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# LEGISLATIVE COUNCIL

Tuesday 26 May 2015

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**The President (The Hon. Donald Thomas Harwin)** took the chair at 2.30 p.m.

**The President** read the Prayers.

**The PRESIDENT:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

## ASSENT TO BILLS

**Assent to the following bills was reported:**

Courts and Crimes Legislation Amendment Bill 2015  
Pesticides Amendment Bill 2015

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The PRESIDENT:** I report the receipt of the following message from the Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales:

T Bathurst  
LIEUTENANT-GOVERNOR

Government House  
Sydney

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent upon the Governor of New South Wales, His Excellency General David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Friday, 22 May 2015

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

David Hurley  
GOVERNOR

Government House  
Sydney

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

Sunday, 24 May 2015

## CENTENARY OF FIRST WORLD WAR

**The PRESIDENT:** May 24, 1915 was one of the most significant days for Australians during the entire Gallipoli campaign. On that day, after much negotiation, both sides agreed on a truce which would be observed from 0730 hours to 1630 hours so that both sides could recover and bury their dead. It is impossible to read any of the records or reminiscences of that day without being moved to tears. It is equally impossible to know how many bodies were recovered that day—it runs into the many thousands because the corpses of the dead had been left on the contested battlefield for up to four weeks until the very stench of them had become overwhelming. Indeed, it was so overwhelming that the men assigned to the task of immediate body recovery could only operate with antiseptic-soaked cottonwool stuffed up their noses.

Men of the two fighting armies met, for the first time, face to face as simple human beings—doing the same terrible job; suffering the same; grieving the same. They exchanged words; they shook hands; they

swapped cigarettes and smoked together. They gave each other sweets and chocolates. They exchanged buttons and souvenirs. They wept together. None of them laughed. Above all they knew, deep in their hearts, that, despite these moments of human contact, in just a few hours time they would be back in their trenches shooting at each other and trying to kill each other. It must have been unbelievably unbearable. Its impact on those involved simply cannot be imagined. Perhaps it would be best to quote the words of a Turkish captain spoken to British intelligence officer Captain Aubrey Herbert:

At this spectacle even the most gentle must feel savage, and the most savage must weep.

Lest we forget.

## **FOREST AGREEMENTS AND INTEGRATED FORESTRY OPERATIONS APPROVALS**

### **Amendments**

**The President** announced the receipt, pursuant to the Forestry Act 2012, of amendment No. 6 to the Integrated Forestry Operations Approval for the Lower North East Region, dated May 2015, together with a statement of reasons, received out of session and authorised to be made public on 19 May 2015.

**Pursuant to sessional orders Formal Business Notices of Motions proceeded with.**

### **ANZAC DAY COMMEMORATIONS**

**Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

- (1) That this House notes that:
  - (a) 2015 marks the centenary of Anzac Day commemoration, defining our spirit and our national character; and
  - (b) generations of Australians, young and old, pay tribute to the men and women who have served in our armed forces.
- (2) That this House notes that, like many sub branches around the country, the Arncliffe sub-branch of the Returned and Services League of Australia commemorated the centenary of Anzac Day at a Dawn Service of Remembrance at Arncliffe Park, attended by many people who showed their respect to those who sacrificed themselves so that all can enjoy the freedoms that we value.

### **BUSINESS OF THE HOUSE**

#### **Formal Business Notices of Motions**

**Private Members' Business item No. 48 outside the Order of Precedence objected to as being taken as formal business.**

### **WHEELCHAIRS FOR KIDS**

**Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

- (1) That this House notes that:
  - (a) Wheelchairs for Kids is a Rotary supported, not-for-profit volunteer organisation that manufactures wheelchairs and donates them to poor and disabled children on a non-commercial basis;
  - (b) Wheelchairs for Kids volunteers are predominantly retirees who give up their free time to help others in need; and
  - (c) 30,000 wheelchairs have so far been distributed in 70 countries.
- (2) That this House acknowledges and congratulates Wheelchairs for Kids Honorary Manager Gerry Georgatos and all the volunteers at Wheelchairs for Kids for their hard work and dedication in providing wheelchairs to disabled children around the world.
- (3) That this House notes that a function was held in Sydney to raise funds to financially support the efforts of Wheelchairs for Kids, raising enough funds to allow for two future shipments of 167 wheelchairs to be sent to China, one for the district of Songjiang in Shanghai and the other for the districts of Yangzhou, Suzhou and Xuzhou in Jiangsu.

- (4) That this House acknowledges the contribution of the following community organisations in raising funds for the shipment of wheelchairs to China:
- (a) the Australian Shanghainese Association;
  - (b) the Australian Shanghainese Fellow Association;
  - (c) the Australia Yangzhou Association;
  - (d) the Australia Jiangsu Community Society Association; and
  - (e) the Australian Culture and Commerce Association.

### **ST GEORGE MIGRANT RESOURCE CENTRE**

#### **Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

- (1) That this House notes that:
- (a) the St George Migrant Resource Centre will be hosting the event "Understanding Praying: Why, When and How", to show the world that mutual understanding and inter-religious dialogue are important dimensions of a culture of peace; and
  - (b) the prayer traditions of faiths such as Baha'i, Buddhism, Christianity, Hinduism and Islam will be explored as part of a series of faith-based events aimed at promoting respect, understanding and social harmony amongst the community.
- (2) That this House acknowledges the ongoing efforts of the St George Migrant Resource Centre in promoting the peaceful understanding of different religions with this series of faith-based events.

### **SELECT COMMITTEE ON SOCIAL, PUBLIC AND AFFORDABLE HOUSING**

#### **Government Response to Report**

**The Clerk** tabled correspondence from the Hon. Brad Hazzard, Minister for Family and Community Services, and Minister for Social Housing, dated 11 May 2015, advising that the Government's response to the report entitled "Social, public and affordable housing", dated 8 September 2014, which was due on 9 March 2015, will now be delayed until after the holding of a public forum on social housing and the Government's subsequent release of a new social housing policy framework mid-year.

### **BUSINESS OF THE HOUSE**

#### **Routine of Business**

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

**The PRESIDENT:** Order! I call the Hon. John Ajaka to order for the first time.

### **BUSINESS OF THE HOUSE**

#### **Postponement of Business**

**Committee Reports Order of the Day No. 1 postponed on motion by Ms Jan Barham and set down as an order of the day for a future day.**

### **PROCEDURE COMMITTEE**

#### **Membership**

**The PRESIDENT:** I inform the House that in addition to the office holders appointed to the Procedure Committee in the resolution agreed to by the House on 12 May 2015 the Clerk has received the following nominations for membership of the Procedure Committee from the Leader of the Government and crossbench members:

Government member:	Mr Ben Franklin
Crossbench members:	Mr Robert Borsak
	Dr John Kaye

**PRIVILEGES COMMITTEE****Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nominations for membership of the Privileges Committee from the Leader of the Government and the Leader of the Opposition:

Government members:                      Mr Trevor Khan  
   Ms Natasha Maclaren-Jones  
   Mr Matthew Mason-Cox  
   Dr Peter Phelps

Opposition members:                      Mr Greg Donnelly  
   Mr Peter Primrose

**PRIVILEGES COMMITTEE****Membership**

**The PRESIDENT:** According to the resolution of the House relating to the establishment of committees, I advise that crossbench members have not reached agreement about representation on the Privileges Committee. Further, according to the resolution of the House, provision is made for two crossbench members to serve on the Privileges Committee. Pursuant to Standing Order 135, ballot papers have been printed and will be distributed to members. Members must write on the ballot paper the names of the two crossbench members they wish to serve on the committee and deposit it in the ballot box provided by the Clerk. I inform members that if any ballot paper contains a larger or lesser number of names than are to be elected, that is, either more or less than two members, the voting paper will be rejected as informal. The crossbench members who have nominated for membership on the Privileges Committee are Mr Robert Borsak, Dr Mehreen Faruqi and Reverend the Hon. Fred Nile. In the absence of agreement, the crossbench representation on the committee is to be determined by the House.

**Ballot****Motion by the Hon. Duncan Gay agreed to:**

That the two crossbench members to serve on the Privileges Committee be chosen by ballot according to Standing Order 135.

**The President** informed members of the procedure to be adopted for the conduct of the ballot pursuant to Standing Order 135.

*[The ballot was conducted.]*

**Declaration of Ballot**

**The President** declared Dr Mehreen Faruqi, she having received the greater number of votes in the ballot, as the crossbench member of the Privileges Committee.

**The President** informed the House that there was an equality of votes between Mr Robert Borsak and Reverend the Hon. Fred Nile.

**The President** advised the House that under Standing Order 35 he was required to decide the result by casting vote. The President reserved his decision until a later hour of the sitting.

**PRIVILEGES COMMITTEE****Report: Citizen's Right of Reply (Dr Andrew McIntosh)**

**The Hon. TREVOR KHAN** [3.30 p.m.]: I move:

That the House adopt report No. 74 of the Privileges Committee entitled "Citizen's Right of Reply (Dr Andrew McIntosh)", dated February 2015.

**Dr JOHN KAYE** [3.31 p.m.]: I acknowledge the right of reply exercised by Dr McIntosh and welcome his right to put his statement on the record. In his right of reply, Dr McIntosh said he rejects

allegations made by me in a number of speeches in this place, including speeches made on 22 November 2011, 2 May 2012, 25 March 2013, 26 March 2013 and 9 September 2014. He has rejected those allegations without specific reason, other than a letter written to him by Dr Barach dated 23 April 2013. I make two observations about that letter, in which Dr Barach said:

During the period after my cessation of employment with UNSW, I [Paul Barach] made assertions within the pursuit of my claims and publicly including to journalists and Mr John Kaye MP that I now know not to be true.

The letter was written after a long and protracted series of legal matters involving Dr Barach, the University of New South Wales and various other people. On The Green's reckoning, the University of New South Wales has spent public funding of more than \$2 million on a series of lawyers, other legal personnel and a private investigator. This matter has clearly brought Dr Barach to the edge of bankruptcy. The record shows that Dr Barach has now left Australia, apparently permanently and never to return. The evidence suggests that Dr Barach, in effect, was hounded into a retraction of these matters; the alternative if he did not do so was possible bankruptcy and the entire destruction of his family.

Regardless of that matter, I did not at any time rely on allegations made by Dr Barach to me. The speeches I made on the dates cited were based on documents that were either publicly available or tendered as court documents. The authenticity of one of those documents has been challenged by the Government Whip and I have no reason to suggest that that challenge is either correct or incorrect. However, I observe that that document played a purely supportive role and the speeches that I made were based on a number of other documents, the veracity of which has not been challenged.

The document that has been challenged may or may not be correct, but it does not change the substance or the evidence that I adduced to support those challenges. This sorry tale of institutional bullying has ripped apart the career of one extremely fine academic who has contributed across a number of fields, including safety science. Indeed, this story, particularly the way it has ended, reflects very poorly on Australian institutions and Australian justice.

**The Hon. Dr PETER PHELPS** [3.34 p.m.]: I am saddened to be contributing to this debate. I would have assumed that Dr John Kaye, following the revelations made by Dr McIntosh and me, would have remained silent and, hopefully, apologised for the outrageous defamation of character directed against Professor Fred Hilmer, Professor Richard Henry and Dr Andrew McIntosh over a sustained period. I am normally one to impute bad motives to Dr John Kaye but in this case I believe he was flim-flammed by Dr Barach. It is clear that Dr Barach is a regrettable and reprehensible individual who will stoop to lying and forgery to try to advance his career.

Dr John Kaye, on multiple occasions in this House on the basis of evidence presumably provided to him by Dr Barach, has made a series of serious allegations of impropriety against Professor Fred Hilmer, Professor Richard Henry and Dr Andrew McIntosh. Dr Barach initiated, but was unsuccessful in, a defamation action against those individuals. After he lost that case, Dr Barach publicly conceded that he had "made assertions within the pursuit of my claims and publicly including to journalists and Mr John Kaye MP that I now know to be not true." Dr Barach also conceded that "Professor Hilmer and Professor Henry and all other relevant UNSW staff have acted with propriety at all times." He said further that he would "unreservedly withdraw my allegations and apologise for any offence they caused".

Dr John Kaye, despite having knowledge of those facts, then continued to attack the reputations of Professor Hilmer and Dr McIntosh, using written records that he purportedly had in his possession. Dr John Kaye, in support of Dr Barach, on multiple occasions quoted from a document dated 11 December 2005, which was purportedly written by Professor Steven G. Ullman, Miller School of Medicine of the University of Miami. I saw that document. My immediate reaction, having seen written references over many years, was that it was a dodgy document and I sought to ascertain its veracity. I wrote to the University of Miami. Some months later I received a letter from the University of Miami dated 28 October 2014. The letter states, among other things:

Thank you for your recent correspondence in which you ask the University of Miami to review a letter purportedly written by University of Miami Professor Steven G. Ullman in 2005. The University has now completed its review of the letter and, as a result of such a review, has serious concern as to its authenticity. The University's concern is based on the following primary facts: the letterhead and the logo are not correct; the letter has spelling mistakes and erroneous dates; the letter is not signed; and the University does not have a copy of the letter in its records. Please note that the University has no opinion and offers no conjecture as to who wrote this letter, for what purpose it may have been written, and who may have received a copy of the letter.

Members will no doubt agree the letter was a crude forgery, presumably by Professor Barach. Indeed, the fraudulent nature of that document calls into serious doubt the authenticity of every other document Dr John

Kaye has used to support his defence of Dr Barach and the assertions of purported fact that Dr Barach has made to Dr John Kaye. Dr John Kaye said that only one document has been called into question. I note a University of New South Wales HR2 entry on a duty form by Dr Barach in which he claims his highest qualification is a doctorate from Harvard University.

However, when one looks at the Australian Research Council grant application submitted by Dr Barach, which is a public document, one will note that he claims to have a PhD from the Hebrew University, not from Harvard University. Harvard also can find no trace of Dr Barach's alleged postgraduate fellowships in cardiac anaesthesiology and intensive care. Quite clearly, it was a lie.

Additionally, the reference allegedly signed on 21 January 2003 by Jonathan Moss, MD, PhD, Professor and Vice President for Research, has a completely different signature to that on the physician evaluation form actually signed on 13 March 2003 by the same Jonathan Moss. Again, the purported reference is a crude forgery. Finally, and most damningly, I learnt in December last year that another reference letter was also forged. This letter was purportedly written by David Bowen, Chief Executive Officer of the National Disability Insurance Scheme [NDIS] and National Disability Insurance Agency [NDIA], for a position at the University College Cork. The NDIS-NDIA makes this clear when it says:

We have been able unable to find any record of the reference you provided to me on 4 December 2014 ... being prepared or signed within the NDIA. I have spoken to Mr Bowen and shown him the reference; he has indicated that he does not recall signing this reference and does not believe he would have signed a reference in this form.

There we have three clear examples of blatant forgery, presumably produced by Dr Barach. If this forgery has not been produced by Dr Barach, then who has been producing these forgeries? I say this simply to defend the people who have been unfairly maligned. This place relies upon the privileges that have been granted to it, which the President himself claimed from the Governor only last month—that is, we reserve the right in this place to speak without fear of defamation action being taken against us. But with that right comes a great responsibility, and that responsibility is upon every member here who chooses to make such assertions.

The responsibility is to make sure that what they are told is corroborated by evidence and that documentation has not been fraudulently created for the purposes of defaming others and is able to be adduced in a proper public forum. Dr John Kaye appears to have been gullibly seduced by Dr Barach and his silver tongue—something that has happened to many others. Dr John Kaye has gullibly fallen for this lying conman Dr Barach. Dr John Kaye should simply apologise to Dr McIntosh, Professor Henry and Professor Hilmer and let us move on from the past.

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

**Motion agreed to.**

*Pursuant to standing orders the response of Dr McIntosh was incorporated.*

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I make this response to statements made by Dr John Kaye on 22 November 2011, 2 May 2012, 25 March 2013, 26 March 2013 and 9 September 2014 in the Legislative Council, relating to the termination of Dr Paul Barach's probationary employment in June 2009 at the University of New South Wales (UNSW), the Motion Analysis Service and my conduct at UNSW.

I am a graduate (Master of Biomedical Engineering and Doctor of Philosophy) and former employee of UNSW. I was employed as an academic at UNSW from 1996 until 2011 at the School of Risk and Safety Sciences (the School). I took redundancy when the School was closed. At that time I was an Associate Professor. As one of the many activities I undertook during my employment at UNSW, I helped establish the Motion Analysis Service (the Service) in 1997. The Service was a collaboration between hospitals, clinicians and the Biomechanics and Gait Laboratory (the Laboratory) that I directed. The Service and the Laboratory were two separate entities with an area of overlap in clinical gait analysis. The Service provided clinical gait analysis for children in New South Wales and contributed to their clinical management. Biomechanical analysis of gait was one of many activities undertaken in the Laboratory; others included biomechanics and ergonomics research in safety areas, eg. transport, sport and work, human movement research, and teaching.

Dr Kaye made numerous allegations in the Legislative Council that were grossly false and highly injurious to others and me. Until recently I was unable to respond to Dr Kaye's allegations because I was a defendant in a case brought against UNSW and six defendants, including me, in the Supreme Court by Dr Paul Barach. That case has been finalised and the proceedings dismissed.



On 23 April 2014 Dr Paul Barach willingly provided a letter of apology to me regarding assertions and allegations that he had made to the media and Dr John Kaye. The apology states:

During the period after my cessation of employment with UNSW, I [Paul Barach] made assertions within the pursuit of my claims and publicly including to journalists and Mr John Kaye MP that I now know not to be true. I accept that you [Andrew McIntosh] have acted with propriety at all times and I unreservedly withdraw my allegations and apologise to you for any offence they caused.

In terms of my role in the Service and its value, Ms Elizabeth Koff, Chief Executive Sydney Children's Hospital Network, wrote on 28 May 2014 to thank me for my "outstanding service" on behalf of children in need in New South Wales. She also acknowledged the "important and public spirited role" I played in establishing the Service and maintaining it for so long. Elizabeth Koff's kind words reflect very well on everyone involved in the Service.

I left the employ of UNSW in good standing and was invited to continue my association with UNSW in an adjunct capacity.

## BUSINESS OF THE HOUSE

### Postponement of Business

**Government Business Order of the Day No. 1 postponed on motion by the Hon. Niall Blair and set down as an order of the day for a later hour.**

## INDEPENDENT PRICING AND REGULATORY TRIBUNAL AMENDMENT (ACCREDITED STATE WATER REGULATOR) BILL 2015

### Second Reading

**Debate resumed from 12 May 2015.**

**The Hon. MICK VEITCH** [3.44 p.m.]: I speak on the Independent Pricing and Regulatory Tribunal Amendment (Accredited State Water Regulator) Bill 2015. The object of the bill is to amend the Independent Pricing and Regulatory Tribunal Act 1992 to enable the Independent Pricing and Regulatory Tribunal [IPART] to apply under the Water Charge (Infrastructure) Rules 2010 of the Commonwealth for the accreditation of arrangements under which the tribunal approves or determines charges for the provision of certain water infrastructure services relating to water resources in that part of the Murray-Darling Basin that is located in New South Wales. For that purpose, the bill:

- (a) applies certain provisions of the Commonwealth Water Charge Rules as a law of New South Wales and gives those applied provisions effect during the period of accreditation, and
- (b) confers on the tribunal the functions of a regulator under those applied provisions, and
- (c) provides that the tribunal is not subject to the control or direction of any Minister in the exercise of those functions, and
- (d) provides for the notification of the approval, revocation or cessation of the accreditation, and
- (e) provides for the interpretation of the applied provisions.

Established on 1 January 2015, following the merger of the Sydney Catchment Authority and the State Water Corporation, Water NSW is the organisation responsible for managing the storage, release and supply of bulk water across New South Wales. It achieves this through its management of the largest water infrastructure in the State, including the Menindee Lakes and Warragamba, Blowering, Burrinjuck and Hume dams. Water NSW and its customers currently deal with two regulators for pricing: the Australian Competition and Consumer Commission [ACCC] for the Murray-Darling Basin valleys and IPART for the three coastal valleys, being the Richmond, Bega and Hunter valleys.

This system was introduced in 2008 as part of the Murray-Darling Basin water reforms, giving the Australian Competition and Consumer Commission responsibility for developing and enforcing water charge and water market rules within the basin. However, reporting to two regulators results in duplication of the price review and reporting processes, whereby stakeholders must make lengthy submissions and attend hearings related to reviews conducted by both the IPART and the ACCC. They also have to navigate the separate pricing methodologies and reporting requirements of the two bodies.

This bill will enable IPART to receive accreditation to exercise the price determination functions on behalf of the ACCC under the Commonwealth Water Charge (Infrastructure) Rules 2010. Consequently, this means only one agency will be responsible for setting prices for Water NSW across the State, helping to streamline the process for Water NSW and other bulk water users in NSW. The Commonwealth legislation will continue to apply to the Murray-Darling Basin. However, this bill enables IPART to undertake this role on behalf of the ACCC once it is accredited. This is an administrative change to reduce the regulatory burden on Water NSW and other stakeholders such as irrigators and resource and energy companies.

The Minister for Lands and Water provided the Opposition with a briefing on the bill. He indicated at that briefing that there was some urgency due to a deadline of 30 June 2015 for the application with the ACCC. In his second reading speech, the Minister made it clear that this bill is essentially of an administrative nature and is aimed at simplifying processes and reducing cost impacts. The Minister said:

The proposed amendments will deliver greater efficiencies and regulatory outcomes for Water NSW and its customers by providing for IPART to be the single price regulator. Direct savings in reduced regulatory costs for Water NSW are estimated at \$618,000 over four years, with ongoing savings of \$415,000 per annum.

My conversations with relevant stakeholder groups support this statement. Many of the stakeholder groups indicated that the arrangements proposed in this bill should in fact have been put in place originally. The stakeholders were fine with IPART being accredited as they had from the outset argued for IPART to retain that power. Stakeholders were also comfortable with the way the ACCC has conducted the process to date. In terms of costs, it is more efficient if the one regulator sets prices—and that would be IPART under this bill—rather than operating under the current arrangements. It is essential that pricing complexity and process duplication be reduced. The Opposition will not oppose the bill but will monitor closely the implementation of these new arrangements to ensure there are no hiccups.

**Mr JEREMY BUCKINGHAM** [3.49 p.m.]: I lend the support of The Greens to the Independent Pricing and Regulatory Tribunal Amendment (Accredited State Water Regulator) Bill 2015. The Greens recognise that the bill principally makes an administrative change to water regulation and pricing in New South Wales. We believe that the bill has merit and it makes sense; therefore we will be supporting it. As the Minister said in his second reading speech and the Hon. Mick Veitch said in his contribution, it is better to have only one body overseeing the regulation of pricing in New South Wales. The Independent Pricing and Regulatory Tribunal [IPART] already does that for three catchments and it should do so for the Murray-Darling Basin portion of the State.

The issues have been well fleshed out but we support the bill in particular because the Commonwealth Water Charge (Infrastructure) Rules 2010 will still apply, which means that IPART will have to abide by those rules once it has been accredited. We recognise that the Minister has said that this must be done with some haste and so we will support it as it moves forward. Through consultation with the Minister and others, it has been made clear that if IPART is not doing its job according to those rules the accreditation can be revoked. That is an important provision that gives us some assurance that IPART will act ethically.

It is important that we make this area simpler for stakeholders because water marketing and pricing regulation have been a nightmare in Australia for more than 100 years. In recent decades we have made some significant advances that have received bipartisan support. The Greens hope that there will continue to be advancement in the administration of water in the Murray-Darling Basin. It is also important that we work collaboratively with our neighbour States, particularly Queensland, as we deal with concerning predictions about El Niño and the Darling River, which is in a dire state. Parts of the upper Darling River system such as the Namoi and Barwon rivers are not in a healthy condition. That is a separate but related issue because it will cause Murray-Darling Basin water pricing and regulation to come to the fore again. It is episodic, meaning that it is not recognised as an issue until it is a massive issue.

The crisis in Broken Hill, Menindee, Wilcannia, Louth and beyond along the Darling catchment is very serious. The Greens will support the bill and hope that the Parliament of New South Wales will lend its attention to the developing crisis. I hope it rains, but until then the communities that are so dependent on Darling River irrigation need a properly functioning system and administration.

**The Hon. GREG PEARCE** [3.52 p.m.]: I will begin my short contribution to debate on the Independent Pricing and Regulatory Tribunal Amendment (Accredited State Water Regulator) Bill 2015 by congratulating my colleague on his appointment as Minister. He will do a fantastic job. I also congratulate the Government on bringing forward this sensible piece of legislation. An effective, reliable and competitive water

industry is a prerequisite for growth. As the previous speaker indicated, water in this State is complicated by there being a number of regulators and water companies based on geographic area. Water supply issues are complex, particularly out west. As previous speakers have indicated, the issues can get to crisis level very quickly if the Government and community do not work together to ensure the best outcomes.

Last year I had the opportunity to visit Broken Hill and Menindee Lakes. Having seen photos of Menindee Lakes when it was full of water—in full bloom, shall we say—I was astonished to see how low the water levels were and the problems that created. As a former portfolio Minister responsible for Sydney Water and Hunter Water I have had some experience in dealing with the Independent Pricing and Regulatory Tribunal [IPART]. I have to say that they have a complex and difficult task in regulating the water industry.

Under the previous Government—without the proper oversight and pressure that we brought to bear on IPART—prices were compounding at 15 per cent or more per annum because IPART was being directed in a certain way. Two years ago as the portfolio Minister responsible for Sydney Water and Hunter Water I made submissions to the pricing processes that were contrary to the water companies' submissions. We managed to convince IPART that increases at or even below the consumer price index [CPI] mark was a more appropriate and sustainable approach. That was an important contribution to reduce cost-of-living pressures in this State. I applaud the Government for introducing the bill. I will not repeat the details we have heard about cost savings and so on but I will say that having one regulatory body with all of the background information and experience available to it will ensure that we get the best outcomes.

**The Hon. NIALL BLAIR** (Minister for Primary Industries, and Minister for Lands and Water) [3.56 p.m.], in reply: I thank shadow Minister the Hon. Mick Veitch and Mr Jeremy Buckingham for their contributions to debate on the Independent Pricing and Regulatory Tribunal Amendment (Accredited State Water Regulator) Bill 2015. I also thank the Hon. Greg Pearce. As a former Minister looking after some of our water utilities I know he understands good reform when he sees it. I thank him for congratulating the Government on this reform and the timeliness of the bill.

The bill will facilitate the accreditation of the Independent Pricing and Regulatory Tribunal [IPART] as a single price regulator for water infrastructure services in New South Wales. As we have heard, the bill provides for IPART to apply under the Commonwealth Water Charge (Infrastructure) Rules 2010 for accreditation and enables it to exercise price determination functions under those rules once accredited. The Hon. Mick Veitch, Mr Buckingham and I made reference to the savings that will be made by having not two levels of reporting but instead one regulator. That it is a sensible reform.

The fact that IPART must apply in a timely manner to be accredited with the Australian Competition and Consumer Commission [ACCC] is somewhat the reason for the urgency in which we are doing this today. Importantly, the bill provides a protection that if there is any concern the ACCC may remove the accreditation. As I indicated in my second reading speech, making sure those determinations are at arm's length from the Minister is another important safeguard that will give all members confidence and reassurance that this is a sensible reform. As a Minister, this is the first bill I have had carriage of in this House. I am thankful that it is a sensible bill.

**The Hon. Duncan Gay:** All your bills are sensible.

**The Hon. NIALL BLAIR:** I have a 100 per cent record: all my bills are sensible, particularly this one. 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.**

**Leave granted to proceed to the third reading of the bill forthwith.**

### **Third Reading**

**Motion by the Hon. Niall Blair agreed to:**

That this bill be now read a third time.

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

**PRIVILEGES COMMITTEE****Membership: Casting Vote of the President**

**The President** informed the House that, there being an equality of votes following a ballot to determine the crossbench membership of the Privileges Committee this day, under Standing Order 135 he was required to decide the result by casting vote. The President declared Reverend the Hon. Fred Nile elected as a crossbench member on the committee.

**PRIVILEGES COMMITTEE****Chairs and Deputy Chairs**

**The PRESIDENT:** I inform the House that the following members have been nominated by the Leader of the Government and the Leader of the Opposition as Chair and Deputy Chair of the Privileges Committee:

Chair: The Hon. Matthew Mason-Cox  
Deputy Chair: The Hon. Peter Primrose

**Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.**

**QUESTIONS WITHOUT NOTICE****ELECTRICITY PRIVATISATION**

**The Hon. ADAM SEARLE:** My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Premier and/or the Treasurer. Why has the Government not provided the Select Committee on the Leasing of Electricity Infrastructure with the relevant legislation before today, given that the committee is due to report in the very near future?

**The Hon. DUNCAN GAY:** I thank the Leader of the Opposition for his question, which I certainly will refer to the Premier. My understanding is that today legislation is available for public viewing and public discussion and for the following weeks.

**The Hon. ADAM SEARLE:** I ask a supplementary question. Will the Minister elucidate his answer in regard to why the Government has now released the legislation without allowing the committee to finish its work, as the Premier previously indicated he would?

**The Hon. Dr Peter Phelps:** You complain when it is not disclosed and you complain when it is. It is just complain, complain, complain!

**The Hon. DUNCAN GAY:** They are never happy. When it is not there they want it, and when it is there they do not want it. The legislation will be nowhere near this House this week.

**FREIGHT INFRASTRUCTURE**

**The Hon. GREG PEARCE:** My question is addressed to the Minister for Roads, Maritime and Freight. Will he inform the House on the Government's historic funding for freight-related infrastructure in New South Wales?

**The Hon. DUNCAN GAY:** I thank the Hon. Greg Pearce for his question and indicate that last week I was invited by the Committee for Economic Development of Australia to provide a keynote address on freight delivery in New South Wales.

**The Hon. Walt Secord:** Whom did you attack at that meeting?

**The Hon. DUNCAN GAY:** I do not attack anyone. I am friendly and nice to everyone, but very forceful about my views. Under Labor, freight was a dirty word. Today, it is at the forefront of our economy, and rightly so. The sector is worth \$60 billion each year, or 13 per cent of gross State product, and employs half a million people mostly in skilled jobs. I have always considered the freight and logistics sector to be a little bit

like the canary in the coalmine: When we see action or movement in the sector, I know it is healthy and we have a growing economy; if we see the opposite, we have trouble. That is why the Government has delivered and continues to fast-track a range of historic funding programs to help to enable and manage the growing freight task in our State.

Let me now list some of those historic freight-related initiatives. Under our \$210 million Bridges for the Bush program, we are replacing or upgrading unsafe and weight-limiting structures at 17 key freight pinch-point locations across regional New South Wales. That program alone will remove 8,000 heavy vehicle trips from the freight task each year. It is not just what you do, but the ramifications of what you do. Under our Fixing Country Roads initiative, almost \$100 million is being invested in partnership with regional councils, local industries and our Federal colleagues to improve links to railheads, saleyards, abattoirs, distribution centres and fuel depots. Under our Rebuilding NSW plan, Bridges for the Bush and Fixing Country Roads will be expanded by an extra \$200 million and \$500 million respectively.

Since 2011, the Government also has invested more than \$190 million to upgrade and repair grain rail lines in country New South Wales, with another \$150 million committed over the next three years. Last week I announced how the Government is joining forces with GrainCorp and Emerald Grain to deliver \$6 million in infrastructure upgrades at two sites to reduce loading times for trains moving grain to New South Wales ports and mills. Our regional rail network, particularly our grain lines, will receive further investment of \$400 million under a new initiative called Fixing Country Rail. Under Rebuilding NSW, an additional \$3.7 billion also will flow to continue major upgrades to the Great Western, Newell, New England, Golden, Mitchell, Oxley, Riverina, Cobb and Silver City highways—all important links in regional New South Wales, but links that were left in decay for decades under the previous administration. Finally New South Wales has a Government that cares about regional New South Wales, and cares about freight on which our economy depends each day.

#### **MINISTER FOR AGEING, MINISTER FOR DISABILITY SERVICES, AND MINISTER FOR MULTICULTURALISM OVERSEAS TRAVEL**

**The Hon. WALT SECORD:** I direct my question to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. In light of the late-January revelations that he spent \$26,000 on a Dubai trip, I ask: Has he fully complied with his ministerial and parliamentary disclosure requirements?

**The Hon. JOHN AJAKA:** I have always complied with all requirements as a member of the Legislative Council and as a Minister, as and when they have fallen due. I will continue to always comply with those requirements. What a wonderful result for the University of Wollongong and what a wonderful result for the people of the Illawarra as a result of that trip. I am proud of the fact that I was able to assist the university while I was overseas in relation to all it sought.

**The Hon. WALT SECORD:** I ask a supplementary question. Will the Minister elucidate his answer in regard to what direct benefits to the people of the Illawarra accrued as a result of his \$26,000 trip?

**The Hon. JOHN AJAKA:** It is clear that the Hon. Walt Secord failed to read the report, which is readily available. It is also very clear that the Hon. Walt Secord failed to read the letter from the vice-chancellor, who clearly set out all of the great benefits to the university. It might be foreign to the Hon. Walt Secord that the great benefits to the number one university in New South Wales, as far as the Illawarra is concerned, flow on as great benefits to the people of the Illawarra. I strongly recommend to the Hon. Walt Secord that he has a good read of the letter from the vice-chancellor. I am very proud of the matters mentioned by the vice-chancellor and the contribution I made.

#### **RIVALEA PIGGERY**

**The Hon. MARK PEARSON:** My question is directed to the Minister for Primary Industries. Emeritus Professor Donald Broom of the University of Cambridge stated in his report dated 14 March 2014 relating to the Rivalea piggery and abattoir near Corowa:

The extreme reactions of [all the] pigs described here is typical for pigs lowered into a high concentration of carbon dioxide. For all of these animals, their welfare was very poor for 20-40 seconds.

Cameras were installed in that abattoir. The vision depicts the gas stunning of pigs. Is carbon dioxide still being used at that slaughterhouse? If so, what investigations and interventions have been undertaken by the

Department of Primary Industries to address, firstly, the continued use of carbon dioxide to stun pigs in abattoirs in New South Wales; secondly, the introduction of argon into the gas mixture, which is recommended by Professor Donald Broom as being the most humane method; and, thirdly, the method of slowly lowering pigs into a chamber of carbon dioxide where lower concentrations— [*Time expired.*]

**The PRESIDENT:** Order! I will allow the Minister, on this occasion, to answer the question. As it was the first question asked by the Hon. Mark Pearson, he may not have been aware of all the rules relating to questions. He should resume his seat. While I will allow the question on this occasion, I would like all members to be aware of past Presidents' rulings in relation to questions and answers. As former President Budd reminded members, questions should seek information. That question certainly did. However, as President Johnson ruled, questions should be concise and not contain any material, quotations or statements of fact unless they are strictly necessary to the asking of the question. He also ruled that questions should be interrogatory in nature—which, in part, it was—but should not be used as a means of entering debate on an issue. While I do not believe that the member was doing that, the question contained a large number of the sorts of materials, quotations or statements of fact that President Johnson referred to. Indeed, the member's time for asking the question expired. Question time is not an opportunity for members to make an adjournment speech. Questions, as President Budd ruled, are for seeking information.

**The Hon. NIALL BLAIR:** I thank the honourable member for his first question, particularly to me. I think it is his first question in question time in this Parliament. Obviously, because I did not get to hear the end of the question there will be an opportunity, potentially, for us to have a discussion outside of question time. I could get the rest of the information and I am more than happy to come back with some specifics. It is very difficult to answer the question in full when I did not get to hear the whole question. I will point out that standards for pig welfare and land-transport livestock have already been mandated in all States.

Standards for saleyards, abattoirs and exhibited animals are currently being developed. I also make the point that, when it comes to animal welfare issues, one thing that I hope is a legacy of my time as Minister for Primary Industries will be that I liaised with key stakeholders when we looked at animal welfare issues. That is in stark contrast to what I have read about the animal welfare roundtable that the Opposition held the other day. They missed one key stakeholder group on that list—New South Wales farmers. Having an animal welfare roundtable and not including farmers at the table is absolutely disgraceful. And the Opposition spokesperson on animal welfare claims to be a former shearer. You would think that the first person he would add—

**The Hon. Mick Veitch:** Point of order: My point of order relates to the relevance to the question. It was the first question from the honourable member, and I do think that the answer has strayed a long way from what was intended by the original question.

**The PRESIDENT:** Order! There is some substance to the member's point of order. I will allow the Minister to complete his answer.

**The Hon. NIALL BLAIR:** In responding to a question about animal welfare in relation to pigs, one area you should consult with, and one group of stakeholders you should have in the tent, is New South Wales farmers. When the Opposition has an animal welfare—

**The Hon. Mick Veitch:** Point of order: My point of order relates to the Minister canvassing your ruling. I suggest that the tone and response clearly is canvassing the ruling you made previously.

**The PRESIDENT:** Order! The Minister was not canvassing my ruling; I think he was just ignoring it. While I allowed the Minister to conclude his answer, I did not invite him to ignore my ruling.

**The Hon. NIALL BLAIR:** The question involved great detail. I am happy to talk with the member outside of question time to get the rest of the question, or he can re-ask it another day and I will endeavour to come back with a wholesome answer.

#### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. SHAYNE MALLARD:** My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Can the Minister update the House on what the New South Wales Government is doing to prepare the NGO disability sector for the early transition of the National Disability Insurance Scheme [NDIS] to the Nepean-Blue Mountains region?

**The Hon. JOHN AJAKA:** I thank the honourable member for his question. Last week I was delighted to join my Federal colleague the Hon. Mitch Fifield to sign the agreement that will deliver the NDIS a year ahead of schedule to children and young people in the Nepean-Blue Mountains region. In front of approximately 150 representatives of more than 50 local organisations that work with children and young people with disability we signed the memorandum of understanding [MOU] that delivers on the Government's election commitment for children and young people with disability. I am thrilled that New South Wales is the first State in Australia to start the NDIS rollout beyond the current trial sites, which includes our current successful work in the Hunter.

The MOU will create the building blocks for the early transition of the NDIS in the Nepean-Blue Mountains. What better way to mark this historic signing than at an NDIS service provider and local government information session in Penrith. Now, children aged from zero to 17 with high needs in the Penrith, Nepean and Blue Mountains areas will be able to access the scheme from 2015.

This decision with the Commonwealth Government will allow the delivery of much-needed early intervention services for around 2,000 children and young people by 30 June 2016. Families will start to receive NDIS packages from September this year—almost 12 months ahead of the planned 1 July 2016 date for the rollout of the NDIS across New South Wales. Those at the information session were informed that the National Disability Insurance Scheme [NDIS] will shortly establish a presence in Penrith, and that information linkages and capacity-building independent living centre supports will be available from 1 July 2015. These supports will help children, young people, their families and carers to get ready for participation in the NDIS.

The New South Wales Government will be working closely with the National Disability Insurance Agency [NDIA] and other stakeholders over the coming weeks and months to ensure that children and young people with disability, their families and carers are fully informed about the early transition to the NDIS. During my time as Minister for Disability Services I have seen firsthand how early intervention promotes participation and inclusion of children and young people in their communities. It promotes learning, play-based and social activities as well as opportunities to play, learn and interact with their peers. Early intervention and other support services allow children with disability to attend mainstream schools and participate fully in life. It helps families to promote their children's strengths and abilities.

The New South Wales Government will continue to provide disability supports to our clients in the Nepean-Blue Mountains, and all other districts, until the NDIS is fully rolled out across New South Wales by June 2018. Protecting and supporting vulnerable members of our society remains a cornerstone of this Government. This faster access to the NDIS in the Nepean-Blue Mountains will make a very real difference to people's lives. It will enable children with disability in Penrith and the Blue Mountains to enjoy the same day-to-day experiences that all children do, and, more importantly, it will enable them to get the best possible start to life.

I am delighted that we have taken the next step in delivering these vital services for children and young people in the Nepean-Blue Mountains region. All children have a right to the same facilities, services and early starts that all other children have.

#### OMBUDSMAN

**Mr DAVID SHOEBRIDGE:** My question without notice is directed to the Hon. Duncan Gay, representing the Deputy Premier and Minister for Justice and Police. Given that the Ombudsman has announced that his Operation Prospect report on police bugging is unlikely to be completed by June this year, his term of office expires on 30 June and he will not be seeking extension or reappointment, what arrangements are in place to ensure that the Ombudsman's report—which has already taken more than 2½ years and cost more than \$5 million—will be delivered?

**The Hon. DUNCAN GAY:** I thank the member for his question and I certainly know that it is an issue that is very close to his heart and he has been pretty vocal on this issue, as have other members in this House. I will take the question on notice, refer it to my colleague the Deputy Premier, and obtain a detailed answer.

#### SENIORS CARD DISCOUNTS

**The Hon. GREG DONNELLY:** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. In light of AGL's decision to offer discounts to those holding a Seniors Card and his demand this morning that other retailers follow suit, what steps has he taken to ensure that this will occur?

**The Hon. JOHN AJAKA:** I thank the honourable member for his question. This Government is about delivering for the people of New South Wales. Yesterday I announced that we have delivered on our election commitment to expand the NSW Seniors Card program and ease cost of living pressures for New South Wales seniors. The Government knows the pressures that seniors face, particularly those on a fixed income and I am committed to ensuring that NSW Seniors Card holders get the best energy prices for their households.

**The Hon. Walt Secord:** So what are you doing?

**The Hon. JOHN AJAKA:** What am I doing? This is why I was delighted to announce that the Government has partnered with AGL to offer NSW Seniors Card holders discounted energy plans. This is an election commitment delivered by the Baird Government and I am proud that it is one that delivers savings for our seniors. While individuals can and should always try to negotiate the best deal for themselves—

**The Hon. Greg Donnelly:** Point of order: My point of order is relevance. I have patiently waited for a minute and the Minister has done nothing but read from a pre-prepared answer to a question from his own side. My point of order is that he should answer the question.

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

**The Hon. JOHN AJAKA:** While individuals can and should always try to negotiate the best deals for themselves, the Government has already done this with AGL on behalf of all Seniors Card holders.

**The Hon. Greg Donnelly:** Point of order: My point of order again is relevance. My specific question is in regard to actions taken to speak to or deal with other retailers with respect to the matter raised.

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

**The Hon. JOHN AJAKA:** With this offer Seniors Card holders in New South Wales can receive up to a 20 per cent discount off electricity usage charges, and up to an 18 per cent discount off gas usage charges. In addition, seniors who switch their gas and electricity to AGL before 30 June 2015 will also get a \$50 credit on each of their accounts—a total of \$100 if both accounts are switched to AGL. It is estimated that this offer could result in annual average savings of \$246 for electricity and \$124 for gas for our Seniors Card holders.

**The Hon. Greg Donnelly:** Point of order: The Minister is over half way through answering the question and has not come within a bull's roar of specifically dealing with my question.

**The PRESIDENT:** Order! I uphold the point of order. The Minister has had more than enough opportunity to provide the context. He should become directly relevant to the matter about which he was asked.

**The Hon. JOHN AJAKA:** Further negotiations are taking place with a telco in order to obtain discounts for seniors. The Government is also negotiating with a supermarket chain and with other providers. Let me make it clear to those opposite: My door is open to any provider who wants to provide a discounted service or product to Seniors Card holders.

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Walt Secord to order for the first time.

**The Hon. JOHN AJAKA:** Almost 4,000 retail outlets already provide discounts under the Seniors Card program. The Government is continuing to work to ensure that that number increases. As I have said, we are also negotiating with a telco and a supermarket to obtain discounts. Those opposite should accept that for seniors—especially seniors on a fixed income—any saving of a few dollars can make a vital difference to their day-to-day living expenses. I am proud to be a Minister who has now delivered on one of our election commitments. I will be more than happy to report back to this House each and every time we deliver on another election commitment.

## WATER SECURITY

**The Hon. BEN FRANKLIN:** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister please update the House on how the New South Wales Government is addressing the issue of water security in western and north-western New South Wales?



**The Hon. NIALL BLAIR:** I thank the honourable member for the question. Last week I travelled to Moree to meet with irrigators in the State's north-west. This followed visits last month to Brewarrina, Walgett, Broken Hill and Menindee. The continuing dry conditions are having a huge impact on our farmers, especially those in the north-west but we had to prioritise water for critical human consumption for Broken Hill and Menindee, where supplies are extremely low. That meant putting in place a temporary embargo on supplementary access for irrigators, to ensure that as much of the flow travelling down the river system can make it to the Menindee Lakes to extend critical water supplies for Broken Hill.

While in Moree last Tuesday, with the Hon. Rick Colless and the member for Northern Tablelands, Mr Adam Marshall, I met with a number of irrigators from across northern New South Wales to discuss the embargo with them at length. At the meeting, a range of issues was discussed, including the accuracy in the flow forecast, fees and licensing, and works at Menindee that will benefit the northern basin. I am investigating every issue that was raised and will report back to the irrigators. I will also be taking some of their proposals to the Murray-Darling Basin Ministerial Council meeting in Melbourne on Friday.

The flow on the Barwon-Darling is embargoed for B- and C-class licence holders. Stock and domestic, town water and A-class licences are not included in the embargo. Usage fees are not charged for water that is not pumped. Once the water flowing down the system reaches Menindee and the reverse osmosis plant at Broken Hill is secured, we will not need to embargo future flows. We hope to have this resolved in the near future. These farmers are suffering immensely due to the extended drought and this has to be weighed up against the risk of water for critical human consumption running out for the 20,000 people living in Broken Hill.

Since I have been in office I have met with irrigators and stakeholders across the State. I am not going to sit in Sydney when I need to be out there listening to what these communities have to say. The fact that our farmers are being penalised to secure emergency water for Broken Hill is unacceptable. I hate the fact that farmers are being forced to watch productive water flow past their pumps. That is why I am working as quickly as possible to secure the short-term emergency water supply. While it will not provide access to the flow of water, it will ensure no embargoes are required for this purpose into the foreseeable future.

Broken Hill's water supply was an important issue in the last term of Government. We now have money on the table to address the town's water security. The New South Wales Government is investing nearly half a billion dollars—

**The Hon. Greg Donnelly:** Is that all?

**The Hon. NIALL BLAIR:** The member opposite asks: Is that all?—half a billion dollars. The ignorance displayed by members of the Labor Party. It is about the same amount of money Labor wasted on the Rozelle Metro. The New South Wales Government is investing nearly half a billion dollars to determine the best short- and long-term solutions to Broken Hill's water security. This is the single biggest investment in the history of this State to secure a regional town's water supply. I make no apologies for ensuring Broken Hill has the infrastructure and resources to provide certainty around its water supply—now and into the future. It is my job to deliver what was promised. Delivering on our commitments is non-negotiable. I am also investigating other options, including the management of the Menindee Lakes to secure long-term water supply for Broken Hill.

## GOODS AND SERVICES TAX AND SANITARY PRODUCTS

**Dr MEHREEN FARUQI:** My question is directed to the Minister for Roads, Maritime and Freight, representing the Treasurer. Yesterday the Federal Treasurer indicated his support for removing the goods and services tax on sanitary products, such as pads and tampons, and for raising the matter with the States. Will the New South Wales Government show leadership and support for this much-needed and long overdue reform?

**The Hon. DUNCAN GAY:** I thank the honourable member for raising an important issue. I am aware that the States will have an opportunity to discuss the GST and tax reform more broadly in July. I suspect those issues may well be part of those discussions and this Government certainly looks forward to having them.

## HUNTER VALLEY CATEGORY C DISASTER FUNDING

**The Hon. MICK VEITCH:** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that category C emergency funding is designed to "facilitate the early provision of assistance to disaster affected communities", why is the decision to allocate category C disaster funding to Hunter Valley primary producers taking so long?

**The Hon. NIALL BLAIR:** I thank the honourable member for his timely question. I can comment on this subject with some authority because I was in the Hunter Valley last week having a look at the devastation. Category C recovery grants are part of the Federal Government's community recovery package and are only available where damage from a specific natural disaster results in a widespread and severe impact on a whole community or, in particular, on the farming or small business sector. Additional assistance can include grants to primary producers and small businesses or a community recovery package, which must be approved by the Commonwealth Government under the nationally agreed Natural Disaster Relief and Recovery Arrangements.

The Department of Primary Industries has completed the agricultural damage assessment process and the report has been submitted to the New South Wales Government for consideration. As a result, a natural disaster declaration has been made. Primary producers whose agricultural leases and farms were damaged during the storm can now apply for natural disaster assistance, which comes in the form of loans up to \$130,000 at 1.92 per cent interest per annum with a two-year interest and payment free period. The money can be used for the repair or replacement of property infrastructure, including damage to pasture and crops. Transport subsidies are available to primary producers up to a maximum of \$15,000 per annum to assist with the cost of transport of fodder and stock to and from agistment, and the transport of stock to sale or slaughter.

The Hunter Valley has suffered extensive damage. I commend the work of the Local Land Services and the Department of Primary Industries staff not only for their initial emergency response effort but, more importantly, also for how quickly they transitioned to recovery mode. It is important that primary producers in the Hunter Valley felt they were being supported not only during the initial response phase when primary industries and Local Land Services staff delivered fodder to stranded stock but also during the recovery phase when other support was needed. I met with Brigadier Newman and I know the work to assess the damage that was conducted by the task force in conjunction with Primary Industries and Local Land Services was difficult. Some areas are still isolated. Another weather event over the weekend caused additional minor flooding. The Minister for Emergency Services, Minister Elliott, has the responsibility on behalf of the New South Wales Government to now take the category C application to the Commonwealth Government for consideration.

#### **TARENGO BRIDGE AND KAPOOKA BRIDGE**

**The Hon. BRONNIE TAYLOR:** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on his visit to southern New South Wales last week to open Tarengo Bridge at Boorowa and inspect construction of the Kapooka Bridge near Wagga Wagga?

**Mr Jeremy Buckingham:** Bridges for Crookwell.

**The Hon. DUNCAN GAY:** No, this is a bridge for Boorowa. I thank the honourable member for her question. She is a well-known resident of southern New South Wales and she uses some of these bridges. Had other members tried to use the Tarengo Bridge at Boorowa they would have noticed there were only remnants of a bridge. It was like a wooden Stonehenge sitting on the edge of Boorowa.

**The PRESIDENT:** Order! I call the Hon. Dr Peter Phelps to order for the first time.

**The Hon. DUNCAN GAY:** I have horrendous memories of this wooden bridge in the late 1960s and early 1970s because it was prone to black frost. The Hon. Mick Veitch probably drove on that road on the shearing run. He, like me, found that vehicles became fairly unpredictable on that bridge when it was covered with black ice and because it was on a corner. A bypass has existed for at least 10 years, so it was a great honour to be in Boorowa last week to officially open the new \$2.5 million Tarengo Bridge across the Boorowa River and to inspect the new \$55 million Kapooka Bridge near Wagga Wagga.

Since 2007 the Government and Boorowa Council have put \$2.5 million into this project. I pay tribute to the mayor and the then general manager—who is now the general manager at Broken Hill—for their work with my office. I also commend the then member for Burrinjuck, the Hon. Katrina Hodgkinson, and the current member, the Hon. Pru Goward. A great community assembled for the opening of the bridge. Even after removing my relatives there were a lot of people. This adds up for the community because the Labor Party never did anything for regional New South Wales.

**The PRESIDENT:** Order! I call the Hon. Walt Secord to order for the second time.

**The Hon. DUNCAN GAY:** The Tarengo Bridge used to be virtually impassable when it rained but now cars, school buses, trucks and freight can move across this bridge; kids can attend school and people can

travel to doctors. On that day we also travelled to Kapooka, south of Wagga Wagga. More than a third of construction of the bridge is now complete and we are approaching the halfway mark. It was pretty impressive. With construction on track, the bridge is expected to be completed by September next year, weather permitting. Foundations for the bridge piles are already finished. Pylons can be seen in the ground and work will start on building soil walls to help reinforce the ends of the new bridge.

Replacing the old crumbling Kapooka Bridge and straightening its dog-legged approaches is another example of how the New South Wales and Commonwealth governments are working together to remove notorious transport and freight pinch points in regional New South Wales. It is not acceptable that a B-double has to cross to the wrong side of the road to negotiate that bridge. Frankly, the former Government was happy to leave such a horrible situation. This Government is not. [*Time expired.*]

## GUN IMPORTATION

**The Hon. ROBERT BORSAK:** My question is addressed to the Minister for Roads, Maritime and Freight, representing the Deputy Premier, and Minister for Justice and Police. In light of the report in Monday's *Daily Telegraph* that one of the convicted gun runners who imported more than 100 Glock pistols and more than 200 magazines through Australia Post in 2012 will be out of jail by Christmas, and calls by the NSW Amateur Pistol Association for adequate sentences for those convicted of gun crime, will the Minister commit to supporting the Shooters and Fishers Party bill for tougher penalties for serious gun crime offences instead of targeting law-abiding people who enjoy shooting as a sport?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question. Sporting shooters, members of gun and rifle clubs who obey the law, should not be targeted; it is the bad guys who are breaking the law. The Hon. Robert Borsak was not making a political point in his question. The Government well understands the tenor of the question. I am unaware of the situation of the person referred to. I will take the question on notice and come back to the member with a detailed answer.

## MULTICULTURAL COMMUNITIES AND DOMESTIC VIOLENCE

**The Hon. ERNEST WONG:** I direct my question without notice to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. How is the Government assisting women from culturally and linguistically diverse backgrounds who are the victims of domestic violence to overcome cultural and language barriers to access legal, medical and community-based support in New South Wales?

**The Hon. JOHN AJAKA:** I thank the honourable member for his extremely important question. Domestic violence is abhorrent to us all. It is outrageous for women from any culture to be the subject of domestic violence. I am the proud father of six daughters; I cannot imagine any of them being subjected to domestic violence. The Minister for the Prevention of Domestic Violence and Sexual Assault, the Hon. Pru Goward, is doing a lot of work to combat domestic violence against women not only in cultural and linguistically diverse communities but also against all women in this State. Multicultural NSW continues to provide assistance to people from cultural and linguistically diverse communities and has more than 650 interpreters ready to assist with translation. The NSW Police Force is doing a lot of work in this area.

The Government has identified the issues affecting women and girls from culturally diverse backgrounds as an increasing priority. The Multicultural NSW Act 2000 specifically mentions women and girls, and this high priority is reflected in the Multicultural NSW strategic plan: *Harmony in Action*. Multicultural NSW is working closely with the community and relevant government agencies on many issues affecting women. The Government is focused on the persistence of domestic and family violence and the more hidden issues of underage forced marriage and female genital mutilation—the thought of which horrifies me.

We have laid the groundwork to enhance opportunities for women to fully participate in our society through increased education, work and entrepreneurial opportunities. As the responsible Minister, I am strongly committed to continue this important work. I also make the clear links between my other portfolios as Minister for Ageing, and Minister for Disability Services—for example, many of the carers of older people and people with disabilities are women from culturally diverse backgrounds. I want to see what we can do to recognise their work and break down the isolation they experience when caring for others.

## OFFICIAL COMMUNITY VISITORS

**The Hon. TREVOR KHAN:** I address my question without notice to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister update the House on the role of official community visitors in improving the lives of people with disability in New South Wales?

**The Hon. JOHN AJAKA:** I thank the honourable member for his question. Official community visitors [OCVs] are independent, statutory appointees of the Minister for Disability Services and the Minister for Family and Community Services. They provide advice to Ministers and the NSW Ombudsman regarding the quality of the services they monitor. OCVs are the community's eyes and ears—they provide information, ensure the maintenance of quality of services, promote rights, and identify and help to resolve issues. The role of the OCV is of significant importance in ensuring the wellbeing of people with disability living in supported accommodation services and assisted boarding houses. They regularly visit these places to review the quality of services being provided and to identify issues requiring consideration.

OCVs provide an important safeguard to ensure that the rights of people with disability are upheld. I acknowledge the dedication and hard work of the OCVs who further the ongoing improvement of disability services as we advance in our journey to full transition of the National Disability Insurance Scheme [NDIS]. Their roles are pivotal in supporting the changes ahead. I thank each of these devoted, committed people for their ambition to improve the quality of life for so many people with disability, their families and carers. I welcome the release of the nineteenth annual report on the Official Community Visitor scheme, which was tabled in both Houses of this Parliament. I have a copy of the report if anyone wishes to see it. The report identified a 27 per cent increase in the number of OCV visits in the past year, including 2,154 visits to disability services and 54 visits to assisted boarding houses.

The report includes a number of messages from individual OCVs and case studies, as well as messages about and from people receiving services. Highlights of some of those messages and case studies include: people in assisted boarding houses are reportedly embracing the changes brought about by the Boarding Houses Regulation 2013; improvements in the quality of health care in assisted boarding houses that are linked to the regular visits of Ageing, Disability and Home Care compliance officers; and positive comments regarding the redevelopment of large residential centres, including the comprehensive work undertaken to prepare for the handover to new service providers, and the implementation of innovative arrangements to ensure smooth transitions for residents. I remind members that OCVs contribute to a range of safeguarding measures to protect people with disability in New South Wales.

Whilst the NDIS will be fully operational in New South Wales by July 2018, the Government recognises the importance of ensuring that people with disability, their families, and carers are able to access strengthened safeguard provisions to protect their rights during the transition phase. The Disability Inclusion Act 2014 firmly positions the Government to ensure a strong, outcomes-focused approach to making communities more accessible and inclusive for people with disability. The Act gives the Ombudsman additional oversight of reportable incidents in disability supported group accommodation under part 3C of the Ombudsman Act 1974. Importantly, unlike some critical incident reporting schemes operating in other jurisdictions, the disability incident reporting scheme in New South Wales operates completely independently of the department, which ensures complete transparency in the investigation and reporting of serious incidents. The Government is determined to ensure the safety, protection, rights and happiness of people with disability now and into the future.

## NURSING HOMES

**The Hon. ROBERT BROWN:** I address my question without notice to the Minister for Ageing, representing the Minister for Health. Will the Minister guarantee the ongoing minimum requirement for nursing homes to have registered nurses on duty at all times, as required under section 104 of the Public Health Act 2010? If not, will the Minister be seeking to change the law to allow enrolled nurses to independently provide schedule 8 medications, which include pain relief and other drugs that provide comfort particularly during palliative care phases?

**The Hon. JOHN AJAKA:** I thank the honourable member for his detailed question, which I will refer to the Minister for Health for an answer.

### SERVICE NSW TRANSLATION SERVICE

**The Hon. SOPHIE COTSIS:** My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. In light of the Minister's announcement on 19 May of a new translation service for more than 100 different languages and dialects, how much revenue is the State Government expecting to generate from the service? Will the Minister commit to reinvesting the profits in community programs?

**The Hon. JOHN AJAKA:** I thank the Hon. Sophie Cotsis for her question. I do not know where the honourable member suddenly sees more profits coming from in relation to providing a fantastic service to the people of New South Wales. Members opposite simply pick figures out of the air. Let me make it very clear that the fees charged remain the same. There are no changes to the fee structure. Where the changes occur is in providing better service to our customers. That is what this is all about—providing better service and better access. Rather than compelling customers to travel to the city and wait for hours to make their application for a translation, we are now offering all of these translation services in Service NSW centres. I had the privilege of visiting the Service NSW centre at Liverpool. Within four or five minutes a customer will be served. The fee structure remains the same. The turnaround time for providing the translation remains the same. The number of services provided remains the same. The difference is that there is faster service and greater accessibility for our customers.

**The Hon. Walt Secord:** What happens on 1 July?

**The PRESIDENT:** Order! I remind the Hon. Walt Secord that he is already on two calls to order.

**The Hon. JOHN AJAKA:** Members opposite simply cannot bear the thought that a better service is being provided to the people of New South Wales. It is something that is completely foreign to them. Those opposite really do struggle with it. One of the important services provided by Multicultural NSW is language services—interpreting and translation in more than 100 languages. On 19 May I was delighted as the Minister for Multiculturalism to announce a rollout of translation services available through Service NSW shopfronts across the State. This means that people can go to their nearest Service NSW office to request translations of documents such as drivers licences and birth certificates through Multicultural NSW.

After a successful trial, the translation services will be offered across the 31 Service NSW offices, with more opening in the near future. This is a practical and commonsense initiative that makes life easier for people requiring translation services. It is a pity that members opposite never thought of doing this in their 16 years in government. Service centres at Liverpool, Chatswood, Haymarket, Hurstville, Newcastle, Parramatta, Wollongong and Wynyard trialled this initiative. The translation service rollout builds on the Service NSW model, which gives people access to more than 800 New South Wales Government transactions, including drivers licences, vehicle registration, building permits, housing payments and Seniors Card applications. Translation fees remain the same.

**The Hon. SOPHIE COTSIS:** I ask a supplementary question. Will the Minister elucidate his answer about fees and will he rule out fee increases from 1 July?

**The PRESIDENT:** Order! That is a new question. It is therefore out of order.

### AGRICULTURAL EXTENSION SERVICES

**Mr SCOT MacDONALD:** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on how the New South Wales Government is supporting agricultural extension to primary producers?

**The Hon. NIALL BLAIR:** I thank Mr Scot MacDonald for his question. I know it is genuine as he, like the rest of the New South Wales Liberal-Nationals Government, is committed to and genuinely cares about the people in regional New South Wales. It is a clear and notable difference between us and those opposite. For too long those from the other side treated our agricultural sector with disdain. When in government they dropped it into an ineffective super ministry while Ministers entertained themselves. Given the neglect and disregard of the previous Labor Government, it is no wonder Labor Party attempts to seem relevant to rural New South Wales through Country Labor are dwindling—just like its credibility in the regions.

The New South Wales Liberal-Nationals Government is supporting regional New South Wales, particularly the delivery of agricultural extension services to primary producers through a great team of Department of Primary Industries and Local Land Services staff spread across the State.

**The PRESIDENT:** Order! I call Mr Jeremy Buckingham to order for the first time.

**The Hon. NIALL BLAIR:** The New South Wales Liberal-Nationals Government is committed to providing access to a high-quality network of research and development and extension services to landholders and industry. That is why, prior to the March election, the Government committed to funding a minimum of an additional \$4 million over four years to support an increase of Local Land Services agricultural extension staff. This commitment to providing extension services is not new, and there are many examples of the great work of Local Land Services in this space.

Local Land Services has been in operation for a little over a year, and the more than 800 staff across regional New South Wales are doing a great job in bedding down this important reform—including people such as Gemma Turnbull, who is the team leader for Ag Extension and Rangelands Grazing based at Bourke with Western Local Land Services. Gemma transitioned from the Department of Primary Industries and is running the Western Division Resilient Landscapes Project, a mentoring program that provides landholders in the Western Division of New South Wales with peer-to-peer mentoring for the management of their properties.

Jason Siddell is a beef livestock officer with Northern Tablelands Local Land Services, based in Glen Innes. Jason contributed to a "Livestock Health and Production Roadshow" that delivered farmers useful and timely advice on managing stock health and productivity through the upcoming winter months. Ray Thompson is senior land services officer for Central West Local Land Services, based at Nyngan. Ray has worked tirelessly over the past three decades to improve the Nyngan district for the benefit of the environment, the farming industry and the community. His work in rehabilitating degraded land through water ponding and water spreading techniques has led to positive change across the world, and massively increased agricultural productivity and environmental outcomes for a large number of farmers.

Local Land Services is currently developing an extension services strategic plan, in close consultation with the Department of Primary Industries. It will guide the provision of these services in the future. We continue to facilitate more than 900 primary industries research and development projects, worth more than \$100 million, across the State. Those opposite seem to have short memories in relation to the basket case this Government inherited in the service delivery space. Under those opposite, the Department of Primary Industries did not even exist. They continue to look blindly into their Livestock Health and Pest Authority and Catchment Management Authority rear-view mirror, proving that their recollection of the past is just as blurred, narrow and distorted as their lack of vision for the future.

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the second time.

### PRIMARY INDUSTRIES EMPLOYMENT

**Mr JEREMY BUCKINGHAM:** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. How many people are directly employed in agriculture in New South Wales?

**The Hon. NIALL BLAIR:** I thank Mr Jeremy Buckingham for his question. This is a fantastic opportunity for me to talk about the benefits of agriculture for regional New South Wales and the direct and indirect employment opportunities it creates. The primary industry sector in New South Wales contributes \$12 billion to the economy of New South Wales and employs people throughout all of our regional communities both directly and indirectly. It is my job as Minister for Primary Industries to increase that employment and that contribution to the State during my term.

Our target is for a 1.5 per cent increase in productivity from the primary industry sector in New South Wales. We have an industry action plan for the first time in this State, and we are going to drive the sector forward. The 45,000 farms in this State will be the beneficiaries of that industry action plan. We have sitting on this side of the Chamber a government that supports the sector, unlike members opposite and those on the crossbench who do whatever they can to talk down agriculture in this State. It is my job to stand up and advocate for our primary producers at every opportunity. We have the best food and fibre producers—

**Mr Jeremy Buckingham:** Point of order: My point of order is relevance. My question asked specifically how many people were directly employed in the agricultural sector. The Minister is well into his allotted time but has failed to answer that question.

**The PRESIDENT:** Order! The Minister has had an opportunity to provide general information. As it is late in question time he should conclude his answer unless he has some directly relevant information to enable another member to ask a question.

**The Hon. NIALL BLAIR:** I will wrap up my comments and conclude by saying that I will do everything I can to advocate for agriculture in this State and not play politics. I talk up the sector and a bit of support from members opposite would be appreciated in regional New South Wales.

**Mr JEREMY BUCKINGHAM:** I ask a supplementary question. Will the Minister elucidate his answer by indicating which sector of the New South Wales agricultural industry has experienced the greatest growth recently?

**The PRESIDENT:** Order! Supplementary questions must ask for an aspect of an answer to be elucidated. There is only the most tenuous link to a part of the answer that was given. Therefore, I rule the question out of order.

**The Hon. DUNCAN GAY:** The time for questions has expired. If members have further important questions they should place them on notice.

### NURSING HOMES

**The Hon. JOHN AJAKA:** Earlier in question time the Hon. Robert Brown asked me a question about registered nurses in nursing homes. I am informed that the New South Wales Government is committed to ensuring that residents of aged care facilities in New South Wales continue to receive safe and appropriate care. Under the Aged Care Act 1997 the Commonwealth Government is responsible for residential aged care in Australia. In 2014 the Commonwealth Government introduced arrangements that removed the distinction between high and low care in residential aged care facilities. Those Commonwealth changes make redundant the provisions under the New South Wales Public Health Act 2010 that require a registered nurse to be on duty at all times where a high care service is delivered.

In 2014 the New South Wales Government introduced a grandfathering regulation that retained the requirement for a registered nurse to be on duty for residents with high care needs until 1 January 2016. NSW Health is consulting with key stakeholders including nurses, medical groups, care service providers and Commonwealth regulators with regard to the provisions required by the New South Wales Public Health Act. The Minister for Health will report back later this year on the results of that review.

### RIVALEA PIGGERY

**The Hon. NIALL BLAIR:** Earlier in question time the Hon. Mark Pearson asked me a question about Rivalea Piggery. I am advised by my department that Rivalea is accredited under the Australian Livestock Processing Industry Animal Welfare Certification System. The animal welfare certification system covers all animal welfare activities from the receipt of pigs to the point of humane processing. The Australian Livestock Processing Industry Animal Welfare Certification System is an initiative of the Australian Meat Industry Council.

The use of carbon dioxide stunning is a widespread practice within the pig industry and is considered a humane technique of euthanasia. The practices at Rivalea have been reviewed by both the RSPCA and the Commonwealth Government and no breaches were found. The RSPCA inspected the facility against the Prevention of Cruelty to Animals Act and the pig code and found the operator to be compliant with relevant standards.

**Questions without notice concluded.**

**Pursuant to sessional orders debate on committee reports proceeded with.**

### SELECT COMMITTEE ON HOME SCHOOLING

#### Report: Home Schooling in NSW

**Debate resumed from 12 May 2015.**

**The Hon. TREVOR KHAN** [5.05 p.m.]: The report of the Select Committee on Home Schooling entitled "Home Schooling in NSW" is an important report. I commence my contribution by acknowledging and

congratulating the chair of the committee, the Hon. Paul Green, on his work in establishing the committee and keeping a quite disparate group of members in order for a majority of the time that we met and considered various matters.

**The Hon. Robert Borsak:** Especially me.

**The Hon. TREVOR KHAN:** Not only the Hon. Robert Borsak. A matter of conjecture with some of the stakeholders after the tabling of the report related to the manner in which the report was prepared and the lengthy deliberations about its content. Without criticising anyone, when considering the draft report a number of committee members found that the report was of considerable length and contained multiple examples of evidence in support of the conclusions. I note that the final report is 176 pages long.

**The Hon. Paul Green:** Half the size.

**The Hon. TREVOR KHAN:** Indeed, it is about half the size of the report we started with. That is no criticism of the chair or the secretariat, who did a marvellous job in the preparation of the draft report. The issue went to whether the inclusion of such extensive examples added weight to the report or detracted from its readability.

**Dr John Kaye:** There is a difference between mass and weight.

**The Hon. TREVOR KHAN:** That is true. It came down to a difference of opinion about whether so many pages added any substance to the outcome. There were a variety of views on that matter and the debate became somewhat heated at times. On the whole, the culling that occurred was not for the purposes of detracting from the report but rather for strengthening its quality. I know that some stakeholders took a different view, but that was the intent that some of us adopted. I adhere to my view that simply adding example after example in the report did not add to the strength of the conclusions drawn. I will now refer to a number of the recommendations and outline why they were made. Recommendation 3 in part reflects a theme that existed throughout much of the evidence taking and deliberation phases. It reads:

That the Minister for Education write to the Federal Minister responsible for the Australian Bureau of Statistics, recommending that the Census form be amended to capture more information relevant to identifying the extent of home schooling within Australia.

That recommendation was made because it became clear during the taking of evidence that huge gaps exist in the information that is available to our educators and policymakers regarding the number of homeschool students and the circumstances in which homeschooling is undertaken. It seemed obvious to all inquiry participants that we need a better evidence base upon which to make conclusions about homeschooling rather than using what in many cases—including in evidence given to the committee—constituted anecdotal evidence for both the number of students and the reasons for homeschooling. Recommendation 4 fits into the same category. It states:

That the Board of Studies, Teaching and Educational Standards review their registration forms and include a mandatory provision of the reason as to why an applicant has decided to home school their child, with this data being extracted and reviewed annually.

At times during the evidence great emphasis was placed on the issue of bullying as the reason that homeschooling was being undertaken whereas the available evidence, as strong or weak as it may be, suggested that bullying was one of the lesser reasons for homeschooling being undertaken. In some surveys bullying was a reason in 5 per cent of cases and in other surveys it was a reason in 2 per cent of cases; nevertheless, it was a minority reason. The far greater reasons seemed to be philosophical or religious reasons for undertaking homeschooling. That is not said to detract from philosophical or religious reasons being justifiable, but the reality is that bullying, which seemed to receive a great deal of attention during questioning and in some submissions, simply was not the underlying reason that homeschooling was being undertaken. Certainly some reasons were the quality of education and views were expressed on what was being taught, but bullying was not one of the main reasons.

One of the problems was that when the question about the reason for requesting homeschooling was asked on application forms, in many cases the question was not answered at all. There is a gap of a subgroup of people who homeschool and who are not prepared to disclose the reason. It may well be that with regard to a subset of people who provide an answer, one can extrapolate and say that in relation to the 20 per cent or 30 per cent who do not answer, their reasons are the same as for those who do; but it may well be that the



reasons underlying the decision to homeschool for 20 per cent or 30 per cent of people who failed to provide any explanation are weighted towards philosophical or religious beliefs and they simply are not prepared to disclose that. Nevertheless, the lack of evidence to establish the reasons is a matter of legitimate concern for policymakers and educators. It is appropriate that decision-making is based on proper and effective evidence.

Those who participated in the process and I have legitimate concerns with regard to how homeschooling is currently administered. One area of concern relates to the length of registration. One might think that parents who have been assessed as suitable for homeschooling would be allowed to have ongoing registration without reapplying for registration every year or every two years. Perhaps registration should apply for the entire primary school and high school years. It seems to me that if one can apply a light touch to the parents involved in homeschooling in the form of a process that is inclusive of the parents so that they do not feel they are being intruded upon, the potential exists for a positive outcome to be achieved not only for the parents but also for the students.

Clearly in some cases there is a degree of alienation between the Board of Studies and the stakeholder or representative groups that is unhelpful for all concerned, but particularly for the children. In relation to the interests of the children, an area of potential disagreement at least between some of the stakeholders and me relates to the paramount interests of the child being essentially the test of determining the issue of the form that education takes. [*Time expired.*]

**The Hon. CATHERINE CUSACK** (Parliamentary Secretary) [5.15 p.m.]: I will add to the plaudits received by the Hon. Paul Green for his chairmanship of the Select Committee on Home Schooling. This is a very emotional issue because, for the stakeholders who are directly affected, it is their world. Their children are their world and homeschooling is something to which some parents have dedicated their lives. As the Hon. Trevor Khan indicated, the committee discovered a variety of reasons for people wanting homeschooling that include bullying, disability and a commitment to religious instruction. Many of the issues are very sensitive. Some of the fundamental philosophies we hold about education came up for discussion during the course of the inquiry. I really felt that the Hon. Paul Green assisted the committee to navigate its way through the issues while respecting all the stakeholders. I thank all stakeholders for their evidence, including the children, the parents, and departmental officers. Everybody came forward and gave their best efforts to our committee. It really was one of those great moments in the life of a parliamentarian when we feel very privileged to be part of the parliamentary inquiry process.

I hark back to my inaugural speech when I referred to the need not to be blinkered in our thinking. I confess that I was blinkered in my thinking about homeschool education prior to my participation in this inquiry. I had an image of homeschool education as being something sought by parents whose relationships had broken down or by families whose interactions become dysfunctional. They wanted to opt out of education and did not want their children to be visible, so they just wrote down on an application form a preference for homeschool education. In that context I mention the terrible murder in Bega some years ago of three children by their father that made me think, "What on earth was going on in that family?" It turned out that homeschool education was a part of that household. That incidence and other stories blinkered my thinking about homeschooling. I am very grateful as a member of Parliament and as a member of this inquiry to now understand and place into perspective the fact that there is so much more to homeschool education than I had thought.

I note that the former member for Gosford, Chris Holstein, tabled a petition in the other place with 10,000 signatures, begging for this inquiry. I note the role of Reverend the Hon. Fred Nile in moving the motion to establish the inquiry. I also note the role of the Hon. Paul Green, who chaired the committee. I will highlight a couple of points that I found fascinating. Recommendation 23 may appear to be a small recommendation, but to my mind it is iconic. During the course of the inquiry we discovered that most children involved in homeschooling do not have access to a student concession card that would provide them with cheaper school transport. Apparently they qualify, but nobody has assisted them to obtain that access. Of all the people we interviewed, nobody had obtained a concession card. Recommendation 23 is intended to reach out to homeschooling families and children to ensure that they are afforded basic equitable rights that every other schoolchild in this State receives.

It was at that point in the inquiry that I had the realisation that children involved in homeschooling cannot even easily access a school concession card. That highlighted to me that there is a dreadful problem in government—an attitude problem and a judgement problem—in relation to these families and students. I empathise with the judgement problem because I would say I was part of the problem prior to my participation

in the inquiry. I have taken off my blinkers and I totally recognise that this is a very legitimate area of education; that there are many quality outcomes being accomplished; that the Government, disastrously in some cases, has ignored the needs of homeschooling families; and that we must reform the system, not only by implementing the recommendations—because recommendations by themselves are nothing—but also by changing our attitude towards homeschooling families and children. That attitude must change. I am not sure what point the Hon. Trevor Khan was about to make when he talked about child-centred education.

**The Hon. Trevor Khan:** It was a good one.

**The Hon. CATHERINE CUSACK:** I am positive it was a good one. As a Liberal, child-centred education is very much my passion; I have believed in it and I have fought for it for 30 years. Equally, I have argued and fought passionately for the role of parents as central in decisions that are made regarding their own children. It is incumbent on this State not to dilute that responsibility, that right or that role in any way. We must respect parents and their right to make these decisions. We must respect them as the people who live with, love and nurture these children as being better placed than a dispassionate system to make the right choices for them. The stakeholders who appeared before the committee reminded me of that commitment.

The problems we discovered are well documented in the report. We discovered, for example, that little information is available about how many children are homeschooled. We heard some anecdotal evidence as to why children are homeschooled and I have referred to that. However, in reality no surveys have been conducted and we do not have dispassionate information. We have no information about the outcomes of homeschool education. This is a matter of huge concern for all those in New South Wales who care about children. I believe it has gone under the radar because these families have been utterly marginalised by a systemic approach to education that in a sense disapproves of their choices. It is up to this Government to reverse that attitude and to ensure that those children are accommodated, as a matter of equity, like every other child in this State.

We do not refer to it specifically in the report but a correspondence school has been set up for children who are geographically isolated. A number of children are isolated for different reasons. Those children who are acting stars or cricket stars can access courses at the correspondence school to ensure that, while they are travelling around the world being famous, they can still have an education, which I think is a good thing. Why can those kids who are being homeschooled not access some subjects in the correspondence school as part of their curriculum? If their parents would like to see them do that it reflects their concern that this expertise be offered to them. I do not understand that discrimination.

It might be said that it is expensive but, at the end of the day, these children are costing us next to nothing as no resources are being allocated to their needs other than so-called "authorised persons". The evidence was overwhelming that most of the authorised persons who are visiting homeschooling families are ill-equipped. While they might be experts in their particular profession, many of them have little knowledge of homeschooling and little empathy with those families. The approach to that is that they are the people who have opted out of a perfectly good system for no relevant reason; there is a weakness in them, in their children and in their decision-making; that they will be treated as such; and that life will be made hard for them. That attitude needs to change.

The parents who appeared before us demonstrated an absolute thirst for better resources in order to do the best job that they can do for their children. The evidence was overwhelming that the current system we provide—or do not provide—is not meeting that need, which needs to change. The role of parents is a central tenet of the Liberal Party's approach to education policy and it is in the objectives of the Education Act. This came under discussion during the course of our meeting and it was reaffirmed by our committee, which is important. It not only reflects Liberal Party philosophy but also reflects the general attitude of people of this State, who would be horrified by the treatment of some of these families.

As I approached the issue with a completely different view, my thinking has changed about what we are providing for homeschooling families. Another issue that surprised me was that these children cannot access the Higher School Certificate [HSC]. One student at the University of Sydney that we met is studying medicine through the special admission procedures at that university and she got there by doing the International Baccalaureate. Why should a student in New South Wales not be allowed to access the HSC? The resources, the mix, the options and the flexibility are widely available through our TAFE and school education systems. Why should a student not be allowed to attend his or her local school when the history teacher is brilliant at ancient history and mum does not know a great deal about it? Why should students not be allowed to attend their local government school for the purpose of doing that course in order to qualify for the HSC and have that opportunity for social interaction?

Clearly, as this report specifies, we need far greater flexibility. We need to respect these families. As a parent of two sons—my younger son is doing the HSC this year—I would like to say that I contributed 50 per cent of the effort that these parents are investing in their kids. They are amazing. I tip my hat to them and congratulate them on what they are achieving. We need to do more to support them.

**Reverend the Hon. FRED NILE** [5.25 p.m.]: On behalf of the Christian Democratic Party I contribute to debate on the important report of the Select Committee on Home Schooling entitled "Home Schooling in NSW". As the Hon. Trevor Khan mentioned, I had the privilege of moving the motion to establish the inquiry and I nominated the Hon. Paul Green as chairman of the inquiry. I thank him for his leadership and commitment as chairman of that inquiry. It was important to shed light on homeschooling—one of the mystery areas in our State as to what goes on or how many children are homeschooled. Many people seem to treat it with suspicion as though there is something strange about it. I believe that this inquiry, which helped to open up the issue and provided much information and facts, also gave parents an opportunity to give evidence to the inquiry.

There is no doubt that homeschooling is different to traditional schooling. Homeschooling can be child-directed, fluid and adaptive to a child's ability to learn—one of the main reasons why parents choose homeschooling. It can also provide opportunities for cross-age and cross-subject learning and active involvement in community based activities. Many homeschooling parents expressed concerned about what they believed to be the heavy-handed policies that were implemented by the Minister for Education through the "Registration for Home Schooling in NSW—Information Package" which placed a heavy burden on homeschoolers with all the paperwork, et cetera. That resulted in a petition with over 10,000 signatures being submitted to the Parliament in which parents expressed concern and objected to what they believed were fundamental changes to the registration requirements in that document. It seemed to be designed to stop homeschooling rather than facilitate it with high educational standards and so on.

The report found that as at December 2013 approximately 3,200 students were registered for homeschooling. However, the report noted, "it is likely that more families are adopting this form of education but are failing to register". Obviously, I support homeschooling families registering and being incorporated in our education system but the way in which the department has handled this issue has discouraged some parents from registering. That negative attitude can spread to other parents who feel that they can operate outside the traditional school system in which all children are required to be enrolled either into a public school or into an independent school. This means that these children do not appear anywhere in the records as they are not registered either in the homeschooling system or in the State schooling system, which is not a healthy situation for our State. Everyone should identify where they are being educated—either in the traditional school system or in homeschooling.

As I travelled around the State conducting meetings, I visited many home schooling families in their homes and I was impressed with the children who are home schooled. When one visits the home, one rapidly discerns that there is something unique about home-schooled children. During the close interactions they have with their parents—usually the mother—they pick up adult behaviour patterns and exhibit a maturity that is at odds with their young age. It can be seen in their behaviour and attitudes; they are very respectful and well behaved. Members who are not conversant with home schooling should not be fearful that something dangerous is occurring in the home schooling area because that is not the case.

I support many of the recommendations that have been proposed by the committee, some of which have been referred to by the Hon. Catherine Cusack. Discrimination against children in home schooling is happening in many ways. For example, the children are blocked from participating in the National Assessment Program—Literacy and Numeracy [NAPLAN] testing, except where it has been demonstrated that the student has a learning difficulty, disability or other special need. It should be possible for home-schooled children to participate in that test. I support recommendation 7 that the registration requirements for home schooling be modified so as to allow students from 4½ years to 19 years to be registered for home schooling.

Recommendation 10 also has merit in that it emphasises that the Board of Studies and its staff who are involved in the regulation of home schooling must have "regular involvement from representatives of the home schooling population". The regulation of home schooling should not be one-sided and made by bureaucrats who think they know all the answers. There must be interaction with the customers, the parents involved in home schooling. Without such contact, there arises an attitude of suspicion of government authorities and the Board of Studies. Regular consultation with parents who are undertaking home schooling may dramatically reduce misunderstandings. Recommendation 13 states:

That the Board of Studies, Teaching and Educational Standards continue with consultation with the home schooling population and ensure that this happens on a regular basis.

The home schooling population wants consultation and interaction. They want to be inside the circle, so to speak. I urge the Government and the Department of Education to give serious thought to that recommendation. The barriers to home schooling students participating in and being awarded the Higher School Certificate should be removed. We should not be frightened of allowing home schooling students to participate in exams. I am sure some people would be surprised at the high standard of home-schooled students.

Many of the mothers who home school whom I have met have been school teachers. They could be working as a school teacher and earning a good salary but they have decided to stay at home and teach their own children. I have been impressed with the commitment of the mothers I have met. There is a major issue about financial assistance for home schoolers. Government schools and non-government schools receive funding but what financial support is offered to home schoolers? They have expenses too, although not at the same rate as government or independent schools. Recommendation 21 states:

That the Board of Studies, Teaching and Educational Standards provide information to home schooling applicants about options that exist for financial assistance.

A review of this issue should be undertaken and an increase in financial assistance may be required. Recommendation 22 is that home schoolers should receive a student card for the purpose of obtaining student concessions. I congratulate the committee and its chair, the Hon. Paul Green, on an excellent report. I know some members have been critical of the size of the report but it includes many documents related to home schooling which previously may not have been made public. It is to the benefit of the Parliament that that information is collated in this report so that all members of this House have the ability to fully understand the operation of home schooling in our State. I commend the report of the Select Committee on Home Schooling to the House.

**Mr DAVID SHOEBRIDGE** [5.35 p.m.]: I welcome the opportunity to speak to the report of the Select Committee on Home Schooling. I know that the work of the committee members from all political parties, which has resulted in this set of recommendations and a detailed report, was a mammoth task. As the Hon. Trevor Khan noted, what we see in this weighty tome is the work of detailed editorial efforts by the various committee members in order to ensure the presentation of a coherent report. The committee received case study after case study—some were supportive of home schooling; some were not. If there were a list of topics that could divide parents, educators and politicians, home schooling would be close to the top of that list.

The set of recommendations produced speaks to the different philosophical currents that were available to the committee at the time. Personal views are not reflected in every recommendation. I doubt that any member of the committee would be able to say that, given no constraints, this set of recommendations is all they would have wanted to report or that, as a package, the recommendations would comprise a full expression of their philosophical or political approaches to home schooling. But this committee did what upper House committees do extremely well, that is, express the views of politicians from all political parties.

The membership of the committee included the chair, the Hon. Paul Green from the Christian Democratic Party, Dr John Kaye from The Greens, the Hon. David Clarke and the Hon. Catherine Cusack from the Liberal Party, the Hon. Trevor Khan from The Nationals, and the Hon. Adam Searle and the Hon. Helen Westwood from the Australian Labor Party. It was a diverse grouping, if ever there was one. I commend the work of each member on this committee and its report. I look forward to the speech in reply of the chair, the Hon. Paul Green.

**The Hon. PAUL GREEN** [5.40 p.m.], in reply: I thank all members who have spoken to the Select Committee on Home Schooling report. It is acknowledged that many of us commenced the inquiry with narrow views, but those who are open to learning and growing can create an environment of possibilities. The report is substantial, consisting of 344 pages of evidence, records and minutes. I remind members that the Select Committee on Home Schooling was as a result of former Legislative Assembly member Chris Holstein receiving a 10,000 signature petition on the steps of Parliament House. As often happens, it was necessary for a small group of people to use the Christian Democratic Party as a vessel to inform the Government that something was wrong with the education system. Many people who had decided to home school their children—because of bullying or religious exemption or their children needed special care and flexibility—believed that the foundation of their decision was not being supported by the State.

The Education Act states that parents are responsible for their child's education. Many people believe that the State should be the primary educator. I do not think that is right and, thankfully, the committee arrived at a point where it noted that in the report. If the primary responsibility of a child's education is removed from adults, will healthcare issues such as diabetes and obesity also be taken away? If parents do not take

responsibility for their child's health, education and safety needs, does the State carry the whole burden? If the State legislates on children eating healthy food or consuming less sugar, does the State become wholly responsible for our children? Parents must take responsibility for their children and do the best for them.

**Mr David Shoebridge:** Society does have an obligation to help them.

**The Hon. PAUL GREEN:** I acknowledge the interjection by Mr David Shoebridge. Society has an obligation to help when people need a hand up. These people do not need a hand up. They have chosen to educate their children outside the public and private education system and we should give them a hand. They save the State millions of dollars a year. It costs approximately \$14,000 a year to educate one child in a public school. Parents who choose to home school their children get diddly squat of \$14,000. The majority of women who home school their children have sacrificed their careers. They have put their lives on hold so that they can educate their child in the best possible way. This Government penalises them by not allocating resources, by denying access to school-based programs at public libraries and by barring their children from participation in school sport activities.

If the State were genuinely interested in children's education, would it not embrace the opportunity to mix and match? A special needs child who is educated at home three days a week may spend the fourth day with a class at the local public school library or join the Wednesday afternoon sporting program. There are no team sports for home schoolers; you need a team to play a game of touch football or cricket. If we want the best for our children, the Government must ensure that all children receive a fair go. Home schoolers are asking for nothing more than a fair go.

Those who gave evidence to the Select Committee on Home Schooling genuinely want the best for their children. They told us that the Government would make changes without their knowledge, for example, the 2013 application form. As another example, the parent of a special needs child is told by the education department that their child must be registered and temporary approval of three months is granted. After one month, paperwork for the next three months arrives because long-term approval has not been granted. It is a crazy system. Members in this place who are parents know how tiring it can be to look after one child, let alone looking after three or four children or one with special education needs. On top of that, parents do not want to fill out bureaucratic forms every three months.

I do not say that there are no bad cases of home schooling, but a focus on the bad cases makes bad law and bad policy. The majority of people in home education do a fantastic job and ensure that their child excels in education and the world around them. The Government does not need to stick its bureaucratic head in when parents are doing everything correctly. The Government should help parents to ensure their children are achieving to the best of their ability. All children should be given a fair go and equal access to opportunities, regardless of the way they progress through the education system.

The criteria are different for home-schooled students who want to complete their Higher School Certificate or attend TAFE or university. They seem to fall through the cracks. The Government must ensure those pathways are available so that all children, regardless of the way they are educated, have the opportunity to receive a higher education at TAFE or university or through an apprenticeship. Hurdles should not be put in the way of those who are not educated in the public system.

The inquiry on home schooling provided an opportunity for those involved to have a say. The Greens, the Labor Party, the Liberal-Nationals, the Christian Democratic Party and the Shooters and Fishers Party all came on board, not because they necessarily agree with home schooling but because they genuinely believe in grassroots feedback. That feedback was a petition with 10,000 signatures of people who said that there are problems in the system. When the Government would not listen to them an inquiry was established, backed unanimously by all parties. Many members have been enlightened by this process.

The journey does not stop here. The Government must listen to these people, who have the best intentions for their children's education. If the Government does not listen we will hold more inquiries until it is accepted that these people need a hand up, not a hand out. They deserve a fair go. I thank the committee members and staff on this good report. I hope the Government listens and learns.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Motion agreed to.**

## VISITORS

**DEPUTY-PRESIDENT (Ms Jan Barham):** Tonight the Hon. Niall Blair will host the Rural Women's Award Gala Dinner in the Strangers Dining Room. I draw the attention of members to the presence in the gallery of North Coast resident Sophie Anderson. Sophie, who is a barrister devoted to providing quality legal service to disadvantaged communities, is an award finalist. Good luck.

### GENERAL PURPOSE STANDING COMMITTEE NO. 1

#### Report: Review of the Inquiry into Allegations of Bullying in WorkCover NSW

**Debate resumed from 12 May 2015.**

**Mr DAVID SHOEBRIDGE** [5.50 p.m.]: On behalf of The Greens I speak to General Purpose Standing Committee No. 1 report No. 41 titled "Review of the inquiry into allegations of bullying in WorkCover NSW". In the last Parliament, General Purpose Standing Committee No. 1, which oversights, amongst other things, the Office of Finance and Services and WorkCover, undertook two important inquiries into bullying within WorkCover. I will briefly remind members of the history that led to those two inquiries being held. Over the past decade a series of concerns, both internally and externally, had been raised about bullying within WorkCover. Why should that matter come to the attention of the Parliament of New South Wales? When the workplace regulator—the regulator that has responsibility for the prevention of bullying in workplaces across New South Wales—has an internal problem with bullying, one wonders whether it is up to the job of protecting employees around the State.

The evidence received in those two inquiries revealed that WorkCover was not up to the job of addressing bullying in its own ranks and that its failure called into question its fundamental ability to deal with bullying amongst the millions of employees in New South Wales. The various concerns about bullying within WorkCover had been raised roughly from 2002, when WorkCover relocated from Sydney to Gosford. Workplace insecurity within the workplace regulator led to a bullying culture. A series of dislocations in people's employment, internal competition for jobs and gross workplace insecurity have been a feature of the WorkCover workplace for the past decade. They are the observations contained in the most recent report.

In 2010, the former Labor Government, acknowledging at least in part that there was a problem, through then Minister for Finance, Mr Michael Daley, sought an external review of bullying within WorkCover. The Public Service Association, the union that covers employees in WorkCover, had been demanding action on bullying for years. The report that followed was published early in 2011—at roughly the same time as the State election was being held. The Labor administration was then thrown out of office, a new administration was brought in and the Hon. Greg Pearce became the new Minister for Finance. But with the change in government there was further dislocation in WorkCover. Despite former Minister Pearce saying every time he met with WorkCover that the issue of bullying was on his agenda, nothing really happened.

In June 2013, more than two years after the PricewaterhouseCoopers' report was delivered, the bullying culture within WorkCover was publicly exposed in the reasons given in the unfair dismissal case of Mr Wayne Butler. Mr Butler had been terminated by WorkCover in highly contentious circumstances. I will not detail his case because it was detailed chapter and verse in the previous report by the committee. However, the ultimate findings of the Industrial Relations Commission included that WorkCover's dismissal of Mr Butler was harsh, unreasonable and unjust and had the characterisation of institutional bullying. Further, the Industrial Relations Commission described the investigation that ultimately led to Mr Butler's termination as a "witch-hunt" and speculated that it was motivated by malicious intent. That ultimately belled the cat. As a result of the reasons given in the commission's decision, this House unanimously supported a motion, which I moved on behalf of The Greens, to refer the issue of bullying within WorkCover NSW to General Purpose Standing Committee No. 1.

The General Purpose Standing Committee No. 1 then undertook a very difficult inquiry. Evidence was taken both in public and in camera from witnesses such as the acting chief executive officer of WorkCover, the chair of the board, Mr Butler and a number of other employees, as well as from representatives of the Public Service Association. Overall that evidence confirmed the conclusions that had been arrived at by the Industrial Relations Commission, namely, there were institutional bullying problems in WorkCover NSW that needed to be addressed. However, the board was too busy dealing with finances rather than dealing with the organisational issues that arose in WorkCover. It is understandable that finance issues dominate the board's time because it is

overseeing a statutory fund worth \$14 billion in workers compensation entitlements in this State. But when the committee inquired into how much time the board actually gave to overseeing the work practices of WorkCover we found that it was only tiny slithers of time—10 minutes here or half an hour there. It did not have the structures in place to make sure that WorkCover was a positive organisation and that the bullying concerns had been addressed.

The committee made a series of recommendations in its report of June 2014. I give the Government credit because when those recommendations went to the Minister of the day, by and large the Government supported them and took steps to implement them. Indeed, a further review by the committee was one of the recommendations in the June report. The committee held the view that although there have been reports, judgments and concerns raised time and again about WorkCover, the recommendations are never implemented and the bullying is never addressed. When the committee delivered its report in June 2014 it recommended that within six months it should hold another inquiry to check on WorkCover's progress. That gave WorkCover a time frame to ensure that it acted upon those recommendations in a timely fashion. On 17 October 2014 the committee received the Government's response to its June 2014 report—in advance of the six-month time frame it had to deliver its response. I again give the Government credit for acting in a timely fashion, having recognised that there was a problem.

I will not detail the full responses from the Government but I will give a series of highlights. The June 2014 report recommended there be an apology to Mr Butler and an apology to the WorkCover employees. WorkCover had a new chief executive officer. That new chief executive officer delivered the apology to Mr Butler and delivered the apology to the employees. I give credit to the organisation and to him for doing that. There was a recommendation that WorkCover NSW "ensure that all investigations of bullying complaints within WorkCover are investigated independently". The Government worked with WorkCover to come up with the independent expert investigation being done by the Office of Finance and Services and set in place that machinery. I have heard from a number of WorkCover employees that, while there is a theoretical option for an independent investigation, nobody yet knows what the time frames are for response and it remains to this day an opaque dispute resolution process.

That should be addressed. The overall principle of independent investigation is there but it does not appear to be working as effectively as it could. There was a recommendation that the Department of Trade and Investment, Regional Infrastructure and Services undertake formal investigations into Work Health and Safety Act matters regarding WorkCover, and that recommendation has been acted upon. This report and the reports that follow it are examples of the committee process working in this Parliament. They are examples of the Parliament holding the Executive to account and delivering organisational change. I thank my colleagues. I thank the secretariat for the work they have done consistently in supporting the committee and its work. I thank them for coming up with a set of recommendations that I think this Parliament has an obligation to continue to police in the coming months and years.

**The Hon. CATHERINE CUSACK** (Parliamentary Secretary) [6.00 p.m.]: I thank Mr David Shoebridge, the other committee members and the Chair, Reverend the Hon. Fred Nile, for the way in which this committee was conducted. I thoroughly endorse the sentiments of the previous speaker: This was the upper House at its best. I think it is fair to say that at the beginning of the inquiry there was a bit of politics at play—that is, it was this party's policy or that party's policy that created stress in the organisation and left us with a big mess. The politics rapidly fell away in this inquiry as we got into the complexity and the detail of the matter, which of course is important for WorkCover.

The WorkCover allegations presented as a priority for the Parliament. Bullying allegations have been made in a variety of workplaces. It was so important to conduct this inquiry into WorkCover because it is the organisation responsible for workplace safety, and bullying is regarded as one of the key risks and threats to workplace safety. It is also a grounds for workers compensation payments—it costs the State a fortune. So what do people do when the agency responsible for this important policy area is the subject of allegations? There appeared to be no appeals process, and that was one of the issues we investigated in some detail. Where do people go when WorkCover processes fail? Where is the independence and the governance arrangements in relation to this organisation?

As members delved into the issues we realised that this was not a party political issue. There are some really important and deep matters of policy that are endemic not only in public sector administration but also in the way private sector organisations are expected to conduct themselves, to treat their employees with respect and with dignity. On the other hand, new policies come in—for example, performance management. This issue

was raised by some senior people from the NSW Public Service Commission called to appear before the committee. As government or administrative policy shifts all of a sudden an organisation is asked to report more on its outcomes and its performance, which means that chief executive officers have some difficult conversations with their managers and employees about performance reporting and what it means for them—what their output has been and what they would like it to be. There are then allegations of bullying. So it is very much a double-edged sword.

Our senior public servants need to be able to implement these policies. Perhaps they did not have the support they needed when suddenly it was decided that this organisation, which had been bubbling away reporting in this way, was now going to report in that way. We need to understand that human relations inside that organisation are going to be put under a great deal of pressure, particularly in the implementation of performance reporting. Graeme Head, the head of the NSW Public Service Commission, raised that issue with our committee. He is very much on top of that and wants to organise more support for senior public servants. Having said that, I think that sentiment really ought to have been detected many years ago and the progress they are making in delivering that support and improving those relationships has been glacial, to be perfectly honest.

In the case of the WorkCover matters presented to us, I will not go into details of the allegations. A person who was qualified and successful in the private sector took on a role in the public sector. It is quite obvious to me that the standards, conduct and culture of the public sector are very different. This organisation was transformed and restructured under the previous Government so it is not a political matter, as I said. Somebody new who was not of the organisation was put in at the top. Everybody in a substantial role was told they would have to reapply for their jobs, positions would be filled from the top down and the process was to take two years. Staff had been through this process twice already. So the amount of uncertainty and stress created was phenomenal. So for the new person coming in at the top, coming into the public sector from the private sector, anything they say or do is going to be treated with scepticism. I have to say that I did not find evidence of individual bullying in relation to WorkCover. I found a systemic abuse of its own employees. The relocation of employees from Sydney to Gosford and the way it was managed had a huge impact on employees.

**Mr David Shoebridge:** And then they were partly relocated back to Sydney and there was all the uncertainty around that.

**The Hon. CATHERINE CUSACK:** There was lots of moving around and meetings held here and there. The evidence we received was that there have been six restructures of the organisation just since it moved to Gosford. It is no wonder that it was an unhappy organisation. There were always going to be problems and suspicion as everybody fought for their jobs. To me that has been the biggest lesson out of this—we do not respect our public servants adequately. We keep tipping them all out and telling them to try again. It is a massive distraction from the job they are supposed to be doing.

In relation to WorkCover, the additional overlay to the workplace environment in which all of these allegations occurred was the amalgamation of a large number of compensation funds. This came about in one of the more recent restructures conducted by this Government. The people managing the WorkCover scheme are now responsible for managing 13 different schemes that were folded into one—that is, many tens of billions of dollars in the insurance schemes. It is a huge fiduciary responsibility for government, which underwrites the entire private sector in New South Wales and workplace safety around the State. So understandably that was the focus of recruitment and the priority in that organisation.

As part of my contribution to the committee, I was interested in the governance arrangements under which all of this unfolded. I was interested in finding out where the board was in all of this, because ordinarily the board would be taking an interest and be accountable. The fact is that a dispute between a handful of people escalated into a parliamentary inquiry. What does the board think about that? Why did the board allow that to happen?

**Mr David Shoebridge:** Did they know it was happening?

**The Hon. CATHERINE CUSACK:** Did they even know it had happened? Of course it turned out that there was not proper oversight by the board. We had some interesting evidence given about the difference between a public sector board and a private sector board. I think all members of the committee would agree that public sector boards should be more like those in the private sector. I congratulate the board for attending and taking an interest in the inquiry. The evidence we received from the chairman was outstanding. Even before we had reported, the board proactively took steps to establish a human resources subcommittee of the board to



oversight these matters and to make sure there was proper training in all of these issues. They were completely on top of this. Again, it was a good thing that we had our inquiry—I think it sparked that response. Nevertheless, it was an impressive response from them in that regard.

During the inquiry I also sought to introduce the workplace bullying statistics collected in the annual reports of government employees. I commend the reports and believe all members should take an interest in the annual workforce statistics. Every government employee has an opportunity to put their experiences and perceptions of their workplace into the reports. They are an absolute goldmine of information. The issue of bullying is raised overwhelmingly and it is a very high priority of the Government. I love the work that the Public Service Commission is doing and its focus on the definition of "bullying". I know it is a complicated issue, but a bit more petrol in the tank and a bit more speed in the implementation of a public service-wide policy would be very welcome.

The way in which the complaints were managed was another issue that troubled me. How did we get to the stage of holding a parliamentary inquiry when we have so many complaint mechanisms? There was no doubt that the staff had availed themselves of multiple complaints mechanisms, all of which had failed. It makes me wonder why those complaints mechanisms exist. There was too much secrecy in the processes and they took too long. The defence of the incumbent executive staff was that they were following procedure. They said they were referring things to the Independent Commission Against Corruption, they had got the independent report that was recommended and they had no choice.

Common sense has gone out the window in handling these matters. I am sorry that it was necessary to undertake the inquiry but I hope if any good comes from our report it will be the restoration of common sense and human decency in the way we treat people and in how policy is developed and implemented statewide. Bureaucracy is a magnificent thing for creating multiple widgets over and over again; it is not very good for a human organisation. The better we can do, the better performance we will achieve for the employees—who do a great job—and the public we serve.

**Reverend the Hon. FRED NILE** [6.10 p.m.], in reply: I thank the Hon. Mick Veitch, Mr David Shoebridge and the Hon. Catherine Cusack for their contributions to the take-note debate. I also thank all committee members and the secretariat staff for the professional way in which they conducted the review. As members know, it is unusual for a parliamentary committee to conduct a review of an inquiry. In June 2014 I tabled a report concerning allegations of bullying in WorkCover NSW, as normally happens. Our committee also resolved to undertake a review of the Government response to our report six months later. That is what makes the document unusual—the report is a review of an inquiry to find out what happened as a result of the inquiry. We wanted to know what WorkCover did, what the Government did and so on.

As can be noted from my foreword to the interim report, we are pleased at the positive response to our recommendations. The procedure worked, and there is a question as to whether we should adopt it for other inquiries in future. For example, we conducted a detailed inquiry into the impacts of gambling and have had what I think is a half-hearted response from the Government. It is a controversial issue and may be another situation in which there should be a review of the Government response to the report and its recommendations.

In this case the committee did conduct a follow-up investigation. We were pleased that our recommendations had been implemented and that there had been a dramatic change in WorkCover, particularly through the appointment of new staff, a new chief executive officer and so on. I congratulate the committee and the committee staff. I also congratulate WorkCover on the positive way in which it responded to our initial inquiry and report. In the interests of the people of New South Wales we now have a far better WorkCover organisation. Again, I thank members for their support of the report.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Motion agreed to.**

## **JOINT SELECT COMMITTEE ON LOOSE-FILL ASBESTOS INSULATION**

### **Report: Loose-fill Asbestos Insulation**

**Debate resumed from 6 May 2015.**

**Reverend the Hon. FRED NILE** [6.15 p.m.]: I am pleased to speak to the report of the Joint Select Committee on Loose-Fill Asbestos Insulation. As members know, this Parliament has always taken a deep

interest in asbestos. Dealing with workers' injuries from asbestos exposure has been a long-running controversy in this State. When a new aspect of asbestos became known—that is, the presence of loose-fill asbestos insulation in homes and the health dangers it posed—it was a very serious matter. I was pleased that members supported the establishment of a joint select committee in cooperation with members in the other place.

We conducted the inquiry in light of the precedent in the Australian Capital Territory, where the loose-fill insulation asbestos problem was first identified. To indicate how dramatic the situation is, loose-fill asbestos insulation is sprayed into the roof cavities of houses above the ceilings. We visited a laboratory to study loose-fill asbestos. We had to view it under a microscope because the fibres are so fine they are microscopic. That is the problem. With the slightest bit of wind or other disturbance the fine threads can drift into ceiling cavities and down to where people might breathe them in. One thread in the lungs of a person can lead to serious health outcomes. It may not happen the next day but five, 10 or 20 years later it will cause a serious danger to their health.

We commend the Australian Capital Territory for the work it has undertaken. We held our meetings in Queanbeyan near the Australian Capital Territory so we were able to receive a lot of information from its authorities preceding our inquiry. Approximately 1,000 homes in the Australian Capital Territory have had loose-fill asbestos sprayed into their ceilings. Health officials made many attempts to clean it out and spent some millions of dollars on various cleaning programs. After all the attempts they found that the fibres were still there. They concluded that they had no other option but to demolish the houses. Not only that, they also had to remove the soil on which the 1,000 houses stood to a depth of 12 inches because it was believed the fibres could even be in the soil. That was the background to our inquiry. We knew then that we were involved in a very serious matter.

Our challenge is that we do not know how many homes in New South Wales contain loose-fill asbestos. The problem was only identified because of what occurred in the Australian Capital Territory. It is therefore important that the Government conduct serious investigations to ascertain which homes in New South Wales contain loose-fill asbestos. It will not be easy to discover because people who have purchased homes from previous owners may be unaware that the first owner ordered that the roof cavity be sprayed with loose-fill asbestos. When an original owner sells a house some years later the family who buy the house may have no idea that they have loose-fill asbestos in their ceiling.

The people were living in the house. If a survey had been conducted and asked, "Have you paid to have this type of insulation sprayed in your home?", they probably would have responded, "No, we haven't." But the previous owner did. That is why it is very difficult to collect statistics on the number of homes that received this material and where those homes are. The task is made especially difficult by the fact that the firm that conducted all that type of activity closed down some years ago and its company records do not exist. There is no record of how many homes the company had as customers for this material. The company was Mr Fluffy, which sounds so innocent, but it was a poisonous Mr Fluffy.

The committee held hearings in Queanbeyan and in Parliament House, Sydney. One of the most emotional parts of the inquiry was when witnesses who had discovered loose-fill asbestos in their homes gave evidence. I refer to a young couple who had bought a home and later found that loose-fill asbestos was in the home; they cannot live in the home and they cannot sell it. Being honest, they could not sell the home to another family without disclosing that loose-fill asbestos was in the ceiling of the home. The young couple have lost their investment. It was a very emotional situation for our committee when a number of families gave similar evidence to our inquiry, especially in Queanbeyan. The evidence showed us that this is a serious matter and that the Government needs to take strong action.

The committee produced some very strong recommendations, which I am sure would have given the Government a heart attack. The committee adopted the same formula applied to homes in the Australian Capital Territory, which will mean that when similarly affected homes are identified in New South Wales the Government should adopt a statewide buyback, which obviously would involve millions of dollars, and a demolition scheme for all affected residences. We could place an estimate of half a million dollars on each home and there may be at least 100 affected homes in New South Wales, but there could be 1,000. The Australian Capital Territory's buyback budget was \$1 billion. One might ask how the Australian Capital Territory Government could afford that. The answer to that question is that the Federal Government offered funding for the scheme at a very low interest rate. In fact, the Federal Government was funding the buyback and demolition program because the Australian Capital Territory originally was part of the Commonwealth Government's administration. Although the Australian Capital Territory now has a State Legislature, the Federal Government feels it still has some responsibility.

I understand—but this is only hearsay—that when the State Government floated the idea of the Federal Government funding a New South Wales scheme, the suggestion was rejected. The Federal Government has adopted the attitude that it is a New South Wales problem whereas the Australian Capital Territory was a different situation. The Federal Government is prepared to bail out the Australian Capital Territory but is not prepared to bail out New South Wales. I hope the Federal Government will review its decision. Obviously the Federal Government has greater access to funds than does New South Wales. As one could say the New South Wales Government is an innocent party in this situation, the Commonwealth Government could at least cooperate with the State Government on a 50:50 basis to meet the cost. During the inquiry I proposed an arrangement whereby local government could contribute some funds together with the State Government and the Federal Government so that a combined budget could be created. By that means the Department of Health could commence identification of the affected homes and decide which homes should be bought and demolished. This is a very serious matter.

I am pleased that, despite the dramatic nature of the inquiry, all the committee's recommendations were unanimous. That is not always the case with committee inquiries. When some Government members of a committee see the amount of money involved in implementing recommendations, they say they are unable to agree to any recommendation that involves expenditure. But that was not the case during this inquiry. All members, including Government members of the committee, wholeheartedly supported the recommendations. I congratulate them on their sincerity in carrying out their role as representatives of the people of this State, not simply representing the Government or their political party. I again urge the Government to follow through with funding and support for this report and its recommendations.

I must admit that to date there has been deafening silence from the Government. I know the attention of Government members has been focused on the inquiry into leasing electricity infrastructure, as has mine, but I hope they will give some attention to this very serious issue, make decisions and work out how to raise funds to address the problem. Perhaps if leasing of the State's electricity infrastructure goes ahead, some of the proceeds of that transaction can be allocated to addressing this serious problem. I suspect the Government would not be happy with that suggestion because it is eager to build infrastructure. However, we must remember that it is our role to care for the people of this State, particularly innocent victims. I commend the committee's report to the House.

**The Hon. MICK VEITCH** [6.25 p.m.]: All members of this Chamber know that I am a very strong advocate of the committee system. I think that the New South Wales upper House committee system is one of the best processes of any jurisdiction in this country. It was with significant pride that I sat as a member of this Joint Select Committee on Loose-fill Asbestos Insulation. I have been told by former members of this place that when a member leaves Parliament they often look back on the committee work they did and that some committee work will stand out as significant moments. Last sitting week we debated the WorkCover inquiry that was undertaken in 2014. It was an important committee for me to participate in because of the procedural matters involved, but this committee has had the greatest impact on me. If members would like to know why, I suggest they read chapter 2.

Some lovely and wonderful citizens of New South Wales, who are entirely innocent, have put into words their personal experiences and those words are contained in chapter 2. There was not a member of this committee who did not have a tear in their eye when that wonderful young couple spoke to us about their twin toddlers who used to crawl around on the floor of their home in Queanbeyan. They used to watch one of the toddlers who loved putting his face over the heating vent in the floor, only to discover later that loose-fill asbestos was circulating through the ducts. They are so concerned about what they have exposed their children to that it behoves the members of the committee, the members of this House and the members of the other place to do what is right and what is just for people like them. They did not buy the house knowing it had loose-fill asbestos in the ceiling cavity. They did not know that loose-fill asbestos will make its way down through the wall cavity and into the space beneath the house, or that it gets into air-conditioning and heating ducts. They did not know that.

A significant indicator of how important the issue is to this committee is that it comprised both the Hon. Steve Whan, who was a candidate for election to the seat of Monaro, and John Barilaro, the member for Monaro. They put aside political differences to do the right thing for the people of New South Wales. The significance of this issue should not be underestimated. Members of Parliament do not know how long it will take for people to show signs of mesothelioma or asbestos-related disease, but the people who live in asbestos-affected houses need us to advocate continuously for a remedy. I call on the Government, as I have since tabling of the report, to adopt the committee's recommendations.

Please do the right thing by the people of New South Wales. I say to people right across southern New South Wales, and particularly those who live in cool climates, that if their homes have more than likely had insulation of some description placed in the ceiling cavities they should voluntarily get their houses checked because they do not want to expose their families, visitors and tradespeople to loose-fill asbestos. If they buy houses to renovate they do not want to stick their heads into roof cavities only to find that they are full of loose-fill asbestos. They should get their houses checked. This issue is beyond politics and it is beyond public policy.

**Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.**

**Item of business set down as an order of the day for a future day.**

### **ADJOURNMENT**

**The Hon. JOHN AJAKA** (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) [6.31 p.m.]: I move:

That this House do now adjourn.

### **PUBLIC EDUCATION**

**The Hon. BEN FRANKLIN** [6.31 p.m.]: Last Tuesday 19 May I had the immense pleasure of attending a celebration of public education—an awards night organised by the Public Education Foundation. The night not only showcased the enthusiasm and talent of New South Wales students but also recognised the hard work of students who face exceptional challenges and those who have extraordinary gifts. Additionally, it recognised the dedication of New South Wales principals and provided avenues for career development. However, I was not alone; I was joined by upper House colleagues Reverend the Hon. Fred Nile, the Hon. Mike Gallacher and the Hon. Courtney Houssos, to name just a few. I also acknowledge the presence of my Nationals colleagues the Minister for Education, Adrian Piccoli, and Victorian Senator Bridget McKenzie, who represented the Prime Minister at the occasion.

The night was interspersed with some incredible performances by students from our public schools who displayed superb talent. Included in the incredibly talented line-up were the New South Wales Public Schools Aboriginal Dance Company, the New South Wales Public Schools Junior Singers, the New South Wales Public Schools Stage Band and solo vocalist Jessica Rookeward of the Newtown High School of Performing Arts. I and many other guests were blown away by the objectively excellent standard of students performances and their extraordinary professionalism.

The main purpose of the evening was to award of a range of scholarships and there were 118 winners across 16 different scholarships. Due to the foundation's hard work, that list has been growing each year. These scholarships make a difference. The Harding Miller Foundation Scholarship offers practical support to life education and career opportunities for girls. The Walter and Eliza Hall Trust Opportunity Scholarships provide support and assist students with physical disabilities to make the transition from high school to tertiary education. The Una May Smith Senior Scholarship enables senior Aboriginal students to successfully complete schooling and to progress to future tertiary education.

I particularly acknowledge the rural recipients of scholarships. There were outstanding students from Wagga Wagga High School, Maitland Grossman High School, Nambucca Heads High School, Banora Point High School, Coolamon Central School, Kempsey High School, Hay War Memorial High School and Macksville High School and even Lightning Ridge Central School was among those honoured. Sometimes students in rural areas do not have the same access to the opportunities that are afforded to students in other areas. These scholarships will go a long way towards levelling the playing field for these students. The scholarships make a difference in people's lives. We can never underestimate the value of giving our students a hand up in life. It is in that spirit that we are so protective of our world-class public education system in New South Wales.

As the son of two passionate and committed public schoolteachers, I have always believed in a strong public education system. Education is the great equaliser, and every child should have access to a first-class education system no matter his or her background. The Teachers Health Fund Leading in Remote Schools Scholarship enables dedicated principals and aspiring leaders to take part in a leadership development program

tailored for remote schools. In New South Wales Angela Bush of Nyngan High School, Brett Davies of Ungarie High School and Brooke Wall of Coonamble High School will take part in this program. I am proud to commend my colleague the Minister for Education, Adrian Piccoli, for the work he has done to improve educational outcomes in this State. Gonski money is flowing to where it is needed most and there is a real focus on outcomes for remote and disadvantaged schools right across the State. He is doing a brilliant job.

On the night I was lucky enough to meet an extraordinary person—Dorothy Hoddinott, an Officer of the Order of Australia, fellow of the senate of the University of Sydney and principal of Holroyd High School in Greystanes since 1995—a school where half the students have been in Australia for fewer than three years, two-thirds are refugees, and more than 80 per cent do not speak English as their first language. Dorothy has been a strident advocate for refugees and asylum seekers throughout her career and was recently awarded the 2014 Human Rights Medal from the Human Rights Commission. Her service over many years to educate the disempowered in our community is inspirational. I take my hat off to her.

Big congratulations must go to the Public Education Foundation for its role in establishing the foundation's base and furthering the reach of scholarships. Thanks should also be extended to the major supporters: the New South Wales Teachers Federation, Teachers Mutual Bank and the City of Sydney council. It was a privilege to be able to attend the event.

### PALLIATIVE CARE

**The Hon. GREG DONNELLY** [6.36 p.m.]: As this week is National Palliative Care Week 2015 it is timely to reflect on the progress that has been made to concentrate our minds on this basic and important aspect of public health care. I deliberately assert that it fits within the domain of health care because it is so obviously located there but is not a trite point. For too long palliative care has struggled to find a home. Most people have heard of it because it is associated with confronting the existential issues of dying and death; it is something that we all know we will eventually have to deal with, but not just now.

While I have not checked *Hansard*, I believe it is fairly safe to say that palliative care was debated and discussed more times in the Fifty-fifth Parliament than in any other parliament in recent time. I and many others are pleased about this and hope that the trend will continue in the Fifty-sixth Parliament. In the Legislative Assembly during a previous parliamentary session there were two debates about palliative care—one in November 2012 and another in March 2014. As a result of those debates two separate petitions with more than 10,000 signatures were presented in the Legislative Assembly. I acknowledge and pay tribute to Dr Yvonne McMaster, a retired palliative care specialist who worked tirelessly across the State to organise and present those two petitions to Parliament. Others assisted Yvonne but her fierce drive and determination got the issue debated in the Parliament, for which I thank her.

I also thank the Minister for Health, the Hon. Jillian Skinner, for her efforts in advancing the cause of palliative care. The Minister has a genuine interest in the matter and believes it deserves more and better attention. She participated in both debates and outlined the work being done by her office and by NSW Health in the area of palliative care. The Minister also released "The NSW Government Plan to Increase Access to Palliative Care 2012-2016", and in September 2013 she announced the rollout of a \$35 million community-based palliative care service. That funding has been used to provide support packages for people dying at home, developing support services for dying children and their families, boosting palliative care volunteer support services and introducing an after-hours telephone support service.

I also take this opportunity to thank Dr Andrew McDonald, Labor's former shadow health Minister who worked hard to make palliative care a bipartisan issue and who, as a highly regarded general practitioner, had a strong sense of the importance of enhancing the community's understanding of palliative care. I also acknowledge the important contribution of former member the Hon. Marie Ficarra for her tireless effort in championing the cause of palliative care in this House and in the community. It is greatly appreciated.

In the lead-up to this year's State election, Palliative Care NSW surveyed political parties to establish their intentions with respect to supporting palliative care. I express my thanks to Palliative Care NSW Executive Officer Linda Hansen and her staff for the work that they did regarding this survey. Details of the survey entitled "Call to Action: A Dignified Death=Choice" and the responses of the political parties are available on the Palliative Care NSW website. It is pleasing to note that both the Minister for Health on behalf of the Government and the Hon. Luke Foley on behalf of the Opposition were forthcoming in providing detailed responses to the request of Palliative Care NSW.

This evening I acknowledge and thank Labor's shadow Minister for Health, the Hon. Walt Secord, for his past and ongoing work in developing and articulating the Opposition's position on palliative care. I do not intend to go through the responses to the survey in detail but I report that in addition to the current expenditure on palliative care the Government and the Opposition have both committed to spend \$32 million over the next four years with the aim of increasing the care options available to people at the end of their lives.

It will include the establishment of a \$12 million flexible funding pool to enhance access to specialist palliative care services across all local health districts. This new funding pool will enable local health districts to identify their specific areas of need, to develop models of care to enhance access to palliative care, and to enable the provision of an additional \$20 million to continue home-based palliative care packages. As is the case so often in politics, one can say that progress has been made but there is more to be done. This fairly explains where we are with respect to palliative care in New South Wales. I look forward to working with like-minded colleagues, both in this House and in the other place, to continue to promote the cause of palliative care in this State.

### ANIMAL WELFARE

**The Hon. MARK PEARSON** [6.41 p.m.]: I raise a matter that was brought to my attention yesterday by Animals Australia. The memorandum of understanding between the New South Wales Liberal-Nationals Government and the NSW Farmers Association states, "We ... reaffirm our commitment to non-mandatory standards and guidelines for animal welfare". New South Wales is the only State in Australia that does not uphold and adhere to the mandatory standards for animal welfare, particularly for farm animals. The Standing Committee on Agriculture, Resources, Fisheries and Forestry Model Code of Practice for the Welfare of Animals—Cattle is adopted nationally, except in New South Wales, as a consequence of a decision made late last year and confirmed in a document entitled "NSW Farming: Investing Locally, Connecting Globally—Memorandum of Understanding", dated 25 March 2015.

The concern is that today the Minister for Primary Industries, the Hon. Niall Blair, said that New South Wales is like every other State or Territory in Australia and is committed to these mandatory guidelines and standards. In fact, New South Wales is the only State that has a memorandum of understanding that does not enforce the guidelines and standards, or has agreed not to enforce them. A typical statement in a model code of practice can be found in the cattle code that aims to:

Promote humane and considerate treatment of cattle and the use of good husbandry practices to improve the welfare of cattle in all types of cattle farming enterprises;

Inform all people responsible for the care and management of cattle about their responsibilities; and,

Set a minimum industry standard by defining acceptable cattle management practices.

When the practice of mulesing in New South Wales was heralded to the world it caused an international crisis for the wool industry because of a campaign to boycott Australian wool. Even though we tried to provide mandatory pain relief after mulesing—at 45¢ a lamb—the code of practice did not uphold it and the New South Wales Government did not support the mandatory codes of practice. The Government should protect New South Wales farmers and their industries from the possible consequences of poor standards of animal protection and animal welfare. A serious situation has already occurred—the international boycott of Australian wool—which has caused problems for the wool industry. I am concerned that the agreement between the Liberal-Nationals Government and the NSW Farmers Association could result in a similar situation if the world and the importers of Australian and New South Wales products discover we have an even lower standard of animal protection and animal wellbeing than that to which we adhere nationally.

### SHINYWAY EDUCATION GROUP

**The Hon. Dr PETER PHELPS** [6.45 p.m.]: I speak tonight about some concerning matters. On 20 April this year *Four Corners* reported on Australia's universities and foreign students and in the course of that report it said:

Vice-chancellors have accepted as necessary the use of these unregulated middlemen to recruit the vast numbers of overseas students on whom they now rely.

This Beijing agent is called Shinyway ...

Shinyway represents various universities. The report continued:

Our undercover reporter is asking how the agent can help if his child has a poor academic record. He is then told Shinyway will accept a forged school transcript.

The Shinyway adviser is then quoted as saying:

Make some variation and make it look normal. As long as it's not lower than 60, I can process it. I don't want them to be written too high either.

It is no wonder that Kerry O'Brien in his voice over said:

They promise a top-line education but they pay dodgy agents offshore to drum up business ... turn a blind eye to cheating ... and turn out poorly trained graduates.

In this regard I am deeply disturbed to learn of the role that the member for Wollongong has played in promoting Shinyway's business. On the morning of 18 September 2013 a three-person delegation, led by the member for Wollongong, visited the Shinyway Education Group. I quote from its document:

Noreen friendly exchanges the educational ideas with the president of Shinyway Education, Ms Ma Yahui. Ms Ma Yahui accompanied the delegation to visit the headquarter office of Shinyway Education which is located in Huanglong, Hangzhou.

Zhejiang Province, and Ms Ma introduces the internationalized education strategy and service of Shinyway Education Group to Noreen.

Noreen said that Australia government welcomes and supports Chinese students to study in Australia, and Noreen speaks highly of Shinyway Education and invites Ms Ma to visit NSW to promote understanding and strengthen communication.

The "Noreen" quoted in that document is, of course, Ms Noreen Hay, the member for Wollongong. Subsequently, on 24 October 2013, Ms Noreen Hay was the guest of honour at the launch of Shinyway Education in Sydney. This raises some interesting questions. Perhaps the most important question is: What is Mr Foley going to do about this? He has made much of the need for reform in Labor and now is the opportunity for him to put his money where his mouth is. There are questions that need to be asked and, more importantly, need to be answered by the member for Wollongong. Who was in this three-person delegation? And it was not just a three-person delegation that day because we know that, when she visited Jiaying University the day before, its newspaper reads:

In the afternoon of 17 September 2013, a three person's delegation that led by the member of NSW Australia Noreen Hay visit our college.

So who is on this three-person delegation? Was one of the people on this delegation local Chinese-Australian businessman Randy Lu? He was, of course, appointed as business adviser to the Illawarra Regional Development Board in 2005 during the term of the Carr Labor Government and he is closely associated with Labor in the Wollongong region and with Ms Hay in particular. Also notable is that on his LinkedIn listing he lists membership of only two organisations: Sydney University alumni and Shinyway alumni. Mr Lu was also, we know, in Hangzhou around the same time because, very conveniently, he posted on Facebook a picture of himself there on horseback. He is there at the same time that Ms Hay is there and I can only presume that he is there as part of the three-person delegation. Finally, and most importantly, this raises not merely Ms Hay's connection with Shinyway, which has been outed as a dodgy organisation; there are further things—

**The Hon. Shaoquett Moselmane:** Point of order: If the member wishes to address an issue relating to another member he should do so by way of substantive motion.

**The DEPUTY-PRESIDENT (The Hon. Trevor Khan):** Order! I do not know whether the Hon. Dr Peter Phelps has transgressed the rule in relation to imputation, but he is getting very close.

**The Hon. Dr PETER PHELPS:** Thank you, Mr Deputy-President. My concern is about Shinyway, who is promoting it in this country and whether they should be promoting it. It raises an interesting question about this trip to China. Who paid for the air fare, accommodation, meals and transport? If Ms Hay did not pay for these elements, why is there nothing in her pecuniary interest returns indicating travel or gifts received?

**The DEPUTY-PRESIDENT (The Hon. Trevor Khan):** Yes, I anticipate we know the answer.

## YOUNG HOSPITAL RENAL DIALYSIS SERVICE

**The Hon. MICK VEITCH** [6.50 p.m.]: When I was walking through the hallways of Parliament House yesterday I had the opportunity to run into Mr Mark Sheridan, who is a good mate of mine from Young. As members know, I resided in Young for approximately 25 years and have recently moved to Tumut. Mr Sheridan drew my attention to a significant issue that is burning in the Young community—the renal dialysis service. To illustrate, I read from an article published in the *Young Witness* on Friday 22 May, which states:

It was to a hushed Young Shire Council that local health service advocate and accountant Mark Sheridan, on Wednesday evening made representations through the open forum to elicit the political support for the managed renal unit.

Mr Sheridan stated:

Those poor souls travel three days a week to Canberra, leaving at 4.45am, getting dropped at various hospitals, their blood pressure lowers, they have all sorts of problems, they pass out on the way home, they have to race to Yass Hospital—there is drama.

He further stated:

Greater Southern Area Health at the time said they'll undertake a medical needs analysis—and they did that—it was quite an extensive process ... and it was confirmed, yes, Young should have one—it was a medical requirement and, yes, we will fund it ... so after a political-long process in May we were waiting for the final ministerial approval—plans were drawn, capex budget was done, \$1.65 million was allocated for that and we were waiting for the call.

Mr Sheridan is talking about a satellite renal unit for Young Hospital. At a meeting last Wednesday the Young Shire Council resolved to draw up a petition to be delivered to the New South Wales Parliament so that the decision that was in place for a satellite renal unit in Young that was promised by the Murrumbidgee Local Health District was upheld. The Young community is unhappy because the satellite renal unit is going to Cowra. They are not opposed to Cowra receiving the service. The fact is the satellite renal unit was promised to Young. I quote from a letter to the editor from Councillor Stuart Freudenstein:

As we all know the self managed unit at Young Health Service was built with local citizens working hard, raising funds for the construction.

The understanding was that when a managed satellite unit was justified it would progress.

Over the last five years these studies, such as needs analysis, have taken place and proved affirmative.

We understood that through 2014 we were just waiting for the Minister's signature to proceed.

So now we have this broken promise, we want it rectified with the unit at Young returning to the highest priority.

I quote from an ABC interview that was held on 8 January 2014:

The Murrumbidgee Local Health District's Operations Director, Jill Ludford, says setting up a four chair, staffed unit at Young is a priority.

Jill Ludford stated:

It's very important that Young will service the region around there, Boorowa, Harden, Cootamundra, Temora and Young ...

And due to the number of patients in that region, it makes sense to put a satellite service there. I'm pleased to say we've already prioritised the potential dialysis centre at Young as one of the priorities in our asset strategic plan.

She goes on to say that the Murrumbidgee Local Health District will work with the Minister for Health to secure capital funding for the infrastructure. Page 10 of the Murrumbidgee Local Health District Renal Clinical Services Plan 2013-2017, Version 3.0, which comprises 65 pages, states:

Explore how satellite/in centre care can be expanded with initial priority being to Young.

It further states:

For a Satellite/in centre haemodialysis currently there are: 5 patients travelling from the Young/Boorowa area to Canberra ...

A satellite/in centre haemodialysis unit in Young to service the Young, Cootamundra, Temora and Boorowa/Harden communities is needed because the current patient data and projected growth of the region indicates a need to establish a localised renal service. Patients from this area currently need to travel in excess of 1 hour for treatment and have the greatest travel times of all patients in MLHD.



The people of Young raised in excess of \$200,000 of their own money for this renal unit. I was part of the community that raised those funds and Mr Sheridan led the committee that raised those funds. The community of Young feels it has been slighted and it deserves an explanation now from this Government about what happened. The Murrumbidgee Local Health District undertook the planning, which proved to be affirmative: the planning was in place. The people of Young and the Government must discuss why Young missed out. It is terrible.

## LOCAL GOVERNMENT

**Mr DAVID SHOEBRIDGE** [6.55 p.m.]: Across the State there is a growing grassroots movement in support of local government and the rights of community members to determine the future of their own councils. This movement is directly in opposition to the Coalition Government's so-called Fit for the Future agenda. This Opposition is proving what local communities, councillors and The Greens have said all along—the Fit for the Future agenda is not about the fitness of local councils. Rather, it is a push to force amalgamations by stealth and to take the democracy out of the most grassroots level of government.

While the Independent Pricing and Regulatory Tribunal is busy developing its methodology to assess the fitness of local councils, we have already heard from this Government about minimum population sizes of a quarter of a million or more residents, as well as arbitrary figures that have literally been plucked out of the air by senior Ministers about how many councils Sydney and New South Wales should have. While the Government has been pushing its amalgamation agenda, it has comprehensively failed to produce a compelling business case let alone a decent shred of evidence that supports the basic principle that bigger councils are better.

People are not fools. They know from experience that when they access services from ever larger organisations—whether it is their bank or their Government—they receive less personal service, higher costs and less of a say. When it comes to local government, these anecdotal concerns are exactly matched by the available evidence. The evidence is clear. Compared to our major international competitors, this State's metropolitan councils are, if anything, too large. Research undertaken by The Greens New South Wales shows that, on average, the population of Sydney metropolitan councils is already four times larger than the average council size across the OECD. Indeed, the average population of local councils across our direct competitors, those to which we most often compare ourselves such as the developed world represented by the OECD, is 27,224 while the average population of the 41 metropolitan Sydney councils is 104,493.

This research calls into question the push for local council amalgamations from the Liberal Government and its friends in the business and development lobby. We are seeing a concerted push from developers and their senior mates in the Liberal Government to supersize Sydney councils. That is despite the fact that only two of the 41 Sydney metropolitan councils are below the average size of OECD councils. A staggering 17 metropolitan councils in Sydney already serve more than 100,000 residents each. Whether it is Randwick City Council at 137,000 residents, Mosman Council at 129,000, or Fairfield City Council at 196,000—all of which are slated for merger by this Government—Sydney's councils are already substantially bigger than their average global counterparts.

A loss of local autonomy, local democratic control and ultimately a loss of legitimacy is a case study in how not to conduct reform. What is the answer for strengthening local government to ensure that councils are sustainable and viable for the future? Vibrant councils should be at the heart of local government, led by elected representatives, drawn from their local community whose prime focus is delivering community leadership, democratic decisions, quality services and long-term infrastructure for their local areas. Rather than imposing unwelcome amalgamations on unwilling local communities, the reform agenda should be focused on how we can empower local communities, what we can do to ensure greater fiscal and regulatory autonomy for local governments, so they can be freed from the dead hand of this State Government. Merging two financially struggling councils will only make the problem bigger. We must look to evidence-based solutions that will improve funding arrangements, put an end to decades of cost shifting, end rate-pegging and provide councils with the autonomy that they need to determine their own rates based on their local needs and priorities.

Local government exists for the community. Residents, working with their local councillors, must have the right to determine what happens in their community in relation to planning, development and service delivery and, crucially, if and when an amalgamation should occur. Local communities, not Macquarie Street, should decide how they are represented at a local level. Survey after survey has shown that local communities do not want their councils to be swallowed up and spat back out as super councils. The Greens will continue to

stand with local councils and local communities in their campaign to strengthen local democracy and keep local government genuinely local. It is The Greens' belief that the best answers for local government reform will be found at a local level, not in Macquarie Street.

#### **ASIAN AUSTRALIAN ALLIANCE**

**The Hon. SHAOQUETT MOSELMANE** [7.00 p.m.]: Tonight I congratulate the Hon. Sophie Cotsis and the Asian Australian Alliance on the fundraiser lunch recently held for the victims of the Nepal earthquakes. I also recognise the Asian Australian Alliance, which is a collective of various Asian communities from countries such as the Indian subcontinent, China, Vietnam, Philippines, Korea and others. The alliance develops common issues that are effectively and collectively presented to all sides of government. By way of expert panels and roundtables, the collective leadership of the alliance develops ongoing policies and makes decisions about actions based on those policies. I commend the work of the alliance, in particular, for its contribution to the victims of the Nepal earthquakes.

*[Time for debate expired.]*

**Question—That this House do now adjourn—put and resolved in the affirmative.**

**Motion agreed to.**

**The House adjourned at 7.01 p.m. until Wednesday 27 May 2015 at 11.00 a.m.**

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