



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 4 April 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 4 April 2017

The PRESIDENT (The Hon. John George Ajaka) took the chair at 14:30.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

Bills

LOCAL GOVERNMENT AMENDMENT (RATES—MERGED COUNCIL AREAS) BILL 2017

Assent

The PRESIDENT: I report receipt of a message from the Governor notifying His Excellency's assent to the abovementioned bill.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:31): On 2 April 1917 President Woodrow Wilson addressed a special sitting of both Houses of Congress. The sinking of American ships in the Atlantic over the previous two months by German submarines was, he said, "nothing less than war against the Government and the people of the United States" and that America's policy of armed neutrality was no longer "feasible" or "desirable". Much of the history of the twentieth century and America's notion of her place in the world was shaped by the speech that followed:

We are glad to fight for the ultimate peace of the world and for the liberation of its peoples ... for the rights of nations great and small and the privilege of men everywhere to choose their way of life ... The world must be made safe for democracy. Its peace must be planted upon the tested foundation of political liberty ... We have no selfish ends to serve. We desire no conquest, no dominion ... We are but one of the champions of the rights of mankind ... we shall fight ... for democracy.

The President spoke for 36 minutes. According to *The New York Times* his remarks were met with a great scene of wild cheering from the floor and from the galleries. Republicans and Democrats alike stood in their places, many waving flags. Four days later a resolution declaring war on Germany was passed by the Senate, 82 votes to 6, and by the House, 373 votes to 50. And with that the United States entered the war. More than four million military personnel would be mobilised over the coming month; more than 100,000 never came home. Lest we forget.

Visitors

VISITORS

The PRESIDENT: I welcome into the gallery Mr Brian Davies, CVO, former Official Secretary to the Governor of New South Wales, and his grandson Aston. I am sure all members join me in welcoming him.

Rulings

PERSONAL EXPLANATIONS AND INTERJECTIONS

The PRESIDENT (14:34): I propose to give a ruling, as I indicated I would when we were last here on Thursday. It is a lengthy ruling, and I would be grateful if I am heard in silence. Following question time on Thursday 30 March the Hon. Walt Secord was granted leave to make a personal explanation. Members will recall that a number of points of order were taken and, consequent on an interjection by the Hon. Walt Secord during debate on one of those points of order, he was called to order for a third time and removed from the Chamber until the termination of the sitting. Debate on a number of points of order continued following the Hon. Walt Secord's removal and I indicated to the House that I would carefully review the transcript of the sitting and, depending upon what the transcript recorded, give a further ruling today. I will now give that ruling.

I have carefully reviewed the transcript from the commencement of questions to the conclusion of debate on the points of order on the personal explanation. First, I congratulate Hansard on the exemplary job it has done, under what were difficult circumstances. At 14:34 the Hon. Walt Secord asks the third question, concerning the "Brogo-Bermagui water supply system". *Hansard* records the Hon. Duncan Gay interjecting, "Probably when you learn how to pronounce the name." The Hon. Walt Secord responds by saying, "Stop making fun of accents." There is a further exchange of interjections between the Hon. Walt Secord and the Hon. Duncan Gay. Both

members are placed on calls to order and, following his fourth interjection, the Hon. Walt Secord is placed on a second call to order.

At 15:02 the Hon. Greg Donnelly asks a question about the Central Coast water supply. The Hon. Walt Secord interjects again and I remind him that he is on two calls to order, and indicate that the Leader of the Opposition does not want him to have an early mark. At 15:04 a question is asked about work health and safety. The Hon. Shaoquett Moselmane and the Hon. Trevor Khan are called to order for the first time. The Hon. Duncan Gay is called to order for the second time. At 15:13 a question is asked on coal seam gas exploration. The Hon. Lynda Voltz and the Hon. Penny Sharpe are called to order for the first time. I remind some members that they are on two calls to order. At 15:25 a question is asked about the Parklands Community Preschool. The Hon. Lynda Voltz is called to order a second time, and during the answer to the next question I remind her that she is on two calls to order.

Following the conclusion of questions, the Hon. Walt Secord seeks and is granted leave to make a personal explanation. However, he clearly proceeds to go beyond the bounds of a personal explanation. The Leader of the Government rises on a point of order in relation to the scope of a personal explanation. However, there is an exchange of interjections between the Hon. Duncan Gay and the Hon. Walt Secord. Later I refer to members having engaged in screaming at one another across the Chamber. The Hon. Walt Secord is recorded as responding to the point of order taken by the Leader of the Government by saying, "Covering up for a racist." I did not personally hear the comments at the time due to the interjections and the fact that I was conferring with the Clerk.

As a result of further interjections, the Hon. Walt Secord is called to order for a third time and I direct the Usher of the Black Rod to remove him from the Chamber until the termination of the sitting. The Leader of the Government and the Hon. Duncan Gay both take points of order taking offence at the terms used by the Hon. Walt Secord. Debate continues on these points of order and I reserve my ruling.

Before I rule on the points of order I make the following observations. Interjections are disorderly at all times. Whilst I have no desire to stifle robust debate and a robust question time, I will not tolerate, nor would the community expect me to tolerate, the sort of behaviour that occurred last Thursday. Members hold a position of trust and are leaders in the community, and should conduct themselves accordingly.

It is extremely difficult, not only for the President but just as importantly for Hansard, to hear the contributions of members from the backbenches, particularly when other members are interjecting on them. Again, I have no desire to change the traditions of the House and require that all contributions, whether they be questions or points of order, be made from the lecterns. However, if it continues to be impossible to hear the contributions of members from the backbenches due to interjections I may have to so direct.

The subject the Hon. Walt Secord sought to raise in his personal explanation was the correction of a member's pronunciation, a matter the Deputy Leader of the Government addressed in his contribution on the points of order. I have experienced my pronunciation being corrected in the Chamber as have other members from all sides of the Chamber. Sometimes such correction is of assistance. On other occasions it seems to be aimed, at least in part, at embarrassing the member.

In 2009 former President Primrose ruled that when a person is in public life and a member of Parliament, the risk of being criticised in a political way must be expected. Politics is not for sensitive persons. In the course of debate when members canvass the opinions and conduct of their opponents, they must expect criticism. I would add that where a member engages in provocative behaviour, including the making of a barrage of interjections, including personal interjections, they should not be surprised if their opponents respond to that provocation.

There are no previous Presidents' rulings dealing with the correction of mispronunciation, or the other suggestion made by the Hon. Walt Secord, the claim about imitation of a member's accent. Nor is there any ruling on these matters from the other place in this Parliament or even the Senate. However, I would draw to members' attention the fact that this subject has received attention in the House of Representatives where it has been ruled disorderly to imitate the voice or manner of a member, or to make remarks in relation to a member's stature or physical attributes. In one celebrated incident in 1985 former Prime Minister Bob Hawke apologised to the House after having earlier that day imitated the voice and manner of the then member for North Sydney when answering a question from the member.

As indicated earlier, I am reluctant to unduly stifle the robustness of debate in this House. However, the robustness of that debate should be about contested ideas, policies and public administration, not about the personal attributes of members. I ask members to reflect upon this matter and exercise some self-restraint in this regard even when provoked. I will carefully monitor all such interactions and will make further rulings if required.

I will now turn to the points of order. First, I have already ruled on the Leader of the Government's initial point of order. To reiterate: As ruled by former President Primrose in 2008 a personal explanation allows a member to explain how his or her honour, character or integrity has been reflected upon and must not debate the subject matter of the explanation. As former President Johnson ruled in 1986, a personal explanation should not be used to explain matters on behalf of any other person. As former Deputy President Solomons ruled in 1988, a personal explanation should not deal with the conduct of another person.

The Hon. Walt Secord clearly went beyond the bounds of a personal explanation last Thursday and it was appropriate that leave was withdrawn. I indicate to members that if they misuse the provisions of Standing Order 88 I will not hesitate to intervene to direct them to resume their seat even before leave is withdrawn.

Secondly, as to the use of the phrase "covering up for a racist," the *Hansard* transcript clearly shows that the Leader of the Government and the Hon. Duncan Gay both took offence at this remark. Numerous rulings by former Presidents make clear that when offence is taken to a remark it is for the Chair to place themselves in the place of the members who claim to be offended. As ruled by President Johnson in 1987, if the Chair is of the opinion the words are offensive the member will be called upon to withdraw and, in a serious case, the member will be required to make an apology to the House. I find the term "racist" and the phrase "covering up for a racist" to be grossly offensive. I therefore direct the Hon. Walt Secord to withdraw the remarks and apologise to the House.

The Hon. WALT SECORD: I withdraw the remarks and apologise to the House.

Documents

REGISTER OF DISCLOSURES BY MEMBERS

The PRESIDENT: In accordance with the Constitution (Disclosures by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Council: Supplementary Ordinary Returns for the period 1 July 2016 to 31 December 2016, together with Primary Returns and Discretionary Returns submitted since October 2016.

The Hon. DON HARWIN: I move:

That the document be printed.

Motion agreed to.

Motions

HUNTER RESEARCH FOUNDATION CENTRE

Mr SCOT MacDONALD (14:47): I move:

- (1) That this House notes that:
 - (a) the Hunter Research Foundation Centre is a new joint venture between the longstanding Hunter Research Foundation and the University of Newcastle;
 - (b) the centre works with industry, government and communities and provides the data and analysis to assist them to make informed decisions about investments and economic trends;
 - (c) the Economic Breakfast Series is the centre's venture flagship event, and was most recently held on Tuesday 14 March 2017 with the latest Hunter economic outlook presented by Dr Anthea Bill; and
 - (d) Mr Tim Crakanthorp, MP, member for Newcastle, and Ms Kate Washington, MP, member for Port Stephens, were in attendance.
- (2) That this House congratulates Professor Eileen Doyle, Professor Maree Gleeson, OAM, Mrs Michelle McPherson, Mr Bruce Tyrell, AM, and Chief Economist, Andrea Bill, on their continuing leadership in the economic development of the Hunter.
- (3) That this House commends the Vice-Chancellor, Professor Carolyn McMillan, and the University of Newcastle for their leadership in ensuring the 60-year Hunter Research Foundation has a sustainable future in collaboration with the university and will continue to serve the Hunter.

Motion agreed to.

Documents

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. SCOTT FARLOW: According to Standing Order 59 I table a list of papers tabled and not ordered to be printed in the previous month.

*Committees***LEGISLATION REVIEW COMMITTEE****Report: Legislation Review Digest No. 34/56**

The Hon. GREG PEARCE: I table a report of the Legislation Review Committee, entitled "Legislation Review Digest 34/56", dated 4 April 2017. I move:

That the report be printed.

Motion agreed to.

*Documents***TABLING OF PAPERS**

The CLERK: I announce receipt of the following reports presented since the last sitting of the House, and ordered to be printed:

State Owned Corporations Act 1989—Reports for six months ended 31 December 2016:

Endeavour Energy

Essential Energy

Forestry Corporation of NSW

Hunter Water Corporation

Port Authority of NSW

Sydney Water Corporation

Landcom (trading as UrbanGrowth NSW)

Water NSW

*Petitions***RESPONSES TO PETITIONS**

The CLERK: According to sessional order, I announce receipt of the following responses to petitions signed by more than 500 persons:

- (1) Response from the Hon. Niall Blair, MLC, Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry to a petition presented by Dr Faruqi on 22 February 2017 concerning support for animal free circuses in New South Wales, received out of session and authorised to be printed on 3 April 2017.
- (2) Response from the Hon. Niall Blair, MLC, Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry to a petition presented by Dr Faruqi on 22 February 2017 concerning mandatory CCTV in abattoirs in New South Wales, received out of session and authorised to be printed on 3 April 2017.
- (3) Response from the Hon. Niall Blair, MLC, Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry to a petition presented by Dr Faruqi on 22 February 2017 concerning making New South Wales shark fin free, received out of session and authorised to be printed on 3 April 2017.

*Notices***PRESENTATION**

[*During the giving of notices of motions*]

The PRESIDENT: Order! I call the Hon. Shaoquett Moselmane to order for the first time.

*Bills***FIRE AND EMERGENCY SERVICES LEVY BILL 2017****MOTOR ACCIDENT INJURIES BILL 2017****Assent**

The PRESIDENT: I report receipt of a message from the Governor notifying His Excellency's assent to the abovementioned bills.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: PRECEDENCE OF BUSINESS**

The Hon. DON HARWIN: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business this day.

Motion agreed to.

PRECEDENCE OF BUSINESS

The Hon. DON HARWIN: I move:

That at the conclusion of proceedings on the State Revenue Legislation Amendment Bill 2017 debate on committee reports take precedence over Government business for the remainder of this day.

Motion agreed to.

Bills

STATE REVENUE LEGISLATION AMENDMENT BILL 2017

Second Reading

The Hon. BEN FRANKLIN (14:59): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

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

Leave granted.

The State Revenue Legislation Amendment Bill 2017 amends the provisions of several Acts covering the functions of the Office of State Revenue relating to taxes and duties.

The amendments are the latest instalment in the Government's ongoing revenue reforms to keep the tax legislation effective and up to date.

This will improve equity, by ensuring clients in similar circumstances have similar outcomes, combat tax avoidance practices by ensuring taxpayer liabilities are consistent with the policy intent of the legislation, and reduce red tape by removing uncertainty, increasing harmonisation with other States and Territories where possible, and improving administrative simplicity.

I will deal first with amendments to the Duties Act 1997.

A number of the amendments improve the effectiveness of the landholder duty provisions.

Landholder duty is imposed on the acquisition of an interest in a company or unit trust that has land holdings in New South Wales with a value of \$2 million or more.

It complements transfer duty by imposing the same duty on an indirect acquisition of land as applies to a direct transfer of land.

In 2013, the Office of State Revenue conducted a review of the landholder duty legislation which identified weaknesses that could result in uncertain interpretation or administration, disputes with taxpayers, or avoidance of duty.

The bill implements a number of recommendations of the review to improve the integrity of the provisions and in some cases increase the level of consistency with other jurisdictions.

Because land is often held in complex company and trust structures, the legislation contains rules to trace the ownership of property through these structures.

The bill amends these rules to link entities in the ownership chain where the target entity is entitled to ultimately receive a 50 per cent or more interest in landholdings.

The bill also confirms the position that liabilities are not taken into account when determining the value of property of entities.

To prevent avoidance of landholder duty, special provisions deal with land subject to an agreement for sale, and treat combined put and call options as an agreement for sale.

The bill contains two other measures to protect the revenue base for duties.

The bill strengthens the duties general anti-avoidance provisions.

The current provisions were modelled on Commonwealth tax legislation, and Federal Court decisions in recent years have reduced the effectiveness of those provisions.

The amendment is based on Commonwealth amendments and will prevent the taxpayer from escaping the anti-avoidance provisions by claiming that the transaction would not have happened if the duty were payable.

The second anti-avoidance measure relates to a duties concession for the transfer of property to the new trustee of an existing trust.

A recent Supreme Court decision overturned 30 years of consistent interpretation of the concession to effectively allow a sale of property to avoid duty, which opened a significant loophole.

The bill closes that loophole.

The bill provides and extends a number of tax and duties exemptions.

These include an exemption from duty on the vesting of land upon the merger of credit unions, building societies and mutual banks, an extension of the exemption for transfers of property as a consequence of the break-up of a marriage or de facto relationship, and

an extension of the exemption for transfers of primary production land between family members to include transfers from a self-managed superannuation fund.

Other duties concessions include the application of nominal duty on transfers to custodians of self-managed superannuation funds where duty has been paid on an agreement for sale to the trustee of the fund, and an exemption for transfers of fund assets arising from members moving to a MySuper fund.

Stamp duty was historically a tax on paper documents, and although the liability now is imposed on transactions, the duty is still assessed and stamped on paper documents.

Technological advances now see legal documents being prepared and signed digitally including, for example, the New South Wales Law Society standard form of contract for sale of land, which can be completed, signed and exchanged digitally.

The duties legislation is therefore being amended to clarify the administration arrangements for assessment of electronic documents.

The bill also includes a provision to better make lessees aware of their potential land tax liabilities.

Currently, some lessees of Crown land who are liable for land tax fail to lodge returns with the Office of State Revenue in the first instance, because they are not aware of their potential liability.

In order to minimise these situations, the bill requires Crown bodies and councils to make lessees aware of a potential land tax liability.

If the Crown does not fulfil this obligation, the Crown body or council will be jointly and severally liable for the land tax liability.

The amendment ensures lessees are able to take into account the cost of land tax in negotiating lease payments.

The bill also updates a payroll tax exemption for motor vehicle allowances to reference the recently amended Commonwealth Income Tax Assessment Act.

The amended Commonwealth provisions replace a three-tiered system with one single motor vehicle exempt rate.

Adopting this one rate for payroll tax purposes simplifies administration for employers and reduces red tape.

Another payroll tax amendment in this bill is the exemption of wages paid to employees who participate in the Commonwealth organ donor scheme to the extent that the wages are reimbursed by the Commonwealth.

This amendment will remove a potential disincentive for employers to approve leave for employees participating in the scheme.

The bill also includes an amendment to allow the Office of State Revenue to share relevant information with the Australian Charities and Not-for-profits Commission.

The amendment will promote the red tape reduction concept of collecting information once to use often.

Many of the individual amendments in this bill could be described as minor or housekeeping amendments, and have the effect of clarifying and fine-tuning the State's revenue legislation.

They are nevertheless an important part of the Government's commitment to maintaining and improving the administration of the State's revenue collection.

The amendments in this bill will improve the level of service provided to taxpayers by facilitating digital transactions and processes, will improve the fairness of State taxes, will reduce the potential for costly litigation and will send a clear message from the Government that tax avoidance loopholes will be closed.

I commend the bill to the House.

The Hon. PETER PRIMROSE (14:59): I lead for the Opposition in debate on the State Revenue Legislation Amendment Bill 2017 and indicate that, although the Opposition has some concerns about the possibility of unintended consequences of the bill, the Opposition will not oppose it. This bill will give effect to changes in several pieces of legislation including the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007. It will also have minor impacts on the First Home Owner Grant (New Homes) Act 2000, the Regional Relocation Grants (Skills Incentive) Act 2011, the Small Business Grants (Employment Incentive) Act 2015 and the Taxation Administration Act 1996.

The most significant changes that will result from this bill can be found in the Duties Act 1997. These changes will include the allowance of electronic transactions rather than only written or paper documents and the changing of nominal duties to replace ad valorem duties in instances of property transfer such as self-managed superannuation funds, the retirement or appointment of trustees, merger of credit unions and mutual structures between family members on primary land, and/or marriage or de facto break-ups. Another set of changes to the Duties Act 1997 will provide for linked entities through complex company and trust structures to be identified and connected to the landholding. It will also close loopholes to prevent avoidance of landholder duties. It will also extend the circumstances in which a trustee, a natural person and a company can be treated as being associated for the purposes of liability of duties.

Changes to the Land Tax Management Act 1956 will require government entities that enter into a lease of Crown land to inform the lessee that the lease land occupied is to be included in their personal assessment of land tax. Under the changes in the bill proposed to the Land Tax Management Act, if the government entity leasing the land does not fulfil this requirement to inform the lessee that they carry responsibility for resolving their own

land tax issues by including the lease in their assessment then the government body itself, having leased the land without properly informing the lessee of potential land tax duty, will be liable for the land tax duty.

Changes to the Payroll Tax Act 2007 provide for appropriate exemptions for employment agents who on-hire their employees from the appropriate wages being included for the purpose of payroll tax when the employee is paid an exempt wage. Examples of this include non-profit organisations, education and training, volunteer emergency services, maternity and adoptions leave, and Aboriginal employment. In essence this means that if a company on-hires an employee to another entity so that the employee can perform duties in any of the listed categories, and others, then the employee's wages should not be included in determining that the original company is responsible for payroll tax. This seems to be an appropriate amendment.

Other minor changes to the Payroll Tax Act will specify that wages paid to an employee participating in the Commonwealth organ donor scheme will not be counted for the purpose of payroll tax—another change the Opposition supports. A company employing a courageous individual participating in this scheme should be exempt from payroll tax. A final change to the Payroll Tax Act will also deal with motor vehicle allowances in keeping with the recently amended Commonwealth Income Tax Assessment Act. The three-tiered system of motor vehicle allowances that has historically been in place will be replaced with a single exempt rate.

Changes to various other Acts are identical changes in each instance and will allow the Office of State Revenue to share information with Australian charities and not-for-profits in the execution of each of those Acts. I refer to the First Home Owner Grant (New Homes) Act, the Regional Relocation Grants (Skills Incentive) Act and the Small Business Grants (Employment Incentive) Act. It is our understanding that the intent of this change, to provide for the exchange of information, is to close loopholes in the application of grants. Further, it appears likely that this change is required due to the incredibly large number of services formerly provided by the public sector and government departments that are now being implemented by charities and not-for-profit organisations.

Primarily, this bill seeks to close loopholes and align with recent changes in Commonwealth legislation. However, to the matter of changes to landholder duties and duties imposed on the transfer of landholdings there is some question about the potential use of these changes in providing what might be described as a free ride for wealthy self-managed superannuation schemes and trusts. It is impossible to determine the quantum of this without access to extensive datasets. In the other place the shadow Minister requested that in the interest of transparency the Minister in reply provide information about the types of volumes of such transfers of landholdings and the financial impacts, positive or negative, to the budget bottom line that will result from the changes proposed in this bill. I make the same request. As noted at the outset, the Opposition does not oppose this bill.

The Hon. PAUL GREEN (15:05): I speak on the State Revenue Legislation Amendment Bill 2017, which makes various amendments to duties, land tax and payroll tax legislation to clarify liability, address avoidance practices and clarify or extend concessions. We note that many of the individual amendments in this bill could be described as minor or housekeeping amendments and have the effect of clarifying or fine-tuning the State's revenue legislation. There are four main parts to this amending bill.

First, the bill amends the Duties Act 1997 to ensure that the Act applies to instruments that are in a digital form; extends an existing concession to transfers of property to the custodian of a trustee of a self-managed superannuation fund where duty on an agreement has been paid; clarifies a concession applying on retirement or appointment of a trustee; provides for an exemption from duty on the vesting of land as a consequence of the merger of credit unions and authorised deposit-taking institutions with mutual structures; extends existing exemptions on a break-up of marriages and de facto relationships to trustees under the Commonwealth Bankruptcy Act 1966; and clarifies landholder duty provisions in relation to the aggregation of interests, tracing through linked entities, anti-avoidance measures, and put and call options.

The bill amends the Duties Act 1997 to ensure liabilities of a landholder are disregarded in determining whether a person has a dutiable interest in a landholder; extends existing exemptions from duty connected with transfers between family members of land used for primary production to self-managed superannuation funds; provides for an exemption from duty connected with transfers of property between superannuation funds required under the Commonwealth's MySuper reforms; strengthens provisions applying to tax avoidance schemes of an artificial, blatant or contrived nature; and extends the circumstances in which trustees, natural persons and private companies are treated as being associated for the purposes of tracing liability for duty to sub-trusts.

Secondly, the bill amends the Payroll Tax Act 2007 to make it clear that certain wages paid by employment agents that on-hire their common law employees to exempt bodies are exempt wages, and wages paid under the Supporting Leave for Living Organ Donors Programme are exempt. Thirdly, the bill amends the Land Tax Management Act 1956 to require a government entity that is the lessor of Crown land to make the lessee aware of its liability for land tax on the land. Fourthly, the bill amends various Acts to permit disclosure of

information to the Australian Charities and Not-for-profits Commission. The Hon. Peter Primrose noted that he could not see any unintended consequences of these amendments and the Christian Democratic Party does not either. We therefore commend the bill to the House.

The Hon. ERNEST WONG (15:09): I will contribute briefly to the second reading debate on the State Revenue Legislation Amendment Bill 2017. As my colleagues have noted, this is complex legislation that will effect changes to regulations of property title in various circumstances, such as marriage/de facto relationship breakdowns, superannuation self-managed schemes, trusts, and financial mutuals and credit unions. It will also seek to close loopholes in tax avoidance and introduce payroll tax exemptions. To achieve this it will give effect to changes in several other pieces of legislation, including the Duties Act 1997, Land Tax Management Act 1956 and Payroll Tax Act 2007. It will also have minor impacts on the First Home Owner Grant (New Homes) Act 2000, Regional Relocation Grants (Skills Incentive) Act 2011, Small Business Grants (Employment Incentive) Act 2015, and Taxation Administration Act 1996.

The most significant changes will be to the Duties Act 1997. These will include allowing electronic transactions rather than only written or paper documents, and the charging of nominal duties to replace ad valorem duties in numerous instances of property transfer as outlined by the bill. Another set of changes to the Duties Act 1987 will provide for linked entities, through complex company and trust structures, to be identified and connected to a landholding. This will close loopholes to prevent avoidance of landholder duties. It will also extend the circumstances in which a trustee, natural person and company can be treated as being associated for the purpose of liability of duty. The changes proposed to the Land Tax Management Act 1956 will provide clarity between the Government and Crown lessees as to liability for taxation on the leased property. The changes proposed to the Payroll Tax Act 2007 provide for appropriate exemptions for employment agents who on-hire their employees.

In short, although this is a complex bill, it addresses a number of pragmatic improvements to the State's revenue recovery systems. The bill seeks to close loopholes and align with recent changes in Commonwealth legislation. I welcome that, and as a long-time supporter of small businesses in various New South Wales communities, I support any measures that provide alignment, and reduce confusion and red tape for businesses. With this support for New South Wales businesses in mind, Labor will not oppose the bill, but I note that clarifications sought by my colleague in the other place, Mr Clayton Barr, remain unanswered by Minister Victor Dominello. On 23 February Mr Barr noted that there is some question about the potential use of changes to landholder duties and duties imposed on the transfer of landholdings, and these changes providing what might be described as a free ride for wealthy self-managed superannuation schemes and trusts. It is impossible to determine the quantum of this without access to extensive datasets.

To this end, I ask the Minister in his reply to provide some figures of the types of volumes of such transfers of landholdings and the financial impacts, positive or negative, to the budget bottom line that will result from the changes proposed in this bill. I ask the Minister to provide these figures in the interests of transparency. I am assuming that the figures will not cause alarm or concern, but rather that the figures will give evidence and testimony to the minor nature of these changes. That is a very reasonable question from a party that had already indicated that it would not oppose the bill. Yet, in his reply, Minister Dominello provided nothing in response. It is disappointing that the Government has failed to show basic professional courtesy to its fellow members in this House by not addressing these basic requests. One would think that when we are working on legislation that has broad agreement things would be done in a more collegiate fashion. However, I do not oppose the bill, and thank members for their attention.

Mr JUSTIN FIELD (15:13): I lead for The Greens in this second reading debate on the State Revenue Legislation Amendment Bill 2017, which The Greens do not oppose. The Greens recognise that, to a large degree, the bill is part of ongoing reforms to clean up elements of a range of bills. We appreciate the briefing from the Minister's staff and the department on this legislation. I will highlight two elements that I queried during that briefing by the Government. The first is the changes to the Land Tax Management Act 1956 and the part that requires Government entities that enter into a lease of Crown land to inform persons that hold that lease that they need to report that in their personal assessment of land tax. It seems totally reasonable that they be informed that they would have a land tax liability.

However, I ask for some clarity from the Government about the transitional arrangements as to how that will work. During the briefing, information was given about local councils. If a local council has not previously provided that information with respect to a lease and the council sends a letter to the person who holds the lease to inform of that, is that sufficient to meet the obligations of the government entity—the council in this instance—so that the council will not be obliged to pay that land tax after this legislation comes into effect? I understand that once the legislation comes into effect, that will be a requirement for councils with respect to new leases. If councils or other government entities fail to include that in leases they will be liable for land taxes. I ask that that be cleared up and for the Government to provide some clarity around the transitional arrangements.

I also note the changes to the payroll tax to provide for exemptions for employment agents who on-hire their employees. The example that was given by the Government was a not-for-profit entity that would otherwise be exempt from paying payroll tax. If they do not have the capacity in-house to do a certain job they may seek a for-hire company, a contractor or a professional services agency to provide those skills. My question to the Government is: How do you manage those staff who would be otherwise exempt from payroll tax if they worked for that entity? How does the Government have some confidence that a contractor is accurately reporting the payroll that would be exempted from payroll tax for these purposes? What arrangements does the Government have in place to monitor whether that is being taken advantage of? I would really appreciate some clarity in a response to that question. As I mentioned, The Greens will not oppose the legislation.

The Hon. BEN FRANKLIN (15:17): On behalf of the Hon. Don Harwin: In reply: I thank all honourable members—the Hon. Peter Primrose, the Hon. Ernest Wong, the Hon. Paul Green and Mr Justin Field—for their contributions to debate on the State Revenue Legislation Amendment Bill 2017. The Government is committed to having best practice revenue laws. The State Revenue Legislation Amendment Bill 2017 contains amendments that reflect this. The main purpose of the revenue reforms in this bill is to keep the tax legislation effective and up to date as part of the routine administration of State taxation. This will improve equity by ensuring clients in similar circumstances have similar outcomes; combat actual and potential avoidance practices by ensuring clients are not able to avoid the policy intent of the legislation; and reduce red tape by removing uncertainty, increasing harmonisation with other States and Territories where possible, and improving administrative simplicity.

I turn now to some of the specifics raised by honourable members. I noted the shadow Minister the Hon. Ernest Wong's request—along with his colleague in the other place—for further information on the dataset and the impact on the budget bottom line. This is obviously a complex request and something that cannot be done overnight, but I can confirm for the honourable member that the Government is in the process of preparing that information. Mr Justin Field had a question about the effect on existing leases. I can confirm that existing leases will not be affected until they are renewed, and that applies only after 1 January 2018.

A government entity that enters into a lease of land owned by the government entity must give the lessee a land tax disclosure statement in writing before the lessee enters into a lease. Obviously a land tax disclosure statement is a statement that advises the lessee that the lessee will be liable for land tax in respect of the land during the term of the lease if land tax is payable on the land. Without limiting that statement, a land tax disclosure statement may be made, first, in the terms of the lease or, second, as part of the disclosure statement for the lease that is given to the lessee before the lease is entered into. Finally, Mr Justin Field asked for comment on whether there would be a payroll tax exemption for on-hiring employees. I can confirm to him that that is indeed the case. With that, I commend the bill to the House.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

Committees

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report: Sexualisation of Children and Young People

Debate resumed from 7 March 2017.

The Hon. GREG DONNELLY (15:21): It is my view that in years to come people will look back at the period extending from the 1990s through to the present day and ask, "What on earth were they thinking? How could anyone have thought, even for a moment, that taking what we once called a child or young person's innocence and grinding it into dust was good for the welfare and wellbeing of those young people?" One can only wonder how bad things have to get before a consensus emerges that what we are talking about is in fact a form of child abuse. I appreciate that some honourable members may say that this type of language is alarmist, but I believe it is not an exaggeration to use such terminology.

For me, it was the publication in 2007 of the American Psychological Association [APA] research paper, entitled "Report of the APA Task Force on the Sexualisation of Girls" that caused me to sit up and pay attention.

That report was referred to in a number of submissions made to this inquiry undertaken by the Committee on Children and Young People. On page 21 of the APA report it says that "ample evidence indicates that sexualisation has negative effects in a variety of domains, including cognitive functioning, physical and mental health, sexuality and beliefs". The language used by the authors of the report is candid and unambiguous. They do not say "may" or "possible". They specifically use the phrase "ample evidence".

These are not the words of some right-wing cranks, conservative politicians, feminists or religious zealots; these are the words of the American Psychological Association. And let us not think that girls are the only ones affected by this sexualised and violent culture that we are living in. Anyone who speaks to primary and high school counsellors will come to hear quickly about young males mimicking or engaging in acts directed at girls that are, or border on, sexual assault. Indeed, we are now hearing about little boys in pre-school doing or attempting to do things to little girls that, if they were old enough, would attract criminal charges. The question that we have to face up to is: Where are those boys getting these ideas from? Where did they get the idea from to do such things? It obviously came from somewhere.

This inquiry report, notwithstanding what I believe are some shortcomings, provides a pretty good snapshot of where things are presently in New South Wales and Australia regarding the sexualisation of children and young people. The report does not make easy reading, particularly if one takes the trouble to visit the committee's webpage and looks through a number of the submissions. Even just a few years ago, many adults would have blushed at a fair bit of the content. Call it risqué, lurid, blue, explicit or pornographic, use whatever term is preferred, it is not something we put before children and young people or allowed them to be exposed to because it was thought that it would not be in their best interests to do so. Surprisingly, some of those who gave evidence to the inquiry seemed to suggest that this was all just a storm in a teacup. The suggestion or implication was that raising such concerns was for prudes, and so last century.

I find this thinking simplistic, shallow and reckless. On the one hand, in 2017 we have never had a greater understanding about how the human brain grows and develops. We know that the part of the brain associated with reasoning, judgement and executive decision-making, the pre-frontal cortex, does not reach full maturity until the mid-20s for males and little earlier for females. This is not supposition; it is medical fact, and medical fact that we have known for some time. With this in mind, one does not need to be an endocrinologist or adolescent paediatrician to predict that turbo-charging the exposure of children and young people to a range of information and material relating to sex and sexuality—when such information and material would be better understood, comprehended and internalised if they were a little older—is likely to have some serious consequences.

No doubt some will say, "But that is not the world that they are living in—they can access anything and everything on their mobile phone or tablets". This is true, but I would argue that this does not alter the need to be careful and measured about what we expose children and young people to, and when. The argument that children will inevitably be exposed to degrading and dangerous content on the internet and so we should not get too excited about it seems to me to be a wholesale abrogation of our responsibility as adults to protect children. There seems to be a gradual awakening by society that we have something serious here that we must confront and deal with, but the response is awfully slow.

If we were talking about poisons, weapons or flammable items then we as adults would automatically go to the default position of urging care with respect to exposing children and young people to them. Concern about potential physical harm would be uppermost in our minds. But what about the potential psycho-social and psycho-sexual harm caused by exposure to violence and pornography on the internet? Should we not be at least equally concerned about these more insidious threats? Moreover, we must not, as some seem to suggest, sideline or, even worse, extinguish the role of parents in engaging with their children on these important matters. Parents are the primary educators of their children, and the State must not usurp that role.

Across its eight chapters, the inquiry report covers a number of subjects, including defining sexualisation; sexualisation in advertising; exposure to pornography; television, print media and music; social media; sexting and revenge porn; the Safe Schools program and education strategies. The report contains 10 recommendations that are focused and specific. I sincerely hope that the Government will support if not all, most of them. I will specifically comment on recommendation 3, which says:

The Committee recommends that the Attorney-General advocate for the adoption of opt-in internet filtering through the Council of Australian Governments Law, Crime and Community Safety Council.

The current position in Australia is that we have an opt-out system, meaning that people must take steps to install a filter on their internet to block pornographic content in their households. Under the opt-in system the process is reversed—that is, people do not have to install a filter; the pornographic material is automatically blocked. If, for example, an adult wants to view pornography, they would not be denied from doing so. The filtering arrangement would be simply deactivated and the person could access the adult content. Opt-in internet filtering would certainly

help protect children and young people, and assist parents to, if not fully control, significantly influence what their children are being exposed to on the internet. To the naysayers who argue that it is too hard or ask, "What about my rights as an adult?", I say that that is a defeatist attitude.

In any event, if they want to consume pornography then the opt-in system does not deny them their wishes, but it helps protect our children and young people. Before I conclude I will say a few words about the Safe Schools program. It was considered in some detail in chapter 7 of the inquiry report. Most members will have some general understanding of the program and the public controversy around it. As members may know, my opposition to the Safe Schools program has been, and continues to be, absolute. My opposition arises not because it is an anti-bullying program; but rather because it never was an anti-bullying program in the first place. Do not take my word for that; listen directly to the words of the program co-founder Roz Ward, who said:

... Safe Schools Coalition is about supporting gender and sexual diversity. ... Not about stopping bullying. About gender and sexual diversity.

Those comments were made by Ward at the Safe Schools Coalition National symposium in Melbourne in June 2014. Anyone who is interested can Google the YouTube clip in which she explains in frank terms the intended purpose of the program. Those who have been following this matter would be aware that Ward co-authored the original Australian version of the program that was launched as the Safe Schools Coalition Victoria program in 2010. It proved there was not, as claimed, anything original about that program for Victorian schools. Virtually all of it had been lifted straight out of so-called Safe Schools programs that had been operating in public schools in the United States since the 1970s and 1980s.

My view is that it is utterly dishonest for Ward and her supporters to use the foil of anti-bullying as a means of advancing the claim that sexuality and gender ideology should be taught in our schools. If that is her genuinely held view, let us have a debate about that on its merits. But do not try to run it in the side door, leaving mums and dads completely in the dark, and claim it is all about anti-bullying. Bullying for any reason is unacceptable in our schools and must always be challenged when it arises—no exceptions. Our anti-bullying programs in schools must be universal, comprehensive and leave no schoolchild unprotected.

The Hon. PAUL GREEN (15:31): In reply: I acknowledge the members who have contributed to this debate on the report of the Committee on Children and Young People: the Hon. Bronnie Taylor, Reverend the Hon. Fred Nile, the Hon. Natasha Maclaren-Jones and the Hon. Greg Donnelly. Those contributions were very forthright and, in many ways, very true. All members in this place all strive to make a difference, but the findings in the report into the sexualisation of children and young people were disturbing. As many would know, I have been doing research into human trafficking as part of the Legislative Council inquiry into that matter. I have been reading about the amount of pornography circulating in our schools and was sad to learn that it is not only the boys who are involved but also the girls. Pornography has been found on the iPhones and iPads of schoolkids, and the sexualisation of this generation is growing at an exponential rate. Many people probably do not see the link between human trafficking and pornography and the sexualisation of kids in advertising.

Often sexualisation happens in advertisements. Once a person is sexualised in a marketing exercise by businesses trying to get a lead on other businesses by using sexualised images, it is a slippery slope. People should think about the implications of those advertisements. Sadly, sexualised images are often readily available on electronic devices. In the old days those searching for sexualised images would have to use a magazine or a book to fulfil an urge, whereas now sexual images are on many billboards and even on buses. It is extremely hard to protect the developing minds of young people from those images. I was in church on Sunday and the message concerned the body, soul and spirit. The soul is the will and emotions of a person, so when an image is imprinted on the soul it is very hard to get rid of because the image sticks in the brain, even if the person wants to get rid of it. Many sexual images leave a footprint in a person's brain, and that is where pornographic images reside. Eventually, if a person keeps viewing such images the brain starts to reinforce associated behaviours.

Unfortunately, a consequence of relationships between young people is that often young men want young women to perform pornographic acts that they see in pornographic images. I am the father of two daughters and I do not want my daughters to be forced into a situation by their boyfriend, partner or husband making them perform acts because they have been misled by pornographic images that devalue women. We want our kids to have the very best and we need to step in to investigate issues such as the ones investigated by this committee inquiry. I am in no doubt that committee members found the inquiry process very hard. I have had many representations about child sexualisation issues and I am unable to look at some images because I know the danger of those images imprinting on my mind even though I have the goodwill to do something about the effects.

It is a very difficult area, but we must protect our kids' minds from such imprinting as they continue their journey through adolescence into adulthood. This is vital for their future relationships because they may be steered away from making others conform to their experiences and expectations because they have not set boundaries

between what is perceived as healthy sexual practices and what is perceived as unhealthy sexual practices. We must be strict about what we do and do not allow our kids to see in advertising. Mr Assistant President Nile, I note your contribution on the sexualising of children in the advertising of VolleyAustralia for its shoes. The campaign was totally inappropriate.

It was finally withdrawn after a lot of attention, which in some way indirectly rewarded the company because the more controversial a campaign, the more it is splashed around the media, and more people read about it and the product is endorsed by hits on websites. Unfortunately, the company got an indirect reward. Recently during the human trafficking inquiry we heard that corporate Australia must be forced to comply with ethical business practices, including addressing the issue of sexualisation of children in advertisements for the sake of profits. This is shameful behaviour, and we addressed it in the inquiry. Also in human trafficking inquiry we heard about attempts to end human slavery, particularly in terms of sexual exploitation. A book I am reading titled *Counter Culture* states:

No matter how many red Xs we write on our hands to end slavery, as long as these hands are clicking on pornography websites and scrolling through sexual pictures and features, we are frauds to the core.

We may scoff at how pre-Civil War churchgoers justified slaves in their backyards, but aren't we dangerously like them when we participate in pornography (and promote the sex slavery to which it is inextricably tied) in our own homes?

That means that every time someone endorses pornography or the sexualisation of children in advertisements, it is not helpful to the end cause of having a healthy society. This is a very important report. I know there were different views about the levels of sexualisation of children and young people, and that comes from different people's experiences of what they do or do not let their children see and what they think is an appropriate level for our community to be exposed to when it comes to the sexualisation of children during their development. In his contribution, the Hon. Greg Donnelly gave good feedback about the frontal cortex of the developing brain not being mature enough to take in some of the concepts of the sexualisation being taught to our children. I have mentioned this fact.

Members of this House are mindful of the fact that we understand that we are adults. We have made our sexual choices and we pursue our sexual preferences. We are of an age that our brains can adjudicate on those matters at an appropriate level. However, kids are not of such an age. They have one arm behind their back because their brains have not developed sufficiently to process some of those concepts. We call on the Government to endorse the recommendations in this report and to do everything that it can to make sure that our children grow up with a healthy understanding of sexualisation; what it is and what it is not, so that they can develop into full-blown community citizens that have a respect for each other's gender and the part that plays in a relationship. We commend the report to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that the House take note of the report.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: On behalf the Hon. Robert Borsak: I move:

That Committee reports Order of the Day No. 2 be postponed until a later hour.

Motion agreed to.

Committees

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report: Budget Estimates 2016-2017

Debate resumed from 7 March 2017.

Reverend the Hon. FRED NILE (15:40): In reply: I thank Mr Jeremy Buckingham, who is the only other member of the committee who spoke to report No. 44, entitled "Budget Estimates 2016-2017".

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that the House take note of the report.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 5**Report: Budget Estimates 2016-2017****Debate resumed from 21 February 2017.**

The Hon. ROBERT BROWN (15:41): I speak in debate on report No. 44 of General Purpose Committee No. 5, entitled "Budget Estimates 2016-2017". First, I genuinely appreciate the efforts of the committee members on the General Purpose Standing Committee No. 5. I also acknowledge the support and the effort put in by the non-substantive members who attended the hearings. The standing members are the Hon. Mick Veitch, who is the Deputy Chair, Mr Jeremy Buckingham from The Greens, the Hon. Richard Colless from The Nationals, Mr Scot MacDonald from the Liberal Party, the Hon. Greg Pearce from the Liberal Party, and the Hon. Penny Sharpe from the Australian Labor Party. During the course of the estimates, which were fairly long because of the number of portfolios covered by General Purpose Standing Committee No. 5, we had members attend and contribute to the load, being the Hon. Adam Searle, the Hon. Mark Pearson, Dr Mehreen Faruqi, and the Hon. Daniel Mookhey.

The inquiry consisted of three hearings to examine the following portfolios: Industry, Resources and Energy; Primary Industries; Lands and Water; Environment; and Heritage. I will not go into a great deal of detail; I will leave that to other speakers, as the case may be. For example, a vast range of issues were raised during the hearings on Industry, Resources and Energy. We got through the work. I have to acknowledge the professionalism of the Ministers involved in all of those hearings and their staff. We managed to get through most of them without too much argy-bargy.

First, in relation to Industry, Resources and Energy, we covered compliance regulations, Wollongong coal, coal extraction tonnage, renewable energy, coal seam gas industry, retail electricity prices. We covered issues as wide as fossicking, national energy market reform, the Shenhua Watermark licence renewal negotiations, and mining anti-protest legislation. Moving on to Primary Industries, Lands and Water. On 2 September 2016 we covered issues as wideranging as burial sites and crematoriums in Sydney; animal welfare, including fox euthanasia, catch and trap neuters, piggeries and farrowing crates—some unusual stuff in there. We also covered issues such as the Broken Hill water supply and pipeline, which of course was the first case study in the current General Purpose Standing Committee No. 5 inquiry into water. We covered climate change and the department's climate response unit, and the budgeting allocation, therefore; forestry and pesticides; local land services; biodiversity; budget and staffing.

Generally speaking we do not have supplementary hearings with this particular portfolio, but the range of subjects to be covered was so vast that it was probably a given that we would have a supplementary hearing. A supplementary hearing was held on Friday 14 October, again examining the portfolios of Primary Industries, Lands and Water, and we covered the following subjects in that supplementary hearing—seafood, country of origin labelling, the Productivity Commission's report into commercial fishing, potential for shark commercial fishing on the North Coast, support and training given to Fisheries NSW staff in their dealings with the commercial fishers, commercial fishers accessibility of the department's information about the reform process, and investigations of the recent whale incident in Port Stephens, native title claims, and the involvement of the Department of Industry and Lands. Obviously those hearings were pertinent to what was, at that stage, the forthcoming intention to run the business adjustment protocol with the commercial fisheries.

On Friday 2 September the committee then moved on to examining the portfolios of Environment and Heritage and all the other little bits and pieces that pertain to that. One of the major issues, of course, was the water contamination at Williamtown RAAF base, which is an ongoing concern. There were issues such as the preservation of Butterfly Cave, the 200th anniversary of Cadmans Cottage, the National Parks and Wildlife Service restructure—I was most interested in that—biodiversity offsets, policy and legislative reforms, the safety of environment compliance officers. That was pertinent at the time, and still is, given the trial of a farmer for murdering an officer. We talked about the Centennial Park and Moore Park Trust. My colleagues on the crossbench are of the view, and I am not verballing them—in fact, I probably have some Government supporters on the back bench—that these committee hearings do not allow enough time for a broad range of questions to be asked of a Minister who may have three or four portfolios in one hearing day. The time is distributed across those.

As a result of the portfolios being heard together, the Minister requires departmental staff for all portfolios to be in the meeting room at the one time. Of course, that puts a great burden on those departments being able to carry out their business. However, those staff are senior public servants and the well-oiled machines of Government should run as well without them as they do when those staff are present at hearings—at least for a couple of hours. We have had some reforms in that respect. The changing of the number of committees from five to six was a great step forward in trying to sort out the overload on the committees. I can assure members that General Purpose Standing Committee No. 5, particularly crossbench members, will look carefully at the proposals

for the 2017 Budget Estimates being put forward by the Government to ensure that all members have a chance to ask vital questions about the orderly running of the Government.

The Hon. Anthony Roberts, MP, the Hon. Niall Blair, MLC, and the Hon. Mark Speakman, MP, appeared before the committee. Mr Simon Smith, Mr Scott Hansen, Ms Kylie Hargreaves and Ms Alison Stone then returned to give evidence in the supplementary hearings. I thank Hansard, as I usually do, because the reporters do a difficult job in some of these hearings. Even though General Purpose Standing Committee No. 5 is one of the most strictly run committees, it is sometimes very difficult for them to keep up with the proceedings, particularly when experts and public servants throw around acronyms left, right and centre. We must stop them and ask them to explain the acronym so that the reporters can get on with their business.

The Hon. Dr Peter Phelps: It is TMA—too many acronyms.

The Hon. ROBERT BROWN: I acknowledge that interjection. The budget estimates hearings are held every year. I understand that the Government often feels they are a waste of time and that they are a challenge to the Executive Government's ability to run the State. However, I think the people of New South Wales probably benefit from the interrogations carried out at the hearings.

The Hon. Niall Blair: The Government takes them very seriously.

The Hon. ROBERT BROWN: I acknowledge the interjection from the Minister that the Government takes the hearings very seriously; I am not suggesting that it does not. Having had the budget papers presented to us, in all their arcane trickery, it is valuable for members to be able to dive into the line items to assess whether we are getting all the facts we need. As I said, I do not believe having endless supplementary hearings is the right way to go. I will consult the crossbench members and members of the Opposition about the hearing schedule for the coming year to ensure that we do not have too many supplementary hearings.

I thank the staff of the secretariat who do the preparation for the budget estimates hearings. Like the Clerk, they assist members—particularly the chairs and deputy chairs—to conduct the hearings without making fools of themselves. Even the most experienced chairs of committees can make dills of themselves if they make the wrong ruling. I note that the deputy chair of the committee, the Hon. Mick Veitch, is in the House. I was unable to attend a recent committee hearing.

The Hon. Niall Blair: We got by.

The Hon. ROBERT BROWN: I understand that my committee colleagues did not even know I was absent thanks to the chairmanship of the Hon. Mick Veitch. I commend the report to the House.

Mr JEREMY BUCKINGHAM (15:52): With some sadness, I speak on the General Purpose Standing Committee No. 5 report entitled "Budget Estimates 2016-17". I know I will be sadly missed, as I have moved on to General Purpose Standing Committee No. 6. I also know that the Minister for Primary Industries let out a huge sigh of relief that I will no longer be on his tail. The budget estimates process is incredibly important in holding the Executive to account and ensuring that the bureaucratic tail is not wagging the dog. The committees ensure that Ministers know what is happening, where taxpayers' money is being spent, and whether tax revenue is being allocated appropriately. I thank the chair of the committee, the Hon. Robert Brown, for being fair and strict. He is an excellent chair. I also thank the secretariat and Hansard, who do an extremely good job in a complex and widening area.

I welcome the change in the portfolios, but I believe we should reform the budget estimates process by expanding it. It is of enormous value to members, to the House, to the people of New South Wales and to the Government that these issues are interrogated. As a result of this process we deliver better policy for the people of this State. Beyond the politics of it, that is what it is all about. It is clear from the hearings that in many areas the policies of this Government are absolutely terrible. We recently dealt with national energy market [NEM] reform. What a basket case that is. The NEM is upside down and people are being gouged by electricity companies overcharging. The Federal and State governments have their head in the sand and are hoping the issue will go away despite the fact that electricity prices are going through the roof. It was said that abolishing the carbon tax would put downward pressure on electricity prices, but we now have a cartel running the electricity sector in this country.

There is no control and wholesale prices are going through the roof. The only policy of this Government has been to go to the Council of Australian Governments once every couple of months in a panic, and to call for something to be done about the out-of-control market. The Government does not have its hand on the lever, and as a result electricity and gas companies are running a cartel and getting away with price-gouging. There is no better example of that than the failure to answer properly the questions The Greens have been asking in General Purpose Standing Committee No. 5 hearings for four or five years. The first reference to the need for a gas

reservation policy was made on record in an Australian Parliament by The Greens. I asked the Hon. Chris Hartcher about the possibility of their being a gas reservation policy, and his response was that there was no chance; it would happen over his dead body, or words to that effect. I am sure members remember the Hon. Chris Hartcher. The Hon. Anthony Roberts—

The Hon. Trevor Khan: Great guy!

Mr JEREMY BUCKINGHAM: Yes. He is a great guy, but he has been shoved sideways—he is crabbing away. He said that he would raise a gas reservation policy with the Council of Australian Governments. The Hon. Malcom Turnbull has now warned the gas companies that he will exercise the power available to him in the Constitution and restrict exports unless they supply gas domestically. That is exactly what The Greens said should happen during the committee's hearings four years ago.

The Hon. Duncan Gay: What is the constitutional role of the Prime Minister of Australia?

Mr JEREMY BUCKINGHAM: It is to represent the people of Australia at Council of Australian Governments forums. He should put the interests of Australian industry and consumers before the interests of Santos, Kogas, Petronas and the other foreign multinational gas exporters. When was the issue first raised? It was raised in General Purpose Standing Committee No. 5 budget estimates hearings in this Parliament. It is a good committee and it raises important issues. The budget papers state that the Government is planning that by 2050 the State will export 400 million tonnes of coal a year.

The Hon. Dr Peter Phelps: Hear, hear!

Mr JEREMY BUCKINGHAM: "Hear, hear!", members opposite interject. What a joke. What a rich vein of comedy we will be able to mine for generations. We will be able to point students of politics to this committee's inquiries and show them how ridiculous the Government was. They will say that the flat earth society and the parliamentary friends of coal could not possibly have said that.

The Hon. Dr Peter Phelps: Green coal!

Mr JEREMY BUCKINGHAM: Yes, clean coal, green coal and smart coal. We now know that we cannot continue to export coal exponentially and that we must have realistic projections. It is during the budget estimates committee hearings when we explore the policies of Government that we learn it is detached from reality. We can have an argument in the community about whether the best interests of New South Wales are being served by policies, projections and modelling that predict an endless supply of coal being mined into eternity. It is through this we realise the Government has got it wrong, especially when it comes to renewable energy.

The Government does not have a plan when it comes to renewable energy. All of the renewable energy in New South Wales is being built on the back of the Australian Capital Territory policy. Barnaby Joyce knows it; the Minister knows it. It is not complete nonsense. It has all been built on the back of The Greens policies—for instance, federally, the carbon tax, the Clean Energy Finance Corporation and the Australian Renewable Energy Agency. I can see the fear in the eyes of those opposite. They know it. It is absolutely true. There is a significant amount of funding coming from The Greens in the Australian Capital Territory and federally, because we are behind the big business of the future. That is what is clear from General Purpose Standing Committee No. 5: we love business.

Debate adjourned.

The PRESIDENT: Order! According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

ESSENTIAL ENERGY REDUNDANCIES

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Minister for Resources, and Minister for Energy and Utilities. In his capacity as Leader of the Government and Minister for Energy and Utilities, is the Minister confident that the recent redundancies at Essential Energy have not affected its capacity to promptly and safely restore power supply to homes and businesses on the North Coast affected by floods?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:00): I thank the Leader of the Opposition for his question. Just briefly to update the House, of course recent heavy rains and flooding have caused widespread power outages on the New South Wales Far North Coast, particularly in the Lismore area. Essential Energy has been using helicopters and boats to gain access for their repair crews in affected areas. As at midday—

The Hon. Walt Secord: Point of order: This is clearly a ministerial statement. In longstanding conventions involving natural disasters the Opposition is given equal time to reply. This is very clearly a ministerial statement from the use of his language. He said, "I would like to update the House," and he made no response whatsoever to what the Hon. Adam Searle said. This is clearly a ministerial statement and I seek equal time.

The PRESIDENT: Before I call the Deputy Leader of the Government, I would be grateful if the Leader of the Opposition would allow me to look at the question.

The Hon. Niall Blair: To the point of order: The Minister is being directly relevant. The question from the Leader of the Opposition asked about the ability of Essential Energy to respond to the floods on the North Coast. It is absolutely in order for the Leader of the Government to provide an update to the House on that situation. I would caution anyone in this House against using the events on the North Coast for any type of political scoring.

The PRESIDENT: First, the question was asking for a statement or announcement of the Government's policy, but it is for the Minister to answer the question if the Minister so chooses and I note that no point of order was called in that respect. Secondly, the question is a very wide-ranging question that clearly relates to the floods and whether there is sufficient capacity for employees to safely restore any power supply to homes and businesses. Whether the Minister was being specifically relevant as indicated by the Deputy Leader of the Government is not what I need to determine. What I need to determine is whether the Minister was being generally relevant, and I so rule.

The Hon. DON HARWIN: As at midday on 4 April all supply has been restored other than a small number of isolated premises which will, regrettably, take up to a week to reconnect. Essential Energy technicians are assisting with premises-by-premises inspections to help customers ensure their private wiring is safe to reconnect. All Essential Energy local staff from northern Ballina were called in to assist in the massive repair operation. An additional 100 staff from other regions were also called upon to assist. Overall, several hundred staff were involved.

Access to the affected region was the biggest problem, requiring helicopters and boats to drop crews into remote and flooded areas. Essential Energy field staff worked under some very adverse conditions to restore supply but they have performed magnificently. I went through some of those direct examples of the work that the staff have been doing to reach the conclusion to the principal question that the Leader of the Opposition has asked. My answer to that question is: Yes, I am satisfied that they have been able to perform as they should and that the response has been excellent.

SHARING AND ENABLING ENVIRONMENTAL DATA PORTAL

The Hon. GREG PEARCE (16:05): My question is directed to the Minister for Resources. What is the Government doing in response to community requests for more information about projects and the environment?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:05): I thank the Hon. Greg Pearce for his question and his interest in this matter. I am pleased to inform the House that in December 2016 the New South Wales Government released the Sharing and Enabling Environmental Data [SEED] portal, which contains publicly accessible mining, land, air and water data from New South Wales Government agencies. SEED is an initiative of the New South Wales Government in response to community requests for reliable and readily accessible information about their local environment.

The recommendation to develop the portal came from the 2014 independent review of coal seam gas activities in New South Wales performed by the NSW Chief Scientist and Engineer, Professor Mary O'Kane. Additionally, the independent review of biodiversity legislation in New South Wales, which reported in 2014, noted that there was a need to better harness biodiversity data collection, including data from the community, and recommended a whole-of-government biodiversity portal.

Community consultation conducted for that review indicated that people wanted the ability to form their own judgements about environmental conditions and impacts. The SEED portal provides the community with this ability. It allows the user to view and interrogate data such as biodiversity through an accessible online map viewer. The map viewer allows the user to view the location of environmental data over aerial imagery and gives them the capability to analyse data in an easy-to-use interface. Data within the portal is maintained and updated on a daily basis by numerous New South Wales Government agencies. This ensures information is current and consistent at all times. The portal has seen more than 4,000 individual views of the 72 foundation datasets. This is expected to grow as more datasets are added and the engagement strategy is implemented. Many community organisations are now using SEED to engage with planning proposals and projects and convey what they value in their local area.

This Government is committed to openness and transparency, and SEED is part of this. We on this side are committed to proper processes, strategic assessment and community consultation. We have enhanced the roles of independent panels in planning decisions and we are working on reforms which will build confidence in the planning system after it was gutted under the previous Labor Government—the Labor of part 3A and petroleum exploration licences [PELs] thrown around like confetti to \$2 companies of cowboys. And it is worth reflecting—after last week's welcome verdict—upon this matter as well. Consider the secrecy and disdain that was promoted in their ranks. They all line up now to say, "I always said so," but they also sat around the Cabinet table. The SEED initiative demonstrates New South Wales's leadership in open data and new technologies on a national scale. The people of New South Wales can continue to trust this Government because we are committed to being accountable and transparent.

NORTH COAST FLOODS AND ESSENTIAL ENERGY

The Hon. ADAM SEARLE (16:10): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that Essential Energy has instructed North Coast customers whose switchboards are affected by water that they will need to contact an electrician to assess and test the switchboard before they can request power to be re-energised, who will pay for this service—the Government, Essential Energy or flood-affected customers?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:10): I will be very happy to take that question on notice and provide the Leader of the Opposition with a response as quickly as it is possible to attain one.

POLICE CORRUPTION

The Hon. ROBERT BROWN (16:10): My question without notice is directed to the Hon. Niall Blair, representing the Minister for Police. My colleague the Hon. Robert Borsak wrote to the Minister on 12 August 2015 regarding suspected corruption by a police officer. I note that the Minister has not responded, nor was a recent Government Information Public Access [GIPA] request responded to. Did the Minister report this matter to the Independent Commission Against Corruption [ICAC], as he is required to do under section 11 of the Independent Commission Against Corruption Act? If so, when did the Minister report this matter to the ICAC?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:11): I thank the honourable member for his question. Obviously that is a question with a lot of detail. It also seeks a response on actions the Minister may or may not have taken. Whether the Minister can or cannot confirm the actions he may or may not have taken in relation to matters that may or may not have been referred to agencies like the Independent Commission Against Corruption would be a matter for the Minister to decide. As I am representing the Minister in this Chamber and there are so many variables in relation to the details of that question I will refer the question to my colleague in the other House for a response.

ARTIFICIAL REEFS

The Hon. DUNCAN GAY (16:12): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Can the Minister please update the House on the progress of the New South Wales Government's artificial reef program?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:12): I thank the honourable member for his question on this exciting project, which is already proving to be a big winner with the State's recreational fishers. Last week I was proud to announce that Merimbula will be the next location for an offshore artificial reef. This will be the fifth artificial reef of its kind, installed by the Department of Primary Industries [DPI]. No doubt it will be a drawcard for local fishers and local tourism.

On the South Coast alone the recreational fishing sector helps generate about 1,800 full-time jobs and about \$395 million in economic output each year, and the installation of this reef will only continue to expand the industry in the area. Choosing the fifth location for one of these amazing structures has not been easy, with so much demand for this popular recreational fishing initiative. The Government had strong interest from many fishing clubs and councils along the New South Wales coastline, but Merimbula has won out this time. This is in part due to the commitment and passion of local fishing representatives, especially the Merimbula Big Game and Lakes Angling Club which put in a submission requesting the reef.

Our current offshore artificial reefs are proving to be a huge success, attracting over 50 different species of fish. This shows that the artificial reefs are working well, and supporting a very diverse and unique fish community, including snapper, mulloway, pearl perch and yellowtail kingfish. As local fishing "maestro" Al McGlashan noted in his column in the *Daily Telegraph* last Friday, "The artificial reefs program has been

nothing short of a roaring success for NSW anglers." The reefs use a complex design to create intricate habitats for a variety of fish species and marine life. They are constructed from a series of steel or concrete modules which are non-polluting, and with a minimum design life of 30 years they will withstand extreme weather events such as east coast lows. It is important to note that all new artificial reef proposals undergo a rigorous environmental assessment.

The PRESIDENT: I cannot hear the Minister give his answer, not only because of conversations taking place on the Opposition side of the Chamber but also because of far more and louder conversations taking place on the Government side. I am a bit surprised that those members sitting directly behind the Minister are having the loudest conversations and are drowning him out. I ask all members to listen to the Minister in silence.

The Hon. NIALL BLAIR: Planning work has already begun, with detailed mapping to be undertaken, which will be followed by public consultation to finalise the most appropriate spot for the new Merimbula reef. It is expected that construction will be completed by mid-2018. In more exciting news for fishers, the Merimbula reef is just one of five new offshore artificial reefs DPI is planning to deploy over the next three years as part of the program. Funding is now being sought for the remaining four new reef locations. The exact location of these new reefs will be made public once the funding has been secured. As Al McGlashan said, the DPI offshore artificial reef program "is a great example of seeing our fishing licence money being put to good use to not only benefit the fishing community but the environment ..."— [*Time expired.*]

The Hon. DUNCAN GAY (16:17): I ask a supplementary question. Will the Minister further elucidate the benefits of this artificial reef?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:17): I thank the honourable member for his request for elucidation. I normally aim to complete all of my answers within the allotted time. I did lose 25 seconds because of the noise within the Chamber. As I was saying, modesty almost forbids me from bringing up Al McGlashan's final comments but I need to do his column justice. He said, "It really is great to finally have a fisheries minister who actually understands fishing." I could not have said it better myself.

NORTH COAST FLOODS AND FIREARMS DATA SECURITY

The Hon. ROBERT BROWN (16:18): My question without notice is directed to the Hon. Niall Blair, representing the Minister for Police. First, I commend the Government on its response to the devastating floods unfolding and thank our emergency services, the police and all our volunteers for their selfless work. Given that many of the records used and held by the New South Wales Firearms Registry in Murwillumbah are still paper based, how have these been affected by the unfortunate floods in our State's north? Will the Minister guarantee the integrity of sensitive data in the face of natural disasters?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:19): I thank the Hon. Robert Brown for his question. I am sure all members of this House would join me in saying our thoughts are with all those who have been affected by flooding in not just northern New South Wales but also Queensland. Many communities are reeling, and we all heard about the absolutely tragic events yesterday afternoon with the further loss of life in the flooding event up there. I am sure all honourable members would join with me in saying that our thoughts are with all of those on the North Coast, particularly in those communities affected. I pay tribute to all of the employees from a number of New South Wales State agencies who have responded and, just as importantly, all of the volunteers who have answered the call when our communities need them the most.

The Hon. Robert Brown has raised some very important issues in relation to the impact the floods are having on the communities of the North Coast. Obviously we are seeing a huge impact on a number of businesses in those communities. The member's question is directly related to the impact the floods have had on a Government agency and, more importantly, the essential and confidential information which is stored by the agency that looks after the database the member referred to in his question. I am advised that I do not have the detail that the member seeks with me here now in the Chamber. The member did ask for the question to be referred to the Minister for Police and Minister for Emergency Services, who I represent in this House. I will take the question on notice, refer it to the Minister and hopefully come back with a response in due course.

NORTH COAST FLOODS INSURANCE CLAIMS

The Hon. WALT SECORD (16:21): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Leader of the Government in the Legislative Council. In his capacity as Leader of the Government, and given that Premier Gladys Berejiklian said yesterday that she was putting insurance companies "on notice" and that they would be answerable to her if there

are delays in payments for North Coast claims, what practical steps is the Government taking to deliver on the Premier's commitment of 3 April?

Mr Scot MacDonald: That's actually not what she said.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:21): I know that I should not listen to interjections but I cannot help having heard what Mr Scot MacDonald said. Nevertheless, I have heard the question from the Hon. Walt Secord, which he has asked me in relation to a statement that he says the Premier has made about some very important matters which are obviously of central concern right now to a large number of families and businesses in the Tweed and elsewhere on the North Coast who have been affected by these flood events. Obviously their insurance cover is a matter of great concern to them. I heard what Mr Scot MacDonald said. In the circumstances I think it best—

The Hon. Walt Secord: Point of order: To assist the House I will quote directly from the *Sydney Morning Herald*.

The PRESIDENT: That is not a point of order. The Hon. Walt Secord will resume his seat. I call the Hon. Walt Secord to order for the first time. He knows well and truly what is required to take a point of order, and that was not a point of order. The Minister has the call.

The Hon. DON HARWIN: As I said, I will be very happy to get a full answer from the Premier to assist the Hon. Walt Secord with the question he has raised.

RURAL AND REMOTE EARLY CHILDHOOD TEACHING SCHOLARSHIPS

The Hon. LOU AMATO (16:23): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on the New South Wales Government's Rural and Remote Early Childhood Teaching Scholarships program?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:23): I thank the Hon. Lou Amato for his question. The New South Wales Liberal-Nationals Government knows how important qualified early childhood teachers are in ensuring the delivery of quality early childhood education programs right across regional New South Wales. As part of this Government's commitment to improving early childhood services, the Rural and Remote Early Childhood Teaching Scholarships program was introduced in 2015. The scholarship program assists diploma-qualified educators working in community preschools and long day care services in rural and remote areas of the State to upgrade their qualifications and become early childhood teachers.

Between 2016 and 2019, up to 30 scholarships will be available each year to allow people to improve their skills and enhance the quality of early childhood education in remote and regional areas. Scholarship recipients will each receive up to \$10,000 to assist with their study costs. The added financial benefit for students who are pursuing further tertiary education in the field of early childhood education eases the burden and allows them to spend more time focusing on their studies. The first cohort of scholarship recipients from rural and remote services across New South Wales commenced study in 2016. Recipients of these scholarships are working in communities right across country New South Wales, from areas such as Broken Hill out in the west to Ulladulla on the coast, Moree in the north and Deniliquin in the south. Other locations include Cobar, Lightning Ridge, Baradine, Port Macquarie, Leeton and Griffith.

The Rural and Remote Early Childhood Teaching Scholarships build on the scholarships offered to educators in both city and country areas in 2014. The scholarships deliver on important objectives, including achieving universal access to early childhood education and supporting participation in early childhood education in rural and remote communities. The scholarships also serve to address the early childhood teacher skills shortage in rural and remote New South Wales by providing further education for people who already work in the area. It should not matter whether someone lives in Cobar or in Camden—educators should be given every opportunity to improve their skills and children should have the same access to quality early childhood education.

Since 2013 the New South Wales Government has awarded 132 scholarships to educators working in family day care, long day care, community preschools, mobile preschools, early intervention, and Aboriginal child and family services. This has included three scholarships to Aboriginal educators. In addition, the New South Wales Government was able to offer 49 Early Childhood Teaching Scholarships in the 2017 round. Scholarship recipients are currently working in a range of service types, including long day care centres, early intervention services, preschools and family day care centres.

Scholarship recipients have also been attaining high levels of achievement. This is a reflection of the passion of the scholars and directly supports the objective of delivering higher quality early childhood education

programs to children in New South Wales. The opportunity for diploma qualified educators to improve their qualifications will lead to more highly trained staff and a higher quality of childhood education within the State. Twenty scholarship recipients have already graduated from their courses and are bringing their new skills and knowledge gained to their services and improving the educational opportunities they provide to our young children in regional New South Wales.

I am very proud the New South Wales Government is supporting our early childhood educators in regional New South Wales, particularly with the Rural and Remote Early Childhood Teaching Scholarships program. Every day they work hard to ensure our young children are given every opportunity to grow and prosper. As I visit these services across the State, it is very clear that the dedication of early childhood teachers is incredibly important to the future of our kids and they deserve to be commended.

NORTH COAST FLOODS

Mr JEREMY BUCKINGHAM (16:27): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Leader of the Government in the Legislative Council, representing the Premier. Given the comments of the New South Wales Premier on the flooding in the Northern Rivers region that "these freak weather conditions are going to increase", is there a whole-of-government response to the impacts of climate change being developed, including modelling on the economic impact of climate change on the New South Wales budget and on communities across New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:28): I thank Mr Jeremy Buckingham for his question. Indeed the Premier is right that the New South Wales Government's world-leading New South Wales and Australian Capital Territory Regional Climate Modelling [NARCLiM] fine-grained climate modelling does show significant risks caused by a changing climate in New South Wales. That is why, in November 2016, the Government released its New South Wales Climate Change Policy Framework. This is a comprehensive framework that was broadly praised when it was released. It represents one of the more deep, measured, and considered responses to climate change in the country.

In terms of the first part of the question, there is a whole-of-government response to the impacts of climate change. The framework outlines the Government's role in reducing emissions and helping New South Wales adapt to become more resilient to the impacts of climate change. The policy framework defines the Government's role in reducing carbon emissions and adapting to the impacts of climate change, and sets out the next steps for implementation. It outlines a process by which climate risks will be factored into normal government decision-making as well as a measure for carbon savings so that government can consider the benefits in terms of avoiding emissions in government decision-making.

In terms of the impacts and adaptation of climate change, the government policy is to implement policies to plan for climate risks and provide targeted support for households, communities and businesses that is fair, efficient and in the public interest. In terms of government operations, the Government will assess and effectively manage climate change risk to government assets and services. We also consulted on \$100 million for adaptation as part of a \$500 million package to boost energy security, save money through energy efficiency and better adapt to climate change. This includes sectoral mapping to better understand the impacts of climate change by sector and provide pathways to a net-zero emissions economy. It also includes capacity-boosting and further work on the NARCLiM modelling, which is the key input into government decision-making. The project is comprehensive and deep, and will deeply shape government programs over time.

Mr JEREMY BUCKINGHAM (16:31): I ask a supplementary question. Will the Minister elucidate his answer in regard to the household assistance he has outlined and whether that household assistance will extend to financial assistance?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:31): I thank Mr Jeremy Buckingham for his supplementary question. In relation to the matters he has raised, I will obtain the relevant information and provide it to him on notice.

NORTH COAST FLOODS AND LOOTING

The Hon. SHAOQUETT MOSELMANE (16:32): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. What is the Government's response to calls by communities on the North Coast for tougher penalties for people caught looting in the wake of the devastating floods?

The Hon. Matthew Mason-Cox: It is disgraceful.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:32): I heard the interjection of the Hon. Matthew Mason-Cox saying that it is disgraceful, and

I could not agree with him more. It is appalling; the mindset of people who loot properties in the wake of devastating floods is sometimes completely unfathomable. It is unfathomable that they would try to benefit out of other people's misery. It is an absolute disgrace, and I am sure members are appalled by some of the things that we are seeing arising out of the events on the North Coast. It is a very serious issue, and that is why it deserves a serious response. I will be very happy to get the honourable member a full answer as quickly as possible.

PUBLIC LIBRARIES FUNDING

The Hon. NATASHA MACLAREN-JONES (16:33): My question is addressed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Will the Minister provide an update on funding for New South Wales public libraries?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:33): I will indeed, and it is very good news. Public libraries enrich the lives of people and communities in New South Wales. I am proud that since 2016-17 the New South Wales Government has granted some \$28.3 million to public libraries. In particular the Government has provided funding of \$2.1 million over two years to address the impacts of population growth and the consumer price index on public library funding. We have also funded the third year of the Public Library Infrastructure Grant program, about which I have recently made announcements. This program will provide \$15 million over four years to help councils improve library building spaces, information technology [IT] infrastructure and accessibility through mobile library services. To date this program has distributed \$7 million amongst 54 councils. In the 2016-17 funding round \$4 million in funding was allocated to 31 projects, with 28 of these recipients outside of the Sydney metropolitan area across regional New South Wales.

The Hon. Greg Donnelly: Does that mean Newcastle?

Mr Scot MacDonald: Or Hornsby, Greg.

The PRESIDENT: Order! I call Mr Scot MacDonald to order for the first time. I call the Hon. Greg Donnelly to order for the first time. I remind members that I see on the screen exactly what is being televised, and members might be shocked as to what I see on that screen, as are members of the public. It is not simply the Minister who is caught on the camera. The Minister has the call.

The Hon. DON HARWIN: Of the three projects in the city, one of them is the delightfully named "L.O.V.E. is in the Air" project undertaken by Waverley Council, which is the eastern beaches library outreach vehicle. The council has been given a \$147,000 grant and plans to make the mobile libraries more accessible to people with mobility issues, which is very important. Recipients outside Sydney include Kiama Municipal Council, which will receive \$200,000 towards the Gerringong Library Museum and community facility project. Shoalhaven has received a grant as well, with the Shoalhaven City Council receiving \$140,000 towards the program, entitled "Branching Out!". The mobile library will extend school visits and home library services—

The Hon. Penny Sharpe: Kiama, Shoalhaven, South Coast—who are those three members? All factional allies. All moderate members of the Liberal Party.

The PRESIDENT: Order! The Minister will resume his seat. I call the Hon. Penny Sharpe to order for the first time. I call Mr Jeremy Buckingham to order for the first time. I do not intend to have Ministers screaming out their answers over interjections so they can be heard by both the President and Hansard. I advise all members that I will not hesitate to call them to order for the second or third time in the 21 minutes remaining for questions. The Minister has the call.

The Hon. DON HARWIN: The Branching Out! program undertaken by Shoalhaven Library is an excellent program. The funds will enable the library to extend to school visits and home library services at local events. A grant of \$150,000 is provided to Griffith City Council for the development of a multipurpose function centre in Griffith City Library. [*Time expired.*]

The Hon. NATASHA MACLAREN-JONES (16:38): I ask a supplementary question. Will the Minister elucidate his answer in relation to council funding for libraries?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:38): I would be very happy to because I would like to inform the House about a number of projects in western New South Wales.

The Hon. Penny Sharpe: Of course you would now.

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

The Hon. DON HARWIN: Griffith City Council will allow for a function centre, which will accommodate a wide range of public activities including film screenings, lectures, exhibits and workshops. There is also \$100,000 in funding for the unique Letterbox Library, which is a program operated by Broken Hill City Council. The letterbox library provides direct access to library collections and services in the remote unincorporated area of New South Wales and Central Darling Shire. It is an excellent program, which is an initiative under the *statelibrariesnewsouthwales.net* service providing con-activity, including hardware wi-fi, hotspots support and monthly internet subsidies to New South Wales public libraries.

A total of \$1.94 million has been allocated under that program, which is money very well spent. That is happening under this Government. We have increased funding to public libraries from \$22.5 million in 2009 under the former Labor Government to a total of \$28.3 million under this Government. That is an increase of approximately 26 per cent in funding for public libraries since the Labor Party left office. When people ask who cares about public libraries, the answer, of course, is that this Government cares about them and the libraries in New South Wales are the ones that are absolutely benefitting.

SINGLE-USE PLASTIC BAGS

Dr MEHREEN FARUQI (16:40): My question without notice is directed to the Minister for Resources, Energy and Utilities, and Minister for the Arts, representing the Minister for the Environment. Given that South Australia, the Northern Territory, the Australian Capital Territory and Tasmania have all banned single-use plastic bags, and Queensland will soon do so, when will New South Wales ban the bag?

The PRESIDENT: Order! I call the Hon. Dr Peter Phelps to order for the first time. I call the Hon. Matthew Mason-Cox to order for the first time.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:41): I thank Dr Mehreen Faruqi for her question. This is an issue that concerns a lot of people and I know a lot of towns across New South Wales have taken the initiative themselves. When I lived in Huskisson for three years prior to moving around to Vincentia, Huskisson declared itself a plastic bag free town at that time. There are a number of other towns in the Shoalhaven that did so. I think Kangaroo Valley did the same. I cannot remember if Milton was one of those that did that. Mr Justin Field might help me on that. Milton is plastic bag free as well, is it not? A number of towns have taken that initiative.

The Hon. Penny Sharpe: You cannot do it without legislation. You should just support it.

The PRESIDENT: I remind the Hon. Penny Sharpe she is on two calls to order.

The Hon. DON HARWIN: Even though I probably should not, I do acknowledge the interjection of the Hon. Penny Sharpe. Indeed, what she says is true, and so therefore I am happy to get a response from the Minister for the Environment so that the honourable member has a full answer to the question.

NORTH COAST REGIONAL PLAN 2036

The Hon. GREG DONNELLY (16:42): My question without notice is directed to the Minister for Resources, Energy and Utilities and Minister for the Arts, and Leader of the Government and representing the Minister for Planning, in his capacity as Leader of the Government. Will he detail any concrete measures or funding commitments in the North Coast Regional Plan 2036, which was launched on 22 March, that address the ongoing flood threat faced by the North Coast?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:43:0): I wish I could, but I will get the honourable member an answer to that question as quickly as it is possible.

WATER MARKET

The Hon. BRONNIE TAYLOR (16:43): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on his recent meeting with irrigators at Parliament House to discuss the water market in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:43): I thank the honourable member for her question. A well-functioning water market is critical to the continued growth of New South Wales \$3.5 billion irrigated agriculture sector. Last week I had the opportunity and pleasure of meeting with New South Wales irrigators and members of the agribusiness sector to launch the Water Markets in New South Wales report, which is a first for New South Wales and shows how well the water market has developed since the cap and trade approach was established through water sharing plans in the 2000s.

The value of water in the New South Wales market has grown substantially in recent years, with about \$225 million worth of water entitlements now held by everyone from mum- and dad-owned operations through to larger corporate enterprises. Not only is our water market driving productivity for irrigated agriculture in New South Wales, but it is giving growers more flexibility in how they manage their business. In the recent two very dry spells we have seen in New South Wales, an active market has given producers more options to manage droughts from season to season. The report also reinforces the importance of this Government's strong stance against any further environmental water buybacks in the Murray-Darling Basin and our efforts to improve and simplify water management in New South Wales.

New South Wales is leading the country in terms of water trade activity, and as the CEO of the Australian Water Association, Jonathan McKeown, noted at the report launch, we are being closely watched by water industries in the United Kingdom and Asia, that are looking to set up their own water market. While the water market in New South Wales has developed significantly, there is still a long way to go and a lot more we can learn. This report provides a roadmap for Government and industry to provide more education to help traders make informed decisions, and to close the gap between those who use the market and those who want to.

We can also simplify and make trade rules more consistent across the State, as well as speed up the assessment and approval processes, particularly for groundwater trade. That is why my department has created a dedicated information and insights unit, with a specific focus on providing accurate and timely information, and improving market oversight and governance. With water being such an important and vital resource in this country, we have the responsibility to ensure we are developing a water market that is both productive and efficient, while sensibly balancing the needs of those who depend on it. The Government is committed to working on these opportunities to further develop the water market in New South Wales, and to not only lead the country but also establish a worldwide standard for which Australia can be admired.

It was an absolute pleasure to join with members of Parliament, but also representatives from the irrigation sector as well as some people from the wider agriculture sector to show that what we are learning from this market is something that will benefit everyone in New South Wales. I commend Dr Christobel Ferguson and her team for their great work in this space. The more information we can provide to people who operate in this trading market, the better decisions that they can make, the more benefits that we can see right throughout, particularly our regional communities. The thing I like about this report is it is a bit of a snapshot of where we have come from and where we are now; but more importantly, it tells us what else we need to do to make this go even further. A bit of introspection is never wasted and provides an opportunity for us to see what else we can do better.

GAMBLING REGULATIONS

Mr JUSTIN FIELD (16:48): My question without notice is directed to the Minister for Primary Industries, representing the Minister for Gaming and Racing. Does the Government think it is appropriate for gambling companies to be handing out lollies with gambling advertising messages such as Tabcorp was doing in Martin Place train station last week? What action is the Government taking to investigate whether gambling advertising regulations were breached by Tabcorp's campaign?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:48): I thank the honourable member for his question. I am advised that last Thursday, Tabcorp conducted a promotion at some Sydney railway stations involving the handing out of TAB-branded jellybeans and mints. I am informed that the packaging of that product contained the TAB logo and the words "nothing's as sweet as a win" and "we love a bet". The packaging did not contain the gambling warning notice as required by the Betting and Racing Regulation 2012. Liquor and Gaming NSW is looking into this matter, and it will determine whether there have been any breaches of the legislation. It will review the evidence together with any statements made by the TAB and will take appropriate regulatory action. A contravention of the regulation carries a maximum penalty on conviction of \$5,500 for each offence.

The Government is committed to minimising gambling-related harm through effective regulation that supports responsible gambling and harm minimisation measures. Liquor and Gaming NSW has successfully prosecuted nine wagering operators in the past 18 months, including the TAB, for illegal gambling advertising, and continues to actively monitor social media, websites and other marketing activity to ensure gambling advertising is conducted lawfully and responsibly. As the matter is still under investigation, further comment at this stage would be inappropriate. However, I believe that the answer provided to me by the Minister's office covers all aspects of the member's question.

[*Business interrupted.*]

*Visitors***VISITORS**

The PRESIDENT: I take this opportunity on behalf of all members to welcome to the public gallery two year 10 work experience students, who are guests of the Minister for Primary Industries and who are here to observe question time. The students, who are from Cranbrook School, Bellevue Hill, Sydney, are Hugo Hayman and Will McGregor. I hope they are enjoying question time and have noted how members should behave.

*Questions Without Notice***NORTH COAST FLOODS AND WATER SUPPLIES**

[*Business resumed.*]

The Hon. PETER PRIMROSE (16:51): I direct my question to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, in his capacity as Leader of the Government. What steps has the Government taken to ensure that a clean water supply is available to families on the North Coast affected by sewage overflows, water contamination, rotting food and dead animals?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:52): I am very happy to answer the question as Leader of the House, but I remind the Hon. Peter Primrose that my colleague the Deputy Leader of the Government has substantial responsibilities in this area and also would have been able to assist him.

The Hon. Walt Secord: You know why we asked you.

The Hon. DON HARWIN: I know—I am aware of the affection that the Opposition has for me. State Government agencies are now working with local councils and emergency services to assist people who have had to evacuate their homes and who are now facing a big clean-up task. As the Premier stated earlier today in the other place, the State Emergency Service [SES] and volunteers are now assisting with this clean-up process. I am sure the House will join me in thanking those volunteers. My colleague has advised me that North Coast Local Land Services is providing support for livestock and other agricultural issues in the region. I know it will also be supporting landowners through access to counselling services.

NSW Health is the lead agency managing the impact of flooding on local water supplies, and it will be working closely with local councils to ensure that potable water supplies are suitable. Where there is impact or damage to council water treatment infrastructure, the Department of Primary Industries regional towns water and sewerage team has water and sewerage specialists who can provide assistance to local water utilities in emergency situations. Tweed Shire Council has recently lifted the boil water alerts for Uki and Murwillumbah South. With these notices now lifted, the only active boil water notice is for residents connected to the Nimbin rural water supply. During boil water alerts local water utilities maintain close contact with NSW Health, the lead government agency. The utilities follow the Australian Drinking Water Guidelines and the NSW Health Response Protocols.

The guidelines provide guidance to local water utilities regarding procedures for issuing boil water alerts. The utilities can make a determination to issue boil water alerts alone, in consultation with NSW Health, or at the direction of NSW Health. Determinations to declare boil water alerts are most frequently done in consultation with the lead government agency. During a boil water alert, residents and key stakeholders are typically notified through local, State and national media, council websites and social media. The department has a team of water and sewerage specialists that provides assistance to local water utilities in emergency situations when requested. I am sure that if the honourable member has any further questions about these matters, my colleague the Deputy Leader of the Government will be happy to assist him.

NSW ABORIGINAL WOMEN OF THE YEAR AWARDS

The Hon. DAVID CLARKE (16:55): I address my question to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on the winner and the finalists of the 2017 NSW Aboriginal Women of the Year Award?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:56): I thank the honourable member for the question. The sixth annual NSW Aboriginal Women of the Year Awards were held on 8 March at the new Sydney International Convention Centre in front of more than 400 guests. The awards recognised and celebrated the outstanding contribution women across New South Wales make to industry, community and society in general.

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

The Hon. SARAH MITCHELL: The 2017 International Women's Day theme was "Be Bold for Change", calling on the community to help forge a better working world and a more gender-inclusive world. This year's winner of the NSW Aboriginal Woman of the Year was Kristal Kinsela, who has worked across many sectors, including education and training, organisational and workforce development, and supplier diversity across government, corporate and not-for-profit sectors. Kristal's passion for advocacy and mentoring Aboriginal women shows through the teenage motivational and leadership camps she has run to educate young Aboriginal women about their rights and the skills required to navigate society, prejudice and stereotypes.

Kristal has also established her own consultancy after being inspired by stories of success through the growth of the supplier diversity movement in Australia. She engages with corporate and government clients to help increase their productivity, performance and Aboriginal engagement through coaching, training and facilitation. Based on her success, Kristal has presented at international conferences and has advised the Australian Government on policies to foster social inclusion. She was recently announced as the Sydney Ambassador for Indigenous Women in Business, a not-for-profit network to connect and support Indigenous women who run their own businesses. Not only is her story inspiring, it is also one of many stories that highlight the amazing things Aboriginal women in New South Wales are able to achieve locally and in the broader community.

I take this opportunity to recognise the other finalists for the NSW Aboriginal Woman of the Year. Maurita Cavanough is the director of Jarjum Centre Incorporated, which is an Aboriginal preschool in Lismore. As members have said today, that community is having a tough time. Maurita is well known for her passionate approach to community-led capacity building, mentoring women, early childhood education and transformative Aboriginal education. Elder Aunty Joyce Donovan has worked tirelessly for 35 years on Aboriginal health matters and was a driving force in the establishment of the Aboriginal Medical Service in Coomaditchi at Warrawong in 1983. She has travelled to all parts of New South Wales to advocate the need to eliminate child sexual abuse in Aboriginal communities, conducting healing ceremonies for victims of domestic violence, and spreading her message "that it takes a whole community to raise a child".

The last finalist was Tanya Orman, who has worked for National Indigenous Television for the past 10 years. As the channel manager, she has led the transition into the SBS network and free-to-air launch. She gained national recognition through a series of reports she produced in 2004 on fetal alcohol syndrome. Tanya is one of the youngest television executives in Australia and one of only a handful of Aboriginal women in a leadership role in the media. She regularly volunteers her time, including in her role as chair of the Media Reconciliation Industry Network Group, a group of media organisations committed to the development of reconciliation and employment of Aboriginal people in the media industry.

Congratulations again to Kristal, the winner, but also to all the finalists for the valuable contribution they make to their communities and to this great State of New South Wales. As Minister for Aboriginal Affairs, I acknowledge the hard work of the Women NSW staff for their continued effort to put on the Women of the Year event and for coordinating these awards. Women NSW has been actively influencing policy, innovation and collaboration to achieve justice and equality for the women of New South Wales. Through these awards, they recognise women who are making a difference. I also acknowledge Aboriginal Affairs NSW for its support of the Aboriginal Woman of the Year category.

The Hon. Shaoquett Moselmane: Time!

The PRESIDENT: If the Hon. Shaoquett Moselmane calls out "time" once more before a member's time has expired I will call him to order.

NORTH COAST FLOODS AND SMALL BUSINESS

The Hon. PAUL GREEN (17:00): I thank Government members for their grace on this matter. My question is directed to the Minister for Trade and Industry, representing the Minister for Small Business. In relation to the impact of floods in Lismore and other northern towns, what is the Government making available by way of immediate access to funds, as many businesses are not insured for floods and flood damage to their products?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:00): I thank the honourable member for his question, which is directed to the Minister for Small Business. A range of assistance measures are available to businesses. Some of those measures are administered by some of my agencies—for instance, through the Rural Assistance Authority. I know that the Small Business Commissioner is on her way up to the North Coast with a team. I will take the question on notice and refer it to the Minister for a response, but I will also endeavour to obtain a response about all of the measures asked about by the member's office in questions on notice as a matter of priority.

PUBLIC LIBRARIES FUNDING

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:02): I have one matter on which I would like to correct the record. In response to a question from the Hon. Natasha Maclaren-Jones, at one point in my answer I used the number 28. I meant to say 25.

If members have further questions, I invite them to put them on notice.

*Business of the House***NORTH COAST FLOODS**

The Hon. WALT SECORD (17:02): As Deputy Leader of the Opposition, I seek leave to make a statement on the North Coast floods and in support of those flood-affected communities.

Leave not granted.

The Hon. Duncan Gay: Point of clarification, Mr President.

The Hon. Adam Searle: There is no such thing.

The PRESIDENT: I will hear the Hon. Duncan Gay on a point of clarification.

The Hon. Duncan Gay: A question was asked earlier in question time about which the Hon. Walt Secord asked—

The Hon. WALT SECORD: What is your point of order? Refer to the standing order.

The Hon. Duncan Gay: —for equal time. The question earlier was directed to the Minister. The Deputy Leader of the Opposition can seek equal time—

The Hon. WALT SECORD: What is your point of order—a second reading speech?

The PRESIDENT: I remind the Hon. Walt Secord that he is on one call to order.

The Hon. Duncan Gay: —in that capacity, not in the capacity as the representative for the North Coast. The Hon. Walt Secord is asking for equal time in his capacity representing the North Coast.

The Hon. WALT SECORD: To the point of order—

The PRESIDENT: Order! The Hon. Walt Secord will resume his seat. The Hon. Duncan Gay has not completed his point of order.

The Hon. Duncan Gay: A question was asked of the Leader of the Government in his ministerial capacity. The Deputy Leader of the Opposition cannot seek leave for equal time in that capacity.

The Hon. WALT SECORD: The Hon. Duncan Gay is incorrect. I said very clearly, "As Deputy Leader of the Opposition". I did not say, "In my capacity as shadow Minister for the North Coast".

The PRESIDENT: As to the point of order taken by the Hon. Duncan Gay, there is no point of order. I have previously ruled on the matters he raised. One could imply that the Hon. Walt Secord was seeking leave to make a personal statement, but he indicated he wanted to make a statement about the flooding. The Leader of the Government indicated that leave was not granted. That is the end of the matter.

The Hon. WALT SECORD: As shadow Minister for the North Coast, I seek leave to make a statement on the North Coast floods and in support of those communities.

Leave not granted.

*Committees***GENERAL PURPOSE STANDING COMMITTEE NO. 5****Report: Budget Estimates 2016-2017**

Debate resumed from an earlier hour.

The Hon. MICK VEITCH (17:06): I make a contribution to the take note debate of the report entitled "Budget Estimates 2016-2017" for what was General Purpose Standing Committee No. 5 and is now Portfolio Committee No. 5. From the outset, I pick up on the comments of the chair, the Hon. Robert Brown, in which he extended some congratulations in my direction relating to the way I chaired the committee when we were in Deniliquin and Griffith. They were very kind comments. One can learn a lot from experienced chairs of committees. It would be agreed by all that the Hon. Robert Brown is an experienced and effective chair of

committees. Budget estimates can be quite robust, not only between the members but also in evidence we receive from Ministers, and this budget estimates was no different.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): Order! Those members who wish to have conversations will do so outside the Chamber.

The Hon. MICK VEITCH: For this particular inquiry we heard from the portfolios of Industry, Resources and Energy; Primary Industries; Lands and Water; Environment; and Heritage. I wish to spend a bit of time talking about Primary Industries, and Lands and Water. These budget estimates hearings were heard at a time when the Department of Lands was not only under a bit of pressure from Parliament but also under a bit of scrutiny from the Auditor-General, which we were to find out about subsequent to the hearing. The answers that arose from the questions that were provided on notice to the budget estimates hearing led to the committee seeking a supplementary hearing, which was held on Friday 14 October.

I am now in my tenth year of Parliament and I have attended quite a few budget estimates hearings. I have not seen so many questions taken on notice by a Minister at any other time. Off the top of my head, approximately 30 questions were taken on notice within the first 20 minutes, which is a record. That was more to do with the department's advice to the Minister than anything else. It says a lot about where the Department of Lands at the time. Questions about planning for new cemeteries and burial sites and issues concerning native title over land claims and other subjects led us to have some concern about the Department of Lands. Hence, we had the supplementary hearing.

I also spent some time exploring the Minister's Local Land Services capacity to deliver upon the biodiversity and biosecurity reforms of this Government, particularly with respect to budget and staffing. The budget estimates hearings provide a great opportunity for members on the crossbench and the Opposition to explore such things. Indeed, I think some members of the Government would like to explore those same issues. I left the budget estimates hearings not very confident in the capacity of Local Land Services [LLS] to deliver upon this Government's agenda when it comes to biodiversity and biosecurity reforms. There are issues around budget allocations and staffing requirements, and they continue to be issues throughout regional New South Wales. The efficiency dividends, the continued budget cuts and the restraints on the budget seriously impact upon the ways in which Local Land Services undertake their duties. Biosecurity is a significant frontline responsibility for Government and if the Local Land Services is not funded correctly there will be a significant biosecurity breach in this State. We will all rue the day that that occurs.

With respect to the Government's biodiversity reforms, I have the same concerns. My concerns are supported by the information we obtained through budget estimates. I do not think Local Land Services has the staffing or the resources to develop the mapping and to undertake the compliance requirements of the biodiversity reform process of this Government. I think they need a serious injection of funding and staff resources in order to undertake those functions and duties. I am concerned that the Government still has not provided that resources and funding. Before Christmas, we heard that a further 60 jobs had been cut from LLS across the State. It does not seem to be an organisation that is receiving the support of the Government.

I asked a question of the Minister with respect to native title claims over Crown land. It would appear that the department was not in a position to answer the question, even though the native title process had been in place for some time. The department responded subsequently on notice to the committee that it had set up a legal unit within the department to look at that issue. That looked to be reactive as opposed to proactive. Subsequent to all that, the Auditor-General's report was tabled in this Chamber, and we spent an hour debating that report. The report was scathing with respect to the Department of Lands. If ever there was a department that needed change, it is the Department of Industry—Lands.

The budget estimates process needs to change. I picked up on the comments of the Hon. Robert Brown in his opening remarks. Members on both sides of the debate would say that the process needs reform. In the next few minutes, we will be debating a committee report. During that debate, I will comment on the reforms that are needed. We need more time to explore those matters. If we had had that time, we may well not have needed a supplementary hearing. I acknowledge the committee members who supported the call for the supplementary hearing. It was necessary and it certainly provided us with further information.

I again thank the chair, the Hon. Robert Brown, for the way he did his job. He chairs a very good meeting and has done so for quite some time. If an instructional video is made for the benefit of future chairs of committees, we could not do better than to go to the Hon. Robert Brown. I thank my colleagues on the committee; we did well at budget estimates. The secretariat staff have a difficult job of keeping us on time and in order. I thank them very much; they do a sensational job. I also thank Hansard. I do not know how they report some of the discussion at budget estimates because it can be robust and rigorous—and that is only amongst the members of the Opposition. I commend the report to the House.

Mr SCOT MacDONALD (17:14): I will make a few comments about the 2016-17 budget estimates. Enough has been said about the chair; it would be embarrassing to say much more than has been said by the Hon. Mick Veitch, so I will leave it at that. Whatever side of the fence members sit on, they do good work on the General Purpose Standing Committee No. 5. I make two comments with respect to Environment and Heritage issues, which were, as always, interesting, to say the least. First, there was a point raised about the safety of environment and compliance officers. This was in reference to the shooting of an officer of the NSW Office of Environment and Heritage [OEH] last year. At that stage everything was very raw and it was quite right that the safety of officers was raised. I cannot recall who raised that issue; it may have been the Hon. Penny Sharpe. It certainly touched a nerve with me. I did not know Glen Turner but I knew the people that he worked with at the Armidale office.

Rob Stokes, who was the Minister at the time, visited the Armidale office shortly thereafter and we both attended Glen's funeral. I visited the officers in the Armidale OEH last year, and I can say that it was very difficult speaking to his colleagues. I particularly remember one lady who was fairly new in the job as an OEH officer. She came from, I think, Garah, near Moree. She said that her parents had been threatened. People were under tremendous pressure and feeling the shock of that shooting. Fortunately, the legal system did its work and Mr Ian Turnbull received a significant sentence. For the sake of the House, I put on record that Mr Turnbull died in custody last year—in hospital, I believe—after a heart attack. I hope that closes that dark passage in our history. The death of any public servant is something that none of us can tolerate.

At the State level, we sent a clear message to the community that staff—in whatever role, at whatever level, in whatever department or agency—are performing a function for the Government. If people have a problem with the policies of the Government of the day, they should take it up with parliamentarians or the Government. That is the means by which to bring up problems. They are not to take it out on agency officers. Vale Mr Turner. It has been a year or so now since the incident. It is sad that Mr Turnbull has also died, but I hope that the wounds can heal. The partner of Mr Glen Turner made a statement. I will leave it at that, but it is good to see that matter come to a conclusion.

With respect to Heritage, I wish to talk about water contamination at the Williamstown Royal Australian Air Force base. The Opposition, particularly the Hon. Penny Sharpe, took the lead in asking questions with respect to perfluoroalkyl and polyfluoroalkyl substances, known as PFAS and PFOS. This issue continues, and no doubt we will get more questions this year. Food Standards Australia and New Zealand has lowered the safety limits again—only yesterday or the day before. The tolerable daily intakes are on the website for people to check. This continues to be a difficult environment for the landholders and the wider community. There are no easy solutions for this problem. I was talking to the firefighters yesterday at Kariong, who are in an environment where some of those chemicals have been used. There are legitimate questions in the community about where it is in the environment and where it might be in human systems. As I have said before, I am very appreciative of the efforts of the Premier of the day, the Hon. Mike Baird, and the Minister of the day, the Hon. Niall Blair, who is not in the Chamber at the moment.

Under their direction, the State did what it could in a meaningful sense to ameliorate that risk pathway, that was, to put the water on tap and to extend the reticulated water system to Fullerton Cove and Salt Ash. I think that Fullerton Cove was finished late last year. The process for Salt Ash is underway and, hopefully, it will be fully connected by the middle of this year, which is only a few months away. There is a lot happening in this space. I have no problem with the Opposition asking questions in this difficult area, as it requires discussion. We should look at whether NSW Health and the Environment Protection Authority [EPA], the main agencies in this area, can respond better. That should always be up for review. We have conducted two studies under the leadership of Professor Mark Taylor about how those responses were handled by the EPA. The studies found that, by and large, the EPA handled it as best as it could. We must remember that these chemicals are what are called "emerging chemicals of concern", so the science is not clear at the moment. We have evidence that there is damage to rodents in laboratory tests, but as yet there is no causation to humans from exposure.

Having said that, the Government, through NSW Health and the Chief Scientist and Engineer, Mary O'Kane, has produced a very clear set of precautionary principles to address this problem—whether it be by directly addressing those pathways through the water system so that people do not take it in through groundwater or by giving advice about food consumption, as well as what we do around fisheries and other aspects of primary production. I think the Minister will anticipate questions, as she should. I am very proud that the Government put \$10 million on the table within weeks or months of this becoming an obvious problem. The then Premier, the Hon. Mike Baird, the Minister for the Environment, the Hon. Mark Speakman, and the Hon. Niall Blair responded in a strong and positive way and backed it up with dollars.

I welcome the chance to refresh members' memories. I have said it before and I will say it again: questions on this issue are important. But the politicisation of this issue is awkward because there is a risk that people will

respond to that. Many aspects of the science are uncertain and the community of Salt Ash is under stress. I have visited that community and talked to the people. We will respond to the questions, but we should all bear in mind that we are talking about a community that is still very fearful for its future and its health, particularly the health of its children and young people. Residents do not know if they can swim in a pool in the red zone, as it is called. Transparency and information are important, and that is certainly something that the budget estimates process provides. I welcome that, but I think we have a long way to go. I thank the chair of the committee, although not quite as profusely as the previous speaker did. Nevertheless, the chair did a very good job. I also thank the secretariat.

The Hon. ROBERT BROWN (17:23): In reply: I thank all the speakers who contributed to this take-note debate. I commend the report to the House.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): The question is that the House take note of the report.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Report: Budget Estimates 2016-2017

Debate resumed from 21 February 2017.

The Hon. PAUL GREEN (17:24): In reply: I will speak briefly on report no. 5 of General Purpose Standing Committee No. 6, entitled "Budget Estimates 2016-2017". I thank all the committee members—the Hon. Lou Amato, my deputy chair, the Hon. Catherine Cusack, the Hon. Bronnie Taylor, the Hon. Daniel Mookhey, Mr David Shoebridge, the Hon. Ernest Wong and the Hon. Dr Peter Phillips—for their contributions to this particular budget estimates committee. Budget estimates ensure parliamentary oversight of the budget and provide an important mechanism of accountability of the Executive Government to the Legislative Council. I thank the committee secretariat for its exceptional job in organising the budget estimates. As the chair, I thank my fellow committee members and non-substantive members for their participation and input. They always seem to be able to foretell when the cameras, radio journalists and other media will be at the committee hearing. It adds a bit of excitement to the process. Most chairs of committees look forward to it because after that it is all downhill. I acknowledge also the Ministers and their staff who assisted the committee in this inquiry.

General Purpose Standing Committee No. 6 covered several important portfolio areas, including Innovation and Better Regulation, Local Government, Regional Development, Skills, Small Business, Corrections, Emergency Services and Veterans Affairs. The Christian Democratic Party is proud to have worked with the Government to get New South Wales back on track. The Christian Democratic Party supported the leasing of New South Wales ports—Port Kembla, Newcastle and Botany. This established the Restart NSW fund and stopped the downgrading of the triple-A credit rating of New South Wales, which would have been devastating for jobs across the State and resulted in a lack of credibility, thereby affecting the ability of global markets to invest in New South Wales. It was a strategic decision that was made in this House. The Government has invested the billions of dollars that came from those leases, and, in my view, the State has never looked back.

After an extensive inquiry, we also supported the Government's policy on the leasing of New South Wales electrical assets—following a few amendments to protect current working conditions under future leases. The leasing of this asset alone has provided a \$20 billion-plus investment into New South Wales infrastructure under the Rebuilding NSW fund. I note that we worked with the unions on that issue. I think they had about 29 amendments, and we got 28 of them up. It shows the importance of the crossbench and our fairness. We were able to help protect workers across New South Wales and to make a strategic decision that will give this State an uplift of around \$300 billion by 2050. It will be fantastic to see that over the next 20 years in particular.

I note that in 2011, when I first came into the upper House, the net worth of New South Wales—that is, how much the State would raise if it sold all its assets across New South Wales—was about \$137.5 billion. I am led to believe that by 2019, with an uplift of about 36.6 per cent growth, it is predicted that the State will have a net worth of about \$245 billion. I think that is very important, not just in dollar terms but also in what it means for mums and dads, for workers across New South Wales, and for our kids, who will be given the very best opportunity to have a job. It will provide training and education and enable them to fulfil their God-given dream of growing up and enjoying the fruits that we enjoy as adults across New South Wales. That is a very significant point.

The Christian Democratic Party welcomed the announcement by the Treasurer of a surplus of \$3.4 billion in 2015-16 and another surplus next year of approximately \$3.7 billion. Given the way that house prices are going across New South Wales, it may be much more than that. I do not know whether that is to be applauded in its

totality because it is often built on the back of stamp duty, which is hitting a lot of young people who are trying to get into the housing market. If the Government is making a massive surplus from stamp duty, it would be great to see those funds used to improve housing affordability to help many people get into the housing market and to assist our aged residents in the private rental market as their costs increase. There are lots of challenges in housing affordability, both nationally and in the State, as we have heard in the media. I hope that the New South Wales Government in its upcoming budget is in a position to do a bit more than other States to alleviate housing affordability problems for our most vulnerable people. About 60,000 people are on social, public and affordable housing waiting lists. Once again, any surplus could help relieve the immense pain this causes for many families and individuals.

Given that New South Wales continues to be the leading State on most social indicators, I turn to the report on the budget estimates 2016-17. I was pleased to see the Government's investment in the State. I note that the Government has budgeted \$418 million to regulate the function of workers compensation insurance, motor accident insurance, compulsory third party [CTP] insurance, and home building compensation. I note the budget line item of \$241 million in 2016-17 to provide shared corporate support and services to a number of government agencies including procurement, information and communication technology [ICT], human resources, and finance for business services. There is also money budgeted for private providers in order to obtain higher service quality at lower cost. I will go on listing line items because it is a huge budget.

There was \$124 million to enforce fair trading laws; \$69 million in 2016-17 to drive a whole-of-government strategy to achieve better value in service delivery from ICT across government; and \$17 million over four years to continue work providing data-driven insights to help inform policymaking. In the budget estimates hearings, I questioned the Minister about the upcoming introduction of the CTP green slip legislation, the recent development of a Fuel Check app and how NSW Fair Trading is raising greater awareness of online scams which particularly affect our vulnerable and elderly. In the portfolio of Local Government, the Christian Democrats noted the \$700 million to create stronger councils and deliver the support local councils and communities need. Each new council will receive about \$10 million to meet the costs of merging and up to \$15 million to kickstart investments in community infrastructure through the Stronger Communities fund. Given that some of these matters were dealt with in legislation last week, it was good that the legislation got across the line so that the Government can move on with its plans.

There is \$79 million to ease the cost-of-living pressures for pensioners through the Pensioners and Seniors Rebate Scheme subsidising council rates and charges, which is most important. Some councils across the State are able to provide subsidies to pensioners, but some are so financially strapped that they have to remove subsidies. It is great that the Government is providing \$79 million to help to subsidise pensioner rebates. There is \$16 million to support councils through the Local Infrastructure Renewal Scheme, which is a great initiative given the fact that there is a need to spend billions of dollars on the asset maintenance backlog. This is not a large amount of money in real terms, but nonetheless it will allow councils to get on with tackling the backlog and perhaps match the funds to do something significant for their communities. There is \$14 million towards local government reform initiatives, including the establishment of the Joint Organisations Fund and the Innovation Fund to improve local service provision for regional and rural councils.

I note that there is a feeling in the community that we need to square away some of the joint organisations now that the pilot studies have been completed and those studies have concluded that these organisations function very well. There is \$1.5 million over two years to create the easy online step for dog and cat registers. During the hearings I raised with the Minister the ongoing concerns I have about the disparity in pensioner rebates for water and sewerage between those living in Sydney and those residing regionally. I put the Government on notice that the Christian Democratic Party will not stop pursuing this issue. I will check whether the Government has answered my question on notice on this issue. The Minister has been questioned at length about the controversial local government amalgamations currently being undertaken, in particular questions regarding the payment of administrators appointed by the Minister.

Other topics covered were about rate pegging, the Georges River Council regarding the forced acquisition, and the Far West Initiative. I also put the Government on notice that the Far West Initiative seems to have fallen off the radar. I encourage the Government to make sure the initiative is progressing at a satisfactory pace. If not, I will be pursuing this matter soon. The Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business has announced a few initiatives including that 30 per cent of the \$190 million for the Jobs for NSW fund is dedicated to regional jobs, which is important. As I have said, it is easier to keep a job in regional New South Wales than trying to create a new job. We heard about the continued rollout of the \$110 million Regional Tourism Infrastructure Fund, including \$68.4 million for upgrades to regional airports, another fantastic initiative, and \$27.5 million for the Port of Eden wharf extension to attract more cruise liners to Eden. Mr Pollock from Regional Development Australia [RDA] told me that the Eden wharf extension is a wonderful addition to the port.

There is an ongoing commitment of 3 per cent for the Restart NSW Fund for the Resources for Regions program to support infrastructure projects in mining-impacted communities. It was noted that since 2012 \$208 million had been allocated to 32 infrastructure projects. In budget estimates I was particularly interested in the Minister's update regarding the rise in TAFE enrolments as well as the Government's commitment to the provision of vocational education and training [VET] scholarships, particularly for those who need a hand up. I was pleased that the Minister commented on the current inquiry into zonal taxation, as I believe that the introduction of a sliding scale for zonal taxation on payroll tax and stamp duty in regional New South Wales could go a long way to ensuring jobs growth and industry viability in the future for our regional areas. We need to look continuously for ways to support regional New South Wales to ensure its future remains bright and that mums and dads in our regional towns and cities can continue to provide for their families.

There is no doubt that zonal taxation on payroll tax is a great initiative. Once again, I hope that the Government picks up this initiative. We all know that the Federal Government is talking about the effect of taxation on incentives for health workers, teachers and other professions working in remote communities. These tax advantages could be extended to regional areas in New South Wales to encourage decentralisation from Sydney. We want businesses, particularly small-to-medium enterprises, to be established in regional areas—in places like Tamworth, Wagga Wagga, Albury, Orange, Dubbo, Shoalhaven—to reduce density in parts of Sydney. This could be an important step, because Sydney can take only a proportion of the projected population growth. I have not talked about this proposal. I mention that the Christian Democratic Party had a lot to do with the strata law change, which significantly addresses density in Sydney. It was the right thing to do. Long after we are gone, we will have made decisions that have enabled people to find places to call home and to have job security. The Christian Democratic Party commends this report to the House.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): The question is that the House take note of the report.

Motion agreed to.

SELECT COMMITTEE ON THE LEGISLATIVE COUNCIL COMMITTEE SYSTEM

Report: The Legislative Council Committee System

Debate resumed from 21 February 2017.

The Hon. SCOTT FARLOW (17:39): I speak on the report of Select Committee on the Legislative Council Committee System, otherwise known colloquially around this House somewhat affectionately as the committee on committees. The genesis of this select committee was in the events in 2013 to mark the twenty-fifth anniversary of the Legislative Council's modern committee system, C25. This milestone provided an opportunity to reflect on accomplishments as well as to look to the future. While there was much to celebrate during C25, participants also speculated as to whether the committee system would be fit for purpose for the next 25 years. With this in mind, the House established a select committee to ensure upper House committees reflected the modern Parliament and would continue to support the Legislative Council to fulfil its role as a House of review.

From the outset, I would like to recognise the work of the Hon. Mick Veitch, the deputy chair of this committee, for his foresight in originally bringing a motion to the House, which was embraced by the Government. I commend the then Leader of the Government, the Hon. Duncan Gay, for his commitment to the establishment of the committee on committees, as well as all members of the House for the way in which they all participated in the committee and gave it their support. The committee's membership was drawn widely from the House. I mentioned the deputy chair, the Hon. Mick Veitch, but I also note the contribution of the Hon. Greg Donnelly, the Hon. Dr Peter Phelps, the Hon. Greg Pearce, the Hon. Trevor Khan and Reverend the Hon. Fred Nile. Dr John Kaye began on the committee but unfortunately could not see it to its conclusion. There were also contributions from Ms Jan Barham, who is no longer in this place, and Mr David Shoebridge ended up completing the report with us. I want to particularly note the contribution of Dr John Kaye on this committee, his commitment to the committee system and his contribution to the report.

I thank all members of the committee. Although we came from different perspectives, it often was the case that members around the table would say, "We all know what needs to be done." Everybody would nod their heads in agreement and poor old Beverly would be sitting there thinking, "What does that mean?" Everyone had a very firm view of what needed to happen with the committee system. Those views were somewhat different, and when we got around to the nuances of what the recommendations would be, we started to see how different those views were. But everyone came with a firm commitment to preserve what we have as a committee system and improve it as well. From the outset of this inquiry, I was very much of the view of looking for the best practice globally for committee systems. Throughout the inquiry, I came to realise that every single committee system,

wherever it may be, is fit for purpose and develops out of the needs and traditions of the House from which it comes, and that ours is a very special one.

One of the things that came out in the inquiry was that we pretty much had a consensus view that we wanted to keep a lot of the foundations of our committee system in the New South Wales Legislative Council and that we were very proud of our committee system. We were proud of its peculiarities in comparison to other systems and we wanted to preserve those. That came from all around the House, but, of course, there is always room for improvement. We should all be mindful that parliamentary committees are one of the best ways in which we can interact with the population of New South Wales—the people who come before committees and those whom our committees serve and represent. The committees are a key conduit for public engagement, involving public debate which ensures that members hear the diverse views of our diverse community in New South Wales. The committee kicked off the report with a discussion paper released on 10 November 2015, which the committee staff did a fantastic job in preparing.

From the outset, I want to recognise the great work of Beverly Duffy, who did a fantastic job in steering this committee and its work; Sam Griffith, who was very diligent in his work and responsive and helpful to the committee; and Lynn Race for her diligent work and contribution to the committee. From that discussion paper, the select committee received 20 publicly available submissions, which ranged from the New South Wales Council of Social Service, the Western Australia Legislative Council, the Hon. Ron Dyer, the Department of the Senate, the Department of the House of Representatives, the Law Society of New South Wales, the New South Wales Ombudsman, the Office of the Valuer General, the State Parliamentary Labor Party, the Hon. Mark Pearson MLC, the Animal Justice Party, the New South Wales Council for Civil Liberties, Professor Rodney Smith, the Hon. Kevin Rozzoli AM, the New South Wales Bar Association, the Office of the Legislative Assembly, Australian Capital Territory, the Department of the Legislative Council, New South Wales, the Australian Lawyers Alliance, the Department of the Legislative Assembly, New South Wales, The Greens New South Wales and the Parliament of Queensland.

I place on the record my thanks to everyone who made a submission to this inquiry. It might be one of the few times I thank the Australian Labor Party, The Greens and the Animal Justice Party, but I thank them for their engagement in this committee. I also thank everyone who appeared before the inquiry. Their knowledge was invaluable and helped to shape our views. I particularly thank the Clerk of the Legislative Council, Mr David Blunt, and the then President of the Legislative Council and the now Leader of the Government, the Hon. Don Harwin. It was in those sessions that we had some very constructive dialogue. It was not necessarily the usual committee style but it helped the committee to flesh out its views on what was practicable and workable. It was a very informative and constructive way for a committee of this nature to embark upon. Further, I thank Mr John Evans, Dr Rosemary Laing, Mr Rafael Gonzalez-Montero, Dr Luke McNamara, Dr Julia Quilter, Mr Neil Laurie, Dr Laura Grenfell and Dr Rodney Smith for their participation in the inquiry and the evidence that they gave. As well, we had Skype evidence from New Zealand, which was effective in our deliberations. The Committee put forward 12 recommendations, which are contained in the report. Recommendation 1 was:

That the three Legislative Council subject standing committees: Law and Justice, Social Issues and State Development, be referred to collectively as the "legislation and ministerial reference committees".

This recommendation largely tried to preserve the wonderful tradition we have in New South Wales of committees receiving references from the Government and potentially being constructive in developing government policy. It also sought to take on some of the things that we saw from other systems, particularly the Senate, in terms of legislative review that we wanted to adopt in New South Wales. Again, it is a uniquely New South Wales solution which has been put forward. The committee found that the amalgamation of these committees would allow them to continue to function in the same manner but also allow them to receive bills from the selection of bills committee. That was recommendation 2. This would be on a trial basis and it is envisaged by the committee that the trial would commence at the start of the 2017 spring session.

Across all parties, the committee understood that for any change we engendered within the committee system we would want the broad support of the House and that trials would allow us to reflect on the change and how it was working. Recommendation 3 was that the Legislative Council establish a regulation committee on a trial basis to consider policy and other issues relating to delegated legislation. As a House of review we have not necessarily reviewed many regulations. Some members thought there was scope to look at regulations more closely and, in particular, to focus on trends rather than to scrutinise every regulation. That is why the trial committee was proposed. On examining best practice, the committee found that other States spend much more time reviewing regulations. We have the Legislation Review Committee, but it has a very defined ambit. As a result of its inquiries, the committee recommended that the Legislative Council undertake more regulatory review. Recommendation 4 states:

That the President request the Privileges Committee to inquire into and report on procedures to be observed by Legislative Council committees for the protection of witnesses, including the adoption of Senate-style privilege resolutions.

Of course, that was not seen to be exactly within the ambit of the select committee on committees. Nevertheless, it was seen as important, and I am sure the Privileges Committee will consider it in due course. Recommendation 5 states:

That standing order 233 be amended so that government responses to committee recommendations be required within three months, and that this period can be extended to six months by provision of written correspondence from the Leader of the Government in the Legislative Council to the President, if additional time is required due to the need for inter-agency consultation.

This was debated by committee members, but it was thought that what is done in the Australian Senate could be adopted by New South Wales. Recommendation 6 states:

That governments fulfil their obligations under standing order 233 by:

- providing government responses to reports tabled towards the end of a previous parliament
- ensuring that government responses always include details regarding what action, if any, the government proposes to take in relation to each recommendation.

I am happy to say that the Government has a good record of responding to Legislative Council committee recommendations. However, beginning in the Fifty-third Parliament in 2003, there has been a trend of governments sending correspondence prior to the six-month deadline stating that the response will be delayed. Committees spend a great deal of time preparing reports, and the committee felt that the government should provide timely responses. The committee would like to see the government fulfil its obligations in that regard. Correspondence advising of a delay in the government's response has a somewhat ambiguous status and the recommendation requires clarification. Recommendation 7 states:

That the sessional order relating to standing order 232 make explicit that the day and time on which motions for consideration or adoption of reports of committees takes precedence includes debate on government responses.

That time could be used to debate the government's responses. There is nothing that precludes that now, but it was thought it would be wise to further clarify that within the sessional orders. Recommendation 8 states:

That standing order 233 be amended to require standing committees to consider a government response at the next available meeting.

Committees often spend months travelling around the State gathering evidence, but once we move on we never turn our mind to the government's response. While we expect timely responses, it is incumbent upon all committee members to be involved in that process and to follow up the recommendations and the government's actions. Ms Jan Barham felt particularly passionate about tracking the implementation of recommendations. Recommendation 9 states:

That hearings for the 2017-18 Budget Estimates inquiry be held over two separate weeks, from 9.30 am until 6.30 pm in late August/early September 2017 and February 2018, to trial increasing the duration of Budget Estimates hearings.

There was some debate about this issue. I may not agree with the recommendation—

The Hon. Mick Veitch: It is the beauty of the committee system.

The Hon. SCOTT FARLOW: It is the wonder of the committee system and it demonstrates the freedom afforded members. No doubt the Government will respond in due course. It was recommended that the trial not be conducted during an election campaign so that we could determine whether the new program should be adopted. Perhaps we should consider it outside the prism of an election campaign, when committees may tend to become a little controversial. Recommendation 10 suggests that the general purpose standing committees be renamed as portfolio committees. The Government has responded to that recommendation, and I commend the Leader of the Government for ensuring that committees are more responsive and accessible to the public. I was recently asked, "What on earth is GPSC5?" It will now be clear that it is a portfolio committee relating to the environment and land use. Recommendation 11 deals with the allocation of portfolios. Of course, a good Cabinet reshuffle throws out all the best laid plans of mice and men. Recommendation 12 states:

That Legislative Council staff undertake training in community engagement methods, including the use of social media, to enhance their ability to engage with stakeholders and the broader community.

That is the heart of our committee system. We are here to represent the people of New South Wales and to seek their views. Any way in which that can be facilitated is important. The committee staff already do a fantastic job in that regard. However, members of the committee want to help them to do undertake that task as we embrace digital communication and social media. I commend the report to the House.

The Hon. MICK VEITCH (17:53): The Select Committee on the Legislative Council Committee System is referred to as the committee on committees. I moved the motion to establish this committee, but it was

not the result of only my work. When celebrating the twenty-fifth anniversary of the establishment of the Legislative Council committee system, a few members had a conversation about the timing of a review to determine whether it was functioning as envisaged by our predecessors. It is to the great credit of the former President, the Hon. Don Harwin, that he guided members through the establishment of this select committee. Much of the committee's work was done under his guidance, and it is appropriate that the Chamber acknowledge the leadership he has provided in this endeavour.

We cannot review the committee system if we do not have committees. The Dyer report, tabled 25 years ago, established the Legislative Council committee system to assist us in our role as members of the House of review. The select committee was tasked with finding out whether that committee structure, the work of the committees, and the support they received could facilitate the work of members in modern times. One could call it "contemporising" the committee structure. The committee put aside politics and had full and frank discussions about a number of issues. I extend my thanks to all members of the committee for their willingness to put aside political allegiances. We all want the committee system to work. Members know that I am a strong advocate for the Legislative Council committee system. I believe that it is the foundation of the strength of this Chamber. It provides us with opportunities to scrutinise the government of the day and the Executive government. The committee system is an important part of our work.

The Hon. Greg Donnelly and I have spent a lot of time over the past 10 years working on committees. In some years we have spent 80 or 90 days attending committee meetings, reading submissions, taking evidence and so on. It is no understatement to say that I love committee work. The Select Committee on the Legislative Council Committee System has done some good work. The chair has spoken about the committee's recommendations, so I will not discuss them in detail. However, I will deal with a couple of them. The budget estimates process exercised the minds of committee members more than once. We spent some time debating a range of options and considering alternative models. Some of us feel that the Australian Senate model is the most appropriate model to adopt.

I still believe that the New South Wales Parliament should strive to adopt the way in which the Senate estimates committees operate. In my view, the Senate model provides ample time to scrutinise line items in the budget in detail, and that is what we should be doing. This committee has not quite gone to that extent, but committee members did spend a lot of time deliberating the merits of the Senate system. What we have landed on is halfway between the Senate system and our current model. As the chair, the Hon. Scott Farlow said that we are advocating for a trial of that hybrid model for a period of time. Whilst we in the Labor Party have accepted that position, in my view it would have been good to have trialled the Senate model. I know that other members of the committee are also of that view.

The other interesting suggestion is that we have a selection of bills committee. To trial that would be an exciting innovation arising from the work of this committee. I strongly urge the Government to give consideration to the trial of a selection of bills committee, working in a similar way to that of the Senate. The chair also spoke about the regulation committee. I say this with all due respect to members who have not spent time in opposition: one does not really appreciate the opportunity to review and scrutinise legislation until one is in opposition. One of the questions we deliberated upon was whether the current arrangements provide sufficient scrutiny of the regulations being put forward. The view was that they are not and that we would like to trial a regulation committee. The recommendations of this select committee immediately raise the resourcing of committees and the structures we are suggesting. The Government should put the money and resources into trialling these committee suggestions.

This report will enhance the committee operations of this Chamber; it will enhance and better inform the work of members in their role in this Chamber; it will assist in holding the government of the day to account; and it will facilitate better government and better opposition. This is good work by the committee, even though we on this side did not get it to where we wanted it. The Hon. Greg Donnelly and I have had a number of conversations about this report. We are satisfied that the report as tabled is a significant improvement on the current committee system. It certainly does not take away from the existing committee system. I will continue to be a significant advocate for the committee system in the upper House, which does extraordinary work. I commend this report to the Chamber.

The Hon. Dr PETER PHELPS (18:02): I lend my support to previous speakers who have spoken about the work of the committee on committees, as it is affectionately known, and also say how very happy I was to be a member of that committee and how much we owe to the Hon. Don Harwin when, as President, he invested a lot of time and energy and gave support not merely in the celebration of 25 years of the committee structure in this place but also in the investigation of what we can do better in future. I have been fairly consistent in my view, especially on estimates and estimates hearings, during the time I have been here. I do not do that from a position of opposition from which it could be alleged, "You have a vested interest in trying to embarrass the Government

and so therefore you want hours and hours of committee hearings so that a tired Minister will slip up and make an error and then you will have the front page of the *Sydney Morning Herald*." I approach it from a slightly different position and I actually believe that some members of the Labor Party also approach it from a position similar to mine, that is, I actually like Parliament. I like the Legislature and I have a great affection for the legislature qua legislature.

I will not go into the history of the English civil wars and the battles between the authority of the Crown and the authority of the Parliament. I am sure members are all very deeply aware of the historical background of that, so it would be unnecessary for me to do so. Suffice it to say that I believe that in this State the Legislature is far too weak. It is not weak through the abilities or inherent powers it has; it is weak through its inability to exercise its powers. Effectively, we find ourselves in a situation, especially when in government—of both sides—of being little more than an electoral college in which we select who the Premier will be and then return to a one-man or one-woman State in which the rule of the Executive is paramount and we are little more than rubber stamps for that Executive authority. That is an unfortunate consequence. It is not something that happens in the Westminster Parliament or in other parliaments of a Westminster nature around the world, certainly not to the extent it does here. I will not let the Labor Party get out of this unscathed. Those opposite know full well that the pledge is part of the poisoning influence. The idea that one has to have an absolute caucus solidarity on everything, even on pronouncements afterwards, is quite detrimental to the proper workings of a good parliament.

I want to get to the estimates process because I have been consistently asking for an improvement in that process in my time here. The current estimates process is terrible. There is a minimal amount of time to ask questions. Effective Ministers will stall on their questions. They will prevaricate and avoid answering or will consult with officials knowing full well that the clock is ticking down so that the 120 minutes or so where once a year they actually have to answer questions will soon evaporate and they will not have to worry about that again. I think that is a very poor state of affairs. My view has always been that a decent Minister should be saying, "Bring it on. I am so across the minutiae of my portfolio that I can answer any questions in relation to policy. And in relation to administration I have such confidence in my officials that you can keep them here for six hours and probe down to the most minute level of detail. They are so good that they will be able to bat back anything you have and you will be left with nothing." That is the way I think a government should operate.

The fact that it does not operate that way here bleeds into a narrative that State parliaments are the B team and that anyone with any decent competence goes straight to the Federal Parliament or uses State parliaments as a springboard for the Federal Parliament and that that is where they actually have ability and competence and are not afraid to actually answer questions. I think that is a false view; there are many extremely talented people in this place. But the fact that we continue to hide Ministers behind this impediment is quite discouraging. I am quite discouraged by the fact that Reverend the Hon. Fred Nile continues to believe that the existing system is somehow the optimal system for this State. I think it is bad for Ministers, it is bad for departments, it is bad for crossbenchers, it is bad for the Opposition, and ultimately it is bad for the people of New South Wales.

There is the idea that Ministers from the lower House should not have to face hours and hours of questioning—those poor snowflakes who might get one question directed to them from the Opposition every six months. They face a total of four minutes of questioning in the House as opposed to Ministers in this place who—and I actually did the calculations—face on average almost four hours more of questioning than their lower House colleagues. And these people say, "Oh, we do not want to spend three or four hours there." Give me a break. If a Minister is not in a position to competently answer questions over a sustained period of time, then perhaps that person should not be a Minister in the first place. Additionally, moving to a new system would present a greater opportunity for interrogative question not merely of Ministers, because presumably they are all across their policy, but also of the administration of departments. And there are many Coalition members who would like to question the administration of departments. But, of course, under the bizarre system we have whereby we give up time at the express request of the Minister, we cannot do that. There are also Ministers here who would like Coalition members to interrogate the administration of their own departments in a public forum, but we cannot do that.

The Hon. Robert Brown: That is true.

The Hon. Dr PETER PHELPS: I know it is true, because I can name two Ministers who have asked me to do just that. We cannot do that under the current system because we have to give up time. That is why—and this is noted in the draft minutes of the No. 7 meeting—I sought to remove the proposal to have fixed times for particular groupings of people. I think the Senate system works quite well. Under that system, a few weeks before hearings the committee gets together and nuts it out. A senator may say, "I have lots of questions on this particular area and it will take about 90 minutes. I have no questions on this area; you do not even need to call those officers." They work out a program through a consultative process within the committee structure that does not rely on these arbitrary, mindless one-third allocations to various groupings. I would like to see that go because, quite frankly, I have a lot of questions that I would like to ask various departmental officers.

If there is any Coalition member who thinks that government administration is so perfect that it does not require any questioning from a conservative point of view, then I would suggest that they probably have not dealt with government officials to any great degree in their lives. I particularly support the recommendations for a selection of bills committee. I think it would be a very good process. As the report makes clear, it is not expected to inquire into every bill, but there are certainly a number of bills that are of a particularly and obviously controversial nature that would benefit from public hearings. I do not say that as a member of the Government; I say that as a legislator, as a member of Parliament. As the Senate has repeatedly shown, appropriate public hearings do not have to drag on and on. If a bill is identified by members in this place as controversial, people do not need to think about what their views are; they will press F1 and their responses will be pre-printed. It will not take a great deal of time.

Finally, I am glad there will be a committee on regulations. The Senate's equivalent regulations committee does a great job. There remains one great structural problem, and it is a problem that the Senate does not have. Under the Senate system if a member moves to disallow a regulation that regulation is automatically disallowed if it has not been dispensed with within 15 days. In other words, the onus lies on the government to seek to reconfirm that legislation. If the Government does not do that, then the regulation is disallowed. Here we have the alternative system, where you can move to disallow a regulation and, given the feeling of the members on the crossbenches, it may never see the light of day. Overall, this is an excellent report. I am not pleased that I had to cross the floor. It would have been nice if my Coalition colleagues had supported me on a number of issues that would have strengthened the system. However, I did what I thought was appropriate for the betterment of this House and for the political process in the State of New South Wales.

The Hon. JOHN GRAHAM (18:12): At the meeting on 23 March with the British delegation, which I attended, some very good advice was given by one of the senior members of the delegation who was commenting on the difference between the Houses in Westminster. He pointed out that in the House of Lords members tend to develop expertise. He made the point that if you are not an expert you should not feel the need to contribute. As the second newest member of this House, I will ignore that advice as I express a couple of views on this report about which I hold strongly. I agree with the comments that this is a very good report. I was pleased to see the work that had been done and to support the report in this debate. I recognise that these changes are in the tradition established by Lionel Murphy in the Senate. I acknowledge his leadership in raising these issues in Australia.

In May 1970 in the Senate, Murphy announced that he intended to move for the establishment of eight standing committees in the Australian Senate. With the support, first, of the Democratic Labour Party [DLP] and then of Government senators, who were allowed a free vote on the proposal, on 4 June he moved for the establishment of these committees. On 19 June 1970 a new era began for the Senate with the phasing in of the committees over the next two years. I acknowledge that these recommendations are in that tradition. I also acknowledge one of the motivating principles for Murphy's actions, which is best spelt out by the principle he drove into the Labor platform in 1969, which was the restoration of Parliament as the principal organ of democracy and social and economic change and the maintenance of effective parliamentary supervision over the administration. It is a very important principle and it is one I support. I recognise that the very good work that has been done here builds on that principle.

I mention briefly some of the committee's recommendations, which have been spoken to very effectively by the chair. I particularly mention the recommendations for a selection of bills committee and a regulation committee; the protection of witnesses; committee recommendations; government responses within three months; debates on government responses; and a move to a stronger budget estimates hearing process. They are all very strong recommendations and I support them. However, I do not support the Hon. Mick Veitch's suggestions on instructional videos featuring the Hon. Robert Brown or other committee chairs. I was not sure whether he said "instructional videos" or "motivational videos", but either way I would certainly want to hear some more from the Hon. Mick Veitch before I supported that particular recommendation. My comments are aimed more at committee chairs than at the Hon. Robert Brown.

Lastly, I recognise that this report is very well timed. There is plenty of time before the next election and this is a good time for all members to consider strengthening the oversight provisions of the Parliament and of this House. I support those principles strongly. I argued, when we were in government, for the shift from freedom of information to the current Government Information (Public Access) Act, which strengthened oversight. I suspect that that would not have happened at another time in our political cycle, but there was an opportunity at that moment to get a former government to agree that there should be oversight and that we would all benefit from that. The people of New South Wales have benefitted from that. I think that that should be the view of all members, whether they are in government or in opposition. We need to take a long-term view on these issues. I support the report on that basis.

The Hon. GREG DONNELLY (18:18): I am conscious that the debate on this report has gone on for some time. All of the key points have been covered, and I will not repeat them. It is a great honour to have the opportunity to serve as an Opposition member on this committee. Along with all members in this House who have served on committees, I appreciate the value that committees bring, not just because of the satisfaction that politicians in the Legislative Council derive from working on committees but because the committee process provides the Legislative Council with an ability to reach out to the community at large across the State. When it comes time to leave this House, and I am sure that some of us will write memoirs and some will not—

The Hon. Robert Brown: And some will produce instructional videos.

The Hon. GREG DONNELLY: Indeed. I think some of the most cherished memories we will have when it comes time to leave this House will be of going out and participating in committee inquiries—leaving the Parliament House precinct to spend time in communities and to hear from people directly. People always express their gratitude when they have the opportunity to meet their elected representatives and to engage directly with the Parliament of New South Wales via committee hearings. They may have had very little or even nothing to do with the Parliament up until that point—apart from every four years going along and voting in a general election. During committee inquiries, members get to have a chat with locals over a sandwich at lunch or morning tea or during site inspections organised as part of the particular committee trip. The local people are always very appreciative of that.

From my conversations with young people these days, I often find that they are a bit jaded and a bit, shall we say, cynical about politics. I often say that politics is what we make it. It comes back to the people in Parliament and the seriousness with which they take their commitment and their role as elected representatives. We must take the opportunities that come our way as a parliament to engage with the community. It can be very effective. I may not have revealed this before to the Hon. Mick Veitch, but when I started on this committee I took a pessimistic sort of view. I thought there would be a fair bit of stonewalling and a lack of appetite to engage in much change. I thought we were, in effect, going through the motions—that there may have been a bit of polish applied here or there but that nothing would really change.

But—and this is where I should acknowledge the work of the chair, the Hon. Scott Farlow—after the first half an hour or so of the first meeting it was pretty clear that the people who had been nominated by their respective parties as members of this committee were determined to make the most of the opportunity that had come their way—the opportunity to serve on the committee as well as to produce a report that would set up, if I can use that phrase, the committee system for the next five to 10 years. I also acknowledge the then President, the Hon. Don Harwin, not just for his work with respect to the twenty-fifth anniversary, which has already been acknowledged, but also for his determination to make sure that this opportunity presented to us would be used and that we would get the most out of it.

As to the way in which the committee's meetings were conducted, they proceeded very much in a collaborative fashion. I acknowledge that we had respective positions from our parties that we brought and we sought to prosecute those positions as well as we possibly could. We advanced the best arguments we could to move particular recommendations or parts thereof to the best possible position that we could achieve. But it is fair to say that there was an open-mindedness and a sense that we were all presiding over an important inquiry to produce a report with recommendations that would bring about changes in the way in which this House in this Parliament would undertake its important work with respect to committees.

I do not wish to go through all the recommendations; I think they have been covered pretty well. I will simply make comment on the ones that I think will make some difference to the way in which we will be able to do our work as members of the House of review and do it better than we have in the past. In particular, recommendation 3 deals with the establishment of a regulations committee. Both previously in government and now in opposition, I have always found that regulations are something that we get an email about once a week, on a Friday afternoon. We open the email and look at the regulations that have been made by the Government. But in terms of what is discussed, considered and reflected upon, it is very much up to individual members. If members want to find out the meaning of a regulation means and its consequences, they have to initiate that themselves and engage in discussions with colleagues or people with expertise who can help them understand the full implications of the regulation.

The fact is that delegated legislation through regulation is now used consistently and regularly by governments of the day. We need the capacity to look at regulations and their implications, not only of their content but also the way in which they have been drafted. Sometimes unintended consequences flow from the regulations that have been made by the government of the day. I refer briefly to recommendation 9. Budget estimates hearings have been dealt with extensively in previous contributions, so I will not expand on that except to say that, at the end of the day, the capacity of the Opposition and crossbenchers to have a reasonable and structured way in which we can interrogate—that is the word I use and I think that is the way in which we do it—

the Minister of the day and his or her senior bureaucrats is very important. It is very important so that we, as members of the House of review, can get into the detail of not only the policy, which is what the Ministers at the table are there to deal with, but also the way in which the policy is introduced, how the laws are being applied and, through the budget process how money is being spent by the Government. I will leave it there. I once again thank the chair, the Hon. Scott Farlow, and the deputy chair, the Hon. Mick Veitch, both of whom worked very well together. The committee worked very collegially. I commend the report to the House.

The Hon. ROBERT BROWN (18:27): I am aware that the Government may have an intention to wind up this debate so I will keep my contribution very brief. Having heard some of the contributions made in this debate, there are a number of points I will make. Several speakers have commented on the make-up of the inquiry and how it became obvious very quickly that committee members were of a mind to actually do something. Perhaps that is because the parties that nominated their members deliberately picked reformers to sit on this committee. I also acknowledge the input of the Hon. Don Harwin. I recall the chair of chairs meeting, which was held some time ago now, when the Hon. Scott Farlow put the proposition that a committee be established to look at how we do our business.

I will not get into the detail of the recommendations of the committee; however, I will say that when we get most or all parties agreeing that perhaps we could do more as legislators then I think all members should be excited about that prospect. The Hon. Dr Peter Phelps made a very good point when he said that he is here because he enjoys being a legislator and that we all must be given the opportunity to fulfil what we see as our obligation to the people by making sure that the rules about the way we operate allow the maximum ability to legislate in the best interests of the people.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. SCOTT FARLOW: I move:

That this House do now adjourn.

NORTH COAST FLOODS

The Hon. CATHERINE CUSACK (18:29): This afternoon police divers entered the Tweed River and recovered the bodies of Stephanie King and two of her children, Ella-Jane, aged 11, and Jacob, aged eight. Yesterday Ms King was driving with her three young children along Dulguigan Road near Tumbulgum when their car skidded off the road into the flooded Tweed River. One of her daughters, Chloe, aged nine, survived this horrific accident. Local police have said Chloe probably escaped with the assistance of her mother. Superintendent Wayne Starling told journalists:

That woman is a hero, she died trying to save her children. I have no doubt she would still be alive if she wasn't trying to save her children.

When asked how he could know that, Mr Starling explained, "The mother was trying to get one of the children out of the car when she passed away. She was holding the child." That word "tragic" seems so inadequate to describe the enormity of this loss and the horror and grief of her surviving daughter, Chloe, and partner, Matt Kabealo. What has happened is unimaginable. The sense of shock and distress radiates across the whole State and indeed is felt profoundly by all in this Parliament. The circumstances of this accident began last Thursday night when a meteorological disaster unfolded across the Far North Coast. Cyclone Debbie, which slammed into the Whitsunday region last Tuesday, travelled more than 900 kilometres down the coast towards the New South Wales Northern Rivers. Meanwhile a high-pressure system over the Tasman Sea, interacting with a low-pressure system over central Queensland, created a huge humid tropical air mass over the coast of New South Wales.

On Thursday evening Cyclone Debbie arrived at Mount Warning, colliding with this tropical air mass. The Bureau of Meteorology had predicted rainfall in excess of 100 millimetres. This proved to be a gross underestimate. In fact, rainfall of biblical proportions poured across already saturated catchments for the Richmond-Wilson rivers and the Tweed River. Lismore received at least 400 millimetres in just 24 hours. The weather station there was inundated and ceased readings at 3.00 a.m. on Friday. Goonengerry's downpour included 75 millimetres in the space of a single hour. The Tweed Valley received between 500 millimetres and 740 millimetres in the 24 hours to 2.00 a.m. Friday. To put this in perspective, Melbourne's entire annual rainfall is 600 millimetres.

I drove home on Friday listening to our emergency broadcaster, *North Coast ABC*, issuing warnings and revealing the impacts across the region, especially in Lismore where the Wilson River surged over the levee. I wish to pause to acknowledge the work of our local ABC Radio. It does a fantastic job with great care, empathy

and humour. Across the Northern Rivers 20,000 people were ordered to evacuate. Five evacuation centres were established at Kingscliff, Murwillumbah, East Lismore and Ballina. The Pacific Highway was closed at Chinderah. By the time I got to Ballina on Friday night there was no milk or bread left; the trucks resupplying fresh goods to supermarkets could not get through from Brisbane. As of Sunday night the NSW State Emergency Service [SES] had received 2,592 requests for assistance and had completed 2,394 of those tasks.

At Murwillumbah the flood peaked at 6.2 metres, which was higher than the 1974 flood. Residents stranded on their roofs were rescued. Indeed, the "Orange Army" has completed 483 flood rescues across the region and kept in contact with those who could not be rescued. In the Lismore central business district shop owners tried to move stock up or away. For those with heavy goods, such as large electrical appliances, there was too little warning and large quantities of stock and equipment were inundated and destroyed. Their stories are distressing and heartbreaking. On Saturday I visited a friend's dairy farm in Upper Burringbar. The power was out and she needed help milking the cows. An army of volunteers had pitched in and were finishing the job as I arrived. I was dismayed by the devastation. The creeks had risen beyond all past records and 50-year-old houses that had never been flooded were inundated with a foot of water. One house had been swept off its stumps and was sliding into the creek.

The SES did a great job of reopening roads after landslides, and council crews were working to patch damage, but many roads were still closed and I saw many vehicles disregard the road closure signage. My friend pointed out a neighbour's property where a woman drowned on Thursday night. Tweed Valley Way and back roads were lined with mountains of ruined possessions—carpet, furniture, washing machines—and many had lost everything. The dreadful scale of this disaster is revealing itself in increments as floodwaters subside. Lismore is a mess. Many businesses were underinsured or uninsured and are in urgent need of a helping hand. The North Coast is a resilient community. We are used to floods, even big ones, and the aftermath often has a festive atmosphere in the glorious sunshine that seems to follow such events. You will see a friendly property owner with a beer in one hand and a hose in the other. But that was not the case this time. This is very different. It was not something we could have prepared for, and so many lives have been devastated. The North Coast needs a lot of help.

POLITICAL DONATIONS

The Hon. PETER PRIMROSE (18:35): On 31 May in the Legislative Assembly the Leader of the Opposition, Luke Foley, asked the then Premier, Mike Baird, a simple and direct question:

Will the Government legislate prior to the Winter Recess to introduce caps on political donations and spending so that they will be in place for council elections that will take place this year?

The answer from the then Premier was equally simple and direct, "Yes". Of course, it is now a matter of record that the then Premier went on to breach this clear undertaking and the 2016 local government elections were held without such expenditure caps being in place. We have caps on how much can be donated to candidates at all council elections but there is no restriction on how much wealthy individuals can spend of their own money to get themselves and their team elected. They literally buy themselves control of a council by the unchecked weight of their expenditure on their election. We need to legislate expenditure caps in addition to the existing donation caps. That is the reason the multi-party Joint Standing Committee on Electoral Matters in its "Final Report of the Expert Panel—Political Donations and the Government Response", dated June 2016, recommended introducing expenditure caps for local government. Such expenditure caps are also the official policy of the New South Wales division of the Liberal Party of Australia.

The reason given for the failure to introduce such caps for the 2016 council elections was ostensibly the inability of the Electoral Commission to implement them in the time available. The Commission, of course, is answerable directly to the Premier, and a reasonable person could have assumed that he would have been briefed by his commission prior to having given his unequivocal undertaking to Parliament. But the Government then proceeded to vote against my amendment in the Legislative Council to commit to legislate caps on electoral expenditure for local government elections in June 2016 during debate on the Local Government and Elections Amendment (Integrity) Bill. This amendment simply said that it was the intention of Parliament that such caps should be introduced for future local government elections. Yet the Government still voted it down.

Now, ten months later, we are still without legislation. Once again we find ourselves five months out from local government elections still with no word from the new Premier, Gladys Berejiklian, as to when she will implement expenditure caps for local government. The outrage will be if, a year on, the new Premier seeks to use the same dodgy excuse as her predecessor and say that those caps cannot be implemented in time by the NSW Electoral Commission before the September 2017 elections. This will allow millionaire developers and their ilk to buy their way onto the forcibly merged mega councils. The Deputy Premier, the member for Monaro, has

been very clear about what the current Premier and their Cabinet will do. In a speech he delivered on 27 February this year he said:

As I said anything that we've committed to, nothing has changed. You will judge us on what we've promised, and what we've delivered.

The Deputy Premier is right. If the Berejiklian-Barilaro Government fails to implement spending caps for the 2017 council elections, the Government will be judged, and judged harshly, by all of us in the community committed to stamping out corruption in local government.

WILD LAW

The Hon. MARK PEARSON (18:39): Wild law, also known as Earth jurisprudence, extends the Western understanding of governance, which focuses solely on human interests, to include the concept of governing for the benefit of the whole Earth and its inhabitants. Wild law is Earth-centric rather than anthropocentric. Animals, plants, waterways and ecosystems have intrinsic rights to exist and flourish. New Zealand, Bolivia and India are leading the way in formulating wild law that protects the right of natural systems in perpetuity. Wild law is based on humankind's most primeval understanding that we share our environment with all living beings, giving and taking in balance. The ancient lore of the Aboriginal peoples ensured that more than 1,000 generations thrived on this island continent without degrading natural ecosystems. However, within 250 years of European colonisation our environment has become severely damaged. Many plants and animals are at the brink of extinction, forests and grasslands are depleted, waterways have been poisoned and our reefs and mangroves are dying. Animal agriculture has polluted our groundwater, eroded our precious soils and destroyed vast tracts of native habitat.

The Western view of the environment sees an expendable resource for profit and pillage. For the sake of future generations, government must incorporate wild law into our regulatory framework. How do we go about enshrining Earth jurisprudence into our laws? The modern originator of wild law, academic lawyer, Cormac Cullinan, in his *A Manifesto for Earth Justice* proposed that ecosystems be given legal personhood with enforceable legal rights. There is precedence for giving non-humans legal personhood, with corporations being given legal rights to promote commerce and trade. If corporate personhood is required for healthy economies, then why not legal personhood for the protection of natural systems that ensure the very survival of the planet?

Wild law is in the early stages of evolution as modern legal doctrine. The framework is little more than a philosophical basis for developing legislation, policies and environmental protection, but there are encouraging recent developments. Australia was once a progressive nation. We were at the forefront of the growth of international human rights and the establishment of the United Nations. In the development of wild law, we are nowhere to be seen. Bolivia is world leader in wild law, drawing upon their indigenous concept of Pachamama, which means Mother Earth, in the adoption of their 2009 constitution:

Pachamama is a living dynamic system made up of the undivided community of all living beings.

The Bolivian Constitution gives natural systems the right to live, biodiversity, clean water and air. In a landmark agreement between the New Zealand Government and the Iwi, or Maori, people, the Whanganui River was granted legal personhood. The river and tributaries become a single entity—Te Awa Tupua—with legal rights and interests overseen by guardians, including an Iwi elder. Following on from the New Zealand agreement, the High Court in India granted legal personhood to the Ganges and Yamuna Rivers, appointing three State officials as guardians. The judges wrote, "Ganga and Yamuna provide spiritual and physical sustenance." Wild law is the modern practice of an ancient knowledge that seeks to prevent us from wreaking our own destruction. Will we act in time? Our survival depends upon it.

RACIAL DISCRIMINATION

The Hon. ERNEST WONG (18:44): I briefly note the defeat by my Federal Labor colleagues in conjunction with The Greens, the Nick Xenophon Team members and Jacqui Lambie on proposed changes to section 18C of the Racial Discrimination Act. Members will be aware of my view on the importance of the Racial Discrimination Act. Those who argued against section 18C talked a lot about the right of free speech, yet all our rights are modified to strike the balance between the rights of the individual and their ability to enjoy the benefits of a civil society and a productive economy. As with all benefits there is a burden and in a civil society all benefits come with occasional burdens.

Section 18C represents the pact that has been struck to protect the various human rights of Australians from those who would attack them purely on the basis of their race or ethnicity. It does not modify private opinion or genuine public debate. It affects only the speech rights of those who would seek to vilify without the benefit of any public interest or genuine belief. Section 18C protects communities in New South Wales communities from the worst excesses of vilification engaged in without public interest motives. It does not, as some claim, protect

from offence. It protects from malice, from intimidation, and from oppression. It protects, if I may be so bold, that value of freedom from tyranny by superiors and other elites that we call "a fair go".

As my Federal colleague Tony Burke noted, there was a real question to be faced about precisely what sort of free speech the Government sought to unleash with its proposed changes, because the track record of section 18C claims being upheld by our courts shows a high test for a successful claim. Those who argued about Bill Leak cartoons or the University of Queensland case were effectively arguing in favour of the current tests because neither case was upheld, or would have been upheld, by the current legislation. Instead, I suggest that a look at cases where a section 18C complaint has been upheld under the current legislation provides material that would be shocking to any member of this place. Take, for example, *Jones v Toben*, which shut down a website denying the Holocaust and promoting malicious anti-Jewish propaganda. Was this the sort of freedom of speech that the Government needed to unlock? *Clarke v Nationwide News Pty Ltd* involved an Aboriginal woman who was the mother of three children killed in a car accident and complaints about reader comments that were published against stories about their deaths. One of the commenters wrote:

I would use these scum as land fill.

Let us think about that: three young Australians are dead as a result of a car crash and that is one Australian's response. Is that the sort of speech that the Government needs to free up? There are many other examples, such as *San v Dirluck*, or *Rugema v Gadsten Pty Ltd*, which I simply cannot degrade our *Hansard* by detailing. It is suffice to say that they include sentiments that should never be recorded in this place. I think that says a great deal about why the current Act remains and should remain. The successful diversity of New South Wales has been an extraordinary boon to our State. But it has not been earned without hard work or careful stewardship. Our community leaders play a key role in that, as do our laws.

I congratulate the Hon. Tony Burke on his leadership on this issue in our Federal Parliament and for leading more than 3,000 Australians in the Walk for Respect last weekend. Participants included the Hon. Luke Foley, the Hon. Sophie Cotsis and the Hon. Jihad Dib, and many other Federal and State Labor Party members. I congratulate all my Federal Labor parliamentary colleagues on their diligence in ensuring that the changes by government were exposed and opposed. This is good news for Australia, this is good news for New South Wales, in particular, and this is good news for those who wholeheartedly call Australia home.

AIR POLLUTION

Dr MEHREEN FARUQI (18:48): Clean air is a fundamental right for all people. Unfortunately, many in New South Wales are denied that right because of pollution from coalmining, coal-fired power plants, wood smoke and motor vehicles. The situation is further compounded by lax laws that do not appropriately punish polluters and inadequate standards that continue to permit harmful substances to be discharged into the air we breathe. The New South Wales Government's Clean Air for New South Wales Consultation Paper has lofty objectives when it states, "New South Wales cannot afford to wait on national action or market developments to support clean air". This statement will only be as strong as the actions that make clean air a reality.

We are not getting nearly enough action. We know that the Government, either deliberately or through incompetence, fluffed its responsibilities in developing strong and enforceable clear air standards. New South Wales was the lead State in developing standards for particulate matter under the National Clean Air Agreement, which was finalised in December 2015, but it failed to advocate for strong standards to protect human health. The standard that was eventually adopted was below World Health Organization recommendations, and other jurisdictions, such as Victoria and the Australian Capital Territory, adopted more stringent standards unilaterally.

The annual average PM 10 standard of 25 micrograms per cubic metre, which was advocated by the then environment Minister, was weaker than any of the measures recommended in the National Environmental Protection Measure impact statement. I remind members that in the past six years we have had four environment Ministers and each has presided over worse and worse laws and policies that have removed environmental protections. I do not hesitate in saying that this is possibly the worst government in living memory when it comes to the environment. What about the health of our communities? Surely, even for this Government, that is worth protecting. If stronger standards are enacted, big polluters, especially coalmines, would have to limit their emissions of harmful particulates into the air. As usual with this Government, the coal lobby says "Jump" and the Government says, "How high?"

People in rural and regional New South Wales are the most affected. Pollution from coal-fired power stations forms a substantial part of air pollution in this State. It is the third biggest producer of PM 10 and by far the largest producer of both nitrogen oxides and sulphur dioxide. Those pollutants cause reduced lung function and are linked to increased hospitalisation rates and increased mortality. Recent data from the National Pollution Inventory shows that the Bayswater coal-fired power station in the Hunter reported a 770 per cent increase in toxic coarse particle pollution over the past five years. Across Sydney, Wollongong and Newcastle, coal-fired

power plants contributed 87 per cent of the 187,000 tonnes of sulphur dioxide and more than one-third of the mercury. Environmental Justice Australia says that particulate pollution from coalmining has tripled in the past decade. Pollution from mines such as Bulga in the Hunter Valley increased by 32 per cent in the past year.

When will this Government start treating people's health seriously? When will it stop letting the coal industry self-monitor and fund studies that should be done independently? Having Dracula in charge of the blood bank never works. Simply minimising emissions from coal-fired power stations is not enough, especially when a transition to 100 per cent renewable energy is essential, possible and inevitable. Why not plan for this transformation so that energy providers have certainty and coalminers have a just transition? While this is happening, we should cover coal wagons and coal stockpiles to prevent the spread of coal dust. We must also tackle the second biggest source of PM 2.5 emissions in New South Wales and the largest source of PM 10 pollutants, that is, residential wood heaters. We must not approve polluting waste-to-energy facilities, such as the incinerator proposed at Eastern Creek.

The Organisation for Economic Co-operation and Development [OECD] report entitled "Cost of Air Pollution—Health Impacts of Road Transport in 2014" notes that 50 per cent of deaths from outdoor air pollution are now caused by road transport and that while air pollution-related deaths declined in most OECD countries, they increased alarmingly by 68 per cent in Australia. We must shift freight from road to rail and people from private motor vehicles to public transport, which means we must stop building polluting toll roads. We must set ambitious transport targets so that this mode shift happens. But this Government has scrapped the modest targets it once had. Most of all, we need a government that is willing to stop pandering to big coal and big money and, for once, look after the people of New South Wales and their environment and health.

NORTH COAST FLOODS

The Hon. BEN FRANKLIN (18:53): Over the past week we have watched as terrible natural disasters rolled from Queensland down to Northern New South Wales. The Lismore, Tweed Heads and Murwillumbah regions have experienced the worst floods in 50 years. We have seen absolute and shocking devastation in those communities. The destruction caused by the floods is unimaginable. It is heartbreaking to see my community and surrounding communities face this devastation. However, it is also events like this that bring communities together, united in their grief and turning their anger and sadness into the herculean effort of rebuilding lives that have been utterly demolished.

During this event, the NSW State Emergency Service [SES] has issued four evacuation warnings, 11 evacuation orders, and 21 emergency alerts. These impacted more than 25,000 residents in Lismore, Tweed Heads, Murwillumbah and the surrounding areas. While the waters are receding, an evacuation order remains in place for approximately 330 people, and approximately 1,000 people remain isolated on rural properties across the region. As the Wilsons River broke its levee, every business in the Lismore central business district was submerged in 3.5 metres of water over Friday and Saturday. However, it was not only water; it was a mix of water, sewage, rubbish, petrol and oil. While this has receded, it has left the communities to clean up the damage. We are offering all the support we can to assist in the clean-up.

More than 500 SES volunteers are assisting in the clean-up efforts, with the help of an additional 500 personnel from other agencies. Since the flooding began, the SES has responded to a total of 2,732 requests for assistance and has assisted in 487 flood rescues. I commend the tireless work of the SES and all the volunteers through this event and throughout the clean-up effort. They have committed their time to face this devastation and to assist the Lismore, Tweed Heads and Murwillumbah communities. I am sure members will join me in expressing our gratitude and appreciation to the SES and volunteers for their efforts. I also commend the work of the volunteers and staff of the evacuation centres, who have also worked tirelessly over the past few days. This includes Family and Community Services staff and a range of non-government organisations, including Red Cross, the Salvation Army, Anglicare, the Adventist Development and Relief Recovery, and St John Ambulance. They have been incredible in providing immediate assistance, including accommodation, food and personal support.

It is absolutely heartbreaking that lives have been lost due to this devastation. Our thoughts are with the family and friends of those who have perished. The Tweed, Byron, Ballina, Lismore, Kyogle and Richmond local government areas have all been declared natural disaster areas. This will allow for the following assistance to be provided: help for eligible people whose homes and belongings have been damaged; support for local councils to help with the cost of cleaning up and restoring damaged essential public assets; concessional interest rate loans for small businesses, primary producers and non-profit organisations; freight subsidies for primary producers; and grants from non-profit organisations.

In addition, a regional recovery coordinator has also been appointed to assist. Euan Ferguson was announced as the recovery coordinator yesterday by Premier Gladys Berejiklian and the Minister for Emergency

Services, the Hon. Troy Grant, when they visited the area. Mr Ferguson will provide practical support and leadership on the ground and ensure that the community receives appropriate support as fast as humanly possible. He will work with the six local councils—Lismore, Tweed, Byron, Ballina, Kyogle and Richmond—to identify the immediate and longer-term impacts of the floods and to ensure that there is a coordination of effort to address those problems. The immediate priorities are determining where recovery centres will be located and providing a supporting outreach program. Rapid damage impact assessment teams coordinated by the SES will be deployed to provide damage assessments. Medium-term housing solutions are being developed by Housing NSW for people whose houses are not immediately habitable and who do not have insurance.

The Department of Primary Industries will work closely with primary producers to quantify stock and crop impacts, and the Small Business Commissioner will work with local businesses to quantify the financial impacts. The Roads and Maritime Services will also assess damage to road infrastructure. In addition, those affected can receive assistance from Disaster Welfare Services, Housing NSW, the Department of Primary Industries, Mental and Community Health, and the Insurance Council of Australia. I urge all those affected to seek assistance. While the operations are transitioning from a response phase to a recovery phase as the floodwaters continue to subside, we will begin to see the full impact of the damage. Over this time, this Government will continue to provide all the assistance it can, and our thoughts and prayers remain with everyone affected.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 18:59 until Wednesday 5 April 2017 at 11:00.