCHOOL

Ms ELENi PETINOS (Miranda)—I acknowledge Tharawal Public School's wonderful teaching and support staff for their resilience during COVID-19. When learning routines were disrupted, the teachers quickly adapted to support students with engaging online content. This included virtual Olympics and paper plane

challenges, cooking and dance lessons, a week of themed days including science, sport and art, a Book Parade where teachers recorded stories and gift packs delivered to the students to lift their spirits. Additionally, the children were welcomed back to school with balloons and positive signs to celebrate being together again. While this was undoubtedly a difficult year for students, the leadership team embraced the chance to encourage each other by creating wellbeing videos and challenges every week for their peers. I acknowledge 2021 student leaders including James Tsavalias, Sally Boyd, Jake Grinham, Charlise Webb, Tyler McKinnon and Mia Hocking. I also take this opportunity to recognise Principal Gerry O'Brien, Assistant Principals Nicole Sweetman, Mathew Green, Julianna Paton and the amazing teaching and support staff for their ongoing efforts through the remote learning period. I thank the entire team at Tharawal Public School for their dedication and passion for supporting local students in their learning.

WANDA SURF LIFE SAVING CLUB

Ms ELENi PETINOS (Miranda)—I acknowledge the wonderful members of Wanda Surf Life Saving Club ("Wanda") for their continued dedication to our local community. Founded using the colours of Army Red, Air Force Blue and Navy Blue, Wanda was established in 1946 by a group of returned service men and women. Since this time, Wanda has grown to over 900 members who continue to ensure that our beachgoers remain safe. With summer on the horizon, Wanda can again proudly report that there were 'no lives lost' last season due to their outstanding patrolling efforts and education programs. The strong leadership team at Wanda have volunteered their time and provided their knowledge to evaluate the club's obligations and risks throughout the COVID-19 pandemic. I take this opportunity to recognise the 2021/2022 club officials including Nathan Spinner, Mark Sargeant, Todd Lester, Denny Rowlands, Anne Caterson, John De Cean OAM, Natalie Buckley, Mikaela Sutherland, Gerard Cafe, Greg Pierce, Gary McNamara, Brett Thatcher and Fiona Sutton. Additionally, I thank departing Captain Michael Bonnici for his exceptional service to our community. I commend the members of Wanda Surf Life Saving Club for continuing to keep our community safe when enjoying the beach.

DENISE CAVANAGH

Ms ELENi PETINOS (Miranda)—I acknowledge Denise Cavanagh of Bonnet Bay for her volunteer work in our community. Mrs Cavanagh is truly a community-minded individual who sought a way to continue using her skills to help others when she retired from nursing. This is when Mrs Cavanagh began volunteering with Angel Flight Australia, a charity which coordinates non-emergency flights to assist regional residents in accessing specialist medical treatment that would otherwise be unavailable to them. For the past 18 months, Mrs Cavanagh has worked with Angel Flight Australia by driving residents of regional NSW to city medical appointments from Bankstown Airport so that they can have greater access to crucial care. Additionally, Mrs Cavanagh is a volunteer with our local community transport operator in the Sutherland Shire, Activus Community Transport, driving local residents door-to-door to their appointments and other errands. I commend Mrs Cavanagh for giving freely of her time to provide care and support to members of our community and extend my best wishes for the future.

FREDDIE BAILEY-COOK

Mr KEVIN ANDERSON (Tamworth—Minister for Better Regulation and Innovation)—It gives me great pleasure to thank and congratulate Tamworth local Freddie Bailey-Cook on his representation to the Minister for Skills and Tertiary Education Geoff Lee, requesting that the Certificate III in Music Industry be re-established at Tamworth TAFE. Freddie is a passionate young musician, living, working and performing in Tamworth. At just 17, Freddie already has an online following of over 800 fans and his future looks bright. What frustrated Freddie, though, was a lack of outlets for musicians in the Country Music Capital. Freddie is a young star at the Academy of Country Music, but we need to foster our future stars in any way we can. Modern musicians need an understanding of all aspects of the music business. From performing, to recording, to PA systems, the modern musician needs a working knowledge of the whole business. Freddie now has that outlet thanks to the reintroduction of the Certificate III in Music Industry and I thank the Minister for listening to Freddie and to the people of Tamworth.

RELAY FOR LIFE WAGGA WAGGA

Dr JOE McGIRR (Wagga Wagga)—There are very few of us whose lives have not been touched in some way by cancer. Wagga Wagga's Greg Johnson, who lost a sister to cancer, has a diverse and long-term commitment to the Cancer Council. Mr Johnson volunteers his time to drive cancer patients to their treatment, which can involve multiple journeys per day or up to a 400-kilometre round trip. He has also been a member of Wagga Wagga's Relay for Life committee from its inception, and has been tasked with catering, sourcing raffle prizes and introducing challenges such as the chariot races and sporting activities. Both Mr Johnson, as an individual, and the Wagga Wagga Relay For Life committee were finalists in the prestigious 2021 Cancer Council NSW CEO's Awards. The Relay For Life committee, chaired by cancer survivor Alan Pottie, was recognised for its commitment in 2020 despite the pandemic. Faced with restrictions the committee decided to conduct a virtual

event via Facebook: Wagga Wagga Relay For Life – Camp Your Way was born. Teams participated by camping in their backyards, their lounge rooms, their workplace, by the Murrumbidgee River, in cubby houses, tents and caravans. They raised \$65,000.

POST-1975 CONFLICT

Dr JOE McGIRR (Wagga Wagga)—Wagga Wagga is home to hundreds of former servicemen and servicewomen who have fought in recent conflicts overseas. But until last month, these brave service personnel did not have a day specifically honouring their bravery and sacrifice. Wagga Wagga has now hosted its inaugural Service of Commemoration for Post-1975 Conflicts. The Wagga RSL Sub-Branch hosted the ceremony on October 22 to honour and pay respects to all those who represented Australia in East Timor, Afghanistan, Iraq, Somalia and other conflicts within the past 46 years. As Afghanistan veteran Nigel McMullen, who has spent decades attending military commemorations, told The Daily Advertiser newspaper, it was "a special feeling" to finally receive a day specifically honouring his own efforts. Like East Timor veteran Raymond Smith, I share the hope that events like this one will help to shine a light on the many battles our veterans are still fighting every day. Our modern veterans have not received the care and support they deserve. It is appropriate that we formally commemorate the sacrifices our veterans made in their service to their country. And we must also offer them the support and assistance they need along with our heartfelt gratitude.

BINGARA COMMUNITY OP SHOP

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)—I recognise the Bingara Community Op Shop for its service to the community. In this difficult time for raising funds, the Op Shop is a source of donations for community charities. At a recent morning tea, volunteers Janice Hawkins, Anne Withers, Will Shoneville, and Di Richardson presented cheques to four worthy charities. The Bingara CWA has found fund-raising difficult in the pandemic climate and welcomed a cheque for Bingara Central School to support year six students entering year seven. Suzy Webber of Bingara Preschool, Jennifer Brown of Touriandi Aged Care Facility and Sue Mack of the Bingara Multi-Purpose Centre have all benefitted from donations from the Bingara Community Op Shop. I congratulate the volunteers at the Bingara Community Op Shop for their efforts and contribution to the Bingara community. I commend the Bingara Community Op Shop for its commitment to helping others with services and goods and using the proceeds for the local community.

CHARLOTTE LOCKYER - COUNTRY TO CANBERRA

Mr ADAM MARSHALL (Northern Tablelands—Minister for Agriculture and Western New South Wales)—I recognise Warialda High School student, Charlotte Lockyer, finalist in the Country to Canberra 2021 Leadership Competition. Charlotte won the attention of the judges by her response to exemplifying the strong examples of women around her by sighting people in day to day supportive roles. Charlotte's English teacher, Kathryn Latham who encouraged Charlotte to enter the competition said that Charlotte "drew from the inspirational figures in the Warialda community and acknowledged those quiet heroes who just get on with helping others and expecting nothing in return...her writing captures the women whose work and legacy is the heart of our region". The selection panel based their decision on Charlotte's understanding of the topic and inspiring delivery. This competition aims to empower young rural women to pursue possibilities with practical skill-building opportunities. I congratulate Charlotte on her successful entry in the Country to Canberra 2021 Leadership Competition. I commend Charlotte on her perception of the value of every contribution to the well-being of our communities.

JOHN BULL

Mr MATT KEAN (Hornsby—Treasurer, and Minister for Energy and Environment)—Today I would like to pay tribute to John Bull, who we lost recently following a long illness. John, who was 70, has been an integral part of the Lions Club of Berowra since he joined in 2012. John was passionate about his local community and always willing to give his time to for the people of Berowra. Over his time in the Berowra Lions he has seen many ideas come to life, most recently was an exercise pod at the local Warrina Street Oval. John battled his illness bravely and was known by his fellow Lions Club members as the Man of Steel or Superman as he would continually defy doctors' prognosis. Despite his illness he would serve as President from 2017-19 and continue his work with the Lions club. He was honoured last year with the Melvin Jones Fellowship, the highest honour in the Lions Club. It recognised not just his work for the Berowra community but his leadership within the organisation. He was a mentor who inspired many and I have no doubt his legacy will live on. My thoughts are with his wife Jen and extended family. He will be greatly missed.

THE CHANNON CRAFT MARKET

Ms JANELLE SAFFIN (Lismore)—I wish to place on the parliamentary record my appreciation for The Channon Craft Market – which started 45 years ago in the village hall. What started as a small 'Make it Bake it Grow it' market for bartering goods soon moved from the hall to its present location at Coronation Park. This colourful market has strong links to local environmental activism, and a famous Chai tent that has been part of the event for 40 years. Since 1976 the Channon Craft Market has been a destination for locals and visitors to sample local food, music, and artisan products offered by more than 200 stallholders. This year has been particularly difficult for the Channon Market committee and stallholders, with no market since April due to wet weather or Covid restrictions. I'm hopeful that the market will return in the near future, with the Chai tent, local food and artisan stalls, and I hope the beloved Jimmy Willing and the Real Gone Hickups will play. I commend the Market committee – China Tisdall, Jacob Stone, Christine Mcfadden, Jo Pitt, Andy McOscar, Rebecca McKenna, and Saadi Allan and Manager Robyn Kelly for their ongoing commitment to this iconic local event.

TENTERFIELD LODGE CARAVAN PARK TOURISM EXCELLENCE AWARDS

Ms JANELLE SAFFIN (Lismore)—I would like to congratulate an award winning local business in Tenterfield on receiving yet another accolade. The Tenterfield Lodge Caravan Park was again a finalist in the New England North West Regional Business awards held last month. Di and Barry O'Connor have been operating this tourism facility for six years, and have been recognised for excellence for the past five years—a pretty good record! In 2017 they won the Excellence in Tourism award at the Tenterfield business and tourism awards. Their business was a finalist in the Regional Business Awards in 2018, 2019 and again this year. And in 2020 they were recognised with a Traveller's Choice Award from Trip Advisor. The last two years have been a bumpy ride for tourism operators, with closed international and interstate borders and local lockdowns. However, there has also been a boom in travel within New South Wales with many city people discovering Tenterfield and its heritage buildings and nearby national parks. The Tenterfield Lodge Caravan Park provides a choice of cosy rooms with verandahs in an historic lodge, or camping and cabins in natural parkland – with abundant birdlife. It's a real winner.

BARRY BOLAND, RESPECTING THE DIFFERENCE

Ms JANELLE SAFFIN (Lismore)—I wish to extend my congratulations to Barry Boland for receiving the Collaborative Staff Member of the Year Award at the 2021 Northern New South Wales Local Health District Quality Awards. This award is for excellence in service to support staff, patients, carers or families. Barry runs Respecting the Difference cultural education at Northern New South Wales Health and has been recognised as a role model for promoting positive cultural change and inspiring other staff. Respecting The Difference training is designed to give health staff an insight into why many Aboriginal people do not comfortably engage with healthcare providers. The first step toward improving relationships is to understand the healthcare access issues and inequalities that Aboriginal people have endured for many years. The purpose of this training is to motivate staff to build positive relationships with Aboriginal people who may be clients, visitors or colleagues so that the organisation can provide more respectful, responsive and culturally sensitive services. On receiving the award Barry said it has been a great journey encouraging and empowering people to engage with Aboriginal patients, clients and staff. It is clear that Barry is indeed making a difference.

TENTERFIELD COMMUNITY HUB

Ms JANELLE SAFFIN (Lismore)—I would like to congratulate the Tenterfield Community Hub for its ten years of connecting people with a broad range services and information important to the local community – and keeping people connected to what's going on. In 2011 the Tenterfield Social Development Committee [TSDC] secured Community Builders funding from the then NSW Department of Community Services for a hub that would serve as a one stop shop to inform and connect people with services they may be eligible for. The Hub opened its doors in November 2011 with funding for the first three years and has gone from strength to strength. The TSDC Treasurer, Steve Bowler, who was the first co-ordinator, says it has outgrown three locations since then. Hub Facilitator Kath Maguire runs the current site is at 282 Rouse Street under TSDC management. The Hub provides access to family, youth, community, legal aid and housing services, computers and internet facilities and space for community activities. Kath also does a fantastic job of keeping the community informed through the Hub Facebook Page with up to date local information on everything from vaccination pop up clinics, to youth workshops, mental health support, kids activities and local events.

CRONULLA GROPERERS

Mr MARK SPEAKMAN (Cronulla—Attorney General, and Minister for Prevention of Domestic and Sexual Violence)—I commend the Cronulla Gropers for taking the plunge and rallying men of the Sutherland Shire to look after their physical and mental health. Every morning, rain, hail or shine, around 20 to 30 men from

all walks of life gather at Cronulla Beach around sunrise enjoying a swim, coffee and banter. But even if the tide or rough surf keep them out of the water, the coffee and banter still happens. The Gropers were founded by two men from my electorate, Jason Dorahy of Caringbah South and Lee Murphy of Cronulla, to provide a platform for men of the Shire to start their day on a positive note, offering a listening ear and generally trying to lift each other up. It's no secret that men can find it hard to talk about their challenges and the Gropers are there every morning to offer men a safe place to put the pressures of life on pause. I thank the Cronulla Gropers for being there for the men of the Shire and making a difference in the lives of men and families.

BANKSTOWN SOUTH INFANTS

Ms TANIA MIHAILUK (Bankstown)—In June 2021, schools and students across the state were required to shift to online learning as a result of the recent lockdowns. I take this opportunity to recognise the efforts of Principal Ms Kimberlee Collas and her staff at Bankstown South Infants for their terrific work in assisting their school community throughout the Pandemic. Despite most students learning from home, Bankstown South Infants ensured its school community remained well-connected despite online learning, helping students to reach and in many cases exceed their learning targets and in devising several initiatives to keep students engaged. I also acknowledge the efforts of parents and guardians of students of Bankstown South Infants who have worked tirelessly throughout the pandemic to support their children with online learning. I am delighted that all students have now resumed face-to-face learning, and are able to be reunited with their friends, peers, and teachers. Once again, I congratulate Ms Kimberlee Collas, teachers, staff, parents, students and indeed the whole Bankstown South Infants community for their exceptional efforts in navigating through these most challenging times.

BANKSTOWN WEST PUBLIC SCHOOL

Ms TANIA MIHAILUK (Bankstown)—In June 2021, schools and students across the state were required to shift to online learning as a result of the recent lockdowns. I take this opportunity to recognise the efforts of Principal Mrs Nicole Benson and her staff at Bankstown West Public School for their terrific work in assisting their school community throughout the Pandemic. Despite most students learning from home, Bankstown West Public School ensured its school community remained well-connected despite online learning, helping students to reach and in many cases exceed their learning targets and in devising several initiatives to keep students engaged. I also acknowledge the efforts of parents and guardians of students of Bankstown West Public School who have worked tirelessly throughout the pandemic to support their children with online learning. I am delighted that all students have now resumed face-to-face learning, and are able to be reunited with their friends, peers, and teachers. Once again, I congratulate Mrs Nicole Benson, teachers, staff, parents, students and indeed the whole Bankstown West Public School community for their exceptional efforts in navigating through these most challenging times.

BASS HIGH SCHOOL

Ms TANIA MIHAILUK (Bankstown)—In June 2021, schools and students across the state were required to shift to online learning as a result of the recent lockdowns. I take this opportunity to recognise the efforts of Principal Mr Martin Toaetolu and his staff at Bass High School for their terrific work in assisting their school community throughout the Pandemic. Despite most students learning from home, Bass High School ensured its school community remained well-connected despite online learning, helping students to reach and in many cases exceed their learning targets and in devising several initiatives to keep students engaged. I also acknowledge the efforts of parents and guardians of students of Bass High School who have worked tirelessly throughout the pandemic to support their children with online learning. I am delighted that all students have now resumed face-to-face learning, and are able to be reunited with their friends, peers, and teachers. Once again, I congratulate Mr Martin Toaetolu, teachers, staff, parents, students and indeed the whole Bass High School community for their exceptional efforts in navigating through these most challenging times.

BANKSTOWN PUBLIC SCHOOL

Ms TANIA MIHAILUK (Bankstown)—In June 2021, schools and students across the state were required to shift to online learning as a result of the recent lockdowns. I take this opportunity to recognise the efforts of Principal Mr Ben Walsh and his staff at Bankstown Public School for their terrific work in assisting their school community throughout the Pandemic. Despite most students learning from home, Bankstown Public School ensured its school community remained well-connected despite online learning, helping students to reach and in many cases exceed their learning targets and in devising several initiatives to keep students engaged. I also acknowledge the efforts of parents and guardians of students of Bankstown Public School who have worked tirelessly throughout the pandemic to support their children with online learning. I am delighted that all students have now resumed face-to-face learning, and are able to be reunited with their friends, peers, and teachers. Once again, I congratulate Mr Ben Walsh, teachers, staff, parents, students and indeed the whole Bankstown Public School community for their exceptional efforts in navigating through these most challenging times.

COMMUNITY ACTION SERVICES AUSTRALIA

Mr GUY ZANGARI (Fairfield)—I wish to commend the efforts of Community Action Services Australia [CASA] in Wakeley for their efforts to serve the Fairfield community throughout the June 2021 lockdown. The lockdown period was a challenging time for the Fairfield community and CASA continued to operate and offer support to the most vulnerable members of the community throughout this time. Members of the community who were most impacted by the impact of the lockdown were able to obtain food hampers from CASA which meant that they were able to feed their families despite financial hardship. CASA also participated in the Fairfield Electorate Care Package Scheme and I am grateful to the association for their assistance in distributing more food packages to those in need in the Fairfield community. I acknowledge the valuable work undertaken by CASA during the COVID-10 pandemic period and I thank them for their continuing efforts to serve the community.

LA FIAMMA

Mr GUY ZANGARI (Fairfield)—I wish to acknowledge the efforts of the team at La Fiamma Italian newspaper for their efforts in keeping the Italian community informed throughout the June 2021 lockdown. For over seventy years, La Fiamma has been instrumental in disseminating news to the Italian community regarding both Australian and Italian affairs. One of the tasks this newspaper undertakes is to encourage the community to support community initiatives and this was particularly evident throughout the lockdown. As well as informing the community about the various health orders, La Fiamma also contributed to the stay-at-home messaging and the promotion of the vaccination program via print and also via videos online. I was pleased to contribute to this effort and I thank La Fiamma for allowing me to speak to the community through their platform. I also take this opportunity to express my thanks to the team at La Fiamma for their continuing efforts in keeping the Italian community informed both throughout this challenging time and beyond.

PATRICIAN BROTHERS' COLLEGE FAIRFIELD

Mr GUY ZANGARI (Fairfield)—I wish to commend the efforts of Mr Peter Wade and the school community of Patrician Brothers' College Fairfield throughout the June 2021 lockdown. While lessons continued for the most part from home, teachers and staff kept the boys engaged and active throughout this challenging time. As well as the delivery of the normal curriculum, the students and their families participated in various online activities organised by the staff such as the Premiers Reading challenge, House Challenges, Family Forum and the creative challenge of the Sydney Catholic Schools Lockdown Arts Festival. Mr Wade and his staff fostered a sense of security amongst students and ensured their students were engaged and active during this time. I commend Mr Wade, teachers, staff and students for their efforts through lockdown and for their continued efforts in maintaining strength as a school community.

CUPCAKE AND CANNOLI DAY

Mr GUY ZANGARI (Fairfield)—On Sunday 8th August, 2021 The Australian Mancave Support Group [TAMC] came together for the Sunday "Cup Cake and Cannoli" zoom. This was a great opportunity for members to check in to see how everyone was coping with the Greater Sydney lockdown. The main topic of conversation was the mental health and wellbeing of the community. I thank member Mr George Barcha for his report on the current state of mental health in the migrant and refugee community in Fairfield and South Western Sydney. I take this opportunity to commend the work being undertaken by Pastor Lou Greco and Mr Agostino Gattellari and the rest of the TAMC community for supporting people in need during difficult circumstances.

AMAZEMENT FARM & FUN PARK

Mr DAVID HARRIS (Wyang)—I congratulate the Amazement Farm & Fun Park in Wyong Creek on officially launching its new Amazement Pathways Program this November. The team at Amazement Farm & Fun Park have been working on this program from around June 2021, obtaining licences and planning the program's setup. With this program, Amazement Farm & Fun Park is accepting applications for self-managed NDIS participants that have a registered plan with the NDIA through their new Amazement Pathways Program. Opportunities within; Animal Care Team, Café Operations and Gardening Department. In mind for the participants to; Learn and develop valuable life skills, Have a sense of inclusion within the Amazement team, participate in work-related activities and social activities, gain access to immersive opportunities to learn new work-related skills and gain real life work experience to assist them in finding future employment, have social interaction with others (E.g. Staff, students, volunteers and other NDIS pathway participants) as well as the engagement general public visiting the facility. Congratulations Amazement Farm & Fun Park on starting this new program.

SPCC DALE YOUNG PARENTS WYONG

Mr DAVID HARRIS (Wyong)—I congratulate the following graduates of 2021 of the SPCC DALE Young Parents Wyong; Mahaela Bridge, Karlie Hodgson, Naomi Kitt, Jazmin Simpson, Sophie Rosewarn, Cheyanne Stewart. 2021 is a challenging year to be doing your HSC, so to the 5 graduates what an incredible achievement by you all. SPCC DALE Young Parents Wyong began in 2012 to support young parents on the Central Coast break down the barriers to education and social isolation to re-engage in education, they continue to do great work in our community. Congratulations again on such a great achievement graduates. I wish everyone at SPCC DALE Young Parents Wyong all the best in the New Year and future.

KATHLEEN WATSON

Mr DAVID HARRIS (Wyong)—Kathleen Watson has been a hatter for 12 years, her passion for fashion led to crafting unique hats and fascinators from scratch. Kathleen is from Toukley and started learning the craft at Newcastle and Ultimo TAFE. Kathleen Watson has been awarded many times internationally for her creations, picking up awards in France in 2010 and 2012, and competing in hat competitions in the UK, Australia and New Zealand. Kathleen also runs hat making courses. During Covid she had been running hat making courses through Zoom in Australia and overseas. Kathleen has made over 500 hats and is part of Milliners Association of Australia, and works with schools as well. Well done Kathleen Watson on all your accomplishments.

WYONG ROOS

Mr DAVID HARRIS (Wyong)—I congratulate Mark O'Meley and the Wyong Roos for fundraising for Camp Quality with Ogre. The fundraising was for a cause close to his heart; his goddaughter and her family are fighting that battle. The generous members of Wyong Roos took Mark's fundraising amount to \$10,000 mark. To date he has walked 543km and has raised \$12,562 from a \$15,000 goal. The funds raised for Camp Quality are to support their services and programs to help children aged 0-15 years old who are dealing with their own diagnosis, or the diagnosis of a brother, sister, mum or dad. Well done Mark and the Wyong Roos for contributing to such a cause.

THE GLEN CENTRE

Mr ADAM CROUCH (Terrigal)—Mister Speaker, it gives me great pleasure to publicly honour the work of The Glen Centre, who were recently recognised as the Central Coast's 2021 Outstanding Community Organisation at the recent Central Coast Business Awards. The Glen Centre is located at Chittaway Point and is a male only Drug and Alcohol Rehabilitation Centre which provides services to Indigenous and non-Indigenous men over the age of 18. I have hosted many Ministers at The Glen Centre over the past few years. I am a strong advocate for everyone the team of staff and volunteers do to help men get back on their feet and develop good habits. Mister Speaker, I really want to send a big thank you to Joe, Alex, all staff and supporters at The Glen Centre for all of their hard work helping vulnerable members of the community. I also want to wish the team the best of luck when they represent the region in the State-wide Business Awards later this year.

AUSTRALIAN REPTILE PARK STAFF

Mr ADAM CROUCH (Terrigal)—I would like to extend a huge congratulations to Tim Faulkner, Amanda Woodbine and Zac Bower from the Australian Reptile Park, who were each honoured with an award at the recent Central Coast Business Awards. Tim, who is the director and owner of the Park, was recognised as the Central Coast's 2021 Outstanding Business Leader. A huge honour, Mister Speaker. Amanda is the park's Marketing & Business Manager and also received an award. She was very fittingly recognised as the 2021 Outstanding Young Business Leader. And Zac Bower who works as a Venom Supervisor was recognised as the 2021 Outstanding Employee. I met Zac during my visit to the Park with Minister Dominello last year, so want to congratulate him on this recognition. The Australian Reptile Park is one of the most iconic and high-performing businesses in our region. These awards are incredibly well deserved and I also want to wish the best of luck to Tim, Amanda and Zac who will now represent the Central Coast in the upcoming State Business Awards.

AVOCA BEACH NIPPERS

Mr ADAM CROUCH (Terrigal)—Mister Speaker, today I want to acknowledge three brave young nippers from Avoca Beach Surf Life Saving Club. Matilda Coleman, Violette Wolters and Matilda Harvey are all nine years old and were recently put to the test, when they were out on their nipper boards and heard a man calling out for help from deeper water. The girls used their quick thinking skills, as well as the knowledge they have gained from nippers and training, to help this man. I am told that Violette stayed to help the man remain afloat whilst Matilda and Matilda paddled in to seek assistance from others. Stuart Harvey, Matilda's Dad, assisted the girls with the rescue and the man was able to walk away from that beach trip unharmed. Mister Speaker, I would like to congratulate Matilda, Violette and Matilda for their courage and quick thinking. I also want to acknowledge

Stuart Harvey, all nippers coaches and age managers, and all volunteers at Avoca Beach Surf Life Saving Club for keeping beach users safe.

WILL GRANGER

Mr ADAM CROUCH (Terrigal)—I would like to congratulate Terrigal local Will Granger on his appointment as assistant coach to the Sydney Flames who compete in the Women's National basketball league. Will has a long list of coaching appointments including the Central Coast Academy of Sport's Program Head Coach. In this new role he will get to work closely with well-known Basketball legend Shane Heal. This highlights the Academy's highly successful Coach Development program in addition to assistance the academy provides to up and coming athletes. This appointment is an opportunity to showcase the best of the Central Coast community on the national stage. Mister Speaker, I again want to congratulate Will on this new position and recognise his hard work and dedication to the Central Coast's basketball community. As patron of the Central Coast Crusaders I am very passionate about basketball and am so pleased that our region has plenty of amazing local talent!

CASTLE HILL BMX TRACK AND 2022 BMX NSW STATE SERIES

Mr RAY WILLIAMS (Castle Hill)—The Castle Hill BMX Track is an incredible piece of sporting infrastructure within my electorate of Castle Hill. It is thus no surprise to me that they have been selected to host round 1 of the 2022 BMX NSW State Series on the 27th February next year. This is a tremendous accomplishment for the club, and is a testament to the hard work undertaken by the Committee of Owen Douglas, Jon Edwards, Euan Rowlands, Niall Stevenson, Gemma-Lee Thomas and Bluey Seaton. Last year it was my pleasure to assist in getting the club \$11,334 worth in funding for an undercover shaded area near the track. Now, I have been able to assist with getting the club \$35,000 worth of funding to build a 2 Man Sprint Lane, equipped with a hydraulic start gate and small hill, starting lights and speakers. This was a part of the NSW Government's \$400,000 commitment to my Electorate of Castle Hill as a part of the NSW Community Building Partnerships. I wish the club all the best in hosting the event and look forward to dropping in for the festivities early next year.

BALD FACE PUBLIC SCHOOL

Mr MARK COURE (Oatley)—Speaker, I rise today to congratulate Bald Face Public School on receiving \$35,000 in NSW Government funding through the Community Building Partnership Program to provide a brand new bike track for disabled students. This bike track will be a great way for support unit students at the school to stay active and most importantly have fun. Earlier this year I was able to meet with the team at the site to discuss the future of the space and how it will be a first for students in the local area. The Wheels for Wellness program is an outstanding initiative and it is a testament to their capable team of teachers and staff. In particular, I would like to thank Principal Sonia James and Student Learning Support Officers: Louise Shepherd, Carmel Mahmoud, Sarah Bishop and Anita Ho Together these outstanding individuals form an incredible team who are devoted to student welfare. Their mentorship of students is something that I truly admire. I look forward to this bike track being finished shortly.

AFFORD GOT TALENT

Ms MELANIE GIBBONS (Holsworthy)—Mr Speaker, I would like to acknowledge The Australian Foundation for Disability [AFFORD] in Chipping Norton for hosting their Afford's Got Talent event on 28 October. I have mentioned AFFORD in speeches previously, as they do incredible work for people with disabilities in the local community. The Afford's Got Talent Event was 1950s themed and took place online. The event showcased talent from various disability groups from across the country and showcased their singing, dancing and performing talents. This event was fantastic for those involved, as the COVID-19 pandemic presented challenges for people to connect and socialise as they normally would. Many activities, events and day to day outings had to stop due to lockdown so this was a welcomed opportunity. Afford encourages people with disability to become involved and participate in activities, and this online talent show was hugely successful in meeting that goal. I commend Afford for hosting their talent show and congratulate all who took part.

68TH SYDNEY FILM FESTIVAL

Ms MELANIE GIBBONS (Holsworthy)—Mr Speaker, I would like to acknowledge Casula Powerhouse Arts Centre for hosting eight film sessions during this year's Sydney Film Festival. This is a great way for South Western Sydney to experience some of the best of the world's cinema. The film festival came at the perfect time, as our local community starts to reopen and experience arts and culture again. In fact the first film session sold out straight away. The Casula Powerhouse has been teaming up with the Sydney Film Festival for eight years and each year the Centre receives a great reaction from the community who fill the audience and watch the incredible films. With lockdown having a major impact on the cinema and film industry, the festival will help bring the industry back to life and encourage local residents to support it. Once again, congratulations to Casula Powerhouse

for hosting these sessions during the Sydney Film Festival and for encouraging the community to go out and see some films.

20 FOR 1 COMMUNITY

Mr JAMIE PARKER (Balmain)—Today I bring to the attention of the House 20 for 1, a grassroots community initiative in the Balmain Electorate that is supporting locals in need with food relief. 20 for 1 started in March 2020 when Marco De Angelis, owner of Our Place on Darling restaurant, decided to give back to our community by providing 20 delicious and nutritious meals to local residents in need. With the support of generous local residents, volunteers, businesses, and community organisations like the Rozelle Neighbourhood Centre and Vinnies Rozelle, the team initiative now provides over 250 meals plus hampers and snacks every week. The pandemic has challenged our community and the way locals have responded by caring for each other and lending a helping hand to those in need is what makes our community truly special. On behalf of the Balmain Electorate, thank you to everyone involved in the 20 for 1 initiative for supporting our community through some of our toughest times.

JACK MOIR

Mr GREG PIPER (Lake Macquarie)—Lake Macquarie has a new mountain biking world champion in Jack Moir from Yarrawonga Park who took out the 2021 Enduro World Series in Scotland last month. Not only did Jack win the global event, but did so while competing with a dislocated shoulder during the seventh round of the nine-round series. Jack has long been a mountain biking legend and can regularly be found flying down the spectacular trails of Awaba Mountain Bike Park at Cooranbong. But this accolade proves what many in our local mountain biking community have suspected, that he is in fact the best in the world. Over the past 10 years Jack has overcome a myriad of obstacles and injuries to get where he is. Some noteworthy accomplishments include being named the Australian National Downhill Champion in 2017, securing second place in the Fort William Downhill World Cup, finishing in fourth place in the 2017 Cairns Downhill World Championships and landing himself on the Enduro World Series podium nine times. I extend my congratulations to Jack on an amazing achievement and wish him well in defending his world crown.

PETER "ALFIE" JACOBSON

Mr GREG PIPER (Lake Macquarie)—I'd like to acknowledge the passing of a true gentleman and one of the founding members of South Lake Macquarie Amateur Sailing Club, Peter Jacobson, who was affectionately known as Alfie. Alfie was a big character known for his humour and wonderful story-telling, and could often be found holding court on the club's veranda on sailing days. Alfie's contribution to the club is legendary. He was instrumental in building the original clubhouse and was an active volunteer for an astounding 73 years. He was a club captain and course setter for many years and enjoyed meeting people who would come into the area for state and national sailing titles. Alfie became a life member of the club in 1983 and also received Life Membership of the Federal Council of the VJ Association for services to VJ sailing in Australia. One of his favourite quotes was: "Men are all created equal but at the windward mark some are more equal than others". Alfie was a much-loved husband, father, grandfather and great grandfather and I extend my condolences to his wife Marlene and children Wendy, Dale and Susan. He will be dearly missed.

WYEE COMMUNITY HUB

Mr GREG PIPER (Lake Macquarie)—I'd like to acknowledge the many wonderful people associated with efforts to establish the new Wyee Community Hub at Wyee. Once complete, this volunteer-run function centre will offer a range of services and initiatives aimed at helping anyone who is disadvantaged or homeless. The Hub will provide a place for homeless people to do their laundry, take a shower and attend a community café. Programs aimed at combatting loneliness and improving mental health and wellbeing are also being developed, with a weekly community music class on the cards to provide a place for people to enjoy music and make new friends. The Hub will be a place where healthy relationships are forged and a helping hand can be found among a team of elderly yet energetic volunteers ready to get to work. The Hub is being co-ordinated by Senior Pastor Grego Pillay from the Seventh Day Adventist Church, but it will operate independently of the church for the whole community with the very noble goal of helping people. I thank and congratulate Pastor Grego and all concerned for this fantastic community initiative.

ADRA OP SHOP

Mr GREG PIPER (Lake Macquarie)—I'd like to acknowledge and thank the most wonderful team of volunteers behind a truly remarkable venture operating in Morisset. Run by Paul Rankin and staffed by more than 100 volunteers, the ADRA Op Shop first opened its doors to the community in August 2020. The Op Shop operates out of a sprawling warehouse, selling everything from second-hand furniture to artworks, clothing and toys, electrical appliances, luggage and even hardware. All proceeds made from these sales are invested straight back

into the community. This year alone ADRA has funded six university scholarships to graduates from Morisset High School, launched and operated a debt centre, contributed to the purchase of a van used to distribute food to those in crisis, donated funds to the Wyee Hub to build a laundry, showers and toilets for the homeless. They also provide clothing vouchers, haircuts and care packages to the homeless and also provide victims of domestic violence with free furniture, clothing and other household essentials. The next phase of this remarkable venture will see the centre launch a counselling service. I commend and thank this amazing team of volunteers for their incredible community work.

ELANA RICHARDSON

Mr PETER SIDGREAVES (Camden)—I congratulate year 11 student Elana Richardson of Magdalene Catholic College who entered her portraiture works into the 2021 Youth Public Art Project. Elana's pieces were selected for a display as a means to celebrate the NSW Youth Week 2021. Camden Council presented a fabulous opportunity for young local creative, professional or emerging artists to work with a team of young people to deliver the 2021 Youth Participation Public Art illustration and I commend Elana for taking up this opportunity. Two of Elana's talented works were selected and reproduced on large street banners that were on display throughout the main street of Camden during July and August.

CAMDEN MUSICAL SOCIETY HALLOWEEN EVENT

Mr PETER SIDGREAVES (Camden)—As a way to give parents an alternative to trick or treating this year, Camden Musical Society Inc. hosted a virtual zoom Halloween event. The event was a huge success and a great innovative with a captivating timetable for the whole family to enjoy from the comfort of their own home. The Halloween event featured a junior and senior section; from best dressed, spookiest costume, trivia and more. I want to acknowledge the work of the Camden Musical Society Inc. team for finding alternate ways for the community to enjoy Halloween.

CAMDEN TIGERS 60TH YEAR CELEBRATION

Mr PETER SIDGREAVES (Camden)—I offer my congratulations to Camden Tigers Soccer Club who have recently celebrated their 60th year anniversary. Some of the best memories or moments include one of the junior players Greg Dickinson representing Australia playing football. Camden Tigers has also hosted one of the largest primary school tournaments (Tiger Shield) at no cost to the participating schools. The Club has also have a number of former players play professional football at various levels. I wish the committee, players and members a well-deserved 60 year anniversary and wish you all the best for the coming season and many more years of Tigers to come.

CLASS OF 2021

Mr PETER SIDGREAVES (Camden)—Yesterday, the Class of 2021 started their HSC. Staff, Students and the wider community of Camden wish the Year 12 cohort the best of luck sitting their HSC over the next coming weeks. I can empathise the stress placed on the year group. The students have had a very tough two years of senior schooling and have come through stronger, more resilient and ready for their next adventure. Good luck Class of 2021 and I wish you all the best in the coming weeks and your future endeavours.

SHANE AND BELINDA SIMPSON

Mr STUART AYRES (Penrith—Minister for Jobs, Investment, Tourism and Western Sydney, and Minister for Industry and Trade)—I congratulate and recognise local residents Shane and Belinda Simpson who have been selected as the café operators for the soon to be renovated old Police Cottage at Emu Plains. Restoration of the 113-year-old Police Cottage will soon begin and is scheduled to be completed by the end of next year. As experienced café operators, I have no doubt that Shane and Belinda will ensure this new dining venue becomes the ideal setting for family and friends to catch up right alongside the magnificent Nepean River.

CAMPBELLTOWN RURAL FIRE SERVICES

Mr GREG WARREN (Campbelltown)—With summer just a matter of weeks away, Rural Fire Service brigades throughout Campbelltown are again busy prepping for a busy bushfire season. It goes without saying that our community is extremely grateful to each and every volunteer and staff member that is part of a local brigade.

Whether they be from Kentlyn, Lynwood Park, Wedderburn, Menangle, Appin or the Macarthur base in Minto, every person that is a part of those centres makes an incredible contribution to our community. I have said it before that it takes an enormous amount of bravery, selflessness and dedication to the cause to run towards a fire, not away from it. But that is exactly what the RFS members do. The Black Summer Bushfires really highlighted the bravery displayed not just by RFS members in Campbelltown but by those in every brigade

throughout our state. There's was never a shortage of RFS members putting their hands up to go and help out a community in need. So with summer almost upon us, I would urge everyone to take a minute to recognise and acknowledge the work of our RFS members. On behalf of Campbelltown, thank you to every RFS member.

MACARTHUR CLINICAL SCHOOL

Mr GREG WARREN (Campbelltown)—The advancements in medicine and treatments have certainly come a long way in the past few decades. Those achievements are thanks to some of the brightest minds that have graced our planet. And in the next 10 to 20 years, I have no doubt that some of those names associated with further advancements in medicine and treatment will hail from the Western Sydney University Macarthur Clinical School. The school, located a stone's throw away from Campbelltown Hospital, is helping to educate and nurture the next generations of doctors, nurses, researchers and health staff.

Having access to doctors and specialists at Campbelltown Hospital is certainly an advantage for the medical students at the school. There are several tutorial rooms, a library and a clinical skills laboratory – to name but a few features. The clinical services at the school also include: aged care; ambulatory care; cancer therapy; cardiology; emergency; intensive care; maternity; medicine; paediatrics; palliative care; radiology; respiratory; special care; stroke; and surgery. While the school and its features look and sound impressive, it is the work occurring inside the building which is the most impressive aspect. I am so proud that the Macarthur Clinical School is located in Campbelltown.

BOOROWA MULTIPURPOSE SERVICE

Mrs WENDY TUCKERMAN (Goulburn)—Mr Speaker, I rise today to congratulate the Boorowa Multipurpose Service within the Goulburn electorate. Boorowa MPS has 24-hour Emergency Department which has telehealth cameras connecting local nurses to specialists through the Critical Care Advisory Service. Each shift is staffed by one Registered Nurse, one Enrolled Nurse and one Assistant in Nursing. The Boorowa Multipurpose Service has recently been awarded the prestigious award at the 2021 Murrumbidgee Local Health District [MLHD] Excellence Awards. Mr Speaker, this award recognises the nursing team's commitment to patient safety and an exceptional standard of care. I thank the Boorowa Multipurpose Service for their valuable contribution.

MR PHILLIP LYNCH

Mrs WENDY TUCKERMAN (Goulburn)—Mr Speaker, I rise today to congratulate Mr Phillip Lynch who is a constituent of the Goulburn electorate. Mr Lynch, a resident of Binda NSW, was recently recognised by the Australian Wool Industry's Honour Roll of 50 years as a Wool Classer. Mr Speaker, a registered 'AW' wool classer is recognised as being competent to class any wool in Australia to the Code of Practice. The national award recognises Mr Baines' career in wool handling and preparation. Wool is a prestigious and esteemed industry across NSW. The trade of wool is the reason that many of our regional communities were established and continue to be prosperous today. Mr Phillip Lynch is a part of the class of 1971 of Wool Classers and I thank him for his continued commitment and valued contribution to the Australian wool industry. Mr Speaker, I want to acknowledge the dedication to the Australian wool industry of Mr Phillip Lynch, AW, of Binda.

TOM MCDEVITT

Ms STEPH COOKE (Cootamundra)—Mr Speaker, I extend a huge welcome to the newly appointed Bland and Temora Shire's NSW Rural Fire Service District Manager, Inspector Tom McDevitt. Mr McDevitt is originally from Cootamundra and spent most of his life as a member of the Rural Fire Service. Mr Devitt joined the Rural Fire Service at the young age of 16. Mr McDevitt joined the Rural Fire Service as an act of self-preservation to help protect both his family property and those around it. Over the years Tom has progressed through the RFS where he has now landed himself the role as District Manager for the NSW Rural Fire Service for the Bland and Temora Shire's. The Bland Temora Zone employs 6 permanent staff who are supported by 1400 volunteers across 34 brigades. The Bland Temora Zones are extremely fortunate to have Inspector McDevitt join their team bringing a lifetime of knowledge and skills to the area. I congratulate Tom again on his appointment and I look forward to working alongside him in the near future.

CLARE AND NATALIE MCDONALD OF NARRANDERA PUBLIC SCHOOL

Ms STEPH COOKE (Cootamundra)—Mr Speaker, I wish to congratulate Clare and Natalie McDonald of Narrandera Public School who recently shaved off their hair off to raise money for the Leukaemia Foundation. Clare and Natalie have together managed to raise up to \$2,800 for the Leukaemia Foundation. The girls are considered to be fantastic role models around the school community and have earned great respect from their peers for their willingness to volunteer for an important cause. The girls are firm believers that the most important thing

for sick people is beating their illness not worrying about how they look! I am very proud of Clare and Natalie and praise them for their wonderful work, I truly admire their thoughtfulness.

GUNDAGAI COMMUNITY – PRINCE ALFRED BRIDGE

Ms STEPH COOKE (Cootamundra)—Mr Speaker, I would like to express my gratitude and appreciation to the community of Gundagai in relation to the Prince Alfred Bridge. Just a few months ago, it was announced that the towns much-loved 152 year-old bridge's removal was deemed necessary due to significant structural defects and concerns it could collapse in a minor flood, risking life and other infrastructure. Although this news deeply saddened the wider community of Gundagai, residents have been very forthcoming in providing a range of creative ideas of how they would like to see the bridge remembered. A public survey seeking input on memorial ideas for the bridge attracted more than 110 submissions. I would like to say thank you to the Gundagai locals who over the years have worked hard to preserve the bridge and those who have shared their fond memories of the structure with me. I look forward to working with the town of Gundagai in the near future to ensure a fitting memorial can respectfully honour the Prince Alfred Bridge for future generations.

COWRA EARLY CHILDHOOD SERVICES

Ms STEPH COOKE (Cootamundra)—Mr Speaker, I wish to highlight Cowra Early Childhood Services, otherwise known as CECS, which has had a special role in the crucial early years for generations of children, having recently celebrated their 40th Birthday. This is such a wonderful milestone to have achieved, particularly as it comes in a year that has certainly had its challenges for early childhood education. I therefore take this opportunity to congratulate the entire team at Cowra Early Childhood Services and all who have contributed to its success over the past four decades, including the current Management Committee and Management Team, including General Manager Libby Ewing-Jarvie, Carinya Director Susan Callaghan, Mobile and Preschool Director Penny Smith, Family Day Care Director Melissa Riches and OOSH Director Diane Clark. Only recently it was a pleasure to meet with Libby and Management Committee President Emma Marr, to hear more about where the organisation is at and where they are heading. I am delighted to have connected with the CECS family right from the outset and I look forward to supporting their endeavours into the future, hopefully with another 40 years to come. Congratulations again.

HATCH: TARONGA ACCELERATOR PROGRAM 2021

Ms FELICITY WILSON (North Shore)—Speaker, Last month I attended the 2021 HATCH Program run by the Taronga Conservation Society, a start-up development program that supports innovative approaches to addressing environmental and conservation challenges. I was fortunate enough to hear the pitches from each of these initiatives. Congratulations to CEO Kimberly Bolton and the team at Carpac for being awarded the \$50,000 grant. They have done a fantastic job at addressing plastic waste by developing alternative packaging using crustacean waste, which reduces plastic waste and extends the shelf life of fresh produce. I would also like to acknowledge the other five participants for their unique and innovative ideas. I congratulate The Pedal Club, Sine Surf, Visible Agency, Spotttr, and Xylo for their exciting and unique approaches to addressing environmental issues. I thank the Taronga Conservation Society and participants for sharing their initiatives and creative solutions to our environmental challenges.

IN MEMORY OF STANLEY WACHMAN

Ms FELICITY WILSON (North Shore)—Speaker, With great sadness, I speak on the death of Stanley Wachman, a local Mosman resident and a highly regarded member of the Middle Harbour Yacht Club. Stanley is remembered fondly by many members for his welcoming and hospitable nature, particularly towards new members of the club. Over the years, Stanley was active in the Cruising Division, was the Cruising Chairman from 1986 to 1988, and was on the Yacht Club's General Committee for several years in the early 1990s.

Stanley also had a successful business career and volunteered with his wife Diane at the Mosman Art Gallery for 20 years. I also note that I acknowledged Stanley earlier this year during Local Volunteers Week. Tributes have flowed from his family and members of the Middle Harbour Yacht club, where he has been described as a real gentleman, having a great sense of humour and incredibly polite.

I want to extend my sincerest condolences to Stanley's family, especially his children, and to all Middle Harbour Yacht Club members.

NORTH SHORE HIGH SCHOOL STUDENTS 2021 AWARDS FOR EXCELLENCE

Ms FELICITY WILSON (North Shore)—Speaker, Three local students have been recognised in the 2021 NSW Minister's and Secretary's Awards for Excellence. These awards consider achievement in the academic, sporting, cultural and leadership fields, commitment to the school community and personal values. Congratulations to Thinesshan Thevathasan from North Sydney Boys High School and Annabel Chen and Laura

Campbell from North Sydney Girls High School. Thinesshan demonstrated enthusiasm, a love of learning, and natural leadership skills, is a valued member of the North Sydney Boys community and exemplifies the Falcon Code. Annabel has been described as an "extremely talented individual" through success with her education, extra curriculum activities, and leadership qualities. Competing at Taekwondo on a state level is another noteworthy achievement. Finally, Laura was commended for embodying excellence as the school Vice-Captain, as a public speaker and debater, and as a proud advocate for animal rights. I also note that she has a major role in the production of the musical Hairspray. I wish them all the best in their future endeavours.

TARONGA ZOO ENVIRONMENTAL TARGETS

Ms FELICITY WILSON (North Shore)—Speaker, I wish to congratulate and recognise the Taronga Zoo team for their successful reopening on Monday, October 18. They used the occasion to launch their new Sustainability Strategy, including a net-zero target and the use of 100 per cent renewable electricity by 2030. Preserving our environment and the natural wonders of where we live is something Taronga Zoo is passionate about. The sustainability plan means that by 2030 at the latest, both Zoos in Sydney and Dubbo will be powered by 100 per cent renewable electricity. Taronga also plans to reach net-zero with a 70 per cent reduction in carbon emissions by adopting new technologies like electric vehicles and reducing emissions in their supply chains. Taronga is recognised internationally for its leadership and expertise in sustainability and its commitment to tackling climate change. I commend Taronga and thank Cameron Kerr, CEO, for leading the way on environmental and climate change issues.

SAM ROMANO

Mr PHILIP DONATO (Orange)—I wish to recognise Councillor Sam Romano, of Orange. Sam Romano led the Shooters Fishers and Farmers Party ticket at the 2017 local government election for Orange City Council. Sam and his running mate Mario Previtera were successfully elected, becoming the first Shooters Fishers and Farmers Party representatives in local government. During his tenure, Sam's accomplishments include the following successful motions: Stocking native fish to all stormwater ponds. Automatic electromagnet lock-off for shopping trolley wheels. Bulk domestic rubbish pick-up. Fishing at Ploughmans Wetlands. Toilet block and canteen at Naylor Pavillion, Orange Showground. Mobility map for tourists and residents. Free entry on Australia Day weekend at Orange Aquatic Centre. An awning for Air Ambulance at the Orange Airport. A chairlift for Mount Canobolas. Indoor Archery at Orange Showground Pavillion. Memorabilia cabinet at Orange Airport. Stop and Rest area on Bathurst Road. Camping at Gosling Creek Reserve. More activities for youth of Orange. Sam recently announced he will not contest the 2021 election, as he and his wife Karen are relocating interstate. I congratulate Sam on his committed representation of the Orange community, and upholding his party values. I wish Sam and his family the very best for their future.

TRUNDLE BRANCH CWA

Mr PHILIP DONATO (Orange)—I wish to recognise the Trundle branch of the Country Women's Association. Earlier this year a call-out was issued from Ronald McDonald House in Orange to residents who knit, crochet or quilt to help replenish their depleting donation stocks. Since the CWA's inception, its members have quietly gone about helping the community and those in need. Trundle CWA answered Ronald McDonald House's call, with the members plying their creative skills to sew quilts and knit woollen throws at their weekly meetings during the year. Members of the Trundle CWA branch recently travelled to Orange where they presented their lovingly handmade gifts to the CEO of the Orange Ronald McDonald House, Rebecca Walsh. The colourful quilts and throws, created in a range of sizes, will be presented in gift bags to families with children in hospital who are staying at Ronald McDonald House, and to new mums and babies. These colourful and personal gifts demonstrate the warmth and care of the CWA for those families who visit Ronald McDonald House to access nearby health services. I applaud Trundle CWA's charitable effort and their great care for community.

ORANGE PUSH FOR PALLIATIVE

Mr PHILIP DONATO (Orange)—I wish to recognise the Orange Push for Palliative. Orange Push for Palliative have worked tirelessly to enhance palliative care services in their community. Orange Push for Palliative have been instrumental in restoring specialist inpatient palliative care services at the Orange Hospital. Orange Push for Palliative have supported inpatient palliative care with furnishings. Orange Push for Palliative recently purchased two deluxe recliners using community donations. Orange Push for Palliative presented the comfortable chairs to the hospital, for the purpose of providing comfort and rest for the loved ones of patients who remain in the Palliative Care Unit for the duration of the patient's end of life care. Orange Push for Palliative have also established a system to provide pre-prepared emergency meals and speciality beverages weekly for families who could not leave the hospital and needed to stay close by their loved ones in their final hours. I commend Orange Push for Palliative for their passionate commitment to palliative services and the community of Orange. On behalf of a grateful community, thank you to Orange Push for Palliative for all that you do.

ZALI REYNOLDS

Ms YASMIN CATLEY (Swansea)—Speaker, Today I acknowledge Zali Reynolds of Northlakes High School, who has been awarded a 2021 Australian Business and Community Network Accelerate Scholarship. The Australian Business and Community Network is a purpose-led not-for-profit organisation that brings businesses and schools together to address educational disadvantage. One of the ways they achieve this is through their Accelerate Scholarship program. Zali submitted an outstanding application. She was one of the 41 successful New South Wales applicants that were chosen by the Scholarship Selection Committee. The Committee consisted of the Australian Business and Community Network Board, a senior educator and company stakeholders. Zali is a highly committed school student who will flourish with the assistance of the Accelerate Scholarship. She should be very proud of her achievement. I congratulate Zali on her achievement and wish her all the best with her future endeavours. I also commend the Australian Business and Community Network for their work in addressing educational disadvantage.

BELMONT CHRISTIAN COLLEGE 2022 SCHOOL LEADERS

Ms YASMIN CATLEY (Swansea)—Speaker, Today I acknowledge Rebecca Wigney, Cooper Ashbourne, Archie Wilkinson and Taylah Cowling, who have been elected as the school captains and vice captains of Belmont Christian College for 2022. I also acknowledge Owen Irvine, Jacqueline Wilson, Heber Massequé, Hugh Brindley, Sophie Rogers, Alleluya Hamisi and Noah Edwards, who have been named as the 2022 Belmont Christian College prefects. Each of these students work exceptionally hard and have been highly involved in their school community throughout their studies. They always strive to do their best and have demonstrated their ability to lead by acting as role models for their peers. Being elected as the school leaders and prefects of Belmont Christian College for 2022 is a testament to each of these students, as they have faced a number of hurdles during the COVID-19 pandemic. I have no doubt that they will carry out their new leadership roles with great pride. I congratulate these students on their achievement and wish them all the best for the year ahead.

SWANSEA BELMONT SLSC

Ms YASMIN CATLEY (Swansea)—Speaker, Today I acknowledge Swansea Belmont Surf Lifesaving Club, who are one of the first surf lifesaving clubs in the country to incorporate Indigenous artwork into their club swimwear. Swansea Belmont Surf Lifesaving Club strive to be a diverse and inclusive club. They are committed to reconciliation and have incorporated a number of strategies to strengthen diversity within their membership and to improve the members' understanding of the area's Indigenous culture. This included them collaborating with local artist Thomas Croft, who allowed them to showcase his original artwork story piece titled 'Shifting Sands' on their new club swimwear range. Thomas's design gives insight into First Nations peoples connection to the land and pays tribute to their important culture. Swansea Belmont Surf Lifesaving Club should be proud of their efforts to promote diversity and acknowledge Indigenous culture in this way. Therefore, I commend Swansea Belmont Surf Lifesaving Club for demonstrating their commitment to being a diverse and inclusive club that recognises the importance of Indigenous culture.

TUMEKE HURIWAI AND LUKE MONTGOMERY

Ms YASMIN CATLEY (Swansea)—Speaker, Today I acknowledge Tumeke Huriwai and Luke Montgomery of Northlakes High School, who were recently selected for the Central Coast Roosters Andrew Johns Cup Under 16s team. Both Tumeke and Luke are dedicated young athletes that continuously strive to do their best in their chosen sport of rugby league. They consistently show up to training commitments and matches, and are exceptional team players that demonstrate good sportsmanship. Due to this, it is clear that Tumeke and Luke wear their club colours with pride. They are both outstanding sportsmen who are role models to aspiring young athletes across the Swansea electorate. Their selection in the Central Coast Roosters side not only reflects the incredible athletes that they are, but also the respectable young men they are becoming. Tumeke and Luke should be very proud of what they have achieved. I congratulate Tumeke and Luke on their achievement and wish them all the best with the competition and future sporting endeavours.

BYRON BAY COMMUNITY CENTRE

Ms TAMARA SMITH (Ballina)—Today I acknowledge the benevolent work of the Byron Bay Community Centre. The 'Severe Wet Weather Shelter Project' is their latest strategy in building resilient communities and supporting the wellbeing of people who are experiencing homelessness in Byron Shire. The Severe Wet Weather Shelter project seeks to address the immediate needs of rough sleepers during extreme weather events by providing shelter, bedding, food and drinks, dry clothing and basic material aid for short periods to those in need. The project is funded and coordinated by the Byron Community Centre, in collaboration with Byron Uniting Church, Anglican Church, St Vincent de Paul and Liberation Larder. As well as helping people in need during extreme weather events, the project improves the safety and security of the wider community and

alleviates community-wide concerns regarding the impromptu use of both public and private property by rough sleepers during extreme weather events. I applaud the compassionate and people-centred approach that the Byron Bay Community Centre has taken in attending to the complex and significant needs of those in our community without a roof over their head.

DAVID YOUNG

Ms TAMARA SMITH (Ballina)—Today I recognise the fortitude, resilience and compassion of David Young, cancer survivor, advocate and educator. David is team-leader of WMozzies, a patient-support organisation for Waldenstrom's Macroglobulinemia. He also works closely with The Cancer Council, NSW Cancer Institute, The Leukaemia Foundation, and Cancer Voices NSW. In 2012, David received a shock diagnosis of Waldenstrom's Macroglobulinemia (WM), a rare type of non-Hodgkin's lymphoma. He was told he had two to six years to live and needed immediate intensive chemotherapy. Through self-directed research, David discovered that his prognosis was not as dire as originally thought, and he sought out treatments as his symptoms progressed. With determination and persistence, David's research led him to a clinical trial for zanubrutinib (Brukinsa), which abated his symptoms within a couple of months, and four years on, he is close to remission. David has been part of the committee urging for zanubrutinib (Brukinsa) to be available free of charge to cancer patients under the Pharmaceutical Benefits Scheme, ensuring the life changing drug is available to those who need it. I praise David's passion for educating people about cancer, and using his own journey as a source of hope and inspiration to others.

SUNGLASS FIX

Ms TAMARA SMITH (Ballina)—Today I recognise the vision and commitment to environmentalism of the Billinudgel company Sunglass Fix. The company, which has environmental sustainability as its core value, is a much-valued player in the global sunglasses replacement lens market. It offers a solution to the awful problem of hundreds of millions of plastic sunglasses ending up in landfill every year. When Craig Anderson founded Sunglass Fix in 2006, he sought to create a one-stop shop making and installing a large and diverse range of sunglass lens models, and also to save people money and cut down on plastic. Today the company has more than 130,000 replacement models and hundreds of thousands of customers across 161 countries – every one of them making a contribution to the health of the planet. In fulfilling its response to today's throwaway culture, the company also practises sustainability in its own business model: it recycles, minimises waste and uses renewable energy. Craig and his team also contribute to local community and sporting groups, and to international environmental charities, and I am proud to have this model of business excellence in my electorate.

LOST N FOUND BARBERS ALBURY

Mr JUSTIN CLANCY (Albury)—I wish to acknowledge Albury's Lost N Found Barbers shop and Co owners Casey Lea and Sarah Watkins who are supporting 'VIP Day' here on the border – a time when haircuts and support are being provided to young people living at risk. The Lost N Found Barbers, established in 2019, have recently moved from Kiewa Street to a new dwelling in David Street. Casey and Sarah are strong advocates for youth, stating how important it is for our youth to have safe spaces where they can feel comfortable and welcomed within the city. As Casey has said, "our youth are the foundation of our future generation, so if we can't give them services, support and love that they need to be good versions of themselves, what are we doing?" Thank you Casey and Sarah and all the team at Lost N Found Barbers for your work and care.

SOPHIA KOHLHAGEN, QUIET ACHIEVER'S HUGE YEAR

Mr JUSTIN CLANCY (Albury)—Well done 21-year-old Sophia Kohlhagen, awarded recognition as Rand-Walbundrie-Walla's A-grade best and fairest Hume League Netball player for 2021. Sophia was nominated for her dedication to the sport and for her contribution off the court, as well as for fulfilling an important role within the club as a mentor for coaching the 15 and under players and producing the Critic for each home played game. Giants coach Sue Trethowan praised Sophia with by saying Sophia has "a lot of natural talent, but she does work hard". Fine words indeed for a most valuable player, coach and club mentor. Sophia, I wish you every success for a long, rewarding and successful sports career.

JOHN CLARKE, CLUB MULWALA LIFE MEMBER

Mr JUSTIN CLANCY (Albury)—I wish to congratulate Club Mulwala's director John Clarke who has been awarded with a life membership from Club Chairman Des O'Meara and approved by the board. John, who is known to most as 'Jinx', is the fourth life member to receive the highest award available to recognize the distinguished and exceptional contribution of an individual. As a club director for 21 years, John has dedicated his time and efforts to serve the club and its members. He has brought passion and enthusiasm to his work with the Club and is a worthy recipient of this life membership. Congratulations John and well deserved.

ALBURY AMATEUR SWIMMING CLUB 100 YEARS

Mr JUSTIN CLANCY (Albury)—Congratulations to one of Albury's oldest clubs, the Amateur Swimming Club, which is celebrating its 100 year anniversary. It was a pleasure to be at the Albury Library Museum for the opening of an exhibition recognizing the Club. The Club has a magnificent history, with many families contributing over several generations. There were many anecdotes shared, and the Club certainly has a rich history, including visits from people the likes of Dawn Fraser. Phil Evans, the Club's president and former coach, is one whose family involvement with the club stretches back many decades. Phil reflects many involved in the Club when he speaks of the real honour to be part of the swimming club. Today with the current partnership of head coach Wayne Gould the swimming academy, the Club is providing hope for local talented and competitive young swimmers. Well done to all and may your success continue to elevate the next generations of competitive swimmers.

HABERFIELD 120-YEAR ANNIVERSARY

Ms JO HAYLEN (Summer Hill)—The magnificent suburb of Haberfield recently celebrated its 120th birthday. Haberfield was the world's first planned garden city, marketed as being "slum-less, lane-less and pub-less." The wide, tree-lined streets are named after the founding fathers of Federation and the suburb is known for its exceptional Federation homes and gardens. 120 years later and much of the ideals that led to the founding of the suburb still remain. Owners conscientiously preserve their heritage homes and tend to their gardens; one of the loveliest aspects of the suburb is that fences are to be of a height that allows for onlookers to marvel at the local gardens and say hello to their neighbours. One of the principal reasons so much of Haberfield has been preserved is because of the Haberfield Association, formed in 1980. They helped lead the campaign for Haberfield to be declared a conservation area and continue today to lobby for the suburb to be listed on the State Heritage Register. I thank the Haberfield Association for their continued work to preserve the suburb and congratulate all Haberfield residents on the 120th anniversary of the suburb's founding.

TOGETHER ALE

Ms JO HAYLEN (Summer Hill)—Today, to celebrate NSW reaching the 90 per cent double vaccination milestone, close to 200 clubs across NSW will be pouring free beers for people who are fully vaxxed. "Your Local Club Freedom Day" is a collaboration between Clubs NSW and Batch Brewing in Marrickville, who have brewed a specialty "Together Ale" to mark the occasion. Additional production support for the brew has been provided by Lion. Local participating clubs include Club Ashfield, Marrickville Golf Club, the Petersham RSL and the St George Rowing Club in Wolli Creek, with free beers starting to be poured from midnight last night. The idea of offering free beers when we hit the 90 per cent vaccination rate came about when Clubs NSW and Batch dared the Government to declare a vaccination rate that would mark the end of lockdown. Our local breweries have pulled far above their weight when it comes to encouraging people to get vaccinated with the nearby Hawke's Brewery offering "a Slab for a Jab" to vaccinated residents early in the Delta outbreak. I congratulate Clubs NSW, Batch Brewing and Lion, as well as all the participating clubs. To everyone who has gotten double vaxxed, I thank you and enjoy your beer!

RAINBOW FAMILIES PARENT PEER SUPPORT PROGRAM

Ms JO HAYLEN (Summer Hill)—Rainbow Families, the peak body supporting LGBTQ+ parents and families in NSW, has developed a new parent peer support program. The program aims to build connections for parents, guardians and carers in the LGBTQ+ community by linking caregivers with similar experiences and backgrounds and creating networks of belonging and support. The program runs for 20 weeks, with fortnightly catch ups that bring people together to share experiences, identify shared learnings and establish close relationships. All volunteers and participants identify as LGBTQ+ and have lived experience of raising children as a rainbow family. The program builds on other important work being done by Rainbow Families, including its antenatal classes for LGBTQ+ families, Family Violence Prevention Program, Youth Advisory Council and various support guides. Rainbow Families NSW continues to grow, and has been especially important source of support and connection during the COVID-19 outbreak and lockdown, with many programs and classes shifting to online. I congratulate the Board and staff at Rainbow Families and commend you for your important work in support of LGBTQ+ families across NSW.

YEAR 12 SCHOOL STUDENTS

Ms JO HAYLEN (Summer Hill)—The class of 2021 have made us all proud. Year 12 is hard at the best of times, but over the past two years, COVID-19 has thrown up extra hurdles, including home learning, delayed trial exams and challenges around accessing vaccinations. These extraordinary young people have risen to every challenge, cleared every bar, and are now so close to finishing the race. I want to acknowledge year 12 students from Ashfield Boys High School, Bethlehem College, Casimir College, Christian Brothers High School

Lewisham, De La Salle Ashfield, Dulwich High School of Visual Art and Design, Marrickville High, St Maroun's and Trinity Grammar. I also acknowledge the important and transformative work of our local principals, teachers and support staff, all of whom have been full shoulder to the wheel to support students and help them fulfil their potential. Finally, I also acknowledge and thank parents and carers who have been there to support their kids' learning and mental health and wellbeing. No-one could have predicted what this year would bring, but you have been there for your kids and given them such a strong foundation for the challenges and adventures ahead. Congratulations and best of luck, year 12.

ALAN DODD VALLEY INDUSTRIES

Mr STEPHEN BROMHEAD (Myall Lakes)—Mr Speaker, I recognise Alan Dodd from Wingham. Alan is a foundation employee of Valley Industries and both celebrated 50 years in October. Over his 50 years, he has also been a productive and popular member of the lawn mowing crew and the bee-hive manufacturing and shredding teams. Alan served ably as a client representative on the Board of Directors for many years, as well as involving himself in fundraising and community events. A handy tenpin and lawn bowler, Alan doesn't see retirement on his horizon, as he reckons there isn't much on television. Alan is looking forward to many more years with his workmates at Valley Industries. I congratulate Alan for his service and a wonderful career, 50 years is a fabulous achievement.

GREAT LAKES COLLEGE FORSTER CAMPUS

Mr STEPHEN BROMHEAD (Myall Lakes)—Mr Speaker, I recognise students at Great Lakes College, Forster Campus who took part in the annual National Brilliant Business Kids Festival. A group of year 10 students participated in the Festival, including Calan, Jake, Milly Abbey and Alira. The students heard from leaders in the entrepreneurial industry and pitched their ideas to solve a local environmental issue. Calan and Jake spoke about their product designed to reduce carbon emissions from cars. While Milly, Abbey and Alira pitched their idea titled 'Sea a Clear Future' which involved collecting plastic waste from local beaches and waterways and turning it into sunglasses. Milly, Abby and Alira came third in the country, an outstanding effort and remarkable achievement. I congratulate all students who took part, particularly Milly, Abby and Alira for their achievement as well as the dedicated teachers at Great Lakes College, Forster Campus for inspiring the next generation.

MARGARET AND JAN HARRIS PINK LADIES

Mr STEPHEN BROMHEAD (Myall Lakes)—Mr Speaker, I recognise Margaret and Jan Harris from the Pink Ladies in Forster. Margaret and Jan are part of the Pink Ladies who raise money for Forster Private Hospital by holding morning teas, lunches, and card games. They also take trollies full of treats around the wards and change the water for patient's flowers. The money they raise goes back into the hospital and helps to buy equipment. The Pink Ladies also talk to patients and offer a listening ear at their time of need. They provide a positive presence and their volunteering work is a huge asset to the community. I thank Margaret, Jan and all of the Pink Ladies for their outstanding contribution to the Myall Lakes.

THE MEN'S SHED

Mr ANOULACK CHANTHIVONG (Macquarie Fields)—The Men's Shed at Break the Cycle Glenquarie is a thriving hub that provides men a safe and friendly environment to come together twice weekly in the spirit of mateship and goodwill. Not only do the men build and repair furniture and other items, many of them also build long-lasting friendships and learn new skills. The backyard shed has long been a part of Australian culture. This tradition has evolved with the Men's Shed, to be a place where men can find companionship and purpose – powerful tools in addressing men's mental health and wellbeing. The Men's Shed Glenquarie also believes in giving back and each year builds wooden toys to donate to Samaritan Purse's Operation Christmas Child, which sees shoeboxes filled with gifts and donated to children in need around the world. Offering a place to learn new skills, a chat over a cup of tea, or a retreat from domestic life, the Men's Shed provides a place for men from all walks of life to connect. I commend Phil Watt and the team at Men's Shed Glenquarie for their wonderful work in our community and look forward to many more visits.

GRAFTON CHAMBER OF COMMERCE

Mr CHRISTOPHER GULAPTIS (Clarence)—It was a great night for the Grafton Chamber of Commerce at the Northern Rivers Regional Business Awards who received the Outstanding Local Chamber Award. The Chamber Executive; under the excellent guidance of Chamber President, Carol Pachos; have worked tirelessly to support their members during some very tough times as a result of the pandemic and has seen their membership more than double over the past 12 months. An excellent result due to the commitment of all involved in the Chamber. After what has been a stressful time for businesses it is wonderful to see so many businesses thrive and I wish everyone continued success moving forward.

LINDA CHRISTIE

Mrs TANYA DAVIES (Mulgoa)—With spring now upon us, it's the perfect time of year to get out and about in your garden. Whether you're planting a new flower or maintaining that garden bed, I would like to congratulate local resident Linda Christie who has created the perfect group for green thumbs, 'Glenmore Park Gardeners'. The Facebook group was formed in July 2021 who share ideas, tips and learnings about all things gardening. They welcome sharing the success and failures in the garden, while also getting together and visiting open gardens and do some gardening projects in the area now that restrictions have eased. Linda says the most enjoyable thing about gardening is that it is calming while also getting in your daily exercise at the same time. Anyone can enjoy the simplicity of gardening and you don't have to have lots of money or space. She says the best part about it is seeing what you're able to achieve. Congratulations Linda on creating a close knit group of gardeners and I look forward to perusing through the gardens of the neighbourhood.

SANDY QUEALEY

Mrs TANYA DAVIES (Mulgoa)—I wish to acknowledge local Regentville resident, Sandy Quealey who had brought a little piece of hope to the community with the beginning of 'The Free Little Lockdown Library'. This library was created during the recent lockdowns and has been welcomed by all who have passed by doing their daily exercise. This project is thanks to Sandy and was designed to help people through the challenging time that was lockdown. At the beginning she thought it would brighten up people's day, but was started as a single cabinet with a few books that was intended to last for a couple of weeks in lockdown, quickly turned into five bookcases, a few crates and overflowing boxes of pure community joy. The community support for Sandy's project has been extraordinary, with so many people visiting – whether it be take a book/leave a book, select a plant, share in the lucky dip, and even take photos to capture the experience. However, with the recent restrictions being eased the library closed on Sunday 12 September which delivered in sharing the love of reading and community spirit in the unprecedented times. Congratulations Sandy on your successful project!

MARCUS ZORICH

Mrs TANYA DAVIES (Mulgoa)—I wish to acknowledge local Mulgoa koala expert and author, Marcus Zorich, on his newest children's book release of 'Intergalactic Space Farting Koalas', with all the proceeds going towards planting more koala food trees. The story is about two koala groups, one in the wild and one in captivity who meet, interact and are forced to learn from each other. In the background, there's mythical tales and folk stories of a third type of koala with plenty of twists and turns along the way. Writing this children's book was a 10-year project to educate Australians about the work behind the scenes of koala care and the amount of effort and planning that goes into supporting and feeding captive koalas in large numbers, whilst also highlighting the problems of both wild and captive koalas. The book channels you to see through the lens of a koala, with the ongoing development of human infrastructure, faced with more extreme climate events such as bushfires, caused by damage to the environment including the loss of habitat due to urban expansion. Congratulations Marcus on this incredible achievement and teaching others to be resilient in this world.

ALICIA HOLLIER

Mrs TANYA DAVIES (Mulgoa)—I would like to congratulate Alicia Hollier on the success of her growing small business, Lishy's Vinyl Creations. The local Mulgoa mum could have never predicted that a simple idea whilst visiting a craft fair a few short years ago would one day become a successful business. Having already started a chocolate bouquet business, Lishy's Lolly Creations, Alicia has always had an interest in craft. She soon completed courses and was making personalised vinyl items for her children and friends. Before long, she started receiving requests and the business was born! Alicia loves to personalise items like clothing, mugs, wedding items and all sorts of things with vinyl. She also keeps a range of items that people can personalise and choose whatever they would like written on it. A special message for a loved one is always a wonderful gift. I look forward to hearing of your small business' future success and I wish you all the best!

MR COLIN RATHBONE

Mr GARETH WARD (Kiama)—I would like to acknowledge Colin Rathbone of Kiama Downs who is retiring as President of the Kiama & District Sports Association after 43 years of service, hard work and dedication since its inception in 1978. Colin has handed the baton to new President Mr Craig Scott at the Association's recent Annual General Meeting and I congratulate Craig on his appointment. I have known Col for many years and in that time he has been the 'go to' person for organising thousands of sporting fixtures, lobbying various levels of Government for new sporting facilities across our region, sought and secured various funding grants and has always been a tireless advocate for promoting healthy lifestyles and junior and senior sport in our local community. On behalf of a very grateful community, I sincerely thank Col for his incredible service and making

our community a better place. I take this opportunity to acknowledge and thank the new Vice-President Paul Condon, Secretary remains John Dawson and the Treasurer is Gail Gaynor.

KIAMA MEN'S SHED

Mr GARETH WARD (Kiama)—I would like to acknowledge Kiama Men's Shed who are now another step closer to securing a new home. The October meeting of Kiama Municipal Council approved the change of zoning needed for it to lease the disused railway buildings at the bottom of Eddy Street from State Rail, for a peppercorn rent. I would like to thank the President Ian Yabsley and former President Tim Cox who have worked with me to secure a new home for the shed. The Kiama Men's Shed, which has 60 members, has been at their current home owned by the Uniting Church for the past several years but its size was always a constant constraint even prior to COVID imposed more restrictions on utilising space. The Kiama Men's shed has not only been a great place for local blokes to congratulate, but they have undertaken work for so many individuals and even made toys for my annual Christmas toy drive with the proceeds going to kids in need. I look forward to supporting Kiama Men's Shed well into the future.

MR MARK THIRLWALL

Mr GARETH WARD (Kiama)—I congratulate North Nowra resident Mark Thirlwall who has received the NSW Government's Diploma of Event Management scholarship as an inspiring and up-and-coming event manager through a partnership with peak events industry body Meetings & Events Australia. It is excellent to see the talent from our region recognised among the recipients of the Event Management Scholarship Program. Our local community is home to some incredible talent and I'm delighted that Mark Thirlwall from North Nowra (Managing Director of Cross Culture Asia Pty Ltd and Director at Tea Menu) is representing the incredible talent from our region. This scholarship will not just support people individually with tuition but will ultimately benefit our region by providing home-grown event management expertise. This scholarship also plays a very important role in stimulating new business event activity in regional communities like ours. Once again, I congratulate Mark Thirlwall on receiving this scholarship and making our region proud.

MR KIERAN WOOLLEY

Mr GARETH WARD (Kiama)—I would like to congratulate local skateboarder Kieran Woolley who has won his fourth Illawarra Academy of Sport's [IAS] Bluescope-WIN Lonestar Athlete of the Year Award. Kieran previously won the IAS Award in 2017, 2018 and 2019 and has made history for the Academy by becoming the first athlete to compete at an Olympic Games whilst still on scholarship. Still in the United States, he has also recently been featured in a double page ad in skateboarding's longest running and best-selling magazine, Thrasher, as a new team rider for skate brand, Monarch Project. I was also pleased to present Kieran with an Outstanding Junior Sporting Star Award at the Kiama Pavilion a few years ago and it is fantastic to see him achieving even more goals and further success in skateboarding. Well done and congratulations Kieran – you continue to make our region proud of your amazing efforts.

JOHN CHAMBERS

Dr JOE McGIRR (Wagga Wagga)—Former Wagga Wagga citizen of the year John Chambers is being remembered for his lifetime of dedication to community organisations. Mr Chambers, who died earlier this month at the age of 87, co-founded Wagga Wagga commercial printer Chambers and Whyte after a long career at The Daily Advertiser. At Chambers and Whyte he was well known for providing charities with raffle tickets and other resources free of charge. He was an active member of the local Cancer Council committee, St Vincent de Paul Society, and was a long-term contributor to the South Wagga Rotary Club. Mr Chambers' decades of voluntary work were later recognised by Rotary International, which awarded him the organisation's highest honour, the Paul Harris Fellowship. He played an instrumental role in erecting vital facilities across Wagga Wagga, such as the Lilier Lodge cancer patient and family accommodation centre, and the Edel Quinn men's homeless support service. In 2010 Mr Chambers received Wagga Wagga's citizen of the year award. Mr Chambers is remembered as a dedicated family man. He and his wife Patricia raised a family of six. I wish to extend my sympathies to Mr Chambers' whole family on the loss of this much-loved man.

**The House adjourned, pursuant to resolution, at 22:45 until
Thursday 11 November 2021 at 12:30.**