



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

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LEGISLATIVE ASSEMBLY

Tuesday, 30 May 2017

The SPEAKER (The Hon. Shelley Elizabeth Hancock) took the chair at 12:00.

The SPEAKER read the prayer and acknowledgement of country.

[Notices of motions given.]

Private Members' Statements

NSW JUSTICES ASSOCIATION

Mr MARK TAYLOR (Seven Hills) (12:12): On 6 May I was invited to speak at the State conference of the NSW Justices Association at the Merrylands RSL. I thank the Cumberland branch for the invitation. It was an honour and a privilege to discuss topics of integrity and justice with so many esteemed members of their respective local communities across this great State. In New South Wales today there are thousands of justices of the peace [JPs] and many hundreds of them have taken the next step in their justice work to become a member of the NSW Justices Association. It provides members with outstanding education and guidance in the form of manuals, guides and comprehensive training programs. This has a direct impact on the Seven Hills community with our justices of the peace better equipped to perform their duties witnessing and certifying important documents.

The more proficient a JP the more effective small businesses and community groups can be in their interactions with government. Not a day goes by at my electorate office without a constituent requiring the assistance of a JP and almost every second week I receive an application from a constituent wanting to be a JP. This is great to see. Justices of the peace are the front line of the legal system. When someone receives a notification or a fine or needs to make an application or declaration, a JP will often be their first contact with the legal system. Some of the JPs at the conference have been justices for as long as I have been alive. The community can turn to JPs when they need someone with integrity to trust—someone who has the best interests of the community and the justice system at heart.

As a parliamentarian I appreciate that over time interaction between local communities and government has grown immensely—whether it be following the legislation and policy for laws that are brought to this House or seeking justice. I strongly believe that interactions between individuals and the State should not, if possible, disrupt their daily lives. These interactions must be just and fair. It is in this light that I view the role of a justice of the peace as fundamental to both the efficiency of justice and equality before the law in New South Wales. At a local level the Cumberland branch is active in the electorate of Seven Hills. One way in which it serves the community is through establishing justice of the peace desks. No appointments are required; anyone can walk in with their documents and ID and have their document certified if it satisfies the JP.

Community JP desks are increasingly important to our local community. We will find people such as Wynnesome Sanderson at Parramatta library on Tuesdays and at Wentworthville library on Fridays. On each business day we will find the eloquent Esme Worley at the Parramatta Family Law Court. On any given Saturday we will find Elizabeth Malysiak at Constitution Hill library and John Fernandes at the Kings Langley shops. On any day we will find Jenny Leche at the North Rocks shops or Dianne Stocks at the Baulkham Hills shops. I assure the House that those members of my community are always giving up their time to do good work for the community. Their work is having an impact on other locals in the community too. Since I have been a member of Parliament in this House, more than 60 Seven Hills constituents have applied to become a JP. Some are as young as 22, and others as old as 88 are reapplying for their appointment.

As a member of Parliament I relish the opportunity to encourage them to support their local community. I understand the local dividend which this brings to the community and I support their efforts wholeheartedly. We may well be living in the digital age, but as Dr Cassandra Cross said in her speech at the Justice Conference, online fraud remains an important issue for seniors and young people in our community, and despite our shift to online identity verification, nothing beats the human-to-human check that a New South Wales justice of the peace can provide. The Cumberland branch in my electorate meets at the Wentworthville Leagues Club on the third Monday of each month at 7 p.m. and all JPs from the local area are encouraged to join. They do an outstanding job for those in my community and further afield.

WALLSEND ELECTORATE FLOODS

Ms SONIA HORNER (Wallsend) (12:16): How can we forget the catastrophic 2007 Wallsend storm and tempest 10 years ago when winds peaked at 124 kilometres an hour, 300 millimetres of rain fell in the Hunter, 10 lives were lost and more than 100,000 homes were left without power? The impact is embedded forever in our minds. Even though the media focuses on the *Pasha Bulker* image, it is the storm and tempest impact that is critical, especially in Wallsend, which has a history of bouts of saturation since the early 1800s. Given our recorded flood history, the cost of the 2007 storm and tempest passing the \$2 billion mark, underinsurance, business revenue losses and flood-related job losses, why are governments choosing loss over growth, with minimum gain? I champion growth in Wallsend and the Hunter because I do not want to keep hearing stories such as the following quote from a resident who said:

I remember the flood well. I was a teenager at the time and both of my parents were stuck at work because the flooding hit so unexpectedly in the mid-afternoon. Before I knew it, my house was ankle-deep in floodwater. Before the water went down, it reached up to my stomach. My next-door neighbours were recently arrived immigrants from India, and they didn't speak the best English, so I waded out to help them to switch off their power and stay safe. It was a harrowing experience, but we were lucky.

On Friday 7 June in Wallsend, before my eyes—and it seemed in a matter of moments—water surged over the peaceful Federal Park. Floodwaters breached the second storey of Wallsend businesses. They had no power for days and millions in revenue vanished with the torrent. Falling trees and rising floodwaters destroyed millions of dollars in property, many of which were uninsured and underinsured. All this happened in Wallsend. Nelson Street businessman Max McCorkell confirmed stories about the flood and its aftermath. It devastated the business community, devastated the main street, and businesses have never gotten over it. My business ended up losing \$30,000 a year due to damage from the flood and the slow recovery. Most of the people who owned businesses on Nelson Street have retired now and want to forget it as a particularly bad time.

In the stories of hardship and loss, we find happy endings. Cafe Tempest, named in memory of the flood and founded in its wake, does a brisk trade. Much of Nelson Street has changed hands since then, and new businesses have opened their doors, but our happy endings have their limits. Eight years on, the April 2015 storm battered Wallsend and once more caused extensive damage in the Hunter. Power was lost for days and businesses lost millions of dollars. In the aftermath, calls for flood mitigation works have increased. The damage wrought in 2007 was not just once in a lifetime. We are living in a state of uncertainty. Infrastructure redevelopment must be funded now. If Nelson Street goes underwater again in the next east coast low, how much confidence will potential business owners and investors have? History has shown that Wallsend flooding is not a matter of if but when. We need to choose growth over insecurity.

TRIBUTE TO GEOFFREY MCINTYRE, AM

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (12:20): Today I pay tribute to an outstanding member of the Lane Cove electorate community. Geoffrey McIntyre is a banker of renown, acknowledged both in Australia and internationally. He came into banking in the early 1950s at a time when banks with names starting with the letter "C" dominated the business landscape. There was the CBA, still with us as the Commonwealth Bank; there was the CBA, or Commercial Bank of Australia; and there was the prestigious CBC, or Commercial Banking Company of Sydney. It was the CBC that engaged Geoff. He joined the ranks of the CBC in Sydney in 1954.

In 1962 he was transferred to the company's London office to gain experience in international banking in the United Kingdom and Europe. On his return to Australia he was seconded to the Reserve Bank as an assistant principal of their bankers' overseas trade course. By this time he clearly knew his way around the intricacies of banking. In the following years, Geoff held a number of senior management positions in Adelaide and Sydney and, at the time of the CBC's merger with the National Australia Bank [NAB] in 1982, he was Chief Manager International at CBC.

After 30 years of mostly Australian-based banking he was headhunted by an international group. He resigned from the NAB in March 1984 to take up an offer to establish the Overseas Union Bank. This then Singapore banker wanted to establish an Australian presence, and Geoff McIntyre was the man they wanted to spearhead this drive. He developed the bank's presence from a representative office to a merchant bank and then in 1992 moved the business to a foreign bank branch, after gaining approval from then Federal Treasurer John Dawkins. He officially retired as General Manager for Australia and New Zealand in 1995, but this dynamo had more to offer.

The retiree accepted a number of directorships in companies and in 1996 he was "requested" to accept the appointment of honorary trade representative Australia by the then Singapore High Commissioner. This honorary position saw Geoff expand trade and economic links between the two countries. But wait—there was more to come in the incredible career of Geoffrey McIntyre. In 1996 he had been appointed a director of Lloyds

Bank New Zealand-Australia and then the Bank of China Australia Limited. He became chairman in 2006 and retired in 2010. Then in 2014 he was appointed Deputy Chairman of LionHub Group Limited, an Australian listed company carrying out project developments in the Anhui Province in China. He again retired in 2016.

This man's curriculum vitae is rolled gold. He has been a fellow of the Australian Institute of Bankers, a fellow of the Financial Services Institute of Australasia and an honorary life member of the Australia Singapore Chamber of Commerce and Industry. He is a graduate of the Australian Administrative Staff College and the Bankers' Administrative Staff College. Geoffrey McIntyre has also been made an inaugural life member of the Overseas Bankers Association of Australia. His list of achievements and appointments does not end there. He is a Member in the General Division of the Order of Australia for services to business and finance, which means he can put the letters "AM" after his already distinguished name. Geoff is a past president of the Rotary Club of Sydney. He is an immediate past president of Alzheimer's Australia NSW. Geoff has also served on his strata corporation at Huntley's Cove for more than 17 years. Subscribing to the dictum that all work and no play makes for a dull person, he is very active in sport.

Having been involved in the pursuit of rowing at club, State and international level since 1950, Geoff is currently chairman of the Bromley Trust and the Stepto Memorial Trust, both not-for-profit charities, whose aims are to assist young rowers financially in their quest to represent New South Wales and Australia, at world championship level. If it had not been for Geoffrey McIntyre we would not have the UTS Haberfield Rowing Club in Sydney, a club that has produced so many gold medallists for our Olympic teams. I am hoping to add to his remarkable achievements by nominating Geoffrey McIntyre for a community service award. As members of Parliament, we are all honoured to have people from all walks of life making up our cherished constituencies. I thank the House for its indulgence in enabling me to speak about the incredible, industrious, individual Geoffrey McIntyre, AM. I also acknowledge that the great work he has done in his life could not have been possible without his wife and life partner, Anne.

GUILDFORD WEST DEVELOPMENT PROPOSAL

Mr GUY ZANGARI (Fairfield) (12:25): In recent weeks I have received numerous complaints and inquiries through my office regarding a large development set to take place at the former Sydney Water site in Guildford West. I note from the outset that the residents are not opposed to future development in the area or the construction of new dwellings, however they are incredibly concerned about the size and the scope of this particular proposal which is set to tip the balance and harmony of this quiet area. As a result of community concern, last Saturday 27 May I held a mobile office at the corner of Albert Street and Palmer Street in Guildford West to listen to the concerns of local residents directly and to open dialogue with the community on this issue. More than 100 people showed up on the day to make their voices heard and to ensure that someone was listening to their concerns.

The proposed development is for four five-storey apartment blocks and 24 two-storey townhouses, a total of 227 dwellings with an expected intake of approximately 750 new residents jam packed into this small area. Residents feel this development is not appropriate for this site in light of the nature of the surrounding dwellings, which consist primarily of single level cottages and the occasional duplex. While the area itself is zoned R2, this specific site has been specifically zoned R3/R4. The existing infrastructure is a key concern for residents who firmly believe the two small streets will suffer a large increase in traffic flow that will cause severe bottlenecks in their surrounds. Given this site is in very close proximity to a school, the flow-on effects of the increased traffic will become a large issue in the area.

We have received advice that 310 parking spaces will be allocated on the site for residents' parking, however in light of the number of dwellings to be constructed it is anticipated that there will be more than 450 cars to accommodate. One need only look at the parking options available in the surrounding areas to see what happens to the streets and the surrounds when there is insufficient parking for residents and their guests. This in turn creates further traffic congestion on the street and its surrounds. All of this in turn creates potential hazards for pedestrians, in particular for children, who would be accessing the local primary school, preschool and two secondary schools as their vision of oncoming traffic may be obstructed by the plethora of vehicles now parked bumper to bumper along the roadway.

By now, members would be aware of the ongoing theme. Residents are concerned and upset over the lack of consultation prior to giving the green light for such a project to go ahead in the area and the distinct lack of representation they have on their local council. In case members are not aware, the Liberal Coalition Government did away with local democracy when it forcibly amalgamated parts of Parramatta council with Holroyd and Auburn councils to form Cumberland Council. Since then, the residents of Guildford, Guildford West, Yennora, Woodpark, Smithfield and many other areas have been without any elected council representatives to keep them informed and to fight for the community when such developments come before council.

The residents of Guildford West had a great council with passionate community leaders who did a fantastic job for the community they represented. Elected representatives are from the area and know what the community wants and needs. Administrators, however, do not. Residents have been left frustrated and angry at the number of poor choices this Government's administrators continue to put on the table. Since the forced amalgamation the community has rallied on several occasions against the closure of the local pool and the privatisation of waste collection services. Now it is rallying against this. Something needs to be done, and it is about time the residents had elected councillors to give our council a real voice.

I understand that a number of petitions are presently being circulated by the community, expressing its strong opposition to this development. Residents have called for the area to be returned to the community and converted to parklands for recreational space. In the event that the development is to proceed, residents have requested consideration be given to implementing a height restriction of three storeys, with the inclusion of parks, cycleways and additional traffic management measures at the entry and exit points of this site. I commend the residents for their initiative and fortitude in taking on this fight despite having no council support in the absence of local councillors. I trust Minister Anthony Roberts will look into the disregard for community harmony in Guildford West and ensure the needs and concerns of residents are taken into consideration with regards to this development.

PEEL VALLEY WATER SUPPLY

Mr KEVIN ANDERSON (Tamworth) (12:30): I update the New South Wales Parliament on the challenge regarding the high price of bulk water in the Peel Valley in the Tamworth electorate. Those who buy bulk water for their businesses from the Peel River and Chaffey Dam include irrigators and Tamworth Regional Council. Tamworth Regional Council also uses Dungowan Dam as a source of bulk water, and it owns that dam. Chaffey Dam is owned by the State. It is expensive to maintain Chaffey Dam, and the money to pay for that comes from irrigators and ratepayers in Tamworth Regional Council.

It is a complicated funding mix but there is a small number of irrigators that have to share that cost with Tamworth Regional Council ratepayers. If we had more users the price would drop. Other valleys across the State do not have the high cost of maintaining a dam in their regions so they do not have to pay for infrastructure; all they pay for is water that comes from the river or underground. That is why the cost of bulk water in other valleys and regions is much lower than the Peel Valley. Finding a solution to cheaper bulk water in the Peel Valley has been a big challenge for many years. If it were easy, it would have been done by now.

I have facilitated meetings with the irrigators, Tamworth Regional Council and other stakeholders, including with the past three primary industries Ministers and various departments, as well as the Land and Water Commissioner. We have tried several options that have not been successful, we have made submissions and suggestions to the Independent Pricing and Regulatory Tribunal [IPART] and the Australian Competition and Consumer Commission [ACCC], and we have supported the latest option which was agreed to by the irrigators, which involves changing the water usage and service charges. However, there is a challenge to that option. I will again be making a submission to IPART. I am on record highlighting to it that the high price is crippling the irrigation industry and outlining the importance of the effect that its determinations are having on businesses.

However, I believe we are getting closer to fixing this problem. The latest potential solution involves the upgrade of Dungowan Dam. This project is progressing well and the Peel Valley Water Users Association also agrees that this is an option. We need to continue to work with Tamworth Regional Council to look at sharing the supply from Dungowan Dam and Chaffey Dam. This will take some time but if we can get this to work it will drive down bulk water prices. Work still has to be done on this and I will be arranging further meetings to discuss the options. We need cooperation at all levels. I will continue to fight hard for our fair share and for equitable water pricing, and I will not give up on this very important issue. I am always looking for options and welcome any assistance that any irrigators and other stakeholders can offer to help drive down the price of bulk water in the Peel Valley in the Tamworth electorate.

STATE OF ORIGIN

Mr GEOFF PROVEST (Tweed) (12:33): I am 100 per cent for the Tweed as well as the Mighty Blues.

TEMPORARY SPEAKER (Ms Anna Watson): Let's hope so!

Mr GEOFF PROVEST: I do not think hope is needed. It is all up to skill, and I am sure the team has plenty of skill. I praise the Blues, and note that we have in the Chamber our Minister for Sport, Stuart Ayers. I also acknowledge the help from the Deputy Premier, John Barilaro, which has seen the Blues training camp come to Tweed Heads. As we all know, there is a great game on Wednesday night. I am sure the Blues shall remain victorious. On the weekend I had the pleasure of catching up with Dave Trodden, the chief executive officer of New South Wales Rugby League, and that number one coach, Laurie Daley, as they put the boys through their

paces at Cudgen Rugby League Club, the home of the mighty Hornets. Bringing this all about took a lot of effort and a lot of commitment. I also praise Troy Green from Tweed Shire Council and the people at Mantra Resort. The team was trained very hard.

The Tweed is only an hour and a half from the Cauldron. I had the pleasure of meeting the New South Wales captain, Boyd Cordner, and Andrew Fifita, Brett Morris, Wade Graham, Jake Trbojevic, Jarryd Hayne and Aaron Woods. Wade and Andrew have a special interest to me. Along with the Attorney General, I am one of the few Sharks supporters in this place. As we all know, the Sharks were quite victorious, being the reigning premiers at the moment. It was great to see the players. In addition to their dedication, commitment and fitness—I did pack down in a scrum and my feet were off the ground; those guys are big and very fit—one of the things that struck me was their commitment to the fans afterwards. I was struck by their commitment to young people in wheelchairs, as well as their commitment to the young, old and fragile. The boys went out of their way to take every selfie, to sign every autograph, to answer questions and so on.

I think often in regional New South Wales we suffer with our young players. They do not get to see their number one stars first hand. The recent abandonment of the Country versus City matches was a shame. It deprived the people in the regions of seeing their fans. The players' behaviour has been exemplary. They look really ready to win. As I said, they have attended a number of coaching clinics with our younger rugby league teams. Tweed is a rather unusual place at the best of times. I am sure probably half the people in the town would go for the Maroons or Cane Toads, as we commonly call them up there, whereas the other half would go for the Cockroaches. It is a bit of a clash there. I know a number of people in the Tweed would have the pleasure of going up to the famous Cauldron. If people have never been to a State of Origin game, I can advise them that one of the most impressive crowds they will ever see is at the Cauldron. The Queenslanders take their football very seriously indeed.

The calibre and professionalism of the players impressed me a great deal. I must admit that we did a small interview with Laurie Daley. At the end of the interview on Facebook I said, "Are you going to win on Wednesday night?" He said, "Yeah, Geoff, a hundred per cent" and I laughed because, as members know, in this place I am known as Mr 100 per cent for Tweed. If that is not a good omen, I do not know what is. We can see lots of other things transpire, but I thought to myself, "There we go. That is an extraordinarily good omen." The players are also doing some charity work within the town. As I said earlier, their level of commitment to the younger players in the game is extraordinary. After all, that is where those future stars come from. I know when the football season is on in the Tweed—our antisocial behaviour on the streets takes a bit of a dive because of the commitment of the coaches. I note the National Rugby League is thanking the coaches in country areas because that is where the true stars are from. I am led to believe that there are a number of members in this place—I am rather amazed—who go for the Maroons.

TEMPORARY SPEAKER (Ms Anna Watson): Name them.

Mr GEOFF PROVEST: I plan to name them, particularly when we win the series, I will take great delight in naming them. I think most of us know who they are anyway. On a final note, up the mighty Blues and all the success on Wednesday!

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:34): There is no way I could avoid replying to the speech of the member for Tweed, who spoke with passion and enthusiasm about his electorate being the home of the Blues training camp. I know that everyone in this Chamber is right behind Laurie Daley and the captain, Boyd Cordner, in the upcoming State of Origin series, which starts this Wednesday night. If there are any frauds walking through the New South Wales Parliament, particularly if they hold seats in this Chamber and declare themselves to be Queensland supporters, I put them on notice and implore whoever is in the chair managing the Chamber to immediately place them on three calls to order for their disloyalty. We are coming to get you. I know that all of the residents of New South Wales are right behind this team. They have put a great squad together. The True Blues event held last week recognised the Hall of Fame inductees. We are a united State with a united team. Up the Blues in this year's State of Origin.

WAR ON WASTE

Ms JENNY LEONG (Newtown) (12:39): In a single generation we have gone from a low-waste culture where everyday objects were valued and repaired to a culture where 50 billion plastic bags are used and thrown away every year. *War On Waste*, currently screening on the ABC, has stirred a lot of community debate about our wasteful ways. People in the Newtown electorate have long been concerned about this issue. Today I bring their message to the Premier and the New South Wales Government to act in the war on waste. Unfortunately, we are not allowed props in the Chamber so I am not able to bring in the giant plastic bag that Craig Reucassel rolls around during the series, but I give all credit to him for doing so.

Our community would like to know from the Premier why we have not yet banned the single-use plastic bag. It takes thousands of years for plastic bags to degrade, which means that every piece of plastic manufactured exists to this day. It is time for the New South Wales Government to ban the bag. While we are waiting, Newtown locals are encouraging people to use cardboard boxes to carry their shopping, knowing that the so-called green bags need to be used more than 100 times to make them worthwhile because they too are made of plastic. These ideas are hardly revolutionary. Our grandparents were doing it. People can take their own shopping bags to the supermarket until this Government acts to ban the bag.

In the electorate of Newtown we love coffee but we despair at the sheer number of takeaway coffee cups used and thrown away each day. When I was elected, my team and I made a commitment to each other that we would ban takeaway coffee cups from our office. On a rough calculation, and factoring in a few slip-ups, we have saved in the order of 2,500 takeaway coffee cups in the two years since I was elected as the member for Newtown. I encourage all members in this place to think about committing to that small act in their electorate offices. I send a big shout-out to the cafes across Sydney and New South Wales that give a discount to people who bring their own cup. It is a great way to encourage people to do that.

The people of Newtown would like the Premier to stamp out fake recycling. When we asked our constituents about this, one of them told me a disturbing story. In the centre of a food court there were twin bins—red for general waste and yellow for recycling. However, the constituent noticed that when emptying the bins the staff combined their contents into the same disposable vessel. When asked about this, an employee told my constituent that the waste goes into the same compactor. As seen from *War On Waste*, there is a need to expose fake recycling and crack down on big businesses and companies that are doing it. While we are at it, we must take action to ensure that supermarkets do not engage in the ludicrous practice of packaging individual vegetables and fruits in plastic.

That is a simple action, but I do not think we can wait for Coles and Woolworths to become environmentally conscious on their own. This is something the New South Wales Government can act on. Until then, it is great that Newtown locals are served by local food co-ops and bulk food stores such as Alfalfa House. I give a special shout-out to Foodbank, which I have had the pleasure of working with in the Newtown electorate to ensure that locals in public housing in Surry Hills, Redfern and Marrickville have access to the benefits of that great initiative. We must also address the problem of plastic food containers. TakeOut Without is a global campaign aimed at reducing plastic pollution from takeaway food by encouraging people to bring their own containers. Last year the French Parliament adopted an amendment that by 2020 it will ban the use of plastic takeaway containers and cutlery in shops and food outlets. Many good people in this world are trying to assist in the war on waste but we need the Government to act to make sure the changes happen.

Fast fashion is another serious emerging issue that needs to be addressed. We have gone from having four seasons each year to several micro-seasons with many changes towards the production of short-use, badly made clothes from synthetic fibres. That has not only a huge environmental impact but also social implications on those who make fast fashion items. I am glad to say that I support the fashion revolution and I always try to know who made my clothes. We need to stop being the wasteful, single-use society we have become. Communities across this State are calling on the Government to step up and take action in the war on waste.

NEPEAN BLUE MOUNTAINS LOCAL HEALTH DISTRICT

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:44): A lot is going on in the Nepean Blue Mountains Local Health District. Recently I had the pleasure of attending the Nepean Blue Mountains Local Health District nursing and midwifery gala dinner and awards ceremony. On that fantastic evening a number of wonderful nurses and midwives who do outstanding work were recognised across several professional categories.

The award winners included: Vicki Williams, Integrated Care, Excellence in Aboriginal and Torres Strait Islander Healthcare; Shannan Waddups, Nepean Hospital Children's Ward, Excellence in Innovation—Research; Kate Shaw, Nepean Hospital ward N1F, Excellence in Nursing/Midwifery—Assistant in Nursing/Midwifery; Amy Nath, Child and Family Health Nursing Blue Mountains-Lithgow, Excellence in Nursing/Midwifery—Graduate Registered Nurse, Registered Midwife or Enrolled Nurse; Kristy Blake, Blue Mountains Hospital Rehabilitation and Palliative Care Unit, Excellence in Innovation—Education; Tracy Gilbert, Blue Mountains Hospital Rehabilitation and Palliative Care Unit, Excellence in Nursing—Enrolled Nurse; Ann Bateman, Lawson Community Health Centre, Chronic and Complex Care, and Mark Andrade, Mental Health High Dependency Unit, Excellence in Nursing—Registered Nurse; Anne Evans, Nepean Hospital ward S4EP, Excellence in Nursing—Registered Midwife; and Elizabeth Dodd, Nepean Hospital Medical Imaging, Excellence in Nursing/Midwifery Leadership.

I congratulate all of those award winners on their outstanding achievements and their contribution to the communities of the Nepean Blue Mountains Local Health District. The constituents I proudly represent have witnessed many of them assisting their families and friends and they hold them in much esteem. These nurses and midwives did not seek the acknowledgement afforded to them at the awards ceremony but it was a great opportunity for their colleagues and the community to recognise their fantastic work. Another highlight on the night was the announcement of the Louise Hope Nursing Fund. Louise is a local Penrith resident who was taken hostage during the Lindt Cafe siege. Her story is one of great courage and bravery. She has an unwavering commitment to recognise the healthcare professionals who have helped her every day since the siege. The Louise Hope Nursing Fund, which will be used to assist with research and education funding for nurses at Nepean Hospital, was incredibly well received on the evening. It speaks volumes about Louise's character and her willingness to support nurses following her traumatic ordeal.

The budget for the Nepean Blue Mountains Local Health District has increased from just short of \$500 million in 2011 to \$749 million in 2016-17, and the Government has committed more than \$576 million to the redevelopment of Nepean Hospital. We are planning for the future and we will be delivering a fantastic facility for our nurses and midwives to work in. The Government also recently opened the new mental health triage and assessment centre. This has been a godsend for ambulance workers and police, and people with mental health issues are being treated with dignity by having the proper facilities at Nepean Hospital. The Government has also opened the Nepean Blue Mountains Family Obesity Service. On top of the increased funding and changes, the Government recognises the fantastic people behind the scenes who are making sure that health care in the Penrith community is first class.

ROTARY CLUBS OF MACARTHUR POLICE AWARDS

Mr GREG WARREN (Campbelltown) (12:49): I am delighted to bring to the attention of the House the nominees and award recipients of the 2017 Rotary Clubs of Macarthur Police Awards. I was honoured to attend the awards presentation on 17 May, together with my parliamentary colleagues the member for Camden, Chris Patterson, and the member for Macquarie Fields, Anoulack Chanthivong. I congratulate all the nominees and award recipients from across the region. The Rotary Clubs of Macarthur again hosted the evening at Wests Leagues Club to highlight the fantastic service of our local police men and women. As members of this place know, all these courageous police officers put their lives on the line day in, day out to ensure the safety of our communities. This important event rightly acknowledges the often unheralded efforts and sacrifices made by our many local police in the line of duty to keep our community safe.

I congratulate all award recipients, particularly those from the Campbelltown Local Area Command [LAC]. Campbelltown Crime Unit Manager of the Year was a tie between Senior Constable Ellen Sutherland and Senior Constable Rebecca Schofield. Campbelltown's Unsworn Officer of the Year was Samantha Mills, who has a stellar record. The other worthy finalists were Maria Fabin, Carolyn Tracey, Karen Fox, Tracey Richardson and Vennessa Tompkins. The 2017 Macarthur Police Officer of the Year nominees were Senior Constable Scott Peterkin from Camden LAC and Leading Senior Constable Paul Watson and Detective Senior Constable Troy Burchell from Campbelltown LAC. The award was won by Senior Constable Scott Peterkin of Camden. I congratulate Senior Constable Peterkin on taking out the award and I commend all three for their achievements and thank them for their commitment and service to our local community. Leading Senior Constable Watson and Detective Senior Constable Burchell each received awards in other categories.

I will take a moment to speak about the circumstances leading to Detective Burchell receiving the Macarthur Detective of the Year Award. Detective Burchell has been a member of the NSW Police Force for 15 years, six of which he has spent at Campbelltown. He has built up a reputation with the Campbelltown community for his commitment to duty and his compassion. Recently, Detective Burchell investigated a fraud that had been committed against an elderly member of our community. His investigation revealed that the victim had been conned out of her assets, family home and life savings. Detective Burchell was able to not only recover more than \$1 million in cash and assets for the 94-year-old victim but also organise the sanitation of the home, maintenance of the yard and replacement of the hot water system, as well as arrange for the victim to be placed under the authority and care of the NSW Trustee and Guardian.

Through conducting such a terrific investigation and going above and beyond the call of duty in providing assistance, he gained a high level of trust and admiration from the elderly victim. His wonderful representation as a member of the NSW Police Force is something we all should be proud of and remember. The Macarthur General Duties Award was presented to Leading Senior Constable Watson. Leading Senior Constable Cameron Allan was the other very worthy nominee for this award. Leading Senior Constable Watson attended a home with fellow police where they found a male who was dousing the home and himself in petrol. On becoming aware of the police presence, the man pulled out a cigarette lighter and threatened to light it. Leading Senior Constable Watson, without hesitation or concern for his own safety—but making sure of the safety of his fellow police officers and

the man involved—struggled with the man to confiscate the lighter. Leading Senior Constable Watson, who received a laceration to the head during the scuffle, was successful in subduing the man and taking the lighter from him.

Had Leading Senior Constable Watson not acted so selflessly and had the man been able to ignite the lighter, the result may have been a massive explosion which likely would have caused the deaths of all those present as well as substantial destruction of the property. Action such as this by courageous individuals confirms the tremendous risk all our police face on a day-to-day basis protecting our community. I am proud and amazed each time I hear of the tremendous acts of empathy, care and bravery carried out by the men and women of the NSW Police Force. I ask the House to join me in commending these gallant and courageous individuals of this wonderful organisation, the NSW Police Force, for all they contribute to our communities in keeping us safe and assisting especially in our time of need.

COMO STATION EASY ACCESS UPGRADE

Ms ELENI PETINOS (Miranda) (12:54): I bring to the attention of the House the much-needed accessibility upgrade of Como Railway Station. Let me paint the House a picture. Patrons using Como station have a choice of two entry points, at either Railway Road or Como Parade. Both entry points provide ramp access to the tunnel beneath the platform. However, from the bottom of the tunnel, patrons are forced to walk up what I am advised by a very diligent constituent named Ron is approximately 25 steep steps to reach the platform. As I have never counted them, I will rely on Ron's estimation. I believe that Como station is the last remaining station in the shire, and certainly in the Miranda electorate, to not have sufficient accessibility for patrons. That is not good enough.

Sadly, accessibility at Como station is a constant cause of concern for constituents, especially those living with a disability, those experiencing mobility issues, the elderly, parents with prams and even individuals travelling with luggage. In all circumstances, ascending the steep stairs is problematic at best and sometimes impossible. For this reason, it is all too common for community members to request that a lift, or even a ramp, be installed at Como station to improve accessibility. I will share with the House some stories from constituents who are frustrated with the daily grind at Como station. I will start with Rowena, whose experience is indicative of parents with prams. She said:

Why are there no lifts at Como station? As a mother with a 2 year old and a 4 month old, it is very hard to catch the train on my own. The station is often unattended on weekends or in the evening so I am not able to always ask the staff to assist with getting the stroller up and down the stairs.

And then there is Ron, whom I referred to earlier, who is representative of seniors. He said:

I understand that the platform has a small ramp to assist patrons to move from the platform to the train (via wheelchair or electric scooter), but because of the aforementioned steps, (some patrons) are denied access to the station platform. This is a very real problem for the disabled and aged, and causes them to rely on others and pay additional costs to enable them to travel by train.

Finally, there is Ian, who is concerned with the generally inadequate public transport amenities at Como station. He said:

Como is a suburb of predominantly young families and older people. Como station desperately needs either a lift or even a ramp. The lack of easy access to the platform is preventing people from using the train. My wife with 2 very young children would like to use the train at Como but because of the accessibility issues with the station has to instead use other means of transport.

I have heard of many similar experiences and complaints. Today, I am here fighting for the funding to improve accessibility at Como station. Through the Transport Access Program, stations across the network are assessed for priority. Improved accessibility at Como station is certainly a priority for my local community. The assessment process uses evidence-based criteria, including current and future patronage, and it takes into account the needs and demographics of customers who use the station. As part of the 2015-16 budget, the New South Wales Government announced that it would invest \$890 million in the Transport Access Program over the next four years. This program includes upgrades such as lifts and ramps, improved interchanges and new commuter car parks. These improvements make it easier for customers to access public transport and provide a more comfortable travel experience.

I am delighted that, as part of this program, Jannali railway station is being upgraded with new stairs and a lift and it will have an upgraded entry plaza on each side of the station. Additionally, a new pedestrian bridge to provide access to both platforms and across the railway line, new canopies for weather protection, lighting and closed-circuit television camera surveillance for improved security, and a new family-accessible toilet will be included in the upgrade. Notwithstanding all that, it is time to deliver improved accessibility for Como station. Based on surveys conducted in 2014, I am informed that weekday barrier counts showed 830 people entering Como station and that annual patronage was around 263,000. I say to the residents of Como, commuters and potential patrons of the train station, I understand that accessibility at Como station is an issue for them. I share

their concerns; their local station should be more user-friendly. Whilst I have been fighting for them, I also need their help. I will be launching a petition and asking for people to indicate their support for a much-needed accessibility upgrade for Como station.

SHIRE'S DAY IN THE SUN

Mr MARK SPEAKMAN (Cronulla—Attorney General) (12:59): On 20 May I was pleased to attend the Shire's Day in the Sun in Cronulla to raise awareness of mental illness and promote mental health care. The event, sponsored by Reverend George Capsis' Christian Outreach Ministries, follows the success of the Shire's Night Out last year, which highlighted domestic violence. Reverend Capsis has dedicated his life to helping vulnerable people, and he is a tireless advocate for mental health and wellbeing initiatives. More and more we see that public awareness of mental illness is increasing, but there is still a long way to go. Notwithstanding that statistics cannot really capture the experience of mental illness—for sufferers, their carers and their loved ones—or the extent of the challenges mental illness presents from a community or public policy perspective, I will share some figures that I think go some way to illustrating the sorts of challenges we face in diagnosing and treating mental illness.

According to the Black Dog Institute, one in five Australians aged 16 to 85 experience a mental illness in any year. Forty-five per cent of Australians will be affected by mental illness at some point in their life. Half of all mental illnesses manifest before the age of 14 and three-quarters by the age of 25. Each year 9,000 people are admitted to New South Wales hospitals as a consequence of intentional self-harm. Suicide is the leading cause of death in Australia for people aged between 15 and 34. The most common mental illnesses are depression, anxiety and substance use disorder. Fifty-four per cent of people with mental illness do not access any treatment, and there is a whole range of potential reasons for this, including stigma, problems with detection, inaccurate diagnoses and cost barriers.

But we must continue to raise awareness to ensure that the necessary care and support is readily available, and to send the positive message to people with mental illness and their families that they are not alone and help is available. Events like the Shire's Day in the Sun are a great way to do just that. Significantly, the occasion was also used to launch a local Marijuana Anonymous [MA] support group. There are about 140 Alcoholics Anonymous groups in Sydney and the South Coast region, but this Marijuana Anonymous group will be one of just five in Sydney. The chronic effects of marijuana use disorders can include cognitive impairment, increased risk of developing a dependence syndrome and respiratory conditions such as chronic bronchitis.

There are a number of other possible chronic effects—for example, increased risk of lung cancer, heart disease and oral health issues—but determining the long-term effects of cannabis use has been problematic, particularly due to rates of multiple drug use. There is also a relative lack of literature on the drug's harmful long-term effects, although this is now beginning to change. The MA website lists a series of questions to encourage users to identify their problematic behaviours, such as: Is it hard for you to imagine life without marijuana? Do you smoke marijuana to avoid dealing with your feelings? Has your use of marijuana caused problems with memory, concentration or motivation?

The meetings use a similar format to Alcoholics Anonymous, inviting members to discuss their problems with marijuana use, and to share their experiences of recovery in a supportive and respectful environment. There are no records, nor are members required to disclose any personal details, and there are no dues or fees. The Sutherland Shire MA meetings will be run weekly at Kirrawee. Once again I congratulate Reverend Capsis and others who have helped to establish this group, and I commend the excellent work of Christian Outreach Ministries for supporting vulnerable and at-risk people in the Sutherland Shire community.

BANKSTOWN COMMUNITY COLLEGE

Ms TANIA MIHAILUK (Bankstown) (13:03): It has been just over one year since the sale of the site of the Bankstown Community College on 16 April 2016, through the insistence of the board of the college, which included the then mayor of Bankstown City Council, Khal Asfour, and the mayor of Canterbury City Council, Brian Robson. The college, a stone's throw from Bankstown station, was sold for \$2.5 million. I wrote to the Government for assistance at the time, to no avail. To say this was an odd sale would be an understatement. The auction of the college was overseen by LJ Hooker Bankstown, where Gisele Asfour, the sister of Mr Asfour, was one of the three real estate agents who participated in the auction process and facilitated the open inspections. The conveyance of the property was conducted by Gus Dib, also a director of the college.

In June 2014 the Bankstown Community College purchased the Summerland Lebanese restaurant, located beneath the college, for \$1.11 million. The purchase was funded after a fellow board member, Sam Pambris, provided a loan to obtain a mortgage over the restaurant property. The college had exhausted its entire cash reserves to purchase this property. Prior to the college acquiring this property, I note that the auditor

of the college strictly advised not to proceed with the purchase due to the "grim" future outlook of the college, the small number of student enrolments and limited cash reserves. Mr Pambris called in his debt in early 2015 after the college could no longer meet repayments. *Sydney Morning Herald* investigative journalist Kate McClymont wrote an article called "The King of Canterbury and his princely \$50k lunch bills", which provided further context to this property purchase. The article states:

The auditor also pointed out that the property was valued at \$840,000. In April, the premises were passed in at auction for around \$900,000 with the college reputedly the only bidder. But in June the board negotiated to buy the property from restaurant-owner Fouad Sayed for \$1.11 million, the maximum amount they had earlier agreed upon, which was \$270,000 over the valuation.

Land title records show the college has obtained a mortgage from Mr Pambris, a board member, who has lent the college \$605,000 with an interest rate of 10 per cent, or 6.5 per cent if the college pays its monthly interest bills early.

Mr Pambris has a caveat, protecting his interest in the property, which was witnessed by Cr Robson [then mayor of Canterbury] and [then mayor of Bankstown] Cr Asfour. His fellow board members also approved paying Mr Pambris's legal costs of \$2000.

I note that at the time Mr Asfour had commented to Fairfax Media that the rent from the restaurant was "going to save the college from going under". Mr Asfour also denied to Fairfax Media that there were any development plans for the college site, which happened to be zoned for 12 storeys in the Bankstown central business district. I place on record my admiration for former chief executive officer and public officer Ms Moira Bass-Skardon for having the courage to stand up for the interests of the college amid difficult circumstances. Ms Bass-Skardon was ordered out from her employment under what could only be described as strange circumstances.

Ms Bass-Skardon has endured the consequences of raising her concerns regarding the obvious unethical and appalling gross conflicts of interests of the board members who plunged the college into unsustainable debt when purchasing the Summerland restaurant below and then did everything possible to facilitate the sale of the only remaining asset to property developers. Ms Bass-Skardon advised she was locked out of the final negotiations of the sale between the purchaser and the board, with former Bankstown Mayor Khal Asfour having slammed a door in her face and advised her that she was "out of the picture, and to stay out". I also understand that on the day of the auction Ms Bass-Skardon was told by a bidder at the auction that he was "told not to bid anymore", and that "a much bigger deal was going down" which had been "planned for months", and that "he would be cut in on the deal".

Bankstown Community College was established in 1986 and for more than 30 years has provided a valued community service, offering Bankstown residents the opportunity to learn new skills and industry-recognised qualifications. Both Mr Asfour and Mr Robson were nominated by the former Bankstown and Canterbury councils to be representatives on the board of the college in their capacities as mayors of their councils. They were public officials. Following the proclamation of the newly merged Canterbury-Bankstown Council, Mr Asfour and Mr Robson chose to remain on the board. On 17 June 2016 Mr Asfour and Mr Robson personally signed the discharge of a security document on behalf of the college to proceed with the settlement of 457 Chapel Road, Bankstown.

The actions undertaken by Mr Asfour and Mr Robson were deliberate, planned and executed ruthlessly with the clear agenda of ensuring that the college would be sold for the benefit of property developers. As directors of Bankstown Community College, Mr Asfour and Mr Robson failed in their obligation to act in the interests of the college, its members and its students. The actions of the board must be investigated, and it is critical that the newly formed Canterbury-Bankstown Council ensure that any officials in the future representing council on any community board must always act with the highest level of integrity.

PUBLIC TRANSPORT STUDENT CONCESSION FARES

Ms JO HAYLEN (Summer Hill) (13:08): Students on our university and TAFE campuses are fighting to guarantee an educational experience that is equitable, accessible and safe for all. They are fighting back against university funding cuts and the imposition of trimesters that squeeze them for money while reducing the quality of their education. They are fighting the threat of \$100,000 degrees, and are fed up with politicians who went to university for free repeatedly jacking up their fees. They are fighting back against the erosion of penalty rates, exorbitant rents and the skyrocketing cost of living, all of which forced them into difficult decisions about their study and their work.

A key cost-of-living pressure is the ever-increasing cost of public transport. We should talk about ways to modernise the arrangements dealing with concession fares. We must be fair, pragmatic and forward looking about the subsidies we provide for student travel. The difference between a concession rate and full-time travel fares really adds up fast. In my electorate of Summer Hill a one-way trip from Central costs \$2.10 on an Opal concession and \$4.20 full fare. The difference is even starker for people travelling outside the central metropolitan area. For example, if someone is travelling from Penrith on a concession Opal they will be charged \$3.23 but \$6.26 for a full fare. If they are travelling to university in Sydney from a regional centre, such as Woy Woy for

example, they will be charged \$4.15 if they are a full-time domestic student but \$8.30 if they are an international student or part-time student. It is clear that transport is a huge imposition on students who are already under significant financial pressure, and that will be ever increased once fares go up across the network on 3 July.

Under the current system, Opal concession cards are offered only to domestic students who are enrolled full-time at university. While there are some minor exceptions within this model, in the overwhelming majority of cases the Government is leaving part-time and international students without access to discounted public transport pricing. This model is outdated and it is unfair. International students are a significant driver of economic activity, contributing an estimated \$19.7 billion to our national economy. A City of Sydney report notes that research reveals first-generation international students—who are often perceived to be inherently wealthy because of their choice to study abroad—are more likely than other students to be culturally, academically and financially disadvantaged. The report notes that international students are more likely to be the targets of crime and to experience housing exploitation and food insecurity. Restrictions that cap their hours of work at 20 per week may force them into unregulated industries for little pay, with no workplace protections. They are far from home and often have very few social supports. Yet, despite all these pressures, international students are forced to pay full public transport fares.

For Australian students studying domestically the deal is not much better. According to research from Universities Australia, two-thirds of students live below the poverty line. Rental affordability is hitting students hard. Many students cannot access Austudy or financial support from family, and instead work long hours in low-paid jobs to get by. And still the Federal Government is determined to slash penalty rates—which many students desperately rely on—without a word of criticism from this Liberal State Government. Faced with these choices, students are increasingly opting for part-time study or to study courses online. Commonwealth Department of Education and Training data shows that roughly 25 per cent of all tertiary students are now studying part-time. The Australian Bureau of Statistics data reveals that the main source of income for three out of five higher-income students is wage or salary. Still, rarely are part-time students earning a wage comparable to full-time workers, and yet again they are forced to pay full fares on public transport.

More and more students are choosing to study online as a way to balance work, family and study commitments, but they are not able to access transport concessions either. Recently I spoke to a father who had opted to take parental leave in order to retrain at home while looking after his children. He studied at night and during the day while the kids napped, and managed a full-time study load. As most of this study was online, he was not eligible for those concessions either. This is forcing students to make really tough decisions between work and study. These arrangements are in place to assist students and they are in desperate need of modernisation. They are currently unfair and exclude many from accessing university and TAFE. We need a system of public transport concessions that reflects the pressures on students, and we need to address the injustice of a system that disadvantages international students, students studying part-time and students studying online. After students work hard to be enrolled at university and TAFE, it is the responsibility of government to ensure they can travel to and from campus affordably.

BARTON HIGHWAY UPGRADE

GOULBURN ELECTORATE SCHOOLS AND EDUCATION INFRASTRUCTURE

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (13:13): Today I bring to the attention of the House the urgent need for an upgrade of the Barton Highway. With the New South Wales budget due in a matter of weeks, I call on both the New South Wales and Federal governments to start working together to urgently upgrade this notorious stretch of road. Last year the Federal Government announced \$50 million in funding for the project. Now it is our chance to get the State Government to come to that same party. This is not about politics; this is about the community, and the community deserves better. That is why we need to ensure the Barton Highway is not neglected in this year's budget—despite it being a Federal highway—and that State and Federal governments join together to improve this arterial road.

I am, of course, in regular contact with Rowena Abbey and David Rowe from Yass Valley Council, and Sophie Wade from the Duplicate the Barton Highway Action Group, as well as the very persistent wider community. I regularly make urgent representations calling for an upgrade to this 52-kilometre stretch of highway. It is an essential link for our communities in the south and west of New South Wales. It is a main thoroughfare for freight, it links a growing region with the nation's capital, and it should not have one of the worst crash rates in the State. This is a call for leadership. I guarantee that I will fight for funding for the duplication of the Barton Highway. The community and I want to see urgent action.

I will now speak on behalf of the increasingly annoyed families of the same region. Yass and Murrumbateman are frustrated regarding access to education. These two areas are growing rapidly. Were there

a school in Murrumbateman, it is estimated that more than 1,000 children in this region would attend. Currently, 500 children are estimated to travel each day to the Australian Capital Territory. The population growth in this area is estimated to be 0.5 per cent each year. These commuting students travel for up to four hours each day. This means that very young students from Yass are on the bus in the dark on winter mornings and do not return home again at night until after dark. The bus winds its way through the expansive housing estates of Murrumbateman, which further adds to the journey time. The student numbers are increasing and the number of bus services leaving Yass must facilitate the ongoing use of government schools in the Australian Capital Territory by New South Wales families.

On a brighter note, I commend Goulburn High School on an ingenious anti-bullying program. Last week I attended the launch of the program. I am impressed with the commitment to reduce the occurrence of bullying within the school community. The new principal, Paul Hogan, and his staff have introduced a set of procedures in response to the New South Wales education department's general policy on bullying. The core of the program is to build resilience in students, supporting the development of strong young adults who are able to cope with life's challenges and unfairnesses. The program focuses on the involvement of the community, including teachers, students and parents. There are clear protocols to follow for victims, parents, fellow students, teachers and bullies. I congratulate Ms Whiley on her work in consulting and in developing these clear steps. The program provides information to students about what to do if they experience or witness bullying. At Goulburn High School no-one can say they did not know what to do about bullying.

In keeping with the high school speak, over the past few weeks I have had the pleasure of hosting local school captains for pizza nights or afternoon teas. What great company these young people are. I learned so much from these school leaders about the hopes and fears of this generation. Social media is a big issue but I think these young leaders are full of optimism about their future and know the benefit of living in wonderful country towns like ours. They are hardworking and honest young Australians who will do us proud in the years ahead. Thank you to James Byrne, Heather Davey, Corey Roberts, Natasha Dawson, Emma O'Donnell, Warwick Lang, Kelly Rowlings, Ollie Anable, Gemma O'Brien, Anthony Watt, Annie Croker, Wade Picker, Glenn Zuchetto, Tareq Sorial, Tyson Lamara, Emily Lavis and Alex Branson. I will have the pleasure of dining with more school students later this year.

KU-RING-GAI NETBALL ASSOCIATION FIFTIETH ANNIVERSARY

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:18): I acknowledge an outstanding local community organisation, the Ku-ring-gai Netball Association [KNA]. The members are busily preparing for its fiftieth anniversary celebrations later this year. The Ku-ring-gai Netball Association—better known to locals as the KNA—can be traced back to 1967. A team comprising representatives from several Ku-ring-gai Catholic schools started to play netball in Narrabeen as there were no courts available in their local area. It was decided that a local netball association would be created, with invitations to participate sent to all surrounding suburbs. Shortly after this, the new netball administrators called a public meeting to explore the viability of forming a local association. In 1968 the KNA was officially formed, with 1969 being the first season of competition netball at St Ives Village Green. There were 520 inaugural registered players.

The association's membership has grown to include 18 clubs with more than 3,600 members from the Ku-ring-gai and Hornsby region. This phenomenal growth did not happen by accident. It is the result of generations of committed volunteers—mums, dads and community members who rolled up their sleeves and gave back to their local area. I am delighted to say that I count many of those volunteers as my personal friends. KNA members such as Julie Fitzgerald and Brenda Williams represent those traits best. They have been integral figures in the local community for decades and deserve a huge thanks for their continued and unwavering commitment for growing the sport of netball.

Those two community leaders were recognised for their remarkable service to our community late last year when Julie Fitzgerald received the 2016 Woman of the Year award and Brenda Williams was named the 2016 Ku-ring-gai Woman of the Year. I acknowledge the member for Ku-ring-gai is in the House to show his support for this great organisation. Both those women can be proud of their many achievements and I wish to share many of their accomplishments with the House. Julie is a remarkable woman. Professionally, she is regarded as one of the world's best netball coaches. She took the Sydney Swifts to their only premiership and saw them reach finals in all but one of her 15 years at the helm. Her outstanding record has seen her appointed as coach of the Greater Western Sydney Giants in their inaugural season. I wish them the best of luck in their semifinal this weekend.

Brenda Williams has given 55 years of service to netball and is the KNA patron and longest-serving member. Brenda has served as a coach, umpire, umpires' convenor, vice-president, treasurer, mentor and first patron of the organisation. She has been an integral part of the KNA since its inception in 1969. Many other volunteers at the KNA have worked tirelessly behind the scenes. I acknowledge some of the other remarkable

men and women who have left an indelible mark on the association. President Jo Perry has been an outstanding administrator for the KNA and spearheaded the association's push for better facilities and lights at the group's Canoon Road home ground. Ms Perry has been well assisted by her fellow executive members, including vice-president Nick Hermann, secretary Berwyn Collings, treasurer Chris Haslem, club coaching convenor Peter Havrlant, and executive committee members Keri Sheraton, my good friend Hornsby Councillor Nathan Tilbury, and Lorraine Unicomb.

In 1979 the KNA made the switch to Canoon Road after outgrowing its former facilities at the Commenara Parkway Courts in Turrumurra. The new facility was officially opened on 1 July that year by Ku-ring-gai Mayor Richard Lennon and New South Wales Treasurer Ken Booth. The bold move paid off for the KNA because it was later able to fund an extension in 1985 which doubled the playing and administrative areas of the Canoon Road complex. Those important steps behind the scenes have enabled the KNA to produce an impressive array of netballers with talent who have represented their State or country. For instance, Catriona Wagg started her career with the Ku-Ring-Gai Netball Association and has had a phenomenal career with the Sydney Swifts and representing Australia. Catriona won a gold medal playing for Australia in the 1990 Commonwealth Games and claimed a world championship for our country the following year in Sydney. Her sporting efforts were later formally recognised when she was awarded an Order of Australia Medal.

Several other up-and-coming netballers in the KNA are following in Catriona's footsteps. Players such as Canberra Giants player Ash Fong, under 17s State representative Sophie MacLennan Pike, New South Wales Emerging Talent Squad member Emily Moore, and Sydney Netball Academy squad member Ainsley Hermann have so far made great strides in their young careers. Over the past 50 years the KNA has shown foresight to establish and grow a highly successful netball league, which continues to go from strength to strength. The KNA has always been dedicated to growing the sport of netball and reaching out to new areas. In 2002 the KNA established a program for players with disabilities, which is aimed at improving the lives of physically and intellectually disabled people through sport and early interaction. In recent years, the KNA further diversified its programs by offering a modified version of netball, called stepball, for players over 55. The KNA has much to be proud of. As the local member, I am thrilled to closely share its many successes. I look forward to joining its members at the upcoming formal celebration anniversary dinner at the Terrey Hills Golf Club on 26 August.

WAUCHOPE LIONS CLUB

STABILCORP PTY LTD

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (13:23): Volunteer organisations are an extremely important part of our communities. They work tirelessly to contribute to all manner of causes such as disaster relief, humanitarian projects, helping the disadvantaged as well as sponsorships. They give so much, like the Lions Club of Wauchope, which requested funding assistance so that it could continue with its volunteer work in the community. Wauchope Lions has greatly served the local State, national and international communities for the 47 years it has existed. Recently, it gave its support to victims of the Pappinbarra fires, but it has also provided medical equipment to Wauchope hospital, sponsored youths in their exploits and assisted the less fortunate overseas.

It is because of all the things they are constantly doing for their community that I was more than happy to write on their behalf to then Premier Baird to request the funding that they required to rebuild the club's 30-year-old canteen and catering facilities at the showground in order to comply with council and NSW Food Authority requirements. The Premier was most generous in this matter and was pleased to be able to provide a grant of \$25,000 to the club. The money has gone a long way. The work that has been done on the kitchen at the showground would probably have cost any private organisation upwards of \$100,000 but the club received a lot of support in kind. Through this kitchen they continue to serve the community in raising funds and being very generous. Only last week at the Ulysses Club's annual general meeting they were able to provide mouth-watering food to the thousands of people who attended. They are always at the annual Wauchope four-wheel drive and camping show and, of course, the Wauchope Show.

The Lions use the facility as their major fundraising venture to provide financial resources to a range of community projects and benevolent activities. It is a good investment to assist a community organisation to underpin its lasting, self-sustaining means of generating revenue for redistribution, year on year, with the efforts of volunteers who give their time, labour and means to assist, without personal or financial material reward. I take this opportunity to thank the Lions Club of Wauchope for its work over the years. I look forward to great food continuing to come from that kitchen.

I acknowledge another organisation in the wonderful community of Wauchope. It has to do with my portfolio as well as road safety. Road safety is of fundamental importance to all Australians. Due to the size of our great nation we must travel lengthy distances just to get to work on a daily basis. This is particularly true for

those of us living in regional areas. Minimisation of accidents should be of utmost importance, and it is. With incidents in rural and regional areas being so high, these areas should be—and are—a focus for road safety.

For rural two-lane undivided major roads with a speed limit of 100 kilometres per hour, narrow lanes of 2.5 metres have a crash rate approximately 50 per cent higher than lanes a metre wider at 3.5 metres. The provision of shoulders on those roads can reduce the casualty rate by 30 per cent, which is a significant step forward for drivers in regional Australia. The current method of providing sealed shoulders is slow, labour intensive and, furthermore, expensive. However, Stabilcorp, a Wauchope-based business in my electorate of Oxley, is currently using a new technology known as the ShoulderMaster to put shoulders on roads more quickly, cheaply and efficiently than what is done conventionally.

Using this technology can save local governments approximately \$10,000 per 100 metres of shoulder widening to 1.5 metres wide. Furthermore, repairs can be completed three times faster than the minimum time currently taken by councils and disruption to traffic can be reduced. This company has garnered incredible interest throughout New South Wales, Australia and the United States. The ShoulderMaster is a portable attachment for a skid-steer which hydraulically operates and propels the unit. Operations are also remote controlled so that onsite supervisors can operate the machine and remain outside the exclusion zone, which improves safety. Stabilcorp and its managing director, Peta Pinson, have done extraordinary work throughout my electorate of Oxley, building and fixing roads as well as providing equipment and plant hire to local governments. This new and efficient piece of technology they have made has been able to improve road safety across Australia.

Due to the vast network of roads throughout regional Australia, funding will always be required and there will always be a program of road repairs in front of us. In order to ensure optimal utilisation of resources, initiatives like this could well be considered by more stakeholders in the road construction sector. As Minister for Roads, Maritime and Freight, I encourage local governments throughout the State to take advantage of this kind of technology in order to do more work for less money and to help increase road safety in regional areas. I commend the ingenuity of the local people involved in the establishment of this company.

TEMPORARY SPEAKER (Ms Anna Watson): I will now vacate the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I extend a very warm welcome to four year 2 student leaders from Hurstville Grove Infants School, Eva Buckley, Oscar Fasch, Nevaeh Te Hira and Audrey Celestin, who are accompanied by Gail Stergiopoulos and principal Kylie McKinnon, guests of the member for Oatley. I also welcome to the gallery Wendy Machin who was a member of this Parliament for 10 years. She is a former member for the electorates of Gloucester, Manning and Port Macquarie.

Commemorations

CENTENARY OF THE FIRST WORLD WAR

The SPEAKER (14:18): On 21 May 1917 the German position along the Messines Ridge near the Belgian town of Ypres came under heavy artillery bombardment involving more than 2,000 guns and 300 heavy mortars. The bombardment continued day and night for 17 days. The Germans knew it was the preparation for an assault, but did not realise Allied forces had spent the previous 18 months tunnelling 22 mine shafts under the ridge and packing them with 600 tons of explosives. Shortly after 3 a.m. on 7 June, just 20 minutes after the bombardment had ceased, 19 underground mines were detonated simultaneously in the largest and loudest man-made explosion in history to that date.

In the wake of the explosion, nine divisions of British, Australian and New Zealand infantry advanced under a creeping artillery barrage, supported by tanks. Within three hours the remnants of the ridge were captured. A precursor to the much larger Third Battle of Ypres, known as the Passchendaele campaign, the assault on Messines was the one of the most successful Allied operations on the Western Front. It was also the first time Australians and New Zealanders had fought side by side since the Gallipoli campaign of 1915. In the attack on the Messines Ridge and the week of fighting that followed to ensure the captured position was successfully held, nearly 5,000 Australian soldiers were killed or wounded. Lest we forget.

Governor

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report the receipt of the following message from His Excellency the Governor:

David Hurley

GOVERNMENT HOUSE

GOVERNOR

SYDNEY

General David Hurley, AC, DSC (Ret'd), Governor of New South Wales has the honour to inform the Legislative Council that he has re-assumed the administration of the Government of the State.

Saturday, 20 May 2017

Notices

PRESENTATION

[During the giving of notices of motions]

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

Question Time

DARLEY ROAD, LEICHHARDT, LEASE

Mr LUKE FOLEY (Auburn) (14:23): My question is directed to the Premier. Did developers Shane Barr and Robby Ingham approach Transport for NSW when she was the Minister for Transport seeking a long-term extension to their lease over RailCorp land in Darley Road, Leichhardt?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:23): I do not know what issue the Leader of the Opposition is talking about. He can give me the question, but I do not know those individuals.

Mr Ryan Park: Point of order—

The SPEAKER: The member for Keira will resume his seat. The Premier is six words into her answer. I call the member for Keira to order for the third time.

Ms GLADYS BEREJIKLIAN: Court actions in recent weeks have highlighted the former Labor Government. These were court actions in relation to very close friends of the Leader of the Opposition, which he denies now, including someone whose seat he took in the upper House. I am extremely proud that in the six years that I have had the honour and privilege to be a Minister of the Crown, and now the Premier of New South Wales, everything we have done has always been with the highest level of integrity and probity.

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

Ms GLADYS BEREJIKLIAN: I say to any fair-minded person: compare our time in office with Labor's time in office. So far, those opposite have notched up three people behind bars—that was their time in government. I find it interesting that the Leader of the Opposition cannot even implement his own policy of disclosing his diary on time, nor will he subject his front bench to disclosing their diaries. When it comes to integrity in government, they have no credibility. I say to them: live the words that you speak, because for 16 long years you were shocking.

STATE BUDGET

Ms ELENI PETINOS (Miranda) (14:25): My question is addressed to the Premier. How is the New South Wales Government's strong budget management delivering for the people of New South Wales?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:26): I thank the member for Miranda for her question. I know she takes a personal interest in making sure we have a strong budget and a strong economy, because that means her constituents are able to receive the vital services that they need. I thank her for her question and the outstanding work she is doing for her community.

I was very pleased a year ago, when I was Treasurer, to be able to talk about New South Wales leading the nation with our budget position and by being the economic and infrastructure capital of Australia. I am pleased to say not only have we maintained this great position a year later but we have strengthened our position. Our time in government has been defined by delivery. Our economic management and strong budget position is unsurpassed in the rest of Australia and, I would also say, compared to any other jurisdiction in the world.

I am pleased to say on this issue that the Labor Party has taken to opposition like a duck to water. They have literally opposed everything we have done to make our budget stronger or make our economy stronger. After six years in opposition, they have failed to reflect on what they left behind—crippling deficits, increasing debt, cancellation of project after project, increasing the burdens on small business and, of course, making sure the unemployment rate was always higher than the national average. That is absolutely shocking, which is why we are the party of the worker. We are the party of those who want to see this State get ahead.

One year ago I committed to reaffirm our promise to increase the quality of life of every single person in this State and to make sure that every single region gets its fair share, and that is exactly what we are doing. We do not want to take away from what the Treasurer might have to say next month when he delivers the budget, but I am pleased to report that to date we are and remain in a remarkably strong position. We have turned Labor's deficits into surpluses. We have made sure that over the forward estimates we have a positive outlook. We have doubled the economic growth rate. We have driven government net debt to virtually zero. How many governments anywhere in the world can say that they pretty much have zero net debt? We have retained the State's triple-A credit rating; something those opposite did not really care about.

We are so incredibly proud that as a party of the worker we on this side of the House believe it is important for us to enable job creation. It is a very sad fact—and we will reveal this time and time again—that in the last decade the Labor Party was in office New South Wales had the slowest jobs growth of any State in the nation. In their last two terms in office those opposite created only 22 per cent of the jobs in Australia. This Government is currently creating almost half the jobs in the nation. Since being elected we have created 330,000 jobs and, proudly, thousands of those jobs were created in regional New South Wales—every region must continue to grow. We now have the lowest unemployment rate in the nation at 4.7 per cent and, if New South Wales is taken out of the equation, that is 1.5 per cent below the national unemployment rate. That does not happen by accident.

This Government knows how hard we need to work. We know the decisions that need to be made so that not only New South Wales continues to be the number one State in this nation but also the gap between us and the other States continues to grow. For example, the last time the figures were released business investment in Victoria, which is the second strongest State in Australia, grew by 0.1 per cent, while business investment in New South Wales grew by double digit figures—above 9 per cent. New South Wales is leading the pack by a long mile. In this State the Government is supporting so many great projects under the wonderful leadership of people like the outstanding Minister for Transport and Infrastructure. He is busy building rail lines, light rail and so on. The Minister for Roads, Maritime and Freight is another outstanding Minister. She wants to make every stretch of road in New South Wales bigger and better. And who could go past the Minister for Health? Some in our circles refer to him as Battleship Brad. [*Extension of time*]

He is building hospitals in every corner of this State, and I have a sneaking suspicion that once the budget is delivered there will be more to come. The Minister for Education is another outstanding Minister. Under his leadership not only are we giving teachers the tools they need in classrooms but also we are addressing the maintenance backlog left to us by those opposite. We are also building new schools. Those opposite continue to operate in a policy vacuum. This Government will continue to make our budget stronger in order to deliver the vital services and infrastructure this State needs. Without pre-empting next month's budget, we have surpluses over the forward estimates, we have virtually zero net debt, we have a triple-A credit rating, we have record spending in services, record jobs and economic growth, lower unemployment, strong business and consumer confidence, and we will continue to deliver for the people of this great State.

DARLEY ROAD, LEICHHARDT, LEASE

Mr MICHAEL DALEY (Maroubra) (14:33): My question is directed to the Premier. Can the Premier confirm that during her tenure as Minister for Transport, the extension of a lease on RailCorp land at Darley Road, Leichhardt, was not put to competitive tender but was the subject of a private deal between Transport for NSW and a development company owned by Shane Barr and Robby Ingham?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:33): I refer the shadow Minister to my previous answer. I have no recollection of that. If it was a private arrangement between Transport for NSW and a third party I would not know about it. What is the member trying to suggest? Are those opposite trying to cover-up for three members of the former Government who are now behind bars? Every decision we take is in the best interests of the people of New South Wales.

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

Ms GLADYS BEREJIKLIAN: If those opposite believe in integrity then they should disclose their diaries. If those opposite believe in integrity they should make sure that the Leader of the Opposition discloses his diary when he is supposed to. Whenever those opposite make a decision they should think outside the box of their union mates. I stand by the record of this Government. In six years we have delivered more for the people of New South Wales than those opposite delivered in 16 years. I am incredibly proud of the Government I lead and we will continue to deliver for the people of this great State.

STATE BUDGET AND JOBS

Mr DAMIEN TUDEHOPE (Epping) (14:34): My question is addressed to the Treasurer, and Minister for Industrial Relations. How has the New South Wales Government delivered jobs, growth and reform for the people of New South Wales in its budgets and is the Treasurer aware of any alternative approaches?

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:35): I thank the great member for Epping for his question. Those on this side of the House have a lot of humility and we are very proud of what we have delivered for the people of this State. Unlike those opposite, we put people first and govern for everyone. From day one this Government has acted on its values and those values have revived New South Wales. The young children in the gallery probably do not know how bad things were when those opposite were in office but as they embark on life they will learn that this Government believes in a fair go. We have slashed debt and we have controlled our spending.

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

Mr DOMINIC PERROTTET: We believe in opportunity, which is why we have recycled our assets to fund countless infrastructure projects across the State.

The SPEAKER: Order! I call the member for Strathfield to order for the first time. Members will cease interjecting.

Mr DOMINIC PERROTTET: Those infrastructure projects will transform the lives of thousands across New South Wales. We believe in helping business grow. Indeed, that is why the unemployment rate in New South Wales is the lowest in the country.

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

Mr DOMINIC PERROTTET: Our unemployment rate is 4.7 per cent and it has been below the national average for three years. We believe in freedom of the individual to fulfil their potential, which is why we have created more than 330,000 jobs since coming to office and we will be creating a lot more jobs. In fact, since the 2015 election more than 58,000 jobs have been created in regional New South Wales alone—that is 40 per cent of all jobs across the State. To put that in context, that is more than Victoria, Queensland, South Australia, Western Australia and Tasmania combined in that same period for regional jobs. Our budgets, as the Premier said earlier, are not just laundry lists of items; they are programs for prosperity that clearly work.

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

Mr DOMINIC PERROTTET: We put the people of New South Wales first, we act on our values and we undertake reform. The poles and wires transaction, which those opposite opposed, will fund infrastructure projects that will be used for generations to come.

The SPEAKER: Order! I call the member for Cessnock to order for the second time. If members continue to interject they will be leaving the Chamber early today.

Mr DOMINIC PERROTTET: The Land and Property Information [LPI] lease, which was opposed by those opposite, will offer better services and also fund new projects across the State.

The SPEAKER: Order! I call the member for Cessnock to order for the third time.

Mr DOMINIC PERROTTET: As we know, their good little friends down in Victoria are now following our lead.

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

Mr DOMINIC PERROTTET: The decision last week to move to better bus services in the Inner West, which is opposed by those opposite, will make a significant difference to those who live in the Inner West, particularly those who live in the electorate of the member for Drummoyne.

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

Mr DOMINIC PERROTTET: The thing that all these reforms have in common, apart from being good reforms, is that they were all opposed by those opposite.

The SPEAKER: Order! There is too much noise in the Chamber.

Mr DOMINIC PERROTTET: Those opposite opposed them not because they disagree with the policy but because in every single case they will never side with the people of New South Wales—they will side with the union movement. Those opposite have consigned our State to an economic basket case because they oppose every reform.

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

Mr DOMINIC PERROTTET: Those opposite always put the unions first. They have not reformed anything since the days of Paul Keating. The following is the legacy of what those opposite left. New South Wales ranked the lowest on every economic indicator. There were expense blowouts every year in the budget, 10 new taxes were brought in, tax was increased 21 times, there was higher than average unemployment and half a rail line was built in 16 long years. This was a sorry story of abject failure. I did not think anyone could be proud of that failure, but I was wrong.

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

Mr DOMINIC PERROTTET: I was looking at the NSW Labor website recently and I came across a speech by—

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

Mr DOMINIC PERROTTET: —the then shadow Treasurer, the member for Maroubra. Labor has upgraded slightly since that time but if we go back to his 2014 speech at the NSW Labor Central Policy Branch, whatever that is—it sounds very Soviet to me—he said:

In terms of economic management, we left government with our reputation soundly intact.

[*Extension of time*]

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

Mr DOMINIC PERROTTET: He was serious. He then goes on in this great speech of his to say:

... we've a very proud record on infrastructure. I don't think we did enough to defend it.

There is not much to defend with half a rail line—it makes it quite challenging. It is a very short list; there is not much there.

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

Mr DOMINIC PERROTTET: He then says:

When Labor forms government ... we're glad to be back in a position to help our people.

That sums up the difference: Labor is there for its people; we are there for the people of New South Wales. By Labor's own admission, behind closed doors it freely admits it does not govern for everyone. Labor is not interested in helping anyone's family or in making anyone's life better unless they are a member of a union movement. New South Wales Labor is fundamentally compromised as a political party. It is addicted to the rivers of gold that flow into its coffers from the union movement, and that means that ordinary people across this State are treated like second-class citizens. But someone was honest—the former Premier Kristina Keneally when she said:

We lost our way because we were too focused on ourselves, and not enough on what matters to the families in this state. And for that, I am sorry.

The SPEAKER: Order! I call the member for Canterbury to order for the third time.

Mr DOMINIC PERROTTET: That is what the member for Maroubra should be reflecting on because Kristina Keneally spoke the truth while those opposite continue to live in denial of their hopeless track record. What we will do on this side of the House is keep delivering for the people of this great State.

The SPEAKER: I welcome to the gallery Mr Keith Wray, retired principal of Currans Hill Public School in the Camden electorate.

POLITICAL LOBBYING

Mr LUKE FOLEY (Auburn) (14:42): My question is directed to the Premier. Is it the case that former Liberal leader Kerry Chikarovski was engaged by Robby Ingham and Shane Barr's development company to lobby on their behalf when the Premier was the Minister for Transport.

The SPEAKER: Order! The Leader of the Opposition is entitled to be heard in silence. That includes the Minister for Health.

Mr LUKE FOLEY: And is it also the case that their company remains listed as a Chikarovski client on the lobbyists register?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:43): A double-header. I sent a text to my staff saying, "Do you have any idea what they are going on about?" and I was given an article dated 28 February

this year, which talks about some apparent lobbying activity. I hope to goodness that the Leader of the Opposition is relying on more than this article of 28 February.

Mr Luke Foley: Oh yes, we are.

Ms GLADYS BEREJIKLIAN: Really? What is it then? Bring it forward. You are the laziest Opposition leader this State has ever seen. Admittedly, I am a newish Premier, but last week the Leader of the Opposition did not ask me a single question all week. But outside the House he said, "She hasn't said this" and "She hasn't done that." But he did not ask me a single question. Today, unless the Leader of the Opposition can provide anything else that he has, he has apparently asked me a question relating to an article that was in the newspaper on 28 February this year. If that is not laziness I do not know what is. I do not have anything more to say than that. The Leader of the Opposition is lazy. He should bring forward anything he has. He should put up or shut up. We will get on with the job of being a great government.

ROAD INFRASTRUCTURE

Mr JAMES GRIFFIN (Manly) (14:45): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister inform the House how the New South Wales Government is delivering a better road network for the people of New South Wales, as well as any related matters?

The SPEAKER: Order! The member for Canterbury will cease interjecting. I remind her she is on three calls to order.

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (14:45): I thank the member for Manly for his second question in this House. He is doing a very good job. He is reminding me of our commitment—not that he needs to remind me about this Government's commitment—to the western harbour-beaches link—

The SPEAKER: Order! I call the member for Rockdale to order for the third time. One more call to order and he will be removed from the Chamber.

Mrs MELINDA PAVEY: —a project that will ease traffic congestion for the people of the northern suburbs of Sydney. Let us not forget—here is a bit of a history lesson—that way back in 2007 when Labor promised to widen the Spit Bridge, that project was scrapped just six weeks after Labor won the 2007 election. Can members believe they would do that? I think it was Eric Roozendaal who did that—another one of those glorious members of the Labor Party.

[*Interruption*]

Are you defending Eric Roozendaal?

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

Mrs MELINDA PAVEY: Since coming to government in 2011 we have increased the Roads budget by 105 per cent and what we are delivering on behalf of the people of New South Wales, on behalf of the taxpayers, is changing lives across this State. In the 2016-17 budget \$50 million was allocated to the Fixing Country Roads program, which will go towards work on Bucketts Way in the Upper Hunter, the replacement of the bridge over the Williams River in the Upper Hunter and sealing 96 kilometres of Goodooga Road in Barwon.

Since 2011 the Liberal-Nationals Government has delivered 151 Fixing Country Roads projects, with many more to come. This is a government getting on with delivering for the people of New South Wales. This is in stark contrast to when those opposite were in power. Way back in 2009, a Dubbo transport operator told the *Daily Liberal* newspaper that country roads were similar to those of a Third World country when compared to the United States of America and the United Kingdom.

The SPEAKER: Order! There is too much noise from the Opposition. Members will be exiting the Chamber if it continues.

Mrs MELINDA PAVEY: I note that the member for Maroubra was the Minister for Roads in 2009. I also note that the member for Keira was Deputy Director of Transport at that time. Under their watch, country roads only got worse. The 2016-17 budget also provided \$403 million for the Pacific Highway. That is already delivering a better and safer journey for people travelling between Sydney and Brisbane. I note that Wendy Machin is in the gallery today, former president of the NRMA and a great campaigner for the Pacific Highway project.

In contrast, Labor has broken several promises in relation to the Pacific Highway. In 1996, New South Wales Labor promised to upgrade the entire length of the Pacific Highway to dual carriageway by 2006. That was not achieved. In 1998, Labor then revised its promised duplication, with an end date of 2012. In 2008, the then

Treasurer, Eric Roozendaal, in the infamous November 2008 mini-budget, stripped \$300 million from future highway upgrades. In 2011, in the ultimate betrayal by Federal Labor and Anthony Albanese, Labor abandoned the 80:20 funding between the Australian and New South Wales governments, thereby ending any chance of completing the full duplication of the highway by 2016.

It is not only country roads that the Liberal-Nationals Government is delivering for the people of New South Wales; it is metropolitan roads as well. We have allocated \$381 million in the 2016-17 budget to deliver the roads to the new Western Sydney airport, a project that will deliver around 20,000 direct and indirect jobs by the early 2030s. We have also allocated \$130 million to the Easing Sydney's Congestion and Pinch Point programs, aimed at delivering a better drive for city motorists, allowing them to spend more time doing the things they want to do. It is instructive to note what was said about traffic congestion when Labor was in government. In 2009 in reference to traffic chaos, choked roads and motorways Professor Stuart White, who is now director of the Institute for Sustainable Futures at the University of Technology Sydney, said:

It needs a massive injection of capital, but more particularly it needs a massive injection of political will to turn it around.

[*Extension of time*]

Labor completely ignored that advice, as was plainly evident by the mess we inherited in 2011. We have been playing catch-up to remedy Labor's total abrogation of its responsibility to deliver a safe and functional road network for the people of this State. The choice could not be clearer. Under Labor there was chaos and choked roads and motorways and no political will or ability to make a decision or do anything. This Government is getting on with delivering for the people of New South Wales. This Government is building the roads and motorways to get people home quicker, to give the people of New South Wales their lives back to do the things they want. It is this Government that took New South Wales from the bottom of the pile in every aspect and made it number one in every aspect and it is only this Government that can keep delivering for the people of New South Wales.

POLITICAL LOBBYING

Mr MICHAEL DALEY (Maroubra) (14:51): My question is directed to the Premier. Shane Barr, one of the developers of the land in Darley Road, told the *Sydney Morning Herald* on 28 February 2017—

The SPEAKER: Government members will come to order. I call the Treasurer to order for the first time. I call the Minister for Transport to order for the first time.

Mr MICHAEL DALEY: —that during the tenure of the Minister for Transport, who is now Premier, Kerry Chikarovski "got me in front of the person" in government who could deal with the Darley Road lease. Will the Premier advise who in the Government met with Kerry Chikarovski and the developers?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:52): I said in my previous answer, "Do you have anything beyond this newspaper article? Bring it forward." The Opposition has just wasted four questions. As I said, I have no recollection but I say this: Every decision we have taken is for the benefit of the people of New South Wales. I say to members opposite: Do not judge us by what you did in government. Do not judge us by all the leases you gave at Circular Quay, all the mining contracts and all that stuff. That is how you operated but it ain't how we operate. The member for Maroubra quoted a few bits from an article that is four months old. If that is not lazy, I do not know what is. When Opposition members have something serious to ask me, they can ask it, but they should not waste this House's time in the meantime.

WESTCONNEX

Mr MARK TAYLOR (Seven Hills) (14:54): My question is addressed to the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport. What progress is being made on the WestConnex project and why is it important to the future of the Sydney road network?

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (14:54): I thank the member for Seven Hills for his question. I know that his community will be one of the communities to benefit from being able to travel on the M4 and utilise projects such as the M7 and M2.

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

[*Interruption*]

Mr STUART AYRES: The member opposite said, "And pay for it too." Labor in government introduced the M7 toll. The electorate of Seven Hills is full of hardworking mums and dads and small businesses like couriers who need to access the road network. WestConnex is a crucial road project that this city and State have been crying out for for years. Infrastructure Australia has ranked WestConnex in the top two infrastructure projects around the country. WestConnex delivers three incredibly important roads across our city. We are

extending and creating the M4 from Church Street all the way in towards Anzac Bridge. We are also making sure we duplicate the M5 tunnel, making sure people from the south-west are able to access a tunnel and road network that meets the size and population of those communities.

We are also developing a new eight-lane tunnel to link the M4 and the M5. This is true nation-building infrastructure, something not seen in this State for far too long. Great progress is being made, with us being almost 50 per cent of the way through the new tunnel on the M4. That new tunnel is about extending and creating access to the M4 that the people of Western Sydney have never had. On numerous occasions members opposite have said that what we are doing on the M4 is just charging a toll on an old road. I am not quite sure what they think of the tunnel that is being built but it is pretty new.

The Government has 22 road headers in the ground on the M4 right now. We have been extracting around 140,000 tonnes of dirt per week, making this a 24/7 operation. On the M5 we have already opened the King Georges Road interchange upgrades where around two kilometres into the tunnel we have eight of the 16 road headers set to tunnel into the ground on the M5. These construction activities are some of the biggest and most intensive construction and engineering exercises we have ever undertaken. We are also out in the community with our design report on the new M4-M5 link. That will be an eight-lane tunnel making sure that people who travel along the M4-M5 will for the first time have an opportunity to go north or south. It is also an important part of future-proofing the Sydney road network. Off the back of the M4-M5 link we were able to create the long-term Southern Connector or what is often referred to as the M6. It provides the opportunity for the western harbour tunnel and upgrades to roads across the northern beaches.

It is worth reminding people of what the Opposition is saying about these roads. Labor has made it clear through its "A Better Way" infrastructure plan that it does not consider the M4-M5 link a priority. That is Labor's policy position. Labor has absolutely no intention of building it. Indeed it says here, "Not proceed with the tunnel linking the M4 and the M5." That is Labor's policy position. I thought I might update the House on what Labor has said about the M4. We have heard a lot about the M4 project with Labor attacking the Government over the tolling regime. I point out that the Government announced the tolling regime in a very transparent way in October 2013.

Ms Jodi McKay: Nothing you do is transparent.

Mr STUART AYRES: Actually it is on the website. You should be able to find it pretty quickly.

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

Mr STUART AYRES: I did find Labor's policy to fix WestConnex. It is on Labor letterhead and they announced it in the lead-up to the last election. There is a really great line that says "Deliver the M4 element of the project" and then it goes on to say, "The M4 widening project (Church Street to Homebush Bay) will continue on the existing plan." The Opposition tolling policy is exactly the same as the Government's. The Government announced its tolling regime and the Opposition then announced exactly the same policy. [*Extension of time*]

I am interested to know whether the Opposition was not truthful with the people of New South Wales at the time of the election or is not being truthful now. If the community wants to know who to trust to deliver the project it can look to the Government. The Government has told people of the tolling regime for WestConnex, the new M4, the new M5 and the M4 to M5 tunnel. All we have heard from those opposite is the unchanged policy position to do what this Government is doing. If the Opposition had done that for 16 years the road would have been built. There is a choice for Western Sydney. My own community, under this Government, will see the M4 completed. They can travel from Lapstone or Penrith along the M4 all the way to the western edge of the city to access the Anzac and Harbour bridges. It will cost \$8.60 in today's dollars. The alternative proposed by the Opposition is the M4, M7, M2, Lane Cove Tunnel and Harbour Bridge route for a toll of \$22.07.

The SPEAKER: Order! I remind the member for Rockdale and the member for Cessnock that they are on three calls to order.

Mr STUART AYRES: With a completed M4 there is a cheaper toll while the Opposition would shove commuters onto the existing toll roads and charge \$22. The M4 would never be finished by Labor. If Labor is elected it will pull the road headers out of the ground on day one.

The SPEAKER: I welcome students from Granville TAFE who are present in the gallery.

ORANGE ELECTORATE SCHOOLS FUNDING

Mr PHILIP DONATO (Orange) (15:01): I direct a question to the Premier. Will the Premier inform the House why schools in my electorate are losing a combined total of \$19 million in Federal and State funding?

The SPEAKER: Order! The member has the right to be heard in silence while asking his question. Government members will cease interjecting. The member for Lakemba will cease interjecting. Government members will come to order.

Mr PHILIP DONATO: Will the Premier inform the House why schools in my electorate are losing a combined total of \$19 million in Federal and State funding? That equates to \$330 for each voter in my electorate. Will the Government cover the \$19 million shortfall, which is essential to keep the schools in my electorate running and provide the best possible learning outcomes for our children?

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

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:03): I acknowledge the question asked by the member for Orange. I know he has not been a member in this place for as long as others.

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

Ms GLADYS BEREJIKLIAN: I remind the member that the first government to sign up to the Gonski needs-based funding model was the New South Wales Government. The Government is proud of that. If the member cares to take the time to compare funding for education by this Government compared to those opposite—I hear a "What?" from those opposite. I will find the figure. Labor's last operating budget for education was \$10.5 billion. This Government's last operating budget for education was \$13.7 billion.

The SPEAKER: Order! Members will cease interjecting.

Ms GLADYS BEREJIKLIAN: That is just the operating expense [opex]. Members know the shadow Treasurer does not know the difference between capital expenditure [capex] and opex. In 2016-17 in relation to capex the Government increased the education budget by 37 per cent. That is before one factors in further funding following last year's budget. I say to the member for Orange, this side of the House has demonstrated its commitment to education and it will continue to demonstrate that. I ask the member to look at his party's record. This Government has brought the budget into the black through asset recycling and fiscal discipline. There has been record spending on infrastructure and services. Last week I visited Bathurst with the member for Bathurst and met with 200 local people from the Central West. They were extremely positive about the Government. They made predictions about the electorate of Orange, which I will not declare today. This Government will continue to deliver for the people of this great State, whether in education, health, roads or public transport.

Mr Philip Donato: Point of order: My point of order is Standing Order 129.

The SPEAKER: Order! The member for Orange will be heard in silence.

Mr Philip Donato: I have patiently listened to the Premier talk for three minutes and she has not made any reference to the issue in Orange.

The SPEAKER: The Premier is being relevant to the question. There is no point of order.

Ms GLADYS BEREJIKLIAN: The Minister for Education has advised me that the electorate of Orange will receive \$3 million extra because of this Government's commitment to Gonski. Because of this Government's hard work the electorate of Orange will receive an extra \$3 million for education.

HEALTH SERVICES

Mr ADAM CROUCH (Terrigal) (15:07): I address a question to the Minister for Health. Will the Minister explain to the House how the Government is delivering improved health services for New South Wales?

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (15:07): I thank the member for Terrigal for his question. I enjoyed the recent visit to the Central Coast with its representative, Adam Crouch. He knows a lot about this issue. The member for Terrigal's wife is a nurse and he has inside knowledge of how well health in New South Wales is doing.

The SPEAKER: I place the member for Bankstown on three calls to order.

Mr BRAD HAZZARD: Health is a challenging area of policy for government. It has changed a lot over the last 20 or 30 years. There have been considerable technological changes. There are shorter hospital stays due to the increased use of technology. There are more services being delivered in the community. There is greater emphasis on primary health care. The member for Terrigal and I spoke to general practitioners on the Central Coast. Through the primary health network there is an emphasis on prevention and greater focus on integrated care. Across New South Wales the Coalition is providing a range of health delivery models. In regional areas, we have approximately 64 multipurpose services, which have an integrated approach to health. They are doing a fantastic job delivering a range of services, including acute care, subacute care, emergency, oral health and allied

health. With 230 facilities and multipurpose services across New South Wales, our regional areas are well catered for.

What happens each day in the New South Wales health system? Every day about 17,000 people spend the night in a public hospital; approximately 6,500 people are seen in hospital emergency departments; approximately 5,600 people are admitted to public hospitals; 270 babies are born in public hospitals; and about 1,000 patients have surgery performed in public hospitals. I note also that the Ambulance Service of NSW responds to approximately 3,100 calls. It would be inappropriate if I did not acknowledge the amazing frontline staff: the doctors, nurses, clinicians, allied health staff, and paramedics. Every one of them is doing their best for the people New South Wales.

How is the Coalition Government addressing the needs of health? We do it a lot better than Labor ever did. In 2010-11—which, fortunately, was the last year that Labor was in office in this State—it put \$15.5 billion into health. Over the past few years, has the Coalition Government added another \$1 billion? No. Have we added another \$2 billion? No. Have we had added another \$3 billion or \$4 billion? No. Under the Liberal-Nationals Government, an extra \$5 billion has gone into health in New South Wales. This Government is serious about ensuring the health of the people of New South Wales. During the last October to December period of Labor, the percentage of patients who were admitted and left emergency departments within four hours was 60 per cent. In this Government's last October to December period, that had increased to 74.3 per cent.

Although many more patients are coming through the system, we are seeing greater efficiencies. That is occurring also in metropolitan electorates, such as at Canterbury Hospital. I am sure the member for Canterbury is very excited about that. She has probably sent a letter of thanks to her local emergency department staff. During the October to December 2010 period, under Labor 57 per cent of people were seen at that hospital. With the backing of the Liberal-Nationals Coalition, during October-December 2016, 85.4 per cent of people were seen at that hospital. The member for Canterbury should send the hospital staff a letter and say, "Thank you very much for your hard work." She should acknowledge their work in support of the Liberal-Nationals Government approach, which is providing better health services. In the October to December 2010 period, 64 per cent of people went through the emergency department at Belmont Hospital within four hours. In the October to December 2016 period—I know the member for Swansea is excited about this, and so is Robert—the figure increased to 82.4 per cent, which is a massive increase. [*Extension of time*]

In the October to December 2010 period when Labor was in office, 69 per cent of patients went through the emergency department of the Manning Base Hospital within four hours. Under the Liberal-Nationals Government, 81.9 per cent of patients went through that hospital within four hours. Again, I thank the clinicians for their hard work and commitment. The member for Auburn is very rarely seen in his electorate. They sneak around looking for him but they cannot find him. He is nowhere to be seen. In the October to December 2010 period, 55 per cent of patients were being admitted and leaving the emergency department at Auburn Hospital within four hours. In the October to December 2016 period that figure increased to 81.2 per cent, despite the Leader of the Opposition creeping around trying to find some votes.

This Government has attacked the issue of infrastructure by building new hospitals across the State. When Labor left government, more than 50 per cent of hospitals in New South Wales were more than 50 years old. This Government built Byron Central Hospital and Blacktown and Mt Druitt hospitals—the member for Mount Druitt loves that. This Government build the Peak Hill Multi Purpose Service, the South East Regional Hospital in Bega, stage one of the Hornsby Ku-ring-gai hospital, stage one of the Campbelltown Hospital, and the elective surgery unit at the Wollongong Hospital. This Government also is delivering nearly \$1 billion for Westmead Hospital and \$425 million for stage two of the Blacktown and Mount Druitt hospitals. As the member for Mount Druitt will tell members, the car park is ready, building work is happening and it looks fantastic. I know the member for Gosford will thank the Government for the \$348 million Gosford hospital. We are spending \$150 million for stages three and four of the Dubbo Hospital and we are also spending money on Lismore hospital. The Liberal-Nationals are doing more for health in New South Wales than Labor ever did in 16 long years.

Committees

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 38/56

Mr MICHAEL JOHNSEN: As Chair: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 38/56", dated 30 May 2017. I move:

That the digest be printed.

Motion agreed to.

Mr MICHAEL JOHNSEN: I also table the minutes of the committee regarding Legislation Review Digest No. 37/56, dated 23 May 2017.

Documents

NSW OMBUDSMAN

Reports

The SPEAKER: In accordance with section 31AA of the Ombudsman Act 1974, I announce the receipt of an erratum to the report of the New South Wales Ombudsman for the year ended 30 June 2016. I order that the erratum be incorporated into the report.

Petitions

PETITIONS RECEIVED

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

Illawarra Public Hospitals

Petition requesting the Government ensure that public hospitals in the Illawarra region are publicly operated and kept in public ownership, received from **Ms Anna Watson**.

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

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

Pig-dog Hunting Ban

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

Slaughterhouse Monitoring

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, received from **Mr Alex Greenwich**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Powerhouse Museum Ultimo

Petition requesting the retention of the Powerhouse Museum in Ultimo and the expansion of museum services to other parts of New South Wales, received from **Mr Alex Greenwich**.

Ferry Services

Petition requesting new inner-city ferries, received from **Mr Alex Greenwich**.

South Coast Rail Services

Petition requesting an hourly service from Kiama to Bomaderry station connecting with trains to Sydney, received from **Mr Gareth Ward**.

Summer Hill Electorate Bus Routes

Petition opposing the removal of bus stops along the 412, 422, 423, 426 and 428 bus routes, received from **Ms Jo Haylen**.

Surry Hills Light Rail Station

Petition calling on the Government to build a second light rail station in Surry Hills at the Wimbo Park-Olivia Gardens site, using appropriate landscaping to minimise visual and noise impacts and provide a quality park for the local community, received from **Ms Jenny Leong**.

Privacy Laws

Petition requesting an amendment to the State's privacy laws to ensure that local councils can capture footage from CCTV cameras including areas that may be on private land, received from **Mrs Shelley Hancock**.

Inner-city Social Housing

Petition opposing the sale of public housing in Millers Point, Dawes Point and The Rocks, received from **Mr Alex Greenwich**.

Social Housing

Petition requesting that the Sirius building be retained and its social housing function be continued, received from **Mr Alex Greenwich**.

Motions Accorded Priority

OPPOSITION POLICIES

Consideration

Mr GARETH WARD (Kiama) (15:18): When I was growing up, we had in our family a labrador called Sandy. Sadly, towards the end of his life the vet declared him clinically brain dead while his heart was still beating. It was at that point that I knew what it was like to have a Labor voter in the family. When it comes to Labor policy, is it any wonder why we say this Opposition is out of touch with the people of New South Wales? It wants to move the Chief Secretary's Building, from the Cabinet offices to the Cabinet table, down the road at a cost of \$35 million. They are out of touch with people who are struggling to buy their first home and those wanting better health services. This Government will invest money into more nurses, doctors, teachers and police. This policy statement from Labor reminds me that forming a Labor policy is like transporting frogs in a wheelbarrow. They jump to the left, they jump to the right, and when you reach the end of the journey you wonder why you bothered.

The Chief Secretary's Building is a five-level office building of yellow block sandstone and brick construction with a copper- and slate-clad mansard roof and dome. It is in the Italianate style with well-proportioned sandstone balustrades and colonnaded facades. The three main entrances are recessed with stone pediments around each archway and embellished with carved sandstone. Above the Macquarie Street entrance is a balcony and an elaborately carved royal coat of arms; the Bridge Street entrance features large iron gates and carved symbols of art and commerce; and the Phillip Street entrance is embellished with stylised flora. The allegorical statues in the corner niches were commissioned from Achille Simonetti.

On the roof is a grand pediment with a flagstaff. That would be for raising the red flag, and I am sure the member for Liverpool will be given that job. Internally, the original configuration and features remain largely intact. The vestibules feature black and white patterned marble tiled floors, plaster barrel-vaulted ceilings, and Carrara marble sculptures. The Governor's Office is adorned with cedar wainscoting, carved architraves and an elaborate Marulan marble fireplace and contains unique pieces of furniture and art from the 1879 Sydney International Exhibition. The Executive Council Chamber was originally the official venue for government swearing-in ceremonies and is one of Sydney's finest Victorian interiors, featuring many original furnishings, furniture and valuable paintings.

Policies like these remind me of the remarkable parallels between basketball and politics: the Leader of the Opposition has already mastered the skill most needed for political success—how to stay aloft without visible means of support. With policies like this, there is no doubt that the Opposition is out of touch. The Government will invest stable taxpayer dollars into services, infrastructure and projects that generate jobs. The Leader of the Opposition is off on some left-wing frolic investing in buildings that I am sure he will enjoy but the people of New South Wales will not. He will never have a chance to get his hands on the Premier's office because this Premier will be hanging onto it for a long time to come.

HOUSING AFFORDABILITY

Consideration

Mr MICHAEL DALEY (Maroubra) (15:21): My motion deserves priority because of the housing affordability crisis in Sydney, which for some people is an emergency. This issue should be addressed on a bipartisan basis. If it continues unabated in this way, it will lead to a significant diminution of the social and economic prosperity of Sydney. As workers are forced further and further out to Sydney's fringes, they will have to spend more money each day travelling longer distances to get to their jobs. It will become a problem of urgency for the private sector to find people to fill the roles it needs to operate. Labor believes in government intervention when necessary. Last weekend we announced the most significant housing policy in Australia, which will bring thousands and thousands of real homes to people who need a roof over their heads because the market has failed them.

The members of the Coalition will not act because they believe in the market. They will defend their precious market, but they must understand that the market has failed. When the median house price in Sydney is

more than \$1 million, the market has failed. When first home buyers make up only 8 per cent of purchasers in Sydney, the market has failed. When only 1 per cent of rental properties in Sydney are affordable to people on low incomes, the market has failed. When Sydney house prices absorb 12 times the annual salary of a person purchasing a home, the market has failed. The time for action is now.

Labor intends to take action. We have introduced a suite of measures, and we are not anywhere near finished. For members who want to know how this policy will operate, I will give a current example. In the Central to Eveleigh precinct approximately 10,000 new dwellings will be built. We know that foreign purchasers will snap up somewhere between 25 per cent and 50 per cent of those homes, and that domestic property investors and speculators, armed with generous tax concessions from the Commonwealth, will pick up another 40 per cent. The scraps that will be left behind will be completely and utterly unaffordable for any average punter, let there be no mistake about that. The policy that Labor announced on the weekend will see 2,500 dwellings made available for rental and purchase by people on low to moderate incomes. There is no policy from the New South Wales Government that matches Labor's policy, which will bring real hope to people who need it. I call on the Government to swallow its pride and establish mandatory affordable housing targets. If it does, we will support it. But going on form, the Government will not.

The SPEAKER: The question is that the motion of the member for Kiama be accorded priority.

The House divided.

Ayes51
Noes40
Majority..... 11

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Barilaro, Mr J	Berejiklian, Ms G	Bromhead, Mr S (teller)
Brookes, Mr G	Conolly, Mr K	Constance, Mr A
Coure, Mr M	Crouch, Mr A	Davies, Ms T
Dominello, Mr V	Elliott, Mr D	Evans, Mr L
Fraser, Mr A	Gibbons, Ms M	Goward, Ms P
Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
Hazzard, Mr B	Henskens, Mr A	Hodgkinson, Ms K
Humphries, Mr K	Johnsen, Mr M	Kean, Mr M
Lee, Dr G	Maguire, Mr D	Marshall, Mr A
Notley-Smith, Mr B	O'Dea, Mr J	Patterson, Mr C (teller)
Pavey, Mrs M	Perrottet, Mr D	Petinos, Ms E
Piccoli, Mr A	Provest, Mr G	Roberts, Mr A
Rowell, Mr J	Sidoti, Mr J	Speakman, Mr M
Stokes, Mr R	Taylor, Mr M	Toole, Mr P
Tudehope, Mr D	Upton, Ms G	Ward, Mr G
Williams, Mr R	Williams, Mrs L	Wilson, Ms F

NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Cotsis, Ms S	Crakanthorp, Mr T	Daley, Mr M
Dib, Mr J	Donato, Mr P	Doyle, Ms T
Finn, Ms J	Foley, Mr L	Greenwich, Mr A
Harris, Mr D	Harrison, Ms J	Haylen, Ms J
Hoening, Mr R	Hornery, Ms S	Kamper, Mr S
Lalich, Mr N (teller)	Leong, Ms J	Lynch, Mr P
McDermott, Dr H	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Park, Mr R
Parker, Mr J	Piper, Mr G	Robertson, Mr J
Scully, Mr P	Smith, Ms T F	Tesch, Ms L
Warren, Mr G	Washington, Ms K	Watson, Ms A (teller)
Zangari, Mr G		

Motion agreed to.

OPPOSITION POLICIES

Priority

Mr GARETH WARD (Kiama) (15:30): I move:

That this House:

- (1) Notes the Leader of the Opposition's plan to move the Premier's office and the Cabinet room to the Chief Secretary's Building.
- (2) Notes that the Chief Secretary's Building features black and white patterned marble tiled floors, plaster barrel-vaulted ceilings, Carrara marble sculptures, cedar wainscoting, carved architraves and an elaborate Marulan marble fireplace.
- (3) Condemns the Leader of the Opposition for working on his harbour view instead of working for the people of New South Wales.

Government is all about priorities. The Labor Party is proposing to spend \$35 million on moving offices around when that money could be invested in key priorities for the people of this State. Most people would see this policy as a total waste of money when government has other priorities. I cannot endorse this policy and I am sure the people of New South Wales would not endorse it either. The Labor Party should revisit what ordinary people in their communities are thinking about and their priorities. For the Labor Party to comment on moving the Cabinet offices to the Chief Secretary's Building is an absolute disgrace and one that I am sure that most decent people across New South Wales would not agree with.

I want to see taxpayer dollars of the constituents I represent spent on more nurses, more teachers, more police—the frontline services that have been bolstered by this Government. In fact, people have now seen more police on our streets, more nurses in our wards, more doctors in our hospitals than at any other time in the State's history. I am proud that this Government has got rid of the waste we saw from those opposite when they were in office. Do members of the House recall the unattached list? That list saw \$34 million being spent every year on ensuring that people could sit in government offices doing nothing. One person, who did not have a job, had sat there since 1995 on \$140,000 a year. I am sure he came to work every day wearing an Hawaiian shirt. Of course, that is not good enough.

Mr Mark Coure: Sounds like the shadow Minister.

Mr GARETH WARD: I acknowledge the interjection from the Parliamentary Secretary, it does sound like the shadow Minister. Recently the member for Strathfield said that she goes to India dressed in a sari and that she goes to a worksite dressed in a high visibility vest. I suppose that means when she goes to a shadow Cabinet meeting she goes dressed as a clown. As to the Leader of the Opposition, in an article in January 2015 by Troy Bramston, Luke Foley declared himself a centrist. How can anyone other than the romantic Left of Labor be indulging in such a ridiculous and feckless waste of money? I can see him now, marching around the chief secretary's office, crystal glass in one hand and iPhone 7 in the other and the member for Liverpool out the back crafting the socialist soliloquys that of course will shape government policy.

This is the sort of ridiculous romantic waste of taxpayers' money that people criticise politicians for, yet Labor has come up with it as a policy. The Opposition's policy is to spend \$35 million—a conservative estimate—on moving a government office meeting room to another part of Sydney. In the same article I mentioned earlier, the Labor leader contrasted himself with leaders like Paul Keating and Bob Hawke. The Labor Party does not embody those values anymore. Bob Hawke and Paul Keating were reformers. They were prepared to take on their own party, not drive the debate to the bottom. Members have talked previously in the Chamber about the Labor Party's platform and whether or not it champions the private sector. The Leader of the Opposition said he would champion the private sector. I have not seen evidence of that from the Leader of the Opposition since he has been leader. He cannot stand the private sector.

The Leader of the Opposition believes that government knows best how to spend taxpayers' money. His view of government is that it should be bigger and more robust. Yet in government, these are the sorts of projects we will see from Labor. Just like the Rozelle Metro project, \$500 million, cancelled; 10 transport plans, none of them delivered; and the dam projects planned by Labor, hundreds of millions of dollars invested and wasted. Even now that Labor is in opposition we are seeing policy hopelessness. When people are struggling to buy their first home, when people are looking for every government sector to focus on worthwhile projects, the Opposition wants to waste \$35 million on this largesse. The Government will not stand for it. This is not our policy. This Government will invest in frontline services that generate jobs and that make a real difference to people's lives. The Opposition can focus on these silly romantic notions which will change the lives of no-one.

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

Mr RYAN PARK (Keira) (15:36): On the day that the Government is scrapping the reform which a couple of months ago it said was the single greatest reform ever in New South Wales taxation, on the day that we have seen deaths in Newcastle of severely disabled individuals, on the day that the housing affordability crisis continues to grip this State, this Government sends the only member who has not been given a ministerial portfolio under three Premiers, the c-grader, to talk about marble sculptures, architraves and a Marulan marble fireplace. The Government talks about fireplaces; we will talk about the fire and emergency levy. It is an absolute debacle. One month or so ago, the Premier and the Treasurer said that it was the greatest policy and represented fairness and peace in our time. Today the Government turns around and says, "We have got one month to go, we have local government elections in September, and we are in a world of pain. What do we do? We will scrap this policy."

I can hear them around Cabinet: "You said that this was the greatest taxation reform ever. Premier, you said that the bill was the outcome of a long and carefully considered reform process. Treasurer, you said that this is fairer than the existing insurance system. Treasurer, you said the bill delivers on that promise." I can hear the Parliamentary Secretary saying, "What about your remarks, Premier? You said this is a critical piece of reform that has been spoken about in New South Wales for 18 years. Premier, you said that you wanted to make it fairer by ensuring that all property owners paid for our vital emergency services levy." Today we get the c-grader who has not found a home on the front bench under three Premiers. He has been crying out for Matty Kean to get a job so he might have a chance. In the Illawarra we call him "three-trick pony". On the day those opposite have scrapped the reform that they, not me, said—

Mr Jihad Dib: Was the greatest—like Muhammad Ali.

Mr RYAN PARK: As the member for Lakemba said, it reminds us of that great fighter Muhammad Ali. Those opposite said that this was the greatest taxation reform in New South Wales. People in Newcastle who were under the care of this Government have lost their lives and the housing crisis in New South Wales continues to worsen, but today those opposite want to talk about marble sculptures. They talk about working for the people of New South Wales but they are not doing a thing for them. I have warned the member for Kiama previously about how things work in the Department of Premier and Cabinet. They say, "We are having an ordinary day; who will get out and defend us? I know: The member for Kiama will defend us. Why will he defend us? Because he has not got a ministerial portfolio under three Premiers. Let's get him out there." I can see those on level 8 saying, "I know who is going to defend us today: that little champion from Kiama. We have not been able to find him a spot on the front bench but we will send him out on a day like today. Go you little good thing."

Mr Stephen Bromhead: Point of order: If the member for Keira is so keen to talk about this subject, why did he not ask a question about it during question time? He is gutless.

The DEPUTY SPEAKER: Order! There is no point of order.

Mr RYAN PARK: The member for Myall Lakes cannot spell "question time". I will take instructions from the member for Myall Lakes when he gets daylight savings banned—which is what he wants. Wind the clock back, mate.

Mr MARK COURE (Oatley) (15:41): Labor should be concentrating on the issues that matter to the people of New South Wales. As of Monday last, Labor had no policies whatsoever and, as of today, its only policy is to move the office of the Premier of New South Wales. Labor is more interested in picking out wallpaper than in growing a strong New South Wales economy. Labor is more interested in marble floors than in boosting housing approvals. Labor is more interested in harbour views than in regional New South Wales. Labor members are more interested in where they can get a good latte than in increasing educational outcomes for the children of this State. We on this side of the House are getting on with the job of rebuilding this State—for example, building and redeveloping hospitals like St George Hospital, and fixing the M4 and M5. We are getting on with the job of fixing the mess left to us by those opposite. I repeat: As of today, Labor's only policy is to move the office of the Premier of New South Wales, at a cost of \$35 million. What a complete and utter waste of money.

Mr Jihad Dib: Point of order: The member for Oatley is misleading the House. Labor has more policies than that.

The DEPUTY SPEAKER: Order! There is no point of order. The member for Lakemba will resume his seat.

Mr MARK COURE: I could do a lot with \$35 million. I could put a lot of that money into improving—

Mr Gareth Ward: More lifts.

Mr MARK COURE: We could go from three to four lifts at Oatley railway station—maybe a few more. We could continue the great work we are doing at St George Hospital, we could continue the great work

we are doing on the M4 and M5, and we could continue the great work we are doing upgrading schools not only in my electorate but also throughout the Sydney region. Labor's idea is a complete waste of money and at the next election we will make sure that voters in the electorates of every member opposite—not in the electorate of Cabramatta because Nick is okay—know that Labor's only policy is to waste \$35 million. Its only policy is to move the office of the Premier of New South Wales.

Mr CLAYTON BARR (Cessnock) (15:45): I note at the outset of my contribution that this afternoon we could have debated some of the more serious issues facing this State. Instead, we are debating the motion of the member for Kiama. I suggest that this motion is so detailed because those opposite have visited the chief secretary's building to measure it up for sale. Indeed, in getting the information just right for Domain and Raine and Horne, the member for Kiama has gone into great detail about marble tiled floors and so on. I particularly like paragraph (3) of the motion because it suggests that he is conceding the next election. The member for Kiama is probably appropriate and insightful, but he is not the first in his party to do this. During question time the Premier often refers to the Leader of the Opposition as "the Premier", and the Deputy Premier often talks about a Labor government after the next election.

The motion of the member for Kiama states clearly that the Leader of the Opposition is working on his harbour view, which suggests he is willing to concede that after the next election Labor will be in office. Significantly, today the Fire and Emergency Services Levy [FESL] was rolled back. I am not sure, but I think the point of this motion is about wasting money. As the member for Keira said, that levy was deemed to be a most significant tax reform. So let us take a moment to reflect on the time, energy and effort that went into that reform. We have all seen the television advertisements and the marketing campaign. We have all talked to our local councils about the amount of work they have had to do. Not only that, today in backflipping on the FESL the Government seemed to suggest that it could not have foreseen some of the outcomes. That is like Wilbur and Orville Wright saying they could not have foreseen that their plane would fly after they had put the wings on it and installed the motor.

Those opposite came up with the formula for the design and built the infrastructure, and now they are saying they could not have foreseen some of the outcomes. Everyone else did. Those opposite proposed taking the FESL off vehicles and multimillion-dollar yachts sitting outside the Prime Minister's house; there had to be winners and losers. It is a blight on their performance for those opposite to say they could not have foreseen these outcomes. This motion is ridiculous. [*Time expired.*]

Mr GARETH WARD (Kiama) (15:48): In reply: I thank the member for Keira, the member for Oatley and the member for Cessnock for their contributions to this debate. I was waiting for the member for Keira, and shadow Treasurer, to enunciate a policy relating to the economy. He may not be aware of this—and I ask him to make a note of it in his diary that he does not disclose—but the budget is coming up. The member for Keira has been telling everyone on the front bench that he is busy getting ready for the budget. Why? He does not write it. He just needs to watch and learn. Just because the member for Maitland shouts more loudly it does not mean that she makes more sense. She should be quiet and she might learn something. The member for Cessnock said that we are conceding government; we are not conceding anything. In fact, with people like you on the front bench, the Government will increase our majority. I would like you to explain why, at a secret meeting with the Leader of the Opposition, you promised The Greens ministries if there is a minority government.

Ms Jodi McKay: Point of order—

Mr GARETH WARD: And your ministry is on the chopping block as well because they are looking for talent, member for Strathfield.

Ms Jodi McKay: The member for Kiama should direct his comments through the Chair.

The DEPUTY SPEAKER: Order! I uphold the point of order.

Mr GARETH WARD: They have been promising The Greens ministries in a minority government. Those opposite are so arrogant that they are already double-dealing with members of the crossbench in relation to the next election. Until the member answers that question, it will stand on the record because we know what he has been up to. He is demonstrating in opposition that Labor would waste hard-earned taxpayer dollars. Those opposite learnt nothing from their time in government. We have seen it all before from them—it runs right through their culture. We all remember the former member for Dobell—good old Craig "tap and go" Thomson. He had no respect for people's money, and those opposite have no respect for taxpayers' money when it comes to largesse such as this. I can just see the Leader of the Opposition, if he ever became Premier, in a smoking jacket, a Negroni in his hand, swanning around the chief secretary's office and having a grand old time at taxpayers' expense.

But we are not going to allow it because the thought of having any one of those opposite on the government benches is too horrifying for words. We are not going to let the nightmare on Sussex Street become

the nightmare on Macquarie Street—not today, not tomorrow, not anytime soon. The shadow Treasurer had an opportunity today to repudiate his policy—he probably wants an office down there. But on the plans I have seen, the Leader of the Opposition has the shadow Treasurer in the Steam Pipe Trunk Distribution Venue—that is where his office will be. He will not even get a look in. The shadow Treasurer will be lucky to be parliamentary undersecretary for the White Fish Authority by the time the Leader of the Opposition is finished with him. The shadow Treasurer is going nowhere. He is blinded by the fact that he thinks he is in the fast lane, but he is finished in government.

The DEPUTY SPEAKER: The question is that the motion as moved by the member for Kiama be agreed to.

The House divided.

Ayes50
Noes39
Majority.....11

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Barilaro, Mr J	Bromhead, Mr S (teller)	Brookes, Mr G
Conolly, Mr K	Constance, Mr A	Coure, Mr M
Crouch, Mr A	Davies, Ms T	Dominello, Mr V
Elliott, Mr D	Evans, Mr L	Fraser, Mr A
Gibbons, Ms M	Goward, Ms P	Grant, Mr T
Griffin, Mr J	Gulaptis, Mr C	Hazzard, Mr B
Henskens, Mr A	Hodgkinson, Ms K	Humphries, Mr K
Johnsen, Mr M	Kean, Mr M	Lee, Dr G
Maguire, Mr D	Marshall, Mr A	Notley-Smith, Mr B
O'Dea, Mr J	Patterson, Mr C (teller)	Pavey, Mrs M
Perrottet, Mr D	Petinos, Ms E	Piccoli, Mr A
Provest, Mr G	Roberts, Mr A	Rowell, Mr J
Sidoti, Mr J	Speakman, Mr M	Stokes, Mr R
Taylor, Mr M	Toole, Mr P	Tudehope, Mr D
Upton, Ms G	Ward, Mr G	Williams, Mr R
Williams, Mrs L	Wilson, Ms F	

NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Cotsis, Ms S	Crakanthorp, Mr T	Daley, Mr M
Dib, Mr J	Donato, Mr P	Doyle, Ms T
Finn, Ms J	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Hornery, Ms S	Kamper, Mr S	Lalich, Mr N (teller)
Leong, Ms J	Lynch, Mr P	McDermott, Dr H
McKay, Ms J	Mehan, Mr D	Mihailuk, Ms T
Minns, Mr C	Park, Mr R	Parker, Mr J
Piper, Mr G	Robertson, Mr J	Scully, Mr P
Smith, Ms T F	Tesch, Ms L	Warren, Mr G
Washington, Ms K	Watson, Ms A (teller)	Zangari, Mr G

PAIRS

Berejiklian, Ms G

Foley, Mr L

Motion agreed to.

*Bills***PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT (CRIMINAL CHARGES AND CONVICTIONS) BILL 2017****Second Reading**

Debate resumed from 23 May 2017.

Mr PAUL LYNCH (Liverpool) (15:59): I lead for the Opposition—

The DEPUTY SPEAKER: Order! Members who wish to have a conversation should leave the Chamber. It is difficult for Hansard and members to hear the comments of the shadow Attorney General.

Mr PAUL LYNCH: I lead for the Opposition in debate on the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. The Opposition supports the bill. The aim of the bill is to amend the principal Act, the Parliamentary Contributory Superannuation Act 1971, to extend the current disqualifications from receiving a pension under the scheme to include a person who is both charged with and convicted of a serious offence as defined after ceasing to be a member for conduct that occurred while the person was a member. Presently, the disqualification applies if a person is a member and is convicted while a member, or charged while a member and then subsequently convicted after having ceased to be a member of a serious offence as defined—that is, a member now cannot avoid losing a pension by resigning before being charged. There have been a number of resignations in recent years by members fearful that they would be charged. It is no surprise that Labor supports this bill. In a sense, the origin of the bill and its parliamentary process comes from a letter from the Leader of the Opposition to the then Premier dated 18 September last, which in part states:

Dear Premier

The community of New South Wales is entitled to expect the highest standards of conduct from its elected representatives and public officials.

Given recent developments, I propose that we work together to restore the community's trust in our parliament and democracy. It is important that parliamentarians abide by the laws they themselves make and I hope that we can work together to ensure that a proper penalty regime is in place to respond to recent events.

Firstly, I wish to indicate my support for legislative changes to the parliamentary superannuation scheme to ensure that members, or former members, who are found guilty of misconduct in public office lose the entitlement to the taxpayer-funded part of the benefits that they would otherwise draw from the scheme.

The Leader of the Opposition went on to say in his letter:

You may recall that in 2006, there was bipartisan support for changes to the law to close a loophole that would have allowed members of the scheme convicted of a serious offence to continue to receive benefits from the scheme.

I understand that you have sought advice on the situation that has arisen since the former MLC, Eddie Obeid, was found guilty of misconduct in public office. I ask that you share this advice with me and that, in line with the precedent established in 2006, we work together to ensure that the community's expectations are met.

An early point to make in the discussion around this bill is that the number of members of Parliament who are part of this superannuation scheme is significantly fewer than there are members—that is, a large number of members of Parliament are not in this particular scheme, and I note that the Minister for Police says, rather plaintively, that he is one of those not in the old scheme. Section 4A of the principal Act provides that the scheme is closed to members elected at or after the 2007 general election. Any member elected at or after the 2007 election has different superannuation entitlements and those entitlements are unaffected by this legislation and their payments cannot be forfeited by this legislation regardless of what they have been charged with or convicted of.

The provisions of the bill build on those currently in the principal Act. Current section 19AA applies to a person who ceases to be a member while a serious offence is pending against him or her. If that person is then convicted of a serious offence he or she ceases to have any entitlement under the fund. Section 19AA (i) is replaced and now includes, in subparagraph (b), a person:

"who ceased to be a member if proceedings for a serious offence are instituted against the person for conduct that occurred when the person was a member".

If the person is in receipt of a pension that payment then ceases. If the person has taken a lump sum the lump sum is to be repaid. That lump sum may be reduced by the person's net contributions. The trustees of the fund may make any other deductions from the lump sum to be repaid to ensure that the person is dealt with in the same manner as if the person had not elected to convert the pension to a lump sum. New section 19AA (4B) covers the position where a conviction is later quashed. New section 19AA (2) seems to be quite novel and allows the trustees to lift the suspension of the pension pending the finalisation of the criminal proceedings, if satisfied that the suspension is not in the public interest. This applies not just to those disqualified under the bill but also to those, as I read it, disqualified under the unamended bill.

There is an important change to the definition of "appeal period". It will now be the period in which an appeal can be lodged or the period of 12 months after conviction, whichever is the earlier. As I understand it, that clarifies the consequences of some legal advice. Section 19AA (10) of the principal Act defines serious offence to mean an offence punishable by imprisonment for life or for a term of five years or more, or an infamous crime. Common law offences, such as misconduct in public office do not have a statutory maximum penalty. However, the provisions of section 21 (3) (a) of the Interpretation Act mean that such offences are regarded as serious offences and if they were not, one would have thought that infamous crime, no matter its uncertainty, would probably have included that in any event.

Some examples of what might be included as a serious offence are interesting. Larceny under section 117 of the Crimes Act is punishable by imprisonment for five years, and is therefore caught as a serious offence under these provisions. Dangerous driving occasioning death under section 52A of the Crimes Act is punishable by imprisonment for 10 years, and therefore also would be caught. Dangerous driving causing grievous bodily harm also under section 52A of the Crimes Act is punishable by imprisonment for seven years, and thus would be caught. The penalty for lying to the Independent Commission Against Corruption is five years imprisonment pursuant to section 87 of the Independent Commission Against Corruption Act, and therefore would be regarded as a serious offence under this legislation. Swearing a false statutory declaration under section 25 of the Oaths Act has a maximum penalty of five years and doing so to gain a material benefit has a seven-year maximum penalty. That would also be caught as a serious offence under this legislation.

I should also draw attention to section 246 of the Crimes (Sentencing Procedure) Act, which is an amendment proposed by this bill. If media reports are accurate, that may be of immediate relevance. This provision is similar to section 24B of the Crimes (Sentencing Procedure) Act, which provides that in sentencing an offender the court must not take into account as a mitigating factor in sentencing the consequences for the offender of an order imposed because of the offence under confiscation or forfeiture legislation. That clearly has significant parallels with the provision proposed in this bill. The public policy should be very clear: Taxpayer-funded benefits should not be payable to people who have forfeited public trust. Criminal convictions for serious offences must necessarily mean a forfeiture of public trust. The community's expectations are for nothing less. This bill is an entirely appropriate use of public policy in this place. The Opposition supports the bill.

Mr JONATHAN O'DEA (Davidson) (16:06): I, too, speak in debate on the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. I welcome the comments of the shadow Attorney General, and indeed the Opposition's support for the bill. As we know, members who were elected to the Parliament before the 2007 election are entitled to a pension under the Parliamentary Contributory Superannuation Act 1971. It has been long established that any such member will lose the taxpayer-funded part of his or her pension entitlement if convicted of a serious offence while he or she holds office. More recent legislative reform meant that members would also lose their pension entitlement if they were charged with a serious offence while in office, resigned before proceedings were finalised and were ultimately convicted of that offence.

That change covered what we might call the "Milton Orkopoulos situation". However, under the law as it presently stands any member who resigns from office before being charged with a serious offence is outside the scope of the current pension disqualifications provisions. Therefore, a member can currently avoid losing his or her pension by resigning from office before charges are laid, and that is the situation that now faces former Labor Ministers Eddie Obeid and Ian Macdonald. This bill resolves that anomaly. The bill extends the existing loss of pension provisions so that they cover any former member who is convicted of a serious offence committed during his or her time in office. This means that both current and former members will no longer be able to avoid losing their pension by resigning from office before being charged.

I clarify at this point that a serious offence relates to a crime or offence that is punishable by a sentence of five years or more. No person who has the privilege of serving in this Parliament should receive a taxpayer funded pension if he or she fails to discharge his or her parliamentary duties in an appropriate way, such as by committing a serious offence while in office. The amendments made by this bill to the Parliamentary Contributory Superannuation Act 1971 are consistent with that principle. The focus of this debate should be about the principle rather than the person. Having said that, examples are salient in demonstrating the need for this Parliament to act.

It is not just sound principle and notions of justice that demand action but also broad public sentiment, particularly when there are so many deserving causes competing for public funding. This legislative response should not be seen as tantamount to a public lynching. It should recognise that parliamentarians elected prior to the 2007 election, including Obeid and Macdonald, received special treatment with pension arrangements that recognised the nature of their public service. As previously stated, legislative reform in November 2006 prevented the former Labor Minister for Aboriginal Affairs, Milton Orkopoulos, from accessing his pension when charged

with child sex offences. That was prior to his conviction and nine-year prison sentence. I note with bemused interest that that paedophile's photograph still resides in the chamber of Lake Macquarie Council.

Mr Obeid, a former Labor Minister and notorious powerbroker, built an empire and sphere of influence that ultimately caught up with him. Last year he was sentenced to five years jail with a minimum non-parole period of three years, having been found guilty of wilful misconduct in public office. He currently faces further charges. Former Premier Morris Iemma stated about Obeid, "It's very clear this man was all about enriching himself." The corruption findings against Eddie Obeid and his colleague in crime and politics, former minerals Minister Ian Macdonald, will remain in the public consciousness for years. Both would lose ongoing superannuation benefits under this legislation and any relevant lump sum payments funded by public contributions would also be recoverable.

If a former member has previously taken some or all of his or her pension entitlements as a lump sum, he or she will be required to repay the lump sum to the fund once proceedings have been finalised and resulted in conviction for a serious offence. However, any members who are disqualified from receiving a pension will be entitled to a refund of their net contributions to the fund. I further note that there are provisions in the bill to give the trustees discretion to lift the suspension and reinstate the person's pension pending the finalisation of the proceedings. This is a broad discretion and has the potential to be exercised in a range of circumstances. For example, the suspension of a former member's pension may not be in the public interest if it would mean the former member's right to a fair trial would be prejudiced.

The Independent Commission Against Corruption [ICAC] heard that corruption under the former Labor Government was on a scale not seen since the days of the Rum Corps. Obeid and Macdonald, together with Milton Orkopoulos, were the standard bearers. I commend those Labor members who have supported moves to bring offending Labor politicians to account. I also reflect that some former Labor members have made statements defending their actions and behaviour. In 2013, a senior Labor Party figure was quoted by the *Sydney Morning Herald* as stating:

In the NSW Labor Party, there is a willingness to tolerate, even worship, the cult of whatever it takes, the Richo culture. It's admired. But that culture, taken to extremes, ends up in this grotesque corruption.

Better to avoid that ugliness in the first place, but when it does occur justice requires not just criminal sanction but also removal of special benefits such as publicly funded superannuation. I note previous statements that once all appeal avenues are exhausted the Government intends to recover taxpayer-funded legal assistance provided to Mr Obeid amounting to more than \$280,000.

On Tuesday 23 May, this House passed a priority motion that noted the corrupt actions of former Labor Ministers Eddie Obeid and Ian Macdonald constituted a complete betrayal of public trust and reminded us all that politicians are here to serve the people of New South Wales, not to serve themselves. It is crucial that every member stands united to say that there will be no tolerance for serious criminal activity from any member of this House. We should all strive to act with integrity, fairness, accountability and responsibility in the broad public interest. For those that do fall prey to the traps of power and greed, this legislation helps to ensure there will be negative consequences. I commend the bill to the House.

Mr CLAYTON BARR (Cessnock) (16:15): I support the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017 and endorse the words of the shadow Attorney General and member for Liverpool, Paul Lynch. The shadow Attorney General has done an excellent job in expressing the thoughts and ideals of members on this side of the Chamber with regard to this bill. I note the comments made by the good member for Davidson, whose company I enjoy occasionally in a game of cricket. When I spoke in debate on the motion moved last week in this place I made the point that when dealing with matters presently before the courts it has been former Labor Ministers who have fallen foul of the expectation of behaviour in this place. But that rock should not be cast in a glasshouse when members of the Liberal Party have appeared before the Independent Commission Against Corruption to answer questions concerning their activities. This bill would not apply to the majority of members who recently appeared before the Independent Commission Against Corruption because they were not parliamentarians prior to 2007.

The statute of limitations has expired for crimes alleged, and in some cases proven, before the Independent Commission Against Corruption findings against Liberal Party members. In at least one of those cases the Independent Commission Against Corruption findings are yet to be finalised. There is the potential that a Liberal Party member who is part of the pre-2007 scheme acted corruptly and contravened the Electoral Commission laws, but they will not be caught by this bill because 12 months ago the Parliament refused to extend the statute of limitations for some of those crimes.

I agree with the member for Davidson that without doubt the great majority of elected members enter this place to do the right thing, the right way and for the right reasons. They hold on to all those qualities, and

congratulations to them. There is no doubt that the saying "power corrupts and absolute power corrupts absolutely" is true. Some people are incapable of maintaining moral fibre and integrity, dispensing their responsibilities with honour, and respecting the privilege given to them by the people of New South Wales. That is sad and unfortunate. We find it in every corner of our society. We find it at the local golf club, the local bowling club, in charity organisations, schools and corporations. It is everywhere. It is a sad reality that some people in our society are willing to go to those places in which the majority of people are not interested. We would prefer to live in a society in which no-one went to those places. That is the truth of the matter. In recent years some Ministers in this place have gone to dark corners and we have to acknowledge that they must be dealt with.

If we look at the history of the New South Wales Parliament we see that a range of corrupt, immoral, and unethical decisions were made. Sometimes the lines are grey and blurry. I read in an article today that of the billionaires in Australia, 65 per cent have attributed their wealth and status to their political connections. Most of their money has been earned through finance and real estate. The article, which was written about a book, essentially suggests that part of their agenda for creating wealth is to have contacts in Parliament. Undoubtedly decisions are made in this place as a result of conversations that parliamentarians have with stakeholders and constituents. We give great weight to their thoughts, opinions and ideas because, quite frankly, they are the ones who are working in the various industries. I am not just talking about property developers; I am talking about things like the provision of Softfall in children's playgrounds. At some point someone was lobbying for that rubberised surface to become standard. Someone made millions of dollars out of it and the decision was made here that all playgrounds should have Softfall. I am not suggesting that a parliamentarian in this place has profited from that decision. In reality wealth in Australian society, which is similar to Cambodia, is generated as a result of decisions made by governments. In Australia, in particular, a lot of wealthy people have political links.

Sometimes there are grey areas concerning our conduct and the decisions that we make. In respect of the political system under which we operate, the New South Wales Labor Party has gone to great lengths to try to shut down opportunistic deals by limiting donations. It has tried to limit the amount of influence that can be purchased by donations. Elections are fought based on the money that is donated to us in our various electorates. It assists us in prosecuting a case that we should be the recipient of our constituents' votes rather than the opposing candidate. The New South Wales Labor Party has a proud record of trying to minimise external stakeholder groups with business interests from trying to achieve their own agendas. Those laws were introduced in an effort to minimise and eradicate the external influences that can sometimes be brought to bear on parliamentarians. In the context of this bill, I appreciate that is different from members in this place personally benefiting from those decisions and outcomes, but it is not too far removed. For example, the links and beneficiaries created by some of the ministerial sign-offs by corrupt former Ministers were not as obvious as people would think. I have read almost all of the ICAC transcripts. We can now join the dots and see the links, but the evidence was not always direct and clear to enable us to see those links.

Grey areas exist around this subject but there are no grey areas surrounding the individuals who have been dealt with by the bill. Grey areas exist around the decisions and the lobbying that occurs in this place, including the lobbyists who participate. Grey areas exist around the statute of limitations, which will sometimes not include people who are caught up by this legislation. Grey areas also exist around the impacts of the donation system in New South Wales and our publicly funded elections. The bill deals with people who were in the New South Wales Parliament before 2007 and who were on what we call "the old scheme". The majority of present members are not on the pre-2007 scheme. They will not receive the benefits of the old scheme. We are talking about a small and ever-shrinking number. I hope that we never again see Ministers of this State in court facing charges of corruption as we have seen recently.

Mr STEPHEN BROMHEAD (Myall Lakes) (16:25): I speak in support of the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. I commend the Premier for introducing this legislation. Hopefully it will draw a line in the sand for those 16 shameful years under Labor where there was an ever-increasing conga line of Labor members and Ministers walking through the revolving door of the Independent Commission Against Corruption. We heard the member for Cessnock say there were also Liberals who did that. I do not think there was one Liberal who was involved in \$60 million worth of corruption. It is not only Eddie Obeid and Ian Macdonald. Milton Orkopoulos was a paedophile, drug supplier and Labor Party Minister. Other members included Tripodi, Roozendaal, D'Amore, Paluzzano and Kelly. When a government is corrupt, people will expect to be able to obtain any decision they want for a quid. Leaders such as John Robertson, the member for Blacktown, was offered bribes by developers in relation to Currawong. That was the culture of Labor and the environment it created in its 16 shameful years in office.

The member for Cessnock said that Labor wanted to limit donations. They tried, but they did not limit the unions. New South Wales has been built on businesspeople creating businesses and jobs for the people of this State. It is interesting that Labor wanted to limit donations from some people, but unions were limited to only \$1.1 million each. If all the unions donated the maximum, that would amount to \$22 million. The member for

Cessnock also said that Labor has a proud record. It has the most shameful history in New South Wales politics. We have to go back to before the Rum Corps to find anything as corrupt and shameful as those 16 years under Labor. Labor has nothing of which to be proud. The people of New South Wales must remember that some members of the Labor Party and some of those who lead in this Parliament are running Sussex Street. Some existing members were in the Labor Party Cabinet when some of those disgraceful decisions were made. I would be surprised if we hear too many Labor members speak in debate on the bill, because they know it is about them.

Examples of the incompetence of the Labor Government for 16 long years were the waste of \$100 million on the Tillegra Dam without a sod being turned and \$500 million on the Rozelle Metro with not a quarter of an inch of line being laid. Also, companies went broke because of the mismanagement of a tunnel project. The member for Cessnock got one thing right, that is, post-2007 members elected to Parliament are not entitled to a pension under the Act. There is no pension, it is simply the Superannuation Guarantee Levy which is 9.5 per cent. I point out that in many occupations people get paid more than 9.5 per cent but post-2007 members get a mere 9.5 per cent. At present a member of Parliament elected before the closure of the Parliamentary Contributory Superannuation Scheme in 2007 is disqualified from receiving any pension under that scheme if the person ceases to be a member because of a conviction of a serious offence, or while proceedings for a serious offence are pending and is later convicted of the offence.

A serious offence is an infamous crime or an offence punishable by imprisonment for life or for a term of five years or more, including by the operation of section 21 (3) of the Interpretation Act 1987, a common law offence. The object of this bill is to amend the Parliamentary Contributory Superannuation Act 1971 to provide for the same disqualification from receiving a pension if the person is charged with and convicted of a serious offence after ceasing to be a member for conduct that occurred while the person was a member. In addition, the bill amends the Crimes (Sentencing Procedure) Act 1999 to provide that a court, when sentencing a member or former member of Parliament for a serious offence, must not take into account, as a mitigating factor in sentencing, the loss of the person's entitlement to a parliamentary pension because of the conviction for the offence.

Members elected to the Parliament before the 2007 election are entitled to a pension under the Parliamentary Contributory Superannuation Act 1971. Currently, members lose their taxpayer-funded pension entitlement if they are convicted of a serious criminal offence while in office, or if they are charged with a serious criminal offence while in office and are later convicted of that offence. However, currently, a member can avoid losing their taxpayer-funded pension entitlement if they resign from office before being charged. On 28 June 2016 former member Eddie Obeid was found guilty of misconduct in public office.

The Opposition talked about the Independent Commission Against Corruption but Obeid put \$60 million to \$100 million in his back pocket as a result of his own greed and that of his family. It was not for buying corflutes and dodgers for an election. Obeid was sentenced to imprisonment for a term of five years, with a non-parole period of three years. On 30 March 2017 former member Ian Macdonald was found guilty on two charges for the same offence. Mr Macdonald is yet to be sentenced. His offences are in relation to helping Obeid and a mate and it is said he would gain \$10 million—again not a few corflutes and some dodgers. Both former members were charged after they left office. They resigned to ensure they were not caught by the existing penalty for a serving member who had been convicted of a criminal offence—loss of their funded pension. They left office so they could retain their taxpayer-funded pension entitlements. The amendments proposed in this bill deal with that situation. In her second reading speech the Premier noted:

Former members should only be entitled to a public funded pension if they have discharged their parliamentary duties lawfully and acted as law-abiding citizens during their term in office.

The Premier also stated:

There is no reason why a member convicted of a serious offence committed during their time in office should be in a better or worse position simply because of whether and when they resigned. This bill closes the loophole in the current Act.

The provisions of this bill will not only stop such members getting a pension; they will also lose their pension when the finalisation of proceedings results in them being convicted of a serious offence while in office. If the former member has previously taken some or all of his or her pension entitlement as a lump sum the amount of the lump sum will be required to be repaid to the fund. Consistent with existing provisions, any former member who is disqualified from receiving a pension will be entitled to a refund of their net contributions to the fund. The trustees of the fund may refund the member's net contributions by making a deduction from any lump sum the former member is required to repay.

This community expects and wants this legislation. This legislation is drawing a line under those 16 shameful years under Labor. This Government is doing something about those members who were crooks and corrupt in the Labor Government. One would think that the Australian Labor Party would look at its ranks and at

who is serving it now and do something about it. The electorate in 2011 and again in 2015 did not support the Labor Party whatsoever and whilst it has some of those members it will still be in the same position. [*Time expired*]

Ms TANIA MIHAILUK (Bankstown) (16:35): Together with the shadow Attorney General and the member for Cessnock I contribute to debate on the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. I, like all members of Parliament, particularly the Labor Party, rejoiced at the recent criminal conviction of corrupt former member of the Legislative Council Eddie Obeid, an individual who was the most destructive force in the history of the New South Wales Labor Party. I am proud that the New South Wales Labor Party has purged itself of the likes of Eddie Obeid and other disgraced politicians such as Ian Macdonald. On 6 June 2013 Eddie Obeid and Ian Macdonald were expelled from membership of the New South Wales Labor Party.

The object of this bill is to amend the legislation governing the operation of the Parliamentary Contributory Superannuation Scheme, the pension that is not available to anybody elected after 2007, so that if a former member of the New South Wales Parliament is convicted of a serious criminal offence after ceasing to be a member, for conduct that occurred while the person was a member, he or she will be disqualified from receiving a parliamentary pension. A serious offence is an infamous crime or an offence punishable by imprisonment for life or for a term of five years or more including by the operation of section 21 (3) of the Interpretation Act 1987, a common law offence.

This bill will close an existing loophole whereby disgraced former members like Eddie Obeid and Ian Macdonald would still be able to receive a parliamentary pension as proceedings had not commenced against them prior to their ceasing to be members of Parliament. The Opposition and I welcome these changes. Another key measure in the bill is in schedule 1 (3), which proposes to provide for the repayment of pension funds paid as a lump sum to former members under the scheme before a conviction is recorded. The bill makes it clear that the loss of an entitlement to a parliamentary pension is not to be interpreted by a court as a mitigating factor during sentencing of a former member, and sets a clear date by which proceedings against a former member are regarded as being finalised, that being 12 months after a conviction or acquittal.

All former members of this place, who have abused the trust of the public, should be held to account by the courts. None of those disgraced members should ever be entitled to a parliamentary pension. I note that the Leader of the Opposition made it clear that Labor would offer bipartisan support to the Government to enact any legislation which is focused on measures to restore the trust of the people of New South Wales in our Parliament and democracy. In fact, the Leader of the Opposition wrote to former Premier Mike Baird in September last year to indicate that the Opposition would support legislative changes to the parliamentary superannuation scheme so that current or former members of this place who are found guilty of misconduct in public office lose their entitlement to a taxpayer-funded pension.

Former Premier Mike Baird stated in December last year that the Government would move to amend the Parliamentary Contributory Superannuation Act 1971 as soon as Parliament resumed in 2017. The Premier also stated to News Limited that the Government would seek to recover taxpayer-funded legal assistance given to Eddie Obeid to fight his court case and during Independent Commission Against Corruption hearings. I understand that the amount is more than \$280,000, so it is critical that once all appeal avenues are finalised the Government seeks to have that money returned. While this bill is a vital first step, it simply does not go far enough to ensure that former members of this place are held accountable for their actions when they breach the trust of the New South Wales public.

It is my firm belief that no stone should be left unturned when it comes to strengthening integrity measures for elected public officials, not only with respect to members of the New South Wales Parliament but also with respect to local government. There is no greater responsibility of government than enforcing the duty of each and every member in this place to serve the best interests of their constituents and communities rather than their own interests. I note that the Leader of the Opposition in his correspondence to the former Premier indicated that the Labor Party would support amending the statutory limitation within section 111 (4) of the Election Funding Authority Act, which imposes a three-year limitation period on the commencement of proceedings for an offence.

The member for Cessnock raised that issue in his speech earlier this afternoon. I am greatly disappointed, I must say, that there has yet to be any action in relation to ensuring that that legislation is amended for those purposes. Operation Spicer, which the Independent Commission Against Corruption reported on, related to a host of former Liberal members of Parliament, including former Minister for Police Mike Gallacher, Chris Hartcher, Tim Owen, Andrew Cornwell, Garry Edwards, Chris Spence as well as former Newcastle Lord Mayor Jeff McCloy, who were found by the Independent Commission Against Corruption to have "acted with the intention of evading laws" under the Election Funding, Expenditure and Disclosures Act. Former Liberal members of Parliament Craig Baumann and Darren Webber were found to have evaded election funding laws relating to

disclosure, while former Liberal member of Parliament Bart Bassett, was found to have "knowingly solicited a political donation from a property developer".

Yet the only thing that has prevented these disgraced former Liberal Party members and identities from facing prosecution is the three-year statute of limitations under section 111 (4) of the Election Funding Authority Act. I also note that Liberal Party members have been completely averse to strengthening integrity measures within local government. The Labor Party has been unequivocal in its position that all property developers should be banned from being elected to councils. The Berejiklian Government to date, and formerly the Baird Government, has refused to implement these much-needed integrity measures, voting down a private member's bill introduced by the shadow Minister for Local Government, the Hon. Peter Primrose, as recently as last Thursday in the other place. As noted in an article by Sean Nicholls, the Government has decided to take other action:

Councils are set to be stripped of the power to determine development applications above a certain value in a governance shake-up that will mandate the use of independent planning panels across most of New South Wales.

It is important to understand that the Independent Hearing and Assessment Panel will deal with development applications and that that will be mandated. In some councils, one of which is Canterbury council—

Mr Gareth Ward: Point of order: With all due respect to the member for Bankstown, I cite Standing Order 76. The member is talking about matters that are not relevant to the bill before the House.

The DEPUTY SPEAKER: I uphold the point of order. The member is not being relevant to the bill before the House.

Ms TANIA MIHAILUK: It does talk about corruption. The reason we are debating this legislation is because public officials were found to act corruptly. I note that the Opposition agrees with the legislation.

Mr Troy Grant: Point of order: The legislation goes to the heart of the matter, which is a criminal conviction in a court of law for an act of corruption. The member is referring to other oversight proceedings regarding behaviour, which are yet to be determined in any court of law. I ask that she direct her comments to the substance of the bill and refer to the matters at hand.

The DEPUTY SPEAKER: I uphold the point of order. The member will return to the leave of the bill.

Ms TANIA MIHAILUK: I will return to Eddie Obeid; I do not mind talking about him. In my community of Bankstown, the web of Eddie Obeid runs very deep. Many of his former business interests—such as the Bellevue Function Centre in Bankstown, a building that is situated in prime residential zoning—have simply been transferred to the name of his son, Paul Obeid, and to other close business associates. We cannot afford to have other elected public officials transform themselves into the next Eddie Obeid, whether it is in this place or in local government—hence the reason I raised local government. The onus is now on the Government to act firmly and strongly in eradicating corruption and potential corruption in the future. The Labor Party has firmly stated its view in relation to stopping property developers from running for local government. I would hope that the Government states a similar view in due course. I close by saying that I heard a rumour a little while ago that Eddie Obeid was very unhappy with me and did not like me, and I am delighted about that. I commend the bill to the House.

Mr GARETH WARD (Kiama) (16:46): I support the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017, which seeks to strip corrupt politicians who have served in this place of their pensions. I was disappointed that when this bill was being introduced only one Labor Party member found the time in their calendar to come in the House and listen to the Premier's second reading speech on this historic legislation. I am pleased that this has been a bipartisan debate and I am pleased that the Opposition has indicated that it will support the bill. This terrible time in the State's history needs to be addressed. It is another mess that has been left to this side of the House to repair. Of course, we are more than happy to introduce these provisions.

Many members of the community—and I am sure members get asked this question a lot—think that all of us serve to get a parliamentary pension. I do not know any member of this Chamber who came into this Parliament for money. Certainly, members who came here post-2007 do not receive a parliamentary pension. They serve because they want to serve their communities, not themselves—unlike Eddie Obeid. When the Independent Commission Against Corruption brought down its findings, I led a campaign to ensure that Eddie Obeid had his honorific and his Order of Australia stripped from him. I wrote to the Governor and the Governor-General because someone who had behaved in the manner that he had should not be considered honourable, nor should he be in the same category as others who have received an Order of Australia medal, which is awarded to our greatest Australians.

I acknowledge the contribution of the member for Bankstown, who I know has been a strident opponent of Eddie Obeid. She should be commended for that. Anyone who stands up to corruption, regardless of where it sits, should be commended for doing so. Every decent, honest member of this Chamber should be united in that regard. Eddie Obeid, Ian Macdonald and others brought the profession of politics into disrepute. When people vote for us, they are saying something about our character. They are saying that they trust us, that they hope we do the right thing by them, even though they might not always agree with everything we do. But those two people in particular and others abused the trust and confidence that the community vests in us to do the right thing.

Their behaviour brought the whole institution of Parliament, of democracy, into disrepute and this legislation seeks to strip from them their entitlements, as they see them, which they gained from serving in this place. We will use the same power of authority that they used as members of this Parliament, indeed, as members of the Executive Government, in order to acquire benefits that should never have been afforded to them. This legislation is not before time. Indeed, at a future date it is appropriate that this House should consider ensuring that common law offences become statutory in relation to misconduct in public office, as well as pecuniary interest offences. Currently, some loopholes allow certain laws to apply to members of the Cabinet that do not apply to the legislative branch of government. That is a debate for another time.

Members elected to the Parliament before the 2007 election are entitled to a pension under the Parliamentary Contributory Superannuation Act 1971. As I said, members in my category are not entitled to a pension, nor do I want one. I am happy for those dollars to go to our police, nurses, doctors and teachers. It has always been the case that members will lose the taxpayer-funded part of their pension entitlement if they are convicted of a serious offence whilst they hold office. Members will also lose their pension entitlement if they are charged with a serious offence whilst in office, resign before the proceedings are finalised and are ultimately convicted of that offence. However, any member who currently resigns from office before being charged with a serious offence is outside the scope of the current pension disqualification provisions.

That means members can avoid losing their pension by resigning from office before charges are laid. This bill resolves that anomaly. It also extends existing loss of pension provisions so that they cover any former member convicted of a serious offence committed during his or her time in office. That means members will no longer be able to avoid losing their pension by resigning from office before being charged. No member should receive a taxpayer-funded pension if he or she has failed to discharge his or her parliamentary duties lawfully or to act as a law-abiding citizen whilst in office. The amendments to the Parliamentary Contributory Superannuation Act 1971 made by this bill are consistent with that principle. I am sure that every decent member of this House and the public would expect no less.

Consistent with the current loss of pension provisions in the Parliamentary Contributory Superannuation Act 1971, a former member will cease to be entitled to a taxpayer-funded pension if the finalisation of proceedings results in the person being convicted of a "serious offence". A serious offence is an infamous crime or an offence punishable by imprisonment for life or for a term of five years or more. Section 19AA (2) of the Parliamentary Contributory Superannuation Act 1971 already provides for the suspension of a member's pension entitlement while proceedings for a serious offence are pending against the person. To ensure that a member's right to a fair trial is not prejudiced, the bill introduces a provision to allow the suspension of a person's pension entitlement to be lifted pending the finalisation of proceedings where the suspension is not in the public interest.

Normally I would not support retrospective legislation, but this is one of those rare instances where it is incumbent on all of us to say that the bar must be lifted. In order to defend the age-old tradition of this Parliament, its institutions and its lawmaking authority and to defend everything that we believe in as people who support democracy, it is important to hold that trust and confidence. Dealing with corruption in the most strident, most fervent and strongest way is what the public expects. This bill provides that. Consistent with existing provisions, a former member will lose his or her pension when the finalisation of proceedings results in that person being convicted of a serious offence committed whilst in office. If the former member has previously taken some or all of his or her pension entitlement as a lump sum that amount of the lump sum will be required to be repaid to the fund.

Consistent with existing provisions, any former member who is disqualified from receiving a pension will be entitled to a refund of his or her net contributions to the fund. The trustees of the fund may refund the member's net contributions by making a deduction from any lump sum the former member is required to repay. This was a very dark period in the history of this State. However, I do not want anyone to be so pious as to say that this could not have happened on either side of politics. Corruption and criminality can occur in any part of politics or government. Indeed, there have been many inquiries into the bureaucracy independent of government and corruption findings made. I hope that this legislation, combined with other measures that this House will debate, will ensure that the public can again have confidence in all political parties.

I did not come to Parliament to ensure that my interests were catered for or that the benefits of future entitlements may accrue to me. Indeed, most members did not come here for that. My advice to any member of this Parliament is to ensure that they continue to stand up for the strongest measures so that the public can continue to have confidence in us. I know from speaking to friends of mine on the Opposition benches that some within their party are still loyal to Mr Obeid. I encourage them to ensure that those people are cleaned out so that the policy debate can be about what we genuinely believe in as members of this House. Those people should not be allowed to infect our democracy, to fester in our institutions and to destroy the trust and confidence that people place in each and every one of us as members of their Parliament.

Mr JAMIE PARKER (Balmain) (16:55): I support the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. This bill will send a powerful message not only to those to whom this bill is directed but also to every member of this Parliament. It will also send a powerful message to everyone who seeks election to this and other Australian parliaments. Finally, it will send a message to the residents of this State that corruption is omnipresent. Corruption should be constantly brought under the spotlight and battled. Ten years or more ago, people would have thought corruption unlikely. Even today people say to me, "Do you think politicians are corrupt?" and I say, "All the people I know in this place seem to be genuine and honest people." This demonstrates time and again why we need strong, independent corruption-fighting bodies like the Independent Commission Against Corruption [ICAC]. We should also always be vigilant not only in our activities but also in our political parties.

We should never take the fight against corruption for granted. We have heard the arguments in the Federal Parliament where it has been said, "We do not need a Federal ICAC because we do not have that much corruption here." We did not think we had that much corruption until we had an independent corruption-fighting body that uncovered these factors. This bill will amend the Parliamentary Contributory Superannuation Act 1971. Last year, former Premier Baird said that this amendment would be made as soon as Parliament resumed. It has taken some time; this ridiculous loophole has been in existence for far too long and this amendment is long overdue. Corrupt politicians were able to avoid losing their parliamentary superannuation funds by tactically resigning before they were found guilty. Some got away with it. We must ensure that they are all brought to account.

When Parliament resumed earlier this year, there was a great deal of discussion about people like Ian Macdonald, Eddie Obeid and others who now or in the future will have a conviction, those who flagrantly breach public trust, being prevented from enjoying years of superannuation at the expense of the New South Wales taxpayer. The member for Kiama commented that people often say, "You will be okay. You will get a parliamentary pension." However, members of Parliament post-2007 are not able to receive a parliamentary pension, and rightly so. This legislation applies only to those who have been the subject of great discussion. We have all heard about the nine Liberal members of Parliament, including Michael Gallacher and Chris Hartcher, who were forced to stand down or resign after the Operation Spicer inquiry into illicit donations from prohibited donors ahead of the 2011 election. In this situation, we are talking about people who gave gone to court and have been found to have acted improperly.

The type of wilful abuse of which Eddie Obeid was guilty is quite remarkable because he was found to have lobbied the then deputy chief executive of the State Maritime Authority, Steve Dunn, over Circular Quay leases without revealing that his family owned a series of cafes at Circular Quay. He duped Mr Dunn into thinking he was acting on behalf of constituents. Along with Ian Macdonald, Obeid and his son have also been charged with conspiring in relation to a coal exploration deal worth \$30 million for a site located, coincidentally, on their rural property. The corruption uncovered in ICAC involving Obeid and other former New South Wales Labor political figures was famously described as "on a scale probably unexceeded since the days of the Rum Corps".

When I speak to my colleagues in other States, there is an agreement amongst those members of Parliament and others in politics that we have a problem in New South Wales. The fact that matters relating to Obeid and Macdonald and Coalition members of Parliament have come before ICAC shows clearly that something is amiss in New South Wales. Part of the solution is that we have a strong, independent corruption-fighting body that helps to uncover corruption. Our support for this bill today not only means that we all agree that these former members should not be receiving taxpayer-funded superannuation under this generous scheme but also affirms the successful functioning of ICAC. There has been a great deal of criticism of ICAC, but we know that ICAC has been at the heart of efforts to uncover these corrupt activities. We, as a Parliament, should be doing all we can to support and make more robust, more sustainable and more effective the Independent Commission Against Corruption.

It has been 105 days since the resumption of Parliament this year. For each of those days, Eddie Obeid, a convicted criminal, has received at least \$328 from the people of New South Wales. This year alone, that is at least \$34,520 of taxpayers' hard-earned money paid into the coffers of a man convicted of criminal conduct and breaches of public trust while in office. That is the price paid by the taxpayers of this State. As the legislation

currently stands, more than \$120,000 per year, taken from the public funds of New South Wales, would be able to flow into Eddie Obeid's bank account. We can take action today to deal with that. It has been raised in debate whether this bill could affect any legal proceedings. To address that issue, an amendment could be inserted into the bill stating, "Nothing in this bill should have any influence over any criminal or other proceedings". In regard to Labor's processes and procedures to protect it from corrupt activity inside its organisation, the Labor Party has a lot to answer for.

The Coalition Government also has to improve corruption-fighting measures inside its own organisation, and The Greens have to do everything they can to make their processes as robust as possible to protect them against the misconduct of individuals. It is a salutary lesson for all of us that we are not above ICAC's scrutiny or above the disgust that many people in the public feel for politicians who have been convicted of an offence or those who make admissions before ICAC about receiving political donations and other misadventures. It is a message to all of us to work diligently to improve our own internal measures. This bill is welcomed. It is a step along a path that should also include a stronger, more independent ICAC and better protection for members of the public who risk their careers to reveal information about corrupt conduct and dishonesty.

I acknowledge the role of the Committee on the Independent Commission Against Corruption, which is currently examining ways to strengthen legislation to protect whistleblowers to ICAC, and I acknowledge the work of the member for Epping on that committee. I encourage that committee to do all it can to support those who come forward with information to ICAC and to ensure that their disclosures are protected. In conclusion, I thank all those who have worked on this issue. Let us hope that the days of corrupt behaviour are behind us. Let us hope that we can work diligently to support the people of New South Wales and to improve the structures, processes and procedures of all our organisations so that we do the best we can to corruption-proof politics in New South Wales. The people of New South Wales require us, as parliamentarians, to prevent criminals like Eddie Obeid from continuing to take from the taxpayer. I commend the bill to the House.

Ms JENNY LEONG (Newtown) (17:05): I speak in support of the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. Following the contribution of my Greens colleague the member for Balmain, I put on the record the concerns we have about the issue of corruption infecting our democracy in New South Wales and our recognition that this legislation is a change that the community expects. It is one small step in attempting to reassure the community that we will stamp out corruption, that we will ensure that members in this place observe what people in the community consider to be acceptable and reasonable behaviour, and that we will prevent anyone who engages in corrupt and criminal conduct from benefiting from the public purse.

We should remember the level of shock in the community when stories came out about the corrupt activities of parliamentarians. It did damage to us all in this place because it showed that there were members in this Parliament who were willing to put self-interest ahead of the interests of the community whom they were elected to serve. In 2014 the New South Wales Parliament was considered to be the most corrupt parliament in Australia's history. In only nine months, 11 Liberal politicians resigned, stepped down or were moved to the crossbenches amid corruption investigations, and Labor names like Obeid, Macdonald, Kelly and Tripodi became shorthand for the corruption that pervaded Macquarie Street at that time. Key corrupt and criminal former politicians reaped the benefits of generous taxpayer-funded superannuation pensions by resigning prior to being charged or convicted. The fact that this loophole has existed for so long is shameful to us all and it is long overdue in being addressed.

The loophole has rewarded corrupt politicians and it has done little to reassure the community that this Parliament will do everything it can to ensure that corruption is not tolerated. It is important for us to realise that there are always good people in this place. But there is a potential for all of us to feel that we are above the law because we sit here and make decisions on legislation. As my colleague the member for Balmain reminded us, this is a sobering reminder to us all that the risk of being in a powerful position can be that we believe we are above the law and that the decisions we are making, the deals we are doing, the interests we are serving are worth it because we believe that we are right and no-one should be able to tell us any different. It is an important reminder as we pass this legislation in this place that that kind of arrogance, that kind of culture of believing that we are always right, that what is in our interests is in the best interests of everybody, is the downfall of our democracy because it fails to listen to people and it fails to take into account other people's positions.

The Greens have fought long and tirelessly to ensure that we remove corruption from New South Wales politics, including donations and the influence of money on decisions that affect our democracy and our Parliament. We have long called for more to be done to clean up politics and democracy in New South Wales. I am proud to represent a party that is committed to that goal. I am proud to be a member of a Parliament that is passing legislation that says we will not tolerate this kind of behaviour from former members. It is a clear reminder to us all that we must always act in the interests of the communities that we serve and not out of self-interest.

Mr JONATHAN O'DEA (Davidson) (17:10): On behalf of Ms Gladys Berejiklian: In reply: I thank all members who contributed to debate on the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017—members representing the electorates of Liverpool, Bankstown, Cessnock, Myall Lakes, Kiama, Balmain and Newtown. I place on record that it is a good occasion when there is bipartisan support for an initiative in this place, and certainly this bill has attracted that multi-partisan support. I note somewhat ironically that Messrs Obeid and Macdonald have brought us all together.

The bill amends the Parliamentary Contributory Superannuation Act 1971 to apply existing pension disqualification provisions to any former member charged with and convicted of a serious offence committed while in office. This is needed to close a loophole in the current legislation that allows former members who have engaged in serious criminal activity to protect their pension by resigning from Parliament before being charged. No members should receive a taxpayer-funded pension if they have committed a serious criminal offence during their time in office. The amendments will mean that any former members who are convicted of a serious offence for conduct while in office will be disqualified from receiving a pension, regardless of whether they resigned before or after those charges were laid.

Unless the changes are made—which appears will happen, with support from all quarters—former members who are convicted of serious criminal offences may continue to live off their taxpayer-funded pension entitlements. That just would not be fair. As has been highlighted today, it would also be in stark contrast to public expectations. I note that the member for Cessnock and the member for Bankstown referred to the statute of limitations. Comment was made that there had been transgressions of a much lesser nature than those committed by Messrs Orkopoulos, Obeid and Macdonald by people on both sides of this House. Although we do not welcome transgressions of any type, it is not appropriate to equate some of those with the serious criminal behaviour we are talking about in the context of this bill. In this context, we are talking about serious criminal offences punishable by at least five years in jail. In this debate about principle we have referred to examples where that has occurred and where the public expects us to act, and we are acting.

Clarification was sought regarding the fact that since 2007 members have not been on the pension. That is correct. This legislation obviously does not affect directly any member elected in 2007 or beyond. I know that it does not apply to the member for Drummoyne. However, the salutary lessons apply to us all. There are, and should be, other sanctions that apply to us all and we all need to take away lessons from the very negative examples provided by the people particularly targeted by this legislation. I say with respect to the comment made by the member for Balmain about the Independent Commission Against Corruption that I believe we have a strong and independent ICAC in New South Wales. I support a Federal ICAC, and I think there should be more consideration of that, but perhaps that might be discussed further on another day.

The bill and the debate around it are strong reminders that politicians are here to serve the people of New South Wales, not to serve themselves. It sends a strong message to the public that this Parliament holds itself accountable to those standards. The loss of special public entitlements that will occur as a consequence of this legislation is appropriate in the interests of justice and to meet public expectations. The public has lost a large amount of faith and trust in political institutions, and indeed in many institutions across society. There is a generally higher level of disillusionment and disappointment with politics—much higher than it was some decades ago. On the positive side, there is less tolerance of and less possibility for corruption because there is more transparency. Media scrutiny and institutions such as ICAC help the democratic process to work to strengthen the integrity of and confidence in government institutions. However, we have more to do, given the loss of faith and trust prevalent in recent years. I welcome all contributions to the debate, and I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr JONATHAN O'DEA: On behalf of Ms Gladys Berejiklian: I move:

That this bill be now read a third time.

Motion agreed to.

ELECTRONIC TRANSACTIONS LEGISLATION AMENDMENT (GOVERNMENT TRANSACTIONS) BILL 2017

First Reading

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

The ASSISTANT SPEAKER: I order that the second reading of the bill stand as an order of the day for a later hour.

HOME BUILDING AMENDMENT (COMPENSATION REFORM) BILL 2017

Second Reading

Debate resumed from 24 May 2017.

Mr CLAYTON BARR (Cessnock) (17:18): There is a certain irony that we have just moved from debate about corruption to debate on a bill about home building reform. In preparing for this debate, I read a report that suggested building corporations, which are sometimes referred to as phoenix organisations, account for only 20 per cent of registration and building work that is listed but somehow managed to account for in excess of 80 per cent of the disappearing building entities—those companies that do not stick around to fulfil their obligations. That has been a problem with the system; hence the necessity for this bill. It is wonderful that, with the passing of this bill, there is every chance that people in regional areas will be able to get the approvals and insurance required to become part of the building industry and be covered, insured and registered under the scheme. It may be better to rely on the bloke one grew up with down the road rather than on disappearing building corporations.

I lead for the New South Wales Opposition in debate on the Home Building Amendment (Compensation Reform) Bill 2017, and note that the Opposition supports the bill. I thank the Minister for Finance, Services and Property, Jane and Jordan for providing a briefing last week. I thank them for their time, openness and transparency. I pay tribute to the shadow Minister for Innovation and Better Regulation, the member for Swansea. The member for Rockdale has a long, detailed and distinguished career in dealing with these issues, and he offered considerable insight in my preparation for the debate. I am sure that the member will make his own contribution to the debate.

In plain, simple terms, the purpose of the bill is to allow for private insurance to re-enter the market and provide building insurance for residential homes and properties. I will briefly explain the history. In 1972 building insurance became mandatory. In 1997, 25 years after its imposition, the industry was handed over to private insurance providers. In the ensuing 11 years it failed catastrophically, leaving contractors, trades men and women, and small business operators out of pocket and destitute. It also left mums and dads who were building a property with an unfinished product, considerable debt and needing to pick up the pieces.

In 2010 the New South Wales Government resumed operation of home building insurance. I am speaking about the building and construction of homes. The problem and challenge, which was clearly identified and articulated by the Minister, is that the premiums collected did not match the amount of money paid out under the scheme. Essentially, we were in a death spiral and something needed to be done to address the imbalance. Part of the solution is the model the Minister has produced. The Minister emphasised—and I hope that all members emphasise it to their communities—that it is not full privatisation of building construction insurance. This is a hybrid model. The NSW Self Insurance Corporation will stay in the industry and minimum standards will continue to be met, as they are today.

The reality is that under this bill the last resort that was in place yesterday and today will be in place—and, in some ways, enhanced—tomorrow. No-one should be alarmed that the Government or the Self Insurance Corporation will disappear from this space. The 2010 coverage that people currently have in New South Wales remains in place. This bill allows private insurers to offer something above and beyond the minimum standard. As the Minister articulated, it is about finding a scheme of first resort rather than last resort. It is about preventing the building of a residential home from getting to the last-resort stage. The way that works, under this technical bill, is that insurers or providers can develop their scheme or policy and offer it to the market.

A family who is building a residential home can shop around for a scheme that best suits them. If they want to pay more than the premium set for the State scheme—which is the baseline—they can do so. There might be a plethora of reasons someone may want to do that. This is a hybrid model: The Government is still in the scheme but other options will be available. The time of coverage established in the 2014 legislative reforms will not change. In 2014 the legislation moved from seven-year coverage for minor and major defects to a scheme of two years for minor works and six years for major defects after the work is completed. Those provisions are in place, and will remain in place in the future.

The reality is that insurers want to control the risk when offering a product. That is essentially what insurance companies do, and the logic is fair and reasonable. In seeking to take some control of the amount of risk to which they are being exposed, it is entirely foreseeable that an insurer will stay hands on and have frequent and regular contact with the builder to check that milestones are being achieved. By doing that, the insurer will minimise its exposure to risk and maximise the completion of the works. In a strange way, the family who is

building is offered another set of eyes watching over the construction phases of the project. They now have an insurance company that does not want to be exposed to risk monitoring the progress and providing sound advice about payments that could or should be made to the builder.

The mums and the dads have the insurer on a unity ticket. The insurer is doing it for commercial reasons, but they all want completion. The insurers want to minimise their exposure to risk. It is therefore predictable and reasonable that insurers will be more inclined to cover the completion of works during the work program than potentially taking on major defects insurance beyond the project. I will explain. During the works the insurer can be hands on. There is no tail to the project because once the works are completed the purpose of the insurance has been realised. The six-year warranty period following completion is a long tail. It has been my experience as shadow Minister that the insurance companies are not interested in the long-tail insurance that contains unpredictability.

From listening to advice and talking to stakeholders, I gather there is every chance that insurers will be engaged in both parts of this scheme but a higher chance that they will be involved in the completion of works element, when they can carefully monitor and control works with no tail warranty period. I emphasise that the New South Wales Government is not departing from this industry. There will be an opportunity for insurers to offer a more advanced product that people may or may not choose to accept. It is a good model, and the Minister has done well in his engagement with stakeholders. The stakeholders are broadly and comprehensively supportive of the bill before the House, and hence all members should support it. While ever the Government stays in there is a safety net; it is the minimum standard. I hope that we do not see insurance industry collapses the like of which we saw between 1997 and 2009. I commend the bill to the House.

Ms KATRINA HODGKINSON (Cootamundra) (17:29): I support the Home Building Amendment (Compensation Reform) Bill 2017. In doing so, I acknowledge that the member for Cessnock led for the Opposition and stated that it also supports the bill. I speak in support of the bill and I commend the Minister for Finance, Services and Property for introducing it to the House. The bill will allow private insurers to re-enter the home building compensation market without compromising consumer protection. Additionally, the bill will allow for alternative indemnity products, such as fidelity funds, to be offered by providers as part of the home building compensation market. Prospective insurers and providers will need to apply to the State Insurance Regulatory Authority to be licensed to offer home building compensation products. The authority will set the minimum standards with which licence holders must comply, including prudential standards, market practices, claims handling, premiums and builder eligibility. The authority will ensure that all licence holders, including the Self Insurance Corporation, comply with equivalent standards to ensure a level playing field for all market participants.

All licence holders will need to file their premiums with the State Insurance Regulatory Authority to prove that relevant risks are covered adequately. Licence holders will need to meet existing minimum consumer protection standards in their product offerings, but they will also have the flexibility to diversify and enhance their products offerings. The bill allows for licensed insurers and alternative providers to split the required cover into two products: one covering the construction period, and the other covering the period of statutory warranty for the work. This will allow licensed insurers and alternative indemnity providers to better manage the risks under each type of cover, or to specialise in offering just one type of cover. The bill includes enabling provisions to ensure that products that exceed minimum standards can be offered and that they include covering additional risks, or allow claims in additional circumstances.

Insurers and alternative indemnity providers could also offer products that include services such as quality assurance checks of work, management of progress payments or dispute assistance. It will be up to licensed providers to decide what product features they want to offer to builders over and above the minimum standards. It is a truly flexible arrangement. The arrangements will provide market participants with confidence that the scheme will be attractive, flexible, sustainable and, most importantly, modern. More providers in the market will encourage innovation. Insurers and alternative indemnity providers will be able to apply for a licence to offer competitive home building compensation cover. The Government will encourage licence holders to offer innovative and alternative products in the market. The reforms create an opportunity for increased competition, greater consumer choice and competitive pricing. I commend the bill to the House.

Dr HUGH McDERMOTT (Prospect) (17:33): I support the Home Building Amendment (Compensation Reform) Bill 2017. It is an important bill that will have a major impact on the building industry in New South Wales, and we must ensure that we get it right. The current residential building market contributes \$18.7 billion to the New South Wales economy annually. The bill establishes a new framework and amends the Home Building Act 1989 and other legislation with respect to insurance and alternative covers relating to residential building work, licensing of insurers and alternative indemnity cover providers. The bill also confirms the role of the State Insurance Regulatory Authority as the independent regulator of the scheme, with powers to issue insurance guidelines in relation to premiums, market practices, claims handling, prudential standards,

contracts of insurance, underwriting and builder eligibility to buy cover. Under this scheme, licence holders will be able to charge premiums approved only by the authority.

I say the bill is important because, as I have outlined, it impacts on the whole building industry. As many members may know, the mandatory home building insurance scheme was introduced as a government-run insurance scheme in 1972. So it has a long history dating back to the 1970s. The government of the day decided that it made sense to privatise the scheme, which occurred in 1997. Unfortunately, it fell foul of the involvement of HIH, which was a major insurer that became insolvent and thousands of home builders and consumers were exposed to its practices. Following this, in 2002 the scheme became a last-resort scheme, meaning that all other avenues of cost recovery and repair had to be pursued before a claim could be made against the scheme. In 2008 private insurers began to exit the scheme as a result of the outcomes from the global financial crisis. In 2010 the New South Wales Government had to step in and save the scheme, and it has operated as a government-run scheme ever since. I believe the scheme has a deficit of more than \$400 million, which is an incredible amount of money—the Minister can confirm whether that figure is correct. It shows that the reforms are necessary.

It is worth noting that what happened with HIH has led to the current situation. The findings of the royal commission stated that the activities of HIH, such as rapid expansion, unsupervised delegation of authority, extensive and complex reinsurance arrangements, underpricing, reserve problems, false reports, reckless management, incompetence, fraud, greed and self-dealing, led to its collapse and had a major impact on the building industry. In fact, the collapse of HIH reverberated throughout the community, with consequences for the building industry of the most serious kind. The key reason is that the HIH Group underwrote a comprehensive line of businesses in compulsory and non-compulsory non-life insurance, and the impacts were widespread, spanning from policyholders to the regulator and also to the New South Wales Government. As one of Australia's biggest home building market insurers, the collapse of HIH left the building industry in turmoil in the late 1990s. New South Wales home owners were left without compulsory home warranty insurance and builders were not able to operate because they could not obtain builders warranty insurance.

The cost to the building and construction industry alone forced the New South Wales Government to spend millions of dollars of public money to prevent further damage to the industry. A collapse of this magnitude must inevitably shake and undermine public confidence in the insurance industry, the building and construction industry and the ability of the regulatory system to carry out its protective role properly. This was stated time and again by Justice Owen during the royal commission. It is pleasing that the Government has stepped forward and is working to create a situation in which we can attempt to remove the scheme's \$400 million debt. However, we must be aware that, when the insurance industry was privatised and HIH became involved, we experienced a catastrophe.

The insurance industry has come a long way since then and many safeguards have been put in place at a State and a Federal level. I am not suggesting that those reforms will be impacted or changed, but the Minister and those who are involved in writing those reforms must be aware that, when industries are privatised or opened up to competition, there is always the potential for rogue organisations to become involved. Hopefully, HIH will be the only example of that—whether it be in the building or insurance industries. It is interesting that the Legislation Review Committee made mostly positive comments on this legislation. It referred to the limitation of claim period and noted:

The Committee notes that Schedule 1[33] precludes insurance claims for the cessation of work or failure to commence if less than 12 months have passed. This could detrimentally affect the interests of stakeholders who are required to wait 12 months to be eligible for insurance cover. The Committee draws this to the Parliament's attention.

The committee made other relevant comments that are available in the digest. In the past few years the Master Builders Association and other organisations have said that reforms were needed. The reforms it suggested under its home warranty review response and the Government's paper report, amongst others, have been reflected in this change to the legislation. I have not spoken to the association but I have no doubt that it is happy with the reforms in this bill. I note that the Minister is nodding his head in agreement. I commend this much-needed bill and I am pleased that the Government is continuing to safeguard consumers who build residential housing. It is worth noting that when we let in private insurers we need to ensure that their policies and actions are safeguarded to protect consumers in New South Wales.

Mr GEOFF PROVEST (Tweed) (17:40): I make a contribution to debate on the Home Building Amendment (Compensation Reform) Bill 2017. In the short time I have been in this place I have found nothing more distressing than listening to a constituent, in some case first home owners, who after having struggled for many years to raise funds from financial institutions and then design a home and select a builder find that halfway through the project the builder does not complete construction because he goes bankrupt, disappears or the construction is non-compliant with council's building codes. Unfortunately, I have been involved in four or five

of those cases over the past six years and it is a gut-wrenching experience and it is a long and involved process of last resort.

I have observed the pain and suffering of those constituents, through no fault of their own. The Minister for Finance, Services and Property and his fine staff have been working on this legislation for about two years. I compliment both the Minister and his hardworking staff on legislation that will protect our consumers. Most members of Parliament at some time have saved for a deposit for a home, after having convinced a bank that they are a good risk, and then experienced the joy of having a new home, which is second to none. But to go through such a terrible financial and legal battle that can last for years takes its toll. Insurance companies will now have an onus of responsibility, which I am sure was at the back of the Minister's mind. This is a measure of last resort but it will not fix the problem initially. My office is often the office of last resort for constituents who have exhausted every other avenue. They visit my office at 4 o'clock on a Friday afternoon and they are to be evicted at 5.00 p.m.

Mr Stephen Kamper: Do you save them?

Mr GEOFF PROVEST: Yes, I think all of us can tell similar stories. Under this bill licensed insurers and providers of alternative indemnity products will be able to offer split cover options that are not currently available. Currently, cover can only be offered as one product that combines cover for non-completion and defects for both the period of construction and right through to the end of the six-year statutory warranty period for the work. Under the reforms, cover can be split across two products, one covering the risk of non-completion and associated defects during the construction period and the other covering the risk of defects for the duration of the statutory warranty period. Builders buying these split cover products must buy both types of cover for each project so there is no reduction in consumer protection which is extraordinarily positive.

Failing to fully insure a home owner will be an offence in the same way as failing to take out insurance under the current scheme. The current combined product provides a minimum \$340,000 of cover, while the split cover option will double the amount available to home owners to \$680,000, because the split products will each offer \$340,000 of cover. Consistent with existing arrangements, these amounts will be prescribed in the regulations. Under the existing combined product, home owners who claim for non-completion deplete the remaining amount available to them for any later claim they need to make in the warranty period. The effect of split cover is that the full \$340,000 will be available to home owners for the warranty period, irrespective of whether or not they have needed to make a non-completion claim. Split cover allows specific risks associated with non-completion or defects to be better assessed, priced and managed without compromising coverage for home owners. Split cover increases consumer choice and gives builders, licensed insurers and licensed alternative product providers competitive options to better suit the risk of the individual residential building project.

This legislation is very relevant to the Tweed electorate where, in the next three to five years, more than 10,000 new home blocks will come onto the market. The Tweed is the growth area of the southern Gold Coast. The Tweed is to Brisbane what the Central Coast is to Sydney. Tweed began as a holiday destination or a retirement place and now with the transport links it is growing. We deal with a variety of well-meaning legislative proposals in this place but it is difficult when it directly affects the livelihoods of people. In one case a home owner attempted suicide as a result of being financially ruined, the builder disappearing, the home being uninhabitable and a raft of other issues. Anything we can do to assist such people is to be commended. I say well done to the Minister and his staff. I commend the bill to the House.

Mr STEPHEN KAMPER (Rockdale) (17:47): I speak in debate on the Home Building Amendment (Compensation Reform) Bill 2017, and express my support for the legislation, as well as the open and consultative manner with which the Minister has conducted himself since the discussion paper was launched in 2015. I also note the continued carriage of this reform by the Minister in spite of his change of portfolio, and commend the Government for maintaining continuity for this important reform in spite of the reshuffle earlier this year. Liability within the building industry is somewhat of a unique beast—risk tails out for many years with little or no control or knowledge remaining with the builder after the completion of construction.

It is an unspoken rule within the sector that companies have lean capitalisation to shield against these long-tail risks, and it is not unusual for building and construction operations to maintain separate entities that retain and protect their assets—plant, equipment, cash and other property holdings. This is why we need to ensure that we continue to have a comprehensive insurance regime for defaults in home building, and why this scheme must be sustainable and robust. I believe this legislation will improve on the current shortfalls experienced by the Home Building Compensation Fund in a number of areas, some of them more significant than others.

However, this new model will only be as good as its management and it is of the utmost importance that this Government does not see these reforms as an opportunity to absolve itself of all responsibility in what is perhaps one of the most important areas of consumer protection. I therefore urge the Government not to see this

as an ideological victory for the free market, but as a necessary and pragmatic improvement to a public policy area that should be receiving the benefits of private sector involvement. Unfortunately, it is not the invisible hand of the renowned economist Adam Smith that will pick up a trowel to shore up the foundations of the family's home and I believe the nature and risks of this sector will always require careful monitoring, oversight and direction by the Government.

While I believe the sentiments of the Minister in opening up home building insurance to competition are admirable, there is some cause for concern about the scope the Minister will have under the Act to drastically alter the nature of allowable private insurance products. Today's acceptably high standards could easily become tomorrow's inadequately low standards, all without any further input from the Parliament. The construction of the family home will likely be the largest management project many people undertake in their lives and home building insurance is a vital safety net which should not be disturbed. I therefore encourage the current and future Ministers to consider very carefully before watering down the important protections provided by home building insurance.

Although these reforms are, on the whole, very positive, I believe the Government has not adequately addressed why it has not chosen to exempt low-rise multi-dwelling buildings from the scheme, as perhaps one of the most effective options outlined in the Government's discussion paper. As stated in the discussion paper, low-rise multi-dwelling buildings accounted for more than one-third of the total cost of this scheme and it is hard to see why builders should bear a special responsibility in their construction, when the much simpler 2 per cent building bond model that has been adopted for high-rise developments would seem more appropriately to address the liability in these cases. In addition, it is hard to see why the builders should be responsible rather than the developer for these low-rise multi-dwelling buildings and I believe the Government could have taken action in this respect.

One of the largest industry complaints about the current scheme is the unclear manner in which eligibility is determined and the substantial limitations this can place on the ordinary conduct of affected businesses. I do not believe that it was originally within the scope of the Home Building Compensation Fund or its precursors to act as an industry licensing scheme, yet this is what it has in many ways become. Questionable and uncertain risk assessments have acted as a major roadblock in the growth of any number of building and construction businesses, often with no option for recourse or appeal. While I acknowledge that the Minister raised this in his second reading speech, and that it has been mentioned a number of times in the discussions leading up to the introduction of this bill, these promised improvements to the approvals process will only come through appropriate regulation and management. I once again urge the Minister to continue to direct his attention to this key issue following the passage of the bill.

While there have been admirable statements about the Government scheme moving to a cost recovery model, I am not yet convinced that there is adequate substance to back this up. There is presumably an expectation among those opposite that the Government will effectively price itself out of the industry following the entry of private insurers, and as the Government's customer base shrinks this will likely only force government premiums higher as fewer customers are left to cover overheads. The bigger fear though is that when we have a mandatory insurance scheme and private enterprise is pursuing the profitable sections of the market, the Government will be left holding the bag for the riskier end of the market, and we will see the public potentially bearing a proportionately larger share of the loss under this new scheme.

It is my sincere hope that the Minister will ensure there is substantive reform to the provision of insurance by the government insurer that will stop this coming to pass, but only time will tell. Putting aside those reservations, this bill provides an incredible opportunity for the wholesale reform of residential building contract management in this State. Through the separation of non-completion and fault-based insurance, I hope that the Minister will allow for the entrance of insurance products which provide substantial oversight of the residential building contracting process, and that this will eventually become the industry standard. For most people, engaging a builder for the construction of a home is a once-in-a-lifetime exercise. Those who have done it will know that perhaps the reason it is a once-in-a-lifetime thing is that they would never want to go through the ordeal twice.

This means that for a huge number of consumers in these contracts, there is little to no understanding of industry norms, and it is not uncommon for the unwary consumer to hand over far larger project payments than would be considered wise in the circumstances. By allowing insurers to create products tailored to manage this type of risk, my hope is that insurance companies will be incentivised to take up the cause of residential consumers, to act as their agent in the drafting and execution of their contract with their builder with the goal of risk minimisation. This would not only allow for substantial cost savings overall within the scheme, and perhaps help to redress a significant amount of the deficit currently faced by the Home Building Compensation Fund, but also drastically increase protection for consumers in what can often be difficult and complicated negotiations with their building contractors.

Like the Minister, I acknowledge the contributions of Phil Sim of SecureBuild and Brian Seidler of the Master Builders Association, both of whom have championed reform and strongly believe that better consumer outcomes will be possible under a more open insurance market. I hope that the Minister regulates the Act in a manner that will allow the Phil Sim model of contract oversight to flourish within the private insurance market, and that the currently opaque approvals process becomes accessible and transparent to all builders. To conclude, while I believe there are areas in which this Government could have taken reform further, and that this new model will only be as good as its management, I again congratulate the Minister and this Government on their sensible and consultative reform process in relation to this bill, and welcome the opportunities provided for superior consumer protection and a sustainable insurance model.

Mr STEPHEN BROMHEAD (Myall Lakes) (17:56): I strongly support the measures contained in the Home Building Amendment (Compensation Reform) Bill 2017 and I commend the Minister for Finance Services and Property for bringing the bill to the House. The object of this bill is to amend the Home Building Act 1989 and other legislation with respect to insurance and alternative cover in relation to residential building work, licensing of insurers and alternative indemnity cover providers. The bill establishes a new framework for home building compensation. In his second reading speech the Minister stated that the reforms introduce a modern, fit-for-purpose Home Building Compensation Scheme that will maintain consumer protection for home owners for non-completion of building work.

The bill confirms the role of the State Insurance Regulatory Authority, which I will refer to as the authority, as the independent regulator of the scheme, and outlines its powers to issue insurance guidelines in relation to premiums, market practices, claims handling, prudential standards, contracts of insurance, underwriting and builder eligibility to buy cover. Under this scheme, licence holders will only be able to charge premiums approved by the authority. The bill provides for the authority to licence insurers and other providers of cover where all licence holders, including the Self Insurance Corporation, must comply with the equivalent standards, ensuring a level playing field for all market participants. The authority will set the minimum standards through insurance guidelines that licence holders must comply with, including prudential standards, market practices, claims handling, premiums and builder eligibility.

This ensures that licensees will be subject to a rigorous regulatory oversight regime that binds and monitors their behaviour, which will lead to improved performance and to the overall sustainability of the scheme. Licensing providers is an important feature of this bill, distinguishing these reforms from the old home warranty scheme that operated prior to 2010. The bill provides for a comprehensive set of insurance guidelines to be issued by the authority, including premium and eligibility guidelines. Under the changes in the bill, the authority will be able to reject premiums that are excessive or inadequate, ensuring premiums are set at levels that are sustainable and fair. The bill ensures eligibility standards are set by the authority at arms-length from the providers of cover. The authority will undertake detailed consultation with industry in determining the content of insurance guidelines, including premium and eligibility guidelines.

The bill enables the authority to collect, analyse and publish information from the Home Building Compensation Scheme. This will improve the oversight of the scheme and increase transparency for all involved in it. The authority will have the power to expand the information published in the public register of insurance certificates to better inform home owners, homebuyers or professionals involved in property transactions. The authority will have the ability to share information in some circumstances to support the administration of the Home Building Act. The sharing of information will extend to sharing of information with other government agencies, which will be prescribed by the regulations to support the administration of other Acts. Information sharing is expected to allow smarter and more efficient regulation of the building sector.

The bill provides the authority with the power to enforce penalties on insurers and alternative providers for non-compliance with licence conditions. The authority will be able to suspend or cancel licences in certain circumstances and may assign policies to another provider where a licence has been cancelled or otherwise ceases. The scheme will also have an important backstop against the risk of an insurer failing, in the form of a guarantee fund, to which all licensed insurers and providers will be required to contribute. The State Insurance Regulatory Authority is the independent regulator of the motor accidents and workers compensation insurance schemes in New South Wales. The authority will bring its experience and expertise from regulating other insurance schemes to the Home Building Compensation Scheme and provide a consistent risk-based approach to the management of the scheme and its licence holders. This regulatory framework will not only benefit consumers by providing strong consumer protection and choice but also benefit licensed providers and builders by providing a fair, competitive and sustainable scheme.

Previous speakers talked about issues in the building industry, including consumers not getting their houses completed and being left in limbo—people cannot move into their half-completed houses and are being forced to pay rent whilst still paying off their mortgages. At the same time good builders, who have not had a

claim made against them, have not been able to provide the information about their building background and the moneys required for them to be able to continue to build homes because of the changes to regulations. Many good builders, particularly in regional New South Wales, have never had a claim made against them but because of the changes made post 2000, and post 2010 they have had great difficulty in continuing their businesses. Another issue of concern raised was the insurance scheme not being able to pay out claims. I listened to the contribution of the member for Rockdale but I was not sure what he was talking about.

I have acted in many building cases—for example, I can remember one case on the Central Coast where a developer built a high-rise development of about eight storeys. An architect and a builder were engaged. In the infill of the external walls the builder used Hebel bricks, which was not in accordance with the specifications, and when it rained the walls in the entire building leaked. That case involved a lot of money. Once water gets into Hebel brick it acts like a sponge, and the video footage of the water coming into the building was phenomenal. All those people were in limbo because the matter went on for quite some time. The good local member for Tweed also spoke about the devastation caused to many of his constituents, for whom he is always 100 per cent committed. This has to be tempered with those excellent builders who have really struggled over the past few years because they have not been able to meet the regulatory standards to continue their business. I thank the Minister and commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour) (18:04): I support the Home Building Amendment (Compensation Reform) Bill 2017. At the outset I will give the House a touch of history. Prior to our losing office in 1995 we had a Home Building Scheme in this State, which was run by the Government, that made money. Over the years I have been amazed that the insurers who took over the scheme have claimed they are not making money, claims have not been met and premiums have gone up. For many years now builders in my area have complained that the criteria set by those insurers have limited their capacity to build. Hopefully this legislation will amend that and I commend the Minister for bringing this bill before the House.

I was prompted to contribute to this debate by an infamous incident that occurred in Coffs Harbour. Money was set aside by the Federal Government and handed over to the Housing department. Firms were contracted to assess those companies capable of building blocks of units for that department. A company called Pearl, which to my knowledge was an office fitting company in Sydney, was given a large contract in Coffs Harbour. Following that, Pearl—which also had other contracts in Sydney that it could not handle and cash flow problems—folded and local subcontractors were then in the gun for about \$1 million. Over the years in this commercial cycle we have seen many companies not capable of carrying out government contracts in particular. I suggested to Mr Collins, QC, who conducted an inquiry into contracting in the private sector, that we should set up a scheme to ensure that all subcontractors, and in regional New South Wales in particular, are covered by some form of government guaranteed insurance scheme. But when the report was finally released it did not cover the government sector.

We need an overhaul of all of our procurement policies across the board in government. How many times do we hear of local subcontractors not being paid for work carried out in government contracts? In the end someone goes bust and the man at the end of the contract loses out. Some years ago the maintenance contract of the Housing department on the North Coast—but not while we were in government—was let to a company in Queensland. That company in Queensland sublet the contract to a company in Sydney, that company then sublet it to a company in Port Macquarie and it sublet it to subcontractors in Coffs Harbour. Each of those entities was taking 10 per cent to 15 per cent of the costs. Eventually an electrician told me that he was being paid \$12 to replace a fluorescent tube in a house belonging to the department. That was totally uneconomic. He walked away. I wrote to the Minister about this.

I appreciate that I am not speaking to the tenor of the bill, but I am appealing to the Minister to take a look at the procurement process across the board. Recently I wrote to the Minister about some architects called Spagnolo who approached me. They have to go through such a complicated process to be accepted into a scheme that would see them given an opportunity to quote on school and hospital extensions, et cetera, but they cannot afford to do it. Regional New South Wales is losing talented young architects to Sydney, yet we have the expertise and lifestyle to employ them in regional New South Wales. The process should be simpler because once those people are qualified we need to be able to give them the opportunity—whether it is a plumber or a drainer. We have the Public Works department both in Coffs Harbour and across the border. Half the time they are called in when contractors fail to oversee subcontractors do the work. Why not give it to them in the first place? The amount of money we would save on building contracts alone would be somewhere in the vicinity of 30 per cent to 40 per cent. On other contracts it would be very similar, as I cited in relation to the Department of Housing maintenance contracts.

I commend the Minister for bringing this bill forward. As previous speakers in this debate have said, in growth areas such as Coffs Harbour and on the North Coast generally there have been problems across the board.

Let us hope this is a large step in the right direction and that we can look to further pieces of legislation, especially in relation to procurement policies that may be governed by departments, to ensure that local subcontractors get their remuneration on time and are not getting ripped off. On some occasions, the head contractor will dispute a bill and will just walk away and fold up a shelf company. This happened to a contractor in Taree who had subcontractors in Coffs Harbour. This is not totally relevant to the bill, but I believe the Minister should look at addressing this issue. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (18:10): I speak in support of the Home Building Amendment (Compensation Reform) Bill 2017. I acknowledge the contributions to the debate of the member for Cootamundra, the member for Tweed, the member for Myall Lakes and the member for Coffs Harbour. I am pleased that the Minister is in the Chamber tonight, as he always is when one of his bills is being carried through this place. This is 43 pages of very detailed and dedicated legislation. I am one of the many people who have built a home on the Central Coast, and to say it is stressful is probably an understatement. I can understand why most people do it only once, as the member for Tweed said.

This is another great piece of legislation from the Minister for Finance, Services and Property and his staff. As the member for Tweed said in relation to his electorate, massive growth is also predicted for the Central Coast over the next 10 to 15 years, with home construction in the vicinity of 75,000 new homes. I note the member for Wyong was in the Chamber earlier; his electorate will benefit from that growth in home building as a result of the great work of this Government. It will be a great opportunity for young tradies on the Central Coast to be part of that property boom over the next 10 to 15 years. According to the regional plan, in the vicinity of 1,400 new homes a year are being built on the Central Coast, and that number will need to more than double to keep up with the requirements.

The bill enables the State Insurance Regulatory Authority [SIRA] to collect, analyse and publish information from the Home Building Compensation Scheme. The amendment of section 102A transfers to the authority responsibility for the public register of insurance certificates. I, like many, have worked with the Minister's staff. As the member for Tweed said, sometimes the last stop is a local member's office. The Minister and his staff helped one of my constituents last year with an issue regarding the home owners warranty. My constituent and her family found it very complex. I am pleased that this legislation will simplify matters. Building a house or renovating is a very stressful and emotive time. Most people are displaced and are parting with very large sums of money. This legislation will help to reduce the stress and risk to home owners.

The authority will have the power to expand the information published in the public register to help inform home owners and property transactions. The authority will have extensive data and information-gathering powers to support both the scheme and the wider regulation of the building sector. The authority will be able to publish information about pricing, profitability and comparative performance of licensed providers. This is a sort of green slip revolution for the home owners warranty. I wish it had been less complicated when my wife and I built a home; it would have lessened the stress that we felt. These amendments will provide for public transparency about the scheme and ensure the authority is accountable for its overall performance.

The bill will allow the authority to share information and data to support the administration of the Home Building Act and other Acts that govern the building industry. The community expects government to be smarter when it comes to regulating the industry. This bill helps break down data silos between agencies to help in that regard. The integration of information that is collected across the sectors will help support identification of compliance issues by providers or licensed builders. That is an important part of this bill. For too long we have seen providers get away with dodgy practices simply by moving to a different area. This legislation will help identify those people and allow home builders to go in with their eyes open by having access to information. Access to information is vital to ensuring delivery of a good product.

It is expected that the data sharing will support initiatives such as better identification of companies at risk of insolvency or of inappropriate behaviour and will assist the Government in cracking down on dodgy industry behaviour, thus providing greater security for home owners. This is all about protecting home owners. Data sharing could help improve interactions by way of the "tell us once" approach to transactions. Additionally, the changes support the New South Wales Government's Better Regulation program, which is focused on digitisation and smarter policymaking that is driven by analytics and open data, for which the Minister and his department are becoming renowned. Already the Government has designed and instigated initiatives to reduce red tape for businesses and consumers, including Service NSW, the Easy to do Business program and the Commerce Regulation Program. The data made available through amendments in the bill will help support these initiatives.

A good example of this is the Rebuild Assist program, which was launched by the Minister for Innovation and Better Regulation in April 2016 to initially help flood-affected families in the Northern Rivers area. Rebuild Assist consolidates information about licensed builders, including more information for consumers about the type

of work that builders can do under insurance. Overall, the improvements in data collection and analytics through amendments in the bill will provide for better regulation and monitoring of the scheme through data and transparency, scheme sustainability and competitive pricing, better data to inform innovative solutions for home building compensation products and operations, and support of broader reforms for the construction and building industry.

I once again give credit to the Minister's staff. This amending bill has been widely discussed with stakeholders. On behalf of the Minister and his staff, I thank all those involved. I thank the State Insurance Regulatory Authority, which contributed to these reforms, in particular, the outgoing chief executive officer Anthony Lang, and Carmel Donnelly, who was the acting chief executive officer when Anthony moved on to his new role. I also thank Dr Rhys Boland, Dr Patricia Casey, Richard Potts, Anneliese French, Chris White, Gavin Robertson, Tanya Briggs, Louise Briffa, Steve Harrison, George Pozzo, Jason Donahue, Phillipa Kacheri, Penelope Worthington, Ibrahim Khoury and Rebecca Nielsen. The Minister also worked with the board of the State Insurance Regulatory Authority, which was chaired by Trevor Matthews and included deputy chair Nancy Milne, Abby Bloom and Dr Graeme Innes. I also thank the Department of Finance, Services and Innovation, which contributed to these reforms.

TEMPORARY SPEAKER (Mr Lee Evans): Name them.

Mr ADAM CROUCH: I will be happy to name them. The team is led by secretary Mark Hoffman and also Matthew Press, Catherine Shehar and Mitchell Harris. I also thank the team at NSW Fair Trading, including commissioner Rob Stowe, John Tannacy, Lionel Collins, Wendy Parson, Amber Pathick, Vivien Behar, John East and Steve Hunt and their team at the Self Insurance Corporation. It would be remiss of me not to thank the Minister's staff—Matt Dawson and Jane Standish. The level of consultation undertaken by the Minister has resulted in outstanding legislation not opposed by members opposite. Wide consultation results in good legislation. I thank the Minister for this amending legislation and I commend the bill to the House.

Mr DAMIEN TUDEHOPE (Epping) (18:19): I, too, support the Home Building Amendment (Compensation Reform) Bill 2017. I commend the Minister for Finance, Services and Property for a whole package of reforms relating to the building industry. He was formerly the Minister for Fair Trading and he has adopted many of the reforms from his previous portfolio. This is important reform. My years in legal practice highlighted the great tragedy for those engaged in the building process when their builder went broke or was unable to return and carry out repairs that were often substantial repairs. Those people need to have some recourse, which is what led to the Home Warranty Insurance Scheme.

At some stage we should address the underlying cause of builders going broke, which often involves phoenix schemes where builders finish projects, dissolve the company, disappear into the ether and then emerge somewhere else to engage in other building activity. Another aspect of the building industry often not recognised is builders taking on four, five, six or seven projects, obtaining finance for the projects and then shuffling the finance between the projects. Often because of delays payments become clogged in the system and there is an inability to pay, which then flows down the line.

At some stage the banks should bear some responsibility. I know there is a process for requiring builders to lodge statutory declarations to the effect that their progress claims are in fact attributable to the project on which they are currently working. In circumstances where those statutory declarations are not entirely accurate or are indeed false, remedies should be pursued. Alternatively, there needs to be a regulatory regime that ensures builders only ever attribute moneys for a particular project to the project on which they are working. In my view that would help to ensure the liquidity of the building projects that are being worked on.

This reform is part of a suite of reforms. I take this opportunity to outline some of the other reforms for which the Minister is responsible. The Home Building Act 1989 is a key component of the regulatory framework that operates in the building and construction sector. Other legislation includes planning and strata development laws—the Building and Construction Industry Security of Payment Act 1999 and the Building Professionals Act 2005. The New South Wales Government has been working constantly to improve the regulatory framework, to ensure that the building and construction industry is strong and that its workers and consumers remain protected. That has been the fundamental principle for the way in which the Government has approached the building industry to protect consumers.

Home building compensation has not been reformed in isolation and the reform process has involved considerable consultation across the industry. Since 2011 reforms have been undertaken as part of a broad package of measures designed to protect consumers and the building and construction industry. Reforms undertaken by the New South Wales Government include extensive review of security of payment laws, a broadened statutory review of the Building Professionals Act 2005, significant reform of strata laws and legislative changes to the

Home Building Act 1989 and administrative reforms to the Home Building Compensation Scheme—all under the supervision of this Minister.

What do the reform of security of payment laws involve? Since 2011 the New South Wales Government has been working to minimise the incidence and impact of insolvency in the building and construction industry as a whole. The Government was trying to protect subcontractors, those dealing with major companies where those companies experienced cash flow problems and were unable to pay subcontractors. Changes included establishing prompt payment provisions and requiring a head contractor to give a principal a written statement that all subcontractors have been paid. New provisions allow contractors to be fined or jailed if they provide a false or misleading statement.

A similar remedy should be available to consumers where false or misleading material is provided in respect of payments made for a particular project that have then been allocated to another project. To further reform the industry, in 2015 the Government created a retention trust scheme for projects valued over \$20 million. The scheme requires head contractors to hold funds in trust for payments to subcontractors. Payments can only be made in accordance with the contract between the head contractor and a subcontractor. Trust funds cannot be used as working capital and are available in the event that the head contractor becomes insolvent. That is a really important component of limiting the exposure of subcontractors. I turn now to the review of the Building Professionals Act 2005. In September 2016 the New South Wales Government published its response to the final report on the Statutory Review of the Building Professionals Act, which outlined the actions that the Government will take to strengthen and improve the certification system and building regulation in New South Wales.

The Government is prioritising reforms that improve monitoring of the sector and strengthen fire safety in new and existing buildings. Substantial progress has been made on these priority reforms, including: amending the Building Professionals Act to provide the necessary data reporting powers to enable the effective monitoring of the sector; development of a range of digital solutions to facilitate the reporting of data by private certifiers and councils about the certification work they do—this is real-time monitoring which is important for the industry to ascertain the manner in which certifications are carried out; public consultation on a package of fire safety reforms developed in conjunction with key industry and community stakeholders; consolidation of key building regulatory functions of NSW Fair Trading and the Building Professionals Board in the newly created Building and Construction Service; and improved coordination across agencies involved in building and planning regulation through the establishment of the Building Regulators Committee.

Work is also underway on the rewrite of the Building Professionals Act and a new Building and Development Certifiers Bill. That bill will clarify the responsibilities and liability of certifiers, improve their accountability and independence, and enable proactive, risk targeted audits of certifiers—another aspect of real-time reporting. The Government will continue to involve key industry and community stakeholders in all of the reforms to help shape the future of certification regulation in New South Wales. Although I had planned to speak about significant reform of strata laws, which are a jewel in the crown of the Minister, time does not permit. However, I conclude by stating that this reform has involved considerable consultation across the industry and community.

There has been an industry-wide response to improving and reforming the building and construction industry in New South Wales, including home building compensation reform. The Government works constantly to improve legislation that will ensure the building and construction industry is strong and the consumers and workers are protected. This bill continues to deliver on this commitment. Having worked in a Minister's office I understand that one of the important duties is to provide speaking notes to backbench members, thereby providing an opportunity for them to contribute to debate. I commend this Minister and his office for the outstanding quality of the speaking notes they provide. I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) (18:30): Home building insurance has long been criticised by consumer groups for helping too few home owners gain relief from faulty building work. A home is often the biggest investment a person will make and defects can cause the owner considerable economic loss and disruption to life. To make home warranty insurance more sustainable for insurers following the collapse of HIH Insurance it became a last resort scheme. Claims were limited to situations where the builder had died, disappeared or become insolvent. Later, claims were further limited to defects detected during the period of insurance, and then the scheme was scrapped for buildings of four or more storeys.

In response to significant concern that home owners were getting nothing out of the system, claims were expanded to situations where a builder failed to comply with court or tribunal orders to rectify faulty works. Since 2010 the scheme has been underwritten by the Government. There are continuing problems for home owners. The Government states the scheme fails to deliver for the insurer, with the new fund now hundreds of millions of dollars in deficit. I am informed that the reason for the deficit is the large number of claims being made because

building companies have become insolvent. In many cases, the builders behind the failed companies continue to operate with a new company.

This is a significant loophole that needs to be addressed if home building compensation is to become sustainable while protecting home owners from faulty work and high costs. Good building practices that do not require action after building works occur must be encouraged. I ask the Government to give this issue priority. The Home Building Amendment (Compensation Reform) Bill 2017 will open up the government-run scheme to private operators, allowing them to offer insurance or other indemnity products to builders. Insurers will be required to pay a fee to cover the costs of the State Insurance Regulatory Authority, which will licence insurers, approve premiums and establish minimum insurer requirements. Insurers will also have to pay for a fund to be held in case an insurer becomes insolvent.

I understand the bill will allow insurers to provide cover beyond the current last resort system. I encourage this as it could improve home owners' access to relief for faulty work, given so many are excluded by the strict criteria and are not able to access statutory warranty rights which have become more restrictive in recent years. Concerns have been raised with me about a new provision in the bill that excludes home building compensation for a loss from statutory warranty breach if a claim has already been made to and paid by an insurer. The wording of this provision seems to enable a court or tribunal to see a defect and a breach of statutory warranty as the same thing even though there can be many different and completely unrelated defects from the one breach of warranty.

Payment for one defect could exclude any coverage for other defects because they come from the same breach of warranty. This will leave home owners significantly disadvantaged. Furthermore, the exclusion of compensation if a claim has already been paid out seems to prevent compensation even if payment only partly covered the loss suffered. This provision is not needed and should be removed because insurance can only cover a loss and a loss only occurs if there has not been any compensation. I ask the Minister to urgently address this serious concern. Building defects continue to be a serious problem in my electorate. I have heard from many constituents who have had problems pursuing compensation. Most of these complaints come from apartment owners who are not covered by the Home Building Compensation Scheme. A City Futures Research Centre survey of 1,550 individuals, 106 strata managing agents and 11 peak body representatives found that 85 per cent of respondents in strata buildings built since 2000 had one or more defects present, with 75 per cent reporting defects not yet fixed.

We are awaiting the much-needed defects bond and inspection regime, which will require the developer to lodge a bond of 2 per cent of the contract price which is either returned or used to fix any defects identified in an independent defects report. Unfortunately, this scheme will not commence on 1 July as promised. I am concerned that apartment buildings are vulnerable because they do not come under the Home Building Compensation Scheme and their statutory warranty rights have been reduced. Apartment owners continue to have few options to pursue defects at a time when the Government is pushing for significant high-rise development. The Government must ensure that buying a newly built apartment is not a financial risk and it should consider restoring home building compensation access for buildings of four or more storeys.

Mr KEVIN ANDERSON (Tamworth) (18:34): I make a contribution to debate on the Home Building Amendment (Compensation Reform) Bill 2017. I note Minister Victor Dominello is in the Chamber. I acknowledge the work done by the staff who have contributed to the compensation reform component of the Home Building Amendment (Compensation Reform) Bill 2017. This Minister has the ability to sift through pages of bureaucratic paperwork and end up with a commonsense approach. I have had the pleasure of working with Minister Dominello in a number of areas where that has occurred. As a result of consultation and discussion by the Minister, the people of New South Wales are the ultimate beneficiaries. I thank him for his work. I support the bill. It will improve the regulatory framework and ensure that the building and construction industry is strong and workers and consumers remain protected. Builders will still be required to obtain home building compensation insurance for residential building work in New South Wales costing more than \$20,000, such as new home construction and renovations.

In the Tamworth electorate there is presently a solid construction phase—some have likened it to a boom—where renovations to properties costing in excess of \$20,000 are common. This relates to a lot of work done by the construction industry in the Tamworth electorate. This bill will allow the entry of private providers into the home building compensation market and allow builders a choice of providers and products. Providers will be encouraged to offer innovative and alternative products to builders. Builders will have the flexibility to shop around and find the product that suits their business. There is no one-size-fits-all solution. A construction business may be a sole trader, or it might have a couple of contractors, or it may be a large firm with commercial interests building 100 houses per year. The providers could offer services such as quality assurance checks, management of progress payments and dispute assistance. This is the key.

Sometimes things go wrong and a person's dream of building a home is dashed in front of their eyes. It is a heartbreaking experience. It starts as a dream to build a home but it ends in tears. If defects are not solved or a builder goes broke, the consumer or home owner ultimately wears the cost. This bill will provide commonsense flexibility for builders to enter the market. Increased competition will allow builders to choose a product or provider that best suits their business model while ensuring that consumer protection is maintained. From time to time, my office in Tamworth receives complaints relating to builders that may have gone broke, where there are unresolved defects, or a matter is in dispute and it needs to be resolved.

Therefore, when it comes to common sense and flexibility we must ensure that builders can continue to work and meet their eligibility requirements, otherwise it will break their business. Those eligibility requirements need to be clear and transparent so that builders can understand what options they have to lower their risk profile to achieve better eligibility and premium pricing outcomes. I commend the bill and the work of the Minister and his staff. The bill provides a commonsense approach. It will allow builders, whether they are sole traders or a large corporation, to continue to do the work they love, but a level of protection will be offered not only to them but also to the people for whom they are building dream homes.

Ms MELANIE GIBBONS (Holsworthy) (18:40): I speak in support of the Home Building Amendment (Compensation Reform) Bill 2017. I commend the Minister for Finance, Services and Property for introducing the bill to the House. I note that he is in the Chamber and I thank him for his time working on the bill. The bill aims to create a modernised and fit-for-purpose Home Building Compensation Scheme by amending the Home Building Act 1989 and other legislation. Building or renovating a home is one of the biggest financial commitments that a person can make. I am well aware of that because I am saving madly to renovate my home. It is a huge undertaking, and I support the aim of the bill and the benefits and safeguards it will put in place.

The bill helps to support home owners in understanding their financial commitments when negotiating their contract of work. Builders will be required to set out the cost of cover in the contract of work with the home owner. Home owners will have a greater opportunity to understand the cost of the premium for that cover up-front in the contract. Depending on the product selected by the builder, this may include the costs of separate split cover for the construction and warranty periods. Recently risk-based pricing was introduced as part of the government-provided Home Building Compensation Fund product. Builders who are considered to be in a high-risk category will have to pay more for their cover and builders in lower-risk categories will pay less. As a result, home owners will have better price signals about a builder's risk when choosing who to contract for work.

Home owners will be able to make more informed decisions about risk and pricing when building or renovating a home. Allowing private providers into the scheme also offers home owners the potential to access innovative product offerings that exceed minimum standards. This will increase consumer protection and will support the commitment by the New South Wales Government to ensure that home owners can access cover to complete or fix work on their home if their builder has gone out of business. This legislation creates a new part 6C of the Act that will allow the State Insurance Regulatory Authority to licence insurers and other insurance coverage suppliers under the Home Building Compensation Fund. This is a large difference from the old privately provided Home Warranty Insurance Scheme that operated until 2010, and provides the important innovation and modernisation that this sector requires.

To ensure the overall sustainability of the scheme, licensees will be subject to far more rigorous regulatory oversight than before. Additionally, to ensure that the NSW Self Insurance Corporation will be licensed under the Act, a new section 105B has been added. It will be regulated by the authority in a similar way to new private sector entrants to the market. The bill introduces important changes, including enabling insurance against loss arising from non-completion of residential building work or breach of statutory warranties for residential building work in cases where the builder dies, disappears or becomes insolvent to be provided by private insurers as well as the NSW Self Insurance Corporation. To achieve this, the bill amends the requirements set out in section 99 to provide cover as two separate products, which can be provided by different licence holders.

The first product will assist to provide insurance for home owners against a risk of loss due to non-completion and associated breaches of statutory warranty during the construction period. The second product helps to cover home owners against the risk of loss after the work is completed for the duration of the statutory warranty period. To ensure that home owners are given the protection they need and deserve, builders will be required to take out cover for both situations. This is enhanced protection that we are providing for people building their homes. Under division 5, section 6 of the Act the bill also requires all licence holders to contribute to a home building operational fund. This fund will help to support the ongoing operations of the State Insurance Regulatory Authority.

Under sections 103OA and 103OB, licence holders will additionally be required to ensure that they contribute to the Home Building Compensation Fund. The money in this account will be held against the risk that an insurer becomes insolvent. Those changes are important to ensure that people who are building their homes

have peace of mind. The bill will allow for alternative indemnity products to be offered, such as fidelity schemes and specialised insurance arrangements, in addition to insurance products. It is important to note that other jurisdictions such as the Australian Capital Territory and the Northern Territory are currently operating fidelity funds in the home building compensation market. The bill allows for alternative indemnity products like this to be provided under the new part 6B of the bill. A requirement of their introduction will be that the fidelity funds will need to be licensed to ensure that they meet the equivalent requirements to insurers under the scheme.

In the same way that the insurance sector is legislated, the cover offered by those alternative indemnity products will need to meet or exceed the minimum cover requirements set out. To ensure that there is oversight of this system, the State Insurance Regulatory Authority will draw on its experience regulating providers that are not insurers in the other regimes that it administers to ensure that the alternative indemnity products are regulated on an equal footing with insurance providers. The bill seeks to establish a modernised and effective framework for home building compensation. This bill provides only one of the first steps in this process. As the Minister said in his second reading speech:

This will be an extensive process through the second half of 2017. The authority will consult carefully to ensure that the new scheme achieves the confidence of home owners, builders, brokers and prospective insurers and providers. This will enable the new scheme to commence in early 2018. I have also asked the authority to work with the co-regulators such as Fair Trading on how the home building compensation scheme can be better aligned with and support other aspects of building sector regulation.

I thank the Minister, his staff and the department for their work in introducing the bill to the House. The bill will create a modern and fit-for-purpose Home Building Compensation Scheme, ensuring that people in our community have the support they need. Providing essential support to people who are building their homes is important to this Government, and I am glad to have assisted with and to speak in debate on the bill. I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:47): In reply: As members have heard, the reforms in the Home Building Amendment (Compensation Reform) Bill 2017 will ensure that the scheme is established on a sustainable basis to protect home owners in the future. The reforms will open the scheme to private sector innovation and competition while harnessing considerable experience in regulating statutory compensation schemes. The reforms of this Government will protect home owners and will empower them to make more informed decisions. I thank the members who contributed to debate on the bill: the member for Cessnock, the member for Cootamundra, the member for Prospect, the member for Tweed, the member for Rockdale, the member for Myall Lakes, the member for Coffs Harbour, the member for Terrigal, the member for Epping, the member for Sydney, the member for Tamworth and the member for Holsworthy. In particular, I thank all those members who were complimentary to my staff and my team.

The past few years have involved genuine hard work to get this bill across the line as it necessitated a lot of stakeholder engagement to ensure that we were able to achieve the right settings. I will comment on some of the points that were raised in the course of the debate. The first is that a level of insurance should be provided. The Statutory Insurance Regulatory Authority [SIRA] will be the regulator, and it will be a far strengthened model. People who know me will be aware that I am fanatical when it comes to obtaining data and using its power to make better decisions, particularly from a regulatory perspective. I assure the House that data will be pivotal to the new scheme. It is easy to change policy settings, but if we really want quantum change we must change the data settings.

That is what we have done, and it will be at the heart of this bill and at the heart of the regulator in the future. It gives me a lot of comfort that it will be a smart regulator, not just a standard regulator. For example, using data analytics, we can already predict with 85 per cent confidence which builder is likely to go bankrupt within the first three years. A regulator armed with that information can intervene in the marketplace and prevent a builder from going bankrupt by providing a few helpful suggestions, some guidance and maybe some training. More importantly, the regulator can prevent the financial and emotional carnage that would then flow on to the consumer, who would be at the tail end of the building process.

The second point raised was about consumer protection. Again, I was at pains to point out throughout my second reading speech that consumer protection will remain in place. In fact, as I have said before, it is sacrosanct and in some cases it will be improved. The Government will ensure that those protections remain in place, if not improved as a result of this legislation. The third point that was raised was the rationale for not exempting low-rise multi-dwellings as part of this reform. The member for Rockdale said that the Government could have gone further. However, the reality is that the stakeholders we consulted support the status quo. If that were removed now it would reduce consumer protection because the 2 per cent defect bond—which I know reasonably well, given that I introduced that strata reform last year—is not yet operational.

The Government is still working through the details because it will be the first reform of its kind in the country and we have to get the settings right. If the multi-dwelling protections were removed, it would leave a

class of consumers exposed because the defect bond is not yet operational. For that reason, the Government will not proceed down that path. The last point raised in debate was that the Government was not taking on the bad risk. That is a legitimate point. If ultimately the Government were the insurer of last resort and it offered an innovative and agile insurance product as the first-resort model—as both the member for Cessnock and the member for Rockdale acknowledged—it would provide another layer of consumer protection. Rather than being a last-resort option—people can apply to the scheme only if the builder disappears, dies, becomes insolvent, or does not comply with certain tribunal orders—it would be a product of first resort.

That would then put the incentive in the right place—that is, both the builder and the insurer would be incentivised to provide the right product in the first instance. That would therefore minimise the risk of any claims ultimately being made. That is the Government's goal because it would provide another layer of consumer protection. Ultimately, the Government's big vision is to have a number of insurance products like that to empower consumer choice. People can approach a builder who has a first-resort insurance product and they will not need to stress about the last resort. They will be prepared to pay the extra \$1,000 premium because they want that level of comfort. Builders may then offer a first-resort product because it means that an insurer will crawl all over them throughout the building phase, which ultimately will lead to better protection for the consumer.

Many similar products exist in the marketplace. Why could we not extend that to the most important product that most people purchase: their home. If we were to get to that point, we would be in a strong position. However, we must address the central concern—that is, the Government cannot afford to be the bearer, or the holder, of all bad risk. Ultimately, the Government is a smart regulator and it will adopt, as it does with green slips, risk equalisation mechanisms once a certain level of maturation is achieved within the scheme. If a sufficient number of insurers are involved it will ensure the Government does not hold those bad risks. More work will need to be done following the passage of this bill. The State Insurance Regulatory Authority will consult extensively in the second half of 2017 to ensure that appropriate regulations and insurance guidelines are developed to support the scheme. This will allow private sector providers to apply for a licence to enter the scheme in early 2018. 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 VICTOR DOMINELLO: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES AMENDMENT (INTIMATE IMAGES) BILL 2017

Second Reading

Debate resumed from 24 May 2017.

Mr PAUL LYNCH (Liverpool) (18:55): I lead for the Opposition in debate on the Crimes Amendment (Intimate Images) Bill 2017. The Opposition does not oppose the bill. The object of the bill is to amend the Crimes Act to create new offences in relation to the non-consensual sharing of intimate images. The non-consensual distribution of intimate images—also commonly called revenge porn and in some contexts called image-based sexual abuse—has increased substantially in line with technological developments. Images can be distributed frequently and easily, granted the availability of online platforms. There is broad agreement about the significant harm that can result for the victims of this behaviour; it is widespread.

In a submission on the Government's discussion paper, Dr Nicola Henry, Dr Anastasia Howell and Dr Asher Flynn referred to their Australian survey on online abuse and harassment, which had almost 3,000 adult Australian respondents. The survey found that one in 10 Australians had a nude or semi-nude image of them distributed online or sent to others without their permission. This type of behaviour is often associated with domestic violence. The submission from the Eastern Suburbs Domestic Violence Network specifically notes an increase in the use of technology to perpetrate domestic violence. There is a wide range of motivations and intentions involved, however. And as the Government has noted previously, what constitutes an intimate image can vary according to community standards.

There is currently no clear, dedicated criminal offence to deal simply with the non-consensual sharing of intimate images. There are several provisions that in some circumstances cover some of those situations. In the case of section 578C of the Crimes Act, Publishing Indecent Articles, a person needs to do some conceptual damage to make it fit these circumstances—if the image was created consensually it seems odd to regard it as

indecent, and rely upon its nature to found a prosecution and only regard it as indecent when it is distributed. The Commonwealth Senate Legal and Constitutional Committee in a report released on 25 February 2016 recommended the introduction by States of a criminal offence directed at this behaviour.

The Legislative Council Standing Committee on Law and Justice released a report in March 2016 entitled, "Remedies for the serious invasion of privacy in New South Wales". The report was restricted to civil remedies but did suggest that the State Government consider the Senate committee recommendations. The former Attorney General eventually released a discussion paper in September last year. Public submissions closed in October 2016, and I have referred already to some of the submissions on that discussion paper. I had thought the Government was unduly delaying taking any action on the issue, and I placed a question on notice on 9 May this year in this place asking what legislative action was proposed. I am not sure whether my question was the catalyst, but the Attorney General announced new laws on 21 May in a Sunday newspaper.

It seems to me that the most problematic area concerning sharing intimate images is the practice by children and young people of sexting—that is, the consensual creating and sharing of sexually explicit messages or images. The submission on the discussion paper by the Advocate for Children and Young People quotes research to show that consensual sexting is commonplace among young people and children. The research quoted said that, of those aged 13 to 15 years, 38 per cent had sent a sexual picture or video and 62 per cent had received one; of those aged 16 to 18, 50 per cent has sent one and 70 per cent had received one; and of those aged 19 and older, 59 per cent had sent one and 68 per cent received one.

The black-letter law approach to this part of the issue in this debate is to say that because such sexting is consensual it is not caught by this bill. I do not think it is quite as simple as that. If the recipient of a sexting image shows it to someone else without consent that certainly is going to be caught by this bill. Additionally, child abuse material offences continue to apply to consensual sexting. In turn, that might have implications for sex offenders registration and Working With Children Checks. I understand that the Department of Justice is conducting a review of child sexual assault laws. I assume that that review arose from the recommendations of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders, which was chaired by Troy Grant and of which I was a member.

I understand that sexting will be considered in that review. There is clearly an intersection between this bill and the matters being considered by that review. I ask the Attorney General in his reply to indicate what stage that review is at and when it is likely to report. Several new criminal offences are created by this bill. It is appropriate to note, as recommended by the Bar Association, that these are new offences and not simply amendments of the provisions of existing law such as section 91K and section 91L of the Crimes Act. Section 91P provides that a person who intentionally records an intimate image of another person without that person's consent, or being reckless as to whether the person consented, is guilty of an offence. Section 91Q provides that a person who intentionally distributes an intimate image of another without that person's consent or being reckless as to consent, is guilty of an offence.

Section 91R criminalises the behaviour of threatening to record or distribute an intimate image. The penalties for all these offences is 100 penalty units or imprisonment for three years, or both. These are indictable offences. The amendment made by this bill to the Criminal Procedure Act also makes these four offences table 2 offences. This is consistent with the submissions from the Office of the Director of Public Prosecutions and Legal Aid. It means that they can be dealt with summarily unless the prosecution or defence objects. The maximum penalty in such cases is two years. Making them indictable, of course, avoids time limitation problems that might otherwise arise—a point I note that the Privacy Commissioner mentioned in her submission.

All these offences are subject to a proviso that the prosecution of a person under 16 years of age cannot be commenced without the approval of the Director of Public Prosecutions. This reflects the issue of how these laws intersect with the behaviour of children and young people. Once upon a time this would probably have been a provision that prosecution not occur without the Attorney General's consent. Indeed, that proposal was made in a submission by Kingsford Legal Centre. As a matter of practicality, and with a tinge of regret, I think those times have passed and the provisions about the Director of Public Prosecutions is a preferable option to having consent resting with the Attorney General. As I understand it, successive Attorneys General have delegated such functions under other legislation to the Director of Public Prosecutions in any event.

New section 91S allows a court to order a defendant to take reasonable actions to remove, retract, recover, delete or destroy any intimate image recorded or distributed. It is important to note what this does and does not do. It only operates upon conviction, so no pre-conviction take-down order can be made. That is far too late. It is only directed at the defendant, not at any other body or organisation or person. Failure to comply with the order is a criminal offence. The maximum penalty is 50 penalty units or imprisonment for two years or both and that is a summary offence. Comparatively complex definitions are provided in the bill. In the circumstances, that makes

sense. "Intimate image" is defined in a way that is based upon the terms of private parts and engaged in a private act; they in turn are defined with some precision.

"Intimate image" is also defined to mean an image that has been altered to appear to show a person's private parts or a person engaged in a private act in circumstances in which a reasonable person would reasonably expect to be afforded privacy. New section 91O has detailed provisions as to the meaning of consent and, once again, that seems to me entirely sensible in this legislation. New section 91T provides a number of exceptions to offences under section 91P and section 91Q. They include if it was done for a genuine medical or scientific purpose; if it was done by a law enforcement officer for a genuine law enforcement purpose; if it was done for the purpose of legal proceedings; and if a reasonable person would have regarded the conduct as acceptable, bearing in mind a number of factors.

That is an interesting provision and seems, in relation to the latter part, to adopt, to some extent, the reasoning of the submission of Children's Court President Judge Peter Johnstone, who argued against the use of a community standards component in the defence such as exists in Victoria. He argued that this was too vague a description and it might be difficult for a judicial officer to be sure of its meaning. The notion of reasonableness, as provided in this bill, is one with which judicial officers are quite familiar. That might not be quite so with the term "acceptable", which is also in the bill. Turning specifically to the submissions on the discussion paper, I invite the Attorney General to address two issues in reply.

The first relates to the proposal by the Director of Public Prosecutions that the penalty for the offences be five years maximum imprisonment, consistent with the provisions of section 13 of the Crimes (Domestic and Personal Violence) Act 2007. I am not necessarily being explicitly critical of the provision in this bill, but I think it appropriate for there to be an explanation of why the three years maximum penalty was adopted in the bill rather than the five years maximum that the Director of Public Prosecutions proposed. The second issue about which I specifically seek the Attorney General's response comes from the submission by Legal Aid NSW—and I think some other submissions—that the prescribed orders for apprehended violence orders be reviewed and include a provision that prohibits the threatened or actual distribution of intimate images without consent. Has this happened or will it happen? As I said, I would appreciate the Attorney's advice about this.

The part of the bill that troubles me is the inadequate regime for offending images to be removed. New section 91S limits rectification to orders after conviction. There may well be a considerable time between the image being distributed and court proceedings—for example, defended indictable matters could take up to two years, and that is simply too long. It is regrettable that in a bill that does comparatively good things the opportunity has been missed to have a more expedited process for getting offending images taken down. A much better model is available, and it is set out in the report of the Legislative Council Standing Committee on Law and Justice. Interestingly, the overview of the bill says it is part of the Government's response to that report. That is more than a little cheeky, given that the report was exclusively devoted to civil remedies and its terms of reference prohibited it dealing with criminal matters. This bill deals exclusively with criminal matters.

Recommendation 6 of that report called for the Privacy Commissioner to be given powers to make take-down orders and to pursue other non-financial forms of redress. That is a more desirable way of proceeding rather than relying on court orders upon conviction for images to be taken down or for matters to be rectified. As I say, that is simply too long to wait. The committee's recommendations were cross-party and unanimous. Indeed, that recommendation was also a provision in the Civil Remedies for Serious Invasions of Privacy Bill—a private member's bill that I introduced into this Parliament last year. It is also a provision in the bill that Adam Searle has introduced in the other place. I note also the support for this approach in the submission from Kingsford Legal Centre and the Law Society of New South Wales. This is a more expeditious, simple and effective way of dealing with these sorts of images going up and being distributed. I repeat: It is a matter of regret that something like this has not been done in a bill with which I am otherwise quite comfortable. The Opposition does not oppose the bill.

Ms FELICITY WILSON (North Shore) (19:06): I speak in support of the Crimes Amendment (Intimate Images) Bill 2017. This bill implements the Government's commitment to reforms that address the non-consensual sharing of intimate images—colloquially known as "revenge porn"—by introducing three key new offences to criminalise non-consensual recording and sharing of intimate images. The bill introduces the new offences of intentionally recording an intimate image of another person without that person's consent, while knowing that that person did not consent or being reckless as to whether the person consented to the recording; intentionally distributing an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the distribution; and threatening to record or distribute an intimate image without a person's consent, intending to cause a person to fear that the threat will be carried out. These offences will be punishable by a maximum penalty of imprisonment for three years, or a fine of 100 penalty units, or \$11,000, or both.

Research published recently by the RMIT University in Melbourne found that one in five Australians experience image-based abuse. Based on those figures, there is a good chance that we all may know someone who has been a victim. In my inaugural speech I raised the issue of revenge pornography as a new challenge of the digital age. I described it as a tool of intimate partners to subjugate and oppress women in particular. The principle of respect must underpin the way we treat one another, including in intimate interactions. The Government takes these concerns seriously and strongly condemns the non-consensual sharing of intimate images. This bill reflects the Government's commitment to strengthen this area of the law and to provide a clear remedy for such a serious invasion of privacy. These reforms will send a strong message that this behaviour is unacceptable in our society.

The timing of the bill is fitting—in May we celebrate Privacy Awareness Week. On 19 May 2017 the Commonwealth and all States and Territories agreed to a national statement of principles that support criminal laws for the non-consensual sharing of intimate images. The approval of these principles will hopefully prove to be the first step in nationally consistent criminal offences for this type of behaviour. On Saturday, the Commonwealth Government announced that it is consulting on a proposed civil penalty regime to target perpetrators and sites that host intimate images and videos that have been shared without consent. The Government believes a civil penalty regime could complement criminal laws that protect victims from the distribution of intimate or sexually explicit images without consent. The reforms are based on thorough public inquiries at both the State and Federal levels, which have highlighted the deficiencies in the existing law in this area and the severe impact that this behaviour can have on victims.

The bill creates a take-down power for courts to order a person convicted of recording or distributing an intimate image without consent to take reasonable actions, within a specified time, to remove, retract, recover, delete or destroy an intimate image the person unlawfully recorded or distributed. It will be an offence for a person to contravene such an order without reasonable excuse, punishable by imprisonment for two years, or a fine of 50 penalty units, or both. Although for many victims getting the images removed after criminal proceedings will not be able to undo the harm they have suffered, it may help to know that, in future at least, they will not be confronted by further copies of the image.

The Commonwealth Senate Legal and Constitutional Affairs References Committee inquired into the problem in 2015 and 2016. As part of the inquiry, the Senate committee received public submissions from interested individuals and agencies and also held a public hearing that took evidence from a range of experts. The most important of those recommendations was that States and Territories should legislate to introduce offences such as those in this bill. At the same time as the Commonwealth Senate was conducting its inquiry, the New South Wales Parliament was also looking into the problem. The Legislative Council Standing Committee on Law and Justice inquiry into remedies for the serious invasion of privacy in New South Wales began in June 2015 and reported in March 2016.

I acknowledge the chair of the standing committee, the Hon. Natasha Maclaren-Jones in the other place, for her significant contribution in leading privacy reform. The inquiry was established amidst increasing community concern about the use of social media and surveillance technologies to impinge on the privacy of individuals and their day-to-day lives. The terms of reference for the New South Wales inquiry focused on exploring civil remedies for invasion of privacy, including equitable actions for breach of confidence and a potential statutory cause of action for serious invasions of privacy. Through the submissions it received and its public hearings, the Legislative Council committee heard from many individuals, legal experts, academics and other stakeholders about the problem of revenge porn and the severe impacts of technologically facilitated abuse. The committee noted that technological advancements have contributed to a rise in this type of invasion of privacy.

In particular, the committee heard evidence about the problem of image-based abuse in domestic violence contexts, where distribution or threatened distribution of intimate images is used to harass and control the victim, and may even be used to stop victims from seeking help from family, friends or police. In its report, the committee noted the widespread view among stakeholders that the criminal law in New South Wales was not adequate to respond to the non-consensual sharing of intimate images and the support for new offences to target this behaviour. The committee took the view that specific recommendations on criminal law reform in this area would be beyond its remit. However, the committee commented that it would be appropriate for the New South Wales Government to consider the Commonwealth Senate committee's recommendations for new offences. Overlapping the inquiry by the Standing Committee on Law and Justice, the Joint Committee on Children and Young People also conducted an inquiry into the sexualisation of children and young people.

The joint committee reported in November 2016, and directly recommended that the Government introduce legislation to create offences of distributing or threatening to distribute an intimate image. I acknowledge the chair of the parliamentary inquiry into the sexualisation of children and young people, the member for Holsworthy, Melanie Gibbons, and the deputy chair, Damien Tudehope, MP, member for Epping, for their leadership in that inquiry. The Government took seriously the evidence presented in those inquiries,

particularly the reported experiences of the victims of non-consensual sharing of intimate images who, to this day, often need pseudonyms when they speak about the abuse that they have suffered. This bill reflects the Government's commitment to deterring and punishing perpetrators of this type of serious invasion of privacy and also the Government's commitment to addressing the victim-blaming mentality that currently exists. The bill reflects the Government's commitment to strengthen this area of the law and to provide a clear remedy for such a serious invasion of privacy. Overall, the reforms will send a strong message that this behaviour is unacceptable in our society.

Mr PHILIP DONATO (Orange) (19:14): I speak in support of the Crimes Amendment (Intimate Images) Bill 2017. The object of the bill is to insert into part 3 of the Crimes Act 1900 a new section 91. The bill will introduce legislation to allow for perpetrators of revenge porn to be duly prosecuted and, if found guilty, to be punished for this offence. In the current digital age this issue has, unfortunately, become increasingly prevalent. In today's modern-day society where everyone from children to seniors carries a smart phone in their pocket or handbag and has access to a video camera and social media at the click of a button, these offences or instances are becoming more and more prevalent.

In my more than two decades as a police officer, the past 16 years spent as a police prosecutor working day in and day out at the coalface of local and children's courts, I know that this situation is not only prevalent; until now it has lacked statutory intervention to properly prosecute these matters. This bill seeks to correct that. I frequently encountered numerous cases—predominantly domestic violence matters—in which former partners either released or threatened to release explicit intimate digital material onto social media platforms, whether it be Facebook, Snapchat or any other forum, to cause undue stress, embarrassment, anxiety, shame, humiliation or harm to the person's reputation or to the person's family's reputation. In some cases the threats were used as blackmail to attempt to dissuade victims from reporting offences, domestic violence incidents or other criminal activity. This presents a serious criminal invasion of the privacy of victims.

I also note that under proposed section 91S the court may order the person responsible to take action to remove, delete or recover an intimate image distributed by that person. I hope that the maximum penalty of three years for this offence is appropriate, taking into account the objective criminality reflective of this offence. I note that the offence of intimidation contained in section 13 of the Crimes (Domestic and Personal Violence) Act carries a maximum penalty of five years. This offence will act as a significant personal and general deterrent as well as address other criteria outlined in section 3A of the Crimes (Sentencing Procedure) Act 1999: denunciation, recognising the harm done to victims, protecting the community and making the offender accountable. I congratulate the Attorney General and his staff on their hard work in drafting the bill and on engaging in consultation and getting the bill to this stage. I commend the bill to the House.

Ms JENNY AITCHISON (Maitland) (19:17): I make a contribution to debate on the Crimes Amendment (Intimate Images) Bill 2017. This extremely important bill seeks to address one of the burgeoning issues of the digital era—the issue colloquially referred to as revenge porn. However, it goes way beyond that. It is an insidious phenomenon that has become all too common in the age of social media, including on sites such as Snapchat, Instagram, Facebook and Tumblr. Researchers from RMIT University and Monash University spoke to many Australians to look at the scale of this crime in our society and released a report a month or so ago. It was the first comprehensive research done on revenge porn and it has revealed victimisation on a massive scale across Australia, with one in five people suffering image-based abuse.

The survey involved more than 4,000 people and it showed that women and men are equally likely to be victims, but it also showed that marginalised groups are especially vulnerable, with image-based porn affecting one in two Indigenous Australians and one in two people with a disability. The report stated that the risk of victimisation by this kind of crime is higher for young people and lesbian, gay and bisexual Australians. The most common types of abuse found were taking sexual or nude images without consent, 20 per cent; distributing images without consent, 11 per cent; and threatening to share images, 9 per cent. I note the contribution of the member for Orange who spoke about the threatening nature of this crime. The research was important because it revealed the psychological toll of this crime on victims. The chief investigator in that study, Dr Nicola Henry, says:

...images are used to control, abuse and humiliate people in ways that go well beyond the "relationship gone sour" scenario.

Legislation on this issue has been overdue for some time. The Standing Committee on Law and Justice published a report on this matter in March 2016. I question why it has taken so long for the Government to act. The shadow Attorney General had to put forward legislation relating to this issue. I am glad that the Government is finally taking action against those who seek to violate the privacy of others in this manner and that it is also taking steps to stop the distribution of this kind of material. Revenge porn is the act of distributing an intimate photograph, video or other media file of another person without his or her consent, but some individuals go further and also obtain that intimate media without a victim's consent. Sometimes these crimes involve false images of a victim.

Fortunately this bill seeks to address these types of revenge porn. Whatever the circumstances relating to the taking of these kinds of images, the victims of these crimes should not be blamed. They are not the persons responsible in any scenario. Since the increase in the use of smart phones the sharing of internet media between two consenting adults has become common practice. This act in itself should not be judged or maligned by representatives in this place. Adults who take intimate images of themselves for whatever reason and who share it with their partners or friends are exercising their free will. That is their business. However, a regrettable response to the sharing of revenge porn which I just addressed is to blame victims for taking intimate images in the first place. We often hear people say, "If he or she did not take the photo, the other party would not have been able to share it." The bill makes it clear that this regressive attitude will no longer be accepted in this place. We must make it clear that it is solely the fault of the distributor of intimate media and those people alone should be the ones who are punished.

Consensually sharing an intimate image with another does not give a person permission to upload it onto the internet or to distribute it amongst a group of people. As shadow Minister for the Prevention of Domestic Violence and Sexual Assault, I will continue to address these patterns of behaviour and to stop those who commit violence against others. Individuals who perpetrate this type of crime seek to exert control over others. They want to control their partners' movements, messages and every dollar that they spend. In some circumstances the threat of revenge porn is used to exert power and control within a relationship. It is used to prevent someone from leaving a relationship or to punish them for acting in a way with which the controlling partner does not agree.

The threat of revenge porn is just one of the ways these individuals threaten their partners. In her submission to the Standing Committee on Law and Justice, Ms Alexandra Davis, a solicitor with Women's Legal Service NSW, outlined how often technology is used by abusive parties to control their partners. On a single day more than half of her clients presented with "issues of technologically facilitated stalking and abuse". This includes the use of GPS and other surveillance devices to monitor the location of a partner. Inevitably these surveillance devices can be used to obtain intimate images without the consent of the victim. Under new section 91R, threatening to distribute intimate media of a partner without his or her consent will be an extremely serious offence. This section covers threats to distribute intimate media that does not exist.

If a person pretends to possess intimate media and uses this to threaten his or her partner, the effect will be exactly the same. This will apply also to those situations where a person's face is transposed onto a naked image. The extent of revenge porn was recently revealed by a joint study conducted by the RMIT University and Monash University. I am particularly concerned about the effect that revenge porn and sexual assault has more widely on our more vulnerable communities: Indigenous Australians, those with a disability and members of the lesbian, gay, bisexual, transgender, intersex and asexual [LGBTQIA] community. Our community's most vulnerable groups are often those whose voices are not heard. Last year an internationally-based website had images of students across Australia displayed on it.

At that time police advised there was little they could do to remove the images as the site was hosted overseas. Disturbingly, women from all over New South Wales, many at schools, were listed on the site, causing them considerable distress. Only two weeks ago a Maitland constituent told me that his daughter had been a victim of this crime. He was concerned that the individual who put the image on the website was not subject to any legal consequences. This bill makes it clear that he would be. As shadow Minister, I am committed to ensuring that we elevate the voices of these marginalised groups to ensure that they are adequately represented in this place. The authors of the report concluded:

A lack of proper legal and support responses made it incredibly difficult for victims to get justice.

I acknowledge that criminal issues which arise within the digital realm are constantly evolving and changing, but the Government must do better to address other prevalent online issues. It has been well over a year since the Standing Committee on Law and Justice released its report into this matter, along with a series of clear and reasonable recommendations. The Government has allowed this report to collect dust and is only now acting on its recommendations. As a Parliament, we must address criminal trends that are primarily online as quickly and responsively as we deal with other types of crime. The effects of revenge porn on victims are severe. In the United Kingdom, one woman had to beg Facebook 20 times before nude pictures of her were removed from the platform. They were posted there by her ex-boyfriend. The woman was quoted as saying:

He set out to destroy me and he has succeeded. I'm in a constant state of anxiety.

Young and older women across New South Wales are in the same situation. After the release of the RMIT University report, News Corp Australia published an anonymous article from an Australian victim of revenge porn who explained its impact on her. Her boyfriend pressured her into taking intimate images and demanded that she pose. The woman felt uncomfortable and asked her partner to delete the photos—he never did. Six months

later the images began to circulate amongst their mutual friends after a nasty break-up. She wrote in the article how it made her feel. She said:

I did not stop crying, I was ashamed, humiliated, alone and just wanted to die. I had no confidence left, I felt disgusting.

This is the effect of revenge porn and why this bill is so important. We cannot allow controlling and vindictive individuals in our State to manipulate others, causing such harm and pain. In January Facebook had to assess more than 54,000 potential cases of revenge porn or sexual extortion. I repeat: In one month this year Facebook had to assess over 54,000 potential cases of revenge porn, but Facebook acknowledged that it is not responding to every case as well as it should be. Social media websites like Facebook, Twitter, Snapchat, Tumblr and so on must respond more quickly and effectively to reports of revenge porn. I call on the Government to increase its lobbying of these websites to ensure that they are meeting community expectations. One of the most concerning outcomes from the distribution of the websites last year was the apparent inability of police to act because the websites were hosted overseas, leaving victims feeling even more victimised because supposedly nothing could be done to help them. [*Extension of time*]

I note that new section 91S allows a court to issue an order to a convicted individual to take reasonable actions to remove media from the internet. Unfortunately, by the time these images have been uploaded they may never be able to be fully removed without cooperation from these social media websites. Of course, parts of the internet, known as the Dark Web, are inaccessible to many people and many of those pictures and images will probably remain there forever. The Standing Committee on Law and Justice recommended that the New South Wales Privacy Commissioner be empowered to make take-down orders to ensure that these images can be taken down quickly, that is, before they are distributed so far and wide on the internet that they can never be retrieved. I fear that allowing a take-down order to be issued only after a conviction will be too late for the victims of revenge porn.

The passage of this bill through this place will send a clear message to those who would commit revenge porn in our State: You will be prosecuted and you will suffer the consequences of your actions. I call on the Government to address getting the images off the web as soon as possible by working harder and faster with owners and proprietors of social media sites where these images are published. We must ensure that these images do not have such a negative impact on the victims of this crime. I wholeheartedly believe in stamping out this phenomenon, and for this reason I commend the bill to the House.

Debate adjourned.

Private Members' Statements

NEWCASTLE WORLD WAR II ATTACK RE-ENACTMENT

Mr TIM CRAKANTHORP (Newcastle) (19:30): I advise the Chamber of a milestone that is coming up for the Newcastle electorate. On Thursday 8 June 2017, Newcastle will remember the seventy-fifth anniversary of the shelling of Newcastle. On 8 June 1942, World War II came to the harbour of Newcastle. Following a bombardment of Sydney Harbour on 31 May, where the Japanese submarine *I-24* shelled the eastern suburbs of Sydney, they headed north to our warmer shores. The Japanese submarines had been in the area earlier in the preceding month. The Imperial Japanese Navy had conducted a number of patrols along Australia's east coast. On 16 May, the Japanese submarine *I-29* had attacked the Soviet freighter *Wellen*, 80 kilometres south-east of Newcastle with no damage recorded. This, however, set off a ban for any ships or submarines to sail between Newcastle and Sydney for 24 hours.

On 23 May, the Japanese submarine *I-29*'s plane flew over Newcastle searching for shipping vessels that could be attacked by midget submarines. And on the night of 3 June, the shipping lanes near Newcastle became targets. The Japanese submarines attacked the coastal steamer *Age* at 10.18 p.m., 56 kilometres south-east of Norah Head. *Age* did not receive any damage and about midnight, the coaster *Iron Chieftain* was torpedoed and sunk by *I-24* near where *Age* had been attacked. It was evident that the Imperial Japanese Navy's intentions were to disrupt Australian shipping and industry. And so on 8 June, the Japanese decided to hit the two large cities of Sydney and Newcastle.

For our city, the target was evidently the BHP steelworks. Between 2.15 a.m. and 2.31 a.m., the *I-21* fired 34 shells at Newcastle. Our gunners at Fort Scratchley fired four shells back but did not record a hit. Only one man was wounded by shrapnel in Parnell Place and another was thrown by the blast. A nearby house was peppered with more than 20 holes. A second shell landed about 50 metres away at a tram terminus, but failed to explode. The war came to Newcastle on that day but it did not break us. It is believed that it was intended to generate an "air of disquiet", but instead it galvanised the city and its people. Fort Scratchley, where our gunners bravely fought off the attack, has since become an interactive museum. Located in Newcastle East, it was built in 1882 to defend the city against a possible Russian attack. The Australian Army vacated the site in 1972.

I am a proud patron of the fort, which is now under constant restoration by a team of 80 volunteers who form the Fort Scratchley Historical Society. They also lead guided tours through the extensive underground tunnel complex. It has become part of the town's history and takes part on ceremonial days like Anzac Day or in welcoming cruise ships as they pass through our headlands. It is estimated that 80,000 people visit Fort Scratchley every year to experience the rich naval history of the site. It is one of Newcastle's most popular tourist attractions. In fact, Frank Carter, president of the not-for-profit organisation, recently secured a \$70,000 grant from the State Government to fund a daily lunchtime firing of the cannon, a common request from tourists. This year they will be holding a community commemorative event on the grounds.

The re-enactment will involve the firing of the guns, the use of the fort's search light and the firing of flares. His Excellency General the Hon. Sir Peter Cosgrove, AK, MC (Retd), Governor-General of the Commonwealth of Australia and Japanese Ambassador Sumio Kusaka have been invited. I thank president Frank Carter, vice president Carl Christie, secretary Terry O'Brien, treasurer Ron Barber, and all the members of the Fort Scratchley Historical Society on the outstanding work that has been performed on the site. I look forward to commemorating this anniversary with the proud people of Newcastle and our iconic fort.

HIGHCOWS SWIMMING TEAM

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (19:34): In country New South Wales we take community causes seriously. So committed are those in the bush to helping fellow men and women that they are willing to put their bodies and pride on the line to help each other out. This was recently highlighted to me by an avid group of swimmers who put aside freezing conditions and trifling concerns such as a lack of water in inland New South Wales to raise funds to support people afflicted with brain cancer. I commend the HighCOWS swimming team, which recently completed a gruelling 10-kilometre swim from Bondi along the coast to Ben Buckler and in through the heads of the harbour to Watsons Bay.

Led by Armidale swimming teacher James Harwood the team is not bovine, despite the name. It is named for the High Country Open Water Swimmers, HighCOWS. The team is proudly a part of this group. Its members were moved to raise money for brain cancer research after losing a close friend to the disease. I give a shout out to Brendan and Lachlan Cullen, Bill Mitchell, Simon Wright, John and Lindy Beynon, Anthony Killen, Rod Martin, Andrew Brownlee, Lou Dam from Sawtell and Peter Hancock who formed the team. I am sure the member for Barwon, Kevin Humphries, joins me in congratulating and thanking Mr Cullen who, way out west from Menindee in the Barwon electorate, regularly tossed himself into the local lakes or drove more than 50 kilometres for a short burst of training every couple of days. Several of them had lost close friends with one tragic death just two weeks ago, days before the swim began. I am sure members of the House would know someone touched by this terrible disease.

Last year they raised \$15,000 by shaving for a cure and this was their latest expression of significant generosity. The group trained for more than a year to prepare for the 10-kilometre swim. They upped the training routine from two to three times a week for two and a half to three kilometres each session. Several members came in early to do an extra kilometre just to be ready for the big day. It is an outstanding commitment from anyone, but all the more impressive for members of the HighCOWS, given that several members travelled up to 1½ hours to the nearest large body of water. I can attest to the fact that there are no bays near Wongwibinda in my electorate, as beautiful as it may be.

The training routine consisted of pool swims with the occasional coastal swim in a bay. It is several hours drive from Armidale to the coast. That is a huge commitment by anyone's measure. When the day came they were blessed with favourable conditions. There was a fair bit of chop and swell, but nothing the HighCOWS could not handle. They took it not as a race but as an adventure with a friend paddling alongside to guide them through the ocean. They made their way through the much less forgiving waves than the quiet pools around Armidale. The most challenging part of the swim was just outside the heads where all of a sudden the conditions became significantly rougher.

They found waves pushing them towards shore, with intense swell lashing them from the cliffs. It was something for which it was impossible to train. The HighCOWS inland training schedule did not provide an ocean in the bush, yet these swimmers braved the conditions and persevered. At one point they neared a buoy and found themselves motionless for around 10 minutes as a strong current held them back, but still they kept on going. They even found time to drop their budgie smugglers and make it a nude swim for part of the way. It is typical of the country spirit. They did not care who was watching. It was about supporting their mates and the people they had lost. What is remarkable, despite the self-described "faffing about" they did, is that they managed to complete the swim in good time. Both teams wrapped it up in less than four hours, while other teams took a little longer.

As I noted earlier, this was all for a tremendous cause and they raised nearly \$3,500 for the Mark Hughes Foundation. Very soon the HighCOWS will have a beanie week to keep the fundraising efforts going. I commend them for their initiative and urge all members of this House and the public to support and donate to their cause. I have put links to the cause on my Facebook page. I acknowledge Brendan, Lachlan, Bill, Simon, John, Lindy, Anthony, Rod and particularly Andrew Brownlee, a terrific farmer I used to play cricket with, Lou, Dan and Peter Hancock. Congratulations to all the HighCOWS; they are an inspiration to many.

KU-RING-GAI ELECTORATE PUBLIC EDUCATORS

Mr ALISTER HENSKENS (Ku-ring-gai) (19:40): I pay tribute to two extraordinary public educators in Ku-ring-gai whose impact on students in our community for more than a generation has been profound and whose lasting contribution cannot be overestimated. It is impossible to talk about Gordon West Public School without mentioning Jim Huckerby, who was appointed principal of the school on 30 January 1989. Mr Huckerby's history in our public schools began on 2 February 1965, more than 50 years ago, teaching at schools including Talbingo Public School and Sherwood Grange Public School prior to his appointment as deputy principal at Niland School for Specific Purposes and Tregar Public School. He also has experience teaching in Canada.

To meet Jim is to instantly recognise a strong and energetic advocate for public education. His disciplined approach, including an insistence on strict adherence to behavioural rules of individual responsibility and the principles of the school, might be seen by some as old-fashioned. But on my visits to the school it has been obvious that the students respect his authority and that their parents very much appreciate his reinforcement of the values that they have sought to instil in their children. However, any suggestion that Mr Huckerby has not changed in his ways since the 1960s would be a regrettable misstatement. Jim is an authentic lifelong learner, and he is quick to embrace the latest research and reforms in education where he believes they make a difference to student learning. Jim is justifiably proud of what has been built at Gordon West and of the outstanding academic results of its students, but he could never be accused of resting on his laurels.

At an age when most people in his position would be contemplating retirement or have already retired, he has an unquenchable desire to continue improving the school at all levels. In that regard, he proactively mentors his teachers and sees it as his mission to provide leadership opportunities for them, believing that he has a responsibility to encourage the best of his young teachers to develop into future-focused educational leaders, not just at Gordon West but across the State. It is no surprise to me that Jim's director believes him to be one of the most positive and enthusiastic principals that she has ever worked alongside. He frequently calls her to report something exceptional that has happened at Gordon West and often finishes his story with the words: "I love coming here. This is so much fun!"

It clearly is fun for Jim Huckerby to be in charge at Gordon West Public School, but he is first and foremost a school leader who is dedicated to the serious art of teaching and learning, with the wellbeing of the community at the heart of his philosophy. Every day Jim appears at the school crossing on busy Ryde Road, making sure that his students have had a good day and that they arrive home safely. His care for them is obvious and their affection for him is equally unqualified. There is never any lack of belief in their oft-repeated refrain, "Gordon West is the best".

Less than 2.5 kilometres from Gordon West Public School, another educator of 40-plus years has calmly and successfully steered the ship as principal of West Pymble Public School since 29 January 2003. For Bronwyn Wilson, West Pymble is only the most recent stop in a teaching journey that since 1973 has taken her to Auburn North Public School, Forestville Infants School and Warwick Farm Public School as a classroom teacher, to Liverpool Public School as an executive teacher, to Lindfield Public School as an assistant principal and to St Ives Public School as its principal. Like Jim Huckerby, Ms Wilson has a strong commitment to motivating her teaching staff to become leaders, to keep pace with current research, to constantly update their knowledge about how children learn and to improve ways to teach. She is known for her wealth of ideas for making West Pymble a more exciting, vibrant environment, with a strong focus on student wellbeing and social awareness. The range of programs and opportunities for children at West Pymble is exceptional.

However, the distinguishing feature of Bronwyn's tenure at West Pymble is that she leads a true community school where parents and staff work effectively as a team to provide a caring and progressive environment. She involves herself in all aspects of the school with the same drive in 2017 that she brought to the role 14 years ago. Just this year I have witnessed the way she and the school parents and citizens association, with the assistance of a New South Wales Government Community Building Partnership grant, made the dream of a new outdoor learning area at the school become a reality through her vision and her belief in the value of the project for the children. Her determination to make the school a better place is set to continue for some time. Bronwyn has several projects planned and initiatives under consideration, and she has no thought of passing the mantle. Recently she said:

Why should I retire? I love coming to work here. I am surrounded by great teachers and wonderful children and there is so much still to do.

Much is said and written about funding for schools and the Government has an important role to play in providing the resources necessary to enable schools to deliver the quality of education that our children deserve. However, money alone does not guarantee success: It takes exemplary principals like Jim Huckerby and Bronwyn Wilson and the teachers that they lead to establish the appropriate standards and deliver the desired results. They are respected by their peers and loved by their communities, and we are fortunate to have them in Ku-ring-gai.

Mr MARK COURE (Oatley) (19:45): I thank the member for Ku-ring-gai for bringing to the attention of the House two outstanding principals—Jim Huckerby from Gordon West Public School and Bronwyn Wilson from West Pymble Public School. We are blessed to have marvellous principals and teachers in the independent, Catholic and public school systems in Sydney. My wife is a schoolteacher and I know full well the great work that teachers do, including the out-of-hours work on weekends and during school holidays. They do a great job in our community as educators and they are educating the leaders of tomorrow. I pay tribute to Jim Huckerby and Bronwyn Wilson. Long may they continue to be principals at those two outstanding schools.

PRIVATE EDUCATION PROVIDERS

Ms TRISH DOYLE (Blue Mountains) (19:46): I speak on behalf of the teachers and educators in my electorate who are doing an awesome job. As a teacher, I know that many people employed by the New South Wales Government in our schools and TAFEs feel that they are unable to speak out publicly against the failings, incompetence and ideological agenda of Liberal governments. Thanks to an out-of-touch Federal Government, the new funding model undermines the integrity and the intention of Gonski needs-based funding. Let us look at the TAFE system. Apprenticeships and trade courses have been cut across the board. As such, 864 face-to-face hours have been cut to 720 hours. Effectively that means that six months is cut off electrical trades courses across south-west Sydney where there are skills shortages. Australia is facing a skills shortage and we have to entice workers from overseas to relocate to Australia, but this Liberal Government cuts trade training and critical skills courses. It beggars belief.

Students who wanted a quality public education and a qualification that would set them up for a rewarding career are angry. As the quality of the courses is degraded, the costs go up. The cost to repeat a unit of study if a student fails on their first attempt is sometimes more than the whole course cost in the first place. The only explanation for this is to discourage students who are struggling from ever making an effort again, which is a terrible attitude towards education. In the meantime, this Government and the Federal Liberals allow dodgy private training providers to rip people off. Those shonks should be run out of town. They are rip-off merchants. Let us look at what has happened recently with Careers Australia. Master Electricians Australia recommended those crooks as a preferred training provider, but they have gone belly-up and 15,000 students had their classes cancelled while 1,000 teachers were stood down immediately without pay. Adam Curlis from the New South Wales Teachers Federation had this to say:

Careers Australia sent \$65 million of your tax money overseas only 18 months before closing its doors. We'll never get it back. All of these for-profit private education providers with their noses in the trough are being subsidised by the taxpayer but they are going belly-up one after the other, and we have to wonder how it keeps happening. Where is the money going? Why do they keep going bust? The whole thing stinks. But a fish rots from the head, and the fault for all this ultimately lies at the feet of the Minister for Skills, and he should be held accountable for the mess he has created. What might this mean for our construction industry some years down the track? We already have a skills shortage but the plumbers, carpenters and electricians of tomorrow—who are not trained properly today in these dodgy private colleges—will be unable to meet the demands of industry, and the skills shortage will make that worse.

A central pillar of populist right-wing rhetoric—be it from Donald Trump or from local political nut jobs in the Pauline Hanson One Nation Party—and their whole political argument is that foreigners are taking "Aussie" jobs. The reason we rely on a skilled migration program during a skills shortage is because we have governments such as the O'Farrell-Baird-Berejiklian circus in New South Wales, and the former Baillieu-Napthine disaster in Victoria out there gutting our TAFEs and encouraging shonky private operators to pick up the slack. I will give the right-wing lunatics on the fringe of Australian politics a tip: The best way to protect Australian jobs is to give young people an excellent education in a public TAFE, set them up for a productive and rewarding career and get rid of the criminal element in the private, so-called "education" sector, who repeatedly rip-off taxpayers and leave students in the lurch.

TAFE teachers know what it takes to deliver quality public education and they should be supported to do so. They are at their wits' end with this Government. On the one hand, they are devoted to their vocation as teachers; but, on the other hand, they are being pushed to the brink by funding and course cuts. They are being stretched to the absolute limit and having to watch as this Government, their employer, destroys TAFE and puts the future careers of their students at risk. Those who fight back are hounded. Today I pay tribute to my teaching colleagues in both the TAFE and the school sectors. They are doing it tougher than they ever have before. Many

feel undervalued and too many are anxious. They are stressed and exhausted, and they deserve to be treated with a bit of dignity and respect for the excellent work they do.

Mr MARK COURE (Oatley) (19:51): It is fair to say that over the years both sides of politics have supported a private education regime. I agree with the member for the Blue Mountains that the bar certainly needs to be raised for private education facilities, not just in New South Wales but also across the country. Let us put politics aside; both sides have supported the industry over the years—the Rudd-Gillard governments, the current Government and even the Howard Government before that. I agree the bar needs to be raised. There are questionable facilities out there.

Ms Trish Doyle: You are too kind.

Mr MARK COURE: Probably I am, and I have seen some quite extraordinary things. A review of our private education facilities must be conducted across the country, not State by State.

ORANGE ELECTORATE TOURISM

Mr PHILIP DONATO (Orange) (19:52): I take this opportunity to put the spotlight on Orange as a leading regional tourist destination in New South Wales. This vibrant regional city and its surrounds attract visitors from near and far. The most recent domestic tourism figures released by Destination NSW indicate that the Orange district is growing substantially in both visitations and tourist spend. A total of 1,070,000 people were recorded as visiting the Orange local government area in the year ending 2016 compared to 773,500 people recorded as visiting in the year prior to that. A substantial increase in the amount of money spent by visitors in the Orange district has also been identified, with \$260 million in tourist dollars injected into the local economy in the year ending 2016, compared to \$190 million in the year before.

The Cabonne local government area has witnessed significant increases, including a 9.7 per cent year-on-year change in overnight visitations and a 7.6 per cent year-on-year change in overnight visitor expenditure. I am not surprised by these significant increases in visitations because I know that Orange is an energetic, dynamic, exciting and appealing place. The wider community is now recognising what appeal this great area holds for its residents and for visitors. Orange and the surrounding district is a rich agricultural area that yields world-class produce. The local wine industry is well established, yet growing steadily and producing a peerless product that stands up to the world's best. Restaurants and cafes abound, catering for a variety of tastes to satisfy even the most discerning of palates.

The regular farmers market, at which many local farmers and producers cluster to sell their produce and goods, attracts a number of visitors who sample and purchase the fresh local produce and quality products made and produced in Orange and the surrounding district. Food of Orange District Week—known as F.O.O.D Week—is Australia's longest-running food festival. Held annually in Orange since 1991, this growing event is recognised by Destination NSW as one of this State's premier events. The local tourism marketing office, Brand Orange, was established in 2007 as an independent, not-for-profit organisation for the primary purpose of realising significant economic and tourism development, strategic marketing and community benefits for the Orange district and surrounding region. Partnering with Orange City, Cabonne and Blayney councils, Brand Orange is pivotal to the success of many events that share combined support.

Events include the Banjo Paterson Australian Poetry Festival, which has grown from 8,039 attendees in 2016 to 11,000 in 2017; Orange apple festival the Orange Apple Ramble, which is a first-time event; F.O.O.D Week, at which attendance has increased from 18,000 in 2016 to 24,000 in 2017; and the Orange Wine Festival—among many others. Commencing in 1952, the Australian National Field Days is the oldest annual agricultural exhibition in Australia. This three-day event attracts thousands of people from across Australia, providing insight into the agricultural industry and offering a range of products and services from the 600-plus exhibitors. The Crafted Live: Brewed and BBQ'd event has flourished in Orange. Attracting barbecue teams from across Australia who compete to claim honours for the best barbecued meat, aromas envelope the site at which many passionate brewers showcase a variety of craft beer to the satisfaction of the many connoisseurs visiting this fledgling event.

Orange recently hosted some elite sporting events. Notable fixtures attracting thousands of visitors included the T20 Big Bash League match between the Sydney Thunder and Hong Kong national teams, and the Shute Shield clash only two weeks ago between Eastern Suburbs Rugby Union Club and Gordon Rugby Club. Both events drew considerable crowds to witness the spectacle. I am hopeful that they will become regular fixtures in Orange. Orange and its surrounds have much to offer those wishing to experience the region. Orange has firmly positioned itself as a popular tourist destination, taking centre stage in regional New South Wales as the place to go—a testament to the place, the people, the produce and the performances.

Mr MARK COURE (Oatley) (19:56): I thank the member for Orange for his statement about the importance of visitations across rural and regional New South Wales. The Minister for Tourism and Major Events,

the Hon. Adam Marshall, has announced the "What I Love About Holidays in NSW" campaign, which will use videos and photographs taken by travel enthusiasts and locals to showcase a vast array of experiences throughout the State, including Orange, Dubbo, Wagga Wagga and up and down the coast. In the past I remember the Couré family visiting Port Macquarie—as we still do—Wauchope, Newcastle and Lake Macquarie and occasionally travelling further north to Coffs Harbour. I invite people to get a taste for rural and regional Australia; enjoy what the local communities have to offer in places like Dubbo, Orange and the mid North Coast.

**The House adjourned, pursuant to standing and sessional orders, at 19:58 until
Wednesday 31 May 2017 at 10:00.**