New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Wednesday, 3 May 2017

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Joint Sitting 1
Legislative Council Vacancy 1
Bills 1
Security Industry Amendment Bill 2017 1
First Reading 1
Motions 1
Tribute to Mr John Clarke 1
Commemoration of Yom Hashoah 2
Thirty-Second National Electric Wheelchair Sports 2
"skirts on Sacred Benches" Re-Enactment 3
Chaldean League Australia Fundraising Dinner 3
Harmony Day and Festival of Holi Joint Celebration 3
World Earth Day and March for Science 4
Documents 4
Unproclaimed Legislation 4
Auditor-General 4
Reports 4
Notices 5
Presentation 5
Business of the House 5
Postponement of Business 5
Committees 5
Portfolio Committee No. 3 – Education 5
Membership 5
Business of the House 5
Order of Business 5
Disallowance 5
Biofuels Regulation (No 2) 2016 5
Fair Trading Amendment (Fuel) Regulation 2016 5
Bills 14
Civil Liability (Third Party Claims Against Insurers) Bill 2017 14
First Reading 14
Second Reading 14
Security Industry Amendment Bill 2017 15
Second Reading 15
Third Reading 17
Questions Without Notice 18
Adani Carmichael Coalmine Proposal Impact 18
Visitors 19
Visitors 19

TABLE OF CONTENTS—*continuing*

Questions Without Notice 19
Government Fleet Electric Vehicles 19
Western Sydney Arts Funding 19
Medical Records Security 20
Landcare Groups 20
Rural and Regional Palliative Care Wards 21
Adani Carmichael Coalmine Proposal Impact 22
Early Childhood Education 23
Coal Seam Gas Prices 23
Adani Carmichael Coalmine Proposal Impact 24
Minerals Industry 26
Rail Transport 26
Deferred Answers 27
Inner West Council Rubbish Bins 27
Joint Sitting 27
Election of A Member of the Legislative Council 27
Members 27
Election of A Member of the Legislative Council 27
Bills 28
Gas and Electricity (Consumer Safety) Bill 2017 28
First Reading 28
Second Reading 28
Third Reading 35
Adjournment Debate 35
Adjournment 35
Local Government Amalgamations 35
Human Trafficking 36
Homelessness 36
Eden Infrastructure 37
Outsourcing 38
Religious Intolerance 38
Anzac Day Observance 39

LEGISLATIVE COUNCIL

Wednesday, 3 May 2017

The PRESIDENT (The Hon. John George Ajaka) took the chair at 11:00.

The PRESIDENT read the prayers.

Joint Sitting

LEGISLATIVE COUNCIL VACANCY

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

DAVID HURLEY
Governor

MESSAGE

I, General the Honourable David Hurley AC DSC (Ret'd), in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by Mr Michael Gallacher, and I do hereby announce and declare that such Members shall assemble for such purpose on Wednesday the 3rd day of May 2017 at 3:45pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.
In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the Speaker of the Legislative Assembly.
Government House
Sydney, 3 May 2017.

The Honourable the
President of the
Legislative Council

Bills

SECURITY INDUSTRY AMENDMENT BILL 2017

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Don Harwin.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

The Hon. DON HARWIN: I move:

That the second reading of the bill stand an order of the day for a later hour.

Motion agreed to.

Motions

TRIBUTE TO MR JOHN CLARKE

Dr MEHREEN FARUQI (11:05): I move:

(1) That this House notes that:

(a) on 9 April 2017, legendary comedian and satirist John Clarke died from natural causes while bushwalking in Victoria; and

(b) Mr Clarke was one of the finest entertainers and comedians Australia has seen and well known for holding a mirror to politics and politicians.

(2) That this House expresses its sympathies on the death of Mr John Clarke and recognises his huge contribution to acting, comedy, and political satire.

Motion agreed to.

COMMEMORATION OF YOM HASHOAH

The Hon. DAVID CLARKE (11:06): I move:

(1) That this House notes that:

(a) on Sunday 23 April 2017, the New South Wales Jewish Board of Deputies hosted the 2017 Commemoration of Yom Hashoah, also known as Holocaust Remembrance Day, at the Clancy Auditorium, University of New South Wales, Kensington which was attended by over 1,000 guests;

(b) this year's commemoration had as its theme "Children and the Holocaust" with the keynote speaker being Australian children's author Mr Morris Gleitzman who, in conversation with academic Dr Avril Albai shared insights from his acclaimed Holocaust themed *Once* series; and

(c) those who attended as special guests included:

(i) the Hon. Shayne Mallard, MLC, representing the Hon. Gladys Berejiklian, MP, Premier;

(ii) the Hon. Greg Donnelly, MLC, Deputy Opposition Whip in the Legislative Council, representing Mr Luke Foley, MP, Leader of the Opposition;

(iii) the Hon. Trevor Khan, MLC, Deputy President of the Legislative Council;

(iv) the Hon. Scott Farlow, MLC, Parliamentary Secretary in the Legislative Council to the Premier, representing the Hon. Ray Williams, MP; Minister for Multiculturalism, and Minister for Disability Services;

(v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice and Mrs Marisa Clarke;

(vi) Mr Alister Henskens, SC, MP, member for Ku-ring-gai and Parliamentary Secretary for Finance, Services and Property;

(vii) Ms Sophie Cotsis, MP, member for Canterbury, shadow Minister for Women; Ageing, Multiculturalism and Disability Services;

(viii) Mr Ron Hoenig, MP, member for Heffron;

(ix) Councillor Sally Betts, Mayor of Waverley Council;

(x) Councillor David Citer, Ku-ring-gai Council;

(xi) Councillor Leon Goltsman, Waverley Council;

(xii) Councillor Paula Masselos, Waverley Council;

(xiii) Councillor Katherine O'Regan, Woollahra Council;

(xiv) Councillor Brendan Roberts, Randwick Council;

(xv) Councillor Ingrid Strewe, Waverley Council;

(xvi) consular representatives for Bosnia-Herzegovina, Germany, Greece, Japan, Malta, The Philippines, Poland, Russia, and Turkey; and

(xvii) representatives of numerous ethnic, religious and community organisations.

(2) That this House, on the occasion of the commemoration of Yom Hashoah in 2017, extends heartfelt condolences to Australia's Jewish community, to all survivors of the Holocaust and to all the families of those who did not return.

Motion agreed to.

THIRTY-SECOND NATIONAL ELECTRIC WHEELCHAIR SPORTS

The Hon. NATASHA MACLAREN-JONES (11:06): I move:

(1) That this House notes that:

(a) the thirty-second National Electric Wheelchair Sports was held from 17 to 22 April 2017 at the Sydney Academy of Sport and Recreation in Narrabeen;

(b) the 2017 National Electric Wheelchair Sports tournament was opened by His Excellency General the Hon. David Hurley, AC, DSC, (Rtd), Governor of New South Wales; and the Hon. Natasha Maclaren-Jones, MLC;

(c) the important work of volunteers was integral to organising and running the event; and

(d) the National Electric Wheelchair Sports were established to support people with muscular dystrophy or another related neuromuscular condition, and who use electric wheelchairs.

(2) That this House congratulates the New South Wales, Victorian, and South Australian teams for winning the rugby league, hockey, and soccer respectively, and thanks all athletes for representing their States.

(3) That this house thanks Muscular Dystrophy NSW for supporting the tournament and serving people with neuromuscular disorders in New South Wales for over 50 years.

Motion agreed to.

"SKIRTS ON SACRED BENCHES" RE-ENACTMENT

Dr MEHREEN FARUQI (11:07): I move:

(1) That this House notes that:

(a) on Friday 31 March 2017 "Skirts on Sacred Benches", a historic re-enactment of the first parliamentary bill of the first female member of Parliament in New South Wales, Millicent Preston-Stanley, was performed in the Legislative Assembly;

(b) the event was organised and scripted by the Parliamentary Education section of the Parliament, namely Jeannie Douglass, Rita Bila, and Daniela Giorgi;

(c) many others were involved in the re-enactment including staff of the Legislative Assembly and the Legislative Council; and

(d) the re-enactment was a fantastic and thoughtful way of depicting the history of women in the New South Wales Parliament.

(2) That this House congratulates the Parliamentary Education section, namely Jeannie Douglass; Rita Bila, and Daniela Giorgi, and everyone involved in the historical re-enactment "Skirts on Sacred Benches".

Motion agreed to.

CHALDEAN LEAGUE AUSTRALIA FUNDRAISING DINNER

The Hon. DAVID CLARKE (11:07): I move:

(1) That this House notes that:

(a) on Sunday 19 March 2017 the Chaldean League Australia held a fundraising dinner at the Nineveh Reception Lounge, Edensor Park under the patronage of His Grace Archbishop Mar Emil Nona of the Chaldean and Assyrian Catholic Church in Australia and New Zealand, attended by several hundred guests;

(b) the purpose of the dinner was to raise funds to assist Christians and other religious minorities who face persecution in Iraq particularly those from Mosul and the Nineveh Plains villages; and

(c) those who attended as guests included:

(i) His Grace, Archbishop Mar Emil Nona, Archbishop of the Chaldean and Assyrian Catholic Church, Australia and New Zealand;

(ii) Reverend Father Tony Bo Shaya, representing His Grace Robert Rabbat, Bishop of the Melkite Catholic Church of Australia and New Zealand;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice and Mrs Marisa Clarke;

(iv) Mr Paul Lynch, MP, member for Liverpool and shadow Attorney General;

(v) Mr Nick Lalich, MP, member for Cabramatta;

(vi) Mr Hugh McDermott, MP, member for Prospect;

(vii) Mr Mudhaffer Al Joboury, Adviser, Embassy of Iraq, Australia;

(viii) Mr Haval Sayan, Australian representative of the Kurdish Regional Government Iraq;

(ix) Councillor Charbel Saliba, representing the Mayor of Fairfield City Council, Councillor Frank Carbone;

(x) Councillor Susai Benjamin, Blacktown City Council;

(xi) Mr Iskander Biqasha, journalist from Sweden; and

(xii) representatives of numerous Chaldean, Assyrian, Syriac and Lebanese community and church organisations in Australia.

(2) That this House commends the Chaldean League Australia, particularly its Executive Committee comprising President, Samir Yousif; Vice President, Rouwell Shamma; Secretary, Laith Alchinn; and Treasurer, Ghale Ghazala, for their initiative in organising the function in support of those facing religious persecution in Iraq under the control of ISIS and other terrorist organisations.

Motion agreed to.

HARMONY DAY AND FESTIVAL OF HOLI JOINT CELEBRATION

The Hon. DAVID CLARKE (11:08): I move:

(1) That this House notes that:

(a) on Sunday 12 March 2017, the Council of Indian Australians in partnership with the Ponds and Kellyville Ridge Community Association held a joint celebration of Harmony Day and the Festival of Holi at the Plaza Park, the Ponds, attended by several thousand members and friends of the Indian-Australian community;

(b) the event is held annually to celebrate:

(i) the successful integration of the Indian subcontinent Australian community into the wider Australian community; and

(ii) the Festival of Holi, also known as the Festival of Colours, a traditional Indian festival celebrating the triumph of good over evil.

(c) those who attended as guests included:

(i) Mr Kevin Conolly, MP, member for Riverstone, together with Mrs Kathy Conolly;

(ii) Mr Mark Taylor, MP, member for Seven Hills;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(iv) Ms Julia Finn, MP, member for Granville;

(v) Councillor Moninder Singh from Blacktown City Council;

(vi) Mr Subba Rao, President of the Indian Support Centre; and

(vii) representatives of numerous community organisations.

(d) during the official opening the newly elected Executive Committee of the Council of Indian Australians was introduced comprising:

(i) Mr Mohit Kumar, President;

(ii) Mr Nitin Shukla, Vice President and Cultural Director of the Event;

(iii) Mr Vishal Behl, Treasurer;

(iv) Mr Sanjay Deshwal, Secretary; and

(v) Mr Praful Desai, Public Officer.

(2) That this House:

(a) congratulates the Council of Indian Australians and the Ponds and Kellyville Ridge Community Association on their hosting and organising of the successful Harmony Day and Festival of Holi Celebration; and

(b) commends the Indian-Australian community for its ongoing and positive contribution to the State of New South Wales.

Motion agreed to.

WORLD EARTH DAY AND MARCH FOR SCIENCE

Dr MEHREEN FARUQI (11:08): I move:

(1) That this House notes that:

(a) Saturday 22 April 2017 was World Earth Day, a day to diversify, educate, and activate environmental movements worldwide;

(b) each year, World Earth Day marks the anniversary of the birth of the modern environment movement in 1970;

(c) the 2017 theme of World Earth Day was "Environmental and Climate Literacy";

(d) this year, the March for Science was also held on World Earth Day with hundreds of events around the world, including in Sydney and Port Macquarie; and

(e) across the world, thousands of people marched in support of science and called on politicians to ensure policy is evidence-based.

(2) That this House congratulates the organisers of the Science Marches in Sydney and Port Macquarie.

(3) That this House recognises the importance of science in making policy.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: In accordance with Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 2 May 2017.

AUDITOR-GENERAL

Reports

The CLERK: In accordance with the Public Finance and Audit Act 1983, I announce receipt of a Performance Audit Report of the Acting Auditor-General, entitled "Therapeutic programs in prisons: Department

of Justice, Correction Services NSW", dated May 2017, received out of session and authorised to be printed this day.

Notices

PRESENTATION

[*During the giving of notices of motions*]

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. I call the Hon. Duncan Gay to order for the first time. I heard what both members said across the Chamber. That behaviour will stop now.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That Business of the House Notice of Motion No. 3 be postponed until Tuesday 9 May 2017.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

Membership

The PRESIDENT: I inform the House that on 2 May 2017 the Clerk received advice from the Leader of the Government nominating the Hon. Lou Amato as a member of Portfolio Committee No. 3 - Education in place of the Hon. Mike Gallacher.

Business of the House

ORDER OF BUSINESS

Mr JEREMY BUCKINGHAM: I seek leave to move Business of the House Notices of Motions Nos 1 and 2 in globo.

Leave granted.

I move:

That these matters proceed forthwith.

Motion agreed to.

Disallowance

BIOFUELS REGULATION (NO 2) 2016

FAIR TRADING AMENDMENT (FUEL) REGULATION 2016

Mr JEREMY BUCKINGHAM (11:1): I move:

(1) That, under section 41 of the Interpretation Act 1987, this House disallows the Biofuels Regulation (No 2) 2016, published on the NSW Legislation website on 28 October 2016.

(2) That, under section 41 of the Interpretation Act 1987, this House disallows the Fair Trading Amendment (Fuel) Regulation 2016, published on the NSW Legislation website on 28 October 2016.

The PRESIDENT: Order! Members who wish to have personal conversations will do so outside the Chamber.

Mr JEREMY BUCKINGHAM: These disallowances abolish the full suite of regulations used to implement the Biofuels Act. This matter is urgent because under these regulations small independent fuel retailers will be liable from 1 July 2017 if they have not either moved to comply with the requirement to make E10 petrol available or have not secured an exemption. They have had an exemption for the first quarter of 2017, but the rubber will hit the road this quarter. I urge all members to support these motions because the ethanol mandate is a complete joke. It is a political fix for a political donor. It is the absolute embodiment of crony capitalism at work. It is being done to help out one donor in a marginal seat—namely, Dick Honan of Manildra, in the seat of Kiama.

Since 1998 Manildra has donated $4.3 million to the Coalition and Labor parties. I remind members that when Mr Victor Dominello was the responsible Minister he misled the House, by an order of magnitude, by simply using Manildra's job figures with regard to the impact of the E10 mandate without bothering to check them. That

mandate is not environmentally sensible; it is purely and simply greenwash—hogwash. This biofuel uses feedstock from grain production, with 50 per cent of the feedstock derived from food-quality grains. It does not represent a green energy revolution. The future of transport in this country and globally is electric, and we should be putting our efforts and incentives there. Just this week India announced that it is aiming to have an all-electric car fleet by 2030. People are moving away from biofuel because of its greenhouse gas impacts and its use of feed stocks; it is just greenwash. The requirement under this regulation for all businesses who sell more than 3.6 megalitres of fuel to meet the 6 per cent ethanol mandate is completely unrealistic.

Members should be paying attention. To meet the 6 per cent mandate, E10 would have to be 60 per cent of all petrol sales. I will repeat that because honourable members and the Minister for Energy are not listening. To meet the 6 per cent mandate, E10 would have to be 60 per cent of all fuel sales; that is the maths and that is why there is so much disquiet on the Government benches. It means it is completely unrealistic, it will never be met and it is purely and simply crony capitalism. In fact, 50 per cent of unleaded fuels are premium anyway.

If the community wanted ethanol after eight years of the mandate, we would be seeing an increase in uptake, but we are not. The proportional use is only at 37 per cent of petrol sales and is falling, despite nearly 40 years of government subsidies and largesse. This means that the majority of retailers will never meet the mandate and will go to the wall because they are being forced to sell a product that they do not want to sell and that the community does not want.

In addition, it places a completely unreasonable and often prohibitive cost on small businesses, often in regional areas, to meet the requirements of the Act and the regulation. It criminalises service station operators for the purchasing decisions of their customers. It criminalises people who are providing a key service and keeping our economy going. Service station owners in places such as Gulgong or Mullaley provide not only the energy needs of the community through petroleum and fuel, they are also key service centres. They are the post office and the café where people go to meet. They provide a range of other services, and if they go to the wall it will affect the viability of some communities. This is not hyperbole. Some communities will no longer be able to function. If the service station at Mullaley closes, where can people purchase fuel? They have to go to Gunnedah, which is a 100-kilometre round trip, to get fuel.

[*Interruption*]

Mr JEREMY BUCKINGHAM: How far it is?

The PRESIDENT: Order! Members who wish to have private conversations should do so outside the Chamber.

Mr JEREMY BUCKINGHAM: I note the interjection of the Hon. Sarah Mitchell. It is 80 kilometres, so they have to drive 80 kilometres just to fill up their tank. Those people will go to the wall because they are being forced into this crony capitalism set-up by the Government, which is supposed to be the champion of free enterprise and deregulation. Under this regulation it is deemed reasonable for a business to remove one of the products it currently sells, even if profitable, for no reason other than to satisfy a major donor and monopoly provider. Under this regulation any petrol station which sells more than 3.6 megalitres a year has to change its business to sell E10 if it does not do so currently. For the benefit of The Nationals, the vast majority of sites in larger centres such as Dubbo, Albury, Coffs Harbour, Nowra and Wagga Wagga will be included in the mandate.

The Hon. Dr Peter Phelps: Queanbeyan as well.

Mr JEREMY BUCKINGHAM: Let us not forget Queanbeyan as well. I have been told by the Australasian Convenience and Petroleum Marketers Association [ACPMA] that the average cost to a retailer of switching to sell ethanol-blended petrol is $200,000, a cost that they just cannot bear. It means the difference between being able to operate or not. They will shut up shop. This will be a decision that the Government will regret. It will be similar to what happened with local government amalgamations and greyhound racing. The Government will have to backflip on this, and do it quickly, because the rubber will hit the road very soon on this matter. Many independent and regional retailers cannot bear this cost, and if they are not granted exemptions many will have to close. Indeed, the vast majority of them are seeking exemptions, which is a clear demonstration that the Act is broken. According to ACPMA, the vast majority of retailers have sought exemptions because of the unreasonable cost, which exposes the farce of the mandate. The Government must decide whether it will grant these exemptions and render the mandate useless or send small businesses to the wall.

The ethanol mandate is also costing consumers big-time because the regulation forces retailers to substitute regular unleaded fuel for E10; it forces people to pay 10¢ to 12¢ per litre more to avoid E10. In fact, a report by the Australian Competition and Consumer Commission in November 2016 found that the ethanol mandate is costing Sydney motorists about $85 million a year. That is just Sydney alone—a cost of millions of dollars to people using fuel who have no choice because they are paying "significantly higher prices" for petrol

as a result of choosing premium petrol or being unable to access regular unleaded petrol due to the mandate. This really amounts to two things: it is a tax on motorists who can afford not to buy E10 and it is a mechanism to force poorer people and people in regional areas by stealth to purchase E10 because they either cannot afford premium fuel or do not have access to regular unleaded petrol.

The consultation and implementation of the regulation has also been deceptive. The draft regulatory impact statement released in June 2016 was not actually the draft regulation. The industry was then told that the draft regulation would be released for public feedback in August, but that never happened. In September the industry was told again that it would be released for public feedback in October but that never happened. Instead, the regulation was pushed through without any real consultation with industry or consumer groups. The Government is taking on big oil. I know what that is like and it will send the Government to the wall. Someone wisely said that no-one should take on pharmacists or service station agents because they get to talk to everyone.

The Government will face the mother of all campaigns. It may be ignoring this , but the story will be different when every service station in regional and metropolitan New South Wales has a sign up saying the Government is sending fuel prices sky high for one man who has a shoddy business down in the Shoalhaven that is being underwritten by government largess and taxpayers. I say to the Government: Watch this space. Finally, hidden in the detail of the regulation is a clause that will allow the regulator to decide for retailers which fuels have to come out of which nozzles. As I mentioned earlier, in order to meet the 6 per cent mandate, 60 per cent of all the fuel sold needs to be E10, but this is not happening because consumers do not want it. Under section 8 of the Act there is a requirement for all volume fuel retailers to ensure that at all of their volume fuel service stations a petrol-ethanol blend is available for retail sale. Clause 8 of the regulation specifies as follows:

> For the purposes of section 8 of the Act, petrol-ethanol blend must be available for sale by retail for the fuelling of motor vehicles in a manner that makes it as accessible to a customer attending the service station for the fuelling of a motor vehicle as any other type of petrol available to a customer for that purpose.

This is seriously vague, so the ACPMA asked NSW Fair Trading for a statement of regulatory intent to explain the clause. NSW Fair Trading stated:

> Fair Trading's enforcement intention in this regard is that nozzles of petrol-ethanol blend must be conveniently located across the forecourt of the volume fuel service station, and in comparable numbers to the other most available petrol product being offered for retail sale.

It is clear that this section is about giving the regulators the power to force retailers to change the number of nozzles that sell E10 at their station.

The Hon. Dr Peter Phelps: Correct; not just numbers but also locations.

Mr JEREMY BUCKINGHAM: Not only the nozzles but also the locations, at a huge cost to consumers in terms of choice and also to retailers. Not only is the regulation forcing them to supply E10 but also the regulator could now turn up at a petrol station and if it is not selling 60 per cent E10 because the consumers do not want to buy it, the regulator can say, "Well, half of your petrol nozzles are for premium unleaded so now you must make sure the other half are E10." That is what is happening simply so that service stations achieve that 60 per cent of volume requirement.

The Hon. Dr Peter Phelps: Small government, Jeremy.

Mr JEREMY BUCKINGHAM: Small government, exactly. I note that interjection from the Hon. Dr Peter Phelps. He is the only one in the Government paying attention. Members should pay attention. I look forward to hearing the contributions of other members to debate on these disallowance motions. This Government promotes less regulation, states that it supports small business and that it will promote choice and competition, but will it put its money where its mouth is? This regulation is not about the environment or about choice; it will send small retailers in the bush to the wall unless they have exemptions. An armada of small-volume fuel retailers will apply for exemptions, and without them they will go to the wall. The regulation is a farce and, if enacted, will destroy communities. In many regional communities the only businesses that are surviving are service stations, which host post offices, supply DVDs and are cafes.

The Hon. Dr Peter Phelps: It is a general store.

Mr JEREMY BUCKINGHAM: Service stations are general stores. This regulation will force them to install a $200,000 fuel tank for fuel that no-one wants to buy, which is a disgrace. Members should not take my word for it. On 28 March the Productivity Commission stated, "Arrangements to support the biofuel industry such as ethanol mandates and excise arrangements should be removed as they deliver negligible environmental benefits and impose unnecessary costs on farmers and the community." I urge members to do the right thing and to disallow these regulations. We must force the Government to return to the drawing board and put people before Dick Honan.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (11:30): The Government opposes The Greens disallowance motions. On Friday 28 October 2016 a motion was moved to disallow the remade Biofuels Regulation (No 2) 2016, which was published on the New South Wales legislation website. On 1 January 2017 the new Biofuels Regulation commenced together with the Biofuels Act 2016. The new regulation is the result of several months of work, careful consideration, data analysis and industry consultation. It is a vital instrument needed to support the Act. These reforms will deliver regional jobs to New South Wales while not affecting small petrol retailers.

I trust that following consideration of the disallowance motion, members will agree with the Government that it is unfounded and should be opposed. There is neither a legal nor a sound policy basis for the disallowance of the regulations. In March last year there was significant debate on the Biofuels Amendment Bill 2016. Members from various parties raised objections to the very existence of the biofuels mandate in New South Wales, which they are entitled to do. The outcome was that the amendments to the Biofuels Act became law. The Parliament made its decision and passed the Biofuels Amendment Act, which commenced on 1 January this year.

The Government's principal aim with the reformed biofuels mandate is to improve the uptake of E10 and, into the future, other petrol ethanol blends such as E85. This will increase the number of regional jobs which this Government is committed to delivering. The new biofuels regulation will help to deliver that aim in a balanced and considered way. Accordingly, the number of service stations required to comply has increased under the new laws by replacing the current definition of "major retailer" with the new definition of "volume fuel retailer". Major retailers captured by the current laws are essentially the major oil companies, BP and Caltex, supermarket chains such as Woolworths, Coles and 7-Eleven, and those who operate or control more than 20 service stations.

NSW Fair Trading estimates around 800 service stations fall into this category. The new laws level the playing field to some extent by capturing not only the operators of large networks of service stations but also those individual service stations that exceed the volume sales threshold set by the regulation. That part of the new regulation has been welcomed by the industry. The volume sales threshold determines whether or not the operator of the service station is a volume fuel retailer, which in turn determines whether operators are obliged to offer E10 on their forecourt. It ensures that operators of small- to middle-sized service stations are relieved of the obligation to offer E10, especially given that the data analysis done by NSW Fair Trading showed only a marginal contribution to the ethanol uptake at the lower end of the volume scale.

Following consultation, data analysis and careful consideration, the New South Wales Government has defined a volume fuel service station as one that sells three or more types of petrol or diesel and exceeds 900,000 litres of petrol and diesel sales per quarter. The regulation also allows for seasonal variations for certain service stations that may be in a coastal area with a significant upswing in business during summer holidays. Accordingly, service stations will be captured only if they exceed 900,000 litres per quarter in the two immediately preceding consecutive quarters. NSW Fair Trading estimates that this threshold captures about 1,000 service stations, which is about half the total number of service stations in New South Wales. Those service stations account for about 80 per cent of the petrol and diesel sold across the New South Wales marketplace, but it does not capture small, local petrol retailers.

The threshold has been welcomed by most industry representatives, especially those concerned with the viability of smaller service station businesses. The Government acknowledges that some stakeholders would have preferred to see a lower volume sales threshold under the regulation, to capture a greater proportion of the service stations in New South Wales. However, NSW Fair Trading's data analysis showed that lowering the threshold to, say, 750,000 litres would barely affect the fuel volume captured in the marketplace, as compared to 900,000 litres per quarter. The enhanced biofuels mandate is being targeted fairly and squarely at the middle to big end of town.

The Biofuels Amendment Act will place a new specific obligation on volume fuel retailers; that is, they must make E10 available for retail sale at every service station they operate. The regulation clarifies how that obligation is to be achieved in practice by requiring E10 to be as accessible to the customer as any other type of petrol available for retail sale. As a result, the days of service stations offering only token compliance with the mandate are numbered. I am talking here about cases where E10 may be available on site, but through only one or two E10 nozzles hidden at the back of the forecourt beyond a sea of other premium petrol products.

A further significant voice of authority has endorsed the threshold in this regulation—the New South Wales Small Business Commissioner Ms Robyn Hobbs. Commissioner Hobbs has also kindly volunteered her time for the next 12 months to serve on the expert panel that advises the Minister on applications for exemption from the mandate. Commissioner Hobbs and her office have also been closely involved in the development of new exemptions guidelines that will accompany the regulation. While the biofuels laws mandate the sale of a minimum 6 per cent ethanol and 2 per cent biodiesel by regulated entities, there has always been an opportunity for them to apply to the Minister for an exemption.

The new laws strengthen the exemptions framework and extend it to the new obligation to make E10 available at every volume fuel service station and as accessible as any other type of petrol. In particular, the regulation includes specific grounds for exemption on the basis that it would not be economically viable to comply with the requirement to offer E10 on an equal basis as other petrol products. Again, the new exemption categories have been welcomed during industry consultation and offer certainty to retailers captured under these laws. The categories are: first, where the retailer, despite his or her best endeavours, has not been able to secure finance to make necessary infrastructure upgrades to comply; secondly, where the costs of infrastructure upgrades make it economically unviable to comply, taking into account the price that would have to be charged at the bowser to cover those costs; and, thirdly, where the service station is in a remote or regional area, and the additional costs of transporting E10 to the service station would make it economically unviable to comply, taking into account the price that would have to be charged at the bowser to cover those costs.

These are categories of exemption that have been endorsed by the Small Business Commissioner. Commissioner Hobbs has further ensured the revised exemption guidelines include the caveat that finance must have been offered on reasonable terms. The revised exemption guidelines further make it clear that while this Government is committed to improving compliance with the mandate, it is also committed to ensuring small business viability. This new biofuels regulation maintains and updates the commitment under the current laws to environmental sustainability. The first and most obvious point is that ethanol burns cleaner than pure petroleum and has the potential to reduce greenhouse gas emissions when used in appropriate vehicles.

Also, in order for ethanol and biodiesel to count towards compliance with the mandate, they must have been produced in accordance with a sustainability standard prescribed by the regulation. The new regulation provides two alternatives for compliance in this regard. The current prescribed standard, published by the United States-based Roundtable on Sustainable Biomaterials [RSB], has been retained and updated. The alternative international standard for compliance will be the International Organization for Standardization [ISO], Sustainability Criteria for Bioenergy.

Environmental sustainability is a foundation of those standards, but they address much more than just environmental issues. The standards mandate sustainable production requirements with reference to local food security, greenhouse gas emissions, conservation, land rights, and soil, air and water quality, among other things. In this context, I note that the sole New South Wales producer, Manildra's ethanol operation, has obtained ongoing independently audited certification under the RSB standard, confirmed by NSW Fair Trading in compliance inquiries last year. In making these points, of course there needs to be a mix of other renewables and traditional fossil fuels to meet the daily energy needs of an advanced economy of more than six million people. The biofuels laws have a modest but important part to play in ensuring passenger vehicles on the roads are powered by cleaner, cheaper petroleum blends wherever possible.

We should make no apology that these laws ensure ethanol continues to play a part in the State's renewable energy mix. This Government committed to ongoing consultation when the Biofuels Amendment Bill was being debated. The fuel industry and other interested stakeholders were consulted during 2016 over the form of the supporting regulation. It is no secret that the biofuels mandate is at times a contentious policy. Significant voices oppose the very existence of a biofuels mandate and take every opportunity to amplify their opposition. One can only assume that this disallowance motion is based on that fundamental disagreement about the very existence of a biofuels mandate and not on the form of supporting regulation that has been published. With the passage through Parliament in March of the Biofuels Amendment Act Parliament not only reaffirmed the mandate but also extended it and better targeted it at the retail site level. It is worth restating that the Biofuels Amendment Act received parliamentary approval and it did so with bipartisan support—a hallmark of the biofuels mandate since its inception.

The final point I make in relation to this disallowance motion in support of the new biofuels regulation is in defence of consumer choice at the bowser and greater competition in the retail fuel industry. NSW Fair Trading's research shows that where motorists are concerned about the price of fuel they will often choose to fill up on E10 where it is available. The regulation mandates the availability of E10 at every volume fuel service station and requires the retailer to make it as accessible to the customer as any other petrol product. If the multinational oil giants take issue with this requirement it is not with consumers best interests at heart. This regulation does not dictate to fuel retailers which other products they continue to offer to their customers, nor does it dictate which other products retailers should remove from the forecourt to make way for E10 nozzles, if that is the means of compliance chosen by the retailer. The Biofuels Regulation (No 2) 2016 is a balanced, considered, fit-for-purpose instrument and I commend it to the House. The motion to disallow the regulation should be opposed. It brings jobs to New South Wales and it does so fairly.

I will now briefly respond to The Greens motion to disallow the recent amendments to the NSW Fair Trading Regulation 2012, which were published on the New South Wales legislation website on Friday 28 October

2016. The amendments to the Fair Trading Regulation 2012 are straightforward and logically accompany the making of the new Biofuels Regulation (No 2) 2016. The principal aim of these minor amendments to the Fair Trading Regulation 2012 is to resolve any potential conflict with the biofuels law regarding fuel price signs at service stations. The Fair Trading Regulation 2012 currently requires all New South Wales service stations that sell four or more fuels to display the prices of LPG and diesel, if sold, and then the prices of the top-selling fuels from the past six months, so as to make a total of four fuels. Service stations that sell fewer than four fuels are to list the prices of all fuels sold.

On the other hand, service stations that are captured under the biofuels laws are required to undertake all reasonable actions, on an ongoing basis, to market the petrol-ethanol blend that they sell. Displaying the price on the signboard is a basic marketing action for any fuel available at a service station, and the Biofuels Regulation (No 2) 2016 expressly states that to fulfil the requirement to take reasonable steps to market E10 its price must be displayed on the signboard. However, if E10 is not one of the two top-selling fuels in the past six months, the service station operator could be in breach of the Fair Trading Regulation 2012.

The Government has taken the opportunity to introduce a new biofuels regulation to resolve this potential conflict. From 1 January 2017 the Fair Trading Regulation 2012 requires all service stations to display the price of E10 if it is sold at a service station. For consistency, the biofuels regulation makes explicit that the minimum marketing action for petrol-ethanol blend is the display the price of E10 on the signboard. It is worth noting that the fuel industry has widely welcomed this resolution. At the same time, the Government is taking the opportunity to offer service stations a minor red tape saving. While three fuel prices will be mandated on signboards—E10, diesel and LPG—the previous requirement to calculate and display other top-selling fuels has been removed. The fuel retailer will have the discretion to decide which other fuel prices are displayed beyond the three mandated products.

The Government does not expect any consumer detriment to flow from this. In practice, a fuel retailer will often choose to display the price of a popular fuel. The advent of FuelCheck—which delivers all the prices of all the fuels available at all service stations in New South Wales, online in real time, all the time—will also provide consumers with access to pricing information. One can conclude only that this disallowance motion amounts to nothing more than a political stunt designed to override the will of the Parliament, and to frustrate the legitimate policy goals of the elected Government. I trust other members of the House will see it as such and oppose the motion.

The Hon. PETER PRIMROSE (11:44): The New South Wales Labor Opposition supports green, clean fuel sources that generate local jobs and use what would be a waste product for locally produced fuel sources. It is ironic that The Greens are siding with large multinational oil companies—big oil—in this matter by moving these disallowance motions. It is also ironic that a party that wants to dissuade the use of motor vehicles is so concerned about abolishing this fuel choice for all motorists. It is a choice—a choice that is increasingly used throughout the world to help address air quality issues. Labor will keep a watching brief on the effects of the mandate on small business and the responses proposed by the Government to any issues that arise. We are keen to maintain consultation with all stakeholders. Fuels like ethanol blends and biodiesel should be part of any response to reduce reliance on overseas fuel imports, to generate waste into fuel and, importantly, to underpin regional jobs. Accordingly the Opposition does not support these disallowance motions.

The Hon. PAUL GREEN (11:45): I ask Mr Jeremy Buckingham to explain to the House what he meant when he referred to Manildra as "shonky". I seek clarification from him on that aspect. In my time as mayor of Shoalhaven, Manildra provided about 380 local jobs. E10 is a good fuel because of its health impacts and 380 people in the Shoalhaven—not to mention north of New South Wales in Manildra—rely on the sale of that fuel and on the products manufactured by Manildra to pay their mortgages. E10 keeps their dreams alive and helps them to function every day. Any loss of jobs in regional New South Wales would be appalling.

The Greens compliment Shoalhaven City Council on moving away from fossil fuels, but the very next day they try to get rid of renewable fuels. What is it that The Greens want to happen? Every time they come up with one of these great ideas—whether it is a reduction in mining, reducing fossil fuels or a reduction in the supply of E10—people lose their jobs. It is all right for Mr Jeremy Buckingham to move a motion to disallow regulations that are contrary to his ideological beliefs, but he is not paying people's mortgages, paying for their children's education, putting fuel in their cars, or paying their medical bills.

The Minister in her contribution to debate on these motions referred to a decrease in greenhouse gases and to the benefits to be derived from the use of E10, which is a cleaner fuel. The Greens want one thing today, but tomorrow they will go in a different direction, which is what we have come to expect from them. The Government has given us an undertaking that the Biofuels Amendment Bill will not result in the closure of country fuel stations which are the lifeblood of their communities. I am given to understand that the NSW Small Business Commissioner is mindful of this issue. As the Hon. Peter Primrose said earlier, The Greens seem to be supporting

the big oil companies because no-one was taking advantage of these exemptions. Many companies were not doing the right thing, which is why this Government was compelled to take action. Companies are now complying with the regulations and they are now doing the right thing. The Government has done the hard yards, which is good for New South Wales, the environment, the people who are working in these areas, and for regional jobs. I applaud the Government. The Christian Democratic Party will be voting against the motions to disallow these regulations.

The Hon. Dr PETER PHELPS (11:49): I will be voting against the disallowance motions, but more on that later. The regulations give effect to the minutia, the detail, of the enabling legislation, which was passed in March 2016. One of the first things to be noted is that it sets a quantum limit over the quarter of 900,000 litres. One might say that 900,00 litres sounds like an awful lot of fuel for a service station to sell and that it must be a pretty big service station. If one thinks that the average return on a litre of petrol in New South Wales is roughly 3¢ a litre, sometimes up to 5¢ depending on economic conditions, one is looking at a profit margin of roughly $30,000 a quarter, or $120,000 a year, on the petrol sales of that service station. That is before factoring in wages, lighting, electricity or any services, such as the lease of the site or alternatively the return of any debt one might have to the bank. That is $120,000 before deducting normal business expenses. So we are not talking about big service stations.

The second notable matter is that, as the Minister said, the legislation provides three exemptions that relate only to the cost of the installation; they do not relate to the cost of the quantum. One must remember the two egregious elements in the original legislation. First, if a service station sells more than that quantum, it must provide E10. For example, a service station might sell three different types of fuel—diesel, 98 octane and unleaded petrol. If it exceeds the 900,000 litre quantum, it will then be required to sell E10. In other words, unless it installs new tanks it will have to substitute one of its existing fuel types for E10. In many instances, particularly in rural and regional New South Wales, the station will have to install new fibreglass tanks because the old steel tanks will not be able to accommodate the E10 component. That is exactly the situation faced by the Caltex service station in Queanbeyan—the one that was subject to the recent attack—that currently does not sell E10 but does sell those three brands.

Under the proposed rules it will now be required to sell E10. I will not mince my words; this is exactly what will happen to the Caltex service station in Queanbeyan. What should we do about that? One might be able to seek some sort of exemption from the Minister, but the point is that service stations should not have to seek exemptions. They should not be criminalised for engaging in the ordinary practices of a small business in this State. They will be criminalised not through their own actions but for the lawful purchasing decisions of their customers, which is a ridiculous state of affairs.

The three exemptions that were mentioned by the Minister have nothing to do with the quantum limit problem that a station faces, but if it exceeds that quantum limit it will then be required to sell E10 in the first place. What happens under this proposal? First, a service station owner has to ask whether the station sells three or more different types of fuel. If it does not, the E10 laws do not apply. The owner then has to work out how many litres of each of the following fuels the station sells each week—diesel, 98 octane, 95 octane, 91 octane and E10. The owner has to work out the weekly total sales, including diesel, and if it exceeds 900,000 litres the station is then subject to the E10 provisions in this Act and these regulations.

For example, a truck stop that has negligible sales of petrol might sell a massive amount of diesel to trucks travelling along the Newell Highway. It might sell 100,000 or 75,000 litres of petrol product and it might sell two or three million litres of diesel product, but that does not matter because it must still dig up the forecourt, install new tanks and sell E10. Sixty per cent of the petrol it sells now has to be E10. The other aspect that often is not referred to by those who want to obfuscate is that the ethanol mandate is 6 per cent but ethanol is not E10. Ethanol is a chemical compound that is a component of E10. In fact, it makes up 10 per cent of E10.

Because only one petrol in Australia has an ethanol component, to achieve the 6 per cent mandate for ethanol—the chemical compound—60 per cent of a station's petrol sales have to be E10. The Independent Pricing and Regulatory Tribunal [IPART] made the important point that across Australia only 22 per cent of all petrol sold is E10. This Government set a 60 per cent target, but it is currently faced with existing sales of approximately 22 per cent. The Government said it could undertake some sort of advertising campaign. IPART looked at that and said that if the Government ran a $10 million advertising campaign on the joys of E10, a 10 per cent increase in sales of E10 might occur. That is not a 10 per cent increase in absolute terms; it is 10 per cent increase in the base. Even if the Government ran a $10 million advertising campaign on the joys of E10 it would push the current level of E10 sales up from 22 per cent to a whopping 24.2 per cent. In other words, the Government is less than halfway towards getting the E10 mandate that will be applied to service stations across this State.

Interestingly, at the end of these regulations—which have no accompanying explanatory notes—we find discreetly hidden under section 9A (1) a penalty of $5,500. I wondered what that related to, because the legislation makes it clear that those who fail to comply with either the E10 requirement or the quantum requirement of 60 per

cent E10 sales pay a fine of $55,000. If in the first quarter they do not sell enough, or their consumers do not want to buy enough, they have to pay a fine of $55,000. Every subsequent quarter they have to pay $550,000 as a maximum fine because their customers do not want to buy E10. So the penalty has been decreased from $550,000 to $5,500, which is a 99 per cent reduction in the fine for failing to make quota. I asked the Minister about this, and the Minister was obviously unaware. Well, he might have been unaware, he might have been misleading me, he might have been aware of what his own regulations said and just decided to mislead me, or alternatively he genuinely did not realise that he had reduced the fine by 99 per cent.

The Hon.Walt Secord: So he was misleading you or he was stupid.

The Hon. Dr PETER PHELPS: Misleading or ignorant of his own regulations.

The PRESIDENT: Order! I remind the Hon. Dr Peter Phelps of the rules. If he wishes to make imputations against a member from the other House he should do so by way of substantive motion. That is the last time he will do it. I remind the Hon. Walt Secord that he is already on one call to order.

The Hon. Dr PETER PHELPS: What would one to say to an attorney general who suddenly found that regulations reduced the penalty for murder from 25 years to three months and he or she was not aware of that change? This is not for the benefit of New South Wales consumers or for the environment of Australia; it is purely to help out Dick Honan at Manildra. When I was at Cootamundra on Monday this week he bought the Cootamundra abattoir and promptly shut it down, doing away with 220 jobs in a Nationals-held electorate. Yet we are supposed to think that Manildra is some sort of fairy godmother going around sprinkling employment opportunities in rural and regional New South Wales. Manildra is a disgraceful organisation. The fact that we are backing it yet again is just as big a disgrace.

The Hon. MATTHEW MASON-COX (11:59): I associate myself with the words of the Hon. Dr Peter Phelps and the case he made about this regulation. I will point out the obvious that some members might have missed. This is not about economics, because the Independent Pricing and Regulatory Tribunal report made clear that these regulations will not materially increase the level of ethanol sales in New South Wales. In addition, the recent report of the Productivity Commission complemented that finding and recommended we not have an ethanol mandate. That has been my view for some time. I refer to my comments last year that the original bill was probably the most egregious piece of legislation the Government had passed in this House. Indeed, it was anathema to Liberal principles. I stand by those comments. We now have new regulations. The reality is that the new regulations are not based on economics; this is simply a question of politics. Those politics involve regional jobs, which some members have mentioned, and finding a way out of the stranglehold of an ethanol mandate that will create so much trouble for small businesses.

The Hon. Dr Peter Phelps: Repeal the Act.

The Hon. MATTHEW MASON-COX: The Government cannot repeal the Act because it is bipartisan, so it has extracted itself from the stranglehold by going down the exemption route. I fully endorse the exemption route because it is the only way out of this mess. I think we have a fantastic Minister for Innovation and Better Regulation. He will understand the politics of this matter. In fact, he will probably get RSI from the amount of exemption certificates he will be signing every quarter. I would hate to be the Parliamentary Secretary, because he will be in the back row signing away like there is no tomorrow. The only way to solve this conundrum is to sign those exemptions every quarter. It is a wonderful political solution to this deeply difficult political situation. I endorse the Minister's response and the avalanche of exemptions that is coming. I have complete faith in the Minister because he has a good knowledge of politics and the realities on the ground. I know the Minister will get it right and not let down the small business people of New South Wales.

Mr JEREMY BUCKINGHAM (12:03): In reply: I thank the Hon. Sarah Mitchell, the Hon. Peter Primrose, the Hon. Paul Green, the Hon. Dr Peter Phelps and the Hon. Matthew Mason-Cox for their contributions. I agree wholeheartedly with the contribution of the Hon. Dr Peter Phelps, who showed courage in this matter and—I cannot believe I am going to say it—put reason, logic and the best interests of the people of New South Wales at the fore. I put on record that if the Government wants to repeal or reform this Act, The Greens will support it. We can do it by the end of this sitting. We will support a repeal of the Act; I have drafted a bill for that very purpose. We will test the Government's resolve later this year once the rubber starts hitting the road.

The Hon. Dr Peter Phelps: When the fines start going out in August.

Mr JEREMY BUCKINGHAM: Exactly.

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

Mr JEREMY BUCKINGHAM: I note the contribution of the Hon. Dr Peter Phelps about the fines. I would surmise that the fines have come down because the Government will probably have to issue a lot of them.

Rolling $500,000 fines out across the State would be seen as outrageous and egregious and would bankrupt businesses immediately. The Government has had to roll back the fines because it realises that non-compliance is a reality of this disgraceful Act. I say in response to the Hon. Peter Primrose that ethanol is not a renewable energy. Fifty per cent of its feedstock is food. Ethanol in Australia is not like it is in Brazil or other places. We are growing wheat and using fossil fuels and diesel to do it, including to transport the waste and some of the feedstock. We do not ascribe to the assessment of the greenhouse gas footprint of this fuel; it is an absolute sham.

I note the contribution of the Hon. Paul Green that this is about regional jobs. I accept that those couple of hundred jobs in Nowra are underwritten by this crony capitalism. But we will impose a cost running into the hundreds of millions of dollars on all New South Wales fuel consumers and businesses to pay for those jobs. It will destroy thousands of jobs and the fabric of our community. That is not hyperbole. For some people in remote and regional New South Wales the truck stop is their lifeline. It has wi-fi and a post office. It sells bread, eggs and milk. If people have to travel another 75 kilometres or 100 kilometres per round trip—

The Hon. Dr Peter Phelps: That town dies.

Mr JEREMY BUCKINGHAM: —that town dies. People cannot live regionally or remotely without these facilities. As the Hon. Dr Peter Phelps said, some service stations sell huge volumes of fuel. Some truck stops might sell only 10,000 litres of unleaded fuel a quarter, but they are major suppliers of diesel. What does it mean if they go to the wall? This regulation will cause a network of service stations to do exactly that. This is a horrendous piece of legislation that was designed to underwrite a failed business model for a major donor to all parties. The Greens, the Green movement and the people of the New South Wales will not give up until the Biofuels Act is repealed. We will be writing to the Minister for Innovation and Better Regulation to say that this regulation is an absolute joke. We will be continuing to make our case and I say, "Watch this space." The service station owners and every person in this State who uses those service stations will be making this a major issue at the State election. If the Government thinks putting up petrol prices is a smart move when it is defending a seven-seat majority, it will go to the wall.

The Hon. Dr Peter Phelps: Greyhounds.

Mr JEREMY BUCKINGHAM: This is bigger than greyhounds, because people across this State will use a service station today. They are absolutely dependent upon them. Our government services are dependent on them. When our ambos, police officers and fireys fill up their vehicles they will be paying the price for this disgraceful piece of legislation. I urge the Government to do it now. The Biofuels Act is a disgrace and its underpinning regulations are a debacle. This no way to run the State. I urge the Government to reconsider and to support the disallowance of these regulations. If the Government chooses not to do so, then it will be repealing the Act before its time in office expires.

The PRESIDENT: The question is that the House disallow the regulations.

The House divided.

Ayes 6
Noes 31
Majority.....25

AYES

Buckingham, Mr J (teller)	Faruqi, Dr M (teller)	Field, Mr J
Pearson, Mr M	Shoebridge, Mr D	Walker, Ms D

NOES

Amato, Mr L	Blair, Mr N	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Donnelly, Mr G
Farlow, Mr S	Franklin, Mr B	Gay, Mr D
Graham, Mr J	Green, Mr P	Harwin, Mr D
Khan, Mr T	MacDonald, Mr S	Maclaren-Jones, Ms N (teller)
Mallard, Mr S	Mason-Cox, Mr M	Mitchell, Ms S
Mookhey, Mr D	Moselmane, Mr S (teller)	Nile, Reverend F
Pearce, Mr G	Phelps, Dr P	Primrose, Mr P

NOES

Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Taylor, Ms B	Veitch, Mr M	Voltz, Ms L
Wong, Mr E		

Motion negatived.

Bills

CIVIL LIABILITY (THIRD PARTY CLAIMS AGAINST INSURERS) BILL 2017

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. Don Harwin.

Second Reading

The Hon. DAVID CLARKE (12:18): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Civil Liability (Third Party Claims Against Insurers) Bill 2017. The bill implements all recommendations from the NSW Law Reform Commission's report 143 on third party claims on insurance money. The bill introduces a new Civil Liability (Third Party Claims Against Insurers) Act to replace section 6 of the Law Reform (Miscellaneous Provisions) Act 1946. This will ensure that there is a clear legislative framework governing third party insurance claims. Section 6 of the Law Reform (Miscellaneous Provisions) Act 1946 allows a plaintiff to recover damages or compensation from a defendant's insurance proceeds. It allows a plaintiff to do so from the insurer where proceedings against the defendant, who is the insured, are not possible or would be pointless because, for example, the defendant is missing or insolvent.

Section 6 was enacted to prevent insured persons forming collusive arrangements with their insurers to avoid paying third party claimants and to prevent insured persons "running away with" insurance money. It does this by creating the concept of a statutory charge, which can be asserted and enforced by a plaintiff directly against the insurer over all insurance money that may become payable under a contract of insurance in respect of the insured defendant's liability. The charge is created "on the happening of the event giving rise to the claim for damages or compensation" against the insured defendant.

There has been general dissatisfaction with the complexity and uncertainty of this concept of the charge. It has been stated that, first, section 6 "is undoubtedly opaque and ambiguous": *NSW Medical Defence Union v Crawford* (1993) 31 NSWLR 469 at 479 per Kirby P; second, "the interpretation of section 6 of the Act is problematical … ambiguity may be its only clear feature": *McMillan v Mannix* (1993) 31 NSWLR 538 at 542 per Kirby P; and, third, "Section 6 should be repealed altogether or completely redrafted in an intelligible form, so as to achieve the objects for which it was enacted": *Chubb Insurance Australia v Moore* (2013) 302 ALR 101 at 113 per Emmett JA and Ball J.

Section 6 has also been criticised by the insurance industry. There is uncertainty about how this 70-year-old provision applies to new types of insurance policies, and in particular the complex modern insurance policies of directors and officers. The Insurance Council of Australia is concerned that the uncertainty created by section 6 may prevent insurers paying defence costs, especially where the defence costs of directors and officers of a company are funded from the same pool of funds as that available to meet the company's liability to plaintiffs. On 22 February 2016 the former Attorney General asked the NSW Law Reform Commission to review section 6 to consider whether the section should be repealed or amended and whether the policy objectives remain valid and could be better achieved.

The NSW Law Reform Commission completed report 143, titled "Third party claims on insurance money" on 22 November 2016. In preparing the report the commission released a consultation paper, sought public submissions to the review and convened a roundtable with relevant stakeholders. The commission found that the aims of section 6 remain valid. However, the commission made 13 recommendations to provide a clearer, more effective provision than section 6. The commission worked closely with the Parliamentary Counsel's Office to draft specific clauses for a bill to give effect to the commission's recommendations. Given the extensive and thorough work of the commission, the Government is pleased to adopt, unamended, the clauses drafted by the commission.

I will now outline the details of the bill. The bill repeals section 6 of the Law Reform Miscellaneous Provisions) Act 1946 and replaces it with a new standalone Act—the Civil Liability Third Party Claims Against Insurers) Act. It is proposed to create a new Act because section 6 has no relationship with any other provisions in the Law Reform (Miscellaneous Provisions) Act 1946. The bill retains the original intent of section 6 by ensuring that a plaintiff can recover compensation or damages directly from the insurer in respect of the insured defendant's liability to the plaintiff. The bill removes the problematic concept of the "charge" currently provided for in section 6. Importantly, clause 4 ensures that a plaintiff can recover compensation or damages directly from the insurer in respect of the insured defendant's liability to the plaintiff.

Clauses 5 to 9 make procedural and technical amendments, including to preserve the leave requirements in section 6 to make it clear that a plaintiff's failure to seek leave before proceeding against an insurer is not fatal to the plaintiffs claim, to clarify the operation of limitation periods and give effect to the New South Wales Court of Appeal's view in *Chubb Insurance v Moore* (2013) 302 ALR 101, to clarify the territorial application of the right to claim, and to confirm that the insurer can rely on the operation of the insurance contract to reduce its liability to the plaintiff.

Clause 10 retains the original primary object of section 6; that is, to prevent collusion between the insurer and the defendant. It provides that any payment the insurer makes to the defendant, or any compromise agreed between them in respect of the insured liability, does not discharge the insurer's liability to the plaintiff. This is so unless and to the extent that the defendant pays the money to the plaintiff. Clause 11 makes it clear that any rights conferred by any other legislation are not affected, such as rights conferred under the provisions of the Workers Compensation Act 1987 or the Motor Vehicles (Third Party Insurance) Act 1942. Clause 12 preserves existing proceedings, ensuring that section 6 continues to apply to actions brought under that section before the commencement of the new Act.

I thank the NSW Law Reform Commission for its work on report 143. The resultant bill resolves the complexity and uncertainty associated with the current operation of section 6. It will protect the existing access of the plaintiff to insurance proceeds from the insurer, especially in circumstances where it would be pointless to pursue the defendant who is the insured. It will not increase the current liability of insurers. The bill will modernise the law governing third party insurance claims and ensure that the law adapts to the changes in the insurance market since it was enacted 70 years ago. The bill will commence on the date of assent. I commend the bill to the House. It addresses significant problems that are identified with section 6, including complex drafting and uncertain application in the modern insurance context. The introduction of a standalone Civil Liability (Third Party Claims Against Insurers) Act will promote clarity in relation to the law governing third party insurance claims.

Debate adjourned.

SECURITY INDUSTRY AMENDMENT BILL 2017

Second Reading

The Hon. SCOTT FARLOW (12:29): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Security Industry Amendment Bill 2017.

This bill is evidence of the Government's unflagging commitment to the strong and effective regulation of the New South Wales private security industry.

The provision of private security services is quite rightly considered a high-risk activity.

Security licensees are given access to firearms, to large quantities of cash, they often have access to commercially sensitive sites and information, as well as being routinely asked to maintain order in public areas and defuse potentially dangerous situations.

We ask a lot of our security firms.

Security industry licensees are providing vital services to communities right across New South Wales every day—in hospitals, pubs and clubs, banks, shopping centres and defence sites.

But, as a high-risk industry, we expect a lot too.

It is vital that the Commissioner of Police and his delegates, as industry regulator, are appropriately empowered and resourced to keep the industry honest and make sure holders of security licences are properly trained to do their job.

It is worth repeating: we rely on the NSW Police Force to weed out rogue operators and to maintain high standards of probity and training across this industry.

Accordingly, the bill before the House seeks to strengthen the Security Industry Act 1997 by making a series of small yet significant changes requested by the regulator: the NSW Police Force.

I will now outline these proposed amendments in greater detail.

Many pieces of New South Wales legislation dealing with industry regulation already contain a provision which serves to abrogate—or set aside—the common law privilege against self-incrimination.

An example is section 35 of the Gaming and Liquor Administration Act 2007.

The importance of such provisions is that they ensure that an industry participant cannot evade reasonable and necessary questioning and proper record keeping by the regulator by claiming the privilege.

Such a provision is considered an appropriate and necessary inclusion for the Security Industry Act and hence will be included via item 23 of this bill, if passed.

In addition, item 13 of the bill provides that the Commissioner of Police may, if satisfied that grounds may exist for revoking a licence, suspend the licence for a period of up to 60 days, with no requirement to provide the licensee with an opportunity to be heard.

The commissioner may by further notice extend the period of suspension for a further period of up to 60 days.

Such a change will ensure that police, as industry regulator, can better manage risks within the industry, for example, being able to immediately remove a crowd controller from their position where they have been charged with violent offences, but the charges have yet to be heard by a court. And being able to continue the suspension until the charges have been determined.

I am sure members will agree that public safety must be paramount in such situations.

Should a licensee wish to challenge the suspension of their licence they will, of course, still be able to seek a review by the NSW Civil and Administrative Tribunal [NCAT].

Item 18 of the bill strengthens current protections around the disclosure of information, criminal information or criminal intelligence used by the NSW Police Force in matters before NCAT.

This is important to ensure, for example, that a rogue licensee cannot use such proceedings as a backdoor way of gaining access to police criminal intelligence holdings, with all the threats to police human sources that entails.

The bill also makes a series of other small but important amendments to the Act, which will, if passed, strengthen the current regulatory scheme for the New South Wales security industry.

For example, the bill clarifies that the Commissioner of Police must refuse to renew a licence in circumstances where the Act would mandate refusal if the licence holder were applying for a new licence.

Finally, item 28 of the bill adds to the efficiency of court proceedings by providing that the Commissioner of Police may provide certificate evidence relating to the following matters:

> - that a specified person was or was not...on a day or during a specified period, a person or organisation approved under section 27A of the Act; and
>
> - that on a day or during a specified period, specified conditions were or were not imposed under section 27A with respect to the provision of training, assessment and instruction by a person or organisation approved under that section.

We have already done the heavy lifting in reforming the regulation of the security industry.

So while these changes are not major, they are important, in helping us to ensure the legislation remains effective in helping to maintain high probity and competency standards across the New South Wales private security industry.

I commend the bill to the House.

The Hon. LYNDA VOLTZ (12:30): I speak on behalf of the New South Wales Labor Opposition and note from the outset that Labor does not oppose the Security Industry Amendment Bill 2017. The objective of the Security Industry Amendment Bill 2017 is to enhance the principal Act, and to provide the NSW Police Commissioner with additional powers concerning the determination and actioning of security licences which are under scrutiny. In the second reading in the other place the member for Tamworth, Kevin Anderson, on behalf of the Minister, noted that the amendments proposed under this legislation were are made at the request of the regulator, the NSW Police Force.

The security industry's role in New South Wales is diverse with its licensees playing important roles in various sectors throughout the community. Given the community's reliance on this industry and the various powers bestowed upon it, we need to ensure the regulation remains current and is in line with current needs. The bill will provide the Commissioner of Police with a range of new powers, which include: new measures concerning the security industry licence renewal and handling processes; the option to recall sensitive police documents provided to the NSW Civil and Administrative Tribunal [NCAT] for a particular hearing before they are released to the public; and the ability to appoint an individual or an organisation to provide training, assessment or instruction within the industry.

It is not unreasonable for the public to expect a certain level of oversight, professionalism and regulatory control to ensure that the security industry is kept honest and to weed out any undesirable individuals who may flaunt or break the rules and regulations. Clause 27A sets out the criteria for an individual or an organisation that

has been appointed by the commissioner to provide training, assessment or instruction in the industry. Further, this clause sets out that the appointment may be revoked or suspended at any given time with a penalty to be imposed should the individual or organisation fail to comply with the conditions imposed by this clause.

This is further emphasised by changes set out in division 3—clause 39R—which relates to the requirements for individuals in this industry to provide the appropriate records and information or to answer questions as required under this bill. Changes proposed under this clause allow for the revocation of the common law privilege against self-incrimination because an individual cannot evade any reasonable questioning and proper record keeping, forcing them to cooperate. Warnings will be provided on each occasion where an individual has committed an offence. However, the person cannot be found guilty of any such offence unless they have received a prior warning. This will ensure that an individual has been made well aware of their obligations under the legislative guidelines. If they fail to head any warnings, they are doing so knowing they are committing an offence. Should it be necessary, the commissioner will have the power under new section 25 to suspend a licence.

New section 25 (1) provides that the commissioner may, if satisfied that there are grounds for revoking a licence, suspend a licensee's licence for a period of 60 days, commencing upon the service of the notice. This may be extended to a further 60 days, as per new section 25 (1C) should the circumstances necessitate it. This duration cannot be extended any further. New section 25 (1A) and (1B) sets out that the commissioner must provide in writing the reasons for the licence suspension. The commissioner may request to hear the reasons that the licence should not be cancelled. This, however, is not a necessity and is at the discretion of the commissioner. In schedule 2 to the bill, clause 25 (2) and (3) sets out that the commissioner does not need to provide the reasons for licence revocation if it is determined that it would not be in the public's best interest. This would be determined through information the commissioner would have access to that is contained in criminal intelligence reports or other criminal information held in relation to the licensee.

Licensees who have had their licence revoked will have the option to challenge the suspension of their licences by making an application to NCAT. In schedule 1, new section 29 (4) and (5) sets out that if there is any information contained in a criminal intelligence report, or comprising other criminal information which has not been properly identified as such, the tribunal must ask the commissioner whether he or she wishes to withdraw the information from consideration by the tribunal in its determination of an application. Any information that is withdrawn by the commissioner must not be disclosed to any person or taken into consideration by the tribunal in determining an application. This will ensure that any such information remains protected from disclosure, thus keeping police criminal intelligence reports and any other gathered criminal information secure from being made publicly available.

Clause 46 of the bill sets out the manner in which documents may be served to a licensee, which include: delivery to the person; posting the documents to the prescribed address; email; delivery to the business address; and any other kind of authorised service delivery method for similar documents of this type. There are a number of minor miscellaneous administrative or consequential amendments provided in the bill which will clean up and clarify some language used in the principal Act. Following stakeholder consultation, there have been no egregious issues identified with the bill, as the proposed amendments aim to make a number of commonsense changes which were requested by the NSW Police Force to enhance the intent of the principal legislation. As such, Labor does not oppose this bill.

The Hon. SCOTT FARLOW (12:36): On behalf of the Hon. Niall Blair: In reply: I thank the Hon. Lynda Voltz for her contribution to the debate. The Government is committed to the strong and effective regulation of the New South Wales private security industry. The provision of private security services is quite rightly considered a high-risk activity. It is vital that the Commissioner of Police and his delegates, as the industry regulator, are appropriately empowered and resourced to keep the industry honest and to make sure holders of security licences are properly trained to do their job. While these amendments are not major, they are important in helping us to ensure the legislation remains effective in helping to maintain high probity and competency standards across the New South Wales private security industry. I commend this 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. SCOTT FARLOW: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I will now leave the chair. The House will resume at 2.30 p.m.

Questions Without Notice

ADANI CARMICHAEL COALMINE PROPOSAL IMPACT

The Hon. ADAM SEARLE (14:29): My question is directed to the Minister for Resources, and Minister for Energy and Utilities. The recent report of the Australia Institute stated that if all the Galilee Basin in Queensland were developed New South Wales royalty revenue would be cut by amounts of up to $349 million and that "the New South Wales Government should strongly oppose taxpayer subsidy of Adani's infrastructure". What is the Government's response to the concerns of the New South Wales community and business about the Turnbull Government's proposed $1 billion loan to the Adani Carmichael coalmine?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30): The Australia Institute has questioned the impact of the approved Queensland Adani coalmine on, among other things, royalty returns to New South Wales. The Adani Carmichael coalmine proposes to produce 60 million tonnes per annum of thermal coal from a combined open cut and underground mine. In 2015-16 coal production in New South Wales was approximately 190 million tonnes, of which 170 million tonnes was exported primarily to the Asian market. The high quality of export thermal coal from New South Wales commands a higher price on account of its producing less ash and fewer emissions than other inferior quality products.

The coal within the Adani Carmichael coalmine has targeted production of approximately 25 per cent ash content, representing a much lower value coal than that of New South Wales export quality thermal coal, with less than 15 per cent ash content. The quality of coal from the Adani Carmichael coalmine represents a market segment that generally constitutes less than 3 to 5 per cent of exports of coal from New South Wales. The Government recognises the important contribution that mining this high-quality product makes to New South Wales, particularly in regional areas.

I am aware of suggestions that the Northern Australia Infrastructure Facility, which is a Commonwealth initiative offering up to $5 billion in concessional loans, is led by an independent board with representation from a variety of States. Obviously decisions as to how that facility is used are best directed to the Federal Minister by the Hon. Adam Searle's Federal colleagues. Referring to the coal and its quality—a critical element of this question—the New South Wales Government is confident that its coal industry is robust and will continue to provide the royalty stream that underlines much of the Government's activities relating to hospitals, schools and roads. The Government is confident of the viability of this industry, regardless of proposals elsewhere, and is committed to it given its importance to regional communities and regional jobs.

The Hon. ADAM SEARLE (14:34): I ask a supplementary question. Will the Minister elucidate that part of his answer relating to the 170 million tonnes of coal from New South Wales being exported with reference to what this Government is doing to avoid the potential displacement of those coal exports by the Adani Carmichael coalmine?

The Hon. Scott Farlow: Point of order: That obviously was not a supplementary question but a new question. The Hon. Adam Searle sought elucidation but he asked a further question that did not seek elucidation.

The Hon. Shaoquett Moselmane: To the point of order: The Hon. Adam Searle clearly sought elucidation of an aspect of the Minister's answer. In my view the question is in order.

The PRESIDENT: When members have finished giving their rulings, I will give mine. The supplementary question was in order.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:35): From what I said in my earlier answer I thought it was clear that the New South Wales Government is comfortable and is not concerned about ongoing coal exports. I am surprised that the Opposition is placing so much emphases on a report from the Australia Institute that also said in a report titled "Never going to dig you up" that phasing out the New South Wales coal industry would have no effect on the New South Wales economy. How much weight can be placed on any Australia Institute report on this matter? As to the other aspects of the Hon. Adam Searle's question, I refer him to my earlier answer.

[*Business interrupted.*]

Visitors

VISITORS

The PRESIDENT: I welcome Rebecca Doyle from the University of Sydney to the President's gallery. Rebecca as an intern in the office of the Hon. Shaoquett Moselmane.

Questions Without Notice

GOVERNMENT FLEET ELECTRIC VEHICLES

[*Business resumed*.]

The Hon. LOU AMATO (14:36): I address my question to the Minister for Energy and Utilities. What measures is the Government taking to promote advanced technologies in our regions?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:37): The measures we are talking about were the subject of discussion during question time yesterday. Given the level of interest, I am glad to outline that the New South Wales Government has launched its first ever electric vehicle pilot. And, because we believe that New South Wales extends beyond Newcastle, Sydney and Wollongong, this is occurring in regional New South Wales. The three-year pilot being run by the Department of Primary Industries in Orange is the first step in increasing the number of low-emission vehicles in the Government's fleet. I was pleased to jump-start this electric trial last month with the Hon. Richard Colless in tow.

There will be a pool of six—I might have said three yesterday—Mitsubishi Outlander plug-in hybrid electric vehicles available to regional government departments. The pilot is using government purchasing power to demonstrate the financial case for low-emission vehicles. Regional New South Wales has been active in adopting clean energy, as evidenced by the rooftop solar uptake in leading communities like Dubbo and Lismore, whose households will now get a fairer deal due to our new feed-in tariff. But many were not won over by the first wave of electric cars, which created a new form of performance anxiety, known as range anxiety. The Hon. Walt Secord interjected about this very issue a short while ago.

I can assure him and the rest of the Opposition that if they were to drive from Wellington to Dubbo—a journey mentioned by the Hon. Peter Primrose in his question yesterday—the first half of the trip would be full electric and the second half would be hybrid. All up, the trip would use less than two litres of fuel. With a possible range of 600 kilometres, one could drive from Sydney to Orange and back without refilling. In response to a Labor member from Sydney criticising us for putting the regions first, I say they should seek help to manage their range anxiety. The tyranny of distance is over when it comes to electric cars.

I am glad the Government is taking initiatives such as this in our regions. Regional Australia should not get the scraps from the table. I will never apologise for visiting our regions or putting them first in trialling new technology. Late last year we consulted on increasing the number of electric vehicles in the government and private fleets. That would mean a big boost to charging infrastructure as more sites incorporate charging points. That is leadership. I thank Mitsubishi and the staff at DPI Orange for going full throttle on this trial.

WESTERN SYDNEY ARTS FUNDING

The Hon. WALT SECORD (14:40): My question without notice is directed to the Minister for the Arts. In light of comments made by prominent and respected museum and heritage consultant Kylie Winkworth on 4 April when she said that New South Wales has the most city-centric and inequitable arts funding structure in Australia, and given his recent funding announcements for the Sydney Theatre Company and the Sydney Opera House as part of the State's $600 million culture infrastructure fund, will the Minister set up a Western Sydney arts infrastructure fund, and when will he provide a fair share of funding to Western Sydney and rural and regional arts organisations?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:41): What an open invitation that question is. I first met Kylie Winkworth in about 1993, so I have known her for a long time. I greatly respect her contribution to the cultural life of New South Wales. She has played an important role in the museum sector. I particularly note her work on regional museums. Yesterday I referred to the Orange museum, which I visited on the same day that I was there for the electric vehicle trial.

The PRESIDENT: Order! Members will cease interjecting.

The Hon. DON HARWIN: As a consultant Kylie Winkworth played an important role in the creation of the now fairly spectacular offering at the museum. I think Mr Jeremy Buckingham indicated that was his view earlier in question time. The Orange Regional Museum is a superb example of the—

The Hon. Penny Sharpe: Point of order: My point of order relates to relevance. The question was about Western Sydney, not about the Minister's visit. The question asked what the Minister is going to do and he is failing to answer.

The PRESIDENT: The Minister is being generally relevant. The Minister has the call.

The Hon. DON HARWIN: In fact, I was being directly relevant. One part of the question asked by the Hon. Walt Secord related to regional cultural infrastructure. What is Orange Regional Museum if not that? I am interested that the Hon. Walt Secord also referenced the Sydney Opera House and the Walsh Bay Arts Precinct. Is he suggesting that the Government should not have funded those projects? The Hon. Walt Secord has walked right into this one. I can assume only that Labor does not support those things, and that is because they are jealous. They know they never could have done this because they could not manage the State's finances to save their lives.

The Hon.Walt Secord: Point of order: My point of order goes to relevance. The question was very clear: Will he or will he not set up a Western Sydney arts infrastructure fund?

The PRESIDENT: The question had many aspects to it. The Minister is being generally relevant. Members cannot say that a Minister can answer only one part of a broad question. The Minister has the call.

The Hon. DON HARWIN: I am interested to know whether the Hon. Walt Secord is suggesting that we should not have launched the decade of renewal at Sydney Opera House, which started some budgets ago in 2013 and which is ongoing. Of course, the Joan Sutherland Theatre is about to be shut for long overdue work on the orchestra pit. In the past 12 months my predecessor Troy Grant also announced a significant amount of funding for work on the acoustics of the concert hall, which is much needed. Does the Hon. Walt Secord suggest the Sydney Opera House should merely be a monument to mid-century modernist architecture? It needs to be a living, breathing performance space. How lucky are we to have a cultural icon like the Opera House as almost the symbol of our nation. Is the Hon. Walt Secord suggesting that no money should be spent on it? Now we can move to the next aspect of the Hon. Walt Secord's question, which was about the Walsh Bay Arts Precinct. [*Time expired*.]

MEDICAL RECORDS SECURITY

The Hon. ROBERT BORSAK (14:47): My question without notice is directed to the Hon. Niall Blair, representing the Minister for Health. Given that last month 1,600 medical records were found in an Ashfield garbage bin, and since I am an Ashfield resident, can the Minister guarantee that none of my medical records or my family's medical records were among those found in the garbage bin? Did the Minister or his department contact the people affected by the privacy breach and, if not, when will they be notified?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:47): It is interesting that the member is asking about his medical records when he has his arm in a sling. We all wish him a speedy recovery. His injury is particularly painful and uncomfortable. I am sure he will get well soon. I am advised that on 11 April 2017 a large number of letters from specialists to general practitioners were found in a bin located at an Ashfield apartment block. Investigations by NSW Health indicate that they were medical letters being processed by the private medical transcription company Global Transcription Services. Global Transcription Services has provided contracted transcription services to both private and public health facilities. Royal North Shore Hospital has engaged the company since 2010.

The correspondence related to patients at Royal North Shore outpatient clinics, Gosford Hospital outpatients and cancer centre, Dubbo Hospital cancer centre and six private providers. The correspondence included letters from specialist doctors to referring general practitioners and treatment progress reports, most relating to clinic attendances in December 2016. Some 768 public patients were involved. I am advised that it was the primary concern of NSW Health to ensure that patient care was not compromised, and the letters were reviewed over the Easter period to allay that concern. No evidence was found of a need for immediate clinical intervention or for individual patients to be contacted. There were also more than 700 pieces of correspondence relating to private patients, and these were forwarded to the provider to enable it to undertake its own review. NSW Health has ceased using Global Transcription Services for printing and postal services. An external review into privacy protections and processes for procuring private transcription services has been commissioned. Outside transcription services have been a feature in some local health districts and private providers for more than a decade.

LANDCARE GROUPS

The Hon. TREVOR KHAN (14:50): My question without notice 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 Landcare groups in New South Wales and their contribution to local communities around the State?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:50): Members may recall that in the 2015 election campaign my colleague Troy Grant announced an additional $15 million for Landcare in New South Wales, along with other new money for biodiversity protection and enhancement. On Monday the Parliamentary Friends of Landcare travelled to the Coal Loader Centre for Sustainability. This area on Sydney's lower North Shore is being transformed from an industrial zone into green space that showcases sustainable environmental practices. Many of us are well connected with our local Landcare or Bushcare groups, but this was the first opportunity for the Parliamentary Friends to take part in an onsite activity. The purpose of the event was to celebrate a remarkable city-country partnership.

For the past 17 years, Bushcare volunteers from North Sydney have made an annual trip to the farming community of Boorowa, near Young. In that time they have planted more than 50,000 trees, restoring critical habitats and building strong bonds between city and country communities. This week—in their first reciprocal visit—Boorowa came to North Sydney. On board the coach were 50 schoolchildren, teachers, farmers and Landcare members. They came to thank the North Sydney volunteers, cement their partnership and help to revegetate this special part of Sydney. The Parliamentary Friends of Landcare were on hand to show their support and to continue the bipartisan tradition that has existed since the Landcare movement started nearly 30 years ago.

Landcare in New South Wales is undergoing a revival. With new funding from the New South Wales Government, 66 part-time local Landcare co-ordinators have been engaged. Supported by Landcare New South Wales and Local Land Services, Landcare organisations are receiving training, tools, information and advisory services. An example of the innovation we are seeing includes the development of a new statewide insurance system that gives groups access to less expensive but better options for cover. In the western region, interest in Landcare had dwindled and groups were in survival mode. Some had not met for several years, and some were down from 40 active members to just five. The new Landcare coordinator rang every property in one district and, as a result, the Pine Creek Area Range Care Group held its first meeting in three years, which was attended by 15 people. Pine Creek has subsequently expanded its list to include many properties previously not engaged.

In Broken Hill, the local coordinator reached out to school and community groups. The re-energised group has a younger membership and is attracting new funding. These are just two examples. There are hundreds of case studies from around the State where Landcare groups are forming, re-forming, reorganising and delivering new projects. A strong Landcare movement means we will see even more farmers undertaking projects on their properties to deliver conservation outcomes. This support program was co-designed by government and the community, and is a great example of what can be achieved when we work together.

The State's peak body of Landcare New South Wales has made good progress in establishing the foundations for Landcare to diversify its funding sources. All levels of government are crucial partners for Landcare, but new funding sources must be identified. I congratulate all those involved in this initiative and look forward to seeing more opportunities for the Parliamentary Friends of Landcare to show their support. A notice went around last week inviting members to join or to renew their membership of Parliamentary Friends of Landcare, and I encourage all members to do that. Pleasingly, I note the bipartisan support of the Parliamentary Friends of Landcare and Landcare in general. I congratulate all members, Landcare, and Rob Dulhunty and his organisation. This is a win, win.

RURAL AND REGIONAL PALLIATIVE CARE WARDS

The Hon. ROBERT BROWN (14:55): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. The Minister will no doubt be aware of the campaign by the member for Orange to reinstate the palliative care ward at the new Orange hospital and the Government's recent announcements in relation to making that happen. Will the Minister advise the House of what other rural communities are currently without dedicated palliative care wards in their local hospitals and when these communities can expect to have this situation corrected to bring them into line with Orange?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:55): I thank the member for his question and for raising palliative care in regional communities because it gives me an opportunity to mention some of the great work that is being done by the Parliamentary Secretary for Regional and Rural Health, Mrs Leslie Williams. The Parliamentary Secretary hosted a palliative care in Orange—from memory—last week, which was also attended by the Hon. Rick Colless.

The Hon. Robert Borsak: It was on Monday.

The Hon. NIALL BLAIR: I note that interjection. It was on Monday. Members are also being very active in other parts of the State in addressing the need for palliative care services. In particular, I single out two

members of this Chamber, the Hon. Sarah Mitchell and the Hon. Trevor Khan, who represent the Tamworth region. Those two members, in conjunction with the Hon. Bronnie Taylor, also raised palliative care services in the Tamworth region and in the New England Area Health Service and requested, via the Parliamentary Secretary, that the Minister for Health give further consideration to this matter.

Unfortunately, palliative care is required in every community in this State. I know that all members of this House are concerned about it. The New South Wales Government has increased the palliative care workforce capacity through funding enhancements to the specialist palliative care network. I am advised by the Minister's office that NSW Heath has increased the choices available at the end of life by delivering a suite of community-based palliative care services that support people to remain at home, if they wish. The Government has committed to a new four-year—2015-16 to 2018-19—$12 million palliative care flexible funding pool for local health districts and other NSW Health organisations to address the palliative care needs specific to their communities. An additional $20 million has also been committed to extend home-based palliative care packages and enhanced funding for the Paediatric Palliative Care Program. This complements the previous $35 million in funding provided for community-based palliative care services towards achieving the goals as set out in "The NSW Government plan to increase access to palliative care 2012-2016".

Initiatives include the last-days-of-life home support services for patients and their families to help patients to die at home if they wish. Services include personal care and domestic assistance. More than 7,000 support packages have been completed across New South Wales since December 2013. A statewide network of paediatric palliative care services has supported the establishment of a model that mobilises specialist supports around the dying child and his or her family. It is also providing access to after-hours advice for medical professionals. A statewide palliative care volunteer support service to support volunteers in hospital and community settings is also one of the initiatives. A further initiative is the statewide palliative care after-hours helpline for palliative care patients, their carers and families, and health professionals. The helpline commenced on 1 March 2016. When looking at the palliative care workforce, nine additional palliative care physician training positions to boost the specialist workforce including a general medicine and palliative care— [*Time expired*.]

The Hon. ROBERT BROWN (15:00): I ask a supplementary question. I thank the Minister for a very comprehensive answer. I ask him to elucidate his answer specifically in relation to my question about what other rural communities are currently without dedicated palliative care wards?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:00): I will conclude the paragraph I was going through in relation to the palliative care workforce. Nine additional palliative care physician training positions to boost the specialist workforce, including a general medicine and palliative care training position based in Orange, have also been provided. Three rural generalist training positions in palliative care medicine to support rural general practitioners to provide palliative care services have also been allocated as well as, since 2013, an additional 39.5 full-time equivalent end-of-life palliative care nurse educator and clinical nurse specialist positions, including six full-time equivalents for rural and regional areas in 2016. In addition, five full-time equivalent nurse practitioner positions specialising in palliative care have also been funded.

Palliative care nursing services are provided by a range of nurses in local health districts, including nurses in health facilities, community nurses and specialist palliative care nurses. Many of these nurses provide palliative care as part of their broader nursing role. In December 2015 the NSW Agency for Clinical Innovation launched *Palliative and End of Life Care—A Blueprint for Improvement*, which provides a flexible guide for health services to meet the needs of people approaching and reaching their end of life, and their carers and families. The blueprint is an online guide to assist health services and local health districts in constructing their own localised models of care. In relation to the specific nature of the question as to what other communities may be without these dedicated services, I am happy to take that part of the question on notice, refer it to the Minister and come back to the member with a detailed answer in due course.

ADANI CARMICHAEL COALMINE PROPOSAL IMPACT

The Hon. JOHN GRAHAM (15:02): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given concerns raised about the Adani mine by Glencore coal division executive Peter Freyberg, who said, "Bringing on additional tonnes with the aid of taxpayer money would materially increase the risk to existing coal operations", what modelling has the Government done on job losses in New South Wales coal regions, especially in the Hunter and including at the Newcastle Port?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:02): All of those issues were at the forefront of my mind when I gave the answer that I gave earlier in question time, and I believe the question was adequately answered.

The Hon. JOHN GRAHAM (15:03): I ask a supplementary question. I ask the Minister to elucidate his answer, in particular in relation to the port, given port executive Jonathan van Rooyen's warning that the volume of coal mined and exported from the Hunter and the Illawarra will decline with this subsidy.

The PRESIDENT: Order! The supplementary question is not in order. As I have ruled on previous occasions, and as former President Primrose and President Harwin have ruled, a supplementary question is required to elucidate further information on part of an answer given by the Minister. Simply asking for an elucidation and repeating part of the original question that was not part of the answer given by Minister is not in order.

EARLY CHILDHOOD EDUCATION

The Hon. DAVID CLARKE (15:04): 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 how the New South Wales Government is investing in vital infrastructure projects to increase additional places in early childhood education centres?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:04): I thank the member for his question. As I have said in this House many times and I will continue to say, we know the success of children's education on their last day of school is determined by their first day of school. That is why last month I was proud to announce the services that would receive capital works funding as part of the New South Wales Government's investment to create additional places for children across the State. Indeed, 27 early childhood education providers across New South Wales have received grants that will create an additional 500 places to ensure our children have every opportunity to thrive and to prosper. Of the 27 successful applications, 21 were for projects extending a current building and six mobile preschools received funding for new vehicles.

For example, Warilla Baptist Preschool in Shellharbour received a grant of $187,500 for fit-out costs in an additional room to its existing service. This means that the service is able to double its intake, increasing its available places from 29 to 58. Bilambil Community Preschool and Out-of-School Hours in the Tweed shire received a grant of $420,000 to extend its existing service by adding another room. Riverina Children's Activity Van, Hay Mobile Children's Service and Lower Hunter Children's Activity Van Association all received grants to fund a replacement vehicle for their mobile services.

Since becoming the Minister for Early Childhood Education I have visited many providers and services across New South Wales. Through doing that I have been able see first hand the unique connection between children and teachers in purpose-built facilities. I am proud that this Government is investing in early childhood education and backing our kids. As Minister I have met with many families, service providers and educators who have told me shortages in available places continue to be a big issue for children trying to access early childhood education. It is vital that we listen to our communities across the State and deliver on our commitment to provide every opportunity for children to access quality education no matter where they live. It should not matter whether one lives in Parkes or Penrith, early education is the key to future success and I am determined to ensure we make it easier for families in New South Wales to access these services.

We know that children benefit socially, emotionally and cognitively from quality early childhood education, so this program has a real benefit for families with young children. That is why the Liberal-Nationals Government created the capital works grants program to ensure that service providers are given every opportunity to grow and to expand their services to cater for more children. The Government is determined to ensure no child is left behind. The grants program supports the creation of additional preschool places in rural and remote communities by funding construction projects for community preschools.

This Government is not only investing in capital works infrastructure; it is also committed to ensuring children in the year before school attend an early childhood education service for 600 hours. Since 2013 we have seen an additional 40,000 children enrolled in a preschool program for 600 hours, which is proof that the Government's $115 million Start Strong reform package is making a real difference to the lives of young children and their families across the State. We recognise the importance of this sector; we recognise the importance of qualified early childhood teachers in ensuring the delivery of quality early education programs. I thank all educators in this sector across the State for their dedication and commitment to providing early childhood education for our kids. The Government will continue investing in early childhood education infrastructure across the State because we know our parents expect it and, more importantly, our children deserve it.

COAL SEAM GAS PRICES

Mr JEREMY BUCKINGHAM (15:09): My question without notice is directed to the Hon. Don Harwin in his role as the Minister for Energy. Last year the Government deregulated gas prices promising

significantly lower prices for consumers in New South Wales. Given the recent increase in wholesale gas prices and that unregulated prices have increased $100 per year for an average household above the regulated maximum, has the Government deregulated prices at precisely the wrong time and will the Minister reinstate a regulated price to ensure New South Wales households are protected from price gouging?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:09): It is a timely question. I note the Premier was speaking about the matter at the National Press Club lunch. The Premier clearly stated the importance of having a clear picture of the importance of gas prices with regard to the cost of living and the need to give people the opportunity to shop around and to manage their bills. New South Wales has a competitive retail gas market with nine authorised retailers supplying gas to residential and small business customers. More than 80 per cent of the 1.3 million gas customers in New South Wales have already switched to a market offer, leaving less than 20 per cent on the regulated price.

The Government has been working hard to address competition in regional areas and has already seen results. For example, in the 12 months to January 2017 the number of active retailers in Queanbeyan tripled, thereby facilitating a fivefold increase in residential offers. For the first time the Shoalhaven area is now open to full retail contestability. Customers will continue to be protected with oversight of retailer performance by the Independent Pricing and Regulatory Tribunal. The tribunal will report annually on competition in both the electricity and gas retail markets.

Due to stronger links between the Australian and international gas markets there have been recent increases in gas prices. I have met with the Energy and Water Ombudsman and been briefed on how customers are faring, and I have met with the Australian Industry Group to discuss how we can work with large energy users regarding gas efficiency and fuel switching. As I have previously stated, the price is not due to New South Wales policy. The New South Wales Government is actively securing new sources of gas. The New South Wales gas plan is a clear strategic framework to deliver world's best practice regulation of the gas industry whilst securing vital—

The Hon.Walt Secord: You are putting the Chamber to sleep.

The Hon. DON HARWIN: I am devastated.

The PRESIDENT: Order! The Minister will not respond to interjections. The Minister has the call.

The Hon. DON HARWIN: I was concerned about some of the remarks the member made regarding a colleague. Cognisant of your wishes, Mr President, I will proceed. Last year, the previous Minister indicated that gas deregulation will proceed in mid-2017.

Mr JEREMY BUCKINGHAM: I ask a supplementary question. Will the Minister elucidate his answer by informing the House as to whether the Government still stands by its prediction that gas prices are set to fall in the next financial year?

The Hon. Scott Farlow: Point of order: That was clearly a new question and did not seek an elucidation of the Minister's answer.

Mr Jeremy Buckingham: To the point of order: That was not a new question; it was an elucidation of an aspect of the last part of the Minister's answer as to the actions and predictions of the former Minister.

The Hon. Niall Blair: To the point of order: It was merely a restatement of the original question.

Mr Jeremy Buckingham: Further to the point of order: It is self-evident that it was not a restatement because my supplementary question in no part was mentioned in the former part of my question.

The Hon. Niall Blair: Further to the point of order: It was so.

Mr Jeremy Buckingham: Further to the point of order: This is an important point of order because supplementary questions that are in order should be answered. The previous points of order from members opposite are false and I urge you to rule in my favour.

The PRESIDENT: I have heard enough. I thank Mr Jeremy Buckingham for an excellent argument. The supplementary question is out of order.

ADANI CARMICHAEL COALMINE PROPOSAL IMPACT

The Hon. GREG DONNELLY (15:15): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Given that the Australia Institute economist Rod Campbell has warned that the Adani mine—

The PRESIDENT: Order! Restart the clock. The Hon. Greg Donnelly can restart his question.

The Hon. GREG DONNELLY: Given that the Australia Institute economist Rod Campbell has warned that the Adani mine would reduce thermal coal prices by 4 per cent and a total Galilee Basin coal development would reduce coal prices by up to 30 per cent, what is the Minister's response to Mr Campbell's recent statement that:

> What is really needed for New South Wales is the Government and the New South Wales mines and minerals council to do their work and start sticking up for the interests of New South Wales and its coal industry. Both are too afraid of upsetting their mates in Canberra or Queensland and would prefer to stick their heads in the sand.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:17): Would the honourable member give me a copy of the question? The member can give me the supplementary question too if he wishes. I wanted to look at the comment that Mr Rod Campbell has apparently made.

The PRESIDENT: Order! The Minister will resume his seat.

The Hon. Greg Donnelly: Point of order: The Minister is debating the question and casting imputations on the accuracy of the detail within the question.

The PRESIDENT: Order! There is no point of order. I ask the Minister to answer the question.

The Hon. DON HARWIN: I note that Mr Campbell is suggesting that what is needed is for the New South Wales Government and the NSW Minerals Council to stick up for the interests of the New South Wales coal industry. This is the same Rod Campbell who was part of writing *Never gonna dig you up!*

The Hon. Penny Sharpe: Point of order: I know the Minister has trouble filling four minutes, but we are one and a half minutes in and he is still debating the question.

The PRESIDENT: Order! The Minister has not been given a real opportunity to answer the question because of continued interjections and points of order being taken. The Minister was being generally relevant.

The Hon. DON HARWIN: I note that the question I was answering was, "What is your response to Mr Campbell's statement?" I am trying to answer the Hon. Greg Donnelly's question directly. This was the report that said there would be no effect at all in the short term on the New South Wales economy if we started completely phasing out the New South Wales coal industry. So I have to say I am a little confused. I am also a little confused about the Opposition's policies on the New South Wales coal industry. The industry is obviously critical to the State's energy needs now and certainly into the medium term, because it is currently meeting on average around 80 per cent of our energy supply requirements. It is absolutely critical. Coal is absolutely essential to the production of steel.

Mr Jeremy Buckingham: For the next two weeks.

The Hon. DON HARWIN: Mr Jeremy Buckingham intervenes. Mr Jeremy Buckingham had the no new coal mines bill at the same time as other members of his party had a bill mandating the use of Australian steel. What do they think Australian steel is made out of?

The Hon. Dr Peter Phelps: Coking coal.

The Hon. DON HARWIN: The Hon. Dr Peter Phelps has hit the nail on the head. Of course, coking coal is essential to the production of steel. Coking coal is actually essential for—

The Hon. Adam Searle: You seem to be talking about thermal coal, Don. Can't you tell the difference?

The Hon. DON HARWIN: No, I am not. Coking coal is important for renewable energy as well, because it cannot be produced without coking coal. To produce enough infrastructure for one megawatt of wind turbine capacity we need 220 tonnes of coking coal—just to produce one megawatt.

The Hon. GREG DONNELLY (15:22): I ask a supplementary question. Will the Minister elucidate his comprehensive answer to the question that related to the impacts of the development of the Galilee Basin coal development on the New South Wales coal industry and expand on that part of the answer?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:22): I would have thought in the comments I was making that I was absolutely standing up for the New South Wales coal industry.

The Hon. Greg Donnelly: Point of order: The question was not about standing up; it was about the impacts—

The PRESIDENT: What is the member's point of order?

The Hon. Greg Donnelly: Being irrelevant. The Minister was not within a bull's roar of the question.

The Hon. DON HARWIN: To the point of order: The honourable member is correct in that his original question said "sticking up", not "standing up". I promise to refer to "sticking up" in the future.

MINERALS INDUSTRY

The Hon. RICK COLLESS (15:24): My question is addressed to the Minister for Resources. Will the Minister please update the House on the importance of minerals to the Central West region?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:24): I thank the honourable member for his question. I am pleased to inform the House that under the prudent stewardship of the Government regional New South Wales is benefiting from a number of important mineral development projects that have received approval. The Government supports the discovery and development of the State's valuable mineral resources and acknowledges the regional employment opportunities they generate. Since this Government came to power in 2011 close to 60 new mining projects or expansions to existing operations have been approved for this State, which has realised close to $8 billion of new capital expenditure for regional areas throughout New South Wales.

The Central West region alone has received new capital investment worth more than $300 million and more than 400 new jobs have been created in the region. The Central West region has five significant mineral mines directly employing more than 2,600 people. In the 2015-2016 financial year around $240 million in mining royalties was generated from these mines and the six operating coalmines in the region. I recently had the enormous pleasure of visiting the Northparkes copper and gold mine in the Central West during my visit to that region. I felt it was important to see the processes and operations first hand, in particular the high level of automation achieved, which reduces risks to the safety of workers. It was also important to speak directly with the workers on the ground, most of whom are local residents, particularly of the town of Parkes.

The Hon. Duncan Gay: Including my son-in-law.

The Hon. DON HARWIN: There you go. Mining is so important to these communities and the contribution they make to their local area is too often overlooked. I was in particular very impressed by the volunteer leave program run by Northparkes, which provides them with time and resources to share their skills with community groups and organisations throughout the Central West. As a result of this program more than 3,000 volunteer hours have been donated to various community groups and organisations since the program's inception. Mining remains a significant economic component of the Central West region, and indeed the whole of New South Wales. I can assure the House and the people of regional New South Wales that the Government is committed to supporting investment and jobs in our regional communities.

It was a great pleasure to be at Northparkes. For many years—as I am sure many members of the House will know—the chief executive officer [CEO] at that mine was Stefanie Loader, who has recently stepped down as chair of the New South Wales Minerals Council. She was a very effective advocate for her industry and I was very pleased to be able to fulfil the commitment I made to her that the first mine I visited as Minister for Resources would be Northparkes. It has certainly been an industry leader and I pay tribute to the work Stefanie did as the chair of the New South Wales Minerals Council.

RAIL TRANSPORT

Dr MEHREEN FARUQI (15:28): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and the Minister for Arts, representing the Minister for Transport and Infrastructure. Given the Minister for Transport's assertion in the *Australian Financial Review* that in 10 to 15 years time the Government will not be in the provision of transport services, is the Government planning to privatise Sydney Trains, the State Transit Authority, NSW Trains or any other publicly owned transport organisation?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:29): Our outstanding transport Minister is doing a fantastic job.

The Hon.Walt Secord: Who is that?

The Hon. DON HARWIN: Apparently the Hon. Walt Secord does not know that the member for Bega, an outstanding local member, is the Minister for Transport and Infrastructure.

The Hon.Walt Secord: Oh that guy. He lives in South Sydney.

The Hon. DON HARWIN: What absolute nonsense. The Minister, his wife and children live in the Bateman's Bay region and have done so for some time. The Hon. Walt Secord should do his research. I wonder if the honourable member actually read that article as I did because it was impossible to draw a link between some

of the things the Minister said about where technology is headed and the innovative solutions that will impact on all of us, and the silly rants on privatisation that we get all too often from The Greens and other members of the House. There was no such suggestion in that article. No such policies are under discussion by the Government, and the Dr Mehreen Faruqi should try better.

If honourable members have further questions, they can place them on notice.

Deferred Answers

INNER WEST COUNCIL RUBBISH BINS

In reply to **the Hon. ROBERT BORSAK** (29 March 2017).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

> Inner West Council has recently rolled out new domestic rubbish bins. The bins contain Radio Frequency Identification Devices [RFIDs], these are in line with bins provided in the former Marrickville Council area, where RFID technology was introduced in 2015. I am advised that a number of other New South Wales councils have also implemented RFID technology since 2006.
>
> When collecting personal information, councils must comply with the requirements of the Privacy and Personal Information Protection Act (NSW) 1998.

The PRESIDENT: I shall now leave the chair until after the joint sitting and cause the bells to be rung for the House to resume.

[*The President left the chair at 15:31*]

Joint Sitting

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council chamber at 15:50 to elect a member of the Legislative Council in the place of the Hon. Michael Gallacher.

The Clerk of the Parliaments read the message from the Governor convening the joint sitting.

The PRESIDENT: I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Michael Gallacher.

Ms GLADYS BEREJIKLIAN: I propose Taylor Mitchell Martin as an eligible person to fill the vacant seat of the Hon. Michael Gallacher in the Legislative Council, for which purpose this joint sitting was convened. I move that Taylor Mitchell Martin be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. Michael Gallacher. I indicate to the joint sitting that if Taylor Mitchell Martin were a member of the Legislative Council he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party—the Liberal Party of Australia—as the Hon. Michael Gallacher was publicly recognised by as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the tenth periodic Council election held on 26 March 2011. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

The Hon. DON HARWIN: I second the motion.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Taylor Mitchell Martin is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Michael Gallacher. I declare the joint sitting closed.

The joint sitting closed at 15:54.

[*The House resumed at 16:15.*]

Members

ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I report that at a joint sitting this day Mr Taylor Mitchell Martin was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Mike Gallacher. I table the minutes of proceedings of the joint sitting.

The Hon. DON HARWIN: I move:

That the document be printed.

Motion agreed to.

The Hon. DON HARWIN: I move:

That the President inform His Excellency the Governor that Mr Taylor Mitchell Martin has been elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Mike Gallacher.

Motion agreed to.

Bills

GAS AND ELECTRICITY (CONSUMER SAFETY) BILL 2017

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Ben Franklin, on behalf of the Hon. Sarah Mitchell.

The Hon. BEN FRANKLIN: On behalf of the Hon. Sarah Mitchell: I move:

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

Motion agreed to.

Second Reading

The Hon. BEN FRANKLIN (16:17): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Gas and Electricity (Consumer Safety) Bill 2017. This bill will deliver on the Government's commitment to reduce red tape for industry and will also increase protections for consumers with respect to gas appliances. Currently, the Minister for Innovation and Better Regulation has sole responsibility for the Electricity (Consumer Safety) Act 2004, the Electricity (Consumer Safety) Regulation 2015, and the Gas Supply (Consumer Safety) Regulation 2012. He also has responsibility for section 83A of the Gas Supply Act 1996, while his Cabinet colleague the Hon Don Harwin, MLC, the Minister for Energy and Utilities, has responsibility for the remainder of that Act.

There are many similarities between the Electricity (Consumer Safety) Act 2004 and the Gas Supply (Consumer Safety) Regulation 2012. They both provide for the safe use of gas and electricity by consumers, and prescribe and enforce minimum safety standards for gas and electrical equipment and installations in New South Wales. Gas and electricity are essential to our lives, but poorly manufactured goods and substandard installations can present major hazards. The consolidation of these consumer safety laws into a single piece of legislation will provide a clear, consistent and strong regulatory framework. This bill will also ensure that enforcement powers are consistent and sufficient to safeguard the safety of consumers regarding both gas and electrical products and services.

Many of the clauses in the bill retain the language of the Electricity (Consumer Safety) Act, the Gas Supply (Consumer Safety) Regulation, and the Electricity (Consumer Safety) Regulation. The purpose of this approach is to ensure that there is stability in the legal effect of these provisions. However, there are a number of clauses that make new provisions with respect to gas consumer safety. The purpose of these provisions is to increase consumer safety protections and to ensure that there is a consistent approach across both gas and electricity. This will simplify compliance obligations for business. Consistent compliance and enforcement provisions will also enable NSW Fair Trading to utilise the full range of compliance mechanisms now available for electricity consumer safety to enforce consumer safety standards in the gas industry.

The bill also harmonises penalties for gas and electrical safety breaches. Penalties for gas-related offences have been increased to match those for electricity-related offences. This will provide a greater deterrent for breaches concerning consumer safety concerns. I turn now to the substance of the bill. Because this bill is largely a consolidation of existing protections, I propose to highlight only a limited number of matters. Part 1 of the bill deals with the preliminary matters, including the definitions in the bill. Relevantly, the bill extends the definition of "sell" that applies to electrical articles to gas appliances. This will ensure that gas appliances displayed for advertising will be treated as being displayed for sale. While it is already an offence to sell a gas appliance that is not certified, this offence does not extend to capture the display, or the offer for sale, of an uncertified appliance.

This means that, currently, NSW Fair Trading investigators must purchase an uncertified gas appliance to prove the offence of sale.

Applying this definition to both gas- and electricity-related offences will also enable authorised officers to carry out compliance and enforcement in the gas appliance retail industry more effectively. Clause 6 is also important. It has been inserted to address a number of safety issues that have arisen with respect to hoverboards. Clause 6 will confer on the secretary a power to declare that a battery article, such as a specific model of hoverboard, or battery article of a class, such as hoverboards in general, are a "high risk battery article". Such a declaration will have the effect of bringing that article or class of article under the provisions of the Act.

Importantly, this provision will safeguard consumers against some types of rechargeable batteries and products that incorporate those rechargeable batteries. This clause, however, is targeted. The purpose of the words "high risk battery article" is to ensure that this power is limited to cases where there is a real or material risk of damage to property, injury or death, not simply where the risk is far-fetched. Another purpose of that language is to ensure that the classes of article covered by such declarations are targeted and do not extend to products which are not "high risk". Overall, this provision will help to establish a consistent and cohesive approach to gas and electricity safety in the marketplace and will ensure that the laws operate effectively and efficiently.

Part 3 concerns gas appliances. Division 2 of part 3 concerns the certification of gas appliances. Under clause 23 the secretary may grant applications for a person to hold a certification authority. Under clause 26 such certification authorities may be cancelled. Under clause 26 (1) (a) the secretary will be able to cancel an authority following a show-cause notice. The effect of a show-cause notice is that a certification authority holder's certification authority will be suspended for period of no longer than 21 days. During that time he or she can make submissions to the secretary, which the secretary will need to consider in making a final cancellation decision. Importantly, while that process is underway, the public will be protected from any risk of that person engaging in substandard certification.

Under clause 26 (1) (b) a certification authority may be cancelled without first being suspended. This power gives the secretary a broad power to cancel certification authority for the purposes of the bill, namely, safety. Of course, the secretary will be able to give certification holders a chance to make submissions without having the certification authority suspended first. These provisions are substantially a re-enactment of the secretary's present powers under the Gas Supply (Consumer Safety) Regulation 2012.

The next aspect of the bill to which I wish to draw the House's attention is division 2 of part 7 of the bill, which contains a number of important compliance and investigatory powers. Clause 49 (d) will confer on authorised officers the power to seize and to remove unsafe gas appliances. Currently, NSW Fair Trading officers have to purchase unsafe gas appliances to ensure that they are not sold to the public. This will bring NSW Fair Trading's powers with respect to gas appliances in line with its existing powers of seizure contained in the Electricity (Consumer Safety) Act. Clause 51 (b) confers on authorised officers the power to disconnect electrical articles and gas appliances from installations being used in a manner that presents, or is likely to present, a significant risk of damage to property, injury or death.

Clause 52 of the bill will repose in authorised officers the powers necessary to address situations in which gas or electrical installations or articles are being used in a way which poses a real risk of harm. These powers are important. NSW Fair Trading has received reports of people using LPG fuelled barbeques indoors or in fully enclosed balcony spaces. These types of gas appliances are designed for outdoor use only and when used indoors can lead to incomplete combustion, a by-product of which is carbon monoxide, which of course can be lethal. Other examples have been instances of gas water heaters situated on balconies of units, whereby the balcony has been fully enclosed, not allowing for proper ventilation, again leading to the build-up of carbon monoxide. Under current laws, NSW Fair Trading investigators are unable to require owners to cease using LPG barbeques in this dangerous manner or to require them to properly ventilate an area. The bill will remedy this problem.

Clause 52 will more generally confer on an authorised officer the powers necessary to address situations in which gas or electrical installations or articles are being used in a way which poses a real risk of harm. Currently, if a NSW Fair Trading investigator encounters a situation that is fundamentally unsafe, the only available remedy is to seek the assistance of the relevant energy provider to shut down the power supply to the installation. There was a case where NSW Fair Trading investigators became aware of an LPG installation in a caravan park that was using natural gas regulators instead of LPG regulators. Gas regulators control the pressure and output of gas and an installation being used with the wrong type of regulator is non-compliant and can cause an explosion. The investigators requested that the regulators be exchanged for the correct type but when the owner refused to do so they were powerless to address the issue. This problem will be remedied by these powers.

Clause 53 concerns the investigation of serious gas or electrical accidents. It is an example of how electrical article consumer protections have been extended to serious gas accidents. The clause will enable an

authorised officer to enter any place where a serious electrical or gas accident has occurred and to exercise certain investigative powers in that place. Clause 66 authorises the issuing of penalty notices for selected gas-related breaches. This is another example of bringing the gas regulatory scheme in line with the existing scheme for electricity. Allowing penalty notices to be issued will address a key compliance issue, as current laws do not provide for penalty notices for gas-related offences.

Penalty notices are an effective compliance tool that send a clear and immediate message about the importance of consumer safety requirements. NSW Fair Trading's ability to efficiently and cost effectively administer the gas consumer safety provisions will be significantly enhanced by the ability to issue these penalty infringement notices. The alternative to penalty infringement notices is to initiate court action, which can be disproportionately costly and time consuming for less serious offences.

While I have spoken a lot about gas, I emphasise that the merger of the two energy sources will not in any way weaken or reduce the existing consumer safety regulation of electricity and electrical products. The current level of electricity consumer safety regulation will be maintained and gas consumer safety regulation will be strengthened to a consistent and similar level. A clear, consistent consolidated Act will highlight to the community the importance of consumer safety for gas and electricity work and products. The provisions of this bill will give NSW Fair Trading appropriate and necessary powers to deal with gas and electricity consumer safety. Information and education will be provided prior to the introduction of the new bill to advise and to inform all stakeholders of the changes that will affect them and make them aware of their rights and obligations. I commend the bill to the House.

The Hon. PETER PRIMROSE (16:28): The Opposition does not oppose this bill. I refer honourable members to the speech of the shadow Minister in the other House.

The Hon. PAUL GREEN (16:29): The objects of the Gas and Electricity (Consumer Safety) Bill 2017 are as follows:

(a) to repeal the 2004 Act and 2012 Regulation and to consolidate the provisions of the Act and the primary provisions of the Regulation into one piece of legislation,

(b) to provide for a consistent compliance and enforcement regime for both energy sources (including by extending certain compliance mechanisms currently available for electricity safety, to gas safety),

(c) to align the maximum penalties for offences relating to gas safety with those relating to electricity safety,

(d) to enable authorised officers to prohibit the misuse of electrical articles, gas appliances or electrical or gas installations if the misuse presents a significant risk of death or injury to any person or significant damage to property,

(e) to enable certain rechargeable battery articles that are declared by the Secretary to be high risk battery articles to be regulated as electrical articles under the proposed Act,

(f) to enable regulations to be made to provide for the issue and enforcement of notices to rectify non-compliant electrical installation work and gasfitting work,

(g) to make consequential amendments to various other Acts and Regulations,

(h) to provide for other minor, consequential and ancillary matters,

(i) to enact provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

This bill consolidates the Electricity (Consumer Safety) Act 2004 and the Gas Supply (Consumer Safety) Regulation 2012 into one piece of legislation, thereby modernising the consumer protection framework. The consolidation will provide a framework for consistent administration and regulation of consumer safety relating to both gas and electoral equipment installations as well as greater efficiencies for NSW Fair Trading investigative staff and consistent enforcement powers for both energy sources. Gas and electricity are essential to our daily lives and Parliament has a responsibility to the people of New South Wales to ensure that all manufactured goods and installation processes pertaining to those energy sources are safe for consumer use.

The bill introduces a range of new provisions with respect to consumer gas safety that will strengthen compliance and enforcement provisions for gas safety to be consistent with the compliance and enforcement provisions for electricity safety. For example, under part 1, retailers will no longer be able to display or offer for sale any gas appliance if it is not certified. The change will enable authorised officers to carry out compliance and enforcement in the gas appliance retail industry. The bill will introduce a new clause responding to hoverboards, which I note the Parliamentary Secretary has never ridden.

The Hon. Greg Donnelly: Have you?

The Hon. PAUL GREEN: Yes, I have tried hoverboards. I suggest that any member wishing to try it wear a helmet. My kids get on them and ride them without balance issues. They safely whip around.

The Hon. Ben Franklin: Can you teach me?

The Hon. PAUL GREEN: I could teach you how to crash. It is clever. They are not just hoverboards now but disco hoverboards where the MP3 plays out of the speakers in the hoverboard. It is a one-stop shop for a disco on wheels.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I encourage the member to return to the leave of the bill.

The Hon. PAUL GREEN: It is wide leave.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I remind members that interjections are disorderly at all times.

The Hon. PAUL GREEN: I knew I would strike trouble with the mention of discos. The bill introduces a new clause responding particularly to hoverboards giving the secretary the power to declare a battery article as a high-risk battery article. As the Parliamentary Secretary said in the second reading speech, this is "to ensure that this power is limited to cases where there is a real or material risk of damage to property, injury or death, not simply where the risk is far-fetched". I note that the Galaxy S7 phone also had battery issues. I have seen YouTube footage that shows it exploding in a man's pocket. That is dangerous. That cannot be good. The provision seeks to create a consistent and cohesive approach to gas and electrical safety in the marketplace.

While speaking of gas and electricity, it would be remiss not to mention a few concerns that fall under the portfolio of the Minister for Innovation and Better Regulation, such as the help line and the Ombudsman. Sometimes the helpline or the Ombudsman line can seem like the never-ending phone call. I encourage the Government to put systems and processes in place that do not require people to wait 15 minutes or an hour on the phone. If they then lose the connection they have to start the process again. I speak from experience. It was incredibly frustrating trying to resolve issues with the Ombudsman's office only to lose the point of contact when the mobile phone dropped out. I encourage the Government to ensure that people who ring the helpline or the Ombudsman have an easy and helpful experience in addressing issues.

I am concerned with the shift by gas companies to charge customers based on estimated meter readings. This occurs when meter readers are unable to access gas meters on premises for various reasons. At times it is necessary to use estimated readings, but in the first instance mums and dads should be given an opportunity to provide the correct meter reading. These days families that have one or more working adults are increasingly battling the cost of living. Estimated gas readings can create undue pressure on family budgets. Connections may not have been tested, which raises safety concerns. Incorrect estimates may continue for months or years if a meter reader never crosses paths with the resident. I would like to think that common sense will prevail. The outcomes of this bill will allow families to use gas and electricity appliances safely. The Christian Democratic Party commends the bill to the House.

Mr SCOT MacDONALD (16:37): I speak in support of the Gas and Electricity (Consumer Safety) Bill 2017. What is not to like about a gas bill? These law reforms will bring a consistent and enhanced administrative and enforcement approach to the regulation of consumer safety regarding energy sources. NSW Fair Trading safeguards consumer rights and investigates potential breaches of the laws it administers. NSW Fair Trading has a range of tools and powers available to support and to enforce compliance with the laws it administers. These reforms will strengthen existing legislation and provide increased compliance and enforcement provisions for gas-related offences. This will enhance consumer safety measures for gas to match consumer safety measures for electricity. Introducing penalty infringement notices for gas-related offences will extend and increase the range of enforcement actions for NSW Fair Trading. It will also match the current enforcement actions available for electricity-related offences.

An infringement notice is a quick and cost-effective approach that a regulator can use to deter less serious and lower-end offences. If compliance can be achieved by way of a lower level of enforcement and the offence has not caused serious consumer detriment, the option to issue a penalty infringement notice is available to NSW Fair Trading. Aligning both gas and electrical safety breach penalties will ensure that similar gas and electrical offences will be equal when prosecuted. Both gas and electricity can be high risk and any potential offence committed against the relevant safety laws should be strongly discouraged. Raising the penalty amounts for gas-related offences committed under the proposed legislation will demonstrate that they will be treated just as seriously as electricity-related offences.

The issuing of a rectification notice for non-compliant or defective gas or electrical installation work will allow NSW Fair Trading to ensure installations are safe before use. Extending existing provisions under the electricity consumer safety laws to apply also to gas consumer safety will make the laws consistent and will improve the administration of the proposed Act. Current electricity consumer protections will be preserved and strengthened under the proposed laws, while the gas protections will be updated and increased to a level equal to

electricity. This is a merger of the regulation of two related energy sources and will facilitate the administration and implementation of the consumer safety laws in these areas.

Traders who deal in the sale of gas and electrical articles and equipment will have only one law to which to refer. This will reduce compliance burdens for these businesses. Compliance and enforcement are essential to effective industry regulation. A range of activities and powers is needed to encourage and to enforce compliance. Consistent compliance and enforcement powers will better address the conduct of gas and electrical retailers, persons or corporations who misuse gas or electrical articles or installations and the industries in general. Consumers have every right to expect that they are buying safe gas and electrical products and installations. Effective and active regulation will support this expectation and provide consumers with confidence in the products and equipment they are buying.

NSW Fair Trading is committed to measures to reduce product-related injuries. One way NSW Fair Trading does this is by ensuring items consumers buy for their home—such as electrical items and gas appliances, which can be a hazard to both children and adults—are safe. The proposed gas and electricity consumer safety laws and the Australian Consumer Law require that certain goods must comply with safety requirements before they can be sold and certain information about a product must be supplied with that product when it is sold. Where a problem occurs with a product, NSW Fair Trading now has powers to remove unsafe gas goods in addition to its existing powers to remove unsafe electrical goods from sale. The merged laws will create better regulation of gas and electrical safety by providing consistent enforcement actions and modernising the existing laws. I commend this important bill to the House.

The Hon. RICK COLLESS (16:42): I support the Gas and Electricity (Consumer Safety) Bill 2017 and commend the Minister for Innovation and Better Regulation for introducing the bill and implementing these important reforms. I support the reforms in the bill, and in particular the proposed compliance and enforcement provisions of gas and electrical safety. These reforms will provide NSW Fair Trading investigators with additional new powers to issue immediately a notice to a person or company to cease the use of a gas or electrical appliance, article or installation that is deemed to be used in an unsafe manner. Currently, of course, investigators do not have that power. They cannot address situations where a gas or electrical appliance or any article or installation is being misused or used in a way that poses a real risk of harm. If an NSW Fair Trading investigator encounters a situation that is fundamentally unsafe, the only available remedy is to seek the assistance of the energy provider to shut down supply on the installation.

These reforms will allow an investigator to enter a premises where it is suspected that the gas or electrical appliance, article or installation is being used in an unsafe manner that could lead to a major risk of death or injury to a person, or major damage to property. NSW Fair Trading investigators will be able to take immediate corrective action in a situation where a person is using a gas or electrical appliance, article or installation in an unsafe manner that could potentially pose a real risk of harm to consumers. NSW Fair Trading will be able to prohibit the person from using the gas or electrical appliance, article or installation in such a way that may pose that risk. These powers are important. NSW Fair Trading has received reports of people using liquefied petroleum gas [LPG] fuel barbecues indoors or in fully enclosed balcony spaces. Anybody who uses those appliances in that manner clearly does not understand the dangers posed by using those sorts of things in that way. These types of gas appliances are designed for outdoor use only and when used indoors can lead to incomplete combustion—a by-product of which is carbon monoxide, which of course can be lethal.

These powers will reduce the incidences of gas and electrical injuries for consumers by allowing NSW Fair Trading to undertake inspections of premises and to assess gas and electrical equipment to ensure that only safe and compliant appliances, articles and installations are being used. Reducing the incidence of non-compliant and unsafe gas and electrical products and equipment is crucial for NSW Fair Trading. Ensuring consumer safety and protection is of utmost importance to the New South Wales Government. The introduction of penalties for an offence against this provision will ensure that offenders are made aware of the seriousness of committing a breach against the provision. These reforms will allow NSW Fair Trading investigators to respond quickly to such situations and to prevent an unsafe or dangerous situation from becoming a potentially lethal one. I understand that NSW Fair Trading will provide information and educational materials for stakeholders before the new legislation commences. I am confident that these reforms will benefit both the industry and consumers in New South Wales. I commend the bill to the House.

The Hon. SCOTT FARLOW (16:46): I support the Gas and Electricity (Consumer Safety) Bill 2017 and commend the member for Hornsby and Minister for Innovation and Better Regulation, the Hon. Matthew Kean, for introducing the bill and implementing these important reforms. The member for Hornsby—a good friend of mine and the Parliamentary Secretary—is doing a wonderful job in his portfolio.

The Hon. Dr Peter Phelps: Excellent work.

The Hon. SCOTT FARLOW: I am sure he is also a friend of the Hon. Dr Peter Phelps and no doubt is at times subjected to the Hon. Dr Peter Phelps lobbying him on issues about which he has a unique interest. I am confident that the reforms in this bill will deliver a more consistent, administrative, compliant and enforcement approach to gas and electrical safety. The reforms will especially ensure that gas and electrical consumer safety legislation keeps up with the marketplace—with products and equipment. Who would have thought that things such as hoverboards would come into the marketplace. These are the challenges that we face in the dynamic Innovation and Better Regulation portfolio.

The reforms undertaken by the Government will allow NSW Fair Trading to regulate new and emerging technology, such as hoverboards, mobile phones, electrical vehicle batteries and similar articles that use certain rechargeable batteries. Certain batteries, such as lithium iron batteries, are not captured by existing laws. Some of these batteries are low voltage but still have the potential to cause injury to a person or potential harm by misuse. Currently there are no standards or requirements for some of these high-risk rechargeable batteries and associated items to be met before they can be sold. Given recent incidents with hoverboards and phone chargers, the inclusion of certain battery types being able to be declared as an electrical article will assist in regulating these types of products. No doubt we have all heard horror stories over the years about hoverboards and phone chargers—I think a number of them were sold in Campsie—and the problems that they cause. This legislation will give NSW Fair Trading the power to ensure safety for consumers.

In March 2016 the Commonwealth issued a national interim ban on the supply of hoverboards that do not meet safety standards after receiving advice from the Australian Competition and Consumer Commission [ACCC] that unsafe hoverboards create an imminent risk of death or serious injury. The interim ban was extended and maintained until 16 June 2016. The ACCC has advised that six house fires in Australia have been directly linked to a hoverboard. Three of the six houses were destroyed. It is concerning to know that persons who bought their children a hoverboard as a Christmas present could wake up at night to find their Christmas tree alight.

The most recent fire occurred in April 2016 in Bankstown, New South Wales. It was reported that the hoverboard exploded while being charged in a child's bedroom. Another fire was sparked by a hoverboard in Tasmania in February 2016. No doubt all parents want safe toys in their homes for their children. This legislation will ensure that there will be safe items in homes across our country, particularly in New South Wales. Clearly, fire safety risks come from defective charging devices, electrical circuitry and substandard lithium-ion batteries in hoverboards.

The Government wants to ensure that all further sales of these potentially high-risk products are safe and meet stringent safety standards, otherwise they cannot be sold in New South Wales. That will ensure the safety of consumers across our State. Electrical appliances and articles must be designed and manufactured so they will not cause electric shock, injury, death or fire damage during normal use, and they must comply with mandatory or any relevant Australian safety standards. Retailers, suppliers and importers of these types of high-risk electrical goods must confirm that an article meets the safety standards before being sold. If an article does not meet the required standards, a retailer would be unable to sell the product.

Consumers have the right to expect that the goods they buy are safe and that there is no risk of fires associated with electrical or battery parts overheating while charging, lessening the risk of injury or death to consumers. Retailers must ensure that all products they supply or sell are not substandard and that they must be free from defects that could harm consumers. Consumers in New South Wales expect that standard at stores and it is what they will thank this Government for delivering. Furthermore, anyone who sells, imports, hires or exchanges any declared high-risk battery articles must ensure they are safe and that they comply with the relevant safety standards or have been tested and approved as conforming before sale.

These reforms will modernise and futureproof the Act to deal with new and emerging technologies. I understand that NSW Fair Trading will provide educational material for industry ahead of these reforms being implemented. NSW Fair Trading works hand in hand with industry to ensure a good outcome for the people of New South Wales. No doubt consultation will be undertaken by the department to ensure that retailers, manufacturers and wholesalers across the State know what is expected of them. I am confident that the outcome will be positive for both industry and consumers. I think we can all be sure that this legislation will make New South Wales safer. I commend the Minister for Innovation and Better Regulation, the Hon. Matt Kean, for his work on this legislation and for his work on making communities in New South Wales safer. I commend bill to the House.

The Hon. BEN FRANKLIN (16:53): On behalf of the Hon. Sarah Mitchell: In reply: As members have heard, the Gas and Electricity (Consumer Safety) Bill 2017 will introduce a consistent regulatory framework for consumer safety for these two types of energy. It will align the maximum penalties for gas and electricity offences, and will significantly improve the ability of authorised officers to take quick and effective action to deal with situations that pose a clear and immediate risk to consumers and residents in this State. The bill also ensures that

developing and emerging technologies, such as hoverboards, will be captured by the consumer safety provisions. Importantly, key stakeholders were consulted during the development of the new laws and have indicated their support for the new framework.

Gas and electricity as energy sources are fundamental to our lives and our society, but we cannot allow the market to be populated with poor quality or substandard articles and installations. This bill will provide a clear, consistent and strong regulatory framework. NSW Fair Trading safeguards consumer rights and investigates potential breaches of the laws it administers. NSW Fair Trading has a range of tools and powers available to support and enforce compliance within these laws. These reforms will strengthen existing legislation and provide increased compliance and enforcement provisions for gas-related offences. This will enhance consumer safety measures for gas to match the consumer safety measures currently in place for electricity, which is a great outcome for the people of New South Wales.

Introducing penalty infringement notices for gas-related offences will extend and increase the range of enforcement actions available to NSW Fair Trading. It will also match the current enforcement actions available for electricity-related offences. Once again this Government is bringing gas protection up to the same level of protection as that applies to electricity. An infringement notice is a quick and cost-effective approach that a regulator can use to deter less serious and lower-end offences and it saves wasting the time of courts with unnecessary actions. If compliance can be achieved by way of a lower level of enforcement and the offence has not caused serious consumer detriment, the option to issue a penalty infringement notice is available to NSW Fair Trading.

Aligning both gas and electrical safety breaches penalties will ensure that similar gas and electrical offences will be equal when prosecuted. Both gas and electricity can be high risk and any potential offence committed against the relevant safety laws should be strongly discouraged. Raising the penalty amounts for gas-related offences committed under the proposed legislation will demonstrate that those offences will be treated just as seriously as electricity-related offences. The issuing of a rectification notice for non-compliant or defective gas or electrical installation work will allow NSW Fair Trading to ensure installations are safe before use. The fundamental point of this bill is safety, which is why I am so delighted it has been supported across the Chamber. Extending existing provisions under the electricity consumer safety laws to apply also to gas consumer safety will make the laws consistent and will improve the administration of the proposed Act.

Current electricity consumer protections will be preserved and strengthened under the proposed laws, while the gas protections will be updated and increased to a level equal to electricity. This is a merger of the regulation of two related energy sources and will facilitate the administration and implementation of the consumer safety laws in these areas. Traders who deal in the sale of gas and electrical articles and equipment will have only one source of law to which to refer. This Government has always focused on simplifying systems and cutting red tape, which is what it is doing with this legislation. This will reduce compliance burdens for businesses affected. Compliance and enforcement are essential to effective industry regulation. A range of activities and powers are needed to encourage and to enforce compliance.

Consistent compliance and enforcement powers will better address the conduct of gas and electrical retailers, persons or corporations who misuse gas or electrical articles or installations, and the industry in general. Consumers have every right to expect that they are buying safe gas and electrical products and installations. Effective and active regulation will support this expectation and provide consumers with confidence in the products and equipment they are buying. NSW Fair Trading is committed to introducing measures to reduce product-related injuries. One way NSW Fair Trading does this is by ensuring the safety of items that consumers buy for their homes, such as electrical items and gas appliances, which can be a hazard to both children and adults. The proposed gas and electricity consumer safety laws and the Australian Consumer Law require that certain goods comply with safety requirements before they can be sold, and that certain information about a product must be supplied with that product when it is sold. All members would strongly support that.

When a problem occurs with a product, NSW Fair Trading now has powers to remove unsafe gas goods in addition to its existing powers to remove unsafe electrical goods from sale. The merged laws will create better regulation of gas and electrical safety by providing consistent enforcement actions and modernising existing laws. Reducing red tape and enhancing consumer protection are welcome measures that this Government takes seriously. Finally, I make it clear that these laws are not being watered down. The merger of the two energy sources will not weaken or reduce the existing consumer safety regulation of electricity or electrical products. The current level of electricity consumer safety regulations will be maintained and gas consumer safety regulations will be strengthened to a consistent level.

I appreciate the support for this bill from members on all sides of the Chamber. I thank the Hon. Peter Primrose, the Hon. Paul Green, Mr Scot MacDonald, the Hon. Rick Colless and the Hon. Scott Farlow for their contributions to the debate. I am confident that the provisions of this bill will give NSW Fair Trading appropriate

and necessary powers to deal with gas and electricity consumer safety. The importance of consumer safety for gas and electricity work and products can never be understated. Stakeholders and citizens will be better off as a result of this bill and its subsequent implementation through its new enforcement provisions. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): 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. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

LOCAL GOVERNMENT AMALGAMATIONS

The Hon. PETER PRIMROSE (17:02): The latest episode in the dog's breakfast that is local government administration under the Berejiklian-Barilaro Government has just taken a surreal twist in its plot development. To extend the metaphor, the Liberals and Nationals jumped the shark on local government a long time ago, but this one really stands out. The New South Wales Government has directed that the 14 councils in Sydney against which it is taking legal action to forcibly merge must hold elections on 9 September this year on their existing standalone boundaries. If the Government can scrub its forced merger threats in the bush, it should do the same in the city. The Liberals and Nationals should immediately withdraw their threats and legal action against the 14 city-based councils. Democratically elected councils should be able to stand free of the axe that Premier Berejiklian is holding over them.

For those councils that have been forcibly merged anywhere in New South Wales, which involved a suspect process that the Supreme Court has since ruled to be procedurally unfair, their residents should be given the opportunity to decide whether they wish to voluntarily demerge. Almost a year ago, on 12 May 2016, then Premier Mike Baird gazetted his forced council mergers affecting dozens of communities. He based them on a still secret $400,000 KPMG report that the government-appointed delegates who assessed his forced mergers were not allowed to see, let alone members of affected communities. The Court of Appeal in the case of Ku-ring-gai Council has recently ruled against the New South Wales Government and declared this arrogant approach to be procedurally unfair. The decision by the Court of Appeal in this case is particularly damning for the Government. To quote from the decision:

> The appeal should be upheld on the grounds that:
>
> ... the objection by the Secretary to the production of the KPMG documents was wrongly upheld on the basis of public interest immunity;
>
> ... the appellant was denied procedural fairness because it was refused access to the material necessary to examine the financial advantages asserted in the proposal.

Specifically regarding the claims of public interest immunity for not releasing the KPMG report, the Supreme Court found:

> .. the public interest in preserving confidentiality is so qualified as to carry little weight, and is inadequate to outweigh the public interest in the production of the documents.

If the KPMG report really is so compelling with regard to forced mergers and really does show that huge savings will be achieved, why is the Government still hiding it? It is now a matter of record that many councils and their communities opposed forced mergers, including through action in the courts, and still reject them. Following the shredding of the NSW Nationals at the Orange by-election, the Government gave up trying to impose any more forced council mergers in regional and rural areas and threw in the towel. But that left 14 councils in metropolitan Sydney still taking action to be able to stand alone. So what has the Government done? It has gazetted that each of these 14 councils has to go to an election on 9 September this year, but the same Government refuses to withdraw its legal threats to wipe them out.

Every candidate and voter at these elections will know that the Government's axe still hangs over their heads. It will cost up to $10 million of ratepayers' money to run these elections, but if the Government is successful it will wipe out the democratic results, forcibly merge the councils and make ratepayers cough up millions more to hold fresh elections for the new forcibly merged mega councils at some indeterminate point in the future. This will leave the new forcibly merged mega councils without democratically elected councillors, representatives and leaders of their local communities. Instead, they will be left solely in the hands of government-appointed administrators, probably until September 2020. These administrators report directly to the Government, not to the community. If the Government can scrub its forced merger threats in the bush, it should do the same in the city. The Liberals and Nationals should immediately withdraw their threats and legal action against the 14 city-based councils and allow forcibly merged councils to voluntarily demerge if communities wish.

HUMAN TRAFFICKING

HOMELESSNESS

The Hon. PAUL GREEN (17:07): I recently attended a Commonwealth Parliamentary Association [CPA] study tour of the United States and Canada. First and foremost, I thank the joint presidents and the CPA for the privilege of being available to investigate and report on two concerns close to my heart—human trafficking and homelessness. As the A21 Campaign states on its website.

> Human trafficking is slavery. It's the illegal trade of human beings. It's the recruitment, control, and use of people for their bodies and for their labour. Through force, fraud, and coercion, people everywhere are being bought and sold against their will ... It's physical, verbal, and sexual abuse. It's forced prostitution. It's barbaric working conditions. Human trafficking is the fastest-growing criminal industry in the world, generating more than $150 billion USD every year. Homelessness is also a social crisis across the continental United States. It is estimated that more than 560,000 people, including 39,000 military veterans, are homeless every night. It is estimated that more than 190,000 people are homeless in Los Angeles county at least one night during the year. Accommodation is sometimes available in homeless shelters, but more often than not there are too many people for the services available and nowhere near enough beds for everyone.

My wife and I began the study tour in Los Angeles, where we met with Justin Mayo from Red Eye to tour skid row and to take part in a youth mentoring program with kids from the Watts housing projects—the Crips and the Bloods gangs operate in this area so this is a great initiative to get to these young kids through prevention rather than cure. We met with Kristen Morse and Mi Yung from A21 to investigate programs aimed to "abolish slavery everywhere, forever". We met with John Klink, international anti-slavery campaigner, to discuss the eradication of human trafficking through education, safe houses and raising awareness around the world. We met with Danny Slavens from the Dream Center to research homelessness in Los Angeles and their outreach programs: transitional housing program; skid row outreach; food chapel; human trafficking emergency services; and other ministries.

We met with Darren Kitto, International Ministry Director for Hillsong TV, Hillsong Leadership Network, Hillsong's Aid, and Development and Disaster Relief initiatives. My wife and I met with Sergeant Gentle Winter from the Los Angeles Police Department [LAPD] Homeless Outreach and Proactive Engagement Unit for a tour of skid row and briefing on LAPD homeless outreach programs. We met with Karen Baroudi from the Los Angeles County Sheriff's Department Human Trafficking Bureau to discuss how to tackle international modern slavery. We met with Dr Lois Lee, Director of Children of the Night, a privately funded non-profit organisation established in 1979 dedicated to rescuing America's children from the ravages of prostitution. We met with Detective Aaron Korth of the LAPD Human Trafficking Unit.

My wife and I then made our way to Houston, where we attended the Lakewood Church and met with John Bowman to discuss outreach programs relating to mission work, Servolution and special needs. We also met and were briefed by the special advisor to the Mayor of Houston on Human Trafficking, Minal Davies. We also had the great privilege of saying a quick prayer with the local mayor. We moved onto Washington DC and I was privileged to meet with the Federal Bureau of Investigation [FBI] Human Trafficking Task Force. The FBI sees human trafficking as one of its top civil rights priorities, and it works to protect those who may be a victim of this crime. I also met with representatives from the Homeland Security Investigations Smuggling and Trafficking Centre. We had a briefing with the International Justice Mission to investigate how it assists in abolishing slavery and sex trafficking.

I also met with advisors to Republican Chris Smith, who is known for his Victims of Trafficking and Violence Protection Law—the nation's first law that deals specifically with human trafficking. This law provided government prosecutors with the resources needed to prosecute offenders as well as resources to help victims to rebuild their lives. We then made our way to New York. There we met with Deputy Inspector Kaplan from the New York Police Department Crisis Outreach and Support Unit; the Australian Consul-General, Nick Minchin; Kate Kennedy from the Freedom Fund; and Elisabeth Walley from Hillsong New York City Hope Program. Finally, I thank my advisor Marie Mirza for organising all aspects of the study tour. I also thank Kate Cadell,

David Blunt, John McCarthy, Peter Fogarty and Detective Howard Shank for facilitating the many meetings. I also thank the Hon. Natasha Maclaren-Jones for her advice.

EDEN INFRASTRUCTURE

The Hon. BRONNIE TAYLOR (17:13): As Parliamentary Secretary to the Deputy Premier and Southern New South Wales, I continue to visit communities around the State to hear about the challenges and opportunities that affect them at a regional level. Recently I was in the beautiful Bega electorate to hear about some of the big issues facing that part of the State. Eden always feels as if it is on the edge of greatness. It is such a spectacular setting with a rich history of industry. It is a town of great potential, yet it also faces a lot of hardship. Traditional industries have been lost and, sadly, Eden has a higher than average level of social disadvantage, lower levels of income, and educational retention and attainment. But visiting Eden in 2017 is truly exciting thanks to the upcoming development at the Port of Eden.

Funding of $16.5 million has been allocated by local, State and Commonwealth governments to extend the breakwater wharf. This project, including a 95-metre extension and dredging, will open the Port of Eden to berthing cruise ships. The potential for Eden and the region more broadly from visiting domestic and international visitors is huge. The South Coast is sometimes overshadowed in the tourism stakes by its northern cousins, but opening the region to this kind of traffic will introduce it to the country and the world, and inject much-needed money and opportunities for local people and businesses. Locals involved in the project gave me the sense that the community has seen a lot promised for the wharf over the years, by all sides and levels of government. It will be a huge lift for them just to see this project underway. Backing our regional communities by investing in projects like this is something that the Liberals and Nationals in government have been so good at, and in doing so they encourage others to invest and grow their communities too.

I also had the great pleasure of catching up with Noel Whittem and his team at the Bundian Way Story Trail, which is the most fantastic project being overseen by Noel and the Eden Local Aboriginal Land Council. The Bundian Way is a 365-kilometre route of State significance as a rare surviving ancient pathway. For thousands of years it was used by Aboriginal people, linking the high country at Kosciuszko and the coast at Eden. In 2013 the Bundian Way became the first Aboriginal pathway to be listed on the New South Wales State Heritage Register. It is a 1.8-kilometre walk that tells the story of the much longer pathway, in a way that is much more accessible for individuals or groups such as schools or tourists. The story trail was officially opened on 4 April 2016 and offers the most spectacular views alongside its amazing cultural history. I could not recommend a visit to anyone more strongly.

I was also able to meet the team from the land council that work full time on the project. The work these young guys have done is amazing. They are so talented, undertaking carpentry, landscaping, metalwork and more, but what is most heartening is the pride they take in their work. They love the work they are doing and the contribution they are making, and it shows. To put it simply, they lit up when speaking about their jobs. What more could we want? Giving the Bundian Way a leg up and providing these kinds of meaningful opportunities for local Indigenous youth is so powerful and being there on the trail, chatting with the whole team, brought that home for me. The Bundian Way will make an important contribution to southern New South Wales, contributing to the visitor economy as well as providing opportunities for schools and other locals to learn more about the cultural heritage of the area. It was a pleasure to visit and I am so grateful to Noel Whittem, BJ Cruse, and their team for taking the time to update me on their work.

Something that always resonates with me is how impressive the people of the South Coast are—they have energy, vision, passion and belief in the great potential of their region. I was particularly struck by the involvement of women in local government ranks. Often rural and regional women are so deeply involved in community volunteer work that taking on a local government role can seem an insurmountable challenge. But it is critical for communities that all three levels of government have healthy levels of female representation. Without women being involved, issues that affect huge sections of the community can go under the radar. Unfortunately, they are too often those issues that affect the most vulnerable members of our communities—the sick, our children and our elderly. That is not to say that women focus only on those issues, or that only women can, but our regional communities are better served when a cross-section of those communities are involved in councils.

Councillor Kristy McBain is the mayor of Bega Valley Shire Council and Leanne Barnes is her general manager. Councillor Liz Innes is the mayor of Eurobodalla Shire Council and Dr Catherine Dale is her general manager. Those communities are lucky to have such dynamic young women as their mayors. They bring an amazing level of energy and unique perspective to their roles. They are professional and driven, yet they balance their already full lives with this additional demanding commitment. I too have worked in local government, so I appreciate the challenges they face, but am also acutely aware of the rewards. I see in these women such huge potential. Their communities are so lucky to have them. The South Coast is in very safe hands indeed.

OUTSOURCING

The Hon. DANIEL MOOKHEY (17:18): Airtasker is an example of a Sydney-born upstart that can combine technology and design to disrupt old industries and to provide people with more choice and more competition. After this week, it is clear that Airtasker is willing to disrupt the labour standards that prevail in the gig economy—disrupt them by insisting on having them. This week Airtasker entered into a landmark agreement with Unions NSW. In an Australian first, Airtasker and Unions NSW have agreed that the people who obtain work through their platform will receive pay at or above the agreed award rate, access to the Fair Work Commission if they have a dispute, the ability to obtain personal insurance through Airtasker, and better work place health and safety standards.

The people who work through Airtasker should enjoy other rights, namely, the right to act collectively, but nobody should undersell the effect of this landmark agreement. No longer can people glibly say that economic change and disruption can occur only at the expense of people's rights at work; nor can people allege that a new business model will succeed only if it cuts people's pay or claim that somehow this State's labour movement is an implacable enemy of progress and innovation. In truth, the attitude of Unions NSW should be the attitude of this Parliament. It should embrace innovation and make sure that it works for working people. The challenge taken up by Unions NSW should also be the challenge taken up by this Parliament. It should establish strong labour standards immediately so that markets mature with high labour standards from day one. The need to meet this challenge is urgent. New South Wales is a hot bed of disruptions.

Uber, GoCatch and other companies have upended the point-to-point transport industry, and that is a good thing. Foodora, Deliveroo and UberEATS have introduced a new business model in food transport and that is a good thing. Airbnb has introduced competition to the accommodation industry and that is a good thing. However, for the promise of all these businesses to be fully realised Parliament must establish the base legislative framework that allows the people who work in those businesses to benefit. Sadly, the Federal Liberal Party in Canberra is too busy trying to take away people's penalty rates to establish minimum rates in these new sectors, so this Parliament will have to act. We can set rules so that they favour consumers and workers, and we can set them today.

Once more, we have a Commonwealth-sponsored feasibility study into inland rail. If the latest set of bureaucrats and consultants turning their minds to this project can devise a financial model that stacks up, this project could transform regional New South Wales, but only if we avoid the same nineteenth century mistake that has bedevilled this State's rail network. I am referring to the hub and spoke model that says regional train routes should be established only if they connect to an urban core. The model we need is a network model—rail lines that connect regional centres to each other without having to pass through an urban core like Sydney.

One proposal worthy of study by the Commonwealth in its inland rail feasibility study is to join Wagga Wagga and Albury. This is a proposal flagged by Councillor Vanessa Keenan of Wagga Wagga City Council in a recently released discussion paper. Councillor Keenan makes the point that Wagga Wagga and Albury are New South Wales' second- and third-largest inland cities, yet there is no shuttle service between the two and the existing timetable is designed to suit the needs of Sydney and Melbourne, not the equally important need for connection between our inland cities. A dedicated shuttle service has the potential to unlock untold economic benefits for the Riverina region. Therefore, it is not surprising that since Councillor Keenan published her discussion paper the response from the community has been overwhelmingly supportive, which is good because if this proposal is to get up, it will have to overcome some difficult obstacles.

Since the Abbott and Turnbull governments were elected in 2013 there has been a 20 per cent decline in public investment in vital infrastructure like transport projects. In New South Wales, as the Auditor-General pointed out, too much money, like the $500 million frittered away on the CBD light rail, has been wasted by the New South Wales Liberals incompetence. That $500 million would almost certainly have paid for the bulk of the capital investment needed to establish a shuttle between Albury and Wagga Wagga. It is no longer available. Therefore, it is incumbent on the Commonwealth Government, in its feasibility study, to see whether an Albury to Wagga Wagga shuttle could become part of the inland rail project.

RELIGIOUS INTOLERANCE

Reverend the Hon. FRED NILE (17:23): I speak on Islamophobia versus Christophobia. I received a letter from Mr T. Mills of Chester Hill, who asked me these questions. He said:

> Dear Reverend Nile,
>
> A report appeared in the Sydney Sunday Telegraph 9/3/2017 written by Reporter Miranda Devine relating to a recent attack on a Christian couple by three men and two women of the Islamic faith on a train travelling between Campsie and Bankstown in South Western Sydney.

I am reading extracts of the letter. It states:

> In my opinion this attack by Islamic persons upon a Christian couple amounts to a "Terrorist attack" on religious grounds relative to section 18c of The Racial Discrimination Act (Commonwealth Legislation), and I see the "attack" as a dangerous portend of future events in this … country.
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> Would you please address a question to the State Parliament, and in particular to the Minister for Police as to what steps will be taken by the Police to prosecute the six offending Islamic persons because the written article stated that Police met the Train on its arrival at Bankstown and took down details of the Islamic persons, with no indication in the article that arrest was made against the attackers.

Following receipt of the letter, I obtained a copy of the article written by Miranda Devine under the heading "The real terrorism is Christophobia". In the article she stated:

> While we are constantly lectured about Islamophobic violence, despite little evidence of its existence, there is official silence about its flip side: religiously motivated attacks on Christians.
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> One Greek community leader, Reverend George Capsis, has gone so far as to warn Christians not to wear religious symbols when they are travelling through Muslim enclaves of southwestern Sydney.
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> But last Tuesday afternoon 30-year-old Greek Orthodox Christian Mike discovered too late the risks of wearing a large cross outside his clothing while travelling on the train from Campsie to Bankstown with his girlfriend.
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> He says he was minding his own business, talking on his mobile phone, when four young men of Middle Eastern appearance allegedly violently ripped off the crucifix, stomping on it while swearing "F … Jesus" and referring to Allah.
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> He says they punched him and kicked him in his face, back and shoulders during the attack, which began about 3pm, just after the train left Belmore.
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> When his girlfriend tried to defend him, two Arabic-speaking women also allegedly hit and kicked her.
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> The crucifix, which his mother had given him, was bent and the silver chain broken in two places.
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> "I was born in Australia of Greek heritage," says Mike.
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> "I've always worn my cross. For him to rip it off and step on it has to be a religious crime.
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> It's not on to feel unsafe in your own country."
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> He says the men also destroyed his Ray-Ban sunglasses.
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> Mike has a doctor's report cataloguing his injuries, which include abrasions and bruises on his face, left shoulder, and upper and lower back.
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> He claims that five uniformed railway "transport officers" watched the attack and did nothing to help him, although police were waiting for the train when it reached Bankstown station.
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> Two police officers took the names of three alleged assailants and a statement from Mike, photographed his injuries, told him they would review CCTV footage from the train and said he should expect a letter in a month, which may require his attendance at court.
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> After the assault Mike was so shaken up that he contacted Baptist minister Rev Capsis, a pillar of the local Greek community and former deputy mayor of Sutherland.
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> Capsis claims Mike is the fourth Christian to complain to him of a religiously motivated attack in the past six months.
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> "There are gangs of these young fellows of Muslim background who have been harassing people they identify as Christian. You don't hear about it because no one's reporting it.
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> Capsis says the other three attacks have occurred around public transport in southwest Sydney.

It is a very serious development in our State and in the western suburbs, and I urge the Government to follow up this complaint.

ANZAC DAY OBSERVANCE

The Hon. DAVID CLARKE (17:28): The recent slur against Anzac Day by Sudanese-born Islamist activist Yassmin Abdel-Magied in hijacking the sacred Anzac phrase "Lest We Forget" for her own political agenda is what Australians have come to expect from this attention-seeking, loud-mouth ABC presenter. It follows on from a previous scandal when, in a cringing display, she sought the advice of the terrorist and honour killings defending Islamist outfit Hizb ut-Tahrir on how to improve her media profile.

Despite the likes of Yassmin Abdel-Magied, the Anzac tradition continues to be esteemed and respected by the overwhelming majority of Australians, including those of non-Anglo ancestry. This was amply demonstrated by the participation in this year's Sydney Anzac Day march of a large number of contingents comprised of non-Anglo Australians. They were representing their countries of origin and wartime allies of Australia. Thus, apart from the Australian, New Zealand, Canadian, British, American, South African and Rhodesian contingent, there was a diverse ethnic representation of our allies that contributed in a unique and important way to the common war effort.

The Polish contingent symbolised the first military resistance to invasion by Germany and the Soviets in World War II. History records the heroism displayed in the Warsaw Jewish ghetto uprising of 1943, the general Warsaw uprising of 1944, and the participation of Polish pilots and soldiers in the Battle of Britain, the landing at Normandy, the Battle of Monte Casino, the Battle for Berlin, and many others. Under the banner of the Greek sub-branch of the RSL, Greek Australians marched to commemorate the successful defence to Italy's invasion before succumbing to overwhelming German forces and subsequent wartime occupation during World War II. During that occupation the Greek underground gained a well-earned reputation for its unrelenting heroic resistance to Axis occupation. It is acknowledged that so fierce was the Greek resistance to the invasion it delayed Germany's blitzkrieg invasion of the Soviet Union by pivotal weeks, denying it a knockout blow of Moscow before the onset of winter, thus changing the course of the war for the better.

Serbian Australians marched as a testament to their resistance to the World War II invasion and occupation of their homeland, Yugoslavia, by the Axis powers. Many allied air force pilots shot down over Yugoslavia were spirited to safety thanks to the underground resistance. Our large Indian Australian community had two contingents in the march, one specifically Sikh and the other representing the Indian subcontinent. Some may not realise that millions of Indians served with Australians in both world wars, including at Gallipoli in World War I, and in defence of Singapore and as labourers under Japanese enslavement building the Burma railway in World War II.

Chinese Australians marched to remember that, despite invasion by Japan in the mid-1930s, China was only ever partially occupied. It continued to resist defeat until the surrender of Japan, in 1945. The island nation of Malta was proudly represented by a large Maltese Australian group. Awarded the George Cross by King George VI for its heroism and resistance to conquest by the Axis powers, it has earned a special place of endearment in the hearts of many Australians. We are justly proud of our citizens of Maltese heritage. We should not forget that in the Korean War we fought side by side with the Republic of Korea against the communist invasion from the north and in the Vietnam war with South Vietnam against the communist invasion from the north. Many Korean Australians and Vietnamese Australians who served in both conflicts were conspicuous in the march by their large numbers. We are equally proud to have such people as part of our nation.

There were many other contingents including, but not limited to, French Australians, Filipino Australians, Estonian Australians, and Russian Australians, representing the nation that suffered the highest number of casualties in World War II. They fought not to preserve the communist regime of Stalin; they fought for Holy Russia, Mother Russia. All these Australians of diverse backgrounds understand the meaning of, and give their heartfelt support to, Anzac Day. Anzac Day will surely survive the likes of Yassmin Abdel-Magied and those who seek to minimise, cheapen or ridicule its importance and sacredness to Australia.

The ASSISTANT PRESIDENT (The Hon. Shayne Mallard): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 17:33 until Thursday 4 May 2017 at 10:00.