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**LEGISLATIVE ASSEMBLY**

Wednesday 16 March 2016

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**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 10.00 a.m.

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

**BUSINESS OF THE HOUSE****Notices of Motions**

**General Business Notices of Motions (General Notices) given.**

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**FAIR TRADING AMENDMENT (FUEL PRICE TRANSPARENCY) BILL 2016****Second Reading**

**Debate resumed from 8 March 2016.**

**Ms YASMIN CATLEY** (Swansea) [10.12 a.m.]: It is with great pleasure that I respond on behalf of the Opposition to the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The bill amends the Fair Trading Act 1987 to establish a scheme for the publication of service station fuel prices provided in advance. When one first looks at this bill one thinks its aims and intentions are quite fantastic—a great way of harnessing technology, getting open data sets from petrol retailers and providing real-time information to motorists to inform their choices and get the best price. The visibility of price increases and market knowledge boosts competition within the retail market and should keep downward pressure on prices. As I said, it is laudable legislation in principle, but for one thing: It will duplicate a similar Federal scheme being launched in May this year, which is little more than two months away.

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Members would be aware that late last year the Australian Competition and Consumer Commission [ACCC] announced that from 20 May 2016 it would be forcing fuel retail majors to publicly provide the same sort of information so that app designers can create apps to inform motorists of real-time changes in fuel prices. As a result of settling a case in the Federal Court, the ACCC has gained agreement from the retailers for a national scheme, the national Informed Sources app, based on information on pricing flows between the major retailers, which is expected to be launched in May 2016. On 23 December 2015, the ACCC announced that it would be making publicly available retail price information of the four major petrol retailers—Caltex, Woolworths, BP and 7-Eleven. This will "enable consumers to access petrol prices in their local area or in areas along their journey, and will be updated every 15 or 30 minutes".

A national scheme will be launched well before this bill and its proposed State-based scheme comes into effect. It is a more consistent approach and will avoid frequent problems with State-based legislation, such as cross-border anomalies. One would think that with the Federal scheme coming into effect the Minister for Innovation and Better Regulation would think, "Fair enough, there is a better scheme in place and there is no need for State legislation." But not this Minister, and certainly not this Government—not when there is a media opportunity at the end of it.

While this bill writes its own press release, it does not make for a better, clearer approach to regulation. In fact, it may do the opposite and create more red tape for business and greater confusion. Besides a media opportunity, we believe that another reason we are speaking on this bill today is the Government's legislation cupboard is pretty bare. This Government, which has obviously been running short on any legislation for the whole parliamentary year, is suddenly rushing through a bill, tying up parliamentary resources and is trying to pass legislation that, in effect, will duplicate a Federal scheme that will be already in place.

The Opposition will support this bill, subject to a simple amendment providing for cheaper fuel prices as well as a number of clarifications from the Minister. The bill will make it an offence for a service station operator to offer fuel at a retail price other than the price notified to the scheme, pursuant to section 58 (4) (b). The Opposition will move an amendment to section 58 (4) (b), which will cover a situation where a retailer sells fuel at a lower price. I am sure that those opposite would agree that we should never pass legislation that prevents a retailer from offering cheaper fuel. We should, in fact, welcome cheaper fuel. Yet the bill, as it currently stands, would create an offence for doing so.

The Opposition gives notice that it will move a simple amendment to make it an offence under proposed section 58 (4) (b) of the Act to offer fuel at a price higher than already notified. If a retailer wants to sell fuel lower than the notified price, so much the better. The Opposition also seeks a number of clarifications from the Minister. First, how will the two schemes work simultaneously? The Opposition is concerned that the co-existence of two schemes will create unnecessary confusion and red tape for the industry. How will the State Government ensure that both systems operate without creating confusion and red tape for retail operators? Secondly, will there be a possible breach of Federal anti-price signalling law? The Opposition seeks clarification on whether the New South Wales scheme will breach Commonwealth legislation regarding price signalling.

When it comes into effect in May, the Federal scheme requires fuel companies to notify "last known price" information. The New South Wales scheme requires operators to notify price in advance. Will the Minister provide advice on whether this requirement could be construed as price signalling and therefore contravene the Federal Competition and Consumer Act 2010? Thirdly, the Opposition is concerned about any possible costs and unnecessary red tape for small independent operators. I seek the Minister's clarification on the scope of the bill: will it rope in small isolated general stores in rural and remote locations? If so, will this create unnecessary burdens for those mum and dad operators?

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How would exemptions to the scheme work? Will there be exemptions for those cases? If there are exemptions, how will the Minister guarantee competition neutrality and ensure that exemptions do not lead to competitive disadvantage for those not exempt? The Opposition is also concerned about any unnecessary costs incurred with implementing the scheme. To be effective, the scheme requires ongoing real-time information such as pump controllers sending messages to the companies involved and the Government. What are the expected costs associated with those requirements? Has the Government anticipated higher costs for operators where pricing for different fuel is controlled by different suppliers? The Opposition will seek to move an amendment to gain clarification from the Minister on those issues.

It is one thing to enter this House with little more than a vanity project, but this scheme has not been thought out. It is duplicative and could lead to more unnecessary costs and red tape. Bills like this one reveal the hypocrisy of this Government. On 9 March Government members were so upset about

wasting time in Parliament that they were trying to avoid parliamentary scrutiny for closing rail lines. One week later, Government members are again short of ideas and are scratching around for legislation in a pathetic attempt to inflate the number of bills introduced in a parliamentary sitting. We can imagine them all sitting around in Cabinet twiddling their collective little thumbs when the Premier asks, "What is on the legislative agenda in this session?" After a few embarrassing minutes of silence, the Minister for Innovation and Better Regulation would say sheepishly, "Premier, I have a better regulation bill which will add more regulation to what we now have and it will duplicate a Federal requirement to be introduced in May." That is all it takes for a Minister to introduce any bill into this House.

The Opposition is concerned that this bill was engineered for the sake of a media opportunity—assent in the middle of the year, a press release, a flashy website, the Minister twiddling on his iPhone and then, nothing. This is not good government nor is it a good use of our time in Parliament. When the media release is in the rubbish bin, when the website has shut down and when the bill has lost power and purpose, we risk being left with redundant legislation on the statute books that may still be creating confusion and incurring costs and red tape for the fuel retail industry and motorists. Perhaps we are being too unkind and perhaps we should look on the bright side. At least the aim of the bill is to save motorists a few dollars and keep the cost of living down. Generally we do not see those Government bills so it is a welcome surprise. This Government has introduced new tolls, even zombie tolls—brought back from the dead—on the M4 and an emergency service poll tax that will hit struggling families the hardest. We have also seen a constant clamour from the Premier to increase the GST to 15 per cent, which will cost thousands of dollars to families that are already struggling to make ends meet.

When Labor was in office it introduced reforms and legislation that had long-term meaningful impacts on the cost of living pressures resulting from expensive light fuels. The methanol mandate provides a cheaper, greener and cleaner fuel choice for motorists. Labor also introduced the cashback scheme on the M4. We did not sit around wasting the time of Parliament by trying to duplicate Federal schemes. Labor worked on devising real reform and creating positive change for working families across this great State. Rather than replicating the work of the Australian Competition and Consumer Commission, the Minister should perhaps have his boffins working on real-time data toll booths and charges in Sydney. I am sure someone will come up with a Mike Baird toll app to help motorists save money. One year into its term this Government is looking tired. It is out of ideas and meaningful legislation so it has been forced to stump up a bill that duplicates a Federal scheme which could create more confusion and red tape for industry and retailers.

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Subject to the amendment to allow lower prices and several points of clarification from the Minister, the Opposition will not oppose this bill as, in principle, it does provide more informed choices to motorists and consumers for however short a period. The House should be greatly concerned, however, when the so-called Minister for Innovation and Better Regulation comes into this House with a bill that amounts to little more than a media stunt. I look forward to the Government's support for the Opposition's amendment as well as the response to the points of clarification sought from the Minister.

**Mr MARK COURE** (Oatley) [10.25 a.m.]: I congratulate the new shadow Minister for Innovation and Better Regulation who has learnt the Opposition's age-old game of speaking against the bill only to say at the conclusion that they are supporting the bill.

**Ms Jo Haylen:** You obviously weren't listening from the beginning.

**Mr MARK COURE:** No, we were. What an Oscar-winning performance from the shadow Minister. On this side of the House we support small business. We support working families. The member for Prospect is upset that he is not a shadow Minister.

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

**Mr MARK COURE:** I am speaking in support of the Fair Trading Amendment (Fuel Price Transparency) Bill 2016.

**Dr Hugh McDermott:** I'm coming for you, mate.

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

**Mr MARK COURE:** The member opposite is upset that he is not on this side of the House. The shadow Minister is not going to hear this; she is walking out.

I commend the outstanding work of the Minister for Innovation and Better Regulation for bringing this bill before the House and implementing a measure which will directly benefit and assist New South Wales consumers—working families—in finding a better fuel deal. The digitalisation of real time fuel prices has been welcomed by organisations such as the New South Wales Council of Social Services, the NRMA, media outlets such as the *Daily Telegraph*, families in my electorate and small business operators, all of whom have welcomed and supported this reform.

This bill brings fuel price board product information into the digital age and provides choice and access to real time data so consumers can make informed decisions. This bill allows for information that was once held secretly by the oil companies to be shared by everyone in New South Wales via the internet or a smartphone. It is consistent with the Government's open data principles. This is not a new idea; it is similar to an idea that has been implemented in Western Australia. I will come to that in a second.

The New South Wales Government is committed to growing the digital economy. The Government supports and fosters innovation and transparency. This bill does all that—it provides choice for consumers. Importantly, this legislation will provide a mandatory data set that is verified by the New South Wales Department of Fair Trading. The legislation will require all petrol stations to provide real time fuel prices, allowing consumers, working families, people living in and around my electorate and across New South Wales to make informed decisions about where they purchase petrol. The data captured includes the whole market, from big players such as BP and Caltex to the family run service stations, many of which I have in my own electorate in places like Mortdale, Lugarno and Riverwood.

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The Minister for Innovation and Better Regulation is to be congratulated on introducing this legislation. This legislation is the first of its kind in Australia, and possibly the world, but a similar system has been set up in Western Australia. In that State fuel information is recorded and published on a daily basis; however, this information is only published once per day and is locked in for a 24-hour period. The system proposed in this bill—it goes that one step further—will allow for information to be shared within a very short time frame and updated whenever the petrol stations' fuel boards change. That makes a hell of a lot of sense.

This real-time time frame for sharing fuel data is innovative. As I mentioned before, it is the first of its kind in the country, and possibly the world. That is why organisations like the NRMA and the Council of Social Services of New South Wales, along with media outlets—including the good *Daily Telegraph*—have endorsed this reform. This legislation will provide a dataset that is mandatory, more reliable and has greater saturation. It will be authorised by NSW Fair Trading. This legislation represents the next logical step in the process. All petrol stations will be required to provide their fuel prices in real time, meaning there will be reliable information that captures the entire market—from the big players like BP and Caltex to the mum-and-dad businesses. In the electorate that I represent there are many mum-and-dad petrol station businesses that have been running for a very long time. No doubt the

member for Northern Tablelands also has many small business operators in his electorate. This legislation covers every single player.

Even though the Opposition is supporting the bill its members have made some misleading points. In the twenty-first century it is matter of sending a quick email, making a quick phone call or using an app on a smart phone. It is very easy to do this. This is commonsense legislation, and the community will certainly enjoy the fruits of this amendment bill. As the Minister has said, in the digital economy open data is the driver of economic growth and innovation and it supports open government principles of participation, transparency, collaboration and innovation. The impact of ratings websites such as Canstar and many others shows that the power of data can change the marketplace and affect trader behaviour. Consumers now rely on data from other sites such as TripAdvisor and Airbnb when they make important decisions, and they have become experienced at deciding how much weight to give data from different sources.

In this case, making fuel price data freely available to consumers, including working families and third-party software developers, will contribute to the New South Wales digital economy and promote the development of new businesses and industry. I think particularly of the many working families in the electorate that I represent, the electorate of Oatley, and families around the rest of New South Wales, who struggle to meet all their expenses. For most, fuel is an unavoidable cost. Without fuel, parents cannot get to work and children cannot get to school. The online fuel price board will help families manage the cost of fuel, as it will indicate the best price available in a local area and the best time to buy. I am confident that the outcome will be positive for consumers, especially for those who struggle with the cost of raising a family. I commend the bill to the House.

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**Ms TAMARA SMITH** (Ballina) [10.33 a.m.]: I lead for The Greens in debate on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The Greens do not oppose the bill. We are not opposed to requiring petrol stations to display their prices in real time via a centralised platform. We think greater transparency and choice can potentially assist consumers to choose the most effective fuel option. However, we are strongly opposed to the New South Wales Liberal-Nationals Government's dogged and irrational commitment to the 6 per cent ethanol fuel mandate. I will not go through the bill. I think that has been done very well thus far. I will focus on our concerns about ethanol. The Greens want to make sure there is an undertaking by the Government that small rural and regional petrol stations will not be onerously burdened by the requirement to display prices when they do not have access to high-speed internet. It is all very well to mandate that petrol stations must report in real time, but without high-speed broadband that is very difficult. The Greens would like the Government to honour such an undertaking.

**Mr Michael Johnsen:** Ballina has about the highest-priced fuel in New South Wales.

**Ms TAMARA SMITH:** I have a very large electorate of 1,100 square kilometres. I turn to current ethanol policy in New South Wales. The Biofuels Act 2007 currently requires a certain percentage of the total volume of petrol sold in New South Wales by volume fuel sellers to contain ethanol and a certain percentage of the total volume of diesel sold to be biodiesel. When the Act was introduced in October 2007 the specified minimum amount of ethanol was 2 per cent. The mandate was originally spearheaded by the Labor Government, under Morris Iemma, who took a mandate for 10 per cent ethanol content by 2011 to the 2007 New South Wales election. The ethanol mandate was set at 6 per cent in 2011 and has never been met. According to the Independent Pricing and Regulatory Tribunal [IPART], the proportion of ethanol—

[Interruption]

I have hit a raw nerve, obviously.

**Mr Adam Crouch:** I am wondering why you are talking about a different bill.



**Ms TAMARA SMITH:** I beg your pardon?

**Mr Michael Johnsen:** It is the wrong bill.

**Ms TAMARA SMITH:** Are we not debating the fuel bill?

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! The House is debating the Fair Trading Amendment (Fuel Price Transparency) Bill 2016.

**Ms TAMARA SMITH:** No!

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! But the member has made an excellent contribution so far.

**Ms TAMARA SMITH:** I will check with the Clerk, but on the screen before I came into the Chamber the caption showed the title of the bill that I am speaking on.

**Mr Damien Tudehope:** The fuel transparency bill?

**Ms TAMARA SMITH:** Yes.

**Mr Damien Tudehope:** But you are talking about the biofuels bill.

**Ms TAMARA SMITH:** No, I am not.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! I remind the member for Ballina that the House is debating the Fair Trading Amendment (Fuel Price Transparency) Bill 2016, not the biofuels bill.

**Ms TAMARA SMITH:** I thank Government members for their guidance, which I do not require because I am talking about ethanol.

**Mr Adam Crouch:** That is a different bill.

**Ms TAMARA SMITH:** I am not talking about an ethanol bill; I am talking about The Greens' opposition to the Fair Trading Amendment (Fuel Price Transparency) Bill 2016.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! The member for Ballina will continue her contribution.

**Ms TAMARA SMITH:** Thank you. I might ask for an extension of time, given that I am getting cheat sheet notes from members of the Government.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! Government members will come to order.

**Ms TAMARA SMITH:** I have chosen to focus on the 6 per cent ethanol mandate that is at the heart of this legislation. I am doing that because that is The Greens' position, whether members like it or not. The Greens oppose the 6 per cent ethanol mandate because Manildra has a monopoly and undue political influence. Manildra is the monopoly manufacturer of ethanol in New South Wales. The Australian ethanol industry is small and highly concentrated, with one producer located in New South Wales and two in Queensland. Manildra, which is the largest producer, supplies around 69 per cent of Australian production. Between July 2010 and 30 June 2014 the New South Wales ethanol monopoly gave more

than—wait for it—\$532,000 to the Liberals around Australia, \$395,000 to The Nationals and—

**Mr Mark Coure:** Point of order: My point of order goes to relevance. I ask that the member for Ballina be directed to return to the leave of the bill.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! I uphold the point of order. The member for Ballina will return to the leave of the bill, which is the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. There was confusion about whether we were debating the biofuel security bill, which is not before the House. The member for Ballina may continue.

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**Ms TAMARA SMITH:** I understand the purpose of the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. We support the bill in terms of transparency. I have raised the concern about regional Australia's access to high-speed broadband so that businesses can meet that requirement. The Greens are not opposed to the requirement being placed on petrol stations but we are opposed to the Liberals-Nationals Government's dogged and irrational commitment to the 6 per cent ethanol fuel mandate. I take it there will be an opportunity for me to return to that matter later because, frankly, I find it outrageous that I cannot put forward The Greens' position. It is related to fuel and it is a premise that we have the right to critique. I will make sure that I leave no doubt about our position later in the day. Thanks very much—not.

**Mr ADAM MARSHALL** (Northern Tablelands) [10.40 a.m.]: I support the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The objects of the bill and the short title of the bill are to amend the Fair Trading Act 1987, the principal Act, to provide for the establishment of a scheme for the publication of service station fuel prices on an ongoing and up-to-date basis and to make a consequential amendment to the Fair Trading Regulation 2012. For the benefit of all members—particularly those who have not read the bill—that will make sure the regulation reflects the provision to make it an offence for fuel stations throughout New South Wales not to display their up-to-date fuel pricing on the online portal.

I strongly support the bill. It will help to give motorists in country New South Wales an edge over some fuel retailers who are unscrupulous, who are cruel and who are ripping off people at the bowser for no reason other than greed to simply gouge cash from those motorists who can least afford it, given the many kilometres they travel. This fuel price transparency bill will make it easier for motorists to compare fuel prices at different service stations, allowing them to make informed decisions that will ultimately save them dollars at the bowser. Before I continue, I reflect on a few comments made by the shadow Minister in leading for the Opposition. She said that this legislation will duplicate what is happening at the Federal level with the Australian Competition and Consumer Commission [ACCC] announcing a similar scheme to this bill. It will not.

The ACCC has announced by agreement a voluntary scheme where the commission will seek to publish on a regular basis fuel prices at stations operated by the big four operators in Australia. That is all well and good for those who live in a large metropolitan area. However, in country New South Wales—particularly my electorate that does not have a high prevalence of larger stations but, rather, many smaller, independent mum-and dad-operators—lots of service stations will not be captured by the efforts of the ACCC voluntary scheme. The bill proposes a mandatory scheme that will capture all service stations—large, small, independent operators, the mums and dads, and the big service stations such as BP and Caltex—to ensure full fuel pricing transparency in real time.

I do not believe this will be onerous on the fuel station sector; indeed, I talked to a number of smaller operators in anticipation of speaking on the bill. They fully support the bill because they believe they offer a better price than the big fuel stations. Certainly the evidence I have seen in my travels across the 56,000 square kilometres of my electorate is that they do. They want every motorist, every consumer, to know that they have the cheapest prices because they want more people to come and buy their fuel rather than propping up the big guys, who are simply gouging consumers—particularly in the city of

Armidale, and I will touch on that in a moment.

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This legislation will create a greater level of transparency around fuel pricing, which is what I and the community of the Northern Tablelands, in particular Armidale, have been calling for for a very long time. For the past few years we have had an ongoing issue—which I have spoken about in this House previously—with fuel prices in the city of Armidale. While ACCC is in the midst of yet another investigation this new online fuel pricing board will certainly help motorists in that city and across my electorate. The major concern in Armidale is the perception of collusion between the retailers, which leaves consumers reeling from fuel prices that are higher than in other communities. Indeed, at any particular time a motorist could be paying between 8¢ and 10¢ more for unleaded petrol in Armidale than in Uralla, which is 22 kilometres down the road; Guyra, which is 41 kilometres up the highway; or even out at Invergowrie at the general store, which is only 13½ kilometres away and is operated as an independent outlet. For diesel, the gap between the cost of fuel in Armidale and in other centres is up to 13¢ or 15¢ per litre. It is absolutely ridiculous.

Under this scheme, operators will be required to post their prices online immediately to a new website, allowing consumers to make informed decisions not when they pull into a service station but before they even get in their car. In 2014 legislation was passed through this Parliament to make it mandatory for all fuel stations to display the price of their fuel on a price board in clear view of motorists approaching the service station. All this legislation does is to require that their prices, in addition to being displayed on price boards in real time, are displayed on an online portal. At the moment if a fuel station changes its prices throughout the day—which I must say is not common in the country but may be more so in metropolitan areas—it must adjust the prices immediately on its price board. It will have to do the same on the online portal. The difference—particularly in a country context, where motorists must sometimes travel long distances between service stations—is that instead of having to wait until motorists reach a service station they will be able to go online using their smart phone or tablet device and find the cheapest fuel in their locality before they even get into their car.

Shopping around for the cheapest fuel price will no longer mean physically driving around looking at fuel station price boards. Indeed, many people in my region who make lengthy trips up the New England Highway, the Newell Highway or across the Gwydir—travelling east to west or north to south; going from Uralla in the south to Tenterfield in the north or way out to Moree or Mungindi—will be able to plan their trip and where they are going to stop for fuel before they even start their journey. At the moment motorists in country areas generally drive until they are low on fuel and then just fill up at the nearest service station. We are susceptible to being ripped off because we do not have the ability to shop around. We will be able to do that with this website. It will give a little more power to the consumer and take a little more power from the big four service station chains, which, as we know, often do not have the interests of motorists—particularly country motorists—at heart.

There will be no fee for service station operators to register or use the database or to upload data. It will be a very simple process, no matter where they are. However, there will be penalties for selling fuel at a price other than that notified on the online price board, which is exactly the same as occurs now with the physical price boards out the front of service stations. It is anticipated that apps will be developed by third parties using the information available that will enhance the consumer experience—for example, combining price data with maps that can be easily accessed using smart phones or tablet devices. I think that will be welcomed by people in country areas.

I am pleased to say that social media has played a significant role recently in bringing our Armidale fuel sellers to heel. The use of Facebook and Twitter to shame retailers has been critical to bringing prices down. I thank the community for its role in that campaign. Again, it shows the power that the online portal can have. By making fuel pricing transparent, we can bring about changes in consumer behaviour—in this case, motorists who are purchasing fuel—and indeed shame some retailers into making their prices more competitive with other independent retailers in country areas.

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The beauty of this is it allows for information to be shared very quickly. When fuel prices change in an area, it is reflected on the online portal. People who are looking to get fuel at lunchtime or after work can easily check it immediately before they jump into their vehicle. It is a simple change but one that will provide motorists with reliable information that captures the entire market, from the big players down to the corner store. The smaller fuel stations really want this innovation because they have a better product, better service and a better price—and they want the world to know about it. This portal will help them do that.

Service station operators want to reach out to customers and potential customers with their current information. In this age of modern technology it makes sense to have an online portal that allows them to do that so everyone can be treated the same and consumers get the edge. In my view this is a win-win situation for the smaller retailers and for the motorists in country New South Wales. I look forward to seeing this bill pass not only through this House but also the other place, and come into law. I wholeheartedly commend the bill to the House.

**Ms JENNY LEONG** (Newtown) [10.50 a.m.]: I make a brief contribution to debate on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 in part to highlight the obvious raw nerve of those opposite in relation to the story that appeared in this morning's edition of the *Sydney Morning Herald*, which states Liberal member of the Legislative Council the Hon. Peter Phelps 'goes berserk' over ethanol mandate legislation. It appears that my colleague the member for Ballina hit that raw nerve when she spoke to the bill. It is worthwhile putting on record that perhaps the reaction to the member's quite reasoned argument was because in 2015 the Minister made a commitment to introduce a package of reforms that would adopt a number of the Independent Pricing and Regulatory Tribunal review recommendations, of which this bill is a part. The Government is perhaps a little sensitive about any mention of ethanol because there has been some heated debate behind the scenes.

As the member for Ballina said at the commencement of her speech, The Greens do not oppose the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The legislation makes it mandatory for all petrol stations to record price changes at the bowser through an online portal that can be accessed by consumers. As the member for Ballina said, that makes great sense. We support that change. The member also said that the suite of measures and package of reforms recommended and announced by the Minister included the report entitled, "Final Report—Ethanol mandate—Options to increase the uptake of ethanol blended petrol—May 2015". I do not think anyone in this Chamber would disagree that the bill is part of a legislative package that will come to us in the next little while and which will include the ethanol bill. So why not flag our serious concerns about ethanol and the fact that Manildra has a monopoly and exerts undue political influence?

**Mr Gareth Ward:** Point of order: My point of order is under Standing Order 76 relating to relevance, as well as standing orders prohibiting debate on matters that may be coming before the House. The member for Newtown is clearly foreshadowing such matters and she is outside the leave of the bill. I ask that the member be drawn back to the leave of the bill or directed to resume her seat.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! I uphold the point of order. The member for Newtown will return to the leave of the bill.

**Ms JENNY LEONG:** I conclude by saying that The Greens will not oppose the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. Other suites of measures and packages will be discussed when they come before the House. I await with interest and much anticipation that debate in this place, given the raw nerve that we may have hit for Government members.

**Debate adjourned on motion by Mr Damien Tudehope and set down as an order of the day for a later hour.**

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## ASSISTED REPRODUCTIVE TECHNOLOGY AMENDMENT BILL 2016

### Second Reading

**Debate resumed from 9 March 2016.**

**Ms KATE WASHINGTON** (Port Stephens) [10.54 a.m.]: I lead for the Opposition on behalf of the Shadow Minister for Health in the other place, the Hon. Walt Secord, in debate on the Assisted Reproductive Technology Amendment Bill 2016. The bill seeks to amend the Assisted Reproductive Technology Act 2007 and its related regulation, the Assisted Reproductive Technology Regulation 2014, together with the Births, Deaths and Marriages Registration Act 1995. The bill was introduced by the Government to address the recommendations made by the New South Wales Legislative Assembly Committee on Law and Safety, which conducted two inquiries into donor conception. The first inquiry resulted in a report entitled "The Inclusion of Donor Details on the Register of Births", which was released October 2012. The second inquiry resulted in a further report entitled "Managing Donor Conception Information", which was released in October 2013. The Government responded substantively to the recommendations of both committees in its report entitled "Managing Donor Conception", which was released in April 2014.

From the outset, the Opposition acknowledges that this is a complex area of the law and its impacts are deeply personal to everyone involved. It is an example of an area where technology overtook the law in many respects. We are now faced with trying to do the best we can to protect rights that were not adequately protected at the time, when people were gaining the benefit of technological advances and the rights of individuals who were not yet born were not necessarily taken into account under the law. Getting this wrong could result in the ongoing marginalisation of thousands of donor-conceived individuals in New South Wales. At its heart, the bill is meant to address the importance of donor-conceived individuals being able to access information about their biological origins. For reasons I will elaborate on further, the Opposition has significant concerns that this bill does not address this most basic right.

For the sake of clarity, the Assisted Reproductive Technology Act 2007 addresses the management of donor information and its access by donor-conceived individuals for all donations made after 1 January 2010. Under the Act, anyone who donates ovum or sperm after 1 January 2010 does so on the basis that all their information—their identity, ethnicity and health records—may be made available to the person conceived by their donation. This donor information from donations made since 1 January 2010 is stored in a central repository, which is within NSW Health. The central registry also holds records relating to pre-2010 donations if that information has been volunteered. I understand that the central registry holds approximately 70 to 80 pre-2010 donor-related records, which have been volunteered.

The bill relates primarily to the management of the information of individuals who donated sperm or ova prior to 1 January 2010. Providers of assisted reproductive technology [ART]—the companies that provide treatment for infertility, including hospitals, clinics and medical practices—should hold information relating to the identity and health records of people who made donations of sperm or ova prior to 2010. Currently there is no obligation on ART providers to send the donor information to a central repository. ART providers are responsible for maintaining the records themselves. The problem, according to many donor-conceived individuals, is that a lot of ART providers have not been responsible. People conceived via ART prior to 1 January 2010 must make application directly to the ART provider to obtain records relating to their donor. The donor's identity may not be released by the ART provider without the donor's consent.

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Unfortunately, this system has failed many donor-conceived individuals due to records being

destroyed or altered by assisted reproductive technology providers, leaving donor-conceived individuals dangerously in the dark about any hereditary medical or genetic issues. As a consequence of these failures, the system was reviewed by a Legislative Assembly committee which made many sensible recommendations. The primary recommendation was for the Government to take responsibility for the records currently held by the ART providers so as to secure the information for the benefit of the donor-conceived individuals. The committee recommended that:

... the Attorney General establish a new agency to manage a Register of donor conception information and that this agency also assume responsibility for providing support to those involved in donor conception.

In response, the Government said in 2014:

The Government supports the register of donor conception information being managed by one agency. NSW Health will continue to manage the register ...

The Government does not support establishing a new stand-alone agency to manage the register and provide these support services.

In this bill the Government not only rejects a stand-alone agency to manage donor information but also rejects the retention of pre-2010 donor records at a central agency. The Legislative Assembly committee also recommended that:

... the donor conception management agency, once established, collect all donor conception information from assisted reproductive technology clinics and enter it into a secure Register of donor conception information.

In 2014 the Government responded to this recommendation as follows:

The Government supports the objective of having pre-2010 information centrally stored.

This position was even acknowledged—somewhat tangentially—by the Minister for Health during her second reading speech on this bill when she stated:

While the Government did not support the creation of a new agency, it did give in-principle support to the central collection of pre-2010 records ...

What happened between 2014, when the Government responded to the committee's recommendations, and the recent introduction of this bill to this House?

The Minister tells us that the Ministry of Health carried out further consultation. With whom did the Ministry consult? According to the Minister, there was consultation with "ART providers, donor conception groups and medical groups". I have consulted donor-conceived individuals, with my colleague from the other place the Hon. Walt Secord, shadow Minister for Health. The donor-conceived individuals and their representative group tell us that they were not consulted and nor did they know of this Government's backflip from its prior commitment to centrally store pre-2010 donor records. The end result—this bill—suggests that the voices of the donor-conceived individuals were not heard, or they certainly were not listened to.

By failing to give effect to the parliamentary committee's recommendation to centrally store pre-2010 donor information, the Government has entirely missed the fundamental point of the Legislative Assembly committee's findings and so has failed donor-conceived individuals. The Government has placed greater weight on the interests of the ART providers than on the rights of the individuals whose health and wellbeing can turn on donor information being made secure and accessible.

I will now take a closer look at the competing interests of the donor-conceived individuals and assisted reproductive technology providers. According to Minister Skinner in her second reading speech:

ART providers had strong objections to the central collation of records due to privacy concerns, the costs involved, a strong view that it was their professional responsibility to facilitate any exchange of information between donors and donor-conceived individuals and concerns that the central collation of records may make donors less likely to update information.

The Minister went on to say:

Donor conception groups on the other hand were strongly in favour of the central collation of records. This was because some donor-conceived individuals had had personal experience of records being destroyed or falsified.

The Minister claims that this bill has struck a balance between the competing interests. The Opposition does not understand how this bill could be construed as a balancing act or anything of that ilk. It is the Opposition's view that the Government has inappropriately given weight to the interests of corporates over those of individuals whose access to health records is fundamental to their identity, sense of self and biological health. The importance of access to genetic history is understood and legally recognised in the realm of adopted children. The same cannot be said of this Government's approach to individuals conceived by ART. Instead of doing what was recommended by the Legislative Assembly committee—instead of doing the right thing—the Minister and her Government have broken the promise made to donor-conceived individuals to protect their health records. Instead of doing as the Government said it would, it has proposed other measures in this bill in an effort to make up for the broken promise.

This bill proposes to impose on assisted reproductive technology providers additional obligations to store pre-2010 donor information for 75 years. There is also the creation of an offence for the destruction of information with an accompanying fine of \$44,000. The Opposition does not agree that this provides the necessary security for the pre-2010 donor records of donor-conceived individuals. I suggest that both of these measures are of little effect and in reality are meaningless. A time frame of 75 years to store records creates the appearance of coming down hard on ART providers, but is largely meaningless in a corporate world where companies rarely remain operational for 20 years, let alone 75 years. I have heard stories from donor-conceived individuals who have sought the records of their donor from the ART provider only to be told that the doctor has retired and has taken all of his records with him. It is devastating to think that the key to someone's future could be stored in a retired doctor's garage.

The proposed obligation to require ART providers to retain records for 75 years does not cure this problem. The creation of an offence for the destruction of information is reactive and not responsive. If records are destroyed or altered by an ART provider, whether or not that company is fined is of no interest or benefit to the individual whose donor's records have been lost forever. This Government should put front and centre the need to secure these records, not to react if records are falsified or destroyed. Moreover, the offence is rendered entirely meaningless by the bill's proposal to only extend the time limit for the commencement of proceedings from six months to two years. This means that, when a donor-conceived individual learns for the first time when they are in their twenties that they were donor-conceived and requests information from the ART provider only to learn that the records were destroyed 15 years earlier, there are no ramifications for the ART provider. This is a true scenario that has been described to me.

The Opposition does not oppose other amendments proposed in the bill relating to: the storage and use of donated sperm and ova; the amendment of the five-women limit in section 27 of the Assisted Reproductive Technology Act to a five-family limit so as to cure an unintended consequence which has seen families unable to expand their families using the same donor's gametes; the creation of greater certainty by transferring some provisions in the ART Regulation to the Act; and permitting donors and

offspring of donors to voluntarily provide information for inclusion in the register.

I turn to amendments proposed by this bill to the Births, Deaths and Marriages Registration Act 1995. The amendments seek to allow the voluntary inclusion of information about donor conception in a birth registration statement. For parents who choose to have this information recorded, donor-conceived individuals who apply for their birth certificate after the age of 18 will then also obtain an addendum containing information relating to their donor. The benefit of this amendment will only be conferred on those individuals whose parents choose to disclose their donor-conceived status. Whilst the Opposition does not oppose this amendment, it has concerns that in practice donor-conceived individuals' access to information about their donor is still only in the hands of their parents. When the donor-conceived individuals become adults and possibly parents themselves, the absurdity of this situation is highlighted and leaves many donor-conceived individuals feeling like they are second-class citizens, with fewer rights than others.

I take this opportunity to raise the Opposition's concerns regarding the management of the central register by NSW Health. It is been described to me by donor-conceived individuals who have had dealings with the registry as "as good as useless", "insensitive", "inefficient" and "very far from pro-active". In its response to the Legislative Assembly committee's recommendations, the Government stated in 2014:

The Government recognises that specialist services are required to sensitively manage this information, and will be providing additional support services and conducting an awareness-raising campaign in association with the Register.

It is disappointing that the Government's intentions on this front have clearly not been followed through and this bill remains silent as to the future operational capacity and ability of the central register. The primary rationale behind the recommendations of the Legislative Assembly committee was to secure the records of donor-conceived individuals in perpetuity.

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This bill fails entirely to address that rationale and the needs of the donor-conceived individuals concerned. The Government has heard the concerns of assisted reproductive technology providers, particularly the costs they will bear in producing the records to a central registry. Those concerns have been given greater weight than the health and well-being of donor-conceived individuals. The Opposition does not oppose this bill but has grave concerns that the Government has major aspects of it wrong. The Opposition concerns that I have outlined today will be raised in the other place by way of amendments to the bill proposed by my colleague the shadow Minister for Health, the Hon. Walt Secord.

**Mr ADAM CROUCH** (Terrigal) [11.10 a.m.]: On behalf of the Government I support the Assisted Reproductive Technology Amendment Bill 2016. In 2010 the Assisted Reproductive Technology Act commenced prohibiting the anonymous donation of gametes and establishing a voluntary register for offspring born prior to 2010. It is a voluntary register. In 2014 there was a statutory review of the Assisted Reproductive Technology Act that produced a series of recommendations addressed by this bill. The following groups have been consulted throughout the process: assisted reproductive technology providers, donor conception support groups, medical services committee and the Australian Medical Association. This is an incredibly sensitive issue to many and this Government understands the sensitivity of these amendments and the Assisted Reproductive Technology Act.

The bill makes a number of amendments to the Assisted Reproductive Technology Act 2007 and the Births, Deaths and Marriages Registration Act 1995. The amendments are the result of the statutory review of the Assisted Reproductive Technology Act and two parliamentary inquiries into donor conception. The Act prevents the commercialisation of human reproduction and protects the interests of persons born from assisted reproductive technology treatment, persons who provide gametes and



women undergoing assisted reproductive technology treatment. During the parliamentary inquiry submissions were received from a broad cross-section of the community including donor-conceived individuals, donors, academics, government departments, consumer advocacy groups and members of the legal and medical professions. Both inquiries held public hearings. The statutory review of the Assisted Reproductive Technology Act received submissions from a variety of stakeholders such as assisted reproductive technology providers, donor recipient support groups and other stakeholders.

Further to that, following the release of the report from the Government inquiries the ministry consulted again with external stakeholders including assisted reproductive technology procedures, donor conception support groups and the Medical Services Advisory Committee. The inability of donor-conceived individuals to access information about their biological origins can and does cause distress for many individuals. However, it must be recognised that many past donors donated on the basis of confidentiality. In 2013 the Legislative Assembly Committee on Law and Safety looked at issues in relation to the donor information and produced the report "Managing donor conception information". The committee recognised the different views and needs of both donors and donor-conceived individuals and concluded that identifying information should only be disclosed with consent but that the donor-conceived individuals should have the right to access non-identifying information.

The Government accepted this recommendation and, accordingly, the bill includes a new part 3A in the Assisted Reproductive Technology Act that will give donor-conceived individuals the right to access non-identifying information about their donor. This sort of information includes ethnicity and physical characteristics of the donor, relevant medical history of the donor, which is incredibly important these days, and the sex and year of birth of each offspring of that donor. The change strikes an appropriate balance between the rights and interests of donor-conceived people who seek information regarding their biological parentage and genetic history and past donors who donated on the condition of anonymity. Consultation with assisted reproductive technology providers in relation to the central collection of records revealed that the central collation of records would be an extremely costly exercise.

These costs arise because assisted reproductive technology providers need to retrieve their pre-2010 assisted reproductive technology records from storage, review each file to determine if the assisted reproductive technology treatment involved donor conception and copy each file that related to donor conception. Assisted reproductive technology providers expressed concern about the confidentiality and privacy of donors and that donors would be less likely to provide updated information to the Ministry of Health. Donor conception groups supported a central collection of records and some stakeholders expressed concern about having to ask assisted reproductive technology providers for access to donor records. As a result of those consultations the Government is not pursuing central collation of records. An alternative approach is being pursued in the bill which will give pre-2010 donor-conceived individuals the right to access de-identified records while recognising some of the concerns of assisted reproductive technology providers.

While this is not the model recommended by the parliamentary committee it will meet the intent of the recommendation that donor-conceived individuals have the right to access de-identified information about donors and ensure that records relating to pre-2010 donors are appropriately maintained to ensure the records are available for donor-conceived individuals. If a donor-conceived individual does not know which assisted reproductive technology provider provided treatment for their mother or does not wish to contact the assisted reproductive technology provider, for whatever reason, the individual can make an application to the Ministry of Health. The Ministry of Health will seek the records from the assisted reproductive technology providers or another person such as the medical practitioners who previously provided the assisted reproductive technology treatment. Assisted reproductive technology providers and any other person requested to provide information by the ministry must comply with this request.

Further, to ensure the ongoing maintenance of records the bill strengthens the record-keeping obligations relating to donor conception records. Records are required to be kept for 75 years. It is a new offence to destroy or falsify an assisted reproductive technology donor record. The Assisted Reproductive

Technology Act 2007 commenced on 1 January 2010 and from that date assisted reproductive technology providers can only use donated gametes, sperm and eggs if the donor is identified. The Assisted Reproductive Technology Act does not operate retrospectively so pre-2010 donor-conceived individuals do not have the right to access information on their donor. However, the Ministry of Health does operate a voluntary register that allows donors and donor-conceived individuals to include information on the register that can be disclosed with consent.

The bill provides that pre 2010 identifying information on donors will not be released except with consent. Donor-conceived individuals will have access to de-identified information such as the donor's medical information, which is extremely valuable to a donor-created individual. The consent-based model that was recommended by the parliamentary committee strikes a balance between the rights of donor-conceived people to learn about their biological origins and the rights of donors who donated with the expectation of anonymity. As the committees have acknowledged, there have been cases in the past of donor records being destroyed or tampered with, which has been devastating for the individuals affected. The new part 3A includes a number of new provisions to strengthen the record-keeping requirements in relation to pre-2010 records.

The new provisions provide a new offence relating to the destruction or falsification of donor records. Assisted reproductive technology providers must keep pre-2010 records for 75 years, records must also be retained in a readily accessible format and new provisions will make it easier for a non-assisted reproductive technology provider to transfer records to a registered assisted reproductive technology provider. The bill amends section 63 to increase the time period in which proceedings for breaches of the Act can be brought from six months to two years. This will assist in any prosecution for a breach of the Act. The changes in this bill will help ensure that destruction never happens again and donor conception information will be retained going forward. Assisted reproductive technology can be a contentious area and I realise that not all stakeholders will be satisfied with the changes in this bill.

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It should also be noted that more than 2,000 people in New South Wales are with us today because of ART and the benefits it brings to people trying to conceive. However, the bill aims to strike a fair balance between the different and sometimes competing interests of donor-conceived individuals, women undergoing ART treatment and donors. I commend the bill to the House.

**Mr ALEX GREENWICH** (Sydney) [11.19 a.m.]: I speak in support of the Assisted Reproductive Technology Amendment Bill 2016, which will ensure that women who parent children born to their partner through assisted reproductive technology [ART] treatment can use the same donor as their partner even if the donor has already donated to five women. Currently there is a five women limit for successful ART treatment. This bill adopts the recommendations of the recent review of the Act for the "five women limit" to change to a "five families limit". This change is especially important to lesbian couples who both bear children in their family and want to use the same donor to provide bloodlines among their children. I also recognise the many same-sex parented families in my electorate who obviously contribute in a wonderful way to the community.

I have been contacted by two lesbian couples whose families have been impacted by the five women limit. In both situations, couples have commenced families and then not been able to use the same donor with the second partner because he has or may have reached the five women limit. It is important to the women in these families that their children share a biological link but they were excluded from this option even though, as a family with the same two parents, there is no risk of their children not knowing their biological link and unknowingly entering into a romantic relationship. In each case the couple reported significant emotional distress. The five women limit is discriminatory and unnecessary in the case of families headed by lesbian couples. I understand that families headed by heterosexual couples that use a donor can also be affected—for example, in the case of a man who is sterile and who remarries after the death of his first wife. All families should have access to the same donor in planning

their families and I commend the bill for finally doing this.

The bill also creates new provisions for individuals who were conceived through donor gametes before the Act came into place and have had no rights to access information about their donor. The bill ensures these individuals can access de-identified information about their donor parent and provides a framework to do that through application either to the ART provider or to the Secretary of the Ministry of Health. There is an obligation on the ART provider to provide this information. I understand those conceived through donated gametes prior to 2010 are disappointed that the Government will continue to let ART providers manage records. They want a government-managed centralised electronic database because they do not trust ART providers, some of which have destroyed records, denying them access to their ancestry and genetic history. While the bill creates a new offence for the destruction of records, which is strongly supported, I understand why those wanting to access records do not trust ART providers and agree that the Government should manage all past records.

Those conceived through donated gametes prior to 2010 also want access to the identity of a donor, which is provided for in Victorian legislation in contrast to this bill which only provides for de-identified information. This is a sensitive matter and it is clear from the Minister's speech that the decision to provide de-identified information was an attempt to balance the wishes of donors who were promised anonymity when they made a donation and the wishes of individuals who were conceived under these circumstances. It is a difficult decision and, I understand, one that the Government has not taken lightly. I understand the concerns of individuals conceived—it is not their fault that a donor was unfairly promised anonymity—and I understand why they would want to learn more about who their donor is. Notwithstanding that, I also understand why the Government has chosen this path and maintained the anonymity donors were initially promised and I do not oppose that. I support the bill and I thank the Minister and her office for the consultation provided.

**Mr KEVIN ANDERSON** (Tamworth) [11.23 a.m.]: I speak in support of the Assisted Reproductive Technology Amendment Bill 2016. In 2010, the Assisted Reproductive Technology [ART] Act commenced. It prohibited the anonymous donation of gametes and established a voluntary register for offspring born prior to 2010. In 2014, the statutory review into the ART Act made a series of recommendations, which this bill addresses. The original Act aims to prevent the commercialisation of human reproduction and protect the interests of persons born from ART treatment, persons who provide gametes and women undergoing ART treatment. During the parliamentary inquiries, submissions were received from a broad cross-section of the community including donor-conceived individuals, donors, academics, government departments, consumer advocacy groups and members of the legal and medical professions. Both inquiries held public hearings. The statutory review of the ART Act received submissions from a variety of stakeholders such as ART providers, donor recipient support groups and other stakeholders.

The Assisted Reproductive Technology Act sets out time limits on the use and storage of donated gametes. Under the Act, donated gametes or embryos created using donated gametes can only be used and stored for a maximum period of 10 years. However, the Health secretary has the power to increase the time period on application. There have been around 20 such requests since 2010, generally from or on behalf of a family wishing to complete their family using the same donor's gametes, and all have been approved.

The statutory review of the ART Act highlighted the concerns that the current provisions can unduly restrict women from completing their families in a time frame of their own choosing. This is particularly the case with embryos, because the 10-year time limit starts running from the date the gametes were obtained, not the date the embryos were created. The report on the statutory review sought to balance these concerns and recommended that the time limit be increased to 15 years and that the time limit for embryos starts to run from the date the embryos are created rather than the date gametes are obtained. The bill implements these recommendations.

The review of the ART Act also recommended that there should be no time limits on the use and storage of gametes for women who fall within the transitional provisions. These are women who started ART treatment before 1 January 2010 and who seek to complete their family using the same donor's gametes. ART treatment is self-limiting and time limits only serve to cause women to rush to treatment. Accordingly the bill removes the time limit for use and storage of gametes that were donated prior to 1 January 2010.

Under the bill, when a birth is registered, the parent of a child who was donor conceived can declare that the child was conceived using a donated egg or donated sperm. This declaration will be noted on the child's entry in the birth register, but no information will be included on the birth certificate to indicate that the child may have been donor conceived. Rather, the Registrar of Births, Deaths and Marriages will note the information. Once the person turns 18, if they request a birth certificate, the registrar will attach an addendum to the birth certificate noting that a declaration has been made by the parent or parents and that further information may be available from the ART Central Register.

A person or a couple undergoing ART treatment from an ART provider will be encouraged to consider making a declaration when registering the birth that any child born as a result of the treatment was donor conceived. The birth registration form will include a prompt for such a declaration. However, it will not be mandatory for a parent or parents registering the birth of a child to declare that the child was donor conceived. It will be up to the parents of a donor-conceived child whether to inform the child that he or she is donor conceived. Once a child who has been conceived using donated sperm or ova turns 18, they have a right to access information on the donor from the ART Central Register.

Assisted reproductive technology can be a contentious area and I realise that not all stakeholders will be satisfied with all the changes in this bill. However, the bill aims to strike a fair balance between the different and sometimes competing interests of donor-conceived individuals, women undergoing ART treatment and donors. While the bill does not retrospectively alter donor anonymity, I strongly urge pre-2010 donors to consider the children and adults who have been created using their gametes. These are individuals who lack information about their biological origins—information most of us take for granted. I commend the bill to the House.

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**Mr NICK LALICH** (Cabramatta) [11.29 a.m.]: I speak on the Assisted Reproductive Technology Amendment Bill 2016, which seeks to amend the Assisted Reproductive Technology Act 2007 and the Births, Deaths and Marriage Registration Act 1995. The bill is the result of the statutory review into the Assisted Reproductive Technology Act and two inquiries by the parliamentary Committee on Law and Safety in 2015, of which I was a member. The committee completed an inquiry into managing donor conception information. A number of recommendations about Assisted Reproductive Technology [ART] were made, including having a central register for material gathered prior to 2010; introducing legislation so that birth registration statements specify that a child was conceived by a donor; and when entering a child's birth, the registrar of births, deaths and marriages be required to note that a child was donor conceived. Under the current law, a wide range of details including ethnicity, address, medical history, illness and physical characteristics must be recorded for any child born through ART after 1 January 2010.

The bill proposes to amend the Assisted Reproductive Technology Act to create a new offence to those knowingly destroying or falsifying an ART record, which can carry a penalty of up to \$44,000; to give people conceived by a donor before 1 January 2010 the right to access available non-identifiable material about the donor; to increase the maximum storage limit for donor gametes from 10 to 15 years; to permit information to be disclosed to siblings for those who were born as a result of ART treatment using a donor gamete; and to replace the five women limit with a five family limit, which means that an infertile male can use the same donor sperm with a second wife so that their offspring can have similar heritage. Touching on the first point, it is alarming to know that some doctors have destroyed records to prevent donors being added. Tougher penalties should be imposed for those doctors who hide crucial

information such as the medical history of a donor. This is important information that an individual conceived by donor may want to know.

Furthermore, the bill will seek to amend the Births, Deaths and Marriages Registration Act 1995. The amendments will provide donor conception information for children conceived using a gamete. First, a birth registration statement for a child may include a declaration that the child was conceived using a donated gamete and in such a case the registrar must note on the births registration record that the statement includes that declaration. Secondly, the registrar must, when issuing a birth certificate to a person who is 18 years of age or more, and to whom a declaration under section 1 relates, attach an addendum to the birth certificate noting that declaration and stating that further information may be available from the central register established under the Assisted Reproductive Technology Act 2007. Thirdly, a birth certificate must not include any information that indicates that the person may have been conceived by a donated gamete.

When a birth certificate is issued to a person who is 18 years and over, an addendum stating that further information may be available is to be provided. Donor information should not appear on a birth certificate prior to the person turning 18 years of age. Providing information such as heritage may be distressing and difficult for the individual and everyone else. The Opposition seeks to make amendments to the bill to require ART providers to supply any material prior to 1 January 2010 to the current central registry; to impose tougher penalties on those who do not knowingly provide records prior to 2010 to the current central registry; and to establish a subsection at the current central registry to handle and characterise records for people conceived and born before 1 January 2010. With those Labor amendments the Assisted Reproductive Technology Amendment Bill 2016 will go further than what is currently being proposed by the Government. I urge the Government to support the amendments proposed by the Opposition.

**Mrs MELINDA PAVEY** (Oxley) [11.34 a.m.]: I join my colleagues in supporting the Assisted Reproductive Technology Amendment Bill 2016, which was introduced to this House last week by Health Minister Jillian Skinner. All speakers have highlighted that this is a difficult issue that has been treated in the most sensitive and delicate way. Extensive consultation has taken place throughout New South Wales and it follows the work done by the Legislative Assembly Committee on Law and Safety in 2014. A statutory review of the Assisted Reproductive Technology Act also made a series of recommendations, which are acknowledged in this bill. The original Act aimed to prevent the commercialisation of human reproduction and to protect the interests of people born from Assisted Reproductive Technology [ART] treatment, persons who provide gametes and women undergoing ART treatment.

During the parliamentary inquiry, submissions were received from a broad cross-section of the community, including donor-conceived individuals, donors, academics, government departments, consumer advocacy groups, and members of the legal and medical professions. Both inquiries held public hearings. The statutory review of the Act received submissions from a variety of stakeholders such as ART providers, donor recipient support groups and other stakeholders. Today, Premier Mike Baird and Minister for Family and Community Services Brad Hazzard launched the opening of the Institute of Open Adoption Studies at Sydney University.

The Premier, Minister Hazzard and I are committed to encouraging open adoption and open information for families so that individuals can understand where they come from. Last week I raised open adoption in this House with the member for Canterbury. Past practices of the forced removal of children from families and secrets within families is not healthy. We have the potential to look after a lot of children across New South Wales and Australia, but it must be done in the most open way possible. That is why in 2010 the law was changed to enable information about an individual's donor to be made available. Now when children grow up they can understand their biological history. I commend the Health Minister for her work and the Health Department for listening to stakeholders and for introducing this complicated legislation; it was not an easy task.

I respect the contribution from the member for Sydney about the five family limit. He explained his personal perspective on cases in his electorate and also acknowledged why the five family limit exists. Section 27 of the Assisted Reproductive Technology Act sets a limit on the number of women who can use donated gametes from a single donor. The five women limit was included in the Act as a balancing exercise. Imposing a limit that five different women could use gametes of one donor was considered sufficient to enable each woman to have and complete a family. At the same time, an upper limit of five was also seen as a means of reducing the risk of multiple or unlimited use of a single donor with the consequent risk of offspring unknowingly entering into a relationship with a close genetic relative when they became an adult.

However, since the commencement of the Assisted Reproductive Technology Act it has become apparent that the limit has had unintended consequences. One example is donated gametes used by a married couple to conceive because the male partner is infertile. If the couple separate or the wife dies and the husband re-partners, the husband may wish to use gametes from the same donor with his new partner. This can only occur if the five women limit has not been reached. Another example would be a same-sex female couple. If one woman has already conceived a child there is no statutory limit on how many more children she can conceive using gametes from the same donor. However, if per partner wishes also to use gametes from the same donor this can only occur if the five women limit has not been reached, even though the children grow up in the same family.

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Section 27 was considered in a statutory review of the ART [Assisted Reproductive Technology] Act. The report on the review recommended that section 27 be amended to apply a five-family limit rather than a five-woman limit. The change is considered fair and appropriate, and will ensure that where children are being brought up by the same family, section 27 does not impact on the ability of the parties to that family to have additional children using the same donor's gametes. I am advised that the Victorian Parliament recently passed changes to its Assisted Reproductive Treatment Act, which will allow persons conceived in the era of anonymous gamete donation to obtain identifying information on their donor, even without the donor's consent. These changes to the legislation are retrospective.

Individuals rightly have a general expectation that governments and the Parliament will not change laws retrospectively. Donors who donated prior to the commencement of the ART Act in 2010 often did so based on assurances of anonymity. This is particularly the case the further in the past the donation occurred. Donors, women and couples who received the donated gametes made decisions based on these assurances of anonymity. Social views on gamete donations have changed over the years and, as I said earlier, the importance of people knowing their biological heritage is now recognised. However, that does not mean that we should ignore the rights of donors who have made decisions based on the assurances of anonymity.

Retrospective changes have the potential to create difficulties for donors and their families, who may not know the donor once donated gametes. However, the Government recognises the importance of pre-2010 donor-conceived individuals to have a right to obtain some information on the donor. To that end, and following on from the recommendations of the parliamentary inquiry into Managing Donor Conception Information, the bill will give pre-2010 donor-conceived individuals a right to access de-identified information about their donor, while identifying information will only be accessible with consent.

There is no doubt that the bill strikes a difficult balance, but I note that in his second reading speech the Minister reached out to those who donated pre-2010 to ask them to consider whether they would like to provide information about themselves to their biological children. I think that that is a worthy suggestion, and a good way to reach out to those who may want to be involved in answering some of those unanswered questions of their biological children. Assisted reproductive technology can be a contentious area and I realise that it is difficult to strike all the balances. I noted the contribution from the

member for Port Stephens, but I was disappointed that she was unable to articulate, via amendments to the bill in this Chamber, what the Opposition has in mind.

Whilst I acknowledge that the Opposition supports the bill, I think it would have been appropriate, given the extensive consultation that this bill has had within the wider community, to give us the chance to see those amendments in this Chamber. The Government and the rest of the community will not have a chance to see the Opposition amendments until they are introduced in the upper House. While the bill does not alter donor anonymity retrospectively, I strongly urge pre-2010 donors to consider the children and adults who have been created using their gametes. These individuals lack information about their biological origins—information most of us take for granted. I commend the bill to the House and also encourage donors, particularly pre-2010 donors, to consider the children who might be trying to reach out to get answers to those questions.

**Ms JENNY LEONG** (Newtown) [11.43 p.m.]: I speak on behalf of The Greens in debate on the Assisted Reproductive Technology Amendment Bill 2016. The Greens support the bill, but I flag that we support the amendments that the Labor Opposition will move in the other place to bring New South Wales into line with the Victorian model. We also support the recommendation to establish a parliamentary committee. The bill goes some way to improving the rights of donor-conceived people. However, The Greens are concerned that it does not go far enough.

We believe that moving New South Wales into line with the Victorian model would be a positive step forward. The Assisted Reproductive Technology Act was introduced in 2010 and put in place provisions that ensured that people conceived by assisted reproductive technology [ART] from 2010 onwards would receive information about their biological origins. It required ART providers to collect a range of identifying and non-identifying information from donors, such as their name and medical history, before providing treatment. In her second reading speech the Minister clarified:

Once a child is born as a result of ART treatment that used donated gametes, the information about the donor is stored on the central register maintained by the Ministry of Health. The information will be accessible by persons conceived from ART treatment using donated gametes once they turn 18. However, these provisions in the Assisted Reproductive Technology Act only operate retrospectively in respect of any child donor conceived after 1 January 2010. For pre-2010 donor-conceived persons, the ministry operates a voluntary register and any information on the donor can only be provided if the donor consents.

In her second reading speech the Minister goes on to say that, while many donor-conceived people conceived prior to 2010 have asked for changes to the law that will give them access to information about their biological origins, the interests of those people needed to be balanced with the rights of donors. However, The Greens do not believe that the correct balance has been achieved. The Greens believe that we should bring New South Wales into line with the Victorian model, where donor-conceived people, including the children of anonymous donors, have the right to identify their donors. Contact with a donor can only be made with their consent. A central agency handles information requests and offers counselling to donor-conceived people as they access information. That is a sensible and useful way to deal with this sensitive matter.

It is troubling that the Minister has ruled out creating a similar central registry in New South Wales to collect and administer pre-2010 records of assisted reproductive technology services. In its 2013 report the New South Wales parliamentary Committee on Law and Safety recommended that such an agency should be established. However, the Government has sided with the assisted reproductive technology providers—who cite the costs involved as a reason for not creating the agency—rather than siding with the donor-conceived people who would benefit from the creation of a central registry. This is particularly troubling as clinics have been caught destroying donor files. Instead of a centralised government database, as is the case in Victoria, the offspring of anonymous donors in New South Wales must instead apply directly to the clinics to request basic, but non-identifying, information or make the request to the

Ministry of Health, which will contact the clinic on their behalf.

The bill, if passed in this form, will result in New South Wales donor offspring having significantly fewer rights than those in Victoria. That is why we support, at least in principle, the amendments that Labor has flagged it will move in the other place to bring New South Wales into line with Victoria. While we are concerned about the weakness of the Assisted Reproductive Technology Amendment Bill 2016 in terms of the rights of donor-conceived people, we are happy to see provisions that will benefit same-sex and other diverse families. Our office has been contacted by same-sex families affected by the five-woman limit in section 27 of the current ART Act, which prohibits an assisted reproductive technology provider from providing treatment where it will result in more than five women giving birth to children conceived using the same donor. I take this opportunity to put on record the story of Rachel and Edwina, who contacted our office recently, about the impact of this law on their lives and how this change will make a massive contribution to their lives. They write:

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I received a call last week from the fertility clinic that my female partner and I used to conceive our two children. In 2013 my partner and I purchased donor sperm through a Clinic in Eastern Sydney with the intention of both of us carrying children.

The clinic have informed us that they have completed a standard audit of their supplier relationship and protocols. They found that their supplier was unable to guarantee that the five recipient limit had been adhered in our donor's case as the donor had been released to other distributors.

Due to NSW legislative requirement the clinic have withdrawn the donor's allocations and my partner Edwina will not be able to proceed with future use of any remaining vials in NSW. However as I already have children (twins) following treatment with the donor sperm I am considered one of the five recipients. The clinic advised that if Edwina was to have her own biological children she would need another donor and thus our children would not be genetic siblings.

We have been told there is a possibility that the distributor could transfer sperm interstate due to different legislations. This would of course be very costly and next to impossible for us to endeavour.

We have come into contact with at least twenty other women in same sex relationships that have been given the same information.

They asked me to raise this matter in the Parliament. It is wonderful that the amendments in the bill changing the five-woman limit to a five-family limit will address the concerns raised by my constituent. Many challenges face people who come together to create families, and anything the Parliament can do to encourage diversity of families and recognition of the importance of valuing same-sex and diverse family make-ups is an important step forward. This bill goes a long way in that regard and I commend the Minister for making that change.

In conclusion, The Greens are supportive of the bill, but we believe it could go further by bringing New South Wales into line with the Victorian model. We look forward to supporting the foreshadowed Opposition amendments in the other place and hope the Government will consider accepting those amendments to bring New South Wales into line with Victoria. We commend the Government's recognition of the diversity of families within our community and the need to make sure that assisted reproductive technology serves everyone within our community to grow strong and healthy families.



**Mr GREG PIPER** (Lake Macquarie) [11.52 a.m.]: I speak briefly in support of the Assisted Reproductive Technology Amendment Bill 2016, which will provide invaluable information to an increasing number of people born to donor parents. I believe this bill deals sensitively with many of the issues those people face, and strikes a good balance between the need to protect and the need to provide the type of information considered vital by many donor-conceived individuals. Key elements of the bill relate to the retention of data for up to 75 years, the possibility of the useful life of gametes increasing from 10 to 15 years and the freeing up of restrictions around the use of donor sperm, changing it from the five-woman limit to the five-family limit. These are sensible changes. There are other implications in the regulatory regime for providers of the system of reproductive technology that are sensible and supportable.

Recently I was contacted by a young man who learned only recently that the person he considered to be his father was not actually his biological father. Rather, both he and his brother were conceived from different donor fathers. This was quite a shock to him and obviously raised an enormous number of questions for the young man. He spoke of a culture of secrecy surrounding donor births and that while he had no problem with the parents who had raised him since birth—he regarded them as his parents and loved them—he wanted to identify and know more about his biological father. He stated:

I have a father and don't need another one. But my brother and I have the right to know our biological family and medical history.

No doubt this would be a common sentiment for people in such circumstances. However, this bill will not provide all of those things but I support it because it will provide donor-conceived people with information about their biological parent without actually identifying them in cases where they do not wish to be identified. I believe the bill provides the right balance. It will provide information about a donor's ethnicity, physical characteristics and medical history, but it will protect other identifying factors if requested by the donor. The bill provides a clear choice for donors as to whether or not they want their identity revealed at any stage in the future. It still allows those who want to be known, to be known. Considerations are built into the bill so that the information can be released under very narrow circumstances. Once again, a good balance has been found.

Issues around assisted reproductive technology are technically, ethically and morally complex and sensitive, and therefore somewhat difficult to legislate. However, as with most things, the more transparency involved in their management, the better off generally will be the affected parties. I will watch with interest the foreshadowed amendments of the Opposition in the other place. They refer to the Victorian model, with which I am not fully conversant. I believe this bill is a good attempt to balance competing interests and I acknowledge the Minister and her staff for their efforts in finding a way of managing the rights of the donor as well as the rights of the donor-conceived individual. It is a big step forward for New South Wales. At this stage, I support the bill and commend it to the House.

**Ms JO HAYLEN** (Summer Hill) [11.57 a.m.]: I speak on the Assisted Reproductive Technology Amendment Bill 2016, which provides for greater transparency surrounding assisted reproductive technology [ART], including expanding the information available to donor-conceived individuals born of gamete—sperm and ova—donation. The bill allows individuals conceived prior to 2010 to access non-identifying information about donors where records exist and bans the destruction or falsification of such records. The bill also loosens restrictions to donated sperm and ova, acknowledging the disproportionate impact of existing regulations on same-sex families and infertile men.

As the Minister for Health noted when introducing the bill last week, these are complex policy areas requiring sensitivity, compassion and a reasoned approach. As assisted reproductive technologies evolve, so too must our regulations and laws to protect all those involved, including donor-conceived individuals, donors themselves and the many intending parents using ART to make their families. Not all donor-conceived individuals will want or need to access information about the people who helped conceive them. However, it is important that we provide as much assistance to those who do, whilst

balancing those needs with donors' rights to privacy. While we have made great strides in opening up adoption and acknowledging the importance many people place on connecting with their family of origin, many donor-conceived individuals have struggled with the lack of information about donors.

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They have oftentimes been left to grapple with the deep personal and emotional complications around relationships to donor parents, and for many their genetic or medical history still remains a question mark. The 2010 law made advances in introducing transparency around donation, including the keeping, storage and access to records as well as ending anonymous donations. But those laws do not operate retrospectively and are cold comfort for donor-conceived individuals born prior to 2010 with an interest in finding out more about their biological history. Under current regulations, since 2010 donor records are stored by NSW Health at a central registry, while for those born before 2010, the only recourse for information is to access a voluntary register. There are significant doubts about the integrity of those records and whether the system of in-vitro fertilisation [IVF] clinics maintaining records and being the sole vehicle for information is effective or appropriate.

While I welcome the fact that the bill goes some way to establishing the right of donor-conceived individuals to apply for the release of non-identifying information about their donors, I note that it is a positive step that on birth certificates accessed by applicants over 18 years of age there may be further information available for them about donors. I welcome also that the bill will ban the destruction or falsification of records. These measures move to ensure that donor-conceived individuals have more information about their medical and genetic histories, with far-reaching implications for their personal health and for public health as a whole. I note the criticisms forwarded by groups representing donor-conceived individuals who argue that the bill does not go far enough. By backing down on the 2013 parliamentary inquiry's recommendation to create a central register managed by a government agency, the Government has capitulated to the IVF industry. That change is concerning and we are doubtful of the capacity of IVF clinics to store and maintain these important records, and again highlight the alleged falsification and secrecy in some instances.

Those individuals are concerned that the bill delivers far less compared with similar legislation recently implemented in Victoria, whereby a government agency manages all records and facilitates information requests and offers counselling. They are concerned that the measures to provide information on birth certificates are only voluntary. They are deeply concerned at the lack of consultation from the Government when it comes to developing laws that affect them in such a deeply profound and personal ongoing manner. I acknowledge also the importance of balancing this move towards openness with a donor's right to confidentiality. We must respect that people choose to donate for any number of reasons and that personal circumstances change over time. Those who donated prior to 2010—many of whom did so believing no-one else would ever know about it—deserve to have their privacy protected, while allowing for access if all parties choose. It is important also to acknowledge the critical shortage of sperm and ova in Australia. Demand for sperm, in particular, has risen dramatically, with no associated rise in supply due in part to the ban on anonymous donation.

The existing regulations dictating the time limits that gametes can be stored and used, as well as the so-called "five woman limit", have contributed to the problem. I encourage the Government to look at ways to encourage greater numbers of gamete donation to assist the increasing number of families looking for alternative ways to create a family. I welcome the changes in the bill that extend the time limit of storage and use to 15 years and redefine the five woman limit as a five family limit. This second measure is imperative because it removes the negative impacts experienced disproportionately by lesbian couples and infertile men who are looking to create a family. The current regulations are a good example of how we can make laws in this place that are unknowingly discriminatory, and I welcome the commitment of the Minister for Health to achieving this change.

I was contacted recently by constituents—a lesbian couple—who had accessed donor sperm to

conceive their child. Years later they wanted to conceive a second child using the same donor but carried by the second partner. They were told they could not do so because the sperm had already been accessed by four other women, even though one of those women was in the relationship. For them, the fact that their children could not be related biologically was a cause of considerable distress, and the current regulations do not account for the structure of their family. Expanding the regulations now to allow five families to access gametes, as opposed to individuals, resolves this issue. Again, I warmly thank the Minister for Health for specifically pointing out the anomaly in the legislation and the reason for making this change. It will make a real difference for families like the one in my electorate.

What is clear is that families are made in lots of different ways. It is important to place on record our respect for and our continued celebration of the fact that we have a very diverse, tolerant and wonderful community. While we need to balance the interests of all those using and involved in ART conception, the right for donor-conceived individuals to access information about the identity of their donor cannot be ignored. But we must always put the interests of children first. The bill moves us in that direction. I put on record, however, the strong concerns of donor-conceived individuals that amendments to strengthen the onus and penalties on IVF clinics are necessary to improve access to donor information. I believe also it would be far better if clinics were made to provide records to a central register, as has occurred in Victoria, for example. I support the bill but understand there is more work to be done in this area.

**Mr RAY WILLIAMS** (Castle Hill—Parliamentary Secretary) [12.06 p.m.], on behalf of Mrs Jillian Skinner, in reply: It gives me great pleasure to offer in reply on behalf of the Minister for Health. I take this opportunity to thank members for their contributions to debate on the Assisted Reproductive Technology Amendment Bill 2016, including members representing the electorates of Port Stephens, Terrigal, Sydney, Tamworth, Cabramatta, Oxley, Newtown, Lake Macquarie—I thank the member for his generous comments during the debate—and Summer Hill. The bill makes changes to the Assisted Reproductive Technology Act 2007 and the Births, Deaths and Marriages Registration Act 1995 following on from the statutory review of the Assisted Reproductive Technology Act and parliamentary inquiries into donor conception.

I point out—this point was also raised by the member for Summer Hill—that the Assisted Reproductive Technology Act does not operate retrospectively, which means that persons conceived prior to the commencement of the Act, on 1 January 2010, are not able to access any information on their donor except with consent. Before 2010 many donors donated gametes on the condition of anonymity. Gametes, for the uninitiated, are male sperm and female eggs. Did the member for Clarence know that?

**Mr Christopher Gulaptis:** No, I didn't. Thank you.

**Mr RAY WILLIAMS:** I thought I should clarify that. I always thought gametes were asteroids or shooting stars, but there is another meaning. It is not appropriate for the Government to change the rules after the event, and we are certainly not doing that. It is important that we recognise the strong need and desire from pre-2010 donor-conceived individuals to have some knowledge about their biological heritage. To that end, the bill will give pre-2010 donor-conceived individuals the right to access de-identified information on the donor regardless of consent. Identifying information, on the other hand, will continue to be accessible only with consent. These changes seek to strike a fair balance between the rights and interests of donor-conceived individuals and the rights of donors. While pre-2010 donor confidentiality will be preserved under the bill, the Minister for Health would like to use this opportunity to ask and publicly urge donors who donated prior to 2010 to think long and hard about the children and the adults who have been created by virtue of the use of their gametes.

**Motion agreed to.**

Bill read a second time.

### **Third Reading**

**Motion by Mr Ray Williams, on behalf of Mrs Jillian Skinner, agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

## **FAIR TRADING AMENDMENT (FUEL PRICE TRANSPARENCY) BILL 2016**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr DAMIEN TUDEHOPE** (Epping) [12.10 p.m.]: I strongly support the measures contained in the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 and I note that this bill is supported by those opposite. I commend the Minister for Innovation and Better Regulation for bringing this bill to the House and implementing an innovative measure that will encourage competition in the marketplace. The bill will encourage a commendable use of technology. For consumers to have online access to a comprehensive and complete list of petrol prices in New South Wales is truly game changing. Finally, we will be able to make the most informed decisions about what we are paying for fuel. So much of what we do has already been streamlined by the use of technology and online services, so it is about time that our ability to access petrol pricing has finally caught up. It will no longer be necessary to rely on petrol price boards outside service stations, with consumers accessing technology to access this information on a real-time basis.

In my electorate of Epping, where we have such great transport infrastructure and the world-class Sydney Metro project on the way, most families still need a car. With the cost of living being at the forefront of every parent's mind at the moment, innovations such as this—which can help families make more informed choices and save money—can make a real difference to people's lives. It is not unusual to hear on early morning radio broadcasts the cost of fuel in different areas. This technology will take radio announcers out of the equation by enabling consumers to access that information readily and easily. I note that the NRMA is among the industry bodies that have voiced their strong support for this initiative, after years of campaigning for transparency in fuel pricing. NRMA President Kyle Loades has urged all sides of politics to support these reforms—and so they should because it is a win for every consumer in New South Wales and a win for small business. He said:

Since the world oil price shock of 2005, brought about by a hurricane in the Gulf of Mexico impacting production, the NRMA has fought for greater transparency and fairer prices at the bowser for motorists.

This legislation, with its mandatory reporting of petrol prices by all New South Wales service stations, will go a long way to delivering that outcome.

For years the major oil companies have been sharing this information among themselves, while shutting the rest of the community out.

This legislation opens the shutters and lets the sun shine on an industry that has been hidden

from public view for too long.

That is why the NRMA is urging the New South Wales Parliament to pass this reform.

The NRMA has been providing an online fuel monitoring service for some time, but has been restricted in its capacity to deliver a complete list. This legislation will remedy that situation. The mandatory reporting will offer a comprehensive list of providers with the most up-to-date pricing possible. This week I did a quick check on the NRMA website using the Petrol Price Search tool on the website. The search returned five results, with a difference of 6¢ a litre between the highest and lowest prices. Although this was useful, there were two Epping petrol stations that come to mind that did not show up. The most concerning thing was that one of the two omitted petrol stations is the only independent service station among them.

The bill is further proof that we on this side of the Chamber are truly the friends of small business and understand the pressures under which small businesses operate. It is worth reflecting on former Liberal Prime Minister John Howard's own story. Former Labor Prime Minister Paul Keating once famously referred to John Howard as "the bowser boy from Earlwood". This was supposed to be a slur on Howard; however, he wore it as a mark of dignity. You see, Howard's father was an independent service station operator in William Street, Earlwood. Howard recounts in his autobiography *Lazarus Rising* how his father worked in that business for all his adult working life after he returned from the First World War. It was his father's example that provided the inspiration to a young John Howard, and he never lost sight of the role that small business plays in our community.

Howard relates that he saw his father at work every day of the week except for Christmas Day, Good Friday, Easter Sunday and Anzac Day, often not returning home to his family until 10.00 p.m. He relates the struggle his father had in remaining an independent service station owner in the face of the powerful oil companies. Nostalgically, I recall the days when the petrol stations would provide driveway service and when bowzers were often found close to the footpath. In fact, Howard recalls a fight that his father had with Marrickville Council when it decided to install lights on the corner where his service station was located and he had to move the bowzers without compensation. We need to acknowledge constantly the contribution that small business makes to our community and always seek new ways to assist it.

We now live in a different technological age from that of John Howard's father. However, there are still many small business owners seeking to eke out a living as independent service station owners. We need to find ways to assist them and families alike. I am confident that the measures in the bill will deliver clear benefits for those independent operators who are seeking to compete in the same market as the large oil companies. As a former small business owner, I know how challenging it can be to compete in the same market as large companies. Independent service stations are often the most competitive on price, but they cannot compete with big fuel retailers' multimillion-dollar budgets for advertising and marketing. The online fuel price board, as opposed to the price boards they are required to maintain on site, will allow service stations to communicate their prices directly to consumers. Businesses that are competitive on price will benefit from being able to reach more consumers.

Consumers who are looking to save money on their petrol bills will clearly benefit. Those consumers living in areas of the State where there has been very little competition on fuel prices may find that the online fuel price board will spark some real competition among local service stations on price. The measures in the bill will enhance transparency and accountability, and will foster a fair and equitable market. For the first time, all participants in the market will have access to price information on equal terms and at the same time. I thank the Minister for his commitment that the system will be user-friendly and that it will be easy for businesses to register and upload their data—a really important feature. Importantly, this service will be made available free of charge, significantly reducing compliance costs for service station operators. I understand that Fair Trading will continue to work closely with fuel retailers and industry associations ahead of the online fuel price board becoming operational. I am confident that the outcome will be positive for the industry and for consumers. I commend the bill to the House.

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**Mr GREG PIPER** (Lake Macquarie) [12.19 p.m.]: Notwithstanding the concerns raised by the shadow Minister for Innovation and Regulation, including questions around possible duplication of Commonwealth requirements and the regulatory burden, I strongly support the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. It should be seen as a victory for common sense, accountability and transparency. My support also transcends concerns that The Greens have raised about the ethanol industry in this State, although I agree there are concerns with the industry that must be addressed. The bill addresses the range of fuels commonly supplied to the New South Wales motoring public, whether a premium high-octane product, regular fuel or ethanol blend. The bill is about empowering the public.

The Fair Trading Amendment (Fuel Price Transparency) Bill 2016 will deliver a win for motorists, drive competition in the marketplace and shine a light on an industry that has been far too secretive for far too long. For many years fuel prices in my electorate of Lake Macquarie have been the subject of debate. Prices are consistently high—generally higher than those in neighbouring electorates and certainly higher than those in Sydney, where genuine competition in the marketplace plays a much greater role in delivering a better deal for motorists. When I drove in to Sydney on Tuesday, I could not help but notice that the current price war is delivering a boon for Sydney motorists. Almost every petrol station was selling standard unleaded fuel for about 95¢ per litre—a price unheard of for many years. Currently, back home in Lake Macquarie that same fuel is selling for about 107¢ per litre. Unfortunately, that is something we have become quite used to in regional areas.

Before I expand on that point, I will acknowledge some of the benefits this bill brings. It will require service station operators to upload current prices online so that motorists can make an informed choice about where they will buy their fuel. This will not only lift the veil on pricing structures set by the fuel companies but also remove much of the scepticism and suspicion concerning price collusion—that is one of the great debates in Lake Macquarie. We have pockets of the industry that are reasonably competitive and provide good value for motorists, and others that are not. We have regular instances where fuel can be selling on one side of the lake for 20¢ per litre more than it is on the other.

But our concerns do not end there. Last year, a study conducted by the NRMA found that drivers in the Lake Macquarie and Newcastle area were paying an average of 17¢ per litre more for fuel than their Sydney counterparts. It found that a lack of competition in the local retail market was forcing local motorists to pay through the nose. Sometimes it costs a Lake Macquarie car owner \$20 more to fill up the car than it would a Sydney motorist. That is in spite of the fact that fuel gate prices between Sydney and Lake Macquarie rarely differ. Yesterday, for example, wholesale fuel prices for a litre of standard unleaded in Sydney was about 100.5¢ per litre in Sydney and 102.4¢ per litre in Newcastle, which neighbours my electorate. Yet, according to the NRMA's data, the price at the Sydney bowser was about 15¢ per litre cheaper than it was in my electorate.

This disparity occurs only because the long-suffering motorists of Lake Macquarie and other regional areas are subsidising the price war in the Sydney market. The NRMA reported yesterday that some places in Sydney were selling a litre of E10 fuel for less than 90¢ per litre. At home, that same fuel is selling for as much as \$1.20 per litre. I agree wholeheartedly with NRMA president Kyle Loades—himself a Hunter region local—who knows the story only too well. He says that Lake Macquarie motorists have every right to be angry and frustrated at the huge pricing irregularities. There appears to be no reason for this to be happening, other than a lack of competition. If we cannot achieve greater competition in our local market then the best thing to do is put more power in the hands of motorists.

The bill will provide motorists with the ability to make an informed choice. It ensures transparency in what has been a closed industry shop for way too long. How fuel companies have set their bowser prices is a mystery that has confounded many for decades. They are required to provide pricing displays outside their petrol stations and will now be required to provide those prices online. This will form the basis for a new online market of providers—possibly led by the NRMA—who will convey that real-time data to motorists via websites and smart phone apps. This, in my opinion, will weed out the unscrupulous

and put power in the hands of consumers in many regional areas such as Lake Macquarie who have previously had their pockets gouged.

Last year, the *Newcastle Herald* reported that the pricing gap between petrol stations in the Hunter sometimes extended beyond 40¢ per litre. This generally equates to a \$20 difference in the price of a tank of fuel. The bill gives people the power to decide where they will buy their fuel. If they are heading out for the day to Sydney or elsewhere they will be able to check prices online before setting out and determine where to spend their money in order to receive the best deal. Competition in the marketplace will drive prices down. Some would say that average prices are largely determined and controlled by the big two fuel companies that dominate my electorate. I am sure residents of New South Wales will make good use of this pricing information and no doubt will readily adopt technology that assists them to do that. Residents of Lake Macquarie, including Toronto and Morisset further to the south, will be very pleased to have this knowledge in their hands. This information and emergent technology will change the paradigm around purchasing fuel. It is to be commended. I commend the bill to the House.

**Mr RAY WILLIAMS** (Castle Hill—Parliamentary Secretary) [12.25 p.m.]: I speak in support of the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. I commend the Minister for Innovation and Better Regulation for bringing another bill to the House. He is a Minister who is prepared to roll up his sleeves and do the hard yards. The Minister is proactive with the legislation he brings before the House. It reflects the mood and needs of the community, thereby ensuring that people are getting a fair go. That is demonstrated by amendments to the Strata Titles Act and the removal of the sunset clause regarding properties. I have been vocal about the unscrupulous developers in my backyard. The Minister has now provided a mechanism for the public to ensure they receive the best fuel prices.

The online price fuel board will make information on current fuel prices available to consumers for the first time. Information that was once the preserve of chief executives of major fuel oil companies will be accessible to anyone with a smart phone or similar technology. The potential savings for consumers are massive. Many families around New South Wales struggle to meet their daily costs. Fuel is an unavoidable cost. Without it we cannot go about our daily lives and deal with the tyranny of distance that is the commute to work or transporting children to and from school. The motoring revolution has provided so much opportunity for communities. Previously people had to live in close proximity to cities in order to access employment. The advent of the motor vehicle enabled the population to spread across the country.

Better roads to support those cars are not a luxury but an absolute must, especially in transport-deprived areas such as my electorate. It is not uncommon to see families with multiple cars. Mum and dad have a car and if the children have a driver licence they have cars. In the past it was not uncommon to see families with four cars in their yard. Public transport usage is less than 4 per cent due to the lack of public transport options. As the Temporary Speaker knows, that is changing; public transport is rushing its way to Rouse Hill as I speak. Like a skyrocket through the air, sky rails are being built. That, together with the north-west rail link, will satisfy the community need for public transport. As I have stated previously, it was promised by our predecessors time and again but now it is a reality. It will provide so many opportunities for our area.

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In relation to the use of fuel, I mentioned something in my maiden speech in 2007 that I have continued to stand by. I have shunned the use of petrol in my vehicles for as long as possible—since 1983 when I first began using liquefied petroleum gas [LPG] in my vehicles—for a couple of reasons. One reason was that it was better for the environment and the other was that it was better for my hip pocket and reduced our family expenses. As someone who is adept at working on motor vehicles and being in the motor vehicle trade, I purchased an old Holden HJ taxi in 1983 which had had more hits than the Beatles and had probably travelled the equivalent of three or four trips to the moon and back.

I think I paid about \$700 or \$800 for that vehicle, and I proceeded basically to test LPG to see

whether there were any benefits or problems. I thought I would do that in the cheapest possible way so I bought an old cab. I am quite proud to say I did it up, put a few panels on it and it served our family well for probably the next seven or eight years until a young bloke bumped me in a service station one day and liked the look of it. It was in pristine condition at that time. As I said, it served our family well. He offered me a considerable amount of money and we on-traded it. But I then went on to buy more vehicles and equip them with LPG.

I make this point because the price of LPG was significantly lower than that of petrol. At one stage it was approximately one-third the price. I think when I bought my first LPG vehicle it was around 22 cents a litre and the average cost of petrol was around 60 cents a litre, so there was a considerable saving using LPG. In later years, and once I came into Parliament, I moved to a more modern vehicle—an electric hybrid. Unfortunately that does need a little bit of petrol, but I have ensured that I use ethanol blended fuel in that to try to minimise, once again, the impact on the environment, because motor vehicles contribute so much to greenhouse gases.

I well remember in 2007 walking around the streets of Sydney, something that was very foreign to me even though I lived only an hour away from this city. Living out in the 'burbs, the quality of air in and around those beautiful areas of the Hills was considerably better than the air quality in the city. I noticed that and I had a lot of trouble coming to terms with it. It became quite apparent that the poor air quality in and around cities was due primarily to the large number of motor vehicles in a small area, and that certainly causes heart disease, asthma, lung cancer and a range of health problems. I have noticed a considerable difference in the air quality in the past eight years in Sydney. A lot of that change is due to better technology and the tightening up of emission controls in vehicles, including heavy vehicles and the buses which are quite prominent on the city's streets, but also through the advent of ethanol fuel and the more refined fuel that is now used in vehicles. Improving the air quality is advantageous not only for our environment but also for our health. I have certainly noticed that and I think that that is very important.

The online fuel price board will help manage the cost of fuel on a daily basis. People will be able to seek the best price available in the local area and the best time to buy. I am happy to place on the record that I have never in my life seen a greater act of collusion than that perpetrated against the communities of this country by major oil companies and major retailers. How fuel can fluctuate 30 cents per litre on a daily basis is absolutely beyond me and defies logic. One can drive past a Coles fuel store and see the price change and then drive just over the hill past the Woolworths fuel store to see the price there has also changed. Even the Starship *Enterprise* could not move that quickly, yet these companies change their price in the blink of an eye, sometimes by up to 30 cents per litre. How many times prior to going away on a long weekend have we been faced with the dilemma of seeing fuel prices increase just when families are going to fill up their vehicles? Fuel companies along with the two major retailers, Woolworths and Coles, are extorting—I use that word—and gouging as much money as they can out of motorists.

In 2008 when I first started to use ethanol on a regular basis my local Shell Coles fuel station at Rouse Hill started to put up "out of order" signs on the ethanol pumps. Not one of the ethanol pumps was working out of almost a dozen pumps across the fuel station. I queried the service station as to why so many ethanol pumps were out of order and they said it was due to the filters. The one pump that was working pumped fuel so slowly that it took 10 to 15 minutes to fill up a car's fuel tank. [*Extension of time agreed to.*]

If that is not discouraging motorists from using a blended fuel, I do not know what is. I asked the lady at the counter about it, remembering to be cautious because I did not want to shoot the messenger in this case, and she said, "It is because of the filters in the pumps." I accepted that and walked away. A week or so later when I came back to fill up again, the same thing was happening. Out of 12 pumps, 11 of them had "out of order" signs on only the ethanol pumps, and the one ethanol pump that was operating was pumping so slowly that you almost needed to clock up overtime in order to fill your tank. I approached the lady again and gave her my card. I said, "I am a member of Parliament for this local



area."

Whilst we were in opposition we supported the use of the 10 per cent ethanol blend in fuel and there were significant fines in place for anybody who tried to discourage its use, which I firmly believe they were. They continued with this particular process until I finally contacted Alan Jones on 2GB one morning and explained this to him on his show. He then received a large number of phone calls from members of the public who had also witnessed this same situation. We had a cheaper fuel and a Government and an Opposition that supported the use of blended ethanol fuel to lower the cost of living for our communities but we had a major retailer and a major fuel company doing whatever they could to discourage the use of that fuel. So when I use the words "extort" and "collusion" I stand by them because I am yet to be convinced otherwise.

Travelling back from my holidays after New Year from that other State south of us that will remain nameless to this wonderful city of Sydney, I stopped at the large merino—the Shell service station at Goulburn. Lo and behold, once again the ethanol pump was pumping incredibly slowly. It took me 10 to 12 minutes to fill my fuel tank. I raised this with the lady in the shop and asked her to raise it with her manager. She said, "Why don't you? My manager is right here." I said to the manager, "Are you aware that the ethanol pump is pumping so slowly?" And she said, "Yes, I am aware." I said, "Can I ask you why?" She could not offer an explanation. I said, "I have noticed it. I am sure other people have noticed it. It would certainly discourage people from using your fuel." That is why today I am placing firmly on the record in this place, as I have with the Minister, that the large merino Shell service station is discouraging the use of ethanol through its actions. Whilst we are not discussing the use of ethanol, we are discussing another Act relating to fuel. On behalf of the community I hope action will be taken against the Rouse Hill service station and any other service station that attempts to discourage the use of a cheaper fuel.

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**Mr DAVID HARRIS** (Wyong) [12.40 p.m.]: I make a contribution to debate on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The Australian fuel market has been defined by a lack of price transparency between sellers and consumers at the retail level. Current arrangements allow sellers to react more quickly than consumers to movements in retail fuel prices. This information imbalance results in consumer detriment because of the result of negative effects on competition and consumers. The bill covers petrol and diesel, including ethanol blends, liquefied petroleum gas, liquefied natural gas, compressed gas and any other fuel that is a combination of any of these fuels with another substance. The bill will make it an offence for the operator of a service station to fail to register for the scheme or to offer fuel at a standard retail price—that is, the retail price before any discounts or special offers other than the price notified to the scheme in proposed section 58 (4) (b).

Drivers will be able to shop around for the cheapest petrol using a Government website that tracks all fuel prices at all service stations. The NRMA has welcomed the move to force all service stations in New South Wales to display their prices in real time on the Fair Trading website. NRMA President Kyle Loades stated:

The oil companies have historically shared this information among themselves, but it has never been available to the public. This too will be a game changer.

The competitive effect an application might generate is likely to be most dramatic once motorists in regional and remote areas start to receive site-specific information. It is a good idea because only one retailer has to be successful after reducing their price by one cent and we will see the competition effects start to flow. Motorist groups and consumers support such a scheme. If implemented correctly, the scheme will have financial benefits for families and businesses across New South Wales. Unfortunately, the devil is in the detail. As mentioned by the member for Castle Hill, the Minister for Innovation and Better Regulation has a lot of good ideas but, in practice, the ideas become difficult to implement. The Opposition will monitor when the regulations are put in place and how they operate. It opposes any

additional red tape for retailers that increases their compliance costs and leads to those costs being passed on to the consumer.

As indicated by the shadow Minister for Innovation and Better Regulation, the Opposition wants the Minister to assure members that it will not be illegal for retailers to offer lower prices than those that have already been notified. This provision could be remedied to make it an offence if retailers offer fuel at a price higher than already has been notified. While the Minister's intent is to require all sites in New South Wales to comply with the scheme, the bill is not 100 per cent clear on this point. For example, will general stores in remote locations with a single fuel pump be required to comply? Do they come under the definition of "service station"? If not, what other exemptions are proposed by the Minister and how will he guarantee they do not result in a competitive disadvantage for those who are not exempt?

Technology gives us the opportunity to enhance competition and to create a level playing field which will potentially save consumers money. It makes sense that we would use this technology to utilise real-time data through the use of applications. Petrol is the subject of constant conversation across our communities and it is incumbent on this Parliament to find ways for people to save money at the bowser. Fuel, particularly in rural and regional areas, is an unavoidable cost. For example, people who live on the Central Coast cannot exist without a vehicle and the cost of fuel has an impact on family budgets. If implemented correctly, this initiative will provide the opportunity for consumers to make better informed choices, thereby helping families to save money. I ask the Minister to address the questions the Opposition has outlined. We want this scheme to succeed but we do not want service station retailers to incur extra compliance costs which will ultimately be passed on to the consumer. We want families across New South Wales to save money. In principle, the Opposition supports the bill. I commend the bill to the House.

**Mr MICHAEL JOHNSEN** (Upper Hunter) [12.45 p.m.]: I speak in debate on the Fair Trading (Fuel Amendment Transparency) Bill 2016. I commend the Minister for Innovation and Better Regulation for introducing the bill and implementing a world-first initiative in open data. The main purpose of the bill is to amend the Fair Trading Act 1987 and regulation to provide for an online fuel pricing board with mandatory reporting of fuel prices by all service station operators in New South Wales. On 20 December 2015, the Minister for Innovation and Better Regulation announced that as well as measures to improve compliance with the biofuels mandate established under the Biofuels Act 2007, the Government will establish an online fuel price board that will require all service station operators to report their current retail fuel prices in real time.

In September 2013, the then Minister for Fair Trading, Anthony Roberts, MP, announced the enforcement of fuel price signage standards. New South Wales service stations are now required to display the price of fuel without any discounts or special offers. There is also an existing requirement under the Fair Trading Regulation for service station operators to maintain fuel price boards at their sites. Clause 11 of the regulation requires service station operators to display the standard price of certain prescribed fuels on one or more signs that can be seen readily by motorists approaching the service station at any time that it is open for business. The next addition to the range of measures has been welcomed by a number of representatives in the industry. NRMA President Kyle Loades stated:

Let there be no doubt, the decision by the NSW Government to force all service stations in NSW to publish their prices online in real-time is a huge win for the state's drivers and something the NRMA has been fighting to deliver for years.

As service station operators are now required to advertise their prices at any given time on boards outside the front of a service station, this bill takes it to the next level in this digital age. Motorists and consumers will have the opportunity to plan trips and to find the best pricing for their fuel, which will save them money and bring them into the modern era of transport and vehicular traffic. In addition, NSW Council of Social Service Chief Executive Officer Tracy Howe stated:

This is a great initiative from the NSW Government that will have real impact in terms of easing cost of living pressures.

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We totally agree; Tracey is absolutely right. A *Daily Telegraph* editorial says:

One of the great frustrations of the digital age is that it is not universal. There are numerous gaps where various elements of society have yet to connect to the ease and immediacy of the digital era ...

Such a gap is evident in the non-availability of real-time information on petrol prices throughout New South Wales. Although it is the work of a moment to find, through digital means, the locale of petrol stations, prices are not offered.

That's because petrol stations are still trapped in the ancient world of physical signage, where the only way to discover the price of unleaded is to actually be present at a petrol station.

This legislation covers that situation by creating an opportunity to bring motorists and consumers into the digital age with assistance. It will be a great help to the motorists and consumers of New South Wales. I commend the bill to the House.

**Ms TANIA MIHAILUK** (Bankstown) [12.50 p.m.]: I take this opportunity to speak on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. I enjoyed being the shadow Minister responsible for fair trading for a number of years so I take an interest in these types of amendment bills. I state at the outset that the Opposition does not oppose the bill. In fact, we are quite supportive of fuel price transparency in this State.

I acknowledge the contribution of the shadow Minister for Innovation and Better Regulation, the member for Swansea, who has astutely identified a number of issues in the proposed legislation, which may adversely impact consumers if the bill is not amended as foreshadowed by the member. I am surprised that, despite carefully reading the Minister's speech and listening to his comments about consumers wanting to know where they can get the best deal on fuel, I could find nothing pertaining to the desire of consumers to pay lower prices.

The Minister has not acknowledged that he is duplicating a national scheme. I am surprised that more has not been done to have a proper discussion about how the Government is going to streamline this legislation with the introduction of an app nationally in May. I am surprised that the Minister has not acknowledged the Australian Competition and Consumer Commission's efforts in working with the big service stations—BP, 7-Eleven and others—in establishing that national scheme.

I am also surprised that the Minister is yet to acknowledge—I would be interested to hear it in his reply—that this Government is setting out on a path where it will fine service stations for offering lower prices than those advised on the portal or an online fuel price board. That is surprising, particularly as members on the other side of the Chamber always talk about being the big champions of small business and a range of other business operators.

I recall that when Anthony Roberts was the Minister for Fair Trading he spoke about fuel price transparency. I would have expected this amendment to be considered by the Government but it is perhaps not a surprise that it has taken the New South Wales Opposition to highlight the hypocrisy in fining operators for offering consumers a lower price. I would have expected Cabinet already to have dealt with that issue and advised the Minister that it was in his interest and in the interests of New South Wales to amend the Act. The member for Swansea will later move an amendment to change proposed

section 4 (b) so that petrol station owners will only be fined should they offer fuel prices that are higher than what is advertised on the portal or on the app.

We constantly hear rhetoric from those on the other side of the Chamber about reducing red tape. Mr Roberts, in his capacity as the Minister for Fair Trading, constantly talked about the reduction of red tape. Sadly, this is another example of an issue not being discussed in Cabinet before a bill was put before the House: why you would have a national scheme in conjunction with a statewide scheme and—

**Mr Michael Johnsen:** How do you know it was not discussed?

**Ms TANIA MIHAILUK:** We do get leaks from the Government caucus. Dr Peter Phelps in the upper House is certainly upset—

**Mr Stephen Bromhead:** He is not in Cabinet.

**Ms TANIA MIHAILUK:** There have certainly been some caucus leaks in relation to the debate on mandating ethanol.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! The member will address the bill, and she will address all comments through the Chair.

**Ms TANIA MIHAILUK:** Yes. I realise that this is a very sensitive topic and I will not talk about the leaks from the Liberal caucus. I hope and expect that the Government will support the Opposition amendment. It is very clear that we want to encourage lower pricing. We do not want to penalise service stations—including independent service stations—which may be able to offer lower prices than they advertise. That would be a great benefit to consumers so let us see what the Government does in that regard. I expect that the amendment proposed by the Labor Party will be supported in this House in the interests of consumers in New South Wales.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [12.55 p.m.]: I support the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. This legislation is another example of the Minister being nimble, agile and innovative. The objects of the bill are:

- (a) to amend the *Fair Trading Act 1987* (the ***principal Act***) to provide for the establishment of a scheme for the publication of service station fuel prices on an ongoing and up-to-date basis, and
- (b) to make a consequential amendment to the *Fair Trading Regulation 2012*.

In other words, the bill will provide for an online fuel price board with mandatory reporting of fuel prices by all service station operators in New South Wales. This is going to open up the market to better competition by putting real-time prices in the hands of consumers, so all the community should support this bill. In our modern society fuel is a non-discretionary product. In many places in regional New South Wales where there is no public transport, the only transport is the motor vehicle. Consumers and families do not have the option not to use fuel; that is why it is so important to ensure that consumers are informed and therefore empowered to make decisions to reduce cost-of-living pressures associated with this non-discretionary product.

There are discrepancies between the cost of fuel at service stations in the Myall Lakes electorate and prices in the metropolitan area. In Sydney at the moment fuel prices are around 97¢ per litre. We heard from a speaker earlier that E10 in some locations was selling for less than 90¢. On the weekend, E10 in the Myall Lakes electorate was \$1.15 per litre or higher. The cost to transport fuel from Newcastle to petrol stations in the Myall Lakes electorate is 2.5¢ a litre. The major fuel companies and Coles and Woolworth's can source fuel from Newcastle while the independent operators are compelled to obtain fuel

from Sydney, so that the cost of transport is 5¢ a litre. If it costs a maximum of 5¢ a litre to supply fuel to a regional area there is no reason for fuel to cost more than 5¢ a litre more than the cost in Sydney, yet prices are constantly 20¢ or 30¢ a litre higher in my electorate than they are in Sydney. At one stage, just 18 months ago, before we started a campaign against the major fuel companies in the Myall Lakes electorate, fuel was up to 40¢ a litre dearer in my electorate than in Sydney.

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When one talks to the major fuel companies and the Australian Competition and Consumer Commission [ACCC] the answer to that dilemma is that it is all about competition. There is more competition in some locations than in others and that is why one town or one area is dearer than another. When one compares Taree, a major commercial centre in my electorate with a population of 20,000, with Forster, which has a similar population and is the same distance from Sydney, the fuel in Taree is consistently a minimum of 10¢ a litre cheaper than it is in Forster; it is sometimes up to 30¢ cheaper than it is in Forster. Same competition, same distance from Sydney, yet there is a disparity in prices.

Worse still, within equal distance between the two towns is an area called Rainbow Flat, which has a small service station. One would think with a population of 500 people that the price at Rainbow Flat would be double the price at Taree and Forster but that is not the case. It is about half the difference in prices at Taree and Forster. If Taree is 20¢ a litre cheaper than Forster, then Rainbow Flat is about 10¢ a litre cheaper than Forster. That flies in the face of the argument about competition. The ACCC argues that there is nothing wrong with price gouging. Consumers must buy fuel for transportation in regional New South Wales yet petrol stations, major fuel companies, Coles and Woolworths are price gouging and nothing can be done about it. That is reprehensible. It is time we gave more power to consumers. As a result, this bill has been brought forward by the nimble, innovative Minister and I commend the bill to the House.

**Mr VICTOR DOMINELLO** (Ryde—Minister for Innovation and Better Regulation) [1.01 p.m.], in reply: The purpose of the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 is to establish a scheme for an online fuel price board. The online price board will provide consumers and businesses with complete and up-to-date fuel price information from service stations around New South Wales. This will encourage competition among service stations and provide motorists with opportunities to save on fuel. I thank the following members for their contributions to debate—the members for the electorates of Swansea, Oatley, Ballina, Northern Tablelands, Epping, Lake Macquarie, Castle Hill, Wyong, Upper Hunter, Bankstown and Myall Lakes.

I comment briefly on some of the issues raised during the debate. The first issue was that it would be duplicative of or with existing systems. There are some fuel price comparison sites and services but none has prices for all service stations or completely up-to-date prices. Websites such as "petrol price search" on the NRMA's website does its best to provide information to consumers but is restricted by a lack of complete and up-to-date data from across New South Wales. A few years ago I downloaded the Petrol Spy app which had a similar concept where consumers would report the price of petrol at relevant petrol stations but it was not necessarily up to date. For example, the app may say the price was \$1.20 but by the time a person arrived at the service station the price was in fact \$1.50 because the information had not been updated over a period of three or four days.

It is critical that all service stations provide accurate real-time data to empower consumers in the marketplace. This legislation will achieve that goal. The second issue seemed to suggest there would be burdensome regulation on small operators, with possible exemptions for small operators. There will be no cost to business to register to use the online fuel price board. Registering and uploading data will be free of charge whether a service station changes its price twice an hour or twice a week. With any reporting measure there is an administrative cost for business and I am committed to keeping this cost as low as possible.

The process to register and upload data will be straightforward and user friendly. Some businesses may even be able to fully automate the process. The Government is designing a user-friendly portal for information to be provided through a smart phone. I have no doubt that when legislators put forward information with respect to fuel boards the dinosaurs out there would have said, "It's going to cost money because we will have to get a blackboard and buy chalk. We are going to have to put the price up there." People want prices displayed and prices must be displayed in a market economy. All we are doing is bringing that forward to 2016 in the digital age. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**Consideration in detail requested by Ms Yasmin Catley.**

#### **Consideration in Detail**

**ACTING-SPEAKER (Mr Bruce Notley-Smith):** By leave, I will propose the bill in groups of clauses and schedules.

**Clauses 1 and 2 agreed to.**

**Ms YASMIN CATLEY (Swansea) [1.06 p.m.]:** I move Opposition No. 1 on sheet C2016-014:

**No. 1 Fuel price offence**

Page 3, Schedule 1, proposed section 58 (4) (b), line 26. Omit "other than". Insert instead "that is higher than".

The Minister in his second reading speech made a valid point that petrol is not a discretionary product in our modern society. Consumers and families do not have the option simply not to consume fuel. That is why it is so important that the amendment be agreed to. It will mean that the cheapest price for fuel can be offered to consumers in New South Wales. This amendment will correct the Government's unintentional oversight. It is a simple amendment, aimed at ensuring that the everyday consumer will receive the lowest price possible at the bowser. The bill, as it currently stands, will make it an offence for a service station operator to offer fuel at a retail price other than the price notified to the scheme pursuant to section 58 (4) (b).

The Opposition's amendment aims to cover a situation where a retailer sells fuel at a lower price. I have to ask, why would we not do that? If this is actually about reducing the price of fuel, let us do exactly that. Let us make sure that if people want to sell fuel for less than the recommended price, they have the capacity to do that. If this is about consumers' best interests, members will be in total agreement with the amendment. While I appreciate the Minister's short explanation, I still think it would be remiss of members in this place to ever prevent a retailer from being able to offer cheaper fuel. We should indeed always welcome cheaper fuel, as I am sure every consumer in New South Wales would agree. This simple amendment would be welcomed by the people of New South Wales as it will ensure that fuel prices will be kept as low as possible.

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**Mr VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) [1.09 p.m.]:** The Government opposes these well-intentioned amendments. The Government wishes to maintain the current rule on price boards. Keeping the price accurate, not just "no higher than" the online price, is an option that ensures that when consumers open the app they know the price at a service station at that

time. Competition needs accurate price transparency. The feedback loop is the strongest when a price is accurate. NSW Fair Trading has a strong track record of pragmatic and reasonable enforcement practices. The Government has included a "reasonable steps" defence. Service stations need not fear aggressive prosecution for minor errors or temporary delays in reporting a price change. In the early days of the regime, NSW Fair Trading will begin compliance by way of an education approach, as it does with most new laws.

A central component of these reforms is accuracy of price information available. Let me reassure those opposite that we on this side of the House fully support lower fuel prices for consumers. That is exactly what this bill is designed to achieve. The proposed amendment would allow for misinformation and lack of transparency in fuel price information, which goes against the very title of the bill. Again, I appreciate the good faith upon which those opposite are bringing the amendment but it defies the intent of the bill, which is fuel price transparency. Unless a price is accurate, transparency cannot exist. I refer to the Australian Competition and Consumer Commission [ACCC] website regarding pricing displays:

There are laws about the way prices are displayed. Prices should be genuine and you should be able to easily see the total price of anything advertised. If multiple different prices are displayed on a product or in advertising, the business has to fix the display or sell you the item for the lowest price. When prices are advertised or promoted products and services must clearly display a "single price", which is the minimum total cost that is able to be calculated.

The amendment represents a loss of opportunity, which is a matter of concern. For example, one petrol station may sell fuel at 10¢ per litre cheaper than the price listed on the app whereas down the road another station may sell the petrol at 15¢ per litre cheaper than that listed on the app. A consumer who attends the first station may reap the benefit of a 10¢ saving but is denied the opportunity to benefit from the 15¢ saving as the information they received from the app was not transparent or accurate. This bill works best when consumers have access to accurate real-time information on fuel prices. This amendment instead would result in less accuracy and less transparency for consumers in the marketplace. For these reasons, the Government respectfully opposes the amendments.

**Ms YASMIN CATLEY** (Swansea) [1.12 p.m.]: I thank the Minister for his explanation. I still cannot understand why he is discouraging cheaper prices at the pump. Even with his explanation, petrol stations still have to provide fuel at the price that is set on that day. Operators are being discouraged from offering a lower price. I move to the Minister's point regarding the app price. If a motorist arrives and the price is lower, that operator is therefore considered to be undertaking illegal activity. This is not in the consumer's best interest. This is something that is not the intention of the bill and the Government has not addressed that. I ask the Minister to consider it further. I can assure him that we on this side will be observing this forensically to ensure that consumers will benefit from this legislation.

**Question—That Opposition amendment No. 1 be agreed to—put.**

**The House divided.**

**Ayes, 33**

Mr Atalla  
Mr Barr  
Ms Car  
Ms Catley  
Mr Chanthivong  
Mr Crakanthorp  
Mr Daley  
Mr Dib

Ms Haylen  
Mr Hoenig  
Ms Hornery  
Mr Kamper  
Ms Leong  
Mr Lynch  
Dr McDermott  
Ms McKay

Mr Parker  
Mr Robertson  
Ms K. Smith  
Ms T. F. Smith  
Ms Washington  
Ms Watson  
Mr Zangari

Ms Doyle  
Mr Harris  
Ms Harrison  
Ms Hay

Mr Mehan  
Ms Mihailuk  
Mr Minns  
Mr Park

*Tellers,*  
Mr Lulich  
Mr Warren

**Noes, 50**

Mr Anderson  
Mr Aplin  
Mr Ayres  
Mr Barilaro  
Ms Berejiklian  
Mr Brookes  
Mr Conolly  
Mr Constance  
Mr Coure  
Mr Crouch  
Mr Dominello  
Mr Elliott  
Mr Evans  
Mr Fraser  
Mr Gee  
Mr George  
Ms Gibbons

Ms Goward  
Mr Greenwich  
Mr Gulaptis  
Mr Hazzard  
Mr Henskens  
Ms Hodgkinson  
Mr Humphries  
Mr Johnsen  
Mr Kean  
Dr Lee  
Mr Maguire  
Mr Marshall  
Mr O'Dea  
Mrs Pavey  
Mr Perrottet  
Ms Petinos  
Mr Piccoli

Mr Piper  
Mr Provest  
Mr Roberts  
Mr Sidoti  
Mrs Skinner  
Mr Speakman  
Mr Stokes  
Mr Taylor  
Mr Toole  
Mr Tudehope  
Ms Upton  
Mr Ward  
Mr Williams  
Mrs Williams  
*Tellers,*  
Mr Bromhead  
Mr Patterson

**Pairs**

Ms Aitchison  
Ms Burney  
Ms Finn  
Mr Foley

Mr Baird  
Mrs Davies  
Mrs Hancock  
Mr Rowell

**Question resolved in the negative.**

**Opposition amendment No. 1 negatived.**

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**Schedules 1 and 2 agreed to.**

Consideration in detail concluded.

**Third Reading**

**Motion by Mr Victor Dominello agreed to:**

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.



**Pursuant to sessional order community recognition statements proceeded with.**

## **COMMUNITY RECOGNITION STATEMENTS**

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### **THE CUBBY HOUSE TWENTIETH ANNIVERSARY**

**Ms ELENi PETINOS** (Miranda) [1.20 p.m.]: I wish to acknowledge the twentieth anniversary celebrations of the wood-turning and woodwork club The Cubby House, which I attended on Saturday 20 February 2016 at Oyster Bay. The Cubby House hosts some of the best artisans in Australia and their unique creations were displayed on this special day. I was impressed with the work done by these immensely talented people. They work incredibly hard to provide local disadvantaged children with handmade toys for Christmas each year and donate to many local charities.

I congratulate the members on this special anniversary and I acknowledge the hardworking committee members, specifically the patron, Pat Thorpe; president, Keith Jones; vice president, Keith Moses; secretary, Tom Hill; and treasurer, Steve Hooper. I also acknowledge the people involved in organising this milestone celebration, including Val Lipping, Fred Warr, Graham Stokes, Alan Pentecost, Barry Belford, Frank Williams, Ray Elyard, Trevor Simpson, Michael Bryant, Warren Rankin, Ken McEwen, and John Field. Once again, I congratulate The Cubby House on its twentieth anniversary.

### **TRIBUTE TO JON ENGLISH**

**Mr NICK LALICH** (Cabramatta) [1.21 p.m.]: On the morning of Wednesday 9 March I was saddened to hear of the passing of Australian icon Jon English. Jon was born in 1949 to Sydney and Sheila English. In 1961 Jon emigrated with his family to Australia, where they settled in Cabramatta. Jon attended a school that I briefly attended, Cabramatta High School, where he found his passion for music. He rose to fame in the early 1970s after starring in Harry M. Miller's production *Jesus Christ Superstar*. He had many chart-topping hits throughout the 1970s and the 1980s. When I was mayor of Fairfield City Council, I had the pleasure of meeting Jon at the unveiling of a plaque dedicated to him on the Fairfield City Walk of Fame as part of the Faces of Fairfield project in June 2011. Despite his fame, he was always a warm, funny and down-to-earth guy. My sympathy goes out to his family and friends on his passing; he will certainly be missed by all. Vale, Jon English.

### **WINGHAM FIRE STATION**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.22 p.m.]: I inform the House that I recently inspected Wingham Fire Station to be briefed on alterations and additions to the station now that planning has been completed. The alterations include a new meeting room, new facilities for female fire officers and a new "dirty" room for changing out of grimy gear. I was shown the new helmets that firefighting personnel will wear when they go out on a call. The helmets incorporate microphones and allow for the wearing of oxygen masks, which enhances the safety of officers. The Wingham Fire Station crews do excellent fire and rescue work in the area. It is the only fire station west of the railway line and when roads and road access are cut its crews are the only ones who can respond to emergencies in the area.

### **KATHLEEN YORK HOUSE**

**Mr JAMIE PARKER** (Balmain) [1.23 p.m.]: I commend the work of management and staff at Kathleen York House, a residential drug and alcohol treatment service for women in my electorate. Kathleen York House supports women to overcome substance dependence and to reduce its harmful impacts on their lives, on the lives of their children and families, and on the community. This small community-based service has been operating since 1991. It was started with the generous York Bequest and is funded by private donations, the Department of Health and Ageing, NSW Health and the Sydney

South West Area Health Service. It offers an intensive, long-term therapeutic program, as well as transition and after-care programs so women can recommence independent living.

On Thursday 17 March, I am co-hosting, along with the Alcohol and Drug Foundation of New South Wales, a unique exhibition called *Shadows Amongst Us*, which is a collaborative journey between artist and therapist. This will be a special opportunity to highlight the important role of Kathleen York House, in particular, its increasing role in helping Aboriginal women and other women's refugees and specialist services in my area. I invite all members to attend the exhibition.

### **THELMA CHANDLER 105TH BIRTHDAY**

**Mrs LESLIE WILLIAMS** (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) [1.24 p.m.]: I recognise and congratulate Thelma Chandler on the occasion of her 105th birthday. Thelma was born on 15 March 1911 and grew up in the Sydney suburb of Milsons Point, which was at the time, as she describes it, "very much a working-class suburb". Thelma and her first husband lived on a property at Exeter in the Southern Highlands. After his tragic passing, Thelma managed three sheep and cattle properties on her own and was the head of the Southern Highlands Country Women's Association.

After marrying her second husband, Merv, Thelma travelled the world. She still receives cards from friends across the globe and has written an unpublished book of her travels, her love of animals and country life. Thelma still attends Social Seniors and Friends two or three days per week at her local community centre and out of the goodness of her heart donated to the Mid North Coast Local Health District a brand new bus, which is known to Port Macquarie locals as "Thelma". Until recently Thelma still managed her own four-bedroom home in West Haven, where she had resided for 34 years. She has now moved into residential care at Laurieton. I know members join me in congratulating Thelma Chandler, one of our truly amazing seniors, on celebrating a lifetime of achievement. Happy 105th birthday!

### **WALLSEND ROTARY COMMUNITY AWARDS**

**Ms SONIA HORNER** (Wallsend) [1.25 p.m.]: I had the pleasure of attending Wallsend Rotary Community Awards on 25 February, which was a well-attended evening hosted by master of ceremonies Megan Solway and organised by the pillar of our local community, our Wallsend Rotary team and in particular Wilma Simmons, District Secretary. Award recipients on the night were Emma McBride, Wendy Hawthorne, Alyn Miranda, Kellie Jackson, Wesley Mission Retail's Hayley Elliot, Wallsend RSL Sub-Branch's Gary Burke, Colleen Wakefield, Nicholas Ali, Marcie Bakay, Margaret Walker, Tony and Sandra Dart, Sarah Gallagher, Kim Lockwood, Karen Rose, Garry Rose, and local hearing aid specialists Jodi Wormington and Trish Humphrys. Congratulations to Wallsend Rotary and all award recipients.

### **PAUL LEMMON, TERRIGAL SURF LIFESAVER**

**Mr ADAM CROUCH** (Terrigal) [1.26 p.m.]: Congratulations to Paul Lemmon from Terrigal Surf Life Saving Club on winning his ninth consecutive Ironman and surf race double and his third State board title last Wednesday. Paul Lemmon competed in the New South Wales Masters Surf Life Saving Championships this week, staying on top of his game in the 45 to 49 age group. It was an outstanding feat for Paul to then go on to win his bronze medal in the rescue tube race, right after competing in his arduous Ironman race. He was neck and neck with Freshwater's competitor, but it was Paul Lemmon who crossed the line to win after an opportune wave put him out in front on the board leg and into the lead. Congratulations to Paul Lemmon of Terrigal Surf Life Saving Club.

### **WESTFIELDS SPORTS HIGH SCHOOL FFA PROGRAM**

**Mr GUY ZANGARI** (Fairfield) [1.27 p.m.]: I congratulate Westfields Sports High School on being selected to host the Football Federation Australia's [FFA] High Performance Football School Pilot

Program. The school was selected to run the very first pilot program in Australia as a result of its outstanding history with elite-level sports programs. Westfields Sports High School has a solid history of guiding and nurturing some of Australia's greatest athletes, including stars in the A-League, the W-League, the Socceroos and the Matildas. The pilot program is part of the FFA's Whole of Football plan, which aims to grow the pool of talented young footballers throughout Australia. I wish this program every success and I hope it will help pave the way to mould our up-and-coming football stars of the future.

### **HOLI FESTIVAL**

**Mr MARK TAYLOR** (Seven Hills) [1.28 p.m.]: I recognise the great work of the Council of Indian Australians and indicate how excited I am to attend their Holi festival at The Ponds on Sunday 20 March. Holi is the Hindu festival of colour where attendees join together in celebrating a culture of love and hope. Nothing exemplifies this more than the colourful gulal powder that is thrown around and on others. In many ways, the sea of colour that results from the joyous throwing of gulal could be representative of the electorate of Seven Hills, where differences and diversity are celebrated by all coming together to celebrate as one. The Council of Indian Australians does great work. I particularly acknowledge my close associates Praful Desai and Mohit Kumar, who recent Indian migrants with government and local services specific to location and needs. I commend the work of the Council of Indian Australians and the work it does in Seven Hills.

### **PAUL "THE CHIEF" HARRAGON**

**Ms JODIE HARRISON** (Charlestown) [1.28 p.m.]: I acknowledge the Charlestown electorate's celebrity and rugby league legend Paul "The Chief" Harragon for coming runner-up in the recent reality television show *I'm A Celebrity...Get Me Out Of Here!* Paul had to endure some horrendous and revolting conditions during his six weeks in the South African jungle. With little food and a raft of creepy-crawly challenges, Paul did it all for a good cause—to raise awareness and money for the Mark Hughes Foundation. This foundation promotes research, awareness of and support for brain cancer patients and their families.

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The Hunter region is renowned for its spirit of mateship. Paul's time in the jungle demonstrated this, as he took every opportunity to talk about the brain cancer that hit his former Newcastle Knight's team mate, Mark Hughes, three years ago. In an honourable move the winner, AFL player Brendan Fevola, gave half of the \$100,000 prize money to the Mark Hughes Foundation, which has since been matched by the Hunter's McDonald Jones Homes. I commend and congratulate Paul and the people of the Hunter who rallied behind and supported the Chief throughout the competition.

### **LINDFIELD ART SHOW AND FAIR**

**Mr JONATHAN O'DEA** (Davidson—Parliamentary Secretary) [1.30 p.m.]: Every year, the Lindfield Art Show and Fair showcases a wonderful array of art and market stalls for the local community. Last Friday evening I attended the opening cocktail party for the fortieth annual Lindfield Art Show at the invitation of Lou Dogao, the Principal of Holy Family Catholic Primary School. We celebrated the launch in style, surrounded by more than 300 magnificent artworks from more than 90 artists, including featured artists Nicole Kelly and Catherine Stewart. On Saturday I attended the fair, again at the primary school. Families were welcomed with fun activities including colouring competitions, raffles and hip hop dance classes, as well as a range of tempting foods. The school recently benefitted from a \$15,000 Community Building Partnership scheme grant for an outdoor learning area. I am pleased that the funds raised from the weekend's activities will help further improve the school's learning facilities and infrastructure for future generations. Congratulations to all the organisers, volunteers and participants on what was a fantastic art show and fair.

### **COOKS HILL SURF LIFESAVING CLUB**

**Mr TIM CRAKANTHROP** (Newcastle) [1.31 p.m.]: Lifesavers from Cooks Hill had plenty of reasons to smile at the NSW Surf Life Saving Championship at Ocean Beach, Umina, a few weeks ago. They exceeded even their best expectations to finish in third position, claiming them their first regional champion's trophy, and continuing their rapid rise within the surf life saving ranks. I am very proud of this surf life saving club in my electorate, which was able to take out such a good position, especially given the strength of the big Sydney clubs. Its successful weekend was driven largely by outstanding performances in the team events, but it also earned a number of individual medals.

Alexander Walker finished with two gold medals in the under 9 males, Freya Konetschnik in the under 13's won gold in the board race and was part of a number of medal winning teams, and Saxon Coates and club mate Bella Williams both finished with seven medals in the under 13 division. Following these fantastic results a special shout out should be given to Cooks Hill coach, Wayne Whiteman, who has done a remarkable job introducing training programs for the kids at Cooks Hill. I give huge congratulations to all the members of Cooks Hill Surf Life Saving Club for their best effort at the event. Keep up the good work, and hopefully I will see you out in the water soon.

#### **DEATH OF MRS JUDY PACK**

**Ms MELANIE GIBBONS** (Holsworthy) [1.32 p.m.]: I speak today with a heavy heart about a significant loss to the Liverpool community—Mrs Judy Pack, who sadly passed away on January 30. Mrs Pack was born in 1940 and moved with her husband, Dave, to Australia in 1990. She is survived by her husband, a daughter, a son and five grandchildren. Mrs Pack has been a driving force behind the success of the City of Liverpool and District Historical Society since 1991, when she had attended her first meeting. At the end of that very first meeting Mrs Pack was elected as secretary of the society. She has also served as president since 2007.

Over the years, Mrs Pack has demonstrated her love for preserving and communicating the history of Liverpool, and each and every time I met with her she showed me the passion she had for what she was doing. I can recall that she was a very successful fundraiser for the society and had an amazing ability to obtain grants. Mrs Pack's funeral was on 9 February. I loved that so many people who attended wore a hint of yellow, as per the family's request. It is truly a sad moment when we lose someone in the community who is as dedicated and passionate as she was, but her contribution will be remembered.

#### **BANKSTOWN-CANTERBURY TORCH CHARITY CAR WASH**

**Ms TANIA MIHAILUK** (Bankstown) [1.33 p.m.]: I take this opportunity to congratulate *Bankstown-Canterbury Torch* newspaper on its recent charity car wash that was hosted at the Georges Hall petroleum service station. All proceeds from the event went to a worthy cause in the support of MS Australia. I take this opportunity to also acknowledge the many students and representatives of Georges River Grammar, Bankstown Multicultural Youth Service and HopePoint Church, which got behind the initiative and helped out on the day. I had the opportunity to bring along my car and have it washed—it has not been washed for about 12 months, so it certainly kept the kids very busy. I take the opportunity to also acknowledge Torch Publishing General Manager, Trent Engisch, his family, his staff and all the sponsors that made the day a success. I look forward to next year's *Bankstown-Canterbury Torch* charity car wash in support of such a worthy cause.

#### **WOOLI WOMEN'S BOWLING CLUB**

**Mr CHRISTOPHER GULAPTIS** (Clarence—Parliamentary Secretary) [1.34 p.m.]: I offer my congratulations to the Woolli Women's Bowling Club, which recently celebrated its fiftieth anniversary. Even though this has always been a small club, their 13 members are extremely proud of the club and for them to have been in operation for 50 years is a significant achievement. Woolli is a small, isolated coastal town and the community is very self-sufficient. The fact that it is a small club is one of the reasons

for its longevity. Its members are a very tight knit group and are a wonderful reflection of the community of which they are a part. I wish president Colleen Brown, her executive and all their members, many more years of fun out on the greens.

### **LAKE MUNMORAH HIGH SCHOOL**

**Ms YASMIN CATLEY** (Swansea) [1.34 p.m.]: Today I formally recognise the efforts of the Lake Munmorah High School community in upholding the principles of equity, and making sure no student is left behind. Lake Munmorah High School is located on the Central Coast, taking in students from Mannering Park, Gwandalan and Lake Munmorah public schools. It is no secret that many families in those communities experience significant socio-economic disadvantage. However, last year at the end-of-year school presentation, the Principal of Lake Munmorah High School, Mr Lindsay West, was rightly proud of the efforts of its staff and students.

Despite having been established in 2000, the Lake Munmorah High School community has worked tirelessly to foster a culture of support and inclusivity. Mr West made mention of the fact that the data from the Centre for Education Statistics and Evaluation used to measure equity within a school cohort indicated Lake Munmorah High School was performing 10 points higher compared to schools with similar socio-economic statuses and more than 40 points higher than the New South Wales average. In education, equity is paramount and Lake Munmorah is certainly doing a great job in that regard.

### **ARMIDALE DIOCESE TEACHING AWARDS**

**Mr ADAM MARSHALL** (Northern Tablelands) [1.35 p.m.]: I congratulate St Mary's Catholic Primary School teacher Catherine Stephen, and O'Connor Catholic College teacher Melita Roache, both from Armidale, on being recognised at the Armidale diocese mass and the Spirit of Catholic Education Awards earlier this month. Catherine was awarded her prize as experienced teacher of the year and Melita, who has recently begun her teaching career, received her award for early career teacher. The awards acknowledge the contribution of educators in the diocese to both pastoral and academic care within their schools. I commend Catherine and Melita for their dedication and passion to the spiritual and emotional development and care of their students, and wish them all the very best with their future teaching careers.

### **DARKINJUNG BARKER CAMPUS YARRAMALONG**

**Mr DAVID HARRIS** (Wyong) [1.36 p.m.]: In January this year I attended the Darkinjung Barker campus opening at Yarramalong in my electorate of Wyong. Darkinjung Barker was officially opened with a traditional smoking ceremony and commencement celebration on Saturday 30 January 2016. Darkinjung Barker campus is set on the old primary school site of Yarramalong Public School, catering for indigenous students from kindergarten to year 6. The campus is an exciting milestone in Barker's 125-year history. The kindergarten to year 6 school will be co-educational and will commence with 23 students, under the leadership of Mr Jamie Shackleton, who has been a member of staff at Barker College for the past 15 years.

A priority for the new campus will be the development of strong foundational skills in literacy and numeracy, and the celebration of Aboriginal and Torres Strait Islander culture and identity. I thank the Minister for Aboriginal Affairs, the Hon. Leslie Williams, for her attendance at the opening of Barker campus. I was pleased to attend the opening ceremony with my colleague the member for Gosford, Kathy Smith, and Labor candidate for Robertson, Anne Charlton. I congratulate Darkinjung Aboriginal Land Council on the establishment of the Barker Campus in Yarramalong and congratulate the board on the work it does across the Central Coast.

## **DRUMMOYNE ELECTORATE EVENTS**

**Mr JOHN SIDOTI** (Drummoyne—Parliamentary Secretary) [1.38 p.m.]: On Saturday 12 March 2016 I had the pleasure of attending numerous events in my electorate. I officially opened the St Mark's Catholic Primary School fete in Drummoyne, a great example of a whole-of-community event. I wish them well, and thank all the parents and friends for their volunteered time. I also attended the Garden Club of Concord annual flower and plant show. I thank Maureen Ward and all those associated with the event. I then attended the National Italian-Australian Women's Association for International Women's Day at Club Five Dock RSL. The event spoke about Italian students from Italy in Australia, and the challenges and difficulties they faced in Australia. I thank Concetta Perna for organising this great event. I finished the day by attending the Australia Indonesia Awards Presentation at the Grace Hotel.

## **SEAHAM PUBLIC SCHOOL PARLIAMENT**

**Ms KATE WASHINGTON** (Port Stephens) [1.39 p.m.]: Last week I was delighted to attend the opening of parliament at Seaham Public School. I was honoured to present the Ministers with their badges and I was impressed by the respectful and thoughtful contributions of the honourable members—the students—throughout the parliamentary sitting. I congratulate Prime Minister Harrison Roberts, Leader of the Opposition Clare Moroney, Minister for Sport and Recreation Cody Hancock and shadow Harper Collins, Minister for Technology Hayden Flynn and shadow Kye Andrews, Minister for Education Will Richards and shadow Brylee Brown, Minister for Health Alex Murphy and shadow Breanna Mason, and Minister for Student Welfare Jasmine Clarke and shadow Tahlia Jarvie.

I also congratulate Minister for Functions and Finance Ellie Marquet and shadow Veronica Nunan, Minister for Environment Jasmine Armitage and shadow Rebecca Drew, Speaker of the House Brooklyn Clarke and Deputy Shelby McNaughton, Sergeants-at-Arms Maddison Johnson and Oskar Melia and Hansard Caitlan Faust and Rhianna Brooker. I congratulate all of the school's honourable members, the Governor-General, also known as school principal Mr Craig Partridge, and parliamentary advisors Mrs Deborah Bowman and Mrs Tara Dybell. I am hopeful that the honourable members' motion for a reptile pet at school passes through the Senate.

## **YOUNG PUBLIC SCHOOL**

**Ms KATRINA HODGKINSON** (Cootamundra—Parliamentary Secretary) [1.40 p.m.]: I compliment the students and teachers at Young Public School. This is Shave for a Cure month, a time when people raise funds to fight leukaemia, that insidious disease that inflicts so many in our community. The wonderful work the Leukaemia Foundation does for cancer sufferers cannot be underestimated. In an atmosphere that was described by Christine Spielman, a writer for the *Young Witness*, as electric, the young public school students cheered as four of their teachers took on the hair clippers for a good cause. I congratulate teachers Claire Collett, Blake Maxworthy and Bethany Parr—Bethany's lovely long brown locks were chopped—and principal Neil Muir who had their heads shaved on Friday to raise money for the Leukaemia Foundation. The school raised \$2,000 and I congratulate all those involved.

## **MAPSPACE EXHIBITION**

**Ms TRISH DOYLE** (Blue Mountains) [1.41 p.m.]: I had the very great pleasure of opening the MAPSPACE exhibition on Friday 11 March 2016. Curated by Modern Art Projects [MAP] in collaboration with the Blue Mountains City Art Gallery—our cultural centre—MAPSPACE features a series of artworks at the nexus of art and architecture created by contemporary artists residing in the Blue Mountains and the Central West. So many incredible exhibitors are featured in this dynamic synthesis of design, architecture and contemporary artistic practice that it is nationally and internationally recognised.

This exhibition takes advantage of the cultural assets of the Blue Mountains including the many unique private homes and public buildings. MAP events are accessible and not as intimidating as some

gallery spaces can be to the uninitiated. MAP runs its program annually on a small amount of funding from Blue Mountains City Council's City of the Arts Trust. The continued migration of artists from the city to the west has resulted in a growing community of contemporary artists, but this is not reflected in funding to the west. Such inequity in grants funding must change. I thank Blue Mountains City Council Director Paul Brinkman, Sabrina Roesner and the team. I particularly acknowledge and extend my congratulations to Sarah Keighery and Dr Billy Gruner.

#### **TRIBUTE TO DOM FIGLIOMENI**

**Mr GARETH WARD** (Kiama—Parliamentary Secretary) [1.42 p.m.]: I pay tribute to Dom Figliomeni who is about to retire from the Port Kembla Port Corporation. Dom was appointed chief executive officer of the corporation in February 2005 and on 1 June 2013, following NSW Ports' acquisition of the 99-year lease of the port of Port Kembla, he was appointed to his current position of Executive General Manager Commercial NSW Ports. Since his time at Port Kembla, Dom has been responsible for the development of the \$167 million inner harbour port facilities and the \$700 million outer harbour master plan, which involves reclamation of 42 hectares of land and construction of seven new berths. Work commenced in August 2011 and the first part of the reclamation was completed in August 2012.

Dom has been responsible for a number of port projects, which includes acquisition of the port rail network, establishment of a new grain export facility, the \$180 million Cement Australia grinding mill, new bulk liquid imports and others. Prior to this appointment Dom was Chief Executive Officer of the Bunbury Port Authority, a position that he held for 12 years. Previous work includes the Fremantle Port Authority; Hamersley Iron in the Pilbara, Western Australia; and Darwin. Dom is a Fellow of the Chartered Institute of Logistics and Transport, Fellow of CPA Australia, Fellow of Edith Cowan University and a graduate of the Australian Institute of Company Directors. Dom is also a director of the University of Wollongong and a member of the Wollongong City Council Economic Development Advisory Board.

#### **Community recognition statements concluded.**

*[Temporary Speaker (Mr Bruce Notley-Smith) left the chair at 1.43 p.m. The House resumed at 2.15 p.m.]*

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#### **VISITORS**

**The SPEAKER:** I extend a warm welcome to the school captains and student leaders of Hurstville Grove Infant School: Adelina Ilkovski, Andrew Tsaprounis, Sofia Bustamante and Harley Constable-Douglas and their principal Kylie McKinnon, guests of the member for Oatley. I welcome the school captains and student leaders from Mortdale Public School: Charlotte Veitch, Charlie Yeo, Dominique Richardson, Daniel Czajka, Georgia Dunstone and Benjamin Liptak, accompanied by their principal John Koletti, also guests of the member for Oatley. Welcome to our student leaders. I welcome in the gallery today the 52 public sector officers participating in a seminar on the procedures of the Legislative Assembly. I trust that since I saw you at nine o'clock this morning you have had an enjoyable day.

#### **BUSINESS OF THE HOUSE**

##### **Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

**Government Business Notices of Motions (General Notices) given.**

**Private Members' Business Notices of Motions (for Bills) given.**

*[During the giving of notices of motion.]*

**The SPEAKER:** Order! I remind members of my warning concerning Standing Order 249. I will no longer use Standing Order 249A. Following three calls to order members will leave the Chamber for the balance of the day.

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## QUESTION TIME

*[Question time commenced at 2.24 p.m.]*

### VOLUNTEER FIRE FIGHTERS ASSOCIATION

**Mr LUKE FOLEY:** My question is to the Minister for Emergency Services. Did you ask Parliamentary Secretary Rick Colless to inform the Volunteer Fire Fighters Association that you would initiate legal proceedings against them unless a planned media story critical of you was pulled?

**Mr DAVID ELLIOTT:** I think that is a very strange question from somebody who has taken no interest at all in our volunteer firefighters. The answer to your question is: No, because the allegation that you are referring to, which I would love you to table, was incorrect. I have never made disparaging remarks about the Volunteer Fire Fighters Association at all. Any suggestion that I have is both offensive and quite out of kilter. Not only I have been a great fan of our volunteer emergency services but I have been a member of them, unlike the member for Auburn. So instead of making allegations like that and relying on incorrect information, maybe he should sign up to one of them.

### SOCIAL SERVICES

**Mr LEE EVANS:** My question is directed to the Premier. How is the Government investing in services and providing support to those most in need?

**Mr MIKE BAIRD:** It is another great day to be in New South Wales, another great day to be in Sydney and another great day to have this Government delivering for the people of New South Wales. We love doing that. I am sure the Treasurer will not take credit for this but she should take credit. The ANZ Stateometer out today showed that New South Wales is not only ahead of the nation; it is now going further away. It is leading the nation across so many indicators, outperforming on the economy—you would expect that—the budget is going well and we have improved services.

The important part of that is that today I was with the Minister for Family and Community Services and we made a very important announcement about the Institute of Open Adoption. All members in the House will have had many experiences with many services that deal with some of the most vulnerable kids in the State. We need to do everything possible to ensure that they are safe and protected. As a priority we do everything we possibly can to try to keep families together but sometimes there are deep complexities to those family situations and sometimes it is just not possible to do that. So the question is: What can we do? We have foster care. We have a huge number of kids in foster care—more than 18,000—but we have fewer than 100 adoptions every year.

This institute is about providing a research basis to find and take away the obstacles to more adoptions in this State. This is something that is leading the nation. There are a lot of people not only here, talking to the services today, but around the world who are going to hear this. They are interested in how we can get to a position where we have more adoptions. There is the opportunity with open adoptions to maintain a connection in some way to the family members that they are leaving behind—there is still an understanding of that—but at the same time there is a safe and secure environment. That is an incredibly important thing for these kids. There is a very clear principle at stake here. Doing everything possible to grow strong children is much easier than dealing with those who are



broken when they are men and women. So we are doing everything we can to build strong children and to protect those strong children. Certainly the institute that has been announced today is incredibly important.

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We congratulate the University of Sydney, which won the tender, together with Barnardos. Over the next three years, \$2.85 million will help to provide a research base that can be used here and around the world. It is a complex issue; there are no easy answers. The more research we do, the more understanding we will have about how to take appropriate action on policies to support children. The Minister, the Government and I are committed to providing opportunities for children who are in vulnerable positions and at risk. Open adoption is an important initiative. We continue to deliver services across the State. We would be remiss not to reflect on the services we have provided to frontline services, not only Family and Community Services.

**Ms Anna Watson:** What about the ones you have cut?

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

**Mr MIKE BAIRD:** I hear the member for Shellharbour comment about cuts. Opposition members always talk about cuts. In truth, there are more than 6,000 additional nurses and doctors on the front line as a result of our investment in Health. Opposition members have missed that because they have not yet read the serious reports. When the shadow Treasurer receives those serious reports, he will give them a big tick because he will see more than 6,000 nurses and doctors have been appointed. There are more than 2,000 additional teachers in our schools. We have invested in education. It was refreshing and pleasing to hear the new shadow Minister for Education ask a policy question on education. It is about time. I do not know how the question got through the tactics committee; he did not say he was going to do it.

Obviously we need to keep our streets safe. We have more than 800 additional officers on our streets looking after the community on a daily basis on the back of our investment in police. We know what Opposition members did for transport, particularly under the member for Keira. He loved to get rid of services. If he saw a service, he wanted to take it away. I know they will not like it, but we are proud to have delivered 14,300 additional bus, train and ferry services every week. Members on this side of the House continue to do everything they can to grow the economy. We are providing flexibility in the budget to provide services to disadvantaged kids, to transport, to schools and to hospitals. We are proud to be looking after the people of New South Wales.

### **PARRAMATTA CORRECTIONAL CENTRE**

**Mr GUY ZANGARI:** My question is directed to the Minister for Corrections. I refer to his plan to reopen Parramatta jail. Exactly how much will it cost to bring this heritage monument up to 2016 standards in security and safety?

**Mr DAVID ELLIOTT:** I noticed this morning's *Daily Telegraph* commented that the shadow Minister should have been sacked. I want him to stay where he is. The disparaging remarks made about the shadow Minister in the people's newspaper—the *Daily Telegraph*—

**The SPEAKER:** Order! I direct the Clerk to stop the clock. The House will come to order.

**Mr John Robertson:** You should focus on keeping inmates where they are. Don't worry about him.

**Mr DAVID ELLIOTT:** I am coming to the member for Blacktown.

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

**Mr DAVID ELLIOTT:** Of course we would not have a capacity problem in jails in New South Wales if I did not have to lock up people like Phuong No, Milton Orkopoulos, and all those repeat drink drivers that have to be incarcerated because they are a danger to our society.

**Mr Guy Zangari:** Point of order—

**Mr DAVID ELLIOTT:** The member for Fairfield asked about capacity.

**Mr Guy Zangari:** My point of order is Standing Order 129, relevance. The Minister is talking about people who were locked up prior to him being a Minister. He did not lock up anybody.

**The SPEAKER:** Order! I will direct the Clerk to stop the clock each time there is an interruption. I uphold the point of order.

**Mr DAVID ELLIOTT:** I say to the Minister for Police, my colleague the Deputy Premier, that I endorse the promotion of the shadow Minister because he will get as much policy debate out of him as I did. Congratulations to the Deputy Premier. We have a jail system in New South Wales that is near capacity. I make absolutely no apology for that. It proves to me that in New South Wales we have the most efficient police force in the world. Who from the Opposition would criticise the fact that there are too many prisoners in prison? It is a ridiculous assertion.

**The SPEAKER:** Order! The Minister has been relevant to the question so far. Does the member for Keira have a point of order?

**Mr Ryan Park:** Standing Order 129, relevance. The question was specifically about Parramatta jail.

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

**Mr DAVID ELLIOTT:** Unlike the shadow Minister who has been in this portfolio for nearly a year, I have a plan. I have yet to see any policy or plan come from the shadow ministry.

**Ms Tania Mihailuk:** Point of order—

**Mr DAVID ELLIOTT:** Madam Speaker, I am addressing the question.

**The SPEAKER:** Order! I will not hear the point of order until the House comes to order. Let us resume order in the Chamber.

**Ms Tania Mihailuk:** It is Standing Order 129.

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

**Ms Tania Mihailuk:** He can simply say he does not know the answer.

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

**Mr DAVID ELLIOTT:** The question was about capacity and a suggestion that we will be reopening prisons.

**The SPEAKER:** Order! The member for Blacktown does not need to clarify the question. I have

determined whether the Minister was relevant. The member for Blacktown will be called to order for the second time if he continues to interject. Do not shout at the Minister. Members do not know when they are shouting; I do. I am the only one who has permission to shout.

**Mr DAVID ELLIOTT:** We have an exceptionally efficient police force and judicial system so our jails are near capacity. Would the Labor Party prefer that the prisoners not be in jail, because that is the sort of line they are using? I have reopened prisons since I have been a Minister.

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

**Mr DAVID ELLIOTT:** I reopened Kirkconnell prison.

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

**Mr DAVID ELLIOTT:** We have a plan to build a brand-new facility in Grafton. I make no apologies inside or outside this House that we are preparing for increased capacity.

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

**Mr DAVID ELLIOTT:** We are preparing for increased capacity because we have a good police force, and I will not apologise for that.

### **NEW SOUTH WALES HOSPITALS**

**Mr ADAM CROUCH:** My question is addressed to the Minister for Health. How is the Government improving hospital performance with a growing population?

**Mrs JILLIAN SKINNER:** I thank the member for Terrigal for a good question. He is a fantastic member for his local electorate. He represents people in not only Terrigal but the whole of the Central Coast. I am always pleased to be working with him.

The latest Bureau of Health Information report was released today. It refers to the last quarter of 2015. It shows that attendance at our emergency departments for that quarter was at an all-time high. More than 60,000 people attended our emergency departments and many of them were sick. In fact it was the highest number ever reported—465,000 people were admitted to hospital in that last quarter. I am proud of the fact that our hardworking doctors and nurses throughout the system have made major improvements to timely quality treatment for our patients. For example, the number of patients going through emergency departments in our hospitals within four hours was up to 74 per cent in that quarter.

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That compares to 60 per cent for that quarter when Labor was last in government. So that 60 per cent in four hours has increased to 74 per cent. I give great credit to doctors, nurses and those who are supporting them in our hospitals because this has been done by smoothing the patient flow through the whole of the hospital.

I congratulate the people working on the peak activity team, which was put in place because of this huge surge in demand due to the late flu season last year. That team included people working at the coalface in the hospitals, through Royal Prince Alfred [RPA] Hospital, the paramedics and so on. I am very proud of another achievement in that quarter—the transfer of care. When an ambulance turns up at an emergency department with a patient, in 91 per cent of cases the transfer of the care from the paramedic to hospital staff occurred within 30 minutes. That is 5 per cent improvement on the previous year. It is, again, a record high.

These things have occurred because we have invested in staff. As the Premier has said, we have

more than 6,000 additional doctors and nurses since I have been the Minister for Health. We have invested massive amounts of money into recurrent funding. There has been a 27 per cent increase in the recurrent budget since I have been the Minister. There has been an untruth peddled by the Opposition that there has been a \$3 billion cut to the Health budget. I thank the member for Camden for speaking on the radio and correcting the assertion made this morning by the member for Campbelltown about that budget cut. The member for Camden was right; he was wrong. There has been a budget increase of 27 per cent since we have been in office. Anyone can read the budget. Look at the figures; do not be conned by the people on the Opposition front bench.

The budget has increased from \$15.4 billion in the Labor Government's last budget to \$19.6 billion in this year's budget. That is a 27 per cent increase; not a budget cut. I turn to the critical issue of capital works. Because of the underfunding by the former Labor Government we had to do catch-up work. Some \$10 billion was invested in increasing the hospital stock and redeveloping our hospitals in the country and in the city. All of the Western Sydney hospitals—Campbelltown, Blacktown, Westmead and Nepean—had been abandoned by the former Labor Government. All of these hospitals have had massive increases in funding and there will be more to come from the \$10 billion we have invested in hospital regrowth over two terms. I am extremely proud that, in this term, we have promised a \$368 upgrade of Gosford Hospital. I thank the member for Terrigal for the work he is doing with the doctors and nurses. I also pay tribute to Jill, the wife of the member for Terrigal, who is a nurse at Gosford Hospital. She does wonderful work, along with the many others who work there.

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

**Mrs JILLIAN SKINNER:** We have upgraded hospitals at Blacktown and Mount Druitt, where we allocated \$312 for stage 1. I know the member for Blacktown will welcome that. It is a shame that those opposite did not provide it when they were in Government.

**The SPEAKER:** Order! If Opposition members are not interested in this they can leave the Chamber at any time. That would avoid the future embarrassment of having their having to be escorted from the Chamber.

### **GLOSSODIA RURAL FIRE BRIGADE**

**Ms TRISH DOYLE:** My question is directed to the Minister for Emergency Services. Graeme Jay, Captain of Glossodia Rural Fire Brigade, has said that the Minister's comparison of the volunteers of the Rural Fire Service [RFS] with Dad's Army is downright offensive. Will he now apologise to the 75,000 volunteers of the RFS.

**The SPEAKER:** Order! There was an imputation that the Minister made the statement. I am tempted to ask the member for Blue Mountains to rephrase her question. As it stands it is a statement rather than a question.

**Mr DAVID ELLIOTT:** I am happy to answer the question.

**The SPEAKER:** Order! If the Minister is not happy to answer the question I will rule it out of order.

**Mr DAVID ELLIOTT:** Graeme Jay has never raised any concerns about that private conversation with me.

### **CONSUMER PROTECTION**

**Mr ADAM MARSHALL:** My question is directed to the Minister for Innovation and Better Regulation. How is the Government working to empower New South Wales consumers? What consumer protection measures have already been introduced?

**Mr VICTOR DOMINELLO:** I thank the member for Northern Tablelands for his questions. I know that he is a very powerful advocate in the Northern Tablelands electorate. Through twitter he tells consumers about the great work that the Government is doing in relation to the online fuel board and the great protection mechanisms the Government has put in place over the past 12 months. Consumer protection is part of the DNA for Government members. Let us not forget that in 1969—two years after I was born—a Liberal-National Government introduced the first consumer protection legislation in the country.

**The SPEAKER:** Order! The member for Drummoyne and the member for Rockdale will come to order.

**Mr VICTOR DOMINELLO:** The Liberal-National Governments in New South Wales also established the first consumer protection agency. The Baird-Grant Liberal-Nationals Coalition Government is continuing in that proud tradition. I point out to those in the gallery the enormous steps that this Government has already taken in the past 12 months to protect consumers in New South Wales. That is central to what we are here to do. First, the Government introduced underquoting reform, which relates to price baiting in the real estate market. That was an election commitment, which we honoured—as this Government does. The Government introduced appropriate legislation, which is the first of its kind—that is, it is a holistic reform package.

When it comes to underquoting this is currently the best reform package in the nation. It is a comprehensive package that includes education. We collaborated with the Real Estate Institute of New South Wales and NSW Fair Trading, and conducted a roadshow right across the State, informing the agents of the new laws. The legislation requires more information. It requires agents to document the prices they are quoting. That means that it will be far easier to prosecute. All we need to do now is say, "Show us your agency agreement. Show us your ad on the internet," or wherever it is displayed. If the add is less than the agency agreement price that is a clear breach, which means that it is easier to prosecute. We have increased the fines associated with the penalties. In addition to a \$22,000 fine, agents can also be stripped of their commissions. This is good holistic reform—from education to prosecution—from this side of the House.

Another consumer protection related to sunset clauses. I remind the House of what a burning issue this was last year. Many members would remember that articles in the newspaper from 7 September were asking for changes to sunset clauses. On 3 October more problems were appearing in the market place in relation to rogue developers using sunset clauses to strip away the potential profits of purchasers. The Government reacted swiftly and brought in emergency legislation. Since then we have not had one report; we have not heard one complaint. We have only had praise from consumers who are now protected in the market place.

I am pleased to say that there has been a recent Supreme Court development in the case of *Jobema Developments Pty Ltd v Zhu*, where Justice Black validated the consumer protection laws that were passed in this Parliament on 17 November last year. That sunset clause was the first of its kind in the nation. New South Wales is leading the way. This Parliament has introduced the first laws in the nation to provide protections in relation to defect bonds for strata schemes. New strata schemes have 2 per cent defect bonds to improve the quality of the work, and to make sure that there is a good outcome and a good product at the end of the process.

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New South Wales continues to lead the way when it comes to consumer protection. We were the first state in the nation to introduce a mandatory government recall of the Samsung top loader washing machines. Other States have not yet issued a government mandatory recall. This Government was the first to lead the way and, to this day, it remains the only State to provide this level of consumer protection.

What does this mean? It means that in New South Wales we have the highest recall rates. More than 60 per cent of affected machines have now been remedied or refunded.

**Pursuant to standing order additional information provided.**

**Mr VICTOR DOMINELLO:** This is great news. I know those opposite are not interested in consumer protection, but we are.

**The SPEAKER:** Order! The Minister has the call. There will be no further interjections.

**Mr VICTOR DOMINELLO:** The good news is that not only are we interested, not only do we talk the talk, but we walk the walk. I have not finished; there is more to come.

**The SPEAKER:** Order! The Minister will be heard in silence.

**Mr VICTOR DOMINELLO:** More than 60 per cent of affected machines have been remedied or refunded against the highest recall rate in the nation because of the protections our Government put in place to look after consumers in New South Wales; but there is more. When it comes to the online fuel price board, not only are we protecting consumers, we are empowering consumers in the digital age, the information age. Providing more transparency and information in the marketplace empowers consumers and that is a damn good thing. That is what the Government has done. The online fuel price board not only is the first in the nation, it is probably the first of its kind in the world.

**The SPEAKER:** Order! The Minister does not need the help of Government members.

**Mr VICTOR DOMINELLO:** Glowing endorsements have been received from the NRMA and the NSW Council of Social Service, the organisation that looks after our most vulnerable people, saying that this is a game changer. They realise that if we can put downward pressure on prices and empower consumers to find the cheapest petrol, it may be the difference between a person being able to pay rent for a week or not being able to pay it. There is more, and I will finish on this note. We have opened up the first consumer complaints register of its kind in the country, empowering the consumer. [*Time expired.*]

#### **STATE EMERGENCY SERVICE COMMISSIONER**

**Mr GUY ZANGARI:** My question is directed to the Minister for Emergency Services. Will the Minister give consideration to appointing Murray Kear to the vacant State Emergency Service commissioner job given his court victory today?

**The SPEAKER:** Order! The Minister does not need anybody's help.

**Mr DAVID ELLIOTT:** We have just heard once again why the Australian Labor Party is unfit to take the Treasury benches; it does not understand public administration. I would love to stand here and use my five minutes trying to explain how senior appointments are made, but since it is probably going to be another two decades before they are in a position where they will have to worry about those things, I will not waste our time. If the shadow Minister understood public policy in New South Wales he would know that I, as the Minister, do not appoint the commissioner. However, since the position is open, I would invite anybody to apply for the position, but it is not my gift. I would even encourage the shadow Minister to apply for the position so that the people of Fairfield can have another choice as to who their local member might be.

#### **LONG DAY CARE CENTRES**

**Mr ALISTER HENSKENS:** My question is addressed to the Minister for Early Childhood Education. How is the Government supporting long day care centres that provide preschool programs to

children of working families?

**Mrs LESLIE WILLIAMS:** I thank the member for Ku-ring-gai for his question, and his ongoing and genuine interest in early childhood education. As this is the first opportunity I have had, I congratulate the member for Port Stephens on her elevation to the front bench. Government members know that early childhood education is one of the best investments a government can make in our future. Last Friday the member for Ku-ring-gai and I had the pleasure of visiting Acre Woods Childcare in Pymble, a long day care centre run by a family business. Acre Woods is a wonderful service.

The member for Ku-ring-gai and I had the opportunity to meet with children, parents and teachers. I congratulate the service on being rated as exceeding the national quality standard. While visiting the centre I was pleased to be able to announce that the Government has made \$24 million available to long day care centres to support the provision of quality preschool programs for four- and five-year-old children across the State. This new commitment brings total funding under the Long Day Care National Partnerships Grants program to \$40 million in 2015-16.

**The SPEAKER:** Order! There is too much noise in the Chamber. The members for Cessnock and Monaro will cease their conversations across the Chamber. They are being disrespectful to the Minister.

**Mrs LESLIE WILLIAMS:** Long day care centres provide the hours of care that so many working families need and, importantly, they deliver the educational programs that will get our children ready for school. While visiting Acre Woods I had the privilege of talking with staff, including centre director Kylie Davenport, about how long day care centres around New South Wales may benefit from these grants, which can be used to fund professional development, upgrade staff qualifications and further develop quality education programs in line with the early years learning framework. In fact, Acre Woods used last year's funding to assist two educators to teach Spanish to the children as part of the preschool program.

Families in New South Wales are fortunate to have a diverse early childhood education and care sector where families with different needs can choose from a range of services. I am proud that the Government will be able to deliver assistance to the long day care centres that provide early childhood education to New South Wales children and form such an integral part of delivering choice to New South Wales parents. This is now the second round of payments provided under the Long Day Care National Partnership Grants scheme. In the first round of grants to long day care centres last year services received a \$300 payment for every four- and five-year-old child enrolled in an early childhood education program.

This investment resulted in an additional 53,000 children in New South Wales receiving funding, for the first time, for a preschool education program. We know that tens of thousands of children did not receive any funding for early childhood education during the Labor Government. Further, under Labor the majority of four-year-olds in preschool who did receive funding were not from disadvantaged or Aboriginal families. Unlike Labor, this Government is making sure that the most vulnerable children in the State do not miss out on a preschool education.

This year services will still receive a minimum \$300 for each four- and five-year-old child they enrol. In line with our commitment to universal access to quality early childhood education, this payment will increase to \$450 if the child is enrolled for the recommended 600 hours per year. We will also now provide funding of \$450 for every child enrolled from an Aboriginal background and to services that operate in disadvantaged areas. This will rise to \$675 where enrolments are for 600 hours. These payments are part of a broader set of initiatives aimed at increasing participation in preschool programs, especially for children from Aboriginal and low income families. We are ensuring that our most vulnerable children can attend a quality preschool education program. The announcement of this \$24 million in funding for long day care centres that provide a preschool program continues the Government's commitment to quality early childhood education for all children in New South Wales.

## NORTH COAST LOCAL ENVIRONMENTAL PLANS

**Ms TAMARA SMITH:** My question is directed to the Minister for Planning. Why have five standard instrument local environmental plans [LEPs] on the North Coast been singled out for key changes to the way that councils can set land aside for environmental conservation and management under local environmental plans?

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**Mr ROB STOKES:** Hello everyone. This question relates to the issue of E zoning. Let me be clear: What we mean by an E zone is quite different from what the member for Summer Hill might mean by it.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. The Minister for Planning has the call. I am sure the member for Ballina would like to hear the answer.

**Mr ROB STOKES:** This requires a little history because way back when the former member for Rockdale, Frank Sartor, was the Minister for Planning there was a huge variety of land use zones across every local government area of New South Wales. I should put on record that I am something of a Frankophile; I know there are many Frankophobes in here. One of the things he did that made some good sense and was followed through with real effectiveness by one of my other predecessors, the member for Wakehurst, and also by the member for Goulburn was getting on with the business of ensuring that each local government area across New South Wales operated according to a standard set of land use zones—the standard instrument local environmental plan [LEP]. This involves 30-odd land use zones that are available for councils to use. It provides, if you like, a toolbox of zoning instruments. There are residential zones, commercial zones, industrial zones, and recreational, special use, rural and four environmental zones.

The first of those, E1—as it is called—relates to nature reserves and national parks. That is pretty self-explanatory. E2 relates to environmental conservation; E3, to environmental management; and E4, to environmental living. All they do is specify what land uses can be conducted without the need for consent, with development consent or land uses that are prohibited in those areas. When we got to the North Coast the process of going through the LEP reviews involved looking at what the land use zones were under the existing zoning and then translate that, in a like-for-like process, using the new zoning instrument.

On the North Coast it ended in a farcical situation, where the imposition of E zones in an unthinking manner led to some instances, for example, where farmers had farms and farming now became a prohibited use under the E zone that was applied, or where orchardists were not allowed to continue their orchard because that was a prohibited use under the zone, except if they were using existing use rights. For example, with a caravan park, the use of accommodation became a prohibited use because of the application of an E zone. There was a series of farcical situations that needed to be remedied. That is why the Minister at the time—

**Mr Brad Hazzard:** Who was that Minister? Wasn't he a great Minister?

**Mr ROB STOKES:** The great Minister, the member for Wakehurst. The review process found that there were problems and indicated a path forward. That is why I have taken the step of issuing a ministerial direction under section 117 of the Environmental Planning and Assessment Act to provide certainty and clarity to the five councils on the North Coast—these were the councils where the E zones had been deferred from the finalisation of the LEPs—about how the zones were to be used. I should compliment not just the member for Ballina for her advocacy on behalf of environmental interests, but also the member for Lismore, in particular, who spoke very strongly on behalf of the agricultural and environmental interests on the North Coast, the member for Clarence and the member for Tweed. They all raised concerns on behalf of their constituents, as did a member of the other place, Ben Franklin, who



made a series of intelligent suggestions about the way in which this matter might be resolved.

**Pursuant to standing order additional information provided.**

**The SPEAKER:** Order! Members will come to order. Do I need to stop the clock again?

**Mr ROB STOKES:** Now if councils have to undertake a zoning process and they want to apply an E zone—which is fine—in the interests of transparency, fairness and equity they must consider the primary use of the land that they are looking at. If the primary use of the land is for environmental management or environmental conservation, and there are clear environmental features of that land that require special protection, then on the basis of field surveys and biodiversity reports—provided they can provide evidence as to why the particular qualities of the land require an environmental zone—that environmental zone will be made. In other cases it may be more appropriate to apply a rural zoning with a vegetation overlay, providing the requirement for consent authorities—if there is to be a change of land use—to look at the qualities of the vegetation if there is significant vegetation on site that requires special consideration.

The real opportunity here was to ensure that there is certainty at the end of a long process and ensure that that balance is maintained. The environmental assets of the beautiful far North Coast are important to the community and the economy of the area, but so is the agricultural production that has long been a principal activity on the far North Coast. We want a planning system that embraces both and that provides certainty and clarity about the need for both. I should make clear at this point also that farmers are among some of the best environmentalists in the State.

**GOVERNMENT SERVICE DELIVERY**

**Mr JOHN SIDOTI:** My question is addressed to the hugely talented Minister for Finance, Services and Property.

**Mr John Robertson:** Point of order: The question contains imputation and as such should be ruled out of order.

**The SPEAKER:** Order! There is no point of order. The member for Blacktown will come to order or he will be removed from the Chamber. Members may say nice things about each other at any time.

**Mr JOHN SIDOTI:** How is the New South Wales Government changing the way we deliver services to ensure prosperity and opportunity to the people of New South Wales, and is the Minister aware of any alternative methods?

**Mr DOMINIC PERROTTET:** I thank the very honourable member for Drummoyne for his question. It may come as a surprise to those opposite but on this side of the House we believe the role of government is to deliver the services that the people of New South Wales need. On this side of the House we know that our citizens do not care about who provides those services as long as those services are provided well. Unlike those opposite, we are proud to partner with the private sector to deliver the best services at the best value to the people of this State. Last week I visited the offices of one of our new information technology providers, Unisys, with my favourite member in this place, the member for Drummoyne. It was a great visit.

**The SPEAKER:** Order! I call the member for Londonderry to order for the second time. She will cease interjecting. I have warned her several times.

**Mr DOMINIC PERROTTET:** This used to be an expensive and inefficient government-owned support desk. Today we are partnering with the best and the brightest minds in the private sector to create a state-of-the-art, scalable and efficient support centre in inner Western Sydney. Inner Western

Sydney, once Labor heartland, is now our heartland.

**Mr John Sidoti:** Sidoti-land.

**Mr DOMINIC PERROTTET:** Sidoti-land. By partnering with the private sector, we are saving tens of millions of dollars and we are creating hundreds of jobs.

**The SPEAKER:** Order! Members will come to order.

**Mr DOMINIC PERROTTET:** Most importantly, we are equipping our public servants with the latest tools at their fingertips so that they can provide better services to the citizens of this State. We have not stopped there. Last week we announced the transformation of how we buy and manage fleet cars for the Government. Previously the Government owned, ran and managed its own fleet, at a cost of \$250 million a year. But on this side of the House we realise that we do not need to own vehicles; we just need to use them. So, once again, we are partnering with the private sector to deliver the best services at the best value, saving taxpayers \$1 billion. That is \$1 billion over four years that can be invested in roads, schools, hospitals and other frontline services—into anything that the Labor Party failed to deliver in this State for more than 16 years.

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We can do this because we believe the Government should not be in the business of information technology support. We believe the Government should not be in the business of fleet management. We believe the Government should be involved in one business—that is, providing the best services at the best value for taxpayers of this State. While we have changed the way that government delivers services, there is one party that will never change its ways—and that is the New South Wales Labor Party. Members of that party are still stuck in their socialist past, even though the Leader of the Opposition—and we will continue to remind him of this—promised to get rid of the social objective. Guess what? It is still there. There has been a number of reports about the recent Labor conference. The Minister for Education spoke about how the hard work starts tomorrow.

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

**Mr Jihad Dib:** Point of order: My point of order is taken under Standing Order 129. The question was about services in New South Wales.

**The SPEAKER:** Order! The Minister has strayed from the leave of the question only very briefly.

**Mr DOMINIC PERROTTET:** We heard that the hard work starts tomorrow. But I went beyond the call of duty and went undercover at the Labor conference. I discovered a forum called "the fringe festival". I thought the whole Labor conference was a fringe festival, but this was the fringe of the fringe—and it did not disappoint. It came up with Labor's new tax policy.

**Mr Clayton Barr:** Point of order: My point of order is taken under Standing Order 129. Madam Speaker, you ruled that the Minister had strayed from the leave of the question momentarily but he has now strayed for more than a minute.

**The SPEAKER:** Order! I uphold the point of order. The Minister will return to the leave of the question, which was about the delivery of services, not fringe festivals.

**Mr DOMINIC PERROTTET:** This is very important because it is about how to fund services. The Labor tax policy discussed at the fringe festival was a 90 per cent income tax.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** Order! I will hear further from the Minister. The member for Keira will resume his seat.

**Mr DOMINIC PERROTTET:** Those opposite say they are starting with billionaires but we know they will come for the battlers. Why did they stop at 90 per cent? Why not take 100 per cent—all the money?

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Order! I have asked the Minister to return to the leave of the question. The member for Maroubra takes a point of order. I presume it is another point of order about relevance. I uphold the point of order and ask the Minister to return to the leave of the question. I will not allow him to speak for an additional two minutes if he does not promise to return to the leave of the question.

**Mr DOMINIC PERROTTET:** I will try, Madam Speaker.

**The SPEAKER:** Order! I want a commitment.

**Pursuant to standing order additional information provided.**

**Mr DOMINIC PERROTTET:** I know the member for Maroubra opposed the 90 per cent policy—and guess what has happened? He has been moved on from the shadow Treasury portfolio. Talking about alternative policies, something else is on the fringes—and that is the union movement. The Leader of the Opposition failed—

**Ms Yasmin Catley:** Point of order: Madam Speaker, you ruled that the Minister should return to the leave of the question. I am concerned that the Minister's nose will start to grow because he has been unable to keep his promise.

**The SPEAKER:** Order! I uphold the point of order. I will listen closely to the Minister.

**Mr DOMINIC PERROTTET:** In talking about service delivery, the union movement is involved in very little service delivery. Only 15 per cent—

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Order! This could be relevant to the question. The member for Maroubra will resume his seat.

**Mr Michael Daley:** Madam Speaker, you toss out members of the Opposition for the slightest of transgressions but the Minister—

**The SPEAKER:** Order! You are joking!

**Mr Michael Daley:** You can laugh but all we are asking for is a little bit of fairness.

**The SPEAKER:** Order! The member for Maroubra will resume his seat. He interjects and stands at the microphone and bullies and yells.

*[Interruption]*

**The SPEAKER:** Order! The member for Maroubra will resume his seat. That was a great performance.

**Mr DOMINIC PERROTTET:** The Leader of the Opposition failed to say in his recent reshuffle was that 60 per cent of those opposite are either members of the union movement or have worked for the union movement. This is not—

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** Order! I cannot hear the Minister because of interjections from Opposition members. That makes it difficult for me to rule on points of order. Does the member for Cessnock raise the same point of order?

**Mr Clayton Barr:** Madam Speaker, in spite of the difficulties, I draw your attention to Standing Order 129. The Minister is continuing to flout your ruling.

**The SPEAKER:** Order! I have instructed the Minister to return to the leave of the question, but it is difficult to hear him. The Minister will return to the question or resume his seat.

**Mr DOMINIC PERROTTET:** This is not a shadow ministry for the people of New South Wales; it is a shadow ministry for Unions NSW. [*Time expired.*]

Question time concluded at 3.14 p.m.

## PETITIONS

**The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:**

### **Powerhouse Museum Ultimo**

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

### **South Coast Rail Services**

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

### **Surry Hills Light Rail Station**

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

### **Inner-city Social Housing**

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

### **Local Government Amalgamations**

Petition opposing the proposed amalgamation of the Shellharbour local government area with Wollongong City Council, received from **Mr Gareth Ward**.

### **Pet Shops**

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

### **Plastic Bags Ban**

Petition calling on the Government to introduce legislation to ban single-use lightweight plastic bags at retail points of sale in New South Wales to reduce waste and environmental degradation, received from **Mr Alex Greenwich**.

**The Clerk announced that the following petitions signed by more than 500 persons were lodged for presentation:**

### **Local Government Amalgamations**

Petition opposing the forced amalgamation of the Kiama local government area with any other local government area, received from **Mr Gareth Ward**.

### **Local Government Amalgamations**

Petition opposing the amalgamation of the Kiama Municipal Council with Shoalhaven Council and requesting that it remain independent, received from **Mr Gareth Ward**.

**The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:**

The Hon. Mark Speakman—Gap Bluff Land Use—lodged 16 February 2016 (Ms Gabrielle Upton).

## **BUSINESS OF THE HOUSE**

### **Reordering of General Business**

**Dr GEOFF LEE** (Parramatta—Parliamentary Secretary) [3.16 p.m.]: I move:

That the General Business Notice of Motion given by me on this day [Urban green space] have precedence on Thursday 17 March 2016.

This motion should be accorded precedence because, as we know, Sydney is growing and is facing increasing challenges as a result. This Government is delivering under a great Premier, a great Treasurer and an even better Minister for Education. We know that we need to build infrastructure and homes, and create jobs. But more needs to be done. A good community requires valuable connections to wonderful oases such as bushland tracks and trails, rivers and creeks. We need a balanced urban environment to enjoy. Living in a great urban environment requires more than having a home. It requires parks and gardens and, in some cases, having the option of walking or cycling to work. A great urban environment involves having parks and other urban green spaces close to people's homes that they can enjoy.

These spaces are important. Some 90 per cent of Sydney's residents live within five to 10 minutes walk from green space and less than a 30-minute drive from large regional open areas. I am proud of the Minister for Planning, who is an advocate for urban green space and green grids. The Metro Strategy outlines how Parramatta will be the location for a green grid pilot. It is reimagining how we create and plan communities and connect them with green spaces so that people can walk or cycle to work or our parks. It is about lifestyle. People do not need to just sit in their cars. Great cities have great parks and gardens, and generally these green spaces are connected in an organised way, with boulevards and so on.

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The Government will deliver Sydney's green grid by implementing the Metropolitan Greenspace Program. Working with local councils and communities, it will connect walking trails identified in the Regional Tracks and Trails Framework and locate new recreational and sporting facilities within the Sydney Green Grid. It will deliver new open space and greenfield locations to support the Sydney Green Grid and implement the Western Sydney Parklands Plan of Management. This is a Government that understand the importance of green space and connecting our living and working areas. It understands that cities and urban environments are more than buildings and hard landscapes—people need that amenity in their communities in the wonderful city of Sydney.

**Mr JIHAD DIB** (Lakemba) [3.19 p.m.]: I move:

That the General Business Notice of Motion given by me this day [Second language education] have precedence on Thursday 17 March 2016.

I acknowledge the motion to reorder business moved by the member for Parramatta but my motion is more important. New South Wales is lagging behind other States and countries when it comes to teaching languages in primary schools, which compromises opportunities for kids everywhere. The statistics are damning: Fewer than 40 per cent of New South Wales primary schools have a second language program and of those that do the majority are within the Sydney metropolitan area. Language lessons are typically 30 minutes to 40 minutes long. In Victoria twice the number of primary school students studies Mandarin, and in Queensland 13 times as many students study Japanese.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. The member for Lakemba will be heard in silence.

**Mr JIHAD DIB:** Learning a second language is compulsory in Asian countries such as Japan, China, South Korea and Thailand. In New South Wales the number of students studying Asian languages is declining. On the world stage, every single European nation requires primary children to study at least one language. That is twenty-first century learning in a global village environment. There are clear academic, social and economic benefits to learning a second language. Learning a second language is not just an add-on to the curriculum; it builds capability in students in their first language and their intellectual flexibility. Australia is moving towards a global economy. A second language will provide economic benefits. A facility in language is fundamental in learning the nuances of the English language. The benefits of learning a language must not be reserved for kids in the Sydney metropolitan area, but afforded to kids in every part of New South Wales. Regardless of where they live in the State, each child should have the same opportunities.

I condemn the Government for not investing more in language education in New South Wales primary schools. I understand that there is not a bottomless pit of money, and I recognise and acknowledge the bipartisan agreement for needs-based funding. However, I cannot go past the fact that the investment in language education is minimal. The argument has been laid out. The Labor Party has the vision to understand the clear argument for investing funds in language education. The social, cultural and economic benefits are significant. There are challenges involved, but twenty-first century learning starts with primary school classes and language education is very important. I have outlined the importance of this motion and encourage the House to reorder it so that it may have precedence tomorrow.

**Question—That the motion of the member for Parramatta have precedence on Thursday 17 March 2016—put.**

**The House divided.**

### **Ayes, 51**

Mr Anderson  
Mr Aplin  
Mr Ayres  
Mr Baird  
Mr Barilaro  
Ms Berejiklian  
Mr Brookes  
Mr Conolly  
Mr Constance  
Mr Coure  
Mr Crouch  
Mr Dominello  
Mr Elliott  
Mr Evans  
Mr Fraser  
Mr Gee  
Mr George  
Ms Gibbons

Ms Goward  
Mr Grant  
Mr Gulaptis  
Mr Hazzard  
Mr Henskens  
Ms Hodgkinson  
Mr Humphries  
Mr Johnsen  
Mr Kean  
Dr Lee  
Mr Maguire  
Mr Marshall  
Mr Notley-Smith  
Mr O'Dea  
Mrs Pavey  
Mr Perrottet  
Ms Petinos  
Mr Piccoli

Mr Provest  
Mr Roberts  
Mr Sidoti  
Mrs Skinner  
Mr Speakman  
Mr Stokes  
Mr Taylor  
Mr Toole  
Mr Tudehope  
Ms Upton  
Mr Ward  
Mr Williams  
Mrs Williams

*Tellers,*  
Mr Bromhead  
Mr Patterson

### **Noes, 36**

Ms Aitchison  
Mr Atalla  
Mr Barr  
Ms Car  
Ms Catley  
Mr Chanthivong  
Mr Crakanthorp  
Mr Daley  
Mr Dib  
Ms Doyle  
Mr Foley  
Mr Greenwich  
Mr Harris

Ms Harrison  
Ms Hay  
Ms Haylen  
Mr Hoenig  
Ms Hornery  
Mr Kamper  
Ms Leong  
Mr Lynch  
Dr McDermott  
Ms McKay  
Mr Mehan  
Ms Mihailuk  
Mr Minns

Mr Park  
Mr Parker  
Mr Robertson  
Ms K. Smith  
Ms T. F. Smith  
Ms Washington  
Ms Watson  
Mr Zangari

*Tellers,*  
Mr Lalich  
Mr Warren

### **Pairs**

Mrs Davies  
Mr Rowell

Ms Burney  
Ms Finn

**Question resolved in the affirmative.**

**Motion agreed to.**

**BUSINESS OF THE HOUSE**

## **Business Lapsed**

**The Speaker** advised the House that pursuant to Standing Order 105 (3):

- (1) General Business Notices of Motions (General Notices) Nos 426 to 449 had lapsed;
- (2) Children and Young Persons (Care and Protection) Amendment (Protection from Serious Offenders) Bill 2015; and
- (3) General Business Notices of Motions (General Notices) Nos 450 to 467 would lapse tomorrow.

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## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Sydney Metro**

**Mr MATT KEAN** (Hornsby—Parliamentary Secretary) [3.29 p.m.]: My motion deserves to be accorded priority because this is a Government that thinks public transport is a priority, unlike those opposite. There could not be a greater priority than the metro link, because this will increase the capacity of our rail network by up to 60 per cent. It will mean that we can move an additional 100,000 people an hour during peak travel times. It will also mean that you can dispense with your timetable, Mr Deputy-Speaker; you can just turn up and ride, which I know you love to do. As the Prime Minister would say, there has never been a better time to live in New South Wales.

Who would not be excited about the new metro link? I know the member for Epping whose constituents will benefit from the new metro link is excited. I know the members representing the electorates of Ku-ring-gai, Riverstone, Hawkesbury, Castle Hill, North Shore and Willoughby are all very excited about the new metro link. But wait—it is not just members on this side of the Chamber who are excited about the new metro link. There are members on the other side who are very excited. The member for Bankstown is going to be a big beneficiary—she is so excited she is not even here. The members representing the electorates of Canterbury, Summer Hill and Lakemba are very excited that their communities will benefit from the new metro link. But they are not just excited because of the benefits a metro link will bring to their communities; they are excited because there is a government that will actually build a railway when it says it will.

When Labor was in Government it made more promises to build rail links than I have had hot breakfasts. I remind members of the Bondi Beach rail link promised in 1998 to be delivered in 2002, the high-speed rail link to Newcastle and the Central Coast promised in 1998 to be delivered in 2010 and the Hurstville-Strathfield rail link that was promised in 1998 in the Action for Transport plan—what happened to that one? I can imagine the shadow Treasurer as the deputy director-general being promoted from the department liaison officer straight into that role.

There was the Parramatta-Chatswood rail link—well, Labor got half of that right. It delivered half a rail link at double the cost. The north-west heavy rail link was promised in 1998. The South West Rail Link was promised in 2005 before it was scrapped in 2010. There was the north-west metro, CBD rail, Rozelle metro, west metro and the west express metro. So why would those opposite not be excited that there is a government actually delivering on the things it says it is going to do—delivering for the community, which Labor failed to do when it was in Government? This Government will get on with the job of building public transport and delivering for the people of New South Wales.

### **Public Transport Affordability**

**Mr ANOULACK CHANTHIVONG** (Macquarie Fields) [3.32 p.m.]: My motion should be accorded



priority in recognition of all in our local community who rely on public transport to get to work, to see the doctor, to do their shopping or just to get around. Public transport is a vital necessity. One of the most important aspects of an effective public transport system is affordability. How is it affordable when hardworking people in our local community are sluggish with a 48 per cent increase, or about \$960? Well, it is not. To those on the Government benches \$960 might not mean a lot, but it is a massive increase for people in my electorate and, no doubt, every other electorate across the Sydney metropolitan area. Those opposite might want to stick up for the people in their local community instead of obfuscating and hiding behind spin and a publicly funded marketing exercise. Anything less than support for this motion would mean members opposite putting the people in their communities last. A 48 per cent increase is not affordable, it is not fair and it shows a lack of understanding of the budgets of hardworking people.

**Mr Adrian Piccoli:** Ask me about Hurlstone.

**Mr ANOULACK CHANTHIVONG:** You will get your turn, Minister. We are trying to encourage more people to use public transport but what is the Government's genius solution? It is a 48 per cent increase in cost, a massive increase that will get more people on the roads and stuck in traffic and cost our economy even more. "Let's increase the prices by up to \$960; then we can expect more people to use public transport." I am not sure what economic philosophy this plan is from. However, this skyrocketing price increase has an even more immediate impact on people's pay packets, especially considering the hours they work to earn at times quite moderate wages. Let us consider some facts—something that this Liberal Government is good at hiding and great at stretching and using selectively. The Reserve Bank of Australia's 2015 publication on wages growth states:

Wage growth has declined markedly in Australia over the past few years. ... The size of the decline in wage growth has been larger than simple historical relationships.

The rate of wage growth is barely 2 per cent. Inflation is at 2 per cent. That is in fact a zero real wage increase. But what is the Government's solution? It is a 48 per cent increase in the cost of using public transport. That is a multiple of greater than 20. This also shows a lack of understanding, a lack of care and a lack of compassion for those who work so hard. The Government can spin it whichever way it wants; it can use figures for six weeks or six months. All I know is that a 48 per cent cost increase is not fair with a zero per cent wage increase.

**Question—That the motion of the member for Hornsby be accorded priority—put.**

**The House divided.**

**Ayes, 49**

Mr Anderson	Ms Goward	Mr Provest
Mr Aplin	Mr Gulaptis	Mr Roberts
Mr Ayres	Mr Hazzard	Mr Sidoti
Mr Baird	Mr Henskens	Mrs Skinner
Mr Barilaro	Ms Hodgkinson	Mr Speakman
Ms Berejiklian	Mr Humphries	Mr Stokes
Mr Brookes	Mr Johnsen	Mr Taylor
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Mr Tudehope
Mr Coure	Mr Maguire	Ms Upton
Mr Crouch	Mr Marshall	Mr Ward
Mr Dominello	Mr Notley-Smith	Mr Williams
Mr Elliott	Mr O'Dea	Mrs Williams
Mr Evans	Mrs Pavey	

Mr Fraser  
Mr Gee  
Ms Gibbons

Mr Perrottet  
Ms Petinos  
Mr Piccoli

*Tellers,*  
Mr Bromhead  
Mr Patterson

**Noes, 36**

Ms Aitchison  
Mr Atalla  
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Ms Car  
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Mr Crakanthorp  
Mr Daley  
Mr Dib  
Ms Doyle  
Mr Greenwich  
Mr Harris  
Ms Harrison

Ms Hay  
Ms Haylen  
Mr Hoenig  
Ms Hornery  
Mr Kamper  
Ms Leong  
Mr Lynch  
Dr McDermott  
Ms McKay  
Mr Mehan  
Ms Mihailuk  
Mr Minns  
Mr Park

Mr Parker  
Mr Piper  
Mr Robertson  
Ms K. Smith  
Ms T.F. Smith  
Ms Washington  
Ms Watson  
Mr Zangari

*Tellers,*  
Mr Lalich  
Mr Warren

**Pairs**

Mrs Davies  
Mrs Hancock  
Mr Rowell

Ms Burney  
Ms Finn  
Mr Foley

**Question resolved in the affirmative.**

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**SYDNEY METRO**

**Motion Accorded Priority**

**Mr MATT KEAN** (Hornsby—Parliamentary Secretary) [3.46 p.m.]: I move:

That this House:

- (1) Notes the Government is getting on with Australia's largest public transport project in the Sydney Metro.
- (2) Notes the Sydney Metro will deliver turn up and go services and move an extra 100,000 people every hour during the peak.
- (3) Welcomes the benefits it will deliver to customers in the north west and south west of Sydney.

I am glad that the House has recognised that public transport is a priority. Communities in Galston, Dural and the Hills district have missed out on viable public transport for too long because the former Labor Government did not think that public transport was a priority. Those opposite promised viable public

transport to north-west Sydney in 1998. They made a promise that the north-west heavy rail link would be delivered prior to 2010. I was still at school when they were making those promises.

**Mr Mark Coure:** Gareth was in nappies.

**Mr MATT KEAN:** Gareth was still in nappies but that is beside the point. The program being rolled out by the Government will transform this city. It will improve the lives of citizens across the State. People will be able to rely on public transport rather than on their cars. There is no better example than the people who live in the north-west. The rail link will increase capacity on our network by up to 60 per cent. It also means we can move an additional 100,000 people every hour during peak periods. The first tunnel boring machine will be in the ground before the end of 2018, but it is not soon enough. The 30 kilometre metro line will connect to the Sydney Metro Northwest at Chatswood, run under Sydney Harbour, through the central business district [CBD] and south-west to Bankstown. The line should be operating by 2024. It means there will be a train in the CBD every two minutes. There will be seven new metro stations, at Barangaroo, Central, Pitt Street, Martin Place, Victoria Cross—that is North Sydney for those in the southern suburbs—Crows Nest and Waterloo. Eleven existing stations on the Bankstown line will be upgraded.

A dedicated line will operate independently of the existing rail network, which will not contribute to wider delays. There will be seamless interchanges with trains, buses and light rail. In mid-2016, the community will have an opportunity to provide feedback as part of the Environmental Planning and Assessment program. The community will provide positive feedback because they have been waiting for this metro line for too long. Trains on the northern line are already at capacity. Everyone who uses public transport will benefit. Even people who drive to work will benefit because it will move people off the roads. It is a fantastic win. Sydney Metro will increase the capacity of train services from 120 per hour today to up to 200 services beyond 2024, resulting in an increase of up to 60 per cent in capacity across the network. This Government will continue to analyse where the demand is and where upgrades are needed most.

There is also the possibility of extensions. We have commenced investigations into extensions to Liverpool, which will reduce travel time to the CBD by 15 minutes. Further investigations will be made and public consultation will be undertaken in 2016. The member for Bankstown should be a big fan of the metro line because her constituents will benefit. She should also be a fan of the metro line because it will be the first time she will see a Government deliver a promised train line. As the member for Bankstown well knows, the Labor Government promised rail lines as if they were going out of fashion, but Labor failed to build 20 of their promised rail lines. The shadow Minister for Transport was a member of Cabinet that shelved half of those rail lines.

The member for Bankstown should be excited, but those opposite hate good news. They are not used to good news and they hate it when they hear it. Good news for the people of New South Wales is bad news for those opposite. As the Prime Minister likes to say, there has never been a better time to be a New South Wales resident. The Baird Liberal Government is in charge—building transport and infrastructure across the State, getting the budget under control and delivering for the people of New South Wales. The member for Campbelltown is excited about it. Everyone is excited. The new metro link is a great initiative for people in Sydney and it will deliver a better public transport for everyone to enjoy.

**Ms JODI McKAY** (Strathfield) [3.47 p.m.]: I say to the member for Hornsby that I am excited. I am excited because I am now the shadow Minister for Transport and it is the first time I can talk about transport and roads in this place in that capacity. I am able to look into an integrated way of moving people around this city. How could I not be excited about that? I am excited about my first opportunity to debate the member for Hornsby. The motion before the House is important; we must look at roads and transport from an integrated perspective. We want to ease congestion and see people move efficiently around the city. Our biggest concern, which I have raised time and again in my portfolio, is the way the projects are being delivered. We are seeing not only cost blowouts across the spectrum of the

infrastructure delivery project, but also a lack of transparency and secrecy. There is a bill before the House that is aimed at removing the secrecy around the Government's private sector Sydney Motorway Corporation.

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That concerns me, because a project the size of the Sydney Metro is comparable, in terms of delivery, with the WestConnex project. I know about that because it is in my electorate and because, as shadow Minister for roads, I am continually going on about how poorly that project is being delivered. As I mentioned, I am concerned about the cost blowout. We have already seen a \$500 million cost blowout with the George Street light rail. The WestConnex project was \$10 billion and then went to \$11 billion, \$12 billion and \$15 billion, and now it is at \$16.8 billion. I am really looking forward to the upcoming budget to see what that project will end up costing, because we know that that price does not include the cost of property acquisitions or the link to the airport.

As I said, we have seen, time and again, a very poor delivery record from this Government. Nowhere is that more obvious than in WestConnex. There was a tunnel that was to travel under Parramatta Road; it is now travelling under about 500 houses. There are two unfiltered stacks. Most importantly, the imposition of tolls is causing great anxiety, particularly in the electorate of Oatley. There will be a toll on the duplication of the M5 and on the duplicated tunnel. There will also be a toll on the M4, which is currently free. These small things that are happening with WestConnex reveal a pattern of behaviour by this Government that will be reflected in the way that it is going to deliver the metro. I have approached the Minister for Transport and he has agreed to brief me on this project so I can find out exactly what the Government has planned. I am keen to learn how the Government is going to pay for it, because we have not been told how the Government is going to pay for this massive project.

I know that the Government is going to pay for WestConnex by putting tolls on the road. The Government is going to charge people in Western Sydney an extra \$2,000 a year to travel from Parramatta to the CBD and back again. I know what that toll is: It will cost \$4.21. When the Hon. Duncan Gay was asked what the toll was he said, "I think it might be \$4.85. Maybe it is \$4.20." His adviser had to step in and say, "No, sorry, it is \$4.21." The Hon. Duncan Gay said that there were 18 gantries. No, there are 14 gantries—he got that wrong as well. The Minister for Roads, Maritime and Freight could not say how many cars travelled on the M4. This Minister, who is delivering the most significant infrastructure project in New South Wales, has no idea of the number of cars on the M4. We all remember the Minister's embarrassing appearance on Channel 7, when he could not say how many cars were on the M5 or the M4. He has not learned from that.

**Mr Gareth Ward:** You tell us. What is the answer? Do you know?

**Ms JODI McKAY:** It is 166,000. We have concerns about the way this Government is delivering projects like the metro and we certainly look forward to seeing how this project rolls out. And I look forward to my briefing on this project.

**Ms MELANIE GIBBONS** (Holsworthy) [3.53 p.m.]: It is with great pleasure that I speak in support of the motion of the member for Hornsby. For far too many years under the previous Government, transport and infrastructure were not seen as priorities, especially in south-west Sydney. I am glad to be part of a Government that recognises that it is a priority and is continually delivering on these types of initiatives. The Sydney Metro is an important and vital piece of transport infrastructure that will benefit customers by moving 100,000 people every hour during the peak periods between the north-west and south-west of Sydney.

This new transport system will allow for seamless interchanges with Sydney Trains, NSW TrainLink trains, buses and light rail, and will be on an independent and dedicated line, which means it will not be subject to wider network delays. We are a global city and through this Government's dedication

to improving the transport system for our customers, we will now have a metro network that is comparable to other great global cities' networks. This system will provide for a train operating every two minutes within the CBD. As the member for Hornsby said, it will also allow for seven new metro stations to be constructed, at Barangaroo, Central, Pitt Street, Martin Place, Victoria Cross in North Sydney, Crows Nest and Waterloo.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Bankstown has already been called to order twice. I now call her to order for the third time.

**Ms MELANIE GIBBONS:** I am surprised the member for Bankstown is leaving the Chamber, because her electorate is one of the major beneficiaries of this infrastructure. Her constituents will be so happy that this is going ahead. It will get them to the city much more quickly.

**Ms Tania Mihailuk:** My constituents will not be able to afford the tickets.

**Ms MELANIE GIBBONS:** The member's constituents will be able to get to their jobs and get home and spend more time with their families. Just last week, the Minister for Transport announced that the New South Wales Government would investigate improving transport connections between Bankstown and Liverpool, through a possible extension of the new Sydney Metro. This potential extension would support growth in Sydney's south-west by connecting suburbs, businesses, jobs and services as well as improving access between the south-west and Sydney's CBD.

It would reduce growth pressure on road infrastructure and the existing rail network, including the potential to relieve crowding on the T1 western line, T2 south line and T2 airport line. The residents in my electorate are thrilled about the prospect of the Sydney Metro being extended between Bankstown and Liverpool—especially those who utilise Holsworthy station. Holsworthy station is currently in the process of receiving 400 additional car spaces, which will help assist with parking issues. They will ease the pressure even more and get people home to their families more quickly.

**Mr GREG WARREN** (Campbelltown) [3.56 p.m.]: "Excited" seems to be the word of the day but, to be frank, I am about as excited as a pensioner trying to top up his Opal card—which is not very excited at all—about the proposal by this Government. Commuters will have to bear a 48 per cent fare increase. As my friend and colleague from Macquarie Fields pointed out, this Government has an issue when members on this side of the Chamber try to add some facts to the story. They do not like it. The big question is: How is this going to be funded?

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Hornsby can make his contribution in reply.

**Mr GREG WARREN:** Without a doubt, we all welcome upgrades to services and infrastructure in the areas where they are required. But this Government moves motions to congratulate itself and sing its own praises. There is no praise like self-praise, and that is what we hear from those opposite. We do not hear a lot of answers about funding infrastructure in areas that really need it. We hear the spin—we have heard it before—but, again, nothing is said about funding. A lot has been said about the North West Rail Link and the South West Rail Link. I thank the Government for following through with the South West Rail Link, which was a good Labor plan. It was a plan started by a Labor Government and finished by those opposite.

The Government does get some things right. They get things right when they follow through with good Labor plans. The reality is that it is only Labor that has set down the provisions for the infrastructure to meet the needs of all our local communities, but the Government is not really serious because there are still commuters in my electorate of Campbelltown waiting for a 450-space carpark. There have been all the promises in the world but no funding has been allocated. There have just been self-promoting photo opportunity moments for members opposite to continue to promote themselves. I will look at some

of the facts and figures, particularly some of the blowouts.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I call the member for Kiama to order for the first time.

**Mr GREG WARREN:** I will talk about the capacity of the Government to manage infrastructure in instalments. The cost for the CBD light rail blew out from \$1.6 billion to \$2.1 billion. The inner-city train fleet renewal blew out by \$1.1 billion. I suggest that those opposite go back to the drawing board and start being fair dinkum. It will be great when they have a plan, and we will support it. The Government needs to put some dollar figures on its plans. All we are seeing from this Government is the follow-through on good Labor plans. I thank members opposite for that, but the reality is that no funds have been allocated. All we have seen are blowouts and waste by an incompetent Government.

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**Mr MATT KEAN** (Hornsby—Parliamentary Secretary) [3.59 p.m.], in reply: The metro link will deliver great benefits to people right across this State. This is a Government that is actually committed to public transport.

**Question—That the motion be agreed to—put and resolved in the affirmative.**

**Motion agreed to.**

**Pursuant to sessional order government business proceeded with.**

#### **BIOFUELS AMENDMENT BILL 2016**

**Bill introduced on motion by Mr Victor Dominello, read a first time and printed.**

#### **Second Reading**

**Mr VICTOR DOMINELLO** (Ryde—Minister for Innovation and Better Regulation) [4.01 p.m.]: I move:

That this bill be now read a second time.

The Biofuels Amendment Bill 2016 represents a significant package of reforms aimed at ensuring the objectives of New South Wales biofuels mandate are met. It should be noted that when the Biofuel (Ethanol Content) Bill was introduced in 2007 the mandate received bipartisan support. That remains the case today. The mandate is also supported by the National Roads and Motorists' Association [NRMA], the State's peak motoring body, with more than 2.5 million members. It should be acknowledged at the outset that ethanol mandates are not without controversy, but that controversy is certainly not unique to New South Wales. Mandates concerning the ethanol content of fuel and consumption targets exist in more than 50 countries around the world, including the United States of America, Canada, France and Brazil.

Debate about the merits of ethanol-blended fuel is nothing new. Government intervention in a free market is never desirable. I understand why, philosophically, it creates unease among some members of this House, but we must recognise that we do not live in a free market utopia. The oil industry belies many free market principles. One only needs to listen to the public on talkback radio or read the letters to the editor section in the papers to ascertain the level of scepticism the public has towards the fuel industry, and the level of transparency and competition within the fuel industry, particularly, as it ultimately translates to prices at the pump.

If petrol is a grudge product for most consumers, ethanol is the ultimate grudge for most oil companies. Why would they voluntarily supplant their sale of hydrocarbons with a cheaper agricultural waste product? The answer is that without incentives or compulsion they are very unlikely to do so. This is why government mandate is required. Indeed, I am not aware of any jurisdiction in the world where a strong and viable biofuels market has been successfully established and maintained without government intervention. That is the reality we live in. If we want a sustainable and competitive biofuels market in New South Wales, we need a strong and enforceable mandate.

The reality is that governments regularly intervene in the market to protect consumers against unchecked market forces. That is why we have agencies such as Fair Trading, the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Energy and Water Ombudsman, and the State Insurance Regulation Authority, amongst many others. Let me be very clear: My focus is squarely on the consumer interest. I am unashamedly wearing my hat as Minister responsible for consumer affairs in pursuing these reforms. It is important that E10 is a competitively priced product and that price is reflected at the bowser. It is important that consumers be given a choice between E10, regular unleaded and premium fuels. It is important that we have more transparency in the market, including real-time prices available online, and transparency on the true cost of ethanol production and it is passed through to the bowser. It is important that we encourage a viable and competitive homegrown biofuels industry. This is what this bill seeks to do.

Since assuming ministerial responsibility for the biofuels mandate nine months ago, I have sought to work collaboratively and constructively with all interested stakeholders to develop a workable solution. It is true that I have met with Manildra on several occasions to discuss the operation of the mandate. Manildra Group has invested more than \$330 million in its ethanol plant and equipment in New South Wales. It has geared up its production capacity in anticipation of an increase in consumption towards the mandated 6 per cent. Manildra has an important role in this. But there are many other important stakeholders that I have met on numerous occasions. They include the NRMA, representing motorists; Australian Convenience and Petroleum Marketers Association [ACAPMA], representing the retailers and service station operators; and the Biofuels Association and the Australian Institute of Petroleum, representing the oil companies. As I have said, I have met with all of them on multiple occasions.

It is true that due to the scale of its production capacity, Manildra is a near monopoly provider of ethanol fuel in New South Wales. It is important that we create a competitive homegrown biofuels industry. However, this will never happen without a strong and robust government mandate. Indeed, that is what the mandate was designed to do. I am also very mindful of the need to balance the objectives of the mandate against the interests of small to medium fuel retailers and franchisees, many of whom can be categorised legitimately as small business owners. That is why everything I set out in the legislation is subject to further detailed consultation on the regulations, which will determine key elements of the reform including volume thresholds, the cost of tank infrastructure upgrades and the grounds upon which retailers can apply for exemptions.

Following media speculation, I put on the record the position of the Australasian Convenience and Petroleum Marketers Association [ACAPMA]—the organisation representing fuel retailers and service station operators, both big and small, in relation to the mandate. ACAPMA is fundamentally opposed to the ethanol mandate. That position has not changed. It was opposed to the introduction of an ethanol mandate in Queensland last year, but sought to work constructively with that Government on the detail and implementation process. Likewise in New South Wales, ACAPMA Chief Executive Officer Mark McKenzie has committed to working constructively with the New South Wales Government on the implementation of our reforms.

In particular, we have a shared interest in getting the necessary data to make informed decisions regarding thresholds for liability. This will ensure there are sufficient safeguards for small fuel retail businesses in New South Wales: who is in and who is out; what are the true infrastructure upgrade costs; how can operators obtain an exemption on the basis of having taken reasonable steps to comply; or

simply not being able to afford to comply in the first place. The truth is that we currently do not have that granular level of detail required to make these informed decisions. That is why we are working collaboratively with ACAPMA and other important stakeholders in the sector to get the appropriate data so we can make informed decisions on an issue that impacts on people's livelihoods. That is the responsible course of action of a responsible government.

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Prior to detailing the provisions of the bill, it is important to set out the four major benefits of a strong biofuels market, backed by a government mandate. The first benefit is that E10 is the most-cost efficient petrol in the marketplace. It is worth stating the obvious: Ethanol is the cheapest component of ethanol-blended fuel. It is widely acknowledged that E10's main competitor, regular unleaded, is 3 per cent more energy efficient. This means that on your average tank you will drive 3 per cent further with regular unleaded than you would with E10. That is, if your car takes you 400 kilometres on a tank of E10, it will take you 412 kilometres on a tank of regular unleaded.

Therefore, E10 is price competitive when it is 3 per cent cheaper than regular unleaded. However, unfortunately if you look at service stations across New South Wales it rarely is. Most of the majors have it locked in at a 2 per cent leader differential when compared to regular unleaded. Some majors have even dropped the differential to 1.6 cents per litre. Others, like United Group, which produces its own ethanol, sells E10 at a 4 cent per litre differential to regular unleaded. Consequently, it is performing far better against the mandated 6 per cent than other oil companies in the market place.

According to performance data United Group is tracking at around 5 per cent, meaning E10 represents almost half of its total fuel sales. If the average price of petrol is \$1.10 to \$1.20 per litre, it does not take much investigation to conclude that E10 is currently not being priced competitively. Let us be clear, at the current price we will never reach the mandated 6 per cent. For price-sensitive motorists E10 is not an economically rational option because it is being outpriced by regular unleaded. Given that 10 per cent of E10 is ethanol and ethanol is the cheapest component, this pricing situation defies logic.

That is why we have asked the Independent Pricing and Regulatory Tribunal [IPART] for the first time to regulate the wholesale price of ethanol. The IPART will maintain also a watching brief on retail prices to ensure that any reductions in the wholesale price resulting from its new oversight is passed through to the bowser. This price regulation will take effect later this year and will significantly change the market dynamic. No longer will ethanol producers and oil companies be able to blame each other for the uncompetitive pricing of E10. The public will have access to information that demonstrates the true cost of production and the true purchase cost to oil companies. Once established, IPART's benchmarking mechanism will help to ensure E10 is more competitive. Competitive pricing is the key to success for the mandate.

The second benefit is that consumption of biofuels dilutes our dependence on foreign oil. This is the elephant in the room and not many people want to discuss it, but talk to the National Roads and Motorists Association [NRMA], talk to the economists and the fuel security experts and you will soon realise that in the event of an oil crisis Australia is pretty much at the bottom of the barrel. We are extremely vulnerable to disruptions in the supply of foreign oil. The majority of our mobility depends on regular and reliable access to oil supplies from geopolitically unstable regimes and the fuel that is derived from it.

According to a report commissioned by the NRMA in 2013, Australia's energy dependency on foreign oil has increased dramatically from 60 per cent in 2000 to 91 per cent in 2013. The maths is pretty simple: The more ethanol and biodiesel we use in our fuels the less dependent we will be on foreign oil in the event of a crisis. We may be talking only in percentage points, but in the event of a global oil crisis that could be the difference between business as usual and our State's economy grinding to a halt. For example, Brazil, the United States and most European nations are in a far stronger fuel security position



than we are in the event of such an emergency.

The third benefit is that using ethanol-blended fuel makes productive economic use of an agricultural waste product. Unlike petrol, ethanol is a renewable resource. In New South Wales ethanol is predominantly made from starch as a by-product of wheat production. For our farmers ethanol production is the only viable use for this resource. Without a market for ethanol this by-product would go to waste, cutting the already thin margins facing our farmers. Many would be forced to significantly cut back on production if the sale of starch for ethanol production was no longer an option. Across Australia more than 5,000 wheat, sugar and grain farmers rely on ethanol production. It is safe to say that without the mandate many of these jobs would no longer be viable. Ethanol is an important opportunity to reduce our reliance on oil imports and carbon dioxide emissions, all by using agricultural waste.

The fourth benefit is that a vibrant biofuels market supports regional jobs. The production of E10 supports thousands of jobs across regional New South Wales across both the agriculture and manufacturing industries. According to an independent review of the industry, nationwide ethanol production delivers 3,000 direct jobs and a further 20,000 indirect jobs. The industry contributes \$402 million in gross domestic product [GDP] every year. The majority of these jobs are located in regional New South Wales. As the member for Kiama knows, his community relies heavily on the jobs provided by the ethanol plant in Nowra. In addition, cities and towns across New South Wales are home to ethanol industry workers, including Manildra, Gunnedah and Narrandera. These are skilled, high-wage regional jobs that cannot be exported or outsourced. Given the huge strain on manufacturing and agriculture facing Australia it is important that we continue to support the thousands of regional jobs delivered by the ethanol industry.

I will now address some key reform measures. The first measure is the regulation of the wholesale price of ethanol. The second is the transition from wholesale to retail compliance. The third is a tighter and clearer exemptions framework. The fourth is an information campaign, and the fifth is the establishment of an online fuel board. The first measure is the regulation of the wholesale price of ethanol. As I discussed earlier, part of the reform package will require IPART to have a role in helping to ensure that E10 is sold at a competitive price. The IPART will do this by regulating the wholesale price of ethanol. They will determine a fair price for ethanol, a key input into the price of E10. The IPART will also monitor retail prices to ensure reductions in the wholesale price are being passed through to consumers at the bowser.

The second measure is the transition from wholesale to retail compliance. Consumer awareness of and demand for E10 increases with availability of the fuel. What we have seen in recent years is a reduction in the availability of E10 on service station forecourts. In many instances E10 bowsers have been removed and replaced with regular unleaded or premium fuels. As mentioned earlier, this Government supports consumers having a choice between E10 and regular unleaded. But we support a choice in an environment in which E10 is fairly and competitively priced. At the moment that clearly does not exist. Experience in other countries demonstrates that the more consumers understand the properties of ethanol fuel the more willing they are to buy it. That is why these reforms address availability of E10 by expanding the reach of the legislation.

I have listened to industry about how this will impact on newly regulated businesses, particularly small businesses and small- and medium-sized enterprises [SMEs]. This was also detailed in the announcement the Government made on 20 December 2015. Industry was also concerned that there needed to be more transparency about how the mandate worked. While wholesalers were required to comply with the mandate, their ability to influence retail sales was very limited. The reforms address this. Industry representatives were concerned at the lack of a level playing field. Some service stations with a small number of sites but very large sale volumes were not required to comply with a mandate.

These reforms address this. The focus is now clearly on retail sites where most petrol is purchased. All service stations that sell three or more types of petrol and diesel, and have sales above a

prescribed threshold will need to comply with the mandate. The threshold will be prescribed in the regulation, which will be the subject of a regulatory impact statement. The regulatory impact statement process will give me an opportunity for meaningful consultation with the industry on this crucial policy setting. Making a decision on the appropriate threshold requires good data.

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The threshold will be set to target the majors, not small businesses. I have listened extensively to the community and understand that for mum-and-dad operators, many in regional areas, complying with the mandate is often not possible. The Government will honour its commitment to industry and small operators, and will establish a working group to develop thresholds after the required data is obtained. The reforms also include a measure to allow the Government to collect sales data across the whole retail fuel market. This data is essential. It will allow us to see how the reforms are working and will allow for further regulatory refinement, if required. The third measure relates to a tighter and clearer exemptions framework.

There will be enhancements to the existing exemptions regime, including provision for an exemption of up to two years for those businesses that need time to transition to the new arrangements. Exemptions are also available for retailers who have been unable to comply with the mandate despite having taken all reasonable steps to do so. New, more objective measures will be added to the "reasonable steps" test in the legislation to reduce uncertainty for industry. The test will be clearer and easier to understand. A lack of clarity around the current exemption framework has restricted the effectiveness of the current mandate. Providing a stronger and more objective framework will go a long way in supporting ethanol consumption in a way that is fair and simple for industry to comply with.

The fourth measure is an information campaign. To better inform consumers, the Government will deliver a community education and awareness campaign on the benefits of ethanol. The campaign will give motorists the facts on the compatibility and performance of vehicles using E10 fuel. It will also explain energy disparity between fuels, highlighting that at a certain price point, ethanol is the most cost-effective option. Central to this campaign will be busting the myths and old wives' tales around the use of ethanol-blended fuel. As I said earlier, more than 85 per cent of petrol vehicles on our roads can use E10. Indeed, many run better on it because of the higher research octane number [RON] properties it has. The campaign will provide consumers with the facts needed to make informed decisions at the bowser. IPART estimated that the education campaign alone could increase ethanol sales by around 10 per cent. The NRMA has been fully supportive of the campaign and I will be working closely with the NRMA to ensure we can convey the facts to as many motorists as possible.

The fifth measure is the creation of the online fuel board. Consumers will benefit from these reforms as they will put downward pressure on E10 prices, increase the availability of E10 and boost transparency in the fuel market. Last week, I introduced into the House amendments to the Fair Trading Act to establish an online fuel price board. This will provide an opportunity for consumers to save money by finding a better deal on fuel. One of the fuels that service stations must report on for the online price board will be E10. These two reforms will work together to make sure consumers know how price competitive E10 really is. As I have said before, E10 is generally the cheapest petrol available at New South Wales garages, and should be by a decent margin. As a relatively recent initiative, the online fuel board has not been considered in IPART's projections on ethanol uptake. Having already witnessed the broad support for the online price board, it will be an important measure to drive increased competition and therefore consumption in the marketplace. In partnership with the ethanol information campaign, I am confident the price board will help increase ethanol consumption in New South Wales.

From 1 July 2015, NSW Fair Trading became responsible for administering the Biofuels Act 2007. We have undertaken a number of reforms since that time. Since that date, I have worked closely with all interested parties to ensure the objectives of the Biofuels Act are being met. In September 2015, I wrote

to the chair of the expert panel established under section 24 of the Biofuels Act, with a set of strengthened guidelines for consideration when granting exemptions. This included a limitation on the maximum period for an exemption in advance to three months as well as more prescriptive guidance on what constitutes "all reasonable steps". In addition to this, Fair Trading wrote to every service station in New South Wales informing them that the Research Octane Number [RON] of E10 fuel is 94 and that should be accurately displayed on the bowsers. Many service stations were incorrectly labelling the fuel as 91, causing confusion with consumers.

In February this year, Fair Trading undertook a further compliance operation to ensure compliance with the RON labelling was occurring. We have received a number of third party endorsements for the reforms proposed by the Government. The NRMA supported the E10 mandate when it was first introduced, with bipartisan support in 2008, and continues to support it today. On 20 December 2015 the NRMA also issued a media release stating its support for the Government's decision to introduce a new online petrol portal, forcing all service stations to display their prices in real time. NRMA President Kyle Loades said:

... supporting a home-grown biofuels industry was the only way to reduce Australia's dependence on imported fuel and provide protection from petrol price volatility.

United Petroleum also strongly supports the bill and stated:

Ethanol mandates in order to break major oil company strangleholds on the fuel supply chain are not unusual and have been shown to be best practice by Government.

United has also refuted claims that converting tanks and pumps to E10 would be cost prohibitive—estimating its own conversions in New South Wales to be between \$7,000 and \$25,000. The Chief Executive Officer of the NSW Council of Social Service [NCOSS], Tracy Howe, said in relation to the online fuel board:

Having access to petrol prices in real time will empower motorists to make the best possible choice for their family and their budget.

Better informing consumers will also help realise the benefits of fuel retailer competition and force stations to sell petrol at more reasonable prices.

In conclusion I thank all industry representatives who participated in the roundtable that was held on 11 February this year. Industry consultation on the regulations is ongoing. I am committed to working collaboratively to improve the effectiveness of this legislation. The consultation will also ensure that decisions that impact on the livelihood of small operators are based on facts not assertions. The regulations will determine key elements of the reform including volume thresholds, the cost of tank infrastructure upgrades and the grounds upon which retailers can apply for exemptions. As Minister for Innovation and Better Regulation I am pleased to lead on the Government's commitment for better regulation through the Biofuels Amendment Bill 2016. I commend the bill to the House.

**Debate adjourned on motion by Mr Greg Warren and set down as an order of the day for a future day.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2015-16**

**Debate resumed from 10 March 2016.**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.28 p.m.]: When this debate was interrupted I was

going through the great initiatives contained in this Government's current budget and what they mean for not only New South Wales but also my electorate of Myall Lakes. I was talking about education in Myall Lakes and Connected Communities, a new approach to address the educational and social aspirations of Aboriginal children and young people living in a number of complex and diverse communities in New South Wales. Two schools of the 13 in which this approach is being trialled in New South Wales are in Myall Lakes.

This means that the principals of these schools are charged with improving the educational outcomes of Aboriginal students. The principals can introduce initiatives and do whatever it takes to improve these outcomes with full support. Those initiatives may include starting breakfast clubs and having a preschool in the school grounds. These initiatives are designed to connect the school community with the wider community to work together in harmony to improve educational outcomes.

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A significant amount of money has been spent on school maintenance, including improvements to the Aboriginal learning room at Taree High School and the covered outdoor learning areas at this and other schools. There has been funding for both school programs and infrastructure. The increased budget for TAFE across New South Wales has benefited both the Taree campus and the Tuncurry campus. The Taree TAFE is developing a nurse and allied health education and training facility that includes a real-life ward with a dummy for the trainee nurses to practise on. The planning for that is finished and construction is expected to start later this year. I turn now from schools and TAFE to preschool.

**Mr Andrew Gee:** It is just as important.

**Mr STEPHEN BROMHEAD:** The brilliant member for Orange is a local champion. He said that preschool is just as important, and in many ways preschools are as or more important than primary and high school. It has been shown that many students attending their first year of school cannot read or write and have not met their developmental milestones. The Government has introduced a number of initiatives to help with that. My electorate has received funding for community preschools and long day care centres. The aim is to bring the children up to standard so that they are not falling behind. In regional New South Wales we recognise that sometimes children fall behind and we must ensure that when they start infants and primary school they have the basic building blocks of education in place. The younger you start the easier it is to learn and the better off you will be later in life. My electorate has been successful with Crown lands funding for showgrounds and halls. Nabitac showground received \$377,000.

**Mr Andrew Gee:** Big money.

**Mr STEPHEN BROMHEAD:** It is huge money; they had never received that much funding before. The \$377,000 was for electricity, lighting, drainage and water—it is hard to run a show without those things. In the past Bulahdelah, Wingham and Taree showgrounds have received funding. In this budget money was allocated for a number of other projects including significant funding for the Seal Rocks caravan park, which is located on Crown land. Seal Rocks is one of the gems of the Myall Lakes electorate. It was the setting for a movie called *Adoration* starring Naomi Watts and American actress Robin Wright. Members may have seen the poster for the movie on the wall in my office upstairs. It was filmed at Seal Rocks.

**Mr Andrew Gee:** A surfing mecca.

**Mr STEPHEN BROMHEAD:** Myall Lakes is internationally renowned as Australia's water playground and, as the member for Orange said, is a surfing mecca. Caffreys Flat, Mount George, Elands, Killabakh, Moorah Creek, Marlee, Wherrol Flat, Burrell Creek, Mitchells Island and Oxley Island have all received funding for their community halls. The Deputy-Speaker cannot believe it, but that is what happens when you have a great local member fighting for their electorate: You receive extra funding.

There was funding for surf clubs in my electorate. As part of the lower North Coast branch, Old Bar surf club received funding for a new roof and two six-metre by three-metre sun-smart gazebos. They were provided in partnership with the Cancer Council and the surf life saving movement. For the first time in 10 years, Old Bar surf club hosted the lower North Coast branch carnival. The club was in a good position financially but had been in administration for two years. It emerged from that to host a fantastic carnival. The Black Head surf club received funding for the access road to the beach, ocean baths and public toilets. The road is used by emergency vehicles and surf club volunteers and allows access to emergency equipment.

**Mr Andrew Gee:** A great surf club.

**Mr STEPHEN BROMHEAD:** It is a fantastic surf club in a beautiful area. It is a gem of a place and I commend it to everyone. Forster surf club received funding for new windows, doors, an upgrade of the ladies amenities and the deck. A few years ago Cape Hawk surf club received \$350,000 through the Surf Club Facility Grant and, together with Federal and council funding, constructed a \$1.4 million building. It is phenomenal. Pacific Palms surf club recently hosted the Battle of the Boats—the surf boat championships. It was a tremendous carnival, with 140 boats participating. The club received money for access and for the sun-smart gazebos.

The Rural Fire Service has not missed out. It is the biggest volunteer organisation in the world, with more than 70,000 volunteers in New South Wales. In this financial year there have been several new firefighting trucks for the branches and a new building for Pacific Palms. Rural Fire Service members and volunteers are extremely happy with the safety equipment and infrastructure that has been rolled out by this Government. A few weeks ago I inspected Wingham fire and rescue station. The alterations and renovations include a dirty room where firefighters can remove their gear after attending a fire, new fire helmets, upgraded female amenities within the building, and demolition of the large shed at the back, which will be turned into a new meeting room and other facilities connected with the main fire station. This is great news for the fire station and members and volunteers happy with what the Government has provided. They are excited to start building this year.

The Taree and Pacific Palms State Emergency Service received new state-of-the-art vehicles designed by members of the Taree branch. One member had previous experience with the Ambulance Service and had seen what rescue equipment was available and how it was set up. Inspired by that, members have designed a sliding process that allows quick access to heavy emergency equipment, which no longer must be lifted from the trucks. The National Disability Insurance Scheme is rolling out in my area on 1 July. Last week Minister Ajaka opened the Dundaloo disability group homes. Nothing is more important than those disability group homes. There is a significant amount of money allocated to the environment, arts and culture. Later in the year Service NSW will be available in Taree and Foster. I congratulate the Treasurer on the budget.

**Debate adjourned on motion by Mr Greg Warren and set down as an order of the day for a future day.**

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**Pursuant to sessional order private members' statements proceeded with.**

#### **PRIVATE MEMBERS' STATEMENTS**

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#### **BONDI BEACH CLEAN UP AUSTRALIA DAY**

**Ms GABRIELLE UPTON** (Vaucluse—Attorney General) [4.40 p.m.]: I thank the member for Strathfield for her indulgence in allowing me to present my private member's statement first. I appreciate

that. There should be more generosity in this Chamber, and that is an example of it. On Sunday 6 March I was proud to host my annual Clean Up Australia Day site at Bondi Pavilion with my local community. This was my fifth year of cleaning up at the iconic Bondi Beach and pavilion. Sydney has been blessed with a late summer this year and so it was a beautiful sunny day as we cleaned up the beach.

Clean Up Australia Harbour was co-founded in 1989 by solo yachtsman Ian Kiernan, AO, and Australian environmentalist, author and consultant Kim McKay, AO. Ian Kiernan had sailed the oceans of the world in his yacht, *Spirit of Sydney*, and was shocked to see the pollution and rubbish he encountered during his solo journey, especially in Sydney Harbour. In the beginning 40,000 Sydneysiders joined in the clean-up of the harbour. The following year Clean Up Australia Day was founded, with 300,000 volunteering on the day. Those efforts inspired thousands of Australians to take part in the clean-up of their local beaches, communities, parks, bushland and streets. Clean Up Australia, a non-profit organisation, also aims to build relationships between the community, business and government in order to address issues of waste, water and climate change. It has grown to become Australia's largest community-based environmental event and is held on the first Sunday in March every year.

Since the national event started, Australians have donated more than 31.2 million hours, taking to their streets, bushland, parks and waterways on Clean Up Australia Day to remove an estimated 331,500 ute loads of rubbish from 166,000 sites across the country. Through our efforts on the morning of Clean Up Australia Day we collected hundreds of cigarette butts, paper, cans, plastic bottles, bottle tops, plastic bags, coffee cups, bamboo, and even a coat stand and a huge piece of scaffolding. The total weight of rubbish collected this year was 150 kilograms. Since the first Clean Up Australia Day in 1990, cigarette butts have consistently been one of the most common items found by volunteers, including by me. This year we collected 10 bags of rubbish in total.

This year I was joined again by more than 30 enthusiastic students from the University of Technology Sydney, accompanied by Megan Elliott and Laura Martin as part of their Community Connections program, which offers students local volunteering opportunities. Australian and international students can work together with members of the local community and connect with a genuine local community event. Students from all over the world—Tanzania, China, India and Germany—joined me on that day. It was a great pleasure to host them on my local beach, Bondi Beach. I thank Bondi and Districts Chamber of Commerce President Mary Anne Cronin and all the local residents who joined me on the day. Waverley College students Cameron Walker, Callum Stuart and Jackson Flynn also joined me, along with Jordan Burrows, the general manager of a local restaurant at Bondi Beach, the Bucket List, and staff.

I extend my warm and heartfelt thanks and appreciation to Waverley Councillor Joy Clayton, who has joined me for the past five years for Clean Up Australia Day. Councillor Clayton organises for the collection of the rubbish we gather each year. Her warm efforts in helping organise everybody to do a good job are much appreciated by me. I commend my private member's statement to the House and look forward to further efforts in cleaning up the iconic Bondi Beach and pavilion next year on Clean Up Australia Day—and, of course, all those opportunities in between.

## **STRATHFIELD ELECTORATE**

**Ms JODI McKAY** (Strathfield) [4.44 p.m.]: I have spoken a number of times in this place about the significant change happening in my local area. Some of what is occurring, as I have said, has been positive, but there are also issues that are of great concern to the residents I represent. Much of the change and many of the projects I speak about have been instigated by the New South Wales Government: the amalgamation of local councils, the renewal of Parramatta Road, increased high-rise development and light rail to Strathfield. I start with the issue of council amalgamation. The amalgamation of Burwood, Strathfield and City of Canada Bay councils will take away local representation. I remain concerned about the quality of the decisions that will be made in future around the projects that I have mentioned and about whether those decisions will in fact represent the views of my community. I do not believe it is a coincidence that local voices are being silenced at a time when they need to be the loudest.

As I said, not all that is underway in my community is negative. So I continue with the positive, and that is light rail from Parramatta through Olympic Park into Strathfield. Labor committed \$1 billion to this project before the March 2015 election. Recently the Government announced that it will be progressing the project. I think this brings exciting opportunities for my community. On 30 March I will host a small business forum in conjunction with the Sydney Olympic Park Business Association to explore what light rail could mean for our area, and for business in particular.

I remain concerned, however, that this project is being looked at in isolation. It will impact on Homebush and North Strathfield, for instance, which is already the epicentre of development in the Government's proposed Parramatta Road Renewal Plan. The potential rezoning of that area is progressing without proper planning of the light rail component. I do not believe that is integrated and proper planning. It is not how you build communities. I believe the Homebush precinct should be removed from the Parramatta Road Renewal Plan and the rezoning of that area put on hold until the route is confirmed. Then and only then should we start planning how that community can grow—and growth does not always have to mean high-rise development. The Government has also announced that it will be developing an interchange at Strathfield as part of the light rail project. Strathfield is one of the busiest stations on the inner west line but again this appears to be happening in isolation.

Our town centre desperately needs renewal, and I commend Strathfield Council for the work it has done to date in pushing for a revitalised central business district [CBD]. And what an opportunity light rail presents to renew the Strathfield town centre. Yet this does not seem to be on the Government's radar. If we are going to look at light rail to Strathfield, let us raise our sights even higher and look at light rail continuing on Parramatta Road to the University of Sydney. As part of the Parramatta Road Renewal Plan, the Government identified rapid transport on Parramatta Road. This was also included in the consent conditions for the M4 East tunnel. I urge the Government to also factor in light rail on Parramatta Road in its planning for light rail to Strathfield, which could also connect with the inner west light rail at Taverners Hill. I urge the Government not to limit its planning to being only about one rail project but to see it as an opportunity to transform Strathfield town centre and Parramatta Road.

Finally, I mention WestConnex, which continues to cause anxiety in my community. I have promised my community that I will maintain pressure on the Government regarding the construction of the M4 East tunnel. I have said previously in the House that I am not opposed to a project that improves the journey to the CBD for people in Western Sydney. However, it is becoming increasingly clear that the people of Western Sydney will in fact be impacted negatively by this project, with a new toll on the M4 to be in place within a year. In my community approximately 500 homeowners will be impacted by the decision to move the tunnel from under Parramatta Road to under homes in Croydon and Burwood, in particular. Again, this comes back to the Parramatta Road Renewal Plan and the support for high-rise development on Parramatta Road. If the tunnel was under Parramatta Road it might curtail high-rise development. That is a shocking reason for impacting on residents who will now have the tunnel under their homes and are currently going through the process of seeking dilapidation reports on their properties.

I am not opposed to high-rise development. As I told the Minister when I met with him to express my concerns about the plan, I actually support buildings greater than 20 storeys in certain parts of my electorate. But my community should not have to put up with bad planning that supports high-rise development alone. Given these significant projects underway in the Strathfield electorate, I urge the Government to take a holistic view of how we can shape a vision for my community that benefits residents and leads to outcomes that are welcomed, not always opposed.

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## **MENTAL HEALTH SERVICES**

**Mr MARK TAYLOR** (Seven Hills) [4.49 p.m.]: This afternoon I will reflect upon the fantastic work

being done on policy for mental health by the New South Wales Government. In particular, I thank the Minister for Mental Health, who is a nationwide leader in advocating for more holistic approaches to mental health issues. In addition, I take this opportunity to commend the great work of the Parramatta-Northmead Community Men's Shed on Hammers Road in my electorate. I popped in last week and was most impressed with the friendly culture that Mr Mike Jones and his team have created. Local men are free to come by and learn some skills but, most importantly, they are able to talk freely about what is going on in their lives and anything that might be troubling them. The Parramatta-Northmead Community Men's Shed stands strong against what was or what seemed like a ceaseless social stigma that for too long has plagued the issue of men's mental health.

This social stigma has prevented community organisations, schools, workplaces, health professionals and former governments from significantly reducing the number of male suicides and acts of physical self-harm. The figures are alarming. Before this Government came to office in 2009, nearly 76 per cent of the 515 suicides in New South Wales were male. We should next consider the sobering fact that in the age category of 65 to 69 years Australian men and women have the closest number of suicides per 100,000 people. Notwithstanding this statistic, 13 Australian men will commit suicide to five Australian women per 100,000 people. That is far too many. At an age when most Australians might be considering retirement and the opportunity to finally enjoy the recreational activities that elude them in working life, Australian men are 2½ times more likely to commit suicide. This is devastating.

The Parramatta-Northmead Community Men's Shed was formed as part of the broader response to this statistical over-representation. Not only is it a great place for men to pick up a few woodworking skills; it also ensures the health and wellbeing of its fellow members. The men's shed at Northmead is an enormous asset to the broader Seven Hills community, but the simple fact is that it cannot provide the level of care or expertise that we may expect to receive from medical professionals. The Minister for Mental Health has come into her own, with oversight of the largest investment in mental health services by any State Government in Australian history. In 2015-16 the Government allocated an enormous amount of funds in response to the Living Well report of the Mental Health Commission of New South Wales.

I am proud to say that a significant proportion of the millions of dollars that this Government has allocated to boost mental health services in the community has resulted in the opening of places such as LikeMind on the Prospect Highway at Seven Hills. LikeMind is led by UnitingCare Mental Health, which is a non-government organisation bringing together clinical and psychosocial services such as mental health, drug and alcohol dependence, primary health and social services. It truly is a one-stop shop for individuals who need help in our society. I am pleased to say that this Government is well on the way to delivering improvements in mental health outcomes and the quality of life for men and women in New South Wales. This is made possible only when tireless individuals such as Mike at the Parramatta-Northmead Community Men's Shed is on the front line helping those in society who are much in need.

### **TRIBUTE TO SERGEANT GEOFFREY RICHARDSON**

**Ms KATE WASHINGTON** (Port Stephens) [4.54 p.m.]: A valued member of the Port Stephens community was lost recently. Sergeant Geoffrey Richardson of the Port Stephens Local Area Command died suddenly and tragically. He was killed while responding to a call from his colleagues who were engaged in a pursuit. Soon after responding to the call, Sergeant Richardson crashed his car into a tree in Allandale in the Hunter Valley. My deepest sympathies are with his wife, Margaret, and their two young boys, seven-year-old Patrick and five-month-old Aiden, as they struggle through this unimaginable time of grief. I was honoured to attend Sergeant Richardson's funeral. I was moved by Margaret's fortitude and her moving tribute to her husband. Her grief and loss spoke to hundreds of mourners in Newcastle's Christchurch Cathedral.

I acknowledge NSW Police Force Commissioner Andrew Scipione for his sincere tribute to



Sergeant Richardson at the funeral and for posthumously awarding him with the National Police Service Medal, the 15-year clasp to the NSW Police Medal and the Commissioner's Commendation for Service. The awards are in addition to Sergeant Richardson's previous commendations, including the NSW Police Medal and the National Medal, a Commander's Commendation and Region Commander's Unit citation. Police officers across the State put themselves in harm's way every time they clock on to work, but Sergeant Richardson's service to his community was in his DNA. He was recognised for his bravery and commitment when, while off duty, he intervened in a violent situation involving a crowd of a dozen or more offenders in Nelson Bay. Despite the imposing crowd of aggravated and intoxicated individuals, Sergeant Richardson supported the arrest of the violent offenders. His commitment to the community was not only in his DNA but also shared by his family. During the arrest Sergeant Richardson was ably assisted by his wife, Margaret, a senior constable, who was also recognised for her bravery.

Selfless acts such as these are no surprise to those who were fortunate to know Sergeant Richardson. In recent days I have been contacted by a number of residents who were comforted or reassured by Sergeant Richardson when he responded to their distress calls. Sergeant Richardson was a highly respected officer and, whether they are victims of crime or residents who know of dedicated his work, the whole community in Port Stephens and beyond mourn his loss. The outpouring of sympathy to Sergeant Richardson's family was on display at his funeral. More than 1,000 mourners lined the streets of Newcastle to farewell the sergeant and pay tribute to his service. I have never seen a larger funeral in my life. The outpouring of sympathy has been expressed by the generous donation of more than \$20,000 from the community to NSW Police Force Legacy, which was established to support families of deceased police officers. The online donation page is filled with comments from members of the community who knew or worked with Sergeant Richardson or who have been moved by the stories told of him.

I draw the attention of the House to the description of Sergeant Richardson by Commissioner Scipione, who said he was "committed to his jobs, committed to his mates, and committed to the community he served, and of which he was a part." It is certainly clear that the entire community is mourning the loss of Sergeant Richardson. I acknowledge the statements made in this place by the Deputy Premier, and Minister for Justice and Police earlier this week. The Minister summarised the situation well when he said:

Time and time again we have heard that Sergeant Richardson epitomised all the qualities we want to see in our police officers: Integrity, loyalty, commitment, professionalism, devotion to duty, and fairness.

I echo his words and sentiments. The comfort and security we feel in our homes, in our businesses and on the streets is largely a result of the work by police in our communities. The confidence we have to go about our daily lives without fear of confrontation or assault is based on the protections offered to us by members of the NSW Police Force. The protection and confidence created in the community comes at a price, and it is a price felt most deeply by the friends and family of police officers who die or who are injured in the line of duty. There are few occupations where workers face the same threat and dangerous risks every day. Yet men and women who are called to this occupation seek to serve their community, and Sergeant Richardson was definitely one of them. I join my parliamentary colleagues and members of my community in expressing my deepest condolences to Sergeant Richardson's family, friends and colleagues.

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#### **TWEED ELECTORATE EVENTS**

**Mr GEOFF PROVEST** (Tweed) [4.59 p.m.]: I bring to the attention of the House a number of events that have occurred recently in the great electorate of Tweed. In the Tweed Hospital, Dr Mike Lindley-Jones has taken over from Dr Ian McPhee as chair of the Medical Council. I believe he is a friend of the Deputy-Speaker. Bernadette Loughnane has been appointed executive director. I had the privilege last Friday of gowning-up and going through the operating theatres to observe real operations. I was

thoroughly impressed by the high level of professionalism, dedication and commitment by the surgeons and theatre staff. I talked to a few of the patients so I was very impressed indeed.

I would like to pay tribute to, and welcome, the new Tweed Byron Local Area Command Superintendent, Wayne Starling. Wayne comes from the Illawarra and is already a big hit with our local communities. He has been out talking to many people in the business sector and in the wider community. Wayne and I participated in the Tweed Valley 2016 Relay for Life on Saturday night, and walked to raise money for cancer.

Pru Goward, Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault held a very significant public forum on domestic violence on 3 March. There were around 60 attendees. The Hon. Catherine Cusack was there, as was Elaine de Vos, from OnTrack; Wayne Sterling from the police; Kelly Young from the Women's Domestic Violence Court Advocacy Services; Judith Townsend from Family and Community Services; and Jacqui Maroney and Karyn Chisholm, domestic violence liaison officers. I had the privilege at that function of presenting Bec Couch with a cheque for \$4,400. Bec does an enormous job within the Aboriginal community, focusing on domestic violence. Those funds will enable her to send a number of people through certificate IV in Aboriginal Family Health.

On 10 March I was a witness at the Ice Forum—the second in New South Wales. Attendees included Annie Bleeker, from the Australian Drug Foundation; Dr Michael Krell from Riverlands Drug and Alcohol Centre; Dom Shelly from Family Drug Support; Gary Kaffoa from OnTrack; Brad Foster from the NSW Police Force; Samantha Booker from the Regional Ice Taskforce and emcee Mitch Dobie. The event was attended by about 70 people and provided a great insight into the scourge affecting our local community. I also praise the Vibe Community Church, which has run a program for seven addicts who are currently off that terrible drug. I take my hat off to them.

Coming up on Sunday 20 March is the Kingscliff Triathlon. Many thousands of people travel from all over the State and from Queensland to compete. I will not be competing; this year I have decided to hand the baton to other participants. This is a prestigious event, which is a round of the Triathlon Queensland State Series. It is a qualifying race for the Triathlon Australia Age Group World Championship. There has been a complete sellout with local and interstate competitors and it is exciting to see an event of this calibre in the Tweed. The Tweed has become known as a cycling and triathlon area, and we welcome participants. They are great competitors, and a lot of locals are actively involved. I pay tribute to Michael Crawley, who is one of the chief organisers. A lot has been happening in the Tweed.

I reiterate my thanks to Pru Goward, Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault, for coming. The various events that she arranged were very well received. Local committees were empowered by seeing a Minister of the New South Wales Government there supporting them. Various funds were allocated at that opportunity.

I implore other members of Parliament to become very active in offering support in the area of domestic violence and to become involved with the issue of ice. The drug ice is affecting every electorate in New South Wales. It is a terrible thing but there is hope if we work as a community. The Australian Drug Foundation, in conjunction with the Minister's office, was extraordinarily wise. There is a path forward but it will take a big effort from members in this place. Once again, I am 100 per cent for the Tweed.

## **RENEWABLE ENERGY ACTION PLAN**

**Mr ADAM MARSHALL** (Northern Tablelands) [4.05 p.m.]: As all members of this House would know, I am unabashedly a strong advocate for the jobs and growth that the renewable energy revolution

will bring to my electorate and the rest of country New South Wales. In 2013, this Government released the NSW Renewable Energy Action Plan to increase energy from renewables at the least cost to energy customers and the maximum benefit for the people of this State. From the perspective of the Northern Tablelands, this plan is definitely working. To date we have leveraged \$582 million of Commonwealth funding for 104 renewable energy projects across country New South Wales. I am very proud that four of those projects are in the Northern Tablelands.

I take the House firstly to the west of my electorate—to the beautiful Moree Plains area. It is a glorious area; they say it is God's own country. There is a quiet renewable and solar energy revolution going on there. On the flat plains, about 10 kilometres to the south of Moree, sprawling across about 350 hectares—about 860 acres in the old language—there is the Moree Solar Farm. This is a project that is as impressive in scale as it is in results. Let us consider the scale of this project for the moment. There are 222,000 solar photovoltaic panels erected almost three metres above the ground, each of them individually tracking the sun's path to maximise output. It is a staggering sight when you are flying into the community: I have no doubt it is visible from space. That is a big call but this is a big solar farm, and it is doing great things for Moree and country New South Wales. The energy has already started flowing and the solar farm will be fully commissioned next month.

This project is funded by FRV with the support of the Australian Renewable Energy Agency [ARENA] through the efforts of the hardworking member for Parkes, my Federal colleague Mark Coulton. When fully operational the Moree Solar Farm will have a capacity of 56 megawatts and will generate enough electricity to supply around 15,000 homes. This infrastructure delivers tangible benefits to the community and the region. About 100 people were employed during the construction phase, with five jobs required to keep the plant buzzing along.

It is somehow fitting that the name Moree is believed to have come from the local Kamilaroi language and means "rising sun". So it is very appropriate that we have a wonderful solar farm at Moree. I commend the Moree Plains Shire Council, particularly Mayor Katrina Humphries, who has driven this project through a number of iterations over many years. But this is the tip of the solar and renewable energy iceberg in the Northern Tablelands.

Over the in the east, in the Glen Innes community, wind farms are going up everywhere. There is a beautiful wind farm cluster that involves the Goldwind company which is constructing the White Rock Wind Farm stage 1, which involves a 70-turbine development. That is just stage 1. Construction will get underway in the coming months. The Sapphire Wind Farm is a 159-turbine development by CWP Renewables. That company has just picked up a multi-million dollar contract with the Australian Capital Territory Government to provide electricity to 110,000 homes. The money derived from that contract underpins the finances for the development of the Sapphire Wind Farm at Glen Innes. That construction should get underway in October this year.

This will mean hundreds of millions of dollars worth of investment coming into the Glen Innes and Inverell regions. There will be hundreds of jobs in the construction phase, and 20 to 40 jobs on an ongoing basis. Local contractors will get an opportunity to tender for works on those sites—not necessarily constructing the turbines but doing things like road construction, fencing and supporting the temporary villages that go up when these wind farms are being constructed. I am a strong advocate of renewable energy in my electorate, not only because of the obvious environmental benefits but also because of the very tangible economic benefits. It is an industry that is new to our region, which is largely reliant on the agricultural sector.

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Lastly, I want to mention again in the House the zero net energy project at Uralla that is powering ahead and also the renewable energy hub, which I am hoping to see TransGrid construct at Glen Innes. It is all happening in the Northern Tablelands and as usual we are powering along.

**Mr ANDREW GEE** (Orange—Parliamentary Secretary) [5.09 p.m.]: It is appropriate that the member for Northern Tablelands has spoken in the House about energy because he is as energetic a local member as I have ever seen. He gave the House a wonderful update on the activities of his electorate, in particular, the Moree solar farm out on the sweeping Moree Plains. I thank the member for Northern Tablelands for providing that update and also about other projects such as Uralla zero net energy town, the blueprint Z-NET project. Obviously the member has been working very hard on this project and it is important that he continues to update the House on these important issues. I thank him for his energy, commitment and passion to these projects in his electorate.

### **WOLLONGONG ELECTORATE WOMEN'S CRICKET**

**Ms NOREEN HAY** (Wollongong) [5.10 p.m.]: Local young cricketers enjoyed their biggest weekend of the season with Cricket Illawarra junior grand finals played in six competitions. Dapto cemented their title as the premier club, winning two premierships—the 14B and 16A competitions. Dapto 14B defeated Keira, and I apologise to the member for Keira for that. The team was coached by Shannon Bond and captained by Madison Greenhalgh, who is the daughter of my staffer, Susan Greenhalgh, so we are all very proud. The team comprised Ethan Wildey, Jackson Penny, Blake Kelly, Macpherson McIlvain-Burns, Cory Murrell, Jy Lawrence-Lyall, Blake Kostadinovski, Corey Peary, Tyrell Sloan, Talatua Amone, Daniel Lindley and Madison Greenhalgh.

The Dapto 16A team defeated Keira and again I apologise to the member for Keira. The team was coached by Paul Warrington, managed by Dean Callaway and captained by Harry Magennis. The team comprised Kade Warrington, Ryan Castles, Jye Phillips, Tyler Warrington, James Stojanovski, Jamie Sarkhosh, Mitchell Stojanovski, Lleyton Callaway, Brody Murrell, Brandon O'Donnell, Callum Dodds, and Harry Magennis. The Dapto 14A team was defeated in the grand final despite having the best results all year and winning the midweek competition.

The 2016 New South Wales Combined High Schools Girls Cricket Championship was held in Bathurst in February. I am proud to say to the member for Bathurst, Mr Paul Toole that most of the best players come from the Illawarra. The South Coast team members were Kelly Rowlings, Shania Martin, Emma Baxter, Jessica Marsh, Isabella Greig, Sarah Young, Dharmini Chauhan, Jennaya Ottaway, Chantelle Downey, Naomi Woods, Emma Speering, Madison Greenhalgh and Chantell Hore. They were coached by Dane Stevenson. Whilst the team did not make the finals, they performed better than South Coast teams had ever done before and many of the combined high school players have gone on to play representative cricket, including Alex Blackwell, Lyn Larsen and Belinda Clark, who have all at some stage captained the Australian women's cricket team.

It is important to encourage women into sports such as cricket, especially as we are far better at it and watching young women at high school level playing cricket is very impressive indeed. Whilst I may appear to be biased, these young women cricketers from the Illawarra are far superior to those from the rest of the State. That is just a statement of fact and I cannot allow the opportunity to pass without mentioning it in this place. The girls cricket teams have been improving season after season and I am proud to say that now a whole host of coaches are becoming involved in women's cricket. As members of the New South Wales Parliament we should all be very proud of that fact.

I seek to encourage more females into cricket. I certainly support women's soccer and there is no question about how well we have done in soccer. It will be great when women soccer players receive the same money as male soccer players. I will be cheering when that happens. We now see women entering various sports and very proudly holding their own. As the first female member for Wollongong, each time I get an opportunity to stand here and talk about the achievements of women in all aspects of life that would not have been considered traditional in the past, it encourages me, and should encourage all women, that we are on the right track. Women invariably are leaders in all fields, certainly in politics. I congratulate all involved and encourage many more to take part. I look forward to the member for

Parramatta adding his voice.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I am sure I speak on behalf of every member in this House in thanking the member for Wollongong for bringing her support for women in sport in general to the House. I am sure every member commends her on her private member's statement and stands 100 per cent behind women in sport.

## **RYDE WOMAN OF THE YEAR**

### **MEADOWBANK HIGH RISE DEVELOPMENT**

**Mr VICTOR DOMINELLO** (Ryde—Minister for Innovation and Better Regulation) [5.16 p.m.]: I acknowledge Ryde Woman of the Year Nora Etmekdjian. Ryde has many quiet achievers and Nora is a standout in this crowd. She is committed to assisting the Ryde community and does so in a humble manner, seeking no accolades for herself. Nora is the chair of the Salvation Army Red Shield Appeal, publicity officer for the Northern Districts branch of the Country Women's Association, current secretary of the West Ryde Chamber of Commerce and its past treasurer for six years. She is a major driving force. She is treasurer of the West Ryde Easter Parade and Fair, an event that is growing each year and is the second biggest in the Ryde area. This committee also organises Christmas carols in West Ryde, now in its fourth year.

She is also a member of Neighbourhood Watch. The Rotary Club of Ryde is another avenue for Nora's continued service. She was community service chair from 2011 to 2013, developing Christmas programs and involving James Ruse Agricultural High School in the club's Red Shield Appeal. She has also assisted with the expansion of the club to include an interact club in Ryde Secondary College. Nora's interest in Australian history has led her to be a volunteer and she is now patron for Addington House, the historic sandstone cottage erected in 1794 by James Stewart on Victoria Road. Ryde is very fortunate to have people like Nora. There are many I could name as being positive, committed contributors to the community as a whole but I can say that I have known Nora for a number of years and I mean it from the bottom of my heart: I cannot think of anyone more humble in the community; she is an absolute servant of the community and we are blessed to have her in the Ryde electorate.

I raise another important topic in the electorate of Ryde—that is, overdevelopment. I have consistently opposed overdevelopment in Ryde and fought alongside residents at Allangrove Crescent, North Ryde, achieving a reduction in building height from eight to five storeys and at Whiteside Street, North Ryde, achieving a reduction in height from 11 to five storeys. Today I refer to the Meadowbank foreshore, now known as the Meadowbank Employment Area, where on two previous occasions our community has lobbied and won, through our collective action, achieving a reduction in height from 23 storeys to 10.

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In December 2015 this developer lodged its amended modification request. This development is now forcing our community to rise, united in our opposition yet again. The developer is proposing amendments to already approved plans of 10 storeys. The developer wants many changes, not the least of which is approval for 24 storeys and a reduction in community space. Our community has risen twice before, taking the development application to the Planning Assessment Committee [PAC] and each time the determination from the Planning Assessment Committee was in favour of our community.

Community leaders, mothers groups, school parents and friends have jointly voiced their disgust at the timing of the application submitted on 17 December 2015 and that the application is again addressing height. Submissions to the planning department on this current amendment modification request are at a record 316 and still counting. My community and I are fighting, opposing this development on the grounds that the Planning Assessment Committee has previously given two determinations, one in March 2013 and the other in October 2014. We are opposing this on the grounds

of excessive height, lack of open space and consideration to the amenity of the area, as well as the inevitable increase of traffic into an already heavily congested area.

This developer in particular knows full well the community opposition to over-development in this area. We understand there has to be development but it has to be reasonable. They took on the community and got a haircut. They took on the community again and got another haircut. The fact that they are trying yet again only indicates to me that they are banking on community fatigue. I give my absolute word, I as a local member will not tire. I will continue to fight with the community to make sure we oppose this developer. This is wrong, wrong, wrong for our area and it is an absolute disgrace that the developer is given an opportunity to put in yet another application at the expense of the community.

**Private members' statements concluded.**

**Pursuant to sessional order matter of public importance proceeded with.**

## **IRISH MIGRATION TO AUSTRALIA**

### **Matter of Public Importance**

**Dr HUGH McDERMOTT** (Prospect) [5.21 p.m.]: Tomorrow is St Patrick's Day. It is a great day, not only for the Irish and those of Irish heritage but also for all people who support such a great day. As members would know, the Irish were among the first European settlers in Australia and they have contributed substantially to the development of contemporary Australia. Around six million Australians have Irish ancestry. As the second largest community in Australia, Australians of Irish heritage have a significant influence, not only on the Australian character but also on all aspects of Australian society, historically most notably on the police force, the judiciary, the trade union movement, the Catholic Church, and politics and education.

Prominent Australians of Irish ancestry from this House have included 11 New South Wales Premiers: James Dooley, Thomas Wadell, Sir James Martin, Patrick Jennings, Jack Lang, Joseph Cahill, Sir William McKell, James McGirr, John Fahey, Kristina Kenneally and, more recently, Barry O'Farrell.

I am sure that most people know of St Patrick's story. Celtic tribes from Ireland regularly raided Roman Britain. In one of these raids a boy named Patricius was captured, taken back to Ireland and sold into slavery. He escaped, returned to his homeland and studied theology in France. He then returned to Ireland and converted the mostly non-Christian people to Christianity. In recognition of this contribution St Patrick was made the patron saint of Ireland and each year masses, dinners and parades are held in his honour all over the world.

The Irish have had a significant impact on Australia and first came to Australia as convicts—as the member for Parramatta mentioned—but also as soldiers and sailors in the First Fleet in 1788. From 1791 until 1867 some 50,000 Irish convicts were transported to Australia, mostly for criminal offences, but a significant number were political prisoners from the uprisings in Ireland. Once in Australia these prisoners were involved in a number of uprisings including the 1804 Castle Hill convict rebellion and the Norfolk Island riots. Up until the 1860s Irish Fenian prisoners were being transported to Australia. During this period almost a quarter of all convicts were Irish.

In the first settlements a significant number of Irish free settlers also arrived in the colony. They included labourers, tradesmen, shopkeepers, journalists and accountants, and of course the numbers greatly increased in the 1840s when the Great Famine hit Ireland. Some eight million people lived in Ireland at the time and those numbers were halved. Two million died of starvation and almost two million emigrated, some 23,000 to Australia. In the second part of the nineteenth century more than 400,000 settlers from Ireland, including many young single men and women, migrated to Australia with the assistance of the Catholic Church or the government. These people went on to become agricultural

labourers, domestic workers and railwaymen. They became very actively involved in trade union politics and Labor politics in New South Wales.

It is interesting to note that in 1900 nearly 60 per cent of all New South Wales policemen were Irish born. Most Irish settlers were Catholic and they have been accompanied by more than 2,000 Irish Catholic priests over that time. They built a very strong church here in Australia and founded Catholic education, and today almost one-fifth of all Australian students go to Catholic primary or secondary schools. Irish migration fell dramatically in the early years of the twentieth century and after the civil war but has increased in the past decade due to the global financial crisis and the economic austerity measures implemented by the Fine Gael coalition government. Once again, the Irish are forming a significant number of migrants to Australia in the professions, information technology, construction and health care.

Ireland gained independence in 1921 following a bitter war of independence and the signing of the Anglo-Irish Treaty but six of the original nine counties of Ulster in the north-east remained an occupied part of the United Kingdom. This year the Irish celebrate the centenary of the 1916 Easter uprising in Dublin, which led to independence in the south.

On this St Patrick's Day we honour those who fought and died for freedom, justice and peace and celebrate those Irish migrants who helped to build and continue to make such great contributions to modern Australia. As we say in Irish, *tiocfaidh ár lá*.

**Mr ADAM MARSHALL** (Northern Tablelands) [5.26 p.m.]: The 2011 census revealed that almost 10,000 residents of the Northern Tablelands identified as being Irish or of Irish ancestry back three generations. That makes them the third largest group behind Australians and pommies in the Northern Tablelands. That was 1,500 more people than the previous census. I reckon that if the census were taken tomorrow on St Patrick's Day—probably tomorrow afternoon about this time—there would be a lot more Irish in the Northern Tablelands and Irish eyes would be smiling upon them.

As the member for Northern Tablelands I am honoured that I have the opportunity to claim Irish ancestry twice a year, tomorrow on St Patrick's Day and again during the Australian Celtic Festival held in Glen Innes each year. Thousands flock to Glen Innes to celebrate Irish heritage, along with other Celtic nations. The Northern Tablelands claims a very strong Irish heritage with many descendants of the early settlers populating many areas of the highlands in my electorate and out west into the plains. While many of the larger land grants were taken up by English gentlemen it was often the hard work of Irish immigrants fleeing famine and hardship that allowed them to survive and thrive.

The primary Catholic Irish settlers and pioneer families flourished and expanded their business empires. The many spectacular Catholic cathedrals and churches in my electorate and throughout other regional centres are a lasting monument to their determination to better their lives. On St Patrick's Day when all the Irish worldwide celebrate their patron saint—a Welshman who is credited with banishing snakes from Ireland—I wish you all a happy St Patrick's Day. I could not complete this contribution without a shout out to the best Irishman in the Northern Tablelands, Hugh O'Connor, who hails from Dublin. Good on you, Hugh. Do not drink too much tomorrow old mate. Happy St Patrick's Day.

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**Ms NOREEN HAY** (Wollongong) [5.29 p.m.]: My maiden name was Noreen Herlihy and I am very proudly a descendant of the O'Mahony and Herlihy families of Cork, in the south of Ireland. The O'Mahony family was from Blackpool in Cork city. For the benefit of the members present I will read *St. Patrick and the Snake* by Stewart O'Nan, which is known as a children's story.

A long time ago in Ireland, was a man named St. Patrick. But before he became a saint, he was just a man named Patrick.

Actually, he was called Patricius.

To become a saint he had to perform a miracle, and his big miracle was chasing all the snakes out of Ireland.

Most people in Ireland didn't like snakes.

Actually, we in Australia do not like them much either.

Patrick did not like snakes either. He decided it would be a pretty good miracle to get rid of them, and so on the day he told the people he would chase all the snakes out of Ireland, he showed up with a drum made of snakeskin and walked down the middle of Dublin town beating it so loud that the windows shook.

The noise made people clap their hands over their ears. The snakes, of course, had no hands and could not protect their ears from the noise. All they could do was slither away.

And as Patrick walked into the countryside and through the farms and little villages, out came the snakes, slithering away from the noise. Patrick drove the whole hissing, wriggling mass of them into the Irish sea, and from then on people called him St. Patrick and there were no more snakes in Ireland.

And that made everybody very happy, of course.

There is no reliable account of his work in Ireland, where he had been a captive. Legends include the stories that he drove snakes from Ireland, and that he described the Trinity by referring to the shamrock—

And that is often said today—

—and that he singlehandedly converted Ireland. Nevertheless, St. Patrick establish Catholic Church throughout Ireland on lasting foundations: he travelled throughout the country preaching, teaching, building churches, opening schools and monasteries and everywhere supporting his preaching with miracles.

I am a very proud descendant of Ireland and with both parents being Irish I have a very strong Irish tradition. Usually someone in my family would be singing about now, but we will save that until tomorrow, when Dr Hugh McDermott starts his Irish singing. We have to take the place of Greg Smith somehow.

**Dr Geoff Lee:** The member for Epping is singing next.

**Ms NOREEN HAY:** If he is singing next, we may join in—in the interests of harmony. Irish eyes will be smiling tomorrow. St Patrick's Day, 17 March, is a great day for the Irish.

**Mr DAMIEN TUDEHOPE** (Epping) [5.32 p.m.], by leave: It would be inappropriate for the member for Epping not to speak on the eve of St Patrick's Day.

**Dr Geoff Lee:** How about a few show tunes?

**Mr DAMIEN TUDEHOPE:** One of the great things my electorate said to me on my election to this place was that I should not pretend to sing—we will leave that to the former member. I wish to inform members that Mr Smith's band is playing at 99 York Street tonight and he has told me that all members of this place are welcome to join in the St Patrick's Day festivities. Like the member for Wollongong, I too have Irish ties. My mother is a Kylie and my wife is an O'Rourke. I am sure St Patrick was Lebanese, in



any event.

**Dr Hugh McDermott:** That will surprise the Welsh.

**Mr DAMIEN TUDEHOPE:** It may surprise the Welsh, but in fact I think he was German, when all is said and done. I wish everyone in this place a great St Patrick's Day. It is a wonderful festivity enjoyed by many in this country. Many of us will have grown up in the Irish tradition. When I was at school, celebrating St Patrick's Day was a day off Lent, and appropriately so. We should celebrate it as a first-class feast and enjoy all appropriate festivities in honour of the saint. I join the member for Prospect in celebrating St Patrick's Day.

**Dr HUGH McDERMOTT** (Prospect) [5.34 p.m.], in reply: I thank the member for Wollongong, the member for Epping and other members who contributed to this discussion on Irish migration to Australia. I also thank the member for Parramatta for his interjections and our Greek-Irish friend from Rockdale. Tomorrow is a significant day for the Irish and people of Irish descent throughout the world. It is often looked at as a day for partying, but it has a deep religious heritage. However, as conditions have improved in Ireland and other countries it has become a day for celebration. I look forward to attending Mass tomorrow and other celebrations once Parliament has adjourned. I am sure I will make new friends at those celebrations, as everyone who attends them will. I wish everyone a happy St Patrick's Day.

**Discussion concluded.**

**THE HOUSE ADJOURNED, PURSUANT TO STANDING AND SESSIONAL ORDERS, AT 5.36 P.M.  
UNTIL  
THURSDAY 17 MARCH 2016 AT 10.00 A.M.**

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