

ADJOURNMENT	5183
BOATING INFRASTRUCTURE PROJECTS	5152
BUSHLINK	5148
BUSINESS OF THE HOUSE	5119,
5120, 5120, 5122, 5122, 5122, 5122	
CENTRAL COAST RUGBY SEVENS	5121
COAL SEAM GAS	5150,
5153	
CRIMINAL PROCEDURE AMENDMENT (CHILD SEXUAL OFFENCE EVIDENCE PILOT) BILL 2015	5127
CROSS CITY TUNNEL	5145
DATA SHARING (GOVERNMENT SECTOR) BILL 2015	5157
DEMENTIA SERVICES FRAMEWORK	5154
DEPARTMENT OF EDUCATION NATIONAL ANTHEM DIRECTIVE	5147
DOLPHIN MARINE MAGIC	5149
GLOBAL CLIMATE CHANGE WEEK	5184
GREATER SYDNEY COMMISSION BILL 2015	5183
HOME BUILDING AND DUTIES AMENDMENT (LOOSE-FILL ASBESTOS INSULATION AFFECTED PREMISES) BILL 2015	5133,
5142, 5161, 5177	
MUURRBAY ABORIGINAL LANGUAGE AND CULTURE COOPERATIVE	5185
NEW ENGLAND NORTH WEST BUSINESS AWARDS	5119
NEW SOUTH WALES TOURISM INDUSTRY	5120
NEWCASTLE MEALS ON WHEELS	5119
NSW YOUNG REGIONAL ARTIST SCHOLARSHIP PROGRAM	5120
OCCUPATIONAL LICENSING NATIONAL LAW REPEAL BILL 2015	5157,
5169	
OXI DAY	5185
PRIMARY AND SECONDARY SCHOOL EDUCATION	5183
PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (EXEMPTIONS CONSOLIDATION) BILL 2015	5157
QUESTIONS WITHOUT NOTICE	5145
REGULATORY REFORM AND OTHER LEGISLATIVE REPEALS BILL 2015	5157,
5169	
RICE INDUSTRY	5149
SHARK MANAGEMENT STRATEGY	5187
STATE INSURANCE AND CARE GOVERNANCE AMENDMENT (INVESTMENT MANAGEMENT) BILL 2015	5136
STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2015	5167
STRATA SCHEMES DEVELOPMENT BILL 2015	5157
STRATA SCHEMES MANAGEMENT BILL 2015	5157
SUPERANNUATION ADMINISTRATION AMENDMENT (INVESTMENT MANAGEMENT AND OTHER MATTERS) BILL 2015	5136
THE HON. JOHN AJAKA PECUNIARY INTERESTS DISCLOSURE	5147
TREASURY CORPORATION AMENDMENT BILL 2015	5136
TRIBUTE TO GEORGE BENDER	5123
ULTIMO PRIMARY SCHOOL	5186
VOCATIONAL EDUCATION AND TRAINING	5155
WALLABIES 2015 RUGBY WORLD CUP CAMPAIGN	5120
WESTCONNEX OFF-RAMP	5154
WILLIAMTOWN LAND CONTAMINATION AND FISH STOCKS	5149,
5156	
WILLIAMTOWN LAND CONTAMINATION AND FISHING BAN	5152
WINDSOR BRIDGE REPLACEMENT	UPGRADE

LEGISLATIVE COUNCIL

Wednesday 28 October 2015

The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

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

NEWCASTLE MEALS ON WHEELS

Motion by Mr SCOT MacDONALD agreed to:

- (1) That this House notes that:
 - (a) Newcastle Meals on Wheels was founded in 1963 by the Reverend Donald Bailey of the Brown Street Congregational Church, Newcastle, and commenced delivering meals to vulnerable members of our community;
 - (b) Newcastle Meals on Wheels has served the community for over 50 years, and has grown to operate a state-of-the-art catering centre, a social support program and a large distribution centre;
 - (c) Newcastle Meals on Wheels has seven distribution centres around Newcastle, located in Boolaroo, Hamilton, Lambton, Mayfield, Merewether, Stockton and Wallsend; and
 - (d) Newcastle Meals on Wheels provides 140,000 meals annually.
- (2) That this House commends the hardworking staff and volunteers of Newcastle Meals on Wheels and thanks them for their contribution to the community.

NEW ENGLAND NORTH WEST BUSINESS AWARDS

Motion by Mr SCOT MacDONALD agreed to:

- (1) That this House notes that:
 - (a) on 25 September 2015, the New England North West Business Awards were held at Armidale Town Hall;
 - (b) the awards recognise the achievements of the best and brightest businesses in the New England and North West;
 - (c) Challenge Community Services was awarded Regional Business of the Year, as well as the Excellence in Business award;
 - (d) Challenge Community Services is one of the largest community support services in New South Wales, supporting over 1,000 people, across the State; and

- (e) Invest Blue was awarded Employer of Choice, and Whitehack received an award for excellence in innovation.
- (2) That this House congratulate all nominees and winners of the 2015 New England North West Business Awards and Mr Joe Townsend from the NSW Business Chamber for his contribution to the community through the organisation of this event.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 482 outside the Order of Precedence objected to as being taken as formal business.

NSW YOUNG REGIONAL ARTIST SCHOLARSHIP PROGRAM

Motion by the Hon. BEN FRANKLIN agreed to:

That this House:

- (a) notes that 16 scholarships have been awarded to young artists from across regional New South Wales under the NSW Young Regional Artist Scholarship program;
- (b) notes that the program supports young regional artists aged between 18 and 25 to develop their careers and connect with arts organisations and training opportunities;
- (c) notes that the scholarships are available for all art forms, to fund activities such as mentorships or internships with arts organisations, short-term courses and other training, national and international travel and creation of new work; and
- (d) congratulates the inaugural recipients: Jarrod Takle of Albury, Bethany Thornber of Corowa, Jordan Bos of Coolamon, Jacob Raupach of Wagga Wagga, Rosslyn Wythes of Orange, Claire Leske of Wagga Wagga, James Farley of Wagga Wagga, Tullara Connors of Grafton, Zachariah Johnson of Albury, Ashley Hansell of Dundee, Amos Wilksch of Culcairn, Nathan Wood of Byron Bay, Connor Coman-Sargent of Dubbo, Sophie Payten of Canowindra, Matt Ortiz of Albury, and Heidi Maree Francis of Dubbo.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 496 outside the Order of Precedence objected to as being taken as formal business.

WALLABIES 2015 RUGBY WORLD CUP CAMPAIGN

Motion by the Hon. RICK COLLESS agreed to:

- (1) That this House notes that the Australian Wallabies Rugby Union team:
 - (a) completed a clean sweep of Pool A in the Rugby World Cup against England, Wales, Fiji and Uruguay, with 17 points and a points difference of 106;

- (b) scored 22 tries and conceded only two tries during the pool matches;
 - (c) won the quarter final against Scotland by five tries to three with a score of 35-34;
 - (d) won the semi-final against Argentina by four tries to nil with a score of 29-15;
 - (e) have scored a total of 31 tries to five during all matches to date; and
 - (f) will now play the New Zealand All Blacks in the final at Twickenham on Sunday morning commencing at 3.00 a.m. eastern daylight time.
- (2) That this House congratulates coach Michael Cheika, all his coaching staff, and captain Stephen Moore, and all his players on a magnificent Rugby World Cup campaign.
 - (3) That this House wishes the Wallabies the best of luck and total success in the final of the 2015 Rugby World Cup on Sunday morning.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 500 outside the Order of Precedence objected to as being taken as formal business.

NEW SOUTH WALES TOURISM INDUSTRY

Motion by Ms JAN BARHAM agreed to:

- (1) That this House notes that:
 - (a) tourism is an economically significant business sector in New South Wales;
 - (b) tourism employs more people in New South Wales than agriculture, forestry, fishing, or mining, with tourism in 2012-13 providing some 158,000 direct jobs and 109,000 indirect jobs;
 - (c) tourism in 2012-13 contributed more than \$122 billion to the gross State product, which is comparable to the NSW Minerals Taskforce's report that in 2013-13 mining contributed \$125 billion to the New South Wales economy;
 - (d) the Final Report of the Visitor Economy Taskforce notes that there is a compelling need for a major new approach to increasing the appeal of regional New South Wales;
 - (e) Strategic Imperative No. 4 of the Final Report of the Visitor Economy Taskforce is to improve the visitor experience; and
 - (f) the Final Report of the Visitor Economy Taskforce notes that "Nature" and "Wildlife Experiences" are the top two attractive aspects for visitors to New South Wales and residents of New South Wales alike.
- (2) That this House notes that:
 - (a) tourism is a service industry and the ongoing success of the industry relies on the

expectations of the customer being matched by their experiences; and

- (b) as a service industry there is a clear opportunity to ensure that tourism in New South Wales is ecologically and economically sustainable, supports the host community and delivers safe and enjoyable experiences that match or exceed expectations.
- (3) That this House notes that:
 - (a) the Victorian Parliament in 2014 conducted a committee inquiry into heritage tourism and ecotourism and recognised the value of accreditation for tourism operators;
 - (b) Recommendation 14 of the Victorian inquiry said: "In the short term, while ecotourism is an emerging industry, Parks Victoria be funded to maintain a dedicated subsidy program to support nature-based and ecotourism operators on public lands gain eco-accreditation";
 - (c) Recommendation 15 of the Victorian inquiry said: "Tourism Victoria should create a promotional and marketing rewards program for nature-based and ecotourism operators who achieve eco-certification. The program will provide such operators with a higher profile in campaigns and other materials"; and
 - (d) Recommendation 16 of the Victorian inquiry said: "Regional Tourism Boards [RTBs] work with the Victoria Tourism Industry Council to promote the benefits of accreditation to nature-based and ecotourism operators and businesses in their regions. In addition, RTBs will provide information to operators and businesses on how to gain access to an accreditation subsidy program."
- (4) That this House notes that Canada has a successful Indigenous tourism program which has doubled in five years due to steady government funding and a good investment strategy, which has allowed long-term planning and investment in training, marketing and product development that enables Indigenous Canadians to develop their tourism products and services over time.
- (5) That this House calls on the Government to resolve the issue of environmental degradation and cultural insensitivity that could result from inadequately trained and experienced environmental or cultural tourism operators that claim to be providing ecotourism or Aboriginal cultural awareness products, through the establishment of a mandatory accreditation scheme.

CENTRAL COAST RUGBY SEVENS

Motion by Mr SCOT MacDONALD agreed to:

- (1) That this House notes that:
 - (a) the Central Coast Rugby Sevens was held at the Wyong Rugby League club from 23 to 25 October 2015;
 - (b) the Government financially supported the event through its tourism and major events agency, Destination NSW;
 - (c) the tournament is expected to bring \$600,000 in visitor expenditure to the Central Coast this year;

- (d) the Central Coast Rugby Sevens has developed since its inauguration to become the premier sevens tournament in Australia outside of the World Series Rugby Sevens tournament;
 - (e) men's and women's teams travelled from as far as Fiji, Hong Kong, the United States, Germany and Malaysia to participate in the tournament; and
 - (f) the Aussie Thunderbolts were victorious over Fiji's Tabadamu in the men's final, while the Aussie Pearls beat New Zealand's Sevens Development Team in the women's final.
- (2) That this House congratulates:
- (a) all players who participated in the tournament, and in particular the Aussie Thunderbolts and Aussie Pearls; and
 - (b) NSW Rugby, Craig Morgan and Ian Robilliard from the Central Coast Sevens for their contribution to the community through the organisation of this event.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 503 outside the Order of Precedence objected to as being taken as formal business.

BUSINESS OF THE HOUSE

Routine of Business

[During the giving of notices of motions]

The Hon. Dr Peter Phelps: Point of order: Mr Jeremy Buckingham commenced his notice of motion by stating, "I move: That this House". He should use the appropriate terminology.

The PRESIDENT: Order! Mr Jeremy Buckingham should be advised that the proper terminology is, "I give notice that tomorrow I will move".

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

Government Business Order of the Day No. 2 postponed on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Mr JEREMY BUCKINGHAM [11.09 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 500 outside the Order of Precedence, relating to Mr George Bender, be called on forthwith.

This is an urgent matter. I have reflected on the need to deal with this motion today. There is a crisis in Australia that is attracting national media attention, and it is the conflagration between companies that are seeking to extract natural resources from landholders in this country. It has manifested in recent weeks, as members would be aware, with the tragic death of Mr George Bender. Some people may be critical of me for wanting to debate this motion and they may say that I am seeking to politicise this tragic incident. The Bender family does not want Mr Bender's legacy to be forgotten and has asked the Parliament to deal with this matter. I read a statement from Helen Bender, who said upon the death of her father—

The Hon. Dr Peter Phelps: Point of order: The motion before us relates to urgency, not the substantive matter that the member is seeking to debate. I ask that the member return to why his motion is more urgent than anything else on the agenda.

The PRESIDENT: Order! There is no point of order. Mr Jeremy Buckingham has the call.

Mr JEREMY BUCKINGHAM: I appreciate the comments of the Hon. Dr Peter Phelps and thank the Government for indicating that it will allow the motion to be heard as a matter of urgency. I place on the record the comment from Helen Bender who said, "He was prepared to fight for what he truly believed in"—

The PRESIDENT: Order! Mr Jeremy Buckingham knows he is well and truly debating the substantive motion rather than dealing with the issue of urgency.

Mr JEREMY BUCKINGHAM: I am seeking to establish urgency.

The Hon. Duncan Gay: We have said that we will allow debate on the motion.

Mr Scot MacDonald: Finish with the grandstanding.

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

The Hon. Mick Veitch: That is outrageous, Scot.

Mr Scot MacDonald: You think so, do you?

The PRESIDENT: Order! I call Mr Scot MacDonald to order for the second time.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [11.17 a.m.]: I indicated earlier that the Government would support this motion. We share Mr Jeremy Buckingham's concerns about the death of Mr Bender and we support a motion that pays tribute to George Bender and his family. However, the Government has a problem with paragraph (3) and will move an amendment to remove that paragraph. We will then pay tribute to George Bender and express condolences to his family without muddying the waters with politics. The Government will grant urgency and support paragraphs (1) and (2) of the motion but it foreshadows that it will move an amendment to remove paragraph (3) and any political references contained therein.

The Hon. MICK VEITCH [11.18 a.m.]: The Opposition supports the motion based on the same arguments put forward by the Leader of the Government.

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

Motion agreed to.

TRIBUTE TO GEORGE BENDER

Mr JEREMY BUCKINGHAM [11.19 a.m.]: I move:

- (1) That this House notes:
 - (a) the recent passing of Mr George Thomas Bender, a farmer and father from the Chinchilla district;
 - (b) that Mr Bender had grown and harvested a number of award-winning crops, but since 2005, Mr Bender confronted and stood up to coal seam gas companies QGC, Arrow, and Origin, which sought to construct a number of wells on one of his properties; and
 - (c) the Bender family statement, which says that:
 - (i) "the impact of coal seam gas on neighbouring properties had caused his bores to run dry and bubble with noxious methane, something that was not caused by anything other than the mining activities in the area."; and
 - (ii) "In the end, George Bender died from a broken heart, at witnessing first hand the tragedy unfolding around him. He fought to protect the air, land and water from the inevitable permanent damage that this industry is causing and has caused overseas. His struggles were not just for himself and his family, but for the whole country that depends on the agricultural and environmental resources unique to the Western Downs area. He was prepared to fight for what he truly believed in and call others to account. The tragedy is, in fighting for his country, his struggles are now his legacy, but it is the determination of those who have known and loved George Bender that his sacrifice not be forgotten".
- (2) That this House expresses its condolences to the Bender family and the community of the Western Downs.
- (3) That this House calls on the Government to give landholders the right to say no to coal and coal seam gas exploration and mining on their land.

I thank the Government and the Labor Opposition for supporting urgency on this issue. The House has other important business to deal with today, but clearly this issue came to a head in our nation in recent weeks through the tragic death of Mr George Bender. I welcome the support of Government and Opposition members but I was disappointed to hear that the Government will be seeking to amend the motion by deleting paragraph (3) which states:

- (3) That this House calls on the Government to give landholders the right to say no to coal and coal seam gas exploration and mining on their land.

Earlier the Leader of the Government said that the Government would be removing the "political bit at the end"—the bit that cost George Bender his life. That political bit is George Bender's legacy to this nation—no less than that. He fought for his farm, his family and his community and for the right to say no. I am sure members are sick to death of me pursuing this matter but it will not go away until people have the right to determine what happens on their land. People will not stop fighting until parliaments in this country give them the right to say no.

This tragic circumstance was foreseeable. I remind members of the coal seam gas inquiry initiated in this House—the first inquiry of this nature in Australia—and conducted in 2011 by General Purpose Standing Committee No. 5. The inquiry had the support of conservative crossbench members and others. Thousands of submissions were made to that inquiry but one of them—the submission made by Dr Wayne Somerville, a psychiatrist—foresaw all the problems we are experiencing today. He said he believed that the relentless pressure of mining companies and coal seam gas companies on individuals who were ill-prepared for such pressure would lead to adverse circumstances and that we would see violence and tragic circumstances such as those surrounding the death of Mr Bender from Chinchilla.

The Government failed to deal with this issue. The Nationals failed in Queensland, in New South Wales and in Victoria to give people certainty so that they can get on with their lives. George Bender's family said that it wants to see these reforms implemented—changes to the law that give people the right to say no—which will be George's legacy. The Bender family said, and these words are repeated in my motion:

The impact of CSG on neighbouring properties had caused his bores to run dry and bubble with noxious methane, something that was not caused by anything other than the mining activities in the area ...

According to the *Guardian* newspaper:

In the end, George Bender died from a broken heart, at witnessing first hand the tragedy unfolding around him. He fought to protect the air, land and water from the inevitable permanent damage that this industry is causing and has caused overseas. His struggles were not just for himself and his family, but for the whole country that depends on the agricultural and environmental resources unique to the Western Downs area. He was prepared to fight for what he truly believed in and call others to account.

The article made this pertinent point:

The tragedy is, in fighting for his country, his struggles are now his legacy, but it is the determination of those who have known and loved George Bender that his sacrifice not be forgotten.

This is what the Bender family called for immediately after this tragedy. It immediately called on parliaments and politicians to act. The Bender family commended Senator Glenn Lazarus and Senator Larissa Waters for their work. It clearly saw that the answer to these problems lies with our parliaments. Community expectation was that these matters would have been dealt with five years ago—the Hon. Duncan Gay knows that that was the expectation in New South Wales—but we are still witnessing conflicts all over the State. Good people in the Southern Highlands of New South Wales are going to the wall because they are going through arbitration and they are fighting foreign coalmining companies that are exploring for coal in Berrima and in other parts of the Southern Highlands.

The Bylong community has basically been destroyed and a huge coalmine will destroy Tarwyn Park and the beautiful Bylong Valley. The school has closed and the community is moving out. If the Shenhua Watermark coalmine goes ahead, one of the most awful confrontations will occur in New South Wales. The Government has the power in this State. The community is demanding that the Government do something, as is the family of Mr George Bender. It is reasonable and right for the Government to do something. How do I know that that is the case? I have never agreed with anything that Deputy Prime Minister Warren Truss has said but today the *Guardian* has reported him as stating:

Access to prime agricultural land should only be allowed with the farmer's agreement – the farmer should have the right to say yes or no ...

The Deputy Prime Minister, the Leader of The Nationals, said today that farmers should have the right to say yes or no. But the Leader of the Government in this House said that the Government will seek to amend this motion by removing the third paragraph, which makes no sense. If the Government does not do something now it will have to do something soon. That is what the community expects. Surveys across the State have shown that communities overwhelmingly oppose coal seam gas and the impact it is having on them. Government members do not come into this Chamber and talk about the issue. They do not come into this Chamber and say that they support coal seam gas. They know there is overwhelming opposition to coal seam gas and that the tide against it is coming in. The economic case for coal seam gas has collapsed as we are dealing with climate change. The community overwhelmingly is saying, "Enough is enough."

New South Wales has seen a boom in resource extraction which has benefited this State enormously, but enough is enough. We now have to deal with climate change and with the fact that coalmines and coal seam gas exploration companies are moving into areas where they should never go. Yet this Government is deaf to concerns that are expressed about that and we are witnessing more and more tension. Pressure is building and the victims are people like George Thomas Bender. When George was farming in Chinchilla he never thought he would be at the centre of such a debacle, but that is exactly what has occurred. The *Guardian* reported:

George Thomas Bender was born on 12 June 1947, and spent his life as one of five generations of Benders who have, since 1907, farmed in the Chinchilla district. In an area renowned for its prime agricultural land, George was raised and educated in the knowledge and skills of farming from his family, which he in turn passed on to his own children.

With his wife Pam, George raised four sons and a daughter on the same property, and in the same house, in which he was raised. Three of those sons have continued farming on the family properties and other lands in the Chinchilla area.

This motion states:

That this House expresses its condolences to the Bender family and the community of the Western Downs.

The Bender family should not have had to deal with such a tragedy. George Bender should still be alive, farming and passing on his knowledge to his sons. He should not have been caught in a fracas by coal seam gas companies such as Linc Energy which caused one of the greatest environmental catastrophes in the history of Queensland in the Chinchilla area of the Western Downs. Hundreds of square kilometres of ground have been contaminated. A class action is in the wings. The contamination was foreseen by the community, environmentalists and farmers yet it was ignored by the Queensland Government and the Federal Government in their rush to extract gas and export it. What a debacle of diabolical proportions that is. Linc Energy should be condemned. I hope that someone goes to jail for what that company did.

Like those in the districts surrounding him, Mr Bender was under siege from some of Australia's largest companies and from global companies, such as QGC and Origin Energy, which were banging on his door constantly, wanting to put a dozen wells on his property. If members are sick and tired of hearing me ranting and raving in this House about the dangers of coal seam gas, they should be able to imagine how it was for George Bender, defending his farm, wanting to grow his chickpeas and raise his pigs—how good is bacon?—and provide good, clean, quality food for the people of Australia. George Bender had to defend himself and arm himself by seeking out lawyers, relying on activists such as Lock the Gate and turning to people such as Drew Hutton. Mr Bender was a simple, intelligent and resourceful man who provided for his family and for the people of Australia.

I had the opportunity of meeting Mr George Bender in Queensland some years ago when I toured Australia with John Fenton. I was struck by the enormous parallels between Mr Fenton and Mr George

Bender as well as other farmers such as Joe Hill. Despite the fact that they came from completely different worlds—Mr Bender was born and raised in Chinchilla while Mr Fenton was born and raised in the Powder River Basin of Wyoming—they had in common the sense that we do not have the right to destroy the land now when we are just the guardians of it. Those men were raised as farmers and had a sense of protecting the land; they knew they were just the custodians and stewards of it. Despite the fact that they came from different sides of the world, they knew it was not their right to sign the land's death warrant. Those men, despite their geographical and political differences, knew they had to protect the land. I hope that the Government deals with this issue and decides to give landholders the right to say no. I hope that the Labor Party joins with the Government and changes its policy to give landholders the right to say no. I hope that that becomes the legacy of Mr George Bender.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [11.32 a.m.]: I guess I wish I did not have to speak in debate on this motion not least for the fact that I am sure Mr Bender's family would like him still to be here. I am sure every member of this Chamber wishes that as well. I am a third-generation farmer on one farm and a fifth-generation farmer on several farms throughout this country. We live in a community where people value the land, know that they hold it for future generations, and trust that they are obliged to do their best with the land. Certainly that is what Mr Bender felt. No-one can take away from the legacy he leaves. The Government indicated privately support for Mr Jeremy Buckingham's motion to honour Mr Bender, but paragraph (3) of the motion has been added to the first two paragraphs acknowledging Mr Bender's role, everything that he has done—which is simply exceptional and should be supported to the nth degree—and the loss of Mr Bender. Paragraph (3) of the motion states:

That this House calls on the Government to give landholders the right to say no to coal and coal seam gas exploration and mining on their land.

That is policy, and political decision-making is currently underway not only among members of the Opposition but also among members of the Government. As Mr Jeremy Buckingham said, prominent figures within my political party have made some private observations that I am sure are not dissimilar to the private views held by many members of this House. But the fact is that as I speak the decision has not been made. By Mr Jeremy Buckingham not adhering to the Government's reasoned request to leave out paragraph (3), he has not enabled the Government to support the parts of the motion that acknowledge, as a government should, the passing of Mr Bender and the role that that great man played in his community. Mr Bender's community is in Queensland, not in our State, but his role is significant across regions. To that end, I move:

That the question be amended by omitting paragraph (3).

I reiterate the Government's support for paragraphs (1) and (2) of the motion that acknowledge Mr Bender and what he has done in his community and for the country, as a government properly should. It does not matter to me whether it was Mr Bender or one of my cousins who took their life during the recent economic crisis and drought: They all should be acknowledged properly. The life of farmers is not easy, taking into account economic pressures and the principles that farmers believe in, and families feel their loss enormously. Farming families work together closely; they share everything and they are part of a community. I watched the ABC program and saw Mr Bender's neighbour speak about his loss. He spoke in glowing terms about Mr Bender. That is the way it should be and that is the way it is—an acknowledgement of a great man.

I will not take up more time of the House by dealing in detail with the political statement in paragraph (3) of the motion. That matter is currently being debated in close communities and in the broader community. However, I add my support and that of the Government to the acknowledgement of Mr Bender, whose family has suffered such a terrible loss.

The Hon. MICK VEITCH [11.37 a.m.]: Before I put the Opposition's view, I must commend Mr

Jeremy Buckingham for moving the motion. Opposition members extend our condolences to the family of Mr George Thomas Bender. From time to time in this country tragic circumstances highlight the fact that public policy can become quite emotive. We should always be aware of the impact of what politicians say in the public domain and of the public policy debate on people at the coalface, so to speak. We have seen the impact of a different public policy debate, which we were made aware of when something similar occurred. Unfortunately, sometimes a sad event focuses our minds on important issues. Mr Bender's family made it clear in their statement that they would like people to pay respect not only to Mr Bender but also to his struggle. His position was admirable: He was fighting for what he believed in. I have no doubt that every member of this House would accept that, although we might not have always agreed with his position, Mr Bender fought passionately for what he believed in.

The passing of any individual is very sad. We should take a moment to reflect on Mr Bender's contribution and on the message he was trying to convey. In relation to paragraph (3), sometimes in politics we either miss opportunities or misread opportunities to present a position on public policy. This motion is an opportunity to reflect on Mr Bender's life and contribution to Queensland's Western Downs and Australia in this policy area. This is not the time to make a political statement. At another time paragraph (3) of the motion may be appropriate, but not now because we should always look at the broader consequences of such a statement. In the long term, such a statement may impact on other public policy areas. So while the Opposition commends Mr Jeremy Buckingham for moving this motion, in this instance we need to reflect upon the life of Mr Bender and his contribution. We must pay our respects to Mr Bender and give his fight due and proper consideration.

As I said, the Opposition offers its condolences to the Bender family. At another time we may reflect upon whether the Government should be prevailed upon to give landholders the right to say no to coal seam gas exploration or mining on their land, as called for in paragraph (3). However, I believe it is not appropriate for it to remain part of the motion. We will support the Government's amendment to the motion.

The Hon. PAUL GREEN [11.40 a.m.]: I make a brief contribution to debate on Mr Jeremy Buckingham's motion paying tribute to Mr George Bender. I am not aware of the particular situation Mr Bender faced, but I am aware of people who put their heart and soul into causes. I wish to place on record the condolences of the Christian Democratic Party and I commend Mr Jeremy Buckingham for highlighting Mr Bender's legacy. Our thoughts are with his family, friends and community.

Mr JEREMY BUCKINGHAM [11.40 a.m.], in reply: I acknowledge the contributions of the Hon. Paul Green on behalf of the Christian Democratic Party, the Hon. Mick Veitch on behalf of the Labor Opposition and the Hon. Duncan Gay on behalf of the Government. I thank those members, who are all country members with an understanding of land issues, for their contributions. The Greens will not oppose the amendment; we accept that there is benefit in this House passing a unanimous motion of condolence. We believe members have expressed sincere sentiments that should be reflected in a unanimous motion that will hopefully be presented to the Bender family. We must deal in future with paragraph (3), which states:

That this House calls on the Government to give landholders the right to say no to coal and coal seam gas exploration and mining on their land.

There has been a clear indication from the Deputy Prime Minister and Federal Leader of The Nationals, the Hon. Warren Truss, that coal seam gas mining and exploration in rural areas must be addressed. I hope that this sentiment is reflected in government policy sooner rather than later. The Greens will keep pushing until the legacy of changing sentiment, so wished for by Mr Bender and his family, is reflected in this Parliament and in other Parliaments around Australia. I appreciate the contributions of all members who have spoken to the motion and commend it to the House.

Question—That the amendment of the Hon. Duncan Gay be agreed to—put and resolved in

the affirmative.

Amendment of the Hon. Duncan Gay agreed to.

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

Motion as amended agreed to.

CRIMINAL PROCEDURE AMENDMENT (CHILD SEXUAL OFFENCE EVIDENCE PILOT) BILL 2015

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.43 a.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.

I move that this bill be now read a second time.

The Government is pleased to introduce the Criminal Procedure Amendment (Child Sexual Offence Evidence Pilot) Bill 2015.

For most people, the court process is a daunting one. Understandably so, when you consider it is often taking place in imposing buildings and rooms, presided over by a judge sitting high on the bench, with barristers duelling over the minutiae of the case. It is, by its nature, an adversarial environment.

But for children, children who have suffered the trauma of sexual abuse, one of the worst crimes imaginable, appearing in court and re-counting what happened to them can be extremely stressful.

These are children who often are not yet even in high school, and distressingly often only in the early years of primary school.

Those children, undeniably some of the most vulnerable members of our community, have already suffered more than any person ever should.

Our criminal justice system should not compound the pain; it should not inflict more trauma.

Although legislative reforms over the last decade have gone a considerable way to helping children through the court process, including allowing them to give their evidence from a remote witness room, more needs to be done.

In 2013, only around 20 per cent of child sexual assault offences reported to police proceeded to court. The high rate of attrition in reported cases of child sexual assault can be partially attributed to the negative impact of the criminal justice process on the wellbeing of child victims.

It ultimately means that perpetrators of some of the worst crimes experienced in our community are never held to account.

This bill will ensure children will be better supported. It delivers on a key election promise to pilot specialist measures to support child victims of sexual assault in giving evidence in criminal proceedings.

The bill amends the New South Wales Criminal Procedure Act to allow those children to:

- Firstly, have all their evidence prerecorded early and in the absence of a jury, and
- Secondly, be supported by specially trained and accredited specialists, known as "Children's Champions", to help them communicate with the court.

The bill implements recommendations of the 2014 Joint Select Committee into Sentencing of Child Sexual Assault Offenders contained in its "Report Every Sentence Tells a Story". That report recommended procedural reforms to reduce the stress and duration of court proceedings for vulnerable child witnesses in child sexual assault cases. The reforms in this bill also respond to recommendations of the New South Wales Ombudsman's 2012 report "Responding to Child Sexual Assault in Aboriginal Communities".

This legislation is another important step towards honouring the strong commitment made by this Government to deliver justice and protection for the most vulnerable members of our community.

Indeed, this is not the first time this Parliament has considered the Government's response to the work of the Joint Select Committee into Sentencing of Child Sexual Assault Offenders. This Parliament has already enacted tougher sentences, introduced by the Government, for those convicted of serious child sexual assault offences—increasing the maximum sentence for sexual intercourse with a child under 10 from 25 years to life imprisonment, and including an additional 13 child sexual assault offences in the Standard Non-Parole Period Scheme.

In addition, the Government has appointed two specialist judges to the District Court to hear child sexual assault cases throughout the State. Her Honour Judge Jennie Girdham, SC and Her Honour Judge Katherine Trail have undergone intensive training for their new roles.

The pilot scheme introduced by this bill has been informed by the Child Sexual Assault Taskforce, convened earlier this year by the Department of Justice. The task force brought together experts from those agencies who investigate, prosecute, defend and hear child sexual assault matters. It included representatives of the District Court (where the vast majority of child sexual assault cases are heard), the Office of the Director of Public Prosecutions, the Law Society of NSW, and the Bar Association, the Child Abuse Squad attached to the NSW Police Force, the Aboriginal Legal Service and Legal Aid NSW.

The work of the task force was assisted by feedback from victims groups, health professionals, legal academics and experts working in child sexual assault matters in the United Kingdom and New Zealand. It also built on the efforts of the former Chair of the Government's Sexual Assault Review Committee, Ms Amy Watts and the former Manager of the Witness Assistance Service, Ms Lee Purches, both of whom have been long-standing advocates for procedural law reforms to benefit vulnerable children.

I thank all individuals whose work for and on behalf of child victims and whose insights have contributed to these important reforms. This Government is committed to continuing that work towards supporting victims of child sexual abuse, including through its ongoing participation in the Federal Royal Commission into Institutional Responses to Child Sexual Abuse.

The procedural supports provided in this bill are twofold.

Firstly, eligible child victims will be able to have all of their evidence prerecorded as early as practicable once a criminal charge has been referred to the District Court and before a jury is empanelled. This expands existing provisions in the Criminal Procedure Act that allow only a child's investigatory interview to be used as their evidence in chief.

Secondly, children will be supported by the appointment of a Children's Champion when they appear in court. Based on a scheme operating successfully for the last decade in the United Kingdom, such individuals' role will be that of a witness intermediary: trained and accredited communication specialists who will facilitate the communication of and with the child, and provide a written assessment report of the child's communication needs.

The bill contains important safeguards of the rights of an accused to a fair trial, the key to which is the requirement of full disclosure of the prosecution case before any prerecorded hearing takes place. The role of a children's champion is expressly defined as a witness intermediary: a neutral and impartial communication specialist who will not have any prior association with the witness, and who cannot be appointed unless they have fulfilled minimum prescribed qualifications.

The term "children's champion" appropriately reflects the role of these intermediaries in supporting child witnesses. To be clear, this term does not denote any element of competition, which would not reflect the fundamental rules of procedural fairness in our justice system or the proper role of a court-appointed facilitator. Such role is intended to promote clear and accurate testimony, for the benefit of all parties in the proceedings.

I now turn to the main detail of the bill.

Schedule 1 of the bill inserts a new part 29 into the Criminal Procedure Act 1986 to introduce provisions relating to the child sexual offence evidence pilot scheme. Under clause 83, the new part will apply to proceedings in the District Court in relation to prescribed sexual offences, as defined in section 3 of the Criminal Procedure Act. This includes appeals in relation to, or re-hearings, of such proceedings.

Clauses 81 and 82 provide that the pilot scheme is to operate for 3 years from 31 March 2016 in the District Court sitting at Newcastle and the Downing Centre.

Part 29 applies to children who are under 18. This is different to the threshold for the existing vulnerable witness provisions in part 4 of the Criminal Procedure Act, which apply to children aged 16 and under. The new provisions apply to all children who are under 18, as the Government recognises that sometimes even older children who are traumatised by a sexual assault are inherently vulnerable because of the nature of the evidence they have to give.

There are two main aspects to the new part 29: provisions for "prerecorded evidence hearings" in clauses 84 to 87, and provisions dealing with children's champions in clauses 88 to 90.

Clauses 84 and 85 set out the eligibility and other requirements for prerecorded evidence hearings. There is a presumption in favour of prerecorded evidence hearings for complainants who are under 16 at the time at which the evidence is given. No application for an order is needed. The court must consider the wishes and circumstances of the witness and the availability of court and other necessary facilities in considering whether the presumption should be dislodged. It may also consider a number of non-exhaustive factors under clause 84 (6).

For children between 16 and 18 the court may order a prerecorded hearing, either on its own motion or following application by either party.

Under clause 84 (4), orders for a prerecorded evidence hearing for any child cannot be made

unless it is appropriate to do so in the interests of justice.

The provisions in clauses 84 and 85 supplement existing provisions in the Criminal Procedure Act that enable a child's prerecorded investigatory interview to be given and admitted as evidence in chief. Importantly, the exceptions to the New South Wales Evidence Act 1995 which allow for the admission of out of court statements made by children during their initial interview with investigating police will continue to operate, as will other provisions in the Evidence Act that provide support for children who testify in sexual offence proceedings.

However, that recorded interview, along with any additional oral evidence in chief, re-examination and cross-examination, will be played or taken during a prerecorded evidence hearing rather than during the usual trial before a jury. Under clause 85 (2) (b) the child witness is entitled to give their evidence during the prerecording hearing remotely, that is, through the use of closed circuit television facilities linked to the court. This reflects existing entitlements of all vulnerable witnesses under the Criminal Procedure Act. Where there is a jury, it will later view the recording of the prerecorded evidence hearing, subject to the usual rules of evidence.

Recognising the benefits to a child in having their evidence taken earlier than usually occurs in criminal proceedings, clause 85 (1) stipulates that the prerecorded evidence hearing must take place as soon as practicable after the date listed for the accused person's first appearance in the District Court.

The bill safeguards the rights of an accused to procedural fairness in a number of ways: firstly, clause 85 (1) provides that the hearing cannot occur until the prosecution has complied with the mandatory pre-trial disclosure requirements prescribed in section 141 of the Criminal Procedure Act. Secondly, clause 86 ensures that the accused person is given reasonable access to a recording of evidence made at a prerecorded evidence hearing. To protect the sensitive nature of the evidence, neither the accused nor their lawyer will be entitled to possession of the recording of the prerecorded evidence hearing.

Regulations under clause 86 (4) may prescribe how access to the recording by the accused or their lawyer is to take place. The bill does not alter the usual procedures under which the accused and other parties are provided with transcript of evidence in District Court proceedings.

Clause 87 is an important aspect of the bill intended to limit the prospect of children being unnecessarily recalled to give further evidence following the prerecorded evidence hearing. Bringing the child back to court to give evidence after the prerecorded hearing can only take place with leave of the court, and only where evidence has emerged since the prerecording that the party seeking leave could not reasonably have been aware of at the time of the prerecording.

The second main aspect of the bill is contained in provisions for children's champions in clauses 88 to 90. Clause 88 provides that the role of a children's champion is that of a witness intermediary, whose role as an impartial officer of the court will be to facilitate the communication of and with the child witness. This role is based on the United Kingdom witness intermediary model. However, the New South Wales pilot model goes further than that legislated in the United Kingdom, as it expressly provides for an advisory function, reflected in clause 89 (6): under this proposed provision, the children's champion will provide an assessment report concerning the communication needs of the child before he or she gives their evidence.

This assessment report will assist parties and the court itself in understanding the communications needs and challenges of the particular child witness and will identify whether particular supports are needed for the child when they give their evidence. Where parties adopt the advice of the assessment report, the need for intervention of the witness intermediary during the child's evidence will be mitigated.

Clause 89 sets out how children's champions are to be appointed and prescribes minimum qualification requirements, being a degree in psychology, social work, speech pathology or occupational therapy. Those qualification requirements may subsequently be expanded by regulation. Victims Services in the Department of Justice will establish a panel of suitable persons from which an appointment by the court in a particular matter can be made.

Clauses 89 (3) and 90 (1) provide that a children's champion must be appointed, and evidence given in their presence, for children under 16. The court is not required to make an appointment for the reasons set out in clause 89 (4). This may be, for example, where a children's champion is not available, or where the particular needs of a child cannot be met by a suitably qualified witness intermediary. This provision recognises that different children have different needs, depending on their age, cognitive development, physical and psychological capacities.

Clause 89 (3) (b) provides that, for a child aged between 16 and 18, the court may appoint a children's champion where such child has difficulty communicating.

As with the prerecording provisions, the provisions as to children's champions supplement existing supports in the Criminal Procedure Act for vulnerable and other witnesses, including, for example, entitlements of eligible witnesses to communication aids, set out in in division 6, part 2 of the Act.

The independence of the role of a children's champion will be reflected in the oath they will undertake in similar terms to that required of interpreters under the New South Wales Evidence Act. A warning under clause 91 must also be to be given to the jury where evidence is given by way of a prerecording or where a children's champion is used.

Clause 90 provides that where a children's champion has been appointed, evidence of the witness must be given in their presence. The court and lawyers in the proceedings must be able to see, hear and communicate with the children's champion. This can occur even when the children's champion is sitting with the child in a remote witness facility.

Clause 92 makes it clear that the provisions of the proposed part are additional to existing provisions with respect to the giving of evidence, rights of the accused and powers of the court and do not affect these except as provided by the part, regulations or rules of court.

The bill will commence on assent. The legislative amendments concerning the use of children's champions in court proceedings under this bill will be complemented by procedures developed by the NSW Police Force and its Joint Investigatory Response Team partners as to the engagement of accredited children's champions during the initial investigatory interview. The pilot will be administered by Victims Services in the Department of Justice.

These important reforms are intended to reduce re-traumatisation of child victims in court, without compromising the fundamental elements of a fair trial. They will be evaluated during and at the end of the Pilot, prior to any expansion.

I commend the bill to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [11.44 a.m.]: I lead for the Opposition in debate on the Criminal Procedure Amendment (Child Sexual Offence Evidence Pilot) Bill 2015. The Opposition does not oppose the bill, which proposes to amend the Criminal Procedure Act. That Act contains provisions introduced by a Labor Government concerning the giving of evidence in criminal proceedings by particular vulnerable persons in the form of recordings of previous representations and by closed-circuit television. This bill builds on those provisions by giving legislative basis to pilot schemes

that propose two things. The first is to provide for evidence to be given by children who are complainants in indictable District Court proceedings in relation to prescribed sexual offences by way of prerecorded hearings in the absence of the jury. The second is to provide for such evidence to be given with the assistance of a children's champion—or, in more traditional legal terms, a witness intermediary.

The Attorney General said that the bill implements recommendations of the 2015 report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders, entitled "Every Sentence Tells a Story". It is worth stating for the record that the shadow Attorney General in the other place was a member of that committee. There was no dissent from the recommendations of the committee—they were unanimous. That being the case, it comes as no surprise that Labor does not oppose the bill. The relevant recommendation is No. 19, which reads as follows:

The Committee recommends that the NSW Government introduces trial measures to expand the use of pre-recorded evidence to include all evidence given by child victims (similar to the Western Australian and Victorian models) with a view to assessing whether this approach effectively lessens the stress and duration of court proceedings for child witnesses, without affecting the defendant's right to a fair trial.

While we welcome the Government's adoption of this bipartisan recommendation, we note that a number of other recommendations, especially relating to specialist courts, have been studiously ignored by the Government—in particular, recommendations Nos 21, 22 and 23. In the same vein, there has been no observable movement on recommendations Nos 17 and 18, which the Opposition thinks are useful proposals. The Government will not introduce specialist courts because of central agency opposition. Both the department and Treasury will argue that they increase expenditure—an argument that the Opposition does not necessarily accept.

The Government has cut the number of magistrates and District Court judges. In the circumstances, the chances of it introducing something that will substantially change the legal landscape in this area—such as specialist courts—is remote. However, recommendation No. 19 is being implemented, and that is a good thing. The committee recommended that a trial be established, and the bill provides for that. We think that is entirely appropriate. In addition to the parliamentary committee report, the NSW Ombudsman's report "Responding to Child Sexual Assault in Aboriginal Communities", dated December 2012, has resonance here. Importantly, recommendation No. 59 (c) seeks to allow the option for a child's entire evidence to be prerecorded in certain sexual assault prosecutions and recommendation No. 59 (e) concerns the viability of establishing a registered intermediary scheme. The report also refers to the problem of attrition in prosecutions.

The bill specifies that the pilot will be conducted from 31 March 2016 until 31 March 2019, with the capacity for it to be extended by regulation. New section 83 sets out which offences in relation to time will be included. The courts in which the pilot will proceed are not specified in the bill, but the Opposition notes that the Attorney General indicated they will be the Newcastle courts and the Downing Centre. The pilot is limited to District Court witnesses in relevant proceedings who are under 16 years of age when the evidence is given. They must give evidence as prerecorded evidence unless there is a contrary order of the court. On its own motion or on application by any party, a court may order a child complainant of 16 or more years of age to give evidence via a prerecorded hearing.

The provisions apply to a child complainant who was a child when the order was made even if they become an adult before the proceedings conclude. The prerecorded evidence hearing is to be held as soon as practicable after the date listed for the accused person's first hearing, although not before the pre-trial disclosure obligations have been met by the prosecution. Prerecorded evidence includes all the evidence and is given in the absence of the jury, it later being viewed or heard, or both, by the court in the presence of any jury. Possession of a recording made under those provisions by an accused or their lawyers is prohibited.

New section 86 (2) requires that reasonable access be given to the recording. The regulations will, according to new section 86 (4), provide the procedures for this. New section 87 provides that a witness who has given prerecorded evidence cannot give further evidence without leave of the court. Leave can be given only if the witness or party seeking leave has become aware of a matter of which they could not reasonably have been aware at the time of the recording, and it is in the interests of justice to do so. Division 3 of part 29 is entitled "Children's champions".

New section 88 makes it clear that a children's champion may also be called a "witness intermediary". The latter seems to be a more accurate description, especially bearing in mind new section 88 (2). The witness intermediary's role is to communicate and explain to the witness questions put to the witness, and to communicate and explain to any person asking a question the answers given by a witness in responding to the question. The 2012 Ombudsman's report to which I referred earlier contains a degree of useful material regarding this matter. Paragraph 12.5.4 states:

In a number of international jurisdictions, as well as in Western Australia, an appropriately skilled "intermediary" can be accessed to assist a vulnerable witness in giving evidence. In England and Wales, for example, a register of professionals including speech and language therapists, psychologists, and mental health professionals, exists to provide individuals who can assist both in relation to police interviews and the court process by helping a vulnerable witness to understand the questions that are being posed to them.

The use of intermediaries not only has the capacity to make the investigation and court process less stressful for vulnerable witnesses, it also has the potential to improve the justice outcomes through enabling witnesses to give evidence who may not otherwise have been considered capable of doing so. The use of intermediaries is discussed further in the next chapter.

Paragraph 14.4 further states:

There are a number of jurisdictions which currently use an intermediary system of some kind for vulnerable witnesses, including England and Wales, Ireland, Austria, Norway, and South Africa. The specific nature of the role fulfilled by intermediaries differs across these jurisdictions; however, ostensibly intermediaries are intended to facilitate better communication between the witness and the police or the court, so that a more accurate account of what has occurred can be obtained. Appropriately qualified intermediaries, such as speech and language therapists, mental health professionals, or special needs teachers, may be used to explain questions and answers to a witness, or to assist questioners in testing a witness's evidence.

The final section of the Ombudsman's report to which I draw the attention of the House is of particular interest. In paragraph 14.4 the report states:

In our review of 27 cases prosecuted by the ODPP [Office of the Director of Public Prosecutions] there were a number where the ODPP reached a decision to withdraw the charges against the defendant because they had formed a view that the complainant would be incapable of providing the testimony which would be required in court. These matters included children who were recorded as having learning difficulties and other developmental challenges which restricted their capacity to communicate at a standard which would be required in giving evidence. While it is not possible to conclude whether an intermediary would have been able to provide the necessary support to these particular children, it is evident that there would be matters of this type where the use of an intermediary could potentially support a child to give evidence who would not otherwise be capable of doing so.

Pursuant to the terms of this bill, witness intermediaries will be established by the department as a panel with various qualifications set out in the Act or by regulation. This seems consistent with the overseas models. A court must appoint an intermediary if a witness is under 16 years of age and may do so if the

witness is 16 or more if the witness has difficulty communicating. There are, however, grounds in which a court is not required to appoint an intermediary. If requested by the court, an intermediary must provide a written report on the communication needs of the witness. The evidence of the witness must be given in the presence of any appointed intermediary, although that is subject to the rules of court and any practice direction. The court and lawyers involved must be able to see and hear the giving of evidence and be able to communicate with the intermediary.

New section 91 provides appropriate warnings to the jury. There are provisions as to regulations and practice directions from the Chief Judge. We ask the Parliamentary Secretary, as the representative of the Attorney General in this House, when it is proposed that the regulations will be available. It would make sense to have them available reasonably soon so that the entire scheme provided for in the bill can be understood properly. The low rate of prosecutions and the high rate of attrition in these matters are very real and raise serious concerns. Clearly something of significance needs to happen to change this. The bill is a worthwhile step in that direction. The fact that the scheme is proceeding as a trial removes any potential opposition because the pilot can be monitored to see how it develops, and any changes that need to be made can be highlighted and made at that point. If the trial is deemed to be successful it can then be rolled out more generally. The Opposition does not oppose the bill.

The Hon. PAUL GREEN [11.55 a.m.]: The Christian Democratic Party supports the Criminal Procedure Amendment (Child Sexual Offence Evidence Pilot) Bill 2015. Yesterday there was a crossbench meeting with the Government to discuss the relevant issues. I note that the overview of this bill indicates that the Criminal Procedure Act 1996, the principal Act, contains provisions with respect to the giving of evidence in criminal proceedings by certain vulnerable persons in the form of the recording of previous representations and by closed-circuit television, or similar technology, in court proceedings. The object of this bill is to amend the principal Act to give effect to a pilot scheme that augments those provisions. First, it provides for the evidence, including the evidence given in cross-examination and re-examination, of children who are complainants in an indictable proceeding in the District Court in relation to prescribed sexual offences within the meaning of the principal Act to be prerecorded at hearings in the absence of the jury, if any. Secondly, it provides for such evidence to be given with the assistance of a children's champion, or a witness intermediary, whose role is to facilitate communication with such children.

The objects are self-explanatory. The children's champion is a great initiative for which I applaud the Government. The world of law is complex, and this complexity can sometimes overwhelm the evidence of a person who does not understand the implication of their words versus legal terminology. It is wise to have someone there to assist children who are vulnerable and thus increase the opportunity of their evidence reaching the judge. It will be helpful to a child who has been abused or who has an issue to give evidence in a safe, secure environment. That has been a problem to date. The pilot is a good idea. It will be conducted in two areas, one of which will need a technology adjustment for the pilot to take place. The Christian Democratic Party is aware of one or two other court jurisdictions where it could be implemented, but we must crawl before we can walk. This is a great initiative, and the Christian Democratic Party supports the bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.58 a.m.], on behalf of the Hon. John Ajaka, in reply: I thank the Hon. Adam Searle and the Hon. Paul Green for their contributions to this debate. The Criminal Procedure Amendment (Child Sexual Offence Evidence Pilot) Bill 2015 delivers on a key election promise to pilot specialist measures to support child victims of sexual assault to give evidence in criminal proceedings through early prerecording of all of their evidence and the use of children's champions. These measures will be piloted for a three-year period in the District Court sitting in Newcastle and the Downing Centre in Sydney. I join the Attorney General in thanking those who gave feedback to the task force and all members of the child sexual assault task force who helped design the model for these specialist measures. These important reforms aim to reduce trauma to child victims in court and ensure that the most vulnerable members of our community are better supported. 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 forthwith.

Third Reading

Motion by the Hon. David Clarke, on behalf of 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.

HOME BUILDING AND DUTIES AMENDMENT (LOOSE-FILL ASBESTOS INSULATION AFFECTED PREMISES) BILL 2015

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by Mr Scot MacDonald, on behalf of the Hon. John Ajaka.

Motion by Mr Scot MacDonald, on behalf of the Hon. John Ajaka, agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second Reading

Mr SCOT MacDONALD (Parliamentary Secretary) [12.02 p.m.], on behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The Government is pleased to deliver for a second time the second reading speech on the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015. This bill provides the necessary legislative framework to implement the Government's comprehensive policy in relation to loose-fill asbestos insulation. Throughout the 1960s and 1970s, pure loose-fill asbestos insulation was installed as ceiling insulation in at least 1,000 residential premises in the Australian Capital Territory and an unknown number in New South Wales. The presence of loose-fill asbestos in residential premises potentially creates an enormous risk to the community because of the type of asbestos it is; it cannot be identified through ordinary inspection and there are no guarantees of success with remediation.

Similar to the actions already undertaken by the Australian Capital Territory to address this problem, this Government has put in place the Voluntary Purchase/Demolition Program and community awareness and disclosure requirements. An implementation task force has been established within NSW Fair Trading and work is already underway on the identification of properties containing loose-fill asbestos insulation, as well as putting the necessary procedures in place to commence the program. This bill contains amendments to the Home Building Act 1989 that will establish disclosure requirements by allowing the creation of a register of affected properties and mandatory warning signs on those properties. It also makes amendments to the Duties Act 1987 to provide for a stamp duty concession for homeowners who need to purchase a new property as a consequence of their voluntary participation in the program.

Before I go into the detail of the bill, I will outline how this reform has come about and the work this Government has done to ensure that the program and disclosure requirements properly address the potential risks. At the outset, it should be noted that loose-fill asbestos insulation is different from other forms of asbestos. The loose-fill asbestos installed in those residential premises is typically 100 per cent pure, not bonded or mixed with any kind of adhesive or compound. The raw and pure asbestos was crushed in a hopper and then pumped with air into roof spaces as ceiling insulation. That means that the fibres easily can become airborne if disturbed and may be inhaled, which could increase health risks. Over time, the fibres can migrate out of roof cavities into subfloors, wall cavities and the habitable areas of residential homes.

What complicates the situation further is that loose-fill asbestos cannot be identified by sight alone. It requires specialised testing by a licensed asbestos assessor. This means a building report will not confirm its presence to a prospective buyer. The presence of loose-fill asbestos insulation in homes has been on the public radar for many years. However, potential risks to the community have not been addressed adequately because affected properties were unable to be identified. In August 2014 the New South Wales Government announced free ceiling insulation testing for residences in 26 local government areas [LGAs] that, from archival government records, were likely to be affected LGAs. The Government then announced increased support and assistance for affected residents through the Make Safe Assistance Package in December 2014. This package included free technical assessments and building works to seal exposure pathways, and provided environmental cleaning and reimbursement for soft furnishings, financial assistance for short-term accommodation and counselling services.

In December 2014 the Government also established the Loose-Fill Asbestos Insulation Taskforce to consider the cost and benefits of a New South Wales Government purchase and demolition program. The task force also was asked to make recommendations on the most effective options to manage the potential ongoing risks posed by the presence of loose-fill asbestos insulation in residential premises in New South Wales. The task force determined that demolition, comprehensive site remediation and disposal were the most effective methods of removing the potential health risks from affected properties. The task force also made a number of recommendations about the identification of affected homes for homebuyers, tenants, tradespeople and emergency service workers.

On 29 June 2015 the Government announced that it had accepted all 13 recommendations made in the final report from the task force, including the establishment of a new implementation task force within NSW Fair Trading to oversee the Voluntary Purchase/Demolition Program. The Voluntary Purchase/Demolition Program will safely remove any long-term risk posed by loose-fill asbestos insulation in residential premises and will provide affected homeowners with assistance and support. The Government has set aside \$250 million for the Voluntary Purchase/Demolition Program, providing the financial support needed to implement it. While the program is similar to that undertaken by the Australian Capital Territory, affected homeowners in New South Wales will have two options available to them to provide flexibility to accommodate their individual circumstances. In all cases, the premises must be demolished and the land remediated.

The first option for homeowners is to sell both their home and land to the Government. The second option is to allow the Government to demolish their premises while the homeowner retains ownership of the remediated land. Given the nature of the different ownership structures and properties, the options have certain restrictions for owners of residential units and owners of large rural properties under the terms and conditions of the program. Independent valuations of the properties undertaken by the Government contain conditions that do not advantage or disadvantage participants as a result of the passage of time. Importantly, these valuations will be on the property as if it did not contain loose-fill asbestos insulation. Participants in the program will also have access to practical support from case managers who will assist them with applying for financial assistance to relocate, to obtain legal advice, to replace furnishings or to seek counselling.

As I mentioned earlier, the identification of affected premises is integral to removing the risks posed by loose-fill asbestos insulation. As at 30 September 2015, 74 premises in New South Wales, including 41 units, have been confirmed by thorough testing to contain loose-fill asbestos insulation. The majority of affected premises—58—have been identified by a search of historical records by the Heads of Asbestos Coordination Authorities [HACA]. An additional 20 premises have been identified from the free ceiling insulation testing program, four of which are pending confirmation by way of technical assessment. It is important to note that there have been 3,258 negative test results over this same period of time.

On 12 October 2015, I announced that, following confirmation of an affected property in Narrandera Shire Council, this local government area [LGA] is now included on the list of eligible LGAs for the free testing program, making the total number of eligible LGAs now 27. These 27 LGAs are primarily in regional New South Wales—Queanbeyan, Berrigan, Greater Hume and Yass Valley—with all having had at least one positive test. The Sydney metropolitan area also has eligible LGAs—Bankstown, Parramatta and Manly also contain affected properties. However, positive tests have not been detected in the metropolitan area as part of the free ceiling testing program. I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

I would now like to deal with the provisions in the bill.

The establishment of the Register provides transparency and aligns with the NSW Government's commitment to open data.

The Register will record the address and title particulars of all residential premises that have undergone prescribed testing and have been identified as containing or have contained loose-fill asbestos insulation.

The regulations will provide for what type of verification is required in order for the Secretary to be satisfied of the presence of loose-fill asbestos insulation. The objective is that a listing can only be made on the basis of a testing process that is definitive and the regulations will prescribe what that will be.

In the event that there are circumstances, where, for the protection of the public from potential risks, it is necessary to include other premises on the register, the bill provides a regulation making power to do that.

The Register will assist in informing workers and employees that there is a possibility of exposure, before attending the affected premises. Equally, it will provide emergency services workers with advanced notice of the status of any affected premises and allow for appropriate precautions to be taken.

Particulars of premises that were affected but have been, through the program, demolished and remediated will be removed from the Register.

This is fair and appropriate as once the premises have been demolished and the land is free of loose-fill asbestos insulation; there are no longer any risks to the community or future homeowners.

If there is a need to access historical information about properties that may have been affected at one time, this information will be accessible upon application. For example; people who once lived in these premises may need that information in the event of a negative health diagnosis.

This amendment also contains a requirement for the Secretary to remove any particulars from the

Register that are false, erroneous or misleading or have been erroneously included. A regulation-making power allows other circumstances to be prescribed where it may be appropriate to remove any other particulars.

This is an important requirement that protects the rights of homeowners and the integrity of the Register.

Without the Register, affected premises are likely to continue to change hands, with prospective buyers being unaware that they are buying an affected home.

Tradespeople, service providers and emergency service workers currently cannot identify affected premises. Workers will continue to risk possible exposure by accessing affected premises without taking the necessary precautions to ensure work is conducted safely.

The second amendment in the bill introduces a requirement in the Home Building Act 1989 for owners of affected residential premises to display a compliant warning sign at any prescribed place on the premises.

In many instances, it is anticipated that the sign will be placed on or near the electrical meter box as this is the commonly accepted location for safety-related notices.

The objective of this requirement is to alert anyone working, residing or visiting that the premises represent a possible risk from loose-fill asbestos insulation.

The third and final amendment contained in the bill will amend the Duties Act 1997 so that participants in the Voluntary Purchase/Demolition Program can access a stamp duty concession on the purchase of a replacement home in New South Wales.

The stamp duty concession is part of the package of financial support aimed to assist affected homeowners.

The concession is capped at the amount of duty that would have been payable on the purchase of the loose-fill affected home by the Government, if they were required to pay stamp duty.

To illustrate how this will work, if a homeowner transfers their affected home to the NSW Government at a value of \$350,000, the duty payable on the transfer would be \$11,240.

If the homeowner then buys a replacement home for \$400,000, the duty payable would be \$13,490. Therefore, the concession would be capped at \$11,240 and the homeowner will only pay the difference—\$2,250.

This amendment has been carefully crafted to ensure that it is flexible enough to meet all circumstances where it may be appropriate for a person to obtain the stamp duty exemption, but is also restrictive to ensure that it is only available for an affected property and a binding agreement for the acquisition has been entered into after the commencement of the amendment.

The amendment also provides that only one duty concession is available for each affected property that has been acquired.

This ensures that the objective and provisions provided by the Voluntary Purchase/Demolition Program are met and there is no rorting of the concession.

The bill provides the necessary amendments for principal legislation, however, the Government also plans to introduce a number of changes to regulations to help identify affected premises and

provide increased protections for the New South Wales community.

These legislative changes were also recommended in the report from the New South Wales Parliament Joint Select Committee Inquiry on Loose-fill Asbestos Insulation.

These reforms include changes to the regulations under the Environmental Planning and Assessment Act 1979 to insert loose-fill asbestos insulation as a matter to be listed on a section 149 (2) planning certificate.

There will also be amendments made to the Residential Tenancies Regulation 2010 to protect current and future tenants living in premises affected by loose-fill asbestos insulation.

The 'new tenant checklist' under the Residential Tenancies Act 2010 will be amended to specifically confirm the presence of loose-fill asbestos insulation.

The safety and well-being of New South Wales residents is paramount and has been the Government's guiding principle throughout this process.

I would like to acknowledge the Hon. Minister Dominic Perrottet and his staff, as well as the members of the Loose-fill Asbestos Insulation Taskforce, the SafeWork NSW project team and local government representatives. I thank industry and stakeholder groups such as Housing Industry Association, Master Builders Association, the Real Estate Institute of New South Wales and the National Electrical and Communications Association for their contribution throughout this process.

The community of Queanbeyan, part of the Monaro electorate, has been hit hardest by this crisis—58 out of the 74 confirmed affected premises are located within the Queanbeyan LGA as at 30 September 2015.

I would also like to thank the member for Monaro for his long term commitment to seek a resolution for affected homeowners.

I also acknowledge the thorough review of this issue by the Joint Select Committee chaired by Revd. the Hon Fred Nile, MLC.

However, most importantly, I commend the affected residents who provided submissions and gave evidence at the Joint Select Committee Inquiry or met with the task force.

I note the evidence at the Joint Select Committee Inquiry of the young family with two children who discovered some weeks after moving into their new home that it was affected by loose-fill asbestos insulation.

They were unaware that a building report would not reveal the presence of loose-fill asbestos insulation. Nor were they aware that the owners or the local council were not compelled to disclose the presence of loose-fill asbestos insulation.

The young family made the decision to relocate as they were not prepared to stay in the home and risk exposure. As a result of the positive test, it is unlikely that the property could be sold or leased to other occupants, leading to further financial strain for this family.

Their story is typical of the level of uncertainty many affected homeowners face.

It is important that the community understands that the disclosure of the presence of loose-fill asbestos insulation is vital to managing the risks that it poses. It is also important information that

needs to be available to potential purchasers of an affected property, tradespeople, maintenance workers, service providers, tenants and emergency service workers.

This Government has worked hard to ensure that the measures in the bill strike an appropriate and reasonable balance between safeguarding the community through disclosure and transparency while minimising the degree of regulatory intervention.

In closing, I would like to thank the Commissioner for Fair Trading Rod Stowe, Assistant Commissioners Rhys Bolien and Andrew Gavrielatos, as well as officers from Fair Trading Matt Press, Gabbie Mangos and Sharon Hogan, and my policy director Jane Standish for their efforts and continued enthusiasm.

I commend this bill to the House.

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

TREASURY CORPORATION AMENDMENT BILL 2015

STATE INSURANCE AND CARE GOVERNANCE AMENDMENT (INVESTMENT MANAGEMENT) BILL 2015

SUPERANNUATION ADMINISTRATION AMENDMENT (INVESTMENT MANAGEMENT AND OTHER MATTERS) BILL 2015

Second Reading

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) [12.12 p.m.], on behalf of the Hon. Duncan Gay: I move:

That these bills be now read a second time.

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

Leave granted.

In June 2015 the NSW Government finished a four year project to amalgamate the State's key funds management activities in New South Wales Treasury Corporation (TCorp). This has made NSW's central financing authority, TCorp, a top 10 Australian investment manager with more than \$70 billion in funds under management.

These three cognate bills will cement the changes and make sure that TCorp, and New South Wales' two single largest guardians of financial assets, SAS Trustee Corporation (State Super) and Insurance and Care NSW (icare), can get the most out of the new arrangements.

The bills will help save taxpayer's money and help TCorp earn higher investment returns on the \$70 plus billion of funds it manages.

All three cognate bills include amendments that help the Government monitor the financial performance of and risks taken by the agencies. This will boost confidence among TCorp, State Super and icare's customers.

The aim is to realise scale and efficiency benefits from the consolidation into a larger fund, remove duplication and standardise funds management processes.

The whole-of-portfolio view TCorp will now be capable of providing will be an essential element in enhancing New South Wales' financial risk management.

Together, the Treasury Corporation Amendment Bill 2015, State Insurance and Care Governance Amendment (Investment Management) Bill 2015 and the Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015 will ensure the full benefits of the reform can be realised, including the potential to achieve superior returns.

The legislation as it currently stands does not allow the agencies and the State to gain full advantage of the potential benefits and efficiencies.

The proposed amendments remove these constraints. They will bring a number of benefits.

They will improve governance at TCorp to match its increased responsibilities as the Government's principal financial services authority. They will help lower the costs of managing the agencies' funds and potentially give capacity for higher investment returns over time. They will clarify the responsibilities of agency directors. And they will improve the Government's oversight powers and help provide a whole-of-government view of key financial assets and liabilities and the associated risks.

While TCorp is to be the central investment manager for the funds controlled by State Super and icare, the ultimate responsibility for determining investment strategy for these funds will remain with State Super and icare and their respective Boards. TCorp will perform all the agreed activities required to implement that investment strategy. The efficiency benefits of the proposed reforms will come from increased scale and from improved business processes. The only direct impact of the reforms on governance at the three agencies will be a potentially expanded TCorp board. Staff resource requirements at the three agencies will not substantially change and the composition of the State Super and Insurance and Care boards will remain unchanged.

I will now turn to the proposed amendments in more detail.

The Treasury Corporation Amendment Bill 2015 contains amendments to the Treasury Corporation Act 1983, which relate mainly to enhancing governance arrangements at TCorp.

Section 4A allows up to three additional independent directors to be appointed to support and expand the board's skills mix. This section also allows an independent chair to be appointed, if required. This will ensure the required expertise is available for the important responsibility of managing TCorp's significantly expanded funds management responsibilities.

Section 4C allows the board to delegate functions and responsibilities to sub-committees. Not only does this represent good governance practice, it is also prudent given TCorp's expanded responsibilities.

Section 13A allows the New South Wales Government to issue financial risk management orders, imposing prudential or other requirements on TCorp where necessary or desired. This enhances the Government's ability to meet its oversight responsibilities for the agency with a defined mechanism by which we can set standards for the agency to meet. This measure will help us ensure that TCorp is managing State assets and liabilities in a way that meets relevant Commonwealth requirements. It will also improve the State's ability to manage financial risk.

I now turn to the Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015, which will amend the Superannuation Administration Act 1996.

The changes will free up government resources and reduce State Super's costs—something that will ultimately benefit members. We are making changes in section 51 that mean that State Super trustees need to consider the role the employer plays in funding super benefits. This is important given the State and other smaller employers bear considerable responsibilities for State Super's defined benefit liabilities.

There is no impact on the State Super trustee's ultimate discretion when making investment decisions about the defined benefit assets and the trustee's responsibilities are unchanged with regard to the management of the "member" assets. This change has absolutely no impact on the fact that the State Super trustees must put members' best interests first when it is making any decision.

The new requirement for the State Super trustee is a sensible recognition of the employer's role in the funding of defined benefit entitlements and is designed to give appropriate context to the trustees in their consideration of government policy with regard to the members' benefits that are backed by the taxpayer.

The amendments to sections 53, 59 and 61 mean that State Super will be able to allow a delegated agent, such as an investment manager like TCorp, to make a further delegated appointment without the need to refer back to State Super for approval. This is something we encourage to maximise the effective management of State Super's funds. While this may seem a small change, it is this constraint on the State Super trustee which has created significant administrative costs and means that the operating model is currently not working efficiently. A key factor in successful funds management is the ability to make speedy decisions and a multiple approval requirement slows these decisions down with little or no benefit.

Section 54 allows the responsible Minister, currently the Treasurer, to determine the requirements for appointing investment managers, administrators and custodial service providers. It also allows that Minister to waive, either wholly or partly, the need for State Super to seek consent for such appointments. Currently all investment manager appointments—and State Super has more than 60 different investment managers—require ministerial consent. Similarly, the current requirement impacts on the timely appointment of investment managers, with little or no benefit.

Section 60 means that the Treasurer, with the agreement of the responsible Minister, can require State Super to appoint a mandated investment manager. An investment manager would provide superannuation investment management and/or custodial services and the manager's role would be defined through an order. This provides further, appropriate oversight for the Government.

Section 58 will also be amended to make it clear that even if an investment manager is appointed, trustees are still responsible for determining an overarching investment strategy for the State Super funds. In all other respects the duties and obligations of State Super trustees remain unchanged.

Section 60 will also allow the mandated investment manager to appoint a custodian on behalf of State Super or the Treasurer, with the agreement of the responsible Minister, to mandate a custodian appointment. A single custodian, those that safe keep our financial assets, is important and beneficial for several reasons. First, being able to buy services for the large value of funds managed by TCorp will save all agencies and therefore the State significant money. Second, a common custodian will provide Government with a rich view of the State's financial asset investments on a whole-of-portfolio basis, which will help us to prudently manage the State's balance sheet and financial risks.

Section 127A will enable the State Super trustee to transfer funds to another superannuation trustee, but only if they determine that it is in the best interest of members and the Minister

consents. For example, member funds for which the member bears the full investment risk and for which the Government has no ongoing responsibility might be transferred to a reputable open-offer superannuation fund like the State's default accumulation fund, First State Super. Defined benefits such as pension entitlements could not form part of any such transfer. In order for a transfer to occur certain conditions would need to be met, including maintaining all member rights so that no member could be worse off in the new superannuation fund.

There are a number of reasons why the State Super trustee might think of transferring funds to another trustee. For example, if the size of the pool of funds to be transferred is a comparatively small part of the State Super Pooled Fund, and if the pool is likely to further diminish in size fairly quickly as members leave employment and withdraw their benefits. At some point in the future the State Super trustee may wish to transfer the remaining funds to a superannuation fund with larger scale and more investment expertise to maximise returns for members.

Section 129A improves the Government's oversight of State Super and helps it enforce other standards. This will not only have risk management benefits but also ensure State Super complies with the Commonwealth's retirement incomes policy by clarifying the Government's expectations.

The final cognate bill, the State Insurance and Care Governance Amendment (Investment Management) Bill 2015, amends the State Insurance and Care Governance Act 2015. Section 16B allows the Treasurer, with the agreement of the responsible Minister, to make an order that requires all or part of the icare funds to be managed by a mandated investment manager and sets out the terms and conditions. This provides further oversight for the Government.

Section 260 helps improve the Government's oversight of icare. It will help icare better understand how Commonwealth governance standards such as those administered by APRA and ASIC apply to it and its underlying entities' operations.

These bills will help implement the centralised investment management model and ensure the full benefits of the model are realised. They will also modernise the governance arrangements at TCorp to match its new status, and improve Government oversight of all three agencies so that we can better manage risks.

I commend the bills to the House.

The Hon. SOPHIE COTSIS [12.13 p.m.]: I lead for the Opposition in this place on the Treasury Corporation Amendment Bill 2015, the State Insurance and Care Governance Amendment (Investment Management) Bill 2015 and the Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015. I state at the outset that the Opposition will not be opposing these bills. The New South Wales Opposition believes that these bills make sensible and prudent changes to improve governance arrangements for the State's key managed funds. I note the erudite and very detailed contribution made by my colleague in the other place, the very good shadow Treasurer and member for Maroubra, Michael Daley, who clearly articulated the position of the New South Wales Labor Opposition on these bills. In his speech in the second reading debate he said:

It goes without saying that everyone in New South Wales wants sensible, prudent and well-managed supervision of the billions and billions of dollars under management in New South Wales in various superannuation funds and schemes. The largest of those superannuation funds covers present and former State public sector employees. The Opposition is pleased that these bills give additional assurance to the taxpayers of New South Wales that those funds will be managed prudently. One of the things that protected Australia from the impact of the global financial crisis was the prudential arrangements and regulations covering financial institutions, banks and funds that have been put in place by governments of both persuasions.

It is most appropriate that we continually look at ways to improve that oversight and management. Given the vast sums that have been invested, the inherent risks and the calamity that could result from imprudent investment in a volatile world, and given that vast amounts are invested overseas, we should never stop reviewing the legislation to ensure that funds are managed as they should be for the taxpayers who have contributed to them.

The purpose of these bills is to realise the full benefits of the Government's decision to amalgamate the funds management activities of the State's largest guardians of financial assets: the New South Wales Treasury Corporation, known as TCorp; the SAS Trustee Corporation, known as State Super; and State Insurance and Care NSW, known as icare. The Government's decision to amalgamate key fund management activities of these bodies in TCorp has made TCorp one of the top Australian investment managers, with funds worth more than \$70 billion under management.

These bills seek to make sensible administrative changes to ensure that the full benefits of these reforms are realised by reducing duplication, clarifying responsibilities, including the obligations of directors of these funds, and strengthening governance arrangements at TCorp to match the increased responsibilities which it has assumed. It is important that we never lose sight of the ultimate purpose of these funds: to provide a secure retirement through superannuation and to care for injured workers through workers compensation. These important goals are fundamental to the way our economy works and to the quality of life enjoyed by the people of this State. I commend the bill to the House.

Dr JOHN KAYE [12.16 p.m.]: On behalf of The Greens I address the Treasury Corporation Amendment Bill 2015 and cognate bills, the State Insurance and Care Governance Amendment (Investment Management) Bill 2015 and the Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015. We were told that these three cognate bills were in order to allow the joint management of the funds held by the State superannuation scheme and by the Insurance and Care NSW scheme. As far as that is concerned I am in agreeance with the Government and the Opposition. The Greens understand that there are economies of scale and scope to be had in aligning these funds. A larger fund creates more flexibility of investment and probably provides better risk management. So far so good, but the devil is in the detail. It appears to us that the Government has taken the opportunity to hide behind the noble objective of improving the management of the funds to politicise the management of the funds.

Let me first go to the Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015. For abundant clarity I declare that I have an interest in the scheme that is managed by this fund. I am a beneficiary of a defined benefit scheme under the State Super scheme and therefore should declare an interest—not a particular interest, but an interest as a member of a class of individuals—as I have declared previously on all matters when we talk about this particular fund. The overview of the bill states:

The amendments made by this Bill:

(a) authorise the Treasurer to require STC—

that is the fund—

—to appoint an investment manager approved by the Treasurer (a ***mandated investment manager***) to provide investment management services in relation to an STC fund subject to any terms and conditions determined by the Treasurer and consistently with STC's investment strategies, reserves strategy and custodial policies for the STC fund ...

These are matters that would be more properly dealt with by the board and have in the past been dealt with by the board. Now they are being politicised. Let us look in this context at what "investment services"

mean. According to the proposed section 4 in schedule 1.1:

superannuation investment management services include ...

- (a) managing investments for any superannuation fund or funds or part of any such fund,
- (b) advising on investments and investment strategies and other related strategies for any superannuation fund or funds or part of any such fund,
- (c) providing services in relation to the custody of the assets and securities of any superannuation fund or funds or part of any such fund.

A similar provision exists within the State Insurance and Care Governance Amendment (Investment Management) Bill. It has a similar definition and has similar powers. These are multibillion-dollar funds that are being placed under the control of an individual appointed by the Treasurer, not an individual appointed by the board of the scheme. The bills directly politicise the management of billions of dollars. It opens the Treasurer to all sorts of accusations. I am not saying that the Treasurer would do this, but the legislation invites accusations that she is feather-bedding her career, that she is delivering favours for mates, and that she is undermining the integrity of the scheme. This is a serious matter.

This is politicising funds that are held in trust for retired public sector workers and those workers who are injured. Large quantities of public funds are being taken out of the hands of board members and are being placed in the hands of people who are appointed by the Treasurer. Direct politicisation is the wrong way forward. It should not be the role of the Treasurer to appoint fund managers; they should be appointed by board members. Let us be clear, the boards of those public sector agencies have done a remarkably good job. They deliver services with relatively low fee rates in the industry. The funds earn a rate of return that is respectable, if not outstanding, in the industry. They are doing a good job. I ask the Parliamentary Secretary: Why is it necessary to take the control of the funds out of the hands of the boards that have done a competent and good job? They have been trustworthy.

The Hon. Shayne Mallard: The Greens conspiracy.

Dr JOHN KAYE: I note the interjection of the Hon. Shayne Mallard that it is a Greens conspiracy.

The Hon. Greg Pearce: I join in the interjection.

Dr JOHN KAYE: The Hon. Shayne Mallard and the Hon. Greg Pearce think it is a conspiracy.

The Hon. Greg Pearce: You think it is a conspiracy.

Dr JOHN KAYE: No, you think it is a conspiracy. To be clear, I never said the word "conspiracy". I said that it opens the Treasurer to accusations. It makes no sense. I cannot figure out why the Government would do this. Why would the Treasurer strip the board of critical powers that it has exercised with expertise in the best interests of the people of New South Wales? The board's efforts have made it stand out in the industry. Putting those matters in the hands of the Treasurer is politicising an issue that should not be politicised. I turn now to the Treasury Corporation Amendment Bill 2015. Paragraph (d) of the overview of the bill states:

- (d) to enable the Board to delegate to committees (which may include persons other than directors of the Board) functions of the Board.

Again, I do not understand why it is necessary to outsource the functions of the board of TCorp, which has done an extraordinarily good job of managing funds, which Labor and Liberal members have boasted about. The Treasurer can appoint people as directors of the board rather than the Governor acting on the

advice of the Treasurer. A layer is removed—it is a direct appointment by the Treasurer. Also, the Treasurer will directly appoint the chief executive of the Treasury Corporation. I challenge the Parliamentary Secretary to explain why it is necessary. What was wrong with the previous system? Why are we directly politicising the critical appointment of managers of billions of dollars? I think approximately \$14 billion is currently held by TCorp. No doubt the Hon. Greg Pearce will correct me. Why is the appointment of the people who manage those funds being politicised? Why is it necessary to appoint two additional persons and why is it necessary to allow the board to outsource those functions to committees which may not be populated with people who are members of the board?

The only purpose for the provisions in schedule 1 [3] is to allow the board to outsource its critical decision-making function and other functions that it has managed extraordinarily well to date. So much of this legislation does not make sense. During the introduction we were told the legislation was about combining the investment power of three large funds that are held by State Government agencies—TCorp, the State Super scheme and Insurance and Care NSW. Nobody would object to that, but nobody has explained why it is necessary to outsource the functions of TCorp's board, and why it is necessary to directly politicise the selection of the managers of those funds. The absence of an explanation leads to the conspiracy theory. I note the Hon. Greg Pearce is shaking his head and looking wisely at me as though he knows more than I. Perhaps he does know more than I. Perhaps he will explain why it is necessary.

In the absence of an explanation why it is necessary to politicise those important appointments, the Government ought to face up to the accusation that this is about delivering favours for mates or it is about feather-bedding. This Government says, "We would never do that." These are the same people who accused the former Government of doing exactly that when it had control of those boards. This practice will create a vehicle that will allow more politicisation of the decision-making function. The Greens have concerns about the powers this legislation grants to the Treasurer to bypass the normal processes to appoint board members and the appointment of the Governor of TCorp. The Greens also have concerns about the politicisation of the management of those two important funds. I look forward to hearing the Parliamentary Secretary answer the questions I have raised.

The Hon. GREG PEARCE [12.27 p.m.]: I support the Treasury Corporation Amendment Bill 2015 and the cognate State Insurance and Care Governance Amendment (Investment Management) Bill 2015 and Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015. One of the key priorities of this Government when it came to office was to modernise and improve the investment performance and transparency of our investing entities because they all hold funds that are the property of the State, the property of our public servants, and the property of injured workers. Members will recall that when this Government came to office, the budget was a mess. Growth in expenses was outstripping growth in revenues. We were facing a massive hole in the funding of the defined benefit super funds. Like Dr John Kaye, I declare that I potentially am a beneficiary of a defined benefit super fund.

Dr John Kaye: Are you?

The Hon. GREG PEARCE: The parliamentary scheme. We also had disparately managed funds; they were all over the place. A lot of the investment decisions that had been made in the past reflected philosophies that might have been relevant in the 1980s but they had not kept pace with modern funds management. We commenced this process when we made amendments to the workers compensation scheme, the Motor Accidents Scheme and to other schemes. We also moved quickly to improve the quality of the management of various boards and we commenced to rationalise those boards. I share Dr John Kaye's view that those boards have done a remarkable job, particularly since we started to modernise them in 2011-12.

In particular I mention Michael Carapiet, formerly the global head of Macquarie Bank, one of the most successful Australian companies and a world player. Michael came on board as chair of State

Super and the board of the then new Safety, Return to Work and Support, which was the amalgamation of WorkCover, the Motor Accidents Scheme and other schemes. We brought in John Livanas as chief executive officer of State Super—another experienced and high-quality person. Partly through their efforts we have seen the funds recover and they are now something of the order of \$70 billion. These organisations are in the top 20 world insurance companies and fund management schemes. It is essential that we transparently manage these funds to obtain the best returns for the community of New South Wales, our employees and those who rely on these funds for compensation and for other purposes.

I would like to address the points made by Dr John Kaye. This is not a case of the politicisation of the management of these funds. The simple fact is that we currently have three different sets of legislation. In each set of legislation the funds management arrangements are effectively matters for the various trustees. The trustees or board members are required, by law, to operate under the existing funds. The conspiracy theory that Dr John Kaye seems to have adopted simply reflects the fact that we need to give effect to the transparent and clear policy decision that has been made. To obtain the benefits that Dr John Kaye talked about we need to address the existing legislation. Rather than giving some sort of special power to the Treasurer, this legislation puts in place machinery provisions so that the trustees and the boards can appoint TCorp to the role that it is already effectively carrying out.

Dr John Kaye raised questions about delegations to committees. Again that is simply a machinery arrangement that recognises the size of these funds. These funds have hundreds of thousands of members. Obviously decisions have to be made about benefits and a whole range of things. It would be impractical to have decisions on individual cases going to the board. Those boards will not be making decisions on hundreds of thousands of individual claims and other such matters. In the main committee members will be senior executives. These delegations are no different from the sorts of delegations to which Dr John Kaye would have been privy in his former career.

All large organisations operate on the basis of delegations. Dr John Kaye is laughing which probably means that he was never involved in any delegations. These delegations have nothing to do with conspiracies and they are not about favours for mates or anything like that; they are simply about the efficient and proper management of these organisations. This great move forward is part of the Government's commitment to returning New South Wales to number one again and to making our budget work. This Government has taken tremendous strides in that direction. We want to ensure that if Labor ever gets into government it will not take it 16 years to make a mess of what we have achieved; it will take it 100 years.

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [12.34 p.m.], on behalf of the Hon. Duncan Gay, in reply: I thank the Hon. Sophie Cotsis, Dr John Kaye and the Hon. Greg Pearce for their contributions to debate on the Treasury Corporation Amendment Bill 2015 and the cognate State Insurance and Care Governance Amendment (Investment Management) Bill 2015 and the Superannuation Administration Amendment (Investment Management and Other Matters) Bill 2015. As highlighted previously, these three bills will ensure that the State realises the full benefits of a four-year project to amalgamate key funds management activities in the New South Wales Treasury Corporation (TCorp). This has made the New South Wales central financing authority, TCorp, a top 10 Australian investment manager, with more than \$70 billion in funds under management, which is more than the entire gross domestic product of several small countries.

Together, these three bills will help to save taxpayers money and help TCorp earn higher investment returns on the \$70 plus billion of funds it manages. The legislation as it currently stands does not allow the agencies and the State to gain full advantage of the potential benefits and efficiencies. The proposed amendments will remove these constraints and bring us a number of benefits. They will help the Government monitor the financial performance of, and risks taken by, the agencies which will boost confidence among the customers of TCorp, State Super and Insurance & Care NSW [icare]. They will provide TCorp with a whole-of-portfolio view, which will be an essential element in enhancing financial risk management in New South Wales. They will improve governance at TCorp to match its increased

responsibilities as the Government's principal financial services authority. They will help lower the costs of managing the agencies' funds and potentially give capacity for higher investment returns over time. And they will clarify the responsibilities of agency directors at TCorp, State Super and icare.

All that remains is for me to thank The Greens for their stunning vote of thanks for the Government's board appointments and the performance of those boards. I also thank the Hon. Greg Pearce for explaining that this is not a sinister conspiracy by Gladys Berejiklian to hoodwink the Parliament into changes that will allow her to drain the money out of these funds for some dark purpose. The Hon. Greg Pearce is very knowledgeable in these matters. He played a terrific role in helping to shape these new governance arrangements to the benefit of the members of the schemes and the taxpayers of this State. I commend the bills to the House.

Question—That these bills be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bills read a second time.

Leave granted to proceed to the third reading of the bills forthwith.

Third Reading

Motion by the Hon. Catherine Cusack, on behalf of the Hon. Duncan Gay, agreed to:

That these bills be now read a third time.

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

HOME BUILDING AND DUTIES AMENDMENT (LOOSE-FILL ASBESTOS INSULATION AFFECTED PREMISES) BILL 2015

Second Reading

Debate resumed from an earlier hour.

The Hon. PETER PRIMROSE [12.40 p.m.]: The Opposition will not oppose the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015, which has two main purposes: first, to amend the Home Building Act 1989 to provide a register of residential premises containing loose-fill asbestos insulation [LFAI] and require warning signs to be displayed at premises that are included on the register and, secondly, to amend the Duties Act 1997 to provide a duty concession on a purchase of replacement residential property by owners of residential premises that are acquired by an authority of the State because they contain LFAI. The duties concession is capped at the amount of duty that would have been payable on the purchase of the LFAI-affected home by the Government, if home owners were required to pay stamp duty.

As the Government chose to introduce this bill only last Thursday, there has been very limited time to consider it fully and to obtain advice from key stakeholders and affected individuals. Asbestos remains a scourge in our community and will remain so for many years to come. In relation to asbestos in residential premises, in particular, I remain incredulous at a system that quite sensibly requires a pest report to be made available, but does not require a report to be prepared by an experienced professional on the presence or otherwise of asbestos and provided to prospective purchasers.

The truth is that we know asbestos is prevalent in many older homes. With the popularity of do-it-yourself home improvement, many people unwittingly are exposing both themselves and their

families to this known carcinogen. The term "false economy" comes to mind, but so do the words "dumb" and "stupid". Accordingly, I ask the Parliamentary Secretary, Mr Scot MacDonald, to advise on whether action has been taken in relation to recommendation 6 of the joint select committee that inquired into loose-fill asbestos insulation, which the Government supported in principle in conjunction with amendments to section 149, which relates to planning certificates issued under the Environmental Planning and Assessment Regulation 2000.

Given the matters canvassed in the Minister's second reading speech, it is not unreasonable that the House seek information regarding other actions that have been proposed by the parliamentary committee to remedy the concerns identified by the bill. In the case of loose-fill asbestos insulation, we know that throughout the 1960s and 1970s it was installed as ceiling insulation in at least 1,000 residential premises in the Australian Capital Territory and in an unknown number of homes in New South Wales. It cannot be identified by an ordinary building inspection, and there are no guarantees of success with remediation. It requires specialised assessment. That is why it is so disappointing that the Government did not support the recommendation of the Joint Select Committee on Loose Fill Asbestos Insulation that stated:

That the NSW Government implement a mandatory testing program for homes built before 1980 in areas in which there are known to be, or it is likely that there are, a number of homes affected by loose-fill asbestos insulation.

It is likely that homes affected by loose-fill asbestos insulation now will be missed because of the Baird Government's penny-pinching refusal to support this sensible recommendation. The inevitable consequences for the families who live in those homes will be one of the many legacies of this Government. I also ask the Parliamentary Secretary in his reply to update the House on the implementation of recommendation 4 of the parliamentary committee relating to the Government's response, which involves amending the Environmental Planning and Assessment Regulation 2000—in particular, the progress relating to developing generic wording to be included on a section 149 (5) planning certificate for properties that have not undergone testing and advises about the possibility of loose-fill asbestos insulation in pre-1980 homes.

In December 2014 the LFAI task force was established, which subsequently recommended demolition, site remediation and disposal as the most effective methods of removing the health risk. It also made recommendations regarding site identification and other issues. The Government accepted all the recommendations made by the task force, including the establishment of a Voluntary Purchase/Demolition Program. The bill implements a number of those recommendations whereas others will be implemented through regulation and administrative action.

The register will assist in informing workers, emergency service staff and others of the affected premises and the precautions they need to take until such time as the building has been demolished and the site remediated. But free ceiling insulation testing is available in only 26 local government areas at present and, as already stated, is not mandatory, despite the parliamentary inquiry's recommendation. As at 30 September 2015 in New South Wales, 74 premises, including 41 strata units, have been confirmed as containing LFAI; 58 were identified through historical records; and 20 were identified through the free testing program.

Warning signs at the site also will be mandated by the legislation, which is a good development, to alert anyone working, residing in or visiting the premises—including a lot in a strata scheme—that the premises represent a possible risk from loose-fill asbestos insulation. I note that proposed section 119C (7) refers to regulations that will specify the requirements of a compliance warning sign. I strongly request that when the Government is developing those regulations the compliance warning signs are as large, clear and visually recognisable as possible. The Government should not rely only on English text in developing those signs; it should utilise warning symbols to alert those who either cannot read English, or for whom reading English is not easily done, that a danger is present. I look forward to the Parliamentary

Secretary's reply.

I reiterate that the Opposition supports the legislation because it is a positive move forward. However, the parliamentary inquiry raised a number of legitimate concerns. The Government indicated its support for many of the inquiry's recommendations. I believe that in the Government's deliberations on this legislation, it is appropriate for the House to be advised of the progress of implementation of the recommendations, particularly those that the Government supported.

Mr DAVID SHOEBRIDGE [12.47 p.m.]: On behalf of The Greens, I express support for the Home Building and Duties Amendment (Loose-Fill Asbestos Insulation Affected Premises) Bill 2015. The Assistant-President would be well aware of the history underpinning this bill, having chaired the joint select committee that inquired into what many people in New South Wales refer to as the Mr Fluffy disaster. As always, it was a privilege to be a member of a committee of this Parliament that worked collaboratively to formulate a series of recommendations to address what is undoubtedly a social and environmental disaster—the presence of loose-fill asbestos in the ceiling cavities of people's homes in this State.

The committee worked across political party lines to formulate 10 consensus recommendations and to do what the committee could do to address the clear emotional and financial distress suffered by home owners when they discover that their house, in which they have invested their life savings, contains an appallingly noxious material, loose-fill asbestos, in the ceiling cavity. Whilst I place weight on the social and financial costs, we should not ignore the fact that there is an overriding health risk and, almost certainly and tragically, there will be health consequences for people being exposed to loose-fill asbestos insulation installed in the late 1960s to late 1970s.

Loose-fill asbestos insulation was primarily distributed in the Australian Capital Territory but also in substantial parts of south-east and south-west New South Wales by a company known as "Mr Fluffy" from 1968 to 1979. The focus of our concerns on this issue is from Queanbeyan to the south, south-west and south-east, but the report made it clear that Mr Fluffy insulation was available to people to collect in bags, stick in the back of their ute or car and take to their homes all over the State to be emptied out into roof cavities. This means loose-fill asbestos insulation could be literally anywhere in New South Wales. The committee received advice from NSW Health and Local Government NSW about how many homes in New South Wales are affected by loose-fill asbestos insulation. The original estimate from Local Government NSW was based on local government areas such as Albury, Tumbarumba, Wagga Wagga, Berrigan, Cooma, Goulburn, Lithgow, Queanbeyan, Sydney and Yass. The number of affected homes was estimated to be in the range of 230 to 316.

Further modelling was done by the New South Wales Government looking at a number of different ways of working out how many homes in the State were affected and three different models were applied. Probably the most reliable one was called the proximity model using the geographical distance between the Australian Capital Territory, where Mr Fluffy was based, and local government areas identified as most likely to have been the recipients of this loose-fill asbestos. The capacity model tried to estimate the number of affected residential properties by considering the capacity of Mr Fluffy to have installed the insulation over its period of operation. The financial records model sought to look at Mr Fluffy's records to ascertain the size of the operation and how much asbestos had been sold. That required a consideration of the number of properties in the Australian Capital Territory that had received asbestos and deducting those from the scale of Mr Fluffy's operation.

Each model had serious limitations. The proximity model involves guestimates about the extent of the material's geographical transmission. The capacity model was affected by a paucity of records from Mr Fluffy about the scale and scope of the operation. The same was true for the financial records model as Mr Fluffy was pretty much a backyard operation. The ultimate conclusion from studying the findings of these models was that the number of affected homes in New South Wales could range from 372, the low estimate under the proximity model, to the highest estimate of some 5,376 under the capacity model. I do

not think this best estimate has been improved on since this modelling was done. Loose-fill asbestos insulation is a real and present danger that covers much of the State. With that history in mind, what does this bill do? It supports the Government's implementation of recommendation 10 of the committee which was:

That the NSW Government urgently establish a taskforce to develop and implement a buy-back scheme to demolish homes identified as being contaminated by loose-fill asbestos insulation in New South Wales, modelled on the approach adopted by the ACT Government.

I am glad the Government has accepted that recommendation and is going through the steps to implement it. For that to be effective there needs to be a register of loose-fill asbestos affected homes. The Government will also ensure individuals who, through no fault of their own, own an affected home have their homes bought back at a fair market price as though they were not affected by loose-fill asbestos. Those people will then buy another home and the Government, in this bill, is offering these people a stamp duty concession so they get a credit equivalent to the stamp duty payable had a vendor other than the Government purchased their home. The net effect of this is that owners of affected homes will not have to pay stamp duty at a rate equivalent to that payable on the sale of their home. That is a good outcome and I commend the Government for it as affected people will not suffer that financial prejudice from owning a Mr Fluffy home.

This bill also establishes a public register of affected homes. Some of the most disturbing evidence the committee took was from the mayor of Queanbeyan who suggested the Queanbeyan City Council had been aware of a number of properties that had loose-fill asbestos in their roofs and yet, purportedly out of concerns about exposing the council to some liability, the council did not make this information publicly known or include it on section 149 certificates. As a result of there being no public record of these houses containing loose-fill asbestos, those houses were being bought and sold, renovated and lived in without residents knowing they had loose-fill asbestos in their roofs. That evidence was deeply troubling; I recall asking the mayor whether the council had received legal advice on this. I have to say that the mayor's answers were somewhat unsatisfactory. I give the mayor credit for expressing personal concern, but there had not been serious intellectual rigour applied to the process by the council.

That situation is being rectified in this bill as there will be a publicly available register. I commend the Government for this, but I would like to know the expected time frame for having this register established. I hope the Parliamentary Secretary will give that time frame because this bill depends upon further regulations being put in place to make the register work. I hope the regulations are effectively drafted and will be gazetted later today because every day that passes without a publicly available register is one on which a vendor may unwittingly purchase a Mr Fluffy home, so there is a degree of urgency. Some could criticise the Government for introducing this bill in October, although the report was completed in December. I believe the Government genuinely worked hard to bring this legislation before the Parliament, but I ask the Government to advise us when this legislation will come into effect.

I support all the recommendations in the committee report and would like all of them to be implemented. It is unfortunate that not all of them have been adopted by the Government, but the Government's commitment to buy back affected properties at full market price, as though there was no loose-fill asbestos insulation in them, is to be commended. That will relieve a lot of the distress of the affected home owners. The key recommendation that there be a publicly available register will protect people buying homes in the future, and I would like it to be implemented now. The relief on stamp duty is also positive for affected home owners. I commend the bill and I hope that it passes swiftly through this House.

[Deputy-President (The Hon. Paul Green) left the chair at 1.01 p.m. The House resumed at 2.30 p.m.]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

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

QUESTIONS WITHOUT NOTICE

CROSS CITY TUNNEL

The Hon. ADAM SEARLE: I direct my question to the Minister for Roads, Maritime and Freight. When will the Government make a decision about the proposal to subsidise road company Transurban to lower the \$5.27 cross city tunnel toll?

The Hon. DUNCAN GAY: I am sorry I am laughing at that question from the Opposition.

The Hon. Walt Secord: Congestion is funny to you.

The Hon. DUNCAN GAY: No, idiots are funny to me, and you are hilarious.

The Hon. Greg Donnelly: Point of order: I am lost for words. Referring to a member on this side of the House or anywhere in the House as an "idiot" is unparliamentary. Mr President, I ask you to ask the Minister to desist.

The Hon. Walt Secord: You would not let me get away with that.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. There is no point of order.

The Hon. DUNCAN GAY: I am amused because I raised this issue in the House a month or so ago and, in their usual tedious way and lacking discipline and a work ethic, members opposite said nothing. This issue was raised again in the media today, and it is the subject of the first question today.

The Hon. Shaoquett Moselmane: Point of order: The Minister is debating the question. He should answer the question rather than debate it.

The PRESIDENT: Order! The Minister was tending towards debating the question. I am sure he will proceed to give generally relevant information as soon as possible.

The Hon. DUNCAN GAY: Yes, I was being tempted. I fess up that members opposite tempt me to stray because they are not focused. The Government has been upfront with the people of Sydney about the fact that the construction phase of the light rail project will be tough. That is probably why the Opposition is with the Government one week and against it the next. It is about 2.30 p.m. on Wednesday and we do not know what members opposite will say this week because we have not experienced the "carnageddon" that they predicted. They may be supporting light rail again today. The Government has already done a great deal of work to ensure that the city works as well as it can during the construction of the light rail system. The Government has been upfront and said that it will be tough, and it has been. The Opposition's ticker was probably triggered on 5 January, but it now appears that its support has evaporated. This week, when it is not so bad, members opposite are probably thinking that they should support it again.

The Minister for Transport and Infrastructure and I have made the hard decisions about what to do with the buses, roads, cycle paths and the running of the city to bring it into line. It has been a huge success for those involved in this project, but the biggest success has been the response from the people of Sydney, and they deserve a pat on the back. However, they have not been helped by a hopeless opposition. That lily-livered mob opposite had no real questions about the light rail project until it was

raised in the media. The Government is examining this issue. As I said in the House some weeks ago and as I have responded to questions in media conferences over the past few days—

The Hon. Walt Secord: You cancelled your media conference today; you went into hiding.

The Hon. DUNCAN GAY: I did not have a media conference today.

The Hon. Walt Secord: You did; you cancelled it.

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

The Hon. DUNCAN GAY: I did not have a press conference scheduled for today. I was asked to do some media at a time that conflicted with a fundraiser for a journalist who was injured in a car accident. If the Hon. Walt Secord wants to apologise, I will accept his apology. He should not play those silly tricks. It is beneath him. [*Time expired.*]

WINDSOR BRIDGE REPLACEMENT UPGRADE

The Hon. DAVID CLARKE: I address my question to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the Windsor Bridge upgrade?

The Hon. Greg Donnelly: It is a soft question that he will answer.

The Hon. DUNCAN GAY: I thank the honourable member for the question and, for the record, it is as tough a question as I have had today. In fact, it is tougher than any other question directed to me today. I am thrilled to update the House about a court victory secured yesterday that has allowed the Windsor Bridge—

[*Interruption*]

I think I heard a "Hear, hear!" from the Opposition benches.

The Hon. Walt Secord: You are misleading the House.

The Hon. DUNCAN GAY: I would have been if I had said that it had come from the honourable member. That court decision has allowed the Windsor Bridge project to be put back on the Government's to-do list. I welcome the recent Land and Environment Court decision to dismiss proceedings that have delayed work on the Windsor Bridge project. The case was brought by Community Action for Windsor Bridge Incorporated, which alleged that planning approval for the project was not valid. The court dismissed the proceedings brought against the project stating that "all the grounds for review of the Minister's decision fail". This was a careful and well thought out ruling that validates the Government's robust planning processes and affirms the decision made by the former Minister responsible for planning to approve this important project. Now that it has the good news and the court victory, the Government can get on with the work of building this new and improved bridge.

This is a great project, especially for the locals. Any negativity about it is coming from a group with very few members, and a large proportion of them are not local; everyone else supports it. The Windsor Bridge upgrade will improve safety and travel for locals and visiting motorists, pedestrians and cyclists. It involves replacing the existing ageing Hawkesbury River crossing. This damaging court case has delayed the project for more than 18 months. That is a year and half less that the locals will have to enjoy the benefits of a new bridge, so I am thrilled that we can now get on with the job of building the new structure.

The new bridge will be about 35 metres downstream from the existing structure and also includes

upgrades to intersections on both sides of the bridge and realignment of the southern approach road to one side of Thompson Square parkland, which will increase the amount of useable parkland. The design of the new bridge aims to respect the historic precinct, minimise impact on the heritage and character of the local area and improve flood immunity. It includes a two-lane bridge with shoulders capable of being line marked to provide three lanes in the future.

We are now tasked with going back to the drawing board, re-costing in today's dollars and replanning the construction centre so we can get the bridge built as soon as possible. We are pleased that this court decision will enable the Windsor Bridge replacement project to finally move ahead so that the community of Windsor can now see this long-awaited project come to fruition. The planning process has been good in many ways. I have to say our final project is better than the one we started with. It has been refined and changed for the community, taking into view the historic precinct that it goes through. *[Time expired.]*

THE HON. JOHN AJAKA PECUNIARY INTERESTS DISCLOSURE

The Hon. WALT SECORD: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Given the release earlier this month of the register of disclosures, why is the Minister failing to specify his personal property holdings? Will he now release a full and detailed list of properties held by the Ajaka Superannuation Fund Pty Ltd?

The Hon. JOHN AJAKA: I have completely complied with all disclosures required as a member of the Legislative Council and disclosures required of me as a Minister. All required disclosures have been fully disclosed and documented—full stop.

DEPARTMENT OF EDUCATION NATIONAL ANTHEM DIRECTIVE

Reverend the Hon. FRED NILE: I wish to ask the Minister for Primary Industries, and Minister for Lands and Water, representing the Minister for Education, a question without notice. In view of the Victorian public school decision, has the NSW Department of Education and Communities informed all schools in New South Wales that no students, particularly Muslim students, are to be allowed to leave during the national anthem in New South Wales under any circumstance and is the same respect given to all our national symbols, including the flag? If so, in what form was the directive given and when was it communicated to New South Wales school principals? Have there been any breaches of this policy in New South Wales? Should a breach occur, what action would be taken against the teacher, principal, school or student?

The Hon. NIALL BLAIR: I thank the member for his question. As he outlined in the question, as far as I am aware that incident and that directive were in Victoria. I know that in New South Wales all of us will be looking forward to singing the national anthem at the top of our lungs when the Wallabies are standing there shoulder to shoulder, arm in arm, with a bit of emotion leading into the Rugby World Cup final this weekend.

The Hon. Lynda Voltz: You are giving them the kiss of death.

The Hon. NIALL BLAIR: It is not the kiss of death; it is knock on wood—I am saying good luck to them this weekend. I am advised that it is not acceptable for any student in a New South Wales public school to walk out in protest during the national anthem. I am also advised that disciplinary action would be taken if that was to occur. If there is anything else that needs to be added to the answer in response to Reverend the Hon. Fred Nile's question, I am sure the Minister for Education will provide that information to the House.

BUSHLINK

The Hon. NATASHA MACLAREN-JONES: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the New South Wales Government doing to increase employment for people with disability?

The Hon. JOHN AJAKA: I thank the honourable member for her question. The New South Wales Government is fully committed to increasing employment opportunities for people with disability. This week Premier Mike Baird and I visited Manly West Public School. We were there to see the great work Bushlink is doing in schools and to announce a \$100,000 grant from the New South Wales Government to expand this innovative employment program.

Bushlink is a program of Northside Enterprise Inc. and is focused on people with disability working in open, non-segregated settings. Bushlink provides people with disability with the support that they need to maintain employment and to work in socially inclusive environments. An important part of Bushlink's initiative is its connection with local schools. Bushlink offers school grounds and garden maintenance across the northern beaches area. Bushlink invites students to join in gardening activities with its team to work together to improve the school grounds. This creates opportunities for everyday conversation and builds the confidence of students to embrace inclusion of people with disability in workplaces and communities.

In addition to Bushlink's gardening and bush regeneration services, it conducts corporate days that are run at local Bushcare sites. Bushlink and corporate volunteers work together to regenerate an area of bushland. Staff from my department have recently had one such day under the guidance of the Bushlink team learning how to plant, weed, mulch and much more. The day was a great success. Through its initiatives, Bushlink is helping people with disability to make a contribution to New South Wales through employment and skill development opportunities at the same time as helping to repair and improve the environment of this beautiful part of Sydney.

For all of us, employment is not only a means to achieve economic independence; it also contributes enormously to our sense of self. It connects us to other people in our society and offers us opportunities to play a part in the community. This Government is working to support people with disability to participate in all aspects of society to the fullest of their capacity. Funding for Bushlink is one of several New South Wales Government initiatives aimed at increasing employment of people with disability.

For example, the Employment Enablement Strategy I established earlier this year is a three-year project that assists people with a disability to gain and retain employment. The overall goal of the strategy is to increase employment outcomes for people with disability in New South Wales and continue to close the gap in the unemployment rate between people with disability and the wider community. I am proud to inform the House that a total of 225 support packages which provide 12 months of job readiness support to adults with intellectual disability will be allocated.

New South Wales has also commenced work with Social Ventures Australia and the Australian Network on Disability to identify growth industries and emerging markets, and develop an access and inclusion index and a demand-led job brokerage model. This important initiative will provide employers with the tools and confidence to look at the talented people with disability and understand they can meet their needs in the workplace.

The New South Wales Government is also supporting school leavers with disability to move from school to work or further education through its Transition to Work program. Transition to Work is a two-year program that aims to help young people with disability gain employment after leaving school. Since the program started in 2005 more than 2,500 young people have entered employment. The Employment Enablement Strategy and the Transition to Work program are part of this Government's employment initiatives that the National Disability Insurance Scheme can build on in the future.

DOLPHIN MARINE MAGIC

The Hon. MARK PEARSON: Mr President—

The Hon. Trevor Khan: Be nice.

The Hon. MARK PEARSON: I am always nice. My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. On 16 September in answer to my question about the welfare of dolphins at Dolphin Marine Magic, the Minister stated that the department had conducted compliance activities. Did this review include specific investigations and analysis by a cetacean expert observing the dolphins for stereotypic aberrant behaviours and abnormalities associated with inbreeding? If not, will he direct the department to conduct such a review, to be undertaken by a scientist with expertise in cetacean behaviour and make that report available to the House?

The Hon. NIALL BLAIR: I thank the member for his question. As he alluded to in his question, I have answered questions on this matter previously. I inform the House of some details of which I am aware. I have been advised that the exhibition of animals at Dolphin Marine Magic is regulated by the Department of Primary Industries under the Exhibited Animals Protection Act 1986. An animal welfare organisation has made a formal complaint previously to the department about that facility, alleging that Dolphin Marine Magic is non-compliant with the standards for dolphin management. It also has been reported in the media.

The incident has been investigated and the department has been working with Dolphin Marine Magic on the issue. It has informed me that after a number of independent surveys the pool used to house the six dolphins exceeds the 1,700 cubic metres required as set out in the relevant standards. I have been advised that the relevant standards have been met at Dolphin Marine Magic and the department continues to have ongoing conversations with organisations such as Dolphin Marine Magic. The Department of Primary Industries keeps in regular contact with organisations that are regulated by the Exhibited Animals Protection Act 1986. If there are any updates under that Act, I am sure that I will be advised in due course and I can then inform the House.

The Hon. MARK PEARSON: I ask a supplementary question. Will the Minister elucidate his answer on the specifics of the question, not the volume of water per dolphin, but the aberrant stereotypic behaviours of the dolphins and also abnormalities associated with inbreeding?

The Hon. NIALL BLAIR: In my answer I was directly referring to the standards of the Department of Primary Industries by which the facility is regulated. I am happy to take the question on notice and return with an answer.

WILLIAMTOWN LAND CONTAMINATION AND FISH STOCKS

The Hon. COURTNEY HOUSSOS: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that the Port Stephens Fisheries Institute of the Department of Primary Industries is located on Tilligerry Creek and is within the Williamstown Royal Australian Air Force contamination zone, has there been any impact on the institute's breeding and stocking program for Australian bass? Will the Minister guarantee that contaminated bass have not been released into waterways across the State?

The Hon. Mick Veitch: The Minister is a bass fisherman.

The Hon. NIALL BLAIR: I am a bass fisherman. I may not be good, but I enjoy fishing for bass. I thank the member for her question. The issues relating to Williamstown are important. I can assure members that the role that the Department of Primary Industries Fisheries has played gives me the utmost confidence that the advice being given to the independent expert panel, chaired by the chief scientist, is based upon the advice that is supplied by the excellent staff in the Department of Primary

Industries Fisheries, which is led by the Deputy Director General Dr Geoff Allan, who is an expert in his field. I am confident that any actions taken by our staff at the Port Stephens facility are based upon the best available evidence and are made within the correct guidelines and information that must be portrayed to the relevant agencies.

RICE INDUSTRY

The Hon. BRONNIE TAYLOR: My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the State's vibrant rice industry? What is the New South Wales Government doing to support the industry?

The Hon. NIALL BLAIR: Yesterday at Parliament House I had the privilege of hosting a rice cooking and tasting event. The event was aimed at promoting the brilliant produce coming out of our local rice farms as a result of industry research.

The Hon. Ernest Wong: I wasn't invited!

The Hon. NIALL BLAIR: I am surprised that we had rice in the House and the Hon. Ernest Wong did not sniff it out. It upsets me that he was not there because if there is another strong advocate for the rice industry, I am sure it is the Hon. Ernest Wong. When we do this again, I will ensure that he is at the top of our list. Guests had the pleasure of enjoying three specialty rice varieties grown in New South Wales, including the Doongara, Opus and Koshihikari varieties. Best of all, we sampled some cooking by celebrity chef Poh Ling Yeow. She conducted a cooking demonstration in her role as brand ambassador for SunRice. The New South Wales rice-growing industry is booming. New South Wales produces 100 per cent of the country's rice and is at the forefront of producing some of the world's premium varieties, with a huge export market in Asia. Working together, industry and government have developed specially bred varieties to target international markets and satisfy a growing appetite for rice.

Thanks to the efforts of the rice-breeding team from the Department of Primary Industries, SunRice and the Rural Industries Research and Development Corporation, rice growers are now taking advantage of market opportunities available to them. The New South Wales rice industry is well positioned to support and benefit from the global sushi revolution. The New South Wales rice industry is at the forefront of producing some of the world's premium rice varieties, including sushi varieties that are highly sought after by consumers and the food industry from domestic and international markets. Australian rice is exported to 22 countries in five continents, including New Zealand, Japan, Thailand, South-East Asia, South Korea, the European Union and Russia.

Long grain Doongara, named after the Aboriginal word for lightning, ticks all the boxes. It has a low glycaemic index, is easy to cook and is predicted to become a favourite in Australia and overseas. Opus is a locally bred sushi-styled rice that has been developed to better suit New South Wales farmers. Its superior agronomic performance manages the challenges of being grown in New South Wales. Our rice growers are now producing the popular Japanese Koshihikari rice, often referred to as Koshi rice, which represents an authentic Japanese food culture. This super premium short grain variety is a favourite in Japan with its unique characteristics, including versatility, firmness, consistency, aroma and natural sweetness, making it an ideal sushi grain to be grown in New South Wales.

The Australian rice industry leads the world in water use efficiency. From paddock to plate, Australian grown rice uses 50 per cent less water than the global average. Water usage per hectare continues to reduce due to our commitment to developing high yielding rice varieties that require less water and the adoption by our growers of the world's best management practices. Achieving this output is worthy of recognition because one of our most favourable resources—water—is being used more efficiently and our producers are continuing to monitor and develop better management techniques while boosting output and quality. Rice was one of the original founding industries for many irrigation towns in southern New South Wales and our rice farmers now feed more than 20 million people around the world.

every day. It is exciting to know that our local farmers are producing rice varieties that are reaching worldwide proportions with some countries specifically seeking out our produce. The Government will continue to support and invest in— [Time expired.]

COAL SEAM GAS

Ms JAN BARHAM: My question is directed to the Hon. Niall Blair, Minister for Primary Industries, and Minister for Lands and Water. The Deputy Prime Minister and Federal leader of The Nationals, Mr Warren Truss, is quoted in the *Guardian* today as saying that the Coalition policy is:

Access to prime agricultural land should only be allowed with the farmer's agreement—the farmer should have the right to say yes or no to coal seam gas exploration and extraction on their property ...

As the New South Wales Minister with responsibility for agriculture can the Minister tell us whether farmers should have the right to say no to coal seam gas exploration and extraction on their land?

The Hon. NIALL BLAIR: I understand that some of my counterparts from the Federal arm of The Nationals have expressed private views on this matter. This is a difficult issue; however, the New South Wales Government is committed to getting the balance right between landholders and petroleum companies. The New South Wales Government recently brought in more protections for landholders in cases where mineral or petroleum titleholders are seeking access for exploration or production purposes.

The recent Mining and Petroleum (Land Access) Bill that passed through the Parliament implemented the legislative requirements of the Walker review into land access arbitrations. The New South Wales Government understands that this issue is a very difficult one which goes to the fundamentals of property rights. It is a matter of historical record that it was the Labor Government that vested the rights to mineral and petroleum resources in the State. To this end, on 1 July 2015 the Government published the *Exploration Guideline: Petroleum Land Access*, as part of Improved Management of Exploration Regulation reforms.

The guideline sets out terms and conditions which explorers and landholders can include in access arrangements, and recommends standards for the way in which petroleum and coal seam gas explorers must conduct themselves during discussions and negotiations with landholders. It is important to note that the guideline does not limit what a landholder can negotiate in an access arrangement; it is a starting point for negotiations. The guideline was released for public consultation from 20 November 2013 until 13 January 2014, and 241 submissions were received from individuals, stakeholders and representative bodies.

The development of the guideline was overseen by the New South Wales Land and Water Commissioner, and involved lengthy negotiations between peak stakeholder groups and industry, including NSW Farmers, Cotton Australia, NSW Wine Industry Association, New South Wales Irrigators' Council, Hunter Thoroughbred Breeders Association, Ricegrowers Association of Australia, Australian Petroleum Production and Exploration Association, AGL and Santos. The guideline has been amended to respond to the submissions received through the public consultation in concurrence with the New South Wales Land and Water Commissioner's stakeholder group consultations.

In addition, AGL and Santos have already entered into the agreement titled "Agreed Principles for Land Access" with the NSW Farmers, Cotton Australia, the Country Women's Association of New South Wales, the New South Wales Irrigators' Council and Dairy Connect to cover access to private property for coal seam gas projects. This agreement formally recognises the principles which the main companies in the New South Wales petroleum industry and landholders across the State will uphold when negotiating access agreements.

In this document, AGL and Santos reaffirm that they will not enter onto private property where they are not wanted. I note that in New South Wales a petroleum titleholder has never resorted to the arbitration process to force a land access agreement with a landholder. The New South Wales Government will ensure that landholders receive as much protection as possible and can be confident in their dealings with mineral and petroleum titleholders. It is quite important to understand the range of parties that negotiated that agreement. The parties included NSW Farmers, Cotton Australia, NSW Wine Industry Association, New South Wales Irrigators' Council, Hunter Thoroughbred Breeders Association, Ricegrowers Association of Australia and the gas companies.

The Government knows that this is a difficult issue in some parts of regional New South Wales. That is why we have the NSW Gas Plan. This is not Queensland. We are working through the NSW Gas Plan. With respect to PEL 445 the other day we saw how this Government takes a sensible— [*Time expired.*]

Ms JAN BARHAM: I ask a supplementary question. I ask the Minister to clarify: Was that a yes or a no?

The Hon. NIALL BLAIR: What I will clarify is that the Government will not cherry-pick issues when it comes to stakeholders in regional New South Wales. I will take a lecture from The Greens when that party can consistently support some of the people who were on that list. I will take a lecture from The Greens if, when the Melbourne Cup is on next week, we do not see another stunt from The Greens to try to move a motion in this House to ban thoroughbred racing in this State. That is when I will take a lecture from The Greens. The Greens member did it last year; he does it every year.

I will not take a lecture from The Greens when they are trying to get rid of the cotton industry and the irrigators in this State, or the rice growers, when they use water. Just because The Greens pick one issue does not mean that that party is a friend to the people in those industries. The Greens should be consistent. On this side of the Chamber we are consistent. We acknowledge that this is a difficult issue but we are also prepared to look at all the other issues that those industries face when The Greens try to stand in the way. The Government has acknowledged that this is a difficult issue. The Government is getting on with the Gas Plan. The Government is consistent in the way that it supports agricultural industries that support regional New South Wales.

When The Greens members can put their hands on their hearts and say that they honestly believe in everything that those industries do—when The Greens members can honestly say that they support cotton production in this State and that they support everything that the thoroughbred breeders and the people they employ do in this State—then we will listen. Until The Greens are consistent they lose the right to get in the way of what the Government is trying to do in terms of balancing the many interests that we see across this State. The Government is trying to balance difficult issues for these industries and to see those industries grow. This Government is trying to support people in regional New South Wales.

WILLIAMTOWN LAND CONTAMINATION AND FISHING BAN

The Hon. MICK VEITCH: My question without notice is directed to Minister for Primary Industries, and Minister for Lands and Water. Given that the New South Wales Government has now extended the local fishing bans for areas affected by the Williamstown RAAF contamination for a further eight months, what steps has the Minister taken to seek urgent compensation from the Federal Government for commercial operators?

The Hon. NIALL BLAIR: This is an important question. As the member would be aware, the Department of Primary Industries has had an ongoing role in the response and some of the testing that has led to the extension of that commercial fishery closure for a further eight months. The Government has extended that closure based on the facts and information gained from the testing of the fish. I note

that we have cleared the oysters produced by the oyster growers. We are still suggesting that people do not harvest the wild oysters. As the member has said, we have extended the ban on commercial and recreational fishing in that area for a further eight months.

With respect to what the Government is doing, the Department of Primary Industries [DPI] has provided a fee waiver to eligible fishers and has supported the industry by coordinating access to social and financial support groups. I acknowledge that this is cold comfort to those affected. I repeat that, through the NSW Environment Protection Authority [EPA], we will continue working with fishers to pursue short-term support for loss of income and longer-term compensation claims with the Department of Defence under the polluter-pays provisions.

The extension of the bans is necessary to ensure that the human health risk assessment adequately takes into account all possible pathways for human exposure. The results of the testing have been taken back to the community reference group and the elected representatives group which are in place to share the information and take input on issues of concern. The Government has previously indicated to the Department of Defence—as have I in question time—that in line with the polluter-pays principle the department should be in a position, by the end of this month, to be fully responsible for the majority of sampling and monitoring associated with the contamination.

This position was reiterated by the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning, in discussions with the Assistant Minister for Defence and Defence officials in Williamstown on 8 October 2015. That was followed up in a letter from the Minister for the Environment. The Government understands that this is a concern for businesses in the area. We are doing what we can to work with them and facilitate conversations with the Commonwealth Government in relation to the polluter-pays principle. I hope that we will build ahead of steam and deliver some solutions to affected businesses as quickly as possible.

I take this opportunity to reiterate the requirement for people to adhere to closure signs in the area. Closure of an estuary to commercial or recreational use is not a matter that is taken lightly by the Government. I urge members of the public to adhere to directions on signage and refrain from fishing in areas that are subject to closure. The Government's action has been taken on the basis of science and expert advice. I urge the public to take heed of the warnings.

BOATING INFRASTRUCTURE PROJECTS

The Hon. LOU AMATO: My question is directed to the Minister for Roads, Maritime and Freight. Will he update the House on the delivery of boating infrastructure projects across New South Wales?

The Hon. DUNCAN GAY: I thank the Hon. Lou Amato for his question. I have stated previously that my portfolio currently has 4,600 projects on the go throughout New South Wales. I am pleased to state that 220 of those projects are focused on delivering better infrastructure for the two million people in New South Wales each year who enjoy boating. The New South Wales Government is committed to ensuring that our fantastic waterways, our inland rivers, lakes and dams as well as coastal waters remain safe and accessible for boating. The Government knows that new and improved boat ramps, jetties, pontoons, sewage pump-outs, parking and related facilities can improve overall boating experience and support local tourism. Boaters have informed the Government of the facilities they want and where they want them through regional boating plans that were finalised earlier this year. The NSW Boating Now program is allocating record funding of \$33.7 million, which is triple the funding previously available, towards 192 priority regional projects for delivery by 2017.

The Hon. Trevor Khan: We care.

The Hon. DUNCAN GAY: We do care, but I note the question relates specifically to delivery, so I will focus on the projects that the Government not only has announced but also has already delivered

on—the projects that have been completed and ticked off the list and, most importantly, the improved facilities that are now open for boaters of Australia. In the final three years of the Better Boating program, the Government allocated \$15.2 million to support delivery of 209 projects in partnership with councils, other agencies and boating and community organisations. The life cycle for those types of projects typically is one to three years. Works are scheduled outside the boating season whenever possible, so it is tremendous news that 171 projects, or 81 per cent, already have been completed—tick. That is what delivery is about.

At Wonboyn Lake, a \$470,000 upgrade has delivered a new boat ramp, finger pontoon and resurfaced car park. That was completed in 2014—tick. At Chinderah, a 30-metre pontoon with new gangway has been installed and has improved access to the Tweed River. That \$220,000 project was completed in May—tick. At Norah Head, \$2.85 million in State, Federal and local funding has enabled replacement of dual-lane boat ramps and delivered safer ocean access for boaters on the Central Coast. The new ramp was opened in July—tick. Projects also have been delivered at Yanga Lake, Albury, Walgett and Narrabri. The Government has gained a great deal of knowledge and experience from the successful delivery of boating infrastructure projects.

The Hon. Walt Secord: Tick?

The Hon. DUNCAN GAY: It is a tick.

The Hon. Walt Secord: You will have so many ticks, you will have lyme disease.

The Hon. DUNCAN GAY: There are some members of this House who, at taxpayers' expense, travel to their holiday destinations and do absolutely nothing—people like the Hon. Walt Secord.

COAL SEAM GAS

Mr JEREMY BUCKINGHAM: In directing my question without notice to the Minister for Primary Industries, and Minister for Lands and Water, I point out that today the Deputy Prime Minister and Federal Leader of the National Party, the Hon. Warren Truss, referred to granting farmers the right to say yes or no to coal seam gas as "Coalition policy", and I ask: Will the Minister clarify whether the right to say no is the New South Wales Government's and the Coalition's policy or whether, as he stated in his answer in response to a question asked by Ms Jan Barham, that is the Deputy Prime Minister's private view?

The Hon. Greg Donnelly: That is a very good question.

The Hon. NIAL BLAIR: Really? I thank Mr Jeremy Buckingham for his question. If he is asking whether it is the private view of the Deputy Prime Minister or the policy of the Federal Coalition, he would need to ask them that question.

Mr Jeremy Buckingham: No. I am asking: What is the Government's understanding?

The Hon. Duncan Gay: Point of order: The question is clearly out of order. By Mr Jeremy Buckingham's own words, it calls for an opinion.

The Hon. Lynda Voltz: To the point of order: The Minister already had begun responding to the question and accepted it. I would have thought that the time to object would have been before the Minister answered the question.

The PRESIDENT: Order! The Hon. Lynda Voltz is quite correct. Past Presidents have ruled that even if a question is out of order, once the answer has commenced the Minister may continue in the manner he thinks fit, provided that he is providing generally relevant information. But for future reference, I remind members that Standing Order 65 states quite clearly, "Questions must not ask ... for a statement

or announcement of the government's policy", which the question clearly did. The Minister has the call.

The Hon. NIALL BLAIR: As I was saying, if Mr Jeremy Buckingham is asking me whether it is the Federal Government's or the Federal Coalition's policy, he should ask the Federal Government. However, in response to the question asked by Ms Jan Barham I detailed how the New South Wales Government is addressing the issue of land access. I refer Mr Jeremy Buckingham to that answer.

Mr JEREMY BUCKINGHAM: I ask a supplementary question: Will the Minister elucidate by indicating to the House how, in his previous answer, he addressed the issue of whether or not farmers have a right to say yes or no to coal seam gas mining?

The PRESIDENT: Order! The question is out of order.

WESTCONNEX OFF-RAMP

The Hon. ERNEST WONG: My question without notice is directed to the Minister for Roads, Maritime and Freight. Given that the Government has established two urban activation precincts in the Olympic Park area, will he now reconsider the decision to drop plans for construction of an off-ramp from WestConnex at Hill Road, which will serve a rapidly growing population?

The Hon. DUNCAN GAY: I thank the honourable member for his question and retrospectively thank him for his gracious comments yesterday that are appreciated and the feeling is reciprocated. I promise I will not get carried away—

The Hon. Greg Donnelly: However. Notwithstanding.

The Hon. DUNCAN GAY: —however, notwithstanding—it is refreshing to hear a member of the Labor Party publicly supporting WestConnex. There is a conga line at my door where those opposite are privately saying, "It's good; get on with building it. It's going to help the community. It's fantastic."

The Hon. Peter Primrose: That's not what your guys are telling me when I talk to them.

The Hon. DUNCAN GAY: It is unusual for the honourable member to fib, but today he has told a fib.

The Hon. Shaoquett Moselmane: Point of order: Almost a minute of the Minister's time has gone and he has not answered the question.

The PRESIDENT: Order! I encourage the Government backbench to remain silent and the Opposition backbench not to interject. As always, I encourage the Minister not to respond to interjections.

The Hon. DUNCAN GAY: I indicate to the honourable member: Watch this space.

DEMENTIA SERVICES FRAMEWORK

The Hon. MATTHEW MASON-COX: My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister inform the House how the New South Wales Government is supporting dementia-friendly communities?

The Hon. JOHN AJAKA: I thank the honourable member for his question. Rates of dementia are increasing due to our ageing population. It is estimated that by 2020 New South Wales will have more than 100,000 residents living with dementia, and this could triple by 2050. It is vital that this issue be addressed with our local communities, and the New South Wales Government is committed to supporting people with dementia to live with dignity and to remain as connected to the community as possible. By

working collaboratively across government, the NSW Dementia Services Framework has been developed to set the direction for improving the quality of life for people with dementia in the context of our rapidly ageing population. A key achievement under this framework has been the increase in educational opportunities for healthcare staff so that people living with dementia have improved access to appropriate and skilled care.

I take this opportunity to commend the good work on dementia in her area of Port Macquarie of the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, the Hon. Leslie Williams. The Minister sits on the NSW Parliamentary Friends of Dementia Committee and has started the Port Macquarie Dementia project. The project group has membership including Alzheimer's Australia NSW and other interested community members. Minister Williams works consistently with Alzheimer's Australia to promote dementia-friendly communities including her own community of Port Macquarie.

Last month I visited Port Macquarie to meet with Alzheimer's Australia NSW and Minister Williams at the new Dementia and Memory Community Centre and took the opportunity to find out more about this excellent community project. The dementia-friendly community project is all about assisting people with dementia to feel safe and able to find their way around, and to use local facilities to support people with dementia to be included in their community. The centre has its own library and provides a range of activities for people living with dementia and their carers, as well as being an active meeting space. During the visit I met with the first three dementia-friendly businesses—Coast Front Realty, St Agnes Parish and Silver Service Hire Cars. Each of these businesses has adopted a dementia-friendly approach to their individual services.

These businesses have implemented dementia training for all staff and are working towards improving their facilities and services to meet the needs of people living with dementia. This includes initiatives such as providing contrasting colours between doors and walls to assist with depth perception. Alzheimer's Australia NSW has provided training to a range of frontline staff including Port Macquarie-Hastings and Taree city councils and Service NSW to assist these organisations to develop their awareness and understanding of people living with dementia. I am pleased to say that more communities across New South Wales are joining Port Macquarie in pursuit of being recognised as dementia friendly.

In February this year Kiama Municipal Council, Alzheimer's Australia and the University of Wollongong were awarded \$50,000 through the Creating Liveable Communities competition towards making Kiama a dementia-friendly community. Many local organisations have taken the first steps to endorsement as dementia-friendly businesses. In 2014 I launched the guide to Becoming a Dementia-Friendly Community. The guide is an excellent local resource, giving helpful advice so that more communities can become dementia friendly. As part of the project Alzheimer's Australia NSW is educating town planners, architects and designers on the importance of building local community facilities and public spaces that are welcoming, accessible and safe and enable people with dementia to be part of their local community.

The PRESIDENT: Order! I call the Hon. Trevor Khan to order for the first time.

The Hon. JOHN AJAKA: I commend Alzheimer's Australia NSW on this wonderful initiative. Through its consultation with people living with dementia and their carers, it gives us a better understanding of what will help make Port Macquarie a dementia-friendly community.

VOCATIONAL EDUCATION AND TRAINING

Dr JOHN KAYE: My question without notice is addressed to the Minister representing the Minister for Regional Development, Minister for Skills, and Minister for Small Business. Can the Minister provide the source and method of allocation of the \$100 million "to increase training options for

employers" that the Minister for Skills announced today? Is this unallocated or unused Smart and Skilled money, or is it from a separate budgetary source? Will the money be allocated through Smart and Skilled based on existing provider contracts, or will it be through a new process?

The Hon. NIALL BLAIR: I thank Dr John Kaye for his question. On behalf of Minister Barilaro, I inform the House that the Minister has announced up to \$100 million to increase training options for employers, which will support over 47,000 training places for apprentices and trainees. Employers can find the training option that best suits them and their businesses with the construction, automotive, engineering, aviation, finance and insurance sectors to benefit, amongst others. The additional training options are in the areas where there is strong demand including Western and south-western Sydney where there is a skills shortage. We have approved providers to deliver apprenticeships and traineeships in all regions where they have told us they have demand. We have also offered additional Smart and Skilled contracts to providers with a demonstrated regional track record or capacity to meet specific industry needs for delivery of apprenticeships and traineeships. Apprenticeships and traineeships are now demand driven in New South Wales. With these changes the Government forecasts supporting more than 47,000 training places for apprentices and trainees in 2015-16.

I can also inform the House that on 11 September 2015 Minister Barilaro announced a cap of \$1,000 for traineeship fees from 2016. Minister Barilaro also announced that the New South Wales Government will invest \$10 million to help school leavers start their careers through free pre-traineeship and pre-apprenticeship courses. This Government recognises that apprentices and trainees are vital to the economic growth and development of New South Wales. Improving apprenticeship completions is a key strategy to meet our target of creating 150,000 new jobs by 2019. The New South Wales Government has a range of strategies for improving apprenticeship completion rates by building on strategies already in place. In February this year the Minister signed a compact with seven major employer groups to increase public business support for work-related learning through apprenticeships and traineeships. Strategies developed through these compacts include ongoing dialogue with industry and developing apprenticeship models with pathways into higher education. Under Smart and Skilled the New South Wales Government maintains support for apprentices who become unemployed so that they remained engaged with their trade and train while finding a new employer.

Under Smart and Skilled apprenticeship fees are capped at \$2,000 for full qualifications. The Minister recently announced that traineeship fees will be capped at \$1,000 for the whole qualification. The cap on traineeship fees means that over 85 percent of traineeship qualifications on the NSW Skills List will be cheaper for students, with the average saving being \$1,128. This will make training in higher level traineeships more accessible including for the certificate IV in building construction and the certificate IV in plumbing and services. A \$10 million pilot program will provide fee-free pre-traineeship and pre-apprenticeship training particularly for school leavers.

More than 2,000 people will be able to undertake intensive training drawn from relevant apprenticeship and traineeship qualifications. Our investment will help young students find a career that suits them and it increases the likelihood of completing a subsequent traineeship or apprenticeship. On 1 July 2015 through the Reskilling NSW strategy the Government introduced fee-free scholarships for concession eligible 15-year-olds to 30-year-olds. Eligible people will undertake government subsidised vocational education and training. Priority is given to people living in social housing or to those who are on the social housing waiting list— *[Time expired.]*

Dr JOHN KAYE: I ask a supplementary question. Will the Minister elucidate on the material he gave to the House—which I would not call an answer—by coming somewhere within a stellar distance of the question I asked, which is: Where does the money come from and how is it being allocated?

The PRESIDENT: Order! The member knows full well that that is not a supplementary question but a debating point.

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

WILLIAMTOWN LAND CONTAMINATION AND FISH STOCKS

The Hon. NIALL BLAIR: I have a supplementary answer to a question asked earlier by the Hon. Courtney Houssos relating to the Department of Primary Industries Fisheries Institute at Port Stephens. The Department of Primary Industries Fisheries Institute at Port Stephens is outside the investigation area at Williamtown and is not impacted by the fishing closures. I am advised that the breeding of bass at the institute is unaffected by the contamination issue.

Questions without notice concluded.

PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (EXEMPTIONS CONSOLIDATION) BILL 2015

OCCUPATIONAL LICENSING NATIONAL LAW REPEAL BILL 2015

REGULATORY REFORM AND OTHER LEGISLATIVE REPEALS BILL 2015

Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay.

Motion by the Hon. Duncan Gay agreed to:

That standing orders be suspended to allow the passing of the bills through all their remaining stages during the present or any one sitting of the House.

Second readings set down as orders of the day for a later hour.

STRATA SCHEMES MANAGEMENT BILL 2015

STRATA SCHEMES DEVELOPMENT BILL 2015

Messages received from the Legislative Assembly agreeing to the Legislative Council's amendments.

DATA SHARING (GOVERNMENT SECTOR) BILL 2015

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Ajaka.

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) [3.34 p.m.]: I move:

That this bill be now read a second time.

In this digital economy data is becoming increasingly valuable to both the private and public sector. Data is the foundation of evidence-based policy and provides the basis for the development of effective tailored services to the community. Currently New South Wales government departments and agencies collect and retain data provided by the people of New South Wales. However, there is no requirement to share data with other departments or agencies that will inform more efficient strategic decision-making. The

siloe approach hinders the delivery of service that the people of New South Wales want to experience.

Government cannot continue to operate in this way. To meet the requirements of the people of New South Wales in the twenty-first century government must be more agile, faster and smarter in the way it operates. It must harness data assets to deliver better outcomes for the community. In this vein, on 3 August 2015 Minister Dominello announced the establishment of a New South Wales government Data Analytics Centre [DAC] as a unit within the Department of Finance, Services and Innovation.

I turn next to services and innovation. As part of a central agency the DAC will: collect, aggregate and analyse whole-of-government data, including from State-owned corporations and local councils, in relation to approved projects; coordinate the consistency of definitions and data standards across New South Wales government agencies; establish and maintain a register of data assets in government and provide advice to government on the greater publication of open data; provide advice on how data can inform the digitalisation of the New South Wales Government; and how the New South Wales Government can support the digital ecosystem. Importantly, it will investigate and establish processes and methodologies to enable the protection of personal information and advise the New South Wales Government on best practice analytic processes and data and information security.

This bill will facilitate the sharing of data information with DAC and within government generally. It will enable the Premier, through the Minister for Innovation and Better Regulation, to give direction and, in certain circumstances, require government sector agencies to share government sector data with DAC. It will enable the Minister to obtain information for the DAC from government sector agencies about the kinds of datasets that they control. Importantly, the bill also specifies safeguards to be complied with by DAC and other government sector agencies in connection with data sharing.

It is important to note that the sharing of personal or personal health information is not affected by this bill. The sharing of that information remains subject to existing New South Wales privacy legislation. This bill provides the DAC with the legislative authority to obtain data in certain circumstances from government sector agencies with the appropriate safeguards in place. This power is critical to the design of the DAC. In its development we looked far and wide for best practice data analytic systems around the world. One such centre has operated in New York for a number of years. It was established by the then mayor, Michael Bloomberg. The Mayor's Office of Data Analytics [MODA] seeks to aggregate and analyse New York departmental data. Many of the design features have been incorporated in the DAC. However, when we made inquiries with the architects of MODA they acknowledged that having legislative authority would produce better outcomes.

Hence, this bill is critical to the successful functioning of the DAC. Its significance cannot be overestimated. The Government has consulted broadly, drawing upon some of the best minds in the New South Wales government sector. The steering committee for the Data Analytics Centre included the NSW Chief Scientist and Engineer, the Customer Service Commissioner, the Privacy Commissioner and the Information Commissioner. They consulted broadly with the technology sector and with other independent agencies such as the Ombudsman, the Independent Commission Against Corruption and so on. They know the challenges of antiquated silo-based service delivery and it is no surprise that the committee received an avalanche of support for what is being proposed. I will put on the record extracts from some of the third-party endorsements from highly respected and trusted figures in the government and community sectors in New South Wales. Professor Mary O'Kane, the NSW Chief Scientist and Engineer stated:

Having a Data Analytics Centre will be extremely useful for the State of NSW on many fronts... Being able to draw on this and other well-curated and up-to-date data will better enable NSW to improve critical government functions and solve difficult policy problems. I support the concept of the Data Analytics Centre and look forward to an active involvement in its development.

Dr Elizabeth Coombs, the New South Wales Privacy Commissioner stated:

I note the intention of the Bill is to improve data sharing between NSW Government agencies, outline data sharing safeguards as well as the establishment of a NSW Data Analytics Centre (DAC). I support the outcomes that will be achieved through the establishment of the DAC.

The New South Wales Ombudsman, Professor John McMillan, AO, formerly the Australian Information Commissioner, Commonwealth Ombudsman and Integrity Commissioner for the Australian Commission for Law Enforcement Integrity, stated:

Information collected and held by government is a unique resource that enables a better understanding of community trends, challenges and expectations. The value of information lies in using it, having regard to privacy and security concerns... The data analytics centre can play a central role in ensuring that public sector information is used wisely and managed appropriately.

Hugh Durrant Whyte was quoted as follows in the *Australian* of 1 September 2015 in an article entitled "Data initiative a breakthrough but it's not all smooth sailing":

When the NSW Minister for Innovation and Better Regulation, Victor Dominello, announced his intention to establish the DAC he said its purpose was to liberate all of the government's data—too often buried away in silos—and provide a centralised analytics and insight capability for government decision making...

For those of us at the data analytics forefront the DAC announcement is terrific. By bringing information together, the government will be able to make more informed decisions and better allocate scarce resources...

NSW is taking a transformational lead in data science."

In these circumstances of strong support from government, universities and industry alike, I am pleased to introduce the Data Sharing (Government Sector) Bill 2015. The bill is an important marker; it signals that New South Wales is ready to embrace the power of shared data. Doing nothing is not an option. In order to serve the people of New South Wales, the Government needs to adopt or develop best practice. The bill enables the Government to make the best use of its data assets so that together it and the people of this State can achieve better outcomes.

The objectives of the bill are: to facilitate the sharing of government sector data within government, including with the newly established NSW Government Data Analytics Centre; to enable the Minister to give directions in certain circumstances to require government sector agencies to share government sector data with the DAC; to enable the Minister to obtain information for the DAC from government sector agencies about the kinds of datasets that they control; and to specify safeguards, including in relation to the collection, use, disclosure, protection, keeping, retention or disposal of health information or personal information of individuals as well as commercially sensitive information, to be complied with by government sector agencies in connection with data sharing under the bill.

It is recognised globally that public sector sharing of data results in the facilitation of high-quality, policy-relevant research by sharing and combining data from a variety of sources; promoting new research and allowing for testing of new or alternative methods of service delivery; reducing costs by minimising duplication of effort, particularly in collecting and storing data; and reducing the burden on New South Wales citizens in providing data multiple times to multiple agencies. Currently, agencies agree to share data that is non-personal or de-personalised by way of a memorandum of understanding [MOU]. The MOUs set out what data is to be provided to whom, when and so on. The development of MOUs is time-consuming and a new MOU is required for each instance of data sharing. Where multiple agencies agree to share information, an MOU would need to be created with each of those agencies participating in a single project. Where traditionally agencies have been frustrated with the cumbersome, long-winded,

entangled, bloated system for sharing information across government, they will now be able to share information in an efficient manner in a protected environment.

This bill complements the existing legislative responsibilities of government sector agencies that collect, publish and provide access to data. Key legislation governing the sharing of data and operational arrangements in New South Wales includes the Privacy and Personal Information Protection Act 1998 [PPIPA], which governs the way agencies can use or share personal information. It provides for the use of public interest directions to enable data sharing and analysis for time-limited projects, and privacy codes of practice to enable data sharing and analysis in the longer term. The Health Records and Information Privacy Act 2002 [HRIPA] governs the way agencies can use or share personal health information. It offers a model of how a group of agencies, or perhaps the broader government sector, could be considered as a single entity for the purposes of sharing data. The Government Information Public Access Act 2009 [GIPA] establishes that agencies must provide public access to certain datasets and reports. The State Records Act 1998 ensures that agencies maintain records of their activities.

Areas of policy with standing operating arrangements similar to this legislation include the Bureau of Crime Statistics, which operates under a privacy code of practice to conduct research and analysis across crime and criminal justice issues. It offers a model of how the DAC can use privacy codes of practice to manage data-sharing for projects where personal identified data is involved. Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 provides for the sharing of information for the broad purpose of promoting the safety, welfare or wellbeing of children or young persons. This legislation offers a model of how legislation can authorise sharing for approved purposes in the public interest. The Service NSW (One-stop Access to Government Services) Act 2013 privacy code of practice regulates the disclosure of personal information held by public sector agencies by agencies and the collection, use and management of that information by Service NSW to exercise customer service functions for the agencies, or other related functions.

This legislation will change the way New South Wales government sector agencies interact with each other. It makes it easier for agencies to share data by providing the authority that was until now lacking. The most complex issues society faces require a multiagency approach. I reiterate that using the current data- and information-sharing framework to tackle these issues is antiquated. The systems that we have in place now are anchored in the past century, when the pace of new information compared to today was pedestrian. However, we are now well and truly past the dawn of the information age. At the heart of this age is knowledge and insights driven by data. Accordingly, we need a framework for data sharing in 2015 that reflects the age in which we live. I now turn to the detail of the bill. Part 1 sets out the objects and definitions. The objects include:

- (a) to promote, in a manner that recognises the protection of privacy as an integral component, the management and use of government sector data as a public resource that supports good government policy making, program management and service planning and delivery, and
- (b) to remove barriers that impede the sharing of government sector data with the DAC or between other government sector agencies, and
- (c) to facilitate the expeditious sharing of government sector data with the DAC or between other government sector agencies, and
- (d) to provide protections in connection with data sharing under this Act by:
 - (i) specifying the purposes for, and the circumstances in, which data sharing is permitted or required, and
 - (ii) ensuring that data sharing involving health information or personal information

continues to be in compliance with the requirements of the privacy legislation concerning the collection, use, disclosure, protection, keeping, retention or disposal of such information, and

- (iii) requiring compliance with data sharing safeguards in connection with data sharing.

Part 5 deals with the relationship of this bill with other legislation. It makes disclosure of government sector data by a government sector agency to the DAC or another government sector agency lawful for the purposes of any other Act or law that would otherwise operate to prohibit that disclosure. The bill does not apply to information considered to be "excluded information of an agency" specified in the schedule and information of a kind referred to in schedule 1 of the GIPA, or any personal or health data as defined in privacy legislation.

Part 2 of the bill relates to facilitating government sector data sharing. This includes voluntary data sharing with the DAC or between other government sector agencies, and data sharing with the DAC. If government sector data is shared under this section, the data provider and the data recipient must comply with all data sharing safeguards that are applicable to them in connection with the sharing. Part 2 (7) introduces the power for the Minister for Innovation and Better Regulation to direct a government sector agency in writing to provide specified government sector data that it controls to the DAC within 14 days or such other period specified in the direction if the Premier has advised the Minister that the data is required for the purpose of advancing a government policy.

Part 2 (8) introduces the power for the Minister for Innovation and Better Regulation to direct a government sector agency in writing to provide the DAC with such information concerning the government sector data that it controls as the Minister may require so as to enable the DAC to determine the number and kinds of sets of data that the agency controls and the kind of information collected in those datasets. However, this power to direct does not extend to universities. Part 2 (9) sets out the data sharing safeguards for the purposes of this bill that are applicable to the sharing of government sector data under this bill with the DAC or between other government sector agencies.

Privacy safeguards include: without limiting section 5 (2), a data provider and data recipient must ensure that health information or personal information contained in government sector data to be shared is not collected, used, disclosed, protected, kept, retained or disposed of otherwise than in compliance with the privacy legislation; if a data recipient that is provided with government sector data that contains health information or personal information becomes aware that the privacy legislation has been or is likely to have been contravened in relation to that information while in the recipient's control, the data recipient must, as soon as is practicable after becoming aware of it, inform the data provider of the contravention or likely contravention.

Confidentiality and commercial-in-confidence safeguards include: a data recipient that is provided with government sector data that contains confidential or commercially sensitive information must ensure that the information is dealt with in a way that complies with any contractual or equitable obligations of the data provider concerning how it is to be dealt with. Data custody and control safeguards include: a data provider and data recipient must ensure that the government sector data that is shared is maintained and managed in compliance with any legal requirements concerning its custody and control—including, for example, requirements under the GIPA or State Records Act 1998—that are applicable to them.

If a data recipient arranges for a person or body other than another government sector agency to conduct data analytics work using government sector data with which it has been provided, the head of the data recipient is to ensure that appropriate contractual arrangements are in place before the data is provided to ensure that the person or body deals with the data in compliance with any requirements of the privacy legislation, the State Records Act 1998 and any government data security policies that are applicable to the data recipient.

Part 3 includes the power for the Minister to issue a direction to a State-owned corporation to provide data to the DAC only if the direction is given with the approval of the Premier and, where the portfolio Minister of the State-owned corporation is neither the Premier nor the Minister administering the proposed Act, the Minister has consulted the relevant portfolio Minister about the direction before it is given. Part 3 also provides the power for the Secretary of the Department of Finance Services and Innovation to report to the Minister responsible for a government sector agency or the Public Service Commissioner any failure by an agency to comply with the requirements of the proposed Act or with a direction given under it, or any other matter of concern to the secretary with regard to the agency's obligations. The secretary can include in the annual report of the department a report of any incidences of failure by government sector agencies to comply with the requirements of the bill or the regulations or with any directions given under the bill.

I turn to the management of personal information. In the design of the bill, the safe handling and protection of privacy around personal information has been and remains paramount. Whilst the Government is the custodian of the data it collects, it ultimately belongs to the people. With this in mind, it is the duty of any government to ensure that the information it holds is used for the purpose of generating greater social outcomes and tailored, citizen-centric services. The Privacy Commissioner has been instrumental in both the steering committee for the Data Analytics Centre and the policy design behind this bill. I thank the Privacy Commissioner, Dr Elizabeth Coombs, for the many hours she dedicated to making this bill a reality which includes the safeguards and protections that she helped to design.

The provisions of the bill do not extend to the use of personal and health information and the sharing of personal data remains within the protections of the existing privacy legislation in New South Wales. The principal and mandatory mechanism to enable the sharing of personal information is the Privacy and Personal Information Protection Act 1998, which is supported by Privacy Codes of Practice and Public Interest Directions issued by the Privacy Commissioner under section 41 of the PPIPA. Moreover, all data identified in the GIPA as exempt from public release in schedule 1 and schedule 2 of that Act is also specifically exempt from this bill. These are schedule 1, information for which there is conclusive presumption of overriding public interest against disclosure, and schedule 2, excluded information of particular agencies.

It is important to note that whilst information contained within these schedules is not explicitly authorised, permitted or required to be shared by government sector agencies as per clause 5 (2), clause 5 (3) makes it clear that the bill is not intended to prevent or discourage the sharing of government sector data by government sector agencies. The provision does not act to specifically prohibit the voluntary sharing of such information within government.

The DAC will apply best practice processes and methodologies to prevent the re-identification of de-identified, aggregated personal data. When it comes to the issue of cyber security, we will ensure that the DAC will comply with the New South Wales Government Digital Information Security Policy [DISP]. All New South Wales public service agencies and shared service providers must comply with the DISP, which is informed by the Australian Government Information Security Manual issued by the Australian Signals Directorate. The DAC will require a privacy code of practice and will investigate and establish processes and methodologies that enable the safe use of personal information in de-identified, aggregated or linked datasets so as to protect the privacy and personal information of individuals.

The DAC's collection and analysis of data from a variety of sources will facilitate the delivery of better services and build a much improved evidence base to support policy development, informed by trusted data. The DAC will become custodian of any new data "products" created through the aggregation of datasets where there is no other natural custodian, reducing the burden on agencies to continually extract and provide exports of the same data for different research queries.

In conclusion, before I commend this bill to the House, I would like to thank the Minister for Innovation and Better Regulation, the Hon. Victor Dominello, who has also asked me to acknowledge the

Department of Finance, Services and Innovation—in particular, Martin Hoffman, William Murphy, Dawn Routledge, Rosemary Chandler and especially Dr Kate Harrington and the "DAC-lings", who were instrumental in the formulation of this bill. I commend this bill to the House.

Debate adjourned on motion by the Hon. Peter Primrose and set down as an order of the day for a future day.

HOME BUILDING AND DUTIES AMENDMENT (LOOSE-FILL ASBESTOS INSULATION AFFECTED PREMISES) BILL 2015

Second Reading

Debate resumed from an earlier hour.

The Hon. MICK VEITCH [3.59 p.m.]: I speak to the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015. I concur with the comments made by my colleague the Hon. Peter Primrose. I participate in this debate as a member of the Joint Select Committee on Loose Fill Asbestos Insulation, which was mentioned by other speakers in the debate. The best part of being a member of the upper House, and one of the great privileges, is working on committees. When we reflect on our time in this place, we think about the committees that have had the greatest impact. This committee is one of those. I remember the hearing in Queanbeyan and the emotional testimony that was given by a number of people who have been affected by what has become known as "Mr Fluffy". I have watched the situation in Canberra play out in residences across southern New South Wales.

It is a serious issue. The committee members worked exceptionally well together and the committee's recommendations were agreed unanimously. Two committee members—the Hon. Steve Whan and the member for Monaro, John Barilaro—were in the midst of an election campaign. The severity of the issue caused them to put aside their political issues to work together to do the right thing for the residents of New South Wales. It typified the way in which the committee conducted its work, and it is those moments that make me feel proud to be a parliamentarian. People often ask, "What do they do in the upper House?" We do a lot of committee work and the Government then assesses whether to implement the recommendations we make. All committees wait for a response from the Government. We are here today because the Government is implementing some of the recommendations from that committee report, and I commend it for doing so. Schedule 1 section 119C (1) "Warning signs" states:

- (1) The owner of affected residential premises must ensure that a compliant warning sign is displayed at any place at the premises that is prescribed by the regulations.

This is called tagging. During the inquiry people asked: Where should we tag? Should the mailbox be tagged to identify a house? Should all entry points to a house, such as windows and doors, be tagged? Should all entry points to a ceiling cavity or floor cavity be tagged? There is more to tagging than putting up a compliant sign. From my reading of that section of the bill, tagging will be accommodated in the regulation, but I ask the Parliamentary Secretary to clarify that that is the case. People have a significant interest in where to tag their premises. If we are going to go through the exercise of tagging a house, let us do it effectively to ensure that people are aware that a house is tagged. This is important for tradespeople and emergency services workers. The Hon. Niall Blair was also a member of the committee and raised a number of issues. For instance, what happens when State Emergency Service personnel attend a premises that has had roof tiles blown off? How do we ensure that they are aware that the premises contains loose-fill asbestos? It is important that the tagging regime is correct.

I turn now to schedule 1, division 1A, new section 119A, "Definitions", because there may well be an omission. Loose-fill asbestos insulation is defined in this section to mean "loose-fill amosite or crocidolite asbestos used as ceiling insulation". Throughout the inquiry we heard about chrysotile, which is not included in the definition. I seek clarification from the Parliamentary Secretary as to why chrysotile

is omitted from the definition of loose-fill asbestos insulation. My concern arises from information provided by the Australian Asbestos Safety Fact Sheet, which states:

Chrysotile is a type of asbestos used in vehicle brake pads, linings and blocks, clutch plates and in gaskets. Chrysotile is also found in insulation, cement materials, vinyl floor tiles, piping and sealants, although it is no longer used for these products.

The National Industrial Chemicals Notification and Assessment Scheme assessed chrysotile in February 1999.

The assessment recommended that all use of chrysotile be phased out.

It goes on to say:

Chrysotile is in class 9 under the Australian Dangerous Goods Code. There are restrictions specifically for the storage and transport of chrysotile under this Code.

The main risk from chrysotile is from breathing it in.

Breathing in chrysotile dust causes lung cancer, mesothelioma and asbestosis.

As I said, I ask the Parliamentary Secretary to clarify why it is not included in the definitions in this legislation. It may well be an oversight, but it should be in the bill.

Mr Scot MacDonald: Can you spell it?

The Hon. MICK VEITCH: I am certain the advisers will know what I am talking about. This is an important issue because the bill refers to tagging and assisting home owners who may have unfortunately purchased or who live in a residence that has loose-fill asbestos insulation. No-one in this Chamber will vote against this legislation, but everyone in this Chamber wants to get it right. To do that, we must clarify some elements of it. The committee members heard a lot of testimony. We had the opportunity to visit a laboratory and see the different forms of loose-fill asbestos insulation under a microscope. Surprisingly, under a microscope the fibres of blue loose-fill asbestos appear blue. The difference is only apparent under a microscope.

The committee heard how Mr Fluffy conducted its business. The asbestos was delivered in blocks. It was then broken down by people in their front yards and pumped into ceiling cavities. No protection was provided. We heard about people who shovelled it into bags at the Mr Fluffy depot and then put it in their ceiling cavities. It was sold in containers in small country towns in southern New South Wales. People would shovel it into bags and install the insulation in their residences themselves. At the time people thought it was safe; we know now it was not safe. That is the reality. We know from the experience of Canberra residents that the dangers associated with asbestos have the potential to be serious and long-term.

We heard testimony from people from Young and Wagga Wagga. There is evidence that asbestos has also been detected in residences in Sydney. It may not be Mr Fluffy but a similar operator. There are often notices on two- or three-storey walk-up apartments informing residents and visitors that the building contains asbestos cement. We have to wonder how many residents have undetected loose-fill asbestos in their ceilings. One of my great concerns is that people buy residences with the view to renovating them, pop open the manhole and stick their heads inside without knowing what is in the roof cavity. But we heard that not only the roof cavity contains asbestos. As a house ages, the asbestos will make its way down the wall cavities to settle under the house.

One story that has stayed with me was told by a young couple whose twins would crawl around the floor of their house in Queanbeyan. One of the twins loved putting their face over the heating vent in

the floor to feel the rush of hot air. That house was subsequently identified as containing loose-fill asbestos, including in the heating ducts. The parents of those twins do not know what the impact will be on their toddler. The parents told that story with tears rolling down their faces. They cannot help their two-year-old whom they innocently exposed to asbestos and they do not know what will happen in the long term. That evidence had an impact on us all—there was not a dry eye in the room. I really feel for those parents.

This is a public policy area that we will be talking about for quite some time. As we know, the symptoms of asbestosis and mesothelioma can take time to manifest. This is a long-term public health issue because, over time, people will start to present with the disease. Our colleagues from Queanbeyan will be conversant with what is happening in Canberra. At the hearing in Queanbeyan we heard from people who could not understand the quite dramatic approach adopted in Canberra: The Australian Capital Territory Government was in the process of buying houses and demolishing them. There has been a different approach in New South Wales. Responsibility for this issue does not sit with one side of politics. It has rested with us all over decades, and in future all sides of politics must continue to take responsibility for it. So it is imperative that we get the response right. The legislation before us is a good step in that direction. It will not help people who have already been exposed; it is not meant to do that. The legislation is designed to put in place basic steps to meet some of the recommendations of the committee on which I served.

I return to the issue of tagging. I know that details will be included in the regulation but I am concerned about consistency in the way it is applied, the accuracy of tagging, and the identification of tagging across language and cultural divides. We need to ensure that councils are involved in the process. Mr David Shoebridge talked us through the moment during the committee hearing when Queanbeyan City Council made a statement. I think the council was collecting data in good faith and with good intentions but it was not passing the information to subsequent buyers on the section 149 planning certificates. That decision, and the way the council went about it, was of concern. We are not sure where the loose-fill asbestos is. No-one knows how many residences are affected by loose-fill asbestos in New South Wales. We do not know where those buildings are. I urge people to do the right thing; if they are unsure they should get their houses checked.

I commend the Government for implementing some of the recommendations. I would like the Government to implement them all—I know that is what the committee wants. The committee delivered the report promptly because of the urgency surrounding this issue. I commend the Government—it deserves a pat on the back—for responding with the same haste. When the report was tabled the Government embarked on this process with a sense of urgency. It is important to get this legislation right. I ask the Parliamentary Secretary to clarify the two issues that I have raised. It could well be that the exclusion of chrysotile from the definitions is an oversight. If it is, it will not take us long to fix it.

Mr Scot MacDonald: Can you spell that for Hansard?

The Hon. MICK VEITCH: Hansard will get these speaking notes, as usual. By the way, members should always hand up their speaking notes to Hansard; they go crook if members tear them up. We can fix the legislation very quickly if this is an oversight. I look forward to the Parliamentary Secretary's response to those two issues. I congratulate the Government on introducing the bill. In closing, I urge people to get their houses checked to make sure they do not have loose-fill asbestos in their ceiling cavities.

The Hon. SOPHIE COTSIS [4.15 p.m.]: I thank the Hon. Lou Amato for allowing me speak before him. I concur strongly with my colleagues, the shadow Minister, the Hon. Peter Primrose, and the Hon. Mick Veitch. I also commend a former member of this place, the Hon. Steve Whan. I commend the chair and the members of the Joint Select Committee on Loose Fill Asbestos Insulation. I commend the Government for introducing this very important bill. My colleagues have expressed a number of concerns, which the Hon. Mick Veitch is discussing with the Government. I hope that the issue of chrysotile and the

definition of loose-fill asbestos insulation is resolved. I strongly urge the Government to provide a response on that matter.

The Opposition will not oppose the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015. The bill has two main purposes. The first is to amend the Home Building Act 1989 to provide a register of residential premises containing loose-fill asbestos insulation [LFAI] and require warning signs to be displayed at premises that are included on the register. The second main purpose of the bill is to amend the Duties Act 1997 to provide a duty concession on the purchase of a replacement residential property by owners of residential premises that are acquired by an authority of the State because they contain LFAI. The duties concession is capped at the amount of duty that would have been payable on the purchase of the LFAI-affected home by the Government if it were required to pay stamp duty. The Government introduced this bill last Thursday so there has been very limited time to consider it fully. I know that some stakeholders have only now started to talk to us and provide feedback.

We all agree that this is important legislation. The Government must provide detailed information to relevant stakeholders so they can make sure that the bill covers all relevant issues; we do not want to have to amend the legislation in six months or a year. I listened to the speeches on this bill by my colleagues here and in the other place. They reiterated that asbestos is a scourge on our community, and will remain so for many years to come. In relation to asbestos in residential premises, I remain incredulous about a system that, quite sensibly, requires a pest report to be made available to prospective purchasers but does not require the provision of a report prepared by an experienced professional about the presence or otherwise of asbestos. The truth is that we know that asbestos is prevalent in many older homes and, with the popularity of do-it-yourself home improvements, many people are unwittingly exposing themselves and their families to this carcinogen.

The term "false economy" comes to mind, but so do the words "dumb" and "stupid". Accordingly, I endorse the request made by my colleague the shadow Minister for the Parliamentary Secretary, Mr Scot MacDonald, to advise during his reply whether action has been taken in relation to recommendation No. 6 of the joint select committee that inquired into loose-fill asbestos insulation, which the Government supported in principle in conjunction with amendments to section 149 relating to planning certificates issued under the Environmental Planning and Assessment Regulation 2000.

It is not unreasonable that the House seek information regarding other actions that have been proposed by the parliamentary committee to remedy the concerns identified by the bill. In the case of loose-fill asbestos insulation, we know that throughout the 1960s and 1970s it was installed as ceiling insulation in at least 1,000 residential premises in the Australian Capital Territory and in an unknown number of homes in New South Wales. It cannot be identified by an ordinary building inspection, and there are no guarantees of success with remediation. It requires specialised assessment. As my colleague the shadow Minister said, it is disappointing that the Government did not support the recommendation of the Joint Select Committee on Loose Fill Asbestos Insulation:

That the NSW Government implement a mandatory testing program for homes built before 1980 in areas in which there are known to be, or it is likely that there are, a number of homes affected by loose-fill asbestos insulation.

It is now likely that homes affected by loose-fill asbestos insulation will be missed because of the Government's desire to save money, but I urge the Government to give careful consideration to that recommendation. My colleague the shadow Minister also asked the Parliamentary Secretary to update the House on implementation of the committee's recommendation No. 4 relating to the Government's response, which involves amending the Environmental Planning and Assessment Regulation 2000—in particular, the progress relating to developing generic wording to be included on section 149 (5) planning certificates for properties that have not undergone testing and to advise about the possibility of loose-fill asbestos insulation in pre-1980 homes.

When the task force was established, it subsequently recommended demolition, site remediation and disposal as the most effective methods of removing the health risk. It also made recommendations regarding site identification and other issues. The Government accepted all the recommendations made by the task force, including the establishment of the Voluntary Purchase/Demolition Program. The bill implements a number of those recommendations whereas others will be implemented through regulation and administrative action. The register will assist in informing workers, emergency services staff and others of the affected premises and the precautions they need to take until such time as the building has been demolished and the site remediated. But free ceiling insulation testing is available in only 26 local government areas at present and, as already stated, it is not mandatory—despite the parliamentary inquiry's recommendation. As at 30 September 2015, in New South Wales 74 premises, including 41 units, have been confirmed to contain loose-fill asbestos insulation. Some 58 were identified through historical records. An additional 20 were identified through the free testing program, of which four are pending confirmation.

Warning signs at the site will also be mandated by the legislation to alert anyone working on, residing in or visiting the premises—including a lot in a strata scheme—that the premises represents a possible risk from loose-fill asbestos insulation. I call on the Government also to carefully consider providing information and warnings in different languages, which is most important, and to distribute information widely, particularly in notified areas. The shadow Minister referred to working with local government and agencies. I know that many councils, in particular Holroyd City Council, have done a lot of work in this area. I commend all the key advocates who have been campaigning to years for changes to government legislation. I thank Barry Robson of the Asbestos Diseases Foundation of Australia. Many who have suffered are no longer with us, and there are others who are suffering now and still others who will suffer. I thank the members of the committee for listening and for doing the right thing. I know that we will get there.

The Hon. LOU AMATO [4.24 p.m.]: I support the Home Building and Duties Amendment (Loose-Fill Asbestos Insulation Affected Premises) Bill 2015. I thank the Opposition for its bipartisan support for such an important bill. The Australian Mesothelioma Registry's third annual report, "Mesothelioma in Australia", which was published in 2013, and Safe Work Australia's "Asbestos-related Disease Indicators" report, which was published May 2014, discuss the challenges faced due to the indiscriminate use of asbestos materials. The carcinogenic properties of asbestos have been well documented. More than 600 deaths annually are estimated to occur in Australia due to asbestos-induced mesothelioma-related cancers. Diagnoses of mesothelioma usually occur between 20 and 40 years after exposure, which means that the incidence of the disease may not peak until as late as 2021. Having been exposed to asbestos materials in my industry, I pray to God I do not become one of the statistics of mesothelioma. Only time will tell.

Asbestos materials relate to a group of naturally occurring fibrous silicate minerals composed of fibres that are resistant to breakdown within the human body. Commercially used asbestos is obtained from mineral rock. In Australia three types were commonly used for industrial purposes—amosite, crocidolite and chrysotile. Asbestos fibres are small and invisible to the naked eye. The primary source of exposure is inhalation when tiny elongated fibrous particles become trapped in lung tissue and resist the body's natural cleaning ability to remove them. Trapped asbestos fibres may cause serious health problems in later years as the fibres work their way through lung tissues and into the pleura—the membrane surrounding the lungs. Mesothelioma is an aggressive form of cancer that arises in the mesothelium, which is the membranous tissue that surrounds the heart, lungs, gastrointestinal and urogenital organs as well as chest and abdominal cavities.

Due to extreme durability, including fire and chemical resistance, asbestos-containing materials [ACMs] were used extensively in Australia for inclusion in the following materials: insulation and flooring materials, wall and roof sheeting, brake linings, paints, rope, gas mask filters, oven insulation, fireproofing, pipes, lagging, construction materials in residential dwellings, and many more. During the

1980s Australia produced many ACM products and per capita was one of the world's highest users of asbestos. The legacy is that, due to the thousands of different ACM products being used in building materials before being withdrawn in the late 1980s, most homes contain some form of asbestos. Due to our indiscriminate use of asbestos, Australia has one of the highest rates of incidence of malignant mesothelioma in the world. There is currently no cure for mesothelioma. Progression of the disease is usually rapid, with average life expectancy from diagnosis to death being only nine months. Few patients survive beyond two years.

During the 1960s and 1970s loose-fill asbestos insulation, which is a raw form of asbestos that has been crushed into a fine state, was installed as insulation in the ceiling spaces of many residential and commercial premises. Pure loose-fill asbestos, being a non-inert form of the product, poses a serious health risk due to the increased possibility of particulate exposure by residents, tradespeople, emergency services workers, tenants, service providers and any future owners of the homes.

In response to the potential dangers of loose-fill asbestos, the New South Wales Government is introducing the Home Building Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015. The main reforms of the bill are, first, the creation of a publicly available register of properties that have undergone prescribed testing and have been found to contain loose-fill asbestos insulation. The register will not record personal details of homeowners or tenants. The testing of properties will be provided free of charge. Owners of affected properties will be required to ensure that an approved warning sign is displayed at the property.

Second, the creation of compliance and enforcement provisions is to be administered by NSW Fair Trading. NSW Fair Trading inspectors will be able to enter properties, using powers already available under the Home Building Act 1989 to confirm signage has been appropriately displayed. Third, there will be provisions for stamp duty concessions for participants in the Voluntary Purchase/Demolition Program who purchase a replacement home in New South Wales, limited to one concession per affected premises.

The bill makes provision for the NSW Department of Fair Trading to establish a task force responsible for overseeing and implementing the New South Wales Government's Voluntary Purchase/Demolition Program. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties whose owners choose to participate in the program. The task force has contracted the Australian Property Institute to coordinate the valuation of properties participating in the process. The API will engage two independent national companies to undertake the valuation process for each affected property. Each property will be valued as at 29 June 2015 and as if it was free of loose-fill asbestos.

The Home Building Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015 is an important step in the eradication of the potential dangers of asbestos exposure. It is a shame that we did not know about the potential risks of this material earlier. We only learned about the dangers when affected people had contracted asbestos-related illnesses that usually resulted in death. I commend the bill to the House.

The Hon. MATTHEW MASON-COX [4.32 p.m.]: It is my pleasure to speak in support of this very important legislation, the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015. This bill follows a long and difficult committee inquiry process into many communities in this State. I speak on behalf of many people in the Queanbeyan community and I note that the Government Whip no doubt knows people affected by loose-fill asbestos insulation in Queanbeyan and the surrounding areas. I know people who own homes affected by loose-fill asbestos in Queanbeyan and the Australian Capital Territory [ACT] and that it has been a particularly vexing issue that this Government has dealt with sensitively and comprehensively.

At the outset I congratulate the Minister for Finance, Services and Property, the Hon. Dominic

Perrottet, and the member for Monaro, the Hon. John Barilaro, who wrestled with this issue. I acknowledge the contribution of the Hon. Steve Whan as well. He was a strong advocate for the people of his community and dealt with this issue in a largely bipartisan manner despite it coming to a head in the midst of the election campaign when he was trying to win back the seat of Monaro. It is worth nothing this was a highly divisive issue in the Queanbeyan community and, as the Hon. Mick Veitch said, it came on the back of the program put in place by the ACT Government. That Government took on the issue full-on with a \$1 billion loan from the Commonwealth.

The Hon. Dr Peter Phelps: That is the important bit that people forget. It is easy to take the moral high ground when you have \$1 billion in loose change from the Commonwealth.

The Hon. MATTHEW MASON-COX: Yes. The ACT Government essentially set a benchmark for dealing with loose-fill asbestos-affected homes and prompted people to ask: If a government buyback program is good enough for affected homes in the ACT, what is happening in New South Wales? Will the New South Wales Government do something similar? It was difficult for the New South Wales Government to respond to these questions, particularly in an election climate. However, the way the Ministers and the member for Monaro dealt with this was exemplary. Part of the process was the establishment of the Joint Select Committee on Loose-Fill Asbestos Insulation, which held a hearing in Queanbeyan. The hearing was emotive and brought to the committee's attention the scope of the issue, including pointing out that there is a block of around 30 units in Queanbeyan that is affected by this problem.

I commend the Government for its plan to buy back those affected properties and demolish them to eliminate the scourge of loose-fill asbestos insulation in this State once and for all. This process will take time and, as members have indicated, we do not know the full scale of the problem. It is important that people who suspect their home is affected by this insidious product register their concern so the property is inspected. If it is found to be affected, they will be eligible to take advantage of this generous buyback program the Government will put in place with \$250 million set aside for that purpose. We hope those funds will be sufficient to ensure all people affected by the Mr Fluffy insulation will be covered.

This problem has severely affected people in my community. The Ministers and local member have done an excellent job in dealing with this problem, which is a credit to the Government. The Opposition has dealt with this issue in a bipartisan way. Labor has a long and proud history of dealing with asbestos-related diseases, which I acknowledge. Unions have been at the forefront of dealing with this issue in many fora. Both sides of this House have a lot to be proud of in this legislation and it is a credit to everybody involved in drafting it.

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2015

Debate resumed from 21 October 2015.

The Hon. Dr PETER PHELPS [4.37 p.m.]: I congratulate the Government on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. We have now seen approximately nine of these bills during my time in Parliament and they always fill me with a degree of almost inestimable joy because in the majority of cases they are doing what governments—at least Coalition governments—should be about: eliminating unnecessary legislation, removing unnecessary regulation and amalgamating bills into more readable documents to bring us into the twenty-first century of good legislative practice. This Government continues on this reformist path in the latest iteration of this bill. I commend the bill to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [4.38 p.m.]: I lead for the Opposition on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. As the Hon. Dr Peter Phelps indicated, it is a

typical statute law revision measure used by governments of all persuasions for something like three decades. By convention it deals with minor and non-controversial matters. This particular iteration deals with far-reaching and weighty matters such as the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 and the Cemeteries and Crematoria Act 2013, where I think an infelicitous drafting error inserted a comma in the wrong location. The Combat Sports Act 2013 has been amended to be removed. I ask the Parliamentary Secretary to acknowledge that. These matters are minor in nature. They proceed by convention by agreement and where members raise difficulties or issues the convention is that they are removed. The legislative amendments are overwhelmingly not within the Attorney General's portfolio, but the Attorney having carriage—

The Hon. Dr Peter Phelps: He is a useful mail box for general reports.

The Hon. ADAM SEARLE: I acknowledge that interjection. The Attorney General, having carriage of 40 per cent of Government legislation in his or her own right, is charged with ongoing supervision and pruning of the legislative Acts and other instruments. The Opposition supports the bill. I commend it to the House.

Dr JOHN KAYE [4.41 p.m.]: I support the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015, perhaps not with the same sense of commitment and joy that the Government Whip brings to the task but with equal brevity. I thank the Government. The Greens have raised an issue which I will speak to in Committee. I thank the Government for adhering to the standing practice of this Chamber to introduce two of these bills each year. I have been here longer than the Government Whip and I can inform members that the previous Government undertook the same process. It is a commendable practice of allowing members of Parliament to raise issues with legislation and to have those issues knocked out. It is not the end of the story, of course. I have no doubt that the Government will come back later, but The Greens will be vigilant and find out when it tries to do that.

The Hon. DAVID CLARKE (Parliamentary Secretary) [4.41 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank the Hon. Adam Searle, the Hon. Dr Peter Phelps and Dr John Kaye for their contributions to this debate. It is good to see that there is agreement on this bill. The Government seeks to have unanimity on this bill and full agreement on the issues, as it is not meant to be controversial. It is a good thing to see. The Government will be moving amendments in Committee to remove certain provisions from the bill that are objected to by non-Government parties. 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.

In Committee

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): If there is no objection, the Committee will deal with the bill as a whole.

The Hon. DAVID CLARKE (Parliamentary Secretary) [4.44 p.m.], by leave: I move Government amendments Nos 1 and 2 on sheet C2015-131 and Government amendments Nos 1 and 2 on sheet C2015-134 in globo:

No. 1 Independent Pricing and Regulatory Tribunal Act 1992 No 39

Page 6, schedule 1.8, lines 8-17, 21 and 22. Omit all words on those lines.

No. 2 Independent Pricing and Regulatory Tribunal Act 1992 No 39

Page 6, schedule 1.8, Explanatory note, lines 24-26. Omit all words on those lines.

No. 1 Combat Sports Act 2013 No 96

Page 4, schedule 1.3, lines 2-10. Omit all words on those lines.

No. 2 Combat Sports Act 2013 No 96

Page 4, schedule 1.3, Explanatory note, lines 15-22. Omit all words on those lines.

The amendments to the bill remove schedule 1.8, lines 8 to 17 and lines 21 to 22, and explanatory note lines 24 to 26 from the Independent Pricing and Regulatory Tribunal Act 1992. They also remove schedule 1.3, lines 2 to 10, and explanatory note, lines 15 to 22, of the Combat Sports Act 2013. There is a longstanding practice in this place that statute law revision bills are passed only with the agreement of all parties. In the spirit of this protocol the Government has moved these amendments in response to objections raised by non-Government parties.

Dr JOHN KAYE [4.45 p.m.]: The amendments that The Greens have asked the Government to remove relate to how notifications are given by the Independent Pricing and Regulatory Tribunal in respect of certain matters. I thank the Parliamentary Secretary and the Government for removing them. Currently section 13 requires the Independent Pricing and Regulatory Tribunal Act 1992 to provide notification of intention to hold a hearing or an investigation by way of advertisement in a newspaper.

The proposed amendment removes that requirement and inserts a requirement to either advertise on its website or in a newspaper circulated in the State, and to notify the Government agency, and any other body, at the discretion of the tribunal. The Greens are concerned that unless one was keeping an eye on the Independent Pricing and Regulatory Tribunal's website the average person may not be aware of an upcoming investigation or hearing. By maintaining an advertisement in newspapers there is a greater opportunity for people to have access to that information. I commend the amendments to the Committee.

Question—That Government amendments Nos 1 and 2 [C2015-131] and Government amendments Nos 1 and 2 [C2015-134] be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 and 2 [C2015-131] and Government amendments Nos 1 and 2 [C2015-134] agreed to.

Title agreed to.

Question—That this bill as amended be agreed to—put and resolved in the affirmative.

Bill as amended agreed to.

Bill reported from Committee with amendments.

Adoption of Report

Motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka, agreed to:

That this bill be now read a third time.

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

OCCUPATIONAL LICENSING NATIONAL LAW REPEAL BILL 2015

REGULATORY REFORM AND OTHER LEGISLATIVE REPEALS BILL 2015

Second Reading

The Hon. RICK COLLESS (Parliamentary Secretary) [4.49 p.m.], on behalf of the Hon. John Ajaka: I move:

That these bills be now read a second time.

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

Leave granted.

The Government is pleased to read for a second time the Regulatory Reform and Other Legislative Repeals Bill 2015 and the Occupational Licensing National Law Repeal Bill 2015 as cognate bills.

I will first deal with the Regulatory Reform and Other Legislative Repeals Bill 2015.

Colloquially I will call this the "Spring Clean" bill.

I am pleased to inform the house that the bill will repeal 30 acts as well as numerous provisions and schedules of other acts.

Today is a significant day in this Government's commitment to reducing the regulatory burden faced by business, community organisations and individuals in New South Wales. This bill is the first of its kind in New South Wales. It is a bill solely dedicated to reducing red tape and legislative confusion for business and the community. And this is one step closer to making New South Wales the easiest state to start a business.

It focuses on removing and reducing unnecessary, counterproductive or burdensome requirements, as well as redundant legislation.

The red tape reduction capability of the bill relies on the hard work of agencies to find ways to make it easier and less costly for business and the community to meet the requirements that we set. This allows business to spend more time operating and expanding their business, and increasing productivity in NSW.

Through the efforts of all Ministers, this Government proposes that each year a repeal bill will be introduced for the purpose of cleaning up the statute book and removing unnecessary legislation.

Red tape is a Government burden that continues to grow unless a conscious effort is made to reduce the burden. Legislation should be easily accessible and deliver on policy outcomes.

The repeal of spent and redundant Acts will make it easier to access and understand current and relevant regulation, improving compliance and reducing the costs associated with doing business in New South Wales.

The Global Competitiveness Report for 2015-2016 released by the World Economic Forum ranks Australia 80th out of 140 countries for the burden of Government regulation as perceived by Australian business. Clearly, we must do more to reduce the regulatory burden on business and individuals.

Businesses and individuals need to be able to quickly and readily access the relevant laws that they need to comply with, without needing to sift through outdated, unnecessary regulations to establish whether they still apply. This bill is not about removing protections. It is about removing regulations that are no longer necessary or those that should not continue to be in force.

I will describe some of the repeals to give members in this House an indication of the kinds of repeals that are included in the Spring Clean bill.

One important example of the reforms contained within the Spring Clean bill is the repeal of the Valuers Act 2003. The repeal is giving effect to Recommendation 13 of the Independent Pricing and Regulatory Tribunal's Reforming Licensing in New South Wales report released earlier this year.

The IPART report identified over 770 different licence categories in operation in NSW, accounting for \$2.8 billion in Government revenue each year. The new framework for licences proposed by IPART ensures that agencies are required to ensure licences are efficient and fit for purpose.

Valuers in this state are now accredited by a series of peak bodies such as Australian Valuers Institute, the Australian Property Institute and the Royal Institution of Chartered Surveyors who are supportive of the repeals.

The presence of these professional organisations removes the need for Government to intervene by way of licences.

The Valuers Act 2003 was introduced by the previous Government.

The repeal will mean the valuers will no longer have to pay the \$885 registration fee to obtain a licence. It also means valuers will no longer have to pay a \$747 renewal fee every three years to maintain their licence.

This represents saving to industry of over \$800,000 a year.

For the 3,000 professional valuers operating in New South Wales is good news. It brings us in line with other state such as Victoria which have deregulated the valuation industry.

These changes include the role of professional associations such as the Australian Property Institute. A number of pieces of legislation that currently refer to registered valuers will now refer to the requirement to be a qualified valuer, which includes a person who has membership of the Australian Valuers Institute, the Australian Property Institute and the Royal Institution of Chartered Surveyors.

Also the nature of the client base of property valuers being 80 per cent to 95 per cent large corporations that repeatedly and frequently engage property valuers, meaning they are well placed to assess the quality of a service.

The changes since 1975 suggest that, in the case of property valuers there is no ongoing rationale for Government intervention.

The Internal Audit Bureau Act 1992 is being repealed. The original purpose of the Act was to ensure that even small entities would be able to purchase quality internal audit services from an outsourced provider. Given the much stronger emphasis on internal audit capability in the public sector, the New South Wales Government has made a decision that the IAB will be wound up or sold by 30 June 2016.

The West Scholarships Act 1930 is being repealed with the remaining funds in the trust, established under the Act for schools in the Cooma-Bega area, to be distributed to the 42 schools in that area.

The Act is being repealed because the time taken to administer the trust is not commensurate with the benefit to students and the interest on the capital invested has decreased.

The Land Acquisition (Charitable Institutions) Act 1946 will be repealed as Government involvement in acquiring land for charitable institutions for charitable, benevolent and philanthropic purposes is seen as an unnecessary interference in private property rights.

The last body to be declared a charitable institution was the Australian Boy Scouts Association in 1981. Charitable institutions are able to negotiate acquisitions and purchases of land of their own accord as are other private entities.

The Sydney Entertainment Centre Act 1980 no longer has a purpose to fulfil and will not have a purpose to fulfil in the future and accordingly the Act will be repealed.

The Sydney Entertainment Centre will be demolished in December 2015 as part of the transformation of Darling Harbour. A replacement venue is being built as part of the new International Convention Centre Sydney, which will open in December 2016.

The Spring Clean bill will also repeal 6 amending Acts that have already commenced but are now included in the principal legislation and 5 provisions of Acts that cannot commence because they amend Acts or provisions that have since been repealed.

The Spring Clean bill's repeal of nearly 30 Acts will reduce red tape, deliver clearer laws and make accessing the law simpler for both businesses and individuals in New South Wales.

Other principal acts to be repealed as a result of the Spring Clean bill include:

- (a) Appropriation Act 2014,
- (b) Appropriation (Budget Variations) Act 2014,
- (c) Appropriation (Parliament) Act 2014,
- (d) Forestry (Darling Mills State Forest Revocation) Act 2005,
- (e) HomeFund Restructuring Act 1993,
- (f) Insurance Protection Tax Act 2001,
- (g) Land Acquisition (Charitable Institutions) Act 1946,

- (h) Lane Cove National Park (Sugarloaf Point Additions) Act 1996,
- (i) National Parks and Wildlife (Adjustment of Areas) Act 2005,
- (j) State Revenue and Other Legislation Amendment (Budget Measures) Act 2013
- (k) Statute Law (Miscellaneous Provisions) Act 2015,
- (l) Succession to the Crown (Request) Act 2013,
- (m) Transfer of Records Act 1923,
- (n) University of Sydney (Law School Site) Act 1967.

I now turn to the Occupational Licensing National Law Repeal Bill 2015. This bill gives effect in New South Wales to the decision of the Council of Australian Governments to terminate the national occupational licensing reform in favour of jurisdictions minimising licensing impediments to labour mobility. For that purpose, the Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014 has been enacted in New South Wales to provide for the automatic mutual recognition of certain occupational licences issued in other jurisdictions so that an individual who holds a recognised licence is taken to hold the equivalent New South Wales licence.

The Occupational Licensing National Law Repeal Bill 2015 repeals the Occupational Licensing (Adoption of National Law) Act 2010 and dissolves the national entities that have been established under the Occupational Licensing National Law. The bill also provides for the necessary savings and transitional arrangements consequent on that dissolution.

I commend both bills to the House.

The Hon. PETER PRIMROSE [4.50 p.m.]: The object of the Regulatory Reform and Other Legislative Repeals Bill 2015 is to repeal a number of Acts as well as numerous provisions and schedules of other Acts. In particular, the bill abolishes the requirements for persons practising as property valuers in New South Wales to be registered by repealing the Valuers Act 2003. The bill also repeals the Internal Audit Bureau Act 1992, dissolves the Internal Audit Bureau on that repeal, and facilitates the disposal of the bureau's assets before it is dissolved. The bill also repeals the West Scholarships Act 1930 and dissolves the trust administered under that Act. Lastly, the bill repeals certain other Acts that for policy reasons are no longer required, repeals certain other Acts and provisions for the purposes of statute law revision, and makes amendments to various Acts and instruments consequent on the proposed repeals.

The Occupational Licensing National Law Repeal Bill 2015 will terminate the involvement of New South Wales in a scheme to replace State- and Territory-based licensing arrangements with a national occupational licensing scheme [NOLS], initially for air-conditioning and refrigeration, electrical, plumbing, gas fitting and property-related occupations. The bill gives effect in New South Wales to the decision of the Council of Australian Governments to terminate the national occupational licensing reform in favour of jurisdictions minimising licensing impediments to labour mobility. In New South Wales the Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014 now provides for the automatic mutual recognition of certain occupational licences issued in other jurisdictions so that an individual who holds a recognised licence from another jurisdiction is taken to hold the equivalent New South Wales licence.

The Opposition will not oppose these cognate bills. The reason the Opposition does not oppose them is simply that it makes little sense for anyone to oppose the repeal of spent Acts and provisions. This occurs regularly. However, it also makes little sense for the Minister to suggest that these repeals

represent some form of great leap forward for better regulation in the State. For the Minister to boast he is getting rid of red tape when he is often just reinserting existing provisions into other Acts, or repealing Acts that are already spent, is a case of over-egging the pudding. In his media release of 21 October, the Minister said that the Government is introducing "a spring clean bill to repeal 30 outdated and obsolete laws from the statute books as part of the New South Wales Government's ongoing commitment to reduce red tape and unnecessary regulation".

I will deal first with obsolete laws, or what are often called spent Acts. If an Act is "spent" it means that the issue or mischief it was created to deal with has been dealt with, it no longer technically exists, has been dealt with by other means, has no compliance costs or regulatory burden, and/or has no impact on anybody or any business. We must clarify what this spring cleaning bill is not. It is not a heroic action designed to free citizens, and business—small, medium or large—from the so-called dreaded red tape. In his media release, the only thing the Minister hangs his hat on is the repeal of the Valuers Act and the possible savings that may eventuate. The Opposition supports this. However, the rest of his so-called spring clean does not reduce costs or reduce the burden of compliance.

In his second reading speech, the Minister claimed that "the bill will repeal 30 Acts as well as numerous provisions and schedules of other Acts". His media release of 21 October claimed that this bill will "repeal 30 outdated and obsolete laws". To get down to specifics, the number of Acts the Minister is repealing whole or in part is actually 29, not 30. He appears to have double counted the Environmental Planning and Assessment Amendment Act 2008, and claimed that repealing schedule 2.1 and schedule 5.1 relates to two separate Acts. If the Minister listed them by sections, he would probably be able to claim that he was repealing dozens of Acts. If the Minister assessed the repeal by words, he would be able to claim the repeal of hundreds of Acts.

In his second reading speech, the Minister also referred to the "Global Competitiveness Report 2015-2016", and argued that this report reveals that Australian business is uncompetitive due to the supposedly heavy regulative burden in this country. Australia ranks eightieth out of 140 nations in relation to the business perception of government regulatory burden. However, the Minister does not mention that there are 114 indicators involved in establishing how competitive a nation is compared to other nations, not only one. The Minister has chosen to focus on only one indicator, or less than 1 per cent of the total indicators that measure competitiveness.

Accordingly, if we look at the full report, the "Global Competitiveness Report 2015-2016" in fact has Australia ranked, overall, as twenty-first in its Global Competitiveness Index, with no change from the previous year. Other indicators that go to global competitiveness include: property rights, in which Australia ranks sixteenth; intellectual property rights, thirteenth; public trust in politicians, twenty-fifth; judicial independence, thirteenth; efficiency of legal framework in settling disputes, twenty-second; efficiency of legal framework in challenging regulations, twenty-third; transparency of government policymaking, twenty-fourth; reliability of police services, fourteenth; strength of auditing and reporting standards, ninth; and efficacy of corporate boards, ninth.

I have gone into this detail because the other criteria of competitiveness are largely consequential on effective government regulation. Without regulation there would be no property rights—intellectual or otherwise. There would be no legal framework to settle disputes or even to challenge the State in relation to regulation. There would be no reliable police service, and no strong auditing or reporting standards. All of these government regulations provide a stable floor from which all businesses can operate on a similar footing with the same requirements. It could in fact be said that this regulatory regime is one of reasons that Australia has become the twenty-first most competitive nation out of 144, and is recognised in this report as a pretty good, very competitive and stable place to do business, and not the gloomy over regulated Hobbesian gulag portrayed by the Minister.

Business and individuals need to know what laws they are required to comply with—on this we all agree. Principal and subordinate legislation should never be enacted on a whim. Such legislation should

be regularly reviewed and removed or amended if it is not delivering the result for which it was enacted. We have mechanisms in place within the machinery of government that provide for this to occur. As such, the repeal of the Valuers Act 2003 is a legitimate reform. However, most of the other items proposed for repeal involve spent Acts where the compliance costs and cost savings for business are nothing because this extant legislation no longer impedes or entangles businesses in compliance or other legislated requirements.

In a number of instances the operative sections of Acts—the ones which are still operative—are simply being moved into other Acts. Therefore, if an Act is outdated and no longer affecting anyone or anything, the Minister is claiming he is removing the burden on business by repealing it. Of course, that is logically a nonsense. If parts of a bill are still operative, the Minister is simply shifting the burden into another existing Act, and repealing the empty shell that remains. That is hardly lifting a burden; it is simply shuffling it around. This process is good for a media release but it is a bit rich to claim it as a major reform. Ultimately, what is dubbed the "spring cleaning" bill is a bit lightweight in content; it is more of a light dusting than a proper clean. We do not oppose these bills but we do have concerns. If the Hon. Ben Franklin would like me to go through four pages of a review of each item I am happy to do so.

The Hon. Ben Franklin: No, I am happy.

The Hon. PETER PRIMROSE: I accept that the member is happy and I will not do so.

The Hon. Rick Colless: I am happy.

The Hon. PETER PRIMROSE: The Parliamentary Secretary is also happy and he said that he accepts my word on this matter.

Dr JOHN KAYE [5.00 p.m.]: On behalf of The Greens I speak in debate on the Regulatory Reform and Other Legislative Repeals Bill 2015 and the Occupational Licensing National Law Repeal Bill 2015. I begin by addressing the Regulatory Reform and Other Legislative Repeals Bill 2015 and I will deal later with the National Occupational Licensing Authority, or NOLA. As the Hon. Peter Primrose pointed out, this bill was referred to by Minister Dominello as the legislative version of spring cleaning and he claimed that it repeals certain Acts. I thought it repeals 30 Acts, but I congratulate the Hon. Peter Primrose on his diligence in exposing the first conspiracy, that it is not 30 Acts but only 29, which is shocking. Minister Dominello will be held accountable for that if not for other matters in this bill.

It has been said that these bills are no longer relevant or useful and that they impose unnecessary red tape. The Minister said that this was all about reducing regulatory burden—hence the costs on businesses—and about making the laws more easily understood, which are sensible objectives. There is no reason for having legislation that does not serve a useful purpose. There is no reason for tying an individual or a business up in red tape when it does not serve any useful purpose. This debate begins with defining a useful purpose and establishing where usefulness begins and ends. I suspect that the spectrum of politics today separates us all on the issue of what we think is useful and what we think is not useful. At one extreme is the neoliberal ideal of no legislation at all and no restraint—

The Hon. Dr Peter Phelps: That is actually anarchy.

Dr JOHN KAYE: I acknowledge that interjection. I welcome the opportunity to debate the difference between neoliberalism and anarchy with the Government Whip, because I am yet to find a division other than in the name and the type of clothes that people wear. Leaving that aside, at the other end of the spectrum are those who think that there is a valid role for government intervention in the market. I am strongly of the belief that markets are imperfect instruments. While they are good for delivering some things, they are not good for other things. Unrestrained markets almost always generate externalities, whether they are environmental, social or economic. Without regulation and without the hand of government as the collective will of the people expressed not through consumption or purchasing

decisions but through political and democratic decision-making, there are outcomes that are profoundly adverse.

In his second reading speech the Minister tended to rely on the rhetoric of small government, which sounds nice unless one happens to be adversely impacted by a neighbour, a corporation or even by a government department. In those cases, legislation goes from being a regulatory burden to being that which civilises society and makes it worthwhile. Most of the legislative matters being repealed in this bill are genuinely outdated and could genuinely be determined to be superfluous to the needs of the State. I had a quick look at the West Scholarships Act. While I think the west—whether it be the west of Sydney, the west of New South Wales or indeed the west of Australia—deserves a few more scholarships than it gets, it is pretty clear that the Act has long since passed its use-by date and The Greens raise no objection to its repeal.

However, there are two matters in this legislation that are deserving of closer attention. The first is the abolition of the requirement for persons practising as property valuers in New South Wales to be registered. In this bill that abolition is expressed by the repeal of the Valuers Act 2003. The second is the repeal of the Internal Audit Bureau Act 1992, which dissolves the Internal Audit Bureau and would facilitate disposal of the bureau's assets before it is dissolved. I will address each of those in turn, but I put on record that at this stage The Greens will not be voting against this legislation. Although I had prepared amendments to remove those two provisions from the bill, on advice and following discussion The Greens have decided not to put forward those amendments, but I wish to put on record the concerns that led me to contemplate doing so.

Currently, according to the Independent Pricing and Regulatory Tribunal [IPART], property valuers in New South Wales are regulated by the Valuers Act 2003 and by the 2010 regulation. The Act requires persons who practise or advertise as valuers to be registered. Property valuer registration is valid for three years. It costs about \$750 I am told, which equates to \$250 a year. To be registered, a person must, according to the Act, have appropriate educational qualifications as determined by the Director General of the Department of Finance, which I suspect is now not the Department of Finance. A person must be a fit and proper person, be over 18 years of age and not be a disqualified person.

The operative component of that is qualification. Licensing demonstrates appropriate qualifications. The repeal of this legislation will mean that anybody in New South Wales can hang out a shingle and say that he or she is a valuer and can provide land and property valuation services. That raises serious questions, given the role that valuation plays in a number of matters. The Government argues that this requirement is now superfluous because the vast majority of clients—I think between 80 per cent and 95 per cent—are large corporations that repeatedly and frequently engage property valuers. That leaves between 20 per cent and 5 per cent of clients who are not. The Government also says that the introduction in 2011 of Australian Competition Law, the role of professional associations such as the Australian Property Institute and the significant amount of information available to consumers via the internet removed the need for this requirement.

Let me go through each of those arguments and explain why The Greens are not persuaded by them. Australian Consumer Law was an advance that we supported when it went through this Chamber. However, it is an after-the-event measure, not a before-the-event measure. There is nothing preventative about Australian Consumer Law. It requires, therefore, an individual who has used a valuer who is not licensed and who turned out to deliver advice that was inappropriate, or in the delivery of advice behaved in a way that was adverse, to go to a tribunal or a court and proceed under the law.

That is a vastly inferior outcome to prevention. They then talk about the role of professional associations such as the Australian Property Institute [API]. I have a lot of respect for the API. It is a great organisation and I have had some helpful discussions with people who have assisted me in moulding my thinking about this matter. There is no requirement for a valuer to be a member of the API. It has standards that are higher than licensing standards. It has professional development standards and good

character standards. It does a great job, but its existence does not solve the problem of the shonky operators who hang out their shingle and give advice. Large corporations make up 80 per cent to 95 per cent of its client base. However, people still rely on valuers to settle an estate. Some people use valuers for small real estate transactions and others may be engaged in a property dispute with a neighbour or another person. All those people will be unprotected by the licensing requirements that guarantee the valuer they use is qualified.

The second concern I have is that the deregulation of licensing of valuers means that large corporations that use valuers now have a greater selection of individuals they can call valuers. Our concern is the way in which a large corporation might use a valuation against a shopkeeper in a dispute over retail trading and the value of their land, or in a dispute with an individual whose land it is seeking to acquire. The deregulation takes away some protection. The final concern is the significant amount of information that is available to consumers via the internet. That excuse is the weakest of them all. There is a lot of information and a lot of misinformation on the internet. One need only look at speeches that were made recently in this House that were influenced by misinformation that came from the internet. For instance, many people might employ an accountant each year but it might be only once in a lifetime that they engage with a property valuer. Absent licensing, there may well be an impact on those individuals. They will end up using valuers who are not licensed.

I turn to the submission made by the API on the regulation review that the Independent Pricing and Regulatory Tribunal conducted in 2012-14. In its submission it talked about consumer protection from valuers' licences, which is much in the terms I have spoken about. Its position was balanced and supported the removal of valuers' licences. There are no licensing laws in the Australian Capital Territory or the Northern Territory, and valuers' licensing was removed in Victoria some time ago. The API states that there has been no significant, measurable or detectable increase in problems associated with that removal. I accept the evidence that it has not caused any problems in Victoria. On the other hand, I do not think its arguments for it are strong. The 2014 submission of the Australian Property Institute, which is the largest organisation of valuers, stated that its position was equivocal; it could see both sides of the argument. Previously it had been opposed. I understand now, after having conversations with people from the API, that it supports the change. There are problems with this legislation. It will result in unlicensed and possibly unqualified people calling themselves valuers when, in fact, they have no qualifications.

Another concern that The Greens have relates to the Internal Audit Bureau [IAB]. It has been in existence for longer than this legislation. It was originally set up to provide internal audit services for government departments. The restructuring of government departments under former Premier Nathan Rees to introduce super departments created aggregations of expertise that made the services of the IAB less relevant. A lot of its work now relates to investigations into alleged charges of misconduct and in 2013-14 it comprised 12 per cent of its revenue. Management consulting comprised 61 per cent of its revenue and 28 per cent was financial and operational audits, so audits have fallen to less than a quarter of its value.

The IAB is a self-funding body. It does not cost the Government anything. It has 14 full-time equivalent staff. In 2009-10 it returned an operating profit of \$974,000 and in 2010-11 it was up to \$1.9 million. Last year it was down to \$258,000. Its operating revenue is of the order of \$14 million to \$15 million. It pays tax to the State. It also has a high customer satisfaction ratio. In 2013-14, 94.3 per cent of clients surveyed said they would recommend the IAB to other colleagues or agencies within the public sector. It operates in a competitive environment and competes against the private sector. It uses private sector services and in some cases it is a broker. The Government tells us that its services will be less relevant in the modern public sector. I have some concerns about that statement.

The Greens were originally going to move a motion to delete the repeal of the bill. However, we understand that four directors will be made redundant and nine other employees will go onto what I call the unattached list; they will be reassigned and have an opportunity to work elsewhere in a government

department. Despite our misgivings, The Greens will not move a motion against the repeal. It is a shame that an organisation that is viable within the public sector is being dismantled in this fashion. Nonetheless, we recognise that many of its original functions have ceased to exist. I thank the people who have worked for the IAB over the years for creating and securing high levels of integrity within the public sector. I wish them all the best in their future careers and I hope that they find new jobs in the public sector that are as satisfying as their existing jobs.

I conclude with a statement about the Occupational Licensing National Law Repeal Bill 2015. I do not wish to be mean in my remarks, other than to say that this comes out of the collapse of the National Occupational Licensing Authority [NOLA], and its failure to get governments from the States and Territories to agree. It is a failed Council of Australian Governments process that was doomed from the outset. It was overly ambitious and was set up with an ideological intent to try to undermine the State's roles in licensing, and it has failed. It failed dismally when it tried to change the licensing of real estate agents in a way that was highly adverse. NOLA was trying to ensure a race to the bottom for the people of Australia. It failed to do so because some governments said no. The process stalled and fell apart. I think there are better ways of harmonising licences across Australia than the coercive process of the National Occupational Licensing Authority. I shed no tears on the repeal of this piece of legislation.

Once again, I thank the staff from Minister Dominello's office. I often disagree with them and I am often disturbed by what they do but, like the Minister himself, they are always polite and they always work hard and are helpful. I note that a member of the Minister's staff just returned to the Chamber so I reiterate my thanks to the Minister's staff for their assistance. It seems as though they are in competition to be the most helpful office of any Minister in New South Wales. I thank them for the help they have given me on this piece of legislation.

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [5.20 p.m.]: I will address the remarks made by Dr John Kaye in relation to the Internal Audit Bureau. I am delighted to hear that the organisation is being made redundant. If the member had consulted with his colleague Mr David Shoebridge he would have found that Mr Shoebridge shares my view about the Internal Audit Bureau. It played a fairly significant role in relation to bullying allegations at WorkCover—allegations that were referred to Public Service Commissioner Graeme Head who asked the Internal Audit Bureau to investigate those allegations. There were so many concerns about the quality of that Internal Audit Bureau report, which was written by a consultant who clearly lacked the necessary experience and understanding to undertake an investigation of a chief executive officer, that the Public Service Commissioner contracted Dr Neil Shepherd to conduct a review. He concluded that the report was so poor it could not be acted upon. General Purpose Standing Committee No. 1 reported:

The evidence before the committee was that there was significant discussion between the IAB and the Public Service Commissioner regarding the quality of the report. Much of this evidence was in direct conflict. The committee is not in the position to determine the validity of the concerns with respect to the report, in part due to the absence of a clear paper trail regarding discussions between the IAB and the Commission. We note that since this matter, the Commission has not used the services of the IAB for such investigation again.

I am sure that some people have said nice things about the IAB to justify it putting that on its website but I can assure members that the Public Service Commissioner and the parliamentary committee did not. We had great difficulty reviewing the matter as it was a fiasco. Our task was made significantly more difficult and complex and was more hurtful to people because of the ham-fisted IAB report. I have had further contact from people who have been investigated by the IAB and I can only say that I consider it to be excellent news for everybody that this organisation has been made redundant.

The Hon. PAUL GREEN [5.22 p.m.]: I speak briefly in debate on the Occupational Licensing and National Law Repeal Bill 2015. The object of this bill is:

... to terminate the involvement of NSW in a scheme to replace State and Territory based licensing arrangements with a national occupational licensing scheme (**NOLS**), initially for air-conditioning and refrigeration, electrical, plumbing, gasfitting and property-related occupations. The Bill:

- (a) repeals the *Occupational Licensing (Adoption of National Law) Act 2010*, and
- (b) dissolves the national entities that have been established under the Occupational Licensing National Law, and
- (c) enacts savings and transitional arrangements consequent on that dissolution.

This Bill gives effect in NSW to the decision of the Council of Australian Governments to terminate the national occupational licensing reform in favour of jurisdictions minimising licensing impediments to labour mobility. For that purpose, the *Mutual Recognition (Automatic Licensed Occupations Recognition) Act 2014* has been enacted in NSW to provide for the automatic mutual recognition of certain occupational licences issued in other jurisdictions so that an individual who holds a recognised licence from another jurisdiction is taken to hold the equivalent NSW licence.

The objects of the Regulatory Reform and Other Legislative Repeals Bill 2015 are:

- (a) to abolish the requirement for persons practising as property valuers in NSW to be registered, by repealing the *Valuers Act 2003*,
- (b) to repeal the *Internal Audit Bureau Act 1992*, dissolve the Internal Audit Bureau on that repeal and facilitate the disposal of the Bureau's assets before it is dissolved,
- (c) to repeal the *West Scholarships Act 1930* and, on that repeal, dissolve the trust administered under that Act,
- (d) to repeal certain other Acts that, for policy reasons, are no longer required,
- (e) to repeal certain other Acts and provisions of Acts and instruments for the purpose of statute law revision,
- (f) to make amendments to various Acts and instruments consequent on or related to the proposed repeals,
- (g) to make other provisions of a savings, transitional or ancillary nature.

The bill will repeal a number of Acts, which I will not go into. For policy reasons, those Acts are no longer required. Given the nature of some of the amendments in this repeal legislation the Christian Democratic Party will support the bills.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.25 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank those members who contributed to debate—the Hon. Peter Primrose, Dr John Kaye, the Hon. Catherine Cusack and the Hon. Paul Green. As members have heard, the Regulatory Reform and Other Legislative Repeals Bill 2015 and the Occupational Licensing National Law Repeal Bill 2015 not only remove redundant legislation like the statute law revisions and the staged repeal processes but also go further to remove unnecessary, counterproductive and burdensome requirements. In relation to Dr John Kaye's comments on the Valuers Act, the New South Wales Government has approved of a recommendation to abolish property valuer registration following consideration of the report of the Independent Pricing and Regulatory Tribunal [IPART] entitled "Reforming licensing in NSW—Review of licence rationale and design." That draft report was available for public consultation. IPART

recommended that the New South Wales Government should, by the end of 2015, abolish property valuer licences.

The occupation of valuer has strong representation by a number of professional associations. Those bodies include the Australian Property Institute, the Australian Valuers Institute, and the Royal Institution of Chartered Surveyors. Each of those professional bodies has an internet website promoting the range of services that a valuer can provide for the benefit of Australians and Australian businesses. All those associations promote compliance with professional standards and support professional development, training and accreditation for their members. Dr John Kaye also referred to the Internal Audit Bureau [IAB]. In June 2015 an in-principle decision was made by the Minister for Finance, Services and Property and the Minister for Innovation and Better Regulation to cease government ownership of the IAB beyond 30 June 2015. Since 2009 there has been a much stronger emphasis on internal audit capability within the public sector. The IAB's audit services now have a strong dependency on just two clients. These bills will substantially reduce red tape in New South Wales. They will certainly make business far more competitive in New South Wales and I commend them to the House.

Question—That these bills be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bills read a second time.

Leave granted to proceed to the third reading of the bills forthwith.

Third Reading

Motion by the Hon. Rick Colless, on behalf of the Hon. John Ajaka, agreed to:

That these bills be now read a third time.

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

HOME BUILDING AND DUTIES AMENDMENT (LOOSE-FILL ASBESTOS INSULATION AFFECTED PREMISES) BILL 2015

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. FRED NILE [5.29 p.m.]: On behalf of the Christian Democratic Party, I am pleased to support the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015. The legislation is commonly referred to as the "Mr Fluffy legislation" to reflect the company that was responsible for placing loose-fill asbestos into the ceilings of probably more than 1,000 homes in the Australian Capital Territory [ACT] and into an unknown, but doubtless very large, number of homes in New South Wales. The exact number of homes adversely affected in New South Wales is still being identified. As a result of the 2014 report of the inquiry by the Joint Select Committee on Loose Fill Asbestos Insulation, which I was pleased to chair, the Government has been gradually working through implementation of the committee's recommendations. Some recommendations were implemented in June and the second group of recommendations will be implemented through this legislation.

As part of the inquiry, the committee visited a laboratory to examine firsthand the properties of loose-fill asbestos. We were shown that the particles are so fine they can be seen only by using a microscope, which is why loose-fill asbestos poses such a terrible health risk. The slightest breeze, wind or disturbance of air in a house is likely to shift loose-fill asbestos throughout the areas of a house where

people live and where it is inhaled. People breathe in pure asbestos that lodges in their lungs and causes massive health problems. The Christian Democratic Party is pleased that the Government is progressively implementing the committee's recommendations. As members know, on 25 June 2015 the Minister for Finance, Services and Property announced with positive effect the Voluntary Purchase/Demolition Program for home owners together with a financial assistance package for owners of affected properties. The committee—which comprised Government, Opposition and crossbench members—unanimously supported the report, particularly recommendation 10, which states:

That the NSW Government urgently establish a taskforce to develop and implement a buy-back scheme to demolish homes identified as being contaminated by loose-fill asbestos insulation in New South Wales, modelled on the approach adopted by the ACT Government.

When this bill is passed, the Government will be well on the way towards implementing that recommendation. The bill provides for the creation of a publicly available register of properties that have undergone prescribed testing and have been found to contain loose-fill asbestos insulation. The register will assist by protecting prospective purchasers of property, who otherwise would not know the property contains asbestos, from paying a great deal of money for a worthless property that must be demolished. The bill requires owners of affected properties to ensure that an approved warning sign is displayed at the property. The bill also creates compliance and enforcement provisions whereby NSW Fair Trading inspectors will be authorised to enter premises by using powers that already are available under the Home Building Act 1989 and confirm that signage has been displayed appropriately.

Importantly, the bill makes provision for a stamp duty concession to be made available to participants in the Voluntary Purchase/Demolition Program who purchase a replacement home in New South Wales, but obviously the concession is limited to one concession for each affected property. In practice, a home owner will transfer their asbestos-affected homes to the New South Wales Government at an agreed value—for example, \$350,000—for which the duty payable on the transfer would be \$11,240. If the home owner buys a replacement home for \$400,000, the duty payable would be \$13,490. In those circumstances, the concession will be capped at \$11,240. The home owner will have to pay only the difference between the higher amount and the capped amount, which is \$2,250. I personally would prefer home owners of asbestos-affected properties to be granted a total exemption from stamp duty. After all, their home must be demolished through no fault of theirs. It is absolutely clear that the asbestos contamination of their property had nothing to do with them and they are not to blame. For that reason, I believe they should not be financially penalised in any way whatsoever.

However, I am pleased that we have reached the stage where home owners can obtain assistance. I hope in the future that no-one will be caught out by purchasing a home with loose-fill asbestos in the ceiling or throughout the building. The Christian Democratic Party commends the Government for adopting the recommendation of the Joint Select Committee on Loose Fill Asbestos Insulation, which I chaired. In that sense, I am either the father or the grandfather of this legislation so I am very pleased to see it being passed by this House.

Mr SCOT MacDONALD (Parliamentary Secretary) [5.36 p.m.], on behalf of the Hon. John Ajaka, in reply: As members have heard, the purpose of the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015 is to establish a register of New South Wales residential premises that are affected by loose-fill asbestos insulation and to implement a system of associated warnings to label affected premises. The reforms will allow New South Wales residents to confirm whether residential premises are affected by loose-fill asbestos insulation. The presence of loose-fill asbestos insulation in residential homes has the potential to affect a number of people, not just home owners. I thank the Hon. Peter Primrose, Mr David Shoebridge, the Hon. Mick Veitch, the Hon. Sophie Cotsis, the Hon. Lou Amato, the Hon. Matthew Mason-Cox and Reverend the Hon. Fred Nile for their contributions to the debate.

As a result of this legislation, service providers will be able to use the register to identify affected

premises and take the necessary precautions to ensure a safe working environment for their employees. Workers will be able to check on-site for any warning signs before commencing work and adopt the necessary precautions to ensure their safety. In the event of an emergency, such as a fire, emergency services workers will know whether a property is affected, thereby allowing them to respond safely. Tenants and prospective buyers will have access to information that will allow them to make an informed decision about where they will live. Without this legislation, there will be no means of accessing this information to alert consumers and workers to the presence of loose-fill asbestos insulation. Once created, the register will facilitate further regulatory changes to increase the information that is available to the New South Wales community.

Following the passage of this legislation, changes will be made to planning certificates and guidelines governing tenancy and real estate agents to ensure that loose-fill asbestos insulation is disclosed to prospective buyers and tenants. The implementation task force has also considered the concerns of neighbouring residents whose properties are near affected homes. Neighbours will be advised by the Government of the purchase of any affected premises. As part of the planning process, they will be consulted in relation to the demolition and remediation phases. Case managers will be available to answer questions that neighbours may have about the process and provide them with guidance material to allay any health concerns they may have about living next to an affected home. Neighbours will also be advised of eligibility requirements for the sample testing program and will be encouraged to have their premises tested.

The Joint Select Committee on Loose Fill Asbestos Insulation urged the New South Wales Government to address "negative health, financial and social risks associated with the presence of loose-fill asbestos insulation". The Government believes we have the balance right with the approach of safeguarding the community by identifying properties that are known to be affected by loose-fill asbestos insulation while providing a comprehensive assistance package for affected homeowners. This package includes the Government's Voluntary Purchase/Demolition Program, additional financial assistance and stamp duty concessions for those who participate in the program.

I will comment briefly on issues raised during the debate. I turn first to mandatory testing. The New South Wales Government has not moved to mandate the testing of homes across New South Wales as doing so would create an enormously burdensome regulatory framework and the cost to government would be unsustainable. Successful implementation of such a large program would be almost impossible to manage. The second issue raised during the debate is the language used on warning signs. As stated in the bill, signs will be prepared in line with well-known and well-understood practices for similar signs as outlined under the Home Building Act to ensure effective compliance. The location of signs will generally be on the electricity metre box or a relevant area of a strata development.

Thirdly, members raised the issue of advancing the committee's recommendations. The New South Wales Government is committed to implementing all the accepted recommendations from the parliamentary inquiry. On behalf of Minister Dominello, I assure the House that this work is underway and that further announcements will be made in the coming months. Agencies such as Environment, Planning and NSW Fair Trading will continue to work with the Loose Fill Asbestos Insulation Taskforce to implement the committee's recommendations. Members also asked when the register will be publicly available. Following the drafting of the necessary regulations, it is anticipated that the register will be publicly available in the first quarter of 2016.

Chrysotile was not used by Mr Fluffy as installation and none has been found in Mr Fluffy-affected properties. The approach to chrysotile is consistent with that of the Australian Capital Territory Government. The task force limited its inquiries to amosite and crocidolite. That is what the testing program requires. There have as yet been no positive chrysotile tests in New South Wales. If the program were to be expanded, a majority of homes in New South Wales would be affected that were not affected by Mr Fluffy. Mr Fluffy used amosite and crocidolite in raw form only.

The task force report only recommended that amosite and crocidolite be tested for, as including chrysotile would mean that homes not affected by Mr Fluffy would be captured under the program. The decision to include only amosite and crocidolite was in response to the task force's recommendations and report, and this is reflected in the current version of the bill. The inclusion of chrysotile as proposed by the Opposition confuses the wider asbestos issue. The asbestos used by Mr Fluffy was raw and therefore more dangerous and likely to be inhaled. If chrysotile, a bonded form of asbestos, were to be included that would run contrary to the task force's recommendations and the intent of the bill.

Mr David Shoebridge raised concerns about how the neighbours of asbestos-affected homes would be treated. It is understandable that neighbours living adjacent to an affected premises will want information about how the Voluntary Purchase/Demolition Program is to be implemented. They may also have concerns about the health implications associated with living next to an affected home. I assure members that the implementation task force has considered the concerns of neighbouring residents. Neighbours will be advised of the purchase of any affected premises by the Government and they will be consulted as part of the planning process for the demolition and remediation phases. Case managers will be available to answer questions that neighbours have about the process and provide them with guidance material to allay any health concerns they have about living next to an affected home. Neighbours will also be advised of eligibility requirements for the sample testing program and they will be encouraged to have their premises tested.

I thank the Commissioner for Fair Trading, Rod Stowe, assistant commissioners Rhys Bollen and Andrew Gavrielatos, as well as Fair Trading officers Matt Press, Gabbie Mangos and Sharon Hogan, and policy director Jane Standish for their efforts and continued enthusiasm. 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.

In Committee

The CHAIR (The Hon. Trevor Khan): If there is no objection, the Committee will deal with the bill as a whole.

The Hon. PETER PRIMROSE [5.45 p.m.]: I move Opposition amendment No. 1 on sheet C2015-135:

No. 1 Loose-fill asbestos insulation

Page 3, schedule 1, proposed clause 119A, line 10. Insert ", chrysotile" after "amosite".

This amendment proposes to insert "chrysotile" into the definition of loose-fill asbestos insulation in addition to amosite and crocidolite asbestos used in ceiling insulation.

Mr Scot MacDonald: He knows it.

The Hon. PETER PRIMROSE: Yes, I have been doing this for quite a few years. Many studies have proven that exposure to chrysotile asbestos—which is commonly referred to as "white asbestos"—can cause a number of serious health conditions. I do not need to argue that case as I doubt anyone wishes to speak in favour of white asbestos. Scientists and medical practitioners have concluded that chrysotile asbestos should be treated with virtually the same level of concern as amphibole forms of asbestos. In comparison to amphibole, chrysotile fibres are generally finer with high flexibility and good heat resistance. Known as the most common form of asbestos, mineral chrysotile accounts for most of

the asbestos used in commercial applications including not only insulation but also roofing material.

The Australian National Industrial Chemicals Notification and Assessment Scheme assessed chrysotile in 1999 and recommended that all use of it be phased out. The main finding was that a product containing more than 0.1 per cent of chrysotile is classified as a hazardous substance. Chrysotile is in class 9 of the Australian Dangerous Goods Code, which gives specific restrictions for the storage and transport of chrysotile. The main risk is from breathing in chrysotile dust, which potentially causes lung cancer, mesothelioma and asbestosis. There may be no immediate signs of ill health from breathing in fibres of chrysotile. However, the damage caused to the lungs can be fatal many years later.

This legislation was introduced last Thursday night, and that is when we received it. We sought to consult on it as best we could with many people. As I said in my contribution to the debate on the second reading of the Home Building and Duties Amendment (Loose-fill Asbestos Insulation Affected Premises) Bill 2015, we think this is good legislation and we support it. However, at lunchtime today, after perusing the bill, Barry Robson, President of the Asbestos Diseases Foundation of Australia, approached me and other members to alert us to an error in the legislation in that it includes only amosite and crocidolite asbestos and omits chrysotile. I thought it was an error and urgently sought to have drafted the amendment that is now before the House. I did not foreshadow moving the amendment because we wanted to point out the error to the Government.

Subsequently the Opposition became aware that it was not an error and the Government has now been advised accordingly. To demonstrate the confusion surrounding this bill, I refer to the comments made by a number of Government members who spoke during the second reading debate. The Hon. Lou Amato spoke about asbestos and indicated his strong support for the bill. He referred to the different types of asbestos covered by the legislation and highlighted chrysotile as a concern. I am not seeking to verbalise the Hon. Lou Amato. If members read his speech it is obvious that he was very much under the impression that all forms of asbestos would be covered by the bill.

Without seeking to drag this matter out, the Opposition is concerned that members should consider the dangers of white asbestos in the context of the bill. With due deference to the Parliamentary Secretary and his statement that it will be too expensive and difficult to look at the role of white asbestos, I have to prefer the advice of the President of the Asbestos Diseases Foundation in this matter. Hence, the Opposition will persist with this amendment.

Mr DAVID SHOEBRIDGE [5.50 p.m.]: The Greens literally received this amendment minutes ago. I have had a chance to consult with Barry Robson, President of the Asbestos Diseases Foundation of Australia, and the advice I received is consistent with what the Hon. Peter Primrose has put forward. The Greens are guided by the findings and conclusions of the Joint Select Committee on Loose Fill Asbestos Insulation in this matter. When the parliamentary committee kicked off the discussion about Mr Fluffy and loose-fill asbestos it stated on page 15 of its report:

What is asbestos?

3.2 Asbestos is the term used to describe a number of dangerous fibrous silicate minerals. There are two groups of asbestos:

- The serpentine group which contains chrysotile, commonly known as white asbestos
- the amphibole group which contains amosite (brown asbestos), crocidolite (blue asbestos), and other less common types, such as tremolite, actinolite and anthophyllite.

The report goes on to talk about how asbestos is used in the construction industry and that a loose form of asbestos was used for ceiling insulation by Mr Fluffy. The information received during the inquiry suggested that Mr Fluffy's asbestos was most likely sourced in South Africa and imported through New

Zealand. There was discussion that it was a ruse to import it through New Zealand and thus avoid the boycotts applying to South Africa because of the apartheid regime. It was difficult to trace the source of all Mr Fluffy's asbestos. I do not pretend to be an authority, but I understand that the bulk of the asbestos mined in South Africa was likely to be amosite, or brown asbestos. That was primarily the product exported from South Africa. On that rudimentary understanding, and noting that the records are patchy as to where Mr Fluffy got the asbestos, it is likely that the asbestos used by Mr Fluffy will be covered by the definition contained in the bill:

loose-fill asbestos insulation means loose-fill amosite or crocidolite asbestos used as ceiling insulation.

With the information available this evening, The Greens think it is likely the Mr Fluffy asbestos will be covered by that definition. But the committee consciously did not limit its consideration to just loose-fill amosite or crocidolite asbestos. The committee was clear that asbestos comes in white, brown and blue. The committee was not able to form a specific conclusion as to the nature of the asbestos contained in the loose-fill used by Mr Fluffy. Because the records had not been well kept I do not think anyone could stand here and comfortably assert that they know the nature of the asbestos used by Mr Fluffy. The origins of the asbestos were deliberately not made clear at the time of its importation from New Zealand. We do not know whether Mr Fluffy obtained white asbestos from local sources for use with the Mr Fluffy product.

Therefore, the only sensible course is to have an expansive definition that covers white, brown and blue asbestos. The Government states that including white asbestos could blow the budget. It has not budgeted for the inclusion of white asbestos. According to the best evidence the committee received, white asbestos was unlikely to be in the Mr Fluffy product. Therefore, it is not likely to be a substantial budgetary concern. In my contribution to the second reading debate I dealt with the estimated number of houses where the Mr Fluffy product is likely to be found. There is no information indicating which Mr Fluffy homes have blue or brown asbestos. I spoke of the geographic reach of Mr Fluffy's operations. There could not realistically be a budgetary concern for the Government unless it has information that it has not shared with the House—and I do not believe that is the case. Unless there is information that white asbestos was used and the Government is consciously not covering that in the bill, it is not a budgetary concern.

I do not believe there is a conspiracy. I think the Government has acted in good faith in bringing the bill before the House and engaging with the committee. If we may be comfortably assured there is no body of evidence indicating that there is all this white asbestos out there in loose-fill insulation, there is no budgetary concern. Assume that this entire discussion is unfounded and, in fact, a significant proportion of the Mr Fluffy loose-fill asbestos was the white asbestos sought to be covered by this amendment. Assume Parliament does not pass the amendment and so people in Queanbeyan or Wagga Wagga whose houses have been inspected approach the Government and ask, "Can we get the benefit of this stamp duty regime and can you register my house?" The Government will say, "Sorry, it is not brown or blue asbestos, it is white asbestos, and therefore you do not get the legislative benefit."

That is an untenable position for the Government: It cannot tell a householder they are not covered by the Mr Fluffy regime because they have the wrong colour asbestos. The house will still be condemned. It will still be unliveable and asbestos will still be seeping down the wall cavities, but the house will not be registered and the householder will not be covered by the definition in the bill. I understand that this issue has arisen late in the day and it is difficult for the Government to deal with a last-minute amendment that may have budgetary implications, but can we take a step back and consider the possible effects? The Government would be politically snookered and would have to cover those people, you would think, as a matter of human decency. We cannot excise certain houses due to the colour of the asbestos found there and say to those householders, "Just deal with it."

There is no realistic budgetary concern because the evidence is that this was not the kind of

asbestos found in the Mr Fluffy product. However, if the evidence is wrong the Government cannot prejudice home owners based on the colour of the asbestos in their roof. I know it is late in the process. If the Government is not in a position to respond immediately let us adjourn the Committee. The Parliamentary Secretary has had briefings and is gathering notes. It is a complicated matter. Let us adjourn consideration to a later hour or to the next sitting week and deal with this issue with good will. It is untenable to exclude people from the scheme on the basis of the colour of the asbestos in their roof.

Mr SCOT MacDONALD (Parliamentary Secretary) [5.59 p.m.]: The Government does not support the Opposition's amendment. As I said in my speech in reply, Minister Dominello confirmed that work is continuing and that announcements will be made in the months ahead. Chrysotile was not used by Mr Fluffy as insulation and, again as I said, none has been found in Mr Fluffy properties. The Government's approach is consistent with the Australian Capital Territory approach. The task force limited its inquiry to amosite and crocidolite, and that is what the testing program requires. There has as yet been no positive chrysotile test in New South Wales.

If the program were to be expanded, a majority of homes in New South Wales not affected by Mr Fluffy asbestos would be drawn in. Mr Fluffy used amosite and crocidolite in raw form only, and the task force report recommended that testing be done to find only amosite and crocidolite asbestos. Including chrysotile would mean that homes that were not affected by Mr Fluffy would be captured under the program. The decision to include only amosite and chrysotile was made in response to the task force's recommendation, which is reflected in the current version of the bill. The inclusion of chrysotile, as proposed by the Opposition, confuses the wider asbestos issue. The asbestos used by Mr Fluffy was in raw form and was therefore more dangerous and likely to be inhaled. If chrysotile were to be included as a bonded form of asbestos, that would run contrary to the task force's findings and recommendations and the intent of this bill.

Reverend the Hon. FRED NILE [6.01 p.m.]: Reference has been made to the Joint Select Committee on Loose-Fill Asbestos Insulation. On page 17 of the report the committee states:

According to the ACT Government's Asbestos Response Taskforce, the loose-fill asbestos insulation used by Mr Fluffy was comprised mostly of pure loose amosite asbestos ...

Question—That Opposition amendment No. 1 [C2015-135] be agreed to—put.

The Committee divided.

Ayes, 13

Ms Barham
Mr Buckingham
Dr Faruqi
Mrs Houssos
Dr Kaye

Mr Pearson
Mr Primrose
Mr Shoebridge
Mr Veitch
Ms Voltz

Mr Wong

Tellers,
Mr Donnelly
Mr Moselmane

Noes, 18

Mr Ajaka
Mr Amato
Mr Borsak
Mr Brown
Mr Colless

Mr Gallacher
Mr Gay
Mr Green
Mr MacDonald
Mrs Maclaren-Jones

Mr Pearce
Mrs Taylor

Tellers,

Ms Cusack
Mr Farlow

Mrs Mitchell
Reverend Nile

Mr Franklin
Dr Phelps

Pairs

Ms Cotsis
Mr Mookhey
Mr Searle
Mr Secord
Ms Sharpe

Mr Blair
Mr Clarke
Mr Mason-Cox
Mr Mallard
Mr Harwin

Question resolved in the negative.

Opposition amendment No. 1 [C2015-135] negatived.

Title agreed to.

Question—That this bill as read be agreed to—put and resolved in the affirmative.

Bill as read agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by Mr Scot MacDonald, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by Mr Scot MacDonald, on behalf of 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.

GREATER SYDNEY COMMISSION BILL 2015

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay, on behalf of the Hon. John Ajaka.

Motion by the Hon. Duncan Gay, on behalf of the Hon. John Ajaka, agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [6.13 p.m.]: I move:

That this House do now adjourn.

PRIMARY AND SECONDARY SCHOOL EDUCATION

The Hon. PETER PRIMROSE [6.13 p.m.]: Researchers have produced many papers about the fact that by the year 2020 the world of work as we know it will be radically different. We only have to think, for example, of the implications of rapid technological change and the effect that that has in relation to everyday life—for instance, developments such as 3D printing and its effect on manufacturing. Career development will be a critical concern as the next generation will work for a longer period than we currently do and the total number of employment positions they hold in their lifetimes will be greater.

The kinds of skills that will be needed to traverse this different terrain are varied. The next generations are going to need a multivariate skill set that ranges from working across different disciplines to deal with complex situations, new media literacy, dealing with the rafts of information and data in the world and discerning what matters, social intelligence and cross-cultural competency to novel and adaptive ways of thinking. More than ever before the next generations will need to complete year 12 and go on to further study, whether at TAFE or university—or, in many ways an ideal combination, both.

These developments reinforce the importance of the primary and secondary school system as foundational infrastructure for the future. Without a good foundation of learning and knowledge as well as developing and fostering friendships and acquaintances at school, opportunities will be lost for the next generations to thrive, sustain themselves and their families and support the community. It is of concern that a recent report indicates that 27 per cent of New South Wales students fail to complete or drop out of year 12 or its equivalent and the reading standard for nearly 30 per cent of year 7 students is not up to international benchmarks. Especially worrying is that where a young person lives, whether a young person is Indigenous, and the socioeconomic status of a young person's family will impact on that young person's educational outcomes.

Thanks to former Prime Minister Gough Whitlam and his Government and the educational opportunities that they opened up, many of my generation could attend university for the first time. We, like many others, were able to focus on schooling and academic interests that built career paths that were beyond the reach or even the expectations of our parents. The economic and social imperative of increasing the next generation's educational levels cannot be overstated. The OECD points out the significance of tertiary education—our TAFEs and universities—in providing more than half of the gross domestic product [GDP] growth in OECD countries in the last decade.

We should justifiably be concerned that, unless we are able to focus on the importance of education to future career paths, there will be young people living in Western Sydney or in rural and regional areas or young people who are Indigenous or have a disability who will be left out of fashioning a fully realised future for themselves in which they can support their family and be part of a community that ensures their talents, skills and interests are fully utilised. In order for young people to maximise their standard of living in the future, access to TAFE or university is critical. Foundational to that access is the need for all young people in New South Wales to have a good primary and secondary school education. As Dr Sara Glover from the Mitchell Institute says of these young people:

This is the future workforce of Australia. If we are not equipping them well enough for that, this is a quarter of young talent wasted. For our economy, and for our future, we can't afford to do that.

I echo Dr Glover's sentiments.

GLOBAL CLIMATE CHANGE WEEK

Dr MEHREEN FARUQI [6.18 p.m.]: Last week the first Global Climate Change Week was held across the world. I am proud to say that this important event was established in Australia and is designed to encourage academics in all disciplines and countries to engage with their students and communities on climate change actions and solutions. However, I am extremely disappointed and somewhat disgusted that this morning the New South Wales Government objected to my motion congratulating organisers, students and academics on a successful program for 2015. But perhaps my call for the Government to "heed the advice and warnings of the world's leading scientists and ramp up efforts to address climate change in our State" was a bridge too far for the Baird Government.

Last week I had the pleasure of speaking at the University of New South Wales and the University of Wollongong. The seminar at the University of Wollongong was organised by the university's feminist society and was focused on women and climate change. This topic is particularly interesting to me because it combines two areas in which I am adamant about making a change—gender inequality and inaction on climate change. As with all complex and wicked problems, these two are inextricably linked. Like gender inequality, climate change is an issue of deep injustice. Poorer countries such as the Pacific islands, Bangladesh, Pakistan and Sri Lanka already are bearing, and will continue to bear, much higher burdens of the effects of sea level rise, extreme heat, water scarcity and catastrophic weather events.

This injustice not only exists between nations. The gendered impacts of climate change are numerous and further magnified for women living in poorer countries where, for example, women and girls bear the burden of collecting water and fuel to meet their families' needs. As the impacts of climate change take hold, collecting water and firewood is getting harder and they are searching further afield to access these essential resources. As a result of these responsibilities, women have less time to earn money, engage in politics or public activities, learn to read or acquire other skills, which further perpetuates the cycle of disempowerment and social injustice.

About 70 per cent of the world's poor are women, and gender differences in deaths due to natural disasters correlate with women's social and economic rights. The 1991 Bangladesh cyclone killed 150,000 people, 90 per cent of whom were women. Women are often not taught survival skills such as swimming or climbing. They have restricted mobility and cultural constraints that decrease their access to escape, shelter and health care. Post-disaster, women are usually at higher risk of being placed in unsafe, overcrowded shelters, which is mainly due to the lack of economic capacity, property or land ownership. Even in richer countries, many more women than men live in poverty. The number of women in the bottom 10 per cent of income earners in New South Wales is almost double that of men. The increasing severity and frequency of droughts as a result of climate change will contribute to higher prices for food and water, which will disproportionately disadvantage these women even further.

It is somewhat revealing that while climate change is much worse news for women, they are the ones who are more cognisant of environmental change and are more likely to support environmental protection, yet they also face the historical disadvantage of having limited access to the decision-making process. Last year a Climate Institute poll found that a growing number of Australians want the nation to lead on finding solutions to climate change and 64 per cent of women want Australia to be a leader. The NSW Office of Environment and Heritage conducted a survey entitled "Who Cares About the Environment?" It suggests that women are more likely than men to be concerned about environmental problems. On average, women undertake more environmental activities than men.

In Bangladesh, women farmers reported that their profitable chickens were drowning because of frequent flooding. When they were involved in planning for climate change, their solution was to raise ducks. Women are uniquely positioned to be extremely effective creative agents to influence change, but empowerment, gender equality and equal participation in decision-making are key to unlocking climate change solutions.

MUURRBAY ABORIGINAL LANGUAGE AND CULTURE COOPERATIVE

The Hon. GREG PEARCE [6.23 p.m.]: Recently I was privileged to visit the Muurrbay Aboriginal Language and Cultural Cooperative at the Bellwood Mission at Nambucca Heads. I thank chief executive officer Gary Williams for giving me a briefing on the Muurrbay Aboriginal Language and Cultural Cooperative. Language is important to Aboriginal culture, its history and values. It gives identity, connection and strength to its communities. Recent research has established that prior to 1800 there were more than 600 Aboriginal languages and dialects in Australia. Traditionally they were mostly oral and not in written form. A few of them were translated in the early 1800s, particularly by German missionaries in South Australia. We now know how organised Aboriginal peoples were in Australia prior to that time.

By the 1990s, almost all of the languages outside the Northern Territory and South Australia were dead. In other words, they were no longer used. From 1996, the Federal Government funded language research and the New South Wales Government adopted policies to do so. I acknowledge the role of former Minister Refshauge in that process. The Aboriginal and Torres Strait Islander Commission office in Nambucca was one of the first to fund language research, which is why the Muurrbay Aboriginal Language and Culture Cooperative was established. Its role is to support the survival of the seven languages that exist in the Central and North Coast area of New South Wales. When it began, two languages had dictionaries. They are impressive and extraordinary documents. With the assistance of various linguists, elders and others, the cooperative has been able to establish dictionaries for all seven languages. I had the opportunity to look at those dictionaries and they contain words with definitions, stories and other material.

There were many difficulties in preparing the dictionaries because few speakers remain and most of the languages are not written so English lettering was adopted to create the words. In teaching the languages it was difficult to find a methodology. Gary Williams told me the methodology was discovered by an Arapaho Indian, which he described as scaffolding. It is taught by using visual images of people, animals and landscapes. Nothing was missed. A compendium of all languages in New South Wales has been completed, which is an extraordinary document that is now available in libraries.

Their languages have also been taught. In fact, the TAFE at Taree offers a certificate III course. These things are vital to us coming to a much fairer and prosperous arrangement with our Aboriginal friends and family. It was a privilege to witness the research and translation of the publications and how the traditional languages are being saved. Elders are collaborating with academics and students and educating non-Aboriginal people about the significance of the Aboriginal language and culture, which contributes to a much more equitable society in Australia. I commend their work and recommend members look at the Muurrbay Aboriginal Language and Culture Cooperative website.

OXI DAY

The Hon. COURTNEY HOUSSOS [6.27 p.m.]: Today is Oxi Day. Seventy years ago on 28 October 1940 the Greek General and Prime Minister Ioannis Metaxas said "oxi"—or no—to Mussolini's fascist invading forces. In today's *Daily Telegraph* Troy Lennon wrote:

Italian dictator Benito Mussolini dreamed of recreating the great Roman empire of ancient times, which included annexing Greece.

Mussolini's dreams of making Greece part of a new Italian empire soon turned to bitter disappointment. What he thought would be a short battle became a long, gruelling campaign that would embroil troops from Germany, Great Britain, Australia, New Zealand and Poland. Many historians have written about the significance of the Greeks' ability to hold back the Italians and then counterattack into Albania. In response, Hitler's German forces came to Italy's rescue, which

delayed Germany's invasion of Russia into the winter months and ultimately led to its defeat.

As the Washington Oxi Day Foundation writes on its website:

Greece's disruption of Hitler's war timetable forced him into the debilitating Russian winter, where he met defeat. Leaders like Winston Churchill, Joseph Stalin, America's Sumner Welles and even Adolph Hitler's chief of staff Field Marshal Wilhelm Keitel credit Greece with bringing about Hitler's defeat. Keitel said:

The Greeks delayed by two or more vital months the German attack against Russia; if we did not have this long delay, the outcome of the war would have been different.

Greece was the only "David" in WWII able to inflict a fatal wound that eventually brought down the Nazi "Goliath."

While the outcome of the subsequent German invasion of Greece was never in doubt, as it had already invaded and conquered a number of other European countries, including France, Belgium and Poland, the stubborn resistance of the Greek army and its civilians slowed its advances and delayed its other strategic plans. The bravery and courage of the Greeks, who fought throughout World War II, led Winston Churchill to say:

Hence we will not say that Greeks fight like heroes, but that heroes fight like Greeks.

The legendary United States President Franklin D. Roosevelt said, "When the entire world had lost all hope, the Greek people dared to question the invincibility of the German monster raising against it the proud spirit of freedom."

Earlier this afternoon I attended a commemorative function for Oxi Day at the Anzac Memorial in Hyde Park, along with the Hon. Scott Morrison, MP, the Treasurer, who was representing the Prime Minister; Matt Thistlethwaite, MP, member for Kingsford Smith, representing the Leader of the Opposition; my State parliamentary colleagues Steve Kamper and Eleni Petinos; and many local government representatives. The event was hosted by Stavros Kyrimis, my friend, the tireless and intelligent Consul General of Greece. It highlighted the strong military history shared by the Australian and Greek people—a bond and a friendship that has been cemented in war over the past century.

Over recent months this House has reflected on the importance of the island of Lemnos and its people in supporting the first Anzacs at Gallipoli. Lemnos was a port of respite from the horrors and brutality of that front. Only 25 years later, after the German invasion of Greece during World War II, Australians made up one-third of the Allied troops that were sent to defend Greece. In coming weeks we will commemorate the seventy-fourth anniversary of the Battle of Crete, another deeply significant moment for our two nations.

At today's memorial, the impressive and down to earth Commodore Lee Goddard, RAN, Commander Surface Force, reflected upon this history in a thoughtful and considered way. I used his words earlier when I spoke about the "stubborn resistance" of the Greek people and its significance in the overall outcomes of World War II. He also reflected upon the Battle of Cape Matapan and paid tribute to Alf Carpenter, who was the guest of honour at today's function. At 98, Alf is one of only three remaining Australian veterans of the Greek campaign and is clearly quite a character. Oxi Day is an opportunity for us to celebrate when the Greek people stood up for freedom and democracy against fascism. It was not an easy decision to take, and its consequences were horrific and long-lasting, not just for the Greek army but also for the Greek people more broadly. We owe a great debt to their resilience, and today we stand with them and proudly remember "oxi".

ULTIMO PRIMARY SCHOOL

The Hon. PAUL GREEN [6.32 p.m.]: Tonight I speak about Ultimo Primary School. Ultimo Primary School is located on the fringe of Sydney's Darling Harbour and Chinatown area. As well as having an emphasis on numeracy, literacy and technology the school delivers strong creative arts programs, including choir and band programs. The school also gives students the opportunity to learn the Mandarin community language. The school has experienced rapid enrolment growth from the revitalisation of the Pyrmont and Ultimo areas—I note that with the development of the Barangaroo site there is the potential for future growth—and the school was completely refurbished in 2002. In 2014 the school had 335 students in 14 classes, with just over 68 per cent of students speaking a language other than English and 7 per cent identifying as Aboriginal.

In order to meet the growth in enrolment in the school, plans were made to build a 1,000-student facility on an old industrial site on Wattle Street. Originally, the Department of Education and Communities was in negotiations to buy this land from the City of Sydney. The agreement made in December 2014 was that the land would be sold for \$74 million, which was price discounted from the \$100 million market value, partly due to the projected remediation costs of the contaminated land. However, while the City of Sydney was ready to sign the contract of sale the department was unwilling to finalise. On 12 June the department informed the City of Sydney that it was rescinding its offer to buy the Wattle Street property, stating that "the department has advice that the costs associated with fill remediation of the site could be as high as \$53 million, which will make the relocation proposal unviable".

The department is now planning to temporarily relocate Ultimo Primary School students to demountable buildings so that the existing school can be demolished and rebuilt into a 700-student facility, which is significantly smaller than the facility in the original plan. One location being considered for the temporary move is Wentworth Park. The department further justified the decision to rescind its offer by citing concerns over the health risks that noxious gases could have on students, staff and visitors. This is despite the fact that the original report from McLachlan Lister stated that gas management might not be necessary. McLachlan Lister had also recommended a \$31 million remediation option, which is more than \$20 million cheaper than the costs claimed by the department.

The Ultimo and Pyrmont community is concerned about the potential negative impacts that moving the entire school into demountable buildings will have on the education of the students. Other concerns of the community include how sustainable a 700-student facility will be in such a rapidly growing and densely populated area, as well as the time line of the redevelopment. The community is angry over the department's backing out of election promises for the school, and during the June Ultimo Public School Parents and Citizens Association meeting this year it unanimously expressed its support for this motion:

- (1) The Department of Education and City of Sydney reopen negotiations and for a proper independent survey of the Fig-Wattle Street site to be undertaken to gauge the actual level and cost for remediation necessary for this site;
- (2) The Department of Education make available a copy of the McLachlan Lister Remediation report, dated 12th May 2015; and
- (3) The Department of Education to make available demographic data relied on by the Department to project future student numbers in the Ultimo/Pyrmont area.

I note that local members such as Alex Greenwich and Jamie Parker have also voiced their support for reopening negotiations between the Department of Education and Communities and the City of Sydney. In addition, they have requested a review by the Auditor-General into the department's plan to renege on building the 1,000-student school. I understand that this request has also been supported by the Lord Mayor of Sydney, Clover Moore. I do not know what it will take for the Department of Education and Communities to pay attention to some of the community expectations that have been expressed.

Certainly in my short time in this Parliament I have learnt that there can be a lot more interaction between the department and these communities, which really know what is best for their area.

SHARK MANAGEMENT STRATEGY

The Hon. BEN FRANKLIN [6.37 p.m.]: On the North Coast of New South Wales, interaction with the ocean is a way of life. Our coastal towns are home to surfers, swimmers, paddle-boarders, kayakers, wind and kite surfers, and recreational fisherman. The pristine coastline on the North Coast attracts hundreds of thousands of tourists each year. It is the lifeblood of our coastal towns. On the North Coast, although we were shocked and saddened by the recent spike in shark attacks, there was little hysteria and few knee-jerk reactions or calls for a shark cull. The attacks were a major challenge for our North Coast community, but one that was met with patience, reason and a measured concern that is a trademark of the area. There was and is a general understanding that we share the ocean with many creatures, and that it is their home, in which we are visitors.

On 16 October the Minister for Primary Industries, and Minister for Lands and Water, Niall Blair, held a shark forum in Lennox Head to engage with the broader community so deeply affected by the issue. The forum's participants presented a science-based approach to the issue, outlined what the Government is doing and listened directly to the community. In attendance were Dr Vic Peddemores and Dr Paul Butcher of the Department of Primary Industries, who outlined the progress on the shark-tagging program in the area and provided a range of other information.

There were also representatives of Surf Life Saving NSW and the local police. I was delighted to be joined by my parliamentary colleagues, the member for Lismore, Thomas George; the member for Clarence, Chris Gulaptis; the Hon. Catherine Cusack, MLC; and the member for Page, Kevin Hogan. I am delighted to say that the community was focused, engaged and helpful, and that the forum was a great success. But although we must work with the community towards achieving a reasonable and science-based approach to minimising shark encounters, it is not all just about talk.

On Sunday the Minister for Primary Industries, and Minister for Lands and Water, Niall Blair, announced that the New South Wales Government will roll out a new \$16 million Shark Management Strategy to help to safeguard our local beaches. The strategy, which avoids a hysterical or knee-jerk reaction, will trial a variety of shark deterrent technologies such as listening stations, barrier nets, sonar buoys, aerial surveillance, including drones, and a boost to public education. It is a sensible strategy and stands as testament to the hard work of an exceptional and visionary Minister who in this area—as in so many others for which he carries responsibility—has acted with diligence and common sense, and who thoughtfully has responded to genuine community concerns.

As part of the \$16 million New South Wales Shark Management Strategy, \$7.7 million has been allocated for surveillance, detection and deterrent technology implementation; \$7 million will be directed towards research and implementation trials, which include the expansion of the shark-tagging program; and \$1.3 million has been allocated to education and community awareness. The ultimate aim of the strategy is to increase protection for bathers from shark interactions while minimising harm to sharks and other animals. Obviously, as the New South Wales coastline is more than 2,000 kilometres in length, there cannot be a one-size-fits-all approach. As Minister Blair put it on Sunday, "What may work in Bega may not work in Ballina."

The funding will be delivered in a collaborative and science-based manner by consulting with experts, technology manufacturers and the wider community to determine what will work and where. Promisingly, 20 state-of-the-art shark listening stations will provide remote access to information and near real-time updates of the movements of tagged sharks. Four of the stations are earmarked for beaches at Evans Head, Ballina, Lennox Head and my home at Byron Bay. The stations will complement the shark-tagging program that already is underway in the area. Throughout the delivery of the package over the next five years, communities can expect to be updated on the parts of the strategy that are being put

in place and how that will benefit them. I will certainly be engaging with the community in relation to what technologies are seen to be working.

Our pristine beaches and waterways are an integral part of the North Coast way of life. Indeed, they make the region very special. It is vital that we preserve our oceans as a safe place for recreation and enjoyment. The technologies I have mentioned are aimed at keeping both locals and tourists safe when using our oceans, but without harming marine life. Overall, I have great admiration for the way the North Coast community has dealt with this issue and for the way the Government has responded. What we now have is a practical and workable solution that is informed by science. I congratulate the Minister, Niall Blair, on his sensible and considered action. I look forward to seeing the different technologies trialled this summer. Stay safe northern rivers—and I will see you on the beach!

WORLD HEALTH ORGANIZATION SMALLGOODS WARNING

The Hon. Dr PETER PHELPS [6.42 p.m.]: Recent reports issued by the World Health Organization seem to cast doubt on the health benefits of salamis, bacon and sausages. I am most alarmed that the World Health Organization has gone down that track—and it is not just me. Australian economist Stephen Koukoulas has raised the possibility of plain packaging for bacon, salami and sausages, a great big new sausage tax or, even more hideously in line with tobacco legislation, a campaign to hide the salami. The World Health Organization's edict is an outrage. Once again public health advocates have stuck their noses into smoked smallgoods, where they should not be. I give this warning now: You can take my sausage when you prise it from my cold dead hand!

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 6.43 p.m. until Thursday 29 October 2015 at 10.00 a.m.
