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LEGISLATIVE COUNCIL

Tuesday 22 March 2016

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.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 628, 636, 650, 680 and 691 outside the Order of Precedence objected to as being taken as formal business.

STRATEGIC ENERGY PROJECTS

Motion by Mr JEREMY BUCKINGHAM agreed to:

- (1) That this House notes that:
 - (a) there are currently at least 23 significant large-scale renewable energy generation projects before the New South Wales planning system;
 - (b) the Government has entered into agreements with Santos and AGL to designate their coal seam gas projects as "Strategic Energy Projects";
 - (c) the Government may declare a project to be a Strategic Energy Project if it has the potential to make a substantial contribution to energy security and economic growth across the State or in a region; and
 - (d) if a project is declared to be a Strategic Energy Project then the Government guarantees that it will be determined in an efficient way with specific case managers assisting the project to navigate through the planning process.
- (2) That this House calls on the Government to designate proposed large-scale renewable energy projects in New South Wales as Strategic Energy Projects.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 698 and 701 outside the Order of Precedence objected to as being taken as formal business.

AGEING IN PLACE

Motion by Ms JAN BARHAM agreed to:

- (1) That this House notes that:
 - (a) the World Health Organisation found in its 2007 guide to Global Age-friendly Cities that "it is clear that housing and support that allow older people to age comfortably and safely within the community to which they belong are universally valued";
 - (b) the Government Ageing Roundtable Summary Paper entitled "Towards a NSW Whole of Government Ageing Strategy" quoted Professor Diana Olsberg in defining "ageing in place" as "feeling safe and secure at home to age in place";
 - (c) the American Centers for Disease Control and Prevention defines "ageing in place" as "the ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level"; and
 - (d) New Zealand's Positive Ageing Strategy defines "ageing in place" as "being able to make choices in later life about where to live, and receive the support needed to do so".

- (2) That this House notes that the Australian Institute of Health and Welfare found in its 2013 report entitled "The desire to age in place among older Australians" that many older Australians desire to "age in place" and remain in their current accommodation and that the main reason for this, according to research, "appears to be a desire to remain linked by proximity to the community and services with which they are familiar but not necessarily to the family home".
- (3) That this House calls on the Government to:
 - (a) make ageing in place a priority to ensure that older people can continue to live in their communities and receive all the necessary support they need to do so; and
 - (b) ensure that housing policies support both home owners and tenants to age in place.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 707 outside the Order of Precedence objected to as being taken as formal business.

OLDER WOMEN'S NETWORK FORUM

The Hon. ERNEST WONG [11.05 a.m.]: I seek leave to amend Private Members' Business item No. 709 outside the Order of Precedence for today of which I have given notice by omitting paragraph (e) and inserting instead:

- (e) calls on the Government to consider developing a comprehensive strategy to address the increasing incidence of homelessness for older women with consideration also given to putting in place measures to ensure that the private rental sector is a viable long-term option for older women.

Leave granted.

Motion by the Hon. ERNEST WONG agreed to.

That this House:

- (a) congratulates the Older Women's Network [OWN] on the success of its recent forum, "A Fairer Future", held on International Women's Day at Parliament House;
- (b) acknowledges the dedication and tireless efforts of the organising committee for this forum including Denise Dunn, Mary Hacio, Glenda Laird, Cassandra Parkinson, Cate Turner, Sharan Tuite and the President of OWN Australia, Aloma Fennell, and that their efforts ensured this was a well-represented and attended event;
- (c) acknowledges the contribution of older women to our community and the value of their paid and unpaid work both socially and economically;
- (d) recognises that older women are particularly vulnerable to homelessness as the result of many contributing factors which are on the rise, including interruptions to their careers to raise children and/or to care for family members, working in low-skilled and low-paid jobs, illness, divorce from or death of an income-producing partner, and domestic violence; and
- (e) calls on the Government to consider developing a comprehensive strategy to address the increasing incidence of homelessness for older women with consideration also given to putting in place measures to ensure that the private rental sector is a viable long-term option for older women.

INTERNATIONAL DAY FOR ELIMINATION OF RACIAL DISCRIMINATION

Motion by Dr MEHREEN FARUQI agreed to:

- (1) That this House notes that:
 - (a) 21 March is International Day for the Elimination of Racial Discrimination;
 - (b) 21 March is also celebrated as Harmony Day in Australia; and
 - (c) many people in New South Wales still experience both everyday and institutionalised racism, especially Aboriginal and Torres Strait Islander people.
- (2) That this House reaffirms its commitment to stamping out racism.

GREEK INDEPENDENCE DAY CELEBRATION**Motion by the Hon. DAVID CLARKE agreed to:**

- (1) That this House notes that:
- (a) on Thursday 17 March 2016 a celebration of Greek Independence Day, which falls on 25 March each year, was held in the Strangers Dining Room at Parliament House;
 - (b) the celebration was hosted by the Consul General for Greece in Sydney, Dr Stavros Kyrimis, and was attended by several hundred members and friends of the Greek-Australian community; and
 - (c) those who attended as official guests included:
 - (i) the Very Reverend Archimandrite Apostolos Tryfillis, representing His Eminence Archbishop Stylianos of the Greek Orthodox Church;
 - (ii) the Hon. Mike Baird, MP, Premier;
 - (iii) Mr Luke Foley, MP, Leader of the Opposition;
 - (iv) the Hon. Shelley Hancock, MP, Speaker of the Legislative Assembly of New South Wales;
 - (v) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services and Minister for Multiculturalism;
 - (vi) the Hon. David Elliott, MP, Minister for Corrections, Minister for Emergency Services and Minister for Veterans Affairs;
 - (vii) Mr Nickolas Varvaris, MP, Federal member for Barton;
 - (viii) numerous members of the Parliament of New South Wales;
 - (ix) the Hon. John Hatzistergos, Judge of the District Court;
 - (x) Mr Sam Hardjono, Chairman of the NSW Red Cross;
 - (xi) diplomatic representatives of numerous nations;
 - (xii) mayors, deputy mayors and councillors from numerous local councils who have Anzac soldiers buried in Greece and/or councillors of Greek descent;
 - (xiii) professors, lecturers and representatives of student organisations from universities in Sydney having an association with the Greek community or Hellenic cultural issues;
 - (xiv) representatives from several ethnic communities;
 - (xv) representatives of the Ethnic Communities Council;
 - (xvi) representatives from various museums and art galleries;
 - (xvii) representatives of Anzac House, RSL clubs, and Clubs NSW, and the six school students from the NSW Premier's Anzac Ambassadors program who will visit Greece;
 - (xviii) representatives and children from the Hellenic Lyceum Sydney, in traditional Greek costume;
 - (xix) principals and students from the three Greek Orthodox colleges in Sydney and the 25 public schools at which the Greek language is being taught;
 - (xx) representatives from Greek-Australian Community Banks, the Bank of Sydney and Delphi Bank; and
 - (xxi) representatives from numerous Hellenic organisations in New South Wales.
- (2) That this House:
- (a) congratulates the Greek-Australian community on the occasion of Greek Independence Day 2016; and
 - (b) commends the Greek-Australian community for its positive and ongoing contribution to the life of our State.

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS COMMUNITY LEADERS RECEPTION**Motion by the Hon. DAVID CLARKE agreed to:**

- (1) That this House notes that:
- (a) on 4 December 2015 the Church of Jesus Christ of Latter Day Saints held its annual Community Leaders Reception at Parramatta Town Hall featuring a rendition of excerpts from Handel's *Messiah* by a chamber orchestra and choir; and

- (b) those who attended the reception included:
 - (i) representatives from the Government;
 - (ii) representatives from local government;
 - (iii) representatives from secondary and tertiary educational institutions; and
 - (iv) leaders of various ethnic and other State and local community organisations.
- (2) That this House:
 - (a) commends the Church of Jesus Christ of Latter Day Saints for its holding of a Community Leaders Reception; and
 - (b) extends its regards, best wishes and commendation to members of the Church of Jesus Christ of Latter Day Saints for their ongoing contribution to the life of our State.

FINES AMENDMENT BILL 2016

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Catherine Cusack, on behalf of the Hon. Niall Blair.

Second Reading

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [11.18 a.m.], on behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

The Fines Amendment Bill 2016 continues the process of reforms to the administration of State fines by the Office of State Revenue. The bill amends the provisions of the Fines Act and makes consequential amendments to several Acts covering the functions of the Office of State Revenue relating to penalty notices issued by other agencies. The bill makes amendments to provide faster, simpler, more effective and fairer processes for processing penalty notices and enforcing unpaid fines. The amendments are driven by the objectives of consistency in procedures at different stages of the penalty notice and fines enforcement process; improving the effectiveness of enforcement by engaging earlier with clients using more accurate information about fine defaulters; and improving administrative simplicity and flexibility.

Amendments were made to the Fines Act by the State Revenue Legislation Amendment Act 2015 to extend the availability of electronic nomination of drivers and adopt consistent nomination provisions in the Fines Act, the Protection of the Environment Operations Act and the Road Transport Act. A number of other driver nomination amendments are proposed in the Fines Amendment Bill 2016. The amendments have three main purposes. First, there are consequential amendments to various Acts as a consequence of the amendments providing for electronic nomination passed in 2015; secondly, the bill extends the time for nomination under the Road Transport Act to 90 days to ensure consistency with the Fines Act; and, thirdly, the bill contains provisions to ensure a fine, including demerit points in relevant cases, is borne by the actual offender where the penalty has been paid prior to the nomination being made.

The bill contains a number of measures that will enhance the fines enforcement process. Around 75,000, or 3 per cent, of fines notices issued by the Office of State Revenue are returned undelivered each year. In order to further reduce unclaimed mail, it is proposed to allow the Office of State Revenue to serve notices using a more current address provided to the Office of State Revenue in an application made by the person or in a court election notice. This will also permit an enforcement order to be made within time, even if a penalty or reminder notice posted to one of those addresses was returned as unclaimed mail.

Another amendment will permit the Office of State Revenue to take civil enforcement action if the fine remains unpaid 21 days after the Office of State Revenue has directed Roads and Maritime Services to suspend the fine defaulter's driver licence. This will remove a potential six months delay in taking civil action, such as issuing garnishee and property seizure orders that can occur when a fine defaulter's licence is cancelled. Experience shows that fine defaulters are unlikely to make payment arrangements if they have not done so within 21 days after having their licence suspended. Removing the six-month delay will increase the effectiveness of civil enforcement in recovering unpaid fines. The bill also extends the authority of the Office of State Revenue to obtain information about fine defaulters from credit reporting bodies to include customer banking details.

The Office of State Revenue is currently empowered to obtain a range of personal information from credit reporting agencies to help in locating a fine defaulter, including addresses, licence details and employer. The additional information will be used by the Office of State Revenue to take enforcement action, such as garnisheeing a defaulter's bank account—which has proved to be a very effective enforcement action. The Office of State Revenue already has the power to obtain these details from other government agencies. Before proceeding to a garnishee order, the fine defaulter has already received a penalty notice, a penalty reminder notice, an enforcement order and a notice from Roads and Maritime Services that driver licence or vehicle registration sanctions are to be applied. However, the Office of State Revenue will not issue a garnishee order if the defaulter contacts the Office of State Revenue and agrees to a payment plan or other action to deal with the fine, such as a work and development order.

A fine defaulter can apply to pay by instalments and the Office of State Revenue has many thousands of such arrangements in place. Once an instalment arrangement is established, the fine defaulter may apply to add an extra fine to an existing agreement, but if no application is made the only option for the Office of State Revenue is to take further enforcement action. Consequently, defaulters incur additional enforcement costs. The bill permits the Office of State Revenue to add additional fines to an existing instalment arrangement by increasing the number but not the amount of existing instalments, without the need for an application from the defaulter. This will allow the Office of State Revenue to increase the amount of debt under active management without imposing additional costs on defaulters.

The bill also extends the circumstances in which the Office of State Revenue can withdraw a penalty notice enforcement order, such as permitting withdrawal in accordance with guidelines approved by the agency that issued the penalty notice. This will avoid delays in dealing with applications from customers before the review of such orders. Taken together, the reforms to the Fines Act will remove unnecessary procedural formalities and authorise more timely enforcement action by relying on more current and accurate information. I commend the bill to the House.

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

FAIR TRADING AMENDMENT (FUEL PRICE TRANSPARENCY) BILL 2016

Second Reading

Mr SCOT MacDONALD (Parliamentary Secretary) [11.26 a.m.], on behalf of the Hon. John Ajaka:
I move:

That this bill be now read a second time.

The Government is pleased to introduce the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The bill brings the fuel price board product information standard into the digital age and the twenty-first century. The fuel price board information standard was established under the Fair Trading Act 1987 by the then Minister for Trading, Mr Anthony Roberts, so that consumers were able to easily compare fuel prices at different service stations. This was done by requiring that the price of fuel was displayed so that it could be seen easily from the road and that the price displayed was accurate. Petrol is a non-discretionary product in our modern society. Consumers and families do not have the option not to use fuel, which is why it is important to ensure that consumers are informed and, therefore, empowered to make decisions to reduce the cost-of-living pressures associated with this non-discretionary product. I seek leave to have the balance of my second reading speech incorporated in *Hansard*.

Leave granted.

On 20 December 2015 it was announced that the New South Wales Government would be establishing an online fuel price board that will require all service station operators to report their current retail fuel prices in real-time.

Since that announcement about three months ago, new players have entered the market such as 7-Eleven's new fuel price app, United States company GasBuddy and Informed Sources through the NRMA's MotorMouth service.

In Western Australia, a similar system exists whereby fuel information is recorded and published on a daily basis. However, this information is only published once per day and is locked in the day before for a 24-hour period.

The system proposed in this bill will allow for information to be shared within a very short time frame and will be updated whenever the petrol station's fuel boards are changed. This real-time time frame for sharing fuel data is innovative and the first of its kind in the country and possibly the world. It is why the NRMA endorsed this reform.

New technology in the twenty-first century makes it possible for information on fuel prices to be available to consumers from their phones or online.

The current market players, like those mentioned earlier, are important, but crowdsourcing fuel data in New South Wales is still a model that is in its early stages, which means there are data gaps in these platforms, namely, not all petrol stations are necessarily covered and the prices are not always contemporaneous.

This legislation will provide a dataset that is mandatory and more reliable, has greater saturation and is authenticated by NSW Fair Trading.

This legislation represents the next logical step in this process. All petrol stations will be required to provide their fuel price in real-time, meaning reliable information that captures the entire market—from big players like BP and Caltex to the corner store petrol station.

As I said before, this legislation is the first of its kind in Australia and possibly the world and will provide for an online fuel price board with mandatory reporting of fuel prices by all service stations in New South Wales.

Consumers want to know where they can get the best deal on fuel and service station operators want to reach customers and potential customers with current fuel price information. In the internet age this information has to be available online so it can be equally accessible to everyone in the market at the same time.

There is broad consensus from consumers that this is a good idea; it is a no-brainer. We have got standards about how fuel price information is displayed on the forecourt. This is a logical extension of that. When there is a price change at the bowser, we are simply asking that it also be recorded via an online portal. It is a simple change but one that will provide motorists with much greater visibility in the marketplace.

There have been a number of endorsements already in relation to the proposed reform. For example, NRMA President Kyle Loades stated:

Let there be no doubt, the decision by the New South Wales Government to force all service stations in New South Wales to publish their prices online in real-time is a huge win for the state's drivers and something the NRMA has been fighting to deliver for years. It will mean our members will be able to find, in real time, the cheapest petrol in their local suburb when they go to fill up. Importantly, it will also mean the oil companies will no longer be able to share this crucial information among themselves while locking out the rest of the community.

Another endorsement came from New South Wales Council of Social Service Chief Executive Officer Tracy Howe, who stated:

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

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

Better informing consumers will also help realise the benefits of fuel retailer competition and force stations to sell petrol at more reasonable prices. This might be the difference between having a decent family meal, paying the rent or affording the next energy bill.

Even the *Daily Telegraph* supports this policy reform. In its editorial of 24 February 2016 it stated:

One of the great frustrations of the digital age is that it is not universal. There are numerous gaps where various elements of society have yet to connect to the ease and immediacy of the digital era ... Such a gap is evident in the non-availability of real-time information on petrol prices throughout New South Wales. Although it is the work of a moment to find through digital means the location of petrol stations, prices are not offered. That's because petrol stations are still trapped in the ancient world of physical signage, where the only way to discover the price of unleaded is to actually be present at a petrol station. This time-warp situation is set to end, thankfully, due to a new government requirement that will compel service station owners to pass on their price changes to the Government within "five to ten minutes" of them being adjusted, which will then allow them to be immediately posted online. This long overdue breakthrough may also work to reduce petrol prices, because motorists will inevitably seek out bargain costs for fuel and therefore apply consumer pressure to more expensive outlets.

Alison Abdullah, a 20-year-old woman from Lugarno who is quoted in the *Daily Telegraph* on that day said:

I think it's (the app's) a great idea and I have told a few friends about that and we all think it's fantastic that there be some sort of regulatory process.

There will be three interfaces as part of this reform—an interface for service stations, a website for the data to be collected and stored and an interface for consumers.

The service station interface will be free of charge for all service station operators to register and upload their price information onto the database.

There are many examples across the New South Wales Government where people use data portals, which are then used publicly—such as the recently announced online rental bonds scheme, property valuation through Land and Property Information or even the use of real-time transport data.

In the case of real-time transport data, live traffic data has been made available under the Transport Data Exchange [TDX] program and the New South Wales Transport Data Exchange Licence Agreement.

Developers and other interested parties can download this data for use in applications and smart phone-enabled platforms. Initially, the New South Wales Government provided a single application which allowed consumers to access this data.

But since data was provided to the private sector, almost 10 applications have been developed that can now be downloaded such as TripView, Triptastic and TripGo. The database will be free of charge for consumers to search for fuel prices in their local area or elsewhere in the State. Making this sort of Government data freely available is consistent with New South Wales Government open data principles.

In the digital economy, open data is a driver of economic growth and innovation and supports the open government principles of transparency, participation, collaboration and innovation. The impact of ratings websites such as Urbanspoon, Canstar, OpenAgent, TripAdvisor and many others shows how the power of data can change the marketplace and affect trader behaviour.

Consumers now rely on such data when making decisions and have become experienced at deciding how much weight to give data from different sources. In this case, making fuel price data freely available to third party software developers will also contribute to the New South Wales digital economy and promote the development of new businesses and industries.

The data provides consumers with valuable information that can guide purchasing decisions and hold businesses to account. It also provides businesses with an incentive to improve their performance and the satisfaction of their customers.

There is already interest from a number of local and international software developers to access this information and make it more useful, more convenient and more valuable for users.

These new apps might combine fuel price data with a mapping facility to show directions to the cheapest fuel available locally or along a specified route. They may also provide filter price information to meet individual preferences of the consumer—whether it is brand, fuel type or other products offered by the relevant service station.

For example, a motorist may want to find out which service stations in his or her local area sell ethanol-blended fuel or E10. Motorists would be able to select "E10 Fuel" in the app and see what stations around them sell E10 and at what price. Very likely, there will be apps that use the information in new ways we have not even thought of yet.

The changes outlined in this bill will also require changes to the associated regulations. Work with industry will continue to ensure that the regulations are fit for purpose, enable better transparency in the marketplace and empower the consumer. The Fair Trading Amendment (Fuel Price Transparency) Bill 2016 is a great representation of the Government's commitment to innovation. The initiative provides more transparency in the marketplace and, importantly, empowers the consumer to make informed choices.

I commend this bill to the House.

The Hon. PETER PRIMROSE [11.27 a.m.]: The Fair Trading Amendment (Fuel Price Transparency) Bill 2016 amends the Fair Trading Act 1987 to establish a scheme for the publication of service station fuel prices provided in advance. The visibility of price increases and market knowledge boosts competition within the retail market and should keep downward pressure on prices. This is a laudable principle in the legislation, except for one thing—it will duplicate a similar Federal scheme being launched in May this year, which is little more than two months away. Late last year the Australian Competition and Consumer Commission [ACCC] announced that from 20 May 2016 it will be requiring fuel retail majors to publicly provide virtually identical information so that designers can create apps to inform motorists of real-time changes in fuel prices.

As a consequence of a settlement in the Federal Court, the ACCC gained agreement from the retailers for a national scheme, known as the national Informed Sources app, based on information on pricing flows between the major retailers. It is expected to be launched in May 2016. On 23 December 2015 the ACCC announced that it would be making publicly available the retail price information of the four major retailers—Caltex, Woolworths, BP and 7-Eleven—which will "enable consumers to access petrol prices in their local area or in areas along their journey, and will be updated every 15 or 30 minutes".

A national scheme will be launched well before this bill and its proposed State-based scheme come into effect. It is a more consistent approach and will avoid frequent problems with State-based legislation, such as cross-border anomalies. One would think that, with the Federal scheme coming into effect, the Minister for Innovation and Better Regulation would think, "Fair enough, a better scheme is coming into place and there is no need for State legislation. To do anything else would create extra red tape and extra expense for business and consumers." But for the Minister for Innovation and Better Regulation, avoiding an extra bit of red tape and expense is always outweighed by the chance to put out a media release.

Given that this bill will impose a different regulatory regime to achieve the same result as the mandatory Federal scheme, it does not make for a better, clearer approach to regulation. In fact, it will generate

more red tape for business and it will cause more confusion for consumers and for those seeking to design the apps to inform them. Opposition members will not oppose this bill. We support its objects and we will leave it to Premier Baird to sort out the mess of having two schemes operating concurrently in New South Wales. However, the Opposition will be proposing a simple amendment that will ensure that consumers are always provided with fuel at the cheapest price, in line with the objects of the bill.

The bill in its current form proposes at new section 58 (4) (b) to make it an offence for a service station operator to offer fuel at a retail price other than the price notified to the scheme. But industry groups have pointed out that this will mean that should a consumer arrive to find that a lower price has just been posted, it will be illegal for the operator to sell fuel to the consumer at this lower price. Industry points out that even in the best system there will always be a time lag. The Opposition's amendment will make it an offence under new section 58 (4) (b) to offer fuel at a price higher than the price already notified. This will ensure that consumers caught in the inevitable time lag are not disadvantaged.

The Opposition also seeks a number of clarifications from the Minister, through the Parliamentary Secretary. First, how will the two schemes work simultaneously? The Opposition is concerned that the coexistence of two schemes—the State scheme and the Federal scheme—legislatively oversighting the same industry in New South Wales will create unnecessary confusion and red tape for the industry and, consequently, higher prices for consumers. How will the Government ensure that both systems operate without creating confusion and red tape for retail operators?

Secondly, the Opposition seeks an assurance from the Minister, through the Parliamentary Secretary, that the scheme as proposed in the bill is not contrary to Commonwealth legislation regarding price signalling. When it comes into effect in May, the Federal scheme will require fuel companies to notify "last known price" information. The New South Wales scheme, however, requires operators to notify prices in advance. Will the Minister provide advice on whether this requirement could be construed as price signalling and therefore contravene the Federal Competition and Consumer Act 2010?

Thirdly, the Opposition is concerned about possible costs and unnecessary red tape for small independent operators. We seek the Minister's clarification on the coverage of the bill and possible exemptions. For example, will small general stores with a single fuel pump in rural and remote locations be required to notify prices? If they are exempt, what are the details and scope of the exemption provisions? If there are exemptions, how does the Minister propose to guarantee competition neutrality and ensure that exemptions do not lead to competitive disadvantage for those who are not exempt?

The Opposition is also concerned to minimise costs incurred with implementing the scheme. To be effective, the scheme requires ongoing real-time information such as pump controllers sending messages to the companies involved and the Government. I ask the Minister: What are the expected costs associated with those requirements? Has the Government anticipated higher costs for operators where pricing for different fuel is controlled by different suppliers at the same location, which is often the case? At least the aim of this bill is to save motorists a few dollars and keep down the cost of living.

The Government that introduced this legislation is, however, the same Government that introduced new tolls. It has even announced a zombie toll—bringing the M4 toll back from the dead. There has also been a constant clamour from the Premier to increase the GST to 15 per cent, which will cost thousands of dollars for families who are already struggling to make ends meet. One year into its term this Government is looking tired. It is out of ideas and meaningful legislation. It has been forced to stump up a bill like this one, which sounds good but which in reality duplicates a Federal scheme, creates confusion and will result in duplication and red tape for industry, retailers and consumers.

The Hon. SHAOQUETT MOSELMANE [11.48 a.m.]: I speak in debate on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 which has as its objects to amend the Fair Trading Act 1987, the principal Act, to provide for the establishment of a scheme for the publication of service station fuel prices on an ongoing and up-to-date basis, and to make a consequential amendment to the Fair Trading Regulation 2012. It is well documented and well known that Sydney has a high cost of living. In fact, it is amongst the most expensive cities in the world. Costs of food, transport, schooling and various forms of insurance are just some of the challenges that working families need to fit into a limited household budget. The costs of fuel and petrol are no exception, and when it comes to petrol costs at the bowser consumers are hungry to get the best price possible. At the moment this means shopping around, and hence driving around to find pumps that offer the cheapest prices and the most benefits.

The bill covers petrol and diesel, including ethanol blends, liquefied petroleum gas [LPG], liquefied natural gas [LNG], compressed gas, and any other fuel that is a combination of any of these fuels with another substance. The owner of a service station will be committing an offence if he or she fails to register for the scheme or if he or she fails to offer fuel at a standard retail price. In essence, the standard retail price is the price before any discounts or special offers—for example, before any vouchers like the popular shopper dockets are taken into account. However, the legislation states that it is illegal to offer lower prices than the standard retail price.

The problem is that this stifles competition. Restricting the ability for service stations to change their prices to obtain a competitive advantage could mean that the consumer would end up being worse off. Obviously, in this case we are talking about service stations reducing their prices further than the standard retail price in the hope of gaining more customers. Competition amongst service stations should be encouraged so that they reduce their prices to gain competitive advantage in the marketplace to the extent that one day the standard retail price could possibly be viewed as the price ceiling. This would provide a real incentive for the fuel stations to work hard to lower their prices while obviously benefiting the consumer, who would pay less at the bowser.

As the Hon. Peter Primrose has already said, there is a simple solution to this problem: amend the wording of the legislation so that it is simply an offence to offer fuel at a price higher than the price already notified. I hope that the Government seriously considers this matter, as the aim of the bill is to benefit consumers and to protect them from high petrol prices. In December last year, following Federal Court proceedings, the Australian Competition and Consumer Commission and the petrol companies agreed to a very similar scheme. The outcome of this is the impending launch, in May, of the Informed Sources [IS] application for smart phones.

If this bill passes through Parliament within its expected timetable, implementation will take place in July. The Federal scheme differs in that it requires companies to notify consumers of what it calls "last known price" information. The Federal scheme lets consumers know the prices after the fact—that is, within about 15 minutes—whilst the New South Wales scheme aims to notify the consumer of prices in advance, which means there will be clear conflict between the information on the New South Wales website and information on the website of its Federal counterpart. The Minister needs to provide an explanation of how unnecessary duplication will be avoided if operators are trying to implement both schemes at the same time.

Guarantees need to be given by the Minister regarding the risk of breaches of Commonwealth law relating to price signalling under the Commonwealth Competition and Consumer Act 2010. The House should also be provided with details of who is expected to bear the costs of any associated infrastructure to do with this legislation. As this bill would require real-time information to be uploaded, some pump controllers would have to be in contact with various suppliers as some service stations have different fuels controlled by different suppliers. The Opposition does not oppose the bill but asks the Minister to provide an explanation as to the issues that have been raised.

Mr DAVID SHOEBRIDGE [11.40 a.m.]: On behalf of The Greens I speak in debate on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016. The Greens do not oppose this bill, but in speaking to it we raise serious concerns over the wider reforms that the Government is proposing in relation to the use of ethanol. This is just one part of a broader so-called reform agenda that the Government has to increase the amount of ethanol being sold at New South Wales service stations. The Fair Trading Amendment (Fuel Price Transparency) Bill 2016 amends the Fair Trading Act 1987 to establish a scheme for the publication of fuel prices on a real-time basis. The legislation taken at face value will make it mandatory for petrol stations to record price changes at the bowser via an online portal that can be accessed by consumers. The scheme is meant to be authenticated by NSW Fair Trading which will put prices on display on a website. The creation of a fuel price board information standard was part of a package of reforms first announced by Minister Dominello on 20 December last year, I think.

The Hon. Dr Peter Phelps: It was 21 December.

Mr DAVID SHOEBRIDGE: There we are—it was 21 December. According to the Minister's media release those reforms were going to be part of a package empowering the Independent Pricing and Regulatory Tribunal [IPART] to regulate the wholesale price of ethanol by extending the ethanol mandate to service stations that sell three or more types of automotive fuel, providing exemptions for some small businesses, introducing so-called objective measures to determine "reasonable steps" under the exemption regime,

amending the Biofuels Act 2007 following what is euphemistically described as "industry consultations", establishing an online fuel price board that will require all service station operators to report their current retail fuel prices in real time, and implementing an education campaign to inform consumers about the benefits of ethanol and allegedly to dispel the myths. We need to see this bill as part of a package.

In January 2015 the New South Wales Government requested that IPART investigate options to increase the uptake of ethanol-blended petrol in this State. For some reason the New South Wales Coalition, like Labor before it, has a certain passion for the sale of ethanol. We wonder why that is; perhaps it will be explained later. The final report from IPART, which was knocked out in May 2015, was "Ethanol mandate—Options to increase the uptake of ethanol blended petrol". What did IPART say? IPART said there were three broad directions that the Government could take.

The Hon. Dr Peter Phelps: Point of order: While this is quite an interesting exposition, it may well be more useful should the Biofuels Amendment Bill come before this House today. The Fair Trading Amendment (Fuel Price Transparency) Bill 2016 is purely in relation to the collection of information for pricing of fuel. While I admire Mr David Shoebridge's passion, his contribution to the debate is completely off the topic of this bill.

Mr David Shoebridge: To the point of order: The Fair Trading Amendment (Fuel Price Transparency) Bill 2016 is part of a package of reforms that relate to each other and they all go back to the IPART report. It is clearly relevant in a second reading debate.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! Mr David Shoebridge is foreshadowing debate on the Biofuels Amendment Bill 2016, which will be debated later. I ask the member to restrict his comments to the leave of the bill.

Mr DAVID SHOEBRIDGE: What did IPART say? It said the Government could retain the status quo with no additional costs, conduct a consumer education campaign with minimal additional costs and minimal outcome or implement a series of measures—

The Hon. Scott Farlow: Point of order: As the Hon. Dr Peter Phelps said, this bill does not relate to biofuels and nor does it relate to the original IPART report to which Mr David Shoebridge is referring. Mr Assistant-President, the member should be asked to direct his comments to the leave of the bill.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! I repeat my earlier ruling. The member will confine his remarks to the leave of the bill.

Mr DAVID SHOEBRIDGE: Who in corporate Australia supports this bill? Members would be surprised to know that one of the big supporters of the Fair Trading Amendment (Fuel Price Transparency) Bill 2016, the bill we are debating, is a company called the Manildra Group. Manildra thinks this bill is great because having transparency will assist in the sale of ethanol, a product Manildra produces. Manildra believes that the more transparency there is the more people will buy its ethanol. Let us look behind the company to find out why the Government might be supporting what Manildra says. One thing we know about the Australian ethanol industry and the likes of Manildra is that it is a highly concentrated industry. In fact, in New South Wales there is just one producer of ethanol and that producer is the Manildra Group. What has the company done to get its message across to the Coalition and the Labor Party? Between 1 July 2010 and 30 June 2014 New South Wales' monopoly ethanol provider, Manildra, which supports this bill and wants it passed, gave the Liberal Party \$532,000.

Mr Scot MacDonald: Point of order: Mr Assistant-President, I believe Mr David Shoebridge is flouting your ruling. We are debating the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 and it has nothing to do with pricing and amendments to the Fair Trading Act.

Mr David Shoebridge: To the point of order: None of my comments was related to pricing. All of my comments have been related to the large corporate player in New South Wales supporting this bill. If we cannot speak to that in a second reading debate legitimate political discussion on the bill is being gagged.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! The points the member is raising are relevant to the Biofuels Amendment Bill 2016, which the House will debate later. The points are not

relevant to the Fair Trading Amendment (Fuel Price Transparency) Bill 2016, which provides for the establishment of a scheme for the publication of service station fuel prices. I ask Mr David Shoebridge to confine his remarks to the leave of the bill before the House.

Mr DAVID SHOEBRIDGE: I accept your ruling, Mr Assistant-President. Unfortunately it appears that I cannot speak about the donations that have been given by one of the biggest corporate supporters of this bill. But accepting that limitation, I note that this bill will make very little difference to ordinary consumers—mums and dads. I do not believe they will all log onto the website to try to find the lowest price for petrol before they jump into their cars to go to the local service station. Perhaps a tiny percentage of motorists will have the luxury of doing that. Most people have very busy lives and are filling up the car at the same time as picking up kids from sport, buying groceries and getting to their casual jobs.

There is little if any real capacity for ordinary people to surf the internet and to work out the location of the lowest priced fuel. If they have to drive 15 kilometres to that petrol station there goes any notional benefit they would receive from getting their fuel for 1¢ a litre less. This bill will have very little real impact on the lives of mums and dads who are filling up their cars. This is just smoke and mirrors from a Government that is continuing its efforts to prop up the fossil fuel industry and pretending it can make fair something as rotten and crooked as the international cartel-driven oil price.

There is no capacity for this Government or any State government to try to fix the grossly dysfunctional international oil price that is set by a bunch of cartels. However much oil Saudi Arabia wants to pump out, what its current price war with Russia is, or how much the Saudis and Iranians want to pump out to try to knock out those deeply destructive new oil and gas fields in northern America, that is how oil prices will be set. It has nothing to do with what is right or wrong for New South Wales motorists. The Fair Trading website will enable people to find out where petrol might be marginally cheaper within a 30 minute drive from their home but it is nonsense to suggest that that will have a real impact on people's ordinary budgets.

If the Government wants to help people in Sydney and in regional and rural New South Wales get around, it should be investing in proper public transport and not in some privatised scheme that is being run by some of its corporate mates. It should provide proper public transport and invest in regional bus and rail links if it wants to help those people. This legislation, which is all smoke and mirrors, will make no real difference to anyone. It will make the Minister feel happy as he will have a new website. The Minister and his staff will be excitedly cruising the website to find out whether they will get slightly cheaper fuel if they drive for 45 minutes to a service station in Casula. Well done to the Minister and his staff but that will make no difference to the people in Sydney or in New South Wales.

The Hon. DANIEL MOOKHEY [11.50 a.m.]: I support the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 and the amendments foreshadowed by my colleague the Hon. Peter Primrose. I agree with the object of this bill which is to bring price transparency to the retail trading market, which is well and truly overdue. It corrects an information asymmetry which has worked to the advantage of retailers and not consumers. We should take every opportunity to introduce pricing transparency in the marketplace. I do not agree with one of the statements made earlier by Mr David Shoebridge. He said there was no value in the technological collation and publication of data, but he is wrong.

If the Government publishes retail prices using Really Simple Syndication [RSS] feed technology for apps such as Google Maps, a great Australian invention, and Waze, an Israeli invention, as night follows day all the competitors in the marketplace will use this data and plug it into smart phones to generate real-time location-based notifications for retailers. Waze has designed an algorithm to collect this data and to adjust it in real time using consumers and a peer-to-peer data collection model. So we are able to supplement peer-to-peer data collection with government mandated data reporting—a powerful tool for consumers. My colleague Mr David Shoebridge is wrong when he says that there is no value in government technological collation.

As good as it is for us to have price transparency in the retail market, a challenge not taken up by this bill, which should be taken up by governments in the future, is additional transparency in the wholesale market. Australia no longer refines oil. The Kurnell plant, the last remaining oil refining facility, shut down last year or the year before that which in itself is a tragedy as it marks the end of a valuable part of Australian manufacturing history and it means we rely far more on the price set in Singapore. The Australian Competition and Consumer Commission [ACCC] has drawn to the attention of regulators and parliaments the massive lag factor between the adjustment of wholesale prices in Singapore and the consequential adjustment of retail prices in Australia—an issue to be taken up by all governments.

Mr David Shoebridge said that this is beyond the control of any government, which is selling regulatory power short. The Commonwealth Trade Practices Act is designed to ensure transparency and accountability for retailers in their dealings with wholesalers. In future we will need to look at that and establish a framework to enable that to happen. This is yet another example of how industries should be regarded as supply chains and not necessarily component parts separated from each other. But those challenges are for another time. This bill is good but if it incorporates Labor's amendments it will be made better and it will be worthy of our support.

The Hon. PAUL GREEN [11.54 a.m.]: On behalf of the Christian Democratic Party I speak in debate on the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 which aims to amend the Fair Trading Act to provide for a scheme to publish service station fuel prices on an online database of fuel prices. The details of the scheme such as registration procedures and other technical details will be set out in a notice to be published in the *Government Gazette*. An industry working group will be able to comment on the development of the database. The most important part of this bill is the establishment of an online fuel price board that will require all service station operators to report their current fuel prices in real time.

Three main factors determine the price that motorists pay at the pump: first, global crude oil prices which need to be converted to Australian dollars to account for currency fluctuations; secondly, fuel excise and taxes payable by petroleum companies; and, thirdly, the cost of distribution and the mark-up at the retail service station. Given that these factors are outside our control, customers must be informed and should be in control if they are to make their own decisions about reducing cost of living pressures and, in particular, fuel costs. I believe that an online fuel price board will do this and will give some power back to the consumer. It will also create healthy competition amongst petrol stations and, who knows, we might just get cheaper petrol as a result.

A number of apps and websites already display fuel price comparisons. However these are recorded, locked in the day before and then displayed. This bill will enable an app to show real-time updates reflecting petrol station changes on their physical fuel boards. Importantly, the service station interface will be free of charge for all service station operators to register and upload price information onto the database. The database will also be free of charge for consumers to search for fuel prices in their local area or all over the State. The Government has advised that it is looking to local and international software developers to create things such as filters for brand, fuel type or other products at service stations.

I look forward to seeing those options. I want to comment on some of the issues raised by other members in this debate. Mr David Shoebridge referred to donations from Manildra. An amount of \$4 million was donated by major fossil fuel companies to major political parties which are negotiating for their interests. In the five years that I have been a member of Parliament many people have knocked on my door representing their interests. But we are here to hear both sides of the story.

Mr David Shoebridge: We are not here to take their money.

The Hon. PAUL GREEN: We are here to listen to the people of New South Wales and to hear both sides of the story. There is no doubt that those fuel companies made donations to both major political parties. Earlier there was a reference to ethanol. Labelling of ethanol at the pump must also be available on the apps to reflect there is 10 per cent of ethanol in a fuel mix—an issue to which I will refer later. Mr David Shoebridge also made reference to apps. I do not know where he has been hiding but I just looked at my phone and I have about 240 apps—from social media and weather forecasting to photo editing apps.

The Hon. Shaoquett Moselmane: Tracking Liberals.

The Hon. PAUL GREEN: Yes, Liberal Party tracking. As I was saying, I have 240 apps. Mr David Shoebridge asks: Who has time? Most of those apps are on my phone because they save me time. How many apps does he have on his phone? Just one: The Greens app. The point is, this app will save people money across New South Wales. In particular, it will assist people who live in rural and regional areas, where decisions are made on which service station to use dependent upon fuel cycle prices. Instead of having to drive around to find the best price, mums and dads will be able to search the app—or the kids will do it for them. They can find out where the cheapest fuel of the day is being sold. When people go into town to buy groceries or to do the farm work, they will know exactly which outlet is selling the cheapest fuel on that day. It will be very helpful for families across New South Wales.

The Christian Democratic Party congratulates the Government on this initiative. As Mr David Shoebridge said, it is part of a greater package. Last night in an adjournment speech I spoke about the Manildra

Group's ethanol E10. I am unashamed to fight for every regional job in this State—whether it is in Nowra, Gunnedah, Manildra, Broken Hill or Scone. I will also fight for every job in Sydney. I will defend as much as possible every job we have in this State because it is much easier to keep a job than to create a new one. We know that we need more new jobs across New South Wales, particularly in regional and rural areas.

The Christian Democratic Party congratulates the Government on introducing this bill. We have needed something like this for years to create fairness and transparency in an already daunting petrol price war. We look forward to competitive petrol pricing that the consumer will be the beneficiary of. I commend the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 to the House.

Mr SCOT MacDONALD (Parliamentary Secretary) [12.01 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank the following members for their contributions to the debate: the Hon. Peter Primrose, the Hon. Shaoquett Moselmane, Mr David Shoebridge, the Hon. Daniel Mookhey and the Hon. Paul Green. As honourable members have heard, the purpose of the Fair Trading Amendment (Fuel Price Transparency) Bill 2016 is to establish a scheme for an online fuel price board. The online fuel price board will provide consumers and businesses with complete and up-to-date fuel price information from service stations around New South Wales. This will encourage competition among service stations and provide motorists with opportunities to save on fuel.

I will respond to some of the points raised by honourable members. First, why is government duplicating a service already provided by the private sector? Fuel is a significant expense for many people in New South Wales. That is especially true in rural and remote areas of the State. The online price board will help motorists by providing the information they need to find the best fuel deal in their local area. There are some fuel price comparison sites and services, but none of these has prices for all service stations and none has completely up-to-date prices.

Websites—such as the petrol price search on the NRMA's website—do their best to provide information to consumers, but they are restricted by a lack of complete and up-to-date data from across New South Wales. Motorists want to know where they can get the best deal on fuel; service station operators want to reach customers and potential customers. In the internet age—as The Greens are discovering—this information has to be available online so that it can be equally accessible to everyone in the market at the same time. The online price board will meet these needs and deliver benefits to motorists around the State.

Secondly, how much will it cost service stations to comply with the online price board scheme? There will be no cost to businesses to register to use the online price board. Registering and uploading data will be free of charge whether a service station changes its prices twice an hour or twice a week. With any reporting measure there is an administrative cost for businesses. The Government is committed to keeping this cost as low as possible. The process to register and upload data will be straightforward and user friendly. Some businesses may even be able to fully automate the process.

In designing the system, the Government will do what it can to make it as easy to use as possible. The benefit for businesses is that they will be competing on equal terms with all other service stations. Small businesses are often the most competitive on price but cannot afford to compete on marketing and advertising. Those small operators will be able to reach consumers directly. Service stations offering motorists the best deal on fuel will see business increase. This will encourage more competition in the market and that means a better deal for consumers.

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. Paul Green): There being no objection, the bill will be taken as a whole.

The Hon. PETER PRIMROSE [12.06 p.m.]: I move Opposition amendment No. 1 on sheet C2016-014A.

No. 1 Fuel price offence

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

The Minister made a valid point in his second reading speech: that fuel is not a discretionary product in our modern society. Consumers and families do not have the option to simply not consume fuel. That is why it is important that the amendment be agreed to. It will mean that the cheapest price for fuel will be offered to consumers in New South Wales and this amendment will correct what I believe is an unintentional oversight by the Government. It is a simple amendment aimed at ensuring that the everyday consumer will receive the lowest price possible at the bowser.

The bill, as it stands, will make it an offence for a service station operator to offer fuel at a retail price other than at a price notified to the scheme pursuant to proposed section 58 (4) (b). If a motorist arrives at a service station and the price is lower, that operator is considered to be undertaking illegal activity if they sell the fuel to the motorist. This is not in the consumer's best interests. This Opposition amendment will make it an offence to sell fuel at a price that is higher than has been notified.

The Government has indicated that it has included a "reasonable steps" defence in the legislation. Service stations will likely not need fear aggressive prosecution for minor errors or temporary delays in reporting a price change. In the early days of the regime NSW Fair Trading will begin compliance by way of an education approach as it does, correctly, with most new laws. However, the Opposition believes that in doing so this undermines the very argument used by the Government in the other place for not supporting this amendment. The Government clearly accepts as inevitable that there will be time delays and lags. Without undermining the legal requirement for price accuracy, this simple amendment will ensure the consumers will always be able to purchase fuel at the cheapest available price.

Mr DAVID SHOEBRIDGE [12.09 p.m.]: Just last week Telstra had an outage on its 4G network. Most people with smart phones and many businesses could not access data on the internet because Telstra had gone down. It is not the first time Telstra's network has failed. It has failed a couple of times. I was at the University of New South Wales attempting to book an Uber, but the 4G network was inoperable. I had to resort to traditional methods and flag down a taxi. It was a leap back into the twentieth century. The point is that technology fails: the app can fail, people cannot access it because Telstra fails, or the corporate genius that the Government appoints to run the fuel app fails to update iOS402.

Technology fails. If it does so at a time when a petrol station wants to lower its prices due to information received by phone or carrier pigeon that the wholesale price has gone down, it will not be able to update the pricing information. Instead of selling fuel at \$1.10 per litre they may be allowed to sell it at \$1.05 per litre, but because Telstra's network has failed they will not be able to update the pricing information. They will have to consider whether to lower the price because if they sell fuel at a different price at the bowser to what is notified on the app they face prosecution. That is what the current bill proposes. It states in division 6, new section 58:

(4) The operator of a service station is guilty of an offence if:

...

(b) a type of prescribed fuel is offered for retail sale for the fuelling of motor vehicles at the service station at a standard retail price other than the price notified as being in effect at the time of the offer in accordance with an order under this section.

As it currently reads, if the Telstra or Vodafone service or app fails prior to a notification that the price has dropped from \$1.10 per litre to \$1.05 per litre, they will be reticent to reduce the price because they may face prosecution. Having the Parliamentary Secretary say a "reasonable efforts" defence means it is unlikely they will be prosecuted is all well and good, but in practice the rules may apply. There will be reasonable and straightforward rules that say a service station has to sell at the price it notified and it is an offence to sell at anything less. They are not going to inform individual service station operators there is an exemption in cases where the system is down and people have a reasonable defence.

The Opposition amendment states it is an offence to sell at a higher price than what is notified. Therefore, it is not an offence to sell it for a lower price. If the app or Telstra network has failed service stations can lower prices without facing prosecution. The Government will oppose the amendment. It has persuaded a majority of the crossbench members to oppose the amendment due to an abstruse argument that prosecution is unlikely due to prosecutorial discretion. Why not amend the bill in this House to say it is not an offence for service stations to sell it at a price lower than what they last notified on the app? I do not think there is a motorist in the State that would want to see a service station prosecuted for selling cheaper fuel.

The Hon. Dr PETER PHELPS [12.12 p.m.]: I am not unsympathetic to this bill.

The Hon. Trevor Khan: It is an amendment, as opposed to the bill.

The Hon. Dr PETER PHELPS: I am not unsympathetic to the bill. The question relates to the timing within which an operator of a console at a service station is required to notify the central authority of a price change. I would hate to see a situation where the prices have been changed, the fuel board at the front has been changed, but when he returns to the service station there is a group of school kids that want to buy one Wagon Wheel each. After 10 minutes of dealing with 5¢ coins the owner of the service station may find himself liable for a fine or penalty because he has not registered the price change within what might be considered a "reasonable amount of time".

I cannot see anything in the bill that gives consideration or legislative enactment to "a reasonable period of time". Given this is a debate that will be used in future court cases, could the Parliamentary Secretary give some assurance as to what the Government considers to be "a reasonable period of time" between the actual changing of the price and the changing of the advertising out the front. They are compelled to change the advertising by Federal law requiring a person not pay a higher price than that advertised. Can the Parliamentary Secretary give some assurance as to what would be considered "a reasonable period of time" to notify the change of price to the central authority?

Mr SCOT MacDONALD (Parliamentary Secretary) [12.13 p.m.]: The Government does not support the well-intentioned Opposition amendment on sheet 2016-014A. The Government wishes to maintain the current rule on price boards. Maintaining accurate pricing rather than "no higher than" the online price will ensure that when consumers open the app they receive real-time accurate information for a service station. Competition requires accurate price transparency. The competition feedback is strongest when a price is accurate. The bill does not stop petrol stations from selling fuel at the lowest possible price.

This bill requires current fuel prices be submitted to NSW Fair Trading in real time. If petrol station owners wish to lower the price they can—at any point in time, as many times a day as they like—but they must notify NSW Fair Trading of the current price. Fair Trading has a strong track record of pragmatic and reasonable enforcement practices. A "reasonable steps" defence is included in the bill, which includes the Wagon Wheels defence. Service stations need not fear aggressive prosecution for minor errors or temporary delays in reporting a price change. Fair Trading will begin the compliance regime with an education approach, as it does with most new laws.

A central component of these reforms is the accuracy of available price information. Let me reassure those opposite, and the Hon. Dr Peter Phelps, that the Government fully supports lower fuel prices for consumers. This amendment would allow misinformation and a lack of transparency in fuel price information, which goes against the very title of the bill. Unless a price is accurate, transparency cannot exist. I shall read the Australian Competition and Consumer Commission website regarding price displays:

There are Federal laws about the way prices are displayed. Prices should be genuine and you should be able to easily see the total price of anything advertised. If multiple different prices are displayed on a product or in advertising, the business has to fix the display or sell you the item for the lowest price.

When prices are advertised or promoted, products and services must clearly display a "single price" which is the minimum total cost that is able to be calculated.

Loss of opportunity is a real concern with this amendment. For example, one petrol station may sell fuel at 10¢ per litre cheaper than listed on the app, and down the road another station may sell it for 15¢ per litre cheaper than what is listed on the app. A consumer who attends the first station may reap the benefit from the 10¢ saving, but is denied the opportunity to benefit from the 15¢ saving as the information they received from the app was not transparent or accurate. This bill is most effective when consumers have access to accurate, real-time information about fuel prices. This amendment would deliver less accuracy and transparency for consumers in the marketplace.

The Hon. PETER PRIMROSE [12.18 p.m.]: I do not believe that the Parliamentary Secretary has accurately responded to the issue of the time lag. It is reasonable to talk about having information available in real time, but the question asked by the Hon. Dr Peter Phelps—and I am paraphrasing—concerned the time lag. There are not only technical implications to do with Telstra, there are also concerns relating to one petrol station. The assumption seems to be that a petrol station will have immediate access to all available information.

Most stations, particularly the larger ones, have one supplier of, say, petrol, another supplier of diesel that informs the petrol station of the prices, and a third supplier of gas—and I do not know what other types of suppliers there may be in the future. At best you may find that there will be only one person dealing with them, and that will be the same person who is serving Wagon Wheels to children—as mentioned by the Hon. Dr Peter Phelps. We are talking about time lags not only in relation to technology but also in the real world caused by the operation of the industry itself. So it is not unreasonable to ask what time lag the Office of Fair Trading would expect to operate.

The Hon. Trevor Khan: Point of order: The amendment that has been moved by the Hon. Peter Primrose seeks simply to change two words, "other than", to "that is higher than". What he seeks to do is, quite simply, change the point at which a prosecution can be launched.

Mr David Shoebridge: The basis on which it can be launched.

The Hon. Trevor Khan: Yes. What the Hon. Peter Primrose is now inviting does not go to the question of his amendment but to something entirely different. I submit that as we are in the Committee of the Whole the speakers to this point, whether for or against, should be addressing the amendment. They should not be addressing something that is outside the words of the amendment.

The Hon. PETER PRIMROSE: To the point of order: With due deference to the Hon. Trevor Khan and his knowledge of parliamentary procedure, the concern that was raised here—and it is reflected both in my initial speech in moving this amendment and in the reply from the Parliamentary Secretary—relates to the issue of timing and time lags. The Parliamentary Secretary has indicated that this is unnecessary because of the wish to have real-time information. The argument for raising the amendment is that, because of those time lags and the way the industry and technology operate, there will not be real-time information available. Accordingly, that could disadvantage consumers. Hence, I argue that it is very appropriate to have this conversation and seek the information.

TEMPORARY CHAIR (The Hon. Paul Green): Order! There is no point of order in light of the broader connection.

The Hon. Dr PETER PHELPS [12.22 p.m.]: Again, I appreciate the words of the Parliamentary Secretary. But there are people in the industry who have not moved towards an automated system whereby when the price on the console is changed it automatically pops up on the advertising board at the front of the service station and is automatically transferred to the central collection authority of the individual fuel companies in the case of fuel company owned fuel stations—that includes particularly franchisees, independents or even corporate service stations which still rely on an old analog system for the changing of prices. In a situation such as that, surely those people deserve some sort of surety as to an acceptable period of time. It might be five minutes, 10 minutes or 15 minutes—it might even be two minutes—but they have to have at least some sort of surety that there can be a lag between updating their analog systems and reporting to head office.

Mr David Shoebridge: Point of order: None of this debate that we have just heard relates at all to the amendment.

TEMPORARY CHAIR (The Hon. Paul Green): Order! I am mindful of the good work that the Chairman of Committees has done in having members confine their remarks to the amendment before the Committee. I ask that members conclude their remarks on this amendment. I think enough detail has been put forward. If there is no further comment, I will put the question.

Question—That Opposition amendment No. 1 [C2016-014A] be agreed to—put.

The Committee divided.

Ayes, 15

Ms Barham
Ms Cotsis
Dr Faruqi
Mrs Houssos
Mr Mookhey
Mr Pearson

Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe
Mr Shoebridge
Mr Veitch

Ms Voltz

Tellers,
Mr Donnelly
Mr Moselmane

Noes, 20

Mr Ajaka
Mr Amato
Mr Blair
Mr Brown
Mr Clarke
Mr Colless
Ms Cusack

Mr Farlow
Mr Gallacher
Mr Gay
Mr Harwin
Mr Khan
Mr MacDonald
Mr Mallard

Mr Mason-Cox
Mrs Mitchell
Reverend Nile
Mr Pearce
Tellers,
Mr Franklin
Mrs Taylor

Pair

Mr Wong

Mrs Maclaren-Jones

Question resolved in the negative.

Opposition amendment No. 1 [C2016-014A] 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.

BIOFUELS AMENDMENT BILL 2016

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

Motion by the Hon. Rick Colless, 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

The Hon. RICK COLLESS (Parliamentary Secretary) [12.34 p.m.], on behalf of the Hon. John Ajaka:
I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Biofuels Amendment Bill 2016.

The Biofuels Amendment Bill 2016 represents a significant package of reforms aimed at ensuring the objectives of the New South Wales biofuels mandate are met.

It should be noted that when the Biofuel (Ethanol Content) Bill was introduced in 2007 the mandate received bipartisan support. That remains the case today.

The mandate is also supported by the National Roads and Motorists' Association [NRMA], the State's peak motoring body, with more than 2.5 million members.

It should be acknowledged at the outset that ethanol mandates are not without controversy, but that controversy is certainly not unique to New South Wales. Mandates concerning the ethanol content of fuel and consumption targets exist in more than 50 countries around the world, including the United States of America, Canada, France and Brazil.

Debate about the merits of ethanol-blended fuel is nothing new. Government intervention in a free market is never desirable. The Government understands why, philosophically, it creates unease among some members of this House, but we must recognise that we do not live in a free market utopia.

The oil industry belies many free market principles. One only needs to listen to the public on talkback radio or read the letters to the editor section in the papers to ascertain the level of scepticism the public has towards the fuel industry, and the level of transparency and competition within the fuel industry, particularly, as it ultimately translates to prices at the pump.

If petrol is a grudge product for most consumers, ethanol is the ultimate grudge for most oil companies. Why would they voluntarily supplant their sale of hydrocarbons with a cheaper agricultural waste product?

The answer is that without incentives or compulsion they are very unlikely to do so. This is why government mandate is required.

Indeed, I am not aware of any jurisdiction in the world where a strong and viable biofuels market has been successfully established and maintained without government intervention. That is the reality we live in. If we want a sustainable and competitive biofuels market in New South Wales, we need a strong and enforceable mandate.

The reality is that governments regularly intervene in the market to protect consumers against unchecked market forces. That is why we have agencies such as Fair Trading, the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Energy and Water Ombudsman, and the State Insurance Regulation Authority, amongst many others.

Let me be very clear: The Government's focus is squarely on the consumer interest. It is important that E10 is a competitively priced product and that price is reflected at the bowser. It is important that consumers be given a choice between E10, regular unleaded and premium fuels.

It is important that we have more transparency in the market, including real-time prices available online, and transparency on the true cost of ethanol production and it is passed through to the bowser. It is important that we encourage a viable and competitive homegrown biofuels industry. This is what this bill seeks to do.

Since assuming responsibility for the biofuels mandate nine months ago, the Minister for Innovation and Better Regulation has sought to work collaboratively and constructively with all interested stakeholders to develop a workable solution.

It is true that the Minister has met with Manildra on several occasions to discuss the operation of the mandate. Manildra Group has invested more than \$330 million in its ethanol plant and equipment in New South Wales. It has geared up its production capacity in anticipation of an increase in consumption towards the mandated 6 per cent. Manildra has an important role in this.

But there are many other important stakeholders that the Minister has met on numerous occasions. They include the NRMA, representing motorists; the Australian Convenience and Petroleum Marketers Association [ACAPMA], representing the retailers and service station operators; and the Biofuels Association and the Australian Institute of Petroleum, representing the oil companies.

The Minister has met with all of them on multiple occasions.

It is true that due to the scale of its production capacity, Manildra is a near monopoly provider of ethanol fuel in New South Wales. It is important that we create a competitive homegrown biofuels industry. However, this will never happen without a strong and robust government mandate. Indeed, that is what the mandate was designed to do.

The Government is also very mindful of the need to balance the objectives of the mandate against the interests of small to medium fuel retailers and franchisees, many of whom can be categorised legitimately as small business owners.

That is why everything set out in the legislation is subject to further detailed consultation on the regulations, which will determine key elements of the reform including volume thresholds, the cost of tank infrastructure upgrades and the grounds upon which retailers can apply for exemptions.

Following media speculation, the Minister has put on the record the position of the Australasian Convenience and Petroleum Marketers Association—the organisation representing fuel retailers and service station operators, both big and small, in relation to the mandate.

ACAPMA is fundamentally opposed to the ethanol mandate. That position has not changed. It was opposed to the introduction of an ethanol mandate in Queensland last year, but sought to work constructively with that government on the detail and implementation process. Likewise in New South Wales, ACAPMA Chief Executive Officer Mark McKenzie has committed to working constructively with the New South Wales Government on the implementation of our reforms.

In particular, the Minister and ACAPMA have a shared interest in getting the necessary data to make informed decisions regarding thresholds for liability. This will ensure there are sufficient safeguards for small fuel retail businesses in New South Wales: who is in and who is out; what are the true infrastructure upgrade costs; how can operators obtain an exemption on the basis of having taken reasonable steps to comply; or simply not being able to afford to comply in the first place.

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

Prior to detailing the provisions of the bill, it is important to set out the four major benefits of a strong biofuels market, backed by a government mandate.

The first benefit is that E10 is the most cost-efficient petrol in the marketplace. It is worth stating the obvious: Ethanol is the cheapest component of ethanol-blended fuel. It is widely acknowledged that E10's main competitor, regular unleaded, is 3 per cent more energy efficient. This means that on your average tank you will drive 3 per cent further with regular unleaded than you would with E10. That is, if your car takes you 400 kilometres on a tank of E10, it will take you 412 kilometres on a tank of regular unleaded.

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

According to performance data United Group is tracking at around 5 per cent, meaning E10 represents almost half of its total fuel sales. If the average price of petrol is \$1.10 to \$1.20 per litre, it does not take much investigation to conclude that E10 is currently not being priced competitively.

Let us be clear, at the current price we will never reach the mandated 6 per cent. For price-sensitive motorists E10 is not an economically rational option because it is being outpriced by regular unleaded. Given that 10 per cent of E10 is ethanol and ethanol is the cheapest component, this pricing situation defies logic.

That is why the Government has asked the Independent Pricing and Regulatory Tribunal [IPART] for the first time to regulate the wholesale price of ethanol.

IPART will maintain also a watching brief on retail prices to ensure that any reductions in the wholesale price resulting from its new oversight are passed through to the bowser.

This price regulation will take effect later this year and will significantly change the market dynamic. No longer will ethanol producers and oil companies be able to blame each other for the uncompetitive pricing of E10.

The public will have access to information that demonstrates the true cost of production and the true purchase cost to oil companies. Once established, IPART's benchmarking mechanism will help to ensure E10 is more competitive. Competitive pricing is the key to success for the mandate.

The second benefit is that consumption of biofuels dilutes our dependence on foreign oil.

This is the elephant in the room and not many people want to discuss it, but talk to the NRMA, talk to the economists and the fuel security experts and you will soon realise that in the event of an oil crisis Australia is pretty much at the bottom of the barrel.

We are extremely vulnerable to disruptions in the supply of foreign oil. The majority of our mobility depends on regular and reliable access to oil supplies from geopolitically unstable regimes and the fuel that is derived from it.

According to a report commissioned by the NRMA in 2013, Australia's energy dependency on foreign oil has increased dramatically from 60 per cent in 2000 to 91 per cent in 2013. The maths is pretty simple: The more ethanol and biodiesel we use in our fuels the less dependent we will be on foreign oil in the event of a crisis.

We may be talking only in percentage points, but in the event of a global oil crisis that could be the difference between business as usual and our State's economy grinding to a halt. For example, Brazil, the United States and most European nations are in a far stronger fuel security position than we are in the event of such an emergency.

The third benefit is that using ethanol-blended fuel makes productive economic use of an agricultural waste product.

Unlike petrol, ethanol is a renewable resource. In New South Wales ethanol is predominantly made from starch as a by-product of wheat production.

For our farmers ethanol production is the only viable use for this resource. Without a market for ethanol this by-product would go to waste, cutting the already thin margins facing our farmers. Many would be forced to significantly cut back on production if the sale of starch for ethanol production was no longer an option. Across Australia more than 5,000 wheat, sugar and grain farmers rely on ethanol production. It is safe to say that without the mandate many of these jobs would no longer be viable.

Ethanol is an important opportunity to reduce our reliance on oil imports and carbon dioxide omissions, all by using agricultural waste.

The fourth benefit is that a vibrant biofuels market supports regional jobs. The production of E10 supports thousands of jobs across regional New South Wales across both the agriculture and manufacturing industries. According to an independent review of the industry, nationwide ethanol production delivers 3,000 direct jobs and a further 20,000 indirect jobs. The industry contributes \$402 million in gross domestic product [GDP] every year. The majority of these jobs are located in regional New South Wales; for example, the jobs provided by the ethanol plant in Nowra.

In addition, cities and towns across New South Wales are home to ethanol industry workers, including Manildra, Gunnedah and Narrandera.

These are skilled, high-wage regional jobs that cannot be exported or outsourced.

Given the huge strain on manufacturing and agriculture facing Australia it is important that we continue to support the thousands of regional jobs delivered by the ethanol industry.

I will now address some key reform measures. The first measure is the regulation of the wholesale price of ethanol. The second is the transition from wholesale to retail compliance. The third is a tighter and clearer exemptions framework. The fourth is an information campaign, and the fifth is the establishment of an online fuel board.

The first measure is the regulation of the wholesale price of ethanol. As I discussed earlier, part of the reform package will require IPART to have a role in helping to ensure that E10 is sold at a competitive price.

IPART will do this by regulating the wholesale price of ethanol. They will determine a fair price for ethanol, a key input into the price of E10.

IPART will also monitor retail prices to ensure reductions in the wholesale price are being passed through to consumers at the bowser.

The second measure is the transition from wholesale to retail compliance. Consumer awareness of and demand for E10 increases with availability of the fuel.

What we have seen in recent years is a reduction in the availability of E10 on service station forecourts.

In many instances E10 bowsers have been removed and replaced with regular unleaded or premium fuels.

As mentioned earlier, this Government supports consumers having a choice between E10 and regular unleaded. But we support a choice in an environment in which E10 is fairly and competitively priced.

At the moment that clearly does not exist. Experience in other countries demonstrates that the more consumers understand the properties of ethanol fuel the more willing they are to buy it. That is why these reforms address availability of E10 by expanding the reach of the legislation.

The Government has listened to industry about how this will impact on newly regulated businesses, particularly small businesses and small- and medium-sized enterprises.

This was also detailed in the announcement the Government made on 20 December 2015.

Industry was also concerned that there needed to be more transparency about how the mandate worked. While wholesalers were required to comply with the mandate, their ability to influence retail sales was very limited.

The reforms address this. Industry representatives were concerned at the lack of a level playing field. Some service stations with a small number of sites but very large sale volumes were not required to comply with a mandate. These reforms address this.

The focus is now clearly on retail sites where most petrol is purchased. All service stations that sell three or more types of petrol and diesel, and have sales above a prescribed threshold will need to comply with the mandate.

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

The threshold will be set to target the majors, not small businesses.

The Minister has listened extensively to the community and understands that for mum-and-dad operators, many in regional areas, complying with the mandate is often not possible.

The Government will honour its commitment to industry and small operators, and will establish a working group to develop thresholds after the required data is obtained.

The reforms also include a measure to allow the Government to collect sales data across the whole retail fuel market. This data is essential. It will allow us to see how the reforms are working and will allow for further regulatory refinement, if required.

The third measure relates to a tighter and clearer exemptions framework.

There will be enhancements to the existing exemptions regime, including provision for an exemption of up to two years for those businesses that need time to transition to the new arrangements.

Exemptions are also available for retailers who have been unable to comply with the mandate despite having taken all reasonable steps to do so.

New, more objective measures will be added to the "reasonable steps" test in the legislation to reduce uncertainty for industry. The test will be clearer and easier to understand. A lack of clarity around the current exemption framework has restricted the effectiveness of the current mandate.

Providing a stronger and more objective framework will go a long way in supporting ethanol consumption in a way that is fair and simple for industry to comply with.

The fourth measure is an information campaign. To better inform consumers, the Government will deliver a community education and awareness campaign on the benefits of ethanol. The campaign will give motorists the facts on the compatibility and performance of vehicles using E10 fuel. It will also explain energy disparity between fuels, highlighting that at a certain price point, ethanol is the most cost-effective option.

Central to this campaign will be busting the myths and old wives' tales around the use of ethanol-blended fuel.

More than 85 per cent of petrol vehicles on our roads can use E10. Indeed, many run better on it because of the higher research octane number [RON] properties it has.

The campaign will provide consumers with the facts needed to make informed decisions at the bowser. IPART estimated that the education campaign alone could increase ethanol sales by around 10 per cent.

The NRMA has been fully supportive of the campaign and the Minister will be working closely with the NRMA to ensure the Government can convey the facts to as many motorists as possible.

The fifth measure is the creation of the online fuel board. Consumers will benefit from these reforms as they will put downward pressure on E10 prices, increase the availability of E10 and boost transparency in the fuel market.

Last week, the Government introduced amendments to the Fair Trading Act to establish an online fuel price board.

This will provide an opportunity for consumers to save money by finding a better deal on fuel. One of the fuels that service stations must report on for the online price board will be E10.

These two reforms will work together to make sure consumers know how price competitive E10 really is. E10 is generally the cheapest petrol available at New South Wales garages, and should be by a decent margin.

As a relatively recent initiative, the online fuel board has not been considered in IPART's projections on ethanol uptake. Having already witnessed the broad support for the online price board, it will be an important measure to drive increased competition and therefore consumption in the marketplace. In partnership with the ethanol information campaign, I am confident the price board will help increase ethanol consumption in New South Wales.

From 1 July 2015, NSW Fair Trading became responsible for administering the Biofuels Act 2007. The Government has undertaken a number of reforms since that time.

Since that date, the Minister has worked closely with all interested parties to ensure the objectives of the Biofuels Act are being met.

In September 2015, the Minister wrote to the chair of the expert panel established under section 24 of the Biofuels Act, with a set of strengthened guidelines for consideration when granting exemptions.

This included a limitation on the maximum period for an exemption in advance to three months as well as more prescriptive guidance on what constitutes "all reasonable steps".

In addition to this, Fair Trading wrote to every service station in New South Wales informing them that the RON of E10 fuel is 94 and that should be accurately displayed on the bowsers. Many service stations were incorrectly labelling the fuel as 91, causing confusion with consumers.

In February this year, Fair Trading undertook a further compliance operation to ensure compliance with the RON labelling was occurring. We have received a number of third party endorsements for the reforms proposed by the Government.

The NRMA supported the E10 mandate when it was first introduced, with bipartisan support in 2008, and continues to support it today. On 20 December 2015 the NRMA also issued a media release stating its support for the Government's decision to introduce a new online petrol portal, forcing all service stations to display their prices in real time. NRMA President Kyle Loades said:

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

United Petroleum also strongly supports the bill and stated:

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

United has also refuted claims that converting tanks and pumps to E10 would be cost prohibitive—estimating its own conversions in New South Wales to be between \$7,000 and \$25,000.

The Chief Executive Officer of the NSW Council of Social Service [NCOSS], Tracy Howe, said in relation to the online fuel board:

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

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

In conclusion, the Government thanks all industry representatives who participated in the roundtable held on 11 February this year. Industry consultation on the regulations is ongoing. The Minister is committed to working collaboratively to improve the effectiveness of this legislation. The consultation will also ensure that decisions that impact on the livelihood of small operators are based on facts not assertions.

The regulations will determine key elements of the reform including volume thresholds, the cost of tank infrastructure upgrades and the grounds upon which retailers can apply for exemptions. The Minister for Innovation and Better Regulation is pleased to lead on the Government's commitment for better regulation through the Biofuels Amendment Bill 2016.

I commend the bill to the House.

The Hon. PETER PRIMROSE [12.35 p.m.]: The Biofuels Act 2007 was the first of its kind in Australia, introduced by the Iemma Labor Government in June 2007. It followed a proud lineage of innovative and future-oriented legislation that are the hallmarks of Labor governments. In the 1980s the Wran Government spearheaded the nation when it banned lead in fuels; so, too, with the nation's first ever piece of biofuels legislation. Labor made this commitment on a number of grounds. First, we wanted to provide another price-competitive option for motorists who wanted to do something about the environment. Secondly, we wanted to provide another stimulus for the New South Wales regional economy, delivering another market for farmers, as well as an opportunity for new and expanded ethanol plants across regional New South Wales.

Thirdly, it was a homegrown source that helped reduce our reliance on overseas fuel imports from the increasingly fractious Middle East. This was innovative legislation, the first in Australia, and Labor pushed ahead against the intransigence of the then Howard Liberal Government. A Federal scheme was always preferable, but Labor was up against a Coalition Government that would rather let the market decide, even if it meant sidelining a homegrown, more environmentally friendly alternative. I note at the time of the debate that there was bipartisan support. The only voice of discontent, which was ironic for an environmentally positive initiative, was The Greens. It was a first for New South Wales and a first for Australia.

The State Labor Government worked with the fuel industry and other stakeholders to make the mandate successful. In the first four years Labor achieved a lot: good policy and particularly good implementation of policy. This does not happen by accident—as Government members are now starting to find out. It comes about by consistent effort and resolve of purpose. The 2007 legislation worked by setting mandatory levels but allowing exemptions to be granted by the Minister on the advice of the expert panel to retailers. This was deliberately designed to keep the pressure on the major retailers and to ensure that to be granted an exemption they had to demonstrate how they were meeting the mandate, whether through promotion, infrastructure rollouts and the like.

When the mandate was introduced the amount of ethanol sold in New South Wales by volume was less than 1 per cent. By the middle of 2011, it was touching 4 per cent and the future was looking positive. There was a real groundswell of support, the major retailers were working with the Government and the first shoots of investment in regional New South Wales were starting to appear. By the end of the decade, we were starting to get the confidence to push the mandate to 6 per cent. In 2011 the mandate was working and expanding biofuels in New South Wales, which was up to 4 per cent, with biodiesel starting to gain traction under a similar mandated scheme. Then confusion, uncertainty, infighting and back-peddalling occurred. We are now trying to make up for what we lost over the past five years—the first five years of the O'Farrell-Baird Government.

Despite the unanimous support of Parliament in 2007, we knew there were opponents in the Coalition ranks. They are crazy brave, Infrastructure Partnerships Australia types, more commonly known as "the Uglies". We knew they were there and, judging by accounts in the media and by the nonsense spouted forth by some of them in the House, they are still there and they are spreading. We take that as a matter of fact on this side of the House. There will always be an unhealthy group among the conservatives who will back the market over society, back large multinationals over small local business, back private wealth over common good, and back

greed over compassion. What is most disturbing when it comes to biofuels is that we know some on the Government side were still supportive; they should have known that the rot was setting in but they were obviously unable, or unwilling, to do anything about it.

Take The Nationals members, for example. In 2007 they were falling over each other to get into the *Hansard* to show their support for ethanol. They were even reprimanding the Government for not implementing a 10 per cent mandate overnight, even though this would have caused calamity for the biofuel cause and chaos in the fuel market in New South Wales. Nevertheless, I thought The Nationals would have taken on the biofuel cause when that party came to government with the Liberal Party. But, then again, when have The Nationals members ever spoken up in the interests of rural and regional New South Wales, particularly when they are thrown a few crumbs by their Liberal masters in government?

I challenge anyone to check the *Hansard* to see how The Nationals members voted on local government amalgamations. Communities represented by The Nationals do not want the amalgamations but The Nationals members toe the line. Time and time again—whether it be with respect to coal seam gas, the rights of farmers in rural communities to protest against coalmines, or the cause of local rurally grown fuel—The Nationals go missing in action. We have seen it again with respect to biofuel. Between 2011 and the present, with all the effort, policy design and promotion undertaken by the Labor Government, we started to see a gradual decline in the amount of biofuel sold in New South Wales. Despite nearing 4 per cent under Labor, today the amount of biofuel sold struggles to be well under 3 per cent.

It is commonly known in the industry that the O'Farrell and Baird governments were paying lip service to the Biofuels Act. Their hearts were not in it, and they let the multinational fuel companies get away with larger and larger exemptions. But, again, I guess the main purpose of the Liberal Party and The Nationals is to make life as easy as possible for their friends in big business; it is part of their DNA. The mandate was a strong signal for investment and jobs in rural and regional New South Wales. The hope was for more than one producer to emerge. There were positive signals in that regard under Labor. We at least had one producer, Manildra, down the South Coast employing hundreds of workers. Manildra is important to the local region but where is the local member? The former member for Kiama, Matt Brown, was a tireless Country Labor supporter of biofuels. But from his successor we have heard nothing—not even a whimper.

The member for Kiama talks big, stomps around and waves his hands dramatically in the Legislative Assembly, but when it comes to doing something practical for his community—like supporting biofuels and jobs in his electorate—we hear nothing. Today the Parliament is considering a number of amendments to the Biofuels Act. I know that many Government members would rather be repealing the Act but Labor will always back legislation that backs the environment, backs the bush, and provides more fuel choice for motorists. That is why the Opposition supports the bill. The Opposition commends the Minister for his efforts in this regard. I trust that the Minister will be true to his words and intentions as expressed in his second reaching speech on the bill. Besides the support of the Opposition, I am pleased to see the ongoing support of the NRMA for biofuels legislation.

The respect—and esteem—with which it is held by the motoring public will ensure that there is an ongoing champion for the biofuels cause, regardless of what the Coalition may or may not do. I note that the former president of the NRMA, Alan Evans, was an important player in implementing the biofuels legislation under the Labor Government and the current president, Kyle Loades, continues that support. Another supporter was the former State Independent member for Tamworth—and hopefully the future Federal member for New England—Tony Windsor. He is a role model for any aspiring members of Parliament who have the interests of country New South Wales close to their hearts and minds.

The bill introduces a number of reforms to the way in which the mandate will operate and who it will include. It also seeks more information from the retail industry on the day-to-day practicalities of selling ethanol-blended fuels in the marketplace. First, the legislation amends the way in which who is, and who is not, part of the mandate is determined. The original legislation focused on the "major retailer", defined as a person who operates or controls more than 20 service stations. This picks up most of the market, including the likes of BP, Caltex/Woolworths, Coles, Mobil and 7-Eleven, but the market is a dynamic creature, and we need to adjust legislation to best fit market operations. New section 4A redefines the target of the mandate as a "volume fuel retailer"—a person who operates or controls the operation at which three or more types of petrol or diesel are available, and the total volume of petrol and diesel sold exceeds a threshold prescribed by the regulations.

The devil is in the detail, particularly with the determination of the volumetric threshold. This will, hopefully, still pick up the existing major retailers, as well as new entrants such as Costco, which may only have

a few sites but which sells a lot of fuel. The Opposition trusts that the Minister and his department will do the right thing in setting an appropriate threshold. A threshold that is too high could exclude some major players and a threshold that is too low may endanger the livelihoods of many smaller and independent operators. The Opposition was pleased to note the Minister's commitment to undertaking a regulatory impact statement. This should provide for sufficient consultation and input from stakeholders in determining an appropriate level. The Opposition will maintain a watching brief on this matter as it unfolds. The Opposition also notes the concerns expressed recently by the Australasian Convenience and Petroleum Marketers Association [ACAPMA]. The Opposition notes concerns that any volumetric threshold will need to take into account seasonal fluctuations for many smaller, independent operators—for example, a coastal operator who may sell a lot in summer but far less in other seasons.

We also note the concerns about the potential devastating impacts of forcing smaller operators to convert their tanks to tanks that are able to store ethanol, which is a corrosive liquid. Parliament and regulators need to be careful that the result of any regulation does not unnecessarily threaten the livelihoods of those less able to cope with consequential conversion costs. The Opposition notes the commitment of the Minister to work with ACAPMA and ensure that the interests of small to medium-size operators are considered. Overall, it is disappointing that so much of the detail in the bill is unknown. The Government has had five years to get this right and it has delivered a bill without detail. The real detail will be tied up in the regulation, as is so often the case under this Government. The Opposition will maintain vigilance over the regulation-making process, as an effective, realistic and workable regulation will be pivotal to the success or otherwise of a central part of the bill.

The Opposition notes the intention of the bill to gather more information on the industry and the sale of biofuel, as well as implementation and conversion costs. I agree with the Minister that good datasets—as long as they are not ridiculously burdensome for operators, particularly small to medium-size businesses—are important if, as regulators, we are to understand any industry better. More information enables government to set rules that reduce unnecessary red tape and provide a more efficient regulatory framework for business. The Opposition, which under former Premier Morris Iemma established the Better Regulation Office in 2006, is a strong advocate of better rules and regulations supporting better outcomes for the community. The Minister has our support in this ongoing endeavour. On the same note, the Opposition supports the role of the Independent Pricing and Regulatory Tribunal [IPART] in reviewing reasonable prices for wholesale ethanol.

E10 is a cheaper fuel per litre, but it can also be less efficient under certain driving conditions. That is why it is crucial that the Government has the best understanding of the price structures within the fuel market. For ethanol-blended fuel to be price competitive and even better value for motorists, it should be selling for at least 3 per cent less than regular unleaded petrol. While there are other reasons for New South Wales motorists to be using ethanol-blended fuel—the environment, local jobs and more sustainable fuel sources—we must remain cognisant of price differentials. It is worth noting that United Group—a market leader in biofuels, and the scene of Premier Iemma's launch of Labor's biofuels policy in 2007—generally sells E10 at around 4¢ per litre cheaper. Some majors are reported to be selling E10 for little less than 1.6¢ a litre cheaper. While ethanol sales are the subject of commercial-in-confidence negotiations, the role of IPART in looking into the reasonable wholesale price of ethanol, as well as the retail price of E10 across the broader market, is a positive initiative, and something the Opposition supports.

Finally, the removal of wholesalers from the mandate is supported by Opposition members, as we agree that they have little control over what goes into people's cars at the service station. On that note, the Opposition notes the commitment of the Minister to promote biofuel in New South Wales. This is commendable, and a bipartisan approach to biofuel helps give broader assurances to motorists that ethanol-blended fuel can be used in most cars these days—consumers in any doubt about their cars just have to look at the fuel line when filling up to check. I would be interested in receiving more information on the nature of the proposed advertising campaign.

The best way to promote biofuels is at point of sale. I know this Government has turned flashy websites into a centrepiece of its operations, but we need to be sure that any information campaign is an effective use of taxpayers' money and is pitched at the right level. The Opposition encourages the Government to continue to work with organisations like the NRMA in spreading the good news about biofuels. The Opposition commends the Minister for this bill. As I said, the Minister seems to be doing his best to right the ship that had been blown off course after four years of mismanagement and confusion.

Labor is rightfully proud of many things it achieved in government—tripling of the health budget, tripling of funding to education and TAFE, and record investment in emergency services, police and

infrastructure. But it was also an innovative and ambitious Government, particularly when it came to environmental measures. The Carr Government established the world's first carbon emissions trading scheme in 2003—something Federal Labor would have done nationally if it were not for the Coalition and The Greens. We drove innovative government that slashed unnecessary red tape, creating the Better Regulation Office within the Department of Premier and Cabinet to oversee this task. And we enacted the nation's first mandate on clean, green biofuel.

What we have seen from the O'Farrell-Baird Government to date is nothing short of a wilful undermining—whether by neglect, design or incompetence—of an excellent scheme that provides choice for motorists, investment opportunities and confidence, and jobs for rural and regional New South Wales. The Opposition trusts that this bill will start to address the neglect of biofuels under the New South Wales Coalition, and turn the Government's attention to what can be done to consolidate and expand the biofuels industry in New South Wales. Labor in government made New South Wales a national leader in biofuels. We will continue to be tireless campaigners for clean, green energy sources that can be made right here and that employ local workers. I commend the bill to the House.

The Hon. ROBERT BROWN [12.51 p.m.]: On behalf of the Shooters and Fishers Party, I speak in support of the Biofuels Amendment Bill 2016. We see this bill as a natural progression of the Government's ethanol mandate, following the Biofuel (Ethanol Content) Bill introduced in 2007 with bipartisan support. As the Minister for Innovation and Better Regulation, Victor Dominello, correctly pointed out, mandates concerning the ethanol content of fuel and consumption targets exist in more than 50 countries, including the United States of America, Canada, France and Brazil. Unfortunately, the previous Government mandate has failed to deliver on the consumption targets. The price differential is sometimes just not big enough to make E10 fuel a viable choice for consumers. We hope the amendments will work to redress that issue and create an economically viable market for E10 fuel consumption.

I note that through the later years of the previous Government there was a reticence in our discussions with Ministers to force fuel companies to produce E10 fuel. Even today the fuel available at pumps is somewhere around E9¼, or something like that. I recall that correctly blended E10+ fuel lifts the research octane number rating above that of ordinary unleaded fuel. We can see why the Government does not want to force fuel companies to produce the correct blend. It appears that we cannot escape the fact that E10 is still largely undermined by an unfortunate stigma—that is, it is no good for our cars. This is despite cars being built in Brazil, quite a few of which are imported into Australia, that run on E85.

I note that the Minister responsible has flagged a series of reforms accompanying this bill, including an information and awareness campaign on the benefits of ethanol. I foreshadow that I will move amendments to the bill during the Committee stage that I believe will assist this process and recognise the value of ethanol production to regional communities, in particular our farmers. Given that we all support locally sourced products and our Aussie farmers, I hope our amendment will be supported by all members of this House.

The bill provides beneficial outcomes for regional communities and farmers, enhanced fuel security, and benefits to the environment. On this basis, we support the bill. One would imagine that it would not be possible to have a better grab bag of reasons to support a bill than those I have mentioned. Furthermore, we support the use and development of E10 fuel as an alternative and cheaper fuel source over time. Ethanol adds value to agricultural crops and agricultural crop waste, thereby benefiting our regional communities. Ethanol is a renewable fuel, made from the waste stream of agricultural and biomass products. The production process is environmentally friendly and sustainable, and I cannot see why anyone would oppose it, including The Greens.

In Australia, ethanol production contributes hundreds of millions of dollars to the economy, and employs thousands of staff directly—the majority of whom are located in regional communities. Our reliance on foreign fuel supplies has hit unsustainable levels. Ethanol reduces our dependence on imported oil, expands the supply of our fuel and reduces our trade deficit—once again, all positive marks. Since 2000, our dependence on imported liquid fuel and oil for transport has grown from around 60 per cent to more than 90 per cent, which is pretty frightening when one says it slowly. There is no plan to stop Australia's dependence growing to 100 per cent or halting the further decline in our fuel security.

We believe the solution is fairly simple. In ethanol, we have a renewable and environmentally friendly source of fuel that is produced locally, which puts more money in our farmers' pockets. It is a win-win situation. As this century rolls on, we will need more and more ways to produce liquid fuels. Electricity can be produced by coal-fired power-generation plants and electric and hybrid cars can be powered by plugging into this power

source, but planes cannot be powered by plugging them into power sources. Following discussions with the Manildra Group and the Christian Democratic Party, I will move a number of amendments in Committee that I believe will further entrench our fuel security and provide more stability around E10 fuel consumption, for the all the reasons I have outlined in my contribution to this debate. I will not verbal the Christian Democratic Party because I do not know how its members will vote on my amendments. I commend the bill to the House.

The Hon. PAUL GREEN [12.56 p.m.]: On behalf of the Christian Democratic Party, I speak in debate on the Biofuels Amendment Bill 2016. The bill seeks to amend the Biofuels Act 2007, with the following objectives:

- (a) to extend the categories of retailers of petrol or diesel fuel who must comply with minimum biofuel requirements, and
- (b) to impose additional requirements on retailers of petrol or diesel fuel to make petrol-ethanol blend available for sale, and
- (c) to remove the obligation for wholesalers of petrol or diesel fuel to comply with minimum biofuel requirements but retain their obligation to provide returns, and
- (d) to require retailers of petrol or diesel fuel who are not subject to the minimum biofuel requirements to provide returns in accordance with the regulations, and
- (e) to provide IPART with power to make a determination about the reasonable wholesale price of ethanol, and
- (f) to require all operators of service stations to provide a return principally for the purpose of setting an appropriate threshold in the regulations for compliance with the minimum biofuel requirements as proposed to be amended.

The bill aims to ensure that the objectives of the New South Wales biofuels mandate are met. New South Wales needs a strong and enforceable mandate if we are to build a sustainable, competitive biofuels market. I welcome the amendments in this legislation that will ensure that New South Wales petroleum companies comply with New South Wales regulations and laws. The Christian Democratic Party understands that these amendments will have an impact on small and medium-size enterprises. We acknowledge the service stations run by mums and dads, recognising that those service stations need to be considered and the impost waived or the operators should receive additional assistance to meet compliance costs. I am pleased that the Government is establishing a working group to develop appropriate thresholds to ensure that this reform targets major petroleum companies and does not adversely impact small businesses.

For consumers, this bill means greater transparency. We have just dealt with a bill in the House that puts fuel prices in the public domain through an app system, and this legislation is another part of that package. The bill will deliver a competitively priced product at the bowser. It gives consumers greater choice between E10, regular unleaded and premium fuels. That is the point. It is not for us to make consumers choose a particular product; we must give consumers the opportunity to choose a product in light of the benefits it offers. This bill means that consumers will be able to access E10 more easily. Bowsers will be accessible on the roadside and not relegated to the back corner of the petrol station. We note that the Manildra Group is currently Australia's largest supplier of ethanol and has met with the Minister and the Government. I note the Labor Party in the past also pursued issues regarding ethanol use across New South Wales.

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

[The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 1.02 p.m. The House resumed at 2.30 p.m.]

VISITORS

The PRESIDENT: I welcome into the President's gallery Mr Don Harwin and Mrs Evelyn Harwin, my parents. Mr Don Harwin is celebrating his seventy-ninth birthday.

The Hon. Rick Colless: Members had better behave during question time today!

The PRESIDENT: Yes, he was a schoolteacher and very good at giving the cane. I will have to show him what a good disciplinarian I am today. I will be upholding the standing orders scrupulously as always.

I welcome to the public gallery people with disabilities, their families, carers and providers who are visiting the New South Wales Parliament as guests of the Minister for Ageing, Minister for Disability Services,

and Minister for Multiculturalism. You are in the Chamber ahead of the first stage of the National Disability Insurance Scheme rollout in New South Wales. I hope all of you are enjoying your visit to Parliament House today and you find Legislative Council question time interesting and stimulating as always.

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

QUESTIONS WITHOUT NOTICE

SHARK TAGGING PROGRAM

The Hon. ADAM SEARLE: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. What is the estimated New South Wales population of bull, tiger and white sharks, the three most vicious species of sharks in Australia? How many of them have been tagged by the Department of Primary Industries with properly working transmitters under its current program?

The Hon. NIALL BLAIR: I thank the Leader of the Opposition for the boost of confidence—thinking I would know the exact number of bull, tiger and white sharks in New South Wales.

The Hon. Adam Searle: That have been tagged.

The Hon. NIALL BLAIR: The first part of the question was clearly the number of sharks.

The PRESIDENT: Order! There is far too much noise in the Chamber. The Minister has the call.

The Hon. NIALL BLAIR: The first part of the question was the number of sharks. Through our tagging program, we know that these sharks travel long distances.

The Hon. Penny Sharpe: How many?

The Hon. NIALL BLAIR: How many on any particular day?

The Hon. Adam Searle: How many tagged?

The Hon. Penny Sharpe: How many tagged?

The Hon. NIALL BLAIR: I will answer the second part of the question later. The first part of the question was: How many sharks are there? It would be difficult for me to provide a definitive answer to the House on how many sharks there are in New South Wales waters because through our tagging program we know that they travel long distances. One of the reasons we have the tagging program is to identify the movements of those different species of sharks. The second part of the question was in relation to how many have been tagged. The last time I checked the Department of Primary Industries [DPI] had tagged 14 white sharks. That is just the New South Wales tagging program.

With the infrastructure and technology that we have installed in the water we have been able to monitor other jurisdictions. The technology that we have put into the ocean is able to monitor some of the shags—I mean "tags". That is the breeding program! I will not talk about it today; I will talk about the tagging program. We have been able to use the monitoring technology to pick up the tags that the Commonwealth Scientific and Industrial Research Organisation [CSIRO] has put on sharks as well as those sharks tagged by other jurisdictions. If members opposite attend the Easter show they will be able to visit the Department of Primary Industries [DPI] stand.

The PRESIDENT: Order! There is far too much noise during the Minister's answer. I cannot hear the Minister. The Minister has the call.

The Hon. NIALL BLAIR: There is an interactive stand showing some of the movements of the white sharks we have tagged. I visited the stand with Dr Amy Smoothey, who is in charge of the bull shark program within DPI Fisheries. Since 2009 Dr Smoothey and her team have tagged around 80 bull sharks. In total roughly 109 sharks have been tagged in New South Wales waters. Many sharks have been tagged by other jurisdictions. We want to continue to learn about the movement of the sharks. The \$16 million shark strategy has provided

funding for the program. The Government will continue to invest in that technology so we can learn more and reduce the risk of interaction between sharks and beachgoers in New South Wales. We are sharing that information. We are learning more about travel and breeding patterns in order to reduce the risk of interaction between sharks and beachgoers in New South Wales.

M5 UPGRADE

The Hon. BEN FRANKLIN: My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister advise the House on M5 motorway upgrades and other matters of State significance?

The Hon. DUNCAN GAY: I thank the member for the question and indicate by way of information that the M5 motorway comprises two sections. The first section is called the M5 South-West Motorway. It is a 22-kilometre road operated by Interlink Roads between Camden Valley Way at Prestons and King Georges Road at Beverly Hills, with three lanes in each direction. As described yesterday, this section of the motorway was widened between August 2012 and December 2014. It was promised by Labor but never delivered in 16 years of government. The second section, called the M5 East, is a 10-kilometre road connecting the M5 South-West Motorway with General Holmes Drive and the Eastern Distributor. Do members know where it is? As stated yesterday, in September last year the Government signed a \$5 billion contract to build the new M5—a six-lane motorway running underground in twin tunnels roughly parallel to the existing M5.

Heading west on the M5 motorway towards Campbelltown, motorists leave the M5 near Prestons and join what was formerly called the F5 and is now the M31. Yesterday the Hon. Lynda Voltz confused the F5 with the western section. They are two completely different roads. The Hon. Lynda Voltz does not know her F5 from her M5. It was obvious to anyone who was listening. If that is not embarrassing enough, the Hon. Lynda Voltz then claimed Labor was the driving force behind upgrading the road corridors. The reality is that the Federal Howard Coalition Government funded the lion's share of the upgrades of the F5. In July 2002 the former roads Minister, Carl Scully, was quoted by the then *Sydney Morning Herald* transport editor, Darren Goodsir, as saying the F5 is not going to be built with New South Wales money. This is exactly what happened. For instance, the \$23 million widening of the southbound carriageway of the F5 between the M7 and Brooks Road at Ingleburn was fully funded by the Howard Coalition Government.

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time.

The Hon. DUNCAN GAY: Furthermore, the bulk of the \$30 million widening of the F5 between Brooks Road and Camden Valley Way was also funded by the Howard Coalition Government. In fact, the Labor Government contributed only a paltry \$6 million. Labor did not even have the decency to help fund the F5 ramps at Campbelltown Road and Ingleburn. The Howard Government contributed two-thirds of the funding, with the remainder coming from Campbelltown City Council. It was left to the Federal Government and the local council. The deeper we dig on this issue the more we discover that Labor treated the motorists of south-west Sydney with utter contempt. I thank the Hon. Lynda Voltz, who is a confused new shadow Minister, for helping me to make these issues public. [*Time expired.*]

NORTH COAST SHARK ECO BARRIERS

The Hon. WALT SECORD: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. What is the Government's response to community concerns about eco shark barriers, particularly from surfers who fear they risk injury due to the barriers being too close to key surfing locations off Lennox Head and Lighthouse Beach on the North Coast? Will the Government reassess the locations in response to those concerns?

The Hon. NIALL BLAIR: This question gives me the opportunity to talk more about the \$16 million that has been invested in the shark mitigation strategy. The trial of the eco barrier along the North Coast is an important aspect of that investment. The decision where to place the barriers was done in conjunction with the North Coast community. The placement of the eco shark barrier at Ballina was discussed at several meetings with stakeholders this year and late last year, which included representatives of local surfboard riders. Reference to the barrier has always been that it would run in a line from the tip of the north wall to Lighthouse Point. On 16 March Craig Moss, chief executive officer of Eco Shark Barrier, was present at the NSW Shark Management Strategy stakeholder meeting in Ballina, where he outlined the technology behind his barrier and his plans to install the Lighthouse Beach barrier over the coming weeks. A discussion was also had about the location of the Lighthouse Beach barrier.

The Department of Primary Industries has met with representatives of surfboard riders and heard their concerns. Together with Eco Shark Barrier, it has investigated changing the location of the barrier on the beach but it is unable to do so at this stage of the trial. Locating the barrier further out to sea in deeper water was technically unfeasible and would be a navigational hazard for boat users leaving the entrance to the Richmond River. An undertaking has been given that the views of surfers would be sought specifically during the trial and would help inform the evaluation of the barrier. It is important to remember that we have implemented these barriers in consultation with the community. They want to regain confidence so that the nippers could return to Lighthouse Beach as well as surfers and those who enjoy swimming.

I understand the concerns that have been raised about what may happen in larger swells and the surf break but, as I have said, at this stage of the trial it is unfeasible and unworkable to change the position of the barrier. It is a trial. We will continue to consult with the community. We have a dedicated community liaison officer on the North Coast who is liaising with the community about what we are doing. We have said all along that a range of technologies and assets will be used and they will be monitored up and down the New South Wales coastline. What may work in Bega may not work in Ballina. We have to understand how the products will work in New South Wales waters.

The barrier has not been tested in some areas, but we have said we will put our money where our mouth is and place them on New South Wales beaches to see how they fare under our conditions. We have given that commitment to the North Coast community and the people of New South Wales. They have been a partner in this journey. We want to return confidence to the people of New South Wales, particularly on the North Coast. We all love going to the beach and the economy of the North Coast relies on it. We have stepped up to the plate and we will continue to work with those communities to ensure we reinstate their confidence.

HARD SHELL CRUSTACEANS

The Hon. MARK PEARSON: My question is directed to the Minister for Primary Industries. The sea animals theme continues. The website of the Department of Primary Industries and the code of conduct of the Master Fish Merchants Association state that the boiling of live hard shell crustaceans is an unacceptable method of killing. It has been brought to my attention that hard shell crustaceans are being boiled alive in seafood markets or other outlets which sell directly to the public as opposed to restaurants, which sell seafood for consumption. If this is so, why is this practice being allowed? Will the Minister advise members whether there has been any breach regarding the unacceptable methods of killing crustaceans at New South Wales seafood markets in the past 12 months?

The Hon. NIALL BLAIR: There are a number of elements to that question, which was highlighting examples and specifying outlets that may be acting in breach of the code. It would be prudent for me to take the question on notice and to return with a detailed response at a later date.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Ageing, Minister for Disability Services and Minister for Multiculturalism. Will the Minister update the House on the rollout of the National Disability Insurance Scheme?

The Hon. JOHN AJAKA: It is said that change is inevitable. I believe a significant qualification is missing when we are speaking about people with disability. While change may be inevitable, change must be for the better. When we speak about persons with disability, their families and their carers, change must make a real difference to people's lives. Change must allow someone to live his or her life to the fullest. Change must give choice and control to the person. Change should make our community stronger and propel our State forward. Good change does not just happen. The delivery of good reform with substance does not happen by chance. Achieving good change requires hard work. It requires resolve in the face of resistance. It requires the vision to see new opportunities and it requires strong partnerships built on strong foundations of trust and mutual respect.

It is with great pleasure that I inform the House that in 100 days time, change for the better will be rolled out for people with disability across half of New South Wales. In 100 days time, more than 43,000 people with disability will be able to access the National Disability Insurance Scheme [NDIS]. In 100 days time, more than 43,000 people will be able to reach for and realise their dreams and aspirations. For people with disability, their families, their carers and providers, this is the change they have been waiting for and for which they have fought. What started as a distant dream is now a reality.

Everyone in this House and in our community should be thankful for the hard work, persistence and patience of every Australian who campaigned for the NDIS. Some of these people are in the public gallery today. Also in the public gallery are some inspirational people with disability, whose lives have been changed for the better by the NDIS. Thank you to Irene, Lachlan and Julie for joining us today and for sharing their stories about their NDIS journey earlier today. I would also like to acknowledge their families and carers in the gallery today. I also acknowledge all of the disability service providers with us in the gallery today.

In New South Wales we are blessed to have a vibrant, dedicated and diverse disability service sector. Since 2011 we have been working with and investing in our non-government partners to ensure that they are ready and able to seize the opportunities being created by the NDIS. The job is not finished; there is more to do before 1 July 2016. People with disability can rest assured that the New South Wales Government, together with our non-government partners, as well as families and carers, will be working hard to ensure the transition to the NDIS is as smooth as possible. In closing, I once again thank everyone in the public gallery for joining us today. I thank them all for their hard work—their continuing work—in helping people with disabilities. As the Minister, I share everyone's excitement and joy about the NDIS rolling out across New South Wales in just 100 days.

PRISON PRIVATISATION PROPOSAL

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Minister for Corrections. Regarding the New South Wales Government's potential privatisation of the John Morony Correctional Centre, can the Minister guarantee that any privatised prisons will be subjected to the full set of accountability measures that currently apply to publicly run prisons, including coverage of the Government Information (Public Access) Act and oversight by official visitors and the New South Wales Ombudsman's Office?

The Hon. DUNCAN GAY: I thank the honourable member for his question. Yes, I am aware of the announcement made by the Minister for Corrections. It is my understanding that what the member refers to would be the situation. As the member asks for a matter of detail, I will refer his question to the Minister and obtain a detailed answer.

SHARKSMART APP

The Hon. PETER PRIMROSE: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Does the Minister stand by the disclaimer provided in the New South Wales Government's SharkSmart mobile phone app?

The Hon. NIAL BLAIR: I thank the member for his question. Without going through the ins and outs of what may or may not be in the disclaimer, let me make a few things quite clear about our shark strategy in New South Wales. The strategy helps to provide as much information as possible to beachgoers to help them reduce the risk. We know that we cannot eliminate the risk entirely. We know that the ocean is the domain of sharks. We have said all along that we will help to provide information and tools to beachgoers to enable them to make decisions that will reduce the risks to themselves and to understand more about the interaction of sharks with people and the travel patterns of sharks.

Although we may debate the disclaimer here, it is not a standalone issue. We are looking at providing information, including real-time information, about tagged sharks. We are not relying just on tagged sharks. Earlier today Opposition members asked questions about how many sharks there are and how many are tagged. We understand that technology has its limitations and that the information we get from the technology will only come from those sharks that have been tagged. Members may be interested to know that at 2.44 p.m. today a bull shark was registered by one of our listening stations off Lennox Head. That is the type of information that can be used by beachgoers to make informed decisions.

The Government is also trialling technology that does not rely upon the tags. I was with a private provider recently at Bondi Beach. They have put in place a piece of smart buoy technology that uses sonar to pick up the movement of large marine life, and then uses an algorithm to determine whether it is a dolphin, a shark or a large fish. The swim patterns are built into the algorithm to try to provide more information back to lifeguards. But it does not stop there; it also causes a drone to automatically take off from the beach, head out to the location and provide real-time footage back to the lifeguards to try to help them to make some informed decisions.

Rather than getting caught up in the little bits of detail for every piece of the \$16 million shark strategy, the message that I am trying to get across to the people of New South Wales is that we are trying to look at the many different types of information technology and procedures that are used, not just in Australia but from around the world, to help people make an informed decision to help them reduce risk to themselves. Can we eliminate the risk? No, we cannot. Can we help people to make an informed decision? That is what we are trying to do with the provision of information. We have had that information available on our website for some time. We now have the ability to provide that same information, through real-time reporting, on the SharkSmart app. I also have confidence in the people within Department of Primary Industries—Fisheries, who I believe are some of the best experts in the world in this field. I continue to be guided by their advice, and I continue to stand by those staff.

The Hon. PETER PRIMROSE: I ask a supplementary question. Will the Minister elucidate his answer with regard to this disclaimer which states that the user must "check currency of the information with the appropriate officer of New South Wales Department of Primary Industries or the user's independent adviser"? How does the Government expect users to have an independent adviser on sharks and when they are present in the ocean?

The Hon. Duncan Gay: Point of order: Surely, the supplementary question is out of order. If that sort of information was going to be given it should have been given in the first question rather than in the supplementary question. The supplementary question is providing new information; therefore it is out of order.

The Hon. Shaoquett Moselmane: To the point of order: The supplementary question seeks an elucidation of an aspect of the response that was given by the Minister, so I think it is in order.

The Hon. Peter Primrose: To the point of order: As stated by the Hon. Shaoquett Moselmane, the Minister made a broad-ranging response to my question. He indicated that there was some detail in relation to the disclaimer and I sought an elucidation on that detail.

The PRESIDENT: Order! The supplementary question had the effect of re-asking the same question. Therefore, it is out of order.

WATER SUPPLY INFRASTRUCTURE

The Hon. TREVOR KHAN: My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Could the Minister update the House on World Water Day and how the Government is securing water for New South Wales?

The Hon. NIALL BLAIR: I thank the member for his question. As the member said, today is World Water Day. This provides a great opportunity to acknowledge the work occurring across New South Wales to secure our water supply for primary producers, our communities and the environment. Let me start by talking about the investment of \$1.25 billion this Government has committed to improving water supplies in regional communities. This type of investment in regional water security has not happened before. Already we have invested \$365 million into bringing regional town water supplies into the twenty-first century. Some \$77 million has been committed under the competitive local government program to secure drought supplies for towns.

Only last month we announced the successful projects for a further \$110 million for the Regional Water and Waste Water Backlog Program, which will clear the backlog and allow regional communities to build infrastructure for the future. This is on top of our ongoing funding under the Country Town Water Supply and Sewerage Program. Under this program we have provided \$154 million in grants to local councils since coming to government. As I have mentioned on many occasions in this place, we are also investing historic funds to secure both an emergency supply and long-term supply for Broken Hill.

This Government has not just improved water supplies to country towns but also focused strongly on improving agricultural supplies. We have also strongly advocated that the Commonwealth investment in water recovery on the Murray-Darling Basin must focus on water efficiency programs. As a result some \$1.5 billion in Commonwealth funding has been allocated to improving both water delivery and on-farm efficiencies across inland New South Wales, as well as to improving the efficiency of stock and domestic supply through piped schemes. We need to make sure that each drop of water is delivered and used as efficiently as possible. I will continue to advocate strongly for infrastructure investment to meet the Commonwealth's Murray-Darling Basin Plan requirements to ensure that our agricultural industry is sustainable and productive well into the future.

To ensure we get the optimal investment we are also undertaking regional assessments of the future water needs and possible infrastructure investments across this State through regional catchment assessments, commencing with the priority areas of the Hunter, Gwydir and Macquarie valleys. For water consumers right here in Sydney, I am pleased that the Independent Pricing and Regulatory Tribunal [IPART] today released its draft pricing determination which will bring down water bills in Greater Sydney and the Illawarra from July 2016. This is great news for households in Sydney, the Illawarra and the Blue Mountains, who can expect big cuts to their water bills with savings of around \$100 a year for the next four years.

I am pleased to see the significant gains Sydney Water has made now being passed on to customers. I reiterate that we are uncompromising in our commitment to ensure that people in Sydney and across New South Wales always receive the best quality water in the world. From Broken Hill to Bondi, from Coogee to Cootamundra, this Government is determined to ensure secure potable water for our communities. We continue to invest in this area and we have a strong record of investment in water infrastructure. We will continue to work with communities to ensure that this Government does not take for granted supplying potable water to all our communities long into the future.

ASSAULTS ON PEOPLE WITH DISABILITY

Ms JAN BARHAM: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. I note that an article by Ginger Gorman published on news.com.au earlier this week titled "Australia's most shocking statistic: Sexual abuse and domestic violence against women with disabilities" reported that an estimated 90 per cent of women with intellectual disability in Australia have been sexually abused. Given that the available evidence suggests such alarming rates of abuse and violence towards people with disability, will the Minister commit to propose or support through the Council on Australian Governments [COAG] Disability Reform Council a national royal commission into all forms of violence, abuse and neglect against people with disability including in institutional and residential settings?

The Hon. JOHN AJAKA: I thank Ms Jan Barham for her excellent question. Any form of assault on a person with disability is unacceptable. I am horrified by the types of assaults mentioned by the member in her question and what the statistics have shown. I cannot understand how anyone can perpetrate such a disgusting and heinous act. I can assure Ms Jan Barham that all State Ministers and the Federal Minister are working collectively at our COAG meetings on issues she raised and safeguards that are required to protect people with disability. We spoke earlier about the great celebration for being 100 days from the start of the National Disability Insurance Scheme [NDIS].

We have to ensure that with the introduction of choice and control under the NDIS the appropriate safeguards are in place for people with disability to safely live in the community. A person with disability has a right to live within their community and a right to choice and control over their life. This means that a person with disability has the right to be safe in their community and not to be assaulted or injured in any way. I assure the member that I and my colleagues are looking at the safeguards currently in place and whatever other action is required. I will raise this question by Ms Jan Barham at the next COAG meeting because this question deserves the respect of all Ministers responsible.

SHARKSMART APP

The Hon. MICK VEITCH: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that last weekend the New South Wales Government-funded SharkSmart mobile phone app sent out an alert to Sydney mobile phones about a shark sighting in Byron Bay and today sent out an alert to those phones about a shark sighting at Lennox Head, will the Minister guarantee that the warning system is operating properly and sending to North Coast swimmers and surfers?

The Hon. NIALL BLAIR: I thank the honourable member for his first question in five days. As I have said, this app has been developed to help provide information to beach goers. It is but one piece of information we are providing. In the SharkSmart app—

The Hon. Walt Secord: One million dollars per shark.

The Hon. NIALL BLAIR: Is the member opposite questioning—

The PRESIDENT: Order! The question was to the Minister. The Minister has the call.

The Hon. NIALL BLAIR: Anyone opposite who has anything to do with the North Coast would not make light of the impact of these incidents on the people on the North Coast. They are a disgrace.

The Hon. Walt Secord: Point of order: I am the shadow Minister for the North Coast and I have a right to ask questions about the expenditure of public resources and \$1 million in shark—

The PRESIDENT: Order! In the first instance, the Hon. Walt Secord did not ask the question. In the second instance, he is not taking a point of order; he is making a debating point. He should do neither of those things. The Minister has the call.

The Hon. NIALL BLAIR: For those opposite to make light of the impact of these incidents on the people of the North Coast—

The Hon. Walt Secord: Point of order: The honourable member is misrepresenting me.

The Hon. Greg Pearce: Which standing order?

The PRESIDENT: Order! I call the Hon. Greg Pearce to order for the first time. Because of the interjection I did not hear the Hon. Walt Secord's point of order. He should be heard in silence.

The Hon. Walt Secord: The Minister was misrepresenting me as I was not making light of these incidents.

The Hon. Catherine Cusack: Point of order: The Hon. Walt Secord has been instructed not to use and abuse points of order in order to make debating points. That is exactly what he has done in a bid to disrupt and interject on this issue while the Minister is trying to give a serious answer to a serious question. I ask that the Hon. Walt Secord be called to order for continuing to show contempt for the ruling.

The PRESIDENT: Order! The Hon. Catherine Cusack is quite right. The Hon. Walt Secord will be called to order if he does it again. He has been warned. The Minister has the call.

The Hon. NIALL BLAIR: Our shark mitigation strategy has many different facets, as does the SharkSmart app. We understand the impact that these incidents have had on the people of the North Coast. For anyone to sit on any side of this Chamber and question whether we are spending the right amount of money to try to bring back the tourists to that area and heal some of the wounds and instil confidence that has been lacking on the North Coast is nothing short of disrespectful. We said that we would look everywhere in this country and elsewhere to come up with ways to address this issue. This is something that the North Coast residents have asked for. This is an approach that the mayor of Ballina has praised this Government for.

The SharkSmart app has a range of applications and information within it to help people make informed decisions. We are under no illusion that we would think that one single piece of information on its own is going to be the silver bullet upon which people solely rely. We know the time of day when people go to the beach is important in helping to reduce the risk to themselves. We know that the presence of diving sea birds and visible bait fish is another indication for people to avoid to help reduce the risks to themselves. The information that we are providing through our tagging program is just another piece of information that we are trying to provide the public with to help reduce their risk.

We have struck a partnership with Surf Life Saving NSW. The safest place to swim on any beach is in between the red and yellow flags, to avoid not only drownings but also interactions with sharks. We have those other sets of eyes through our fantastic volunteers in Surf Life Saving NSW. We are providing a range of measures to help the people of New South Wales. They do not need those opposite making the types of slurs that they have, particularly for those on the North Coast, those communities that are hurting and those who have been asking for this assistance. As Minister I am proud to work with those communities to try to bring back that confidence.

CRUISE INDUSTRY

The Hon. GREG PEARCE: My question is addressed to the Minister for Roads, Maritime and Freight. Could the Minister update the House on the current year's cruise season in Sydney?

The Hon. DUNCAN GAY: I thank the honourable member for his question and just in case people's minds are elsewhere there is no denying that the cruise industry in Australia is growing at a rapid rate. Sydneysiders need only drive over the Cahill Expressway or across the Sydney Harbour Bridge to see the cruise liners docked daily at the Sydney Overseas Passenger Terminal, or travelling through the harbour more frequently than ever before. A recent report released by the cruise industry's peak body Cruise Lines International Association [CLIA] shows that the increase in cruise liners that we see in our harbour is delivering significant economic benefit to Australia's fair shores. It reports that the 2014-15 financial year has seen the industry's contribution to the Australian economy grow by an impressive 11.6 per cent to reach a record \$3.6 billion. Those opposite would love growth of 11 per cent, particularly in their primary vote.

The cruise industry is worth an estimated \$1.26 billion to the New South Wales economy each year and shows no sign of slowing. Cruise tourism also creates \$1.17 billion in value-added benefits of more than 10,500 jobs in the State. That is a lot of jobs. New South Wales—as honourable members know—is open for business. The Sydney Overseas Passenger Terminal is Australia's premier cruise gateway and this new facility meets ship turnaround needs better than ever before. If anyone has not been down there recently, it looks great. The new work on the cruise terminal has made it pretty shmick and it is quicker to turn the boats around. Last month was Sydney's busiest ever cruise month with 27 cruise ships making 45 calls to Sydney. A further 17 cruise ships are expected to make 33 calls during this month.

The New South Wales Government is committed to keeping Sydney open, available and accessible to the growing number of ships wanting to come here—and who can blame them? The New South Wales Government has invested heavily in infrastructure to cater for this growth, both at White Bay and the Sydney Overseas Passenger Terminal [OPT], a large investment to the tune of \$135 million. For the first time last month two cruise ships docked simultaneously at the Sydney Overseas Passenger Terminal. This was made possible with the recent New South Wales Government upgrade of cruise facilities at Circular Quay—the two ships there together were pretty impressive. This Government completed also the White Bay upgrade, which accommodates smaller cruise ships that are able to fit under the Sydney Harbour Bridge. As people know, the larger ones cannot get under.

This capacity provides continued opportunity for growth for both domestic and international vessels. The inaugural double-docking event at the OPT last month highlights Sydney's place as the premier and growing cruise destination in Australia. The New South Wales Government is developing a cruise development plan in consultation with industry to help New South Wales capture an even larger share of the economic benefits from the growth of the cruise market. We have not forgotten about regional New South Wales. This season nine cruise ships will be visiting Eden—up from three last year. To help this demand we are set to deliver major upgrades to the Eden breakwater wharf and this is made possible with State, Federal and local funding. [*Time expired.*]

LOCAL GOVERNMENT AMALGAMATIONS

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Premier. Given that it is highly likely that the Prime Minister will soon call a double dissolution of Federal Parliament and that a number of Federal Coalition members have publicly voiced their concern over forced council amalgamations in New South Wales, will the Premier advise this House which councils will be forced to amalgamate before the Federal election and which forced council amalgamations will be held back until after the election?

Mr Jeremy Buckingham: Point of order: The question clearly contained a hypothetical element. That is against the standing orders and I ask the question be ruled out of order.

The PRESIDENT: Order! The question is in order.

The Hon. DUNCAN GAY: There is a little bit of hypothetical here, as to whether there will be a double dissolution or not. The answer to the honourable member's question will, in part, depend upon what happens in Canberra. As far as I am aware, the local government elections are going ahead. I have not seen a process that is a forced amalgamation. What we have is a lot of councils at the Local Government Boundaries Commission. I am informed, fortuitously, that on 6 January 2016 the Minister referred 35 council merger proposals to the Boundaries Commission. Once it goes through that highly visible and democratic process, the Minister will examine the delegates' reports and the comments of the Boundaries Commission before deciding whether to proceed with the individual mergers.

The answer to the question in general is, first of all, we do not know what is going to happen in Canberra. The honourable crossbench member may well have a better idea of what is going to happen than I do. I know he and The Greens have certainly been very interested in what has been happening there in recent times. On given days there is a different view between The Greens and the Christian Democratic Party and the Shooters and Fishers Party—and Farmers Party is it now?

The Hon. Robert Brown: Not quite—almost. That's hypothetical.

Mr Jeremy Buckingham: They've dropped that.

The Hon. DUNCAN GAY: They would not drop that. The Greens tried to get in there but the farmers are smart and woke up to The Greens pretty quickly. The Shooters and Fishers have more credibility than The Greens but luckily there is the grand old National Party—better than both of them. If there is anything I have missed in the question, I will take it on notice.

ALBERT (TIBBY) COTTER WALKWAY

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Roads, Maritime and Freight. Did the Minister consult with the Sydney Cricket Ground Trust on the proposed site of the Tibby Cotter Bridge? If so, did it inform the Minister of its master plan that showed a pedestrian bridge at that site?

The Hon. DUNCAN GAY: The question is remarkably like the question that I was asked yesterday by the Hon. Penny Sharpe. I answered that question yesterday and my answer stands.

The Hon. Lynda Voltz: Point of order: The Minister is debating the question. The question is clear, as to whether he consulted with the Sydney Cricket Ground Trust on the proposed site of the Tibby Cotter Bridge and, if so, did it inform him of its master plan that showed a pedestrian bridge at that site. The question has no relevance to any other question the Minister was asked. I ask you to direct him to answer that question.

The PRESIDENT: Order! I appreciate the point the member is making. There is indeed a standing order and Presidents' rulings that require a Minister not to debate the question. However, it is one thing to debate the question and another thing to note the similarity to a question, as the Minister sees it, that he or she has previously been asked and to make a comment on that. On this occasion, I would say that there is no point of order. Did the Minister have anything else he wished to add?

The Hon. DUNCAN GAY: Just to again draw the member's attention to the answer to the question that was asked yesterday, which answers her question.

COMPACT GRANTS PROGRAM

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 update the House on the Multicultural NSW Community, in Partnership, taking Action to safeguard Australia's peaceful and harmonious way of life [COMPACT] Grants program and the work undertaken to build community harmony and resilience against extremist hate, violence and division?

The Hon. JOHN AJAKA: I thank the honourable member for the question. The Government is committed to protecting young people from violent extremist influences and to countering the "Us and them" extremist mindset which seeks to undermine social cohesion and community harmony in this country. Today I am pleased to announce the \$8 million COMPACT program that will support an alliance of community partners who are committed to safeguarding social cohesion against extremist hate, violence and division. COMPACT stands for Community, in Partnership, taking Action.

The COMPACT program is led by Multicultural NSW and has been co-designed in consultation with communities and academic experts. It builds on an extensive series of community consultations I have been leading since last year, which has helped us to identify priority areas for youth engagement. It builds on expert analysis of international best practice by senior researchers at Macquarie University. Our consultations and research tell us we need a whole-of-society, resilience-based approach to addressing these issues. This announcement demonstrates commitment from the Government and community to stand together to ensure that extremist hate and violence do not threaten our peaceful and harmonious way of life. This COMPACT program

is one part of the Government's \$47 million package of measures to counter violent extremism. The package includes a significant investment in our schools and a range of measures to enhance the capacity of frontline staff to address issues relating to violent extremism.

The volume of applications received reflects the strong community interest and support of the public in the Government's approach. Given this overwhelming support, the Premier made the commitment to double the program's initial funding of \$4 million to \$8 million. Violent extremists thrive on fear, hate and division and want to create divisions within our society. With the support of the COMPACT program, communities in New South Wales are standing up and working together to safeguard social cohesion against these divisive elements. I was impressed by the quality and breadth of COMPACT's programs and partnerships. The innovative ideas of and collaboration between key community groups is well deserving of the Premier's commitment to double the funding for COMPACT.

This is a true commitment to community harmony from the Government and a true commitment by the community to furthering a harmonious society. More than 14 community organisations, working together with a further 23 partner organisations, will be awarded grants and will work in partnership to combat the divisive influences that threaten community harmony. COMPACT encourages everyone—communities, government, the non-government sector, education, sporting groups, religious leaders and academics—to work together to protect our peaceful and harmonious way of life. The COMPACT program is rising to the challenge by taking on board the Police and Citizens Youth Clubs [PCYCs], local schools and the community to work towards breaking down the religious and ideological barriers that prevent young people from engaging within their communities.

The Red Cross Society is working in partnership with the State Emergency Service and the Multicultural Youth Advocacy Network to help young people to better understand and respond to violent conflict and to channel their passions into constructive humanitarian projects. The United Muslim Women's Association, led by Maha Abdo, is working with social media specialists to counter extremist narratives and to provide young people with alternative, practical and positive options for influencing change. Specialists are working directly with young people at risk of engaging in far-right extremism, enhancing the community's capacity to respond to extremist messages. Grassroots organisations are working on the streets, on the sporting field and in the gym— [*Time expired.*]

COAL SEAM GAS PROTESTS

Mr JEREMY BUCKINGHAM: My question is directed to the Minister for Roads, Maritime and Freight, representing the Premier. Does the Government consider the farmers locking-on and hindering Santos's coal seam gas operations in the Pilliga today to be eco-fascists and should they be charged with hindering a mine under section 201 of the Crimes Act 1900 and face up to seven years jail?

The Hon. DUNCAN GAY: I am disappointed to hear the honourable member using slogans and giving names to farmers, calling them eco-fascists. I would have thought farmers would be offended by the member calling them eco-fascists. The law is the law. If people break the law, they will be in trouble; if they do not break the law, they will not be.

CHERRY TREE STATE FOREST TREE CLEARING

The Hon. PENNY SHARPE: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment. Will the Minister inform the House what steps have been taken to ensure that the Environment Protection Authority acts against the Forestry Corporation in relation to the destruction of 18 onion cedar trees as a result of illegal clearing for a road through endangered ecological community lowland rainforest in Cherry Tree State Forest near Casino?

The Hon. JOHN AJAKA: I thank the honourable member for her question. As the member is seeking specific information from the Minister, I will refer the question to the relevant Minister and provide a reply.

Questions without notice concluded.

ELECTRICITY SUPPLY AMENDMENT (ADVANCED METERS) BILL 2016

Message received from the Legislative Assembly returning the bill without amendment.

TABLING OF PAPERS

The Hon. Niall Blair tabled the following papers:

- (1) Law and Justice Foundation Act 2000—Law and Justice Foundation for year ended 30 June 2015
- (2) Legal Profession Uniform Law Application Act 2014—
 - (a) Report of Law Society of New South Wales Professional Standards Department for year ended 30 June 2015—Volumes 1 and 2, incorporating Law Society of New South Wales
 - (b) Report of Legal Services Council for year ended 30 June 2015—incorporating Commissioner for Uniform Legal Services Regulation
- (3) Public Defenders Act 1995—Report of Public Defenders for year ended 30 June 2015
- (4) Water Management Act 2000—Report of Murray-Darling Basin Authority for year ended 30 June 2015

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

BIOFUELS AMENDMENT BILL 2016

Second Reading

Debate resumed from an earlier hour.

The Hon. PAUL GREEN [3.32 p.m.]: To recap, the Manildra Group is currently Australia's largest supplier of ethanol. It has met with the Minister on several occasions to discuss the operations of the ethanol mandate. I note the issue of donations to major political parties. I place on record that fossil fuel companies have donated quite substantially to the major parties in Australia. An article authored by Amanda Saunders that appeared in the *Sydney Morning Herald* on 17 February 2016 entitled "Fossil fuel activists target MPs on donations" notes that, as analysed by 350.org, in the past three years fossil fuel companies have donated \$3.7 million to the major parties in Australia.

The activist group also claims that Federal subsidies to the industry will reach \$7.7 billion next financial year. The 350.org website states that every dollar donated in the past three years equates to about \$2,000 in handouts. This includes \$5.5 billion in fuel tax credits for mining companies in exploration and prospecting deductions for fossil fuel projects. Minerals Council of Australia chief executive Mr Brendan Pearson states that the mining industry receives no subsidies. There have been donations. Ms Saunders reports:

Blair Palese, chief executive of 350.org Australia, said: "The ongoing failure of our politicians to tackle climate change is directly attributable to the political influence of the fossil fuel industry."

There are lobbyists throughout Parliament. A further article that appeared on the ABC News website on 22 March 2016 entitled "Australian political donations: who gave how much?" lists mega businesses and monopolies that have donated to virtually every party, but mainly to the Liberal and Labor parties. The sums start at \$580,000 and work their way down to \$110. It is not about who donates; quite a lot of businesses and companies across Australia donate in order to represent their interests and core business. They aim to influence outcomes to ensure that their business remains viable and prosperous. Without prosperous businesses we would have no jobs or wealth. There is nothing new about Manildra or other companies lobbying governments; it has been happening for a long time. But the process is now transparent and people can see who gave what to whom and see their agenda.

Manildra is a key regional jobs provider throughout New South Wales. The Nowra plant situated close to my home employs 345 workers. The plant-produced ethanol is a by-product from a waste starch that is fermented and converted to ethanol as part of the integrated manufacturing process. The Greens focus on the fact that Manildra is a monopoly. Any ethanol business can open in New South Wales tomorrow—and I believe some will do so when we mandate these opportunities. Other businesses will relocate to New South Wales or operate across borders from Queensland and other States. In 2007 former member of The Greens, the Hon. Ian Cohen, commented on the Biofuel (Ethanol Content) Act 2007, and said:

On behalf of The Greens I support the Biofuel (Ethanol Content) Bill 2007.

He continued:

A move towards use of biofuels in motor vehicles in New South Wales is a step forward. The Greens support this initiative in the motor vehicles and fuel industries...

He went on further:

While The Greens do not oppose the bill, we feel it may have limited environmental benefits. It is likely to boost jobs in rural New South Wales, which is a positive factor.

Science will improve that outlook. That is a common-sense Greens approach. The bill will boost regional jobs. While traversing New South Wales I visited Cowra, where many jobs have been lost from the manufacturing industry. Manufacturing has decreased and governments are less able to prop up manufacturing plants.

The Hon. Dr Peter Phelps: We should not be propping up industries; that is the whole point.

The Hon. PAUL GREEN: Governments should or should not?

The Hon. Dr Peter Phelps: Let's nationalise them then.

The Hon. PAUL GREEN: In many cases it is far easier to prop up the mega manufacturing businesses than to provide brand-new jobs from scratch; it is not affordable. The workers depend on the viability of those manufacturing plants. They have mortgages, families, cars, education and utility bills and they must put food on the table. There are real people with real jobs all over New South Wales.

The Hon. Dr Peter Phelps: You owe us a living.

The Hon. Greg Donnelly: Point of order: The member is entitled to be heard in silence. Any member can get up and make a contribution if they wish to do so, but each member should be heard in silence.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! I agree entirely with that observation. I uphold the point of order. Members who continue to interject will be called to order.

The Hon. PAUL GREEN: I want to talk about jobs. In a media release issued today the member for Kiama states:

According to an independent review of the industry, nationwide ethanol production delivers 3,000 direct jobs and a further 20,000 indirect jobs.

Where are we going to source those jobs? How are we going to support them? The media release continues:

The industry contributes \$402 million in gross domestic product every year. ... our community relies heavily on the jobs provided by the [Manildra] ethanol plant in Nowra. In addition, cities and towns across New South Wales are home to ethanol industry workers, including Manildra, Gunnedah and Narrandera.

Try telling those people their jobs are not important or that we are going to pull the rug from under them by going back on our word and our commitment to mandate ethanol. Which businesses are going to re-establish in Narrandera or Gunnedah? Which business is going to go down to Nowra and hire 345 people immediately? It will not happen. You can travel the world and try to get global investment. Try China, India or any other prosperous, developing nation with a growing population and say, "We have a bit of spare ground. Come here to do business." You will get too many businesses like Manildra pouring investment of three-quarters of a billion dollars into New South Wales. From memory, a little while ago a farm in Tasmania was sold to the highest bidder. There were Aussies who wanted to buy that farm. There was a fantastic opportunity for that farm to stay in the hands of Australians who want to invest in Australia.

Mr Jeremy Buckingham: Aussies?

The Hon. PAUL GREEN: You guys have done it. That brings me to my next point. I gather that The Greens are going to talk about BlueScope Steel tomorrow. They will call on the Government to consider using 100 per cent Australian-made steel. I do not think that is a bad idea. Why? It is not about the steel but about the people who produce it. They have mortgages. They must put food on the table, pay for their kids' education and pay utility bills. There is no difference between the people employed by BlueScope and those at Nowra and Gunnedah. They all need their job and their pay to achieve their dreams and enjoy a good quality of life.

I invite those opposite to try to explain to me how one job at Manildra—a company that has invested three-quarters of a billion dollars in this industry—is any less important than a job at BlueScope or at Holden in South Australia, where The Greens were fighting for job security. Every job is important to New South Wales—whether it is a job as a chaplain, a manufacturing job, a retail job, a teaching job, a nursing job or a policing job. It is absolutely crazy to seek to create new jobs when there is an opportunity to support existing industries throughout New South Wales, not kneecap them, and to mould opportunities. We should avoid having to reinvent 345 new jobs in that industry and in that area.

As I have said, the Manildra Group invested quite a bit because former Premier Barry O'Farrell did what any Premier would do and said, "Keep your business here; we will work with you to try to get the outcome that will help the New South Wales economy prosper." Labor is no less guilty of giving Manildra the same impression, because it understands that regional jobs are important. That is why the ethanol mandate has had the bipartisan support of both major parties for a number of years. The media release of the member for Kiama continues:

... Manildra has been producing ethanol from starch, as part of an integrated manufacturing process, and is today Australia's largest producer of a range of ethanol grades for all applications—from high-grade beverage and pharmaceutical, to industrial and fuel.

In 2013, Manildra's Nowra facility was the first plant in the world to receive the internationally-recognised sustainability certificate from the Roundtable on Sustainable Biomaterials, an international collection of farmers, companies, non-government organisations, experts, governments, and inter-governmental agencies concerned with the global sustainability of bio-materials production and use. Manildra maintains this certification through the implementation of Roundtable of Sustainable Biofuels environmental, social and economic principles and criteria.

So the company is doing the right thing by the environment. It is trying to address the issues of sustainability and renewable energy, and it is doing everything it can to make sure that it adheres to the criteria. At the end of the day—and I think everyone agrees with this—it comes back to the person at the bowser who will choose to use the product. I do not think anyone is saying, "You have to use it"—

The Hon. Dr Peter Phelps: No, that is exactly what this bill does.

The Hon. PAUL GREEN: The media release continues:

What this bill doesn't do is force motorists to use ethanol but what it does do is protect consumers. What this bill doesn't do is force small service station operators to install ethanol blended fuel but what it does do is provide for a regime of sensible exceptions.

The Biofuels Amendment Bill 2016 represents a significant package of reforms aimed at ensuring the objectives of New South Wales biofuels mandate are met. The House should be aware that biofuels mandate is also supported by the National Roads and Motorists' Association, the State's peak motoring body, with more than 2.5 million members. Mandates concerning the ethanol content of fuel and consumption targets exist in more than 50 countries around the world ...

I have a wonderful coloured map in front of me that shows all the places that have ethanol mandates. They include Angola, Africa, Ethiopia, Kenya, Canada, United States of America, Central Mexico, Jamaica, Brazil, Cyprus, Denmark, Hungary, Japan, Vietnam, Thailand, Taiwan, South Korea, the Philippines, Fiji and, of course, wonderful New South Wales. We are not out of step with the globe on renewable energies and trying to mandate some level of ethanol use. There is no surprise here; we are on target to produce renewable, sustainable energy in New South Wales through the use of biofuels.

The Premier has called for the Independent Pricing and Regulatory Tribunal [IPART] to investigate and to recommend a maximum price of wholesale ethanol and/or a price methodology that ethanol suppliers must apply to determine a maximum price. This determination will ensure that consumers are protected from any abuses of monopoly power and that efficient ethanol supply costs are reached. We support that; we think there should be some sort of supervision and no price manipulation. Prices should be fair. But we ask that IPART ensure that the opportunities and savings associated with ethanol are passed on at the pump. The price of petrol and unleaded should not be manipulated by the oil companies to make the ethanol blend look less attractive.

The regulatory body needs to provide oversight to ensure that the saving the Government may identify through the report is passed on to the consumer at the pump and that the price difference is a real and attractive consideration for people who choose to use ethanol. While Manildra has a substantial share of the ethanol

market, opportunities exist for other ethanol companies to enter the New South Wales market. We must ensure that the IPART report does not create a rod for the back of New South Wales businesses that are already investing in ethanol production.

It would be an issue for the Christian Democratic Party if an ethanol plant in Queensland is able to bypass regulation in New South Wales. Businesses should have an equal playing field. Ultimately, a constructive outcome is desired that considers the needs of consumers and competitive ethanol pricing, which supports Australian businesses that provide regional jobs. The Christian Democratic Party is mindful that ethanol is a renewable energy. We would make a different assessment if ethanol was a by-product of the initial stages of food production, but as it is produced at the end this is a good outcome. Ethanol will play a big part in our future energy consumption.

The Christian Democratic Party will support the amendments foreshadowed by the Shooters and Fishers Party, but we will not divide on them. There is an argument in support of this mandate but it is our view that some provisions in the bill could be improved. I thank members for expressing different passions for different reasons. My passion for this bill is the tens of thousands of jobs that are at risk. If Manildra continues to lose \$40 million a year, it is only a matter of time before it falls over. Then it will be the responsibility of government to build and sustain new job opportunities throughout regional New South Wales.

The Hon. Dr PETER PHELPS [3.51 p.m.]: I quote:

To every man upon the earth,
Death cometh soon or late.
And how can man die better
Than facing fearful odds,
For the ashes of his fathers,
And the temples of his Gods.

That comes from Macaulay's great poem about Horatius holding the bridge, which is a story about a man who decided that he was not going to let a series of barbarians despoil and destroy the city that he loved—Rome. For me, the temple is the Liberal Party and the ashes of my gods are the principles that guide that party. In dealing with the Biofuels Amendment Bill 2016, I will quote from the "We Believe" statement of the New South Wales Liberal Party. We believe:

In the inalienable right and freedoms of all peoples; and we work towards a lean government that minimises interference in our daily lives; and maximises individual and private sector initiative.

We believe:

In government that nurtures and encourages its citizens through incentive, rather than putting limits on people through the punishing disincentives of burdensome taxes and the stifling structures of Labor's corporate state and bureaucratic red tape.

We believe:

That, wherever possible, government should not compete with an efficient private sector; and that businesses and individuals—not government—are the true creators of wealth and employment.

I ask my fellow members of the Liberal Party to remember that when they consider what the bill does. Put simply, this bill criminalises service station owners for the legal purchase decisions of their customers. That is what this bill does. It not merely mandates that ethanol must be made available at certain service stations, but that the ethanol component of fuel sold as a percentage of all petrol sold must be met. If that is not met, at first instance, the individual service station owner will be liable to a \$55,000 fine. At second and subsequent instances, it will be a \$550,000 fine.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! Mr Jeremy Buckingham will come to order. The Hon. Dr Peter Phelps will be heard in silence.

The Hon. Dr PETER PHELPS: So it is not good enough to say, "We will be collecting some data and it may affect some service stations but we do not know who at this stage; it may be those service stations that peak at one million litres or three million litres a year." The fundamental principle of this bill is that it will criminalise service station owners, not for anything they do but for the purchase decisions of their customers. If they fail to make the allotted quota of E10 every quarter, they will be able to write to the Minister and seek an

exemption. Every service station that fails every quarter will have to write to the Minister to seek an exemption because under this bill they are guilty until the Minister declares them to be innocent. Worse than that, the Minister can then grant an exemption on the basis of conditions. The bill states:

Insert after section 15 (5):

(5A) An exemption that is granted in order to allow a person a period within which to take steps to comply with a minimum biofuel requirement:

(a) may be subject to conditions specifying the steps to be taken,

That is a fairly open-ended ability of the Minister. The Minister could say, "I demand that half of your bowzers sell nothing but E10." He could say, "I demand that all your bowzers out the front must display E10 and only serve E10." He might say, "Despite the fact that it might be economically inefficient to do so, I demand that you transfer fuel from the existing E10 underground tank to another underground tank so that it can service those bowzers." Theoretically, the Minister could say, "I want you to sell your E10 at a price differential greater than 5¢, 6¢, 7¢ or 8¢." The Minister has the discretion to do that. He can literally order a service station owner to retail E10 for a price lower than the price at which the retailer bought it from the wholesaler. There is no limitation whatsoever in that discretion.

The exemption clause is a dictatorial clause. How could this be? Let us go back and have a look. The origins of this bill lie in the Biofuels Act. It is fair to say that, as well as a large number of other decisions made by Tony Kelly, it probably was not done with the full interests of the public at heart. Now we are left with a Biofuels Act that has consistently failed to meet the 6 per cent mandate, so we have many people saying, "We must do something, we must do something." I remind honourable members that for the first five years of this Government the relevant Ministers did something: They signed off an exemption for every month. Did The Greens complain about it in this Chamber? Did the Labor Party complain about it in this Chamber? Did the Shooters and Fishers complain about it in this Chamber?

The Hon. Paul Green: Yes. Robert Borsak.

The Hon. Dr PETER PHELPS: Did the Coalition complain about it in this Chamber? One party in five years complained about it in this Chamber. Let us look at the current situation. The Hon. Paul Green mentioned the fact that Manildra has a monopoly. It does not have a technical monopoly but it has an effective monopoly in the New South Wales market. On the basis of figures from the Australian Bureau of Statistics for total fuel sold in New South Wales, the component part that is recognised as ethanol is currently 2.27 per cent. This means that roughly 126 megalitres of ethanol produced by Manildra is being used in New South Wales.

Let us assume that the price for that is 70¢ per litre; I do not know what it is and members do not know what it is. Mr Honan knows what it is and so do the fuel companies, but no-one in this Chamber knows what it is. I make the assumption that the price is 70¢ on the fairly reasonable basis that the claim is there will normally be a 4¢ differential, except for the fact that fuel companies have to take into account transport, storage, mixture and testing, which reduces the price differential so that it is closer to 2¢. What does that mean, at 70¢ a litre? It means that the company has a legislated mandate that gives it \$88 million in sales every year, guaranteed at this time, when we are only doing 2.27 per cent.

But that is not all. We conveniently forget that the Federal Government has also given the company fuel excise concessions in relation to ethanol so that it is effectively subsidised to the tune of 39.5¢ against any international competitors. If we add that in—another \$50 million in Federal Government mandated excise concessions—it gives us a legislative concession of roughly \$138 million a year at this time, when we are only at about one-third of the total proposal. That equates to roughly \$460,000 per job. Let me put it clearly: The Government mandated tax concession and mandated sales results is a rough equivalent of \$460,000 per job. Quite frankly, the Federal and State governments should simply nationalise Manildra, close the factory, and give everyone \$100,000, and they will be better off by \$360,000 per person per year. That would be a better idea.

This has not failed because of some sort of conspiracy of the fuel companies or the service stations; it has failed because people do not want it. Whether that lack of desire for E10 is rational or irrational, the simple fact is that it is a consumer decision. What will happen when we find out the cost? Let us assume that it is 70¢ for ethanol and \$1.10 for regular unleaded fuel. Because ethanol makes up 10 per cent of E10, that is a price differential of about 4¢ a litre. But let us say that the price is only 60¢—that is a differential of 5¢—or take it down to 50¢, which is a differential of 6¢. We already know, because we have empirical studies that show it,

that when regular unleaded petrol was removed and E10 petrol was brought in, people were willing to pay a premium not to use E10. People moved to premium unleaded petrol [PULP] despite the fact that the price differential was, in many cases, 6¢, 7¢, 8¢, 9¢ or 10¢ more than ethanol.

We have empirical evidence, which is quoted in the IPART report. That report makes it clear that while the rest of Australia only increased its PULP usage in the period by about 26 per cent, in New South Wales it was 120 per cent. So there is clear empirical evidence of product substitution. There is a myth that things would be different if only we could find out the price of ethanol. But even if it is only 50¢ we would have a 6¢ price differential. Are people going to make a conscious decision to move to ethanol at that 6¢ price differential? Maybe they will, but the empirical evidence that we have at the moment indicates they will not.

No modelling has been done on this. In the five meetings that the Minister had with Manildra in the second half of last year not once did he ask Manildra, "What exactly are you wholesaling your ethanol for?" That is the core thing. It may be that Manildra simply cannot produce ethanol cheaply enough to allow for a significant price differential to encourage a change of product. I think that should be an a priori sort of thing that the Minister would look at if he were going to institute a plan such as this. He should ask, "What are the component input costs?" Unfortunately, the Minister tells me that he did not ask that question—not once during his five meetings.

While we are on the subject of IPART, let us make it clear that IPART looked at these precise proposals and was critical of them—so much so that it said it believed the State would be worse off and that there would be a substantial decrease in consumer choice if these sorts of proposals were brought to fruition. I urge all members to read the IPART report that was issued in the middle of last year. Even if readers go no further than the executive summary they will be able to see what an absolute dog of a bill this is. Let me make it clear: This bill will criminalise sellers for buyers' decisions. Even if this legislation were to be put into full effect we already know that it will not reach the 6 per cent target. So the Minister will still have to be signing off, despite this gross breach—this fundamental attack on small businesses across New South Wales.

Every three months they will have to put in a request. The Minister says that the little guy will be protected, but that is a joke because of all the proposals put forward so far he is talking about only one million litres of petrol, which is disgraceful. While members have been talking about a million litres of petrol, new section 3.1 talks about the total volume of petrol and diesel fuel sold. The proposition is not that the legislation should apply to one million litres of petrol; the proposition is that it should apply to one million litres of diesel and petrol. One million litres may sound like an awful lot but anyone who has had any dealings with service stations would know that the sale of one million litres of petrol would mean that the petrol station was barely getting by. That is the case if a petrol station sells one million litres of petrol without adding in the diesel.

I want to talk about a country service station and I want to thank Justin, the manager of Caltex in Crookwell. I just happened to pick Crookwell as an example. Crookwell has two service stations—Caltex and an independent service station. Justin tells me that he goes through about 22,000 litres of unleaded petrol a week and about 2,100 litres of PULP, for total petrol sales of about 1.25 megalitres per year. Just taking account of petrol, he is already breaching the one megalitre cap which is supposed to protect these small businesses. Justin has a three-tank station. I love Crookwell, but it is not a bustling metropolis. Justin is already selling 1.2 million litres a year of petrol. I have not yet factored in the fact that he is in a country area. Justin sells about 30,000 litres of diesel a week—or 1.56 megalitres a year—for a total, under the proposed bill, of 2.81 megalitres.

So even if a three-megalitre cap were to be imposed Justin would only have to sell 500 litres per day over his historical average to click over into what is now called a volume fuel service station, which would mean he would have to dig up his forecourt—because he has the old steel tanks—and lose six months worth of money as a result. He will also have to go through the whole EPA remediation process, spending literally hundreds of thousands of dollars for remediation and reinstallation of tanks to sell E10. He will sell E10, PULP and diesel. His consumers will go to PULP. We know that because that is what consumers have done previously; we have the empirical data to show it. Irrespective of that, Justin said that if he had to sell E10 it would put him out of business because of lack of volume.

If this mandate is applied to him, it will put him out of business and it will put hundreds of service station operators out of business in New South Wales. We believe in a series of pro-business, pro-individual

ideals. We not believe in putting sellers out of business based on consumer preferences. People may say this is a measured and reasonable bill and that Dick Honan, chairman of the Manildra Group, is not happy with the status quo. Since when did Dick Honan's happiness become the key metric for the Liberal Party of Australia, NSW Division? When did his happiness mean more than a bag of spit, quite frankly? This party was founded on principles. I cannot and will not support this bill as presented.

I have done everything in my power—I have not talked to the media about it but I have gone through all the legitimate channels. From the moment this legislation was announced, without going to the party room but four days before Christmas, I did the right thing at every instance. I raised this matter in the Liberal Party room. I saw the Premier. I raised it in the joint party room. I went to see the Minister himself. I have done everything right, and people have acknowledged that my arguments are unassailable. "But we have to do something," they say.

I have to do something, too. For five years I have enjoyed the golden handcuffs of being the Whip. It has been a great pleasure and as part of that, for my extra \$20,000-odd a year, I have on occasion had to whore my principles. But this bill, which criminalises people for the purchasing decisions of their customers, is such an egregious breach of the core values of the Liberal Party that I cannot support it. As Whip I am meant to enforce party discipline. As Whip I am supposed to make sure that people vote the correct way. As Whip I am supposed to encourage people not to cross the floor. On that basis I resign as Whip effective immediately.

Mr JEREMY BUCKINGHAM [4.11 p.m.]: I will quote from the same poem as the Hon. Dr Peter Phelps in this second reading debate on the Biofuels Amendment Bill 2016, *Horatius at the Bridge*:

And out spake strong Herminius
Of Titian blood was he:
"I will abide on thy left side,
And keep the bridge with thee."

With the strongest voice I can muster I inform members that The Greens oppose this bill because, as the Hon. Dr Peter Phelps said, it is crony capitalism at work. As the Hon. Paul Green said, the Manildra Group, chairman Dick Honan's business, will be propped up by this bill at the expense of the motorists of New South Wales. Members should note that someone like me on the Left of politics and someone like the Hon. Dr Peter Phelps on the Right of politics believe this bill has no economic, social or, most importantly to me, environmental merit and it should be voted out by members.

This bill represents crony capitalism, democracy for sale. This legislation is what Manildra Group gets for the donations that Dick Honan has made to political parties. It is a continuation of New South Wales Incorporated. The abysmal record of the Labor Government and people like Minister Tony Kelly is being repeated. What have we seen? Since 2010 the Manildra Group has donated \$536,000 to Federal Labor, \$505,000 to Federal Liberals, \$683,000 to The Nationals, \$123,000 to New South Wales Labor, \$77,000 to New South Wales Liberals and \$76,000 to New South Wales Nationals. This is democracy for sale. One gets what one pays for in New South Wales. This legislation has no economic or environmental merit.

My former colleague Ian Cohen gave the Biofuels Bill the benefit of the doubt in its early days but he did so with some trepidation because there was little evidence of the net greenhouse gas benefit from these biofuels. There is no evidence of the benefits of Manildra's biofuels for the environment, so any claim of such benefits is environmental garbage or greenwash. These biofuels use feedstock from grain production, with 50 per cent of the feedstock derived from food-quality grains. The Greens completely and utterly oppose this claim. This legislation does not represent a green energy revolution. We should not be encouraging this course of action—wrong way, go back. The Government should be incentivising the purchase of electric vehicles. They are the future of motor transportation in this State.

This bill should be trashed because it criminalises service station operators for the purchasing decisions of their customers, as the Hon. Dr Peter Phelps said. Making criminals of small retailers will lead to hundreds of businesses going to the wall, as the Hon. Dr Peter Phelps also said. Many of these small service station operators are the lifeblood of the country towns they serve. If those businesses go to the wall their loss will have a huge effect on the residents of those towns as many of them will have to drive another 40 kilometres to buy fuel. Rural, regional and remote New South Wales will fight against this legislation because they will be affected by its passage.

The day the New South Wales Governor signs this bill into law will be a dark day for many small service station operators who will have to dig up their forecourt at a cost of hundreds of thousands of dollars that

they just do not have. That will lead to the closure of these service stations and the community will ask, "Who did that?" The answer will be the Coalition Government behind closed doors without consultation with the community because Manildra's Dick Honan wanted motorists to be forced to use biofuels. This is corrupt behaviour and a corrupt policy. This process has corruption at its core.

The Greens oppose and will vote against this bill. We will move some minor amendments but we will vote against the bill. The substance of the bill is to amend the Biofuels Act 2007, which currently requires a certain percentage of the total volume of petrol sold in New South Wales by fuel sellers to be ethanol. Under section 6 of the Act, the volume fuel seller being a major retailer or primary wholesaler must ensure that the whole volume of ethanol sold is not less than 6 per cent. The ethanol mandate was set at 6 per cent in 2011 and has never been met as exemptions have repeatedly been signed. No-one has complained about the mandate not being met—motorists have not complained and retailers have not complained—but Dick Honan has complained. He complained to the Government.

From 1 September 2014 to 30 December 2015 the Manildra Group met with nine Ministers at 20 separate events. What did Manildra get? It got what Dick Honan wanted—the motorists and small retailers of New South Wales "propping up" his business, in the words of the Hon. Paul Green. Manildra may employ 22,000 workers, but that is a joke. Manildra had one meeting with Premier Mike Baird and the Minister for Industry, Resources and Energy, Anthony Roberts. It had six meetings with Deputy Premier Troy Grant and six meetings with Minister Anthony Roberts. It had three meetings with the Minister for Innovation and Better Regulation, Victor Dominello and there was one site visit by the Minister for the Illawarra, the Hon. John Ajaka. What did the company get? It got everything Dick Honan could wish for. Manildra is a business operating at a loss and offering no environmental benefit, yet it will be propped up by the passage of this bill.

This afternoon I spoke to people working in the agricultural sector about feedstock being used in biofuels production. The grains used in this process are food-quality grains that could be used for animal feed or potentially for milling for human consumption. When there is a drought and a lack of supply, other industries will be competing with Manildra. This should not be the way in which we deal with this issue—frogmarching a community into accepting ethanol, when they and the retailers have rejected it—crony capitalism. The Hon. Dr Peter Phelps is right—it is what the Liberal Party stands for. The Liberal Party is rotten to its core and the people of New South Wales know that. Alarm bells should be going off because in a week's time retailers will be saying, "We are going to the wall." In Crookwell and Darkwood—

The Hon. Robert Brown: No they will not.

Mr JEREMY BUCKINGHAM: I acknowledge the Hon. Robert Brown's interjection. You represent rural, regional and remote New South Wales and you will wear this. You are attempting to force—

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! I invite Mr Jeremy Buckingham to address his comments through the Chair.

Mr JEREMY BUCKINGHAM: The Shooters and Fishers Party, the Christian Democratic Party, The Nationals, the Liberal Party and the Labor Party will wear this in regional, rural and remote New South Wales. The Greens stand proudly. There is no bipartisan support for this legislation any more. It is a joke. We are getting off this biofuels bus. It is a joke—wrong way, go back. We should not be forcing small retailers into a situation where we are criminalising them. The Independent Pricing and Regulatory Tribunal [IPART] made some recommendations in its final report. I acknowledge the attendance in the Chamber of Mr Gareth Ward, the member for Manildra.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! Mr Jeremy Buckingham will refer to the member of the Legislative Assembly by his appropriate title. The member should be careful in what he is suggesting.

Mr JEREMY BUCKINGHAM: I am suggesting that this Government is corrupt.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! I call Mr Jeremy Buckingham to order for the first time.

Mr JEREMY BUCKINGHAM: I am suggesting that reasonable people would join the dots and say, "This is corrupt policy. This is corruption. This is decisions for donations. This is New South Wales for sale."

This legislation stinks more than the ethanol plant in Nowra. The IPART said that one of the three measures that could be implemented to achieve the 6 per cent was the most costly measure—to require ethanol in almost all the fuel grades up to a maximum of 10 per cent, to require wholesalers to produce ethanol equal to 6 per cent of total New South Wales petrol sales, and to tighten conditions for exemptions.

That is what IPART said. It was its worst recommendation and it is the one that Dick Honan got. That is what he got for his money. It is rotten. In 2007 we did not know that. In good faith The Greens, hoping there would be an environmental outcome, supported the Biofuels Bill. But motorists rejected it. Retailers do not like it and there are alternatives. I urge the Government to implement those alternatives. Other jurisdictions such as Norway, California and Holland are moving towards electric vehicles and there are incentives to do so.

We should offer incentives so that people purchase electric vehicles and not offer Dick Honan incentives. His enterprise is operating at a loss and he is grifting a policy behind closed doors—policy that the Hon. Dr Peter Phelps said has not even gone to the party room. The Nationals, like lambs to the slaughter, are agreeing to the Liberal Party's agenda. The Hon. Troy Grant has had six meetings with Dick Honan. This Government is corrupt and this process is so corrupt that it stinks. When I make reference to the word "corrupt" in this Chamber, members usually jump up and down and ask me to withdraw, but they are not doing that now because they know it is true.

The Hon. Scott Farlow: You are making a fool of yourself.

Mr JEREMY BUCKINGHAM: You are making a fool of the people of New South Wales.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! Mr Jeremy Buckingham will address his remarks through the Chair. Members will cease interjecting.

Mr JEREMY BUCKINGHAM: No-one took a point of order when I said that this Government was corrupt. Members opposite have participated in this corrupt process. The service station in Thora survives only because the locals patronise it. It provides all kinds of services. It is an old-school service station; a community hub. No doubt it would meet this threshold. But if I tell it that it will have to dig up the forecourt, put in new tanks and sell ethanol it will go to the wall. People from Thora and Darkwood will then have to drive 30 kilometres in order to access fuel. That is not how it should work.

Governments should not be in a position to dictate whether or not ethanol should be included in our fuels. If the Government was a free marketer it would not be supporting this proposal as there are no environmental benefits. When those service stations go to the wall there will be a social cost to the community. Who will win economically? Dick Honan will win. That is what he gets for his money and his meetings behind closed doors. We know this only because Sean Nicholls at Fairfax dug it out and, using the Fourth Estate, held the Government to account. Good on him for doing that.

The Australian Productivity Commission compiled a report entitled "Carbon Emissions Policy in Key Economies: Responses to Feedback on Certain Estimates for Australia." It noted that the Manildra Group uses 50 per cent waste product and 50 per cent raw product—50 per cent grain that could go to stock and for which other industries would be competing if we had a drought. Our chicken, pork and poultry producers, feedlots, flour mills and bulk exporters of grain will be competing for that grain. The Australian Productivity Commission—that left-wing think tank—said:

The Manildra Group, located in New South Wales, is the only company in Australia that produces ethanol from wheat feedstock (this represents around 68 per cent of Australian ethanol). At the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria (2007), the Managing Director of the Manildra Group stated Manildra uses "something like fifty-fifty" waste product and raw product (Honan 2007).

This is not some waste or something that will be dumped into landfill; this is food. This undermines industry's claims about greenhouse gas emissions. We are talking about a monopoly. The people of New South Wales are being held to ransom by a State government which for no real policy outcome or benefit will trash those small retailers, the lifeblood of some country and rural towns. The Australian Productivity Commission went on to say:

The ethanol industry in Australia comprises only a few procedures, and commercial confidentiality concerns make it difficult to obtain accurate information on production levels and feedstock use.

In this opaque industry no accurate information is provided to the Government or to the market about the real greenhouse gas cost and the economic cost of producing this feedstock. The Greens oppose this legislation. Mr Mark McKenzie, the Chief Executive of the Australasian Convenience and Petroleum Marketers Association, has said that upgrades would cost \$326 million. This would result in an 8¢ a litre price hike with little or no employment or environmental benefits. I repeat: \$326 million—a blow for all those little country retailers who are told that they have to do it. It is an absolute disgrace. Enormous discretionary powers will reside with the Minister.

In his second reading speech the Minister noted that regular unleaded petrol is 3 per cent more efficient than E10. Therefore, to be cost competitive E10 must be 3 per cent cheaper than regular unleaded. The Minister goes on to state that most of the major retailers have locked it in as a 2 per cent differential, making E10 not cost competitive. Even if the price differential was rectified by the installation of the IPART as a price regulator, the additional cost of supplying this fuel through equipment upgrades will still be passed onto consumers for some time.

The Government will be condemned. It should heed the warning of the Hon. Dr Peter Phelps today. The Government must get off the biofuels bus because it will bust the Government. This is democracy for sale. It is stupid and utterly corrupt policy. Dick Honan—a carpetbagger, I would say—comes here with a suitcase full of money and gets what he wants. It is an absolute disgrace. The consumers and retailers will tell the voters of New South Wales that it was only The Greens and the Hon. Dr Peter Phelps who stood against this policy. This is supported by the far Left and the far Right—alarm bells. This is a stupid, corrupt policy. The Greens will move some amendments in Committee, but we will vote against the second reading of the bill because it is democracy for sale. The Government is repeating the mistakes of the Labor Government, which turned out to be one of the most toxic, corrupt governments this State has ever known.

Dr MEHREEN FARUQI [4.31 p.m.]: I make a brief contribution to the debate on the Biofuels Amendment Bill 2016. As my colleague Mr Jeremy Buckingham has indicated, in no uncertain terms, The Greens will be opposing the bill. The bill amends the Biofuels Act 2007 to modify the minimum biofuel requirements and their application. It is largely aimed at attempting to reach the 6 per cent biofuel mandate, which was set as part of the 2007 Act and aimed at being achieved by 2011. That has not even come close to happening and so now the Government has introduced the bill, with a range of measures to try to reach the 6 per cent target, the ethanol mandate, and at considerable cost to the community and the consumer. This bill will not help address the fuel security needs of New South Wales, nor will it support an environmentally sound approach to reducing pollution and unsustainable fuel consumption. This bill is, in fact, total green-washing, pure and simple.

The environmental and employment benefits of ethanol are both massively overstated by the Government. The Australian Bureau of Research and Energy Economics stated in 2014 that the two key supposed economic and environmental benefits of ethanol production—that is, regional employment and greenhouse gas abatement—are, "Estimated to be relatively modest but come at a high to very high cost". The bureau also found that ethanol prioritisation and support reduces the competitiveness of other emerging and alternative fuels, which we should be moving towards. Real renewable energy such as wind and solar can create tens of thousands of jobs in regional areas.

We should be deeply concerned about the ongoing diversion of food crops to make fuel. While the Government would like us to believe that all ethanol is made from starch as a by-product of crop production, in fact, as Mr Jeremy Buckingham pointed out, a 2011 report by the Australian Productivity Commission noted that the Manildra Group uses around 50 per cent waste product and 50 per cent raw product. We ought to be deeply concerned about the ramifications of this for our food security. Under this bill more service stations will be required to sell a petrol-ethanol blend and exemptions will be tightened to ensure that service stations are keeping to their obligations to sell the fuel. This is just another attempt to force the sale of ethanol in New South Wales and it further entrenches the political power and influence of the monopoly provider, Manildra Group.

One of the major problems with this bill is not that it will not help New South Wales motorists access the cheaper fuel that they want, but that it will prop up a fuel industry that is a fig leaf for real environmentally conscious and environmentally sound transport solutions. It will not at all help the growth and use of clean low-polluting forms of energy for transport. The Greens recognise that the transport needs of our State will eventually have to be powered by renewable energy and sustainable transport modes. In New South Wales fuel use and road transport accounts for 14 per cent of carbon emissions, with cars being the main means of transport.

While The Greens continue to support the expansion of public and active transport as the critical way by which motor vehicle usage must be reduced, we recognise that for those people who have to drive, sustainable forms of transport such as electric vehicles should be adopted. Instead of propping up the failing, unsustainable ethanol industry, the Government should provide incentives to get people into fuel-efficient and electric vehicles and reduce their dependence on fossil fuel-reliant cars. Interstate and international jurisdictions have implemented these sorts of measures with great success and New South Wales can do the same. New South Wales needs to get with the times and immediately move to support an industry that is sustainable and a great long-term solution to the transport fuel reliance needs of our State. Tied to the irrational support for ethanol is the propping up of a monopoly provider that will benefit enormously from any Government-sponsored support for the ethanol industry. It is quite telling to see the Minister for Innovation and Better Regulation in his second reading speech state that Manildra:

... has geared up its production capacity in anticipation of an increase in consumption towards the mandated 6 per cent.

It appears that the Minister and the industry have presupposed the outcome of this parliamentary debate and the clear passage of this bill. We may as well have stayed home today. What we need in New South Wales is a transport fuel industry that is not dependent on the fossil fuel economy or the provision of ethanol. The Minister pointed to the fuel security of New South Wales as a significant reason for further entrenching government support for ethanol. Using that same logic it would be more appropriate to invest in renewables, to encourage electric vehicle ownership and to move towards truly sustainable solutions. The Greens oppose the Biofuels Amendment Bill 2016.

Reverend the Hon. FRED NILE [4.37 p.m.]: I support the speech made by my colleague the Hon. Paul Green in relation to the Biofuels Amendment Bill 2016. In particular, I note the part of his speech where he exposed the hypocrisy of The Greens, who were once all for ethanol and were leading the debate on it, but who are now one of its strongest opponents and critics. I also condemn the use of parliamentary privilege by Mr Jeremy Buckingham. In his speech he attacked the managing director of the Manildra plant at Nowra. All the contacts I have had with him have shown him to be a man of integrity and not a corrupt person, as insinuated by Mr Jeremy Buckingham. The member should withdraw those remarks.

The Hon. MATTHEW MASON-COX [4.38 p.m.]: For a range of reasons it is with a heavy heart that I make a contribution on the Biofuels Amendment Bill 2016. First, I will refute the assertions of corruption made by The Greens. It is important that this House understands that there is no corruption in this Government. People can have confidence that this Government will make decisions in the best interests of the community and will not be waylaid from the public interest. I associate myself broadly with the comments of the Hon. Dr Peter Phelps. He is a man of integrity and a man I am proud to call my friend. He put strong economic arguments against this bill. As a former Minister for Fair Trading, it has always been my view that we should be very careful when we regulate a market. We should regulate only where there is an economic case for that regulation and where the public interest is served.

I have carefully considered the context of this bill. One must remember that the biofuels mandate was enacted in 2007. The reality is that a mandate creates an uncompetitive situation. From the start the economic case is twisted. I put to members that what we have to consider in relation to this bill is how it will improve the situation. If one looks from a purely economic point of view, we have a twisted economic outcome but how does this bill improve things? I think it is instructive to consider precisely what the Independent Pricing and Regulatory Tribunal [IPART] found in relation to this bill. It is at the heart of this Government that we base economic and new policy on good research that can be defended. In that regard, the Government wisely sought advice from IPART in relation to how we might increase the low level of ethanol usage in our community.

Presently we have a 6 per cent ethanol mandate. How do we usefully build the current low rate of compliance of about 3 per cent towards 6 per cent so the law is observed? I think that is a fair judgement. I believe the Minister is valiantly trying to do this. This is the objective the Government is seeking to put in place. It is in the context of an existing mandate and it is not worthwhile disputing that. How do we usefully do that? A range of options has been put forward. These options result from the IPART report into the ethanol mandate dated May 2015. There was an addendum to that report when the Department of Premier and Cabinet sought further analysis from IPART. The conclusions are summarised in the executive summary. It is important that members consider that when deciding how they vote on this bill. In that regard I refer to page 10 of the IPART report. It states at paragraph four:

Broadening the scope of the mandate through the following options would not materially affect ethanol uptake in New South Wales.

The report then identifies the options: reducing the qualifying number of controlled service stations from 20 to five, thereby increasing the net quite extensively in relation to owned sites; requiring all service stations to offer an ethanol-blended product, which goes further than this bill; requiring all service stations that sell more than three million litres of petrol per year to offer an ethanol-blended product—in this bill we do not have a threshold that has been identified, it will be identified following stakeholder consultation; and requiring all service stations offering two or more petrol grades to offer an ethanol-blended product, which is within the bill.

IPART goes on to say that broadening the scope of the mandate in these terms, which is more than this bill seeks to do, would result in net costs in net present value terms that range between \$26 million to \$85 million. It goes on to state that introducing an information campaign, which is what the Government proposes to do, on motor vehicles compatible with E10 could increase the uptake of ethanol. IPART estimates the net benefit at about \$56 million in present value terms and the New South Wales Government and/or ethanol producers could fund that information campaign. We know that information campaign will be funded by the Government but it does have a net economic benefit, so it is justifiable.

In relation to the measures stipulated in this bill it is clear from IPART's report that it will not materially affect ethanol uptake in New South Wales. That is the objective in this case. That is what we must take into account when we look at the economic case for these changes irrespective of our views on a mandate of ethanol in the first place. I do not think that enters the argument. When one considers the implications on the marketplace the first place one would start would be the peak industry body. I was interested to understand what the peak industry body thought about the changes. That peak industry body is the Australasian Convenience and Petroleum Marketers Association [ACAPMA].

ACAPMA has been clear about the implications of these changes. Not only is ACAPMA firmly opposed to further expansion of the existing mandate in New South Wales, but its opposition is premised in deep-seated concerns about the impact of the removal of the small business safeguards currently afforded under the existing legislation. In an email dated 16 March ACAPMA states the firm belief that the legislation risks small business destruction, employment destruction and/or increased fuel costs for motorists. When one looks at it from a small business perspective one sees that it will have a significant impact. I note that not only ACAPMA has made those assertions; I understand that the Hon. Dr Peter Phelps has spoken to a number of retailers, as I have, in relation to the impact of this bill on their operations. I am particularly concerned in relation to truck stops in New South Wales.

Wherever the threshold is placed one needs to remember the way the bill is currently couched considers not only the fuel sold at the truck stop, but also the diesel. If we place it at one million, two million or three million litres of petrol and diesel we will find—as I found when I made inquiries—that a lot of these significant family-owned truck stops are medium-sized, not necessarily small, businesses by definition. They sell more than three million litres per year when one takes into account diesel and other fuel. That is an important consideration this bill overlooks. I implore the Minister to consider those issues. I note the Minister's undertakings in that regard. I am pleased to see them. What concerns me is that we have a situation where not only has IPART debunked the rationale for this bill but the situation is that the work has not been done in relation to an appropriate threshold to test the extension of the compliance requirement in this bill, or in relation to the possible exemptions to this bill.

We need to be careful about introducing legislation before we have done the necessary empirical work in relation to how the regulations are framed and how we substantiate the case for any reform. When we look at the issues of the exemptions and the threshold it is important for us to note that the data will be collected by the Minister in consultation with stakeholders over the ensuing weeks and months. That information is not available at the moment. It will take time to collect. It is essential that we get that information and we understand the potential consequences for some of the examples I have mentioned and for a range of businesses across this State. ACAPMA will play an important role in ensuring that information comes to light. I note that the exemptions are quite extensive under the Act. I am pleased to see this. It shows the Minister will be able to exempt many businesses, whether small or medium size, that might be affected by this bill. It is important that it is acknowledged that this is an intrusive regulation for those businesses.

As members have previously stipulated, it will be a criminal offence for a business owner who is not selling enough of the ethanol-blended fuels as a result of customer choice—it is quite a draconian situation—unless they have an exemption. I would have thought the other way around would have been a much more appropriate way of framing the onus in this case. It is the reversal of the onus that causes problems in this bill. It

then relies on the threshold issue to exclude people from the compliance net or indeed the exemption issue. The exemption issue is both a defence and a ground for an exemption if a party has "taken all reasonable steps to comply"—whatever that means, and I am sure that will be appropriate in time—or:

- (c) ... it was not economically viable for the defendant to comply with the requirement:
 - (i) because [of] the wholesale price of ethanol ... or
 - (ii) because of the price at which the defendant was reasonably able to produce or obtain petrol-ethanol blend ... or
 - (iii) on grounds set out in the regulations, or
 - (iv) on any other grounds ...

So there are quite extensive grounds for exemptions. That is appropriate and helps get the balance right, but it will depend on the Minister and the expert panel as to how those exemptions will work. Where the actual threshold for this regulation will stand will also depend on the Minister. These are all important issues that I encourage the Minister and the expert panel to determine in wide consultation with stakeholders. It would have been terrific if that had been done before we saw the bill in this House so that members could have the comfort of that discussion and feedback from stakeholders and we would be sure there would not be any unintended consequences. I take that on trust and I believe the Minister will do an excellent job in that regard.

I go on to point out that there will be real-life issues in how we implement some of these critical factors. The reality—and, I think, the expectation—is that the Minister, in time, once some of these consultations occur, will issue updated exemption guidelines which will set out how the Government intends to approach the issue of exemptions, particularly those exemptions on economic viability grounds. I pose a question: How will the Government determine when the exemption on the economic viability grounds will apply? We will need to assess the profitability of an operator site by site and the cost of infrastructure upgrades including tank replacement.

Effectively we will need to place the Government—if you like, the Minister—in the shoes of an operator to determine their profitability, to look through their books, to assess their financial capacity and to assess the cost of the infrastructure upgrade that is required to meet the mandate at that particular site. One owner might have multiple sites that will come into the compliance net. Then there are factors of a personal nature. How do we assess factors such as someone's particular access to capital? It might be constrained for reasons that are not applicable to every person—for instance, that they are overcapitalised on their site and not able to access capital. Indeed, there might be personal risk profiling in respect of how much investment risk a particular operator wishes to undertake. Are we going to be making a decision about that for an operator? Are we realistically going to stand in the shoes of an operator and tell them how to run their business? I do not think so.

There are real-life, practical concerns about how one implements this bill. Indeed, I think every business owner in New South Wales would be horrified to have the Government reaching into their business in this way, effectively putting themselves in their shoes to determine whether or not their economic viability is affected by the increased compliance net under this bill. These are the real-life problems that this bill throws up. Frankly, as a member of the Liberal Party I struggle deeply with these issues. As I said, I speak today with a heavy heart. For all these reasons I believe the bill will prove difficult to implement and may well force some operators out of business. That needs to be balanced in considering this legislation.

I note your comments, Mr Deputy-President (The Hon. Paul Green), in relation to the regional development benefits of this bill. I totally endorse those. I also note the comments of the Hon. Dr Peter Phelps about the cost of that regional development. These are live issues in every community. I come from a regional community. I strongly understand those issues and I strongly support the people of Nowra—indeed, I support the people of every regional community where ethanol is produced. I believe we need to get the balance right. We need to be in a position in which we put this bill to the Parliament when we have done the work, when we have created the case and when we have the economic base for it to move forward, understanding that we are working in an environment which is intrinsically very difficult because we have a mandate that is a perversion of any economic principle one might care to mention.

It is important to me that I put my views, particularly in the face of a very difficult situation as a former Minister in this Government. I completely support the Minister and I completely support the Government, but I think it is important that people understand the risks of this legislation. I believe it represents heavy-handed

market intervention by this Government and is an anathema to every business owner in this State. As a business owner myself I am horrified that government would walk into any business and expect the level of compliance that this bill contemplates. It flies in the face of the reality of free markets and risks the destruction of small and medium businesses that will be caught in the expanded regulatory net.

It is better to continue, in my view, to focus on the major operators and drive compliance through already established channels. The evidential case for expanding the compliance net has not been made in this particular instance. The Independent Pricing and Regulatory Tribunal report confirms this. The Australasian Convenience and Petroleum Marketers Association confirms this. The Minister acknowledged this in his second reading speech when he said the data does not exist. It is required for setting the thresholds and the exemptions. It does not exist at this time. It has to be collected. For all these reasons, I continue to hold grave reservations concerning the potential serious negative impacts of this bill.

The Hon. SCOTT FARLOW [4.56 p.m.]: It is with a heavy heart that I speak on the Biofuels Amendment Bill 2016. I will be supporting the legislation but I will note some concerns. It has not been an easy task to prepare to speak on this bill. In doing so I reflected on my maiden speech, in which I said:

I enter this Chamber as a team player on behalf of the Liberal Party. It is only through the party that I sit here. It is the people of New South Wales, but the Liberal Party first and foremost, that I represent in this place. Especially as an "at large" representative for the party, my core constituency is the membership of the Liberal Party across this State.

I do not believe that this bill is at the heart of Liberal Party principles. However, in saying that, I reflect on the fact that I am a member of the Liberal Party. While I believe it is important that I exercise my conscience I also believe it is important that I exercise the views of my constituents throughout New South Wales. For that reason I will note some of my concerns with the legislation but will be support the Government's bill. In coming to this decision I reflected on both my inaugural speech and that of the Premier. In the Premier's inaugural speech he said he was very proud to be a member of the Liberal Party because:

...it is the party that has always allowed members to exercise their discretion in relation to matters of conscience.

I find economics to be matters of conscience as much as social issues are, and I believe many in the Liberal party do also. I believe that small business is our core constituency. It is my hope that the Biofuels Amendment Bill 2016 will protect small businesses. I look forward to seeing the regulations that will come with this bill and I will take a keen interest in the protections that they afford small business in this legislation. As the Hon. Dr Peter Phelps, whom I often agree with, has reflected, at this stage it is an area in which people are criminalised first and granted exemptions second. I note that amendments will be moved during the Committee stage, and I might reflect on those amendments at the time. The set figure of one million litres per year has been bandied around quite a lot. As the Hon. Dr Peter Phelps said, the figure of one million litres per year means there are a lot of people captured and it sounds like a big number. But if we break that number down, one million litres per year would be 2,739 litres per day. At an average of 50 litres per car, that is only servicing 53 cars per day.

In its report, the Independent Pricing and Regulatory Tribunal [IPART] found that many of the service stations that could be affected by this change would be making a profit of only \$45,000 per year. IPART also found that the cost of changing those service stations would be in excess of \$200,000 per year. It noted, but did not take into account, the lost economic cost that would come from closing forecourts. I have heard a lot of people complain about the ethanol bowsers. Many petrol stations situate ethanol bowsers around the corner because they do not wish to close their forecourts. They do not wish to lose their revenue and their profits. They are often mum and dad operators. I will be vigilant to ensure that the regulations provide protection for those people and for small business. I am a patron of the small business branch of the Liberal Party. Members on this side of the Chamber must protect small businesses because they are our core constituency, and we should stand up for them.

It is important that members on this side of the House fight for the consumer. The consumer is telling us that E10 is a product that they do not necessarily want. We also know that E10 must be at least 3 per cent cheaper than regular unleaded petrol in order to make up for the loss in efficiency that occurs with E10 because it does not have the same energy mass. I note the comments of the Minister that that is one aim of the bill, but there are some problems with the market. I do not often agree with Mr David Shoebridge, but I note his comments concerning King Canute if we try to hold back the tide on world oil prices. As the price of crude oil drops, ethanol becomes less economically viable. We cannot ensure that the price of ethanol is 3 per cent less if the price of crude oil continues to drop.

I am not against ethanol per se but I am concerned about jobs. I am a supporter of employment across New South Wales but I am concerned not only for the mum and dad petrol station operators but also for people who are employed at petrol stations. A 2012-13 Federal report analysed the cost of the Ethanol Production Grants program. Without looking at the State mandate or other State Government initiatives, the report found that there were an estimated 160 to 200 direct jobs in the industry; I acknowledge there are more now. The cost of Federal Government subsidies was \$445,000 to \$680,000 per job. Sometimes we cannot pump up industries too much. Sometimes it is for us to say that the jobs of many are better than the jobs of a few.

IPART could not find a way to meet the 6 per cent mandate. The Government is proposing initiatives, which will be followed up by good regulations. I hope they will address the concerns of small business. I am concerned about the advertising campaign, which is not covered in this legislation. IPART found that the main benefit is producer surplus of \$15 million while the estimated cost to government is \$5 million. That advertising business is benefiting from taxpayers' money. I look forward to seeing the regulations. Minister Dominello is a wise Minister; I supported his election campaign when he came to this place and I have no animosity towards him. He will bring a level head to this issue. I fear that when this Government is no longer in office there may be a Minister who is not so minded to protect the interests of business across this State. I hope that the regulations will ensure that businesses are protected. I support this legislation.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.04 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank all members for their contributions to this debate—the Hon. Peter Primrose, the Hon. Robert Brown, the Hon. Paul Green, the Hon. Dr Peter Phelps, Mr Jeremy Buckingham, Dr Mehreen Faruqi, Reverend the Hon. Fred Nile, the Hon. Matthew Mason-Cox, and the Hon. Scott Farlow. I thank them for the fire and the passion that they brought to this important debate. This Biofuels Amendment Bill 2016 is one of the most controversial bills that I have been involved with. As members have heard, the bill will give motorists more choice about fuel and will support the renewable fuels industry. Since assuming ministerial responsibility for the biofuels mandate nine months ago, the Minister for Innovation and Better Regulation has sought to work collaboratively and constructively with all interested stakeholders to develop a workable solution. I thank all stakeholders for their constructive and meaningful input to the bill before the House. I am sure there will be more energised debate when we go into Committee. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 29

Mr Ajaka	Mr Gay	Mr Searle
Mr Amato	Mr Green	Mr Secord
Mr Brown	Mrs Houssos	Ms Sharpe
Mr Clarke	Mr Khan	Mrs Taylor
Mr Colless	Mr MacDonald	Mr Veitch
Ms Cotsis	Mr Mallard	Ms Voltz
Ms Cusack	Mrs Mitchell	Mr Wong
Mr Donnelly	Mr Mookhey	<i>Tellers,</i>
Mr Farlow	Reverend Nile	Mr Franklin
Mr Gallacher	Mr Primrose	Mr Moselmane

Noes, 6

Mr Buckingham
Dr Faruqi
Dr Phelps
Mr Shoebridge
Tellers,
Ms Barham
Mr Pearson

Question 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. I note that I have three sets of amendments: the Shooters and Fishers Party amendments, which appear on sheet C2016-023B; two Greens amendments, which appear on sheet C2016-029; and the very recently received Government amendments, which appear on sheet C2016-030B. I will deal with the Government amendments. With respect to the first Government amendment I will call on the Parliamentary Secretary when we get to the point of dealing with the Shooters and Fishers Party amendment No. 5. It may not be moved at the same time because I have not had a chance to see whether the amendments intersect. I will begin by calling the Hon. Robert Brown to move the Shooters and Fishers Party amendments.

The Hon. ROBERT BROWN [5.18 p.m.], by leave: I move Shooters and Fishers Party amendments Nos. 1, 6, 7, 9, 11 and 13 on sheet C2016-023B in globo:

No. 1 Removal of Expert Panel

Page 4, schedule 2 [2], line 5. Insert "*Expert Panel*," after "definitions of".

No. 6 Removal of Expert Panel

Page 7, schedule 2. Insert after line 40:

[25] Section 15 (8)

Omit the subsection.

No. 7 Removal of Expert Panel

Page 8, schedule 2. Insert after line 8:

[28] Section 17 (2)

Omit the subsection.

No. 9 Removal of Expert Panel

Page 9, schedule 2 [34], lines 18–21. Omit all words on those lines. Insert instead "Omit the section."

No. 11 Removal of Expert Panel

Page 9, schedule 2. Insert after line 21:

[35] Section 25 Secrecy

Omit section 25 (1) (c).

No. 13 Removal of Expert Panel

Page 10, schedule 2. Insert after line 7:

[37] Schedule 2 Constitution and procedure of Expert Panel

Omit the Schedule.

In our view the expert panel should be disbanded. As such, the amendments remove all references to the expert panel. To date, in New South Wales the parties liable for the 6 per cent fuel ethanol mandate have not complied with their obligations by the due dates. That is why we are debating this legislation. The expert panel is required to comprise a biofuels industry representative. Currently, this is the chief executive of the Biofuels Association of Australia. There are three ethanol producers in Australia, yet Manildra Group and United Petroleum are not members of the Biofuels Association of Australia. Therefore, the Biofuels Association of Australia does not represent any New South Wales fuel ethanol producers and neither does it represent the majority of ethanol producers in the whole country.

As a result, since its introduction in 2011 the expert panel has overseen a significant decline in fuel ethanol uptake levels. Today, as reported in many contributions to the second reading debate on this bill, the fuel ethanol mandate is 6 per cent but the actual uptake is less than 2.4 per cent, with the expert panel having presided over what I will call lax enforcement. Therefore, the Shooters and Fishers Party believe the Minister should be solely responsible for those exemptions. The amendments I have moved go to deleting all references to the expert panel in the bill. I commend my amendments to the Committee.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.20 p.m.]: The Government will not support Shooters and Fishers Party amendments Nos 1, 6, 7, 9, 11 and 13. We believe the expert panel plays a valuable role in providing advice to the Minister in respect of requests for exemption from volume sellers and other matters related to the operation of the Biofuels Act. The panel has a mix of government, industry and consumer representatives and provides a mechanism for the Minister to receive confidential advice addressing all stakeholder viewpoints. The Government opposes the amendments.

The Hon. PETER PRIMROSE [5.21 p.m.]: As I indicated in my contribution to the second reading debate on the bill, the Opposition also supports the role of the expert panel. The Opposition also opposes the amendments.

Mr JEREMY BUCKINGHAM [5.21 p.m.]: The Greens will not support the Shooters and Fishers Party amendments as moved because we support the role of the expert panel. We do not believe a case has been made to remove the expert panel as it is an important safeguard when considering potential exemptions.

The Hon. PAUL GREEN [5.22 p.m.]: The Christian Democratic Party stands behind the Shooters and Fishers Party amendments as moved and articulated by the Hon. Robert Brown. We believe the Shooters and Fishers Party has given a good explanation for removing the expert panel.

Question—That Shooters and Fishers Party amendments Nos 1, 6, 7, 9, 11 and 13 [C2016-023B] be agreed to—put and resolved in the negative.

Shooters and Fishers Party amendments Nos 1, 6, 7, 9, 11 and 13 [C2016-023B] negatived.

The Hon. ROBERT BROWN [5.22 p.m.], by leave: I will not move Shooters and Fishers Party amendment No. 5 on sheet C2016-023B. I move Shooters and Fishers Party amendments Nos 2, 4, 8 and 12 in globo:

No. 2 Omission of IPART functions

Page 4, schedule 2 [4], proposed definition of *IPART*, line 10. Omit all words on that line.

No. 4 Omission of IPART functions

Page 5, schedule 2 [12], proposed section 9A (2) (c) (i), lines 35–37. Omit all words on those lines.

No. 8 Omission of IPART functions

Pages 8 and 9, schedule 2 [31], line 17 on page 8 to line 11 on page 9. Omit all words on those lines.

No. 12 Omission of IPART functions

Page 10, schedule 2 [36], proposed clause 8, lines 1–7. Omit all words on those lines.

All these amendments relate to the Independent Pricing and Regulatory Tribunal [IPART]. The bill provides IPART with a function to determine and review the price of wholesale ethanol. It gives IPART the function to set a price for wholesale ethanol until the IPART report into wholesale pricing of ethanol is released in February 2017. Effectively, we are giving a statutory body the ability to set a pricing regime. I note the contributions of some Government members in regard to this aspect of the bill. International pricing does not reflect direct or indirect Australian jobs or support regional communities. Regulating the producer does not necessarily mean cheaper fuel for the consumer. The absence of the report, which will not be produced for another eight or nine months, in our view supports our argument. The current practice will hinder plans for future ethanol development as an alternative, cheaper and more environmentally friendly source of fuel. The regulation of ethanol pricing will have a detrimental impact on interstate trade and New South Wales jobs. Therefore, our amendments seek to redress those issues. I commend the amendments to the Committee.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.25 p.m.]: The Government will not support Shooters and Fishers Party amendments Nos 2, 4, 8 and 12. At the moment the ethanol market is dominated by one large supplier, as we heard during debate on the bill. However, it is expected that this bill, by strengthening the mandate, will create an incentive for more suppliers to enter the market. There are proposals for more ethanol plants around New South Wales, as members will be aware. In the meantime, the proposed role for the Independent Pricing and Regulatory Tribunal [IPART] in determining a fair wholesale price for ethanol provides industry and consumers with greater confidence that there is no distortion in the market and limits the capacity of any ethanol supplier to take advantage of a dominant market position. The proposed IPART role will

provide a thorough and credible assessment of the effect of the amendments by monitoring the retail price of E10. This will allow the Government to demonstrate the impact of the amendments in relation to E10 pricing. For those reasons the Government will not support the amendments.

The Hon. PETER PRIMROSE [5.26 p.m.]: The Opposition also will not support the amendments. We believe the Independent Pricing and Regulatory Tribunal functions perform a valuable role and should be retained.

Mr JEREMY BUCKINGHAM [5.26 p.m.]: The Greens will also not support the amendments. We believe retention of the Independent Pricing and Regulatory Tribunal's role and functions in regulating the wholesale price of ethanol in this State is very important.

The Hon. PAUL GREEN [5.27 p.m.]: As noted, the Christian Democratic Party will support the Shooters and Fishers Party amendments. We are not questioning the extent of the Independent Pricing and Regulatory Tribunal's role in regulating the wholesale price of ethanol but we are questioning why this role should not be extended to regulating the wholesale price of petrol. Places like the South Coast endure petrol prices that are up to 20¢ above those in major metropolitan areas. There is nothing wrong with scrutiny to make sure that consumers get a fair outcome, but the Independent Pricing and Regulatory Tribunal should make sure that major producers do not take advantage of their strong position. We will therefore support the amendments.

Question—That Shooters and Fishers Party amendments Nos 2, 4, 8 and 12 [C2016-023B] be agreed to—put and resolved in the negative.

Shooters and Fishers Party amendments Nos 2, 4, 8 and 12 [C2016-023B] negatived.

The Hon. ROBERT BROWN [5.28 p.m.]: I move Shooters and Fishers Party amendment No. 3 on sheet C2016-023B:

No. 3 Threshold for retailers

Page 4, schedule 2 [4], proposed definition of *volume fuel service station*, line 28. Omit "a threshold prescribed by the regulations". Insert instead "250,000 litres in any relevant period or, if the regulations change what is a relevant period for the purposes of this Act, a volume fixed by the regulations in any period as so changed that equates to 250,000 litres in a calendar quarter".

Currently the bill states that the threshold volume is to be determined by regulation. This could result in a high threshold volume which might not apply to all relevant service stations as is intended by this legislation. If we set the threshold amount at 250,000 litres per quarter, or time equivalent, it will exempt genuine small retailers from the legislation and provide them with more clarity. It will provide more guidance for the Minister or the expert panel to consider these exemptions. This proposed amendment will bring us into line with Queensland and how it procedurally mandates ethanol fuel consumption. I commend the amendment to the Committee.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.29 p.m.]: The Government does not support Shooters and Fishers Party amendment No. 3. The Minister has given the industry an assurance that the threshold level will be subject to a public consultation process and a regulatory impact statement process under the proposed Biofuels Regulation 2016. In addition the bill contains an information gathering power so this consultation will be properly informed. The proposed amendment will set a regulatory threshold of 250,000 litres of fuel sold per quarter based on the level in the Queensland Liquid Fuel Supply Act.

However, a significant difference is that the Queensland figure relates only to sales of petrol. In New South Wales the amendments to the Biofuels Act relate to the sale of both petrol and diesel which is one reason why the Government proposes to set a higher regulatory threshold. The retail markets in New South Wales and Queensland will have certain similarities but they are not identical. It is reasonable that members of the New South Wales industry and the New South Wales public be given an opportunity to comment on the appropriate regulatory threshold for New South Wales. For those reasons the Government will not support this amendment.

The Hon. PETER PRIMROSE [5.30 p.m.]: The Opposition will not support this amendment.

Mr JEREMY BUCKINGHAM [5.31 p.m.]: Concerns have been raised in this Chamber about the fact that the threshold is already too low. To lower it even further would mean that we would capture everyone. The concerns that were raised in debate on the second reading remain. We will not be supporting any reduction in that threshold.

The Hon. PAUL GREEN [5.31 p.m.]: The Christian Democratic Party supports the Shooters and Fishers Party amendments and note that it is in line with Queensland's sale of petrol and the quantities involved.

Question—That Shooters and Fishers Party amendment No. 3 [C2016-023B] be agreed to—put and resolved in the negative.

Shooters and Fishers Party amendment No. 3 [C2016-023B] negatived.

[Business interrupted.]

DISTINGUISHED VISITORS

The CHAIR (The Hon. Trevor Khan): I welcome into the President's gallery the Hon. Michael Egan, former Treasurer of New South Wales. Welcome back to the Chamber.

BIOFUELS AMENDMENT BILL 2016

In Committee

[Business resumed.]

The Hon. ROBERT BROWN [5.32 p.m.]: I move Shooters and Fishers Party amendment No. 10 on sheet C2016-023B:

No. 10 **New offence**

Page 9, schedule 2. Insert after line 21:

[35] **Section 24A**

Insert before section 25:

24A Information to be displayed about E10

The operator of a service station at which E10 containing ethanol that has been produced in Australia is available for the fuelling of motor vehicles must ensure that signs are prominently displayed to potential users of the fuel informing them that the fuel is produced locally and that its use supports Australian farmers.

Maximum penalty: 500 penalty units.

This amendment, which I would call an inoffensive amendment, supports the Government's arguments about the sorts of things it will do at the conclusion of debate when the bill becomes legislation. This amendment will ensure that signs stating that E10 containing ethanol has been sourced locally and grown by our farmers are clearly visible at service stations and that those facts are made known to consumers at the pump. The Government, through the Minister in the other House, committed to an information and awareness program as part of this reform. Signage at the pump is a cheap and effective method of achieving such an outcome. This amendment will take that a step further by proposing an easy and effective way to communicate to consumers that we are supporting Australian farmers and that the E10 is an Australian product. I hope that those in this Chamber who support country New South Wales see that this is a good amendment and support it. I commend the amendment to the Committee.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.34 p.m.]: The Government will not support Shooters and Fishers Party amendment No. 10. The proposed new labelling requirement is problematic. It would require Australian ethanol to be labelled as produced locally. However, in most cases E10 will be 90 per cent unleaded petrol produced overseas, blended with local ethanol. Labelling this petrol ethanol blend as produced locally is likely to be misleading and confusing to consumers. The labelling requirement will add to the costs of all service stations by requiring new labelling at every service station in New South Wales for limited benefit. It is preferable to deal with the issue of supporting Australian farmers as part of the Government's proposed \$5 million education campaign. For those reasons the Government does not support Shooters and Fishers Party amendment No. 10.

The Hon. PETER PRIMROSE [5.35 p.m.]: For reasons similar to those outlined by the Government the Opposition will not be supporting this amendment.

Mr JEREMY BUCKINGHAM [5.35 p.m.]: Although the Committee stage has been progressing quickly and with decorum—

The Hon. Ben Franklin: You will fix that.

Mr JEREMY BUCKINGHAM: I will fix that. Other Shooters and Fishers Party amendments will strip out the expert panel and the Independent Pricing and Regulatory Tribunal [IPART] and regulate prices in New South Wales for wholesale ethanol. I cannot believe that anyone would come into this Chamber and move an amendment that requires all service stations selling E10—under this legislation that is the majority of service stations—to ensure that signs are prominently displayed informing potential users of the fuel that it is produced locally by Australian farmers. That is something that they cannot guarantee. If farmers are producing poultry or pork these service stations will not be supporting them. These provisions are akin to North Korean provisions.

The Hon. Duncan Gay: You would know about that.

Mr JEREMY BUCKINGHAM: I am surprised that the Government is not supporting this amendment. If service stations do not display such signage they will be fined \$55,000, or 500 penalty units. Who would do that? Service stations will be fined \$55,000 because they do not have proper signage displayed as dictated by the New South Wales Government. What else are we going to dictate? This outrageous amendment shows just who is calling the tune. I am surprised that the Shooters and Fishers Party has not taken donations from Dick Honan. It is doing this all for free. Maybe things will change down the track. It will be interesting to watch electoral funding returns to see whether there is any change. Services stations will be fined \$55,000 for displaying the wrong signs. Are we to have inspectors to establish whether a sign is big enough or whether it is prominently displayed? Who will decide that? I have made my point; this is a crazy amendment.

The Hon. ROBERT BROWN [5.38 p.m.]: As Mr Jeremy Buckingham correctly said, this debate has been run along gentlemanly lines so far and we would like to keep it that way. I remind the member that the last time he intimated that the Shooters and Fishers Party or I were taking chunks of cash, I said something to him that I should not have said and I had to apologise for it. But the sentiment still stands. The argument put forward by Mr Jeremy Buckingham is inane and childish.

Mr Jeremy Buckingham: Point of order: The Hon. Robert Brown is clearly reflecting on me by referring to the words "inane" and "childish". I ask him to withdraw those comments.

The Hon. ROBERT BROWN: To the point of order: I cast no aspersions on the member; I was talking about his contribution.

The CHAIR (The Hon. Trevor Khan): Order! I do not uphold the point of order. I encourage members—particularly as matters have moved on swimmingly up to this point—to confine their remarks to the amendment.

The Hon. ROBERT BROWN: This bill is all about toughening up an existing law. I will tell members who will put signs on their pumps or at their service stations; any smart operators who want to ensure they comply with the new mandate or who want to sell E10 fuel. I understand that the member opposite has had some experience in running a small business but, judging from his contribution and the long bows he has drawn, I suspect his experience is not enough. I would talk to small business operators and say, "We are legislating to mandate certain things to give you an opportunity to market this fuel within that mandate and to ensure that you are not fined." That is something that most of them would probably do.

The Hon. PAUL GREEN [5.41 p.m.]: Some members have said that the majority of ethanol-blended fuel will be imported. Sometimes products claim to have been made in Australia but just the packaging is Australian made and the contents come from overseas. Those products attract consumers who want to do the right thing by supporting Australian businesses. Thousands of farmers produce wheat for Manildra's product—the flour and starch. I think Dr Mehreen Faruqi mentioned in her speech that 50 per cent was waste product and 50 per cent was wheat.

The Christian Democratic Party acknowledges that a primary food source should not be used for ethanol where that may compromise the food supply for people across the State or globally. However, if that is not the case we want to see our farmers supply that product. Many farmers are prospering from the sale of their

wheat to Manildra. It enables them to pay their farm mortgages, their workers and their bills, which is a positive thing. There is nothing wrong with putting a sticker on a product that says, "When you use this product, you are helping farmers across Australia." We support the amendment moved by the Shooters and Fishers Party.

Mr JEREMY BUCKINGHAM [5.42 p.m.]: The Hon. Robert Brown, who moved this amendment, has not yet informed us why anyone would impose such a hideous penalty of 500 penalty units on a service station that fails to display such a sign. No argument has been put forward, no logic and no coherent cogitation as to why the Shooters and Fishers Party wants this. Perhaps an argument could be made for requiring the sign but the imposition of 500 penalty units is ridiculous.

Question—That Shooters and Fishers Party amendment No. 10 [C2016-023B] be agreed to—put and resolved in the negative.

Shooters and Fishers Party amendment No. 10 [C2016-023B] negatived.

The CHAIR (The Hon. Trevor Khan): We will now move on to The Greens amendments on sheet C2016-029, there being two amendments that look very similar.

Mr JEREMY BUCKINGHAM [5.44 p.m.], by leave: I move The Greens amendments Nos 1 and 2 on sheet 2016-029 in globo.

No. 1 Clarification of defence

Page 5, schedule 2 [12], proposed section 9A (2) (c) (iv), line 41. Insert "(including grounds relating to capital costs associated with compliance)" after "grounds".

No. 2 Clarification of defence

Page 6, schedule 2 [12], proposed section 9A (2) (d) (iii), line 7. Insert "(including grounds relating to capital costs associated with compliance)" after "grounds".

I have moved this amendment because this is what small service station owners were asking to have spelled out in black and white in the bill—to insert "including grounds relating to capital costs associated with compliance" after the word "grounds". It is a clarification of the defence, meaning that these were the grounds on which smaller retailers would be exempt, which is only fair. That is what small business operators have asked for in the bill. As the Hon. Matthew Mason-Cox so clearly articulated if, for whatever reason, they are unable to raise the capital in time but they provide evidence that they cannot comply, this amendment will reduce some of the harm and give them some understanding that capital compliance costs will be considered as grounds for an exemption. The Greens consider this to be a heinous regime in an utterly unnecessary bill. I urge the Government to give those small retailers some reassurance by supporting The Greens amendments.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.45 p.m.]: The Government will not support The Greens amendments Nos 1 and 2 on sheet C2016-029. The Greens amendments will add "including infrastructure costs" to the existing test of compliance not being economically viable on any other grounds. The bill already refers to whether compliance is economically viable because of the price of ethanol and because of any issue prescribed in the regulations, and on any other grounds. We are confident the current drafting already covers the field and includes the capital and other infrastructure costs. The current drafting already gives maximum flexibility to deal with the economic viability of smaller operators. There is a risk that including this specific example of "any other grounds" might limit the general nature of the test and costs other than capital costs will arise. We would not want to risk a court reading down the meaning of "any other grounds" due to the inclusion of the examples that The Greens wish to insert. For those reasons, the Government will not be supporting the amendments.

Question—That The Greens amendments Nos 1 and 2 [C2016-029] be agreed to—put.

The Committee divided.

Ayes, 5

Ms Barham
Mr Buckingham
Mr Pearson
Tellers,
Dr Faruqi
Mr Shoebridge

Noes, 30

Mr Ajaka	Mr Green	Mr Secord
Mr Amato	Mrs Houssos	Ms Sharpe
Mr Brown	Mr MacDonald	Mrs Taylor
Mr Clarke	Mr Mallard	Mr Veitch
Mr Colless	Mr Mason-Cox	Ms Voltz
Ms Cotsis	Mrs Mitchell	Mr Wong
Ms Cusack	Mr Mookhey	
Mr Donnelly	Reverend Nile	
Mr Farlow	Dr Phelps	<i>Tellers,</i>
Mr Gallacher	Mr Primrose	Mr Franklin
Mr Gay	Mr Searle	Mr Moselmane

Question resolved in the negative.

The Greens amendments Nos 1 and 2 [C2016-029] negatived.

The Hon. RICK COLLESS (Parliamentary Secretary) [5.55 p.m.], by leave: I move Government amendments Nos 1 and 2 on sheet C2016-030B in globo:

No. 1 Exemptions from minimum biofuel requirements

Page 7, schedule 2 [21]. Insert after line 20:

Note. See section 9A (2).

No. 2 Review of Act

Page 9, schedule 2. Insert after line 23:

[36] Section 32

Omit the section. Insert instead:

32 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to commence before 30 June 2019.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after that date.

Amendment No. 1 clarifies the basis on which volume fuel retailers can seek an exemption. This is a minor amendment that will clarify the intent and application of the legislation. The Government is concerned that retailers regulated under the Act have clear advice about the grounds under which they can seek an exemption. Following amendment of the Act this will be important for those newly regulated retailers. Dealing with government regulation can cause anxiety, especially for small business. Should a newly regulated business require an exemption understanding the grounds for seeking an exemption should be as easy as possible.

The Minister for Innovation and Better Regulation is concerned to ensure the legislation is clear and easy to understand. The proposed minor amendment will clarify the grounds under which a retailer can request an exemption which includes those set out in section 9A of the Act. Section 9A sets out those grounds which can form the basis of a defence against failing to comply with the mandate. This amendment will remove any concerns business may have had about what grounds can and cannot be relied upon when applying for an exemption. The Government understands that most business people want to do the right thing and we want to help business by making the legislation as clear as possible. The amendment will remove all doubt for retailers on the eligible grounds for an exemption.

Amendment No. 2 proposes a statutory review of the Biofuels Act in three years. The Minister for Innovation and Better Regulation is concerned that the effectiveness of the provisions of the Biofuels Act is subject to rigorous assessment and review. To achieve this, an amendment is proposed that will require a

statutory review of the Act to occur three years after the current package of reforms come into effect. The proposed amendment to section 32 of the Act will require a review of the Act to commence prior to 30 June 2019, with the report of the review to be tabled in the Parliament within 12 months of that date. The statutory review will assess the full impact and effectiveness of the Act and provide recommendations for further reforms of the biofuels regime if necessary. Tabling the report in Parliament will enable members in this Chamber to scrutinise the findings and recommendations of the review. It is best practice that regulation is subject to regular review and assessment. I commend the amendments to the Committee.

The Hon. PETER PRIMROSE [5.59 p.m.]: The Opposition will also be supporting these two amendments. The new shadow Minister for Innovation and Better Regulation, Yasmin Catley, raised a number of concerns with the Minister about the bill. Following a good conversation, these amendments were worked out. They meet her concerns and accordingly the Opposition will support both amendments.

The Hon. PAUL GREEN [5.59 p.m.]: The Christian Democratic Party supports the amendments. The Minister has been very good in bringing this legislation forward and being very mindful of the full impacts of it, not just for the E10 mandate but also those that might be very vulnerable. The Christian Democratic Party does not support for a minute a situation in which a mum and dad fuel station is ripped up because they have to meet some minimum number of litres. The Minister's intention is to use his discretion with good weightiness and wisdom. The last thing anyone wants is to rip out opportunity for rural areas and for rural service stations to go under because of this legislation. It is not about them; it is about a mandate that is quite often being exempted by bigger players. It is meant to make sure that those bigger players comply with their obligations to the consumers of New South Wales. The Christian Democratic Party commends the amendments to the Committee.

The Hon. SCOTT FARLOW [6.00 p.m.]: I support the amendment and I commend the Government, the Minister and the Premier for moving these amendments. I note the positive contribution of all members of the Chamber—a range of issues have been raised by all parties—and the excitement about the review of this Act to make sure that it is meeting its objectives. I commend the Minister and the Premier for these amendments.

Question—That Government amendments Nos 1 and 2 [C2016-030B] be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 and 2 [C2016-030B] 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. Rick Colless, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Rick Colless, 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 with a message requesting its concurrence in the amendments.

ASSENT TO BILLS

Assent to the following bills was reported:

Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016
Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016

BUSINESS OF THE HOUSE**Postponement of Business**

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

ASSISTED REPRODUCTIVE TECHNOLOGY AMENDMENT BILL 2016**Second Reading**

The Hon. SARAH MITCHELL (Parliamentary Secretary) [6.04 p.m.], on behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Assisted Reproductive Technology Amendment Bill 2016. The bill makes a number of amendments to the Assisted Reproductive Technology Act 2007 and the Births, Deaths and Marriages Registration Act 1995, following on from the statutory review of the Assisted Reproductive Technology Act and two parliamentary inquiries into donor conception. The Assisted Reproductive Technology Act regulates assisted reproductive technology [ART] services in New South Wales. The Act aims to prevent the commercialisation of human reproduction and protect the interests of persons born from ART treatment, persons who provide gametes—ova and sperm—and women undergoing ART treatment. On occasion the interests of these different groups are not in harmony, which means that the regulation of ART treatment can become emotionally fraught and controversial.

One area where controversy does arise is in relation to the rights of persons conceived from ART treatment undertaken prior to the commencement of the Assisted Reproductive Technology Act on 1 January 2010 to receive information about their biological origins. Following the commencement of the Assisted Reproductive Technology Act, ART providers must collect a range of identifying and non-identifying information from donors, such as their name and medical history, before providing treatment. Once a child is born as a result of ART treatment that used donated gametes, the information about the donor is stored on the central register maintained by the Ministry of Health. The information will be accessible by persons conceived from ART treatment using donated gametes once they turn 18. However, these provisions in the Assisted Reproductive Technology Act only operate prospectively in respect of any child donor conceived after 1 January 2010. For pre-2010 donor-conceived persons, the ministry operates a voluntary register and any information on the donor can only be provided if the donor consents.

The fact that the Assisted Reproductive Technology Act does not operate retrospectively can and does cause great upset to donor-conceived individuals. However, the needs of pre-2010 donor-conceived individuals have always needed to be balanced against the rights and interests of donors, many of whom donated under assurances of anonymity. Changing the goalposts many years after the donation has the potential to create great difficulties for donors who were generally assured confidentiality and their families who may not know the donor once donated gametes. As I said earlier, ART treatment can become emotionally fraught and controversial and it can be difficult to reconcile the different interests of various groups.

In 2013 the New South Wales parliamentary Committee on Law and Safety completed an inquiry into managing donor conception information and made a number of recommendations relating to ART treatment. Importantly the committee recommended that pre-2010 donor-conceived individuals have a right to access de-identified information on their donor but that identified information should be disclosed only with consent. The Government supports this approach. Preserving confidentiality of donors while ensuring that donor-conceived individuals can access important medical and genetic information, where available, maintains an appropriate balance between the rights and interests of donor-conceived people and past donors who donated on the condition of anonymity. The committee also recommended that a new agency be established to maintain the central register and that all pre-2010 records be provided to the new agency. While the Government did not support the creation of a new agency, it did give in-principle support to the central collection of pre-2010 records but noted that further consultation was required.

The ministry carried out further consultation with ART providers, donor conception groups and medical groups. ART providers had strong objections to the central collation of records due to privacy concerns,

the costs involved, a strong view that it was their professional responsibility to facilitate any exchange of information between donors and donor-conceived individuals, and concerns that the central collation of records may make donors less likely to update information. Donor conception groups on the other hand were strongly in favour of the central collation of records. This was because some donor-conceived individuals had had personal experience of records being destroyed or falsified and there was concern that some individuals would not want to contact ART providers to access records.

The Government has considered all of these different points of view and the bill before the House aims to reconcile the differences and achieve a balance between the varying interests. Accordingly, the bill will amend the Assisted Reproductive Technology Act to create a new part 3A that will create a right for pre-2010 donor-conceived individuals to make an application for the release of non-identifying information. The application will be able to be made to an ART provider or to the Secretary of the Ministry of Health. Where an application is made to an ART provider, the Act will require the ART provider to provide the non-identifying information to the donor-conceived individual. In addition, the ART provider will be required to provide the information to the ministry where it will be stored on the register and will be available if another donor-conceived individual of the donor makes an application.

For donor-conceived individuals who do not wish to interact with an ART provider or do not know which ART provider holds records about the donor, the bill also allows the individual to make an application directly to the secretary. If such an application is made, the secretary will be able to obtain the information about the donor from the ART provider and will then provide the information to the donor-conceived individual. I recognise that this is not the process that the committee recommended and it is not necessarily a process with which all donor-conceived individuals will be happy. Nevertheless, the amendments in the bill seek to strike a balance between the different interests and will ensure that donor-conceived individuals have a right to seek non-identifying information about their donor.

As a central collection of records will not be undertaken, it is important to ensure that pre-2010 records are appropriately maintained. As such, the bill also includes a number of provisions that strengthen the record-keeping requirements in relation to ART records. Under the bill ART providers will be required to keep pre-2010 records for 75 years and provision is included to allow a non-ART provider to transfer pre-2010 records to an ART provider. While these are important amendments that seek to give donor-conceived individuals a right to access non-identifying information, it is necessary to recognise that creating a legislative right will be of assistance only where there are pre-2010 records in existence. In many cases pre-2010 records of donors may not be available. There are a number of reasons for this. In some cases, little or no information on the donor was ever recorded. In others, due to the passage of time, and with no previous legal obligation to keep the records for extended periods, the records may have already been destroyed.

Unfortunately, in some cases pre-2010 records have been deliberately tampered with or destroyed. The destruction of records is not acceptable and will not be permitted going forward. As such, the bill includes a new offence at section 61A which will make it an offence for a person to destroy or falsify ART records. Further, the bill amends section 63 to increase the time limit for bringing proceedings for breaches of the Act from six months to two years. While the bill cannot recreate records that do not exist or have been destroyed, it can help ensure that existing pre-2010 donor conception records are preserved going forward. The bill will also amend the Assisted Reproductive Technology Act to allow details about private ART arrangements to be included on the register, which was a recommendation of the 2012 parliamentary inquiry into the inclusion of donor details on the register of births.

In addition, the bill includes a new section 22A of the Births, Deaths and Marriages Registration Act that will ensure that if a birth registration statement specifies that a person was donor conceived the Registrar of the Registry of Births, Deaths and Marriages must note that information on the register. The changes will mean that, while the birth certificate will not contain any information to indicate that a person is donor conceived, when a donor-conceived person over 18 years of age applies for his or her birth certificate the registrar must attach an addendum to the birth certificate noting that further information may be available from the ART central register. This amendment implements a recommendation made by the 2012 parliamentary inquiry.

I will turn to other amendments contained in the bill, which, in the main, follow on from the statutory review into the Assisted Reproductive Technology Act conducted in 2013 and the subsequent report tabled in Parliament in May 2014. Overall, the report of the review found that the objectives of the Assisted Reproductive Technology Act remained valid and that the provisions of the Act generally operated effectively. However, it

made a number of recommendations for legislative amendments, which this bill seeks to implement. These are generally minor amendments such as amendments to sections 25 and 26 to increase the time limits on the use and storage of gametes to a maximum of 15 years, up from the current 10 years, or further periods approved by the secretary.

The amendments also include moving provisions that are currently found in the Assisted Reproductive Technology regulation to the Act, which will give certainty and assurances about what information is collected, stored and disclosed about participants in ART treatment. The transitional provisions, which are currently set out in the regulation, are also being moved to the Act. Those provisions apply to women who started their family using donated gametes before 1 January 2010 and who seek to complete their family after that date using the same donated gametes. This change will provide ongoing certainty to such women who wish to complete their family.

In addition, and following on from the review of the Assisted Reproductive Technology Act, the bill amends section 27 of the Act. Section 27 prohibits an ART provider from providing ART treatment if the treatment will result in more than five women giving birth to children conceived using the same donor's gametes. Section 27, also known as "the five women limit", was included in the Assisted Reproductive Technology Act to allow women to use a donor's gametes to have several children and complete their families while at the same time limiting the number of women who can have offspring using the donor's gametes. This limit was considered necessary to reduce the risk of donor offspring entering into a relationship with an unknown blood relative in the future.

However, section 27 can have unintended consequences on certain family groups—for example, female same sex couples where both women seek to conceive a child using the same donor's gametes or an infertile male who uses donated gametes with his first wife and then, following a relationship breakdown or the death of his wife, seeks to use the same donor's gametes with a second partner. Currently in such circumstances both women are counted for the purposes of the five-women limit, notwithstanding the fact that any children conceived will grow up as part of one family unit. Due to the difficulties associated with section 27, the report on the review recommended that section 27 be amended to a five-family limit. The bill implements this recommendation by including a new section 27(1A).

The new provision makes it clear that section 27 does not apply to a woman where the woman or her spouse is already the parent of a child born as a result of ART treatment using donated gametes from the same donor. This will ensure that same sex couples and men who seek to use the gametes from the same donor with a former and current spouse are not adversely impacted by section 27. ART can be a contentious area and I realise that not all stakeholders will be satisfied with all the changes in the bill. However, the bill aims to strike a fair balance between the different, and sometimes competing, interests of donor-conceived individuals, women undergoing ART treatment and donors. I commend the bill to the House.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [6.15 p.m.]: As the Deputy Leader of the Opposition and shadow health Minister I lead for Labor in debate on the Assisted Reproductive Technology Amendment Bill 2016. On 6 March the Minister for Health introduced the bill into the Legislative Assembly and on 16 March my colleague Ms Kate Washington, the member for Port Stephens, who represents Labor on health issues in the other place, gave a lengthy response on behalf of Labor. I do not intend to canvass those aspects again. My colleague indicated that we will be moving amendments to bring the bill into line with the original commitments made by the Baird Government to donor-conceived individuals. The long title of the bill states:

An Act to amend the *Assisted Reproductive Technology Act 2007* with respect to the keeping of records and the provision of information about donors of gametes and their offspring; to amend the *Births, Deaths and Marriages Registration Act 1995* to provide for donor conception information to be recorded on the Births, Deaths and Marriages Register; and for other purposes.

The bill has been a long time coming. It follows two inquiries by the Legislative Assembly Committee on Law and Safety in 2012 and a supplementary report tabled in October 2013, and the report of the statutory review of the Assisted Reproductive Technology Act 2007 published in May 2014. As I said earlier, Labor will move amendments to the bill to bring it into line with some of the key recommendations of the parliamentary inquiries. The bill before the House represents a clear broken promise by the health Minister. It is a broken promise to donor-conceived children, who are now adults. Frankly, they deserve better. Unfortunately, the health Minister's treatment of them to date suggests that perhaps this broken promise was inevitable.

After all, her dealings with donor-conceived individuals, or "DCs" as some of them refer to themselves, have been very disappointing. She did not brief them or tell them that she was backing away from her key

promise of a representative body. Instead, they discovered the change only very deep in the ramblings of her second reading speech. As background, I point to an article on page 7 of the 12 May 2014 edition of the *Sydney Morning Herald* with the headline "State register to reveal sperm donor details". In that article the health Minister promised that assisted reproductive technology clinics would be forced to hand over information about anonymous donors so children can learn about their genetic origins. It also reported that she would:

... establish a central, government-run register of sperm donor records, allowing offspring to apply for non-identifying information about their donor fathers. This could include medical history, ethnicity and physical characteristics such as eye and hair colour.

On top of this, in the 3 September 2015 edition of *Good Weekend* the health Minister again said she would legislate by the end of the year to "give donor-conceived people greater access to biological information", but "donors would have the right to refuse the release of their names". On two occasions, and through the mainstream media, the Minister misled donor-conceived individuals and the New South Wales community—first, on access to information and, secondly, on the time frame. But why? Why promise so publicly only to backflip so covertly? What happened? Well, it is the same old story.

When the Government is asked to choose between the community interest and the corporate interest, members of the Liberal Party and The Nationals do not hesitate. Here, once again, the commercial interests and the big end of town have got to the Baird Government. The minute that the commercial and medical interests whispered there would be a cost in providing these changes and protections for donor-conceived individuals, the Liberals and The Nationals quietly withdrew them. As a result, the health Minister has breached faith with donor-conceived citizens and cast her lot with the interests of the commercial fertility clinics. She pandered to them in her second reading speech, attempting to explain that it would be too costly for commercial fertility clinics to comply. This is extraordinary when we consider that those same fertility clinics have made millions out of this area of science.

In fact, some clinics are so large that they are listed on the stock exchange and have annual turnovers in the tens of millions of Australian dollars. They also charge tens of thousands of dollars for fertility treatments. Yet for the sake of administrative costs and risks, the health Minister has put the interests of assisted reproductive technology clinics ahead of the interests of individuals. Since the second reading speech by the Minister for Health on 9 March, I have spoken to, corresponded with and met donor-conceived individuals. I have listened to their stories and read their heartfelt emails about corporate fertility clinics falsifying or destroying their records to protect themselves from lawsuits. Sadly, there are now thousands of Australians who will never know their histories and full identities.

I spoke to others who have had their donor identification codes removed or their medical files and records altered so they can never find out their personal history. Those people—many now in their thirties—have had their heritage slammed shut on them; they will never find out their personal histories. Many will never find out half of their identity. Many will have unexplained medical problems, incomplete medical histories and major gaps in their lives. That is because their records—effectively their histories—were destroyed to protect those clinics from legal action and, in some cases, very shoddy practices.

People's desire to understand their histories is a basic one. It is one we would all understand. Who among us could imagine not knowing our parentage, our heritage or even our cultural background? Who among us could abide knowing that this information is at hand, but that it can be removed by a private clinic to protect itself from possible future legal action or through an act of incompetence? Yet this is the current fate of records for those conceived prior to 2010. So those people will have little protection for their heritage. It is akin to having a class of people for whom the Registry of Births, Deaths and Marriages does not protect birth certificates. It is inequitable; it is unfair. It connotes that those citizens are second class, and that is disgraceful. Donor-conceived individuals say, with accuracy, that in New South Wales individuals who were given away for adoption have more rights to find out their origins than they do. They see themselves as "children without rights". They are not seeking any financial claims against donors—and, for the record, they would be unable to do so in Australia in any case. They just want to find out more information about themselves.

On 15 March I and the member for Port Stephens met a delegation of the Donor Conception Support Group of Australia at Parliament House. Among the group of 10 people, there was a mum, eight donor-conceived individuals and one man who was a donor in the 1980s and who has eight donor children created between 1985 and 1991. After that meeting, I was absolutely perplexed by the course of action that the Baird Government has taken. I also consulted colleagues who served on the parliamentary inquiries. They, too,

were perplexed as to why the health Minister has ignored their views and suddenly sided with commercial providers. I do not know how the Minister for Health could not be moved by the plight of the donor-conceived individuals and this injustice. The frustration and sadness was heavy in the room.

There were tears. Person after person spoke about not being able to respond to inexplicable health problems. Another spoke about the difficulties of dating and building relationships with an often-secret family history, and her shock at discovering that she had been dating another person who had been donor-conceived. The risk exposed here is obvious. Donor children, like other people, want to avoid unknowingly having a relationship with a genetic sibling or a parent. It is for those reasons that the parliamentary inquiry on this issue agreed and recommended that providing equal protection to remaining records of pre-2010 conceptions was a priority. Labor's amendments will be in line with the recommendations of the parliamentary committee. We will move that a central registry be established to hold the pre-2010 records, and that their custody and safekeeping should not remain with the commercial assisted reproductive technology providers.

I stress that point. Providers should be compelled to give those records to a central registry. Labor's amendments are genuine and, while they will not meet all the expectations of groups representing donor-conceived individuals, they are a step towards righting a wrong committed against those individuals. Furthermore, I have been advised informally that Mr Jeremy Buckingham will look at moving amendments on behalf of The Greens to put New South Wales in a situation similar to what which exists in Victoria. This discussion must include donor-conceived individuals, donors, medical experts, privacy experts and family members who will feel the unexpected unintended consequences.

By way of background, Victoria has the world's first right-to-know laws for donor-conceived individuals. They are the most sweeping in the world. In Victoria, due to laws passed in February 2016, all donor-conceived Victorians will be able to access available identifying information about their donors and heritage from 1 March 2017 without the donor's consent—I emphasise that. It is extraordinary. All anonymity in Victoria before 1998 will be gone. To be clear, Labor's proposed amendments do not seek to go that far in New South Wales. Admittedly, this is a very difficult area of law, where one must balance the donor's right to privacy against the needs of donor-conceived individuals. Many have attested that they gave donations on the basis that they were anonymous.

It was also brought to my attention that many donors have never disclosed to their future partners that they participated in the donations. So there is also the impact on them and their subsequent families to consider. It could do unintended harm to them or their families, decades after the initial donation, by having an unexpected "outing" because records are flung into the public arena without appropriate safeguards. There are many extraordinary privacy-related cases now arising in this area of medicine. For example, there is a case in Australia where a man successfully donated semen that resulted in 29 known half-siblings. In the United States of America in the Indianapolis area there was a gathering of 48 children to a single unknown father who had donated 19 years ago. The children met after they had reached the age of 18. Another American discovered that he had fathered at least 75 children. So it was an area with little regulation until the 1990s.

By way of further background, in Victoria there are two periods: pre-1998 and post-1998. The Victorians decided that the rights of the donor-conceived individual outweighed the interests of the donor's anonymity. This may be a step too soon, but I am willing to listen to those arguments and consider the practical implications of the Victorian model. In addition, there is also concern that the donors participated because they were told that they would remain anonymous. That must be taken into consideration. However, donor-conceived individuals argue that the donors did not give "informed consent". A better approach would be to wait until after 1 March 2017—perhaps a year—to see what happens in Victoria. I am not closing the door on the Victorian model down the track. I would like to examine what happens in Victoria and then perhaps revisit this area in 2018-19.

That said, in New South Wales I foreshadow that Labor will move amendments in Committee to ensure that the promise of a pre-2010 registry is established. I note that the Minister for Health has backed away from her assurances to donor-conceived groups made several years ago following several parliamentary committee inquiries. She admitted in the other place that the parliamentary committee recommended a new agency be set up to maintain the central register and that all pre-2010 documents be provided to that new agency. The Minister also admitted that while the Government did not support the creation of a new agency, it did give in-principle support to the central collection of pre-2010 records. The Minister for Health conceded that "donor conception groups were strongly in favour of the central collation of records." She added that this was because "some donor-conceived individuals had had personal experience of records being destroyed or falsified and there was concern that some individuals would not want to contact ART providers to access records".

The Minister's own words say why the pre-2010 records should be with the government and not the assisted reproductive technology clinics. Yet, after consulting with fertility clinics, donor conception groups and medical groups, the Minister for Health discovered that the clinics had "strong objections to the central collation of records due to privacy concerns" and cost. I will say that again: she made her decision based on the fertility clinics' objections due to cost to the commercial providers. There are no privacy concerns post-2010 because the information is required to be collected under New South Wales law and is held by the government. In other words, there is already a registry. The Minister also said:

The Government has considered all of these different points of view and the bill before the House aims to reconcile the differences and achieve a balance between the varying interests.

The Minister decided not to create an agency for the records. Labor disagrees with the Minister. The Minister has opted to create a system where there is a right for pre-2010 donor-conceived individuals to make an application for the release of non-identifying information. The application will be able to be made to an ART provider or to the Secretary of the Ministry of Health. Where an application is made to an ART provider, the Act will require the ART provider to provide the non-identifying information to the donor-conceived individual. In addition, the ART provider will also be required to provide the information to the ministry where it will be stored on the register and be available if another donor-conceived individual of the donor makes an application.

For donor-conceived individuals who do not wish to interact with an ART provider, or do not know which ART provider holds records about the donor, the bill also allows the individual to make an application directly to the secretary. It would be much easier if there was one registry for pre- and post-2010 records. If such an application is made, the secretary will be able to obtain the information about the donor from the ART provider and will then provide the information to the donor-conceived individual. The Government's proposal is complex and bureaucratic. It would be simpler to have one agency hold all records pre- and post-2010.

The Minister for Health concluded that she recognised that this is not the process that her colleagues on the parliamentary committee recommended. She said, "It is not necessarily a process with which all donor-conceived individuals will be happy". That is an understatement, but the Minister is right about one thing: the donor conception groups are not happy. "Betrayed" is the word they are using to describe the actions of the Minister and the Liberal-Nationals Government.

The bill sets up a scheme where people who were born before 1 January 2010 as a result of ART are able to obtain certain non-identifying information about the donor. However, the scheme is much less than the Minister promised. Donors who donated sperm, eggs or embryos before 1 January 2010 can also register their details. This is in cases where both the donor and donor-conceived person have given their express consent to do so and this is where information about each other can be exchanged. The Baird Government makes a number of claims about the bill, saying it will make a number of improvements for donor-conceived individuals. But it does not go as far as they wish because it does not create an agency or division to oversee the records before 1 January 2010. That is vital to the integrity of the records.

Again, I draw the attention of members to the existence of a registry of births for this exact reason. We also have a registry of land transfers that performs a similar function in relation to land. These are critical public records and they warrant public protection. Unfortunately, the Baird Government has put the interests of the commercial reproductive assistance providers ahead of the community. After the 2013 parliamentary inquiry, the Baird Government agreed to transfer the donor files from clinics, which have been caught destroying records. Under this bill, donor-conceived individuals will have to apply directly to those very clinics to request any information available. That is, they will have to apply to clinics that have destroyed records. Under the Baird proposal, they can also request that NSW Health contact a clinic on their behalf.

Labor's amendments would go further and at least create a division within the current central registry that would oversee records for all donor-conceived individuals prior to 1 January 2010—or, I should say, the records that still exist. Government custody of the records will give greater assurance that they will be protected for those seeking information in years to come. On the subject of the current central register, which retains records post-1 January 2010, concerns have been expressed to me that it has not been properly resourced. There are concerns that the current register that exists to host post-2010 documents also has not been properly resourced. It also has not been properly publicised for those seeking information. I have been advised that the current voluntary system has fewer than 50 offspring and donors registered on its list.

In New South Wales, the important date for assisted reproductive technology was 1 January 2010. That was the line in the time frame under the previous Labor Government. The reason we have laws in this regard is

due to NSW Labor. After 1 January 2010, it was no longer possible to donate gametes anonymously in New South Wales. A gamete is the male or female reproductive cell that contains half the genetic material of the organism. When two human gametes meet—that is, a sperm cell and an ovum—a zygote, a fertilised egg, results. In the post-1 January 2010 regime, donors and the children born must be included on the central register at NSW Health.

For children born after 1 January 2010, there is a range of information that ART providers are required to provide on every child born as a result of ART treatment using donated sperm, eggs or embryos, or born through surrogacy, or whose conception occurred after 1 January 2010. The ART provider must also provide identifying information about the donors who donate sperm, eggs or embryos. They must provide a whole range of information including the full name, sex and date of birth of every child born as a result of ART treatment by the ART provider; the name of the woman who gave birth to the child; and the full name and date and place of birth of the gamete donor.

The donor must provide their full name, residential address, date and place of birth; their ethnicity and physical characteristics; and any medical history or genetic test results of the donor or the donor's family that are relevant to the future health of a person undergoing ART treatment involving the use of the donated sperm, eggs or embryo, or any offspring born as a result of that treatment, or any descendent of any such offspring. Other information that must be given are sex and year of birth of other offspring arising from the donation; the name of each ART provider who has previously obtained donated sperm, eggs or embryos from the donor; and the date on which the sperm, eggs or embryos were obtained. In New South Wales, the post-1 January 2010 regime is very comprehensive and I support that.

It is an understatement that this area of medicine inevitably carries many long-term issues, some of which we are now just beginning to consider. I agree with the Minister for Health, who says the fact that the Assisted Reproductive Technology Act does not operate retrospectively can and does cause great upset to donor-conceived individuals. Again, I have spoken to them. I have heard their stories where fertility clinics have knowingly destroyed their records and forced their parents to sign waivers. Other clinics destroyed their records in the 1984 to 1985 period, when it was discovered that there had not been HIV screening of some sperm donations. I also agree with the Minister when she says the needs of pre-2010 donor-conceived individuals have always had to be balanced against the rights and interests of donors, many of whom donated under assurances of anonymity.

The Minister is not protecting donors by presenting this bill. She is taking the cheaper option and presenting one that favours commercial fertility clinics. The Minister is protecting the administrative budgets of commercial fertility clinics. Regrettably, clinics do not always do the right thing. In the early 1980s, most doctors selected a donor for an infertile couple and thereafter the couple received very little information. They were given a small donor profile to select from, such as hair and eye colour and height and weight ranges, to avoid obvious embarrassments. One person, now a senior Sydney academic, told me last week that her parents "were instructed never to say anything and to go home and make love and pretend the insemination had not happened". That was the only advice or counselling they received.

I have been told some horrible stories including that of a Sydney doctor who recruited medical students to assist with sperm donations by giving them course credits and the equivalent of a day's pay to spend in retail outlets in Sydney. He also made recipients sign away their right to sue if there were genetic or racial mismatches. Unfortunately, it was a commercial enterprise without any regard for the child produced. Another woman described the oversight at the time as sloppy and some of the fertility clinics as "cowboys". Are these really the types of businesses that warrant more protection from the Minister than do the donor-conceived children?

There have also been reports about activity by doctors at Royal North Shore and Westmead hospitals in the 1980s. Cases have been reported in the United States where donor recipients were unaware of hereditary illnesses and people were born with cystic fibrosis and other genetic diseases due to poor screening practices—at least in New South Wales children born after 1 January 2010 are able to find out about their biological history. But we are naïve if we do not recognise that there are competing interests between those who are carrying out the procedures with commercial interests, those who donated the eggs or sperm—and in a separate category, the persons born to assisted reproductive technology and the couples undergoing the treatments—when approaching this area of law.

There are complex and sensitive questions around anonymity, retrospectivity and the impact this may have on donors and donor-conceived individuals, but there is also the genuine and heartfelt desire of individuals

to know more about their own biological make-up. This is fundamentally understandable. For reasons that we do not understand, our heritage, our blood or narrative is vital to us. What else could explain the boom in genealogy and the success of programs like *Who Do You Think You Are?* I for one have traced my father's rare family origin and I know the responsibility of belonging to a race of only 1,800 people in the world. I understand the desire to know where one has come from. Why do we believe that blood is thicker than water? Why do we talk about an interest being "in the veins"? Logically we know that many of these things are not true but at a deeper level we believe them.

It is almost a spiritual concept and yet an evolutionary perspective would argue that it is a basic survival instinct. Our genes are the reason for our existence and our genealogy is how we understand our genes. No matter which perspective one takes, we must surely all agree that the burning desire donor-conceived children now have to understand their genetic background is not only understandable but also deserves our support. As I said earlier, science in the area of assisted reproductive technology is growing rapidly. A paper presented at the University of New South Wales last September on assisted reproductive technology in Australia and New Zealand reported that there were 71,516 ART treatment cycles in 2013, which resulted in 12,997 live births—and about 4,000 of those live births were in New South Wales.

Tens of thousands of people who have lived in Australia since the 1980s do not know their ethnic, racial or medical backgrounds. We know that artificial insemination was occurring in Australian clinical settings as early as the 1940s. The first documented hospital case was in 1884 in Philadelphia in the United States, but some claim a Scottish surgeon conducted a successful artificial insemination at a London hospital in 1785. This bill amends the Birth, Deaths and Marriages Registration Act 1995 and the Assisted Reproductive Technology Act 2007, which was passed by the New South Wales Parliament in November 2007 and its resulting central register commenced in 2010. The overwhelming number of amendments relate to the Assisted Reproductive Technology Act 2007. I turn now to the specifics of the bill. The Assisted Reproductive Technology Amendment Bill 2016 amends the 2007 Act to create a new offence to knowingly destroy and falsify any ART records and strengthens record-keeping requirements for pre-2010 records.

The bill carries a maximum penalty of \$44,000 for the destruction of pre-2010 documents by a corporation. It gives donor-conceived people—individuals conceived before 1 January 2010—the right to access available non-identifying information such as the ethnicity, physical characteristics and medical history of the donor. Currently, this information is only disclosed with the consent of the donor and it must be kept by ART providers for up to 75 years. This raises the serious issue of how practical it is to expect commercial providers destroying medical records to now keep them for 75 years. Again, I believe this gives greater weight to the pre-2010 records being kept in the central register by the Government.

The bill also increases the maximum storage limit for donated gametes from 10 to 15 years. It permits information about a person born as a result of ART treatment using a donated gamete to be disclosed to a person's siblings, if the Secretary of the Ministry of Health agrees. It allows participants in private ART arrangements to include information on the central register that can then be accessed by children born from such arrangements. In addition, the amendments to the Assisted Reproductive Technology Act 2007 will replace the "five women limit" with the "five family limit". This will mean that an infertile male can use the same donor sperm with a second wife so the offspring can have similar heritage. It is currently limited to five women.

Earlier I alluded to new issues emerging and this is one such example that was not considered in 2007 or 2010. The five women limit was included in the Assisted Reproductive Technology Act as part of a balancing exercise in relation to the use of gametes from a single donor. Imposing a limit of allowing only five different women to use the gametes of one donor was considered sufficient to enable a woman to have and complete a family. At the same time, an upper limit of five was seen as a means of reducing the risk of multiple or unlimited use of a single donor, with the consequent risk of offspring unknowingly entering into a relationship with a close genetic relative when they become an adult. The Assisted Reproductive Technology Amendment Bill 2016 also amends the Births, Deaths and Marriages Registration Act 1995 to provide an option for the parents to include a declaration that a child was donor-conceived on a birth registration. This means that when a birth certificate is issued to a person over 18, there can be an addendum stating that further information may be available. To conclude, in the other Chamber the health Minister said:

In 2013 the New South Wales parliamentary Committee on Law and Safety completed an inquiry into managing donor conception information and made a number of recommendations relating to the assisted reproductive technology [ART] treatment.

Importantly, the committee recommended that pre-2010 donor-conceived individuals have a right to access de-identified information on their donor but that identified information should only be disclosed with consent.

The Government supports this approach.

Preserving confidentiality of donors while ensuring that donor-conceived individuals can access important medical and genetic information, where available, maintains an appropriate balance between the rights and interests of donor-conceived people and past donors who donated on the condition of anonymity.

As I said earlier, Labor will be moving amendments to ensure that the Government's prior commitments to donor-conceived individuals are met. Labor's amendments will require the Baird Government to collect the records from the pre-2010 fertility clinics and keep them with the central registry, rather than allowing the clinics to oversee those records. This will protect the records. I believe that this is in the best interests of the affected citizens. There will also be tough penalties for fertility clinics found not to have complied with providing the records to the central registry. If those amendments are unsuccessful Labor will not oppose the Assisted Reproductive Technology Amendment Bill 2016. I urge members to consider whose interests should take precedence and to support Labor's modest amendments. However, if those amendments are unsuccessful, Labor will not oppose the bill.

The Hon. PENNY SHARPE [6.47 p.m.]: I speak in debate on the Assisted Reproductive Technology Amendment Bill 2016 and commence by reading the mission statement of the Donor Conception Support Group, which states:

We feel that donor gamete families need an ongoing support system. Conceiving a child using donated gametes is only the first step. Parents, donor-conceived people, donors and their family need help with accessing information and dealing with issues throughout their lives.

The bill before us today partially fulfils this mission but there is a long way to go before our laws grapple with the impact that technology has had on allowing individuals and couples to create families, and the lifetime of issues that arise for those who have been conceived through this technology. At the heart of these issues is a fundamental desire to know where we come from, to know something of our biological origins and our biological history. We know that this desire is buried deep within us. We have known this for a long time. The stories of those who have been adopted and who have grown up in loving homes with families for whom they care deeply tell us that as they have grown older they have wanted to find out more about where they have come from. The stories of those who were taken from their families without consent as a result of government policies and practices find it virtually impossible to gather information about their families. Our parliaments have rightly apologised for this.

The people conceived following the development of assisted reproductive technology also tell this story. In a world where we are only just beginning to understand the role of genetics on our health and wellbeing, in a world where medicine is advancing at rapid rate to become more and more personalised, the ability to know where one comes from is not just about human desire; it is also about practical answers that will impact on the future health of individuals and their children. Through law reform over the past decade New South Wales has acknowledged the developments in technology that allow people and couples to create their own families. There would not be anyone in this Chamber who does not know and who has not celebrated the families that have flourished as result of assisted reproductive technology.

Many diverse, wonderful families that I am proud to know and that I have advocated for since becoming a member of this place would not exist without assisted reproductive technology. But I have also seen over the time I have been in this place the emerging issues for the people created as a result of these technologies—issues that the law has had trouble keeping up with. The Assisted Reproductive Technology Amendment Bill before us today tries to update the regulation of artificial reproductive technology [ART], in particular when it comes to the rights of people who were conceived using this technology and their donor was anonymous.

This bill follows two inquiries by the parliamentary Committee on Law and Safety in 2013 and the statutory review into the Assisted Reproductive Technology Act. The Opposition supports many of the practical changes in this bill, but we are disappointed that the New South Wales Government has walked away from previous commitments when it comes to information management and provision for people who were conceived using anonymous sperm or egg donations prior to 1 January 2010. The bill proposes to amend the Assisted Reproductive Technology Act to create a new offence of knowingly destroy and falsify any ART records—attracting a fine of up to \$44,000—and to strengthen record-keeping requirements for pre-2010 records.

The bill gives donor-conceived people—people conceived before 1 January 2010—the right to access available non-identifying information about the donor such as their ethnicity, physical characteristics and the medical history of the donor; increases the maximum storage limit for donated gametes from 10 to 15 years; permits information about a person born as a result of ART treatment using a donated gamete to be disclosed to a person's siblings, if the Secretary of the Ministry of Health agrees; allows participants in private ART arrangements to include information on the central register that can then be accessed by children born from such arrangements; and replaces "five women limit" with "five family limit".

The bill also amends the Births, Deaths and Marriages Registration Act 1995 to provide an option for the parents to include a declaration on a birth registration that a child was donor conceived. This means that when a birth certificate is issued to a person over 18, an addendum would be attached stating that further information may be available. These amendments recognise that there have been problems with record keeping and the destruction of records. That is not a small matter. Once a record is destroyed or removed from a clinic it becomes unavailable to the person who was conceived as a result of that donation. Our Parliament should be insisting on the highest quality record keeping and information storage because although access to that information may not be needed for many decades to come, when that person goes looking for the information they should have access to it.

The amendments also sensibly fix the definition of a limit on the number of donations made to a family rather than an individual woman, recognising that many lesbian couples seek to use the same donor for their children and that the current definition has caused difficulties for some families. Recognising the emerging issues of donor-conceived people wanting more information about their biological origins, in 2010 the Act set up a voluntary register for offspring born before 2010. This matched donors with donor-conceived individuals, if both parties wished. In theory, they had a donor identification number which was matched by NSW Health. I place on record my concerns about the management of this registry. I am concerned that NSW Health does not have enough resources to manage this registry properly. I ask the Parliamentary Secretary in reply to explain to the House exactly what the current arrangements are for this registry and to outline what staffing is attached to the management of the registry.

Following the 2013 parliamentary inquiry, the Baird Government initially agreed to transfer the donor files from clinics—a sensible recommendation that places due weight on the preservation of those records, especially after evidence that over the years records from clinics have disappeared, clinics have been disbanded, clinics have been sold, records have been lost and, in some cases, records have been deliberately destroyed. Unfortunately, the Government has walked away from this commitment and, under this bill, donor-conceived individuals will have to apply directly to the clinics to request any information available. I do not believe that is reasonable and I am pleased that Labor will be moving amendments in the Committee stage to require records to be kept in a central public registry within NSW Health, with appropriate penalties for those who do not hand over their records. There remain outstanding issues when it comes to access to information for people who have been conceived using anonymous gametes. I place on record one of the emails I received in the lead-up to this debate that spells out the issues at stake. The email stated:

At the end of the day, those most affected by this legislation are, in fact, donor conceived individuals, a very large number of whom were conceived before it became a requirement for ART providers to only accept gamete donations from individuals willing to have identifying information about themselves disclosed to their offspring once they reach adulthood. This cohort—who had no say whatsoever in the circumstances of their conception, and who lack the ART industry's significant financial and political clout to lobby government - has already been badly let down by ART providers, which has historically behaved with scant to no regard for the rights of donor-conceived individuals, and negligible interest in or understanding of the complex ethical issues involved. And now that same cohort are being asked to put their faith in ART providers to maintain and facilitate access to critical information about their genetic identity. Is it any wonder that donor conception groups are strongly opposed to the Bill?

I say to the people who have written to me, "Labor has heard you and we are seeking to remedy partly this issue through our amendments." We will, however, not oppose this bill because like the bills before it, it continues to take steps to better recognising the needs of donor-conceived people. I acknowledge that I know there is still more work to do and I look forward to continuing this work in the future. I commend the bill to the House and I ask members to support Labor's very sensible amendments. Leaving the record keeping up to the ART providers on their own is simply not good enough.

The Hon. GREG DONNELLY [6.55 p.m.]: I speak in the debate on the Assisted Reproductive Technology Amendment Bill 2016. The bill makes a number of amendments to the Assisted Reproductive

Technology Act 2007 and the Births, Deaths and Marriages Registration Act 1995. I note there has been a statutory review of the Assisted Reproductive Technology Act 2007 and two parliamentary inquiries into donor conception undertaken by the Legislative Assembly Committee on Law and Safety. Those two inquiries reported to the Legislative Assembly in October 2012 and October 2013. In my contribution to the second reading debate in this House on the Assisted Reproductive Technology Bill 2007 in November 2007 I said:

It is my view that legislators both in Australia and overseas must listen to and hear those who were voiceless but who now can articulate for themselves and are now speaking out.

I make the point that the exercise of listening [and hearing] will not be easy for some. It will challenge the "Can do, so let's do it" attitude of many scientists and, in particular, the economic and commercial interests of the assisted reproductive technology and pharmaceutical industries.

I supported that legislation because it was a step forward in the recognition and classification of rights for children born using assisted reproductive technology [ART]. It was the start of a process, not the conclusion. I must say that I find it regrettable that it has taken nine years for this matter to return to the Parliament. As I outlined in my speech to this House in November 2007, it was the reading of an article by a young woman, Myfanwy Cumberford, who was then Myfanwy Walker, titled "Misconception" that opened my eyes to the great pain and suffering experienced by individuals born using ART but denied information about their genetic history. Her submission to the Legislative Assembly Committee on Law and Safety's two inquiries outlined those experiences. Myf spoke of the bewilderment that she experienced from not knowing the identity of her biological father. In her article she stated:

I feel as though I have three families, but that I don't wholly belong to any of them; that I exist in a limbo, torn between the expectations of who and what should or shouldn't matter to me. I feel as though my paternity was split down the middle; that I am a branch grafted onto a different tree. I have flourished, but my fruit is not the same and my roots lie elsewhere. I feel a great loss of not being genetically related to my dad, and of not having known Michael—

that is, the sperm donor—

and his family for the first twenty years of my life. I feel a loss from knowing that I have three unknown half-sisters out there somewhere. It's difficult to articulate exactly how deep that emotion runs in me. I do know that just thinking about it almost always brings me to tears.

Myf's story had what could be called a happy ending. She got to meet her biological father. The two of them got to know each other and established an ongoing relationship. I have spoken to Myf a few times about her experience and I have to say that it is deeply personal and profoundly human. For people like her—and there are a number—it is as if society was, is and continues to be wilfully blind towards their circumstances. They see attempts to address past misdeeds around forced adoptions and the stolen generation and do not understand why there is a lack of political resolve to help them establish a fundamental truth about themselves. Who are my biological parents?

[The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 6.59 p.m. The House resumed at 8.00 p.m.]

The Hon. GREG DONNELLY [8.00 p.m.]: I pick up from where I left off before the dinner break. They see attempts to address past misdeeds around forced adoptions and the Stolen Generation and do not understand why there is an apparent lack of political resolve to help them establish a fundamental truth about themselves—"Who are my biological parents?" It should come as no surprise that these voices are becoming louder and clearer. People conceived and born using assisted reproductive technology are not just in their late teens and twenties. Some are in their thirties and forties. A number have lived for decades now asking themselves the question every day, "Who am I?" Lest there be any doubt about the hardships being experienced, I invite members to visit the websites of organisations such as the Anonymous Us Project and TangledWebs, to name a couple of examples. One will be left in no doubt about the validity of the case for legislatures to do what they can to right the wrongs of the past for so many people not only in New South Wales but also all around Australia.

Coming to the bill before the House, I believe it is most unsatisfactory in some key areas. It is my view that persons conceived from ART prior to 1 January 2010 in New South Wales should be able to obtain access to information about their genetic origins. The current provisions of the Assisted Reproductive Technology Act 2007 deny such people this access. The October 2013 Committee on Law and Safety inquiry report outlines in chapter four the arguments both for and against retrospective access to information. I do not intend to canvass

them all here this evening. I have to say, though, that I agree with the comments of Dr Bernadette Tobin from the Plunkett Centre for Ethics who in her submission to the second of the two Legislative Assembly inquiries said:

But, with respect, they are not of equal importance with the argument for ensuring access to identifying information.

There are various ways in which this can be seen.

Here is one way. Over human history, the idea that children are entitled to knowledge of, and contact with, their biological parents has been taken for granted. Of course, there have always been exceptions, but that's the point: they were exceptions to a fundamental fact about human social life which was not only assumed but enshrined in law and public policy. (Certainly, adoption arrangements have sometimes failed to pay due regard to this entitlement, but in recent years policies have been adopted to rectify this oversight.)

Or, again. The principle of 'anticipated consent' requires that, when a person seriously affected by a decision cannot give consent, we must ask whether we can reasonably anticipate that he or she would consent if able to do so. If not, it is unethical to proceed. It follows that the views of donor-conceived adults are ethically-relevant to an enquiry into managing information related to donor conception. And they speak of a profound sense of loss, a loss which goes beyond an inability to access medical information about themselves, a loss which goes beyond a fear of consanguinity in their adult relationships, a loss which goes beyond the desire to know their biological relatives. It is the loss of knowledge of something critical to their sense of themselves: their personal identity.

It is my view that the correct judgement of the competing arguments is that the welfare of people who have been born as a result of the use of ART is paramount. It is worth noting that jurisdictions both in Australia and overseas are increasingly coming to the same conclusion. Legislation passed in the Victorian Parliament that will be implemented from 1 March 2017 will ensure that donor-conceived people in that State, regardless of when they were born, will have a right to identifying information about their donor without having to receive consent from the donor. This Parliament should give the same right to donor-conceived people in New South Wales. The sooner a majority position on this issue can be achieved by this Parliament the better.

I also believe that this bill fundamentally fails to meet the needs of pre-2010 donor-conceived individuals in another key area: the collection, maintenance and protection of information in a government-run central registry. Members who have read the submissions to the two Legislative Assembly inquiries and followed information and reports in the public domain from pre-2010 donor-conceived children will know that there have been shameful instances where records relating to personal, medical and genetic information have been destroyed or misplaced or have deteriorated.

This information, I submit, is precious, particularly to those born via ART. It is information that, in truth, one cannot put a price on. I believe that the only way to be sure that the information is maintained and protected over time is to require it to be placed in a government-run central registry. Leaving this information in the hands of ART providers is not satisfactory. It should be moved to and stored in a central registry. While cost should be taken into account, it should not be used to deny many ART-conceived children in this State the certainty that they deserve. I support the Assisted Reproductive Technology Amendment Bill 2016. However, the bill fails to address some key, heartfelt concerns that many ART-conceived children in this State carry every day of their life. Those matters are not settled by this bill and must be revisited by this Parliament as soon as possible. This legislation is not and cannot be the end of those matters. They will not simply go away.

The Hon. ERNEST WONG [8.07 p.m.]: I contribute to debate on the very important Assisted Reproductive Technology Amendment Bill 2016. This bill seeks to improve the current rights afforded to donor-conceived members of the population. At the core of this bill is an intention to restore basic rights and to allow donor-conceived individuals to access information about their biological origins. However, the bill in its current form fails to address components of these basic rights, and the Opposition will recommend amendments to it in order to bridge those gaps. The bill before the House is to be commended for addressing the section 27 five-women limit in the Assisted Reproductive Technology Act by changing it to a five-family limit. This allows families that successfully conceive using a donor to continue to conceive with gametes from the same donor.

Previously, families were faced with the dilemma of whether to conceive using a different gamete from that of their first child due to the fact that more than five other women had used the original donor's gamete. It is a step in the right direction that this has now been addressed. Critically, the bill focuses on the management of information about individuals who have donated their gametes since 1 January 2010. A key issue with the Act is that there is no obligation for providers of assisted reproductive technology [ART] to transfer donor information

to a central repository within NSW Health. Instead, this donor information is cared for by so-called ART providers. The information I have received from donor-conceived persons indicates that it is quite common for these records to be allegedly mismanaged or, in some cases, destroyed by providers.

A better method is to require ART providers to provide pre-1 January 2010 donor information to the central registry by enabling a subsection of the registry to manage those records. This would place the onus of providing records back on ART providers and it would remove the provision in the bill for ART providers to hold records for 75 years. Such an approach would provide greater certainty to donor-conceived persons whose opinions, as reflected in the bill, are valued much less than those of ART organisations. In addition, those ART providers who do not give this information to the central registry will receive tough penalties. This view is represented in the amendments that Labor has put forward today. I commend the amendments proposed by my colleague the Hon. Walt Secord and thank members for their attention.

The Hon. PAUL GREEN [8.10 p.m.]: On behalf of the Christian Democratic Party I speak to the Assisted Reproductive Technology Amendment Bill 2016. The aim of the bill is to allow persons who were born from assisted reproductive technology [ART] treatment using donor gametes prior to 2010 to obtain non-identifying information about their donor, and that ART providers are required to retain records for 75 years. It also creates a new offence for the destruction or falsification of any ART records. It also replaces the five-women limit with the five-family limit. The bill acknowledges an increase in the maximum storage limit for donated gametes from 10 years to 15 years and allows participants in a private ART arrangement to include information on the central register to be accessible by children born from such arrangements. It also allows for parents to have the option to include a declaration, which is an addendum to a birth certificate, that a child was donor-conceived.

I will briefly comment on the amendments. The first amendment allows a person born from assisted reproductive technology treatment prior to January 2010 to have the right to obtain non-identifying information about the donor, such as ethnicity and physical characteristics, their relative medical history, and the sex and year of each offspring of the donor. This is an important amendment. It allows individuals to discover who they are without compromising the anonymity of the donor. Everyone has a right to know who they are, where they are from and what medical conditions may affect them in the future. In a letter to my colleague Reverend the Hon. Fred Nile, a donor-conceived constituent wrote:

This is really important to me ... We need to know our medical history and we want to know our genetic relatives, our culture, our history, our language, what our great-great-grandparents did during their lifetime—this is about family but perhaps not in the way that many people might assume. We love our dads, but our lives are made even richer through knowing our donor's heritage.

The Christian Democratic Party supports the view that donor-conceived individuals be allowed to obtain non-identifying information about a donor. The bill strikes a balance between the interests of donor-conceived people and the confidentiality of donors. The bill also creates a new offence relating to the destruction or falsifying of any ART records and raises the limit for bringing procedures for breaches of the Act from six months to two years. I asked the Government how many people were prosecuted for such breaches. I believe there were not many, if any. This poses a problem. The fact is we will not know if a record has been tampered with or destroyed until a donor-conceived person tries to retrieve such information and discovers it is not available. I imagine this would be well after two years and probably too late to prosecute.

The New South Wales Government advised that it does not support allowing pre-2010 donor-conceived individuals to access information on the central register, including identifying information about the donor, without consent. The parliamentary Committee on Law and Safety did not recommend this path. Alternatively, the committee recommended a consent-based model where pre-2010 donor-conceived individuals should have the right to de-identified information regardless of consent but identified information should only be disclosed with the consent of donors. In saying this, the Government does not support Labor's amendments. The Christian Democratic Party has examined this closely and is keen to move towards a centralised record base. However, it also needs to be recognised that in the past many donors donated on the basis of confidentiality.

The Government has advised that the centralisation of records is estimated to cost in excess of \$2 million. Assisted Reproductive Technology [ART] providers noted that there would be large costs associated with providing NSW Health with all their pre-2010 records regarding births resulting from ART. These costs arise because ART providers would need to retrieve their pre-2010 ART records from storage, review each file to determine if the ART treatment involved donor conception, copy each file that related to donor conception and send the files to the ministry.

The Christian Democratic Party will move amendments to this bill for an accelerated statutory review within 12 months to consider how effectively de-identified records are being accessed, and to consider the business case for the centralisation of records. The Government has stated that it will not, no matter the result of the statutory review, consider releasing pre-2010 identifying information via retrospective legislation. Its reason in this case is the fact that many pre-2010 records hold little to no information on donors. Also, there was no previous obligation to keep the records for an extended period. A constituent stated in an email to us:

All we want is the truth. Adoptees lobbied for retrospective access to their birth records and the sky didn't fall in when that was granted nearly 40 years ago. DC people—

that is, donor-conceived people—

want the same thing; with contact vetoes in place if DC people or donors don't wish direct contact.

The Christian Democratic Party aims to address this concern by moving an amendment to require a statutory review within 12 months to assess the case for a centralised record system. I note that the Christian Democratic Party has been very strong on this point of a centralised record system. But we accept that it would take some resources to put it in place and we have asked the Government to come back with some facts and figures, which will probably be within that 12-month statutory review around how we can pursue that.

This bill creates a new section 22A, which allows a birth registration statement to include a declaration that a child was donor conceived. If such a statement is made, the Registry of Births, Deaths and Marriages issues a birth certificate to a person over 18 years of age with an addendum stating that further information may be available from the central register established under the ART Act. The birth certificate itself will not include any information that indicates that the person was donor conceived. A constituent advised that she was concerned about this, stating:

Births, Deaths and Marriages will continue to issue birth certificates that are an outright lie.

She went onto to say:

I am lucky that my parents told me the truth, but estimates are there are 60,000 DC people in Australia and research has shown that just 10 per cent of us are told the truth, so that is a lot of people walking around the community, being issued with a false identity ...

The Christian Democratic Party understands that this remains a sensitive issue for donor-conceived people. However, an addendum allows parents to tell their offspring in their own time about such issues. It would be advantageous for the Government to assess the success of such birth certificates in the statutory review. ART is likely to cause disagreement and disputes between people with differing views. However, as the Minister in the other place said:

... the bill aims to strike a fair balance between the different and sometimes competing interests of donor-conceived individuals, women undergoing ART treatment and donors.

I listened to the previous speakers. A lot of people are unable to conceive, and assisted reproductive technology helps them have children. But we should never forget that there is an innate need in our souls to know where we are from and who we are from. I cannot say that strongly enough. The bill goes some small way towards addressing some very sensitive issues that we hear about frequently given the way the Parliament is starting to view family structures. The Christian Democratic Party looks forward to the result of the statutory review and commends the bill to the House.

Mr JEREMY BUCKINGHAM [8.20 p.m.]: I speak on behalf of The Greens in debate on the Assisted Reproductive Technology Amendment Bill 2016. I state from the outset that this is an incredibly complex, difficult and vexed issue of competing rights and retrospectivity. Honestly, I really struggle with those competing interests. The Greens have discussed these issues at length and we have talked at length with those affected—the donor-conceived people and the donors themselves—so that we can consider their rights and our responsibilities with respect to this new legislation. I commend the Government for introducing this legislation after the inquiries conducted by the parliamentary Committee on Law and Safety and the statutory review of the Assisted Reproductive Technology [ART] Act. We have been a bit tardy in dealing with this issue.

In 2010 the Assisted Reproductive Technology Act was introduced. It prohibited the anonymous donation of gametes and established a voluntary register for offspring born prior to 2010. In 2014 the statutory

review into the Assisted Reproductive Technology Act made a series of recommendations, which this bill addresses. Throughout this process ART providers, donor-conception support groups, the Medical Services Advisory Committee and the Australian Medical Association [AMA] were consulted. All those groups made valid points and they all had legitimate concerns about the issues that we are trying to balance here. I know that members are trying to do that also.

The bill strengthens record-keeping requirements for pre-2010 records and creates a new offence of destruction or falsification of any ART records. The Greens welcome that because it is absolutely essential. I put on record at this point that The Greens will support Labor's foreshadowed amendments regarding a centralised repository of the records. We believe that is essential. It may come at a cost to assisted reproductive technology providers and to the State, but so be it. It is absolutely fundamental that those records are held by the State or in a central repository. The bill gives donor-conceived persons conceived prior to 1 January 2010 a right to access available de-identified information about their donor—such as ethnicity, physical characteristics and the medical history of the donor. Currently, this information can be disclosed only with consent.

The bill replaces the five-women limit with the five-family limit, which allows, for example, an infertile male to use the same donor sperm with his second wife, or same-sex couples to use the same sperm potentially to conceive children from the same donor. The bill increases the limit on the maximum time for storage of donated gametes from 10 to 15 years, and allows participants in private ART arrangements to include information on the central register that can be accessed by children born from such arrangements. There are amendments to the Births, Deaths and Marriages Registration Act that provide an option for parents to include a declaration in a birth registration that a child was donor conceived so that when a birth certificate is issued to a person aged over 18 an addendum will be attached stating that further information may be available.

When donor-conceived people talk about their desire to find out about who their donor parents are—and all the complexities that go along with that—my colleagues and I find the evidence very compelling. For me, it is not just about genetics—some sort of *Gattaca* scenario. It is not just about a whole lot of proteins in the DNA chain that determine a human being; I believe environment affects people. A person's DNA may reveal whether they are predisposed to prostate cancer or alcoholism, but it does not reveal their biological journey through time and whether they have a sense of humour. It does not show their character, their family and, if they are religious, maybe their soul. That is why The Greens believe donor-conceived individuals should be able to contact their donor. This is a very difficult issue, but The Greens have decided to pursue the Victorian model, with reviews in place.

I have personal experience in this area. My mother adopted out a son in 1967 and told me about it later in life. I have mentioned it in this Chamber previously during other debates. Once I knew about him, it stayed in the back of my mind. I would think about it late at night or early in the morning. I would randomly think, "I wonder who my brother is; I wonder where he is and what he is like." My mother had moved on, but I put out feelers through *Ancestry.com*. Remarkably, my brother had done the same thing and I received an email saying, "I'm your brother." So last March, after 42 years of my life and 48 years of his life, I met my brother, and it was incredibly profound. I know it is not the same as donor children's right to know, but I learnt from that experience. It is not just about whether we look the same—we do look the same, both have dicky hips and all those types of things.

The Hon. Sophie Cotsis: Who is better looking?

Mr JEREMY BUCKINGHAM: He had more hair—bugger him—a much better job, a better car and all those things.

The Hon. Bronnie Taylor: Is he a Green?

Mr JEREMY BUCKINGHAM: No, he is an arch conservative. He is an absolute Tory sellout who voted for Margaret Thatcher. But I digress. His character was incredibly important to me. There were lots of elements of his character that I think informed who I am. We look for similarities—maybe we are predisposed to do that—but it is important and it sits behind what the people who have contacted The Greens are about. It is not just about your DNA; it is about your character and what makes you tick, and that does not come through a purely biological record. For those reasons I foreshadow that The Greens will move amendments in Committee, which I will talk to at that stage. There is no doubt that The Greens will support the bill. We will also support Labor's foreshadowed amendments. However, we will move some amendments because we believe that, on the weight of the evidence, we should err on the side of affording donor-conceived children those rights.

In doing so, we must keep our eyes wide open to the fact that people who donated did so on the understanding that their information would be private and they would be anonymous. There is no way to deal with that issue other than to say that one right will trump the other; we cannot respect both sets of wishes in each case. For those reasons, that is the approach The Greens will be taking. Donor-conceived people have contacted The Greens on the phone and via emails and they have conveyed powerful messages. Many people raised the requirement to keep records for 75 years. They said it is unacceptable and they want records kept in perpetuity. The Greens will be moving an amendment to deal with that. In regards to the requirement, one person said:

This is unacceptable when it is shorter than the average lifespan. It also means that future generations of Australians will also find a gap in their heritage. Let's not make this an intergenerational issue.

The Greens accept that comment, and many other contributions mirror what I have said. Donor-conceived people want access to the information on a consensual basis to not only find out their genetic information and medical history but also to go further and contact the donors. Perhaps as part of the review we can consider ways for objections to be raised that will trigger an input from donors and give them recourse to a tribunal or other body to contest a matter if they feel there are mitigating circumstances. That is something we will deal with in time. An incredibly complex issue has emerged as a result of incredible technology that has brought about so much life. It is a vexed issue. I have outlined the attitude The Greens will take to this debate.

The Hon. SOPHIE COTSIS [8.32 p.m.]: I place on record that Mr Jeremy Buckingham made a wonderful speech. One day we would like to meet his brother.

Mr Jeremy Buckingham: Oh no, he's worse than me.

The Hon. SOPHIE COTSIS: You will have to bring him in; we would like to meet him. I will begin my contribution to debate on the Assisted Reproductive Technology Amendment Bill 2016 by commending my colleague the Hon. Walt Secord for his work in this area as Labor's shadow Minister for Health. This is a very complex area of public policy that involves competing interests between the right to privacy and the right to information. Those interests must be balanced in the context of the most fundamental questions that a person can ask about who they are and where they come from. I commend the Hon. Walt Secord for the work he has done consulting with people affected by this legislation.

This bill seeks to amend the Assisted Reproductive Technology Act 2007 and its related regulation, the Assisted Reproductive Technology Regulation 2014, as well as make amendments to the Births, Deaths and Marriages Registration Act 1995. The Assisted Reproductive Technology Act 2007 addresses the management of donor information and its access by donor-conceived individuals for all donations made after 1 January 2010. Under the Act, anyone who donates ovum or sperm after 1 January 2010 does so on the basis that all their information—their identity, ethnicity and health records—may be made available to the person conceived by their donation. This donor information from donations made since 1 January 2010 is stored in a central repository, which is held within NSW Health.

The central register also holds records relating to pre-2010 donations if that information has been volunteered. This bill relates primarily to the management of the information of individuals who donated sperm or ova prior to 1 January 2010. Providers of assisted reproductive technology—the companies that provide treatment for infertility, including hospitals, clinics and medical practices—should hold information relating to the identity and health records of people who made donations of sperm or ova prior to 2010. Currently, there is no obligation for an assisted reproductive technology provider to send the donor information to a central repository. Assisted reproductive technology [ART] providers are responsible for maintaining the records themselves.

The problem, according to many donor-conceived individuals, is that a lot of assisted reproductive technology providers have not been responsible. People conceived through assisted reproductive technology before 1 January 2010 must make application directly to the assisted reproductive technology provider to obtain records relating to their donor. The donor's identity may not be released by the ART provider without the donor's consent. Unfortunately, this system has failed many donor-conceived individuals due to records being destroyed or altered by assisted reproductive technology providers, leaving donor-conceived individuals dangerously in the dark about any hereditary, medical or genetic issues.

The New South Wales Legislative Assembly Committee on Law and Safety has held two inquiries into donor conception. The first inquiry resulted in a report entitled "Inclusion of donor details on the register of births", which was released in October 2012 and the second inquiry resulted in a report entitled "Managing

information related to donor conception", which was released in October 2013. The Government responded substantively to the recommendations of both committee inquiries in its report entitled "Inquiries into donor conception", which was released in April 2014.

Unfortunately, as has been strongly outlined by my colleagues the Hon. Walt Secord and the Hon. Greg Donnelly, this bill does not go far enough in addressing the concerns raised by these parliamentary committee inquiries. Indeed, by failing to give effect to the parliamentary committee's recommendation to centrally store pre-2010 donor information, the Government has substantively failed donor-conceived individuals. The Government has placed greater weight on the interests of the assisted reproductive technology providers than on the rights of the individuals whose health and wellbeing can turn on donor information being made secure and accessible.

I note that the Hon Walt Secord has foreshadowed that an amendment will be introduced to address the Opposition's concerns regarding this bill, specifically our concern that the bill does not go far enough in securing records and information held by private clinics which facilitated donor conceptions prior to 2010. I firmly state my support for the Opposition's position. It simply is not good enough to deny donor-conceived individuals access to important information about their genetics and their family medical history because of a failure to keep records properly. I hope that all members will support the Opposition's amendments and uphold the right of donor-conceived people to access this vitally important information.

The Hon. SARAH MITCHELL (Parliamentary Secretary) [8.37 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank honourable members for their contributions to the second reading debate on the Assisted Technology Amendment Bill 2016. This bill makes changes to the Assisted Reproductive Technology Act 2007 and the Births, Deaths and Marriages Registration Act 1995, following on from the statutory review of the Assisted Reproductive Technology Act and two parliamentary inquiries into donor conception. The Assisted Reproductive Technology Act does not operate retrospectively, which means that persons conceived prior to the commencement of that Act on 1 January 2010 are not able to access any information on their donor except with consent.

Before 2010 many donors donated gametes—sperm and eggs—on the condition of anonymity. The Government does not consider it appropriate to change the rules after the event and legislate to remove a donor's right to anonymity. However, it is important that we recognise the strong need and desire from pre-2010 donor-conceived individuals to have some knowledge of their biological heritage. To that end, the bill will give pre-2010 donor-conceived individuals a right to access de-identified information on the donor regardless of consent. Identifying information, on the other hand, will continue to only be accessible with consent.

As can be seen from the debate today, assisted reproductive technology [ART] is an ethically contentious and sensitive issue that involves balancing the different interests and views of the various stakeholders, which at times diverge from one another. It can then be difficult to find common ground. However, this bill seeks to achieve a fair balance in this ethically contentious area. While pre-2010 donor confidentiality will be preserved under the bill, I take this opportunity to publicly urge those who donated before 2010 to think long and hard about the children and adults who have been created using their gametes. These individuals are lacking in knowledge and information about their biological origins—knowledge that most of us take for granted. I strongly appeal to pre-2010 donors to contact the Ministry of Health to consent to releasing their identifying information to the individuals conceived using their gametes. 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. There are four sets of amendments: Opposition amendments on sheet C2016-015A, The Greens amendments on sheet C2016-027, The Greens amendments on sheet C2016-028; and Christian Democratic Party amendments on sheet C2016-026. Before calling on Mr Jeremy Buckingham to deal with The Greens amendment No. 1 on sheet C2016-027, I note that there are a number of amendments dealing with pages 8 to 11 of the bill. I suggest that we deal with those as a group.

Mr JEREMY BUCKINGHAM [8.02 p.m.]: I move The Greens amendment No. 1 on sheet C2016-027:

No. 1 Commencement

Page 2, clause 2 (2), line 7. Insert "[17] (but only to the extent that it inserts Division 1 and 2 of Part 3A)," after "[8],".

This amendment is clearly about the immediate commencement of the provision.

The Hon. SARAH MITCHELL (Parliamentary Secretary) [8.43 p.m.]: This amendment will require division 2 of new part 3A to commence on assent. The Government does not support this amendment. Currently the bill provides for division 2 of part 3A to commence 28 days after assent. Division 2 of part 3A relates to the retention and transfer of pre-2010 records and is in the larger part of the bill relating to the rights of pre-2010 donor-conceived individuals to access de-identified information on their donor. Commencing these provisions 28 days after assent is reasonable and appropriate. It allows time for the Ministry of Health to advise assisted reproductive technology [ART] providers of the changes and also allows ART providers to make appropriate arrangements and changes to the processes.

However, it should be noted that new section 61A, which makes it an offence to destroy or falsify records, will commence on assent. Commencing new section 61A on assent will ensure that there are appropriate offences and penalties in place should any person think to destroy ART records. In light of the commencement of section 61A on assent, it is neither necessary nor appropriate to commence division 2 of part 3A on assent. The Government therefore does not support The Greens amendment No. 1 on sheet C2016-027.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [8.44 p.m.]: The Opposition supports the Government on this amendment as it is a technical amendment.

Question—That The Greens amendment No. 1 [C2016-027] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2016-027] negatived.

The CHAIR (The Hon. Trevor Khan): We will move to part 3A of the bill. I call on the Opposition to move its amendment appearing on sheet C2016-015.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [8.44 p.m.]: I move amendment No. 1 on sheet C2016-015A:

No. 1 Pre 2010 records

Pages 8–11, schedule 1 [17]. Line 30 on page 8 to line 38 on page 11. Omit all words on those lines. Insert instead:

[17] Part 3A

Insert after Part 3:

Part 3A Pre 2010 records

41N Definitions

In this Part:

ART provider includes a person who was formerly an ART provider.

pre 2010 record means a record made by an ART provider in relation to a gamete that was donated before 1 January 2010 or ART treatment provided before that date using a donated gamete.

41O ART provider to give all pre 2010 records to Secretary

An ART provider must, within 12 months after the commencement of this section, give all pre-2010 records within the ART provider's control to the Secretary. Maximum penalty: 200 penalty units in the case of a corporation or 100 penalty units in any other case.

41P Information to be included in central register

- (1) The Secretary is to enter in the central register information from any pre-2010 record given to the Secretary under this Part, but only if it is information referred to in section 30 (1) (a)–(g) or 31 (1) (c).
- (2) The Secretary is not required to enter information in the central register under this section if the Secretary is reasonably satisfied that no person will be adversely affected if the information is not entered.

Note. For example, the Secretary would not be required to enter information about the donor of gametes if the relevant pre-2010 records show that no person was born as a result of ART treatment using those donated gametes.

41Q Disclosure of information

Information entered in the central register under this Part may be disclosed under Part 3. However, any information that identifies a person must not be disclosed except in accordance with section 40B.

In moving this amendment the Opposition seeks to go some way towards reconciling the differences of opinion and honouring the broken promise of the Minister for Health to donor-conceived individuals. It was a promise made on two separate occasions. These amendments go some way towards ensuring that a fairer and more reasonable middle ground can be found. The amendment will provide greater access to information for a donor-conceived community. While it will not satisfy all their concerns it is a step forward and it is a reasonable approach. It provides a fair balance between the interests of the donor-conceived individuals and assisted reproductive technology [ART] businesses.

I turn now to the specifics of the amendment. Section 41N dictates definitions, specifically, who these regulations will be applied to, that is, assisted reproductive technology providers, and persons who were previously an assisted reproductive technology provider. This section goes on to define what a pre-2010 record means. It is defined in this section as referring to records made by an assisted reproductive technology provider from before 1 January 2010 associated with a donor gamete and/or assisted reproductive technology treatment more broadly.

Section 41O relates to compulsory record handover. Labor wants to ensure that the providers are compelled to provide these records, some of which are held in garages and basements. We want to ensure that they are properly maintained and protected. It requires all assisted reproductive technology providers to give pre-2010 records within the assisted reproductive technology provider's control to the Secretary of the New South Wales Ministry of Health within 12 months of the commencement of this section. In those instances where there are breaches of this requirement a maximum penalty of 200 penalty units applies in the case of a corporation or 100 penalty units for any other case.

Section 41P identifies which information is to be included on the central register and associated instructions. These instructions include requiring the secretary to enter any pre-2010 record given to the secretary under this amendment that relates to section 31 (1) (a) through to (g), or section 31 (1) (c). If the records exist and are collected the Government must ensure that as much of the information as possible is maintained. This includes any information that relates to the full name of the gamete provider, the residential address of the gamete provider, the date of birth, place of birth, ethnicity, physical characteristics of the provider, relevant medical history of the provider, and sex and year of birth of each offspring of the provider. The data entered by the secretary will also be inclusive of full name, sex, date of birth of the assisted reproductive technology conceived offspring, the name of the woman who gave birth to the offspring, and the full name and date and place of birth of the donor of the gamete.

Section 41P dictates that the secretary is not required to enter information into the central register under the section if the secretary is reasonably satisfied that no person will be adversely affected if the information is not entered. To put it simply, the secretary can exclude irrelevant data such as that which relates to pre-2010 donated gametes which did not result in any births. Proposed section 41Q relates to the disclosure of information to those authorised to do so. It specifically dictates that any information will be excluded if that information identifies the donor. A notable exception is made to this case, that is, if a donor authorises the central register to disclose their identifying information the registrar can do so. It raises the possibility of reunions and communication between the donor and donor-conceived individuals. This amendment also

excludes elements of the Government's proposed bill. Specifically, the Opposition's amendment omits in schedule 1 [17] all words from line 30 on page 8 to line 38 on page 11. The omitted lines include those relating to the donor's ability to contact ART providers and to request pre-2010 records.

As our amendments provide for the practical access option of a central registry, these clauses are no longer required, dramatically streamlining the process for donor-conceived individuals. Omitted lines also include those that relate to disclosure requirements of ART providers. Again, our amendments clearly define disclosure requirements to the central agency that ensure donor-conceived individuals do not end up in fights with ART providers in relation to what they can and cannot produce. This is better for both the donors and the commercial providers, saving them numerous ongoing inquiries, debates and costs. Division 2 within the section of the omitted lines relates to the ART provider's retention of records. As our amendments require the secretary to maintain and manage these records, this clause is not required. Due to concerns about ART providers allowing records to become water damaged, misplaced or lost, it is important that the Secretary of NSW Health undertakes the record storage, not the commercial providers.

Finally, the amendments exclude directions to ART providers on how to facilitate the handover of information as this is canvassed in the Opposition amendments. I thank the staff of Mr Jeremy Buckingham for tightening up these amendments. Jack Gough has a watchful eye. As I said earlier, by centralising these records we are affording them the same care and consideration that is given to any important public records regarding the birth, genealogy and medical data of an individual, which these records clearly are. This approach is not a cost to commercial reproductive providers; it is a solution that is more appropriate for this Government to undertake. I commend the amendments and urge the crossbench to support them.

The CHAIR (The Hon. Trevor Khan): Order! I am advised that the appropriate way to deal with the amendments is for Mr Jeremy Buckingham to move his amendment to the Opposition amendment appearing on sheet C2016-028, but then also to move his amendments Nos 2, 3 and 4 appearing on sheet C2016-027. I will obviously then put the question separately.

Mr JEREMY BUCKINGHAM [8.52 p.m.], by leave: I move The Greens amendment No. 1 on sheet C2016-028 and The Greens amendments Nos 2 to 4 on sheet C2016-027 in globo:

No. 1 In Opposition Amendment No. 1 omit proposed section 41Q. Insert instead:

41Q Disclosure of information

Information (including identifying information) entered in the central register under this Part may be disclosed under Part 3.

No. 2 **Retention period**

Pages 8 and 9, schedule 1 [17], proposed section 41N, definition of *retention period*, line 39 on page 8 to line 2 on page 9. Omit all words on those lines.

No. 3 **Retention period**

Page 9, schedule 1 [17], proposed section 41O, line 7. Omit all words on that line.

No. 4 **Retention period**

Page 9, schedule 1 [17], proposed section 41Q (1), line 35. Omit "during the retention period".

Thank you, Mr Chair, for your guidance in that difficult process. I thank the Hon. Walt Secord for his kind words and for his work in this area. The amendments that the Hon. Walt Secord and the Labor Opposition have brought are excellent; they go to the key issue—the rights of donor-conceived individuals to be able to access a central register of accurate records that are retained. As the Hon. Walt Secord said, these records are absolutely fundamental to the medical history and the existence of some people and they are held in all kinds of unacceptable circumstances.

The Greens amendments are absolutely essential. Of course, The Greens amendment No. 1 relating to proposed section 41Q on sheet 2016-028 does not identify the donor. The Greens have struggled with the issue that people want to go further than that; they want identifying information. Of course, under the Hon. Walt Secord's provision people can consent to have their identified information disclosed and that can be achieved also under The Greens amendment. I understand that it is not likely to get up but we may well have to revisit this matter. These people are not going away. They are a large cohort, many of whom are my age and younger. They will have that ticking in the back of their heads forever and they will continue to push for it.

We have the opportunity to look at how the Victorian system operates and, with the reviews, to consider the legislation again. I commend The Greens amendment No. 1 on sheet 2016-028 to the Committee, the amendment to Labor's amendment relating to proposed section 41Q. I commend also The Greens amendments Nos 2, 3 and 4 on sheet 2016-027, which relate only to the retention period, that is, in perpetuity. Those three amendments ensure that these records in a central register are kept forever. Many of us have been on ancestry.com and have looked at those records—parish records and others—that someone cherished, managed and looked after for a long time. Births, deaths and marriages are fundamental to our identity and history. We have the capacity to do it in the modern age. It is not onerous for the State or the ART providers. I commend The Greens amendments, and also Labor's amendment, to the Committee and hope the Government can see the sense in supporting them.

The Hon. SARAH MITCHELL (Parliamentary Secretary) [8.57 p.m.]: I will first speak to the Opposition amendment on sheet C2016-015A, which would require the assisted reproductive technology [ART] providers to provide all pre-2010 ART records to the Ministry of Health within 12 months. The Government does not support this amendment. In 2014 the Ministry of Health consulted in relation to centralisation with stakeholders, including ART providers and donor conception support groups. ART providers noted that there would be large costs associated with providing all their pre-2010 records regarding births resulting from ART to Health. These costs arise because ART providers would need to retrieve their pre-2010 ART records from storage, review each file to determine whether the ART treatment involved donor conception, copy each file that related to donor conception and send the files to the Ministry. Concerns were also raised about the confidentiality of donors and that a central collation of records may deter donors from updating their records with ART providers.

Donor conception groups, on the other hand, strongly supported the central collation of records and noted that there had been instances in the past when ART records had been destroyed. The Government considered these different views and has tried to balance them in the bill before the House. The bill gives pre-2010 donor-conceived individuals a right to access de-identified information on the donor, with identified information only to be disclosed with consent. A donor-conceived individual will be able to make an application to an ART provider or the Ministry of Health. Where an application is made to the Ministry, the Ministry will seek and obtain the information from the ART provider. In both cases, any information disclosed will also be held on the central register and be accessible by other donor-conceived individuals. As I said, the bill is the result of careful consideration of all the issues and in view of this the Government does not support a central collation of records at this time and will not support the Opposition amendment.

Turning to The Greens amendment to the Opposition amendment which deals with the ability to access identified information, under these amendments the bill will require providers to give all pre-2010 records to the Ministry of Health and allow pre-2010 donor-conceived individuals to access both identifying and non-identifying information about past donors who generally donated their gametes on the condition of anonymity. The Government does not support this amendment from The Greens. In respect of pre-2010 donor-conceived individuals, I think all members will recognise that the inability of pre-2010 donor-conceived individuals to access information about their biological origins can and does cause distress to many individuals. However, it also needs to be recognised that in the past many donors donated on the basis of confidentiality.

The Legislative Assembly Committee on Law and Safety looked at issues in relation to donor information in 2013 in its report "Managing Donor Conception Information". The committee considered the different views and needs of both donors and donor-conceived individuals and the arguments for and against allowing for retrospective access to pre-2010 information. In trying to balance the different views and interests of parties, the committee recommended a consent-based model under which pre-2010 donor-conceived individuals should have a right to access de-identified information regardless of consent but identifying information should be disclosed only with the consent of the donor. The Government agrees that this model strikes an appropriate balance.

Pre-2010 donors generally donated under assurances of anonymity, as I have said previously, and members should tread very carefully in relation to retrospectively changing the law in a way that fundamentally affects individuals' rights, liberties and interests. Fairness generally requires that governments do not fundamentally change the rules after the event. This is particularly the case when such changes would affect an individual's personal life and privacy. As I said, past donors generally donated on the basis of anonymity. While anonymous gamete donation does not accord with what is now considered best practice, fairness would dictate that we respect the decisions made by donors in the past. These are donors who donated altruistically and may

not have told their spouses or their own children that they were donors. To retrospectively change the law and allow their names to be disclosed runs the risk of damaging their lives and relationships. This is not a position that the Government supports.

Finally, the Government does not support The Greens amendments Nos 2, 3 and 4 on sheet C2016-027. The bill will require pre-2010 records to be held for 75 years, being 75 years from the day on which the ART services were provided or, where more than one service was provided, 75 years from the day on which the last ART service was provided. The retention period in the bill must be considered as part of the bill as a whole. Under the bill, pre-2010 donor-conceived individuals will have a right to access de-identified information on their donor, with an application being able to be made to either the ART provider or the Ministry of Health.

In either case, where the records are disclosed a copy of the records must also be held on the central register where they will be available for other offspring of the donor and retained indefinitely. In this way, the bill will result in a slow build-up of pre-2010 information on the central register that will be accessible for later use. Accordingly, there is no requirement for ART providers to hold the records indefinitely. Further, a 75-year retention period will allow enough time for pre-2010 donor-conceived individuals to decide whether they wish to make an application to receive non-identifying information on the donor. For these reasons the Government will not be supporting The Greens amendments Nos 2, 3 and 4.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [9.02 p.m.]: I understand the spirit and the intention of the amendments of Mr Jeremy Buckingham and The Greens, but Labor believes it is too early to give them unqualified support. There needs to be more examination, consultation and community debate on this area of law. It is simply too early. Donors who gave sperm on the basis of being anonymous should have that right retained. The implications of the amendments moved by Mr Jeremy Buckingham mimic what is occurring in Victoria. At the time, they were described as the most wide-ranging and sweeping donor-conceived right-to-know laws in the world. There are wider implications. For example, many of those men were young at the time they donated and now have their own families. A better approach would be to wait until after the Victorian laws come into effect on 1 March 2017 and, perhaps a year later, look at them.

As background, on 23 February 2016 the Assisted Reproductive Treatment Amendment Bill passed through the Victorian Legislative Council. After 1 March 2017 all donor-conceived Victorians will be able to access available identifying information about their donors and heritage without that donor's consent. Changes to the law in 2005 meant that donor-conceived people born before 1998 could access this information but only with the consent of the donor. Previously only people who were born from sperm or eggs donated after 1998 could automatically access available identifying information about their donors when they reached adulthood. I believe that after the Victorian model has been in place for a while, New South Wales should look at the results and the implications of the law. The issues facing New South Wales donor-conceived individuals will not disappear. Donor-conceived people born before 1 January 2010 will seek information about their identity as they reach adulthood. For those reasons Labor reluctantly supports the Government and will not vote for The Greens amendments.

The Hon. PAUL GREEN [9.05 p.m.]: The Christian Democratic Party acknowledges that some good amendments have been moved in the Committee tonight. But, in light of the conversation we have had with the Minister about the carriage of the bill, we think that small steps are good steps. We would like to take some bigger steps tonight but that will not be happening. We note that there will be a review in 12 months time. If the Opposition wants to reintroduce such steps in 12 months time we reserve our right to reconsider them in a new light. We are giving the Government the benefit of the doubt that in 12 months it will have a plan for a way forward for the sorts of issues that have been discussed in the debate tonight.

The CHAIR (The Hon. Trevor Khan): I intend to put the question on Mr Jeremy Buckingham's amendment to the Opposition amendment first. Depending upon what happens there, we will then look at Mr Jeremy Buckingham's amendments Nos 2 to 4.

Question—That The Greens amendment No. 1 [C2016-028] to Opposition amendment No. 1 [C2016-015A] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2016-028] to Opposition amendment No. 1 [C2016-015A] negatived.

Question—That Opposition amendment No. 1 [C2016-015A] be agreed to—put.

The Committee divided.

Ayes, 14

Ms Barham
Mr Buckingham
Ms Cotsis
Dr Faruqi
Mr Mookhey

Mr Pearson
Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe

Ms Voltz
Mr Wong
Tellers,
Mr Donnelly
Mr Moselmane

Noes, 18

Mr Ajaka
Mr Amato
Mr Clarke
Mr Colless
Ms Cusack
Mr Farlow
Mr Gallacher

Mr Gay
Mr Green
Mr MacDonald
Mr Mallard
Mr Mason-Cox
Mrs Mitchell
Reverend Nile

Mr Pearce
Dr Phelps

Tellers,
Mr Franklin
Mrs Taylor

Pairs

Mrs Houssos
Mr Veitch

Mr Blair
Mrs Maclaren-Jones

Question resolved in the negative.

Opposition amendment No. 1 [C2016-015A] negatived.

Question—That The Greens amendments Nos 2 to 4 [C2016-027] be agreed to—put and resolved in the negative.

The Greens amendments Nos 2 to 4 [C2016-027] negatived.

The Hon. PAUL GREEN [9.15 p.m.]: I move Christian Democratic Party amendment No. 1 on sheet C2016-026:

No. 1 **Review**

Page 12, schedule 1. Insert after line 11:

[20] Section 74

Omit the section. Insert instead:

74 Review of Part 3A

- (1) The Minister is to review Part 3A to determine whether that Part achieves the objects set out in section 41R.
- (2) The review is to be undertaken as soon as possible after the period of 12 months from the commencement of that Part.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 12 months.

When negotiating with the Government over this bill, and I acknowledge the good steps the Government has taken and the good sense it has shown, we arrived at a consensus that, instead of the usual statutory review period of an Act—five years—we should bring this forward to become a 12-month review. The report outcomes will be tabled in both houses of Parliament in 12 months. I seek clarification from Parliamentary Secretary Mitchell that the statutory review period commences upon enactment of this bill—that is, within 12 months. As noted earlier, we would expect that the amendments moved tonight by the Opposition and The Greens would be a large part of the way forward in that review. I commend the amendment to the Committee.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [9.17 p.m.]: I support the amendment moved by the Hon. Paul Green to have a statutory review into this legislation in 12 months. I hope that the

examination and review in 12 months will take into consideration the activity, concerns and amendments that Mr Jeremy Buckingham moved in relation to the Victorian legislation—that should be considered as part of the statutory review in 12 months. I commend the amendment.

Mr JEREMY BUCKINGHAM [9.18 p.m.]: I add the support of The Greens to the amendment moved by the Christian Democratic Party and I mirror the contribution made by the Hon. Walt Secord. Clearly, the operation of this bill, or rather the Act that it will become, over the next year will be of enormous interest to both donor-conceived children and to legislators who have taken an interest in these matters. We think a 12-month statutory review is entirely appropriate.

The Hon. SARAH MITCHELL (Parliamentary Secretary) [9.18 p.m.]: The Government supports the amendment. I can confirm, in answer to the question asked by the Hon. Paul Green, that the review will be 12 months from the commencement of that part of the Act. The Government recognises that the absence of a central collation of records does not accord with the parliamentary inquiry into donor conception and that not all stakeholders agree with part 3A. However, the approach in part 3A was taken after considering the views of both donor-conceived individuals and assisted reproductive technology [ART] providers, as I have said previously. The regulation of ART is often a balancing act. It involves balancing the rights, needs and interests of different groups such as donor-conceived individuals, donors, and women and their partners who seek to have a family via ART.

The views of the different groups are not necessarily in harmony; they can diverge from one another. In view of this, the Government agrees that it would be appropriate to require a statutory review of the new part 3A to be undertaken. A statutory review will allow a proper evaluation of the new part 3A and the provisions in the bill in relation to ART providers retaining pre-2010 records. A statutory review will allow a proper consideration of whether part 3A is effective or whether having a central collation of records would be the more appropriate course. As such the Government supports this sensible and reasonable amendment and thanks the Hon. Paul Green and the Christian Democratic Party for moving it.

Question—That Christian Democratic Party amendment No. 1 [C2016-026] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 1 [C2016-026] 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 an amendment.

The CHAIR (The Hon. Trevor Khan): Order! I thank all members who contributed to the Committee stage for the civility and promptness with which consideration of the bill has proceeded tonight.

Adoption of Report

Motion by the Hon. Sarah Mitchell, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Sarah Mitchell, 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 with a message requesting its concurrence in the amendment.

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (NATIONAL DOMESTIC VIOLENCE ORDERS RECOGNITION) BILL 2016

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [9.23 p.m.], on behalf of the Hon. John Ajaka:
I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016.

Today, New South Wales again leads the nation in addressing domestic violence. New South Wales is the first jurisdiction to introduce these model laws adopted by the Council of Australian Governments [COAG] in December 2015 to hold domestic violence perpetrators accountable across the country.

The New South Wales Attorney General has been working together with the Premier, the Deputy Premier and the Minister for the Prevention of Domestic Violence and Sexual Assault—to change the way the New South Wales justice system responds to domestic violence.

This bill shows this Government is not only addressing domestic violence in New South Wales, but is also playing a lead role in the national effort to protect victims of domestic violence throughout Australia.

Domestic violence is an insidious and indiscriminate crime. It is a crime which has no borders. At its heart is the issue of control.

According to a report published in October 2015 by Australia's National Research Organisation for Women's Safety based on data from the Australian Bureau of Statistics, one in four women in Australia have experienced at least one incident of violence by an intimate partner. Four out of 10 women in Australia over the age of 15 years have experienced violence during their lifetime.

That is unacceptable and devastating. The behaviours represented by these statistics cannot continue.

We know that victims of domestic violence across the country are too often forced to flee their homes, jobs and support networks to escape their perpetrator by concealing their whereabouts in another town or interstate.

It is for this reason that all Australian governments agreed to take urgent collective action to ensure that those people affected by domestic violence can access the protection they need, regardless of where they live in Australia.

Just as importantly, there should be, and there will be, no place for a perpetrator of domestic violence to hide.

In April 2015, the Council of Australian Governments [COAG] committed to developing a National Domestic Violence Order Scheme, where domestic violence orders or DVOs will be automatically recognised and enforceable in any State or Territory of Australia.

Domestic violence orders are a key tool of the justice system to protect victims of domestic violence.

Domestic violence orders issued in New South Wales are called Apprehended Domestic Violence Orders or ADVOs.

An ADVO is a civil order that allows an immediate response to domestic violence that prioritises the safety of the person in need of protection. In New South Wales, the court can make an ADVO if the person has reasonable grounds to fear, and in fact fears, the commission of a "personal violence offence", or an offence of intimidation or stalking by the defendant, with whom they are, or have been, in a domestic relationship.

Following changes introduced by this Government in May 2014, senior police can now approve provisional ADVOs immediately after the incident. This allows victims to remain safely in their home while the defendant is removed from the scene.

An ADVO prohibits the defendant from assaulting, molesting, harassing, threatening or otherwise interfering with, intimidating or stalking the person in need of protection. A court can additionally prohibit or restrict the conduct of the defendant in any way the court considers necessary or desirable to ensure the safety of the person in need of protection.

All states and territories have similar domestic violence order frameworks. Existing state and territory legislation allows DVOs issued by a court in one jurisdiction to be registered and enforced in another jurisdiction.

However, the onus is currently on the victim to apply to the court to have their DVO registered. This is a burden and stressful as it requires the protected person to engage again with court and law enforcement processes in another state or territory.

The National Domestic Violence Order Scheme will remove the need for individuals to negotiate those recognition processes to register their DVO in a new jurisdiction. The scheme will also overcome associated barriers impeding the protection of victims. For example, protected persons are often not aware of the need to register an interstate DVO, they may not wish to make contact with another legal system for fear or re-traumatisation, or they fear that registering the DVO will alert the defendant to their whereabouts.

These significant reforms build on other initiatives of this Government to improve victims' safety and increase victims' confidence in the justice system.

As an Australian first, legislation commenced on 1 June 2015 to provide greater support for domestic violence victims in New South Wales courts by enabling them to give their evidence in chief through a prior recorded video or audio statement. This reduces the pressure on domestic violence victims in court and aims to increase early guilty pleas. Where matters proceed to court, it means victims spend significantly less time reliving their trauma in court and are less pressured by offenders to change their story or withdraw from proceedings at a later time.

The Government has also provided additional support for victims at court including advocacy at court proceedings through the Women's Domestic Violence Court Advocacy Services at 114 Local Courts in New South Wales, the provision of safe rooms in courts and the greater use of remote witness facilities.

The Government has also improved court processes and timeframes to ensure domestic violence matters and applications are dealt with efficiently and swiftly, including specialist domestic violence list days in Local Courts across New South Wales to help standardise procedures for ADVOs. Local Court Practice Notes have been introduced to improve court efficiency by setting timeframes for proceedings in criminal matters and for ADVOs.

New South Wales is also rewriting its ADVOs in plain English to better protect domestic violence victims. These redesigned orders will eliminate excuses for violating domestic violence orders.

These are just a handful of ways in which this Government is already improving the safety of domestic violence victims in New South Wales.

We are proud to introduce this bill, which will increase protection for victims of domestic violence not only in New South Wales, but across Australia.

In December 2015, every state and territory committed to introduce laws to give effect to the National Domestic Violence Order Scheme in the first half of 2016.

The National Domestic Violence Order Scheme Working Group, comprising representatives from justice and police agencies in each jurisdiction, drafted National Model Provisions to assist with that process. This bill is substantially in the form of the model provisions.

The National Model Provisions were drafted to reflect a set of common policy principles that were agreed to by each jurisdiction. These principles are that:

- (1) A DVO made anywhere in Australia or a New Zealand DVO registered anywhere in Australia is nationally recognised and enforceable;
- (2) A DVO that is nationally recognised can be amended in any jurisdiction, but only by a court;
- (3) If a DVO made in one jurisdiction is in force, a new order can (if necessary) be made in another jurisdiction, but only by a court; and
- (4) The latest DVO in time prevails.

The model provisions were also considered by the Advisory Panel on Reducing Violence Against Women and their Children, chaired by Mr Ken Lay, APM, former Victorian Police Commissioner; and Deputy Chairs, Ms Rosie Batty, and Ms Heather Nancarrow. The New South Wales Government thanks all members of the Advisory Panel, including Ms Tracey Howe, of the NSW Council of Social Services, the New South Wales representative on the panel, for their important contribution to these reforms.

The New South Wales Government would also like to take this opportunity to thank the stakeholders consulted in the drafting of this bill in New South Wales, including the Department of Justice, NSW Police, Department of Family and Community Services, Legal Aid NSW, the Chief Magistrate of New South Wales, the Children's Court of New South Wales, the New South Wales Bar Association and the Law Society of New South Wales.

I now turn to the detail of the bill.

The bill inserts a new Part 13B into the Crimes (Domestic and Personal Violence) Act 2007 (NSW) to give effect to the NDVOS model laws within the existing New South Wales ADVO framework.

The general principles for national recognition of DVOs are contained in Division 2 of the bill. A "recognised" DVO means a DVO made in New South Wales, a DVO made in another jurisdiction that has enacted the model provisions, or a New Zealand DVO registered in any participating jurisdiction. A DVO will become "recognised" when it is made.

New section 98W limits the scope of recognition of orders from South Australia and Western Australia to only those that are made to address domestic violence. This is needed because their local legislation does not currently differentiate between DVOs

and personal violence orders. The provision allows registrars and courts in South Australia and Western Australia to "declare" their respective orders to be those that address a domestic violence concern, in order for them to be recognised under the new scheme.

Sections 98Z and 98ZA of the bill clarify the circumstances in which variations and revocations are permitted and therefore "recognised" under the model scheme. These provisions, together with Schedule 1 (clauses 1 and 2), make it clear that a DVO can only be varied or revoked by a court in another jurisdiction and that a police-issued DVO cannot override a court DVO made for the same defendant and protected person.

Similarly, section 98ZC clarifies that although a person is not prevented from applying for a new DVO in New South Wales, a police officer should not make a new DVO in New South Wales if that officer is aware that there is already a recognised DVO made by a court in another jurisdiction.

Section 98ZO acts as a safeguard to prevent forum shopping, by creating a leave provision for the variation and revocation of non-local DVOs. The bill sets out a list of matters the court may consider in deciding whether to hear an application for a variation of a non-local DVO. These factors include: consideration of where the defendant and protected person live and work, difficulty of either party to attend the proceedings, whether there is sufficient information available to the court about the DVO, whether there are existing criminal proceedings for a breach of the DVO, the practicality of the applicant applying for a similar DVO in New South Wales, and the impact of the application on children subject to the DVO.

Section 98Z0(5) also specifically clarifies that a court in New South Wales must refuse to hear an application for a variation or revocation made by a defendant, if the defendant would not be entitled to make such an application in the issuing jurisdiction—for example, where there is a time limit on when the defendant can make such an application.

Division 2, subdivision 2, of the bill relates to the enforcement of recognised DVOs. Section 98ZD gives effect to the principle that a recognised DVO is enforceable in all participating jurisdictions once the defendant has been properly notified.

Section 98ZE defines proper notification in New South Wales as where the DVO is made by a court and the defendant is present in court, or when the defendant is served with a copy of the DVO in accordance with the Crimes (Domestic and Personal Violence) Act 2007. Jurisdictions have agreed to accept compliance with the service requirements set out in local laws as proper notification of interstate DVOs and section 98ZE(2) gives effect to this principle.

Division 2, subdivision 3, prescribes the elements of the enforcement of non-local DVOs to ensure that they are treated the same way as a New South Wales DVO would be. This means that New South Wales will recognise prohibitions or restrictions imposed by a non-local DVO as if it were made in New South Wales. Similarly, all existing New South Wales provisions that restrict the grant of a particular licence or permit, such as for example a firearms licence, will extend to a person with a DVO from a participating jurisdiction.

Section 98ZF provides that breaches of DVOs are recognised in all participating jurisdictions. In other words, a contravention of a non-local DVO that is a recognised DVO in New South Wales under the scheme may be enforced in New South Wales as if it were a New South Wales DVO.

Division 4 sets out the principles relating to the exchange of information between jurisdictions for the purpose of enforcing DVOs. While in the interim, police and courts will rely on the National Police Reference System to check details of interstate DVOs, the Commonwealth is working with New South Wales and other jurisdictions on the establishment of a national information-sharing capability to support the enforcement of the NDVOS. Further legislative changes may be required to the information-sharing provisions, depending on the outcome of that work.

Under section 98ZW, the bill will apply prospectively to any New South Wales DVO or New Zealand DVO registered in New South Wales, that is, on or after the commencement date. This is necessary to ensure that all the required information-sharing systems are in place and that parties to the DVOs are properly notified that the DVO can now be enforced nationally.

However, there is some scope for DVOs made before the commencement of the scheme to be nationally recognised. The model bill provides for a declaration process.

Division 6, subdivision 4, outlines the process by which this declaration can be done. The declaration mechanism is based on the existing manual process for registering external DVOs in New South Wales. It requires a person to apply to a registrar to have their DVO declared to be recognised under the national scheme.

While COAG has agreed to develop a comprehensive national DVO information-sharing system that police and courts will be able to use for evidentiary purposes or to enforce DVOs, it is noted this will take several years to fully implement.

Therefore, COAG has agreed in the short term to establish an interim information-sharing system that will provide police and courts with information on all DVOs that have been issued. The interim system will not have the same evidentiary or enforcement capacity as the permanent system, but will go some way in assisting courts and police to clarify information about DVOs made in other jurisdictions.

For this reason, the bill will commence on proclamation to allow time for the interim information sharing capabilities to be put in place.

New South Wales is proud to be the first jurisdiction to implement these significant reforms, which will provide increased protection for victims of domestic violence across jurisdictional borders.

The Attorney General is continuing to work with her Commonwealth, State and Territory colleagues at the Law, Crime and Community Safety Council meeting next month to drive the National Domestic Violence Order Scheme into reality.

I commend the bill to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [9.24 p.m.]: I lead for the Opposition in debate on the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. The Opposition does not oppose the bill. The object of the bill is to give effect to the New South Wales component of a national recognition scheme for domestic violence orders [DVOs]. The agreement as to a national recognition scheme was announced—or, perhaps more accurately, re-announced—at the Council of Australian Governments in December last year. In December 2015 every State and Territory agreed to introduce laws relating to a National Domestic Violence Order Scheme to hold domestic violence perpetrators accountable throughout the Commonwealth of Australia. Under the scheme, domestic violence orders will be automatically recognised and enforceable in any State or Territory. Domestic violence orders from New Zealand will also be able to be registered as part of the scheme.

New South Wales, as is so often the way, is the first to introduce model laws through this bill. The model provisions were considered by the Advisory Panel on Reducing Violence against Women and their Children. A number of relevant stakeholders, including Legal Aid NSW and the Chief Magistrate of the State, were also consulted during the drafting of the bill. The bill will allow an individual to apply to the registrar of the court for a declaration that their existing domestic violence order is a recognised domestic violence order in New South Wales and therefore part of the national recognition scheme. This will give some scope for domestic violence orders made before the commencement of the scheme to be recognised across the Commonwealth. However, an order that has been declared to be subject to the national scheme will only be enforceable against a defendant in New South Wales on the date the declaration is made.

I note the informed, constructive and passionate contributions to this debate in the Legislative Assembly by my Labor colleagues representing the electorates of Maitland, Blue Mountains, Wollongong and Blacktown. Like my colleague John Robertson and others in this Parliament, I am a White Ribbon Ambassador, and take this issue very seriously—as I am sure all members do. As my local member of Parliament Trish Doyle, the member for Blue Mountains, noted in her contribution, domestic violence is a major betrayal of trust that has long-term psychological and physical impacts, as well as long-lasting intergenerational effects. I think it is easy to lose sight of that intergenerational dimension. It is not something, however regrettable, that occurred just between two people; the impact is much more widespread.

What happens to a woman and her children is so often beyond their control. However, they can survive domestic and family violence, and move on with their lives. Like the member for Blue Mountains, I pay respect to the victims and survivors, and to all those who assist them—the refuge workers, the domestic violence counsellors, the women's health centres who perform a sterling service, the police and ambulance services, and others. Like many members in this place, I believe more work is needed in this State to effect change across a number of our systems that are critical to the protections offered by the system of domestic violence orders in New South Wales. The primary aim of this scheme is for existing domestic violence orders, known as DVOs, issued in one jurisdiction to be automatically applicable in another jurisdiction.

This can happen at the moment but it requires the protected person to make an application, which can be problematic. The person protected might not know they have to go through the process, they might be apprehensive to take such action because it may alert the offender to their presence in that jurisdiction or they may simply not want to undergo the trauma of further involvement with the justice system. Turning to the bill, new part 13B, entitled "National recognition of domestic violence orders", will be inserted into the Crimes (Domestic and Personal Violence) Act 2007. New section 98Y establishes as recognised DVOs in New South Wales an interstate DVO made in a participating jurisdiction, or a registered foreign order. The only foreign jurisdiction involved to date is New Zealand. Because of the way intervention orders in South Australia and violence restraining orders in Western Australia are structured, they may include matters unrelated to domestic violence. Only orders addressing a domestic violence concern are included in this scheme in the bill.

New section 98Z provides for the variation in New South Wales of DVOs from other States and new section 98ZA provides for their revocation. New section 98ZB provides for a recognised DVO to prevail over earlier comparable DVOs. New section 98ZD provides for recognised DVOs and recognised variations to be enforceable in New South Wales against the defendant. They are to be enforced as if they were local DVOs. This also extends to its impact on licences, permits and other authorisations. New section 98ZI specifically relates this to a firearms licence and new section 98ZJ extends it to a weapons permit. Division 3 deals with the

variation and revocation of recognised non-local DVOs. Division 4 deals with the exchange of information. The provisions are not limited by the information protection principles of the Privacy and Personal Information Protection Act. I refer to correspondence received today from the Women's Legal Service NSW, a specialist community legal centre.

The service is supportive of the legislation and recognises progress on the automatic recognition of a domestic violence order in any jurisdiction within Australia. However, the service has some concerns. It notes that over the past few years there has been a significant increase in technology-facilitated stalking and abuse, that is, the use of technology such as the internet, social media, mobile phones, computers and surveillance devices to stalk and perpetuate abuse on a person. In particular, the Women's Legal Service NSW advises there is a concerning trend of technology being regularly used against women by perpetrators as a tactic within a wider context of domestic violence, including the non-consensual sharing of intimate images.

The Standing Committee on Law and Justice recently delivered a report on so-called revenge porn in which it dealt with issues arising in the privacy context and recommended a statutory tort or cause of action in relation to privacy based on the Australian Law Reform Commission model. The committee has done a very detailed and thorough piece of work that touches on the issue raised by the Women's Legal Service NSW. In particular, the service is concerned about new section 98ZF (4). That section provides in relation to contravention of an enforceable recognised DVO:

This section does not affect any law of New South Wales that requires a geographical nexus to exist between New South Wales and an offence for a person to be guilty of an offence under the law of New South Wales.

The Women's Legal Service NSW is concerned that the provision may seek to exclude technology-facilitated stalking and abuse where it takes place across different jurisdictions. The service seeks assurance that abuse that takes place across State and Territory borders will in fact be covered by the bill. I think that concern can be allayed, but I ask the Parliamentary Secretary to get some advice on that. Section 10C (2) of the Crimes Act—which, because of section 10A, extends to all criminal offences—states that a geographical nexus exists between the State and an offence if the offence is committed wholly outside the State but the offence has an effect in the State. On the facts given in the attached letter from the Women's Legal Service NSW that offence would seem to be satisfied despite the outcome in the particular case it refers to. Because cyberstalking of persons in New South Wales has an effect in New South Wales there would appear to be no need to make any change in the bill.

As we understand it, the bill merely maintains the status quo in the case of prosecuting persons for contravening a prohibition or restriction in a DVO that is recognised in this State. It should be noted that section 10A (3) of the Crimes Act states that if the law that creates an offence makes provision with respect to any geographical consideration concerning the offence, that provision prevails over any inconsistent provision of part 1A of the Crimes Act. New section 98ZF (6) makes clear that there is no intention to override that part. I may be wrong about that analysis, so I ask the Parliamentary Secretary in his reply to give members and the Women's Legal Service NSW an assurance that abuse that takes place across State and Territory borders will be covered by the bill. If for some reason it is not, I ask the Parliamentary Secretary to undertake to come back to the Parliament to correct the legislation.

When introducing the bill, the Attorney General went to some trouble to claim that New South Wales was leading the nation in addressing domestic violence. At the end of her second reading speech the Attorney General suggested a significant delay in proclamation to allow for interim information sharing capabilities to be put in place, but she gave no hint as to how long that would be. I ask the Parliamentary Secretary in his reply to indicate the time frame. The Attorney appeared to concede it will take several years to fully implement a comprehensive national DVO information sharing system. That rather puts a damper on the Government's rhetoric surrounding this legislation.

The Government cannot tell us when the system is going to be properly implemented, so there is no time frame for its full implementation. There are still many issues to do with information sharing that will have an impact on that. The member for Maitland, in her contribution to the debate in the other place, noted that there was a substantial body of evidence regarding the difficulty that women in our community have in accessing and enforcing apprehended domestic violence orders and in getting appropriate domestic violence services and response services due to the shortage of spaces in refuges and funding cuts to refuges.

It is not enough to increase the portability of ADVOs if the recommendations to approve their operation or the services needed to support them are not properly in place. The honourable member discussed the New South Wales Domestic Violence Death Review Team, which was established by the former Labor

Government in 2010, and noted there has not been a lot of action from the team. There were eight recommendations from reports over the years from 2011-12 to 2013-15 that go to the heart of the operation of ADVOs and would be integral to improving outcomes for women who seek to escape domestic violence. An annual report released every couple of years is not adequate. The Women's Domestic Violence Court Advocacy Services has 28 services in 114 local courts in this State. However, women often have to travel long distances to access those services or the advocacy services have to engage in extensive travel, which often causes difficulties in providing proper levels of support.

Although there has been some increase in the funding of these services, there has also been a massive increase in the number of clients as a result of government changes requiring every domestic violence report by police to be followed up by the advocacy services. There has been no additional funding in relation to this requirement. In a three-month period in 2014-15 there was a 75 per cent increase in usage, which outstripped any additional funding provided by the Government. This is a significant problem. One of the proposals that the Labor Opposition has advocated is a specialist domestic violence court.

Labor took this proposal to the 2015 election and we feel that the proper implementation of Labor's positive plan would go a long way to achieving more justice for victims of domestic violence in New South Wales. Our aim is to ensure that this specialist court, with judges and officers, has connected to it the proper wraparound services needed to support women seeking to flee domestic violence and is not merely seen as machinery churning out orders. The interim system that the Attorney will implement as a result of this legislation will not be as effective as the permanent system. The Council of Australian Governments [COAG] communiqué of December 2015 stated that governments had agreed to:

... in the short term, establishing an interim information sharing system that will provide police and courts with information on all DVOs that have been issued, but will not have the same evidentiary or enforcement capacity as the permanent system.

As the shadow Attorney asked of the Attorney in the other place, I ask that the Parliamentary Secretary specify exactly what the inadequacies in the interim arrangements are, as referred to in the COAG communiqué, because the Attorney in her reply did not address these matters. What is it that the interim system will not be able to do that the permanent system will? As long ago as January 2015 the then Prime Minister said domestic violence would be on the COAG agenda and he would ask for urgent action. In April last year COAG also agreed to urgent collective action and a year later the first legislation was presented to the Australian Parliament. The national scheme is a useful reduction of red tape in domestic violence orders. It will help victims who move interstate or who live near borders or perhaps work in one State and live in another. However, some of the language of the Government has been too self-serving or self-congratulatory. As Jane Wangmann from the University of Technology Sydney stated:

COAG's proposal for automatic recognition would cut the red tape of having to register a DVO in a new state. But is it a new idea, or a sign of great progress? Hardly.

The need for automatic recognition was recognised by the National Council to Reduce Violence Against Women and their children in 2009 and was subsequently included as part of the National Plan to Reduce Violence Against Women and Their Children 2010-2022, as a key action for Australian Governments in 2010-2013 (see Strategy 5.3). In other words, Australia is already running years behind in this area.

What is currently being proposed also fails to grapple with the critical problem of enforcing those DVOs, regardless of where you live in Australia. More work needs to be undertaken in this area to assist women in reporting breaches, ensuring police act on such reports, and that any breaches found by a court are treated seriously.

Ms Wangmann also points out that information sharing, while essential to enforcing orders, is hardly new and it is hardly advancing at a rapid rate. In 2014 the Commonwealth Government provided CrimTrac with \$3.3 million to work on this issue, and I understand it is still a long way from being completed. I note that a Legislative Council committee report of the previous Parliament recommended the need for better data capture some time ago, but this has still not been done. COAG is playing a slow game of catch-up and none of this means much if services are not properly funded or delivered on the ground. With those cautionary words, the Opposition does not oppose the bill.

Dr MEHREEN FARUQI [9.40 p.m.]: I lead for The Greens in debate on the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016 and state at the outset that The Greens will support any action or measure that helps to address the scourge of domestic violence; hence we will be supporting the bill. This bill seeks to create a process for new apprehended domestic violence orders [ADVOs] in New South Wales to be recognised in other States when those States enact corresponding laws and for domestic violence orders [DVOs] from across Australia and New Zealand to be recognised and enforceable in New South Wales.

It is my understanding that the legislation comes from model laws adopted by the Council of Australian Governments [COAG] in December 2015. New South Wales will be the first State to try to implement these laws. It is good to see that we are moving towards a national system of protection no matter where someone chooses to live. This issue affects not only people who move between States but also people in New South Wales and adjoining States who might travel between those jurisdictions on a regular basis—in areas like Tweed Heads and the Gold Coast, or Albury and Wodonga. I sought advice from the Women's Legal Service NSW. It is my understanding that that organisation has sent a letter to the Minister. The Women's Legal Service NSW commends the Government for the introduction of this bill but it has also raised concerns, which the Hon. Adam Searle mentioned earlier in this debate. I join the member in seeking a response from the Minister as to those concerns.

According to Jane Wangmann, a lecturer at the Faculty of Law, University of Technology Sydney, studies show that apprehended domestic violence orders have many benefits, including "a reduction in the severity and frequency of violence, a feeling of empowerment and strength gained from reporting the violence and being believed, as well as being put in touch with other services that can assist." But there is a real issue with ADVOs and many people experience these breaches—some report them, many go unreported. There must be stronger enforcement of these orders to further increase their effectiveness.

A report published in 2013 by Dr Lesley Laing from the Faculty of Education and Social Work, Sydney University, looked into women's experiences in seeking a domestic violence protection order in New South Wales. That report makes two important recommendations about extending legal support, including the provision of legal advice to all women seeking a DVO and putting in place measures to support women through the difficulties they encounter in seeking to extend or renew their orders, yet legal assistance services are operating on shoestring budgets.

I note that the Attorney General stated in her second reading speech that she looked forward to continuing to lead the way on other domestic violence initiatives. Whilst some of these initiatives are welcomed, they are symptomatic of a common approach that prioritises law and order responses. That is not to say that the police and courts are not absolutely necessary, but if we are to try to end domestic violence we need to be talking about prevention. We need to be investing in violence prevention initiatives across all parts of society, including local communities, schools, workplaces, businesses, sport and recreation settings and the media.

We need to pre-empt and stop gender stereotyping, inequality and attitudes that encourage violence. We need to get to the core of why predominantly men feel they can hit, abuse or harass their partners. I appreciate that this is not an easy task, but it all starts with resourcing. It seems that this Government can find money for just about any hare-brained scheme, but chicken-feed is spent on trying to change the deep systemic issues that cause violence and harassment in the first place. I note the contradictory decisions made by this Government. On the one hand it presents a bill such as this and on the other hand the devastating impact of the Going Home Staying Home program continues to affect women and women-focused services.

The Coalition for Women's Refuges recently conducted a survey and found that more than one-third of women's refuges in New South Wales are not contactable after hours and more than half the refuges contacted could not admit women after hours or on the weekends. I can think of nothing more discouraging or heartbreaking than to have gathered the courage to leave an abusive relationship, requiring help after hours and then being met with an answering machine message. We know that a woman is most likely to experience domestic violence on a Saturday or Sunday night, so this is completely unacceptable. Domestic violence is a complex problem and there is no one answer or magic fix. The national domestic violence order system proposed in this bill is a good step forward, but as I have previously stated, much more needs to be done.

The Hon. SHAOQUETT MOSELMANE [9.46 p.m.]: I contribute to debate on the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016, which has as its object to give effect to the New South Wales component of a national recognition scheme for domestic violence orders. In December 2015 every State and Territory agreed to introduce laws relating to a national domestic violence order scheme to hold domestic violence perpetrators accountable throughout Australia. It means that domestic violence orders will automatically be recognised and enforceable in any State or Territory in the country. Even domestic violence orders from New Zealand will be registered under the scheme. It is a great initiative.

There are obvious practical benefits for this scheme being implemented. The most obvious is that victims of domestic violence may, for personal or other reasons, need to move interstate. Thus the same

protections that apply regarding domestic violence in New South Wales would apply in the victim's new home anywhere in Australia. Hopefully it will give the victim and his or her family some peace of mind. At present, if a victim moves between jurisdictions the onus is on that person to make an application for the registration and enforcement of a domestic violence order from the previous jurisdiction. The aim of this legislation is to remove the need for individuals to negotiate interstate recognition processes.

New South Wales is the first State to introduce the model laws through this bill. I commend all those involved in its production. This bill will streamline paperwork and cut through bureaucratic red tape. Domestic violence remains a huge scourge on communities in New South Wales. Refuges still do not have places for all the women who seek shelter nor are they always able to provide a 24/7 response due to funding cuts. Victims of domestic violence live lives of fear and intimidation. No human being should have to live that way. By not providing the option of escaping to a refuge in the case of emergency we are letting these victims down.

If a person feels under threat from domestic violence calling the police is probably the next best thing, but being able to seek refuge may negate the initial threat. This bill holds perpetrators of domestic violence accountable throughout Australia. On the ground it will count for little if a victim feels trapped and helpless. To protect the many victims of domestic violence the Baird Government needs to increase funding for shelters and 24/7 responders. The community is willing to do its bit to protect these victims and the Premier and the Minister need to follow their lead.

On the ABC on Monday night, footage was shown of a domestic violence victim from the New South Wales South Coast, Ms Marlene Tighe, who was set upon by her partner who had armed himself with a hammer. The end result was that she had a mouthful of smashed teeth and damage to her face, including blindness in one eye. A local dentist had volunteered to correct her teeth free of charge to try to restore her confidence as he had been so touched by her story. From that we can see that individual members of the community are doing their best and are happy to contribute to help improve the lives of domestic violence victims.

It is time that this Government followed the example set by the community and put more money into this area. The Baird Government needs to explain why the New South Wales Domestic Violence Death Review Team—a Labor initiative—has met only intermittently in the past few years. It brings into question the Baird Government's commitment to reducing domestic violence and death from domestic violence. The Opposition does not oppose this bill but calls on the Premier and his Government to do the right thing and increase funding to the sector, particularly for non-government organisations which bear the difficulty of sheltering victims and helping them rebuild their lives.

Reverend the Hon. FRED NILE [9.50 p.m.]: On behalf of the Christian Democratic Party I am pleased to support the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016.

DEPUTY-PRESIDENT (The Hon. Bronnie Taylor): Order! There is too much conversation in the Chamber.

Reverend the Hon. FRED NILE: This bill will implement an agreement of the Council of Australian Governments to introduce model laws for a national domestic violence order scheme so that domestic violence orders in New South Wales, called apprehended domestic violence orders [ADVOs], are automatically recognised and are able to be enforced nationally; that is, in all States. I congratulate the Attorney General on introducing this legislation. New South Wales is the first jurisdiction to introduce these model laws that were adopted by the Council of Australian Governments in December 2015. In my opinion it has taken too long for this new legislation to come before Parliament, but it will help to hold domestic violence perpetrators accountable across the nation.

I also commend the Premier for making reducing domestic violence reoffending one of the top 12 priorities for the New South Wales Government. The Government should persist with that priority. I am also pleased I was able to introduce in 2014 the Crimes Amendment (Provocation) Bill, which amended the existing legislation to provide protection for women who experience domestic violence and, in the case of the murder of a woman due to domestic violence, to have the perpetrator charged with murder, not manslaughter. I was very pleased to be able to achieve that.

It is very important to ensure that we remove any incentives for domestic violence. Four out of 10 women in Australia over the age of 15 years have experienced violence during their lifetime. I believe, and

I am sure other members will agree, that that is devastating and unacceptable and that every action must be taken so that domestic violence does not continue but decreases. We also need to be alert to any activity or situations that encourage domestic violence. I have raised before in the House how I find it abhorrent that publications are still being sold in some of the sex shops in Sydney that are in the category of "bondage pornography", which show women being tortured and tied up and so on. I believe such publications influence and encourage men who have a tendency towards violence and they could be a trigger for domestic violence in certain situations.

Anything that seems to condone cruelty against women should be prohibited, particularly bondage pornography. I am pleased that the new national recognition scheme for domestic violence orders will remove the need for individuals to negotiate recognition processes to register their domestic violence orders in a new jurisdiction. This will happen automatically instead of the victim having to do it individually in another State or Territory. This is a positive development and we fully support it. We look forward to the next stage in the Government's domestic violence program to have the domestic violence disclosure scheme introduced in New South Wales and we look forward to supporting that legislation in due course. The Christian Democratic Party supports the bill.

The Hon. COURTNEY HOUSSOS [9.55 p.m.]: I make a contribution on the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. This bill aims to implement the Council of Australian Governments agenda of allowing domestic violence orders to be recognised across the nation. Currently there is, quite frankly, a ludicrous situation whereby in order for a continuing domestic violence order to be recognised in another State—for whatever reason that need may arise—a further application needs to be made to a court in that State for the original order to apply across State boundaries.

The current process is clearly inappropriate when one considers the trauma the concerned parties would have already gone through with regard to the violent incident itself and the original application process for a domestic violence order. These are generally women and children who are trying to rebuild their lives. They would have already interacted with the legal system and the shift to a new State may be a direct result of the violence they have experienced. This is an important step and one that has been identified by the 2015 Australian of the Year, Rosie Batty, and tonight I pay tribute to her incredible advocacy. Her story deeply moved the nation and her strength and determination to make a tangible impact on the lives of other victims and their families are remarkable when one considers the courage that must have taken.

Having the issue of domestic violence on the national agenda is important. We know that one in six Australian women has experienced violence in a domestic relationship and one in three Australian women will experience violence in their lifetime. We know that every week on average one Australian woman dies at the hands of her partner. This is too great an issue to ignore and, sadly, we see precious little support from Coalition governments at both the State and Federal levels. In spite of these shocking statistics the key challenge for governments to address is still the underreporting of domestic violence, particularly in ethnic and migrant communities.

There is a school of thought that says this issue should be dealt with outside the normal cut and thrust of political life. I think that school of thought has led to the kinds of inaction seen in this State over the past few years. Worse than their inaction has been this Government's cuts to funding for women's shelters on top of the Federal Coalition Government's cuts to the same services. It is unbelievable that at the same time as the Federal Coalition Government talks about its commitment to addressing domestic violence, from 2017 it will cut 30 per cent of the funding to community legal centres, a key support agency for women seeking to attain these very domestic violence orders we are discussing tonight.

We cannot and will not sit idly by while Liberal-National governments defund women's shelters. We cannot accept tendering processes that are designed to disadvantage local specialised providers for these essential services in order to benefit large city-based providers who have no connection to the local community and who are more often than not forced to reduce the quality and quantum of services offered to vulnerable women. This is not a situation that should be left outside the realms of proper scrutiny.

The reality is that this bill is important, but its effect should in no way be considered the centrepiece policy of any government seriously committed to tackling domestic violence. It is deeply concerning to me that the Attorney General boasts that New South Wales is leading the nation in addressing domestic violence as a result of this bill. If it was not such a troubling and misguided self-assessment I would think she was joking.

This is a government that has cut funding to women's shelters and instituted the roundly criticised Going Home Staying Home changes that did nothing apart from create a bleak and uncertain future for these important community services. I can only imagine the backbench uproar from those opposite if the same bleak and uncertain future was pushed onto the business sector in this State.

In the absence of an adequate response from the Government, many communities and community groups are being forced to pick up the slack. I have spoken many times in this place about the Great Lakes women's community shelter—a community-fought and community-fundraised campaign saw a women's shelter opened in Forster Tuncurry. This Government ignored the calls from the community for years and gave no assistance whatsoever until the final few thousand dollars was needed. The community raised well in excess of \$100,000—and within a week of the shelter opening, it was full. It took just one week to fill to capacity in an area about which this Government repeatedly said demand did not warrant a women's refuge. And this story would sadly be repeated right around this State.

Another area where the local community's response to the issue of domestic violence is worth mentioning is Lakemba, where I participated in last year's White Ribbon march. We often talk about the need to engage with culturally diverse groups on the issue of domestic violence, and this is an example of one local community showing us how it is done. Almost 1,000 locals marched. Local men and women brought their families, some in headscarves, some in traditional dress and many with their prams and strollers. The Canterbury Bulldogs, senior police officers from across Sydney, including the Commissioner of Police, a police band, Lebanese drummers and Chinese dragon dancers participated. Different Islander communities featured their traditional dances along the route. Each different local community group showed their support to say that violence in any circumstances is not okay.

The Government should support these local community groups and the excellent work they do. I take this opportunity to thank the organising committee that put that event together, including Bilal, Gandhi, Danny, Ali, Emad and the many others. In contrast to this community response, it seems that this bill is designed to give the Attorney General bragging rights at the next Council of Australian Governments [COAG] meeting. Sadly she will not be able to report to that meeting that New South Wales has come anywhere near the comprehensive government approach needed to make a real difference to this issue. Allowing national recognition of domestic violence orders is an important step but we need a multifaceted approach. This bill and this Government fail to come close to what is needed.

Ultimately, the success of expanding domestic violence orders nationwide will, like so much of our response to domestic violence, rest on how well we resource our police officers. Our police not only put themselves in direct danger when they respond to incidents of domestic violence, as I have heard firsthand from police officers themselves, but they are also the first point of contact with the legal system for so many women fleeing domestic violence. And we should not forget they are often the first people to offer comfort to victims. It is one thing to get a domestic violence order in the police system, but it is another thing entirely to make sure every police officer in the State is well resourced and equipped to respond effectively to ensure that these orders do what they are intended to do. It has been raised with me directly by senior members working with women's shelters that without greater resources for police to enforce domestic violence orders this bill becomes redundant. The Opposition will be supporting this bill, but it is time for the Government's actions to match its rhetoric.

The Hon. SOPHIE COTSIS [9.59 p.m.]: I speak in debate on the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. This bill gives effect to the New South Wales Government's commitment to implement a national recognition scheme for domestic violence orders. The establishment of a national recognition scheme for domestic violence orders forms part of the efforts by the Council of Australian Governments to address domestic violence. The Opposition does not oppose this bill. Put simply, the arbitrary boundaries of States should not serve as a loophole for perpetrators of domestic violence.

Currently, domestic violence orders granted in one State or Territory can be recognised in another jurisdiction but only if the person seeking protection makes an application. This is an unnecessary burden for people seeking protection from domestic violence. I suspect that many people who seek domestic violence orders would reasonably assume that a domestic violence order granted in one part of Australia would be effective throughout the country. I do not think it would occur to them that they might need to make multiple applications to gain the full protection of the law. This bill will streamline this process by

giving automatic recognition to domestic violence orders. While this scheme is welcome, it is disappointing that this reform was not introduced sooner. In April last year Jane Wangmann from the University of Technology Sydney wrote:

COAG's proposal for automatic recognition would cut the red tape of having to register a DVO in a new state. But is it a new idea, or a sign of great progress? Hardly.

The need for automatic recognition was recognised by the National Council to Reduce Violence Against Women and their Children in 2009 and was subsequently included as part of the National Plan to Reduce Violence Against Women and Their Children 2010-2022, as a key action for Australian Governments in 2010-2013 ... In other words, Australia is already running years behind in this area.

What is of concern is not just the delay in implementing these reforms but also the lack of resources to make these initiatives effective. Without additional resources for police, community legal services and women's refuges, domestic violence orders risk being mere pieces of paper. In their report for 2013-15, the Domestic Violence Death Review Team stated:

There were a number of compliance issues identified in cases reviewed by the Team for this report, including several instances where police did not record breaches of enforceable ADVOs. This reflects concerns that have been raised in a number of reports previously including the *NSW Legislative Council Standing Committee on Social Issues Report: Domestic Violence Trends and Issues in NSW* ... and NSW Ombudsman's report *Domestic Violence: Improving Police Practice* ...

The Government should be doing more to ensure that police have the resources and processes in place to deal with breaches of domestic violence orders. Breaches are completely unacceptable, and those who breach domestic violence orders should feel the full force of the law. The Government should also provide more resources to assist women to access justice through the court system. The Women's Domestic Violence Court Advocacy Service spent the first six months of this financial year struggling with a massive increase in the number of clients as a result of the Government requiring every domestic violence report from the police to be followed up by the non-government organisation. In a single three-month period there was a 75 per cent increase in demand for the Women's Domestic Violence Court Advocacy Service. Some reports have put that increase at up to 200 per cent. After much lobbying by the sector, there was a 20 per cent funding increase from 1 January 2016. More must be done, particularly to assist women from rural and regional areas.

We must also recognise the damage that has been done by the current Government's policies on women's refuges. Before the Coalition's Going Home Staying Home reforms were introduced, there were 78 specialist domestic violence refuges across New South Wales. Now there are only 14 left. In 2014 I spent about six months travelling the State, speaking to many women's groups. I travelled to Bega, on the South Coast, to the North Coast and to the Central West. It was devastating to speak to so many women's groups and community groups that had been left without a refuge because of the Government's ill-informed, ill-considered and destructive Going Home Staying Home reforms.

A massive campaign was led by New South Wales Labor and many community groups, including Save Our Services and others, to pressure the Government to do something, but an increase in crisis accommodation is still needed. It is devastating to see what has happened. Many women have nowhere to go; they sleep in their cars with their children. I spoke to many women, particularly in Bega. The Government's report stated that women in Bega could catch a bus 200 kilometres from the nearest refuge. I am not from the bush, but people who are will say that it is ridiculous to suggest that a bus will arrive at a particular time to pick up women and their children. Many of these women had been living in the bush, literally in the forest. I have spoken to many women who have spent nights in their cars in the bush with their kids. The Government copped a lot of criticism and that will continue until it reinstates funding that it cut from crisis accommodation and until it opens up women's refuges that it closed.

Funding that was allocated to those women's refuges—the properties—started with Gough Whitlam. Neville Wran and Nick Greiner also invested money in women's refuges. I call on this Government to reopen the women-only refuges. Its policy is not working. It has seriously undermined women's access to support when fleeing domestic violence. Although the Opposition does not oppose the bill, it does not come close to the level of action that is required to address domestic violence. The Government must do more to expand the services that women rely on to break away from perpetrators of domestic violence, which means providing a stronger Police Force, better legal assistance and improved access to women's refuges and housing options. I acknowledge my colleague the shadow Minister for the Prevention of Domestic Violence and Sexual Assault, Jenny Aitchison, who is doing fantastic work in this area. Domestic violence is an important issue in Australia today. We can and must do more.

The Hon. PAUL GREEN [10.12 p.m.]: On behalf of the Christian Democratic Party I speak to the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. The purpose of the bill is to implement an agreement of the Council of Australian Governments [COAG] to introduce model laws for a national domestic violence order scheme [NDVOS] so that domestic violence orders in New South Wales, called apprehended domestic violence orders [ADVOs], are automatically recognised and able to be enforced nationally, which is a great initiative. Reducing domestic violence and reoffending is a priority not only for the Government but also for the Christian Democratic Party.

In December 2015, COAG agreed that each State and Territory would introduce model laws in the first half of 2016 to enable an automatic recognition and enforcement of ADVOs across Australia. The case for changing to the NDVOS is to increase protection for victims across jurisdictional borders. Currently, an ADVO that is issued in New South Wales is not recognised outside of New South Wales unless the victim has applied to have the ADVO registered in a court of that other State or Territory. Likewise, the NSW Police Force and courts usually will not enforce an ADVO issued in another State or Territory unless the victim has registered it in New South Wales.

Victims of domestic violence are often unaware of the need to separately register their ADVO, which means they lose the protection of an ADVO when they move interstate. Victims may also be traumatised by the need to deal with the legal system in another jurisdiction or fear the possibility that the perpetrator will be alerted to their whereabouts. I will not go into the key content of the bill, but I do have a couple of further points to make. When I was Mayor of the City of Shoalhaven we tried to champion the cause of White Ribbon. There is no excuse for violence.

I want to take everyone on a little journey I have been on recently. The White Ribbon campaign really challenged me as a young male to step in when I see domestic violence. Sadly, I have seen it on a couple of occasions in places where I have lived, and, of course, my mum was in that situation when I was very young. So I have made a commitment. We take the oath in good faith that we will deliver in that moment when we see domestic violence and that we will step in. On the couple of occasions that I have seen domestic violence it has been very vicious. It takes a bit of guts to step into those situations, because quite often there will be repercussions if someone steps into a domestic violence situation. I made a commitment to myself that I will try to do that wherever I can.

Recently I faced another situation. I was in Nowra and across the road I saw some guy who was belting the windshield of a car. A lady had her kids in her car with her. I was watching from across the road and I had that conversation in my head that we all tend to have when we see something like this. I thought, "Far out! That's disgusting. It's horrible. What should I do? I should go over. I should say something, but it would be easier to get into my car, drive off and just ignore this really embarrassing situation happening across the road." I am happy to say that I did go across the road. I tried to use some of my nursing skills.

The guy was giving an absolute verbal hiding to his partner or spouse—I am not sure what type of relationship they were in. I tried to divert his attention. I said, "Is there something wrong with your windscreen wiper?" It looked as if he was going to break it off. I said, "Is there something wrong, mate? Can I give you a hand?" I was trying to divert his attention and redirect his focus to another conversation. It did not work. All he wanted to do was to put down this woman, who obviously he had children with. He was giving her a mouthful and saying that he was going to do all sorts of things to her. I thought that any minute I was going to get a punch in the face from this guy. I was ready. I was just waiting for it. I thought, "I've got to divert his attention. I'll get a punch in the face and then the lady in the car can get the hell out of here."

Fortunately, I was able to divert his attention. I waved to the woman in the car to say, "Just get out of here! Go!" He was screaming at me, saying, "She's taking my kids to Queensland. She's taking my kids to Queensland." I thought, "Well, if I was her I would be taking the kids to Queensland too, and probably even further—abroad—to get away from you." He was really threatening and it was a horrible situation. Anyway she was able to read my sign language and was able to take off really quickly. All he could say to me was, "I'm going to find you. You're going to regret that you interrupted this. I'm coming for you. I'll find you." I walked away feeling very intimidated. It was a really tense situation.

But I do encourage the people here, those reading the record and those listening to this debate to step in. It does take a bit of guts but I ask everyone to try, to the best of their ability and wherever they are at in terms of safety, to step in and protect women if they are facing these situations. We have to give them the opportunity

to get away from threatening situations such as that one. It is because of situations like that that I applaud a bill like this. Perhaps that lady will go to Queensland and get the kids away from that horrible man. I do not know what has happened in his life and where he is at, but he needs help—

The Hon. Rick Colless: He's still looking for you.

The Hon. PAUL GREEN: He could well be, and unfortunately I am fairly well known in that area. I guess the point is that I have been on a journey to try to do what White Ribbon asks us to do. I have got to the point that I am willing to step in. I am willing to take a punch in the face and I am willing to stand up and protect an individual who is being hounded like this lady was. This is the journey that we are all on. Abusive behaviour is unacceptable. There is no excuse for abuse. If we see it, we need to step in.

It is fantastic that under this legislation we are getting a national system that will protect that woman not just in New South Wales but also in Queensland and right across Australia, wherever she chooses to go. She needs to protect her kids, to protect herself and to get away from that guy. She needs to be able to get back on her feet and to be able to function again. She needs to be able to pursue the dreams that she probably still has in her heart for not only herself but also her kids and a life beyond domestic violence. I commend the bill to the House.

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.19 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank honourable members for their contributions to this debate and acknowledge their support for the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. With regard to the issue raised by the Hon. Adam Searle on behalf of the Women's Legal Service NSW regarding technology-facilitated stalking that takes place across State and Territory borders, the position, as outlined in the second reading speech, is that the model legislation aims to preserve local laws to the extent possible so that a non-local domestic violence order [DVO] is enforced against the defendant in this jurisdiction as if it were a New South Wales DVO. Similarly, a New South Wales DVO will be enforced in an interstate participating jurisdiction as if it were a local DVO.

The model provisions provide that breaches of DVOs are recognised in all participating jurisdictions. In other words, contravention of a non-local DVO that is a recognised DVO in New South Wales under the scheme may be enforced in New South Wales as if it were a New South Wales DVO. New section 98ZF (4) does not seek to exclude any particular type of abuse. New section 98ZF (4) is intended to reflect existing requirements of part 1A of the New South Wales Crimes Act 1900. That part requires a geographical nexus between New South Wales and a criminal offence. The bill does not alter that principle. Under the National Domestic Violence Order Scheme any prohibitions, restrictions or conditions attached to a DVO will follow the person subject to the DVO across jurisdictional borders. For example, if a New South Wales DVO prevents online communication between the victim and the defendant, and the breach occurs where one of the parties is in Victoria, then that will constitute a breach of the New South Wales DVO and be enforceable in Victoria or New South Wales.

The bill lays the groundwork to better protect victims of domestic violence and hold domestic violence perpetrators accountable for their actions nationwide. Under existing State and Territory legislation the protection provided by domestic violence orders, or DVOs, is not always able to be enforced across jurisdictional borders unless the protected person manually registers their DVO in a court of the new jurisdiction. In the twenty-first century, when people frequently move interstate, this is not acceptable. That is particularly so because we know that two out of three women move away from their homes at the end of a relationship when they have been living with a violent male partner, as reported by the Australian Bureau of Statistics. The National Domestic Violence Order Scheme aims to provide victims who relocate interstate with the protection they need and deserve. Importantly, it also means that perpetrators of domestic violence cannot escape the conditions and restrictions of their DVOs by going to another State or Territory. There will be no place in this nation where a victim goes unprotected, and no place in this nation where a perpetrator is able to hide.

An information-sharing scheme that provides timely, accurate and valid information is critical to ensure the success of the National Domestic Violence Order Scheme. Real-time information about DVOs is essential for police officers to enforce orders anywhere in Australia. The information will form the evidence base for police to act quickly, and for police and courts to ensure that the rights of all parties are protected. It is crucial that we get the information-sharing system right. We also need an interim information-sharing system in the short term. The interim system will rely on the existing National Police Reference System, which is used to share essential policing information.

The system is specifically designed to equip police anywhere in the nation with the knowledge that they need to make on-the-spot decisions when dealing with persons of interest. As the National Police Reference System does not have real-time evidentiary and enforcement capability, information on existing DVOs may not be updated in a timely manner. Law enforcement agencies recognise that they may also need to make further inquiries with their interstate colleagues to verify the existence of, and any relevant conditions of, a DVO made in another State or Territory. New South Wales police will make necessary inquiries with their interstate counterparts as to the existence of a non-local DVO before making an operational decision.

A considerable amount of work and collaboration has been undertaken across the nation towards these reforms since 2012, and specifically on the model laws for the scheme since late 2014. I again thank all those involved in the reforms—the members of the National Domestic Violence Order Scheme working group, the Advisory Panel on Reducing Violence against Women and their Children, and the highest levels of government at COAG. Our local stakeholders—in particular the NSW Police Force, the Chief Magistrate's Office and Legal Aid NSW—have also shown a considerable commitment to these reforms. I also thank the New South Wales Bar Association and the Law Society of New South Wales for taking the time to review these reforms.

In regard to specific issues raised by the Hon. Adam Searle, as part of the December 2015 COAG commitment to establish the National Domestic Violence Order Scheme, leaders agreed to establish an interim information-sharing system that will provide police and courts with information on all DVOs that have been issued. The information-sharing capabilities are essential to support the operation of the model legislation. Discussions are ongoing between jurisdictions and the Commonwealth on the implementation of the interim information-sharing capability to ensure that police and courts have access to relevant information about DVOs issued in Australia.

Consequently, the New South Wales legislation will commence on proclamation to allow time for the interim information-sharing capability to be put in place. The Attorney General said in the other place that she looks forward to working with her colleagues on the Law, Crime and Community Safety Council so that all States and Territories introduce the model laws in the first half of 2016, as per their commitment. New South Wales looks forward to other jurisdictions joining in, taking the necessary steps to provide victims of domestic violence with the protection of a DVO wherever they go in Australia. This is an important piece of legislation, and I commend it to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. 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.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [10.27 p.m.]: I move:

That this House do now adjourn.

GREEK INDEPENDENCE DAY

The Hon. COURTNEY HOUSSOS [10.27 p.m.]: This Friday, 25 March, will be Greek Independence Day, a day that commemorates the beginning of the Greek revolution between 1821 and 1832 against the ruling Ottoman Empire. The Greek War of Independence started in 1821, with sporadic revolts against Turkish rule in the Peloponnese. This area was able to declare its independence from the Ottoman Empire one year later, setting

the groundwork for a larger but drawn-out and bloody campaign that eventually led to the end of the 379-year rule of the Turks over the Hellenic people. Inspired by the American and French revolutions, it brought democracy back to its birthplace.

The stories of the bravery and resilience of the Greek revolutionaries mirror the stories we heard after the Greek general and Prime Minister Ioannis Metaxas said, "No!"—"Ohi!"—to Mussolini in 1940 and the heroic way in which the Hellenic people fought during the Second World War. In both cases they were outnumbered, but their tenacity allowed them to succeed against an occupying force that tried to wipe out their language and their culture. I must recognise the important role played by the Greek Orthodox Church in maintaining the Greek language and culture during the Ottoman occupation. It may be part of the reason that the Greek community maintains such a close affection and relationship with our church—sadly and evidently more than many other churches have managed in recent decades. Wherever you travel in Greece, you can visit and hear stories of hidden, underground churches, where priests risked their lives to preserve the precious icons and language of the church.

There have been and will be many events around Sydney celebrating Greek Independence Day. Last week a reception was held in Parliament House celebrating Greek independence, and I note that many members of the Legislative Council and the Legislative Assembly—too many to name but including both the Premier and the Leader of the Opposition—were in attendance. There will also be a number of local celebrations to recognise the contribution of the Greek community across our great State and the struggles of the Hellenic people for almost 200 years ago. It is not uncommon for people to first reflect on the strong work ethic and the delicious cuisine of the Greek people who have made Australia their home.

But as the Greek Consul-General, my friend Dr Stavros Kyrimis, reflected last Saturday at the Parramatta City Council Greek flag-raising event, the contribution of the Greek community goes far beyond gastronomy and hard work. It is the very foundation of our democracy, the foundation of our participation in this place that is the greatest contribution of the Greek people to our nation. We should not forget that Athenian democracy, which was developed around the fifth century in the ancient polis of Athens, was the basis from which all democratic theory has flowed since. We can see the Greek influence across the disciplines of science, maths and, of course, philosophy—the cornerstones of Western civilisation. Indeed, my proudly Greek husband often says that if intellectual property had existed in ancient times the Greeks would be a wealthy nation today.

The flag-raising ceremony at Parramatta was especially meaningful as I reflected on the tradition in villages throughout Greece to hold flag parades on Greek Independence Day, when schoolchildren in traditional Greek costume march and carry flags to commemorate the day. I was honoured to represent the Labor Opposition at the flag-raising ceremony and I particularly thank and acknowledge Parramatta City Council, the Hellenic Orthodox Community of Parramatta and the St Ioannis Greek junior and senior dance groups, along with the Aristotelian Academy of Greek Traditional Dancers, who gave such wonderful performances on the day.

The date 25 March is also the day the Greek Orthodox Church celebrates the Annunciation to the Theotokos, where the Archangel Gabriel appeared before Mary and announced to her that she would soon bear the son of God. For Greek people it is a very special day that celebrates and commemorates the struggles, adversity and ultimate victory of the people of Greece and their nation state and that honours the humbling acceptance of Mary to be part of God's plan, as all members of the Greek Orthodox Church are called to do. I wish all Hellenic Australians in New South Wales a very happy Greek Independence Day and wholeheartedly encourage everyone in this place and outside it to take part in the festivities of this important day.

COAL INDUSTRY JOB LOSSES

Mr JEREMY BUCKINGHAM [10.32 p.m.]: Tonight I speak on my topic of choice—coal and its very limited future. The other day I tried to ask the Government a question in this Chamber about its plan to deal with coalmining job losses in the Hunter. I was howled down and it was suggested that I was crying crocodile tears. I was not. I will keep asking those questions until the Government has a plan. I spent today meeting with very concerned members of local government from the Hunter Valley, including from Cessnock, Maitland, Singleton and Muswellbrook. They are struggling to deal with the job losses in coalmining areas. As the mining has moved up the valley the closures have moved up the valley too. I commend Mayor of Muswellbrook Martin Rush.

The Hon. Courtney Houssos: A great Labor man.

Mr JEREMY BUCKINGHAM: He is a good Labor man, no doubt about it. There are a couple out there.

The Hon. Dr Peter Phelps: Name them.

Mr JEREMY BUCKINGHAM: Martin Rush.

The Hon. Shayne Mallard: And the other one?

Mr JEREMY BUCKINGHAM: I rate Glenn Taylor in Orange. He is a good bloke. Jeff Whitton is not a bad fellow either. Then there is John Faulkner and, of course, the Hon. Greg Donnelly. It is a short list. Martin Rush wants the Government to come up with a plan for transition to diversification and has put \$10 million on the table. A total of 17 per cent of his local community is employed in coalmining, but that number is dropping because the banks are pulling their money out. The so-called limitless growth has come to an end. It is not The Greens who are leading the charge; it is the banks. The Greens were just the visionaries who knew it would end because of the issues with fossil fuel.

That bastion of leftist dogma JPMorgan Chase announced two weeks ago that it would no longer finance new coal-fired power plants in the United States or other wealthy nations. The retreat follows similar announcements by the Bank of America, Citigroup and Morgan Stanley that one way or another they are backing away from coal. The biggest banks and financiers are getting out of coal. The coal industry is in structural decline. Members of the Cabinet in private conversations with me have said—

The Hon. Dr Peter Phelps: Name them.

Mr JEREMY BUCKINGHAM: I will not name them. They acknowledged that coal is in structural decline, yet there are 20 new coalmines on the books in Australia. Labor backs them all. Labor's Federal spokesperson on Infrastructure, Transport and Tourism, the Hon. Anthony Albanese, was in his electorate of Grayndler saying he is concerned about climate change. But when Labor was in government it backed, and now in opposition is backing, coal seam gas and new coal projects. The Labor member for the Federal seat of Hunter, Joel Fitzgibbon, also backs these projects. I hope State Labor changes its position on coalmining.

Anglo American Australia has had its credit rating cut to junk status and announced a US\$5.6 billion dollar loss while putting its coalmines up for sale. Peabody Energy is about to go bankrupt, with its US\$1,400 share price dropping to US\$2. Goldman Sachs has cut its long-term coal price forecast to US\$42.50, a price at which few if any coal producers will make any profit. Chinese coal net imports fell 11.6 per cent year on year in January 2016, following a 30 per cent decline in 2015 and an 11 per cent decline in 2014. China is poised to become a net exporter of coal. India's coal imports are down 16.5 per cent year on year in the 10 months to January 2016. JPMorgan Chase has announced that it will no longer finance new coal-fired power stations, following similar announcements by the Bank of America, Citigroup and Morgan Stanley.

Coalmines are going bust; Wambo mine, Wilpinjong mine, Mount Thorley are all going to the wall. The Government must come up with a solution for the people of Singleton, Muswellbrook, Kurri Kurri and Cessnock because it is the Government's responsibility. The miners put their lives on the line for the economic prosperity of the State. We knew that this day would come. Where are the defenders of coalmining? If the Government cannot defend coalmining it must defend coalminers as we make the transition.

REFUGEE RESETTLEMENT

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [10.37 p.m.]: Yesterday being Harmony Day, Premier Mike Baird posted an inspiring tweet:

Iptesam and Ayad arrived in Australia last week with 2 two kids, Mark and Rita ... and are now proud to call NSW home.

They have a life story that many of us can barely comprehend.

As Christians in Iraq, they were persecuted as a minority. When ISIS overtook their home city of Mosul, they were told they needed to convert to Islam or pay taxes they couldn't afford. They were repeatedly threatened with death.

They fled their home in July 2014 and found themselves in a refugee camp in Lebanon. Finally, their prayers were answered and they found themselves with an opportunity for a new life here in Australia.

In his Australia Day address, Premier Baird acknowledged the need for Australia to maintain strong border protection policies and he said:

But we must not lose sight of who we are that makes us so great.

I say we have a choice: We can continue on the path that brought this nation to where we are today, or we can let fear blind us and fear infect us.

To shut our doors to refugees, as many here and around the world are calling for, is to deny our history, to deny our character.

In a quest for personal comfort let us not sacrifice who we are above all, which is welcoming, compassionate and inclusive.

The Premier has appointed Dr Peter Shergold as Commissioner for Refugees, who has been working hard with local councils to prepare a warm welcome for those who have fled violence in Syria. Prior to the announcement of our Syrian refugee intake, Premier Baird offered assistance to the former Abbott Government for resettlement of illegal maritime arrivals who are living in New South Wales on what is called bridging visa E. They have an uncertain future as they have not yet had their refugee status assessed and will not be granted citizenship under Commonwealth law. They arrived in Australia during the period between the Rudd Government's disastrous decision to repeal the Howard Government's border protections and the Gillard Government introducing the Manus Island policy. For this reason they are often referred to as "Labor's legacy". More than 30,000 people arrived during this period and they are still here, awaiting a decision on their future.

Statistics on the Department of Immigration and Border Protection website reveal that, as at 29 February 2016, 1,753 people were living in immigration detention facilities; a further 576 people were living in the community after being approved for a residence determination; and 28,738 were living in the community after being granted a bridging visa E [BVE]. A key delay was the difficulty in getting a program approved by the Senate in Canberra, and during this period our refugee intake fell from 20,000 to 13,000. Finally, the Safe Haven Enterprise Visa [SHEV] scheme was approved. It enables asylum seekers to apply for a five-year onshore visa and, provided they live, work or study in regional New South Wales, they will be given a pathway to apply for a future visa. I am honoured that the Premier asked me to advise on what role New South Wales can play in the implementation of this scheme to ensure positive outcomes for those found to be genuine refugees and approved for SHEV.

The Department of Immigration and Border Protection website points out that any illegal maritime arrivals not in detention are free to live wherever they choose, and 10,029 have chosen to live in New South Wales. Of that number 2,889 have come from Iran, 2,147 from Sri Lanka, 1,251 from Afghanistan, 959 from Iraq and 555 from Afghanistan. A large number of countries are represented in smaller numbers and 1,113 are stateless. Statistics also show that 86 per cent are male and 78 per cent are under 35 years of age; some 2,250 are aged 18 to 25 years of age—it should be remembered that they have been here for some years already so they would have been school aged when they arrived—and many more are children.

Thanks to Dr Shergold I have participated in meetings with councils in rural communities that have established refugee services to discuss the resettlement of Syrians in locations approved by the Federal Government, but a number of rural and regional councils not included in that list have expressed a desire to lend a hand. Indeed, I have been stunned by the warmth and generosity of communities such as that of Lismore where 500 people attended a rally last year to support the resettlement of refugees in their community. Last year, when Premier Baird offered then Prime Minister Abbott assistance with this scheme, he said:

NSW stands ready ... to take more than our fair share. Yes, we have strength in our finances but my strong sense is that means nothing, unless we offer help to those who are vulnerable amongst us.

I place on record my pride in being a member of a government that chooses hope and purposefulness in settling those found to be refugees in welcoming communities. Anyone who wishes to step up and lend a hand would be very welcome.

TAFE NSW

The Hon. GREG DONNELLY [10.42 p.m.]: I have spoken in this House before about the parlous state of apprenticeship and vocational training in New South Wales. Sadly, it seems that almost every week another crisis is reported in the public domain. Only last week training company Evocca College made the news—but for all the wrong reasons—when it announced that 220 positions were going to be made redundant and 17 smaller campuses were expected to be closed. Campuses to be closed in New South Wales included

those at Bankstown, Blacktown, Campbelltown, Gosford, Penrith and Seven Hills. Earlier today the news broke that training company Australian Careers Network had appointed administrators. Australian Careers Network operates several colleges, including Consider This Training, Cove Training and Smart Connection. These colleges are located across New South Wales, Victoria and Queensland and about 15,000 students have been left in limbo as a result of this collapse.

I could devote the whole of this adjournment speech to looking at the problems associated with VET FEE-HELP courses, but I will return to that matter on another occasion. Many people in this State are concerned about the future of TAFE. It is not clear whether the Government and the Minister responsible for TAFE in the other place, Mr John Barilaro, share those concerns. If the Government and the Minister have a future vision for TAFE, they are keeping it well and truly hidden. Indeed, the approach being taken appears more akin to treating a gravely ill patient on life support, rather than supporting and developing one of the key education institutions in this State. I draw the attention of the House to an article that appeared in the *Australian* on 2 March 2016 entitled "Terry Charlton plans TAFE NSW revamp". That article is effectively an interview with Mr Terry Charlton, chairman of TAFE NSW.

In the interview Mr Charlton is reported to have made a number of comments, including: TAFE NSW is one of the most overgrown bureaucracies in the State; it has a bloated management structure and overheads of up to 50¢ in the dollar; it is not unreasonable to expect that one-quarter of TAFE's operating costs of about \$2 billion a year could be saved over the next few years; that he would advise the State Government to pursue a one-year to two-year program of trimming overheads; underused facilities could be sold off or given back to the Government; generic administrative services could be handed to a central agency; and the proposed \$500 million in savings would enable the Government's operational base funding to be progressively removed.

I presume these are the plans that Mr Charlton chooses to share with the public via his interview with the newspaper. It is not unreasonable to conclude that Mr Charlton has other ideas and plans that he does not wish to publicly telegraph. It remains unclear whether Mr Charlton will share those thoughts with the public. Indeed, he may choose to make no further comments. Therein lies the core of the problem. We have a Minister who is saying very little with respect to the future of TAFE and vocational education in this State either inside or outside the Parliament. People across the State, in particular, those living in rural and regional locations, are concerned about the future of TAFE.

It is virtually impossible to find out what this Government's plans are for this premier training institution. People are left to watch TAFE crumble before their eyes: there are massive fee hikes, reduced teacher-to-student contact hours, shelving of courses, retrenchment of teaching and support staff, enrolments are dropping, and the list goes on. Despite this, Minister Barilaro has nothing to say, just deliberate, calculated and unapologetic stone cold silence. Along with many others I want to know what the Minister says about Mr Charlton's recently announced plans for TAFE NSW. Mr Charlton has deliberately laid out a whole range of reforms that he plans to implement in TAFE.

The question is: What does the Minister think about the proposed changes? Does he agree with all of them or just some of them? If it is just some of them, which ones does he support? With respect to the reforms he does support, in what order does the Minister believe they should be implemented or should they be implemented concurrently? The questions go on and on. The time has well and truly passed for the Minister to step up and stand up for TAFE. When it is all said and done he is the Minister for Skills. It is not acceptable for him to remain mute on the sidelines. TAFE means a lot to the citizens of New South Wales. This has been the case for many generations. It must be given the attention it deserves so it can continue to provide education opportunities for many years to come.

PERSECUTION OF COPTIC CHRISTIANS

Reverend the Hon. FRED NILE [10.46 p.m.]: Tonight I will speak about Islamic terrorism and persecution. The world was shocked by the attacks in Paris last year and by the complete absence of mercy and ruthless murder of civilians in wheelchairs. The main ringleader was captured after he fled to Brussels, Belgium. During the gunfight prior to his capture he was wounded in the foot. Tonight in Brussels bombs have exploded in the airport and at a railway station. Is this payback? Originally the media reported that one person was dead, but that number has increased to 25 dead, with no final figures yet released. Europe is now fearful of who will be next.

I am particularly concerned about what I call the human face of terrorism and persecution, the Christians who make up the Coptic Church in Egypt. The Christians in Egypt are facing a new wave of

persecution at the hands of Muslim extremists. Human rights groups say the situation in Egypt is on the brink of exploding. While the attacks on Egypt's Christian community are not on the scale of persecution faced by those in Syria or Iraq, the Coptic Christians are facing renewed persecution and isolation in their own country. A Coptic activist and leader of the Egyptian Commission for Rights and Freedoms stated:

We are the weaker element in society so if anything happens we will be the first victims.

Further he stated:

You are the target of extremists when no-one is supporting you.

He was referring to the sluggish protection the Christian community receives from the police. While Egyptian President el-Sisi has taken steps to protect the Coptic Christians and has made calls for national unity, many of the latest incidents have occurred not very far from the capital, Cairo. The mix of poverty and limited job prospects there is typical of the social conditions and could trigger the sort of unrest in which the country's Christians, comprising Orthodox, Catholic and some Protestant members of the faith, become central targets, just as Jews were historically targeted during pogroms.

Not all the people would blame the Copts but many Egyptians have strong negative thoughts towards the Coptic community. A recent incident saw Muslim mobs in the Minya village of Nasreya descend on the homes of five Coptic students, shouting that they had insulted Islam in a video that was circulating among the young people showing the youths praying with their Coptic teacher. In fact, the students had been making fun of ISIS, according to Coptic activists. While police arrested the teacher and detained him for questioning over four days, the Muslim mobs threw rocks at the homes of the youths in a bid to force their parents to hand over their children to the authorities. Blasphemy is a crime in Egypt, but human rights activists say the authorities have traditionally used the law to persecute minorities, among them Coptic Christians.

Often children are detained by the authorities, as are other Christians who have been victims of Muslim assaults. For example, five Coptic children were charged with blasphemy and insulting Islam. There are still open cases where Christians are charged with inciting violence as if they were the perpetrators when they were, in fact, the victims. It is also reported that a Muslim mob attacked Christians in a Minya village which had been the home of 13 of the 21 Christians whose murder by ISIS in February was captured in a gruesome video showing them being beheaded on a Libyan beach. The Christians wanted to build a church to honour these 21 martyrs but the Muslim mobs in that area have forced them not to build that church. Let us remember these Coptic Christians in our prayers.

LAWRENCE HARGRAVE

The Hon. RICK COLLESS (Parliamentary Secretary) [10.51 p.m.]: I have recently been honoured by being appointed as patron of the Lawrence Hargrave Centre, an organisation founded by a group of Stanwell Park residents dedicated to promoting the aeronautical research and development achievements by Australia's most famous aeronautical pioneer, Lawrence Hargrave. I was appointed to the centre as I am a descendant of Lawrence Hargrave and have spoken in this Parliament on many occasions about Lawrence's contribution to the development of aeronautical research and the subsequent development of the international aviation industry. The member for Heathcote and the member for Kiama in the other place have also spoken about Lawrence Hargrave's achievements.

The Lawrence Hargrave Centre requested that I write to the Premier of New South Wales outlining Lawrence's contribution and present the Premier with a copy of its book *Wind Beneath His Wings—Lawrence Hargrave at Stanwell Park*. Lawrence developed many ideas that eventually became mainstream in the aviation industry. The first of these was the radial rotary engine, developed in February 1889, which was the major aircraft engine for some 50 years. During 1893 the second development was the three-dimensional kite, commonly known as the box kite, providing stable wing surfaces in moving air. Lawrence became the first human to be lifted off the surface of the earth by a machine that was heavier than air—he was lifted 16 feet above the ground by a gang of his box kites on 12 November 1894. A replica of this kite hangs in the atrium of the Powerhouse Museum in Sydney.

A whole generation of successful European biplanes, including, of course, the wings on the first powered flight of an aircraft by the Wright Brothers in 1903, used a wing configuration developed from

Lawrence Hargrave's box kites. Lawrence's third significant invention was the development of the curved aerofoil wing shape during the period 1896 to 1898. This was a major breakthrough as it is the characteristic which gives an aircraft its lift, enabling it to fly and maintain stability through the air. This wing shape remains in use on all aircraft flying today, and although it was long assumed that a curved wing would have "soaring power", Lawrence scientifically developed and refined the curvature of the wing shape until he obtained a very efficient wing profile.

Lawrence Hargrave refused to patent any of his inventions as he believed this work was so important that it should be immediately available to all co-researchers in this field worldwide. To this end, Lawrence was internationally recognised by his European contemporaries working in aeronautical research, despite working in virtual isolation at Stanwell Park in Australia. One of these researchers was Alexander Graham Bell, who, although better known for his work with the telephone, was also a noted aeronautical pioneer. In 1911 Bell came to Australia specifically to visit Lawrence Hargrave and during an address at that time he said of Hargrave:

His work formed the basis of our modern progress and teaching regarding the navigation of the air.

Bell also made the comment that Lawrence Hargrave was better known in America than in his own country and unfortunately this remains the case today. The contributions of Lawrence Hargrave are the more remarkable because they were made before the development of a lightweight, compact and powerful enough aircraft engine to drive them. His vision was far-sighted enough to see that everything he invented and painstakingly tested needed little more than the eventual internal combustion engine, which powered the work of his successors, using his ideas and inventions.

In recent years Dr Karl Kruszelnicki nominated Lawrence Hargrave as Australia's best scientist for quality of inventions, thoroughness of scientific method and contributions to his chosen field—a fitting epitaph for a remarkable man. The Lawrence Hargrave Centre believes it is time that Australia recognised one of our most remarkable scientists by naming the new international airport at Badgerys Creek the Lawrence Hargrave International Airport. Further, the International Airport Code "LHX" should be reserved for this airport as LHX is not currently in use as an airport code. While there are many other worthwhile nominees who have contributed to the aviation industry in Australia, the early aeronautical research and development undertaken by Lawrence Hargrave made their contributions possible. I fully support the proposal by the Lawrence Hargrave Centre and respectfully call on the New South Wales Government to support the naming of the new Badgerys Creek airport as the Lawrence Hargrave International Airport.

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

Motion agreed to.

The House adjourned at 10.56 p.m. until Wednesday 23 March 2016 at 10.00 a.m.
