



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 19 September 2017**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE ASSEMBLY

**Tuesday, 19 September 2017**

**The ASSISTANT SPEAKER (Mr Andrew Raymond Gordon Fraser)** took the chair at 12:00.

**The ASSISTANT SPEAKER** read the prayer and acknowledgement of country.

*[Notices of motions given.]*

### *Private Members' Statements*

#### **JINDERA 150TH ANNIVERSARY**

**Mr GREG APLIN (Albury) (12:12):** On Saturday 7 October, I will be in the town of Jindera to help launch preparations for the community's 150th anniversary celebrations next year. Jindera is a town of approximately 1,300 residents and is a short drive from the centre of Albury. Though close, it is far from being thought of as a satellite of Albury. It has its own identity, a rich history and a unique destiny on the border of New South Wales and Victoria. In 1837 modern European settlement began in what is now Jindera when John Dight, a friend of the explorer Hamilton Hume, carved out a selection of 44,800 acres on this side of the Murray River. This land became known as Dights Forest.

Fifty-six settlers of German descent who fled religious intolerance in Europe moved in, having travelled the long way around via South Australia and the Barossa. The town was gazetted in 1869 and the name Jindera was given to the post office the following year. The first school was a provisional school which had a Dutch immigrant teacher. A decade later, the hardy Lutheran immigrants started another school. They resolved it would be a Christian day school called St John's Lutheran School. The teaching of the Word of God was central to the education provided and, Pastor J. F. Goessling, the school's first teacher, taught in the German language.

These days the town of Jindera is famous for its German heritage, and its amazing Pioneer Museum and local culture. The award-winning Pioneer Museum has been classified by the National Trust. It includes the original Wagner's Store, a reconstructed slab hut, the old Huon post office, early farm machinery and a blacksmith's forge. An outstanding feature of the shop building is that it retains its original shop fittings and furnishings. This is a significant destination for school excursions and regional tourism. The launch party will be quite a celebration. It will be held in the grounds of the Pioneer Museum with an emphasis on quality home-made and home-grown goods, with traditional lemonade and wholesome baking. This is a real sign of what life is like in Jindera, drawing on the best of the past to make a better present.

Plans for the year of celebrations are remarkably diverse. An iron archway has been designed and crafted locally by an award-winning blacksmith. It will become a permanent reminder of the 150th celebrations. Labour will be donated by the community. A mural will be painted on the wall of the stage in the Village Green depicting key elements of the history of Jindera, including the role of explorers Hume and Hovell and the town's German Lutheran roots. Plans are underway for students to make models of significant architectural elements of Jindera. The schools are Jindera Public School, St John's Lutheran School and St Mary MacKillop College. Each school has been given one-third of the town to model. Twenty-seven historic markers will be placed around the town to provide the stories behind the locations. Sites to be marked will include the former racecourse and the former midwives' centre.

A grant application under the Heritage Near Me program has been lodged, seeking \$500,000 towards repairs and upgrades of the Jindera Pioneer Museum such as necessary roofing. Works are planned for important assets such as the original slab hut which provided accommodation for pastoral outriders and has been in the town since before Jindera was declared and gazetted. If funds are available, restoration might be undertaken for the Funk wagon, which is an original pioneer wagon that came over as part of the wave of German migration in the mid-nineteenth century. The wagon is on exhibit in the Pioneer Museum but requires major work to fulfil the potential of this historic artefact as a teaching tool. A heritage grant has been obtained from Greater Hume Shire Council for an upgrade of the historic stables. Council will be asked to carry out maintenance on the historic Pioneer Memorial Cairn, which will be installed as part of the centenary celebrations. A centennial ball will be the high point of three days of celebrations for the town's 150th anniversary over the weekend of 28 to 30 September 2018. A street parade and celebration of German food, drink and culture will also take place on that weekend.

Jindera Public School is planning to write a book and a play, covering aspects of the history and culture of Jindera. Next year is also the 150th anniversary of the Lutheran Church of St John so it will be a massive year for Jindera. I thank the organising committee and, in particular, Denise Osborne and Pete Knight, for their enthusiasm and energy to mark the 150th anniversary. I recommend we all write the dates in our diaries for the weekend of celebrations in Jindera from 28 to 30 September 2018. Come along to see how this important historic time capsule of a town has been preserved and presented not only for the benefit of the town but also as an asset for all Australians to learn from and to enjoy. We will get a glimpse of the bright future being carved out by the dynamic citizens of this treasured border town.

### **CAMPBELL HOUSE SCHOOL CAMBODIA VISIT**

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (12:17):** I commend a group of five students and staff from Campbell House School for Specific Purposes who stepped out of their comfort zones when they travelled to Cambodia in July as part of a volunteer exchange experience. This trip was the second undertaken by the school, which came about following a chance encounter in 2013 when Principal Marisa Pjanic met Melbourne businessman Aviv Palti in Thailand and they connected over their shared passion for helping others. Aviv is the founder of the non-government organisation [NGO] Cambodia Rural School Trust, which supports orphaned or impoverished children with their education.

Since that initial meeting, Campbell House has made a commitment to sponsor one child's educational needs each year through the NGO. This year, Campbell House raised \$2,000 to build a house and provide food supplies to a family for 12 months, which was donated on their recent trip. The experience of travelling to Cambodia was also a personal growth journey for each of the students. They all had anxieties and fears to overcome, but they gained tremendously from the opportunity. One student with autism said that for the first time he felt accepted, valued and happy. He had never left his suburb and travelling by tuk-tuk in Cambodia became a rite of passage of sorts. He was able to laugh about his challenges, express gratitude for his experiences and embrace every learning opportunity.

Towards the end of his journey, he delivered a lesson on strengths to 60 students, which was an amazing accomplishment for a young man who had never before spoken in front of anyone. Other incredible stories emerged from the trip. Two of the girls have been inspired to return to Cambodia together to do more volunteer work. They laughed and cried together, shared stories and overcame their anxieties. The experience gave one girl the impetus to make changes in her own life, while another student came to value education like never before, such was the power of this journey to Cambodia.

Since returning to the school at Glenfield, the students have been working with teachers on sharing their journey with others and potentially becoming student leaders themselves—something that would have almost been impossible prior to the trip. I commend the principal, Ms Marisa Pjanic, and her dedicated staff on the fabulous work they do each day transforming the lives of young people, helping students to realise their potential and providing them with opportunities they may not have had otherwise.

I had the privilege of visiting Campbell House in the lead-up to the students' trip to Cambodia. I was impressed with the commitment of teachers to supporting their students' diverse and complex needs. Marisa tells me a lot of healing takes place at the school, which is by design. Many of the students have missed opportunities to develop trusting and authentic relationships in their lives, so the staff model positive relationships as part of the learning experience. Teachers and staff not only educate the children but also nurture and connect with them, giving students the support they need to flourish not only at school but also beyond the school gate.

Unlike a typical school environment, Campbell House is set on land behind Hurlstone Agricultural High School, where the green open space provides opportunities for students to connect with nature and enhance their wellbeing. This unique environment certainly aids students' learning and their wellbeing journey. I fear that the imminent sale of Hurlstone's farm and the sad loss of this vital open space will adversely impact Campbell House and adjacent schools for special purposes, including Ajuga and Glenfield Park.

The layout of Campbell House, with classrooms nestled among trees and green space, serves a specific purpose. Any changes to the school's current configuration would undoubtedly not be a good outcome for the students who need it most. It will also potentially undo all of the fabulous work achieved through experiences such as the journey to Cambodia. As the school awaits its fate, I look forward to welcoming Somepas and Veun, two non-government organisation students from Cambodia who will be visiting Australia later this year as part of the ongoing exchange commitment. For the five students and their teachers who travelled to Cambodia it is another opportunity to reconnect with happy memories and once again experience life outside their comfort zone. These are students with special and complex needs. The journey they had has been a wonderful education beyond the classroom.

### MIDCOAST COUNCIL ROADS INFRASTRUCTURE

**Mr STEPHEN BROMHEAD (Myall Lakes) (12:22):** I refer to roads on the mid-coast and call on the Government to provide \$50 million to MidCoast Council for its roads and bridges. MidCoast Council is a very complex merged council. It includes three former local government areas and a water utility, so it is four councils merged. The MidCoast Council area covers more than 10,000 square kilometres and has more than 91,000 residents, 3,299 kilometres of roads and 542 bridges, 195 of which are timber. MidCoast Council has a significant asset backlog of \$180 million and is underfunding renewals of its assets by \$5 million annually. If the council does not fund the \$5 million gap in renewals, asset condition will decrease, the backlog will continue to increase, and community satisfaction will decline.

I call on the Government to provide \$50 million on the basis that the council received \$20 million from the merger, \$14 million of which they have set aside for roads and bridges. With efficiency savings from the merger of more than \$4 million a year for four years, the council has taken \$16 million, which is a \$30 million road program. The council has obtained a special rate variation and is borrowing \$50 million from the State Government at a specially low interest rate. I have made representations to the Premier, the Deputy Premier and the very good Minister for Roads, Maritime and Freight, Melinda Pavey, to match that \$50 million, dollar for dollar.

As I said, the council has a \$180 million road program backlog that has to be addressed and that will go backwards unless something is done. Nothing could be more important to a community than the connectivity between the villages and the various communities. This is not only about infrastructure and expenditure on roads; it is about making roads that connect communities safely. This is important not only for families and children but for school buses, dairy tankers, cattle trucks and freight. The MidCoast Council area has two major commercial centres and more than 40 villages, all of which need to connect. The best way the Government can help this particularly complex merger of councils is with this funding.

I congratulate the local community for successfully merging the councils, which, as I said, was a complex process. The community has adopted the new council. The election of new councillors has only recently taken place. They want to make sure that the MidCoast Council is successful in the future and for their communities. Members of the community are putting their hands in their pockets through the special rate variation. They want to pull themselves up by the bootstraps but they need help. They are not asking for handouts or asking for money with their begging bowl. They are saying, "Partner with us and match, dollar for dollar, the \$50 million that we are going to borrow. We will pay that back with the special rate variation so that we can get on top of the \$180 million backlog."

There are 92 councils in regional New South Wales. The NRMA estimates that the road and bridge backlog in regional New South Wales is about \$1.3 billion. The MidCoast Council has about a \$200 million backlog alone, which is probably more than any other council. A number of the wooden bridges I have mentioned have had weight restrictions placed on them. They have been narrowed so only one vehicle can traverse them at a time and speed humps have been installed at either end of the bridges to try to lower the load limit on the bridges so that they can survive. The problem is freight trucks and milk tankers have to drive many miles out of their way to get from one place to the next because of the load limits put on the bridges. I call on the Minister—and I can provide the Minister with her favourite chocolate if she comes to the party—and on the Government to provide the funding.

### CAMPBELLTOWN CAMDEN DISTRICT CRICKET CLUB

**Mr CHRIS PATTERSON (Camden) (12:27):** Last night I had the privilege of being the master of ceremonies [MC] of the 2017-18 season launch of the mighty Campbelltown Camden Ghosts Cricket Club. The first thing I did was introduce our president. Morris Iemma has proven to be an outstanding administrator and a passionate cricket father. His daughter Clara is a fantastic first-grade representative player and his son Matthew is an outstanding cricketer. Having Morris on board is great for the club. Morris was very clear in his expectations and set the standard for the year.

I was then privileged to introduce the other committee members: Morris as president, myself as vice-president, Peter McKell as treasurer, Jason Ellsmore as secretary, Chris Hollis as women's chair, and delegate Allan Connolly. Allan is not well. He is a stalwart of the club and everybody in the Ghosts family wishes him well for a speedy recovery. The other committee members are Karen Barnes, Graeme Hardy, Trevor Ray, Jeff Mumford, Mark Richardson, Michael Shanahan and Luke Webb. They are all outstanding committee men and women who do a great job.

We made it abundantly clear to the players that they have a hardworking committee, extremely supportive sponsors, dedicated coaches and the best facilities in Sydney grade cricket, and they should use them. Ghosts is

the exception, not the norm, and they should use what is available to them. We told the players, "We want three things from you. First, we want you to be the best cricketers you can be using everything you have before you. Secondly, and more importantly, we want you to be the best people you can be—and it is non-negotiable, we will not take no for an answer. Thirdly, we expect you to play to win. When you go out there, dig deep for your team. Don't play for yourselves. Be proud to be a Campbelltown Camden Ghost because we are extremely proud of you."

No club can survive without its sponsors. I acknowledge Wakeling Automotive, Macarthur Engineering, Macarthur McDonalds, Tabcorp Park Menangle, Rooster's Traffic Control, Wests Campbelltown—The Home of Sport, Coutts Solicitors and Conveyancing, Mount Annan Quality Meats and Deli, Snap Printing, Quest Campbelltown, Campbelltown City Council, and Lifestyle and Sports Physiotherapy. I also acknowledge our 2017-18 season coaches. For the men's teams they are Graeme Smith, Jeff Cook, Poidevin-Gray [PG] Shield coach Phillip Wells, and A.W. Green [AWG] Shield coach Luke Webb. Our women's coaches are Steve Davies, former Ghost and former Australian cricketer Sarah Coyte, Greg Waights and Chris Hollis.

It was fantastic to welcome to the stage club captain Jarrad Burke and vice-captain Stef Daffara in place of captain Claire Koski, who was receiving physiotherapy. Both of them were extremely positive. Jarrad's team has come off great preseason wins against Sutherland and St George and he is confident they will make a good showing against Sutherland this week. Stef was also very confident about the women's team. It was great to highlight how much the girls are contributing to the club. From the men's teams I acknowledge first grade captain Jarrad Burke, second grade captain Nathan Glynn, third grade captain Brent Hardy, fourth grade captain Jessie Kennedy, fifth grade captain Mark Richardson, PG captain Jordan Browne and AWG captain Tanveer Sangha. From the women's teams I acknowledge first grade captain Claire Koski, second grade captain Tania Bailey, third grade captain Kim Bevan and Brewer Shield captain 15-year-old Emily Hollis.

Many of our women have punched above their weight and we are so proud of them. Players to receive Women's Big Bash League contracts this year are: Lauren Cheatle and Clara Iemma with the Sydney Sixers; Claire Koski with the Melbourne Renegades; Stef Daffara with the Hobart Hurricanes; and Hannah Trethewy, Belinda Vakarewa and Hannah Darlington with the Sydney Thunder. Lauren Cheatle was also one of 13 women nationally to win a Cricket Australia contract. In addition, several of our women players were also awarded Women's National League State contracts. They are: Hannah Trethewy, Lauren Cheatle and Belinda Vakarewa with the Lendlease NSW Breakers; Clara Iemma and Claire Koski with the ACT Comets; and Stef Daffara with Cricket Tasmania. The men and women of the Ghosts are primed for a fantastic season. They have all worked extremely hard and are very excited. We look forward to the Ghosts having a great season on and off the pitch.

### NEWCASTLE PUBLIC TRANSPORT

**Ms YASMIN CATLEY (Swansea) (12:32):** I am delighted to see the Minister at the table. I hope that at the end of this we will be able to have a meeting. I was elected by the good people of Swansea in 2015 because I shared their values of fairness, justice and equality. I know that many members opposite are aware of the unique challenges faced by those who live in regional communities like Swansea. Public services are few and far between. Travel times are longer and more tiring. For those who are already disadvantaged, social isolation is real and sometimes frightening. With this in mind, I am somewhat surprised that some members opposite with regional electorates have consistently supported the attack on public services in my community. Those attacks include the closure of Belmont Motor Registry, funding cuts to Belmont TAFE, the attempted privatisation of Wyong hospital and, most recently, the privatisation of Newcastle Buses and Ferries.

Unlike members opposite, Labor believes it is fair and just that people in regional areas have access to the same services as people in metropolitan areas. That is why I have grave concerns about the recent privatisation of Newcastle Buses and Ferries. Thus far the people in my community have not fared well from this Government's reckless privatisation agenda, and I have good reason to believe this latest attack on services will be no different. East Lake Macquarie—the area I represent—is the southernmost point of the Newcastle Transport network. Transport services have remained largely unchanged for decades, despite repeated representations by me to the Minister for Transport and Infrastructure to have bus routes extended, harmonised and increased.

Nevertheless, after Keolis Downer was handed the keys to Newcastle Buses and Ferries in July this year, I attempted to bury my cynicism and I engaged in good faith with the new operator. I met with the chief executive officer of Keolis Downer in May, outlining my concerns about the possibility of service cuts to East Lake Macquarie communities. I was assured that any changes to the network would not be done without extensive consultation with the community beforehand. Needless to say, that did nothing to allay my concerns.

I met with Transport for NSW representatives in May and again in June and then just two weeks ago. I was assured repeatedly that consultation was taking place to inform the new operator's decisions about any changes to the network. I was assured that the new operator was committed to broad consultation to improve the



network overall. When formal consultation began, I was astonished—no, horrified—to discover that "broad consultation" involved a social pinpoint feature on Facebook or comments provided in person at the office in Newcastle. Thirty per cent of people affected by these changes are over the age of 60. It is totally unacceptable that the new operator thought that engaging primarily via social media amounted to broad consultation. From the get-go it disenfranchised many members of the East Lake Macquarie community.

I made my views known to Newcastle Transport by making my own submission. I participated in its consultation process in good faith on the assumption that the views expressed would be taken into consideration when making any changes to the transport network. I wrote to everyone who would be affected and encouraged them to participate in the consultation process as well. I offered to represent their views to Newcastle Transport directly if they were otherwise unable to do so. I made more than 50 submissions on behalf of people who were otherwise unable to participate in the consultation process. I have provided copies of these submissions to the Minister for Transport and Infrastructure, who is in the Chamber, so that he is aware of the issues that have been raised.

In August I wrote to the Newcastle Transport communications and stakeholder engagement manager and requested face-to-face consultation in the Swansea electorate. To my dismay I was advised that "public consultation sessions have not been held about the future of public transport". I was further informed, however, that the new operator had handed out bus timetables at Belmont shopping centre in early July. If that is the extent of Newcastle Transport's face-to-face consultation, it is quite frankly pathetic. I have again asked for face-to-face consultation and am yet to receive a response a month later.

Since Newcastle Buses and Ferries was privatised in July my office has been inundated with complaints from community members, bus drivers and others. After months of me and members of my community attempting to engage in good faith with the Newcastle Transport consultation process one can easily imagine my outrage when I discovered that the network was largely finalised less than 48 hours after the consultation period had closed. I was right to be cynical. There is no doubt that this entire process has been nothing more than a political publicity stunt. My community has been led up the garden path by the Minister and the new operator of Newcastle Transport.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (12:37):** It is lucky that I get two minutes to respond.

**Ms Yasmin Catley:** Hopefully it will include that we will have the meeting I have requested.

**Mr ANDREW CONSTANCE:** No, you have just been knocked back for a meeting. If you are going to come in here and accuse me as you have just done, I am not going to bother with you.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The Minister has only one minute to respond.

**Mr ANDREW CONSTANCE:** The member for Swansea should not call me a liar and say I mislead when she says she wants a meeting and then behaves like that. Let us get some manners and deal with the issues.

**Ms Yasmin Catley:** It's not the first meeting. This is the fifth.

**Mr ANDREW CONSTANCE:** Guess what? Welcome to Opposition. I enjoyed it for eight years under you lot and it was not fun.

**Ms Yasmin Catley:** These are people's public services you're talking about. This isn't a fight between you and me or about politics.

**Mr ANDREW CONSTANCE:** It sounds like it. I have the call.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The Minister will be heard in silence.

**Mr ANDREW CONSTANCE:** I am happy to look at the issues that the member for Swansea and the member for Newcastle have raised. If the member wants to rubbish Keolis Downer it is a matter for her, but I draw to her attention that when in office the Labor Party signed up 80 per cent of the private bus network to deliver services across the State.

**Ms Yasmin Catley:** They are not delivering in my electorate.

**Mr ANDREW CONSTANCE:** Give the operator two minutes. It has only been there for three months. *[Time expired.]*

#### SERVICE NSW

**Mr GREG PIPER (Lake Macquarie) (12:38):** The people of Lake Macquarie are starting to wonder what the Government will take away from them next. They are also starting to wonder what the "service" in

Service NSW means, because they are certainly not getting very much from the State's bureaucracy despite the apparent good intentions of the Government and some senior Ministers.

In October 2015, I presented to the Parliament a petition from more than 11,000 people who were outraged that the State Government was about to close the Toronto Motor Registry. The Government's new one-stop-shop model of providing services to the people of this State, as I noted at the time, inarguably has many good elements, but the decision to locate that Service NSW shop at Warners Bay was wrong. The site has very poor public transport access and is located in the extreme north of my electorate. People from suburbs such as Morisset, Bonnells Bay, Cooranbong and Mandalong can face a round trip of close to 70 kilometres to visit the Warners Bay outlet.

I understand that the Government wants people to use online options, but for those who need to or who choose to attend in person, the location of the Warners Bay centre can mean the loss of considerable time to renew a licence or to undertake some other one-off transaction. It is worse still for those who need to use public transport. If someone needed to travel to Warners Bay from Bonnells Bay they would face a round trip of almost six hours, with as many as 10 bus and train interchanges. On behalf of this community, I lobbied hard for a Service NSW office to be located at Toronto or Morisset, where the vast majority of the local population lives, and which are well serviced by public transport.

We lost that fight, but the State Government and the then Minister for Finance, Dominic Perrottet, to their credit, agreed to install a smaller-scale Service NSW kiosk at Toronto Library. Despite being staffed and open for only a few hours a day, the kiosk was still servicing dozens of customers each morning. It should be borne in mind that this kiosk was not set up with the most basic of modern facilities such as EFTPOS. If ever there was evidence that kiosks were designed to fail, it is the lack of EFTPOS. However, we lived in hope that we would see services at this kiosk expanded in the future.

In May this year I was advised that the kiosk would be closed. I sought meetings with the new Finance Minister, Victor Dominello, who arranged for me to meet with senior Service NSW managers. Those meetings seemed positive and offered some hope that options would be explored to find a way of keeping a Service NSW presence in Toronto. Indeed, the senior Service NSW staff undertook to consider options and come back to me soon after. That never happened. Instead, the kiosk was closed without any further discussion and without any explanation to the local community. It seemed that regardless of the intentions of the Ministers involved, Service NSW was intent on closing the kiosk and would deny it any chance of succeeding or being expanded.

I have held several discussions with the Minister and Service NSW since and they are certainly aware of my views and the anger in the local community. Following those meetings, I was further advised by Service NSW that it was now considering the installation of kiosks at Toronto, Morisset and in the neighbouring electorate of Swansea. After discussions with Service NSW, I mistakenly formed the opinion that these kiosks would operate in a similar way to the original one at Toronto but would be operated by Lake Macquarie City Council staff. I later learned that these kiosks were to be nothing more than unmanned computer terminals offering little more than would a home computer; they do not allow people to renew licences and they are not equipped with EFTPOS.

As I indicated earlier, we do not have a fundamental problem with the Service NSW one-stop-shop concept—in many ways it is an excellent model. But we do have a problem with it being located at Warners Bay, bringing great inconvenience to many people. There are ample good locations available at Toronto—a place where people do their grocery shopping, visit the doctors and access many other services, but not government services because they are located a half-hour drive away in a bulky goods retail area at Warners Bay. The motor registry at Toronto offered people a good service but it was taken away. The kiosk which replaced it offered a modest service, but it too has been taken away.

The kiosk that was provided through the good grace of the then Minister, Dominic Perrottet, had minimum cost to the budget of Service NSW. One staff member was deployed from some 12 kilometres away to service that kiosk for four hours a day, and I cannot understand how the Government can be looking for savings by taking that modest service away. If the Government is serious about improving services to the people of this State it should provide them in areas where people can easily access them. I call on the Minister to reconsider Service NSW in Lake Macquarie and bring full service to Toronto or the growing area of Morisset.

#### **TRIBUTE TO ROGER DULHUNTY**

**Mrs LESLIE WILLIAMS (Port Macquarie) (12:43):** Today I pay tribute to Port Macquarie aviation pioneer and land developer Roger Dulhunty, who passed away in 2003. On 12 August I was pleased to join with family, friends and some of his former business colleagues at the unveiling of a memorial plaque on Plomer Road on the north shore to honour Roger's contributions to the Port Macquarie community. The site marks what is to

become the entrance to an extension of the Limeburner's Creek National Park. On realising the environmental significance of this land, Roger offered the 714 acres to national parks in a deal that was finalised only this year.

The handing over of this substantial area of land follows many years of negotiations for which I acknowledge and thank Roger and Heather's daughter, Margaret Dulhunty-Wolk, for her ongoing determination and commitment to see this become a reality. The plaque, which has been fixed to a large boulder for the time being, recalls the significance of the Dulhunty family's investment in Port Macquarie both in the development of residential land and in the establishment of air services. It was appropriate that this day was chosen as it would have been Roger's 92nd birthday and I am in no doubt that he would have been pleased that it was celebrated in such a way with champagne glasses—albeit plastic—raised to toast his part in our history. The citation on the plaque reads:

In the early 1960s Roger Dulhunty, a surveyor and developer, acquired several large parcels of land on the north shore of Port Macquarie with a view to growth of the town to the north. He developed the nearby Coorilla and Queens Grant sections.

In 2017 the remainder of the land was acquired by the NSW NPWS and now forms part of Limeburners Creek National Park, a highly significant biodiversity conservation area and one of the few nominated wilderness areas on the east coast of NSW.

The contribution by Roger Dulhunty and his family to the development of Port Macquarie is significant. Roger and his father, Robert Venour Dulhunty, developed many residential areas of the town such as Clifton, the North Shore, Transit Hill, Bellevue Hill, Macquarie Heights, Shelley Beach Estate and Lighthouse Beach Estate among others. Roger also played a key role in the development of Settlement Shores.

In 1949 Roger and his brother, Philip Wellesley Dulhunty, introduced the first regular air service between Sydney and Port Macquarie with a Sunderland flying boat which flew weekly from Rose Bay to the Hastings River.

Roger will be remembered as a man of great passion and vision for the Port Macquarie area.

The flying boat was nicknamed the Port Macquarie Clipper and as the town grew as a favoured tourist destination the early flights became renowned for the mannequin parades on the flights—models wearing the latest swimwear and welcoming crowds, as passengers, who paid £4 18s 6d per trip, disembarked on our shores. History shows that Roger was certainly a man of passion, determination and foresight, and the installation of the memorial plaque is a reminder of the impact he had on the Hastings area. My family are also the beneficiaries of Roger's insightful planning, purchasing one of the initial blocks of land in the beautiful Lakeside Woods Estate in Lake Cathie.

Many will remember Roger, who, apart from his real estate and development activities, was also involved in the local surf life saving, golf and football clubs. He was also instrumental in the establishment of the original Port Macquarie Rotary Club, serving as club president in 1961 and as Rotary District Governor in 1969. Known for his affability and his sense of fair play, Roger will be forever remembered as a man dedicated to Port Macquarie and the Hastings area.

### MARRIAGE EQUALITY PLEBISCITE

**Ms JO HAYLEN (Summer Hill) (12:49):** Residents across the inner west—and indeed across Australia—have started receiving their postal surveys on marriage equality. For some, this is a moment of joy—an opportunity to show their support for their friends and family in the lesbian, gay, bisexual, transgender, intersex, questioning [LGBTIQ] community; for others, it is deeply embarrassing and shameful—why should we have a say in something that will not affect us in any way but will have a profoundly personal impact on the lives of others? But for members of the LGBTIQ community, opening the letterbox is now an unlikely source of anxiety and distress. After all, their very rights are being determined in a hostile and divisive debate, by paper, in the mail.

Let us set aside for the moment the fact that this is an arcane, unnecessary and very expensive way to resolve an issue that could have been easily and simply resolved in the national Parliament. Let us set aside the fact that what is a basic issue of human rights and equality is being determined by a popularity contest. And let us set aside the fact that the Prime Minister has chosen the most divisive path possible to achieve marriage equality. What is clear is that this debate has unleashed vicious homophobia. It has exposed deep divisions, stoked by conservative politicians intent on dragging us back to the 1950s in yet another culture war. It is clear we are seeing our worst fears realised when it comes to a free-for-all debate on marriage equality.

My electorate of Summer Hill has one of the highest concentrations of LGBTIQ people in the country—couples, families and organisations. Suburbs in my electorate, including Lewisham and Marrickville, are amongst suburbs with the highest proportions of LGBTIQ households. I am proud to represent a community that is diverse, supportive and harmonious. Fantastic organisations including the Gender Centre, the Metropolitan Community Church and Rainbow Families are based in the inner west—and they are only those that provide dedicated services; many, many other organisations work with and serve the LGBTIQ community through programs designed to promote inclusion and to reflect our diversity.

Each of those organisations and communities has been under the pump as a direct result of the postal survey. Nationally also, organisations have been overwhelmed with calls for help. ReachOut, Australia's leading

online mental health organisation for young people and their parents, has reported a 20 per cent increase in demand for its services around LGBTIQ issues since August. Former Australian of the Year Patrick McGorry has fingered the postal survey as a cause of a sharp spike in demand for mental health services. The *Sydney Morning Herald* recently reported that up to a dozen of the leading mental health organisations in Australia have been holding crisis talks to deal with the influx of calls for help from members of the LGBTIQ community, their friends and their families.

In the absence of leadership from the Federal Government, State governments need to stand up. The Palaszczuk Government in Queensland has committed an additional \$338,000 to non-government organisations to extend assistance to the LGBTIQ community in the area of mental health. The Andrews Government in Victoria has committed \$500,000 to do the same and support organisations such as Headspace and Switchboard Victoria. The McGowan Government of Western Australia has committed additional funding to help LGBTIQ organisations. However, in New South Wales organisations have been left to fend for themselves and face this surge in demand. In May the Minister for Mental Health announced \$500,000 in additional funding to the AIDS Council of New South Wales for suicide prevention. This is a welcome investment. However, the announcement predated the postal survey and its incredibly negative impacts. Additional funding is needed now to help other organisations at the front line of this debate, and it is up to this Government to deliver it.

I reiterate that Australia's LGBTIQ population already has significantly higher rates of suicide and mental illness than the general population. Data from the National LGBTIQ Health Alliance shows that compared to straight people of the same age, LGBTIQ young people aged 16 to 27 are five times more likely to commit suicide, and transgender and gender diverse people are 11 times more likely to commit suicide. Thirty-five per cent of those under the age of 18 have attempted suicide in their lifetime. In addition, 41.1 per cent of LGBTIQ Australians meet the criteria for a mental disorder and have had symptoms in the last 12 months. While mental health is a complex issue and can never be attributed to a single cause, it is clear that the systematic oppression of and discrimination against LGBTIQ people is an important determinant of the state of their mental health.

It is also clear that our LGBTIQ brothers and sisters are among the strongest, most resilient and most compassionate people I know. They will survive this and emerge as an even stronger community. That is how they will win. Let us not force LGBTIQ people to face this alone; let us invest in mental health services to help them get through this postal survey. Let us join together and vote yes to recognise the relationships and families of LGBTIQ Australians as equal; let us vote yes to extend the same rights and dignities to all Australians; let us vote yes for love.

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (12:52):** I reiterate the Government's commitment to supporting our communities' mental health across New South Wales. We support people's needs and we support them during the crises that they go through from time to time. This year alone, the New South Wales Government has delivered a record \$1.9 billion of mental health funding and support across the State. As the member for Summer Hill has correctly pointed out, this Government was ahead of the game when it announced funding of \$500,000 to the AIDS Council of New South Wales [ACON] a couple of months ago. We recognise that there are a number of vulnerable community groups—including the lesbian, gay, bisexual, transgender and intersex [LGBTI] community—and this Government has taken proactive action to come alongside and support them. We did so a couple of months ago. I thank ACON for the work it is doing. I remind members of our community that they can call Lifeline and the Mental Health Line if they need assistance.

#### MANLY VILLAGE PUBLIC SCHOOL

**Mr JAMES GRIFFIN (Manly) (12:53):** Today I update the House on an important local initiative and congratulate the Manly Village Public School Parents and Citizens [P and C] Association on the official opening of its playground shade cover. This is no ordinary shade cover. It is the outcome of the work of one of the most committed groups of parents in Manly. The P and C rallied together for years, overcame various challenges and ultimately raised a significant sum of money so that it could finally deliver this wonderful shade cover. Working collaboratively with the school, the P and C identified the need for a shade cover area in the school grounds after becoming a SunSmart school as part of a Cancer Council initiative in 2010. Following an audit of the school a large, uncovered asphalt area with limited tree cover was determined to be a high-risk area.

Demonstrating a high degree of professionalism and commitment, the P and C formed a subcommittee that considered the Department of Health's skin cancer prevention strategy. Dr Tony Bernard of Manly used his deep knowledge of skin cancer to research and understand the impact of ultraviolet [UV] exposure on children and the devastating relationship between UV exposure and melanoma. Dr Bernard then presented his findings to the school community and the Department of Education. Following that presentation, the school community fully appreciated the importance of the shade cover and voted in support of installing the shelter. This occurred in October 2013.

Mr Henke Du Plessis worked hard and applied for a community grant of \$60,000. The Manly Village Public School P and C rallied together to provide the additional funding required to bring the project to life. As is often the case, things that are worth doing are not easy to do. Time and again, the P and C dealt with challenges and overcame obstacles in its efforts to erect the shade cover. In a testament to its members' commitment not only to their own children but also to future students of this great school, the P and C persevered and steadily worked towards its goal of getting approval and installing the shelter.

In the Easter school break of 2016, some three years after commencing the project, the shade cover was installed. This week the school community will enjoy its first movie night under the shelter. In the decades ahead students will play safely out of the glare of the hot sun and parents will be safe in the knowledge that the once high-risk area of Manly Village Public School is no longer a concern. Installing a shade cover and delivering a project over three years does not happen by itself. The Manly Village Public School P and C—in particular, Neale Sibert, Amanda Luckett, Greg Heesom, John Hoffman, Henke Du Plessis and Tony Bernard—is to be congratulated on its tremendous efforts. What it has done speaks directly to the community spirit and goodwill that makes Manly and indeed Manly Village Public School the wonderful community and school that they are today.

A plaque will be unveiled to commemorate the shade cover, and the cover will be affectionately known as Tony's Tent in recognition of the considerable efforts of Dr Tony Bernard and his fellow P and C members in delivering this asset for the generations of students who will attend Manly Village Public School. Without people such as Neale Sibert, Amanda Luckett, Greg Heesom, John Hoffman, Henke Du Plessis and Tony Bernard, Manly would not be the place it is today. On behalf of their community and the current and future parents of Manly Village Public School, I thank them for their wonderful efforts and their contribution to the community of Manly.

#### **TRIBUTE TO NORMAN AND FILOMENA PENSABENE**

**TEMPORARY SPEAKER (Ms Anna Watson):** I acknowledge and welcome to the gallery Norman and Filomena Pensabene, local constituents from the electorate of Canterbury. I welcome them to the Parliament and hope they enjoy their day.

**Ms SOPHIE COTSIS (Canterbury) (12:57):** I am proud to share a wonderful story about local democracy in action. I am proud of my local constituents Norman and Filomena Pensabene, who are here in the gallery today. I thank them for doing an important service, which will save thousands of residents millions of dollars. With their keen eye for detail and their background in professional services, they realised that their energy provider, EnergyAustralia, was not only charging them \$1.69 for their paper bill, but was also charging them an additional \$1.91 for paying their bill at Australia Post and additional further annoying fees. The combined charge of \$3.60, plus additional fees, might not sound like a large amount, but it adds up. These fees especially affect the elderly, pensioners, people who do not have access to the internet, and those who rely on receiving a paper bill and invoice.

Somewhere and somehow in corporations people think up schemes and ways that they can rip off and gouge our community. Norman and Filomena felt that these fees were unfair and had been introduced by this major energy provider without notification or consultation. Norman and Filomena took on the task. The local news outlet, the *Canterbury Bankstown Express*, stated that this was a David and Goliath challenge to make energy providers own up to their deception and immorality to target the most vulnerable members of our society. Norman and Filomena wrote to me, to the media, to the energy providers, to the Federal member of Parliament and indeed to anyone who would listen. When I met with them I heard their genuine commitment to removing these paper bill fees and processing fees for all members of society.

I brought the issue to the attention of our fantastic shadow Minister for Energy, the Hon. Adam Searle, who brought the matter before Parliament in February. With the assistance of the Hon. Greg Donnelly, the Minister for Energy, the Hon. Don Harwin, was asked a very simple question: What was his commitment in relation to the unfair imposition of fees for our seniors and rural residents who receive their electricity bills via mail? The Minister for Energy failed to respond, claiming, "I will try to have an answer back ... by the time that the Parliament sits again." We waited and waited. The cost of living is going up and under this Government the cost of electricity is rising and these fees affect those on fixed basic incomes.

Following further questions and public pressure the Government has finally succumbed and last week announced the fees would be abolished. I acknowledge our local paper the *Canterbury Bankstown Express* and also *A Current Affair* and thank them for raising this important issue. This is a victory for battlers and families across New South Wales. It is a victory for common sense and fairness. These charges were adversely affecting our most vulnerable and were extremely unfair. This example has shown that local constituents working together with local members and local media can achieve positive outcomes. I am honoured to have constituents like Norman and Filomena living in my area. I thank them for their efforts and for having the trust in me to raise the

issue, which is also being taken up by the shadow Minister for Consumer Affairs, Tim Hammond, in the Federal Parliament. I thank him for working hard to pressure Prime Minister Malcolm Turnbull to have this absurd paper bill fee abolished nationwide.

### TRIBUTE TO HELEN JAMES

**Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (13:02):** I acknowledge a person in the community who is known for her quiet achieving. She is involved in Probus, fundraises for the Heart Foundation, volunteers for the Salvation Army, helps family members and is an advocate for educating people about a disease that is widespread but often goes unnoticed in our community. Over the past 12 years Helen James has learned much about dementia and in recent years has become increasingly active in raising awareness about the disease. Helen's husband, Gordon James, was a successful insurance broker at Lloyds of London and moved to Sydney in 1979, where he started his own insurance broking business.

Helen met Gordon in 1994 and joined him in the business until they both retired in 2006. It was in the last year of work that Helen detected changes in Gordon and he was diagnosed with frontotemporal dementia with the variants of semantic and behavioural dementia. If asked, Helen James would describe the past 12 years of her life as a dementia journey. Gordon was 64 years of age when his diagnosis was received and he passed away in February aged 76. This debilitating disease and the resultant consequences for them both have driven Helen's advocacy for education about dementia. At the beginning Helen was informed that the dementia affecting Gordon was rare and progressive, and that the symptoms would worsen over time. She was also told that the deterioration would be the slowest and longest of dementia and one of the most challenging to manage.

Helen had been the secretary of the North Ryde Combined Probus Club for the past five years and in March became president. The North Ryde Combined Probus Club has 145 members who organise numerous social outings to encourage friendships and socialisation for retirees in the Ryde community. The Big Heart Appeal is favoured by Helen because her niece was born with major heart complications and her brother died suddenly from heart disease one week prior to his sixtieth birthday; she involves her neighbours by participating in the annual doorknock appeal in her street. The Salvation Army in Ryde is active and Helen finds time to help by supporting its annual fundraising appeal at Top Ryde City Shopping Centre. She continues to give much to enriching our community. I genuinely admire Helen James and her ability to manage the devastating illness her husband was suffering with such a degree of optimism, resilience, good humour and dignity. She somehow finds the time and energy to continue her volunteering and voluntary executive roles. I applaud her efforts to raise awareness of dementia in our community and commend her for being an example to us all.

### MANGROVE MOUNTAIN LANDFILL WATER CONTAMINATION

**Ms LIESL TESCH (Gosford) (13:05):** Today I commend the work of Dr Stephen Goodwin of the Mountains District Association, Margaret Pontifex of the Mangrove Mountain and Districts Community Group, the Community Environment Network and all other community members and advocates for our environment for their ongoing battle to bring about the end to inappropriate waste management practices on Mangrove Mountain. I congratulate the team at the local Ducks Crossing newspaper group on its commitment to revealing the threats to our waterways and drinking water on the Central Coast, with 11 front pages and a total of 73 pages of articles reporting on the Mangrove Mountain landfill. I thank also the ABC's *Four Corners* for its program on waste on 7 August and for taking this to a new level of public exposure and accountability.

*Four Corners* revealed two waste dumping sites in the Gosford electorate that must be addressed to maintain the integrity of our waterways—one at Mangrove Mountain and another at Spencer. This is a serious community concern and our community wants to see action to protect our waterways. The Mangrove Mountain landfill site is within the Mangrove Mountain Memorial Club and Golf Course which is located on 100 acres originally donated to the community by a returned soldier, held in trust by the Mangrove Mountain Sub-branch of the RSL. The Environment Protection Authority [EPA] gave approval for 80,000 cubic metres of clean waste to be dumped to redesign the steep golf course. This was back in 1998 when a truck driver called the secretary of the Mangrove Mountain Community Group to advise that he had been asked to dump toxic material from the Homebush Olympic site at the golf course. This was the first record of illegal dumping. Since then there has been a bad track record of non-compliance, with all sorts of illegal non-clean waste with no baseline data of groundwater quality.

The EPA failed to act on numerous complaints from locals and Gosford City Council about the increased volume of waste being dumped by the landfill operator. It continued to license, allowing another 1.3 million tonnes to be added to the site. During the Land and Environment Court battle to renew the licence, the charter of the Mangrove Mountain sub-branch was removed by RSL NSW directors—another unscrupulous action by RSL NSW directors. RSL NSW then sold the land to the landfill operator for \$750,000 when the unimproved capital value listed at the time was \$1.2 million, and the EPA renewed an expanded dumping licence.

A statement on the EPA's website in July this year claims that testing has been done that indicates no contamination. This is in direct contrast to statements by the Minister for Regional Water, Niall Blair, who confirmed breaches of the groundwater aquifers. Reports, photographs and evidence from the community indicate contamination of local water caused by direct run-off from the Mangrove Mountain landfill and the community is heavily critical of the EPA. Golfers playing on the Mangrove Mountain golf course report sprinklers spraying very smelly water across the golf course and onto their skin. It is estimated that the current mound produces three million litres of leachate annually and due to ineffective and non-existent lining there is the possibility of leakage into local groundwater.

The waterway feeds into Ourimbah Creek and then into Tuggerah Lakes. It also runs into a weir used to divert water to Mangrove Mountain Dam. In addition, our groundwater is recharged from all water infiltrating the permeable sandstone layers and toxic water may take many years before it emerges into our waterways. In almost 20 years of dumping no penalties have been imposed at the site, whilst local chicken farmers are being fined \$7,500 for waste leaching into local waterways. NSW Labor—and the EPA itself—have referred the EPA to the Independent Commission Against Corruption.

We have also referred Gosford City Council to ICAC over allegations surrounding the illegal dumping of its own waste at Mangrove Mountain. Premier Berejiklian must initiate a special commission of inquiry into the processes that have allowed dumping to continue in areas that do not have leachate protection. More than a decade of decisions are beyond public scrutiny and there has been no independent review to raise concerns about the lack of an environmental impact assessment of the expansion proposal. The people of the Central Coast need their water protected. We do not want a Port Stephens debacle to emerge in years to come. The New South Wales Government must reinvestigate the validity of the licence and the circumstances of this issue.

The site has been closed since 2014 but Mangrove Mountain Memorial Club and Golf Course wrote to members last week implying that after three years on hold, work was going to continue in the foreseeable future. I call on the Minister for the Environment to stop all further work by the operator on the Mangrove Mountain landfill site. I support Central Coast Council's request that all work by the landfill operator cease immediately. No further dumping can occur at a site that should never have been approved as a dump in the first place. The only way to guarantee the safety of our water supply in the long term is to close down the site and deal with existing waste safely. The New South Wales Government has a responsibility to ensure that the Mangrove Mountain and Spencer dumping sites are cleaned up, rehabilitated, and made safe for our community—ensuring the integrity of our waterways.

### **SUTHERLAND SHIRE FOOTBALL ASSOCIATION**

**Ms ELENi PETINOS (Miranda) (13:10):** Today I celebrate the commitment and enthusiasm of committee members, teams, players, referees and volunteers of the Sutherland Shire Football Association. Although Sutherland Shire Football Association was formed in 1952, soccer has been played on a competitive basis in the Sutherland Shire since at least 1929. From humble beginnings in 1929 the Sutherland Shire Football Association had only three teams including Miranda, Gynea and Cronulla. Today the Sutherland Shire Football Association has grown in size and stature, boasting 26 member clubs and more than 18,000 registered players. This number reflects the fact that the Sutherland Shire Football Association is the largest amateur football association in Australia and the Southern Hemisphere. As a community, we are proud that our peak body, the Sutherland Shire Football Association, is recognised nationally as a leading football organisation.

Six of the 26 member clubs participating in the competition are from the Miranda electorate and include Bonnet Bay Bombers Football Club, Como West-Jannali Soccer Club, Kirrawee Kangaroos Football Club, Miranda Magpies Football Club, Sylvania Heights Community and Youth Club and the Sutherland Titans Football Club. The following clubs bear the names of suburbs from the Miranda electorate, although their home grounds are located just outside the electorate boundary—Gynea United Football Club, Caringbah Redbacks Football Club and North Sutherland Rockets Soccer Club. I acknowledge those who are instrumental in the success of the Sutherland Shire Football Association: committee President Matt Brady, Vice President Keith Ward, Treasurer Giulio di Stefano, Operations Manager Jeff Stewart, and committee members Craig Arnott, Laura Cowell, Paul Gallagher, David Johnson, Barry Jones and Russell Marsden.

Football is a tough and physically demanding sport—a serious, competitive discipline that requires spirit, skill and enthusiasm. Players of all ages and abilities, male and female, compete each weekend in the association's tournaments, with a special division for players with a disability. The Sutherland Shire Football Association grand finals were held over two days—26 and 27 August 2017. The event was the culmination of an 18-week playing season, starting on 1 April 2017, followed by semifinals, finals and the grand finals, which took place on soccer grounds throughout Sutherland Shire. I am proud that all six football clubs from the Miranda electorate participated in grand final matches over those two days. Thirty-four teams comprising various age categories played off in grand final matches. I make particular mention of the Kirrawee Kangaroos Football Club. It was an

incredibly successful 2017 season for the Kirrawee Kangaroos which had two teams finish at the top of the Sutherland Shire Football Association competition ladder and eight teams overall qualify for grand final matches. The 18A, 18E, AL05, AL07, AL10, AL13, WSB and WSE teams fought tough and intense matches.

I congratulate in particular the 18Es who were victorious in their grand final match, beating the Bangor Football Club 4-1. Well done to Casey Burbidge, Mason Cass, Kurt Chalker, Jordan Duncan, Jack Gardiner, Ricky Goodall, Lewis Hodgson, Joshua Jock, Callum Martin, Brad Said, Nathan Strudwick, Braydon White, Josh Wilson and their coach, Steve Wein. On 1 July 2017, I visited Kareela Oval, home of the Kirrawee Kangaroos, to inspect the recent renovations to the downstairs area of the clubhouse and the new storage. This was made possible by a \$25,000 grant issued under the 2015 Community Building Partnership Program. The new facilities are a fantastic addition to an already wonderful local sporting club and I am delighted to have been able to support this grassroots organisation with this grant.

I take this opportunity to pay tribute to the executive for all its hard work and involvement in the project. I acknowledge President Tim Fitzgerald, Vice President Greg Sharkey, Secretary and Registrar Kelly Manna, Treasurer Colin Bulloch, licensee Darren Humphries and general committee members Cliff Liddell, Anthony Bulmer, Mark Jones, Michael Hallinan, Amanda Pratt, Nathan Kennedy, Tim Nielsen, Matt Kirby, Gavan Cuthill and Craig Kourouche. I thank them for their dedication and commitment throughout the 2017 season. The Sutherland Shire Football Association, with all its teams, players and hardworking individuals behind the scenes is a testament to our Shire's love of sport and its community spirit. I look forward to celebrating the 2017 season this Friday when I attend the association's sixty-fifth annual dinner. I extend my best wishes to all involved for another successful season in 2018.

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:15):** I commend the member from Miranda for bringing this important private member's statement to the attention of the House which highlights the incredible value of sport and activity to our community by building a sense of community and community strength and increasing the mental health of those who participate in physical activity. It is important for the New South Wales Government to encourage people to become involved in sport. This year the Government is investing \$207 million in the Active Kids Rebate program, which will put \$100 into the pockets of every family in New South Wales when they enrol their children in sporting activities. This Government is also providing \$100,000 in funding to establish modified sports programs in football, netball and gymnastics to assist people aged over the age of 50 who still participate in sports and sporting activities.

#### WESTCARE COMMUNITY SERVICES FORTIETH ANNIVERSARY

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:16):** I congratulate WestCare Community Services on its fortieth anniversary and commend it for the successful launch of its Fresh Start Go! initiative that I had the pleasure of attending. The event was hosted at The Coffee Club Nepean River and was attended by about 170 supporters. This year's annual fundraiser launched the Fresh Start Go! program, which will provide additional support for women and children in the community experiencing domestic violence. Fresh Start Go! will deliver frontline support including refuge and community services aimed at helping women and children escape domestic violence. Crisis emergency accommodation with Nepean HomeStart packages and home security services form part of the initiative.

Fresh Start Go! is just one of the supportive programs offered by WestCare. Since 1977 WestCare's aim has been to have local needs met by local people through assistance programs including 1000 Safe Sleeps, which provides short-term accommodation for the homeless; emergency relief services comprising food and utilities vouchers, clothing giveaways and referrals for financial counselling; and the Penrith City Care Kits program which provides basic but necessary personal care items for all ages, from infants to seniors. These are just some of the fantastic services delivered by WestCare Community Services in its mission to support people in need across our region.

During the annual fundraiser I had an opportunity to share how the New South Wales Government is working to support women and children experiencing violence in the home, and investing in programs that will help to change lives. I recognised the commitment of both government and non-government organisations such as WestCare Community Services in supporting people facing domestic and family violence. The evening would not have been possible without the dedication and loyalty of many people. I commend those champions who give up their time to support WestCare and our community: WestCare Community Services director Andrew Paech and WestCare volunteers Margaret Seumanu, Gillian Vella, Lisa Ernst, Adam Waddington, Lyndy Waddington, Frank Vella, Shane Ernst, Adam Petherick, Nathan Sloane, Rosie Vai, Benn Vai, Willy Manumua, Sani Vea, Ben Vaituutuu, Lem Seumanu, Pologa Mase, Nancy Carbone, Lauren Briffa, Christina Petherick and Lunia Borges.



Their collective efforts helped to ensure that the evening was a success. I also acknowledge the generosity and support of The Coffee Club Nepean River owners Jeremy Horne and Aaron Jack and their staff, who hosted the fundraiser and worked the entire evening for free. I especially highlight the young staff at The Coffee Club Nepean River, many of whom are students and for whom a paid work shift means a lot. These young people acknowledge that others in our community are doing it tough and they are doing something about it by giving up their time and wages, which is admirable. I thank all the staff. I highlight and thank Luke Kohler, owner of The Glenbrook Greengrocer, for his contribution towards the food costs for the evening. I also thank the master of ceremonies for the evening, Troy Dodds, auctioneer Troy Kennedy and event photographer Brooke Grosse for their support.

I extend special thanks to key sponsors and auction item donors including: Adan Designs, At Print, Avante Linemarking, Cellarbrations Kingswood Park, Great Walk Foundation, Penrith Party Hire, Power Smart Electrical, Shelleys Prestige Cleaning, the *Western Weekender*, Zilzie Wines, Dennis Sales, Panthers Rugby League Club, Insignia Hair and Day Spa, Exact Security, Flash Me Photobooths, the Federal member for Lindsay, Anala Art Advisory, St Marys Leagues Club, Colin Henry, Better Built Homes, Golf NSW, John Veitch, Sydney Motorsport Park, Ivan and Nathan Cleary, Western Suburbs Concrete, Australian Arms Hotel, Ken Hale Plumbing, Mantra Aqua, Nelson Bay Golf Club, Australian Rugby Union, Bob Jane Penrith, Bordeaux Candles, Chris Connell, Dianne Douglas, E.S.S. Garage Doors, FG Quality Air, Montecatini Smallgoods, Natalie Watson, Penrith Whitewater Stadium, Proframe, Raine and Horne Penrith, Stampin' Up and Sydney FC.

I thank all these local businesses and community members for their support. More than \$170,000 was raised on the night for WestCare Community Services. That amazing sum will support an organisation that provides for our local community. I extend my congratulations to WestCare Community Services on its most successful fundraiser. I am certain the Fresh Start Go! initiative will bring immense comfort and support to those most in need. I take this opportunity to express my appreciation to all the volunteers at WestCare Community Services and to all those who generously donated their time, resources and money on the evening. Without the support of the community, organisations such as WestCare could not impact the lives of the vulnerable victims of domestic and family violence. That is its focus. I thank everyone involved in this successful fundraiser.

#### **LIVERPOOL AND GREEN VALLEY POLICE OFFICER OF THE YEAR AWARDS**

**Ms MELANIE GIBBONS (Holsworthy) (13:21):** I speak today about the Liverpool and Green Valley Police Officer of the Year Awards. The awards are organised by the Combined Rotary Clubs of Liverpool and were presented on Tuesday 5 September. It is the nineteenth year that the awards have been presented by the Rotary branches of Liverpool, Liverpool West and Liverpool Greenway. They are amongst the longest-running award ceremonies in Sydney, and indeed in Australia. They have set the standard. The awards are an opportunity for Rotary, on behalf of the community, to recognise the great work being done every day by officers of the two local area commands.

I thank Ms June Young, OAM, and former superintendent Robert McMahon, a Moorebank local, for initiating this event 19 years ago. A lot of passion and dedication has gone into this event, and I have loved seeing the officers acknowledged each year. It is a wonderful legacy. I also thank the organising committee of this year's awards, which includes: June Young, OAM, chairperson; Maria Lupica, treasurer; Jim Rudling, secretary; David Pace, president of Liverpool Rotary; John Pillay, president of Liverpool West Rotary; Vince Labrozetta, president of Liverpool Greenway Rotary; Nick Romeo, Greenway Rotary member; Grant Defries, Liverpool Rotary member; Janice Harle, Greenway Rotary member; Rose Prochilo, Greenway Rotary member; Superintendent Bronwyn Parkin, Green Valley police; Sergeant Adam Craig, Liverpool police; and Mitch Newton, Liverpool police. The event would not have occurred without all their hard work and planning, and I thank them today.

I am glad to see that the NSW Police Force shares the Rotary values of high ethical standards, and building goodwill and peace. The Rotary motto of "Service Above Self" is the guiding factor for these awards, and reflects the high regard with which these officers are held by Rotary and the community in general. The awards acknowledge the nominated officer's devotion to duty, and their commitment to keeping the Liverpool and Green Valley communities safe. Additionally, the awards ensure the recognition of both sworn and unsworn officers. Being a police officer is not just a job but a dedicated service to the community, and accordingly our police officers deserve to be acknowledged, commended and appreciated for their commitment to duty.

The complexities and challenges of community policing are many and varied. The job is highly demanding and often dangerous, but I am sure that officers across our State will attest that it is also immensely rewarding. Their commitment and duty involves uncertainties and risks each day for them and their families. Their tireless work to keep us safe from crime and the fear of crime is to be commended. It takes significant courage to be both persistent and honourable in every decision you make. I understand that all officers who were nominated

have demonstrated exceptional professionalism through acts of courtesy, kindness, understanding, compassion, courage and devotion to duty.

I acknowledge all the police officers from Liverpool and Green Valley who were nominated in their respective local area commands for Police Officer of the Year. The list is long. The community has taken the time to consider and thank these officers for the work they have done in times of trouble. I congratulate Detective Senior Constable Marco Buttigieg and Detective Senior Constable Mark Tinsley. They work at Liverpool and deal with domestic violence offences. All these officers have worked hard to ensure that my local area is safe, and I thank and commend them all for their contributions.

#### **CAMPBELLTOWN CAMDEN DISTRICT CRICKET CLUB**

**Mr CHRIS PATTERSON (Camden) (13:26):** As I said earlier, Ghosts Women's Cricket have had tremendous success this year, and we wish the first and second grade teams every success when their season starts in two weeks. Third grade and the Brewer Shield under-17 team begin their season in three weeks. But this weekend it is all about the boys, when round one kicks off. I acknowledge with pride all the players from the mighty Campbelltown Camden Ghosts, from first grade to fifth grade. The first grade team is captained by Jarrad Burke, who is coming off a fantastic trial when he achieved bowling figures of six for eight and scored in the 50s. He contributed significantly to the win against the St George team. The balance of the team includes: Luke Webb, Mitchell Carruthers, Phillip Wells, Jaidyn Simmons, Jordan Browne, Nathan Baker, Sam Skelly, Aaron Yabsley, Iain Carlisle and Charlie Dummer. I wish them good luck in first grade.

The second grade team comprises: captain Nathan Glynn, Vincent Hreszczuk, Ashley Paddison, Ben Bourke, Matt Hudson, Nick Appleton, Lawson Eva, Patrick O'Neill, Faisal Nasim, Flyn Parker and Josh Appleton. I wish them good luck in competing at Sutherland. The third grade team comprises: captain Brent Hardy, Ji Mills, Max Clark, Creedence King, Yarrin Fair-Townsend, James Brown, Marcus Ashcroft, Cameron Malcom, Trent Wood, Connor Passlow and Connor Corscadden. I wish them good luck in competing at Raby. The fourth grade team is made up of: captain Jesse Kennedy, Ethan Brendish, Valentino Woszczalski, Todd O'Keefe, Quin Paslow, Ayesh Misra, Trent Mayer, Jamie Warwick, Roscoe Ray, Rafit Pradhan and Dilgaura Kumar. I wish them good luck in competing at Sutherland.

The fifth grade team consists of: Luke Miner—who is standing in for Mark Richardson as captain—Josh Campbell, Umar Rashid, Adam Harvey, J.P. Bucknall, Prem Trevedi, Tom Patterson, Lahiru Jayawardena, Kodie Brien, Sufyan Khan and Talhah Tahir. The third, fourth and fifth grade teams are young sides with a mix of experience. I am sure that these young men will do the club proud and play as Ghosts for many years to come. I acknowledge that this weekend a couple of players will be unavailable because of injury or other commitments. They are: Ollie Pope; Tanveer Sangha, who is an outstanding Australian under-16 player; Jack Bray; Lachlan Inger; Chris Inger; Mark Richardson; and Brandon Redman. Ollie Pope is an English under-19 wicketkeeper who is currently playing for Surrey. Ollie will be a Ghosts first grade wicketkeeper in a few weeks and we look forward to welcoming him. First to fifth grades will be playing round one this weekend against Sutherland. We look forward to some great results.

Last night we announced our A.W. Green Shield side, which is the best grade competition in which Sydney under-16s can play. This is the future of our club. I am proud that Tanveer Sangha will be captain. He had a great season last year. Also on the team are: Tom Patterson, Jamie Warwick, Ashkat Misra, Ethan Brendish, Josh Campbell, Will Salzman, Jayden Zahra Smith, Owen Cole, Jack De Hossen, Connor Corscadden, Talhah Tahir, Adam Harvey, and Lahiru Jayawardena. At last night's season launch it was fantastic to see six or seven life members get up on stage. They have contributed greatly to the Ghosts club. The oldest members in the club acknowledged and shook hands with the Greenies boys to welcome them. I thank everybody at Ghosts for the hard work they have put in. We look forward to the season. I wish all the players well.

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

#### *Visitors*

#### **VISITORS**

**The SPEAKER:** I extend a very warm welcome to the student leaders, their parents and teachers from North Ryde Public School, West Ryde Public School and Marsden High School, guests of the Minister for Finance, Services and Property, and member for Ryde. I also welcome Don and Terri-Anne Ferguson who are visiting the Parliament for the 50 Years of Service as a JP celebrations, guests of the Parliamentary Secretary for Regional Roads, Maritime and Transport, and member for Tamworth.

I also acknowledge Sean Murray, the Chief Executive Officer of the Australian Mitochondrial Disease Foundation, who is accompanied by foundation advocate Norm Amery, brother of a former member of this House, Richard Amery, guests of the Parliamentary Secretary for the Centenary of ANZAC, Counter Terrorism, Corrections and Veterans Affairs, and member for Wagga Wagga. I also welcome Idwall and Jill Richards who were also attending the 50 Years of Service as a JP celebrations, guests of the member for Tweed. I welcome a delegation of members of the Bronte Probus Club, guests of the Hon. Greg Pearce. I welcome Leanne Hutcheson, guest of the member for Blue Mountains.

#### *Commemorations*

### **CENTENARY OF FIRST WORLD WAR**

**The SPEAKER (14:17):** Over four months in the second half of 1917, the Allies launched several attacks on the German lines in Flanders, hoping to drive the enemy from the ridges around Ypres and seize the submarine bases on the Belgian coast. The series of battles in this third Ypres campaign came to be known by the name of the only meaningful territorial gain they secured: the village of Passchendaele. Australian infantry divisions became involved in the campaign a century ago this week. The 1st and 2nd Divisions took part in the Battle of Menin Road from 20 September while the 4th and 5th Divisions were part of the wider assault at Polygon Wood from 26 September. The fighting was bloody and the conditions atrocious. Heavy artillery bombardment had obliterated almost every feature of the landscape.

Days after the offensive began, unseasonal heavy rains drenched the battlefields. When the drainage systems for the Flanders lowlands were destroyed by shelling, the clay battlefields became a nightmarish wasteland of cold mud. Half a million men were killed or wounded in the fighting at Passchendaele. The Australian Divisions suffered 38,000 casualties, among them Rupert McCourt, son of a former Speaker of the Legislative Assembly and a parliamentary officer. McCourt was wounded in action in the fighting at Menin Road on 20 September 1917. Thirteen years later he became Clerk of the Legislative Assembly. Lest we forget.

#### *Members*

### **ELECTORAL DISTRICT OF MURRAY**

#### **Vacant Seat**

**The SPEAKER:** I advise the House that on 15 September 2017 I received a letter from Adrian Piccoli resigning his seat as member for the electoral district of Murray.

**Mr ANTHONY ROBERTS:** I move:

That, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, the seat of the member for Murray be declared vacant, by reason of the resignation of Adrian Piccoli.

**Motion agreed to.**

#### *Question Time*

### **WHISTLEBLOWER PROTECTION**

**Mr LUKE FOLEY (Auburn) (14:26):** My question is directed to the Minister for Transport and Infrastructure. Will the Minister confirm that he has spent \$195,814.30 in a single month trying to hunt down whistleblowers who believe in the public's right to know about cost blowouts for WestConnex and other transport projects?

**The SPEAKER:** Order! Members will come to order. The Minister has the call.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:27):** What a serious question from the Leader of the Opposition.

**The SPEAKER:** Order! The member for Campbelltown will cease interjecting.

**Mr ANDREW CONSTANCE:** There is a very good reason we might conduct these investigations in transport.

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

**Mr ANDREW CONSTANCE:** The reason is we live in a very serious era of cyberterrorism and there is a raft of security issues in transport.

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

**Mr ANDREW CONSTANCE:** If the Leader of the Opposition thinks that major security breaches within the Department of Transport are somehow amusing in light of the agency's responsibilities then he stands condemned.

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

**Mr Greg Warren:** Point of order—

**The SPEAKER:** Order! I call the member for Keira to order for the second time. Even though it is early, members will be removed from the Chamber for the rest of the day if they continue to interject. I know that is painful for the member for Keira but he should cease interjecting when I ask him to.

**Mr Greg Warren:** My point of order is under Standing Order 73. We are not talking about cyberterrorists. The Minister should not become a populist on this issue. The question was very direct.

**The SPEAKER:** Order! There is no point of order. The member will resume his seat. I call the member for Campbelltown to order for the first time. I call the member for Campbelltown to order for the second time. The next time the member for Campbelltown does not resume his seat when asked he will be called to order for the third time and removed from the Chamber for the rest of the day.

**Mr ANDREW CONSTANCE:** If we have breaches of secure information in the department it is only right that we investigate it. The question suggests to me that the Leader of the Opposition has his hands on certain documents that he should refer to the police. Perhaps he should go to the police with the person who gave him the documents so they can investigate what has gone on. I note that the Leader of the Opposition will not do that and is in essence aiding and abetting a crime.

**The SPEAKER:** Order! The member for Maroubra will cease interjecting. I call the member for Maroubra to order for the second time.

**Mr ANDREW CONSTANCE:** It is third time lucky for the Leader of the Opposition when it comes to convictions. But when there has been a leak involving the Leader of the Opposition—and I am sure the Leader of the Opposition has made a commitment to whoever it is of a very good promotion in the future—we are right to investigate.

**The SPEAKER:** Order! Members will come to order. I call the member for Prospect to order for the first time.

**Mr ANDREW CONSTANCE:** This is important information. The Leader of the Opposition should go to the police with the information instead of aiding and abetting a crime.

**Mr LUKE FOLEY (Auburn) (14:29):** I ask the Minister a supplementary question. I thank the Minister for his answer and ask him: Is he seriously suggesting that he suspects public servants in his department of engaging in preparations for terrorist activity? Is that what the Minister just suggested?

**The SPEAKER:** Order! Members will be able to hear the answer if they cease interjecting.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:30):** In light of that supplementary question, I will now give a very, very serious answer. If the Leader of the Opposition thinks it is a joke that information that resides within the Department of Transport and Transport for NSW has been leaked and that it is some sort of laughing matter in today's world—

**The SPEAKER:** Order! The member for Kogarah will cease calling out.

**Mr ANDREW CONSTANCE:** —in light of what is happening in the United Kingdom and elsewhere around the world, the Leader of the Opposition is kidding himself. He is not fit to hold the office of Leader of the Opposition if he thinks the leaking of information is some sort of joke.

**Mr Luke Foley:** Point of order: My point of order relates to relevance. If the Minister wants to play the terrorism card he should bring forward evidence and not use it as a debating point.

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

**Mr ANDREW CONSTANCE:** If the Leader of the Opposition somehow thinks it is funny to get secure documents from within the Department of Transport—

**The SPEAKER:** Order! I cannot hear the Minister because of members interjecting. Government members will come to order.

**Mr ANDREW CONSTANCE:** —and to talk about it as some sort of light-hearted matter, when it is serious information that the department holds in relation to the safety and security of the community, then I am happy to debate him. He is a fool. He is not fit to be the Leader of the Opposition—

**The SPEAKER:** Order! The member for Keira and the member for Strathfield will cease shouting.

**Mr ANDREW CONSTANCE:** —he is not fit to be in this place, and he should be condemned. He needs only to look at events occurring around the world and the importance of information when it resides in agencies such as Transport—

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

**Mr ANDREW CONSTANCE:** Coming from you, Mr Beijing, in the corner, I will take that on board.

**The SPEAKER:** Order! I call the member for Kogarah to order for the second time. The member for Kogarah will cease shouting. I call the member for Kogarah to order for the third time. This is not a debate.

**Mr ANDREW CONSTANCE:** The bottom line is that the Leader of the Opposition is not fit to hold office. If he has information that he should not have he should go to the police because that is where that leaked information belongs and the person who gave it to him should also be prosecuted.

### INFRASTRUCTURE AND JOBS

**Ms ELENI PETINOS (Miranda) (14:32):** My question is addressed to the Premier. How is the New South Wales Government delivering world-class infrastructure and jobs for New South Wales?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:32):** I thank the member for Miranda for her question and I acknowledge the work that she and all of our colleagues do in supporting not just good infrastructure throughout our State but also the jobs creation that building infrastructure generates. Before I continue, I welcome all the schoolchildren here today, especially those from North Ryde Public School, the school that I attended. As it was so eloquently put by the member for Drummoyne today when he gave notice of a motion he will seek to be accorded priority, we on this side of the House are the party for the workers. We are growing the economy by creating jobs.

A large part of the success of our jobs creation is because of the world-class infrastructure we are building. This morning I was very pleased to visit the International Convention Centre where the World Chambers Congress is holding a convention attended by 1,000 delegates from around the world, with more than 100 countries represented. It is the first time this conference has been held in Australia, and it was held here in Sydney. This is the type of international event that is now coming to New South Wales because of our infrastructure investment in the International Convention Centre.

During my visit, I was pleased to mark the fact that one million people have been through the convention centre and it has now exceeded 1,000 bookings since it opened in December last year. What I especially love about this is not only that we delivered a world-class piece of infrastructure on time and on budget but also that one centre alone is employing 1,800 people. Every time we welcome and host a major event with global significance, it attracts interstate and global visitors who not only contribute to the cost of the convention centre but eat in our restaurants and visit our tourist attractions. I know that the Minister for Tourism, in particular, as well as all our colleagues want to ensure that people not only visit New South Wales before and after an event and see the great sights of Sydney but also go to our regions.

This demonstrates that when the building of world-class infrastructure creates jobs and economic growth and it puts our State on the map globally. That makes us incredibly proud on this side of the House. We are not only the infrastructure capital and economic powerhouse of Australia; we are also now the events capital of Australia. Those opposite had 16 years to build a convention centre and they did not; they talked about it but it never happened. People got sick of hearing about it because they knew those opposite would never, ever deliver it. We on this side of the House have delivered it, and we have seen jobs created and a million visitors already.

I am very proud of our record on jobs. At the last election we promised that this term we would create 150,000 jobs. Already in this term alone we have created nearly 200,000 jobs. These are numbers that roll off our tongues, but for a young person, for a mature person and for families who want security, to be able to have a sustainable job in New South Wales is the best prospect they have had in this State for decades. What excites me in particular is not only that these jobs are in Sydney but also that they are in our regions. I know the Deputy Premier will be excited to talk about that later today.

In Western Sydney alone, I am proud of the fact that since the last election, in just over two years, we have created more than 67,000 new jobs. If one adds up all the new jobs created in South Australia, Western Australia and Tasmania, Western Sydney has had more new jobs than those three States combined. I am sure that

the member for Miranda will be interested to know that in the shire we have created nearly 10,000 jobs since the last election. To put it in perspective, we have created 9,900 jobs in the shire since the last election. That is more than three times the number of jobs that Labor created in the last decade of the former Labor Government. I am also pleased to report that on the Central Coast—I know the member for Terrigal is very excited by this—jobs have grown by 18,000 since the last election. [*Extension of time*]

I am very pleased about the jobs growth on the Central Coast. I know that those opposite will pretend this figure does not exist, but in the last decade of the former Labor Government, Labor created 2,000 jobs on the Central Coast. It took Labor 10 years to create 2,000 jobs.

**The SPEAKER:** Order! The member for Gosford will come to order and cease interjecting.

**Ms GLADYS BEREJIKLIAN:** I am very pleased and proud of the fact that since the last election we have created 18,000 jobs on the Central Coast, in comparison to Labor's 2,000 in its last decade in office. We do not often talk about the South Coast but we should talk about it more often. I know that you, Madam Speaker, the member for Bega and the member for Kiama will have a particular interest in this.

**Ms Anna Watson:** What about Shellharbour?

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

**Ms GLADYS BEREJIKLIAN:** On the South Coast, in the past 2½ years jobs have grown by 10,900. It was appalling that in 10 years those opposite created only 6,000 jobs, whereas in two years we have created 10,900 jobs. It is no surprise to hear that during the last 10 years of Labor Government, New South Wales had the lowest jobs growth of any mainland State. Unemployment was above the national average but we have completely turned that around. More jobs mean more security, it means economic growth and it means families can continue to do the things that are important to them and have a better quality of life. That is why the Liberals and Nationals are the party of the workers.

#### YOUTH UNEMPLOYMENT

**Mr MICHAEL JOHNSEN (Upper Hunter) (14:39):** My question is addressed to the Deputy Premier. How is the New South Wales Government helping to reduce youth unemployment?

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:40):** I thank the member for Upper Hunter for his question. He is committed to jobs and opportunity, especially in relation to mines, wines, equines and bovines, which are the main sectors in his region. As we have just heard from the Premier, the New South Wales Government is committed to creating jobs. If members look at our track record over the past six years, they will see we have done exactly that. We have the lowest unemployment rate in the country and there is continued investment from both the Government and the private sector in infrastructure, which will ensure more job growth in the future.

We recognise that job opportunities are not spread equally across the State, especially when it comes to youth unemployment. That is why in last year's budget we announced a \$100 million youth unemployment package called Smart, Skilled and Hired. The first \$65 million of that program has been committed to, to make sure that we bring employment opportunities to young people. Employment is one of the greatest opportunities we have to get people out of poverty and to deal with intergenerational unemployment. This Government is committed to making sure that those who are disadvantaged in the community and those who somehow fall through the cracks have an opportunity to get the skills, training, pastoral care and mentoring that helps them find employment.

We have rolled out this program across four key areas of high unemployment: Western Sydney, the Hunter and Central Coast, New England and north-west, and the North Coast. In these areas our priority is youth unemployment and so we have partnered with non-government organisations and sectors that have the ability and expertise not only to deliver resources and support, but most importantly to break down impediments to young people getting employment. One of those great stories is on the Central Coast where we are partnered with Salvation Army Employment Plus, which was given the contract to be the Smart, Skilled and Hired provider. In its first two weeks, the Salvation Army Employment Plus signed on 34 young people to participate in the Smart, Skilled and Hired program. Already eight local youths have been placed in a range of jobs including panelbeating, food services, delivery driving and retail. This supports local businesses in the Central Coast and Hunter regions.

In Western Sydney, MTC Australia was awarded the Smart, Skilled and Hired contract to be our partner and provider and to assist young people in getting back into employment. In its first week MTC was approached by a young candidate—who I will not name because of confidentiality—who was looking for work, had dropped out of university, was suffering from depression, was struggling financially and was unable to find employment.

His financial circumstances were having a big impact on his personal life and relationships and further affecting his depression. I am pleased to update the House that MTC Australia was able to place him in a warehousing role that he enjoys, and his mental health and relationships at home are both improving. In his words: "My outlook is a lot brighter. I rarely feel the sense of despair that I was previously experiencing, now that I am working. I have a sense of purpose now and I am earning a living. I no longer experience fights at home and I am working towards paying off my debts. I am hopeful about my future."

MTC has provided end-to-end support. It provides clothing for work and additional pastoral care in order to ensure that that youth is able to remain in meaningful employment. What is different about our Smart and Skilled program is that we are removing those impediments that are stopping young people from getting into employment such as transport costs, getting a white card on a construction site, having the right clothes to turn up to an interview or having a washing machine at home. We are filling the gap between other programs—predominantly Federal programs—that assist young people into employment. We also need to invest in TAFE, the defence sector and skills training.

**The SPEAKER:** Order! Opposition members will come to order. I call the member for Londonderry to order for the first time. She will be removed from the Chamber if she continues to interject.

**Mr JOHN BARILARO:** Each and every time those opposite stand on a street corner in front of a TAFE and again mislead the public about closures and cuts or further push their constant negative narrative around TAFE NSW, it drives young people away from considering TAFE or vocational education as a genuine pathway for the skills training that can get them into a job today and in the future. [*Extension of time*]

**The SPEAKER:** Order! I call the member for Newcastle to order for the first time. Opposition members will cease interrupting. I call the member for Londonderry to order for the second time. I call the member for Blue Mountains to order for the first time.

**Mr JOHN BARILARO:** I thank the member for Upper Hunter for requesting an extension of time because he is interested in opportunities for young people. Vocational education and training is possibly the most significant pathway for young people to gain skills and training that gets them into a job. There are plenty of studies which show that people who attend university will only end up in a job they have studied for about 63 per cent of the time. Members should compare that to vocational education and training, where the rate is about 76 per cent. We are investing in vocational education in this State. We are promoting the positive outcomes of what is happening within the sector. Even though this sector has been disrupted over the past few years, we are now seeing positive outcomes. I am sure that the Minister who is responsible for TAFE will talk about the opportunities at TAFE.

Enrolments in TAFE NSW increased by 100,000 in the past year. This is our investment, \$1.7 billion out of the \$2.2 billion skills budget, going to TAFE NSW. In this House we recently debated the Apprenticeship and Traineeship Amendment Bill. Those opposite used it as an opportunity to attack TAFE NSW. TAFE NSW continues to be the largest public provider not just in this State but across the country, setting the standard. Other States are now looking to TAFE NSW as a model of how to deliver training in partnership with industry and with other registered training organisations, and as a model for making sure that the student is at the centre of all our decisions. This Government's track record in investing in skills training and opportunities through Smart, Skilled and Hired is now removing those impediments to young people getting employment.

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

**Mr JOHN BARILARO:** Those opposite may not think that youth unemployment is serious, and so they come to this House and play politics today in this Chamber about young people, opportunities and jobs. How dare they? Our Smart, Skilled and Hired program and our \$65 million investment is a better opportunity for young people in New South Wales.

## COUNTERTERRORISM

**Mr MICHAEL DALEY (Maroubra) (14:47):** My question is directed to the Minister for Counter Terrorism. Since 3 July this year, has the Minister for Transport arranged for the Minister to be officially briefed on the risk of his departmental staff engaging in terrorism-related activities? If so, who provided him with that briefing and on what date was that briefing held?

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (14:47):** I know that the member for Maroubra has not been in Cabinet for quite some time and in the best interests of New South Wales let us hope that he is not there for a very long time. As the member would know, we do not discuss counterterrorism issues and I certainly do not

discuss matters with Cabinet colleagues. We certainly do not discuss discussions between parliamentary colleagues.

**The SPEAKER:** Order! The member for Canterbury, the member for Bankstown and the member for Keira will come to order and cease interjecting or they will be removed from the Chamber.

**Mr Michael Daley:** Point of order: My point of order is under Standing Order 129. The Minister for Counter Terrorism has been well and truly tipped in it today by an overreaching Minister for Transport. This is his opportunity—

**The SPEAKER:** Order! There is no point of order. The member for Maroubra will resume his seat. I call the member for Maroubra to order for the third time.

**Mr DAVID ELLIOTT:** You should just go home and apologise to Pauline Johnson for the way that you treated her late husband. How about you just do that and leave counterterrorism to the adults? Your leader did not even apologise for you so leave counterterrorism to the adults.

**Mr Ryan Park:** Point of order: My point of order is relevance under Standing Order 129. This has nothing to do with anything other than counterterrorism and the Minister for Transport and Infrastructure.

**The SPEAKER:** I note the point of order taken by the member. I will listen to the Minister further.

**Mr DAVID ELLIOTT:** Government members take counterterrorism very seriously, which is why I was delighted that the Cessnock branch of the Labor Party at the recent conference moved a motion that the New South Wales Opposition appoint a shadow Minister for counterterrorism. That is how seriously we take it and the Labor Party is even taking advice from us. We take it seriously, unlike those opposite such as the member for Granville who gives speeches in front of a Hezbollah flag. Apologise for that, member for Liverpool.

**Mr Paul Lynch:** Point of order: My point of order has three parts. The first relates to Standing Order 129. This answer is clearly not relevant to the question asked. Secondly, it casts aspersions on the member for Granville and, thirdly, the Minister was waving his hand around and directing comments.

**The SPEAKER:** Order! I uphold two of the three points of order taken by the member for Liverpool. The Minister will return to the leave of the question.

**Mr DAVID ELLIOTT:** As I said, we do take counterterrorism seriously. That is why the Premier appointed the first State Minister for Counter Terrorism. Members opposite may laugh.

**The SPEAKER:** Order! Opposition members will come to order.

**Mr DAVID ELLIOTT:** It was a Labor Government in Canberra that appointed the first Minister for Counterterrorism, their former colleague Bob Debus. If they think it is bad public policy, they should tell the Cessnock branch of the Labor Party and the Labor Party in Canberra. We take it seriously. The Minister for Transport and Infrastructure and I sit together on a committee specifically appointed by the Premier to deal with these matters. Those matters are discussed with Cabinet confidentiality and if the member for Maroubra thinks that I am going to get up here and discuss Cabinet matters relating to counterterrorism—

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

**Mr DAVID ELLIOTT:** —in front of those opposite who leak like a sieve, in front of members of the public and those who want to do our country harm.

**Mr Michael Daley:** Point of order: I was not asking for Cabinet documents.

**The SPEAKER:** Order! The Minister is addressing the question and is being relevant.

**Mr Michael Daley:** My point of order is relevance under Standing Order 129. All I asked was had he had an official briefing. I was not asking for anything else.

**The SPEAKER:** Order! The Minister is being relevant to the question.

**Mr Michael Daley:** If there is a risk in that department, he will have been briefed. Come clean.

**The SPEAKER:** Order! The member for Maroubra will resume his seat.

**Mr DAVID ELLIOTT:** The member for Maroubra thinks that I am going to discuss in this place private confidential conversations I have had with the Minister for Transport and Infrastructure. That he asks this question in the very week that we have once again seen so many attacks on Western society goes to show once again—they may laugh about it—



**The SPEAKER:** Order! I do not think the issue is funny. I am concerned that it is a matter for laughter for Opposition members.

**Mr DAVID ELLIOTT:** The fact that they are actually laughing about it reaffirms to me that their ability to manage this issue is nil. There is no way in the world the people of New South Wales could ever trust national security to those opposite and I am quite happy with the role that the Minister for Transport and Infrastructure and I—

[*Interruption*]

I am coming to you, buddy. There is no way in the world that I would breach Cabinet confidentiality by highlighting to those opposite the way that this State is preparing for counterterrorism.

### JOBS GROWTH

**Mr JONATHAN O'DEA (Davidson) (14:53):** My question is addressed to the Treasurer, and Minister for Industrial Relations. How are the New South Wales Government's policies creating more jobs for the people of New South Wales than ever before?

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

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:54):** I thank the member for Davidson, the greatest Parliamentary Secretary to the Treasurer in the State's history.

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

**Mr DOMINIC PERROTTET:** The Berejiklian-Barilaro Government has done more to make New South Wales the premier State than ever before, particularly when it comes to jobs. We have brought back jobs; we have brought back wealth and we have brought back prosperity for the people of this great State. We know that our record in hospital delivery, our massive transport infrastructure spend, our unprecedented school building revolution that is on the way—all these capital investments have ushered in a new era of opportunity for the people of New South Wales.

Youth unemployment in New South Wales is the lowest in the country so when we look at job creation, as the Premier and Deputy Premier have pointed out—and I predict we will hear a lot about jobs in Parliament today—we see that since April 2011 New South Wales has added 372,200 jobs. At the 2015 election we committed to creating 150,000 jobs in this term and we have already exceeded that target by almost 50,000 jobs in half the time. We have had the lowest unemployment rate of all the States for over two years.

I turn to a couple of case studies, and Western Sydney in particular. Under the great leadership of the Minister for Western Sydney—and also that of the member for Baulkham Hills obviously—the unemployment rate in Western Sydney is at its lowest since 2008. We have created conditions for the delivery of an additional 67,600 jobs in Western Sydney since the last election. More jobs were created in Western Sydney in that time than in South Australia, Western Australia and Tasmania combined. In fact, the Liberals and Nationals have created more full-time jobs over the past year than Labor did in its last four years.

The jobs figures are so good because this Government believes in opportunity and reward. There is no better way to achieve that than through meaningful, productive employment. Hundreds of thousands of men and women have been able to achieve their potential in the economic climate that we humbly here on this side of the House have created. It should come as no surprise that the Labor Party is opposing our job creation agenda at every single turn. Even in opposition Labor is trying to destroy jobs across the State. It is trying to cancel infrastructure projects, which will destroy construction jobs. Labor wants to shut down trade on Boxing Day, destroying retail jobs. It wants to close down the coal industry, destroying mining jobs and it wants to shut down the steel industry, particularly in the south, destroying manufacturing jobs.

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

**Mr DOMINIC PERROTTET:** What Labor does not understand is that there are real-life consequences for the policies that Labor promotes. In contrast, the Coalition cares not just about jobs in Sydney, as the Deputy Premier has pointed out, but about jobs in the whole of New South Wales. There is a particular focus on regional New South Wales because we represent regional New South Wales in Parliament. Labor's definition of a regional seat is Newtown. We are really proud to have regional New South Wales firing on all cylinders. Those in regional New South Wales are loving our job-creating policies more than anyone and we are seeing a significant jobs boom in all our regions.

As the Deputy Premier has pointed out, from the 2015 election to July this year we have helped create 44,000 jobs in regional New South Wales. To put that in context for the benefit of the House, regional employment in New South Wales has increased by more than the regions of Victoria, Western Australia, South Australia and Tasmania combined. In stark contrast to our commitment to jobs in regional New South Wales, we all know that the Labor Party is doing it very tough in regional New South Wales. [*Extension of time*]

Labour is doing it tough in regional New South Wales because I was on my favourite Facebook page recently. It is not the member for Blue Mountains, I have moved on; it is Country Labor's Facebook page. They have got 2,000 likes; unfortunately 1,995 of them are from the inner city. They have announced their new candidate for the seat of Cootamundra. The stocks have fallen so low they are running a bloke by the name of Charlie Sheahan. It is a perfect match: They are broke, they are down on their luck, they peaked in the eighties and they are jumping into bed with everybody—even the Shooters, Fishers and Farmers Party.

It gets worse than just Cootamundra. They claim to be the party of diversity in quotas but who have they preselected in the by-elections? A bloke called Bali in Bankstown, a man in Blacktown, a man called Michael in Murray and a chap called Charlie in Cootamundra. It is raining men—men, men, men on this side of the House and there are 2½ men on that side of the House with Foley and Daley and little Ryan. On this side of the House we will continue to deliver jobs, not just in the cities but across regional New South Wales.

### COUNTERTERRORISM

**Ms JODI McKAY (Strathfield) (15:01):** My question is directed to the Minister for Homeland Security. Will the Minister advise the travelling public whether they should hold any fears that staff within Transport for NSW are engaged in planning terrorist activities?

**Ms Gladys Berejiklian:** Who is the Minister for Homeland Security?

**The SPEAKER:** The member means the Minister for Counter Terrorism. I have interpreted her intention.

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (15:02):** It is very sad that the member for Strathfield wants to make fun of the Counter Terrorism portfolio again, although I am reminded that when her husband was the chief of staff after the disgraced Minister for Planning, Tony Kelly, the Newcastle post office was redesigned.

**Ms Kate Washington:** Point of order: My point of order relates to Standing Order 129. The Minister has embarked on a path that is not even remotely answering the question.

**The SPEAKER:** Order! It is very early in the Minister's answer. I will continue to listen.

**Mr DAVID ELLIOTT:** No wonder the member for Port Stephens' electorate received only 8 per cent on the Labor vote at the last local government election. Once again, those opposite think it is funny and want to dismiss the role that the State Government is playing—

**The SPEAKER:** Order! The member for Gosford needs to grow up. There has been a lot of childish behaviour this afternoon.

**Mr DAVID ELLIOTT:** Once again, those opposite seem to think that matters of national security and counterterrorism are matters that they can be flippant about and make jokes. The mere fact that the member for Strathfield does not even know the name of the portfolio—even though her own side debated the need for this portfolio at the last Labor Party conference—is astounding. It horrifies me. The mere fact that this woman professes to be an alternative Minister for Transport and does not understand—

**Ms Jodi McKay:** Point of order: I suggest the Minister call me "the member for Strathfield" and direct his comments through the Chair, instead of calling me "that woman".

**The SPEAKER:** Order! The member for Strathfield will resume her seat. The Minister will address members by their correct titles.

**Mr DAVID ELLIOTT:** I thought that title was a step up from the way you spoke about the member for Port Stephens the other day. Imagine trying to give the members opposite a security clearance. It would be impossible. With the exception of the member for Prospect, of course, because he won the Victoria Cross in three wars—

**Dr Hugh McDermott:** I didn't hide behind a desk in my military service.

**The SPEAKER:** Order! The member for Prospect is on three calls to order. This is his last warning.

**Ms Jodi McKay:** Point of order: My point of order is relevance. We are trying to find out whether the travelling public should be concerned about Transport for NSW staff engaged in terrorist activities, which is what the Minister for Transport has told us. It is an important question to ask the Minister for Counter Terrorism.

**The SPEAKER:** Order! I do not know what the member is implying in her point of order. The Minister will answer the question.

**Mr DAVID ELLIOTT:** I will first respond to the interjection from the member for Prospect. For the benefit of the gallery, he died in the last two wars—just ask him. He did a great job defending our country. I will have to check *Hansard* to respond to the point of order, because my interpretation of what the Minister for Transport said is completely different from what the shadow Minister for Transport is claiming that he said. The mere fact that she cannot get the name of my portfolio correct, the mere fact that she cannot even quote the Minister's speech—even though he made it approximately only four minutes ago—the mere fact that she thinks that discussions of national security within Cabinet are something that should be up for public debate, highlight once again to me that those opposite are unfit for the Treasury bench.

### VETERANS EMPLOYMENT PROGRAM

**Mr JAMES GRIFFIN (Manly) (15:07):** My question is addressed to the Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs. Will the Minister update the House on the progress of the veterans employment program?

**The SPEAKER:** Order! Members will come to order or they will be removed from the Chamber for the rest of the day.

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (15:07):** I am delighted to receive the question about veterans' welfare in this place, because when the member for Fairfield was the shadow Minister for Veterans Affairs for two years, he did not ask me one question about veterans' welfare. The member for Manly has great credibility in this portfolio. His father was a longstanding member of the Australian Army and was a decorated brigadier. His mother was the first female commandant of Victoria Barracks. Those on our side of the House are very keen to ensure that we celebrate the successes of our women. The member for Manly's brother-in-law, Lance Corporal Archer, was deployed to Afghanistan in 2012, therefore the member has credibility to stand up and ask in this Chamber the details of the veterans employment program.

This is what we call the Jobs for Diggers policy. Changing careers is a very difficult thing for most people. Almost 1,500 men and women are discharged from the Australian Defence Force in New South Wales each year. This represents a highly trained and work-ready resource pool. In March 2015, the New South Wales Government made a commitment to establish a program to help 200 veterans in New South Wales find suitable, sustainable and meaningful employment by 2019. This program is the first of its kind in Australia and is being repeated by Labor States, as well as Coalition States.

I am delighted to report to the House that the Veterans Employment Program has exceeded its target of 200 and has so far assisted 486 former Australian Defence Force personnel find public sector jobs. It has smashed its target by 140 per cent. When the member for Prospect is removed by Chris Bowen he, too, will be able to find another job in New South Wales. The majority of new hires have been in the justice and transport clusters. Many former service personnel are also working in the health, education and finance sectors. We are incredibly proud of this program, which is the first of its kind in Australia, and supports contemporary veterans as they move into civilian work.

**Ms Sophie Cotsis:** What about veterans' housing?

**Mr DAVID ELLIOTT:** I acknowledge the interjection of the member for Canterbury. When the Minister for Health was the Minister responsible for housing, he allocated \$1 million to prioritise veterans housing. To date \$400,000 has been utilised. The Minister for Health should be congratulated. Those opposite should stop criticising the Government and support the program. It is also a great tool for employers to reap the benefits of having uniquely skilled workers. Former Army Major Garth Callender completed multiple tours of duty in Iraq and Afghanistan and will be managing the rollout of the program.

I draw the attention of the House to 39-year-old veteran Simon Petley, who had a 20-year career in the Australian Army that included three deployments to East Timor, then to Iraq and Afghanistan. He rose to the rank of warrant officer and has a decorated service record as a contemporary veteran. Simon's service involved great personal cost. He was in Iraq when his first child was born, and the family moved houses several times before the child started school. Through the Veterans Employment Program, Simon has found a job as a logistics support officer for SafeWork NSW. Simon said, "People don't understand qualifications they gain in defence. The skills

that a lot of soldiers have are management of personnel, resource management, and they do not know how attractive they are to employers."

A key element of the Veterans Employment Program is an education campaign to help New South Wales Government employers understand skills that veterans bring to the workplace. The web portal assists veterans in locating public sector roles aligned with military rank. In addition, the New South Wales Government is investing in a mentoring program which pairs returned service men and women and other military personnel with young offenders in custody. Every family knows a young person who is a bit of a tearaway who has now made something of his or her life. Veterans have discipline, resilience and a dedication to service, which makes them perfect mentors. As Minister for Veterans Affairs and Minister for Corrections, I am tremendously proud of this program, which is providing positive role models for young people and also helping to reduce the rate of reoffending. I recently congratulated James Brown on his election as State President of the Returned and Services League of Australia New South Wales Branch. James is a decorated veteran, having served as an Armoured Corps officer in Afghanistan and Iraq. *[Extension of time]*

He has received medals, decorations and awards for his service, including the Deputy Chief of Joint Operations Commendation, Australian Active Service medal, Iraq 2003, International Coalition Against Terrorism clasps, the Afghanistan Campaign Medal and Iraq Campaign Medal. He is the research director of the United States Studies Centre at the University of Sydney. He is a fantastic contemporary veteran and it has been heartbreaking for him to take over management at a time when its reputation has been trashed by allegations of financial mismanagement. I am confident that James will help to restore public confidence in this iconic organisation. There was overwhelming support for the Government to intervene and establish the inquiry by Patricia Bergin, SC. I acknowledge the Minister for Better Regulation. As the Premier stated, those found to have broken the law and the trust of the public will be held to account. This Government will hold people to account and restore the public trust in the RSL. The shadow Minister for Veterans Affairs in the other place opposed the inquiry. I cannot imagine what she was attempting to protect.

Today the Premier and I called for history teachers to submit an expression of interest to participate in the 2018 Premier's Anzac Memorial Scholarship. On Thursday 21 September high school students will take a government-funded trip to Australian battlefields in Belgium and France to learn about the Anzac legacy. During the Centenary of Anzac commemorations it is fitting that the New South Wales Government honours the legacy of our veterans with scholarship tours and memorials. As I have outlined to the House, this Government is committed to providing real opportunities for employment, allowing veterans to contribute to society and, as the member for Canterbury interjected, providing priority housing for homeless veterans. I commend the Veterans Employment Program to the House.

#### **DEPARTMENT OF TRANSPORT FREEDOM OF INFORMATION APPLICATIONS**

**Mr RYAN PARK (Keira) (15:14):** My question is directed to the Minister for Transport and Infrastructure. Will the Minister confirm to the House that the Secretary of Transport for NSW and other senior officers of his department are now vetting all freedom of information applications?

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:14):** Is it not an enlightening question time when the Labor Party has nothing to say? A supplementary question from the Leader of the Opposition, who had not listened to the answer, resulted in a trip down the rabbit hole. I spoke of the importance of the security of information. It is irresponsible to spend 40-odd minutes laughing at matters relating to terrorism—a clear demonstration that this Opposition does not get it.

**The SPEAKER:** Order! I call the member for Swansea and the member for Maitland to order for the first time.

**Mr ANDREW CONSTANCE:** I am surprised to be asked a question by the shadow Treasurer relating to the Government Information (Public Access) Act, as he is the former deputy director general of the Department of Transport. He should know better than anybody that all matters relating to freedom of information requests are at arm's length from Ministers. That is what occurs in this Government. It makes me wonder what occurred when Labor was in government.

**Ms Trish Doyle:** Point of order: My point of order relates to Standing Order 59. The Minister for incompetence and tedious repetition should be directed to answer the question.

**The SPEAKER:** Order! There is no point of order. The Minister has the call. The member for Blue Mountains is on three calls to order.

**Mr ANDREW CONSTANCE:** The member for the Blue Mountains continues to argue for 40-year-old trains in her electorate. Returning to the question, it is interesting that the former deputy director general of the

Department of Transport asked that question. He was the chief of staff for a former Labor Minister before taking on that role. Maybe he does not understand how the freedom of information process works.

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

**Mr ANDREW CONSTANCE:** He does not understand the importance of it being at arms-length from the Minister.

**The SPEAKER:** Order! I direct the member for Blue Mountains to remove herself from the Chamber for a period of three hours.

*[Pursuant to sessional order the member for Blue Mountains left the Chamber at 15:18.]*

**Mr ANDREW CONSTANCE:** The member for Keira wishes to besmirch the professionalism of the secretary of the department, or any other public servant—it is what those opposite are good at. Someone reminded me of an issue.

**The SPEAKER:** Order! I remind the member for Rockdale that he is on three calls to order.

**Mr ANDREW CONSTANCE:** I have been reminded of the Ombudsman's report, which made damning findings concerning Eric Roozendaal intimidating Roads and Traffic Authority staff when he was roads Minister. That is the approach of Labor members to professionalism in the public service. I am bewildered by the appointment of the member for Keira as the deputy director general of the Department of Transport.

**Mr Ryan Park:** Point of order: I can answer that question—Les Wielinga.

**The SPEAKER:** Order! I direct the member for Keira to remove himself from the Chamber for a period of three hours.

*[Pursuant to sessional order the member for Keira left the Chamber at 15:19.]*

**Mr ANDREW CONSTANCE:** The member for Keira attempted to besmirch the good name of the Secretary of the Department of Transport. Through the professionalism of the public sector that department is delivering a \$43 billion program over the next four years. It is somewhat crazy to think that the shadow Minister would use the House in this way this afternoon and that he somehow thinks he was appointed in an apolitical way as the deputy director general of the Department of Transport under the Labor Government, having served as a chief of staff in that Government.

### INNOVATION AND JOBS GROWTH

**Mr MARK COURE (Oatley) (15:19):** My question is addressed to the Minister for Innovation and Better Regulation. How is the Government creating better jobs to ensure that New South Wales stays at the forefront of innovation and change?

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (15:20):** I recognise that the member for Oatley is one of the most innovative members of this Parliament. We heard today about the great work that the Berejiklian-Barilaro Government is doing to create jobs in New South Wales, thus claiming the title as the true party of the worker. This Government has created nearly 400,000 jobs since 2011, which is more than any other State or Territory in the Commonwealth. We want to create jobs not only for today but also for tomorrow, which is why we are investing record amounts in innovation and creating the modern, dynamic twenty-first century economy that our State needs. We all know that our economy is in transition. We can no longer rely on the mining boom to create jobs and underwrite our prosperity.

Unlike the mining boom, investing in innovation and developing the talent of our people will create a boom that will last forever. That is why I was delighted to open the Sydney Startup Hub recently with the Premier and the Deputy Premier. The Sydney Startup Hub is an investment in our start-up ecosystem, creating a space that brings together entrepreneurs, innovators, start-ups and capital to collaborate and create opportunities. This \$35 million investment by Jobs for NSW under the leadership of the Deputy Premier is supporting our start-up community, helping them to grow their businesses and setting them up for success. We are also establishing the Sydney School of Entrepreneurship, which will ensure that the entrepreneurs of tomorrow will have the skills to create new businesses and create new jobs.

In addition, the New South Wales Government partnered with Austrade recently to send 10 local start-ups to Tel Aviv to participate in one of the world's biggest and most sought after innovation festivals. The 10 start-ups were from across our State and they were given the opportunity to be exposed to one of the leading innovation ecosystems on the planet in Israel. The start-ups were able to meet key business leaders, venture capitalists and entrepreneurs, giving them the opportunity to grow and succeed. Their success is our success, which is why we

will continue to nurture and support our innovators and entrepreneurs so that they create jobs and continue to improve our State's economic growth.

This Government is committed to creating the jobs of today and the jobs for tomorrow which stands in stark contrast to those opposite. I checked how many press releases the shadow Minister for Innovation has issued. Was it 10 press releases, five press releases or one press release on innovation? It was nada; there were no press releases on innovation. I thought that the press releases were on a website or on Twitter. We would expect the shadow Minister for Innovation to use modern technology, but she does not use Twitter. I suspect she can take some tips from the member for Prospect because his Twitter page has 13 followers, including the member for Strathfield, Sean Nicholls, two fake bots and himself. This is Labor innovation at its finest. Labor is not against innovation. In fact, Labor Government members have used their time in office to come up with innovative and entrepreneurial business models—the only jobs they created were for themselves. There is no sign of innovation from NSW Labor. The Leader of the Opposition did not mention it in his budget reply speech. *[Extension of time]*.

**Mr Mark Coure:** I have more than 3,000 likes on Facebook, mostly from the Labor Party.

**Mr MATT KEAN:** I like the Facebook page of the member for Oatley. Clearly those opposite do not care about jobs for New South Wales now or in the future. I checked out what their Federal counterparts are doing. They are a bit more innovative. They have set up a Labor for Innovation Facebook page. After a flurry of activity, the last post on that Facebook page was in February 2016. I checked out the Labor for Innovation Twitter feed. That is not much better. The last post was in September 2015. That is what Labor thinks about innovation and that is how much it thinks the jobs of tomorrow are a priority in this State.

I was determined to find something. I went to the Labor for Innovation website and came across a domain name server error, or DNS error, because the host name does not exist. This is how much Labor cares about innovation. Labor and innovation together do not exist; it is a joke. This Government is innovating and it is committed to promoting innovation in education, energy, health and transport, and every other sector of the economy. We are committed to jobs not only for today but also for tomorrow. We are the party of the worker not only today but also tomorrow. This Government is not sitting idly by ignoring the future; it is investing in innovation and creating the jobs of tomorrow.

#### *Documents*

### **AUDITOR-GENERAL**

#### **Reports**

**The CLERK:** In accordance with section 63C of the Public Finance and Audit Act 1983, I announce receipt of the Performance Audit Report of the Auditor-General entitled "Energy rebates for low income households: Department of Planning and Environment", dated September 2017, received on 19 September 2017 and authorised to be printed.

#### *Committees*

### **LEGISLATION REVIEW COMMITTEE**

#### **Report: Legislation Review Digest No. 43/56**

**Mr MICHAEL JOHNSEN:** As Chair: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 43/56", dated 19 September 2017. I move:

That the report be printed.

#### **Motion agreed to.**

**Mr MICHAEL JOHNSEN:** I also table the minutes of the committee meeting regarding Legislation Review Digest No. 42/56, dated 12 September 2017.

#### *Petitions*

### **PETITIONS RECEIVED**

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

#### **Pet Shops**

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

#### **Slaughterhouse Monitoring**

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

#### **Inner West Bus Services**

Petition opposing the privatisation of inner west bus services, received from **Ms Jo Haylen**.

#### **Lewisham Railway Station**

Petition requesting the upgrade of Lewisham railway station to ensure access for all residents and to stop flooding of the station, received from **Ms Jo Haylen**.

#### **Sussex Inlet Community Church**

Petition opposing the sale of the Sussex Inlet Community Church, received from **Ms Shelley Hancock**.

#### *Motions Accorded Priority*

### **JOBS GROWTH**

#### **Consideration**

**Mr JOHN SIDOTI (Drummoyne) (15:30):** My motion should be accorded priority because the Liberal Party—the party not only for workers but also for small business—will deliver economic prosperity for every person across this State. The indicators and drivers for jobs, growth, infrastructure and consumer sentiment are being delivered by this Government. Quite frankly, when those opposite were in government the indicators were in a state of paralysis. The unemployment rate in New South Wales was equal to or above the national average for 63 of Labor's last 68 months in office. During the past decade under Labor, New South Wales had the lowest jobs growth of any mainland State.

My motion should be accorded priority because if those opposite ever got a whiff of government the same old practices would be followed. The legacy of those opposite still resonates well after they left office and trashed this State. Infrastructure jobs were announced, reannounced and cancelled under those opposite. Project after project was cancelled or scrapped. How can we forget the old Rozelle metro? This Government has delivered jobs and infrastructure, whether it is for the light rail project, NorthConnex, WestConnex, the Newell Highway, the Pacific Highway, or the other 4,500 wonderful projects across this State. This Government is not only delivering on jobs; with its employment initiatives it is also investing millions of dollars to employ our youth. My motion deserves priority because if responsibility for running this State is left in the hands of those baboons opposite it would be catastrophic.

### **NEWCASTLE LOCAL GOVERNMENT ELECTIONS**

#### **Consideration**

**Mr TIM CRAKANTHORP (Newcastle) (15:33):** My motion should be accorded priority. I congratulate Nuatali Nelmes on her re-election as Lord Mayor of Newcastle and on achieving a resounding 43 per cent of the vote. In the three years since she came to office she has achieved much in Newcastle. I look forward to working with her in the future. This is the first time in more than 40 years that Newcastle council has had a Labor majority—since Joy Cummings, the first female Lord Mayor in Australia, came to office. Clearly having female mayors in Newcastle does great things for the Australian Labor Party and for our city. I also congratulate Emma White, Carol Duncan, Declan Clausen, Jason Dunn, Matt Byrne and Peta Baartz on their election. This is as a result of the hard work of Labor activists and organisers who put so much time and energy into the election campaign. It was also as a result of the amazing Liberal Party in Newcastle, which all but fell down before we got to election day due to irregularities on its nomination forms. The *Newcastle Herald* stated:

The Liberal Party's Newcastle council election campaign is in tatters, after candidates were dumped and campaigning suspended for the second time in less than a week

... the party moved to disendorse ... candidates ... after discovering more "irregularities" in nomination forms submitted to the NSW Electoral Commission...

The *Newcastle Herald* understands that they're also likely to be suspended from the party.

The New South Wales Liberal Party is up to its old tricks in Newcastle. If people do not want to run with the Liberal Party it seems as though they can run as Independents. John Church, a former Liberal candidate, ran as an Independent and he got in. As we look across the Hunter the landscape is now red as Maitland's first female mayor, Loretta Baker, takes her seat. Country Labor councillors now also dot the Hunter landscape—four in Maitland, one in Port Stephens and two in Dungog. Country Labor is going from strength to strength in New South Wales. Lake Macquarie Mayor Kay Fraser kept the mantle in her last election. The Labor Party celebrates diversity and

equality with three female mayors in the Hunter. The recent elections were a repudiation of the Liberal Party's filthy policies on privatisation, shifting jobs and the decimation of the Hunter TAFE, which is an absolute disgrace.

**The DEPUTY SPEAKER:** The question is that the motion of the member for Drummoyne be accorded priority.

**The House divided.**

Ayes .....47  
Noes .....33  
Majority..... 14

#### AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Gibbons, Ms M  
Griffin, Mr J  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Goward, Ms P  
Gulaptis, Mr C  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Ayres, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Ms T  
Fraser, Mr A  
Grant, Mr T  
Hazzard, Mr B  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

#### NOES

Aitchison, Ms J  
Car, Ms P  
Cotsis, Ms S  
Dib, Mr J  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T F  
Washington, Ms K

Atalla, Mr E  
Catley, Ms Y  
Crakanthorp, Mr T  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Parker, Mr J  
Tesch, Ms L  
Watson, Ms A (teller)

Barr, Mr C  
Chanthivong, Mr A  
Daley, Mr M  
Foley, Mr L  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

#### PAIRS

Henskens, Mr A

Hornery, Ms S

**Motion agreed to.**

#### JOBS GROWTH

##### Priority

**Mr JOHN SIDOTI (Drummoyne) (15:44):** I move:

That this House notes:

- (1) Labor are job destroyers.
- (2) Under Labor, New South Wales had the lowest job growth of any mainland State.
- (3) The Liberals and Nationals are the parties of the worker.



- (4) Since April 2011 nearly 400,000 jobs have been created in New South Wales, more than any other State.

Our record stands in complete contrast to that of members opposite. Under Labor, the New South Wales unemployment rate was equal to or above the national average in 63 of its last 68 months in office. During Labor's last decade in government New South Wales had the lowest rate of jobs growth of any mainland State. Over its last two terms, Labor created just 22 per cent of the new jobs in Australia. In contrast, this Government is delivering and getting on with the job of creating work, generating employment and building infrastructure. At the last election we promised 150,000 new jobs over four years. In our first 29 months 198,600 jobs were added, which was a rise of 5.4 per cent. The New South Wales unemployment rate is 5 per cent, the lowest of any State for the twenty-seventh consecutive month. The employment rate in the rest of Australia is 5.9 per cent.

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

**Mr JOHN SIDOTI:** The New South Wales unemployment rate has now been at or below the national average for 45 consecutive months. Our youth unemployment rate is also the lowest of any State. Members opposite do not understand that responsible financial and economic management results in every member of this House being able to deliver for their electorate.

**Mr Gareth Ward:** Not them.

**Mr JOHN SIDOTI:** They just claim the success. As a result of the hard decisions we took, and that each and every member opposite voted against over the past six years, we have been able to deliver in our electorates. We have new schools in my electorate, which I am sure the member for Lakemba would appreciate. The Government has also invested \$100 million to upgrade the wharves and ferries along the Parramatta River, and I can put my hand on my heart and say that this Government will deliver \$341 million to Concord hospital. We have been able to invest millions of dollars in open space and park upgrades as a result of our financial management. If we left the job to members opposite, we would back to the old days of Labor announcing projects that will never take off. We remember the Rozelle metro that was promised, announced, scrapped and then re-announced and scrapped. It went on and on. Members opposite criticise us for trains that do not fit on tracks. They spent \$500 million and did not even lay a track.

Members opposite will not front up to the Chamber. They have left in droves because they are ashamed of their record. This Government can be proud not only of the crucial infrastructure upgrades it has delivered but also of the initiatives it has funded. We have invested millions of dollars in programs such as Smart and Skilled. The initiatives were targeted towards areas with the highest youth unemployment rate and they have responded to the demand for skilled workers, particularly in the construction industry. Our investment in pre-apprenticeship and pre-traineeship programs is paying dividends. The greatest thing we can do for unemployed youth and older people is to provide them work. It gives them freedom, self-sufficiency, pride and a life. This motion deserves to be accorded priority because the responsibility of running this State should be left with capable people, not with members opposite.

**Mr DAVID HARRIS (Wyang) (15:49):** This Government has created something: it has created an economic time bomb. The Berejiklian-Barilaro Government has created an unfair economy. Wages are stagnant, people are not working enough hours and cost-of-living pressures are increasing. Yesterday, in an article in *Domain*, Chris Kohler stated:

Underemployment is the quiet killer. In addition to stagnant wages growth, Australia has a significant underemployment problem. That means a lot of people, often young ones, can't get enough hours at work.

What this Government does not tell people when it is crowing about jobs data is that the Australian Bureau of Statistics [ABS] classifies a person as employed if they have worked one hour during the survey week. According to this data, if you have worked one hour in seven days you are counted as being employed. But this Government does not talk about underemployment. The ABS data shows that the New South Wales unemployment rate is still at relatively high levels but that underemployment reached a record high of 8.2 per cent.

If one looks at the statistical information from Roy Morgan Research about real unemployment and underemployment, one sees that the figures in New South Wales are significantly higher than the Government would like to admit. We know this is affecting people on the ground. In the regions and in the suburbs people are struggling because they cannot get enough working hours a week in order to pay the bills. That creates mortgage stress and credit stress and has resulted in higher numbers of people with mental health issues and higher numbers of people who cannot get into the housing market, but this Government is oblivious to it.

The Government beats its chest, telling everyone about how it is number one and how much it is building, but the community know the pain they are going through due to underemployment. I wonder if the Government can tell us today out of those jobs it claims it has created how many were full-time and how many were more than for one hour a week. Those are the figures the Government will not tell people about; they are the figures that

matter and that are hurting people. Today in question time the Premier spoke about jobs on the Central Coast. I am not sure where those figures came from but I would be happy for them to be tabled. The figures from the .idcommunity on the Central Coast economic profile are the ones that are generally accepted and used. They show that on the Central Coast between 2001 and 2011 there were 17,898 local jobs created—that was when Labor was in government—and that from 2011 to 2016 there were 2,635 jobs created.

I am not sure where the Government's data comes from or what data they are using, but the Government complains about what Labor did or did not do while in government. The Government cannot and will not defend the fact that most of its jobs data is based on people not getting enough hours to be able to pay their bills, to get loans or to put their children into day care—all those important issues. They are underemployed and they are not getting enough money. Let us hear the next Government member who speaks on this motion speak about how the Government's policies are dealing with the underemployed—those huge numbers of people in the community who cannot get the work that they need to live a decent life. The Government says it is the party for the workers, but it should go out to those suburbs and talk to the young people and hear about how they are struggling between two, three or four jobs in some cases in order to try to make ends meet. That is the real story in New South Wales and that is the real issue that needs addressing. This Government has no policies to deal with underemployment.

**Mr JAMES GRIFFIN (Manly) (15:54):** It is my great pleasure to speak in support of the member for Drummoyne's motion. It is not hard to support a statement of fact. From agribusiness to artificial intelligence, from robotics to retailers, this Government is forging ahead to support workers across New South Wales. Nearly half of the top 500 companies in Australia call New South Wales home. Forty-one per cent of Australia's largest employers are based here in New South Wales—and they are here for a reason. They have chosen New South Wales because, as the record shows, this Government is backing local businesses and encouraging sustainable, positive employment growth and investment to create jobs.

The evidence is clear. The New South Wales unemployment rate has now been at or below the national average for 45 consecutive months. The member for Wyong spoke about unemployment and underemployment. Eighty-one per cent of those new jobs in New South Wales have been full-time, compared with just 39 per cent of new jobs in the rest of Australia. However, what should bring the most comfort to all of us in this place is the fact that the youth unemployment rate in New South Wales is the lowest of any State. But we are not resting on our laurels.

Only yesterday the Minister for Innovation and Better Regulation announced that more than 170 jobs will be created over the next five years after this Government secured a multimillion-dollar global cybersecurity research and development facility which is to open in North Sydney. Hong Kong, forget it. Singapore, forget it. New South Wales, now we are talking: triple-A credit rating, strong economy, vision for the future—perfect. This will be the first cybersecurity research and development facility outside the United Kingdom for international telco BT, and it is coming here to New South Wales. But we are not finished yet.

You do not create 34 per cent of all new jobs in Australia since 2015 by accident or without an eye firmly on the future. The Government-backed Sydney Startup Hub, with more than 17,000 square metres and 11 floors, building businesses and jobs of the future, is up and running. No doubt later today we will see the reality of the situation: the stark difference between us and those opposite regarding jobs. The Retail Trading Amendment (Boxing Day) Bill will show a regressive, backward, ill-equipped approach by those opposite versus a forward-thinking, jobs-creating policy that gives our retailers the freedom and support they need to battle through an era of immense disruption.

With the spectre of Amazon looming large—the giant global retailer is about to enter the domestic marketplace—we can choose either to back Aussie businesses and support our local retailers to stay competitive by ensuring shops are free to open and trade on Boxing Day or to stick our heads in the sand like those opposite and put up another barrier for our retailers and destroy jobs in New South Wales. The choice is clear. This Government will continue to back the workers of this State. I commend the motion to the House.

**Mr CLAYTON BARR (Cessnock) (15:57):** Members will be familiar with the fact that sometimes when figures get thrown around during question time I am often the voice in the wilderness saying, "table that report", "cite that report" or "cite your source", because we can all make numbers do what we want them to do. If one reads the Morgan poll, mainstream media or Australian Bureau of Statistics [ABS] data, one sees they each use a different set of numbers and statistics. That is not only alarming but also very confusing. One would think we would have a standard set of figures that we can call on.

I put a challenge to the Government—not just to the Government members in the Chamber but to the Premier, who quoted a number of figures today, and anyone else on the Government side who wants to quote figures—to cite their source. I am a bit of a numbers nerd; I am very happy to delve into the research to determine whether what the Government is telling us is true or not. Alarming, as the member for Wyong has pointed out,

for the purpose of measuring jobs, some statistics equate a single hour of work a week to a job. One hour at work is hardly a job by anyone's measure. Members need to take on board the reality of what the member for Wyong was saying. All of us in this Chamber represent people young and old who are juggling two, three or four jobs to try to make ends meet. There is nothing good about that.

Casualisation of the workforce has been responsible for zero wages growth generally and a decline in wages in regional areas. Casualisation of the workforce and the pressures that are being placed on people in the workplace have resulted in unsafe conditions; employees working when they are not well; in some cases employees handing back part of their wage; employers not paying superannuation entitlements; and employees not receiving penalty rates to which they are entitled. These are not good outcomes, and I fail to understand how members of the Government can suggest that they are. I suggest that Government members over the next 18 months in the lead-up to the next election go out into their communities and continue to tell them how wonderfully well they are doing on the jobs front. My community is clear: they are not doing well on the jobs front. If Government members want to continue to lie to them, they can go right ahead. The Opposition rejects this motion.

**Mr JOHN SIDOTI (Drummoyne) (16:01):** In reply: I thank the members on the other side of the House, the member for Wyong and the member for Cessnock, and on this side the member for Manly for their contributions to this debate. The member for Wyong referred to underemployment. The member for Manly, who spoke eloquently on this motion, said that since April 2015, 198,600 jobs have been added in New South Wales—34 per cent of all jobs created in Australia. Of those new New South Wales jobs, 81 per cent are full-time compared to just 39 per cent in the rest of Australia. That dispels the rhetoric from the member for Wyong about underemployment. Everyone knows what those opposite represent. When those opposite were in government, they talked about a vendor tax. When this Government talks about jobs creation, those opposite talk about people not working on Boxing Day.

I will quote some more statistics for the member for Wyong because he has not done his homework. Jobs on the Central Coast have grown by 18,000 since the last election—in comparison to just 2,000 jobs in the last decade under Labor. If the member wants to tell his community that only 2,000 jobs were created in the decade that they were in government, by all means he can go and sell himself to them. Not even the grapevines will vote for him. The good news is not just in regional areas, it is right across the State. In the Hunter Valley 18,500 jobs have been created since the last election, almost as many jobs as were added during Labor's last term of office. In the greater Hunter we have seen an increase of 28,500 jobs since the last election. That is more jobs in less than 2½ years than Labor added in its last four years in government. If those opposite want to use spin, we are happy to compare our record to theirs any day of the week. This Government has delivered economic prosperity for all. In Australia, governments can become complacent as we have had 24 years of consecutive growth in this country. But this Government will continue to deliver good policy and results for everyone across the State.

**The DEPUTY SPEAKER:** The question is that the motion of the member for Drummoyne be agreed to.

**The House divided.**

Ayes .....46  
Noes .....30  
Majority.....16

# AYES

Anderson, Mr K  
Barilaro, Mr J  
Conolly, Mr K  
Crouch, Mr A  
Donato, Mr P  
Fraser, Mr A  
Grant, Mr T  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Aplin, Mr G  
Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Ms T  
Elliott, Mr D  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Ayres, Mr S  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L  
Goward, Ms P  
Gulaptis, Mr C  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

## AYES

Wilson, Ms F

## NOES

Aitchison, Ms J  
Car, Ms P  
Cotsis, Ms S  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T F  
Washington, Ms K

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
Mehan, Mr D  
Parker, Mr J  
Tesch, Ms L  
Watson, Ms A (teller)

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Harris, Mr D  
Hoenig, Mr R  
Lynch, Mr P  
Mihailuk, Ms T  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

## PAIRS

Berejiklian, Ms G  
Hazzard, Mr B  
Henskens, Mr A  
Roberts, Mr A

Crakanthorp, Mr T  
Foley, Mr L  
Hornery, Ms S  
McDermott, Dr H

**Motion agreed to.***Announcements***JUSTICES OF THE PEACE CEREMONY**

**The DEPUTY SPEAKER:** Earlier today the Speaker referred to the ceremony during which Justices of the Peace were recognised for 50 years of service. I congratulate the Attorney General and his office on the way in which the ceremony was conducted. More than 130 people received certificates, having given this State more than 17,000 years of service. Nearly every electorate was represented at the ceremony. It was an outstanding contribution.

*Bills***RETAIL TRADING AMENDMENT (BOXING DAY) BILL 2017****Second Reading****Debate resumed from 12 September 2017.**

**Mr RYAN PARK (Keira) (16:12):** It gives me great pleasure to lead on behalf of the Opposition in opposing the Retail Trading Amendment (Boxing Day) Bill 2017. I do so on behalf of the entire shadow Cabinet and in particular on behalf of the shadow Minister for Industrial Relations in the other place, the Hon. Adam Searle, who has done an outstanding job working closely with key stakeholders, many of whom are in the precincts of the Parliament today. The Hon. Adam Searle is working closely with people in the retail industry and Opposition members to understand the concerns facing the retail sector.

Labor has never supported general retail trading taking place on Boxing Day. Labor opposed changes to the legislation in 2015 that permitted a trial of retail trading on Boxing Day for 2015 and 2016. However, a review by former Treasury Secretary Percy Allan recommended that Boxing Day trading be continued. The legislation does this by removing the sunset clause from the 2015 amendments. The Allan review found that half of store owners and managers surveyed were unaware that working on Boxing Day is supposed to be voluntary and that coercion is an offence. I reiterate that point: this Government review found that half the store owners and managers of those retail businesses were unaware that working on Boxing Day is supposed to be voluntary and that coercion is an offence.

The Government thinks that because something is said in this place it means something out in the small business community. It may surprise the Minister that apart from my mum and dad, very few people watch this place often. Therefore, what we say in here, whilst it is important, needs to be communicated to the community

where it makes a difference. Unfortunately, many of the owners of businesses simply were not aware of that fact. This review found also that 10 per cent of store owners and managers felt pressured to open on Boxing Day. It found that 22 per cent of workers surveyed felt coerced to work on Boxing Day.

We have a situation where nearly a quarter of all workers felt they were coerced to work on one of the few days of the year when young men and women—it can be any age though—working in retail get a chance to have a break. Most members of Parliament get a chance to have a rest on Boxing Day. I would like to think that most members of Parliament, particularly Opposition members, work very hard for the other 364 days of the year but on a couple of days of the year it is nice, whether for religious or cultural reasons, to spend time with family, friends and loved ones. If members of Parliament have that time off, is it too much to ask that we allow the men and women who work in our stores and serve on our cash registers, to have a break also? I do not think it is too much. That is why the Opposition opposes the bill.

This information goes further. A survey was conducted by the mighty Shop, Distributive and Allied Employees Association [SDA]—and I thank that fantastic union, which has been in the Parliament's precinct today, for standing up for many hardworking men and women in the retail sector. It is a very determined union that seeks to make sure that workers are not downtrodden. It is a very active union and I thank the union for its submission and input. The union found that 40 per cent of employees surveyed felt coerced to work on Boxing Day. I turn now to the economic theory behind this proposal. It may be difficult for Government members to understand so I will make it really simple. If someone has \$100 and that person spends that money over 365 days, 364 days or 363 days—just a quick news flash—that \$100 does not change.

The argument about economic activity and growth does not quite work out because if one has \$100 to spend the week before Boxing Day or \$100 to spend on Boxing Day—a difficult concept, hard to get, economics 101—one still has \$100. Most of us in this place would agree that is a reasonable theory. So what exactly is one stimulating—more spending? That is highly debatable because one only has the ability to spend what one has. If a person spends \$200 on one day or \$200 over two days, it is still \$200. That is a slight problem that those opposite do not understand. The evidence to the review disclosed that retail sales growth in New South Wales has shown greater fluctuation from year to year. It soared strongly between 2011 and 2014, but then relapsed between 2014 and 2016. The chart on page 10 of the Percy Allan report shows that retail sales growth declined sharply over the period of the Boxing Day trading trial.

We say there was no positive net contribution, but there is a positive contribution to the social fabric of our society, because we are not just drivers of an economy. We are also drivers of the social fabric of our society and of the communities we represent. If the men and women of this Chamber or the other Chamber have an opportunity on Boxing Day to spend time with loved ones, spend time in cultural or religious services, and spend time with friends or family, do we really need the shops to open on another day?

We are not short of days on which to spend our money; that is not a problem in society. Of all the problems we have in New South Wales, I am sure lack of days to spend money at shops is not high on the list. If one looks at all of the surveys around people's wellbeing, one sees that many of them result in people saying they would like to spend more time with family, friends and loved ones. If one drills down into the data, it is clear that many of those people are in highly casualised positions—in hospitality or retail—and work long hours when many of us are lucky enough to be spending time with family and friends during the year.

Let us look at a retail worker that we might know in our electorates. They often work Saturday and Sunday. They often work north of five o'clock, late into the evening. It is for those men and women who do those difficult hours throughout the year that we on this side are saying enough is enough. We believe Boxing Day should be a day with family and friends to celebrate the religious part of Christmas, if that is what people wish, to celebrate the cultural part of Christmas, if that is what they wish, but most importantly—to be quite blunt—to have a break, to have some downtime and to enjoy it in their community or away on holidays with family, friends and loved ones.

The Labor Party is very proud to be opposing this bill. We will repeal the legislation if elected in 2019. We on this side often refer to something that is very near and dear to us, which is Labor values. This bill does not accord with Labor values. Ironically, the member for Drummoyne stood up today and said that the Government was the friend of the workers, yet within minutes of his doing so we have legislation before us that will force many of those workers to work on Boxing Day. Most of the people who run and manage businesses have admitted they did not know that they were not allowed to coerce or encourage or essentially force people to work on Boxing Day. The party which calls itself the friend of the workers has produced a piece of legislation that will force some of the hardest working men and women who do some of the most difficult jobs in terms of time away from family and friends, particularly on weekends and after hours, to work on Boxing Day. That is not a friend of the worker and the Government's actions speak a lot louder than its words.

I am very proud to represent the Hon. Adam Searle in this place, who has led the charge on behalf of the Labor Opposition, ensuring that we put fairness back into retail workers' lives. I am very proud of the work that the Shop, Distributive and Allied Employees Association has done to raise awareness of this campaign and I am very proud of the men and women of the New South Wales Parliamentary Labor Party who have made it clear through the stories of their constituents across retail business that this is something that we do not support, that we do not need. There is not a shortage of shopping days in New South Wales. If that comes as a news flash to members opposite, that is a concern. Those opposite are not the friends of the worker when they deliver this type of legislation. Their own evidence shows that people running small businesses and retail operations do not know about the legislation and their obligations under it.

It is all very well to say in this place that people do not have to work on Boxing Day, that they can choose not to. I suggest members opposite speak to a 14- or 15-year-old person in a retail outlet and see if they are able to easily defend themselves against an adult senior manager. That is ludicrous. That is something that is said in here without understanding the impacts. I say to the women and men of the Liberal-Nationals: before you speak about how great it will be to have an extra shopping day, put this place back to work on Boxing Day. If it is so important, let us open the doors here. But they will not be doing that. Whilst they are prepared to make sure that hardworking, often lowly paid retail workers do not get a break from work during that period, they are not prepared to open the doors of this place and put us back to work.

My father always said to me, "If it's not good enough for you to do, don't ask someone else to do it." Before members opposite begin speaking about how great this legislation is, they should ask their families and friends and other people in your community whether they are happy for them to come to work here on Boxing Day. I am sure their husbands, wives, partners, children and family members do not want them working on Boxing Day. If it is good enough for us to have a break, it is good enough for those hardworking men and women who each and every week throughout the year go above and beyond, working difficult hours. The Labor Party will stand firm to make sure that those workers get a break at the holiday time of the year. The Labor Party will be opposing this legislation and in 2019 under a Foley Government we will repeal it and give people the break they deserve.

**Mr JONATHAN O'DEA (Davidson) (16:27):** I speak on the Retail Trading Amendment (Boxing Day) Bill 2017. Boxing Day is indeed an iconic shopping day. The Labor Party wants to shut down Boxing Day so that New South Wales residents will not be able to shop at all on Boxing Day and retailers across New South Wales will not be able to operate on Boxing Day. That is the logical consequence of what has been said here today. What is not logical is the lack of economic rationale in what the shadow Treasurer said. According to his rationale, we should only open the shops across New South Wales one day a week because the same amount of money will be spent on one day a week as would be spent on five or seven days a week.

**Ms Anna Watson:** That is absurd.

**Mr JONATHAN O'DEA:** Of course it is absurd and his logic was absurd. If Boxing Day is a retail trading day with the opportunity for people to work, with the opportunity for people to shop, then that generates greater economic activity. That is the logical commonsense interpretation and I am somewhat disappointed—perhaps not shocked—by the lack of logic from the shadow Treasurer.

Companies that are engaged in retail trade or running shopping centres employ many tens of thousands of people in New South Wales, including my wife. Without the amendment that was introduced in 2015, access by consumers to department stores, local retail stores, supermarkets and thousands of specialty stores in shopping centres across the State, would be limited to just the Sydney central business district [CBD] and a number of—largely coastal—local government areas. The residents of Western Sydney and regional New South Wales who want to shop would not have the opportunity to do so. Many people would be forced to travel all the way to the Sydney CBD to snap up a bargain at the Boxing Day sales.

Retail assistants in suburban shopping centres would be denied any choice in whether to supplement their incomes by working on Boxing Day. Bricks and mortar stores would find it more difficult to compete with the 24/7 convenience of online shopping. People would stay home and shop globally from their laptops or smartphones, damaging home-grown businesses and the earning capacity of local workers. While some people say that the 2015 amendment resulted in no difference to business profits, no increase in employee income and a dramatic increase in people who felt forced to work on this public holiday, they are wrong. The evidence does not bear that out.

**Ms Anna Watson:** Would you do it?

**Mr JONATHAN O'DEA:** I acknowledge that interjection. I work, as do most people in this place, extraordinary hours, well beyond what would be seen as reasonable in the general community. The shadow

Treasurer's example demonstrates his lack of work ethic or a misunderstanding of how most people in this place choose to work well above what may be seen as normal hours, including on weekends and public holidays. I do not hold the community to that standard. For that reason the example he gave was inappropriate. When the review of the Boxing Day amendment commenced in March this year, Professor Allan wrote to retailers, their representative associations and to unions asking for their views on the success or otherwise of the two trial days.

The submissions that were subsequently provided confirmed that the review was an appropriate platform upon which to examine the outcomes of Boxing Day trading. The organisations that lodged submissions included unions—the Labor Party only listens to unions—retailers, industry representative bodies and faith groups. Seven industry representative associations—the Australian Retailers Association, the Liquor Stores Association, the Master Grocers Association, the National Retail Association, the NSW Business Chamber, the Retail Council, the Sydney Business Chamber and the Shopping Centre Council of Australia—provided submissions that described their members' experiences of Boxing Day trading.

They canvassed the full range of issues, providing the review with data on trading and information about processes including efforts to ensure the requirements of the Retail Trading Act were adhered to. All seven advocated for the continuation of Boxing Day trading on a permanent basis. The Shopping Centre Council of Australia in particular made a comprehensive submission which, among other things, provided data on foot traffic through a significant sample set of their members' shopping centres. The council also supplied data of retailer participation in Boxing Day trade, concluding that it had been popular and a major success in both years.

Three retailers made direct submissions, with Woolworths providing a synopsis of its Boxing Day experience for publication. Each of these major retailers asserted that Boxing Day opening was a worthwhile exercise and that they had found no difficulty in finding the necessary volunteers to ensure their shops could open. All three retailers described the processes they implemented to ensure their team members in stores were not coerced to work on the day. A submission was also received from Wollongong City Council, which spoke of the significant investment in the commercial heart of that city and the rapid growth in population and tourists that benefited from the opening of shops on Boxing Day over the previous two years.

According to the latest international visitor survey, New South Wales has just received a record four million overseas visitors who spent more than \$10 billion in the year ending June 2017. Do we want to hamper tourists' ability to experience the retail rush of Boxing Day outside the Sydney CBD, especially when more liberal retail trade hours are commonplace in their home countries? New South Wales is now consistent with those countries. To go back to the dark ages of shopping village ghost towns on such an important day for retail trade would be clearly out of step with the world standards set by our global economy.

The major union in the retail sector, the Shop, Distributive and Allied Employees Association, also provided a comprehensive submission to the review. The union noted that Boxing Day is an important community and family occasion, detailed their evidence that some workers are pressured to work on that day and concluded the social cost of missing out on family and social interactions outweighed any benefits from shops opening. However, their contention that there was no economic benefit or public demand for Boxing Day trading was contradicted by retailers and the various industry representative groups.

The Shopping Centre Council of Australia submitted that Boxing Day is the most popular trading day in the post-Christmas period, and that more than 1.25 million people visited shopping centres on Boxing Day in 2016. Additionally, to combat potential unlawful pressure on workers, this bill will enshrine protections of choice for workers, retailers and businesses. If compulsion is used in breach of the legislation, then people should be properly held to account. The Government will initiate a far-reaching education campaign to ensure all stakeholders properly understand the rules. I understand that an advertising campaign will be developed with retailers and unions to ensure that retailers and employees are fully aware of their rights ahead of Boxing Day 2017 so they are not unduly pressured into working or trading. I say plainly, that should not occur.

There is a sensible balance that provides retailers and their employees with the freedom to work if they choose, and also protects the vulnerable through provision of strict sanctions should they be illegally pressured to work. The clear sense that can be taken from the submissions to the review is that many retail businesses are keen to open; and a large number of their workers want to work if it is offered, thereby earning extra income at penalty rates. *[Extension of time]*

I note the independent research commissioned by Professor Allan showed support from a majority of retail workers. Additionally, there are a considerable number of citizens who want the choice, and have in fact chosen to spend their Boxing Day leisure time exploring the Boxing Day sales. I acknowledge that there are diverse opinions on Boxing Day, which is why the Government has legislated to give the people of New South Wales a choice. By continuing with the current arrangements, no business or citizen will be denied their preference to trade, to work or to rest this coming Boxing Day.

It is obvious that the Opposition would seek to eradicate the choice granted to every shopper, worker and business. They would rather demonise businesses, disempower workers, and paternalistically deprive all concerned of the opportunity to make informed choices about how to spend Boxing Day. This bill provides for ongoing Boxing Day trading by shops and banks on bank holidays under strict conditions. It places obligations on retailers and banks choosing to open on those days to ensure their staff freely elect to work. Shopping centre landlords are obliged to allow their tenants to exercise free will concerning opening their shops on Boxing Day, with serious fines for retailers and shopping centre landlords if they fail to comply. I will share some valuable contributions for prominent industry leaders and stakeholders, starting with David Borger, a former Labor Minister in this place who is now the Western Sydney Director of the Sydney Business Chamber. He said the decision was a no-brainer and stated:

Personally I'd rather play backyard cricket on Boxing Day, but lots of people might like to grab a bargain or get some extra hours in.

No-one's forced to work, no shops are forced to open, but why not have the opportunity?

Australian Retailers Association Executive Director Russell Zimmerman stated:

We think it was totally unfair that you could have a retailer in the CBD whose opposition is in North Sydney, and one can trade and one can't. That doesn't seem very fair to us. Retailers have to pay the higher penalty rates, so staff get a nice pocket of money too.

Constant interjections by those opposite are quite tiresome. It reminds me that Boxing Day is a day for leftover turkey, and that is what we are getting from members on the other side. I agree with the words of the late Anna McPhee, former chief executive of the Retail Council, who said:

Retailers have modernised to meet changing consumer demands and regulation must not act to hamstring business, hindering their ability to provide jobs and offer consumers greater convenience, choice and value.

...

I urge Labor and the cross-bench to support reform that would deliver positive economic and employment outcomes to all corners of NSW.

It is sad and disappointing that members opposite are endeavouring to present a point of view that is totally opposite to what we believe. They represent a small number of interests, particularly those in the union movement who want to create fear and spread misinformation. We support all stakeholders in New South Wales, including workers who deserve to have the choice to work on Boxing Day. Nobody will be forced to work. If they are, sanctions exist under the bill and employers will be held to account. If that has not been made clear, an education campaign will be conducted to ensure employers are aware of their obligations, which will be enforced where appropriate. This is a good bill. It is good legislation that should be supported in the interests of all people in New South Wales.

**Ms JENNY AITCHISON (Maitland) (16:42):** It is beginning to look a bit like Christmas in the Chamber. In this important debate we heard the bad dad jokes about workers who comprise a small percentage of stakeholders and what they will do on one of the 4½ days of the year on which they are guaranteed they will not have to work. In the distance we can hear the tinkling of bells; one might assume that they are sleigh bells or jingle bells. One might even assume it is the bells of retailers as they receive more business profits. But they are the bells of the Shopping Centre Council—the only organisation making money as a result of this bill as it will be receiving rents from businesses that are forced to open on Boxing Day.

The Christmas Day and Boxing Day break is the only consecutive two-day break for retail workers and small business employers. I am proud to be a member of a party that is fighting to retain the Boxing Day holiday. It was interesting to hear the member for Davidson speak with supposed authority on the Allan review, but why has this Government ignored the recommendation of that review that the penalty for pressuring or coercing retail employees is to be set at \$3,000 per employee, and the penalty for pressuring or coercing retail tenants to open or close is to be set at \$6,000 per tenant? Why have those penalties been omitted from the bill? The Treasurer and the member for Davidson said that they do not believe in coercion and that it is not happening. Earlier today Shop, Distributive and Allied Employees' Association [SDA] delegate members came from areas such as the Hunter to talk about the people who have been forced and coerced to work.

Members have already mentioned the statistics in the Allan review, but I will repeat them. Half of the store owners and managers were unaware that trading on Boxing Day is supposed to be voluntary and that coercion is an offence. That means that one out of every two store owners and managers did not understand this legislation, which has been trialled for two years. Ten per cent of store owners and managers felt pressured to open. What does that say? This bill is not only an abuse of working people but also an abuse of the time that small business owners can spend with their families. The Allan review reported that only 22 per cent of workers, or one in five, felt coerced or pressured to work. A survey of the SDA found that 40 per cent, which is nearly half of its workers,



felt coerced. It is in touch with its members. It understands the pressure that 15-year-old or 16-year-old casual workers feel when their employer asks them to work.

We have no evidence of any prosecutions for that coercion. The Government is not fair dinkum about putting those provisions in place because it has not included the recommendations of the review in the legislation to increase penalty units to ensure that everybody understands the consequences. More importantly, NSW Industrial Relations should be given the legislative authority to fine offenders without having to go through a prosecution in court. If we are serious about coercion, employees and small businesses who are pressured by retail shopping centre owners should have options. They should not feel that they cannot say they have been coerced to work. There is no evidence of any net positive contribution. Australian Bureau of Statistics data does not represent individual days. If it did, as the Treasurer said, we would find that we are shifting the spend from one day to another. Some data shows slumps in retail spending at that time of the year. Where is the evidence of any increased measure for workers or small businesses?

What would be the result if workers missed out on Boxing Day? Workers and small businesses would have to choose which of their families to spend time with over the Christmas break. Sometimes distance precludes families being together. Some workers will have to make a conscious choice about those with whom they will spend their time at Christmas. They will not be able to spend time with relatives who live in other communities because they will have only one day off. They will never have two consecutive days off from their retail job or small business. In the week leading up to Christmas Day, employees work every day from 9.00 a.m. to midnight and perhaps receive two half-hour breaks each day. On Christmas Day they are zombies. They will have lunch with their families and the next day they will be back at work, fighting with Mrs Jones who wants a refund because she did not like the bracelet her husband bought her. It is not fair.

Small business owners are known in their communities. They are not the big retail drawcards. Small businesses in my community will not generate huge Boxing Day sales as a result of this legislation. They will simply have to pay penalty rates to their workers until the Federal Government knocks those out. There is no win for the community or for small businesses and there is no win for workers. They should not feel enormous guilt when they are not able to spend time with their families, buying presents, decorating the Christmas tree and giving gifts. This legislation will impact also on tourism operators as tourists visit relatives in small coastal villages and in the outback. At the moment shops in those areas do not open on Boxing Day—they do not have to compete with retail shopping centres—and people might seek to go on a day trip, a cruise or engage in some other activity from which tourism operators will benefit. However, if the shops were open those people would want to go shopping rather than go on trips or engage in other activities, which is a real shame.

Who will benefit from this legislation? The big shopping centres will be the only winners as they will still receive their rent. Big multinational stores can afford extra wages, employ a minimal number of staff and their managers will not have to work. Government members—Gladys Grinch and the evil elves—know that they can sit by the pool and put up their feet for more than a week during the Christmas holidays. They are encouraged to close their offices over Christmas but that is not good enough for workers in the retail sector. While they sit in a cabana sipping cocktails or having champagne on Boxing Day with their families, I hope they think about what they are doing to the families and friends of those they are forcing to work.

In summary, the changes to this legislation do not make social sense and they are not necessary economically. Only 4½ days in a full year have trading restrictions in New South Wales. An insidious aspect of this bill is that it will allow retailers to require tens of thousands of workers to work on Boxing Day rather than spend time with their families or attend community events. Some people in this Chamber and in the Legislative Council have been elected on the basis of their so-called commitment to Christianity, religion and family values. How can they support a bill that puts the interests of big shopping centre owners above the interests of individuals who want only to spend time with their families and experience religious holidays.

I thank representatives from the Shop, Distributive and Allied Employees' Association [SDA] who discussed this legislation with us. I thank them also for their tireless campaign on behalf of all workers in our community. I thank workers in the Maitland retail sector who took the day off and who drove for 2½ hours to Parliament House to make sure that their voices were heard. I hope that all those who profess to have a Christian bone in their body think about the needs of people in the retail industry. They should have the rights that everyone else in our community has—they should have a day off from work on Boxing Day.

**Ms YASMIN CATLEY (Swansea) (16:52):** I contribute to debate on the Retail Trading Amendment (Boxing Day) Bill 2017 and speak for thousands of retail workers and ancillary staff in shopping centres who no longer will be able to make a real choice to spend Boxing Day with their families. This Government's decision to legislate to permanently remove trading restrictions on Boxing Day is an attack on workers in my electorate. The Liberals and Nationals have always been blinded by their own ideology in the power imbalance between workers and employers. They remain wilfully blind to the struggle faced by workers in highly casualised industries such

as the retail industry—the insecurity of work, the subtle yet ever present threat of unemployment and the detrimental impact this has on their ability to bargain with their employer. However, this latest attack on workers in New South Wales is a low blow even for them. That is because they ought to know, more than most, just how invaluable family time is. When people work in a demanding job, the times when everyone can get together are few and far between and therefore all the more precious. This Government, despite being acutely aware of this fact, has pushed ahead with its decision to permanently remove Boxing Day trading restrictions.

This will affect not only those people who are employed in the retail sector but also small businesses in the retail sector. No-one works harder and longer than they do. For them to have two back-to-back days off with their families is something that they consider enormously precious. Up until 2015 there were limited guaranteed days off work for retail workers—Good Friday, Easter Sunday, Christmas Day, Boxing Day and half of Anzac Day—which represents just 1 per cent of all possible trading days throughout the year. Those opposite insist that the protections in the legislation are adequate to ensure that only those workers who freely elect to do so will work on Boxing Day. That idea is simply farcical. Opposition members know that those vulnerable workers have good reason to feel unable to say no to their employers without fear of reprisal. We know it is even less likely that they will report instances of coercion because they are afraid that they will lose their shifts or, worse, lose their jobs.

Sadly, I have heard of many examples in my electorate. I spend a lot of time shopping at Coles and Woolworths, as I know many members do. I do the shopping in my house. A number of employees in both organisations have spoken to me anonymously and said that they are concerned about working on Boxing Day. There has been a trial period for two years. I was pleased to be given an opportunity to express my views and the views of retail workers in my community on Professor Percy Allan's review process. I took it seriously and made a submission which outlined what workers had told me—that is, they felt pressured to work on Boxing Day and some even felt bullied. Those who refused to work felt anxious and upset about the consequences they might face when they returned to work and it marred the time they spent with their family.

The findings of the Allan review are telling. On close examination the report reveals a remarkably different story from the one peddled by the free marketeers opposite. A key finding was that half of the store owners and managers were not aware that coercing someone to work on Boxing Day was an offence. That probably explains a second key finding—that one in five workers felt coerced to work on Boxing Day and two in five workers felt pressured to work on Boxing Day. It staggers me that anyone would think this was okay and that they had the green light to go ahead. Professor Allan warns that without freedom of choice the workforce will be split into two classes on Boxing Day—those who engage in leisure activities and those who must serve. We will have two classes of workers.

It is clear that those opposite have hardened their hearts in their refusal to be persuaded by the moving stories of workers who sacrifice family time at Christmas to work. It is not just the workers who are suffering; it is also their families. One young woman told me about her experience of being rostered to work on Boxing Day when she was 16. Her family had planned to travel to the Central West and to spend Christmas with her grandparents and extended family but that trip had to be cancelled because she was required to work on Boxing Day. Not just this young woman was denied family time; her immediate and extended family, many of whom she saw only once a year were also denied family time.

The review into Boxing Day trading received more than 1,500 submissions from individuals, almost all of which were opposed. They shared their fears, concerns and experiences of Boxing Day trading, and the adverse effect that this had on their time with their families. Recommendation 9 suggests that the SDA offer a private and confidential service whereby retail workers can register their preference not to work. This says to me that Professor Allan saw the reprisals faced by retail workers as a real and legitimate concern. Professor Allan also noted in the review that since Boxing Day trading restrictions were partially removed in 2008 there have been only two prosecutions for trading on restricted trading days but many more complaints than that. The prosecution fines were between \$500 and \$1,200—nowhere near the maximum of \$11,000 set out in the legislation.

The review went on to note that the lack of complaints about coercion is largely due to a history of few prosecutions, low court fines for breaches, the inability of NSW Industrial Relations to fine wrongdoers, and a lack of awareness by most in the industry that coercion is illegal. Somehow the Government has interpreted this finding as a reason to push ahead. Two years ago Premier Berejiklian stood in this Chamber and claimed that there were adequate protections in place and that no worker would be forced to work on Boxing Day. We now know that one in five workers feels coerced. I would like her to come back and say that she thinks that is okay.

One of the most crucial findings of Professor Allan's review was that there was no economic benefit as a result of the removal of Boxing Day restrictions. I will say that again: There is zero economic benefit as a result of Boxing Day trading. In the months of December 2015 and December 2016 retail sales growth slowed in New South Wales, which was in line with trends across Australia. This shows that it does not matter whether trading is restricted; there is no economic benefit to removing trading restrictions on Boxing Day. In contrast,

there is great benefit in allowing people to spend time with their families. For those workers who felt pressured to work, who had to cut their Christmas short in order to get up at 3.00 a.m. to set up the deli at Coles, or who could not travel to see their extended family or even spend time with their loved ones, that is a bitter pill to swallow.

The Liberal Party and The Nationals are attacking workers on every front. At a Federal level, they have gifted big business with a cut to penalty rates for some of the lowest-paid workers in Australia. This Government is now gift-wrapping that by permanently removing restrictions on Boxing Day trading. One thing is for sure: This Premier will be remembered as the Grinch who stole Christmas from thousands of retail workers across New South Wales. In closing, I commend the SDA for its passionate advocacy for retail workers in regard to this important issue. I also commend those union members and workers who came to this place in two buses today in support of their rights at work. I am proud to say that Labor will repeal this amendment. Labor will act to protect the precious family time that retail workers are entitled to enjoy, just like members opposite.

**Mr GEOFF PROVEST (Tweed) (17:02):** The object of the Retail Trading Amendment (Boxing Day) Bill 2017 is to amend the Retail Trading Act 2008 to remove the sunseting on 1 December 2017 of provisions that allow shops and banks to open on Boxing Day and that allow banks to open on the bank holiday and certain public holidays. Shops and banks may open on those days only if they are staffed by persons who have freely elected to work. Many moons ago I was a member of the Liquor Trades Union and worked at the Georges River Sailing Club at Sans Souci. Similar provisions to those contained in this bill were in place then. I worked on a number of Christmas Days and Boxing Days as a fairly young fellow. Considering we were getting paid double time and a half, there was a fair rush of people wanting to work on those days. It was done by volunteers only and there was no coercion or leaning on people.

Following that, I was an assistant manager at the great Revesby Workers' Club. I think I am one of the few Coalition members still welcome in the boardroom of Eddie Camilleri and the lads at the club. I first met Daryl Melham in the early 1980s before he was a member of Parliament. He was a public defender then. We had similar rules in place at that club. It was a fairly large organisation in those days, with around 400 staff. As we know, it has only grown bigger. In order to open on certain days, we had to call for volunteers. Members know Revesby is a strict union shop, and quite rightly. As an assistant manager, I never saw any coercion; people were asked to volunteer. Permanent staff could say they could not work on religious grounds or they wanted to spend time with their families, but there was never a shortage of workers putting their hands up to work on those days.

Following that, I was a manager at Tweed Heads Bowls Club—one of the largest in the nation. The club would open on Christmas Day but much of the reason for that was community based. We would host lunch for homeless people and staff who gave their time would be paid. I never saw people being bullied or witnessed any of the behaviour that Opposition members have made accusations about in this Chamber. It worked rather well. People respected that they could work if they wanted to and we were quite flexible in the hours we gave them. Some people wanted to work in the morning and have the lunchtime and evening off. Others wanted to get up with the kids on Christmas Day and work later.

Not once in my 25 years in the liquor industry did I see anyone complain about being able to volunteer to work on those days—and I came in contact with hundreds of staff from Revesby Workers' Club, Georges River Sailing Club and Tweeds Head Bowls Club. I therefore think this is a worthwhile amending bill following a two-year trial. We live in an increasingly demanding world, particularly in retail. Amazon is on our doorstep—if not here already—and the retail industry faces a lot of pressure to maintain services. Gone are the days of having to get to the bank before 4.00 p.m. on a Friday or have no money for the weekend. Life was a bit grim back then. We can now bank 24 hours a day and we can vote electronically. We live in a 24/7 economy. This bill will modernise the retail sector.

As I said, working on Boxing Day will be voluntary. Coming from the union movement, members opposite probably do not know what the term "voluntary" means. It is about freedom of choice and freedom of will, which is not really seen in the Labor Party or the unions. To a great extent, members opposite seem to be missing the point that the arrangements allowed for in this bill are voluntary. I have no hesitation in supporting the Retail Trading Amendment (Boxing Day) Bill 2017 because it is all about freedom of choice. People who want to work can work. I bemoan anyone saying that they cannot go out and earn a dollar or two for their family. That is totally wrong. With that in mind, I commend the bill to the House.

**Ms JULIA FINN (Granville) (17:08):** I make a contribution to debate on the Retail Trading Amendment (Boxing Day) Bill 2017. The Berejiklian Government's two-year trial of Boxing Day trading has been an absolute failure. All it has done is ruin Christmas for retail workers across New South Wales who need to get up insanely early to get the shops ready for the sales and who cannot fully enjoy Christmas Day with their families. I know plenty of young people who have felt they could not say no to working on Boxing Day and who had to leave Christmas celebrations early to get to work at 4.00 a.m. to clean up after the pre-Christmas rush and

reorganise the store for the Boxing Day onslaught. It is exhausting and it is unnecessary. I commend the Shop Distributive and Allied Employees Association [SDA] for fighting for its members to enjoy Boxing Day, as we in this place do.

Professor Percy Allan was appointed by the Berejiklian Government to undertake an independent review of the 2015 amendments to the Retail Trading Act 2008, which allowed all shops and banks across New South Wales to trade on Boxing Day, subject to staff freely electing to work. The Allan review found that growth in December sales dropped in the two years of the trial compared with the two years before when shops were closed. The majority of retailers, particularly small retailers, do not support Boxing Day trading and one in five retail workers felt coerced to work on Boxing Day against their will.

Wages growth is stagnant and the cost of living is rising. Yet this Government mysteriously thinks that an extra day of shopping means people will have more disposable income and they will spend it. This is after ripping people off to the tune of \$2,000 a year for the M4 toll, extending the M5 toll for decades to come, enormous increases in electricity prices after promising privatisation would lead to lower bills, and no relief in sight for first home buyers or people struggling with high rents. No wonder it has been an utter failure from a sales perspective. In the debate on the 2015 amendments, my colleagues made the case that the outcomes that the bill aimed to achieve were unwarranted and would provide so little economic benefit that they are economically unnecessary. We have been proven to be correct. The review found:

Growth in December trading has in fact been lower in 2015 and 2016 since Boxing Day trading has been deregulated.

The Premier said at the second reading of the bill:

Retailers have the choice to open their doors.

Why has the Premier stopped listening when retailers say they would prefer to not open on Boxing Day? The review also found that almost 60 per cent of retailers do not support Boxing Day trading and most retailers would prefer to spend time with family and friends. So why did they open at all? They felt compelled to, as their competitors were opening. Obviously if people have only a certain amount to spend, they will not spend more with an extra day of trade. But they will not spend anything in a store that remains closed.

Whereas the Premier said the bill was about "greater choice and convenience for shoppers", the review found that only 5 per cent of the public have shopping as their first priority on Boxing Day, and of those who did shop most went to the sales on a day other than Boxing Day. Whereas the Premier said the bill would "give workers comfort that they will not be forced to work", the review found that up to 40 per cent of retail workers felt pressured to work on Boxing Day in 2016, one in five retail workers felt coerced to work on Boxing Day and one in 10 retail workers who refused to work on Boxing Day suffered a negative consequence from their employer. The Premier said:

Penalties will apply for employers who force or coerce employees to work and for big businesses that force smaller businesses to open their doors.

In fact, the department has not prosecuted any employer for forcing an employee to work on Boxing Day. The Premier said:

The Government is committed to ensuring that the resources are available within NSW Industrial Relations to ensure that any complaint made in regard to an employee being forced to work or a shop being forced to open this Boxing Day is investigated.

Again, the department has not prosecuted any employer for forcing an employee to work on Boxing Day. The two-year trial of Boxing Day trading has been found to be a failure. The Premier's pet project to extend Boxing Day trading was found by its own independent review to rob families of a proper break over the Christmas period. The Government continues to claim the bill enables shops and banks to open on those days only if they are staffed by persons who have freely elected to work on those days. But, clearly, that is not the case. The evidence is before us; we have heard from the people of New South Wales that retail workers and bank employees are being compelled to work against their will.

The review found that retail workers felt pressured to work on Boxing Day in 2015 and in 2016; that some retail workers felt coerced to work on Boxing Day; and that some of those workers who refused to work on Boxing Day suffered a negative consequence from their employer, as stated in their submissions to the review. This is all being ignored by the Government. The review recommended some sensible changes, which the Treasurer has rejected. Professor Allan recommended the introduction of minimum penalties for the offences of coercing an employee to work or coercing a retailer to open. The Treasurer said:

While the Government remains committed to ensuring employees are protected—

which I believe is a bit of a furphy—

the Government has declined to implement minimum penalties on the basis that mandatory minimum penalties are reserved for very serious offences ...

Stealing people's Christmas break, coercing people to work and persecuting employees if they take up the protections the Government claims exist for not working on Boxing Day are serious offences and should be treated as such. The Government could have chosen to implement changes to deal with very real concerns amongst retailers, workers and the public by ensuring employees are protected by more than platitudes from the Premier and the Treasurer. Instead, the Premier and the Treasurer are ignoring the evidence, ignoring the review, ignoring some retailers, ignoring some employees and ignoring the public and are extending Boxing Day trading permanently. As we have seen, this will not lead to an increase in sales. People have only so much money to spend and an extra day of shopping will not increase that amount of money.

In question time on 11 November 2015 the Premier, as the then Treasurer, said the bill "strengthens the rights of workers". What a failure that has turned out to be. The Premier was wrong then and she is wrong again now. My colleagues made the case then that it is simply not fair for the Government to take this crucial family time away from workers across the State and that as members of Parliament we will not be in this place on Boxing Day or on Christmas Day because they are days when we value the time with our family and friends above all else. In fact, employees in this place cannot work over that period because of the Christmas shutdown across the public service. But that convenience and that rest is not afforded to retail workers. They will have their Christmas stolen because of this legislation.

My view has not changed since then and the evidence of the review has proved the Opposition to be correct. The Premier chose not to stand up for young workers in this State who were facing reduced penalty rates. When the legislation was introduced at a national level, the Premier had every opportunity to at least make statements in support of young workers but she remained silent. The Premier has now chosen to make it easy for workers to have their family time over Christmas taken away too. Accordingly, we oppose this bill.

**Mr GREG WARREN (Campbelltown) (17:16):** It is with a combination of dismay and pride that I speak in debate on the Retail Trading Amendment (Boxing Day) Bill 2017 and, for the second time, to oppose this Government's plans to rob retail workers of their precious time off with their family at Christmas time—probably one of the most special times in our calendar, a time set aside for us to spend what is, for some, rare time with our families. I often hear the Premier and Government members—I acknowledge not all of them—say that they are the friends of the worker. I have a message for those who say that.

If the Premier or those Government members went to a warehouse or a workplace in Western Sydney or south-west Sydney or around Campbelltown or Macarthur and, in response to a question from one of the workers who were assembled there, "What is the weather like outside?", said, "It is a beautiful day outside; the sun is shining", I reckon every one of those workers would go and get an umbrella. The Government's rhetoric has no credibility. I speak with dismay in this debate because just when I thought the Government in its attacks on working people across New South Wales could not get any more shameless, it has put forward this proposal. I also speak with pride in this debate because I stand shoulder to shoulder with those workers and their families—

**Dr Geoff Lee:** That's right.

**Mr GREG WARREN:** That's right. I note the interjection from the member for Parramatta. I take great pride in standing by the hardworking people who drive our local economy and who do so for the betterment of their families, their local community and everyone else. I cannot understand what the member for Parramatta has against working people. There are a lot of them in his electorate and they would be very interested to hear his interjections. I speak with great pride in this debate because this side of the House, in opposing these changes, continues to fight against the persistent attacks and rhetorical statements of the conservatives on the other side of the House.

**Dr Geoff Lee:** Point of order: The member for Campbelltown is misleading the House when he says I do not stand up for the workers. I always stand up for the workers.

**The ASSISTANT SPEAKER:** Order! There is no point of order. The member for Parramatta will resume his seat. I indicate to the member for Campbelltown that to draw that conclusion from the member for Parramatta's interjection was spurious and he should return to the leave of the bill.

**Mr GREG WARREN:** The people of Parramatta know their local member better than I do. I will leave it as a matter for them. When this legislation first came before the Parliament two years ago, the Opposition, in particular the shadow Minister for Industrial Relations, the Hon. Adam Searle in the other place, was very vocal in our opposition to it. So too was the shadow Treasurer, the member for Keira, in his contribution to this debate, as well as the Opposition speakers today, including the member for Swansea and the member for Maitland.

Our reasons for opposing this legislation today are the same as they were in 2015. It is plain and simple: the Christmas holidays are first and foremost about spending time with family and loved ones and taking a break from work. It is as simple as that. We on this side know that people do not magically have more money in their pockets because retail stores are open an extra day. All that is achieved by opening retail stores across the State on Boxing Day is that people, rather than shopping on 27 or 28 December, will go shopping a day or two earlier. If somebody wants to buy something, they will go and purchase it. But the total volume of retail sales does not increase; it is merely spread over a longer period.

The economic benefits are insignificant, if not non-existent. However, the impact of this bill on retail workers is significant. That is why I oppose this bill and why the Labor Opposition will continue to oppose this bill. The results of the two-year trial of statewide Boxing Day trading have confirmed all of the concerns that were raised by members on this side when this matter was debated two years ago. Most concerning is the data about workers feeling pressured to work on Boxing Day, something that the Government guaranteed would not happen. I refer to an article in the *Sydney Morning Herald* on 12 November 2015 that was written by Sean Nicholls about a resident of Seven Hills who once lived in the Northern Territory. It reads:

After moving to NSW almost six years ago, she was surprised and relieved to find she would no longer have to work on Boxing Day. But just after midnight on Wednesday morning, she was dismayed to learn that Boxing Day would no longer be protected. "It's not nice. Your family is at home for Christmas and you have to work," she said.

She went on to say that her sister:

... lives in Canberra and two of her four children live in Alice Springs. Her third child lives in Queensland and the fourth is in Sydney. For family gatherings at Christmas, a day of travel is needed to bridge the distance.

The constituent—who, as I said, now lives in Seven Hills—said she was disgusted that the New South Wales Government had allowed Boxing Day trading to go ahead. The article stated:

"As a single mother, it will mean I don't get quality time with my family," she said. "As a retail worker, just having those two days on Christmas Day and Boxing Day as a family is important. People don't need to shop every day of the week."

I draw the House's attention to an article in the *Sydney Morning Herald* in August this year which quoted a 22-year-old worker who was pressured to work on Boxing Day in 2015.

**Mr Lee Evans:** It is a \$10,000 fine.

**Mr GREG WARREN:** These are not fabricated stories; they are real-life stories. I note the interjection from the member for Heathcote, but these are real stories about people's lives. I am not making this up. These are the people who vote for us. These are the people that the member will have to explain himself to when he does his mobile office. So it might be worth his taking note. The article said:

"On Christmas Eve, a manager approached me to work on Boxing Day and I declined the shift because I had family staying from rural NSW and I don't see them often", she said. "My manager just kept pressuring me saying the money is really good and kept going till I finally said 'OK, I'll work'."

The manager suggested that the lady could work fewer hours on Boxing Day as a compromise, but when the day came she was asked to work even more hours. She claimed:

"They said the money was really good and I shouldn't turn it down, but I said the money wasn't worth it and I had family to see."

The independent review found that:

... half of store owners and managers were not aware that working on Boxing Day is a voluntary act and that coercing someone is an offence.

In relation to the interjection from the member for Heathcote, I am happy to show him the article and to table it.

**The ASSISTANT SPEAKER:** Order! I remind the member for Campbelltown that he should direct his comments through the Chair.

**Mr GREG WARREN:** As previous speakers have noted, the review into Boxing Day trading conducted by Percy Allan found that 22 per cent of retail workers were coerced by their bosses into working on Boxing Day. A survey conducted by the Shop, Distributive and Allied Employees' Association, the trade union covering retail workers, found this figure to be as high as 40 per cent. Whichever figure one goes by, this is an alarming statistic by any standard and represents thousands of retail workers and their families—predominantly young people, single mums and others—missing out on crucial family time over the precious Christmas holiday period. The reason behind this is simple.

This bill is the result of the Government fundamentally failing to understand the reality of working in an industry like retail, which is highly casualised and has low job security. Whether it is a high school or university student working part-time while studying and who does not know how to say "no", the single mum working

a second job at night and who is worried about getting enough shifts, or the older worker feeling the pressure of keeping up with younger colleagues, all of these vulnerable workers will feel compelled to work on public holidays when asked to do so by their employer. [*Extension of time*]

These changes should not be considered in a vacuum. This is an industry that after relentless attacks, from our colleagues in the Federal Parliament as well, has just seen massive cuts in penalty rates that will see thousands of workers across Australia lose up to \$77 per week. I draw a parallel between the two because those who work on Boxing Day will be paid a penalty rate. There is a major socio-economic debate to be had around these issues and the pressures that people in these industries will face—which we in this place will not. That is the reality.

Members on this side of the Chamber know well that there is no end to the conservatives' attacks on the rights of workers in this State and across the nation, in disregard of the plight of their prosperity. These workers will not give up, and we will stand with them shoulder to shoulder all the way. Earlier this year in Canberra the Federal Government stripped away penalty rates for retail, fast food and hospitality workers, who sacrifice their evenings and weekends to staff shops and restaurants for the enjoyment of others. Today in this place the conservatives are underhandedly trying to force these same workers to give up their time on Boxing Day, with no regard for the disastrous consequences it will have on families over the valuable Christmas holiday period.

I have no doubt that in the future they will come after the penalty rates of people who work on Boxing Day and other holidays, acting on the orders of their mates in Australia's biggest businesses. We on this side have a simple message: we will not give the conservatives one inch. We will stand with these workers, we will stand with the students, and we will stand with the single mums. We will stand with each and every worker who has no voice. We will be their voice in this place. We will proudly stand in solidarity with the other associations and the union movement to defend the rights and conditions of working people in New South Wales, whether it is the retail industry that the Government attacks today or another industry that the Government decides to attack tomorrow.

I urge all members to think long and hard about what these changes will mean to families in their electorate. I urge them to think about the situations I raised earlier: the high school or university student working part-time while studying, the single mum working a second job at night, or the older, semi-retired worker doing a few shifts a week. Before they vote on this bill, I urge members to think about how they would feel if they were being forced to give up their precious family time to work over the Christmas holiday period. We in this place do not work on Christmas Day or Boxing Day. Although I am not much of a punter, I am willing to bet that no member in this place will be working in their electorate office over the Christmas holiday period. If it is good enough for us as legislators to have that time off with our families, then it is good enough for every other working man and woman in this State. We oppose the bill. I commend members on this side of the House for standing up for their local constituents, the workers in this State and the local economy, and for supporting the principles of fairness and equality.

**Mr GREG PIPER (Lake Macquarie) (17:29):** I come to this debate not as an ideological warrior from the conservatives or from the left of politics but to consider the matter objectively. I have reached the conclusion that I will not support the Retail Trading Amendment (Boxing Day) Bill 2017. I accept some but not all of the arguments mounted in favour of the bill by Government members. I accept some but not all of what Percy Allan found in his research. I accept many of the arguments mounted by business and retail groups but also by the unions in defence of their position. However, I cannot support the bill for a number of reasons, the most important being a lack of balance.

Primarily I believe the work/life balance of Australian families is out of whack and drifting dangerously. I rarely stray into the sphere of traditionalism when talking about social structures and norms but the Christmas-Boxing Day tradition of getting together with family and friends will be damaged forever for many people in this State should this bill pass and it will become just a normal trading day. I believe this break has evolved from being largely a traditional Christian celebration to something that is more broadly about getting together with family and friends and about building community. For many, it is a barbecue at the beach. For others, it is more about watching the Boxing Day cricket test. It is an institution which, although changed over the years, is still at the heart of our societal norms.

This bill seeks to take that away for many residents of New South Wales, not just for a trial year or two but forever. This bill, if passed, will remove the opportunity hundreds of thousands of Australian workers have for a day off with family and friends. These are mostly young retail workers who could probably do with a day off after the busy retail period leading up to Christmas. I accept that many young workers want to work on Boxing Day and want to earn a little bit extra for their pockets, but that work will still be there the day after Boxing Day and the day after that. People with money to spend at the Boxing Day retail sales will still spend it. I have heard

arguments about the economy but this is in the realm of voodoo economics if we believe that an extra day of trading will add significantly to the New South Wales economy.

The Boxing Day sales are not held just on Boxing Day; they run for two weeks and in some cases a month. Nobody is missing out on anything if the retail sector and banks stay closed for one extra day of the year. Is the economy really at risk from maintaining Boxing Day ostensibly as a holiday? If so, we as a society need to consider what we have become and the balance we accept between an economy and a community. Are things so tight that we have to squeeze the last bit of life and money out of everyone and their wallets for the sake of a bit of retail activity that will happen regardless of when the shops reopen after Christmas?

I do not want this to become the accepted thing, when Boxing Day is no longer about everyone having the day off with family and friends because half the country is back at work. Obviously, there are exceptions to this rule. Our amazing emergency services personnel, our doctors and nurses and the like, have always worked through the traditional Christmas break. We all appreciate the work of people in those essential roles. Indeed, I spent nearly 20 years working on Christmas Day and Boxing Day, but that is not the point. Selling a pair of half-priced jeans is not an essential service. The jeans can still be sold tomorrow, the next day or any day after that.

Much of this bill goes to the protection of workers who do not want to work on Boxing Day. While I am pleased that the Minister has sought to include those protections in the bill, they are also a very strong concession that many people simply do not want to work on Boxing Day. They would rather spend that extra time with family and friends over Christmas Day and Boxing Day. I know that the Minister has talked a great deal about giving retailers and workers the choice on Boxing Day trade, but for many it is not a choice they even want to make. What this bill creates is pressure on retailers who do not want to open on Boxing Day but are essentially forced to open because the shopping mall they are located in is open, their competition is open or because they feel as though they will miss out on some of that retail spend. It does not have to be that way.

Certainly, this bill will eliminate the ridiculous scenarios that we saw prior to 2015 when some stores and shopping malls were allowed to open and others were not. This was true in my own electorate, in neighbouring Newcastle and on the Central Coast. But while granting all the retailers and banks a Boxing Day free-for-all might get rid of that problem, we are creating another one and taking away a day for many people that is as sacred to Australian families as the Boxing Day cricket test itself. As I said earlier, the world has changed; it is getting faster and the work-life balance is wrong for countless Australians, particularly many who will succumb to unspoken or subtle pressure and agree to work rather than spend time with family and friends.

I am definitely with the workers on this one. I would prefer to see the Boxing Day public holiday remain a true and proper public holiday for workers in non-essential industry. I would prefer that we protected the traditional two-day Christmas-Boxing Day spell and not consign it to history for the sake of a half-price T-shirt that will still be half price the next day. I say to the Minister and those supporting this bill—and similar words have been stated by others before me: "What will you be doing on Boxing Day this year? Will you be spending valuable time with your family and friends, relaxing on the beach, playing cricket with the kids or having a barbecue with the neighbours, or will you be missing out because you got called into a 12-hour shift at work?" It is a rhetorical question. An economy is important but society should not be subservient to it. This bill will not see the collapse of society but it certainly does not add to it. I do not support the bill.

*Visitors*

#### VISITORS

**The ASSISTANT SPEAKER:** I welcome into the public gallery Mr Jeff Griffin and Katrina Gallo from Young Achievers Australia, which does a great job. I urge members to view the website, which has a large number of categories, and to nominate a young person from their electorate. Young Achievers Australia recognises young people for their contributions in many fields of endeavour. I welcome them to the Parliament.

*Bills*

#### RETAIL TRADING AMENDMENT (BOXING DAY) BILL 2017

##### Second Reading

**Ms ANNA WATSON (Shellharbour) (17:36):** I, too, acknowledge those friends in the gallery and welcome them to the New South Wales Parliament. Like my colleagues before me today, I oppose the Retail Trading Amendment (Boxing Day) Bill 2017. This bill is just another shameful attempt by this Government to cuddle up to the big end of town and push down workers by taking Boxing Day away from them. First it was slashing school funding, then it was gutting TAFE. The Government is now slashing Boxing Day as well. Now



that the Government has the trial of Boxing Day trading tucked well and truly under its belt, it is ready to make Boxing Day trading a permanent reality.

Government members do not care about workers who would like to spend Boxing Day with their family and friends. They do not care about workers who would like to travel away from home to visit family and friends and relax. They do not care about the mums and dads who spend so much time working throughout the rest of the year and just want to spend two consecutive days with their kids. To add insult to injury, workers will not be earning the same amount of money due to the cuts to public holiday penalty rates. To make things worse, this bill means that businesses can essentially force workers into doing shifts on Boxing Day. The Allan report suggested that any attempt to legislate Boxing Day trading should include specific safeguards for employees to ensure they would not be coerced into working on Boxing Day if they did not want to.

The report's recommendations included mandatory minimum financial penalties for businesses that coerce their workers to do shifts on Boxing Day. These financial penalties would have been a very important step in making sure that bosses do not take advantage of workers and that employees do not feel that they have to work on Boxing Day, yet the Government has scrapped that idea. If the Government was serious about protecting workers from employer coercion, it would have adopted Professor Allan's recommended financial penalty clauses in the bill. Of course it did not because it is no friend of the worker. Instead, the Government has deemed the clauses as too serious. What is not serious about having workers protected from their employers when many of them do not know that they are not obliged to work on Boxing Day? This is just another example of this Government not caring about anything except deepening the pockets of big bosses and not caring about the workers, who already do not have enough time to spend with their family and friends.

Having strong financial penalties for employers that force their workers to come in on Boxing Day is especially important, because as it stands, most bosses do not even know that workers can only sign up to shifts on Boxing Day voluntarily. In fact, the Allan review found that at least half of the store managers or owners do not know that coercing an employee to work on Boxing Day is illegal. I imagine that many workers would also not know that they cannot be forced to work on Boxing Day. Why would this Government leave out these important provisions to ensure employees are protected from the coercive influence of bosses and managers? This is shameful. Once again, this is a government that just wants to work for the big end of town to the detriment of everyone else.

In his second reading speech, the Treasurer sang the praises of the Allan report, saying it is an "excellent report". Yet, at the very least, if the Treasurer wants Boxing Day trading to go ahead, he needs to make sure that the appropriate safeguards are in place. As it stands, this bill does not do that because this Government could not care less about the people it will affect, and that is the workers. Boxing Day, very much like Christmas Day and the lead-up to it, is a very holy time for many in our community.

**Mr David Elliott:** Where is it mentioned in the Bible?

**Ms ANNA WATSON:** It still is a very holy time over many days that is sacrosanct to many families, mine included. Boxing Day has always been a time of rest and a day to enjoy with family and friends after the busyness of Christmas Day. There are the only two days a year when everyone can spend time together, they can travel, and they can just take some time out. I do not want families to be told they cannot get together on Boxing Day because they have to go to work thanks to this Government. I would like to see the Minister work on Boxing Day in some retail store.

**Mr David Elliott:** I have for many years.

**Ms ANNA WATSON:** Go and do it again this year and see how you like it.

**The ASSISTANT SPEAKER:** Order! The member for Shellharbour will direct her comments through the Chair and the Minister will cease interjecting.

**Ms ANNA WATSON:** For years, no-one had an issue with waiting for the big sales on 27 December. It was not an issue for anybody. Everybody could rest, everybody could spend time with family on Boxing Day and everyone could get up bright and early on the twenty-seventh to catch the post-Christmas sales.

**Mr David Elliott:** Crocodile tears.

**Ms ANNA WATSON:** I take the interjection from the Minister because I have for very many years, in fact, all my working life, advocated for working men and women in this country and I will always support them. At the end of the day, it is only the union movement and the Labor Party that ever will protect workers. Those opposite are only interested, as we have seen with the workers' compensation legislation, in the big end of town, looking after insurance companies and big business.

For years, no-one had an issue with waiting for these big sales. As I said, everyone could rest and spend time with their family on Boxing Day and they could get up bright and early on the twenty-seventh and if they wanted to go and get a bargain, they could. That was always there for them. With this bill, this Government is not really giving people a choice. Whether they want to work on Boxing Day or not, they are going to have to. In the eyes of this Government, it will not matter whether they put their hand up to work on Boxing Day or are told that they have to work by their boss. The Treasurer may say that there are financial penalties in place, but who is going to enforce them?

**Mr David Elliott:** We will.

**Ms ANNA WATSON:** You will enforce them? I hope Hansard has that on record.

**The ASSISTANT SPEAKER:** Order! The member for Shellharbour will ignore the interjections and address her comments through the Chair. The Minister will cease interjecting.

**Ms ANNA WATSON:** I wanted to take that interjection because I want to make sure that it is in *Hansard*. The Minister has just said that he will make sure that these penalties are enforced.

**Mr David Elliott:** We will.

**Ms ANNA WATSON:** No, the Minister said he will. If they are enforced, are they really going to be enough of a penalty to ensure that employers do not keep coercing employees to work on Boxing Day, year after year? Do not be fooled. This Government will say that this bill gives retailers a choice to open on Boxing Day, but it is not about that. If this Government was so concerned about giving people a choice to work on Boxing Day, they would have put adequate safeguards protecting workers from employer coercion into this bill. But they have not.

On this side of the House, we know that Boxing Day is a time to relax and spend with family, not go to work. We will stand up against the disgraceful erosion of this important public holiday by this Government. We have seen once again that this Government holds nothing dear. They are happy to sell off assets, slash jobs and push a wrecking ball through this State at any and every opportunity. Now they are coming after our public holidays. I hate to think what is coming next. This Government is certainly the Grinch that has stolen Christmas and I will definitely not be supporting this bill.

**Mr RON HOENIG (Heffron) (17:44):** I place on record my opposition to the Retail Trading Amendment (Boxing Day) Bill 2017. I support fully the Opposition's position on this bill, which is that it will oppose the bill, and if the voters of New South Wales elect a Labor Government in 2019, it will repeal it if necessary. We will do this, because it is the right and fair thing to do. Labor stands for justice and fairness for workers, and a fair go for small businesses. We believe that we live in a society, not an economy. We believe that 360.5 days of unregulated, unrestricted trading is more than enough. We believe that people in our society work to live, they do not live to work.

This bill is pure, undistilled conservative ideology, and it comes as no surprise that the Government's chief ideologue was the one to introduce this bill, a bill that seeks to take away what precious little family time is left in this society in the name of "choice". In my experience, whenever one hears a conservative talk about "choice", or "flexibility", or "freedom", if people scratch the surface they will find that they are really talking about the erosion of rights and freedoms of the powerless, and the strengthening of the hand of the powerful. The Treasurer promises that no worker will be compelled to work on Boxing Day, but this is a fantasy. I would like the Treasurer to use his vivid imagination to picture one of his local workers bagging up a Boxing Day sale at Myer, or stuffing a box of fries at Windsor Road McDonald's on December 26. He would know just how employers coerce workers into working when they do not want to, even when those employers are small business owners who, through no fault of their own, feel compelled to trade on those days.

A survey conducted by the Shop, Distributive and Allied Employees Association, the union for retail workers, found that 40 per cent of employees felt coerced to work on Boxing Day. That survey found that 10 per cent of retail workers who refused to work on Boxing Day suffered the consequences from their employers—and yet the Allan review found no employers have been prosecuted for coercing their employees into working on Boxing Day. The Government's own Allan report, on which this bill is premised, found that a shocking 50 per cent of store owners and managers were unaware that working on Boxing Day is voluntary, and that coercion was an offence. It does not stretch the imagination to think that within the remaining 50 per cent of owners, there is a significant cohort of owners or managers who do know that Boxing Day is voluntary, and coerce their employees anyway.

Given the casualisation of the workforce in this country over many decades, workers are increasingly reliant on the generosity of the manager who allocates their shifts to make ends meet. The Government's Allan

review found that perhaps 10 per cent of owners or managers felt pressured to open on Boxing Day. In a hypercompetitive global economy, this number is certain only to rise, should the deregulation of the Boxing Day trading occur, for the simple fact that businesses will be expected to open and trade. Clearly the protections inherent in the original 2015 Retail Trading Bill have not resulted in any degree of protections for workers, either through simple ignorance, or perhaps malice, on behalf of employers.

Sadly, any protections for small business owners also have been ineffective. The only beneficiaries of the 2015 bill, and the sole beneficiaries of this amendment, are the large retailers and employer associations, who both work cosily, hand in glove, with those opposite. Any economic benefits that could supposedly arise from this change have also failed to materialise. During the two year Boxing Day trading trial, growth in December retail trade plummeted, compared to the three-year period to 2014. Clearly, restricted trading on Boxing Day is no impediment to strong retail sales performance throughout the crucial December month. And why would it be? Sales not made on 26 December could just as easily be made on 27 December. Indeed, proponents of this change could not even guarantee that Boxing Day trading in particular made a positive contribution to their sales, instead pleading that it only helped to build momentum for sales in the final week of December.

Yet that argument is belied by the evidence. December retail sales grew faster under the old restricted Boxing Day trading regime prior to the 2015-16 trial. Businesses will not fail or succeed on the basis of an extra day's trading in December. The Government's bill will create no new jobs nor will it improve anyone's standard of living. What it will do is take one more day from workers and their families, and give one more day of trading to the big retailers who stand to benefit from this move. If this bill becomes law many retail workers across the State will find themselves working on Boxing Day year after year, while the Treasurer and members in this place enjoy the day off to participate in one of life's great pleasures: a day off spent in the company of your family, sat around the backyard table, sharing a bottle of white wine in the sun, and listening to the cricket on ABC Grandstand. That is where retail workers in this State would rather be on Boxing Day. Although, the way the Australian cricket team is performing, I do not know. I will not support the bill for their sake.

**Mr JIHAD DIB (Lakemba) (17:51):** I make a contribution to the Retail Trading Amendment (Boxing Day) Bill 2017. Throughout December 2015 and December 2016 New South Wales participated in a trial allowing retail trading to take place on Boxing Day, 26 December. My contribution will echo the sentiments of previous speakers to the debate. The trial has concluded and the jury has reached a verdict, that is, retail trading on Boxing Day comes at a cost to a select group of workers and delivers benefits to a very few. In this country the Christmas-New Year period, regardless of people's religious affiliation, or none, is one of the few times when they take a break with family and friends. They may be nearby or it may involve travel. The usual routine of working, commuting and shopping is interrupted by a refreshing break that rejuvenates us for the weeks and months ahead.

It is one of my favourite periods of the year; people can enjoy themselves and let their hair down and everything shuts down. It is a week that sees government and business shut down. In this place parliamentary and electoral staff need to seek special permission to come to work. Is it too much to ask that Boxing Day, a public holiday, be protected? It is a day when workers in the retail industry have a right to a day off and not be pressured or cajoled into working. Is it too much to ask the consumers in New South Wales to plan their shopping, like the good old days, so their fellow citizens can take a day off along with the vast majority of other people? I do not think so.

Casualisation of the workforce has resulted in workers experiencing decreasing control over hours and rates of pay. When job security is limited, retail workers are telling us the demand to work on Boxing Day is a gross encroachment on personal and family time. The trial proves that it is a failed initiative. The Labor Party is a party of realists. We understand what goes on in the workplace and are appalled at the widespread and systematic wage theft uncovered in some of the most famous retail brands and franchise arrangements in this country. We have seen this recently. The Opposition has spoken to retail workers and the Shop, Distributive and Allied Employees Association about the reality of working on Boxing Day. Theoretically, anyone working on Boxing Day is a volunteer, but it is clear from the data that we have that 41 per cent of workers answered "no" to the question, "Do you feel that you freely elected to work on Boxing Day?"

The Allan review found that 22 per cent of the workers surveyed felt coerced to work on Boxing Day. That is the reality. The idea that low paid casual workers can ignore the power differential between themselves and their employers is fantasy. Any teenager working in a fast food or retail chain knows about the power of the rostering manager and the tendency to apply pressure, call in favours, or if the work is prepared, that they need you to "take one for the team". That is reality. My daughter works and will often receive a call asking her to "come in now". If she was asked to work on Boxing Day she would not say, "You cannot compel me to do that." She would turn up to work. That cuts into the special and often reduced family time we have.

What of the retailers themselves? The review found that the majority of retailers do not support Boxing Day trading. The vast majority of small retailers would prefer to spend time with family and friends. It is actually

the large retailers who want this, not the smaller retailers. I would be willing to bet, I believe the Minister would agree, that the senior and the middle management of those large retailers and their corporate head officers, the marketing department, the human resources department and the information technology group will be happily enjoying the public holiday while employees work on Boxing Day. What is Boxing Day? It is the family day. Everyone has different types of Christmas day. We spend it with the extended family and we have to travel from one place to the next often to see those "once a year" people. Christmas Day is a day of obligation but Boxing Day is different.

**Mr David Elliott:** Scrooge.

**Mr JIHAD DIB:** Boxing Day is the family day. My friend and colleague the member for Heffron spoke of sitting down on Boxing Day and listening to the cricket on ABC Grandstand. It is always in the background. If we are batting and Warner is in fine form we will watch, otherwise it is in the background during a barbecue or letting lunch and dinner settle from the previous day while regretting the sweets we ate. It is one of the few opportunities to have consecutive days with family and friends. It is a day I love to wear board shorts, I do not have to wear a suit and I do not have to think of anybody other than my family.

Members should consider those that are forced to work on Boxing Day. The bigger question is where do we draw the line of separation between work and life balance? Where do we separate work life from the personal life? We hear people talk about the importance of work-life balance, but what does that mean? If we take away public holidays we take away the opportunity for families to get together. People need to rest and reconnect. Whether people have a big or a small family the question is where does the erosion of family time stop? When do we say enough is enough? Where is the compelling evidence that the consumers want this? I have not seen any.

Some people love the sales. January is when I attend the sales. Usually there is nothing in my size but I go and look. Each year we spend \$750 million in one day and much of it is on credit. I do not think people would care if there was a one-day delay. We see consumer attitude and behaviour being harnessed to reduce waste, to be more green and to be aware of the impact on workers' rights here and overseas. I believe that the average consumer, with enough notice about the Christmas and new year shopping hours, would be happy to see the day reserved as a true public holiday in the retail sector, especially if they knew that their fellow citizens would be able to take a day off without feeling pressured to work; a day where they can do as they wish.

We believe that we are a society and not an economy. People need and deserve reasonable time with their families in their communities. We support fair shop trading law, which includes protection for several public holidays, including Boxing Day. Removing the protection for the Boxing Day holiday brings no discernible gain to the people of New South Wales. It only serves to reduce the quality of life for small business retailers and workers who feel pressured to work. The questions we need to ask are: What do we want as a society? What is important to us? Is it important that we continually chase the ever-elusive dollar, or that we start giving value to the importance of a social construct and that people have time to do things? This bill is not about improving the economy or whether it will make a difference. I do not believe it will. However, it will take away the one day that small and large families can spend together. They should not feel coerced or pressured into working on Boxing Day. It should be a day that they can spend recuperating from the year's work.

**Ms JODIE HARRISON (Charlestown) (18:00):** I oppose the Retail Trading Amendment (Boxing Day) Bill 2017. I do so as a member who has the two largest retail centres in the Hunter region—Westfield Kotara and Charlestown Square. More than one in 10 people in my electorate work in the retail sector. It is shameful that this Government is again attempting to steal Christmas from retail workers. The anticipated increased economic benefits from the two-year trial of trading on Boxing Day have failed to materialise. There is no strong public support for all shops to open on Boxing Day. The object of the bill is to amend the Retail Trading Act 2008 to permanently allow shops and banks to open on Boxing Day and to allow banks to open on the bank holiday and certain public holidays other than restricted trading days.

Getting together with family and friends on Boxing Day is a great Australian tradition. It is a time to play backyard cricket, to watch cricket, to listen to the cricket, to head to the beach, to share Christmas Day leftovers, or have a barbecue with family and friends. It is time to travel long distances to see loved ones, return from seeing loved ones, or split celebrations between two sides of the family. We know a lot of different family models exist now and Boxing Day is a time when people can balance their competing family responsibilities. Boxing Day should be a public holiday and a restricted retail trading day. This is important in ensuring that workers in the retail and related industries are guaranteed a day off work, allowing them to celebrate Christmas with their families and friends and to recover from the busy pre-Christmas shopping period. The retail industry now operates seven days a week. Many employees are already required to work antisocial hours, which restricts their social and family time. I can remember it was not that long ago when retail stores were not open on Saturday afternoons or Sundays.

The community expects that government will ensure a fair balance is maintained between the interests of business, consumers and employees. This legislation goes past that tipping point and that balance no longer exists. Retail trading hours in New South Wales are already largely deregulated, permitting unrestricted trading 24 hours a day, seven days a week for 365 days a year. For most retail workers, Good Friday, Easter Sunday, Christmas Day and Boxing Day are the only guaranteed days in the year when they can plan to make family arrangements. This is due to expansive employer rostering discretion, the use of annual leave blackout periods and the increasing span of trading hours directly associated with the sales that occur at those times of the year.

These public holidays also commonly fall in the middle of school holidays when working parents in the industry—particularly a high proportion of working mothers—depend upon the practical effect of restricted days and voluntary work arrangements to ensure that they can spend guaranteed time with their children. It is important to note it is not only retail workers who will be affected by the proposed changes. Many other industries such as couriers, security and cleaners also support the retail industry. Those workers have also emphasised the importance of a guaranteed day off work. They are relatively low-paid workers and many work two or more jobs to make ends meet, which takes its toll on their social and family life. Guaranteed days off work are rare and their value cannot be underestimated.

The 2015 amendments required shops to be staffed only by workers who had freely elected to work and had not been coerced or harassed by their employer. Despite those legislative provisions, time and again over the past two years workers were denied the opportunity to refuse work and were forced to work on Boxing Day. Retail cleaners and security workers are overwhelmingly employed as casuals, with limited job security or individual bargaining power. Workers are pressured to work on Boxing Day and they do not feel confident in refusing their employer's request or making a formal complaint. Many workers are not aware of their right to refuse work and believed they were required to work because they were rostered on.

The Allan review into Boxing Day trading found that retail sales growth in December has been lower in the two years of unrestricted Boxing Day trading compared to the two years before when shops were closed on Boxing Day. It also found that the majority of retailers—almost 60 per cent—do not support Boxing Day trading. Support is coming from the big retailers at the expense of their employees spending time with their families. Other members have spoken about this legislation supporting the big end of town. Most small retailers would prefer to spend time with family and friends. Only 5 per cent of the public have shopping as their first priority on Boxing Day. Of those who did shop, most went to the sales on a day other than Boxing Day.

Up to 40 per cent of retail workers felt pressured to work on Boxing Day in 2016, which is up from 29 per cent in 2015. One in five retail workers felt coerced to work on Boxing Day and one in 10 retail workers who refused to work on Boxing Day suffered a negative consequence from their employer. The department has also not prosecuted any employer for forcing an employee to work on Boxing Day, despite complaints having been lodged. Legislative requirements allowing only workers who have freely elected to work do not acknowledge the limited power of individual workers who refuse to work.

Many people in the retail sector have precarious jobs and the only way to ensure that workers are not coerced or pressured to work on Boxing Day is to restrict retail trading and prevent stores from opening. United Voice has shared stories of its members who work at a Western Sydney shopping centre. Throughout 2015-16, those workers were not provided with the opportunity to take Boxing Day off. They were issued with rosters and they were expected to work. They were never informed that they had the right to refuse work. A number of workers expressed their preference to have taken the day off. Donna, a retail worker, rightly stated:

Some days should be considered sacred to Australians. Christmas and Boxing Day are unique opportunities and should be kept retail-free with shops staying closed. As a shop assistant, I truly appreciate having two consecutive family days at Christmastime. It's not often we get two days together as a family unit. I want the right to not feel the slightest bit of pressure to work when the rest of Australia is having a day off.

We must remember it is not only shop assistants who are affected. Support staff for retailers are also affected. Deb, a shop cleaning cleaner, stated:

We don't really get a choice of working Boxing Day if we're rostered on. Of course I would prefer to be with my family on Boxing Day, especially as it will really be my granddaughter's first Christmas as she'll be 18 months by then. And you can't really relax on Christmas Day when you have only one day off. Last year I worked on Boxing Day and it was really busy at my mall and there was a lot of cleaning up to do. I take this opportunity to congratulate and thank the SDA, United Voice and their members for their work, research and campaigning on this issue over the past few years.

**Mr David Elliott:** She just said the first Christmas for an 18-month-old baby.

**Ms JODIE HARRISON:** It is not good enough. The Minister might think that working on Boxing Day and losing workers' rights is a laughing matter but Opposition members do not. These workers are missing out on precious time with their families. They cannot relax after working long hours at a frenetic pace in the lead-up to Christmas Day. Some workers even work until midnight on Christmas Eve. They deserve time to celebrate

Christmas with their families and friends. There is no feasible economic argument to justify the continuation of retail trading on Boxing Day. The two-year trial of retail trading on Boxing Day has not succeeded. It has seen workers coerced and pressured into working. The trial has only confirmed that opening retail outlets on this special national holiday increases stress for workers and comes at a widespread social cost to community members who lose precious family time. The Boxing Day trading trial should be discontinued as a dismal failure. Boxing Day should be given back to families, and not regarded by this Government as a joke. This bill should be voted down. If it goes through Labor will repeal this outrageous attack on the family time of workers.

*Visitors*

**VISITORS**

**TEMPORARY SPEAKER (Mr Greg Aplin):** I recognise in the public gallery the Hon. Elisabeth Kirkby, a former member of the Legislative Council.

*Bills*

**RETAIL TRADING AMENDMENT (BOXING DAY) BILL 2017**

**Second Reading**

**Mr GARETH WARD (Kiama) (18:11):** I support the Retail Trading Amendment (Boxing Day) Bill 2017 which will allow for Boxing Day trade across New South Wales. Previously trading on Boxing Day was permitted at centres such as Sydney and Shellharbour. However, it was restricted up the road in Wollongong. I will address some of the comments made by Opposition members who used union talking points in the debate and who said that it was terrible that people would be forced to work on Boxing Day. I will take them back to 2008 when amendments were made to the retail trading legislation. At the time they abolished restrictions on 52 Sundays for working families and allowed retail trading on Sundays. They also reduced the restricted days to 4½ as a result of that legislation. When we look at the record of Opposition members we realise it is nonsense for them to say in this Chamber that they are concerned about trading on only one day. I will not allow this Government's record to be besmirched by Labor members when in 2008 they got rid of 52 restrictions for retail trading on Sundays.

I support this legislation because appropriate safeguards have been put in place. From the way in which the Opposition engaged in this debate one could be forgiven for thinking that no safeguards are in place and that every small business will be forcing its workers to work on Boxing Day. But significant restrictions, preventions and safeguards are in place to ensure that that does not happen. I think that businesses, in particular, businesses in tourist areas such as mine, should be able to trade on Boxing Day and take advantage of that popular day. When the trial commenced I walked through Wollongong mall on Boxing Day where trading had previously not been allowed and business was booming. People were delighted to be able to work and to take part in the Boxing Day sales.

I commend and thank Paul Green from the Christian Democratic Party who helped to support the original trial, as did Reverend the Hon. Fred Nile in the Legislative Council. The trial worked effectively and the provisions were found to have worked. Professor Percy Allan, AM, a former Secretary to the Treasury between 1986 and 1994, was appointed to lead an independent review in February 2017 to evaluate the changes made to the Retail Trading Act in 2015. Professor Allan was aware of the contrasting views of retailers and unions about continuing to permit trading on Boxing Day and decided to request the commissioning of independent research to assist his review.

The research comprised two surveys conducted among owners and staff of retail business in New South Wales. In total, 300 business owners or store managers and 400 employees were asked a range of questions about their attitudes to the two-year trial period to which I referred earlier. The research found that general awareness of the option to be able to trade on Boxing Day for the past two years is high among the retail industry. But approximately one in four businesses still claimed that they had not heard about the changes. While many retailers and employees are aware of the changes to Boxing Day in a general sense, approximately half are not aware of the key details, including its temporary nature and the elect-to-work provisions. Close to 70 per cent of retail employees did not feel any pressure to work on Boxing Day.

Of those employees who indicated their preference not to work on Boxing Day, most experienced no negative repercussions. Indeed, only one in 10, or 10 per cent of total employees surveyed claimed to have experienced negative repercussions. As I said, this legislation enables those employees, as it should, to protect their choice. This represents only a small minority of employees across the different businesses, sizes and types of stores. The research also found that the overwhelming majority of retail businesses and store managers did not feel any pressure to open their shops from another owner, franchiser or landlord. Negative repercussions for

choosing not to open their shops were extremely low, with only one business claiming to have fallen into this category.

Overall there is greater support than opposition for continuing to allow Boxing Day trading across this State. Support for the changes to be maintained is highest among employees, which outnumbers opposition by two to one. Among retail employees support is high among those who are casual employees, 60 per cent, and those who work in shopping centres, 59 per cent, particularly in areas like Wollongong that has a number of university students who stay throughout that period and want to be able to work. This legislation empowers them to work and it protects them as it should. Professor Allan took the findings of the independent research into consideration when concluding that residents of New South Wales should continue to be given the option of whether or not they should be able to trade on this day.

I turn to the remarks of Chris Lamont from the Illawarra Business Chamber who welcomed the fact that the Government pursued this course of action. Chris Lamont, who is incredibly well respected, said that this is something the business chamber supports. It makes no sense to anyone when someone is able to trade on Boxing Day in Shellharbour but not in Wollongong. Every Illawarra Labor member will vote in this Parliament against this bill, but where will they be in October? They will be at the business awards. They will tuck their knees under the chamber table and tell every business owner that they support them. They will say that they are on board with business owners and that they stand with small business. However, when they have to vote for sensible provisions in this place they take their riding instructions from the trade union movement every step of the way. We have given workers all the protections that one would expect and no-one feels pressured to work on that day. We recognise the importance of Boxing Day to workers in this State.

**Mr Guy Zangari:** You do not have respect for the worker.

**Mr GARETH WARD:** I acknowledge the interjection of the member for Fairfield. Labor did not care about workers in 2008 when retail trading days were changed to allow trading on 52 Sundays. We are talking about one day with express provisions. When Labor changed the retail trading legislation to allow for trading on 52 Sundays that were not previously allowed and it reduced the restricted days to 4½ days, were safeguards such as those proposed by this legislation in place? Not a single safeguard was in place. Yet Opposition members come into the chamber with their union-prepared talking points, with their pouty faces and say that they stand for workers. What about the workers who want to work? What about the workers who want to be given an opportunity to work on that day? I reckon a few Labor members will be spending up big and taking advantage of the Boxing Day sales. The member for Fairfield will probably change his ill-fitting suit for one that is slightly better. I am sure that every member will be taking advantage of Boxing Day sales.

When those opposite were in government and had the opportunity to put safeguards in place, there were none. Their union crocodile tears are for naught. They have marched in one after another and given their speech so they can go to the Shop, Distributive and Allied Employees Association and say, "Look how good we are. Here's the *Hansard*. We stand for you." What did they do when they were in government? Absolutely nothing. I will not be lectured by those pious, canting hypocrites opposite. I will stand with small businesses in Wollongong and tell them that we back them. We will back the employees who want to work, we will provide the safeguards that people expect and we will deliver on this legislation. When Opposition members are sucking up to the business community and saying that they are on board that community will remember that when members opposite had the opportunity to support this bill they were absolutely nowhere. We will support this bill with its safeguards to benefit employees. I commend the bill to the House.

**Mr GUY ZANGARI (Fairfield) (18:20):** Mr Temporary Speaker—

**Mr Geoff Provest:** The member for Reuben F. Scarf.

**Mr GUY ZANGARI:** I note the interjection by the member for Tweed. I know where to buy my suits—through local vendors in Fairfield, who will have to open on Boxing Day and not spend time with their families because of this Government. The Retail Trading Amendment (Boxing Day) Bill 2017 will take away family and social time from New South Wales retail sector workers on Boxing Day. This will occur as a result of the revocation of the sunset clause of 1 December 2017, thus allowing retail trading to take place on Boxing Day and banks to open on bank holidays. Former Treasury Secretary Percy Allan completed a review into retail trading on Boxing Day and recommended that Boxing Day trading be continued. This is being achieved through the revocation of the aforementioned sunset clause. The review also made a number of recommendations that the Government is not implementing in this bill.

The review recommended the following changes be implemented: that a minimum penalty for pressuring or coercing retail employees to work or not work on Boxing Day be set at \$3,000 per employee adjusted annually by the Sydney consumer price index; that a minimum penalty for pressuring or coercing retail tenants to open or

close on Boxing Day be set at \$6,000 per tenant, also adjusted annually; and that NSW Industrial Relations be given the legislative authority to fine offenders without having to mount prosecutions in court. Unfortunately, members opposite have ignored these recommendations and pushed ahead anyway. The Allan review also discovered that half of the store owners and managers surveyed were oblivious to the fact that working on Boxing Day was supposed to be voluntary and that coercion was an offence. This is further reflected by statistics showing that 10 per cent of store owners and managers felt pressure to open on Boxing Day and 22 per cent of workers felt coerced to work on Boxing Day. Most alarmingly, a whopping 40 per cent of employees felt coerced to work on this special day.

Despite the Government's best arguments as to why these changes are necessary for our economy, there is no evidence to suggest that permitting trading to occur on Boxing Day has made any real net positive contribution to the economy. The evidence to the review disclosed that "retail sales growth in NSW has shown greater fluctuation from year to year. It soared strongly between 2012 and 2014, but then relapsed between 2014 and 2016". That is contrary to what members opposite would have people believe. It is definitely not the workers or the employees in the retail industry who are calling for extended trading hours or to be coerced into working on public holidays. This Government claims to be for the people; we hear that rhetoric all the time. It is clearly not for the workers or employees in the retail industry.

**Mr Geoff Provest:** We are for the workers.

**Mr GUY ZANGARI:** The member for Tweed is certainly not. This was evidenced today outside Parliament by a large gathering of individuals from the retail sector rallying against the introduction of this bill.

**Mr Geoff Provest:** I saw the red T-shirts.

**Mr GUY ZANGARI:** Did you see Santa Claus?

**Mr Geoff Provest:** No.

**Mr GUY ZANGARI:** He was there. There will be no presents under your tree this year as a result of the introduction of this bill. It is evident that this Government has become disconnected from reality. It seems to be under the impression that employees would prefer to spend Boxing Day going to work rather than spending time with their friends and family. What a joke. The Opposition believes we are living in a society built on hard work and a fair go, and it emphasises the importance of family. Those opposite clearly believe we are heading towards a society where the workers must sacrifice their personal and family time so that someone else can make a few extra bucks. NSW Labor has supported and fought for fair shop trading laws, including existing protections for Good Friday—

**Mr David Elliott:** Point of order: I refer to ruling 9.17 from previous Speakers that members are not to read their speeches in second reading debates. The member for Fairfield is clearly reading his speech, which was obviously written by a union member. I ask you to remind the member of the previous ruling that says members cannot read their speeches.

**TEMPORARY SPEAKER (Mr Greg Aplin):** Order! The Minister is correct that there are previous rulings to that effect, but it is customary to refer to copious notes. I am sure that the member for Fairfield is doing that and not reading a prepared speech from another source.

**Mr GUY ZANGARI:** I note that the Minister for Counter Terrorism is suffering from RDD—relevance deprivation disorder—but I am referring to notes and adding further material.

**TEMPORARY SPEAKER (Mr Greg Aplin):** Order! The member for Strathfield will cease interjecting.

**Mr GUY ZANGARI:** The Minister needs to keep his comments to himself. He has a young family and knows that his family members will eventually end up working on Boxing Day. He should be saying that he wants to spend time with them. I will leave it there. As I was saying, NSW Labor has supported and fought for fair shop trading laws, including the existing protections for Good Friday, Easter Sunday, Christmas Day, Boxing Day and Anzac Day morning to ensure appropriate protections for personal, family and community time. All the evidence indicates that removing these protections will not increase employment or economic wellbeing. In fact, it will only reduce the quality of life of affected workers and small business operators who will wind up being pressured into working on those days.

A future Labor Government in 2019 will ensure that the damage done today by members opposite will be undone. We will repeal the legislation that places undue pressure on workers and employees in the retail industry in New South Wales. Why does the Government not stick up for young workers and employees? Once again, Government members are in the pockets of their big business mates and have their noses in the trough to



be concocting this legislation. We constantly hear the rhetoric that this Government is the party of the workers. That is misleading the House. Members on this side of the House will oppose the bill.

**Ms KATE WASHINGTON (Port Stephens) (18:28):** The Retail Trading Amendment (Boxing Day) Bill 2017 seeks to remove the restriction on retail trade on Boxing Day and strips retail workers of their right to a public holiday and to spend the day with their family, loved ones and communities. This bill comes after the Government's trial of Boxing Day trading for the previous two years. That trial has confirmed the Opposition's serious concerns that the changes are unfair and will hurt low-paid workers. New South Wales Labor has always believed that Boxing Day is, first and foremost, a day for workers to spend time with their families and friends and in their communities. As legislators, we should all acknowledge the reality of the fact that workers in this State are being stretched more and more and that families are doing it tough.

**Mr Geoff Provest:** It's voluntary.

**Ms KATE WASHINGTON:** The member for Tweed says that this is a voluntary measure. I say to him that there is nothing more out of touch than the Government's position that it thinks workers will not be coerced into working on a day—

**Mr David Elliott:** You don't care about them on Anzac Day; why would you care about them on Boxing Day?

**TEMPORARY SPEAKER (Mr Greg Aplin):** Order! The member will be heard in silence.

**Ms KATE WASHINGTON:** The pressures of modern work are increasingly overriding and suppressing the valuable time workers spend with their friends, family and loved ones; it is diminishing the time they spend in their communities and contributing to something greater than themselves; and it is reducing their well-earned rest, recreation and leisure time. That is the reality facing many working men and women as they try desperately to balance their obligations to their employer and their family and maintain their physical, mental and spiritual health with adequate rest and recreation time.

As a result of these pressures, it is undeniable that modern workers are increasingly forced to trade away family time and recreation time in order to fulfil their working commitments. As a civilised society, where everyone is valued, and "family" and "community" still mean something, we should not be trading away these entitlements lightly. But that is what is happening with this bill. We all know that it will be the workers who have the least bargaining power who will be forced to work on Boxing Day because of this bill.

We have seen submissions from large retailers such as Woolworths and Bunnings, who have decided that Boxing Day trading is critical to their continued success and billion-dollar profits. But I would hazard a guess that Woolworths corporate managers and store managers will not be at work on Boxing Day; they will probably get their duty managers and junior staff to work, while they themselves spend the day after Christmas with their friends and family. I would not deny them that, but we on this side of the House do not want to lose sight of the fact that these changes will affect low-income workers most.

Among all the outlandish and extravagant talk of profits and instant job creation, we should not forget that this bill will reduce the quality of life for workers who are not in a position to say no, while leaving higher-paid workers untouched—and that is simply not fair. We believe that every worker deserves the right to spend the Christmas period with their friends and family. These days, the reality for many people with separate families is that they do not have access to their children on Christmas Day and they need to have Boxing Day free to spend time with them. There are many families who are struggling each and every day. To remove Boxing Day from that mix is nothing short of cruel.

The assurances we have been given from this Liberal-Nationals Government previously, and again now, that workers will not be forced to work are, quite frankly, shallow and meaningless. The very same review that this Government is relying on to promote this bill, the Allen review, clearly points to the fact that this Government's current protections are so weak and inadequate that half of all store owners and managers are completely unaware that working on Boxing Day is voluntary. That is an undeniable indictment of this Government and its constant and repeated attacks on workers and workplace conditions in this State.

The review also found that more than 20 per cent of affected workers have felt coerced to work on Boxing Day. That is 20 per cent who feel they cannot say no or that if they did say no there would be ramifications, such as no more work, no more money for their family and no more ability to put food on the table, which is completely contrary to what the Government is saying. It is a perfect example of how out of touch this Government is. Unless those members opposite are being disingenuous, it seems they honestly believe low-paid workers will not be negatively affected by these changes. They seem to believe low-paid workers will be in a position to say no

without suffering any consequences. There could be no greater illustration of how out of touch this Government is than that.

In reality, anyone who understands how retail trade operates would know that often low-paid workers and junior staff are not in a position to decline work without the fear of their other shifts being reduced or removed. Simply burying one's head in the sand and refusing to acknowledge this reality does not make it any less true. Given the Allen report pointed to this exact problem and made recommendations to address the issue, one would think that this Government would accept that its changes are unfair—if not overall, at least in their implementation. Of course, the Government has not. In fact, the Government has rejected the recommendations contained in the Allen report that would protect workers from being coerced into working on Boxing Day.

Given the large number of responders who had experienced coercion during the trial—more than 20 per cent—has this Government committed to increasing compliance capabilities to protect low-paid workers? No, it has not. The Government has committed to updating its website with, and I quote from the Minister's second reading speech, "a best practice process for planning, notifying and rostering staff without resorting to coercion". I have no confidence that that kind of approach will help, and I am sure it does not fill low-paid workers with any confidence at all that this Government has their interests at heart.

The unfairness of this bill is very evident in my electorate of Port Stephens. Port Stephens consists of a large and well-recognised tourism area around Nelson Bay, and our Boxing Day trading has been part of the offering for our visitors over many years. But in those areas we must ensure that there are adequate safeguards for the workers. Port Stephens also consists of townships and neighbourhoods that are not reliant on tourism, and Boxing Day trading in those areas works against small business owners as well as employees. Small businesses operating in retail centres can be required to open under the terms of their lease, but the owners who have spoken to me have told me of their distress at having to open up on Boxing Day themselves because they cannot afford to pay staff on Boxing Day when they are getting no trade.

This Government does not care about the workers or the small business owners. It makes me wonder who on earth the Government is representing. It is a party that stands in here and pretends that it is the party for the workers. That is a complete farce. No-one outside this place and no-one on this side of the Chamber can believe that that might remotely be the case. The Government can continue with that farce for as long as it likes but it will always be a farce. New South Wales Labor will always protect fair shop trading laws. We believe in protecting our valuable and culturally significant days of restricted trading: Good Friday, Easter Sunday, Christmas, Boxing Day and Anzac Day morning. We support the importance of those days, and we support the importance of allowing workers to spend this time with their loved ones in their communities.

No-one should be under the illusion that this is where it starts and ends with the Liberals and Nationals. If Boxing Day trading laws are watered down, this Government will be coming after Easter weekend as well, and other public holidays. That is why the Labor Opposition has committed to repealing these laws if we form government in 2019. Those of us on this side stand firm with the workers, and we stand firm in representing the lowest-paid workers in our communities. The Shop, Distributive and Allied Employees Association—the Shoppies—represents the lowest-paid workers in our communities and it does a terrific job, because goodness knows the Government is not representing them or standing up for them. Thank goodness those low-paid workers have a union that has their interests at heart, because this Government does not care about them at all. I am glad to say that those of us on this side of the House do care. We do care and we will not support this bill.

**Mr MICHAEL DALEY (Maroubra) (18:38):** I make a very brief contribution to the debate on the Retail Trading Amendment (Boxing Day) Bill 2017. I will be brief because many Opposition members who have spoken on this bill, particularly the shadow Minister with carriage of the matter, the member for Keira, have gone over the finer details of this bill in quite some detail. What has always bewildered me about the question of Boxing Day trading goes back to my training as a lawyer. One of the things we learned in law school when talking about statutory interpretation was a thing I vaguely recall as the "mischief principle".

When endeavouring to interpret the meaning or intent of a bill or law, we were taught to ask ourselves what mischief the bill is attempting to cure or correct. It is easy with things like speeding fines and the like: people are breaking the law and putting other people's safety in jeopardy. And so it goes with all sorts of legislation. If one were to try to interpret what the mischief principle might be in relation to this bill, one could only say that the mischief it is trying to correct is that there is not enough retail trading in New South Wales. The statistic, as I have heard previous speakers say, is that retail trading is available 360.5 days of the year.

It is vastly more simple than that. This bill is purely liberalism in action. When it comes to a consideration of the interests of ordinary people or the interests of the principles of the Liberal Party—unfettered market freedom and unabated, unbounded and unbridled commerciality—that is where they have gone. That is why I am so glad when considerations like this arise that I chose as a young man to be part of the Labor Party. I am certain that it

is the party that has some political empathy. The Labor Party is able to stand in the shoes of ordinary people as individuals and consider what a proposition might mean to them. We are able to stand in the shoes of ordinary people and consider what the proposition inherent in this bill might mean to them. We are able to stand in the shoes of the shopper and try to argue that there is not enough retail trading for shoppers in New South Wales—but there is no way that argument could succeed. We are able to stand in the shoes of young workers and try to consider what this bill does to them.

One thing about this bill that I find bewildering is why the National Party would go for it. Too many young people from rural and regional New South Wales who cannot get jobs in their hometowns obtain work in Sydney. The retail sector is a terrific sector for supporting casuals and students and a lot of young people. The vast majority of young people come through the pub and club movement and retail; it is a great sector that supports them. Young people from rural and regional New South Wales who have come to Sydney to live and to work in the retail sector should not think about the impact of this bill on their Boxing Day, if they are required to work, but instead think about the impact of this bill on their Christmas Day.

Young people go back to the bush to spend Christmas Day with their mum, dad, brothers and sisters and other family members. On Christmas Day they might have a drink, relax, stay up late, attend a party and go to sleep, and the next day they get up, have brekkie with mum and dad, maybe have lunch and then drive back home in the afternoon. If they are coerced to work on Boxing Day, under this bill they will not be able to do that. They will have to go home for a short Christmas lunch, where they cannot have a drink, and then drive back to Sydney. It not only wrecks their Boxing Day, it significantly impinges on their enjoyment of Christmas Day.

That is the key to this bill, as well as the coercion factor. We have all been young and we all know what it is like as a young employee. It is almost never the case that a young person has bargaining parity with their employer. I know this because I have four kids: two who are at school and two who have worked in the retail sector or are still working in it. The conversation would go like this. The rosters are being made up the week before Christmas and Boxing Day. The employer says to the young fellow or girl, "I need you to work on Boxing Day." "Sir, I would rather not. I would rather be with my family." "I really need you." The young people may not be coerced, but they are just not in a position to say no.

All this talk about fines, penalties and regulatory regimes around coercion and so on simply denies reality. The reality is that people in this sector—often young people, single mums, divorcees, older women with kids, and people with non-English-speaking backgrounds—do not have the ability to say no in any way, shape or form. It just does not exist. Even if we want to be generous to the Government and say that the coercion provisions in the bill have been earnestly drafted and the Government reasonably believes that the provisions are well-intentioned and seek to serve to protect people, they do not. We can forget about fines and regulatory regimes because the reality is that people in these sectors do not have the ability to say no. It is up to the Parliament to otherwise protect them, and this bill removes those protections.

Christmas and Boxing Day are a special time of the year. I think that two days off for people who work in that sector is not too much to ask. We do not need to take another day away from people. The big retailers do not need it. They will catch up with everybody in the queue on the twenty-seventh; they will be there as they always have been and always will be. This bill is not a reasonable proposition. It is unfair to people who work in the retail sector because it effectively takes not just one day from them; it takes one day and significantly impinges upon their enjoyment of Christmas Day. It is not worth it. It has been said that the Labor Party will overturn this bill if we are fortunate enough to be elected in March 2019. If you are a young person working in the retail sector, you know that there is only one team looking out for you, and it is the New South Wales State Labor Opposition.

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (18:47):** I speak on the Retail Trading Amendment (Boxing Day) Bill 2017. It took a short, four-page briefing note, three-quarters of which was just blank space, with less than 400 words to show how much this Liberal-Nationals Government cares about the lives of those most adversely affected and how much it values a family's joy and happiness during the peak holiday season. The Government would have us believe that this bill is about giving people choice and that workers will "freely elect" to work on Boxing Day, to use their spin. They want us to simply accept that this bill gives retailers the choice of opening on Boxing Day and consumers the choice of starting their post-Christmas sales a day early.

Once again, the Government has conveniently overlooked a critical component in this debate: the workers themselves who will ultimately not have a choice. It is all well and good for the Government to bandy about the word "choice", but those of us who have loved ones or friends who work in retail know that there is an imbalance in power between management and staff. This imbalance also stretches to mum and dad small business operators who work on the premises of billion-dollar retail landlords. When management are the ones who hold the power to dominate rosters and assign shifts, workers are left with little choice but to accept what they are given and saying no becomes impossible. Who would make the so-called choice to tell their employer that they are spending Boxing Day with their family and then risk unfavourable treatment when the next roster is being decided? The

only choice under the circumstances is a highly pressured Hobson's choice with potentially adverse consequences for the worker's trading or working conditions.

This bill has a misplaced assumption that there is an equal balance in negotiation between employer and employee. We often talk about young people who are new to the workforce or low income earners who rely on every dollar for every shift to make ends meet. An employee negotiating with the employer has to consider the potential consequences for their employment not only on Boxing Day but on every other day in their future employment. This is not a standalone, one-day independent decision, free of consequences. To think otherwise is terribly naive at best and empathetically insincere at worst.

Vulnerable employees do not always have a choice and do not have an equal footing to negotiate spending Boxing Day at home. In my electorate of Macquarie Fields, 3,072 people were employed in the retail industry during the most recently available 2011 census. Nearly 30 per cent of those workers were aged between 15 and 24. That is nearly 4,000 families in my electorate that will be adversely affected by this bill and the Government's naive assumption that retail workers will be able to simply say no to the employer without fear of consequence. That is nearly 4,000 families that may not get the choice to spend Boxing Day together because a mum, dad, brother or sister has to work, and that is nearly 4,000 families the Government has thrown to the wolves in favour of profits for giant retailers.

Surely our community's wealth is better measured in fairness and the joy of valuable family time, not by someone being behind a counter for an extra day during the peak holiday season. When the latest figures for the 2016 census are released by the Australian Bureau of Statistics later this month I expect the same will apply: thousands more families will have their choices taken away by this bill. The question has to be asked: Is it really that important for retailers and banks to be able to open their doors on Boxing Day? The bargains will still be there the next day and I am certain internet banking is readily available with little movement away from the couch. No-one is going to miss out on the post-Christmas sales if the doors stay closed on one day.

I know my colleagues on this side of the Chamber would agree with the message about spending quality time with family and friends. Equally, Boxing Day should be about family and community, not necessarily multinational profit. I speak today to tell the Government that the value of our society is not determined by the balance sheet of giant retailers. The value of society rests solely on the importance we place upon individuals in our community and their right to observe a handful of protected days in which work life does not impinge on family time.

I often spend early mornings at railway stations as people in my electorate bustle to work. Often it is dark and in winter it is extremely cold, but every time I am met with smiles and positive interaction, albeit briefly, as the hardworking people of my electorate deal with long commutes to work. Of course, there are days when the station platforms and trains are empty—Christmas Day, Easter Sunday and Good Friday. These days are the protected few I mentioned earlier. They are days when people can spend precious time with the people they love.

Another critical question I must ask is: When will it end? If this bill is passed, how long will it be before the Government comes after Christmas Day, Easter Sunday or Good Friday? How long before the solemn national tradition that is Anzac Day is ruined by shops opening their doors before 1.00 p.m.? These are currently restricted trading days under the Retail Trading Act 2008, but, as the Government has proved with this bill, nothing is sacred and nothing is safe. Should families in my electorate be prepared to spend Christmas Day away from their families? Should Easter egg hunts be run without mum or dad being able to watch their kids enjoy the wonder that is Easter Sunday? Should church services be scheduled for outside work hours to accommodate people rostered to work on what should be protected days?

These suggestions may seem farcical but, as this bill clearly demonstrates, anything is possible under this out-of-touch Government. If this bill truly were about choice for the consumer the Government would recognise that the retail environment has changed significantly in recent years. Online shopping can satisfy the retail needs of shoppers on Boxing Day—needs, I might add, that do not appear to be too great. There is no evidence that allowing shops to open on Boxing Day actually makes any positive contribution to the economy. In fact, it fails to account for the social and personal costs to all those involved, who feel pressured to work on Boxing Day, and the families who miss out because of their absence.

All it does is remove the choice of many retailers, who feel they do not have the power or the right to say no. Inserting some nice words regarding protection for workers about "freely elected to work" shows a poor understanding of the reality of the workplace and the negotiating power imbalance that exists. Further, it shows an entrenched indifference to the adverse impact on the lives of vulnerable employees—all through fewer than 400 words. They are the people who most need our support and understanding—not least. This bill will benefit giant multinational retailers while hurting the very people who keep their customers happy. It will disrupt families

and further tip the balance of power in favour of employers. I cannot in all good conscience support a bill that has this adverse effect on the people I represent.

**Mr PAUL SCULLY (Wollongong) (18:55):** I make a contribution to the Retail Trading Amendment (Boxing Day) Bill 2017. We all look forward to the festive season. Christmas and New Year is a time where our attention turns to spending time with family, friends and loved ones. It is a few days at the end of the year where those of us lucky to have family and friends strive to come together to enjoy company, food, a few responsible drinks and gifts. It is a time for relaxing and celebration of family. Of course, it is also a time when some workers—our nurses, police, and emergency workers—continue to help the rest of us in case of injury, accidents and medical incidents, and to keep us safe from natural disasters.

The Government, in introducing this bill, seeks to extend general retail trading hours on Boxing Day. This bill seeks to make permanent retail trading on Boxing Day and removes a sunset clause from the 2015 amendments. The Opposition has never supported general retail trading taking place on Boxing Day. The Boxing Day trade was extended to include Wollongong following the 2015 amendments. A review commissioned by the Government and undertaken by the former Treasury Secretary Percy Allan, has recommended that the expansion of general retail trading on Boxing Day should continue. His 95-page report contains 10 recommendations. The very first set of recommendations signals that there is a very big problem with the current arrangements for general trading on Boxing Day. Recommendation 1 states:

Residents of NSW continue to be given the option of whether to work or shop on Boxing Day, but that more be done to ensure that decision is freely exercised.

Recommendation 2 bells the cat, stating:

New legislation be introduced to Parliament to retain the 2015 amendments in the Retail Trading Act which permit trading on Boxing Day provided a shop or bank is staffed only by persons who have freely elected to work on that day.

Recommendation 3 states:

The government use print, broadcast and social media to widely publicise that:

- (a) Under state law no one is obliged to open a shop or to work on Boxing Day and that pressuring someone to do so is illegal and subject to heavy penalties;
- (b) It is an offence to interfere with the free will of someone to choose whether to work or not work on Boxing Day.

These are important recommendations, but strangely they do not appear in the bill. The Allan report also recommended:

A minimum penalty for pressuring or coercing retail employees to work or not work on Boxing Day be set at \$3,000 per employee (adjusted annually by the Sydney CPI);

A minimum penalty for pressuring or coercing retail tenants to open or close on Boxing Day be set at \$6,000 per tenant (adjusted annually by the Sydney CPI).

Even recommendation 6 is missing in action in the bill. It notes:

NSWIR be given the legislative authority to fine offenders without having to mount prosecutions in court. Offenders would still have the right to appeal a fine. The three most important recommendations published in the report have been ignored by the Government. The report found that there is a problem that workers are being coerced to work on Boxing Day against their will, but the Government is turning a blind eye to the key recommendations that will stop the coercion. The Allan report concluded that half of the store owners and managers surveyed were unaware that working on Boxing Day is voluntary and that coercing staff to do so is an offence. This is a disturbing finding and points to what might have been taking place behind the scenes as the debates about the Christmas roster were being resolved.

The report went on and found that 10 per cent of store owners and managers felt under pressure to open on Boxing Day, and that 22 per cent of workers surveyed said they felt coerced to work on Boxing Day. The Shop Distributive and Allied Employees Association [SDA] found in its own survey that up to 40 per cent of workers felt they had to work on Boxing Day. These are statistics that the Government cannot and should not ignore, yet it is ignoring them. This self-proclaimed party of workers is ignoring these views because it is really not interested in them. It is stunning that the very recommendations which move toward fixing the problem have mysteriously been left out of the bill. The Minister's second reading speech last week tried to justify why the Allan recommendations have not been included in the bill. The Minister said:

While the Government remains committed to ensuring employees are protected, the Government has declined to implement minimum penalties on the basis that mandatory minimum penalties are reserved for very serious offences.

He also said, in rejecting the increased powers of NSW Industrial Relations to fine offenders:

The Government has determined that while such a scheme may be appropriate for strict liability offences, such as speeding, it would not be appropriate for the offences set out in the retail trading legislation.

It considers it is not appropriate to fine people for coercing workers or tenants. In other words, the Minister confirms that while the Government will pay meaningless lip service to employer coercion of workers to work on Boxing Day, it is happy to turn a blind eye as long as shops are open. This Government has form on the wilful neglect of workers. We see it in the lip service it pays to the revelations that young people in particular are exploited by employers who operate on a business model that rips off wages and conditions. I bet those young workers who are already being ripped off by their employers will be under no pressure to work on Boxing Day, and I bet they will get all the penalty rates and entitlements they deserve too. And after that, pigs might fly.

The Government's faux agenda for workers stands in stark contrast to the real support of workers being proposed on this side of the House. We have outlined a comprehensive plan that will knock over this unconscionable business model of worker exploitation. The Government tut-tuts and points the finger at the Federal legislation and the clauses in the Australian Constitution. The Government could, if it has the political will, introduce measures put forward by the Labor Opposition to stamp out worker exploitation and wage theft. Instead, it happily sits on its hands, does nothing and cherry-picks the actions it will take, as it has in this bill.

It refuses to act to guarantee that its own standards are reflected in the penalties for breaching its own legislation. Its own hand-picked reviewer, a former Treasury secretary no less, gives it the means to address those breaches by outlining the scope of penalties required for compliance. But the Government just wants to shove Boxing Day trading down the throats of every business owner and every worker. It has been said in the context of the debate on Boxing Day trading that it has had a very substantial and positive effect on the economy. Page 10 of the Allan report contains a very interesting graph, which suggests otherwise. It shows retail sales growth declined sharply over the period of the Boxing Day trial. The report concedes:

Retail sales growth in NSW has shown greater fluctuation from year to year. It soared strongly between 2011 and 2014, but then relapsed between 2014 and 2016.

The McKell Institute in March 2016 found:

Analysis of the latest Australian Bureau of Statistics data reveals that the economic arguments for the deregulation of retail trading on public holidays is weak. There was no real change in retail sales in December 2015 due to the policy change enacted allowing retailers to trade on Boxing Day.

I note that the member for Davidson referred to the submission from Wollongong City Council. That council submission said that foot traffic was up on 26 and 27 December 2016. I am not surprised because on 27 December the *Voyager of the Sea* docked in Port Kembla and dropped 5,000 people on our doorstep. They all went into Wollongong. It is no surprise that foot traffic was up. Interestingly, the Wollongong City Council submission also cites tenants from only one shopping centre. It contains no feedback from the Illawarra Business Chamber, the peak business group in the region, no feedback from other large retail complexes dotted around the Wollongong local government area and nothing from small retailers.

I agree that an anomaly had been created with respect to Wollongong on previous Boxing Days. But the way to fix this is not to let it rip on Boxing Day trade with no protections for those who will face coercion from either landlords or employers. The Allan report, which, it must be said, is disposed to supporting the Boxing Day trade, reminds me somewhat of Fair Work Australia's report into abolishing penalty rates for certain industries—long on anecdotal evidence, short on empirical evidence. While many assumptions have been made in the report, reflecting, of course, the submissions received from the retail industry, it is noted that much of what has been said by the industry cannot be tested. This rests on the basis that, as the report finds, New South Wales retail trading data is not made available for "commercial-in-confidence reasons".

The Government should be doing all that it can to stop shonky employers from stealing workers' wages as part of an unfair and unconscionable business model. It has done none of these things. Boxing Day remains a special day for family and friends, just as Good Friday, Easter Sunday, Christmas Day and Anzac Day are special days. The conservative side of politics wallows in and wraps itself in family values but does everything possible to undermine them by presiding over low wages growth and longer working hours. This bill is nothing more than naked commercialisation. I note that the SDA found that 19 per cent considered watching the cricket more important, as David Voltz and I do on Boxing Day, and long may it continue.

**Ms TANIA MIHAILUK (Bankstown) (19:05):** I too take the opportunity, like my colleagues the member for Macquarie Fields and the member for Wollongong, to indicate clearly that I do not support the Retail Trading Amendment (Boxing Day) Bill 2017. I note that there have been some excellent arguments on this side of the Chamber as to why this Government should not proceed with the bill. As a Labor member of Parliament, I am proud to join my colleagues on this side of the Chamber in standing up for the rights of ordinary retail workers, in particular the thousands of constituents in my electorate of Bankstown. Many of them are employed

in the retail, fast food and warehousing sector. It is no surprise that a number of my constituents have raised with me concerns about the Government's intention to allow such trade on Boxing Day.

Labor always has and always will fight to ensure that there is a fair balance between the rights of employees and employers. The bill before us is an affront to the rights of retail workers in Bankstown and throughout New South Wales. The bill proposes to amend the Retail Trading Act 2008 by removing a sunset clause, which expires on 1 December 2017, to allow shops to remain open on Boxing Day and to allow banks to trade on bank holidays and certain other public holidays. Evidence shows that removing these protections will not increase employment or economic output. Rather, it will adversely impact the wellbeing and quality of life of some of the most underpaid and undervalued retail and fast food sector workers in our community, who will lose the opportunity to spend valued time with their families and loved ones on a public holiday.

No employee should be coerced or pressured to work on a public holiday, but for many in the retail sector there is often very little choice about whether to work on a public holiday. I know that many of my constituents who work in the retail and fast food sector, many from new and emerging communities, are often rostered on with very little notice. Their time at home with their families is very much treasured. Not showing up for one's shift is simply not a feasible option for many of these individuals, with cost-of-living and housing affordability pressures making choices very difficult for people who work in the retail sector. Clearly, many will work if they are asked to or the opportunity to arises, not because they necessarily want to but because they need to. The Government has suggested that there is a choice. It is not a choice for many workers who are desperate to make ends meet and feel that if they say no to their employer, particularly if they do not have industrial rights in place, they might miss out on other shift opportunities down the track.

As my colleagues have previously asked: Why would the Treasurer commission Professor Percy Allan to conduct an independent review of the Retail Trading Amendment Act 2015 and then not implement his recommendations? The Government pays consultants to conduct reviews and inquiries but it is not willing to listen to the recommendations or implement the suggestions made by those highly professional individuals. Professor Percy Allan put considerable effort into the review and made crucial findings in relation to the managers and workers in the retail sector. Unfortunately, most of the recommendations were ignored by this arrogant Government.

Professor Allan noted that half the store owners and managers surveyed were unaware that they could exercise a choice whether to work on Boxing Day, and that being coerced to work was an offence under the Act. Further, 10 per cent of store owners and managers felt pressured to open their stores on Boxing Day, with 22 per cent of workers responding that they felt coerced to work. Professor Allan's report highlighted that retail growth had slowed in December 2015 and December 2016 rather than increased, as the Government promised would happen if trading were to occur on Boxing Day. Professor Allan made 10 recommendations in his review, including recommendation 4: that a minimum penalty for pressuring or coercing retail employees to work or not work on Boxing Day be set at \$3,000 per employee, and adjusted annually by the consumer price index [CPI].

Recommendation 5 states: that the minimum penalty for pressuring or coercing retail tenants to open or close on Boxing Day be set at \$6,000 per tenant, also adjusted by CPI. Recommendation 6 states: that the New South Wales Industrial Commission be given legislative authority to fine offenders without having to mount prosecutions in court. All those safeguards have been omitted from the bill. It demonstrates the arrogance of a Government that is not prepared to include important safeguards put forward by Professor Allan to prevent worker exploitation. It is important to remember that recommendation 5 relates specifically to supporting small business.

The Government pretends to protect workers and small business. If that is the case, why would it not ensure that tenants who are forced to open on Boxing Day have the protection of a penalty? The Government is anti worker and anti small business. I acknowledge the work of the Shop, Distributive and Allied Employees Association [SDA]. I note that the Take the Time campaign has been running for more than five years. Since 2012 SDA representatives have travelled around the State to discuss with a range of organisations, community groups and retail workers their experiences and what value they place on public holidays. I acknowledge their efforts to challenge the Government through research that clearly shows the shortcomings of the Government's proposals. I acknowledge Bernie Smith, Cheryl Cassell and Robert Tonkli, who form the SDA New South Wales executive, for their continuing efforts to ensure that their members understand that having a work-life balance is important. I hope that members opposite, including the member for Tweed—

**Mr Geoff Provest:** Thank you. I was feeling unloved.

**Ms TANIA MIHAILUK:** The member once lived in Revesby. God knows how he found himself working at the Revesby Workers Club. I do not know how that happened.

**Mr Geoff Provest:** I was there for five years.

**Ms TANIA MIHAILUK:** I hope the member understands how much families value Boxing Day. Workers have the right to spend time with their families, and perhaps to travel to the Tweed to enjoy the lovely sunsets that the local member often tells us about and enjoys regularly. They should all have that opportunity on Christmas Day and Boxing Day. As I said, I oppose the bill. I hope that the Government wakes up to itself, particularly Treasurer Perrottet. I am disappointed in the Treasurer; I thought he would have much better values.

**Mr DAVID HARRIS (Wyong) (19:15):** Members on this side of the House have ably outlined why the Opposition opposes the Retail Trading Amendment (Boxing Day) Bill 2017. I will not reiterate what they have said. Rather, I will deal with the general principles behind this push for a 24/7 economy and how it impacts on workers and their family life. As a former teacher and principal, I am particularly concerned about how it will impact on children. I have read a great deal of literature about the 24/7 economy and its social impacts on families. I came across a comprehensive review of evidence from 23 quantitative empirical studies spanning three decades. The studies were carried out in five countries: the United States of America, Canada, Australia, the United Kingdom, and Croatia. The research focused on the impact of the 24/7 economy on children's development, their social and emotional wellbeing, their physical health, their cognitive ability, and their academic outcomes. They also reviewed the evidence of how families, parents and couples are affected.

This push to open up retail trading across the State on Boxing Day is a symptom of a problem enveloping our world. The Central Coast is a tourist area, so we already have holiday trading hours. As a surf lifesaver, I know that Boxing Day is one of the busiest days of the year for patrolling beaches. I am sure the member for Tweed knows what I am talking about. People who receive new swimming gear on Christmas Day cannot wait to get to the beach on Boxing Day to use it. As a result, our surf lifesaving volunteers are put under enormous pressure. Sometimes we are unable to put sufficient numbers of people on the beach to fulfil our patrolling obligations because our volunteers have been called in to work. That is a particular issue for young people, and we miss them. If there is a big surf or rough conditions those younger people are vital because of their physical strength, which is better than that of the older club members. We older blokes are a lot slower. That is one of the outcomes of legislation such as this. The evidence I have reviewed is clear. It states:

When it comes to adults, the evidence that working nonstandard schedules are associated with poor physical and mental health is clear. Physical health problems include increased fatigue, insomnia, stomach and digestive issues, higher cardiovascular risks, being overweight. And the group also tends to make unhealthy lifestyle choices, such as smoking and drinking alcohol. People might ask how making people go to work for one more day will affect them. But many of these workers already do not get appropriate family time and rest periods. Denying people those social structures that our society relies on, such as family get-togethers and time out from work on Christmas Day and Boxing Day, adds to those stresses because they are two days in a row when people can wind down. In the lead-up to Christmas, retail workers are asked to work longer hours. For example, a lot of the shops in my area stay open until midnight because they want to give people the opportunity to buy a last-minute gift. That used to happen one or two days before Christmas. It now starts one or two weeks before Christmas.

People are getting tired and worn out. Their health is suffering and they are seeing less of their children. Now after celebrating Christmas people across this State will be required to return to work on Boxing Day. They will not have time to recharge their batteries. They will again be busy with sales. They are away from their families, which can cause childcare complications, particularly for single parents. The pressure that was once relieved over the Christmas period is getting worse. The study shows that this causes chronic fatigue and sleep deprivation, and the resulting stress is a major obstacle to productivity because workers become too tired to carry out their work duties correctly. It is not only a social factor but also an economic factor because it affects productivity.

We are constantly hearing in the media that education standards are dropping. As a former principal I can validate that the reason is because parents are spending less face-to-face time with their children. Members will be well aware of the term "latchkey kids". Those kids are left to fend for themselves because their parents cannot afford child care or do not have family members who can look after them. They start to roam the streets and get themselves into mischief, which is validated by this research. Those children are more likely to be overweight or obese. This State has an obesity problem. It makes sense that these are contributing factors. Those kids are more likely to engage in risk-taking behaviours such as smoking, drinking, using drugs, delinquency and risky sexual activity.

However, the economic rationalists who are talking about a 24/7 economy, having shops open, making people work every day of the year, pressuring people into spending money while building up personal debt have not made the causal link to the fact that we have to spend money dealing with those problems. If people worked proper hours and took proper holidays so that they received rest from work, they would be able to spend more time with their families and children and some of those outcomes might be reduced. The study stated that those children, as a result of being overweight and engaging in risky behaviours, et cetera, are at higher risk of developing depression compared to children whose parents worked standard day schedules. We are creating a two-class society. Some people can take holidays while others are forced to serve. They are forced to work so that the rest of the community can do whatever it likes.



As a community we sometimes have to say enough is enough. We should not open shops every day and people should not have to work every day. This Government is going in the opposite direction. It is winding back family opportunities and therefore causing the outcomes outlined in those studies. Over the past 30 years the impacts have been observed throughout a child's developmental stages from infancy to adolescence in many countries. The research states that there must be links, yet we keep forcing people to work longer hours on more days of the year to increase productivity. When parents show signs of depression and are harsh and insensitive to their children, or create an unsupportive home environment all those vectors intersect. The shadow Minister, the member for Bankstown, whose portfolio responsibility is Family and Community Services, can say that it causes worse outcomes for kids. More domestic violence occurs in the home.

We ignore the fact that forcing people to work on Boxing Day is a contributing factor—not the only factor—which relates to the economic rationalism of having a 24/7 economy. The research reveals that a 24/7 economy does not uniformly impact families and children because some people are lucky to have family members or others who can step in to carry out child care. In some two-parent families one can fill in while the other partner is at work. However, a lot of people in our community do not have that opportunity. I ask the Government to think not only of the dollar value of people spending money on Boxing Day but also of the money the Government would save the community if it had a more socially responsible approach to work that aids the community in health and in education. Then we might start seeing some better outcomes instead of having to throw money at problems that are caused through a rationalism that hurts our community.

**Ms SOPHIE COTSIS (Canterbury) (19:25):** I acknowledge the excellent speeches delivered by my colleagues on this side of the Chamber. It is a shame that I have not heard many—

**Mr Geoff Provest:** Where were you? I did a really good one.

**Ms SOPHIE COTSIS:** You did not let me finish. I did not hear many of your colleagues.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The member for Tweed and the member for Canterbury will direct their comments through the Chair. The member for Tweed will refrain from interjecting.

**Ms SOPHIE COTSIS:** The Government's attempt to continue Boxing Day trading is inherently unfair and unjustifiable. The evidence is not in. I acknowledge my colleague the Hon. Adam Searle, the shadow Minister for Industrial Relations, for his work in this area and also the Shop, Distributive and Allied Employees Association [SDA], Bernie Smith, the general secretary and its members. I met them today and I have been meeting with retail workers ever since I was a union organiser many years ago.

**Mr Kevin Anderson:** A union organiser?

**Ms SOPHIE COTSIS:** Yes, a very proud representative of working class people.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The member for Canterbury will ignore interjections and address her remarks through the Chair.

**Ms SOPHIE COTSIS:** I am very proud to represent working class people in this State. I am proud to represent hospitality workers whose penalty rates have been cut because of Federal Government cuts. During question time Government members talked about being friends of the workers but did they meet the predominantly female retail workers from the Hunter today? No, they did not. My very good colleague the member for Wyong, spoke succinctly about the differences between those who have and those who do not have. Those who will enjoy the holiday are the big retail bosses at the big end of town from whom the Government gets its riding instructions. If we call a boss on Boxing Day he will not answer the phone. They will probably be skiing in Aspen or on their yacht on Sydney Harbour while retail workers who should be with their family on Boxing Day are working.

Those people live in the electorates of those opposite. They live in the Sutherland Shire, in St George and in Western Sydney. Retail workers are the people who the members on the opposite side of the Chamber should be representing. Those people do not work ordinary hours. They work casually. They are predominantly women who work in part-time roles in retail jobs. Those women will not have enough superannuation in their later years. I am concerned that this Retail Trading Amendment (Boxing Day) Bill 2017 will affect many families. I have spoken to many retail workers, even today. Many of them said, "We work so hard. All we want to do, leading up—

**Mr Kevin Anderson:** "All we want to do".

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! I ask the member for Tamworth to come to order.

**Ms SOPHIE COTSIS:** That is right: all they want to do is to work hard and, leading up to the Christmas sales, spend time with their families. They want to be able to sit down at the dinner table with their kids and the rest of their families. Many families are blended families and many families have relatives—possibly

grandparents—in the country or in Greater Western Sydney. They want to spend time together; they want to be together for those two days. Unfortunately, this Government is not allowing that to happen. Members who say that working on Boxing Day is voluntary are talking rubbish, because that is not the reality. It is not the truth; it is crap.

The Allan review found that half of the store owners and managers surveyed were unaware that working on Boxing Day was supposed to be voluntary and that coercion was an offence. The review found that 10 per cent of store owners and managers felt pressured to open on Boxing Day. It also found that 22 per cent of workers surveyed said that they felt coerced to work on Boxing Day. A survey conducted by the Shop Distributive and Allied Employees Association [SDA] found that 40 per cent of the employees felt coerced to work on Boxing Day. From this survey, almost 44 per cent worried or feared that they may upset their employers, 46 per cent felt that they could not say no, and 33 per cent were told that they had to work.

The continuation of Boxing Day trade is simply about the Government selling out the rights of retail workers to benefit the big end of town. In his speech the Treasurer mentioned that Boxing Day in 2015 and 2016 was "one of the most popular shopping days of the Christmas-New Year period". However, I ask the Treasurer how much businesses actually made on the day. High amounts of human traffic entering and leaving retail stores in Pitt Street and other areas does not necessarily equate to increased revenue for the retailer. The reality is that retail sales growth in December has been lower in the two years of unrestricted Boxing Day trading compared to the two years before, when shops were closed on Boxing Day. The McKell Institute has previously stated that there is no positive correlation between trading restrictions and retail turnover. In other words, extending trading hours does not mean businesses will benefit financially.

It is important to note that small business owners may open their businesses on Boxing Day because competitors will be open. It is tough on a lot of small businesses because they work extraordinary hours to make ends meet, but they end up worse off because the costs of opening on that day may exceed how much they earn. The Government has stated that this is about economics and that it is fantastic for people wanting to go to retailers, but I ask whether revenue has increased. This bill is not about economics; it is about the Government ticking the boxes for the big end of town. It is very unfair for retail workers who are coerced into working on Boxing Day. Some of those opposite may have retail workers in their electorates. If they bothered to speak to the workers they would find out—

**Mr Kevin Anderson:** My wife employs 25 of them.

**Ms SOPHIE COTSIS:** I am glad; that is great.

**Mr Kevin Anderson:** They want to open on Boxing Day.

**Ms SOPHIE COTSIS:** I am glad to hear that. People want to spend time with their families. Retail sector employees who work long and difficult hours that are different from the normal nine to five and include Saturdays and Sundays do not want to be forced to work on Boxing Day, and they will be. The Government talks about family values and the importance of families spending time together. Perhaps the families they know are able to do that, but we are looking out for the interests of all families in New South Wales. Retail workers have family members not just near where they live but also across the State.

It does not matter whether we are working or not or have kids or not, we all live very busy lives and we try to do a lot. Many people do not spend enough time with their families and friends. Today some of the retail workers said to me, "It is very simple for us. We want our kids to be together for a couple of hours on Christmas Day and Boxing Day. We want to be able to talk to each other. We don't get enough time to speak to each other. We want to play cricket. We want to go to church. We want to spend time with family whom we have not seen for a long while."

**Mr Kevin Anderson:** The choice is yours.

**Ms SOPHIE COTSIS:** No, it is not. I acknowledge the interjection. The choice is not theirs. I am happy to contact retail workers from the member's electorate who do not have a choice. I do not support this bill.

**Mr JAMIE PARKER (Balmain) (19:36):** The Greens maintain the position it took in 2015 to not support the proposal, which is again set out in the Retail Trading Amendment (Boxing Day) Bill 2017. It seems that the sun never sets on bad laws in New South Wales. The sunset clauses put into many bills make most people think that the provisions are a trial and a limited response to a specific set of conditions. The Minister might be able to inform us of a bill that was not allowed to continue no matter how little used its provisions were or how controversial it was. I cannot recall any.

As I mentioned, The Greens opposed these provisions in 2015 and we oppose them today. There are plenty of days, evenings and nights in the year when people can shop. There are precious few public holidays that

people can spend with their families and friends. In our view, sacrificing Boxing Day, an important day, should not proceed. The day should be protected and left for people to be able to rest, contemplate and spend time with their families and in their communities. Before the amendments were passed in 2015 retail workers had only 4½ days of guaranteed rest in a year—being Easter Friday, Easter Monday, Christmas Day, Boxing Day and half of Anzac Day. Now, through the actions of this Parliament, the Government is seeking to whittle that down to just 3½ days when they are not required to work. It has been said that members and parliamentary staff would not support coming in here to work on the day after Christmas. Why should we impose that on other people?

The independent report that the Government commissioned found that one in five workers felt coerced into working on Boxing Day, and those are only the workers who reported what they felt. It also found that half of store owners and managers were not aware that working on Boxing Day is a voluntary act and that coercing someone is an offence. It is clear that Boxing Day trading has a significant impact. A high level of coercion is felt, whether that is consciously expressed to a worker or whether they just feel a sense of pressure to turn up to work. This may be especially true for casual or part-time workers who know that if they refuse shifts they might be out of a job.

I also note a survey undertaken by the retail workers union, which found that two out of every five employees felt "pressured to work on boxing day despite a legal requirement that it is to be voluntary". On paper, workers may have the right to refuse to work, but anyone who has spent any time in the industry knows that if the shop is open, this may well be far from reality. This is also the view of many constituents. In my electorate there are many thousands of people, as identified by the 2011 census, who work in retail and hospitality. We have messages from constituents. One, for example, says:

Families need time together over the traditional Christmas period to bond and workers, who are also family members, must not be compelled to give up traditional holidays to satisfy consumers and the profits of big business. Let's continue to make the Christmas holiday period a special time for all, to wind down at the end of the year and share valuable time with family and friends. Community, families, and friends need to take time together and sigh and smile in thanks for the year past and then in anticipation of the adventurous year ahead.

Another member of the community said:

Even the happiest families find that Christmas can be stressful, the lead-up and the day itself. Boxing Day is a welcome respite, a day of relaxing and unwinding. It is a day everyone should have the opportunity to enjoy, without the pressure to work. Really, no-one needs to go out shopping on that day. A society is more than an economy, and I want a Government that understands that, and stands up to vested business interests. People before profits, I say.

Those local people express a very strong feeling in the community that Boxing Day is an important day in our calendar. It is a day that should be respected and should be maintained for people to enjoy and recreate. It seems remarkable to me that this is what we are debating. Where is the legislative agenda of the Government? We have such huge challenges. Where is the transformation of the economy to meet the carbon-constrained future? How are we addressing corruption? How are we addressing the loss of native vegetation, endangered species, and green spaces? What are we doing for homelessness and indigenous affairs? The Government must be more than what we are seeing here today. These types of approaches, which take away from people who have respite on their holidays, seem to be the agenda of this Government.

The Premier must be more than the mayor of New South Wales, dressing up in a hi-vis top to cut a few ribbons and hand out certificates. We are not seeing an agenda from this Government. We are seeing the petty approach of the Government. It is taking away the rights of workers, in particular when it comes to these issues, and it is not addressing the issues that are crying out for attention. Recently, this Parliament handled the issue of homelessness very badly. We do not support this legislation. We do not believe that this will promote a harmonious community. We do not think it will build families or support in communities. As other members have highlighted, the role of volunteerism and the need for rest are important for our entire community.

If politicians are planning to send shop assistants to work, why should every politician not be forced to come to work? That is the question. The answer is that we are happy to dish it out to other people but we do not want to accept it. We should be protecting the rights of people, particularly lower income workers, workers on contracts, casual workers, and part-time permanent workers. These are the workers who are often most vulnerable in the workplace and are most open to pressure from employers. We have seen in the Government's independent report that this is the case. The Greens will not be supporting this bill and we encourage the Government to withdraw this proposal.

**Mr DAVID MEHAN (The Entrance) (19:43):** I contribute to the debate on the Retail Trading Amendment (Boxing Day) Bill 2017. I note at the outset that NSW Labor opposes the bill. If the bill becomes law and if we are elected in March 2019, Labor is committed to repealing this legislation. NSW Labor has never supported general retail trading on Boxing Day. There are 11 public holidays in this State, observed generally across the Commonwealth. Only 4.5 of those are days of general closure under the Retail Trading Act: Christmas

Day, Boxing Day, Good Friday, Easter Sunday and Anzac Day after 1.00 p.m. Those five days, as a consequence of this bill if it is passed, will be reduced to four. That is precious little time in the whole year when we as a society expect families to be able to spend the whole day together without being burdened with requests to work, and the obligation and expectation to work.

The measure of this Parliament is how we go about creating a good society rather than just an economy. There is much more that this Parliament could do to build a good society. This bill is not part of that. There is a whole bunch of workers in this State who, over the past 10 or 20 years, have seen their conditions steadily eroded, and recently those in the hospitality sector working on weekends have seen their rates of pay eroded. My son, who works in the restaurant industry, finds himself obliged to work every weekend. If this bill is passed he will find himself obliged to work on Boxing Day as well. I do not think that is a good direction for our society. We can do better as a Parliament; we should be directing ourselves to building a good society rather than an economy. This is poor legislation and I oppose the bill.

**Mr PHILIP DONATO (Orange) (19:45):** The Shooters, Fishers and Farmers Party opposes the Retail Trading Amendment (Boxing Day) Bill 2017. The objectives of the bill are clear. I refer to my personal experience when I say that this legislation will put obligations and pressures upon many small businesses, as well as on larger businesses, but specifically on family-based businesses. I accept that working on Boxing Day will be voluntary and that there may be the ability for a business to decide whether it wishes to open or not, but if opponents or competition businesses open on Boxing Day, other businesses will feel an obligation to compete and will also open.

For 36 years my parents had a fruit shop in the south-western suburbs of Sydney—Donato's Fruit Market. It was a typical family business with few staff—not unlike many businesses around in those days. Those businesses had very limited time off, predominantly just public holidays, and from my experience as a child working in my parents' shop, Christmas Day and Boxing Day were days you knew you did not work. Those days were an opportunity to spend time with parents and grandparents. On one day we would visit my mother's side of the family and on the other day we would visit my father's side of the family. Many other small family businesses are in the same position.

This legislation will put unnecessary pressure on businesses to open on Boxing Day and it will put obligations on workers—many of them young and many of them vulnerable—who will feel coerced to work on Boxing Day because they are being asked to work by their boss, who is a person in a position of authority with more experience, knowledge and expertise in the industry, and most young people do not want to upset their bosses for fear of losing their job or for fear of losing hours. Christmas Day and Boxing Day are the only consecutive days, apart from Easter, when many of these small businesses can have that time off to spend with their family and friends. I believe it is important to maintain the family unit specifically at this special time of the year.

As many speakers in this debate have said, in this place we do not work on Christmas Day or Boxing Day, and I believe it is unfair to expect other people earning much less money than we do to work on those days and to spend time away from their families. I have relied on some of my personal experiences in considering this bill. As I said, I believe it is a particular time of the year that one should spend with one's family and people should not feel pressured or coerced to go to work or to keep the doors open. Accordingly, I oppose the bill.

**Mr CHRIS PATTERSON (Camden) (19:49):** I support the Retail Trading Amendment (Boxing Day) Bill 2017. I note that the Treasurer is in the House, so I will say only a few things. I absolutely subscribe—as I am sure the Treasurer and the Government do—to the view that this bill is not about coercing or about insisting that people work or that people be mistreated. If there are any proven examples that that occurs, I believe—as I am sure everybody in this House does—that we would throw the book at the offending businesses. That part is not in question. This bill is about providing choice, options and employment opportunities. The member for Orange spoke about his experiences. Much has been said tonight, but I want to speak about my experiences. I grew up in a family business and worked every Boxing Day from the age of 14. To be frank, I wish we had had this bill back then, because my father did coerce me. He did not give me a choice. He said to me, "You will be working, and you will be doing it from this time to that." I do love him dearly, though, and I was exceptionally happy to do so.

It was a family business, but we had a number of other people who were offered work. Some said no—great. They chose not to. However, a number of people did want to work. Whatever their circumstances, whether they were young uni students, whether they were visiting their parents on Christmas Day and alone on Boxing Day, or whether they wanted the penalty rates and the money, we gave those people a choice. In my experience, some people in our industry chose to work on Boxing Day, were rewarded for it and were happy that they did so. Others said to my mum and dad, "No, thank you." That is what this bill is about. It enables retailers to open. It is then about the retailer giving the choice to each individual employee. We support the employee making a choice.

However, we defend and support the right of the retailer to open and provide that choice. The Treasurer is here and I await his reply. Once again, I support the Retail Trading Amendment (Boxing Day) Bill 2017.

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (19:52):** In reply: I thank all the members who have made a contribution to this debate—in particular, the members for Keira, Davidson, Tweed, Kiama, Lake Macquarie, Maitland, Charlestown, Granville, Campbelltown, Shellharbour, Heffron, Lakemba, Fairfield, Port Stephens, Maroubra, Macquarie Fields, Wollongong, Fairfield, Wyong, Canterbury, Bankstown, The Entrance, Balmain, Orange and Camden. In 2015, this Parliament amended the Retail Trading Act to permit statewide Boxing Day trading in 2015 and 2016. As the then Treasurer told Parliament in 2015, the reforms were necessary because our retail trading restrictions were outdated and out of step with contemporary patterns of work, leisure and shopping.

Our reforms were designed to give more certainty and choice to consumers, retailers and employees. They allowed all shops and bank branches to open on Boxing Day on the condition that staff freely elected to work. Those reforms were initially limited to a two-year trial, and the Government committed in legislation to review them following the trial period. As I have already informed the House, the Government engaged former NSW Treasury secretary Professor Percy Allan to complete the review in the first half of this year. Professor Allan consulted widely with retailers, peak industry groups and employee unions as part of his review. He found that statewide Boxing Day trading was a commercial success for the retailers who opened, for the employees who chose to work, and for the consumers who chose to go shopping.

Foot traffic data from the Shopping Centre Council of Australia and the National Retail Association suggests Boxing Day in both 2015 and 2016 was one of the busiest days in each of those years, with more than 1.25 million people visiting shopping centres on Boxing Day in 2016 and foot traffic increasing by more than 700,000 across a sample of shopping centres on the Boxing Day following the introduction of the reforms. Professor Allan's review declared the trial a success and recommended that retail trading on Boxing Day should be allowed to continue in all parts of the State on a permanent basis. This was on the condition that retailers and employees are made aware of their right to freely elect to open or to work on Boxing Day.

In accordance with the outcome of the review and following a successful two-year trial, the Government is now asking this Parliament to allow the 2015 reforms to continue. Without this further amendment, thousands of stores across the State would once again be prevented from trading on Boxing Day, while those in the Sydney central business district [CBD] and a select number of other localities could continue to trade. Thousands of employees who wish to earn extra income on Boxing Day would once again be denied that choice, and consumers in vast areas of New South Wales would be denied the convenience of being able to shop locally if they so choose.

Discontinuing the 2015 amendments would mean a return to an outdated regime that is out of step with community expectations. This Government does not wish to return to the inequities of the past. Passing this bill and preserving the current retail trading arrangements would put New South Wales in line with Victoria, Tasmania the Australian Capital Territory, the Northern Territory and South East Queensland. This would happen by a simple amendment of the existing legislation to remove the sunset clause and make the reforms permanent. This would continue to give retailers across New South Wales the freedom to open, workers the freedom to work and consumers the freedom to shop.

The reforms the Government brought into effect in 2015 contain strict and powerful protections to safeguard the rights of workers and retailers. Today the Government is seeking to permanently enshrine these protections in New South Wales law. These are significant protective provisions, but they are necessary because the Government knows that this reform is about striking the right balance. On one hand, it is about increasing the freedom and opportunity for employees and retailers to work and trade on Boxing Day; on the other hand, it is about ensuring that no-one is forced to work or trade against their will.

The Government has made sure that retailers will face substantial penalties for infringing on their employees' right to freely choose to work on Boxing Day. That means that the legislation will continue to impose a penalty of up to \$11,000 per employee on retailers that coerce their employees to work on Boxing Day. Where an employee is coerced or they think they will be coerced to work, they will be able to easily access all of the information they need to lodge a complaint. If a complaint is received by NSW Industrial Relations, an inspector will contact the retailer and, if required, a formal notice to produce records and information will be issued, or a workplace visit will be undertaken. Further evidence can be gathered from the retailer, the complainant and other witnesses if necessary. Once the evidence has been reviewed, an inspector's report will be drafted, outlining allegations and, where applicable, recommending prosecution.

The Government is also seeking to make permanent similar protections that were in place for retail tenants under the 2015 reforms, with fines of up to \$22,000 for landlords that force retail tenants to open on Boxing Day. There are serious protections to ensure that workers in New South Wales will always have a choice

about whether they work on Boxing Day, and retailers will always have a choice about whether they will open or stay closed. That is the fair and balanced approach that this Parliament adopted in 2015. Today, the Government is simply asking Parliament to adopt the same fair and balanced approach once again.

I would like to address some of the objections raised by the Opposition in this debate. First, I would like to ensure that incorrect statements about the level of support for this reform are clarified. Members of the Opposition have stated that 60 per cent of retailers are against Boxing Day trade. This is incorrect. The independent review, in fact, found that there are more retailers in favour than those against the change. The Opposition has also said that one in 10 retail workers experienced negative repercussions for expressing a preference not to work on Boxing Day.

Again this is incorrect. In fact, only 2 per cent of retail workers experienced negative repercussions for expressing a preference not to work on Boxing Day. In relation to the views of retail workers, again I point out that retail workers in favour outnumber those against by two to one. Some members opposite queried why the Government is not adopting minimum penalties or a penalty infringement notice scheme in relation to the offences under the Act. The reasons are set out very clearly in *Hansard* in my second reading speech, and I encourage those opposite to take the time to read those reasons.

Members opposite have claimed that the amendment forces employees to work on Boxing Day. This is false and is nothing more than a scaremongering tactic. As I have already informed the House, the Government has accepted the recommendation of Professor Allan's review to conduct an information campaign to inform retailers and retail workers about their rights on Boxing Day. If retail workers want to work on Boxing Day, if they want to obtain the additional income, then they have that opportunity. If they prefer to take the day off, they can express that preference to their employer and if their employer coerces them to work on Boxing Day, then the employer will be penalised.

The Labor Party, by telling workers that they are going to be forced to work on Boxing Day, is only doing a disservice to retail workers, confusing the very clear fact that they have the right to freely elect to work on Boxing Day and cannot be coerced. I add also that without this amendment the "freely elect" provisions and the offences that we have introduced would be repealed and retail workers in the Sydney central business district [CBD] would no longer be protected. Those opposite also claim that we have acted only in the interest of big retailers. I say in response that the only people who are guaranteed to be financially better off as a result of this reform are employees, who will pocket a good wage for the day, a result of generous public holiday penalty rates. I state also that this Government will not remove restrictions on retail trading around other public holidays such as Christmas Day, Easter Sunday, Good Friday or Anzac Day morning.

The Opposition contends that Boxing Day trade was not a success because retail sales growth was not as high in 2015 and 2016 as the two years prior. It is true that retail sales growth was lower in 2015 and 2016 than it was in 2013 and 2014, but to claim this is evidence that Boxing Day trade was unpopular is to vastly oversimplify what requires more detailed analysis. Retail sales are affected by a variety of factors. The independent review found that since the global financial crisis of 2008, retail trading growth in New South Wales has been more volatile than for the rest of Australia. However, Professor Allan's review points out that retail sales have still grown year on year over the last four years, contrary to claims made by Opposition members. Both November 2016 and January 2017 also showed lower growth than previous corresponding periods, so December followed what appears to be a general trend.

Another problem with relying on retail sales growth data for present purposes is that it does not disaggregate between specific days of the month whereas foot traffic data provided by the National Retail Association and the Shopping Centre Council of Australia identifies very specific time periods and provides much clearer insight into consumer responses. Consumers have also sent a strong message in favour of Boxing Day trade. Woolworths provided confidential data showing massive year-on-year growth in both sales and customers on Boxing Day and, importantly, this did not detract from activity on other days in the Christmas holiday period. As I pointed out earlier, the Shopping Centre Council of Australia also submitted that Boxing Day is the most popular trading day in the post-Christmas period and that more than 1.25 million people visited shopping centres on Boxing Day in 2016. The Shopping Centre Council of Australia also found that foot traffic increased by more than 700,000 across a sample of shopping centres on Boxing Day following the introduction of the reforms. This is more than simply a redistribution. Consumers have literally voted with their feet.

Overall, Professor Allan's review concluded that Boxing Day is one of the most popular shopping days of the year and independent research revealed a large proportion of retailers and workers favoured continued trading on Boxing Day. NSW Labor's opposition to these reforms is based on rank hypocrisy. In 2008 it was the Labor Party that introduced changes to retail trading that removed any restrictions to trade on Sundays, on Australia Day and on New Year's Day. Labor members now sit here complaining about one day, Boxing Day, when in office they removed restrictions on 54 days of the year. It also shows just how out of touch they are with

mainstream Australia. They are happy for inner-city elites to have the ability to open their stores and work in the CBD but they stand here and block opportunity and prosperity for the working families of Western Sydney.

At a time when bricks and mortar retailers are facing even greater competition from online competitors, these businesses should not be discriminated against based on their location. There are also thousands of workers who want to work on Boxing Day to provide more for their families, and once again the Labor Party is standing in their way blocking their aspirations. NSW Labor's opposition to these reforms has been principally driven by the retailers employees union, the Shop, Distributive and Allied Employees Association [SDA]. While the SDA claims to represent the interests of retail employees, its opposition flies in the face of what retail employees actually want. In fact, Professor Allan's review found that more than half of retail employees are in favour of Boxing Day trade, and the number of employees in favour of Boxing Day trade outnumbers those against by two to one. This is just another case of Labor and the unions putting their own political interests ahead of the interests of the people they are supposed to represent.

The truth is Labor and the SDA do not have a shred of credibility between them when it comes to standing up for retail workers. In fact, it is now becoming apparent the SDA has an appalling track record of exploiting lower income workers. This is the same union currently facing a Senate inquiry for stitching up murky deals with the big end of town to disadvantage lower paid workers. This is the same union that has done deals that leave its own members worse off, languishing on substandard wages and inadequate compensation. It is the same union facing almost certain humiliation by having one of its own enterprise agreements struck down by the Fair Work Commission because it leaves retail workers worse off than under the current award. The retail award is supposed to be a safety net in an industry that is already among the lowest paid in the country, but under Labor's watch there is no safety net. Retail workers are left to fall through the gaping holes that Labor and the SDA have created themselves. This is the real wage theft, perpetrated by Labor's largest union while those opposite stand by and do nothing.

**Mr David Mehan:** Point of order: The Minister is not addressing the bill.

**TEMPORARY SPEAKER (Mr Lee Evans):** It has been a broad-ranging debate. the Minister is replying to comments made in the debate, which he is entitled to do.

**Mr DOMINIC PERROTTET:** This scandalous union-led wage theft is just the tip of the iceberg. It is the latest betrayal of employees by a union movement that is hell-bent on wrecking opportunities for employment and prosperity for the hardworking people of Australia; a union movement that is more concerned about lining its own pockets with members' own money and securing seats in Parliament for a select few union bosses. This is a union movement that has accumulated an estimated \$1.5 billion in assets to bankroll Labor's political ambitions, clipping fees from workers' substandard wages and skimming hundreds of millions of dollars from employees' retirement savings in massive union-controlled super funds; a union movement whose leader went on national television to declare it is perfectly okay for union activists to break the law; and a union movement that is actively working to destroy blue-collar jobs as it pours more and more of its members' funds into the coffers of the far Left Greens—the same Greens who openly call for the end of coalmining and the end of reliable power, putting hundreds and thousands of mining, steel and other jobs at risks.

This is the sorry state of the union movement in Australia, exploiting workers, wrecking opportunity and destroying jobs, but while those opposite obstruct this reform that gives retailers and their employees more freedom and greater opportunity, while Labor opposes a reform that retail employees want, this Government will never stop fighting for the workers of this State—for more opportunity, for greater freedom and for a fair go in the workplace. This is what this reform today will achieve. This legislation is about opportunity, equity, choice and freedom. Those who oppose this bill are on the wrong side of history. They are out of step with community expectations. They are standing in the way of retailers who wish to trade, workers who wish to work and consumers who wish to shop.

There is no justification for some retailers having the opportunity to take advantage of Boxing Day trading and others being denied that opportunity simply because of their location. There is no justification for a retailer in the eastern suburbs being able to open their shop on Boxing Day if they want to, but a retailer in Parramatta being denied that choice. There is no justification for Parliament demanding that a small retail business in Wollongong close its doors on one of the busiest trading days of the year while its competitors in Shellharbour are free to open. There is no justification for members of this Parliament dictating to retail employees that they should have no opportunity to earn extra income on Boxing Day if that is what they freely choose to do.

These choices are not for the Parliament to make. These choices should rest with the individuals who are making their living and supporting their families in the retail industry. We have an opportunity now to give employees and retailers across New South Wales that choice. I urge members to support greater freedom, equity

and opportunity for workers and small businesses in all parts of New South Wales by supporting this bill.  
I commend the bill to the House.

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

**The House divided.**

Ayes .....39

Noes .....32

Majority.....7

**AYES**

Anderson, Mr K  
Barilaro, Mr J  
Conolly, Mr K  
Davies, Ms T  
Fraser, Mr A  
Greenwich, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Toole, Mr P  
Williams, Mr R

Aplin, Mr G  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Gibbons, Ms M  
Griffin, Mr J  
Kean, Mr M  
Marshall, Mr A  
Pavey, Mrs M  
Provest, Mr G  
Stokes, Mr R  
Upton, Ms G  
Williams, Mrs L

Ayres, Mr S  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Gulaptis, Mr C  
Lee, Dr G  
Notley-Smith, Mr B  
Perrottet, Mr D  
Roberts, Mr A  
Taylor, Mr M  
Ward, Mr G  
Wilson, Ms F

**NOES**

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Doyle, Ms T  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T F  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Finn, Ms J  
Haylen, Ms J  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Tesch, Ms L  
Watson, Ms A (teller)

Car, Ms P  
Cotsis, Ms S  
Donato, Mr P  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
Mehan, Mr D  
Park, Mr R  
Scully, Mr P  
Warren, Mr G

**PAIRS**

Berejiklian, Ms G  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Henskens, Mr A  
O'Dea, Mr J

Aitchison, Ms J  
Crakanthorp, Mr T  
Foley, Mr L  
Hornery, Ms S  
McDermott, Dr H  
Zangari, Mr G

**Motion agreed to.**

**Third Reading**

**Mr DOMINIC PERROTTET:** I move:

That this bill be now read a third time.

**Question put.**

**The House divided.**

Ayes .....40

Noes .....32



Majority.....8

## AYES

Anderson, Mr K  
 Barilaro, Mr J  
 Conolly, Mr K  
 Davies, Ms T  
 Fraser, Mr A  
 Greenwich, Mr A  
 Hancock, Mrs S  
 Lee, Dr G  
 Notley-Smith, Mr B  
 Perrottet, Mr D  
 Roberts, Mr A  
 Taylor, Mr M  
 Ward, Mr G  
 Wilson, Ms F

Aplin, Mr G  
 Bromhead, Mr S (teller)  
 Constance, Mr A  
 Dominello, Mr V  
 Gibbons, Ms M  
 Griffin, Mr J  
 Johnsen, Mr M  
 Maguire, Mr D  
 Patterson, Mr C (teller)  
 Petinos, Ms E  
 Rowell, Mr J  
 Toole, Mr P  
 Williams, Mr R

Ayres, Mr S  
 Brookes, Mr G  
 Coure, Mr M  
 Elliott, Mr D  
 Goward, Ms P  
 Gulaptis, Mr C  
 Kean, Mr M  
 Marshall, Mr A  
 Pavey, Mrs M  
 Provest, Mr G  
 Stokes, Mr R  
 Upton, Ms G  
 Williams, Mrs L

## NOES

Atalla, Mr E  
 Catley, Ms Y  
 Daley, Mr M  
 Doyle, Ms T  
 Harrison, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mihailuk, Ms T  
 Parker, Mr J  
 Smith, Ms T F  
 Washington, Ms K

Barr, Mr C  
 Chanthivong, Mr A  
 Dib, Mr J  
 Finn, Ms J  
 Haylen, Ms J  
 Lalich, Mr N (teller)  
 McKay, Ms J  
 Minns, Mr C  
 Piper, Mr G  
 Tesch, Ms L  
 Watson, Ms A (teller)

Car, Ms P  
 Cotsis, Ms S  
 Donato, Mr P  
 Harris, Mr D  
 Hoenig, Mr R  
 Leong, Ms J  
 Mehan, Mr D  
 Park, Mr R  
 Scully, Mr P  
 Warren, Mr G

## PAIRS

Berejiklian, Ms G  
 George, Mr T  
 Grant, Mr T  
 Hazzard, Mr B  
 Henskens, Mr A  
 O'Dea, Mr J

Aitchison, Ms J  
 Crakanthorp, Mr T  
 Foley, Mr L  
 Hornery, Ms S  
 McDermott, Dr H  
 Zangari, Mr G

**Motion agreed to.**

**PARRAMATTA PARK TRUST AMENDMENT (WESTERN SYDNEY STADIUM) BILL 2017**

**First Reading**

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

**TEMPORARY SPEAKER (Mr Lee Evans):** I order that the second reading of the bill stand as an order of the day for a later hour.

*Private Members' Statements*

**CBD AND SOUTH EAST LIGHT RAIL PROJECT**

**Mr RON HOENIG (Heffron) (20:24):** I place on record this evening yet more of my concerns about the light rail project being undertaken by the Government: the CBD and South East Light Rail. A range of things can be said about this project, and I have put many of the criticisms on the record in this place. They will be familiar to members. They include: the cost of the project has blown out to more than twice what was originally budgeted; the service is insufficient to meet transport demand; independent forecasting has shown that the service

will be full from day one; the Government's planning and delivery, especially with regard to the route of the light rail and the fact that it will terminate at South Sydney Juniors Kingsford, is inappropriate; it has needlessly and belligerently ignored advice that would have saved the precious and historic fig trees lining Anzac Parade and would have saved the Government \$9 million by not necessitating the purchase of land from the Centennial Park and Moore Park Trust, nor the construction of a dam on flood-prone land purchased from a developer; and the chaos and dysfunction experienced by residents, businesses, students and commuters the length and breadth of the construction corridor as the process drags on and on.

Now we learn that the rolling stock for the CBD and South East Light Rail will not be compatible with the Inner West Light Rail line. It is one thing not to have an integrated planning strategy, but we spent nearly a century harmonising rail gauges in this country. Given that, it is frankly ludicrous that this Government cannot integrate two light rail lines. This short-sighted and senseless decision will tie us even more to the hub-and-spoke transport system that has left Sydney congested and leaking productivity. It will make the light rail even more appealing and convenient for a future Coalition government to privatise. I could go on further, but I want to place on record my concerns about the disruption and disturbance that is being caused by ongoing construction, especially in residential precincts in my electorate such as Kensington, Kingsford, and areas of Centennial Park. Residents have likened it to torture, and I sympathise with that view.

I was approached by a constituent earlier this year who was desperate for some respite. She lives with her daughter, who is studying for her Higher School Certificate, and they had been disturbed night after night by all manner of construction noise, jackhammering, pile-driving and vehicle movements, starting at 8.00 p.m. and continuing until 5.00 a.m. She told me that she had been sleepless for five days in a row, Monday to Friday. The only respite she would get was on the weekend. This continued for weeks at a time. She has received precious little in the way of alternative accommodation or assistance to reduce the impacts of the noise. Her daughter is approaching her final exams and is being kept awake night after night.

This resident recently took to 2GB to share her outrage at the inconvenience and the disregard for local residents. Of course, she is not the only resident experiencing difficulties. Hundreds of people live along the light rail route. Businesses are suffering substantial losses in foot traffic and revenue. I am aware of landlords who are refunding rental income in whole or in part as compensation for the suffering they are undergoing. Many residents are being kept awake at night, many nights in a week, and weeks and months in a row. The contractors responsible for the delivery of this project have been belligerent, if not heartless. They are barely meeting their minimum requirement to provide one night of respite after two nights of high-noise work. Of course, the definition of "high noise" is contentious; it depends on who is making the noise. The experiences relayed to me by some residents indicate that even works considered not to be high noise are extremely disruptive to sleep.

There appears to be little regard for the residents who are bearing the brunt of the effects of this project. This experience will continue for many months yet. We take it for granted, but there are few things as precious to people as a decent night's sleep. That very basic right is being denied to people in Kensington and Kingsford, and it is a very heavy burden for those innocent residents to bear. I call on the Minister for Transport and the Minister for Planning to intervene to relieve those residents of the burden and to ensure that they get the decent night's sleep they deserve.

#### **MACINTYRE WARRIORS RUGBY LEAGUE FOOTBALL CLUB**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (20:29):** I continue tonight with a story I started telling to the House last year. It is a story about the Macintyre Warriors Rugby League Football Club, which has transformed the Boggabilla and Toomelah communities in the north of my electorate. Aboriginals and Torres Strait Islanders comprise 80 per cent of those remote and isolated communities, which have been transformed by the emergence of this rugby league club that has brought the community together. It was great to see the Boggabilla sportsground at capacity with more than 1,500 fans cheering on the Macintyre Warriors loudly as they claimed their first group 19 championship with a victory over Armidale's Narwan Eels last Saturday in a match 26 to 22. This team has given those two communities a sense of pride and identity, and has changed the attitude of the residents of those towns.

The coming together of this group can be seen on and off the football field. It is fantastic to see a huge crowd descending on the ground in support of its club because nothing brought the community together until the Macintyre Warriors came back into the competition. The love of footy has slashed the crime rate and brought the beautiful communities of Boggabilla and Toomelah to life. The locals are proud of the commitment shown by their footy players and support staff, and how far they have come in a short period. It is only the second season that the Macintyre Warriors have been in group 19. The team made the grand final last year, which was its first year in group 19, but they were pipped at the final post and defeated by the Inverell Hawks at Inverell. This year they were back in the grand final and minor premiers again.

In 2015, Peter Rice contacted me about the possible rebirth of rugby league in the Boggabilla and Toomelah communities. He spoke with great passion about the potential to kick drugs, alcohol, crime and domestic violence to the kerb and to encourage young families to take up and follow rugby league as a pastime in its place. Peter had a vision. The State and Federal governments and the communities have helped him turn that vision into a reality. The Warriors have proved their worth by receiving generous funding of more than \$275,000 from the State and Federal governments, which includes numerous grants. I acknowledge the strong support of my Federal colleague Mark Coultan, the member for Parkes, who joins me in sponsoring the Macintyre Warriors. Our logos will be emblazoned on the backs of the proud players' jerseys.

I acknowledge that the Moree Plains Shire Council has helped support the club with grant applications and improving the grounds. Last year the club was undefeated until the third-last round. This year, it went one better by claiming a minor premiership and ultimately winning the title. In reserve grade, the club also made the grand final for the first time, but went down to the Moree Boomerangs 24 to 22 in a cliffhanger of a match that had the crowd on its feet until the final whistle. The chant of the Macintyre Warriors sums up their pure spirit and can be heard near and far. It goes like this:

We stand proud in the green and black,  
We're the warriors and that's a fact.  
We will travel near and far,  
Just to show them who we are.  
We play hard and we play fast,  
We are the team that's built to last.  
We proved our strength out here today  
Up the warriors all the way.  
We stand proud in the green and black,  
We're the warriors and that's a fact.  
Who are we? Warriors.  
What do we do? Win.  
How do we do it? Easy.

The Warriors have brought the Boggabilla and Toomelah communities together to work towards a common cause. I will do something I have not done before and record in *Hansard* the names of all the players in the first grade Macintyre Warriors team, the group 19 champions this year. They are: Aaron Robinson, Andrew Williams, Ashley Jarrett, Brandon McGrady, Brandon McIntosh, Clyde Hickling, Dallas Dennison, Jordon Jenkins, Kerrod Sampson, Kyle Munro, Liam Close, Logan McGrady-Dennison, Malcolm McGrady, Mervyn Jarrett, Michael Dennison, Rick McGrady, Robert McGrady, Robert McIntosh, Shannon Hippi, Tyler Williams, William Beale, William Davis and William Hammond. I acknowledge Malcolm "Son Boy" Peckham, coach of the men's and women's teams, and the strapper, club President Peter Rice, and Toomelah Boggabilla Lands Council Chief Executive Officer Carmen McGrady, who is a huge supporter of the club. Up the Warriors. Good luck for next year. They will win it again.

### BREAKAWAY RECREATION AND HOLIDAY SERVICES

**Mr KEVIN CONOLLY (Riverstone) (20:34):** I bring to the attention of the House the good work of Breakaway Recreation and Holiday Services, which is a voluntary organisation first established in 2011 to service a great need in the western suburbs of Sydney. Breakaway organises group social and recreational activities, weekends away, interstate and overseas holidays for adults with an intellectual disability. Breakaway founders Sue Boceski and Glenn Maher generously offer this voluntary service to the many constituents in our community that may feel left out or miss out on opportunities that are available to most others in our society.

Sue, having worked in the disability sector, noticed a desperate need in the community as she repeatedly saw restrictions placed on the participation of activities for adults with disabilities. With the support of partner Glenn, they decided to start their own group to provide assistance to adults with disabilities so members could enjoy a more socially connected and fulfilling life. The idea that adults with intellectual disabilities could break away from the routines and boundaries placed on them in the community was the contributing factor for the organisation's name. Sue and Glenn just wanted to give these citizens the same opportunities that anyone else would have.

The focus for Breakaway is to provide activities that develop friendship and social interaction. All events are supported by Breakaway staff and volunteers. Some of their activities include: going to the movies, day trips, go-karting, swimming, and ten pin bowling. They also hold quarterly planning nights to ensure members have input when choosing future activities. Each year, Breakaway organises a trivia night to raise much-needed funds to help cover the cost of running their minibus. Generally, these fun nights are supported by family and friends of the members and organisers. The further expense of each activity is covered by the members as they participate. This year I had the privilege of attending its trivia night at Quakers Hill and joining in its fundraising activity. Other expenses of each activity are covered by the members as they participate.

In June this year I was delighted to hear that Breakaway was successful in obtaining a grant from the Premier, Gladys Berejiklian, MP, to enable the organisation to run a healthy cooking and exercise program for members. This program will provide an invaluable opportunity for members to learn how to cook some healthy meals for themselves and to participate in regular exercise to further improve their lives and wellbeing. Breakaway has rapidly grown to support more than 60 members across Western Sydney. People are joining the group because it gives them an opportunity to socialise and feel less isolated. Breakaway certainly lives up to its motto that "fun has u in it". The group provides a peer support network to members and the shared experiences help them form friendships. I commend Breakaway for its good work to improve the lives of adults with a disability. It is my pleasure to support Breakaway, which I have learned about only recently and which works like so many groups in our communities with little fanfare and publicity but basically on the volunteer efforts and good will of people in the community who are responding to a need. Well done, Breakaway.

#### TRIBUTE TO DR JAMAL RIFI, AM

**Mr JIHAD DIB (Lakemba) (20:37):** A lot is made of community leaders, some of whom are sometimes self-appointed and do not do much, but the best community leaders are those who are humble and do a lot of work without anyone knowing. They do not do it for glory, but the glory comes to them because they simply touch the lives of so many people and make a difference. I acknowledge one of our local community leaders, who is probably well known in this area, Dr Jamal Rifi. I have known him for many years through work in the community, but I got to know him very well when I taught his son and when we did a fair bit of work in the community. Dr Rifi was named in the Queen's Birthday Honours List and awarded the Order of Australia for his services to the Australian Lebanese community, his multifaith relations and services to medicine. I have not written a speech because I can mention a number of points from my heart. He is someone who is very dear to me and is very important to the community.

Jamal Rifi studied in Romania and came to Australia, but the true story is that he fell in love with the beautiful Lana who he married. The wonderful story is that he came here to complete his studies and he would stay up late at night listening to talk-back radio to improve his English speaking skills. During that time he decided he wanted to serve the community. He is a hero in many different ways and he has won many awards. In 2010 he was a national finalist as Australia's Local Hero for the Australian of the Year award. He was Father of the Year in 2015 and was a finalist in the Pride of Australia awards. He also received an honorary doctorate. As he was already a doctor, I told him that he was now a doctor squared. I do not know what you do with two doctorates; his business card probably says, "Dr<sup>2</sup>".

Jamal Rifi is best known for bringing communities together. The best that I saw in Jamal was at the time of the Cronulla riots, when our country was at a point where things could have gone horribly wrong. He was one of the first people to get involved. One of the first projects that we worked on together was On the Same Wave. We managed to get a bunch of Arabic Muslim kids involved in the surf lifesaving movement. Many of those kids could not swim the 400 metres required for the bronze medallion, but it was about trying to get them together. On a Saturday Dr Rifi would give them a lift if they needed to go anywhere and he would speak to their parents if they needed him to.

As I said before, a lot of people will call themselves community representatives or community leaders, but community leadership is about doing things. On the Same Wave was just the start. After that, Jamal; Jason Clare, the member for Blaxland; the now Treasurer, Scott Morrison, and I took a group of kids to Kokoda on the mateship trek. We had the same idea; it was about building bridges—bringing together people from completely different cultures, who, when they got to know each other, learnt that there is not much that separates us as human beings.

On the Kokoda trek I saw a side of Dr Rifi that I knew was there, but which I had not seen before. Trekking Kokoda was one of the most difficult things I have ever done. All I had to do was to worry about myself and make sure that the kids were alright, but every single night when we pulled into camp—we were all exhausted—there would be a line-up of people wanting to see Dr Rifi. He would treat them and assist them. He would be the last one to leave the camp and the last one to get in. Never once did he complain. Even at the very end, when he himself was injured, he treated the others. As we went through the villages he would help those who had been fuzzy wuzzy angels. He is an incredibly proud Australian—a great Australian. He is an example of the very best of Australia.

People come to Australia for the opportunities this country provides. He took that opportunity, and every day he contributes in many different ways. He enrolled his son at my school, and that meant a great deal to me because it was at a tough time for the school and we needed some people to advocate for us. I said to him, "I hope you are not enrolling your son because of me." He said, "I want to enrol my son because I want to put him here." At his son's graduation he said, "Jihad, I gave you a boy and you gave me a man." That showed his commitment to the school. As well as acknowledging and congratulating Dr Rifi I make special mention of the person who is

his rock—we all have our rocks—his wife, Lana, who is an exceptional person in her own right. I also acknowledge his children: Faisal, Nemat, Jihad—who shares my name—and Sue. There are so many people who we call heroes and so many people who like to call themselves community leaders but champions like this guy make us proud to be Australians.

### **RICHMOND RIVER ECOHEALTH PROJECT**

**Ms TAMARA SMITH (Ballina) (20:42):** The Richmond River is the lifeblood of our regional biodiversity. It provides the habitat and breeding ground for fish. It provides water for irrigating crops. It is enjoyed recreationally by Ballina constituents and all who live along it in Kyogle, Casino, Coraki and Woodburn, as well as those who enjoy life along its twelve tributaries. Before colonisation, the river was brimming with fish and wonderfully healthy mangrove swamps. The elders would collect a delicacy from the old logs in the river—the cobra, or wood oyster. The river was truly at the heart of coastal life and there was not a coral tree in sight.

When Europeans first discovered the Richmond River in the 1800s they wrote about a river with clear waters, where the rocky bottom was visible even in the deepest parts. Fish and oysters were abundant. The Richmond is 237 kilometres long and has the sixth largest catchment in New South Wales. Both my childhood and my daughter's childhood are filled with memories of walking out to the mouth of the river to watch dolphins catch waves, watch the pelicans on the beach and have a walk and a swim at Lighthouse Beach.

When I was a kid oyster farming was a viable industry in the town and my grandfather was an avid fisherman at Ballina, Byron and Brunswick Heads. By contrast, today the river is often very brown for days and weeks after rain. Mud and silt cover the riverbed and tourists complain they are disappointed with the fishing. Invasive weeds are destroying native vegetation, adding to riverbank erosion and muddying the waters with soil. Introduced carp species are causing further damage. The oysters are gone, with very few able to survive. This in turn limits the river's natural filtration system.

The results of a 2014 health report card on the river is poor. Our river desperately needs improvement. The Richmond Ecohealth Project 2014 Final Technical Report revealed that the Richmond River has an overall grade of D plus, ranging from an F in the Wilsons River and Upper Richmond estuary to a C in the headwater streams of the catchment. The report also made significant recommendations to improve the river health, which groups such as OzFish and many other community-based citizen science groups are implementing. Those recommendations include: reducing the diffuse sources and sediment loads that are polluting the river, reducing stock access to the riverbanks, re-vegetating riparian zones to increase buffering, and actively restoring riparian vegetation.

The Nationals claim to be the party for regional citizens, but the constituents of Ballina had a Nationals member for 20 years and nothing was done to help the health of the Richmond River. Not only was nothing done; the major Coalition party was not even told about the dire state of one of Australia's iconic rivers and fishing spots. On a recent visit in June the Premier had no idea there was anything wrong with the Richmond River. That is how much The Nationals care about this river in my region—they did not even bother to mention it to the Liberal Party. The health of the Richmond River has been left to volunteer groups such as Landcare and OzFish to try to sort out, with help from local councils.

In 2009 State and local government agencies recognised that limited knowledge of waterway conditions in coastal catchments in northern New South Wales was a limitation on managing catchment health. The University of New England was engaged to review local and State policies and to provide a holistic, region-wide monitoring and reporting program. After a global review of existing programs, a technical advisory group was formed with representation from the Office of Environment and Heritage; Department of Primary Industries, Fishing; the National Parks and Wildlife Service; and marine parks. Ecohealth was designed using standardised, best-practice methods. Monitoring began in 2009 and today Ecohealth is one of few waterway monitoring programs in New South Wales that simultaneously assesses freshwater and estuary condition.

The Ecohealth program desperately needs funding to improve the knowledge transfer among councils about the use of specific on-ground works. It exists because of a core team of champions: John Schmidt from the Office of Environment and Heritage, Thor Aaso from Port Macquarie-Hastings Council, Suzanne Accret from Ballina Shire Council, and Darren Ryder and Sarah Mika from the University of New England. The Premier rudely said in the media recently that it is my fault she did not know about the Richmond River. I am throwing down the gauntlet to get funding for this project.

**The House adjourned, pursuant to standing and sessional orders, at 20:48 until  
Wednesday 20 September 2017 at 10:00.**