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LEGISLATIVE COUNCIL

Tuesday 23 June 2015

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.

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 2000

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 the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Friday, 5 June 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 2000

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.

Monday, 8 June 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 2000

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 the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Monday, 15 June 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 2000

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.

Tuesday, 16 June 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 2000

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 the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Monday, 22 June 2015

ASSENT TO BILLS

Assent to the following bills was reported:

Electricity Network Assets (Authorised Transactions) Bill 2015
Electricity Retained Interest Corporations Bill 2015
Legal Profession Uniform Law Application Legislation Amendment Bill 2015
Independent Pricing and Regulatory Tribunal Amendment (Accredited State Water Regulator) Bill 2015

ELECTRICITY NETWORK ASSETS (AUTHORISED TRANSACTIONS) BILL 2015

ELECTRICITY RETAINED INTEREST CORPORATIONS BILL 2015

Protest

The PRESIDENT: I report the receipt of the following message from the Official Secretary to His Excellency the Governor to the Clerk of the Parliaments:

Government House
Sydney 2000

Thursday, 4 June 2015

The Clerk of the Parliaments

Dear Mr Blunt,

At the direction of His Excellency the Governor, I write to advise that His Excellency acknowledges the receipt of the Protest made by members of The Greens Party in the Legislative Council, under Standing Order 161 of the Legislative Council, against the *Electricity Network Assets (Authorised Transactions) Bill* and the *Electricity Retained Interest Corporations Bill* on Thursday 4 June 2015.

Yours sincerely,

Michael Miller RFD
Official Secretary to the Governor of New South Wales

CENTENARY OF FIRST WORLD WAR

The PRESIDENT: For many people the Great War seems almost exclusively a European affair, with mere sideshows in the closer reaches of the Middle East. However, this ignores one of the most long-term and profound consequences of that great catastrophe. Few people now remember that prior to the War, Imperial Germany was a major colonial power with colonies in East Africa: Tanganyika, Rwanda and Burundi; West Africa: Cameroon and Togo; and South West Africa: Namibia. During the First World War Africa became a battleground, where foreign armies fought each other over control of people of whom they knew little. A century ago this week, the British began their assault on the German West African colony then known as Kamerun, which they soon captured.

In addition, Germany held possessions in the Pacific—German New Guinea, Bougainville, Solomon Islands, Nauru, Samoa and parts of Micronesia. At the very outset of the war in September 1914 Australian troops landed at, and seized, Rabaul, suffering their first war casualties at the battle of Bitia Paka, while our New Zealand brethren took over German Samoa. The post-war settlement at Versailles parcelled out these former German colonies between Britain and France and for another 50 years, with varying degrees of honour and success, they governed them. However, the European powers were in no position to take over Germany's Pacific possessions so it fell to the former colony of Australia to become itself a colonial power, granted League of Nations trusteeship over New Guinea.

Thus began our real and lasting relationship with the nations and the peoples of the south-west Pacific—a relationship forged out of the fires of war, which would develop into a deep and meaningful partnership. Australia can rightly be proud of its role in guiding New Guinea to a peaceful transition to independence and of its continuing close relationship with neighbours like the Solomon Islands, with whom this Parliament has such a special affinity. We should not forget how these things came to pass or the initial sacrifices that made them possible. Lest we forget.

POLICE INTEGRITY COMMISSION

Report

The President tabled, pursuant to the Police Integrity Commission Act 1996, the report of the Police Integrity Commission entitled "Protea Report 2015", dated June 2015, received out of session and authorised to be made public on 18 June 2015.

Ordered to be printed on motion by the Hon. Duncan Gay.

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report of the Inspector of the Independent Commission Against Corruption entitled "Report pursuant to the Premier's reference: Section 77A Independent Commission Against Corruption Act 1988", dated June 2015, received out of session and authorised to be made public on 18 June 2015.

Ordered to be printed on motion by the Hon. Duncan Gay.

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

INTERNATIONAL WOMEN'S DAY 2015

Motion by the Hon. NATASHA MACLAREN-JONES agreed to:

- (1) That this House notes that:
 - (a) International Women's Day is held annually on 8 March to celebrate the achievements of women while calling for greater equality;
 - (b) the theme of International Women's Day 2015 was "Make It Happen", encouraging effective action for advancing and recognising women in all areas, including industry, community and society; and
 - (c) each year thousands of events occur across the globe to mark the economic, political and social achievements of women.
- (2) That this House notes that:
 - (a) the NSW Women of the Year awards are awarded every year to recognise the outstanding contributions made by New South Wales women to industry, community and society by celebrating significant achievements;
 - (b) in 2015, 229 nominations were received from across New South Wales for many outstanding New South Wales women who have made significant contributions to their various fields; and
 - (c) the 2015 Women of the Year awards were presented on 4 March at the Parliament of New South Wales by Premier the Hon. Mike Baird, MP, and Minister for Women the Hon. Pru Goward, MP.
- (3) That this House congratulates and commends all those outstanding women who won and were nominated for 2015 Women of the Year awards for their outstanding contribution to the State of New South Wales, including:
 - (a) the finalists for the Premier's Award for Woman of the Year, which recognises women who have excelled in their career, field or passion or have made a significant achievement in a traditionally male dominated area:
 - (i) Melinda Cruz;
 - (ii) Captain Mona Shindy, CSC, [runner up];
 - (iii) Associate Professor Lynn Kemp; and
 - (iv) Professor Minoti Apte, OAM, [winner].

- (b) the finalists for the REX Regional Woman of the Year award, which shines the spotlight on women who have had a significant impact on areas which are important to regional communities:
 - (i) Barbara Cowley [winner];
 - (ii) Catherine Daley;
 - (iii) Kate O'Callaghan; and
 - (iv) Christine O'Mahony.
- (c) the finalists for the Harvey Norman Young Woman of the Year Award, which commends women 18-30 years of age who have excelled in their career, studies or community-related endeavours:
 - (i) Annabelle Chauncy, OAM, [winner];
 - (ii) Jasmin Hammond;
 - (iii) Jessica Pinkerton; and
 - (iv) Grace Micali.
- (d) the finalists for the A. H. Beard Community Hero award, which showcases women who are local heroes or volunteers who have made an outstanding contribution to the New South Wales community:
 - (i) Jo Abbott;
 - (ii) Lana Borg [winner];
 - (iii) Sue Roden; and
 - (iv) Genelle Warne.
- (e) the winners of the Local Women of the Year awards being Karen Anstiss [Kiama], Mary Barakat [Granville], Megan Barnes [Cronulla], Bessie Birkett [Swansea], Marjory Bollinger [Orange], Julie Briggs [Wagga Wagga], Carmen Burton [Maroubra], Giovanna Cardamone [Wollongong], Robyn Carroll [Sydney], Yvette Maree Cavanagh [Maitland], Jennifer Clifton [Ryde], Vera Clissold [Myall Lakes], Barbara Cowley [Cessnock], Doreen Cruickshank [Willoughby], Annabelle Daniel [Hornsby], Reme Demos [Oatley], Joan Derks [Wollondilly], Anna Dimo [Strathfield], Katie Dixon [Gosford], Heather Emerson [Coogee], Kelly Foran [Barwon], Jessica Fox [Penrith], Lorraine Gardner [Wall send], Veronica Giles-Cook [Rockdale], Libby Gleeson AM [Marrickville], Colleen Graham [Northern Tablelands], Peta Gurdon-O'Meara [Bathurst], Fiona Heath [Menai], Jeanie Heininger [Camden], June Howarth, OAM, [Davidson], Carol James [Goulburn], Julie James [Castle Hill], Alice Kang [Drummoyne], Helen Kelava [Hawkesbury], Betty Landers [Oxley], Evelyn Lester [Baulkham Hills], Karen Lindley [Lane Cove], Wendy Lindsay [East Hills], Rosalie Martin [Albury], Phillipa Martins [Parramatta], Debra Meredith [Macquarie Fields], Josefina Musa [Riverstone], Nicolette Norris [Heathcote], Iona Novak [Manly], Leisa O'Connor [Ku-ring-gai], Leonie Parker [Murrumbidgee], Anne Parnham [Campbelltown], Margaret Paul [Ballina], Jeanne Pestana [Smithfield], Beth Raines, OAM, [Blue Mountains], Nelune Rajapakse, OAM, [North Shore], Frances Refalo [Mulgoa], Rita Richards [Lismore], Shirley Rundell, OAM, [South Coast], Ruth Shanks, AM [Dubbo], Loanna Single [Tamworth], Anne-Maria Slattery [Heffron], Robyn Spruce [Clarence], Jo-Ann Steeves [Pittwater], Holly Stewart [Balmain], Patricia Tate [Tweed], Gabrielle Tobias [Vaucluse], Dianne Townsend [Miranda], Margaret Waddell [Epping], Catherine Katie Walker [Burrinjuck], Rita Wilkinson [Canterbury], and Robyn Wright [Bega].

RAMADAN AND EID AL-FITA CELEBRATIONS

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes that:
 - (a) Thursday 18 June 2015 is the first day of Ramadan, the holiest month of the Islamic year;
 - (b) Ramadan is a month for all Muslims to purify the soul with charity and piety, and a month of worship, mercy and forgiveness;
 - (c) there are nearly half a million Muslims in Australia, drawn from more than 60 different ethnic backgrounds, making Islam Australia's fourth largest religion; and
 - (d) Muslims in Australia will celebrate Eid on Saturday 18 July 2015.
- (2) That this House conveys its good wishes to the Australian Muslim community on the advent of this blessed month of Ramadan.

COFFS HARBOUR "#TERRORATHOME" CAMPAIGN

Motion by Dr MEHREEN FARUQI agreed to:

- (1) That this House notes that:
 - (a) in March 2015, 12 APN Australian Regional Media newspapers launched the "#TerrorAtHome" campaign in northern New South Wales and Queensland;
 - (b) the *Coffs Coast Advocate*, recognising that domestic and family violence is an increasing problem in their local area, ran the "#TerrorAtHome" campaign for three weeks through April and May 2015, with petitions, coupons and stories;
 - (c) one of the key objectives of this campaign is to call on the Government to embed comprehensive respectful relationships programs in the education of all New South Wales school students, to help young people recognise unhealthy behaviour and to address long-term gender attitudes that contribute to violence against women;
 - (d) the *Coffs Coast Advocate* campaign was supported through the efforts of members of the Coffs Neighbourhood Watch and Warrina Women's Refuge;
 - (e) the media has an important role to play in community education and awareness in reporting domestic and family violence issues; and
 - (f) campaigns such as "#TerrorAtHome" empower communities to speak up against domestic and family violence.
- (2) That this House acknowledges:
 - (a) the work of the *Coffs Coast Advocate* in running the "#TerrorAtHome" campaign in providing a forum for the Coffs coast community to voice its concerns on domestic and family violence issues;
 - (b) the work of Coffs Neighbourhood Watch and the Warrina Women's Refuge in supporting the "#TerrorAtHome" campaign in their communities; and
 - (c) the concerns of the Coffs coast community with regards to domestic and family violence and their call for the Government to introduce respectful relationships programs in all schools.
- (3) That the House congratulates the Coffs coast community for demonstrating leadership on their campaign to end domestic and family violence.
- (4) That the House calls on the Minister for Prevention of Domestic Violence and Sexual Assault, and the Minister for Education, to prioritise long term, secure funding and resources for the introduction of respectful relationships programs in all New South Wales schools.

LEGISLATION REVIEW COMMITTEE

Report

The Hon. Greg Pearce tabled the report entitled "Legislation Review Digest 1/56", dated 23 June 2015.

Ordered to be printed on motion by the Hon. Greg Pearce.

TABLING OF PAPERS

The Hon. Niall Blair tabled the following papers:

- (1) Law Reform Commission Act 1967—Report No. 141 of the NSW Law Reform Commission entitled "Encouraging appropriate early guilty pleas", dated December 2014.
- (2) Surveillance Devices Act 2007—Report of Ombudsman entitled "Report under Section 49 (1) of the Surveillance Devices Act 2007 for the period ending 31 December 2014", dated April 2015.

Ordered to be printed on motion by the Hon. Niall Blair.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Government Advertising: Department of Premier and Cabinet, Destination NSW, Sydney Opera House, Department of Trade and Investment, Regional Infrastructure and Services", dated June 2015, received out of session and authorised to be printed on 22 June 2015.

GENERAL PURPOSE STANDING COMMITTEE NO. 1**Government Response to Report**

The Clerk announced the receipt, pursuant to standing order, of the Government's response to report No. 41, entitled "Review of the inquiry into allegations of bullying in WorkCover NSW", tabled on 11 December 2014, received out of session and authorised to be printed on 10 June 2015.

SELECT COMMITTEE ON THE PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER REGION**Government Response to Report**

The Clerk announced the receipt, pursuant to standing order, of the Government's response to the following reports:

- (a) Interim report entitled "The planning process in Newcastle and the broader Hunter region", tabled 18 December 2014.
- (b) Final report entitled "The planning process in Newcastle and the broader Hunter region", tabled 3 March 2015.

The report was received out of session and authorised to be printed on 10 June 2015.

JOINT SELECT COMMITTEE ON LOOSE FILL ASBESTOS INSULATION**Government Response to Report**

The Clerk announced the receipt of correspondence from Mr Dominic Perrottet, Minister for Finance, Services and Property, advising that the Government's response to the report of the Joint Select Committee on Loose Fill Asbestos Insulation tabled on 17 December 2014, which was due on 17 June 2015, will be deferred due to the need for the Government to consider all options carefully, including those presented in the report of the Loose-Fill Asbestos Insulation Taskforce.

PETITIONS**Young Satellite Renal Unit**

Petition requesting a reversal of the decision not to install a satellite renal unit at the Young Health Service received from the **Hon. Mick Veitch**.

Byron Shire Council Coastal Zone Management Plan

Petition calling on the Government to oppose and halt the decision by Byron Shire Council to construct rock walls at Belongil Beach without a government-approved coastal zone management plan, received by **Ms Jan Barham**.

BUSINESS OF THE HOUSE**Routine of Business**

[During the giving of notices of motions.]

The PRESIDENT: Order! I call Mr David Shoebridge to order for the first time.

BUSINESS OF THE HOUSE**Withdrawal of Business**

Private Members' Business item No. 140 outside the Order of Precedence withdrawn by the Hon. Robert Borsak.

BUSINESS OF THE HOUSE**Postponement of Business**

Government Business Orders of the Day Nos 1 to 3 postponed on motion by the Hon. Duncan Gay until a later hour.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2015-16**

The Hon. Duncan Gay tabled the following papers:

- (1) Budget Overview 2015-2016
- (2) Budget Paper No. 1—Budget Statement 2015-2016
- (3) Budget Paper No. 2—Infrastructure Statement 2015-2016
- (4) Budget Paper No. 3—Budget Estimates 2015-2016
- (5) Budget Speech 2015-2016

Ordered to be printed on motion by the Hon. Duncan Gay.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2015-16**

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council [3.13 p.m.], by leave: I move:

That the House take note of the budget estimates and related papers for the financial year 2015-16.

I seek leave to incorporate the Treasurer's Budget Speech in *Hansard*:

Leave granted.

Decades from now, when people look back at this period in our State's history, they will remember it as a time of building.

Building a stronger economy through record investment in infrastructure and services, and improving the quality of life of every single person in this great State.

A time when New South Wales reclaimed and cemented its position as the number one State in the nation.

A time when we built stronger communities, and took care of the most vulnerable.

A time when every person in New South Wales, no matter where they lived or what their circumstances, could look forward to opportunities to reach their full potential.

A time when, on a global scale, New South Wales was absolutely the place to be; whether to live, work or invest.

This is the legacy we are creating and the legacy we will leave for successive generations.

New South Wales is on the verge of something special.

And it has not happened by accident.

Good governments do their homework, make strong decisions and then work hard to deliver them.

When we first came to government in 2011, Labor had left us forecast deficits totalling \$4.4 billion.

I am pleased to say that we have completely turned that around. After four years of hard work, the budget is firmly back in the black.

I can announce that in the 2015-16 financial year, and in each year of the forward estimates, we are forecasting surpluses.

In 2015-16, we are forecasting an underlying surplus of \$713 million, increasing every year to reach \$895 million in 2018-19. When our reforms to transport assets are included, the 2015-16 surplus is \$2.5 billion.

But uniquely, alongside this strong operating result, we are investing in record infrastructure, the scale of which has not been seen for many decades.

Every election commitment is being met—we are a Government that says what it will do, and then delivers it.

When we came to government, expenses growth averaged 6.4 per cent while revenue growth was 5.2 per cent.

Again, we have turned this around.

Today, average expenses growth is in line with revenue growth across the forward estimates.

The State is living within its means.

There is a similar story with debt.

In March 2011, non-financial public sector net debt was forecast to be \$62.4 billion by 2014-15. This would have put the triple-A credit rating at risk. We didn't let that happen—today, this debt figure in 2014-15 is now estimated to be \$38.2 billion, or \$24 billion less than forecast.

When we came to government, we had a bloated bureaucracy and an unsustainable budget, unable to provide the infrastructure and services that New South Wales needed.

Today, this budget maintains our triple-A rating and delivers record spending in both services and infrastructure.

Over Labor's last four budgets, they only funded an average of \$6.2 billion a year on infrastructure, and regrettably with little to show for it. Contracts were torn up, project after project announced and then cancelled.

Now, the State will fund an average of \$10.3 billion a year on infrastructure over the forward estimates. State infrastructure expenditure over the next four years, including government businesses, is a record \$68.6 billion.

After four years of fiscal repair and strong government, we are in complete control of the budget and have the strongest economy in Australia.

And we are only just getting started.

In March, the people of New South Wales voted to take this State to the next level.

They voted for a vision for new infrastructure and quality services.

They supported the plan put forward by our great Premier, to spend \$20 billion on new infrastructure, including \$6 billion in our regional areas, funded through a long-term lease of 49 per cent of the electricity transmission and distribution networks.

They put their faith in this Government to build the new roads, railways, schools, hospitals and other infrastructure that this State needs—and that is a trust we do not take for granted.

With the recent passage of the enabling legislation through this Parliament, that infrastructure is now assured through Rebuilding NSW.

Asset recycling has been a key pillar of this Government, using the funds of the previous port transactions to fund critical road infrastructure and regional projects, and now taking this approach with the electricity transactions.

The proceeds of the electricity transactions will be included in future budgets as they occur, so our record infrastructure spend outlined in this budget today is only part of the story.

This puts into context the scale of this Government's infrastructure agenda—not only do we have a record infrastructure spend over the next four years, but we also have an additional \$20 billion plan to turbocharge the State.

In addition to boosting our regions on a scale never seen before, Rebuilding NSW will deliver 120,000 new jobs and cement Sydney as a truly global city.

The electricity transactions will also result in significant improvement to the State's financial position over the forward estimates, including a reduction in total state sector net debt of around \$30 billion, and general government sector net debt will also substantially reduce—potentially to zero.

Importantly, we are thoroughly in control of our future. The days of the budget controlling the Government are long gone.

2014-15 Budget Result

I wish to turn to the current financial year. We have a strong result for 2014-15—a surplus of \$2.1 billion.

The improvement is largely driven by changes to Commonwealth grants, stronger than expected stamp duty receipts, and GST payments.

Importantly, unlike Labor, windfall tax revenues are not squandered on wasteful spending, unplanned projects or bloating the bureaucracies. These funds go straight into the Restart NSW Fund, the Government's infrastructure fund, and can only be released to spend on new projects approved by Infrastructure NSW.

2015-16 and Fiscal Priorities

As I outlined, we are predicting surpluses for every year of the forward estimates, with an underlying surplus of \$713 million in 2015-16.

We are now by far the best performing State in the nation, and we are in that position because of hard work.

Our budget story is twofold—it is a story of strong and careful fiscal discipline over the last four years, coupled with Government strengthening the economy.

We have done the hard yards getting our budget back into shape, and this means we can build the infrastructure for the future, as well as deliver record levels of high quality services.

That is the critical point: Despite our expense restraint and fiscal discipline, we are spending more than has ever been spent before in the areas of government services that matter the most, whether it is in Health, Education, Transport, or Family and Community Services.

Each of these key areas has seen growth in their budgets from last year of more than 5 per cent.

This is the mark of our Government:

Record infrastructure coupled with a record boost to services.

The Economic Outlook

Over the past year, economic activity in New South Wales has grown faster than in any other State.

Record low interest rates and rising wealth has boosted household consumption.

This, coupled with the strength of our economy, and the Government's investment in infrastructure, is triggering massive investment in new dwelling construction.

In addition, our population continues to grow, helped in part as people move back to New South Wales from the resource regions.

In short, the State is buzzing.

You can see it already. Right now, there are 162 cranes building new projects right across this city.

We are well placed to take advantage of the national transition back away from mining investment and towards services over the next few years.

New South Wales domestic demand is expected to grow at an above trend rate of 3.5 per cent over the next two years, well above the national average, and thanks to strong and stable government, with a clear economic plan, we expect to outperform the nation for the foreseeable future.

Business conditions and confidence in New South Wales are better than in any other mainland State.

However, we must remember that as a service-led economy, we are a cog in a much broader national and global market, the outlook of which is mixed.

Subdued growth in both the domestic and international economies will be felt through weakness in demand for our exports, and this will moderate our growth and, along with population growth, means we have to work harder to create more jobs.

We are also exposed to varying Commonwealth grants and to the volatility of stamp duty receipts.

A government that failed to recognise the challenges of its budget in this way would be irresponsible.

We must therefore remain disciplined in our spending and continue to drive efficiencies in government where possible.

And we know these efficiencies are there to be had—there are still more opportunities to reduce waste and duplication within government.

We cannot rest on our laurels. Reform is as important as ever, and we must future-proof our budget to be able to respond to the inevitable challenges ahead.

Jobs

Creating and fostering jobs growth is critical not just for the strength of the economy, but for families and individuals.

We have an election commitment to deliver 150,000 new jobs over this term of government, and we are acting quickly to ensure we deliver.

New South Wales's economic conditions are attracting workers from all over the country as the mining boom begins to subside. It is great to see people return to their home State to work. This is great for our economy, but puts pressure on the need for even more job creation.

I am delighted that we are leading the country in jobs growth. The latest ABS figures show that 15,300 jobs were created in New South Wales in May alone.

We have extended the Jobs Action Plan, meaning businesses can receive a payroll tax rebate of up to \$5,000 per new employee.

Similarly, our Small Business Employment Incentive Grant Scheme will provide a grant to employers of up to \$2,000 per new employee for businesses that do not pay payroll tax.

Additionally, a range of major infrastructure projects is keeping the construction sector buoyant, with projects like WestConnex and the Sydney Metro NorthWest employing thousands of workers, many from Sydney's west.

In addition, low interest rates and a need for more housing are stimulating dwelling construction, which will also help create new jobs.

On the supply side, we are also strengthening vocational education and training through the Smart and Skilled program, helping people to upskill or retrain so they are qualified to enter the workforce, or move ahead in their careers.

This Government is investing \$2.3 billion in 2015-16 to reform the vocational education and training system to further build the skills of our workforce and contribute to improving the New South Wales economy.

Since coming to Government we have already created more than 200,000 jobs, and we will continue to work hard to maintain this pace—not for the sake of a number, but for the opportunities it brings to people.

Housing Supply

Although dwelling construction is on the rise, housing affordability remains a very steep mountain to climb for many.

The Government is taking concerted action to address housing supply, and therefore housing affordability.

Dwelling investment has picked up significantly over the last two years, growing by a strong 7.8 per cent over the year to the March quarter.

This follows a period of significant underinvestment under the previous Labor Government.

As a Government, we are focused on reducing red tape and delays to ensure properties can be brought to market as quickly as possible.

Also critical is ensuring that these new housing areas are shovel ready. Since 2012, a total of \$566.5 million has been allocated or reserved from the Government's Housing Acceleration Fund to support land for over 160,000 dwellings.

With our surplus position, we have put an additional \$400 million in the Housing Acceleration Fund, the largest ever single contribution, to go directly towards the infrastructure required in growth areas and to bring housing to market as quickly as possible.

All of the 2014-15 windfall tax revenue will go into building new infrastructure right across the State, much of which will help ease housing affordability.

We are also doing everything we can to help people buy their first home.

The First Home Owner Grant continues to assist eligible first homeowners purchasing a new home or building their home by offering a \$15,000 grant.

In 2014, the Government provided almost 8,000 First Home Owner Grants for new homes, a 25 per cent increase on the previous year.

This Government also introduced the New Home Grant Scheme, offering people a grant of \$5,000 towards the purchase of a new home.

Our plan to build more roads and railways will also help open up new areas for housing growth.

You only have to catch a train on the South West Rail Link to see this in action. Housing is springing up rapidly around this new world-class railway, linking these new areas to the rest of Sydney. Paddocks are becoming communities that have the associated infrastructure they need.

Federal State Relations

This Government has always tried to have a productive relationship with the Federal Government, no matter what their politics.

We were the first State to sign up to the Gonski reforms, and the first State to sign up to the full rollout of the National Disability Insurance Scheme.

Our actions show that we will always put the interests of New South Wales first.

The Commonwealth's asset recycling incentive payments will provide New South Wales with an additional \$2 billion for the lease of our electricity assets, funding critical infrastructure.

We will continue to push the Commonwealth Government to engage productively with the States this year on the issue of health and education funding, and broader tax reform, and we are looking forward to positive interaction with the Federal Government to progress these significant issues.

Services

And of course within the Federation, the States are the "service deliverers".

This budget puts funding where it is needed—on the front line, delivering services the community relies upon, day in, day out.

Health

This Government is delivering a record \$21 billion budget for health in 2015-16. This means extra surgeries, more admissions, and more staff caring for patients.

In 2015-16, we are boosting frontline health staff by a further 980 positions, including nurses, doctors and allied health professionals, as part of our commitment to an additional 3,500 frontline hospital staff over the next four years.

The 2015-16 budget invests a record \$1.4 billion on health infrastructure, ramping up major projects like Westmead and Blacktown hospitals, and continuing significant funding for our regional hospitals, such as:

- Lismore,
- Armidale,
- Wagga Wagga,
- Tamworth, and
- Bega.

The Health budget includes a record \$1.7 billion in mental health funding across New South Wales in 2015-16, a 6.7 per cent growth in funding on last year. This ensures more people living with mental illness receive the vital support they need.

Education

Spending in schools and early childhood education is \$12.8 billion for 2015-16, a record budget and an increase of \$635 million over last year.

Education is the ultimate enabler and every child in New South Wales deserves a good education.

Government school enrolments are forecast to increase by more than 6,800 students this year. And we are responding—the Department of Education has a \$456 million capital budget this year. This is a 27 per cent increase on last year, and will go towards building schools in places like Parramatta, Bella Vista and Narellan.

This budget delivers more than 500 additional teachers on last year. Also, an additional \$167 million over four years is being provided for additional counselling support and more counsellors at schools, giving much-needed support to vulnerable students and families.

We are also supporting parents by investing \$20 million to provide up to 45,000 new before and after school care places.

Service NSW

Improving service quality as well as the number of services is also a priority for our Government.

Whether you are looking to register your car, get a boat licence, or one of 800 other services, you can now do that under the one roof at over 35 Service NSW centres.

Service NSW centres epitomise our Government's commitment to customer service.

This budget delivers \$362 million for Service NSW to improve digital transactions services and roll out a further 27 one-stop shops all over the State, including in places such as:

- Bateman's Bay,
- Macarthur,
- Mount Druitt, and
- Mittagong.

And of course quality services means greater productivity and efficiency.

Transport

The Transport cluster will also receive a record \$16.5 billion for services and infrastructure in 2015-16.

In addition to having undertaken record delivery already on major transport and roads projects, this Government has delivered more than 12,000 transport services since 2011, and successfully implemented the Opal card.

This Government is also undertaking the biggest investment in the State's public transport network in history by spending \$9 billion on public transport infrastructure and services this year alone.

The 2015-16 budget includes:

- \$977 million in funding for the Sydney Metro NorthWest,
- \$120 million on the CBD and South East Light Rail,
- \$103 million on the Newcastle Light Rail, and
- \$99 million for a new fleet of intercity trains to service the Central Coast, Blue Mountains, and Illawarra.

The long-term lease of the electricity network assets will allow us to finally build a second harbour rail crossing for Sydney, unlogging our train lines to boost capacity from Sydney's West.

Along with upgrades to the existing network, this will increase the overall capacity of the rail network by 60 per cent.

We can achieve all this because we did the hard yards in planning, and we have stuck to our guns, not chopping and changing projects every month like the Labor Party.

And then, unlike Labor, we have delivered funding for these projects, both in this budget and through Rebuilding NSW.

Roads

This budget funds major road projects to help ease congestion and improve productivity right across the State, with a record \$7.5 billion.

Construction is commencing on the 155-kilometre Ballina to Woolgoolga upgrade of the Pacific Highway. That is roughly the same distance as from Sydney to Newcastle.

Since 2011, over \$3.4 billion has been invested into Pacific Highway upgrades to reduce travel times and, most importantly to save lives, and we are spending an additional \$1.4 billion this year alone.

In Sydney, WestConnex continues at a cracking pace, with \$1.7 billion allocated for 2015-16.

Only a few weeks ago, the Government awarded the contract for the M4 East, a critical stage of the WestConnex project; and major progress is being made on future stages.

NorthConnex is also underway, and will dramatically alleviate congestion, with \$275 million allocated this year.

All across this great State, road upgrades which have been sorely needed for decades are having sods turned on them.

Accelerating Infrastructure

But we appreciate the community wants to see progress on these and other major projects as soon as possible.

That is why today I am pleased to announce that we are using our strong budget position to bring forward key infrastructure election commitments.

With the recent passage of the legislation enabling the lease of the poles and wires the proceeds from these transactions is guaranteed.

Yet if we waited until we have completed the transactions of TransGrid, Ausgrid and Endeavour, we would be missing an opportunity.

We do not intend to do that.

With the billions from the electricity transactions assured, today I announce that we will use our strong financial position to bring forward \$591 million of funding for infrastructure over the forward estimates, starting this year.

This includes funding for pre-feasibility, detailed planning, and construction.

These allocations form part of the \$20 billion Rebuilding NSW commitment, but we are accelerating them to get started immediately.

Of this, more than \$200 million worth of new pre-construction funds will be available in 2015-16.

This includes an additional \$50 million to start the new second harbour rail crossing, and we were pleased to announce today that Sydney Metro will definitely include a station at Barangaroo, the State's new financial services hub.

We are accelerating funding of \$19 million this year for planning the Parramatta Light Rail as part of our \$1 billion commitment to the project, signalling our determination to make Parramatta a truly vibrant and global city in its own right.

This infrastructure acceleration also brings forward:

- \$10 million to plan for new bus rapid transit systems,
- \$14 million in 2015-16 planning for a new Western Harbour Tunnel,
- Planning for the long-awaited F6 extension, and
- \$11 million for detailed design of the Walsh Bay Arts Precinct.

The regions of course are set to benefit from this acceleration as we accelerate planning funding in 2015-16 for:

- Bridges for the Bush,
- The Regional Road Freight Corridor, and
- Regional Growth Roads.

We are also accelerating an initial \$160 million, as part of the \$1 billion Rebuilding NSW Education package, for new schools in Parramatta, inner Sydney and Ballina.

\$77 million is also being brought forward to fund key health projects in places such as Bonalbo, Molong and Walgett.

All this funding is to get projects shovel ready for when the serious funding comes in from the long-term leases.

But some of the regional road projects in our Rebuilding NSW plan are in fact ready to be built now—they are obvious and needed, and that is why we are bringing forward \$130 million of construction funding to actually start digging now.

This means projects on the Pacific, Mitchell and Newell highways will see progress sooner than if we had waited for the transactions to be completed.

It is of course important that the community have their say on aspects of these projects through the planning system, and community consultation is key to the success of a project.

At the same time, we do not want projects to be bogged down in red tape, lengthening the time they take to build.

That is why today I announce we will also provide almost \$7 million to establish a new crack team within the Department of Planning and Environment to halve the time it takes to assess State significant projects.

The Priority Projects Branch means projects will move from the planning to the construction stage quicker, and the benefits will flow sooner.

Not Leaving Anyone Behind

As we have said in all our budgets, you can judge a government and indeed a society on how it treats its most vulnerable.

This year, we are spending a record \$6.1 billion through the Department of Family and Community Services supporting vulnerable people and families. This is a 7 per cent increase on 2014-15.

We are also looking at innovative ways of delivering social services, whether it be through partnerships with non-government organisations, or through social impact investment.

And we are supporting those in need with important rebates and grants, including more than a billion dollars in energy rebates over the next four years.

Out-of-Home Care

Children and young people who are placed in out-of-home care need our support more than anyone.

And we know we have a lot more work to do.

Given this critical area of need, this budget delivers an additional \$200 million over the forward estimates to go directly into supporting children in out-of-home care to ensure they are safe and have the best quality of life.

Domestic Violence

This is also a budget that takes the scourge of domestic violence in our society seriously, and puts funding where it is needed.

The Government will spend an estimated \$148.5 million over the forward estimates on specialist programs and services to prevent and respond to domestic and family violence. We will also pilot a Domestic Violence Disclosure Scheme, an Australian first.

Police play a huge role in tackling domestic violence. That is why NSW Police Force capability to counter domestic and family violence will be increased from 2015-16 through the appointment of 24 domestic violence specialist police.

This budget puts a major focus on keeping people safe.

Police and Correctives

In 2015-16, we are delivering a record 16,665 police officers.

The community will also benefit from \$100 million over four years for the Policing for Tomorrow Fund, which will make crime fighting high-tech and deliver enhanced mobility for officers.

In addition, the Government has allocated \$4 million in new funding over two years to counter violent extremism.

We are also investing significant funds to ensure that our prisons keep up with demand. This budget allocates funding for a 400-bed expansion of Parklea prison, and a brand new prison in Grafton with capacity for 600 prisoners.

The Environment

In addition to supporting the most vulnerable and keeping communities safe, this budget also supports protecting the environment and making our communities even more vibrant.

The 2015-16 budget includes expenditure of \$1.7 billion to protect the State's precious national parks, preserve significant heritage assets and ensure local communities are protected from pollution and environmental harm.

We are also spending more than \$120 million over four years to improve and develop western Sydney parkland facilities, creating new employment and recreation opportunities for Sydney's west.

The Government is also well on track to deliver on its election commitment for a container deposit scheme, with a working group being established and the scheme due to commence by 1 July 2017.

In addition, we have a record \$176 million allocated to tourism and major events, and sport and recreation will have \$175 million to invest this year in grassroots sports, facilities and programs across the State.

Conclusion

In summary this budget presents a horizon without a deficit in sight and preserves our triple-A credit rating.

It provides a massive boost to the services people rely on and record investment in infrastructure.

It supports the most vulnerable and provides opportunities for people to be their best, no matter where they live and what the circumstances.

It cements New South Wales as the place to live, work and invest.

This is the legacy of the Baird-Grant Government, and our work is far from over.

This budget is about building our future.

Debate adjourned on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

DISTINGUISHED VISITORS

The PRESIDENT: I welcome into my gallery Ms Ruby Garnean and Ms Stephanie Kimisi from the Bougainville House of Representatives of the Autonomous Region of Bougainville. They will be here on secondment working with parliamentary staff until Friday 3 July 2015 as part of the twinning program between the Bougainville House of Representatives and the New South Wales Parliament.

FAIR TRADING LEGISLATION (REPEAL AND AMENDMENT) BILL 2015**Second Reading**

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) [3.16 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

Introduction & Vision for Better Regulation Portfolio:

I am pleased to introduce the Fair Trading Legislation (Repeal and Amendment) Bill 2015.

This bill provides for the repeal of four Acts, three of which are surplus to current regulatory needs; and amends the Fair Trading Act to include the consumer claims jurisdiction for the NSW Civil and Administrative Tribunal.

I am pleased that NSW Fair Trading has taken the lead in proposing areas of red tape reduction and where unnecessary regulation can be removed as Fair Trading has accumulated around 40 pieces of legislation which it administers.

At its core the Innovation and Better Regulation portfolio is about protecting consumers, reducing the regulatory burden for businesses and modernising the way Government interacts with its citizens.

We want to encourage more businesses from interstate to set up shop in NSW and we will encourage them to do so by reducing red tape.

Within the Department of Finance, Services and Innovation the Government wants to work to reduce the regulatory burden on businesses and consumers and we will be looking close for unnecessary laws, regulations and fees which can be repealed from our statute books.

The NSW Government has a 'one-on, two-off' policy for reducing regulation and red tape, which commenced on 4 April 2011.

Over the last four years, this 'one-on, two-off' policy has made clear this Government's commitment to reducing red tape and regulatory burdens on businesses here in NSW.

The results speak for themselves:

- We have repealed over 220 legislative burdens since April 2011 and introduced only 47 to deliver a ratio of 1 on, 5 off.
- These reductions in Red Tape will save businesses up to \$750 million by June of this year.
- NSW is now first in Australia's economic performance rankings, up from number 8 under those opposite;
- NSW has enjoyed 15 months of positive business confidence;
- NSW is the fastest growing economy in Australia that has stimulated more growth and jobs;
- The NSW Liberals & Nationals have balanced the Budget, we have secured the triple-A credit rating and our policies have helped to create over 145,000 jobs since April 2011;

The NSW Government will continue to take action to reduce red tape across Government, and I look forward to further announcements about how we will tackle red tape and burdensome regulation at a later date.

Reform Process:

The processes that lead to the repeal of these four acts commenced at the beginning of 2013 with an issues paper setting out potential repeals.

NSW Fair Trading received submissions from affected industries and peak bodies including The Law Society of NSW, The NSW Tenants Union, Fitness Australia and the Real Estate Institute of NSW.

As a result of that consultation, this bill has been prepared and proposes to repeal the

- HomeFund Commissioner Act 1993,
- Fitness Services (Pre-paid fees) Act 2000,
- Landlord and Tenant Act 1899, and
- Consumer Claims Act 1998.

HomeFund Commissioner's Act 1993:

In relation to the HomeFund Commissioner's Act, the Commissioner's Office was established on 10 May 1993 to deal with complaints from people who had mortgages under the now defunct HomeFund scheme.

By December 1993, about half of all HomeFund borrowers had re-financed and all complaints were resolved by 30 June 1997.

The appointment of the last HomeFund Commissioner ended on 31 December 1997 and the HomeFund Commissioner's Office was abolished in June the following year.

The repeal of this Act would not impact on the still operational HomeFund Restructuring Act 1993, which is substantially administered by the Minister for Finance and Services. Some provisions of that Act that have been administered by NSW Trading are to be repealed.

This presents no impediment to the immediate repeal of the HomeFund Commissioner's Act.

Fitness Services (Pre-paid Fees) Act 2000:

The purpose of the Fitness Services (Pre-paid Fees) Act 2000 is to prescribe minimum consumer protection requirements, including trust fund provisions, when consumers pay in advance for fitness services—exercise classes, fitness assessments, gym memberships and so on.

The Act sought to reduce the risk of consumer loss by limiting the maximum period for pre-paid fitness services fees to 12 months. Where the supply of fitness services has not yet commenced, the Act requires that pre-paid fees be held in a trust account. Where services are not provided within three months, pre-paid fees must be refunded.

Since the Australian Consumer Law commenced in January 2011, it has addressed the consumer protection issues identified for pre-paid fees for fitness services.

Of particular relevance is the Australian Consumer Law prohibition on accepting payment when there is no intention to supply the goods or services or there are reasonable grounds for believing the supplier will not be able to supply within the time specified (section 36); and the guarantee that services will be supplied within a reasonable time (section 62). The Australian Consumer Law also prohibits unfair contract terms in standard form contracts and unfair practices, additional protections for consumers of fitness services.

Breaches of these relevant sections of The Australian Consumer Law also carry far greater penalties than those prescribed in the Fitness Services (Pre-Paid Fees) Act 2000. Where breaches of the previous act carry a maximum penalty of 40 penalty units (now \$4,400), the Australian Consumer Law states that:

Breaches of the ACL's criminal offences are subject to criminal fines of a maximum of \$1.1 million for a body corporate and \$220,000 for person other than a body corporate.

The Australian Consumer Law enables the repeal of industry-specific regulation, such as the Fitness Services (Pre-Paid Fees) Act 2000, as consumer protection is clearly more completely provided by the national and modern law.

Apart from the general consumer protections in force under the Australian Consumer Law, the fitness industry practices associated with the introduction of the Act are no longer prevalent. The majority of fitness contracts no longer require substantial pre-payment; and the voluntary Fitness Industry Code of Practice prohibits pre-payments beyond 12 months. The potential consumer detriment that the trust fund provisions of the Act were designed to prevent is no longer substantial and does not warrant the associated significant administrative costs in the maintenance of trust accounts.

Given that this proposal will remove existing trust fund requirements; this proposal incorporates clear and identifiable reductions in regulatory burden which contribute towards meeting the Government's red tape reduction targets.

The Government estimates that the repeal of the Fitness Services (Pre-paid Fees) regime would reduce costs for 1,050 Fitness Service businesses across NSW. Currently they have to open a trust account, keep pre-paid fees in that account and manage the accounts (keep records and provide receipts etc).

These reforms are expected to save The Fitness Industry NSW \$75,600 per year in compliance costs as well as saving 3,150 hours per year that would otherwise have been spent keeping records and filling out paperwork.

Some savings and transitional provisions are made for the protection of any monies that have been pre-paid for the provision of a fitness service, under an agreement made immediately before the repeal.

Accordingly, there is no impediment preventing an immediate repeal of this Act.

Landlord and Tenant Act 1899:

The Landlord and Tenant Act 1899 once applied to all tenancies in NSW. The Act was effectively replaced by specific and modern residential tenancies legislation initially by Residential Tenancies Act 1987, and, later, the Residential Tenancies Act 2010.

A number of provisions contained within the Act have been repealed over the years and the Act now only contains a small number of provisions, mainly dealing with eviction processes in the Local Courts. The modern day tenancy laws (most recently updated in 2010) provide for eviction through the NSW Civil and Administrative Tribunal, rather than through the courts.

The Act has no practical application or relevance in today's society where there are specific laws dealing with residential, retail, agricultural and other forms of tenancies.

Whilst the Property Law Committee of the Law Society of NSW suggested that there was utility in maintaining some sections of the Act during the consultation process, the Chief Magistrate of the Local Courts has advised that cases under the Act are very rare.

The Chief Magistrate provided details of only five matters under this Act in the last five years to 2013, each of which appear to have been misguided applications with none proceeding to hearing and all being settled out of court.

An example of this is a matter brought to Sutherland Local Court in 2007 which related to a commercial premise which the landlord claimed to have lawfully re-entered and taken possession of under the lease before the tenant had re-entered and resumed possession. The matter was considered a misguided application of the act and was subsequently settled after the return date.

Consumer Claims Act 1998:

This bill repeals the Consumer Claims Act and transfers the essential provisions of that Act to the Fair Trading Act 1987 in order to preserve the existing jurisdictional coverage of the NSW Civil and Administrative Tribunal for consumer claims.

The consumer claims jurisdiction is a vital limb for a consumer protection regime. It gives consumers access to low-cost dispute resolution where a trader has failed to supply a goods or service as promised.

In Victoria, the equivalent provisions for Tribunal jurisdiction are included in the primary consumer protection legislation of Victoria, the Australian Consumer Law and Fair Trading Act 2012. It is considered that this is an excellent model for NSW.

For the purposes of the jurisdiction, a consumer claim is defined as

- a claim by a consumer for the payment of a specified sum of money, or
- a claim by a consumer for the supply of specified services, or
- a claim by a consumer for relief from payment of a specified sum of money, or
- a claim by a consumer for the delivery, return or replacement of specified goods or goods of a specified description, or a claim by a consumer for a combination of two or more of the remedies that I have referred to, that arises from a supply of goods or services by a supplier to the consumer, whether under a contract or not, or
- that arises under a contract that is collateral to a contract for the supply of goods or services.

This proposal also includes a minor modification that is made to the term 'banker' and references to administrative agencies and persons as a consequence of the merger with the Fair Trading Act and the use of similar words in that Act. However, those changes have been kept to the minimum necessary in order to preserve the existing jurisdiction to hear a consumer claim and to update the provisions consistently with contemporary drafting conventions.

Where the repealed Act provided a procedural order power which the Tribunal has under the Civil and Administrative Act 2013, it is not duplicated. An example of such a procedural power that will now reside in the Tribunal's Act is the power to make orders with conditions.

This is an uncontroversial proposal as it consolidates the low-cost dispute resolution aspect of our consumer protection regime into a single overarching Act—the Fair Trading Act 1987.

Minor & Consequential Amendments:

Other changes which amend the legislation and make references consistent with the Government Sector Employment Act 2013 commence on 1 July 2015 when the Department of Finance, Services and Innovation comes into being.

Conclusion:

The bill provides for the commencement of the repeal of the Fitness Services (Pre-paid fees) Act 2000, the Consumer Claims Act 1998 and the related amendments as appointed by proclamation. The Landlord and Tenant Act 1899 will be repealed 5 years after the day on which the relevant section commences or on an earlier day as appointed by proclamation. The repeal of the HomeFund Commissioner Act 1993 will commence on assent.

I am pleased to speak to the Government's commitment to remove redundant and duplicative regulatory requirement through the Fair Trading Legislation (Repeal and Amendment) Bill 2015.

I commend the bill to the House.

The Hon. PETER PRIMROSE [3.17 p.m.]: The Opposition does not oppose the Fair Trading Legislation (Repeal and Amendment) Bill 2015 but seeks clarification from the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism in his reply regarding some significant stakeholder concerns. The main purpose of the bill is to repeal four pieces of legislation that the Minister in the other place described in his second reading speech as now being effectively redundant. The Fitness Services (Pre-Paid Fees) Act 2000 and the HomeFund Commissioner Act 1993 will be repealed, as will the Consumer Claims Act 1998, the substance of which will be re-enacted in the Fair Trading Act 1987. The bill also provides for the repeal of the Landlord and Tenant Act 1899 no later than five years after the date of assent to this legislation.

Where there are still some relevant operative provisions, the bill re-enacts these in other Acts that take account of more recent developments, such as the commencement of the Australian Consumer Law, and the establishment of the NSW Civil and Administrative Tribunal [NCAT]. The Minister in his second reading speech advises that affected industries and the relevant peak groups have no objection to the bill—or at least they appeared not to in 2013 when they were asked, with the exception of the Property Law Committee of the Law Society. It suggested that there might be value in retaining the rarely used Landlord and Tenant Act 1899. The bill accordingly allows a period of five years after assent for the repeal of this Act "to allay any concern that the Act still may have utility". I note the Minister's comments during the second reading debate in the other place in relation to the proposed repeal of the Landlord and Tenant Act. However, the Tenants' Union continues to express severe concerns, and I request that the Minister address them specifically in his reply. The Tenants' Union advises:

In his second reading speech, the Minister cited the reduction of red tape and regulatory burden as the impetus behind the bill. The repeal of the Landlord and Tenant Act 1899 is likely to have the opposite effect, for the following reasons:

The *Residential Tenancies Act 2010* expressly excludes a number of tenancies on the basis of the type of premises occupied by the tenant (at section 7), or the nature of the agreement between the parties (at section 8). The *Landlord and Tenant Act 1899* provides a mechanism by which landlords may lawfully recover premises, and a safeguard against eviction without court order, for these tenancies.

The removal of this mechanism will create a great deal of uncertainty for affected parties. In particular, landlords will face uncertainty as to the recovery process, and tenants will face considerable expense to obtain a remedy if they are wrongfully put out of a tenancy.

The *Landlord and Tenant Act 1899* repealed an earlier Act of Parliament known as the *Summary Ejectment Act of 1853*. The *Summary Ejectment Act* repealed the earlier *Act to facilitate the recovery of possession of Tenements after due determination of the tenancy*. It is not clear whether that Act repealed earlier legislation, or modified the common law, but it is clear that a process for recovering possession of tenanted property has been a long-standing issue of concern for the Parliament of New South Wales.

A return to the common law would mean a tenancy not covered by the *Residential Tenancies Act 2010* could be brought to an end by re-entry. In circumstances where this occurs prematurely, the tenant would need to seek an injunction or other relief against forfeiture in a court of equity, such as the Supreme Court of New South Wales.

A return to the common law would also create uncertainty as to the creation of tenancies and the legal relationships between parties. It would require consideration of parts of the *Conveyancing Act 1919* and the *Real Property Act 1900* for the construction of leases.

In its correspondence the Tenants' Union goes on to say:

In his second reading speech, the Minister also said the *Landlord and Tenant Act 1899* was surplus to need as it had not been put to recent use in the Local Court. A quick scan of relevant legal decisions reveals several contemporary cases in which the Act was referred to or relied upon by a party in a court or tribunal, or in which a court has made some use of the Act.

The union quotes a number of cases, which I will make available to any interested members. It continues:

We welcome the decision not to include the repeal of the *Landlord and Tenant (Amendment) Act 1948* in this bill. The 1948 Act provides important protections for those whose tenancy is covered by it. But the repeal of the *Landlord and Tenant Act 1899* will have adverse consequences for the 1948 Act, for the following reasons:

There are a number of specific references to the *Landlord and Tenant Act 1899* in the 1948 Act. In particular are references to section 22A in the definitions of *lease*, *lessor* and *lessee*. Section 22A creates a conclusive presumption of a 'tenancy at will' where rent is paid in respect of land, and that the tenancy is between the person holding the land and the person to whom rent is paid.

Absent this provision, tenants under the 1948 Act may have to rely on earlier constructions of 'tenancy at will', presumably under the common law with reference to the *Conveyancing Act 1919* and the *Real Property Act 1900*. Where rent is being paid to a person other than the owner of the property, they would be required to establish that the person receiving the rent is the owner's agent, in order to be sure they had a contract with the owner.

Most importantly, the *Landlord and Tenant Act 1899* provides an important protection for tenants under that 1948 Act, against unlawful eviction. Section 62 of the 1948 prevents recovery proceedings without a valid notice to quit, and section 81 prohibits interference with use or enjoyment of premises—but there is no equivalent in the 1948 Act of the prevention of eviction without court order provided by section 2AA of the *Landlord and Tenant Act 1899*.

Protection of 'quiet enjoyment' is not the same as an express prohibition on recovery of possession without a court order, particularly where it countenances 'reasonable cause' (as is the case with section 81 of the 1948 Act). As an analogy, this is why we have both a provision against interference with a tenant's 'quiet enjoyment' (section 50), and a prohibition against repossession of residential premises without a warrant (section 120) in the *Residential Tenancies Act 2010*.

The repeal of the *Landlord and Tenant Act 1899* will be to the significant detriment of tenants under the 1948 Act, as it will remove their fundamental protection against eviction without regard to the courts. Critical to this point is that the repeal of the *Landlord and Tenant Act 1899* will also remove part of the mechanism by which possession orders may be obtained under the 1948 Act. Because there is no equivalent in the 1948 Act to the provisions at Part 4 of the *Landlord and Tenant Act 1899*, setting out a procedure for recovery of possession as the outcome of a court action, such action relies by implication upon the 1899 Act. This implication is bolstered by the express exclusion of sections 26 and 27 of the 1899 Act in proceedings under the 1948 Act, at section 69(3) of the 1948 Act.

While this legislation contains a proposal to allow a maximum period of five years before the Act is deemed to be repealed, in order to be satisfied I am seeking assurances that before it takes that step the Government will consider and address those serious matters of direct concern to tenants. I seek an assurance from the Minister that the concerns of the Tenants' Union and the Law Society that I have raised in my contribution have been considered fully. Specifically, I seek an assurance that should the *Landlord and Tenant Act 1899* ultimately be repealed within the next five years the Minister will consider whether the *Landlord and Tenant (Amendment) Act 1948* should be amended to resolve issues that are likely to arise given the express and various other implied references to the 1899 Act in the 1948 Act. I look forward to the Minister's speech in reply.

The Hon. SHAYNE MALLARD [3.26 p.m.]: I support the Fair Trading Legislation (Repeal and Amendment) Bill 2015. Although I note the contribution of the Hon. Peter Primrose, in general the bill is not controversial and is supported by the Opposition in both Houses for good reason. The bill is common sense and

reinforces the Baird Government's strong support of small and medium business and its never-ending crusade against the red tape that strangles like blackberry vines the productivity, growth and job creation in the small business sector. The bill is about reducing red tape and making business in this State easier and more affordable. Its ultimate outcome will be to increase the State's competitiveness to take advantage of the opportunities presented in today's magnificent State budget. Whilst not as glamorous as the budget—which, I should add, will go down in history as one of the most significant, far-reaching budgets to be delivered in the Parliament—it is because of bills of this kind that the State remains the number one place in the country to do business.

We will not forget that in its first term the Government committed to reducing regulatory costs for business and the community by \$750 million in annual terms by June 2015 because Government members care about small businesses and job creation. Our ethos is, and always will be, that what is good for small business is good for the State and for jobs growth. Running a small business takes guts. Having previously invested and been involved in a few small businesses I know that the regulatory burden is no small part of the challenge of keeping a business afloat. An ongoing task of government is, and forever will be, the reduction in and removal of unnecessary legislative impediments to doing business in New South Wales. Legislation also needs to remain relevant to contemporary issues and be as easy as possible to understand. The Government's "one on, two off" policy to ensure that statutes that are past their usefulness are removed to reduce the regulatory burden on business is certainly making life easier for small businesses.

The bill gets rid of some long-outdated legislative relics. One relic to which the previous speaker referred is from as far back as 1899—two years before Federation. It has since been surpassed in its significance by the Residential Tenancies Act 2010. Harking back to my major in Australian history during my bachelor degree at Macquarie University, I delved into the origins of the 1899 legislation. After all, it is not every day that we remove a 116-year-old bill from the State's statutes. Members opposite might be interested to know that the 1899 Landlord and Tenant Act was one of a number of legislative measures introduced by free trade Premier George Reid as part of a deal to gain the support of the newly formed Australian Labor Party. Premier George Reid was a very practical man.

This of course followed the long depression and the droughts that devastated New South Wales during the 1890s. No doubt that historic Act was needed to protect the working class and the poor from the worst aspects of the depression and the heartless landlords of the day. George Reid was a pragmatic man, and Labor was prepared to do a deal. We should acknowledge the compassion and the political pragmatism of the day. The source of some of this information is a magnificent book called *The Premiers of New South Wales, Volume 1, 1856-1901*. The Parliament was involved in its publication.

The Hon. Dr Peter Phelps: It is a very good book.

The Hon. SHAYNE MALLARD: It is indeed. It was edited by David Clune and Ken Turner. The chapter on George Reid was written by Michael Hogan. I commend that book to all parliamentarians. The Fair Trading Legislation (Repeal and Amendment) Bill 2015 sets up the removal of four Acts entirely from the statute books. The consumer claims jurisdiction provided by the Consumer Claims Act 1998 will be re-enacted in the Fair Trading Act 1987, which will serve only to consolidate New South Wales consumer protection provisions.

One of the statutes being wholly repealed, the Fitness Services (Pre-Paid Fees) Act, is no longer required as the fitness services industry has responded positively and addressed the conditions that required the legislation to be enacted in the first place. The industry-specific issues associated with the introduction of the Fitness Services (Pre-Paid Fees) Act are no longer prevalent as the majority of fitness contracts no longer require substantial pre-payment. This is in line with the voluntary Fitness Industry Code of Practice, which prohibits pre-payments beyond 12 months. Accordingly, the potential consumer detriment that the trust fund provisions of the Act were designed to prevent is no longer prevalent. As a former councillor on the City of Sydney from 2000, I know this issue was of great concern to the community.

Also, other laws now provide protection for consumers. Since January 2011 the Australian Consumer Law has prescribed that a person in trade or commerce must not accept a payment for goods or services if there is no intention to supply as promised. False and misleading representation, as well as misleading conduct, is forbidden. Similarly, as I mentioned earlier, the development of other legislation has supplanted the need for the Landlord and Tenant Act 1899. Effectively, the Act has been replaced by a number of other specific-purpose statutes, including the Residential Tenancies Act 1987, the Residential Tenancies Act 2010, and other legislation introduced to deal with retail and agricultural tenancies.

Finally, the HomeFund Commissioner Act 1993 is another statute that is well past its use-by date. The Act established the office and functions of the HomeFund Commissioner to deal with complaints from people who had mortgages under the now defunct HomeFund scheme. This scheme provided home loans to low-income borrowers and operated between 1986 and 1993. Of the approximately 57,000 HomeFund borrowers, 8,330 made complaints to the HomeFund Commissioner. The commissioner's office was established in May 1993. By December of that year, about half of all HomeFund borrowers had refinanced their loans. All complaints were finally resolved by 30 June 1997 and the appointment of the last HomeFund Commissioner ended on 31 December 1997. The HomeFund Commissioner's Office was abolished in June 1998.

Accordingly, the HomeFund Commissioner Act is superfluous to the ongoing regulation of the marketplace. The repeal of this Act, as with the others being repealed by this bill, constitutes some necessary legislative housekeeping as part of the Government's commitment to red tape reduction. These statutes have been identified as being either superfluous to the ongoing regulation of a fair and efficient marketplace or no longer the best means of achieving the public policy goal that the law was originally designed for. I have outlined the Baird Government's commitment to reduce red tape. Legislation such as this bill supports State building legislation like the budget bills introduced today. In this bill we bid farewell to an Act from 1899 that delivered historic reform to protect the people of New South Wales.

The Hon. PAUL GREEN [3.34 p.m.]: On behalf of the Christian Democratic Party, I support the Fair Trading Legislation (Repeal and Amendment) Bill 2015. This bill will repeal the Consumer Claims Act 1998 and re-enact the substance of that Act in the Fair Trading Act 1987. It will also repeal the Fitness Services (Pre-paid Fees) Act 2000 and the HomeFund Commissioner Act 1993. It will provide for the repeal of the Landlord and Tenant Act 1899 no later than five years after the date of assent to the proposed Act. We heard about the great research done by the Hon. Shayne Mallard on that 116-year-old Act. The bill will also make consequential and related amendments to other Acts.

The Christian Democratic Party is always happy to be associated with reducing red tape across New South Wales. We need to stop a situation where people are ensnared by the plethora of legislation—and it is even worse when it is outdated legislation. We are committed to going through old legislation and reducing the opportunity for Acts to continue to exist just because they can. I note another comment made by the Hon. Shayne Mallard about the heartless landlords who existed some time ago. Some things do not change, and there probably still are some heartless landlords out there. But there is no doubt in this case that the Act that was drafted to address the issues at that time is outdated. This bill will go some way towards amending the legislation and addressing the needs appropriate to 2015. The Christian Democratic Party commends the bill to the House.

The Hon. BEN FRANKLIN [3.36 p.m.]: The Fair Trading Legislation (Repeal and Amendment) Bill 2015 is a common-sense bill that fundamentally eases regulatory burden on New South Wales. Repealing legislation can be viewed unfavourably by those unfamiliar with the process of government as it can sound destructive or regressive. It can sound like a government is tearing down the reform of previous administrations. But if anyone looks at legislation such as the bill before the House now, they will see that it exemplifies the reason we need to keep abreast of all the obsolete or outdated legislation that clogs up the operations of our State.

The New South Wales Parliament is Australia's oldest legislature, having been established as a legislative council in 1824 and becoming a full bicameral parliament in 1856. As such it has been legislating for almost two centuries. It is very easy to see that without a continual re-evaluation of existing legislation our State would have been strangled by needless red tape a long time ago. Repealing legislation that has passed its use-by date or has been nullified by subsequent reform is absolutely necessary.

I am loath to make yet another speech that pays homage to the former member for Ballina Don Page, but I will. It was his vision that saw the Government implement its "one on, two off" policy—a policy of great common sense. In his valedictory speech Don named this as a great source of pride, and said he was immensely pleased that the Government had more than met this policy objective. This Government is ensuring that the regulatory burden imposed by new principal legislation is more than offset by the repeal of principal legislation from the same portfolio. It has surpassed the "one on, two off" policy by repealing over 220 legislative burdens while delivering 47 pieces of legislation, representing a one on, five off ratio.

Why is this important? In regional areas red tape is the biggest barrier and indeed the biggest burden for local small business, apart from rising costs. In 2011 the Government committed to reducing regulatory costs

for business and the community by \$750 million by June 2015. As anyone here will know, regional areas rely on small business to drive jobs and growth in the community. You can often tell how a region is travelling by looking at the small businesses, or lack thereof, on the main drag of the nearest town—the operators of which have an enormous stake in the future of the area.

Cost of compliance and red tape is an issue for large corporations and small businesses alike, but unlike large corporations small businesses do not have access to specialists or economies of scale in dealing with regulatory burden. While big business can employ sometimes entire departments to deal with red tape, in regional areas small business operators are often the chief executive officer, chief financial officer, human resources manager, accountant and floor worker all rolled into one. The way we can help them thrive, grow and employ more locals is to ease the overall burden of the red tape that they have to deal with. We sometimes fail to notice the effects of regulation on struggling businesses because it is most often not us who deal with that. We must never be complacent in always reviewing the necessity of existing legislation because when we reduce regulatory burden we reduce the cost of doing business and we allow business to get on with creating jobs—there can be no better example of that than this legislation.

Repealing the Consumer Claims Act 1998 and transferring jurisdiction to the Fair Trading Act 1987 will consolidate the existing duplication of regulation whilst ensuring that the capacity to hear and resolve small claims is maintained by the Civil and Administrative Tribunal—the transfer of jurisdiction does not change any rights or remedies, the definition of "consumer" remains inclusive to maximise access to the tribunal, and small businesses and sole traders have access to low-cost assistance to settle disputes. This is common-sense reform that will simplify the process of regulation not just for small businesses and consumers but also for the broader burden of compliance in the State. Likewise, the repeal of the Fitness Services (Pre-paid Fees) Act regulates conditions that the fitness services industry has since addressed. The vast majority of fitness contracts no longer require substantial pre-payment, which is consistent with the voluntary fitness code of practice. The issues for which the Act was created are no longer prevalent and a code of practice, as well as market competition, is ensuring that they do not return.

The bill also will repeal the Landlord and Tenant Act 1899, which has been effectively replaced by numerous other statutes, and the Homefund Commissioner Act 1993, which due to the resolution of all related complaints by 1997 and the abolition of the Homefund Commissioner's Office in 1998 is now obsolete. These Acts can and should be repealed as a matter of simplification of government and, ultimately, common sense. The Government is getting on with the job of reducing the regulatory burden of government and the businesses, communities and individuals of New South Wales will reap the rewards.

Finally, I speak to the genesis of the legislation. This bill started with an issues paper at the beginning of 2013 that identified the potential of repeals. Thus began a consultation process with submissions from bodies, including the Law Society of NSW, Tenants' Union of NSW, Fitness Australia and the Real Estate Institute of New South Wales. The repeal of these four Acts was proposed as a result of that consultation. This was a transparent and collaborative approach to reform—as it should always be—and I commend the Minister for Innovation and Better Regulation, Mr Victor Dominello, for driving this outcome. This is a common-sense clean-up of regulation in this State, whilst still maintaining the protections for consumers and business alike. I commend the bill to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) [3.42 p.m.], in reply: I thank the Hon. Peter Primrose, the Hon. Shayne Mallard, the Hon. Paul Green and the Hon. Ben Franklin for their contributions to this debate. This bill provides for the repeal of four Acts, three of which are surplus to current regulatory needs, and amends the Fair Trading Act to include the consumer claims jurisdiction in the Civil and Administrative Tribunal. This bill is the result of consultation undertaken in 2013 and takes into account matters raised by stakeholders. The purpose of the bill is to remove outdated legislation that has no benefit for industry or consumers. The Government is demonstrating best practice regulation by reviewing our stock of statutes and acting to ensure that that stock continues to be relevant and required.

The bill provides for an Act to amend the Fair Trading Act 1987 in relation to consumer claims and the repeal of the Consumer Claims Act 1998, Fitness Services (Pre-paid Fees) Act 2000, Homefund Commissioner Act 1993, Landlord and Tenant Act 1899, and for other purposes. I turn now to some of the relevant issues. Provision is made to repeal the Landlord and Tenant Act 1899 because modern tenancy law has replaced it. Owners and renters are entitled to rely on the Residential Tenancies Act 2010 and not be concerned that legacy and feudal rules may apply. The wellbeing of renters has been dear to government for some 30 years since

reforms endeavoured to sever ties with history and base rental relationships on the modern market and its needs. The first of the reformed tenancy Acts was the 1987 Residential Tenancies Act, and the Residential Tenancies Act 2010, its successor, prevails today. The Government considers that the current Residential Tenancies Act serves the market well.

Owners and renters are not using the 1899 Act—a recent example of its use cannot be found. The repeal is framed with a five-year period because the statutory review of the Residential Tenancies Act 2010 is due to commence and throughout that consultation every effort will be made to identify and take into account any gaps in the scheme. Owners and renters are entitled to rely on a single rule book and access to a tribunal rather than a court for their support. Furthermore, any concerns about the relationship between the 1899 Act and the protected tenancies laws are unfounded. If the Acts had different names perhaps the entirely separate identity would be stark. No action is being taken at this stage in relation to the Landlord and Tenant (Amendment) Act 1948, the protected tenancies legislation.

For more than two decades the Parliament has been revising and modernising the framework for residential tenancies. Residential tenancies legislation was introduced and refined because the 1899 Act was so inadequate for modern rental arrangements. Although there are exclusions from the old and the new statutes, the last time the 1899 Act was used for tenement recovery is unknown. This indicates that the modern law is well targeted in its coverage and sufficient for landlords and tenants to manage their relationship. This repeal is based on reality and not on hypotheticals. I reiterate that the time frame for the repeal is such that a statutory review of the Residential Tenancies Act 2010, which is to commence mid-year, can again thoroughly examine the merits of exclusions and whether there should be changes to bring tenancies in or out of the modern law.

For almost 30 years governments have demonstrated that they want owners and home renters to be provided with rights and obligations which are relevant and useful. There is no case to retain a law that is more than 120 years old for any factual, theoretical or sentimental reason. I understand that certain stakeholders have raised issues relating to references in the 1948 Act to the 1899 Act, which would be unusable if the 1899 Act were repealed. I am informed that New South Wales Fair Trading has considered the matters raised and can find no merit in them. Those issues appear to be mainly that the repeal of the 1899 Act will impact on the Landlord and Tenant (Amendment) Act 1948.

The 1948 Act has no dependencies on the 1899 Act. When the 1899 Act is repealed by proclamation Parliamentary Counsel will remove any unnecessary and superfluous references. Both the 1899 Act and the 1948 Act have differently expressed prohibitions on unlawful eviction—for example, the landlord taking possession without a court order. The penalty in the 1899 Act is very low: maximum \$550. The penalty in the 1948 Act includes possible imprisonment as well as financial penalty. The effect of the prohibition in the 1948 Act is therefore stronger. The 1899 Act should have been repealed either by the Residential Tenancies Act 1987 or the Residential Tenancies Act 2010, which were drafted to deal with residential tenancy arrangements in the twentieth and twenty-first centuries.

The Government's commitment to better regulation will mean that we will continue to look for unnecessary laws, regulations and fees that add to regulatory burden. We will ensure that the currency of statutes is tested through consultation and adjusted to meet contemporary needs. This mindset supports innovation by working to remove government from the marketplace. This initiative will also allow for industry growth and development well into the future.

The Hon. Peter Primrose raised three issues in his contribution: loss of a legal avenue to resolve disputes; the relationship between the 1899 Act and the 1948 Act; and whether the Government will continue to consider the concerns of stakeholders. I will now address each of those issues. As to the first issue, landlords and tenants have access to the courts for possession orders under the Civil Procedures Act and civil procedural rules. However, the courts are not always appropriate for residential tenancy disputes, and both landlords and tenants prefer the tribunal. In the statutory review the Government intends to ensure that all residential tenancies are assured of tribunal access.

As to the second issue, the Government can find no merit in the matters raised by the Tenants' Union of NSW. The union appears to be mainly concerned that the repeal of the 1899 Act will impact on the Landlord and Tenant (Amendment) Act 1948. The 1948 Act has no dependencies on the 1899 Act. When the 1899 Act is repealed by proclamation Parliamentary Counsel will remove the superfluous references. Both the 1899 Act and the 1948 Act have differently expressed prohibitions on unlawful eviction. I have indicated the different penalties in relation to that. In answer to the question of whether the New South Wales Government will take on

stakeholder concerns, I indicate that the concerns of the Tenants' Union and the Law Society will be fully evaluated during the statutory review of the Residential Tenancies Act 2010, which must be completed by mid-2016. Any concerns raised by the Tenants' Union will also be taken into account as part of the statutory review. 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. John Ajaka agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

CRIMES LEGISLATION AMENDMENT (CHILD SEX OFFENCES) BILL 2015

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.51 p.m.], on behalf of the Hon. John Ajaka:
I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This bill implements the first phase of the Government's package of criminal justice reforms in the area of child sexual assault.

These reforms have been informed by the work of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders whose report "Every Sentence Tells a Story" was tabled in October 2014. I would like to take this opportunity to thank the committee for the amount of hard work around complex issues that has gone into the report and the recommendations that have been made.

The committee was appointed by the Government in 2013 to inquire into and report on whether current sentencing options for perpetrators of child sexual assault remain effective and whether greater consistency in sentencing and improving public confidence in the judicial system could be achieved through alternative sentencing options.

This Government is committed to ensuring perpetrators of sexual assault against the most vulnerable members of our community are met with appropriate penalties. The abhorrent nature of sexual violence against children continues to blight our society, as is evident from the ongoing Commonwealth Royal Commission Inquiry into Institutional Responses to Child Sexual Abuse.

The joint select committee made 29 recommendations relating to child sexual assault offences and sentencing. Their recommendations cover a number of areas including methods to improve transparency and consistency in sentencing; measures to better support victims of child sexual assault at trial; and improvement in the treatment and management of child sexual assault offenders.

The Government is committed to the prevention of child sexual assault and appropriate punishments for those who commit these types of offences and fully endorses the underlying objectives of the committee's recommendations.

A number of recommendations were directed at increasing sentences for the most serious sexual offending against children. The bill implements key recommendations of the committee in this regard. They are:

- first, a recommendation to impose a maximum penalty of life on a new consolidated offence of sexual intercourse with a child under 10; and
- second, a recommendation to expand the standard non-parole period scheme to include a number of child sex offences.

The joint select committee was concerned about the average length of sentences for offences under section 66A of the Crimes Act—sexual intercourse with a child under 10. While acknowledging the limitations of sentencing statistics, the committee was concerned about the length of sentences for offences against section 66A being below the standard non-parole period for the offences.

Whether committed in circumstances of aggravation or not, this offence is by its very nature exceptionally serious. The devastating and life-long impact of an offence committed under this section should carry the harshest potential penalty available, that is, life.

The committee's consideration of sentencing principles and practices was informed by the comprehensive work of the New South Wales Sentencing Council on the Standard Non Parole Period 5 Scheme. The scheme provides guidance and structure to judicial sentencing discretion. It currently applies to a relatively small number of serious offences, including four child sexual assault offences. Analysis of the scheme undertaken by the Judicial Commission of New South Wales in 2010 has shown that it has resulted in increases in sentence levels for scheme offences, especially those offences involving sexual violence.

In September 2013 the former Attorney asked the council to review aspects of the scheme, including what further offences should be included and the standard non-parole periods for those offences. In light of the establishment of the Joint Select Committee on Sentencing Child Sexual Assault Offenders, the Attorney asked the council to give immediate consideration to standard non-parole periods for child sexual assault offences and to report urgently on those that should be included in the scheme.

Following consultation with stakeholders and the community, the council recommended a number of child sex offences as suitable for inclusion in the scheme. The standard non-parole period reports were provided to the committee and recommendation 8 of the committee's report endorsed the council's recommendation. This bill implements that recommendation and expands the scheme to include these offences.

The council determined that each offence is appropriate for the scheme because it has a high to very high maximum penalty and its victims are children who are particularly vulnerable and for whom there is a special risk of serious ongoing harm.

At the heart of the council's and the joint select committee's recommendations about the scheme—and this Government's response to them—is recognition of the particularly heinous nature of sexual assault offences against children and the need for sentences to reflect the seriousness of this abuse.

The council also identified the level of standard non-parole period for each of the additional offences, based on a fixed proportion of 37.5 per cent of the maximum penalty for each offence, adjusted according to relevant considerations such as the special need for deterrence and the potential vulnerability of victims.

A number of other key recommendations of the committee will be implemented by two high level working groups: a Sexual Offences Taskforce will oversee a pilot program for specialist procedures to reduce re-traumatisation of child witnesses in sexual assault proceedings and will advise Government on additional best practices for child sexual assault trials. A second task force will examine options for anti-libidinal medical treatment for child sex offenders.

In addition to these task forces, the Department of Justice will undertake a review of the sexual offences in the Crimes Act 1900. This review may result in revised offences, however today's amendments are important and have been advanced early. It is considered a necessary and simple amendment, and there is no reason to delay.

I now turn to the detail of the bill.

Schedule 1 amends the Crimes Act 1900.

Item [1] of schedule 1 inserts a new basic offence which will carry a maximum penalty of imprisonment for life. It removes the distinction between the basic offence and the aggravated offence. Any person alleged to have sexually assaulted a child under 10 will be liable to be charged with this offence regardless of whether a circumstance of aggravation is found to exist. Should aggravating circumstances exist, the consolidation of the offences does not affect the discretion of a sentencing court to consider them when imposing a sentence in individual cases. The existing aggravating factors can be and will continue to be taken into account on sentence for this new offence, should they be found to be present.

Under section 21 of the Crimes (Sentencing Procedure) Act 1999 where an offence is punishable by life imprisonment, a court may nevertheless impose a sentence of imprisonment for a specified term. A standard non-parole period for the consolidated offence of 15 years is set under division 1 A of part 4 of that Act. This is the current standard non-parole period for both the simple and aggravated offences, and is retained for the new offence.

Proposed section 66A (2) provides that if a person is sentenced to life imprisonment under this section they then are to serve the sentence for the term of the person's natural life.

Schedule 1 [2], [3], [4] and [5] make consequential amendments.

Schedule 1 [6] is a savings and transitional provision which makes clear that the amendments only apply to offences committed after the commencement of the amendments.

Schedule 2 amends the Crimes (Sentencing Procedure) Act 1999.

The table to division 1 A of part 4 of that Act sets standard non-parole periods for a number of offences.

Item [2] of schedule 2 [2] amends the table to introduce standard non-parole periods for 13 child sex offences under the Crimes Act 1900.

Schedule 2 [1] makes an amendment that is consequential on the amendment made by schedule 1 [1].

Schedule 2 [3] is a savings and transitional provision which provides that the amendments only apply to offences committed after the commencement of the amendments.

I thank again the committee and those who have come forward to contribute to its work. The experiences that have informed the committee's findings and the decisions of this Government have been harrowing and considerable bravery is needed to have this discourse.

The work of the committee will continue to inform government policies and initiatives that aim to protect children, improve victim experience of criminal proceedings, prevent child abuse, punish offenders appropriately and provide access to effective treatment and rehabilitation to make communities safer.

I commend the bill to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [3.52 p.m.]: I lead the debate for the Opposition on the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. The Opposition does not oppose the bill. The two proposals in the bill arise from a report of a parliamentary committee. Members on both sides of the House agreed that the committee adopt the proposals. The Labor Party proposed the measures, among others, as an alternative to mandatory sentencing. The position was agreed to by the committee, with the exception, perhaps, of you, Mr Assistant-President. The bill has two objects. The first is to amend section 66A of the Crimes Act so that the offence of having sexual intercourse with a child under 10 years of age is punishable by a maximum penalty of life imprisonment. The second is to introduce standard non-parole periods, known as SNPPs, for a number of child sex offences not currently included in the scheme introduced in 2002.

These proposals arise from the October 2014 report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. The member for Liverpool in the other Chamber was a member of the committee, as was the Hon. Helen Westwood, then a member of this Chamber. The committee was established by Premier O'Farrell to introduce mandatory sentencing and compulsory chemical castration for child sex offenders. This followed a tabloid media campaign. At least one tabloid commentator seems to have been under the impression that he was promised that this would be the outcome of the committee's deliberations. The sentencing of child sex offenders is difficult and often challenging. In the words of the New South Wales Bar Association, such matters are "controversial, complex and emotive". They are not helped by media attention which seeks to reduce complex issues to simple sound bites or grabs.

Campaigns in the past have claimed that courts are isolated from community sentiment in sentencing offenders. The implication that the courts need to be dragged into line and that recalcitrant judicial officers need to be removed or relocated is entirely antithetical to the principle of the independence of the judiciary, which, together with judicial discretion, is a critical element of our system of government. It is also inconsistent with the actual evidence of sentencing patterns. The currently available sentencing statistics display a range of issues. It is quite clear that they are an art rather than a science. However, the increasing severity of punishment for sexual assault in the last decade is clear.

There has been an upward trend in the percentage of persons prosecuted for sexual assault. There has been an upward trend in the percentage of persons convicted of child sexual assaults. There has also been an upward trend in the average duration of imprisonment for child sexual assault. Whether a legal system is fair and effective is not determined by an accountant's analysis of the sentences of persons convicted and the length of time served. The real issue is whether people who are actually guilty are convicted and whether the punishment is appropriate. However, the statistical trends just mentioned come from the unanimously adopted parliamentary committee report and suggest that the criticisms of the judiciary are not soundly based. Glib comments about these being harsh new penalties also do an injustice to the truth of the bill.

The first of the proposals in the bill is to rectify what appears to have been a bipartisan mistake of the Parliament that delivered a nonsensical sentencing structure. The second is a modest and rational expansion of an already existing scheme. The first of the amendments in the bill deals with section 66A of the Crimes Act. Section 66A (1) currently criminalises having sexual intercourse with a person under the age of 10. The maximum penalty under the section is currently 25 years in prison. Subsection (2) provides that if it occurs in circumstances of aggravation the maximum penalty is imprisonment for life. Section 66A (3) defines circumstances of aggravation. Paragraph (d) of subsection (3) includes circumstances of aggravation where the victim is under the authority of the alleged offender. That must include familial offenders. A significant proportion of section 66A offences will now be included in section 66A (2) and thus in circumstances of aggravation.

The bill proposes the abolition of sections 66A (1) and 66A (2) and their replacement by one consolidated offence. The maximum penalty for the new consolidated offence is life imprisonment. The only concern expressed by the committee about that proposal, which came from you, Mr Assistant-President, was that Parliament might balk at increasing the maximum penalty in section 66A (1) from 25 years to life imprisonment. Section 66A has a

history of legislative change. It was originally introduced in 1985. It had at that time a maximum penalty of 20 years imprisonment. In 2002 the maximum penalty was increased to 25 years imprisonment. That increase was introduced in the same legislation that introduced the SNPP scheme. At that stage, the offence was simply known as the 66A (1) offence. In 2008 the aggravated form of the offence, currently section 66A (2), was introduced. The maximum penalty for that aggravated offence was life imprisonment.

There has been rhetoric that this proposal is a harsher penalty. While there is undoubtedly an increase in the maximum penalty, the Opposition thinks much of the rhetoric is unjustified and, frankly, unhelpful. This bill is really about fixing the mess Parliament created with the SNPP in 2002. Various sentencing statistics have been interpreted to suggest that offenders have been receiving sentences under the provision that are too light. That is meaningless unless you know all the circumstances involved and have a copy of the sentencing judge's remarks. Unfortunately, unless it is taken on appeal, that judgement is not available, which the parliamentary committee has something to say about. A more precise criticism is that the average sentence for section 66A (1) is significantly below the standard non-parole period of 15 years set out in the 2002 legislation.

Giving evidence before the parliamentary committee, the Hon. Anthony Whealy, QC, Deputy Chair of the NSW Sentencing Council and a former senior judicial officer, saw those figures and noted that, on the face of it, they look rather alarming. He made the obvious point that there needs to be a proper analysis of the cases to see what is behind the figures. It is worth making the point that sentencing statistics often have a weight placed upon them that they cannot bear and are used for purposes that are logically and scientifically illegitimate. This was mentioned briefly by the Attorney in the second reading speech but, we note, not in her media commentary.

There are inherent difficulties in using statistical data. There are a number of ways in which the statistics can underestimate the length of time to which offenders have been sentenced. The first is that the statistics are offender based rather than sentence based. They do not necessarily reflect the principle of totality. In plain language, they reflect only the principal offence for which an offender is sentenced. For example, if an offender faces five counts and is sentenced to two years imprisonment for each of those offences and they are to be served cumulatively, he has effectively been sentenced to 10 years imprisonment, but for the purposes of sentencing statistics he will have been sentenced to only two years imprisonment as that is the penalty for the principal offence. In this context, there is also the problem of historical offences, of which there are comparatively more in this area of sentencing than in most other areas. Sentencing, quite appropriately, should be in accordance with the law at the time of the offence.

As I have indicated, the Parliament has progressively increased the maximum penalty for 66A offences and, as I have also indicated, the court's attitude has changed, so that nowadays more severe sentences are considered appropriate. However, it means that historical offences tend to lower the average statistical result. Another issue pointed to in the unanimous parliamentary report is that some sentences may have factored in time already spent in custody, which would result in a shorter formal sentence, thereby giving a misleading impression of leniency which skews the statistical table. None of this is to say that statistics are to be ignored; they should, however, not have placed upon them a weight they cannot bear. I think it is a useful corrective to some of the commentary that is proffered in place of rational and careful analysis when these issues are discussed. As I indicated earlier, Anthony Whealy, QC, said that the discrepancy between the statistics in the SNPP for a 66A (1) offence, on the face of it, is cause for alarm. I think part of the cause for alarm is the bad design of the SNPP for this offence.

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

Item of business set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

COAL SEAM GAS

The Hon. ADAM SEARLE: My question without notice is directed to the Leader of the Government and the Vice-President of the Executive Council. In light of the recent National Party conference in Pokolbin and the 12 June comments made by the New South Wales Deputy Premier Troy Grant on coal seam gas and unconventional gas exploration, what actions will the Government take to halt coal seam gas and unconventional gas exploration?

The Hon. DUNCAN GAY: I thank the honourable member for his question. Today was the day that the State budget was delivered—the best budget we have seen in years; it is an absolutely fabulous budget. The budget has been delivered and the first question asked—

The Hon. Adam Searle: Point of order: The Minister is debating the question and he is not even being generally relevant.

The PRESIDENT: Order! Arguably. The Minister has the call.

The Hon. DUNCAN GAY: That states it all: The first question asked after the budget has been delivered does not relate to the budget. In other words, the Opposition has not got a worthwhile question about the budget for the Leader of the Opposition to ask. I am happy to answer this question because The Nationals are great supporters of the NSW Gas Plan—a joint vision of the Liberals and Nationals. The development of the NSW Gas Plan is to remediate problems for the people of the North Coast which were caused by the Labor Party. When Walt Secord was working with his good mate Ian Macdonald there was not a piece of land on the North Coast that Labor did not want to put a coal seam gas well into.

The answer is simple: we support the NSW Gas Plan; it is the way to remediate and fix the problems the Labor Party gave the North Coast. That disgrace of a party has absolutely no idea what to do. They can ask questions but they cannot fix the problems. After delivering a budget that will help this State more than it has ever been helped before, the first question asked by the Opposition has nothing to do with it. This is an absolute disgrace. It is an indictment on the leadership of the Leader of the Opposition that he has not got a question to ask about the budget.

STATE BUDGET AND INFRASTRUCTURE

The Hon. LOU AMATO: My question without notice is directed to the Minister for Roads, Maritime and Freight. Will the Minister inform the House of funding in the 2015-16 New South Wales budget?

The Hon. DUNCAN GAY: I thank the honourable member for the question. It is incredible that on the day the budget is delivered we have to wait for a member of the Government to ask a question on it. Let me read out a series of dates and numbers since 2011 relating to budgets that have transformed and continue to transform the delivery of critical roads, maritime and freight infrastructure in this State.

[Interruption]

Those opposite do not have any questions on the budget so they had better listen and gain some knowledge about it. These are the actual spends or allocations for my portfolio over the last five financial years: 2011-12, \$5.1 billion; 2012-13, \$5.2 billion; 2013-14, \$5.1 billion; 2014-15, \$5.5 billion; and for 2015-16 a historic \$7.5 billion—not a bad effort. These numbers equate to the largest investment in roads, maritime and freight in the history of this State.

For thousands of motorists stuck in peak-hour traffic each day on the M4 and M5 motorways, relief is on the way in the form of WestConnex—a world-class motorway, which should have been built by Labor more than a decade ago. This financial year alone we will invest \$1.7 billion to advance the widening of the M4 motorway to four lanes in each direction, and we will commence construction of a tunnel under Parramatta Road. As the unholy Labor-Greens alliance continues to white-ant this desperately needed motorway—with a couple of exceptions in the Labor Party, and I will come to those later—in order to secure inner-city votes, we continue to get on with the job of building it for the future of the city. A record \$4.1 billion will flow into regional New South Wales, including \$1.9 billion to continue fast-tracking major upgrades—

The Hon. Walt Secord: How much is Federal?

The Hon. DUNCAN GAY: Eighty per cent for the Pacific Highway. This is just our money I am talking about. The Hon. Walt Secord drags out the Cuisenaire rods but he does not understand numerics. As I said, the budget provides \$1.9 billion to continue fast-tracking major upgrades to key regional highways such as the Pacific Highway, the Princes Highway, the Great Western Highway, the Newell Highway, the New England Highway, the Oxley Highway, the Mitchell Highway, the Kings Highway, the Central Coast Highway, the Silver City Highway—does the Hon. Walt Secord know where the Silver City is?

The Hon. Walt Secord: Is this a pop quiz, Duncan? You don't know? It's in western New South Wales.

The Hon. DUNCAN GAY: Not only are we well advanced in delivering the biggest infrastructure program in this State's history; we are also investing record levels—\$1.5 billion this financial year alone—to repair and maintain existing assets, which is just as important as building new ones. In 2015-16, grants to councils to maintain their roads and bridges will total a record \$326 million—a massive 73 per cent increase on Labor's spend of only \$188 million in its last financial year in office. [*Time expired.*]

WESTCONNEX VENTILATION STACK

The Hon. WALT SECORD: My question without notice is directed to the Minister for Roads, Maritime and Freight. In light of today's budget surplus, will the Minister now commit to filtering the M4 East exhaust stack, which is proposed to be built less than 500 metres away from Haberfield Public School, childcare centres, churches, nursing homes and residential properties?

The Hon. DUNCAN GAY: The honourable member infers that the Government is not putting filters on the exhaust outlets, because of the cost. Nothing could be further from the truth. This is about the best value; this is about delivering the best outcome. Vehicle emissions are dispersed at surface level.

The Hon. Walt Secord: Surface level?

The Hon. DUNCAN GAY: What does the member think a car does when it drives along the road? Vehicle emissions are dispersed at surface level as cars and trucks travel on highly congested surface roads. This is exacerbated by the stop-start nature of peak-hour travel and the surface road traffic. Building much-needed free-flowing new motorway connections underground means emissions output per kilometre travelled are significantly reduced compared to the existing stop-start traffic choking these communities.

The member opposite asked a question about the WestConnex tunnel ventilation system. It has been designed in line with world's best practice and to meet the New South Wales Environmental Protection Authority's strict guidelines on air quality. There will generally be a ventilation outlet at the start and end of each tunnel, with up to three for each section. These will be detailed in each environmental impact statement [EIS]. Monitoring around existing ventilation outlets in Sydney shows tunnel ventilation outlets are effective in maintaining local air quality.

The tunnel ventilation system dilutes in-tunnel emissions and then disperses these emissions high into the atmosphere where they are diluted further with fresh air. This is more effective than having emissions accumulate at ground level, which is what is happening on the congested roads throughout the inner west. WestConnex and the Government's complementary public transport investments will provide relief for local communities. The reduction of surface road traffic and better emission dispersion from ventilation outlets will improve overall air quality across the region.

Total motor emissions have significantly fallen over the past 20 years as a result of vast improvements in fuel quality, better engine design and higher emission standards for motor vehicles—in particular trucks. The combination of well-designed tunnels that are wider, flatter and higher with the world's best practice ventilation systems means that filtration is not required. There are no filtered tunnel ventilation outlets in Australia and very few anywhere else in the world. Advocates of tunnel filtration like to suggest that it is current practice in other countries where, in fact, most of the examples quoted, such as Norway's Laerdal Tunnel, are decades-old projects and are not current best practice.

The other myth perpetrated by those who push this issue is that no other countries are building urban motorways in the twenty-first century. That is wrong. The reality is that new motorway tunnel projects are being built in Europe and other parts of the world, including one under construction in Copenhagen in Denmark. That tunnel is not being filtered. It is not about money; it is about the world's best practice.

The Hon. WALT SECORD: I ask a supplementary question. Will the Minister elucidate his answer in regard to "world's best practice" ventilation systems and does that mean the M4 East will surpass Scandinavian standards?

The Hon. DUNCAN GAY: If the member opposite had been listening to my answer—rather than deciding that he was going to ask a supplementary question even before I answered the question—he would

have found that the latest tunnel under construction in Copenhagen in Denmark will not have a filter system. Copenhagen is the city of the bicycle and they are building an unfiltered tunnel under it. The Danes are adhering to world's best practice and so is the Government.

FIREARMS AND FOSTER CARERS

The Hon. ROBERT BORSAK: My question is directed to the Minister for Ageing, representing the Minister for Family and Community Services. Is the Minister aware of any care agencies telling foster parents that it is not appropriate to expose a child in care to guns? Is there any legislation that excludes young persons in foster care from accompanying their carer as a non-participant observer while the carer participates in shooting sports?

The Hon. JOHN AJAKA: The Children and Young Persons (Care and Protection) Act 1998 does not provide for circumstances in which young people in foster care may accompany a carer as a non-participant observer in shooting sports. The legislation does not specify inclusion or exclusion of such participation. It should be remembered that authorised carers provide vulnerable children and young people with the help and support they need for their healthy development. Carers are encouraged to speak to their caseworker if they wish to discuss the recreational needs of the child or young person in their care.

STATE BUDGET AND DISABILITY SERVICES

The Hon. NATASHA MACLAREN-JONES: My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister update the House on the Government's investment in services for our State's most vulnerable?

The Hon. JOHN AJAKA: The Baird Government has delivered record funding for the people of New South Wales in the budget handed down today. The New South Wales Treasurer, the Hon. Gladys Berejiklian, has produced an excellent budget which features sensible fiscal policy and record investment where it is needed most. A significant investment in social policies to help those who are the most vulnerable in our community is also being delivered in this budget. The Government has invested significantly in the services that matter most to the people of New South Wales, services such as Health, where my ministerial colleague the Hon. Jillian Skinner continues to improve services and to build hospitals across the State.

The Government invested \$4.8 billion in its first term to upgrade hospitals and redevelop health facilities in New South Wales. Today's budget reveals that the Baird Government will invest more than \$5 billion in its second term, including \$1.4 billion in the coming financial year. The hospitals that will benefit from this investment include Westmead Hospital, which will receive \$72.1 million, and Lismore Hospital, which will receive \$30.2 million. The Government will also spend almost \$900 million to continue works in progress at hospitals across the State.

I am also pleased to advise the House that patient care in New South Wales will benefit from a record \$19.6 billion budget—an increase of almost a billion dollars on the previous year. That means that 90,000 more people will be treated in emergency departments, 40,000 extra patients will be admitted into our hospitals and we will provide 3,100 additional elective services. The beneficiaries of this budget will be patients and clinicians.

The Government has unveiled a record \$12.4 billion Education budget, courtesy of the hard work of my colleague the Hon. Adrian Piccoli who had the tremendous foresight to sign up for the Gonski reforms which make all this possible. In the coming financial year this will deliver an additional \$507 million in funding for schools in New South Wales. The New South Wales Government has set aside \$224 million over four years to improve teaching standards for the Quality Teaching, Successful Students package.

In the other place, the Hon. Pru Goward, in her capacity as the Minister for the Prevention of Domestic Violence and Sexual Assault, will oversee an estimated \$148.5 million to be spent over four years on specialist domestic and family violence programs and services. This year will also see the expansion of the It Stops Here Safer Pathway referral process—a streamlined referral pathway for victims—with increased information sharing and coordination between service providers. I am sure members will agree that this is important funding and something of which we should all be proud.

This is a great budget. As the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, I understand the importance of this funding and the positive impact it will have on those who

need it most. In my portfolio area, record funding has already been delivered. I will have more to say on that shortly. We are a government that has made the firm yet sensible financial decision to ensure we are in a healthy fiscal position while investing in the infrastructure and services to support those in our community who need it.

ST GEORGE HOSPITAL

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Ageing, representing the Minister for Health. In light of the Government's promise on 5 February 2015 to upgrade St George Hospital by providing \$307 million by 2017, why does that item now appear in Budget Paper No. 2, at page 5-26, to be completed by 2021—that is, a four-year delay?

The Hon. JOHN AJAKA: I thank the Hon. Shaoquett Moselmane for a question that allows me to talk about the great budget and the money that will be provided in the Health portfolio which builds on the great work of the Minister for Health, Jillian Skinner, in her four years as Minister.

The Hon. Shaoquett Moselmane: Point of order: My question was specific to the St George Hospital and the Minister is not answering my question.

The PRESIDENT: Order! There is a long line of precedents from past Presidents that indicate that a degree of generality is permitted in a Minister's answer, provided that the bulk of the answer is relevant.

The Hon. JOHN AJAKA: In four years the Minister for Health, Jillian Skinner, has done more for the Health system, for St George Hospital and every other hospital in this State than those opposite ever came near to doing in 16 years.

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the first time. I call Mr Scot MacDonald to order for the first time.

The Hon. JOHN AJAKA: The Minister for Health is doing more in relation to improving and building hospitals than the Opposition could ever imagine. The Opposition hates this great budget because it clearly shows how inadequate it was over 16 years. This budget clearly shows that a government can manage the fiscal affairs of a State and, at the same time, provide wonderful services for our front line—for example, doctors, nurses, teachers and police. This Government has provided an increase to every front-line service. Perhaps the Opposition does not believe that St George Hospital is part of the hospital system in New South Wales but the Government knows it is and that improvement in front-line services benefits St George Hospital and every other hospital. It is a shame that the Opposition failed to bring in a budget anywhere near this Government's budget. The Opposition should applaud this budget.

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the second time.

BIODIVERSITY CONSERVATION LEGISLATION

The Hon. ROBERT BROWN: My question is directed to the Minister for Ageing, representing the Minister for the Environment. Is the Government aware of the case of landowner *Peter James Spencer v Commonwealth of Australia and State of New South Wales* currently awaiting judgement in the Federal Court of Australia? What effect will the judgement in that case have on any pending biodiversity conservation legislation? In particular, is the promised November date for a draft exposure bill likely to be delayed?

The Hon. JOHN AJAKA: The Hon. Robert Brown is seeking extensive detail in relation to this Canberra matter. I will refer the question to the Minister and provide him with a detailed answer.

STATE BUDGET AND PRIMARY INDUSTRIES

The Hon. RICK COLLESS: My question is addressed to the Minister for Primary Industries. Will the Minister update the House on how the Liberal-Nationals Government is supporting the State's primary industries in this year's budget?

The Hon. NIAL BLAIR: Earlier today this Government had the great pleasure of announcing that more than \$1.3 billion will be invested during the next financial year to ensure the State's primary industries remain nation leaders and deliver vital management of our natural resources. The 2015-16 budget builds on

historic investments into the State's primary industries because that sector is leading the nation in production, innovation and competitiveness, and I am fiercely determined to keep it that way. For too long this State's primary industries were all but forgotten by the former Government. I am proud the New South Wales Liberal-Nationals Government is putting this \$12 billion sector at the forefront. This Government is determined to continue its support for the industries that support the communities of regional New South Wales. It is these industries that are the backbone of the regional economy.

One of the key pillars of this support framework will be \$162 million invested through Local Land Services to protect our enviable biosecurity status, assist in agricultural production, prepare for and manage emergencies and sustainably manage our natural resources. Some of the State's primary producers are doing it tough with some of the driest conditions we have seen in years, particularly in the north-west of the State. The New South Wales Government remains determined to give our farmers a leg-up whenever it can. That is why this year's budget also delivers \$63 million in drought assistance funding as part of this Government's five-year NSW Drought Strategy, including \$50 million for the popular Farm Innovation Fund. This is the cornerstone of the NSW Drought Strategy and will provide our farmers with \$250 million over the next five years to help them build and improve on-farm infrastructure to ensure their properties can manage droughts.

An additional \$13 million is allocated to support farmers and regional communities in the form of drought assistance measures. Key initiatives for 2015-16 include \$9 million to commence training and farm business planning. This program is currently being designed to build the skills and knowledge of agricultural businesses so they can manage business risks and improve planning and decision-making. This is part of a \$45 million commitment during the next five years under the NSW Drought Strategy. An amount of \$1.25 million has been allocated to work with the Bureau of Meteorology to develop an enhanced network of weather stations across New South Wales. This is part of a \$2.5 million commitment over the next two years under the NSW Drought Strategy.

Also being provided is \$1 million to provide transport assistance for animal welfare and donated fodder within New South Wales, \$1 million for rural support workers to provide support in dealing with challenges facing drought-affected primary producers and \$500,000 to assist with drought coordination and response. The budget also delivers on the Government's election commitment to provide \$15 million over four years to build on the partnership between the New South Wales Government and the community Landcare movement. There is a real sense of optimism in our primary industries sector at the moment. Commodity prices, particularly beef and wool, are reaching incredible highs and the Government is backing that optimism with its \$1.3 billion allocation to primary industries in the 2015-16 budget. We are proud of the investment we are making because we know the primary industries sector matters. It matters for our farmers, it matters for our regional communities, it matters for our State's economy, it matters to me and it matters to this Government.

HASTINGS RIVER FISHERMEN'S CO-OPERATIVE

The Hon. MICK VEITCH: My question is directed to the Minister for Primary Industries. Given that the Hasting Rivers Fishermen's Co-operative has operated for 70 years, why is the Government evicting it and forcing it to pay \$100,000 for the demolition of its own buildings?

The Hon. NIALL BLAIR: I am advised that negotiations with the Hasting Rivers Fishermen's Co-operative to vacate the site have been progressing since 2005. I am advised that the co-op has recently accepted a licence to enable continued trading until 31 March 2016 and then vacate the site. As part of accepting this licence the co-op has taken responsibility to demolish the building. I understand that the responsibility to demolish the building at the end of its term has always been an obligation of its tenure. The site's future uses will be considered as part of delivering on the Hastings Regional Crown Reserve Plan of Management 2014. That plan of management has been supported by the community. I am happy to discuss the plan with members of the co-op when I visit Port Macquarie next month.

BROKEN HILL WATER SUPPLY

Mr JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Lands and Water. On the issue of bore water supply for Broken Hill the Minister's predecessor, the member for Barwon, stressed to the *Barrier Daily Truth* "... these bores are only a short-term solution to the immediate water problem". Has the Minister ever described the deep bores being drilled near Copi Hollow as a "long-term option" for Broken Hill's water supply? If so, does that represent a change in policy by the Government?

The Hon. NIALL BLAIR: First of all, we need to put on record a few things that the Government is doing to secure not only the short-term but also the long-term viability of the Broken Hill and Menindee communities when it comes to water availability and supply. We are putting a record amount of funding into short- and long-term solutions for the community of Broken Hill. Today's budget contains a line item of \$2 million for the preparation of a business case for the best long-term solution for the communities of Broken Hill and Menindee. We have also committed up to half a billion dollars to fund whatever the long-term solution will be. That will be a record amount spent to ensure the future water security of any regional community. When I was in Menindee and Broken Hill—

Mr Jeremy Buckingham: You won't be going out there soon.

The Hon. NIALL BLAIR: If you just listen to the answer you might learn something. When I was there I met with different stakeholders and user groups. They all had different views on what the long-term solution should be. As I said, we will spend up to half a billion dollars of taxpayers' money to come up with that long-term solution. We will do a proper business case. We will spend the \$2 million to look at every one of the solutions that the stakeholder groups have put forward. That is what a responsible government does. It is what a government that is able to deliver a budget like today's budget does.

A responsible government listens to the community and puts all of the options that the stakeholders have raised on the table. It prepares a business case and comes up with the best value-for-money solution for New South Wales taxpayers and the people of Broken Hill and Menindee. The business case will address the issues that the communities have raised with us, including those relating to recreational activities and long-term security. It will also make sure that productive water is available in other parts of New South Wales to propel the economic drivers that I spoke about in my previous answer.

Mr Jeremy Buckingham: Yes, Cotton Australia.

The Hon. NIALL BLAIR: Absolutely. Cotton is one of the viable industries that are important to the communities that are relying on them to provide jobs and create stability. Yes, we have \$2 million in the budget for a long-term business plan for the long-term water security of Broken Hill and, yes, we will look at all of the options. We will make sure that when we come up with a long-term solution for Broken Hill and Menindee it will be the one that provides the best value for money for the people of Broken Hill and New South Wales. It will be the solution that gives the community certainty so that tourism operators in Broken Hill can continue to put up "open for business" signs. It will ensure that when people want to invest and businesses want to employ people in Broken Hill they will know that water will not be an impediment. We are spending up to half a billion dollars to ensure that we provide that certainty for the people of Broken Hill.

STATE BUDGET AND REGIONAL INFRASTRUCTURE

Mr SCOT MacDONALD: My question is directed to the Minister for Roads, Maritime and Freight. Will the Minister inform the House of funding in 2015-16 budget for roads, maritime and freight in regional New South Wales?

The Hon. DUNCAN GAY: Let me start by giving a compelling statistic. Over the 10 years from 2001-02 to 2010-11, under Labor the average annual spend on roads, freight and maritime infrastructure in regional New South Wales was \$2.4 billion. Write this down, Walt. It is very important. In stark comparison with that \$2.4 billion, since 2011 the average annual spend under a Liberal-Nationals Government has been \$4 billion per annum. That is a massive 67 per cent increase in average annual funding for country New South Wales compared with the funding that Labor provided.

Since March 2011 we have invested more than \$19.5 billion to build, upgrade and repair State- and council-owned road, maritime and freight infrastructure in country New South Wales. A key highlight for regional New South Wales in the 2015-16 budget is \$1.4 billion in joint funding with the Federal Government to continue fast-tracking the duplication of the Pacific Highway to a four-lane divided road between Hexham and the Queensland border, including construction of the final section of the upgrade between Woolgoolga and Ballina. The State contribution to this figure is a massive \$596 million.

Other highlights include \$182 million to continue major upgrades on the Princes Highway, including \$140 million towards construction of the Foxground and Berry bypass. I am looking forward to getting some Federal help on the Princes Highway someday. Albo the Good was not any help and nor is the current lot. They

have been great on the Pacific Highway but we are still working on the Princes Highway. In the budget \$87 million has been allocated to continue upgrading the Great Western Highway, including \$27 million for major upgrades at Kelso. An amount of \$124 million has been allocated to build and repair Central Coast roads, including \$69 million for major upgrades such as the widening of the Pacific Highway between Lisarow and Ourimbah. In the budget \$227 million has been allocated to build and repair Hunter roads, including \$50 million for key upgrades such as ongoing upgrades to roundabouts on the New England Highway at Maitland.

Importantly, \$209 million has been allocated for the upgrade and maintenance of the Country Rail network, including \$56 million for grain rail lines. Some \$35 million has been allocated for a series of major upgrades on the Newell Highway, including completing the final section of the Moree town bypass and constructing additional overtaking lanes along the length of the highway. An amount of \$23 million has been allocated to continue the Bells Line of Road Corridor Improvement Program, including the construction of extra overtaking lanes at Kurrajong Heights and Bilpin. Another budget highlight is the \$12 million that has been allocated for upgrades on the Oxley Highway, which will include completing construction of a new bridge across Tangaratta Creek near Tamworth, and \$9.8 million to continue sealing the Cobb and the Silver City highways. The Opposition has no idea where those highways are. [*Time expired.*]

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

NATIONAL PARKS FUNDING

Dr MEHREEN FARUQI: My question without notice is directed to the Minister for Ageing, representing the Minister for the Environment. It appears that there is \$3 million in the infrastructure statement for land purchases by the Office of Environment and Heritage in 2015-16. Will the Minister clarify that this amount is for the expansion of national parks? Does he think this is appropriate for the required additions to national parks, particularly given that New South Wales still ranks third last amongst Australian States for the amount of protected areas meeting international standards?

The Hon. JOHN AJAKA: I thank Dr Mehreen Faruqi for her question. The New South Wales Government will spend \$1.66 billion to protect and preserve the State's environment and heritage. This is a 3.9 per cent increase on last year's budget. More than \$160 million will be spent by the Environment Protection Authority [EPA] in 2015-16 to ensure it can operate as a strong regulator of industry and enforcer of environmental legislation. This includes \$5.6 million to support the EPA's new role as the sole authority undertaking compliance and enforcement for all gas activities in the State under the New South Wales Gas Plan. Some \$66.2 million will be spent on transforming waste management in New South Wales, increasing recycling, and educating people about reducing, reusing and recycling.

In addition, the Government will provide \$2.65 million in 2015-16 to introduce a cost-effective container deposit scheme by 1 July 2017. This is a significant reform that will reduce the amount of litter on our beaches and in our waterways and reserves. The Government will invest a total of \$100 million over five years to protect threatened species across New South Wales through the Saving Our Species program. This will, for the first time, strategically plan the protection of all threatened species in New South Wales. It is the biggest commitment to threatened species protection in Australian political history.

We continue to prepare our State for the challenges of the future, including our changing climate, with \$34 million to go towards improving the energy productivity and competitiveness of the New South Wales economy. This will save money and reduce demand for electricity. For Western Sydney Parklands and Parramatta Park in excess of \$120 million will be spent over four years, including \$34 million of government funding, to improve and develop parkland facilities for Western Sydney residents. We are investing in Sydney Living Museums, formerly the Historic Houses Trust, to preserve and refurbish heritage properties, with an additional \$12.7 million over the forward estimates and a further \$13.3 million allocated over the following six years to 2024-25.

HEALTH AND HOSPITAL FUNDING

The Hon. SOPHIE COTSIS: My question without notice is directed to the Minister for Ageing, representing the Minister for Health. Given the Australian Medical Association says a 7 per cent increase in health and hospital funding is needed this year to keep pace with the growing health demands of New South Wales and the rapidly ageing population, what steps have the Minister and the Government taken to secure funding from the Federal Government?

The Hon. JOHN AJAKA: I thank the Hon. Sophie Cotsis for her question. It gives me an opportunity to talk about the Health budget, which was announced today. What steps are we taking? Today we delivered a budget that will look after all of our needs in relation to our hospital system—we take responsibility. First and foremost, this State Government is allocating record funding to our hospital system. Let us talk about this. Recurrent spending on health in 2015-16 will be \$19.6 billion, up \$976 million or 5.2 per cent on the previous year. This will enable NSW Health to meet increased demand. This will allow an extra 90,000 people to be treated in an emergency department, an extra 40,000 hospital admissions and an additional 3,100 elective surgeries. We are talking about record capital expenditure. Some \$1.4 billion will be spent on the capital program in 2015-16, taking the total Health budget to \$21 billion. This is the first year of our four year—

The Hon. Sophie Cotsis: Point of order: My point of order goes to relevance. My question asked: What steps is this Government taking to secure funding from the Federal Government?

The PRESIDENT: Order! The member's question was quite a bit broader than that. The Minister was providing generally relevant information.

The Hon. JOHN AJAKA: As I was saying, this is the first year of our four-year, \$5 billion commitment to build and upgrade more than 60 hospital and health services. This will bring the total spend on health infrastructure to almost \$10 billion since the 2011 election, which is more than Labor spent on health in its 16 years of government. The 2015-16 budget shows that the New South Wales Liberal-Nationals Government is delivering on its election commitments to people across the State. With a record Health budget of \$21 billion, the New South Wales Government will fund record activity in our hospitals, bolster our clinical workforce and continue our massive hospital building program. We are also investing in innovative programs and new technologies to ensure patients receive the right care at the right time in the right place—be it in the city or the bush, in hospital or at home.

As I have indicated, this is a budget to be proud of; and it is an honour to be part of a government that has delivered a budget of this nature. I know those opposite never had that honour during their 16 years in government. They were never proud of the budgets they delivered, and that is a fact. This Government is not only spending a record amount on infrastructure for our hospitals and a record amount on our front-line services—including more police, more nurses and more teachers—but also, and most importantly, living within its means. This Government has learnt to live within its means and yet provide record funding.

The Hon. Shaoquett Moselmane: Point of order: The Minister has been speaking for 3½ minutes and, even given the President's ruling about being generally relevant, has not yet touched on anything to do with Federal Government assistance.

The PRESIDENT: Order! The Hon. Shaoquett Moselmane should ask the Hon. Sophie Cotsis for a copy of the question she asked. While the Minister is starting to stray from the question that was asked, the bulk of his answer has been generally relevant. If the Minister has any more directly relevant information, he may complete his answer.

The Hon. JOHN AJAKA: In dealing with the Commonwealth Government, it is imperative that this State shows that it is capable of living within its means. The income this State receives has a direct bearing, in looking at the expenditure of this State, when talking to the Commonwealth Government. The problem with those opposite is that when in government they could not live within their means. They were a disaster. Whatever additional funding they received, they spent well over that amount and had nothing to show for it. That is the reality. If we just look at what occurred from 2002-03 to 2009-10 we can see that the income received—*[Time expired.]*

DISABILITY SERVICES FUNDING

The Hon. GREG PEARCE: Following that inspirational answer, my question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister update the House about the Government's investment in disability services?

The Hon. JOHN AJAKA: I thank the Hon. Greg Pearce for his question. I am pleased to be part of a government that is delivering for people with disability. First, I give credit to the Treasurer, the Hon. Gladys Berejiklian, for delivering a fantastic budget and a great outcome in the Family and Community Services

cluster. The Government is delivering on all its commitments while creating a surplus that will benefit this great State. I inform the House that I have just returned from the State Library, where I briefed a large group of stakeholders on today's budget and received an overwhelmingly positive response.

Peak bodies in attendance included the Council on the Ageing (NSW), National Disability Services, Council of Social Service of New South Wales, Aboriginal Child, Family and Community Care State Secretariat and the Council for Intellectual Disability. It was terrific to have in attendance service providers such as Greystanes Disability Services, UnitingCare, Plumtree Foundation and House with No Steps. In the lead-up to full implementation of the National Disability Insurance Scheme [NDIS] this budget provides a record \$3.3 billion in funding to support people with disability, their families and carers and older people in our community—an increase of more than 6 per cent from last year.

The NDIS is a visionary, intergenerational scheme that will transform the lives of people with disability throughout New South Wales and Australia. Before the last election the Premier and I discussed what could be done to deliver the NDIS faster, particularly for young people in need of early intervention. I was also concerned to ensure that a greater proportion of our culturally and linguistically diverse community, more than what is already occurring in the Hunter, be included in the scheme. The Government is delivering the NDIS some 12 months ahead of schedule to the Nepean and Blue Mountains areas for about 2,000 children and young people. I am pleased to say that this budget contains additional funding so that we can rise to that challenge. Indeed, only recently I signed an agreement with Senator Mitch Fifield to deliver it as part of our ongoing and successful partnership with the Commonwealth Government.

We are about to enter the third and final year of the NDIS trial in the Hunter, which continues to build on the lessons learned over the past two years and brings together better ways of doing things to ensure a smooth rollout across New South Wales in 2016. Outside of the NDIS trial and early expansion sites, it is a fantastic result that total expenditure on disability and ageing services in 2015-16 has grown to \$3.3 billion. Under the Ready Together program, funding of an additional \$150 million will continue the work being done to get all people with disability onto individualised funding in anticipation of the NDIS. It will empower them to make decisions about how to live their lives and will also support them to plan for their future.

I am happy to announce that the Government has allocated an additional \$28 million to the redevelopment of large residential centres in the Hunter region. This will build on the \$30 million allocated in last year's budget. This Government is determined to deliver on the longstanding commitment to move people with disability out of institutional accommodation into the community-focussed, small and independent accommodation that they deserve and choose. The Disability Services budget also reflects the Government's commitment to the non-government sector as a genuine partner in providing specialist services for people with disability, their families and carers. More than \$1.7 billion will be provided to non-government organisations to deliver specialist disability services in— [*Time expired.*]

MORRISSET PUBLIC TRANSPORT

The Hon. PAUL GREEN: I direct my question without notice to the Minister for Roads, Maritime and Freight, representing the Minister for Transport and Infrastructure. A number of young families without transport and elderly constituents with mobility issues and no personal means of transport have expressed their difficulties in transferring from one mode of transport to another between Morisset station to Wyong Hospital and to Lake Haven Shopping Centre, where Centrelink and Medicare offices are located. What steps is the Minister taking to improve the cross-country public bus transport from Morisset station to Wyong Hospital and to Lake Haven Shopping Centre?

The Hon. DUNCAN GAY: I thank the honourable member for his important question. This is obviously a matter of concern for those living in the Morisset area. I do not have the direct information being sought so I will direct the question to the Minister for Transport and Infrastructure for a detailed response.

MOUNT OUSLEY ROAD FUNDING

The Hon. DANIEL MOOKHEY: I direct my question without notice to the Minister for Roads, Maritime and Freight. More than two years ago the Government promised to build the Mount Ousley Road Rest Area project. When will that construction begin? It does not appear in today's budget papers.

The Hon. DUNCAN GAY: The Government has 4,600 major projects across this State. Each one of those projects is important and they are underway—

The Hon. Penny Sharpe: Broken promises.

The Hon. DUNCAN GAY: The former Transport spokeswoman said it is a broken promise. She would know about broken promises.

The Hon. John Ajaka: Yes, the metro.

The Hon. DUNCAN GAY: I was not going to talk about the metro; I was going to talk about the light rail, which was promised by those opposite but they have now broken that promise. Rather than take the honourable member's question as a fact, I will check the situation and come back to him with an answer.

STATE BUDGET AND REGIONAL WATER SECURITY

The Hon. BEN FRANKLIN: I address my question 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 securing water supply and water security across regional New South Wales as part of this year's budget?

The Hon. NIALL BLAIR: For too long, quick fixes and bandaid solutions have been the norm for regional water security. Today I am thrilled to announce a record investment of more than \$600 million in the 2015-16 budget to deliver access to good-quality water and ensure water security in regional New South Wales. This funding will be invested in vital infrastructure to firm up water supply in towns across the entire State. No matter where people live, they will have better access to clean and secure drinking water. It is just not on that there are still communities that do not have modern systems to safely manage effluent.

The Government has reserved \$110 million for our Regional Water and Waste Water Backlog program, to clear Labor's backlog of 71 country town water supply and sewerage projects across New South Wales. This will ensure that we improve access to drinking water and sewerage facilities across regional New South Wales. Indeed, after two long decades of that program being in place the backlog will be cleared. But we are not just about clearing the build-up of the past. New funding will be provided to continue the important Country Towns Water Supply and Sewerage Program, with an additional \$38 million allocated for projects to upgrade water and sewerage infrastructure in rural and regional New South Wales.

The Government is investing more than half a billion dollars into water management projects, including more than \$127 million for the Water Security for Regions program. This will include an initial \$52.3 million to secure emergency water supplies for Broken Hill. The New South Wales Government is delivering unprecedented funding to provide water supply solutions for Broken Hill and surrounding communities to ensure that they do not run out of water. The Water Security for Regions program will also include investment for projects such as \$21 million for funding of a pipeline from Orange to Blayney and Carcoar, and \$11 million for a pipeline from Scone to Murrumbidgee. These are crucial projects to ensure our regional towns and communities have better water security.

We are also investing \$186 million to assist eligible New South Wales households with the financial costs for the supply of potable water. This will be provided to pensioners and exempt properties, including charitable organisations, as a rebate scheme to subsidise quarterly water and sewerage services. A total of \$130 million is being invested in State priority water-saving projects in 2015-16 under the Commonwealth Government's Water for the Future Program, including \$50 million for the Basin Pipe project, to replace wasteful and inefficient replenishment systems, open drains, channels and dams with pipeline schemes. Funding of \$40 million is included for the Irrigated Farm Modernisation Scheme, \$17.4 million for the New South Wales Metering Scheme for Regulated Rivers and \$22 million for the Healthy Floodplains project.

This budget also includes \$16 million to implement water reform initiatives in the Murray-Darling Basin, as part of the six-year \$80 million Basin Plan funding agreement with the Commonwealth. This funding will go towards the important development of water resource plans and environmental watering plans, to be accredited under the Basin Plan, and other environmental works to help offset the reduction in extractions required under the plan. An additional \$11 million has been provided to improve water and sewerage services in 61 Aboriginal communities. This Government is investing a level of funding to secure regional water supply, the likes of which we have never seen in this State. As Minister, I am proud to deliver it.

PUBLIC SCHOOL ENROLMENT FORM

Dr JOHN KAYE: My question without notice is directed to the Minister for Primary Industries representing the Minister for Education. It refers to the draft public school enrolment form agreed to by the Consultative Committee for Special Religious Education at its November 2014 meeting. Will the Department of Education and Communities adopt this enrolment form? If so, what is the timetable for its adoption? When will it go live?

The Hon. NIALL BLAIR: I will take Dr John Kaye's question on notice and get back to him.

The Hon. DUNCAN GAY: If members have any further questions, I suggest they place them on notice.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

GUN ACCESS

On 6 May 2015 the Hon. Robert Borsak asked the Minister for Roads, Maritime and Freight, representing the Minister for Justice and Police, a question without notice about privacy issues concerning the Firearms Amendment (Ammunition Control) Act 2012. The Minister for Justice and Police provided the following response:

I am advised:

The Government is investing \$5 million to upgrade the IT systems of the NSW Firearms Registry. It is anticipated that the new IT platform will allow for ammunition-related processes such as the recording of sales and purchases to be automated.

In addition, the Firearms Regulation 2006 is under review which provides further opportunity to consider the regulation of ammunition. Comments from stakeholders, including firearm licence holders and government agencies, will be sought to help ensure the remade regulation reflects the needs of the New South Wales community.

The NSW Police Force, particularly through specialist squads such as Operation Talon and Strike Force Raptor, continues to drive down firearm, violent and gang-related crime.

As at 23 May 2015, Strike Force Raptor had arrested 2,952 people, laid 6,685 charges, seized 860 firearms and over \$4.4 million in cash and assets, and made numerous drug seizures worth over \$15 million.

As at 17 May 2015, Operation Talon had:

- made 1,076 arrests;
- laid 1,494 charges;
- conducted 3,657 person searches;
- 1,656 vehicle searches;
- issued 244 Firearms Prohibition Orders; and seized 25 firearms and 7 replica firearms.

NATIVE VEGETATION LEGISLATION

On 6 May 2015 the Hon. Robert Brown asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment, a question without notice regarding the timeline for the repeal of the Native Vegetation Legislation Act 2003. The Minister for the Environment provided the following response:

On 26 March 2015, the New South Wales Government announced that, if re-elected, it would implement all of the recommendations made by the Independent Biodiversity Legislation Review Panel as an integrated package of reforms.

The Government intends to release a draft bill for public consultation by November 2015, consistent with the memorandum of understanding between the New South Wales Government and NSW Farmers dated 25 March 2015.

TIBBY COTTER BRIDGE

On 6 May Dr Mehreen Faruqi asked the Minister for Roads, Maritime and Freight, a question without notice about the number of pedestrians and cyclists using Tibby Cotter Bridge and when patronage figures would be released. The Minister provided the following response:

I am advised:

Patronage surveys were undertaken during five Cricket World Cup events at Moore Park between February and March 2015. In total, 22,273 pedestrians and cyclists crossed Anzac Parade using the bridge over five days.

HOME EDUCATED STUDENT TAFE ENROLMENTS

On 6 May 2015 the Hon. Paul Green asked the Minister for Primary Industries, and Minister for Lands and Water, representing the Minister for Education, a question without notice about homeschooled students accessing subsidised places at TAFE. The Minister for Skills provided the following response:

Smart and Skilled eligibility rules require a student to have left school before they can undertake Smart and Skilled training. Students who are still in schooling, irrespective of whether they are attending a school or registered for homeschooling, are not eligible for Smart and Skilled.

Where a student registered for homeschooling wishes to complete their education by undertaking a vocational course, the student and the student's parent or caregiver should discuss this option with an authorised person from the Board of Studies Teaching and Educational Standards NSW.

CROWN LANDS ACT

On 12 May 2015 the Hon. Mick Veitch asked the Minister for Primary Industries, and Minister for Lands and Water, a question without notice about the Government's proposed new Crown Lands Act. The Minister provided the following response:

The decision in the Land and Environment Court regarding King Edward Park is still being analysed by the Government. It is always important to consider case law with regards to impending legislative change. A number of key recommendations from the Crown Lands Management Review are still being tested with key stakeholders. Further consultation was a key commitment by the Government in its response to the review recommendations and this is currently underway. As I stated in my answer to the honourable member on 12 May, I will get back to the member as soon as I am in a position to introduce the bill to the House.

SPECIAL RELIGIOUS EDUCATION

On 12 May 2015 Dr John Kaye asked the Minister for Primary Industries, and Minister for Lands and Water, representing the Minister for Education, a question without notice about the materials used in special religious education classes in New South Wales public schools. The Minister for Education provided the following response:

As part of their annual assurance to the Department of Education and Communities, approved providers undertake that all curriculum materials used in special religious education [SRE] classes are authorised and delivered in a sensitive and age-appropriate manner.

SPECIAL RELIGIOUS EDUCATION

On 12 May 2015 Reverend the Hon. Fred Nile asked the Minister for Primary Industries, and Minister for Lands and Water, representing the Minister for Education, a question without notice about curriculum development and provision for special religious education classes. The Minister for Education provided the following response:

Section 32 (3) specifies that special religious education [SRE] providers determine the content of what is offered in their classes, while the Religious Education Policy states that curriculum for special religious education is developed and implemented by approved providers.

The memorandum issued by the Department of Education and Communities on 6 May 2015 to Directors, Public Schools was issued on advice that there was a potential risk to students in the delivery of the material, if not taught sensitively and in an age appropriate manner. I have been assured by the Anglican Archbishop of Sydney that sensitive, age appropriate delivery of SRE is an integral part of the training of SRE teachers.

The books *You: An Introduction* by Michael Jensen and *A Sneaking Suspicion* by John Dickson have been part of the authorised Sydney Anglican high school SRE curriculum for many years. I wish to confirm there is no ban in place on these books or their companion materials. A second memorandum was issued to Directors, Public Schools on 25 May 2015, informing them accordingly.

The Anglican Church in the Diocese of Sydney has confirmed that *Teen Sex By the Book* by Dr Patricia Weerakoon was never an approved text for government school students and should never have been used.

The New South Wales Government is supportive of and committed to SRE, as is the Anglican Church. We will continue to work closely together on delivering best practice SRE.

TRUCK TOLLS

On 12 May 2015 the Hon. Greg Donnelly asked the Minister for Roads, Maritime and Freight, a question without notice and a supplementary question about the impact on local roads of the renegotiated agreements that increased the truck toll on the M7 and the Lane Cove Tunnel. The Minister provided the following response:

I am advised:

Truck tolls on the Westlink M7 and the Lane Cove Tunnel were analysed as part of the NorthConnex environmental impact statement, which is available on the NorthConnex website.

HOUSING AFFORDABILITY

On 12 May 2015 Ms Jan Barham asked the Minister for Roads, Maritime and Freight, representing the Treasurer, and Minister for Industrial Relations, a question without notice about tax reform policies that affect availability and affordability of housing in this State. The Treasurer provided the following response:

The New South Wales Government is working with the Commonwealth, State and Territory Governments to consider tax reform through the Commonwealth Government's Tax White Paper process.

TRUCK TOLLS

On 12 May 2015 the Hon. Daniel Mookhey asked the Minister for Roads, Maritime and Freight, a question without notice about the impact on the trucking industry of the renegotiated agreements that increased the truck toll on the M7 and the Lane Cove Tunnel. The Minister provided the following response:

I am advised:

Truck tolls on the Westlink M7 and the Lane Cove Tunnel were analysed as part of the NorthConnex environmental impact statement, which is available on the NorthConnex website.

FIREARMS REGISTRY

On 12 May 2015 the Hon. Robert Borsak asked the Minister for Roads, Maritime and Freight, representing the Minister for Justice and Police, a question without notice about a review of processes relating to the register of firearm ammunition purchases. The Minister for Justice and Police provided the following response:

The Government is investing \$5 million to upgrade the IT systems of the NSW Firearms Registry. It is anticipated that the new IT platform will allow for ammunition-related processes such as the recording of sales and purchases to be automated.

In addition, the Firearms Regulation is under review, which provides further opportunity to consider the regulation of ammunition. Comments from stakeholders, including firearm licence holders and government agencies, will be sought to help ensure the remade regulation reflects the needs of the New South Wales community.

NEW ENGLAND HIGHWAY AND GOLDEN HIGHWAY INTERCHANGE

On 12 May 2015 the Hon. Robert Brown asked the Minister for Roads, Maritime and Freight, a question without notice about the building of an interchange at the junction of the New England Highway and the Golden Highway. The Minister provided the following response:

I am advised:

Planning has commenced and a preferred option has been identified.

The proposed option involves providing a divided New England Highway with two travel lanes in each direction between Belford and the Golden Highway, with a flyover for vehicles turning right from the Golden Highway towards Maitland and Newcastle.

Subject to planning approval and weather conditions during construction, the anticipated completion date for the project is 2020.

QUAKERS HILL NURSING HOME

On 13 May 2015 the Hon. Walt Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, a question without notice regarding recommendations from the New South Wales Coroner's report into the 2011 fire at Quakers Hill Nursing Home. The Minister provided the following response:

Principal responsibility for aged care policy and service delivery now rests with the Commonwealth Department of Social Services. However, Ageing, Disability and Home Care is considering the recommendations handed down by the Coroner and I will report back to the House on the response.

EXTINCT MAMMALS REINTRODUCTION PROJECT

On 13 May 2015 Dr Mehreen Faruqi asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning, a question without notice about the Extinct Mammals Reintroduction Project. The Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning provided the following response:

I am advised as follows:

The Extinct Mammals Reintroduction Project is an exciting and significant initiative under the Government's Saving our Species program, which takes a scientific approach to identifying and funding priority projects to secure threatened species in the wild for the next 100 years.

After a comprehensive selection process, two conservation organisations have been selected to partner with the New South Wales Government to deliver the project to reintroduce locally extinct mammals to our national parks. The Office of the Environment and Heritage has commenced contract negotiations with both the Wildlife Restoration and Management Partnership led by the University of New South Wales and the Australian Wildlife Conservancy to deliver the project. Both organisations have extensive experience in reintroduction programs and large-scale conservation management.

The project will see more than 10 mammal species that have become extinct in New South Wales returned to our national parks. These include the iconic bilby, numbat and brush-tailed bettong and also lesser known species like the greater stick-nest rat and western barred bandicoot. The project will involve protective enclosures and intensive fox and cat control, which will also benefit up to 50 other threatened species. This project is the largest of its kind to be undertaken by any government in this country and represents a substantial investment in regional New South Wales. The project will provide economic benefits to local communities through employment and tourism.

This Government is committed to halting the decline of threatened species and reversing the tide of mammal extinctions in New South Wales. The Government's commitment of \$100 million new funding over five years brings this objective within reach.

GLEBE PUBLIC HOUSING

On 13 May 2015 the Hon. Paul Green asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for Family and Community Services, and Minister for Social Housing, a question without notice about repairs to two Housing NSW units at 1 to 7 Walsh Avenue, Glebe, which were significantly damaged by fire. The Minister for Family and Community Services, and Minister for Social Housing provided the following response:

Work is now underway to restore the affected units following the temporary relocation of affected tenants.

ALZHEIMER'S RESEARCH FUNDING

On 13 May 2015 the Hon. Shaoquett Moselmane asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, a question without notice about the impact of Federal budget funding cuts to Alzheimer's research and New South Wales programs for older Australians and people with disabilities. The Minister provided the following response:

I am advised:

Matters concerning the Federal budget should be referred to the Commonwealth Government of Australia.

RENEWABLE ENERGY TARGET

On 13 May 2015 Dr John Kaye asked the Minister for Roads, Maritime and Freight, representing the Premier, a question without notice about negotiations between the Federal Government and the Federal Opposition over the future of the renewable energy target. The Premier provided the following response:

New South Wales supports the Commonwealth's role in leading national discussion on renewable energy.

New South Wales's submission to the renewable energy target review in 2014 discussed the importance of certainty regarding policy and regulatory environments for investors.

NEWCASTLE PUBLIC TRANSPORT

On 13 May 2015 Reverend the Hon. Fred Nile asked the Minister for Roads, Maritime and Freight, representing the Minister for Transport and Infrastructure, a question without notice about passenger access difficulties on the Newcastle line. The Minister for Transport and Infrastructure provided the following response:

I am advised:

While the transport interchange at Wickham is being built, an accessible shuttle bus service has replaced train services between Hamilton and Newcastle stations.

Once completed, the new Wickham Interchange and light rail vehicles and platforms will be fully accessible for less mobile customers.

OPERATION PROSPECT

On 13 May 2015 Mr David Shoebridge asked the Minister for Roads, Maritime and Freight, representing the Premier, a question without notice about communication between the Premier's office and the Attorney General's office regarding the Ombudsman's Operation Prospect inquiry against the New South Wales Deputy Commissioner of Police on or before 17 April 2015. The Premier provided the following response:

Any allegations of impropriety are rejected.

The Ombudsman has not yet delivered his report on Operation Prospect.

Any recommendations made by the Ombudsman in his report on Operation Prospect for the laying of criminal charges will be a matter for the Director of Public Prosecutions to consider.

BRUNSWICK HEADS HOLIDAY PARKS

On 14 May 2015 Ms Jan Barham asked the Minister for Primary Industries, and Minister for Lands and Water, a question without notice about the adoption of the plans of management for the Brunswick Heads caravan parks on Crown lands, prepared by the North Coast Accommodation Trust. The Minister provided the following response:

Licences to operate the holiday parks are primarily a matter for the trust and Byron Shire Council.

The trust submitted its licence applications for each park to Byron Shire Council some time ago as required under section 68 of the Local Government Act 1993. I am further advised that most recently, council has informed the trust that it has appointed an independent auditor to review the trust's licence applications, and once the review has been undertaken, the matter will be provided to the elected council for determination.

FIREARM OFFENCES

On 14 May 2015 the Hon. Robert Borsak asked the Minister for Roads, Maritime and Freight, representing the Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing, a question without notice about penalties for crimes involving firearms. The Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing provided the following response:

The Government is actively considering this issue.

REGIONAL SCHOOL BUS SAFETY

On 14 May 2015 the Hon. Penny Sharpe asked the Minister for Roads, Maritime and Freight, a question without notice about the Federal Government's decision to cut the Seatbelts on Regional School Buses program. The Minister provided the following response:

I am advised:

The New South Wales Government is spending more than \$200 million to install seatbelts and phase out standing on buses dedicated to school journeys in rural and regional New South Wales. The program will see almost 1,400 buses fitted with seatbelts.

The termination of the Commonwealth's program will not affect the New South Wales Government's roll-out of seatbelts on school buses.

TRANSFER PRICING AND MINING ROYALTIES

On 14 May 2015 Mr Jeremy Buckingham asked the Minister for Roads, Maritime and Freight, representing the Treasurer, and Minister for Industrial Relations, a question without notice about the amount of royalties the NSW Treasury is missing out on through the practice of transfer pricing. The Treasurer, and Minister for Industrial Relations provided the following response:

The Office of State Revenue is responsible for compliance and collection of mining royalties, payable in New South Wales. The Office of State Revenue falls under the responsibility of the Minister for Finance.

COMPLEMENTARY AND ALTERNATIVE THERAPIES

On 14 May 2015 the Hon. Ernest Wong asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for Health, a question without notice about what steps the Government is taking to advise the community about so-called complementary or alternative therapies that are not part of evidence-based conventional medicine. The Minister for Health provided the following response:

The New South Wales Government supports evidence-based medicine. The New South Wales Ministry of Health internet site includes information on complementary health at <http://www.health.nsw.gov.au/Patients/ch/Pages/default.aspx>. The content addresses the risks of using complementary therapies and medicines.

The Agency for Clinical Information Pain Management Network also provides information for patients with chronic pain on complementary and alternative medicine at <http://www.aci.health.nsw.gov.au/data/assets/pdf/file/0018/212823/Pain-and-CAM-Therapy.pdf>.

In these resources, patients are advised to consult with their doctor before taking any complementary or alternative medicine.

CLIMATE CHANGE

On 14 May 2015 Dr Mehreen Faruqi asked the Minister for Roads, Maritime and Freight, representing the Premier, and Minister for Western Sydney, a question without notice about the Government's commitment to putting action on climate change front and centre of its budget in the coming year. The Premier, and Minister for Western Sydney provided the following response:

The New South Wales Government is committed to delivering policies and programs that support practical action to tackle climate change.

The 2015-16 budget papers will be available on 23 June and I encourage you to read them to see the Government's ongoing commitments.

JENOLAN CAVES

On 14 May 2015 the Hon. Shaoquett Moselmane asked the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning, a question without notice about the privatisation of Jenolan Caves. The Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning provided the following response:

I am advised as follows:

Five responses were received to an expression of interest released in June 2013.

Negotiations commenced with the preferred proponent but they withdrew from the process due to changes in their business operations.

VICTORIAN DEPARTMENT OF EDUCATION AND TRAINING AND NINO NAPOLI

On 14 May 2015 Dr John Kaye asked the Minister for Primary Industries, and Minister for Lands and Water, representing the Minister for Education, a question without notice about Nino Napoli providing assistance or advice to the New South Wales Government or the New South Wales Department of Education and Communities. The Minister for Education provided the following response:

Mr Nino Napoli has not provided any advice or assistance to the New South Wales Government or the NSW Department of Education and Communities in the design or implementation of the Resource Allocation Model for New South Wales public schools.

There is a strong governance structure in place to oversee implementation of all elements of the reform. This structure includes the following:

- LSLD Implementation Advisory Group
- LSLD Project Control Group
- RAM Principals Working Party
- Department of Education and Communities Executive

Membership of these groups is drawn from a wide range of external organisations and from other parts of the department, including:

- NSW Teachers Federation
- Aboriginal Education Consultative Group
- Federation of Parents and Citizens Associations of NSW
- NSW Treasury
- External Affairs and Regulation Executive Risk Management Group
- Department of Education and Communities Audit Directorate

Questions without notice concluded.

STATE BUDGET**Personal Explanation**

The Hon. WALT SECORD, by leave: I wish to make a personal explanation regarding remarks made in question time by the Minister for Roads, Maritime and Freight about the Silver City Highway. To assist, I advise that it is located between Wentworth and Broken Hill. I know the roads Minister rarely leaves Redfern, so I am pleased to assist.

The PRESIDENT: Order! The Hon Walt Secord will resume his seat. The member is abusing an important form of the House. For that reason, I call him to order for the second time.

Pursuant to sessional orders debate on committee reports proceeded with.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE**Report: Volunteering and Unpaid Work Placements Among Children and Young People in NSW****Debate resumed from 6 May 2015.**

Ms JAN BARHAM [5.03 p.m.]: As a member of the Committee on Children and Young People I was pleased to negotiate with the then chair to expand the original inquiry into volunteering to include the important area of unpaid work. The reason for expanding the inquiry to look at unpaid work was the increasing number of references in social media about people's experiences of unpaid work. Some of the experiences related to internships and others related to trial work periods. I am, sadly, familiar with such situations in my area, as the hospitality industry appears to engage in this practice quite a lot.

A number of matters arose during the inquiry, in particular from the report of an inquiry that had been undertaken by the Fair Work Ombudsman. The title of that report should alarm us all: "Experience or Exploitation?" The substantial report looks at the nature, prevalence and regulation of unpaid work experience, internships and trial work periods in Australia. That report, delivered in January 2013, revealed quite shocking experiences of young people in the workplace. They felt that their time in work was not much more than exploitation. That had an impression on me and made me think it was important to look further into this matter.

Unpaid work affects many people, particularly in regional areas, where casualisation of the workforce is becoming a difficulty for many. People in casual work experience difficulties getting a loan. Leasing property is much more difficult when people are employed casually. Getting work is much harder in an area with a transient workforce. As we have seen in recent media reports, people with temporary visas are also being exploited. It is of great concern that people who come to our country are being used as cheap labour, taking jobs away in important areas. Their experience is that they are not treated well or appropriately and the standards of employment are below what are expected.

The inquiry of the Committee on Children and Young People had some important outcomes. The committee found that volunteers make a valuable contribution. Volunteering often sets people up for future life and work opportunities by enabling them to engage with people and to experience different types of work. It allows other people to see them at their best. Volunteers often try enthusiastically to impress, and that may give them an opportunity to gain paid work or make connections in the community. The evidence from the unpaid work sector was very different. The committee heard stories from organisations such as Interns Australia. It received reports from people who have had very unsatisfactory experiences. They are led to believe there might be an option for paid work at the end of one, two or even three weeks of work, and then nothing comes of it.

Interns Australia highlighted in its submission the experience internationally. Other countries have looked at internship and identified areas of opportunity. These include a charter of ethical internship processes and a clear definition of the pre-work commitment before people engage so that they know exactly how long they will be working, what they will be doing and whether there will be an opportunity at the end of it. With some internships, such as in France, people are paid a percentage of a wage for the work they do. The United States of America has a different model: It has a six-point test for the legality of unpaid internships.

One recommendation from Interns Australia is that the New South Wales Government investigate methods of establishing a clear set of criteria for a test for unpaid internship. The Canadian model of the Employment Standards Act regards the intern as an employee and, as an employee, the intern's services are defined and included in any agreements that are made. That is important in ensuring that unpaid work is not about an abuse or misuse of young people who are desperately trying to get some work experience or an opportunity to work in an area of interest.

Our current labour laws do not clearly define or regulate interns. A national survey by Interns Australia conducted in April 2014 showed that 61 per cent of university graduates interviewed had completed two or more unpaid placements—many for more than two months and often without a proper contract. Many internships are poorly structured, uninsured, lack proper learning opportunities and are unpaid, yet students do not have the individual bargaining power to address the situation. An article in the *Conversation* on 13 January 2015 relating to unpaid interns stated:

Part of the problem is that the old understanding of what internships are for has radically changed. Once, they were meant to give students or recently qualified people a taste of what it's like to work in a particular sector. While interns might have been given specific tasks, they were selected on the basis of their career motivation, rather than their expertise or ability to fulfil crucial roles or functions.

The justification for non-payment, therefore, has historically been that it is the intern who primarily benefits from the arrangement not the organisation that provided the opportunity for work experience. Not any more.

On behalf of the Government, Minister Ajaka responded to the recommendations of the inquiry. Unfortunately, the Government has not accepted any of the recommendations. The committee's first recommendation is that the Commission for Children and Young People, now the Advocate for Children and Young People, work towards developing a program with the Department of Education and Communities to review government funding for youth programs. This is about supporting volunteering more, because we know that its future is a bit doubtful. The demographics surrounding volunteering reveal that the majority of volunteers are an older demographic. If we do not attract younger people to volunteering volunteer numbers will dwindle, greatly diminishing community spirit and opportunities.

Recommendation No. 2 is about volunteering awards, which the Government supports. However, it has not responded positively in relation to internships and the need for a best practice guide. The Government has not recognised that it has a responsibility to develop some standards and criteria in this area. Recommendation No. 11 calls on the State Government to define criteria and the standing of its relationship with internships and unpaid work opportunities to ensure that it sets the standard and leads the way. This recommendation was supported by youth groups. Youth Connections made clear to the committee its concerns about what is going on and called on the Government to increase the criteria and tighten up this area of work.

In its submission Unions NSW said there was a need to define the difference between unpaid work and exploitation. Unions NSW and the Fair Work Ombudsman submitted that unpaid work trials are and should remain unlawful, and that if employers are found to engage workers on an unpaid work trial basis they can and should continue to be required to pay back pay for hours worked. That is a most contentious issue in many areas of hospitality where young local people often compete with a transient or backpacker workforce or those who are in Australia on work visas. Young local people can gain experience by doing unpaid work, but in that context it is unlawful.

Another issue raised during the inquiry was that the code of practice should apply to lawful unpaid work including work placements, internships, school work experience and work for the dole. The code should also apply to volunteers in the case of volunteer work. Learning outcomes may not apply but before advertising for an internship or volunteer work, organisations must consider their capacity to provide an intern volunteer with a positive learning experience. This will involve initial planning on what the day-to-day activities will be and the organisation should be confident that the intern will benefit. That is the real test in the unpaid work area: Interns should benefit from the work and not be exploited.

I have referred to the report of the Fair Work Commission. It too identified that there should be a national or State code of practice covering all forms of unpaid work and that there should be further research into the use and prevalence of internships, work placements, volunteer work and other forms of unpaid work. The report highlighted that it is very hard to know how many young people experience exploitation. But we are hearing about this problem more because people are raising it through social media—in conversations, in chat rooms and in blogs. That is not good enough when we are talking about the best interests of young people, particularly when it is their first experience in the workforce. Another area of concern, and the subject of a committee recommendation, is that unlawful advertisements for internships and volunteering must be better policed. The Commission for Children and Young People—or the Advocate for Children and Young People, as it is now known—could play a role in that.

The Hon. PAUL GREEN [5.18 p.m.]: On behalf of the Christian Democratic Party and as a new member of the Committee on Children and Young People, I briefly address the committee's report entitled, "Volunteering and Unpaid Work Placements Among Children and Young People in NSW." Volunteering is a great way to make a difference in one's community as well as to learn and develop skills, meet new people and gain a pathway to work experience and career prospects. In its report the committee acknowledged the great work already being done to support young people in volunteering. Volunteering Australia reports that the rate of volunteering by young people in Australia increased from 16 per cent in 1995 to 27.1 per cent in 2010. More than 70 per cent of eligible public schools have participated in the NSW Premier's Student Volunteering Awards program. This program encourages students in years 9 and 10 to volunteer in the school and community, promoting civic pride and contributing to strengthening communities.

In 2011 some 7,000 students completed 180,000 hours of volunteering in areas such as assisting older people and working on community and conservation projects in emergency services. Some children volunteer on a weekly basis, visiting nursing homes. The children say that the beautiful relationships they have developed with an elderly person is like having a new grandmother or grandfather. The students speak with fondness of the

opportunity of having spent time with the elderly and of hearing their stories. Having worked in the nursing sector, I know that the elderly patients and residents would also greatly benefit from the time spent with those children. I applaud the schools that are encouraging those intergenerational relationships.

The committee also heard evidence from the inquiry participants on measures to promote volunteering to young people. They included increasing awareness of volunteering opportunities among young people, formal recognition of students' volunteering and academic rewards for volunteering. The committee concluded that unpaid work should primarily benefit the person undertaking the placement and that young people's rights should be protected when undertaking unpaid work. I note that the recommendations in the report include the development of a code of practice and a complimentary best practice guide for internships and other forms of unpaid work, as well as measures to educate young people about their rights in the workplace.

A couple of weeks ago we were discussing age discrimination in the workplace. A cross-pollination of experience, history and knowledge takes place when we get young and old together. It enriches the younger person's journey through life and it enriches the older person's life when he or she is able to impart knowledge, experience and history to young people who may be assisted by that knowledge in their journey through life. The report of the Committee on Children and Young People is a valuable one. It will be of assistance to the Government in finding ways to encourage young people to volunteer and to continue to build on the 2010 figure of 27.1 per cent that I referred to earlier. At the end of the day it will assist in developing a more cohesive and stronger community. I commend the report to the House.

Ms JAN BARHAM [5.23 p.m.], in reply: I thank those members who made a contribution to the debate. I acknowledge and thank the committee members—there are a few because we had some changes in committee membership during the last term—the former chair, Mr Andrew Cornwell; the current chair, the member for Oatley, Mr Mark Coure; the deputy chair, Ms Melanie Gibbons; the Hon. Greg Donnelly; the Hon. Sarah Mitchell; the Hon. Niall Blair and Mr Andrew Gee. Committees that are constituted of members of both Houses of Parliament from all parties provide an interesting perspective. The alarming issues that were raised need strong action, and I do not think the Government's response has gone far enough. Interns Australia, other youth organisations and Unions NSW have identified that this is an area of increasing concern and have recommended strengthening workplace contracts.

Last August we heard that young people were feeling compelled to take up any opportunity that was offered in the hope that it would help them to get ahead. That vulnerability puts young people at risk of sexual exploitation. That was the experience of a young person in my electorate who was working for a trial or training period and I was shocked that this was happening to vulnerable young people, including young men who were feeling the same pressures. We must strongly represent such young people. Unfortunately, that sort of exploitation occurs in the workplace as well but reports from youth forums indicated that it was happening in the trial and volunteer work areas. We need to have programs in place to protect young people, whether they are volunteering, working as interns or employed.

There is a lot more to be done to protect young volunteers. Representations have been made to my office, and in some of the submissions to the inquiry, that people without the necessary protections are ostracised. Because they are not employed when they are given no reasons for being asked to leave a volunteer position they cannot make an unfair dismissal claim. Members must examine the recommendations in the report and consider whether it is the role of the children's advocate to address those points or whether it is the role of government to acknowledge and strengthen the practices that protect young people. I may have misread previously the recommendation calling on the Government to take on board its own standard contract best practice guidelines and reporting around internships. I hope that it will do so. Unions NSW secretary, Mark Lennon, described the use of unpaid internships as "abhorrent", and said:

There's a pressing need to clean up the internship process. The idea that people are paying for the privilege of doing unpaid administrative work is absolutely abhorrent. We need a code of practice for internships to ensure that young people get skills and experience and are not just exploited for free labour.

During the hearings a young person said that after working for three weeks he was told he was no longer required because he was not good enough. When he sought further clarification each point that was put to him could not be substantiated and he made it clear to the person that he thought he was being treated poorly as he did everything that he could. While people are undertaking this kind of employment they cannot actively seek other employment and they have been led to believe that doing unpaid work might lead to something for them but for many that is not the case. It damages the relationships employers have with young

people and the relationships young people have with the broader world, which can often lead them into dangerous situations. They then perhaps have no employment and no opportunity and so become homeless, which is a real tragedy.

I was pleased to work with all members of this committee and I thank all those who made submissions to the committee. Again, as always, I greatly appreciate the wonderful work of the committee secretariat which brought together a wide range of information. The report is very readable, informative and puts important issues into the public arena. I am disappointed that the Government's response did not go far enough but we will keep working on it. I hope the Government will give a commitment to adopting some best practice guidelines and be a real leader in this area and show that it cares about the lives and work experience of young people. I hope we are all committed to ensuring that these work experiences are good for all young people. I commend the report to the House.

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 26 May 2015.

The Hon. MICK VEITCH [5.33 p.m.]: I will continue my contribution to this debate. This is probably the committee that has had the biggest impact on me in my eight years to date in this House. It was a significant committee that heard some quite harrowing testimony. I am of the view that the unanimous recommendations of the committee were put forward in good faith for the Government's consideration. At the Queanbeyan hearing the people who addressed the committee were unable to fathom the difference between the way this issue was being dealt with in the Australian Capital Territory and in New South Wales. It is very clear that no blame has been apportioned as this issue is above politics and one that both sides need and want to address.

The recommendations of the committee were put forward in good faith and if the people who addressed the committee saw them as anything less than that it would be unacceptable. I am keen to hear the contribution of Reverend the Hon. Fred Nile in reply on the Government's response to date but I suggest that it is not what the committee expected it to be. The Government's response has fallen short. There is a distinct contrast between the way the governments of the Australian Capital Territory and New South Wales are dealing with this issue. I think the people of New South Wales would expect the Australian Capital Territory model to be the model for them.

I know all members of the committee worked quite well together in relation to this matter. The Hon. Steve Whan, the then candidate for Monaro, and Mr John Barilaro, the member for Monaro, put aside their political differences and worked together to ensure a result for the people of New South Wales. I implore the Government to give genuine consideration to adopting all the recommendations of the committee. It was put to the committee a number of times that there should be no difference between the Australian Capital Territory approach and the New South Wales approach.

I thank Reverend the Hon. Fred Nile for the way in which he chaired this committee. I extend my appreciation to all members of the committee from both sides of the House. We did very well in very trying circumstances. I also extend my great appreciation to the committee secretariat because particularly in Queanbeyan some of the stories that were related to the committee brought tears to our eyes and the way the committee secretariat worked with the witnesses and assisted them to deliver their testimony was admirable. I congratulate the committee secretariat and I also extend my appreciation to the Hansard staff who had to record the harrowing stories that are now in chapter 2. Finally, I implore the Government to implement all the recommendations of this committee. I commend the report.

The Hon. ROBERT BROWN [5.36 p.m.]: While I was not a member of the Joint Select Committee on Loose Fill Asbestos Insulation I want to add my 10¢ worth to its recommendations. Loose-fill asbestos was used in the construction of residences at a time when it was deemed to be safe and legal. Those residents have virtually been put in the same position as those, for example, affected by the Wambelong fires—which is an inquiry that is yet to be discussed—with complete devastation, a loss of property, nowhere to go, and in some

cases, from having spoken to Reverend the Hon. Fred Nile, in severe financial hardship. Asbestos is nasty. When it was legal I demolished my own asbestos house, in the roof of which I found a product called Rockwool. Fortunately I do not think Rockwool was as bad as asbestos that was used in Monaro and the Australian Capital Territory but nevertheless last year I was frightened and scared that I had dusted myself and had mesothelioma when I had a bout in hospital with chest pains.

This is an extremely serious matter. Earlier the Government talked about its success in steering this State to a financial position to be envied around the nation. If that is the case, I ask the Government to give serious consideration to a couple of the unanimous recommendations made in this report, in particular, recommendation 2, which states:

That the NSW Government provide emergency financial assistance to the owners and residents of homes affected by loose-fill asbestos insulation to cover immediate expenses such as crisis accommodation, replacement of personal goods, rates and utility bills and short-term maintenance or remediation work.

If, as the report indicates, about 59 or 60 houses are affected it would not involve a huge sum of money, given the budget surplus we now have. I understand that committee members are urging the Government to take these recommendations seriously because the circumstances are serious. The committee members did an excellent job in taking evidence from distressed people and showing compassion while hearing what they had to say. It is often distressing for witnesses to relive incidents while giving evidence to an inquiry of this type. It is important to bear in mind their reaction when a government says that it thinks the recommendations are good but it is not going to adopt any of them. The Government has a chance to spend a bit of its miraculous surplus to look after some of these people. In particular, I humbly ask the Government to consider recommendation No. 2 and make the funds available. I commend the report to the House.

The Hon. LYNDIA VOLTZ [5.40 p.m.]: I support the comments of previous speakers relating to the recommendations in the report of the Joint Select Committee on Loose Fill Asbestos Insulation. One of my first speeches in this House was about the death of Roy "Fardi" Mundine. He lived until his eighties but all his brothers who worked at the Baryulgil asbestos mine barely made it to 60 years of age. We know the impact of loose-fill asbestos and it has been well documented. In the early 1980s I worked in Lidcombe at the Workers Health Centre. Many people who accessed the service had been diagnosed with asbestos-related diseases and they usually died before they could receive any compensation. It has been 30 or 40 years since we recognised the risks of asbestos and the insidious danger it presents. Therefore, it is surprising that the Government does not replicate the work of the Australian Capital Territory Government on this matter.

We know that leaving loose-fill asbestos in the wall cavities of buildings is not appropriate. I note that the committee report says that representatives of the Heads of Asbestos Coordination Authorities [HACA] provided advice to home owners that loose-fill asbestos insulation is capable of being contained by sealing exposure pathways. However, the Australian Capital Territory Government has an opposite view and believes it to be significantly dangerous. I know how devastating fires, floods and other natural disasters can be but a family that has bought a house containing loose-fill asbestos faces ongoing issues. There is no way to resolve it and they are living with its impacts. They have invested their life savings in a house and now either have to pay to live elsewhere or risk their health by continuing to live in the property.

The Hon. Robert Brown is right when he says that the Government has had a stamp duty windfall. It has collected \$4.5 billion in stamp duty so far this year, which is \$500 million above expectations. Government members are quite happy to throw around numbers such as \$600 million to build a sports stadium at Moore Park when stadiums are in oversupply, but they will not do the right thing by looking after the victims of loose-fill asbestos in the same way that people in the Australian Capital Territory are being looked after by their much smaller government. The Government must look at a buy-back scheme. It will probably be forced into that position, given the advice that its departments have given to the people who own affected properties. In the meantime, the physical and emotional damage that is caused to families is something that the Government will have to deal with through the removal of asbestos from the properties. It would be far better for the Government to bite the bullet, take up the committee's recommendations and get on with the job now.

Mr DAVID SHOEBRIDGE [5.43 p.m.]: On behalf of The Greens I speak in the take-note debate on the loose-fill asbestos insulation report, which many people would know as the Mr Fluffy report. It was a privilege to be a member of the Joint Select Committee on Loose Fill Asbestos Insulation that looked into this issue not because we got to enjoy the trappings of the New South Wales Parliament but because we got to hear firsthand about the impact that loose-fill asbestos has had on individuals who bought and lived in and are now saddled with properties containing it.

Previous speakers have identified the appalling nature of asbestos as a building product and spoken about its insidious ability to end people's lives through debilitating and painful illnesses. They have also spoken about the lack of State regulation that allowed the deadly material to be used in building and home products, manufacturing lines and brake pads. For decades the product existed throughout all of the built and industrial form in New South Wales and across the country when those mining, refining and selling it knew that it killed people in a brutal and awful way.

One of the first things I did as a member in this place was introduce a private member's bill dealing with the deeply offensive Strikwerda principle in the New South Wales common law, which relates to damages paid primarily to the widows of asbestosis victims. When the widow of a man who has died from an asbestos-related disease seeks to recover compensation for the lost income that her deceased husband would have provided the Strikwerda principle provides that in working out the economic loss to which the widow is entitled the asbestos company can receive a discount in damages that is equal to the sum of general damages it paid to the deceased husband for the appallingly brutal and painful way the company killed him through exposure to asbestos.

That defence has been abolished in other States and Territories but asbestos companies repeatedly run it in New South Wales. They say to the widow, "Yes, it is terrible that your husband died. Yes, we paid your husband's estate \$100,000 because of the brutal manner in which we killed him by giving him an asbestos-related disease. Yes, we accept that you have lost \$300,000 in income support as a result of your husband's untimely death. Yes, we accept that \$300,000 liability but don't forget you got the benefit of the \$100,000 in general damages that we paid into the estate because of the brutal manner in which we killed your husband. We therefore want to take \$100,000 off your damages and pay you a reduced sum." As deeply offensive as that is, it continues to be the law in New South Wales because the former Government and this Government have refused to take on the likes of James Hardie and change the law to remove that unfairness.

I make that introduction to say that the unfair, arbitrary and brutal way that asbestos-related disease tears down the economic and social fundamentals of families continues to this day. It is likely that the third wave of asbestos victims that is coming now and is largely related to home renovations will be gender neutral. It will claim equal numbers of male and female victims. Asbestos-related disease will increasingly strike down people in their economic prime. Its victims will be people in their mid to late forties who were exposed to asbestos during home renovations or when they encountered loose-fill asbestos in their roof. The third wave will cause enormous economic hardship as it cuts down people in their prime and tears apart families with young children who need their parents to provide for their emotional and financial wellbeing.

It is also likely that the liability will be very hard to sheet home to the ultimate causes of the third wave—the asbestos companies who allowed the products to be there in the first place. That is because it will be hard to identify where and in what circumstances the victims were exposed to the asbestos that caused their brutal and untimely deaths. It is in large part an unfunded liability, and a growing liability. The damage it will cause over the coming decades needs to be seriously addressed.

When this Parliament has looked at the role of the dust diseases board and the way the dust diseases board works to compensate people exposed to asbestos at work, it has given itself a pat on the back—and to some extent it should; the Workers' Compensation Dust Diseases Board is working very well. It is adequately compensating and providing essential medical and social support for victims of asbestos-related disease where they have been exposed to asbestos at work. But where people have been exposed outside work, it is either largely an unfunded liability or people are involved in lengthy and debilitating litigation at the end of their life.

I will read onto the record one of the many personal accounts heard by the committee. For me, it confirms that the Government should do much more than it has to date, which has been to simply note the recommendations. It should immediately implement the recommendations. I will not read through the recommendations; others have done that. The recommendations are essential and should be implemented today. I will read onto the record Matthew's story, which comes from page 5 of the committee report. Mathew says:

After I graduated from university, I thought that the best thing I could do early in life would be having a property where I could call home. I worked tirelessly for two years and in July 2010 I finally saved up enough money to purchase a unit in Queanbeyan.

At the time of the purchase, I paid a local company to complete a building inspection. The inspection report came back fine apart from the roof which was not inspected due to the presence of asbestos. I followed this up with the real estate agent from whom I was buying the unit and he said that all houses of that age had asbestos. I then read advice from NSW Health which appeared to me to also suggest that asbestos was safe. After doing those two things, I thought it was okay to buy this place.

In June 2014, I received a letter from the Queanbeyan City Council re-issuing advice that I have got a Mr Fluffy unit. Suddenly I felt my stomach turning up in knots and starting to cramp—I just realised that the asbestos in my roof was not bonded asbestos but the friable one that was dangerous and deadly. It was not the first time I had heard about Mr Fluffy, but I never thought about connecting the dots between the asbestos in my roof and the asbestos of Mr Fluffy.

I rang my mum and she told me to sell the unit, but I did not feel that I could sell my problem to another person. I told my girlfriend and she asked me to never move back in. I now have a property that is totally worthless but I still have to pay for rates and other expenses. It makes me feel sick. I wake up at nights thinking about it. It has left me feeling that I can never recharge, like I cannot rest at all.

I think that the lawyers and real estate agents should and could have done more to assist me with my purchase of a property. Most people like myself do not understand the risks involved in living in an asbestos house and they do not understand the scientific jargon of "non-friable asbestos".

Now I know what it means after days and days of research on it but at the time even if there was a notice placed on my place, I probably would not have picked up that it was Mr Fluffy. People involved in buying and selling properties like lawyers and real estate agents should be trained or at least informed of this issue and decode this information for home buyers so that no one else gets into my situation, where they buy a place not knowing what they are really getting.

I am angry with the advice of the NSW Government on this issue. When I read NSW Health advice in July, it said that the house you live in would be safe as long as you did not breathe in asbestos and you contain it. In my opinion, this carefully worded advice is basically designed to reduce the fears of residents and make people think that the house they live in or are about to purchase is safe, when clearly it is not the case. I am also angry with the NSW Government's inaction.

When I request information from the ACT Government I am provided with information, which outlines the basis for their decision-making. Conversely, when I request information from the New South Wales Government I get nothing. I think that the NSW Government's response to this issue shows no empathy or thought for the people living in a fluffy house and that their response is totally inadequate considering the risks involved with loose-fill asbestos.

Matthew Rigter says everything that I wish to say on this report.

Ms JAN BARHAM [5.53 p.m.]: I will speak briefly on the report of the Joint Select Committee on Loose Fill Asbestos Insulation. I was able to assist my colleague Mr David Shoebridge, who was attending another inquiry, by sitting in on this inquiry as a participating member. I concur with some of the comments made by other members. It was distressing to hear how people's lives have been devastated upon finding out that their homes were not only essentially worthless but also dangerous to their health and wellbeing and that of anyone else who might visit the property.

Mr Shoebridge read out a quote from Matthew, who appeared before the inquiry on the day I was attending. He was a young person looking to get ahead who found he had a property that he was unable to live in. He felt a huge responsibility that he could not allow anyone else to live there, given he did not feel it was fit for him to live in. So he now has a worthless property. The Hon. Robert Brown made a very good point—we have a Government which today is crowing about how financially secure New South Wales is, but it is not good to be number one if we are letting people down. These people are suffering distress because of the inaction of government and past mistakes. Now is the time to set things straight and to do what is right. We cannot allow these people to continue to suffer.

On the day I attended the inquiry, I think it was 14 November, I asked a question about the Government's role in the use of Mr Fluffy or any like asbestos substances in government buildings, be it public housing, workplaces or other environments. It appears that the answer is not known. I could not think of anything more important than the need to do an audit and make sure the Government is looking after its own assets and business, and the people it allows to live or work in its buildings. One would think the liability associated with that would be serious enough that the Government would take immediate action.

Recently I was in a meeting of a committee of North Coast residents talking about the Mullumbimby Hospital site. This hospital is soon to be deemed unnecessary because a new hospital is being built in Byron shire, and the funding for that has been confirmed today in the budget. No-one is quite sure what will happen to this former hospital site at Mullumbimby. It was the subject of a clean-up program a couple of years ago because asbestos was found there. Someone who has been a longstanding member of that committee said that he or she had heard that the hospital might have had Mr Fluffy asbestos.

No-one knows for sure and no-one is being told anything. That person asked me whether I could find out some more information about the hospital site. I have previously put questions on notice but unfortunately, as is the case with many questions on notice, I have not had very much back in the way of answers. This was a

great disappointment. I will be following up, because if this site does have Mr Fluffy or any other type of loose-fill asbestos the Government needs to act. All the people who attended this hospital may have been put at greater risk by being at this place where the asbestos situation was unknown.

The Hon. Lynda Voltz mentioned Baryulgil. That is another matter I have been following up recently. It is a disgraceful situation where people have been affected by the mining and manufacturing of asbestos. I know Reverend the Hon. Fred Nile has been greatly concerned about this issue because this is an Aboriginal community. I am told that children played in asbestos piles as if they were sandpits. Many of those people have died or are unwell, and services are not being provided. My previous question about that issue was referred to another Minister. I was told "Ask another Minister who is in charge of the Workers' Compensation Dust Diseases Board." I think it was the then Minister for Finance.

What is clear is that the Government has not accepted enough responsibility or taken enough action. Once it knows about these issues, it has a duty of care to the people of New South Wales to put in place a remedy or at least a process to inform people so that they do not have the same experience as Matthew. He felt he followed all the rules when he bought his property and yet was unaware of what was happening. It is a "buyers beware" market but only if the Government ensures that someone will check ceilings. Recommendation No. 4 in the report refers to the need for the presence of loose-fill asbestos insulation in a home to be included on a section 149 planning certificate. That can be easily done. All it needs is a simple direction from the Minister for Planning. Legislation currently provides for risk to be identified on a section 149 certificate so this should be listed.

Mr David Shoebridge mentioned the danger and possible health risks to those taking part in home renovation following the recent reality television boom. For example, in my part of the world we have a lot of old fibro shacks and lots of people are doing renovations but they are not checking for risks. Real estate agents should be given greater information so that people know they are putting their health, and that of their families, at risk if they do not check. This is a really important report and the Government should take it seriously. If we have not learnt from the past and we are going to allow another problem to erupt in the future we are not going to be much use to anyone.

I was moved by some of the witnesses who gave evidence at the inquiry. Indeed, I fear for the emotional wellbeing of those who said they felt as though they were being left behind and no-one was acknowledging that their lives were in turmoil because of this. The Government has a responsibility in this regard, and the committee has made some really good recommendations. Today the State budget has been delivered. We have heard about the wealth of this State. We should make sure that this is a wellbeing State and that we look after people. Indeed, this report clearly identifies those who should be looked after. I commend the report to the House.

Reverend the Hon. FRED NILE [6.01 p.m.], in reply: I thank the Hon. Mick Veitch, the Hon. Robert Brown, the Hon. Lynda Voltz, Mr David Shoebridge and Ms Jan Barham for their contributions to this debate and for their support for the recommendations contained in the report of the Joint Standing Committee on Loose Fill Asbestos Insulation. I thank committee members who worked cooperatively together and made a very valuable contribution. Remarkably those committee members, who came from both Houses of this Parliament and all political parties—including the Liberal-Nationals Coalition, the Labor Party, The Greens and the Christian Democratic Party—made unanimous recommendations. Not too many select committees make unanimous recommendations. Even more remarkably, those recommendations were controversial.

The recommendations followed in principle what had been agreed upon by the Australian Capital Territory Government, where at least 1,000 homes were affected by loose-fill asbestos. A very impressive compensation program was worked out for the owners of those homes, which involved the demolition of unliveable homes and compensation given for the construction of new ones. Despite all the available scientific equipment, the fine loose-fill asbestos material could not be removed from those homes. Indeed, millions of dollars had been spent trying to remove it but had failed. It is uncertain what the total amount of compensation will be in New South Wales and the Baird Government is deeply concerned. It is not even clear how many homes are infected—I repeat "infected"—with loose-fill asbestos. Ms Jan Barham pointed out that there is also a possibility that loose-fill asbestos may have been placed into the ceilings of one of our public hospitals.

When Mr Fluffy closed the company records were destroyed. It will therefore cost a large sum of money to inspect those New South Wales homes in which this material was being used during the relevant chronological period—it would be unnecessary for new homes being built today. The committee is anxious to

receive the Government's response to its report. The Minister for Finance, Services and Property, Mr Dominic Perrottet, wrote to me as chairman of the Joint Select Committee on Loose Fill Asbestos Insulation, and said:

Dear Chair,

I write regarding the New South Wales Government response to the Joint Select Committee Report on Loose Fill Asbestos Insulation's report.

Under Legislative Council Standing Order 233, the Government has six months from the tabling of a Committee report to respond to the House or Clerk about the action, if any, it will be taking in relation to each Committee report recommendation.

The Government was due to submit its response to the Committee on 17 June 2015. However, the Chair of the Loose Fill Asbestos Insulation Taskforce, established to consider the recommendations contained in the Joint Select Committee Report, has advised there will be a delay in the provision of their final report. Due to the need for the Government to consider all options carefully, including those presented in the Taskforce report, a response to the Committee will be deferred.

I thank the Committee for its work during the review and in compiling its Report and recommendations. The Government takes the issue of Loose Fill Asbestos Insulation very seriously and looks forward to providing a response.

He then detailed who to contact if I had any further questions. I am pleased that the Minister has given me a written response. We now have the joint select committee's report and there is to be another report from the Loose Fill Asbestos Insulation Taskforce. I imagine that task force will focus on the committee's recommendations, in particular those dealing with compensation. In some ways the Australian Capital Territory had a short-cut solution—namely, the Commonwealth Government was responsible for the Territories before they became self-governing and the Commonwealth Government took responsibility for the Australian Capital Territory. I understand that the Commonwealth Government allocated one billion dollars to the Australian Capital Territory as part of that compensation program, but it has not made the same generous offer to New South Wales.

I have been informed, but I do not have any written confirmation, that the Commonwealth Government considers it to be the New South Wales Government's responsibility. The Commonwealth Government has indicated its reluctance to be involved because as an independent State it considers New South Wales should meet its own financial obligations. I contend that the Commonwealth Government does have a responsibility. Indeed, each level of government has a responsibility to deal with this issue—local, State and Federal governments. I urge the task force to negotiate with the three levels of government to work out a compensation program to adequately deal with the 100 homes in New South Wales—and there may be more if an extensive inspection is carried out.

Asbestos is a very real issue for me. Some years ago I became involved with Bernie Banton. He came to see me about James Hardie and the problems of its workers. He was one of those workers. Bernie was diagnosed with asbestosis. Asbestos was discovered in his lungs. The disease was terminal, but Bernie kept campaigning on behalf of other asbestos-affected workers from James Hardie and other companies. As members know, he finally died from that man-made disease. It was a privilege for me to be invited by his brother, Reverend Bruce Banton, to the State funeral for Bernie held at the State sports centre. Prime Minister Rudd and other prominent political leaders attended the service. The Banton family asked me whether I would lead the prayers in memory of Bernie. It was a great privilege for me to do that.

Asbestos is not a side issue for me. I feel very strongly about it. That is why I was pleased to have the opportunity to chair the inquiry. I totally support the unanimous recommendations of the committee. I trust that the task force established by the Government will have some warmth and compassion as it deals with this issue and develops the compensation program. As the Government has been so successful, with the leasing of the poles and wires and with its budget planning, as to have a surplus—there have been reports of \$2 billion—I hope that there will be adequate funds now to consider compensation for the innocent victims of loose-fill asbestos. I commend the report to members of the House. I especially ask the Government to implement with diligence all the recommendations in the committee's report.

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

Motion agreed to.

SELECT COMMITTEE ON THE PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER REGION

Report: The Planning Process in Newcastle and the Broader Hunter Region

Debate resumed from 6 May 2015.

Reverend the Hon. FRED NILE [6.12 p.m.]: As chairman of the Select Committee on the Planning Process in Newcastle and the Broader Hunter Region, I finalise my remarks on the inquiry that produced two

reports: an interim report and a final report. Some members are a little puzzled that the committee produced two reports. The explanation is simple. The committee learned that, after its establishment, the Government had speeded up the plan to truncate the Newcastle railway line before the original date set for the committee to table its report. The committee, in its wisdom, decided that it should put out an interim report rapidly, before the Government could implement its plan to truncate the railway line on Boxing Day. The committee issued the interim report before Boxing Day and had to work very hard to do that. Other matters such as the development of the city centre and the involvement of Newcastle City Council were then investigated in the new year. That is why the committee released two reports.

I am pleased that the Government has issued its response to the committee's inquiry into the planning process in Newcastle and the broader Hunter region. The Government's response was sent, according to procedure, to the Clerk of the Parliaments, Mr David Blunt, who forwarded a copy to me. The response was signed by the Premier, the Hon. Mike Baird, MP. In his letter to the Clerk, the Premier said:

Please find attached the NSW Government response to the interim and final reports of the Legislative Council Select Committee Inquiry on the planning process in Newcastle and the broader Hunter region.

I thank the Premier for the Government's response, dated 18 June 2015. I assume that all members of the House can obtain copies of the response. It is quite lengthy, with attachments. One of the recommendations made by the committee concerned the controversy in Newcastle over the height limits of buildings. There was seen to be a lax attitude to height limits. The committee recommended that the Minister amend the height control specified in the State Environmental Planning Policy Amendment (Newcastle City Centre) 2014 by lowering the maximum permitted height of buildings within the East End precinct to 27 metres. The Government response stated:

The height controls specified in the *State Environmental Planning Policy Amendment (Newcastle City Centre) 2014* for the East End development ensure that the maximum height of buildings do not exceed the parapet of the nave of the Christ Church Cathedral. This height limit was set in response to community views expressed through an open and transparent consultation process.

It became clear to the committee that that was no longer the community view and that there should be unlimited height levels in the city centre. A further recommendation was that the then Minister for Planning and Environment refer any development application for the Newcastle East End site to the NSW Planning Assessment Commission. The Government responded:

As is the case across NSW, development applications with a value greater than \$20 million are assessed by the local council and determined by a Joint Regional Planning Panel (JRPP), which is expert and independent.

The Government's response is that such development applications will be left in the hands of the joint regional planning panel, but the committee recommended that the Government should take some initiative. The committee also recommended that there be a clear separation between the then Department of Planning and Environment and UrbanGrowth NSW, as they seemed to work hand in glove. The Government's response was as follows:

The NSW Government has strong governance arrangements in place separating UrbanGrowth NSW's development from the Department of Planning and Environment's assessment role:

- The two organisations operate under separate Acts of Parliament.
- The Chief Executive of UrbanGrowth NSW reports directly to the Minister for Planning.
- Staff of UrbanGrowth NSW are not employed by the Department of Planning and Environment.

All of UrbanGrowth NSW's activity in Newcastle is undertaken through its state owned corporation status, operating under the *Landcom Corporation Act 2001*. The Corporation has a board of directors appointed by the Governor of NSW on the recommendation of the voting Shareholder Ministers (the Treasurer and the Finance Minister) and after consultation with the Portfolio Minister (Minister for Planning).

The committee's inquiry found the arrangement unsatisfactory, as the two entities seemed to operate together. The committee was concerned about the operations of the board of the Hunter Development Corporation and recommended that the corporation take steps immediately to ensure that none of its employees are materially involved in decision making, including the delivery of reports and information to board meetings and ministerial briefings where they have a conflict of interest. It appeared to the committee that there could be a conflict of

interest where some members of the Hunter Development Corporation own properties involved in the development resulting from the truncating of the railway line and other proposals. The board gave explanations which did not completely satisfy the committee. Recommendation No. 7 states:

That the NSW Government acknowledge Newcastle City Council as the principal planning authority for planning in Newcastle.

It appeared that the Newcastle City Council had been pushed to one side. The Government replied:

The NSW Government is committed to Newcastle City Council playing a lead role in determining any future land use on the former rail corridor.

There is a suspicion in Newcastle that there is some long-term ulterior motive in removing the railway line from this very large rail corridor, which will then be used for some redevelopment construction in Newcastle. At this stage no decision has been made about the future land use of that former rail corridor, but the people of Newcastle strongly suspect that plans have been made, even if not in writing, for that rail corridor. We will see in the near future what those plans may be. In recommendation No. 8 the committee again referred to Newcastle City Council and the Hunter Development Corporation land. The Government replied:

For the land currently owned and/or managed by HDC, the Newcastle City Council already plays an important role. It determines applications for works less than \$10 million and can request that the Planning and Assessment Commission determine other applications.

Developments over \$10 million are classified as State Significant Development due to Honeysuckle being identified in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. This means that development applications are determined by the Minister for Planning, however where Council objects or more than 25 submissions are received the application is determined by the NSW Planning Assessment Commission (the Commission).

Recommendation No. 9 is that the Government immediately reinstates the rail services that have ceased and the infrastructure that has been removed from the Newcastle heavy rail line. The rail line not only was truncated but also a lot of the equipment needed to make the rail line work, such as signal equipment, was rapidly removed from the rail line from Boxing Day onwards. It seemed to the committee that it was almost a form of sabotage to wreck all the installation needed to make the rail line so that the Government could say it was too late to reinstate the line. Why was it necessary to move so quickly on Boxing Day to truncate the rail line and, almost immediately after, to start removing heavy wiring, signal equipment and so on from the heavy rail line? In its reply the Government stated:

The NSW Government is committed to revitalising Newcastle and improving public transport in the region. The truncation of the heavy rail in December 2014, the creation of a fully accessible transport interchange at Wickham, and the introduction of light rail will support urban renewal in Newcastle city centre.

The Government is obviously not backing away from the decisions that were made and will continue with the truncation of the heavy rail and the introduction of light rail. I note that some Ministers said they were considering light rail. "Considering" does not mean building; "considering" something means that it is an idea, a concept. Many people in Newcastle believe that they have lost the heavy rail and they believe that the introduction of a light rail is in the distant future or may, in fact, never arrive.

I hope the Government will keep its promises and commitments that there will be a light rail. I would still like to see the Government reinstate the heavy rail, which had many positive advantages for the residents of Newcastle and the surrounding towns, such as Maitland, who all use that heavy rail to get into Newcastle. People could put their bikes on the train and people in wheelchairs could get on the train. Now passengers have to stop at Wickham and get on a bus, and many buses are not equipped to take wheelchairs. At some stage there may be a light rail, but people would have to change their mode of transport and go to another place to get on it. It has caused a great deal of inconvenience to the residents of Newcastle and the surrounding towns. Despite this being at such a late stage, I call on the Government to give some serious consideration to meeting the needs of the people of Newcastle and the surrounding towns.

The Hon. LYNDIA VOLTZ [6.25 p.m.]: As a member of the committee I speak in debate on the report of the Select Committee on the Planning Process in Newcastle and the Broader Hunter Region and support the committee's recommendations. There has been a long history of redevelopment in Newcastle and the truncation of the rail line. There were always furphies about what should happen with the line, but at the end of the day a government's job is to make decisions based on the best interests of the people and based on the evidence before it. When it was first elected in 2011 this Government made a big deal about having transparent government that would enlighten the people. However, when people look at what has happened in Newcastle they may form a different view.

The Government argues that it is necessary to withdraw the rail line to create connectivity between the central business district and the waterfront area. But during the committee process, every time I asked for any evidence—any empirical evidence or any data—that would support its view, the Government refused to provide any. At point 3.37, Mr Anderson from UrbanGrowth—one would think on behalf of the Government—said in response to questioning from us regarding any evidence that the railway created a disconnect between the city and the foreshore:

A report by the Hornery Institute called "Decay to Destination" identified that some of the best urban renewal outcomes are when you are actually able to connect people to their natural opportunities.

His evidence is that the "Decay to Destination" report is the whole basis for the Government saying this disconnect should happen. But let us look at that report. The report was undertaken by the Hornery Institute on behalf of its client the GPT Group. The GPT Group is the largest property developer holders of central business district land in the Newcastle area. The Government has relied on a report that was undertaken on behalf of property developers to make its decision. The Hornery Institute states:

This report should not be relied on wholly or in part, when making decisions with financial or legal implications.

This is a report, paid for by property developers, written by people who say, "Do not rely on our report if you are going to make any financial or legal decisions." But that is the only evidence that was put forward by this Government as a reason for the disconnection between the city and the wharves. Quite frankly, that is outrageous. The other thing the Government did was to get an Urbis cost-benefit analysis. It is an indication of the Government's sleight of hand. The Government prepared a report based upon assumptions, which were that it relied on two catalysts for the rail line for the project. One of the catalysts was the University of Newcastle's central business district [CBD] campus. The rail line goes from Newcastle university to the site where the Newcastle CBD campus is to be built.

The university was always going to build a campus in the CBD and had Federal Government support to do so. There was a long history of it moving to the CBD. The university said, "We have no view. In no way does the truncation of the rail line in any way affect the building of the university campus." Indeed, the opposite is true. If one is building a university campus one wants to travel from the existing campus to the next campus via a train line. But the Government, in a sleight of hand, included in the cost-benefit analysis the benefit to be derived from the University of Newcastle's CBD campus. It is a nonsense: the CBD campus was being built anyway. There is no transparency, no cost-benefit analysis and no empirical data to support what the Government is putting forward.

Pursuant to sessional order business interrupted and 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.

COOMA UNIVERSITIES CENTRE

The Hon. BRONNIE TAYLOR [6.31 p.m.]: I speak tonight on the Cooma Universities Centre [CUC], a not-for-profit, community-run, incorporated body providing high-tech facilities and university-level educational opportunities and support to students in the Snowy Mountains region of New South Wales. Since March 2013 the CUC has catered for enrolled university students studying any degree at any university by distance education. From this year, the CUC has brought face-to-face university tutorial support to local students studying education and business with partner universities. The CUC delivers on the need to provide local higher education opportunities for a regional and rural community with a higher than average proportion of low socio-economic students. In doing so, it enables students to remain living in the local area while undertaking further education, so as to reduce the migration of intellectual and economic capital from the Monaro to urban areas.

Obtaining a university education is potentially cheaper for students who can be supported academically and administratively by the CUC and who no longer have to relocate and find expensive accommodation in

distant urban or large regional centres. Local businesses and government facilities can access people with university qualifications locally, without having to design incentive packages to attract those people to the Monaro from outside the area. The CUC is an additional participant in the educational community of local schools, TAFEs and regional tourism organisations [RTOs]. Students can design university research tasks around local challenges and opportunities, to the benefit of the whole community. The Monaro region will be a more attractive place for families to live and work as higher education opportunities can be sought locally.

After only 2½ years of operation, more than 130 students have registered with the Cooma Universities Centre, studying 34 undergraduate degrees and 21 postgraduate degrees at 21 Australian universities. The Cooma Universities Centre is based on a supported learning model where students who are engaged in study via distance online education receive additional support through the provision of facilities, technology and staff. The Cooma Universities Centre owes much to the generous support of Snowy Hydro and the Cooma-Monaro Shire Council. Not one dollar of Federal Government or State Government money has been used in establishing or operating the centre to date.

The Cooma Universities Centre is run by a centre manager and governed by a board of directors, the members of which represent key community, industry, business and government agencies and are all dedicated to the advancement of tertiary education in the Snowy Mountains area. The centre has the potential to aggregate all students in the Monaro region studying distance education at any Australian university. Rural educational opportunities are often stifled by the lack of a critical mass of students to justify provision of suitable opportunities and support. By offering support for any higher education student studying from any Australian university, the CUC aggregates students so as to be able to overcome obstacles of thin markets in the provision of facilities, technology and staff necessary to assist those students. The centre splits the ownership and management of a campus from the delivery of education on that campus.

The community operates the CUC campus and administers and manages it to the benefit of the Monaro community and students. The universities deliver the education at the campus. This not only permits campus support to be provided across all students of the different universities, but also encourages the community to determine the manner in which it might strategically partner with universities focused on providing high-quality distance education in a regional context to go that extra mile. Local people are encouraged to mentor students within the discipline of their study and the business community is able to support students through local work placements, practicums and holiday or part-time employment opportunities, and to support a foundation for student financial assistance in the knowledge that the donations will stay with local students. The broader community is able to participate in its own local higher education facility through ceremonies, open days and guest visits. The Cooma Universities Centre is a model for other regional communities to follow, such that the destiny of our youth is not defined by where they live or how far they are from a university.

VIOLENCE AGAINST WOMEN

The Hon. ADAM SEARLE (Leader of the Opposition) [6.36 p.m.]: In my most recent adjournment speech, on 13 May this year, I touched on the issue of domestic violence and queried why, in the face of what is clearly an epidemic—a real law and order crisis—there was no outpouring of public sentiment of the kind we saw early in 2014 in connection with one-punch killings. Tonight, I continue that dialogue. During the past week there has been a very instructive exposition of the ingrained nature of violence against women in our society. It may go some way towards explaining why we continue to tolerate a situation where society perpetuates, aids and abets violence against our mothers, sisters and daughters—physical, emotional and financial violence.

Last week, the *Adelaide Advertiser* revealed that police were investigating after hundreds of Australian women and teenagers had their nude images shared on a United States "revenge porn" website. The women—and allegedly some underage girls—had shared their photos with former partners who, in a gross breach of confidence and privacy, had displayed them online. On air, *Sunrise* co-host David Koch described the hack as "just terrible" but the breakfast show's Facebook page put up a post that pointed the finger at the victims. The post asked, "What's it going to take for women to get the message about taking and sending nude photos?" The post was deleted after many angry fans took to social media to voice their disgust. Yahoo7, which administers the *Sunrise* Facebook page, issued an apology. Ms Clementine Ford, a well-known social commentator, was not satisfied and took to Facebook to post a characteristically direct and forceful rebuttal. She wrote:

When will women learn? Learn what? That our bodies do not belong to us? Consent is what happens when you give permission. Theft and assault is what happens when people take it from you despite you saying no. I expect to live in a world where sexual predators, revenge pornographers and misogynists aren't defended on morning television shows while their victims are demonised as having made a mistake.

Social media users quickly banded around Ms Ford in support of her post, which was shared 45,000 times and liked more than 212,000 times. The narrative, however, does not end there. On Sunday, Ford tweeted that in the previous 48 hours she had received more than 1,000 vile messages. Via screen grabs, she shared a few of the private messages she had received through Facebook. The messages included requests for her to send them nude photos, explicit photographs of naked men asking her to perform sexual acts and a range of degrading insults. What was truly disturbing was the violent, sexualised language employed by many of the males who felt compelled to make these comments—and to make them in public.

For sharing what these men had sent to her, Ms Ford was punished. Facebook banned her from accessing her account for 30 days because publishing these messages violated its community standards. Ms Ford was able to mobilise an extraordinary campaign against Facebook and the ban was removed. The question for society is: Why did Facebook seek to ban Ford for exposing these antisocial attitudes but not the perpetrators? When young women are killed or raped, as a community our conversations still revolve around why women should stay away from parks, should not walk alone and should avoid the use of alcohol. These attitudes place undue emphasis on victims—as if the perpetrators have no control over their actions and should not be held accountable.

It is in this social context that we see the emergence of revenge porn, whereby disgruntled ex-partners publish intimate images of their current or former partners together with the same social narrative in response: If only women were smart enough not to take nude images of themselves, there would be no risk. The truth is that if only more men respected the consent and privacy of their intimate partners, there would be no risk. That trust and respect should be the norm. Recent developments in the law, as well as this recent social media storm, make the issue ripe for closer examination. Earlier this year, in a significant ruling on personal privacy law, a Western Australian woman won almost \$50,000 in compensation from an ex-boyfriend who posted sexually explicit videos and photos of her on Facebook.

However, there are very few Australian cases from superior courts on this subject matter. The Australian Law Reform Commission [ALRC] released a report in June 2014 setting out elements of a potential civil action for serious invasions of privacy that would allow damages for emotional distress. However, the ALRC also said it was desirable for Parliament to clarify the court's power to award compensation for emotional distress in breach of confidence cases.

The Western Australian case referred to a 2008 Victorian Court of Appeal decision in *Giller v Procopts* in which a woman won compensation for emotional distress after her former partner distributed copies of sexually explicit videotapes of the pair. Justice Mitchell, the Western Australian judge, said that this was the only case he could find in which a superior court in Australia had grappled with the same issues. Since the events in *Giller*, which took place in 1996, technological advancements have "dramatically increased the ease and speed" of disseminating images and other material. These developments bring into question whether New South Wales law provides sufficient protection for those impacted upon by such disgraceful acts. Are there applicable criminal penalties and are they sufficient to act as a deterrent? What are the civil legal remedies and the framework around these issues?

The use of social media in this manner may also not be adequately addressed by New South Wales law. I think a referral of this issue to the law and justice committee of this House, or perhaps another committee, may well be timely. As legislators, we must be mindful to make sure that the law deals with emerging social issues appropriately. We also need to ensure we deal resolutely with the disturbing and dangerous social attitudes that inform the decisions of men such as those in the Western Australian and Victorian litigation—the same attitudes that informed the vile postings on Ms Ford's Facebook page. They are a pernicious and damaging form of violence against women, and they must be brought to an end.

RIGHT TO FARM POLICY

The Hon. ROBERT BROWN [6.41 p.m.]: I was loath to interrupt my colleague because he was speaking about such an important matter. I also refer to the important matter of a right to farm policy. The Shooters and Fishers Party recognises that farming has been at the forefront of this State's development. In fact, farmers have fed our growing population and provided an underlying economic cornerstone that has been vital to our State's prosperity since the first years of the colony. The NSW Farmers Association supports the introduction of legislation for farmers' rights to farm in New South Wales. In fact, the NSW Farmers Association has always had a policy supporting the right to farm. Last year the association passed a motion that

called specifically for legislation to be enacted in this area. Indeed, previous attempts have been made by this Parliament, and other State parliaments, to implement some form of right to farm policy—unfortunately, with little impact.

In 2005 the Liberal-Nationals—then in opposition—introduced the Protection of Agricultural Production (Right to Farm) Bill the object of which was to provide for rural land use notices to be given to purchasers of land adjoining or adjacent to rural land and for those notices to be taken into account in any subsequent proceedings by such purchasers to limit or prohibit the use of that rural land for rural purposes. The bill failed to pass through the Legislative Assembly. In Western Australia the issue has been recognised and debated for decades. To this end, in 1990 the Western Australian Legislative Assembly established a Select Committee on the Right to Farm. In 2009 in South Australia the Environment Protection (Right to Farm) Amendment Bill was introduced by the Hon. Robert Brokenshire. The draft legislation was based in part on models adopted from North America.

Right to farm laws in the United States of America, for example, deny nuisance lawsuits against farmers who use accepted and standard farming practices. Further, these laws are designed to protect farmers who operated prior, notwithstanding that their practices may inconvenience or otherwise bother adjacent property owners or, indeed, the general public. Agricultural nuisances may include noise, odours, visual clutter and agricultural structures. In all, 50 states in the United States of America have some form of right to farm laws. I do not think there are any in New York State. Although I do not propose that we frame New South Wales agricultural laws based on laws in other countries, I do believe the various American state laws and regulations can serve as a practical guide in the implementation of any such policy in New South Wales in the future.

The increasing trend of urban sprawl has presented some grim implications when the interests of agriculture clash with the lifestyle expectations of semi-rural property owners on the fringes of urban areas, or indeed in whole regions of New South Wales. I refer to hobby farmers and blow-in greenies versus traditional farmers. Farmers have found themselves hindered by naïve, ignorant and intolerant individuals and groups upset at the damage that cow manure does to their nostrils, for example. Some of those individuals even feel compelled to go as far as to lobby local councils to amend zoning laws—fact. Ultimately, there is a need to protect the long-term viability of farming processes in New South Wales, particularly as the State's economy is still largely associated with farming enterprises.

A right to farm policy would help provide for the maintenance of agricultural practices that are under threat from so-called conservationists—and indeed rent-a-crowd, green-minded militants. It is time this Parliament critically examines the viability and appropriateness of a policy that recognises a farmer's right to farm. In 2005 the then Opposition had a crack, and maybe it is time for the now Government to have another crack at it. Above all, the need to allow farmers to go about their daily business free from unwarranted and unnecessary hindrance is paramount. A viable policy would help to better defend farmers' rights against undue outside interference, whilst facilitating an effective resolution to public and private land use conflicts.

Indeed, this protective framework is long overdue. It would be one crucial step forward in addressing regional and rural economic decline in New South Wales. The Shooters and Fishers Party believes Parliament needs to take ownership of this issue and bolster the legitimacy of agricultural concerns. In fact, I seek an inquiry into this subject perhaps to provide the current Government with some incentive to get on with it.

ANGLOSPHERE

The Hon. Dr PETER PHELPS [6.46 p.m.]: In the past month we have celebrated the 800th anniversary of the signing of the Magna Carta and the 200th anniversary of the Battle of Waterloo. What do these two events—one in a field in England, the other in a field in Belgium—have in common? They have the glory of Britain and the triumph of liberty over authoritarianism. It is no accident that the English-speaking nations are the ones most devoted to law and individual rights. The British tradition is a series of values and institutions that could be described thus: personal liberty, free contract, jury trials, uncensored newspapers, regular elections, habeas corpus, open competition, secure property and religious pluralism.

The conceit of our era is to assume that these ideals are somehow the natural condition of an advanced society and that all cultures will get around to them once they become rich enough and educated enough. In fact, these ideals were developed overwhelmingly in the Anglosphere: the community of English-speaking democracies. One does not have to go back very far to find a time when freedom under the law was more or less

confined to the Anglosphere. In the twentieth century three great global confrontations took place in which countries that elevated the individual over the State contended for mastery against countries that did the opposite. The list of nations that were on the right side in all three of those conflicts is a short one, but it includes all the Anglophone democracies.

We often use the word "Western" as shorthand for liberal democratic values but we are really being polite when we do that. What we mean is countries that have adopted the Anglo-American system of government. "But what about the American Revolution?" some will cry, "Wasn't that a rejection of Britain and its ideals?" No, it was not. The American Founding Fathers were arguing not for the rejection but for the assertion of what they took to be their birthright as Englishmen. The United States Declaration of Independence is a laundry list of grievances from American subjects over the failure of George III to protect their peculiarly English rights, padded out with Scottish Enlightenment theorising about the role of government. The United States Constitution itself is built upon the foundation of the English 1689 Bill of Rights. Neither document was about establishing Napoleonic tyranny. So what made, and continues to make, the Anglosphere different?

Foreigners wondered at the stubborn elevation of private property over *raison d'état*, of reason over emotion and of personal freedom over collective need. While noting the strength of it in Germany and Holland, even Max Weber had to agree in *The Protestant Ethic and the Spirit of Capitalism* that that ethic reached its apogee in Britain and the United States. This was possible because Britannia ruled the waves. The aegis of the Royal Navy meant that there was no need for large standing armies in peacetime, which in turn meant that government had no mechanism for internal repression. When rulers wanted something, usually revenue, they had to ask nicely by summoning people's representatives in an assembly—a concept that achieved its first tangible form in a field at Runnymede and continues to this very day in this very place. Above all, liberty was tied up with something that foreign observers could only marvel at: the miracle of the common law.

Laws were not written down in the abstract and then applied to particular disputes; they were built up by accretion, like a coral reef, case by case. They came not from the state but from the people. The common law was not a tool of government but an ally of liberty. Freedom under the law is a portable commodity that is passed on through intellectual exchange rather than gene flow. Freedom is not a racial characteristic. Anyone can benefit from constitutional liberty simply by adopting the right institutions and the cultural assumptions that go with them. The Anglosphere is why Bermuda is not Haiti, Singapore is not Indonesia, Belize is not Guatemala and Hong Kong is not mainland China. As Indian Professor Madhav Das Nalapat puts it, the Anglosphere is defined not by racial affinity but "by the blood of the mind". And it all started 800 years ago in a soggy field beside the River Thames.

MENTAL HEALTH

The Hon. ERNEST WONG [6.51 p.m.]: A major feature of the New South Wales population is its cultural and linguistic diversity. A person's ethnic, religious and linguistic background creates a range of influences that have an ongoing effect on his or her physical and mental health statuses. These influences are particularly significant during settlement in a new country and more so during the early settlement period. The impacts of it are individual and fragmented. However, they generally incorporate the following: the fact that resettlement experiences in a new country can heighten the distinction between the familiarity of their home country and the feeling of alienation in their new country; sociocultural impact; limited English language proficiency and lack of access to professional interpreting services; isolation and loneliness, including separation from family, community and social networks; and social and cultural prejudice.

The perceived stigma attached to mental illness in the Chinese-Australian community is still very stereotypical. The lack of awareness and education surrounding this illness is testament to the archaic perception that it is a total loss of control and/or a display of aggressive or psychotic behaviour. For these reasons a significant number of mental health sufferers often do not realise or recognise symptoms in themselves. In addition to missing the opportunity to access treatment, the danger is that those with unidentified mental illness will try to function "normally" in mainstream society but with significant impairment and no understanding as to why. That leads to feelings of hopelessness and, of course, further exacerbates the problem.

Traditional Chinese culture advocates harmony and order among the individual, family and society—with the family being recognised as the basic unit of society. It is not uncommon for fully grown descendants with children of their own not only to remain close to their hometown but also to have many if not all generations of a family living under the same roof. These simple traditions are in obvious stark contrast to the physiological and psychological struggles that mental illness presents. With family being the key component in

Chinese culture, it stands to reason that people with mental illnesses rely on the support structure of their families and "traditional" treatments to deal with their struggles and that they are reluctant to seek external help except as a last resort. Sadly, this approach does not address the fundamental problem. In fact, it impedes those experiencing early symptoms of mental illness, distress or anxiety from accessing clinical consultation and assessment services. This is one of the cultural competencies that needs careful consideration in mental health service delivery.

Despite Australia's adoption of multiculturalism as national policy many years ago, it is only in the past 15 or so years that mental health services have attended to the issue of linguistic and cultural diversity. Some important developments arising from this are the inclusion as part of the National Mental Health Strategy of cultural diversity as an important component of the national standards for mental health service delivery, the establishment of specialist State transcultural mental health centres, the provision of specialist services for refugees and the establishment of a national transcultural mental health network. However, there is still a shortage of mental health services that can respond adequately to the complexity created by the interactions between culture, language and mental health.

The shortage was recognised in 2008 by the then Labor Government. It introduced the Multicultural Mental Health Plan 2008-2012, which was a strategic statewide policy and service delivery framework for improving the mental health of people in New South Wales from culturally and linguistically diverse backgrounds. The plan recognised a comprehensive model of service delivery for multicultural mental health that included a range of services from health promotion and prevention programs, early diagnosis, assessment and treatment services and care planning to cultural consultancy, training and education.

The plan identified five key strategic directions for enhancing mental health care in culturally and linguistically diverse communities. The directions were: integrated policies that guide informed and data-driven planning processes; renewing a focus on education, prevention and early intervention; delivering culturally inclusive and responsive mental health services; enhancing cultural competencies in mental health service delivery; and promoting culturally inclusive research, evaluation and innovation. The Government of the day has a long way to go in meeting the commitment of the previous Government in the delivery of equitable and accessible mental health services that serve the diverse needs of the people of New South Wales.

OPERATION PROTEA

Mr DAVID SHOEBRIDGE [6.56 p.m.]: I have spoken before in this place about Operation Protea, which is a Police Integrity Commission inquiry considering the role of police on the Catholic Church's New South Wales Professional Standards Resource Group [PSRG] and the memorandums of understanding that were drafted and exchanged between the police and the Catholic Church. The existence of the arrangements between the police and the church that resulted in a police officer sitting on an internal church body was revealed by my office following an application made under the Government Information (Public Access) Act, known as GIPA, which delivered a memorandum of understanding between the church and the police.

It is now apparent that indeed the memorandum of understanding was drafted initially by the New South Wales police. Crucially, the memorandum considered the issue of blind reporting, which is the provision of information by the church to the New South Wales police about alleged sexual offences against children from which information about the offences, including the identity of the victim, was removed. A document produced by the NSW Police Force in response to the Government Information (Public Access) Act request said in part:

In relation to documents evidencing the work of the New South Wales Police officer from the CP&SCS who represented the NSW Police Force on the Catholic Church's NSW PSRG, Det Acting Superintendent (Supt) ... of the Sex Crimes Squad has advised that documents concerning PSRG meetings were confidential and maintained by the Professional Standards Office of the Catholic Church. Inspector Beth Cullen, the NSW Police representative on the PSRG, shredded hard copies of meeting material after each meeting. Furthermore, Inspector Cullen did not keep any documentation in relation to her work on the PSRG.

I seek leave to table correspondence from the Information Access and Subpoena Unit of the NSW Police Force concerning a Notice of Decision under the Government Information (Public Access) Act 2009 regarding my application to information relating to the NSW Police Force membership of the Catholic Church NSW Professional Standards Resource Group, which I have been reading from.

Leave granted.

Document tabled.

Blind reporting allows an institution, be it the church or whomever else, to provide sanitised reports of allegations of child sexual abuse to the police. It was argued that such reports satisfied reporting requirements. But in fact they meant that prosecutions were made almost impossible due to crucial information not being provided. Blind reporting also means that there is no way to ensure complainants made genuine decisions not to approach the police and that they understood the implications of this action. In addition, the lack of detail meant that blind reports did not trigger active investigations by police but were just added to the files as information reports. Furthermore, it was the institution that abused the victims that advised the police that the victims did not want to approach the police directly. The institution was the mediator between the NSW Police Force and the victims of abuse by that institution. It should never have been tolerated.

Blind reporting is not only bad policy; it is also likely to be illegal—representing a breach of section 316 of the Crimes Act, which prohibits concealing indictable offences. In fact, the NSW Police Force sought and received legal advice on four occasions about blind reporting. Its lawyers advised that blind reporting might be "contrary" to section 316, "incongruent" with section 316 or "inconsistent" with section 316—in short, illegal. New South Wales police might also consider whether shredding meeting notes that may have been the only record of complaints of child sexual offences in their possession might constitute hindering the investigation or discovery of evidence or the apprehension of a person who has committed the offence of child sexual assault—that is, a breach of section 315 of the Crimes Act.

My office provided all documents held regarding the Catholic Church and the NSW Police Force memorandum of understanding which considered blind reporting to the Police Integrity Commission [PIC] for the purposes of Operation Protea. I attended the Police Integrity Commission in order to explain these materials and their history in detail. After five days of public hearings, a number of private hearings and the consideration of submissions and exhibits, the PIC produced a report which provided a recommendation that the NSW Police Force should "reconsider" the practice of blind reporting. Inexplicably, given the evidence from the police I provided them, they also found that there was no evidence that the police shredded documents. Given the strength of the evidence presented that blind reporting hindered investigation of sexual abuse of children and likely amounted to a breach of the law, the recommendation of a review rather than the abandonment of blind reporting is extraordinary.

Indeed, in light of the fundamental flaws in the PIC report, I hope this matter will now be fully revisited by the Federal royal commission into child abuse. The former Director of Public Prosecutions Nicholas Cowdery has said that blind reporting was "the selective disclosure of information about crime that prevented the police force, with its agreement, from investigating and prosecuting crime". There is one simple question that both the police commissioner and the Minister must answer: Is the NSW Police Force continuing to accept blind reports from the church and other institutions? Both the police Minister and the New South Wales police commissioner must immediately and publicly state that the New South Wales police will no longer accept any institution censoring its reports of child abuse to them.

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 24 June 2015 at 11.00 a.m.
