



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 9 May 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 9 May 2017

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

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

Members

OATH OF ALLEGIANCE

The PRESIDENT: At a joint sitting held on 3 May 2017 Taylor Mitchell Martin was elected to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Michael Gallacher.

Mr Taylor Mitchell Martin took the oath of allegiance and signed the Roll of the House.

The PRESIDENT: I congratulate the honourable member and welcome him to this House.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:33): Between 1916 and 1918, 3,853 Australians were taken prisoner by the Germans on the Western Front. One-third of them were captured in the First Battle of Bullecourt in northern France in April 1917. Transported to Germany, those men arrived in specially constructed camps a century ago this month. Prior to the First World War, few Australians knew what it meant to be a prisoner of war. A few dozen Australian troops had been captured during the Boer War, but they had been released after only a short period of incarceration. The soldiers taken prisoner in France were detained for the remainder of the war and endured harsh conditions. The German prison camps were crowded.

More than five million Allied servicemen were held as POWs during the conflict. Food was often short, especially during the Allied blockade of 1917-18, and many prisoners were forced to work for the Germans on war-related projects. Crucial relief in the form of food parcels and clothing packages were provided by a special section of the Australian Red Cross, established in 1916 specifically to care for imprisoned servicemen. The majority of the Australians held as prisoners during the First World War were in captivity for more than 12 months, and approximately 9 per cent of them did not survive to the end of the war. A total of 395 Australian troops died as prisoners of war. Lest we forget.

Documents

OMBUDSMAN

Reports

The PRESIDENT: In accordance with the Ombudsman Act 1974, I table a special report of the Acting Ombudsman, entitled "Operation Prospect: A report on developments", dated May 2017, and authorised to be made public this day.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

DEPARTMENT OF JUSTICE

Reports

The Hon. SCOTT FARLOW: I table a report of the Department of Justice, entitled "Review of the Crimes (High Risk Offenders) Act 2006 (NSW): Review Report", dated 9 May 2017. I move:

That the report be printed.

Motion agreed to.

*Committees***LEGISLATION REVIEW COMMITTEE****Report: Legislation Review Digest No. 36/56**

The Hon. GREG PEARCE: I table a report of the Legislation Review Committee, entitled "Legislation Review Digest No. 36/56", dated 9 May 2017. I move:

That the report be printed.

Motion agreed to.

*Petitions***PETITIONS RECEIVED****Abortion Law Reform**

Petition requesting that the Legislative Council defend the fundamental right of children to be born by voting against the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and the Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017, received from **Reverend the Hon. Fred Nile**.

*Visitors***VISITORS**

The PRESIDENT: I welcome to the Chamber the parents of the Hon. Taylor Martin, Mr Bruce and Mrs Karen Martin, and both of his grandmothers, Mrs Anne Martin and Mrs Ruth Stone.

*Notices***PRESENTATION**

[During the giving of notices of motions]

The PRESIDENT: Order! I am well aware that Government members want their notices of motions to be heard in silence. The same courtesy will be extended to Opposition members.

*Business of the House***POSTPONEMENT OF BUSINESS**

The Hon. ADAM SEARLE: I move:

That Business of the House Notices of Motion Nos 1 and 2 be postponed until Thursday 25 May 2017.

Motion agreed to.

*Committees***STANDING COMMITTEE ON STATE DEVELOPMENT****Reference**

The Hon. GREG PEARCE: In accordance with paragraph 8 (2) of the resolution of the House establishing the standing committees, I inform the House that on Tuesday 9 May 2017 the Standing Committee on State Development resolved to inquire into the following reference from the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, the Hon. Niall Blair, MLC:

- (1) That the Standing Committee on State Development, with reference to the *New South Wales: Strong, Smart and Connected Defence and Industry Strategy 2017*, inquire into and report on opportunities to incentivise and grow the defence industry in New South Wales to generate economic development, and in particular:
 - (a) maximise opportunities for New South Wales-based companies from Defence's growing exports and investment in defence capability—in both acquisition and sustainment;
 - (b) encourage defence industry innovation, research and education, including developing the future workforce;
 - (c) identify targets, programs and projects for defence spending in New South Wales;
 - (d) maximise the economic benefits of locating defence force bases and defence industry in the regions;
 - (e) how to establish and sustain defence supportive communities;
 - (f) further enhance collaboration between the New South Wales Government and Commonwealth agencies; and
 - (g) any other related matter.

(2) That the committee report by June 2018.

The Hon. Penny Sharpe: What about Garden Island?

The Hon. GREG PEARCE: Garden Island is a fantastic contributor.

Personal Explanation

BIOFUELS REGULATIONS DISALLOWANCE

The Hon. Dr PETER PHELPS (15:02): By leave: I wish to correct the record in relation to an incorrect comment I made last Wednesday. Last Wednesday I said that the Biofuels Regulation (No. 2) had reduced the fine relating to a breach of section 9A (1) of the enabling Act from \$550,000 to \$5,500. That was incorrect. The regulation merely created a new penalty provision for that amount. In fact, the statutory fine for service station owners who have failed to achieve the E10 mandate remains at \$55,000 in the first instance and \$550,000 for every subsequent instance.

Bills

CIVIL LIABILITY (THIRD PARTY CLAIMS AGAINST INSURERS) BILL 2017

Second Reading

Debate resumed from 3 May 2017.

The Hon. ADAM SEARLE (15:03): I lead in this place for the Opposition on the Civil Liability (Third Party Claims Against Insurers) Bill 2017. The Opposition does not oppose the bill. The object of the bill is to give effect to the New South Wales Law Reform Commission's recommendations in report No. 143 entitled "Third party claims on insurance money". This report was the result of a review of the now 70-year-old provisions of section 6 of the Law Reform (Miscellaneous Provision) Act 1946. That 1946 legislation provides for a comparatively complex scheme to allow a third party to enforce a statutory charge over insurance money payable under a contract of insurance to a person indemnified under the contract of insurance in relation to a liability of the insured person to pay damages or compensation to the third party concerned. This bill removes that mechanism and enables the third party to proceed directly against the insurer for their claims for damages or compensation.

The Law Reform Commission report helpfully provided a draft bill. I note that the commission's bill has been adopted almost completely in relation to its substantive terms; the only differences being in relation to the title and other non-essential aspects. The commission received a reference on 22 February 2016 to review and to report on this issue. The report was dated November 2016, and this legislation is a result. In record time, the commission has provided a useful solution to a significant problem. Paragraph 1.2 of the report states:

... this reference has been given against a backdrop of general dissatisfaction with the drafting of s 6 and the problems that this has presented for interpretation generally. The section has also presented particular problems in light of changes to the insurance market since it was enacted 70 years ago. Over the past 25 years, the courts have resolved some, but not all, of the uncertainties about the interpretation of s 6.

The commission points in particular to the uncertainties attaching to section 6 around instances where the defence costs of directors and officers of a company are funded from the same pool of funds as for the company's liability to plaintiffs and whether the change prevents insurers paying defence costs. The aim of the section 6 scheme is to provide a plaintiff with a way to obtain the proceeds of insurance directly from the insurer of a defendant. Without such a scheme, a common law plaintiff cannot directly recover from an insurer, even where the insured defendant has disappeared, does not exist or is not worth pursuing. As the Law Reform Commission points out, at common law, if a defendant was bankrupt, the insurance proceeds would go to the trustee in bankruptcy, and the plaintiff merely becomes an unsecured creditor to receive possibly only a partial payment and perhaps not even that, despite insurance moneys having been paid.

Despite the undoubted desirability of something like the section 6 scheme, the Law Reform Commission report records a series of judicial criticisms of the section, including Justice Kirby's reference to it being "undoubtedly opaque and ambiguous". There are also particular criticisms because of the currently different legislative and insurance context. According to the commission, there is a lack of clarity concerning section 6 and directors and officers insurance policies, claims made and notified policies, liability for pure economic loss, and contracts for reinsurance. This is hardly surprising when the original second reading speech seemed to have as its main target collusion between defendants and insurers. There are also some conceptual difficulties with the idea and use of a special statutory charge. The Law Reform Commission raises a series of other issues, including priority between charges where there are multiple plaintiffs, where the person covered did not enter the contract, and issues surrounding limitation periods, among other things. The commission argues for a provision such as section 6 because of the undesirable alternatives. Paragraph 4.1 of the report states:

Without a provision such as s 6, successful plaintiffs might be unable to recover from a defendant where, for example:

- the defendant does not have sufficient assets to meet a judgment but has not yet been declared bankrupt or insolvent,
- the defendant is bankrupt but the trustee does not pursue the defendant's entitlement to insurance, or
- the insurer refuses to indemnify the defendant and the defendant is unwilling or unable to enforce its rights against the insurer.

The commission correctly rejects the alternative of vacating the field and relying on Commonwealth legislation because the present provisions are not adequate. This rejects the position of the Insurance Council and the Australian Institute of Company Directors. The commission does say that the best option might be uniform legislation, but that would have to be in the form of significantly improved Commonwealth provisions. The present provisions have difficulties because they do not cover all cases of insolvency and can require additional steps in litigation and the involvement of additional parties. There is no present sign of the Commonwealth taking the necessary steps to improve the law in this area. Recommendation 10 of the report, reflected in clause 14 of the draft bill and clause 11 of this bill, ensures that it does not affect the rights conferred under the provisions of workers compensation and third party motor vehicle legislation, which I believe is a prudent step. With those brief observations and as I indicated, the Opposition does not oppose the bill.

The Hon. PAUL GREEN (15:09): On behalf of the Christian Democratic Party, I speak to the Civil Liability (Third Party Claims Against Insurers) Bill 2017. Compulsory third party [CTP] insurance—personal injury—covers drivers of vehicles from claims for compensation for injuries and deaths arising out of use of motor vehicles. CTP is paid each time a vehicle is registered. Recently we went through a series of reforms relating to the CTP green slip, which ultimately aims to better support people injured on our roads and to reduce the cost of green slips. The Law Reform Commission reviewed section 6 of the Law Reform (Miscellaneous Provisions) Act 1946, which provides a mechanism enabling a third party to enforce a statutory charge over insurance money.

Historically, there has been a problem of a special "charge" that attaches to the money that the insurer would be required to pay under the insurance contract. The charge has caused many conceptual problems, for example, in cases where the insurance contract also allows money to be paid to fund the defence of directors and officers of defendant companies. The aim of the bill is to enact the recommendations of the Law Reform Commission's Report 143, "Third party claims on insurance money". The Attorney General released the report on 19 December 2016. The Law Reform Commission recommended enabling the third party to bring proceedings directly against the insurer in respect to his or her claim for damages, compensation or costs against the insured persons rather than proceeding to enforce a specially created statutory charge. The Law Reform Commission states:

... the new provision should ensure that an insurer is not liable for more than the insurer would have been liable to pay under the insurance contract. It should also ensure that the insurer can rely on the same defences that the insured defendant could have relied on in an action brought by the plaintiff.

The proposed changes will be of substantial interest to both insurers and insured entities. The report's recommendations and this bill should resolve the inherent uncertainty that is present. This bill allows a right for plaintiffs to directly recover from the insurer without the need to resort to a charge over the insurance proceeds. The amendment will limit recovery to the amount the insurer would have paid in respect of the defendant's liability to the plaintiff, avoiding the possibility that defence costs are being caught within the scope of the section. The Christian Democratic Party commends the bill to the House.

Mr DAVID SHOEBRIDGE (15:12): On behalf of The Greens, I indicate our support for the Civil Liability (Third Party Claims Against Insurers) Bill 2017. The bill repeals section 6 of the Law Reform (Miscellaneous Provisions) Act 1946. I wonder if the Parliament that passed that Act thought it would still be a key tool for civil litigation 70 years later.

The Hon. Walt Secord: They probably did.

Mr DAVID SHOEBRIDGE: Maybe they did. The bill replaces section 6 of the Law Reform (Miscellaneous Provisions) Act 1946 with a new standalone Act, called the Civil Liability (Third Party Claims Against Insurers) Act. As far as The Greens understand from reading the bill, it implements each of the recommendations of the New South Wales Law Reform Commission's Report 143, "Third party claims against insurance money". Section 6 of the Law Reform (Miscellaneous Provisions) Act 1946 is a section that is regularly used in a number of civil litigation cases in New South Wales. It allows a claimant who is bringing a civil claim to access proceeds of insurance where proceedings against an insured defendant are not possible or would be fruitless. Examples are when the defendant is missing or, as is more commonly the case, where the defendant is a corporation and it is either solvent or deregistered.

Currently, section 6 of the Act attaches a special charge to any money that is payable under the insurance policy and requires that money, if the claim is proven, to be paid to the claimant, and it does not proceed through the insured. There are a number of reasons why that provision was put in place. One was to prevent fraud or

collusion between an insured and an insurer to ensure that proceeds of an insurance policy that are meant to benefit a claimant found their way to the claimant. The insured and the insurer should not have a collusive arrangement to reduce the amount of money that is paid under the policy or provide it to an insured who then has a scheme to avoid it going to the claimant. The wording of section 6 is, to say the least, oblique. I will not read it onto the record. It is a legislative provision that has been litigated up hill and down dale. Some of the observations that the Parliamentary Secretary made in his second reading speech in support of the bill are worth repeating. President Kirby, as he then was, in *McMillan v Mannix* (1993) 31 NSWLR 538 said at 542:

... the interpretation of section 6 of the Act is problematical ... ambiguity may be its only clear feature.

More recently, their honours Justices Emmett and Ball, in *Chubb Insurance Australia v Moore* (2013) 302 ALR 101 at 113, said:

Section 6 should be repealed altogether or completely redrafted in an intelligible form, so as to achieve the objects for which it was enacted.

Case after case has pointed out how obtuse the wording of section 6 is. Very similar words to section 6 of the New South Wales Act have been interpreted in a different way in jurisdictions such as New Zealand. After having the matter referred to it, the Law Reform Commission—with the assistance of Parliamentary Counsel, who are as professional as ever in this State—then came up with a draft bill. The original draft bill and the report of the Law Reform Commission was to amend section 6 of the current Act. The only way in which this Act diverges from the recommendations of the Law Reform Commission is that instead of amending section 6, this Act puts in place the entirely new Civil Liability (Third Party Claims Against Insurers) Bill. It does not in any way change the effect of it.

It would be useful if the Commonwealth mirrored the legislation, and the Law Reform Commission has recommended that. The Law Reform Commission said that, ideally, the Commonwealth would come up with legislation that is identical to this, other States would mirror it and then we would remove the need for forum shopping. A small degree of forum shopping occurs when one State has a more workable provision than others. We have an obligation to sort this mess out and hopefully that is what Parliament will do. There is some concern that when a provision relating to insurers' liability is changed, it will have a retrospective effect on claims that are made after the passage of legislation even if they relate to insurance policies that were entered into prior to the passage of the bill. That is a good thing and it should happen. In the eyes of The Greens, that retrospectivity creates no practical problems. The Law Reform Commission report states:

Our recommendations do not increase the liability of insurers. Like the current s 6, the new provision should ensure that an insurer is not liable for more than the insurer would have been liable to pay under the insurance contract. It should also ensure that the insurer can rely on the same defences that the insured defendant could have relied on in an action brought by the plaintiff.

I do not think it is useful to state how we believe the provisions will work. In that regard, The Greens rely wholly upon the very professional, competent and balanced report of the Law Reform Commission. We believe this legislation enacts the provisions in accordance with the Law Reform Commission and we commend the bill to the House.

The Hon. CATHERINE CUSACK (15:19): On 26 February 2016, the former Attorney General asked the New South Wales Law Reform Commission to review section 6 of the Law Reform (Miscellaneous Provisions) Act 1946 to consider whether the section should be repealed or amended and whether the policy objectives remained valid or could be better achieved. As Mr David Shoebridge has indicated, this is a 70-year-old piece of legislation. Many changes have been made in the insurance industry in the ensuing seven decades and there has been a general dissatisfaction with the way this section has been operating in a modern context.

In undertaking the review, the commission was asked to have regard to all relevant issues relating to the uncertain practical application of section 6; the impact or potential impact of relevant case law and developments in law, policy and practice by the Commonwealth in other States and Territories of Australia and overseas; the impact of any repeal of section 6 on protections for third party claimants seeking to recover the proceeds of a liability insurance policy to which they are entitled; whether any repeal or amendment of section 6 should apply to contracts already in force; and any other matters the commission considered relevant to the terms of reference.

The legislation before the House is a result of that review. It gives effect to recommendations of the New South Wales Law Reform Commission's Report 143, "Third party claims on insurance money: Review of s 6 of the Law Reform (Miscellaneous Provisions) Act 1946". The report was handed to former Attorney General Gabrielle Upton on 22 November 2016 and she released it on 19 December 2016. I will quote some of the remarks made by the Law Reform Commission when that report was released. The Law Reform Commission said:

Section 6 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW) allows a plaintiff in civil litigation to access proceeds of insurance where proceedings against an insured defendant are not possible or would be pointless because, for example, the defendant is missing or insolvent. It achieves this by a special "charge" that attaches to the money that the insurer would be required

to pay under the insurance contract. The charge has caused many conceptual problems, for example, in cases where the insurance contract also allows for money to be paid to fund the defence of directors and officers of defendant companies.

The Law Reform Commission also said:

We recommend a new provision that clarifies areas of uncertainty and makes reforms where necessary. The new provision does not rely on the "charge" but rather provides a plaintiff with direct access to the insurer, in appropriate cases.

Our recommendations do not increase the liability of insurers. Like the current s 6, the new provision should ensure that an insurer is not liable for more than the insurer would have been liable to pay under the insurance contract. It should also ensure that the insurer can rely on the same defences that the insured defendant could have relied on in an action brought by the plaintiff.

Following the release of this report in December, key stakeholders in the insurance and legal industries have expressed broad support for the commission's findings and the proposed changes. The Insurance Council of Australia [ICA], which represents 90 per cent of premium income written by private sector general insurers, has supported the changes. This is an industry that has revenues of more than \$44 billion per annum and assets of \$121 billion. It is very important, not only to the wellbeing of every Australian and every Australian business, but also to investors in the economy of our country.

The National Insurance Brokers Association, which represents 90 per cent of insurance brokers and administers that profession's code of conduct, also supports this legislation. The ICA has stated that clarifying uncertainty surrounding section 6 is in line with its longstanding position on the need for reform in this area. The National Insurance Brokers Association has also welcomed the commission's recommendations in addressing the concerns among insurers and brokers on legal costs surrounding directors' and officers' liability insurance.

I pause here because this goes to the heart of the reasons that the Law Reform Commission was asked to conduct this inquiry in the first place and why this is such a serious issue. Justice Kirby, for example, described this section as "undoubtedly opaque and ambiguous". The New South Wales Court of Appeal also described section 6 as unclear and called for it to be "completely redrafted in an intelligible form". The areas of uncertainty and inadequacy in its application related to directors' and officers' insurance policies, claims made and notified policies, liability for pure economic loss, and contracts for reinsurance. These comments and issues highlight the struggle that the legal profession has had with this section.

Leading corporate law firms with extensive experience in insurance practice and litigation have provided support for the proposed changes. Herbert Smith Freehills supports legislative reform in "providing much needed clarity for all interested parties, in particular insurers and company directors and officers". King and Wood Mallesons has noted the conceptual difficulties in the existing section 6 and agrees that implementation of the commission's recommendations would address "the inherent uncertainty currently present"—in particular, whether directors and officers are able to access insurance money to fund their defence and whether these funds are to be personally provided.

Norton Rose Fulbright sees the bill as benefiting all stakeholders in this area. The firm notes that directors and officers will have comfort regarding access to insurance moneys to fund a defence and insurers will have certainty that their liability is not increased. They concluded that in the absence of conclusive guidance from the High Court, "legislative reform is the only way forward". I conclude by congratulating former Attorney General Gabrielle Upton and the current Attorney General, the Hon. Mark Speakman. I thank the New South Wales Law Reform Commission for undertaking this difficult review.

Mr David Shoebridge: It all happened quite quickly.

The Hon. CATHERINE CUSACK: I acknowledge that interjection. It did happen quite quickly. Sometimes these matters can take six to eight years to reach the point of legislation. That is probably the more usual pace at which these things operate. Given the significance of the issues that have been highlighted around the governance arrangements of Australia's greatest companies and the amount of premiums that everybody is relying on an ability to claim, the speed yet carefulness and thoroughness with which the commission has acted is deeply appreciated. It is supported by all sides in this Parliament. I thank them and congratulate them, and commend this bill to the House.

The Hon. Dr PETER PHELPS (15:27): I speak on the Civil Liability (Third Party Claims Against Insurers) Bill 2017, but before I commence I would like to have a bit of a discursive look at tort law reform generally within the State of New South Wales. As members will no doubt remember, in my inaugural speech in this place I raised the issue of tort law reform for a range of issues. I find that the longer I am in this place the more I come to appreciate common law as opposed to statutory law—something which I find myself in hideous agreement on with The Greens member opposite, Mr David Shoebridge. The incursions of the Parliament into the area of tort law have been overwhelmingly poor, disadvantageous and in many instances antithetical to the original ideals of the tort common law. Unfortunately, over a period of time legislators have determined that they are more representative of a series of community attitudes and feelings than is the judiciary.

To some extent I can understand why members of Parliament might feel that way. However, the simple fact remains that for centuries common law has been the way in which community expectations about how we deal with each other, the interactions we have and the consequences of those interactions have been dealt with. Much as I love the Parliament, as I stated, attempts to statutorily change common law doctrines have been overwhelmingly negative compared to the natural evolution which I believe the judiciary would have made over a substantial period of time had it not felt that its announcements would not have been overridden for the sake of—I will not say political expediency—political thought processes above and beyond a pure quest for justice in and of itself.

Those interested members who consider themselves laymen—and I consider myself a layman in most legal matters—could not go further than Justice David Ipp's excellent speech in 2007 on tort law in this State and his arguments on the changing tides of tort law, and David Ipp later became the Independent Commission Against Corruption Commissioner. Originally it was fairly minimalist and over time it became a little more interventionist from the common law. Attempts were made by the Legislature to pare it back and the Legislature decided to increase the scope of tortious activity to the point where, Justice Ipp argued, at that stage the Government then went through an overreaction and attempted to pare back the breadth of plaintive actions.

Mr David Shoebridge: Bob Carr hated lawyers.

The Hon. Dr PETER PHELPS: Understandable, and Ipp in that speech makes the excellent point that we almost always have had overshoot where legislative enactment has attempted to try to correct perceived deficiencies in the common law. However, I would argue that instances of overreach by the courts are almost always corrected by superior courts or, alternatively, through the natural learning experience of the courts, which will find a way around precedents and stare decisis to conveniently move on or exempt an earlier precedent for the sake of a much more contemporary outcome.

In this instance, as members have stated, this was a fairly simple reference last year from the then Attorney General, the Hon. Gabrielle Upton, for the Law Reform Commission to look at section 6 of the Law Reform (Miscellaneous Provisions) Act and make recommendations in relation to its continued existence or any possible amendments to it. The Law Reform Commission recommended the fairly simple idea to basically excise it from the existing Act and give it its own Act. Although I am not sure that legislative enactment is always desirable, it is already part of the statutory code in this State and if the Law Reform Commission thinks it is a good idea, then it probably is.

I have a great deal of time for the NSW Law Reform Commission, which may come as a surprise to Mr David Shoebridge. It should not be forgotten that the NSW Law Reform Commission is in fact the product of a Coalition government. It was formed in the early years of the Askin Government, and whatever one may think of the Askin Government—and I am sure we all have our own ideas about the utility and efficacy of the Askin Government—

The Hon. Don Harwin: It did many good things.

The Hon. Dr PETER PHELPS: As the Leader of the Government points out, it did many good things. One of the first things that it did was the creation of the NSW Law Reform Commission.

Mr David Shoebridge: A little corrupt though.

The Hon. Walt Secord: A tad corrupt.

The Hon. Duncan Gay: Not the whole government.

Mr David Shoebridge: Just the Premier.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! Mr David Shoebridge will refrain from interrupting the debate.

The Hon. Dr PETER PHELPS: It is worth noting that the NSW Law Reform Commission this year celebrates its fiftieth birthday—50 years of continuous service in this State as an independent evaluator of existing laws and a recommender of reforms to the existing statutory, and in some cases common law, laws of this State. To this day it provides expert legal policy advice to government on matters that are referred to it by the Attorney General. In response to references the commission prepares reports that comprehensively analyse issues identified in the reference and makes recommendations to government for legislative reform. The commission provides impartial, reasoned and well-researched policy advice to government. It is not the only instrumentality that does that. Indeed, I suggest that many of the committees in this Parliament provide a comparable service to the Executive. Whether that Executive chooses to follow that advice is something we can debate but, nonetheless, it is one of the many sources provided to the Executive.

The advice provided by the NSW Law Reform Commission is especially valuable in relation to particularly complex areas of law, such as the contents of this bill. The commission's work has been important in contributing to improving and modernising the law, simplifying and consolidating the law, removing inefficiencies and defects in the law, recommending the repeal of laws that are unnecessary and obsolete—because only the Legislature can repeal laws that are unnecessary and obsolete and I encourage the Legislature to repeal many, many more laws that I view as unnecessary and obsolete—and improving access to justice.

The Hon. Paul Green: Anarchy.

The Hon. Dr PETER PHELPS: I will take that interjection. The honourable member says "anarchy". Anarchy is antithetical to the worldview of the classical liberal. The classical liberal accepts there is a role for government but he accepts that there is a limited role for government. It is not to take the role of one's mother and father; it is not to take the role of one's husband or wife; it is not to be the nanny to see one through life. The role of government should be necessarily limited to those few things which government does well and nothing beyond that. I am not a proponent of anarchy; I am simply a proponent of a limited form of government that allows individuals to get on with their life without unnecessary interference or intrusion by a group of people who have no direct relevance to my life, to the honourable member's life or alternatively to the life of anyone else in this place.

I return now to the bill. The commission undertakes a collaborative process to contribute to law reform. When responding to a reference from the Attorney General the commission will research the law and conduct literature reviews, release consultation papers that discuss key issues and present options for reform, call for submissions in response to consultation papers, and conduct face-to-face consultation with interest groups, experts, non-government organisations and government agencies to gauge public perceptions about current laws. The commission then considers its research and views expressed in the consultation and submission process in order to produce a final report that makes recommendations to government for reform of the relevant area of law. The final report is then provided to the Attorney General. The Attorney General must table the commission's report in both Houses of Parliament in accordance with legislative requirements and that is the report we have here today, report 143, which then became the basis for the instrument that we see before us today—the Civil Liability (Third Party Claims Against Insurers) Bill 2017.

It is a complex piece of legislation but clearly the complexity necessarily results from the nature of the understanding of existing section 6. In this respect the new bill provides a great deal of clarity and certainty to those people who are seeking to undertake actions pursuant to section 6 of the existing Law Reform (Miscellaneous Provisions) Act 1946 and to give them, the courts and the community a greater sense of surety that justice will be brought about through any potential action. This is another example of the great work of the Law Reform Commission in relation to modernising and harmonising provisions. While this Government rightly commends itself for the great economic and social benefits that have accrued to this State and continues on the path of reform in tort law, I would like to see changes to defamation law. I realise we now have a supposedly national scheme for defamation law, but it is certainly the case that defamation law in this State should be reviewed, in my opinion, with a view to making it less onerous for a whole class of people, not the least of whom is journalists.

I would like to see personal tort law reform and a greater return to the common law understanding of *volenti non fit injuria* and contributory negligence. I think the fear of litigation flowing from an overly narrow interpretation of the voluntary assumption of risk by individuals engaged in particular forms of conduct is one of the key problems we find in relation to participation and the consequences of participation in sport and other leisure activities in this State. I am not the Attorney General, and so I have no idea as to whether defamation law reform is being considered, but it is one thing I would like to see. I believe it would fit within a more classically liberal understanding of what government should and should not do, especially considering the progressive reading down of *volenti non fit injuria* and contributory negligence over the years. These are my personal views. I commend the bill to the House and I would welcome the support for this legislation of all members.

The Hon. DAVID CLARKE (15:42): On behalf of the Hon. Don Harwin: In reply: I thank the Hon. Adam Searle, the Hon. Paul Green, Mr David Shoebridge, the Hon. Catherine Cusack and the Hon. Dr Peter Phelps for their contributions to the debate on the Civil Liability (Third Party Claims Against Insurers) Bill 2017. In response to the terms of reference provided by the former Attorney General the NSW Law Reform Commission released a consultation paper that identified uncertainties in the application of section 6 and raised five options for reform, namely: one, do nothing, on the basis that section 6 continues to be useful and that relevant High Court and New South Wales Court of Appeal decisions sufficiently clarify its operation; two, retain the thrust and structure of section 6 but clarify areas of uncertainty; three, retain the thrust of section 6 while reforming areas where it has been criticised as problematic or inadequate; four, repeal section 6 and leave the field to existing or

revised Commonwealth provisions and existing State workers compensation and motor accidents regimes; five, retain the thrust of section 6 but rewrite it in a contemporary drafting style, while addressing the clarifications.

The commission received 13 submissions from interested stakeholders including the New South Wales Bar Association, the Insurance Council of Australia, the National Insurance Brokers Association of Australia, Maurice Blackburn Lawyers, the Australian Lawyers Alliance and the Law Society of New South Wales. Following these submissions, the commission produced a set of draft proposals that were considered at a round table of interested stakeholders including representatives from the legal profession and insurance industry. This bill removes the complexity and uncertainty associated with the current operation of section 6 of the Law Reform (Miscellaneous Provisions) Act 1946.

It gives effect to all recommendations from the Law Reform Commission, which were heavily consulted on and have broad support. The bill will introduce a new Civil Liability (Third Party Claims Against Insurers) Act, which 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. Most importantly, it will protect the existing right of a plaintiff to recover compensation or damages directly from the insurer in respect of the insured defendant's liability to the plaintiff. It will not increase the current liability of insurers. This is another great bill from a great government, the Coalition Government of New South Wales. I commend the bill to the House.

The DEPUTY 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. DAVID CLARKE: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

Budget

BUDGET ESTIMATES AND RELATED PAPERS 2016-2017

Debate resumed from 7 March 2017.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:46): I will conclude my remarks on the budget estimates, which were curtailed to allow the Hon. John Graham to give his inaugural speech. My earlier remarks were an opportunity for me to thank members of the parliamentary staff who supported me in my former role as President of the Legislative Council. I focused particularly on the building services staff for their role in the capital works projects largely undertaken since 2013 when there was a significant boost to funding. I concluded by in particular thanking Rob Neilsen, who bore a large burden as director of building services during that period. He took on an enormous workload. I had moved on to thanking one member of the building services staff, Philip Goldsmith. I believe Phil would be known by a number of members in his role as curator of the movable cultural heritage of the Parliament, which is quite considerable.

I have worked closely with Phil Goldsmith during the 18 years I have been a member of this place. As members would know I worked for the Parliament for a long time before I became a member of the Legislative Council so I have a fairly good knowledge of some of the attributes of Parliament House and some of the treasures housed in the building. When I became President I was determined to ensure that the Parliament had a better appreciation of and made a more significant contribution to the fact that it is a tenant in a very significant historic precinct within the city of Sydney in Australia's oldest public building.

One of the things Phil and I discussed was the need to put more of our treasures, more articles relevant to our history and some of the Parliament's art collection built up over parliamentary generations, on display in our Fountain Court. The thousands of people who visit Parliament House every year now have not only the incredible experience of seeing the chambers and other aspects of our heritage buildings but also the opportunity to see something of significance and learn something they can take away with them after their visit. Phil and many other members of staff work incredibly hard each year—from January to February or from January to May—to produce the high-quality exhibitions in the Parliament about which I have received tremendous feedback.

The very first exhibition, which was put together at very short notice by Phil Goldsmith, was "underSTATED". As I mentioned in my previous speech, it was an opportunity to put some of the Parliament's finest works—works that normally are not seen—on display in the Fountain Court, and in particular Brett Whiteley's incredible portrait, "Patrick White at Centennial Park", which is rarely seen and is arguably the Parliament's finest work. It belongs to the people of New South Wales and is in the custodianship of the

Parliament. The opportunity to have it on more permanent display was very important. Phil acted quickly on that but his key work was in supporting the large team of people from the library, education and the House departments on the three Fountain Court exhibitions of 2013, 2015 and 2017. The first was "Twenty-Five: Stories from Australia's First Parliament", which focused on 25 unique objects in the Parliament's collection in 2012.

"Politics and Sacrifice: The New South Wales Parliament and the Anzacs" was on display between January and May 2015. It originated at the suggestion of the New South Wales Parliamentary Friends of Anzac under the leadership of the former member for Blue Mountains, Roza Sage, and the Hon. Lynda Voltz. It was probably the crowning glory of the Parliament's commemoration of the Great War. We commemorate World War I each week in this Chamber, but the exhibition was a superb occasion on which we focused on the contribution that individual members of Parliament and members of parliamentary staff made during the Great War. Two sitting members of Parliament, Braund and Larkin, made the ultimate sacrifice on behalf of their country and were buried at Gallipoli.

Fourteen veterans of the Gallipoli campaign were subsequently elected to this Parliament, and approximately 50 veterans of the Western Front were elected to this Parliament. The exhibition was a very fitting tribute. Phil was one member of a large team of many members of the parliamentary staff. I do not have time to mention them all but it would be remiss of me not to mention the overall curator and manager of the "Politics and Sacrifice" exhibition, Dr Brian Lindsay. He did all that work as well as outstanding work for me as chief of staff in the office of the President. I thank other members of staff. I cannot leave out the Clerks at the table who do superb work, led by David Blunt, our Clerk of the Parliaments. He is not in the finest of voice today, and we wish him a speedy recovery.

The Hon. Dr Peter Phelps: Big weekend, was it?

The Hon. DON HARWIN: I acknowledge the interjection by the Hon. Dr Peter Phelps and say I very much doubt that was the reason. All of the Clerks at the table do great work. The Usher of the Black Rod, Susan Want, is someone I have known for a long time, even before I was a member, and I have always valued her work. The office of the Usher of the Black Rod was an experiment that the Clerk of the Parliaments set up early in his time. He was a sceptic and I pushed him into giving it a three-month trial. I thought it was a very good idea, although he had a few question marks in his mind. He is probably angry with me for saying that, but it is true. At the end of the three month trial, there was not even an evaluation, so let us chalk one up for the President for sometimes knowing what he is talking about.

The committee staff, procedures staff and attendants also do outstanding work. I inform the House that one of our former much-loved attendants, Charles Barden, has made a return to Parliament House and joined my staff. I missed Charles a great deal and hope he will enjoy being back here a couple of days a week. Three former members of the House department staff are doing great work elsewhere. One is Rachel Callinan, who is now the Usher of the Black Rod in the Senate. Our Usher of the Black Rod experiment worked so well in New South Wales and Rachel was so excellent that the Australian Senate stole her. It is a great tribute to Rachel and to all the people who worked with her. Another is Rachel Simpson, who sadly is not with the Department of the Legislative Assembly anymore but was a greatly valued member of staff and is a great loss to the Parliament of New South Wales. She is working elsewhere in the New South Wales public sector. Simon Johnston is now in the Legislative Assembly. He did outstanding work and worked closely with me on the twinning project, and I wish him well in the Legislative Assembly.

There are many people in the Department of Parliamentary Services [DPS] I should mention. They include the other building services staff, the staff in the People and Engagement branch, the catering staff and the finance staff, all of whom do superb work. I particularly mention Rob Stefanic, a former Clerk at the table in this place, who made the transition to DPS and did so well as the head of DPS that he also has been nabbed by Canberra. We have a very good new executive manager in Mark Webb, supported by Julie Langsworth—again, another Clerk at the Table from this House who is doing superb work in DPS.

I give a shout out to the head of catering, Phil Freeman, and his deputy, Carlos Andrade, who do superb work, and the head chef, David Learmonth, who is a spectacular person and who does great work. I mention the education staff and the work they do in speaking to, teaching and engaging with thousands of students across the State. I am so pleased that one of my legacies and one of the Speaker's legacies, which we approved in last year's budget, will be a new purpose-built education centre on level 6, which will allow for a 40 per cent increase in the number of students who take part in our education programs every year. It is a huge step forward and I am very proud of it. There are so many people who I could thank at greater length, particularly all the people who I have worked with very closely in the President's office: Jenny, our cleaning staff, and the two waiters in our office, Robson and Vitor, who did great work too. It has been a pleasure to serve and I thank the House for this opportunity to put those few words on the record.

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

Questions Without Notice

NARRABRI GAS PROJECT

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Leader of the Government and Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. What steps has the Minister taken to verify Santos' claim that its Narrabri gas project will supply up to 50 per cent of New South Wales' gas needs?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:00): It is really not a matter, as such, that I need to do. The fact is that the Santos Narrabri gas project development application and its associated environmental impact statement [EIS] were lodged at the same time on 1 February 2017. It is not something that is currently within my portfolio responsibility. It is foursquare within, as a development assessment project, the portfolio responsibility of the Minister for Planning at present. The public exhibition commenced on 21 February for 60 days, but was likely to be extended to 90 days. I think that has now happened. Details of the Narrabri gas project proposal are well and truly available for all to see.

With regard to the question on volumes, I can advise that the Santos EIS proposed a field development protocol to allow further exploration to be conducted to further refine the size of the resource. This is a common practice by industry proponents to maximise the efficient and effective recovery of resources while minimising the area of disturbance. The Narrabri EIS proposes lateral drilling techniques to remove the requirement for hydraulic fracturing to extract the gas resources in the identified project area. The EIS is currently being reviewed by relevant Government agencies, as I have previously advised the House.

There has been some speculation in the last couple of days about the quantity of the resource that will be available if the project proceeds. There has been some suggestion that Santos has written down their gas resource. What happened was they reclassified it from reserves to contingent resources in 2015, in accordance with the proper reporting procedure defined by the petroleum resources management system. Contingent resources are defined as those quantities of petroleum estimated, as of a given date, to be potentially recoverable from known accumulations by application of development projects, but which are not currently considered to be commercially recoverable due to one or more contingencies. This reclassification does not affect the volume of gas within the resource, which still has the capacity to generate up to 50 per cent of the State's gas supply at peak production and which will help ease the gas supply situation over the 25-year life of the project.

The Hon. ADAM SEARLE (16:04): I ask a supplementary question. Will the Minister elucidate that part of his answer where he said that the project would generate up to 50 per cent of the State's gas needs at peak production, and inform the House whether that figure is his own Government's assessment or is he merely accepting the Santos' assessment?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:05): I think I made it fairly clear when I said it could, not would, generate up to 50 per cent of the State's gas supply. As I think I made fairly clear as well, that is part of the development application and associated EIS that was lodged by Santos.

REGIONAL CULTURAL INFRASTRUCTURE

The Hon. BEN FRANKLIN (16:05): My question is directed to the Minister for the Arts. Will the Minister update the House on the New South Wales Government's support for regional cultural infrastructure?

The Hon. Greg Donnelly: How about some serious energy questions? Just arts questions.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:05): I do not know what the Hon. Greg Donnelly has against questions being asked about regional New South Wales. It was a question about infrastructure in regional New South Wales. The Labor Party seems to have a problem with that. I am not sure what their problem is with that. Regional New South Wales is a priority area under Create NSW, the Government's art and cultural policy framework. We recognise the social, cultural and economic value of the arts in regional New South Wales. Cultural infrastructure contributes to supporting regional economic development and facilitating liveability in regional environments. It also plays a significant role in the urban renewal of country towns.

I recently had the opportunity to visit Orange's cultural precinct, which includes an impressive cultural complex with a gallery, museum and library. It was a delight to be toured around their current exhibit "Journeys: people place stories" by museum manager, Alison Russell and head of the museum and gallery, Brad Hammond. I went to Orange because I had heard so many good things about Orange City Council's cultural infrastructure

initiatives, among other things. Local government plays the lead role in developing and maintaining its art and cultural facilities and investing in local activities. I look forward to partnering with local government and community stakeholders to develop regional cultural infrastructure.

In 2016-17 we have invested \$500,000 in funding for regional infrastructure under the Arts and Cultural Development Program regional capital project funding. The regional capital program offers matched funding towards improvement of arts and cultural infrastructure and the purchase of equipment used for arts and cultural purposes. The New South Wales Government is also strengthening its evidence base by mapping the arts and cultural landscape in regional New South Wales. This will help identify the strengths and opportunities in the arts and cultural landscape of the 15 regional local government areas. This will inform our decision-making on policy investment and infrastructure in regional New South Wales.

It is important that regional New South Wales gets its fair share of funding under the cultural infrastructure program. Investment in arts and cultural facilities in regional New South Wales drives dynamic and renewed town centres, with facilities and programs that attract visitors and give regional artists more opportunities. It is good for regional economies, it is good for regional cultural and artistic networks and, most importantly, it is fantastic for the people of regional New South Wales. Our State is more than bricks and mortar, roads, rail and resources in the ground; it is our cultural activities that bring our villages, towns and cities to life. Successful arts and cultural infrastructure provide a focus for communities and delivers opportunities for learning and self-development. The people of regional New South Wales can rest assured that the Government will continue to support them.

SYDNEY OPERA HOUSE TRUST

The Hon. WALT SECORD (16:09): I direct my question to the Minister for the Arts, and Leader of the Government. Given that his Government agreed in 2012 to Tourism Ireland's request to light up the Sydney Opera House sails in green for St Patrick's Day and that last night the sails were lit in blue to mark the sixtieth anniversary of the Treaty of Rome, will the Minister now reconsider his Government's refusal to allow the sails to be lit in red and white to mark the 150th anniversary of Canadian federation on 1 July?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:10): I congratulate the Hon. Walt Secord on his fealty to his homeland. Of course, we accept that he is now an Australian citizen. We would all expect, and no-one doubts for one minute, that Australia enjoys his primary loyalty. I was not aware that that had happened. I will have a discussion with Louise Herron, the general manager of the Sydney Opera House Trust. I have a recollection of the issue, but I do not think that happened while I have been Minister for the Arts. I will find out why it was not possible to accede to that request. The Hon. Shayne Mallard interjected that that would mean the Sydney Opera House sails would be red and white. Of course, he is a great Swans fan, and I know that you, Mr President, are a great supporter of a team wearing red and white in another football code. Of course, red and white are the Canadian national colours. As I said, I will have a chat with Louise Herron to find out what happened and obtain more information for the Hon. Walt Secord.

FIREARMS REGISTRY APPLICATION PROCESSING

The Hon. ROBERT BORSAK (16:12): I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Police and Emergency Services. My office has been receiving an increasing number of complaints about the lack of Firearms Registry processing of firearm suppressor applications. In fact, one applicant was told his application was "in the pile with others" and that "no processing is happening", while another was advised on 13 April that there was a six-month delay in processing applications and that this was due to "legislative changes". Will the Minister inform the House of the true reason for this unacceptable delay, and when people can expect the Firearms Registry to begin processing firearm suppressor applications?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:13): I thank the honourable member for his question, which is directed to the Minister for Police and Emergency Services, whom I represent in this House. Obviously the answer requires a level of detail and consultation with the operational staff about what is behind the delays, if there are delays rather than a perception of delay. I will refer the question to the Minister for Police and Emergency Services, who I am sure will liaise with his agency, which will provide him with an answer, which he will provide to me, and which I will provide to the Hon. Robert Borsak.

RABBIT CONTROL

The Hon. LOU AMATO (16:14): I address my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on what steps the Government has taken to help reduce rabbit numbers and their impact in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:14): I thank the honourable member for his question on this very important issue. The European rabbit is Australia's most destructive agricultural pest animal. Each year it costs more than \$200 million in lost agricultural production. Wild rabbits wreak havoc on the environment and biodiversity, and are affecting 304 threatened native plant and animal species. However, the good news is that this month we have seen a 42 per cent average reduction in wild rabbit numbers at sites where the new Korean strain RHDV1 K5 virus was released. This decrease is at the top end of expectations. The Department of Primary Industries [DPI], under the banner of the Invasive Animals Cooperative Research Centre, was the lead government agency in the national coordinated release of the virus.

The virus was rolled out in the first week of March this year in all States and Territories. As I have previously advised the House, this new Korean strain of the virus is the first rabbit bio-control agent to be released in 20 years and it is a great example of government, industry and the community working together. DPI distributed the virus, along with monitoring and sampling kits, to each State coordinator across the country. In addition to this release, a campaign has been conducted to engage the public about the importance of vaccinating domestic rabbits. This confirms the Government's remarkable ability to look out for everyone in the community—not only friendly rabbit owners and their beloved pets but also landholders for whom rabbits are a significant pest and are a cost to their operation.

It is still early days with the research, but so far positive virus samples have been detected in all States except Tasmania and the Northern Territory, demonstrating widespread infection in wild rabbits. Of the samples tested, 66 per cent have been confirmed virus positive through CSIRO laboratories. Post-release population counts are still occurring at some release sites, and further verification is being carried out to gauge the impact of the virus on rabbit populations. Ongoing monitoring and reporting through RabbitScan is also helping to build a picture of the impact and interactions of rabbit viruses in different regions. All landholders are being encouraged to undertake follow-up rabbit control post the release of the virus in cooperation with local biosecurity officers and land managers to maximise the benefits of this national release. With early confirmation that the virus has spread from at least one release site, we expect it to spread further, especially in the cooler, wetter areas of the country.

Across the country, government agencies are keeping an eye on how it travels with help from the community, which is continuing to lead rabbit management on the ground. This rollout is a shining example of government and communities working hard together to tackle a significant pest management issue. We get it, we have the solutions and we will continue to deliver. Members will recall that when I reported the release of the virus I explained that we chose the Korean virus on the advice of experts working in the area because, unlike previous viruses, it works in the cooler and wetter parts of the country. It was also chosen because of its impact on rabbit populations and because it is the most humane way of killing rabbits compared to other viruses. This is good work undertaken by the government agencies leading the program and it is a good result for our farmers and the environment.

TOW TRUCK INDUSTRY

The Hon. ROBERT BROWN (16:18): I direct my question to the Leader of the Government, representing the Premier. Is the Premier aware that in Queensland private car parks are being used as "honey traps" by tow truck operators to rake in up to \$1,000 for each car towed, with some operators even using cheap second-hand knockabouts to make it look like others have made use of the car park where it would otherwise be illegal to park? Is the Premier aware of any such cases in New South Wales and, if so, what is the Government doing to protect our motorists from such opportunistic and unscrupulous behaviour?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:19): I thank the Hon. Robert Brown for his question, which is an interesting one. It was asked by him to me on behalf of the Premier in her role as head of the Government. I imagine that she will have a response for him. I will inquire whether she is aware of the particular instances that the member referred to in his question. I will suggest that she also makes inquiries of the relevant Ministers to ascertain whether they have any information that could help to answer the question of the Hon. Robert Brown. I think I heard the Hon. Duncan Gay suggest that the Minister for Roads could assist. No-one in the House would know that better than the Hon. Duncan Gay. I will refer the question to the Premier for a response.

MENINDEE LAKES WATER REFORM

The Hon. DANIEL MOOKHEY (16:20): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the member for Barwon announced on 20 March stage 3 of the far-west water reform plan, which involves the reconfiguration for

the Menindee-Cawndilla system and a water retention rate of 80 per cent for Lake Menindee rather than the 640:480 gegalitre rule that currently applies, when will this change actually occur?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:21): I thank the member for his question. In relation to the issues that the member refers to concerning the configuration of the Menindee Lakes, my department is currently consulting with the community about the options for the future works that are required for the Menindee Lakes system. It is also having discussions about trigger levels and the future role of those trigger levels. We will then take those issues to other States and the Commonwealth. I know people have an interest in it, but a problem for those communities is the way that the lakes have operated in the past in which we saw a call for water being made by the Commonwealth.

Mr Jeremy Buckingham: What, this year?

The Hon. NIALL BLAIR: We then saw a lack of inflows and evaporation has also occurred.

Mr Jeremy Buckingham: You let all the water out.

The PRESIDENT: I call the Hon. Jeremy Buckingham to order for the first time.

The Hon. NIALL BLAIR: We saw a lack of inflows and a hot summer caused evaporation, which meant that in the previous operation of the lakes water was trapped and could not be utilised. That is what we want to avoid happening in future. That is why we have taken a proposal to the community about a series of engineering works which will allow us to better operate the lakes so we can ensure that the water that can be used for the environment or productive use is not trapped and left to evaporate in areas such as Cawndilla. We want to ensure people living on the Sunset Strip who participate in recreational activities have a better use of Lake Menindee. We believe the modelling we have attached to this proposal shows that there can be more water more often in those parts of the lakes that the community has been crying out for. That model is different to how it has operated in the past.

I heard the interjections from Mr Buckingham about what has happened this year. I can tell members what has happened this year. We have had requests that WaterNSW release water as part of environmental watering. I am sure a member of The Greens would not argue against water that the Commonwealth purchased from productive landholders being released for the environment. WaterNSW ran modelling and scenarios against the release of that water, which had not occurred previously. It went to Canberra to negotiate the terms in which that water was released so that we did not have a repeat of the circumstances which led to this Government committing up to half a billion dollars for a pipeline from the Murray River to the people of Broken Hill. The Department of Primary Industries has proposed a series of works and has had some discussions about the future operations of the Menindee Lakes—not its decommissioning. I know some members opposite have tried to play that angle before. [*Time expired.*]

EARLY CHILDHOOD EDUCATION

The Hon. CATHERINE CUSACK (16:25): 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 her recent trip to the Northern Rivers to meet with flood-affected early childhood education services? I thank her for her visit.

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:26): On Friday 28 April I joined the member for Lismore, Thomas George, and the member for Tweed, Geoff Provest, to meet with early childhood education services impacted by the recent devastating floods. Mr President, it is a serious question and it would be nice to answer it without interjections from those opposite. Weeks later, communities from the Lismore central business district to Murwillumbah to Condong are still amidst a clean-up. Everyone in this Chamber will agree with me that the resilience of those communities in coming together after such devastating circumstances is nothing short of amazing.

I know how tough some of the early childhood education services have had it over the past few weeks following the devastating floods. That is why I asked the Department of Education, in particular the Early Childhood Education Directorate, to ensure all help was offered to services to make sure they could get back on their feet as soon as possible. We contacted services to assist with their relocation, if necessary, and have been providing support to services with a range of issues such as lost records and documents to damaged furniture, equipment and toys. We also wanted to ensure that services were able to access Federal Government natural disaster funds and that they were supported with making insurance claims. In addition to this, I wanted to meet with directors and services to see what else we can do to help.

In Lismore, I had the great pleasure of meeting with Maurita Cavanaugh and her team at Jarjum Preschool, who are all working tirelessly to deliver quality childhood education, particularly to Aboriginal children in Lismore. While the preschool was not in the flood zone, the torrential rain left the building soaked from the water runoff from the surrounding mountains. They have been working with Thomas George, the local member, to deal with issues that this runoff has caused. Maurita and her team are doing incredible things, not only for preschool-aged children in Lismore but also for older children through their homework centre. They also are supporting parents in their community. Maurita is an impressive woman who has done a lot locally in early childhood education to provide pathways and training for staff, so she deserves special recognition.

As members in this Chamber know, families, businesses and communities across the Northern Rivers were severely affected by the devastating floods. Possums Community Preschool at Condong was no exception. Its premises were completely inundated by the floodwaters. While visiting there, I met with the director of the preschool, Karen Shackell, and her team, who have spent weeks cleaning up the premises and securing an alternative location while repairs are being made to the building. The team told us stories of how the local community rallied around as part of the clean-up. They were very appreciative when even people without children turned up with gumboots and shovels in hand ready to help or to drop off plates of food for the helpers. Karen and her team have worked tirelessly to find a suitable temporary location at Tumbulgum Primary School. I acknowledge the principal of the school who has been extremely helpful in helping Possums to relocate. On the Friday afternoon I was there, we could see the team's excitement as they were eager to get back to work and see all of the children. The service has had its doors open at the primary school for just over a week. Giving kids a sense of normalcy was top of the priority list for Karen because she knows that the community will still be reeling from the effects of these drastic floods for quite some time.

I also visited a couple of other preschools—at Kingscliff and Tweed Heads—and it was great to see the support that these other services had provided to those doing it tough. It was an inspiration to see colleagues helping other colleagues. As a regional member of Parliament I already know how resilient our regional communities are, but it was a privilege to see them, firsthand, rallying around early childhood education services to help them get back on their feet after this natural disaster. We all know how important these services are to children, their families and communities.

CLIMATE CHANGE AND GLOBAL TEMPERATURE

Mr JEREMY BUCKINGHAM (16:30): My question without notice is directed to the Hon. Don Harwin, representing the Premier. Does the New South Wales Government agree with the World Bank's assessment that a four degree global warming scenario "can and must be avoided" and that finding ways to avoid that scenario is vital for the health and welfare of communities around the world?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:30): I will be happy to direct the question to the Premier for a response with respect to the particular inquiry the member is making based upon the opinion of the World Bank. I will decline to offer my opinion, for no other reason than because, as Mr President would well know, seeking an opinion in question time is completely out of order. Mr Jeremy Buckingham nevertheless has asked for a—

Mr Jeremy Buckingham: Point of order: I have two points of order.

The PRESIDENT: Order! I ask Mr Buckingham to start again. I did not hear a word he said because of the interjections from all sides.

Mr Jeremy Buckingham: I take two points of order. The first is that the Minister is clearly debating the question. The second relates to relevance. Nearly a minute into the answer the Minister has not dealt with the substance of my question in any way, shape or form.

The PRESIDENT: I thank the member for his points of order. I take the view that the Minister was attempting to be generally relevant; he was referring to parts of the question. However, if the Minister starts to debate the question I will bring that to his attention.

The Hon. DON HARWIN: In terms of matters that are directly relevant to the member's question—I will get the information he wants with respect to the Government's position. The Government has a longstanding commitment to a clean, affordable, reliable and secure energy system. Our energy programs and regulatory framework will ensure that we continue to deliver on this commitment. That will certainly be done in conjunction with the work I do as a member of the Council of Australian Governments [COAG] Energy Council. In November 2016, the New South Wales Government released its climate change policy framework, which outlines the Government's role in reducing emissions, and helping New South Wales adapt to become more resilient to the impacts of climate change. It commits New South Wales to an aspirational target of net zero emissions by 2050, meaning that any emissions are offset by sequestrations such as in landscape or vegetation. This is a measured

and responsible target. It aligns with our leading corporates such as AGL, which is our largest emitter, and reflects our international commitments under the Paris agreement. Importantly, it will benefit the New South Wales economy by increasing certainty for investment. To complement the delivery of the target, the New South Wales Government is developing action plans for advanced energy and energy efficiency. These plans will also align with the Government's objectives on energy security and affordability.

As part of consultations for these draft plans, the Government proposed more than \$400 million over five years in new spending that will assist investors and industry accelerate the development and adoption of renewables, storage, electric vehicles, energy efficiency and demand management. This includes several proposed initiatives that I could go into some detail on at another occasion. I will not do that now because there is no time to do so. There has been strong interest and support, with more than 3,000 submissions received. There has certainly been plenty of action in this space from the Government, which takes this matter very seriously and is working towards those goals.

Mr JEREMY BUCKINGHAM (16:36): I thank the Minister for his very interesting answer. Will the Minister elucidate his answer relating to his comments on aspirational targets and how they relate to the World Bank's four degree warming targets?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:36): If the World Bank is right then we have the right policy aspirational goal of having zero net emissions by 2050. That is the relationship. The New South Wales Government's policy settings are the right settings to have. I cannot comment on whether the World Bank's statement is right because that would be offering an opinion. I have undertaken to get an answer for Mr Jeremy Buckingham about the New South Wales Government's position on the World Bank's statement.

The PRESIDENT: Order! I remind all members of a ruling of President Primrose, who said:

As noted in Rodgers' *Australian Senate Practice*, interjections are contrary to the standing orders and are disorderly at all times. By tradition, the Chair tolerates interjections that are not disruptive, particularly if they facilitate the exchange of views and arguments in debate. However, the Chair will not tolerate disruptive interjections.

That was an excellent ruling by President Primrose, and one that I intend to follow. I will start calling members to order if they continue to interject.

The Hon. Shaoquett Moselmane: Hear, hear!

The PRESIDENT: I call the Hon. Shaoquett Moselmane to order for the first time. I note that I am especially likely to call members to order if they interject while I am giving a ruling.

ADANI CARMICHAEL COALMINE PROPOSAL IMPACT

The Hon. JOHN GRAHAM (16:37): My question is directed to the Minister for Resources. Given statements by Glencore Australia and the Port of Newcastle on the impact that the Adani coalmine will have on New South Wales, and ABC radio reports this morning that one of New South Wales coal producers has modelling that reveals coal prices and exports from the Port of Newcastle will fall, when will the Government finally stand up for New South Wales coal workers and oppose the subsidisation of the Adani mine?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:38): I am very happy to go through this again because obviously the Hon. John Graham was not listening last week when I fully answered this question. To make the comparisons and connections that he has made is simply not an accurate reading of the situation. The Adani Carmichael coalmine is proposed to produce 60 million tonnes per annum of thermal coal from a combined open-cut and underground mine. In 2015-16 New South Wales coal production was 190 million tonnes, of which 170 million tonnes was exported primarily to the Asian market. This is the key point—the high quality of New South Wales' export thermal coal.

The Hon. Penny Sharpe: This is what you said last week.

The Hon. DON HARWIN: Yes, I did, but evidently the Hon. John Graham did not hear it.

The Hon. Penny Sharpe: No, no. There's new information. You don't have anything new.

The Hon. DON HARWIN: While I should not respond to interjections from the Hon. Penny Sharpe, she has claimed that there is new information that changes the assumptions that affect how I would supply an answer to this question, but in fact nothing that we heard from the Hon. John Graham in his question will change the essential truth of the situation, which is that the high quality of New South Wales export thermal coal commands a higher price on account of having lower ash and fewer emissions than other inferior quality products.

The coal within the Adani Carmichael mine 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 mine represents a market segment that generally constitutes less than 3 per cent to 5 per cent of New South Wales coal exports so that is the key consideration. The product coming out of Adani is not competing with the majority of coal that is mined in New South Wales and the assertions in the question that I am responding to are just simply not correct.

The Hon. JOHN GRAHAM (16:41): I ask a supplementary question. Will the Minister elucidate his answer about the quality of New South Wales coal, given this report said the mine will reduce exports from Newcastle by 11 million to 12 million tonnes a year?

The Hon. Scott Farlow: Point of order: The question sought an elucidation of part of the Minister's answer. It then went on to ask a completely new question where it referred back to the original question so it is out of order.

The PRESIDENT: Order! I will allow the supplementary question. The Minister is at liberty to answer that part of the supplementary question that sought elucidation to the previous answer. Order! Honourable members will not speak over me. The Minister has the call.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:42): Given the amount of noise emanating from the Opposition, I am struggling to remember the supplementary question. Essentially there really is nothing of substance to add to what I said earlier, which is the advice that I have received.

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time.

The Hon. DON HARWIN: The advice that I have received from my department is as it was outlined to the House.

The PRESIDENT: Order! I call the Hon. John Graham to order for the first time. I call the Hon. Bronnie Taylor to order for the first time. I call the Hon. Walt Secord to order for the first time. I can continue to call members to order until question time has concluded.

The Hon. DON HARWIN: As I was saying, the advice is as it was outlined by me to the House in my answer to the original question.

MINE SAFETY INVESTIGATIONS

The Hon. GREG PEARCE (16:43): My question is addressed to the Minister for Resources. What is the Government doing to ensure that lessons learned from mine safety investigations are quickly communicated to industry to improve safety in New South Wales mines?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:43): The health and safety of workers in New South Wales mines is of paramount importance to this Government. I can tell members that this Government is doing everything it can to provide the best health and safety regime there is. The New South Wales Resources Regulator, established by this Government, has an important role to play in promoting best practice in mine safety. One of the key ways the regulator strives to improve the safety performance of the mining industry is to communicate the causes of safety incidents as quickly as possible.

The sooner industry gets clear information about what caused an incident, the quicker it can take steps to address those causes and make sure the same incident never happens again. In recent years the Mine Safety Advisory Council raised concerns that it was taking too long to communicate outcomes from mine safety investigations. The Resources Regulator placed more focus on ensuring incident investigation releases and safety alerts were communicated as quickly as possible. Furthermore, in response to the Mine Safety Advisory Council's concerns, the Resources Regulator is implementing a new causal investigation policy. The key difference with this new investigation framework is that a causal investigation is not conducted for enforcement purposes.

This type of investigation is designed to quickly determine the cause of the incident, the failure or absence of key risk control measures and what factors may have contributed to the failure of those controls. The investigation is undertaken by a team of investigators, which may include government inspectors, health and safety representatives, workers and representatives of the mine operator. It is a much quicker process. A quick investigation means faster distribution of important learnings to industry so workers can be better protected.

Under the causal investigation policy the Resources Regulator will release a preliminary finding about the cause, or likely cause, of a safety incident within 14 days of the start of the investigation. A full report on the

incident will be released within three months. However, the new investigation framework will not reduce the department's ability to prosecute serious breaches of legislation.

The Hon. Penny Sharpe: Has the miners' union signed off on this?

The Hon. DON HARWIN: Of course. A causal investigation will not be undertaken when an incident results in the death or serious injury of a person, or when the incident involves reckless conduct or providing false or misleading information to the department. The Mine Safety Advisory Council, which includes representatives from the New South Wales Minerals Council, Cement Concrete and Aggregates Australia, the Construction, Forestry, Mining and Energy Union Mining and Energy Division and the Australian Workers Union have endorsed the new policy.

CLIMATE CHANGE AND GLOBAL TEMPERATURE

Dr MEHREEN FARUQI (16:47): My question without notice is directed to the Minister for Resources, and Minister for Energy and Utilities. Given Santos' admission that it is working on a 4 degrees Celsius global warming pathway, which the World Bank has concluded will cause severe disruptions, damage, and dislocation, does the Government intend to apply the fit and proper person test to Santos' Narrabri project and will Santos' position on climate change be taken into account in such an assessment?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:49): We have had a few questions about Santos during this question time and in fact we have also had some questions about the 4 degrees scenario, so I have addressed this during question time. What I want to make quite clear is that we are at the development assessment stage. In fact, we are in an exhibition period for these projects. At this time everything relating to Santos' Narrabri project is within the purview of the Minister for Planning while it is being assessed.

CATHOLIC SCHOOLS FUNDING

The Hon. GREG DONNELLY (16:49): My question without notice is directed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister stand with Catholic Archbishop Anthony Fisher and New South Wales Labor leader Luke Foley to oppose the Turnbull Government's changes to school funding that will force fee increases of more than \$1,000 for a very significant number—78—of Catholic primary schools in Sydney?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (16:50): I thank the honourable member for his question. I note that he directed the question to me in my capacity as Minister. However, given that the Minister for Education is the Minister responsible for the schools funding, to which the Hon. Greg Donnelly is referring—

The Hon. Walt Secord: You are Assistant Minister. What do you do?

The Hon. SARAH MITCHELL: That is not what the member asked me. He asked me a question in relation to schools funding. I do not doubt the genuine nature of the question, so I will take it on notice and refer it.

The Hon. Walt Secord: Do you support the cuts?

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

The Hon. SARAH MITCHELL: I will take it on notice and come back to the member with an answer after consultation with my colleague the Minister for Education, who has responsibility for schools funding as indicated.

The Hon. GREG DONNELLY (16:51): I ask a supplementary question. Will the Minister elucidate her answer to outline what she will advocate specifically on behalf of New South Wales parents who send their children to Catholic primary schools and who will face major increases arising from the Turnbull Government's alteration of school funding arrangements?

The Hon. Scott Farlow: Point of order: That is not a question; it is just grandstanding from the member.

The Hon. Greg Donnelly: To the point of order: It clearly was a supplementary question. Specifically it asked for an elucidation of what the Minister would advocate on behalf of these parents.

The Hon. Niall Blair: To the point of order: The supplementary question was just restating the original question rather than seeking an elucidation of the Minister's answer.

The PRESIDENT: I thank the Minister for his assistance. The supplementary question was out of order as it did not seek an elucidation of a specific part of the answer given by the Minister.

NIMMIE-CAIRA WATER RECOVERY PROJECT

The Hon. BRONNIE TAYLOR (16:53): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on the Nimmie-Caira project's search for a market partner?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:53): I thank the Parliamentary Secretary for her question. Managing the State's biodiversity and water resources in a balanced way is key to the prosperity of our regions. We have a diverse and broad-ranging landscape in New South Wales. I might add that this landscape is certainly more diverse than suggested in the commercial of the Federal Leader of the Opposition, Bill Shorten, that tries to symbolise diversity. As a first generation Australian I know that New South Wales is more diverse and wideranging in comparison to Mr Shorten's whitewash of an ad campaign. This Government is committed to maintaining the link between conservation, cultural heritage and a strong and productive regional economy. We are strengthening this link through the \$180 million Nimmie-Caira project, a significant water-saving project for New South Wales, especially in meeting targets for the Murray-Darling Basin Plan in the Murrumbidgee region. .

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the second time.

The Hon. NIAL BLAIR: However, the Nimmie-Caira project is about more than just water recovery. Our focus is on outcomes for communities, for regional economies and for the environment. Importantly, it can provide enduring benefits to this significant area of wetlands in the Lower Murrumbidgee floodplain as well as continuing to support the economic activity of the region. At this stage, any approach that creates commercial value whilst enhancing environmental and Aboriginal cultural heritage values is being considered.

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

The Hon. NIAL BLAIR: The Nimmie-Caira project area covers 85,000 hectares in the lower reaches of the Murrumbidgee River floodplain, including 32,000 hectares of diverse river red gum and black box communities, and sensitive lignum wetlands. In addition, the area is known for its commercial value and for being rich in Aboriginal cultural heritage. Options for this parcel of land are currently endless. It may appeal to a non-government entity. There are a number of opportunities for an agricultural business looking to expand its commercial activities whilst also meeting its environmental off-setting objectives. Alternatively, it may appeal to another type of non-government entity looking to work alongside a grazing partner and local Aboriginal groups, or in fact, anything in between.

The Nimmie-Caira project offers the Government an opportunity for regional innovation. The Government is not looking to identify another national park. It is seeking real innovation and integration of natural resource management alongside potential commercial outcomes. Our Government is open to any solution from the private sector, or alternative income sources from areas such as biobanking, private native forests or inclusive social solutions to name a few potential examples. The Nimmie-Caira land and water management plan will form the foundation to achieve this and the Department of Primary Industries—Water recently announced the appointment of a consulting group to develop this in consultation with key stakeholders. In time, this plan will be finalised in partnership with the successful non-government entity, which will set the foundation for future management of the property.

This project will showcase how business is done in the future for our regional communities when it comes to balancing the environmental and Aboriginal cultural heritage protection with commercial use to create an asset for the local community and the Murray-Darling Basin. We are genuinely excited about the opportunities this project presents and look forward to seeing just how innovative the market can be in finding the best and most sustainable solution for this parcel of land. The next step will be a two-stage, open market tender process, expected to be announced in the months ahead. I encourage the private sector to get involved.

CLIMATE CHANGE AND GLOBAL TEMPERATURE

Mr JUSTIN FIELD (16:57): 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. Regarding the Santos admission that it is basing future business decisions on a 4 degree global warming scenario, which the World Bank has concluded will cause "severe disruptions, damage and dislocation", does the New South Wales Government accept that this position shows the gas industry has dismissed the Government's stated policy of pursuing net zero emissions by 2050? What action will the Government take to ensure the energy industry in New South Wales works to meet this target?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:58): I do not know how many ways The Greens members think they can scramble an egg. We have had several different forms of this question. There is not a great deal that I can add to my previous answers.

The Hon. Duncan Gay: Except that the World Bank very rarely gets it right.

The Hon. DON HARWIN: I hear what the Hon. Duncan Gay said and I am sure there are plenty views about the veracity of that.

The PRESIDENT: I remind members that some of them are on two calls to order.

The Hon. DON HARWIN: I will not buy into the interplay of interjections. I will consider the question that has been asked, and if there is anything further that I have, I undertake to get the member further information and provide him with an answer as soon as possible.

LEURA SEWERAGE TREATMENT PLANT REHABILITATION

The Hon. PENNY SHARPE (16:59): My question is to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. In light of community concerns that Sydney Water has failed to rehabilitate the site of the decommissioned Leura sewerage plant, will the Minister inform the House of when work will be completed and provide a detailed timetable to the House?

The Hon. Dr Peter Phelps: Do you know where Leura is?

The Hon. Penny Sharpe: Blue Mountains.

The Hon. Dr Peter Phelps: West of Newtown!

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

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:00): It seems that a number of members wish to assist me in answering this question.

The Hon. Walt Secord: I don't.

The Hon. DON HARWIN: No, of course you don't.

The PRESIDENT: I suggest you ignore them.

The Hon. DON HARWIN: I will, Mr President, and I thank you for your sage advice. Given the time, I undertake to the Hon. Penny Sharpe that I will get her an answer as quickly as possible. If members have other questions they would like to ask, I invite them to place them on the *Notice Paper*.

ASBESTOS-RELATED DISEASES IN ABORIGINAL COMMUNITIES

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (17:01): I provide an answer to a question asked of me by the Hon. Shaoquett Moselmane last Thursday in relation to asbestos issues in Aboriginal communities identified by the Ombudsman's report into asbestos management. Building on my answer to the House last week, I am aware the New South Wales Ombudsman tabled his report entitled "Asbestos: How NSW Government agencies deal with the problem" to Parliament on 19 April 2017. The report is a follow-up to a report made in 2010 and demonstrates the significant achievements in asbestos management since this first report and identifies ongoing asbestos issues that need to be addressed. This includes a focus on asbestos issues and management in Aboriginal communities. I welcome these findings and am encouraged that the Ombudsman reports that:

NSW is now widely recognised in Australia as having a best practice approach to managing asbestos ...

However, the report also indicates more is needed, particularly in Aboriginal communities. A healthy built environment is critical to the safety and wellbeing of Aboriginal communities. I support a comprehensive government response to the Ombudsman's key recommendations in relation to Aboriginal communities. Aboriginal Affairs is working with the Department of Planning and Environment and the Environmental Protection Authority as the lead agencies to advocate for and support a comprehensive government response. Aboriginal Affairs is a partner with the Environment Protection Agency, NSW Health and the NSW Aboriginal Land Council in delivering the Aboriginal Land Clean Up and Prevention Program referred to by the Ombudsman and will continue to support local Aboriginal land councils to address legacy waste management issues on their lands through clean-up, prevention and education.

SYDNEY OPERA HOUSE TRUST

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:03): In relation to the question I was asked by the Hon. Walt Secord today, I am advised that the decision was taken largely due to timing conflicts and in particular because the proposal to light the sails for Canada that day conflicted with an Indigenous sails lighting project for the eastern side of the smaller Bennelong sails. That was the major concern. In terms of the timing, there are some further issues that I would like to look at but the advice I have received from the Opera House during question time is that that was the reason. I will nevertheless have a look more closely at it to satisfy the Hon. Walt Secord's particular interest.

*Deferred Answers***ESSENTIAL ENERGY REDUNDANCIES**

In reply to **the Hon. ADAM SEARLE** (4 April 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:

Under the emergency conditions, Essential Energy technicians, as a public service, have been assisting customers and their electricians to check their wiring to ensure it is safe before they reconnect.

Any defects that are identified must be rectified by a licenced electrician at the customer's expense. The cost of repairs may be recoverable under the customer's insurance policy.

POLICE CORRUPTION

In reply to **the Hon. ROBERT BROWN** (4 April 2017).

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)—The Minister provided the following response:

I provide the following response:

I am advised that the complaint from the Hon. Robert Borsak, MLC, concerning the use of pro-forma documents, was assessed in accordance with Part 8A of the Police Act 1990 and declined.

The access application under the Government Information (Public Access) Act 2009 (NSW) to which the question refers has been determined and the applicant has been informed of the decision.

NORTH COAST FLOODS AND FIREARMS DATA SECURITY

In reply to **the Hon. ROBERT BROWN** (4 April 2017).

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)—The Minister provided the following response:

I provide the following response:

The NSW Police Force has advised me that Firearms Registry records were not compromised by the recent floods.

NORTH COAST FLOODS INSURANCE CLAIMS

In reply to **the Hon. WALT SECORD** (4 April 2017).

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

The New South Wales Government has appointed a Recovery Coordinator, Mr Euan Ferguson, who has over 40 years' experience in emergency service, to understand the flood's impacts and ensure insurance companies are working rapidly to resolve claims.

The New South Wales Government also is working closely with the Insurance Council of Australia and the insurance industry to ensure claims by people impacted by recent flooding on the New South Wales North Coast are actioned fairly and as quickly as possible.

NORTH COAST FLOODS

In reply to **Mr JEREMY BUCKINGHAM** (4 April 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:

The New South Wales Government consulted on a suite of proposed climate change adaptation actions in late 2016 as part of the Draft Climate Change Fund Strategic Plan.

Proposed actions include non-financial support for New South Wales households, such as providing tailored information on practical ways to reduce climate risks and investigating whether building standards can be used to improve the climate resilience of houses. It is also proposed to explore opportunities for innovative finance mechanisms to minimise the impacts of climate change on socially and economically disadvantaged communities.

The Adaptation Action Plan, including refined actions to reduce the impacts of climate change across New South Wales, will be announced later in 2017.

NORTH COAST FLOODS AND LOOTING

In reply to **the Hon. SHAOQUETT MOSELMANE** (4 April 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:

A person found looting can be charged with a number of offences under the Crimes Act 1900 (NSW). These include larceny, which attracts up to five years imprisonment; or breaking into and entering a dwelling-house, or other building, and committing a serious indictable offence, including larceny, for which the maximum penalty is 14 years imprisonment.

Where a break and enter offence is committed in circumstances of aggravation, such as where the alleged offender is in the company of another person or persons, the maximum penalty is 20 years imprisonment.

Sentencing legislation lists the aggravating factors the court is to take into account when determining an appropriate sentence. Factors relevant to looting may include that the offence was committed in a person's home or the offence involved multiple victims or a series of criminal acts. The court can also take into account any other objective or subjective factor that affects the relative seriousness of the offence.

SINGLE-USE PLASTIC BAGS

In reply to **Dr MEHREEN FARUQI** (4 April 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:

1. The New South Wales Government is looking at ways to reduce the impact of plastic bags, including impacts associated with biodegradable bags, and will report back to the Australian Environment Ministers' meeting in mid-2017.

NORTH COAST REGIONAL PLAN 2036

In reply to **the Hon. GREG DONNELLY** (4 April 2017).

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

The regional plan can be found at: <http://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/North-Coast/Plan>

NORTH COAST FLOODS AND SMALL BUSINESS

In reply to **the Hon. PAUL GREEN** (4 April 2017).

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)—The Minister provided the following response:

Category C assistance under the Natural Disaster Relief and Recovery Arrangements has been made available, with grants of up to \$15,000 provided to Small Businesses and Non-Profit Organisations directly impacted by the floods in the Lismore and Tweed Shire Local Government Areas [LGA]. The Category C grants are to assist with clean-up and immediate restoration costs as a result of the floods. The New South Wales Government is seeking additional Category C funding from the Commonwealth to cover flood affected small businesses in the Murwillumbah region within the Tweed LGA.

A further \$1 million business support package, the Northern Rivers Business Recovery Program, has been provided by the New South Wales Government, with grants available to help medium-sized businesses recover from the flood. The program will also provide grants of up to \$25,000 to support tourism bodies and business chambers undertake regional marketing and promotion that the Northern Rivers is "back and open for business".

Further to these measures, as part of the New South Wales Government's broader Disaster Declared Area assistance package, Small Business Loans of up to \$130,000 are available to all businesses in the affected LGAs. These loans are provided at a concessional interest rate, and will give small businesses cash flow support and enable the replacement and repair of damage caused to property and associated improvements not covered by insurance.

To address cash flow concerns for flood affected small businesses, deferred payment of their Business Activity Statement through the Australian Taxation Office can be arranged and payroll tax deferrals are available through the Office of State Revenue.

*Personal Explanation***THE HON. MARK PEARSON**

The Hon. MARK PEARSON (17:04): By leave: In answer to a question on 2 May, Minister Niall Blair stated:

We joke in this place about media reports concerning the member, but he walks in here with leather on his feet, wool in his suit and fish in his belly and attempts to impose his ideology on us.

I inform the House that the situation is that I do not wear leather or wool.

The Hon. Niall Blair: What about the fish?

The Hon. MARK PEARSON: An isolated, unfortunate incident!

*Bills***TATTOO PARLOURS AMENDMENT BILL 2017****GAS AND ELECTRICITY (CONSUMER SAFETY) BILL 2017****SECURITY INDUSTRY AMENDMENT BILL 2017****Assent**

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

*Committees***STANDING COMMITTEE ON STATE DEVELOPMENT****Report: Regional planning processes in New South Wales****Debate resumed from 2 May 2017.**

The Hon. MICK VEITCH (17:06): I make a brief contribution to the take-note debate on the Standing Committee on State Development report into regional planning processes in New South Wales. At the outset I extend my appreciation to my fellow committee members. As usual, the State development committee travelled far and wide, received a lot of submissions and had a lot of public hearings and site visits. We worked in a collaborative way to achieve this outcome. I extend my appreciation to the committee secretariat, who took on board all of our suggestions to deliver a substantial report, and to the hardworking staff in Hansard. It amazes me that Hansard can polish what we say—particularly in my case and that of Rick Colless, as it is a bit country sometimes.

The Hon. Duncan Gay: It's more of a problem for Rick.

The Hon. MICK VEITCH: I acknowledge that interjection. I draw the House's attention to two of the report's recommendations. Recommendation 8 states:

That the Minister for Planning consider the most appropriate method of ensuring that regional plans have fulsome and effective practices to measure their success and progress and to publicly report on the findings.

This arises from testimony and submissions we heard, particularly from councils, that there were a number of regional plans for transport or planning, and a lot of meetings and conversations around implementation of those plans, but no-one knew what the key performance indicators were to measure against. We are not sure what progress is being made to achieve the statements made in those plans and the public has no certainty about the achievement or otherwise of the requirements of those plans. Recommendation 8 is important and the Government should take it on board. It seems to me that the full stop is missing from the whole process: We go through the consultation and we develop the plans, and the measurement of the success or otherwise of those plans is the bit at the end that is missing. That needs to be tidied up, and we encourage the Government to continue to look at that. Recommendation 10 states:

That the NSW Government consider options to coordinate government agencies' responses to regional project planning proposals to ensure expeditious approval of such projects.

The recommendation includes three dot points, and I will talk about the second one:

... establishment of a Regional Development NSW agency to promote regional development and assist proponents and stakeholders ... This is very important. Regional economies need diversification. Significant projects in a particular region often have built-in, unintended stumbling blocks. We heard from councils as well as proponents of development that, if they could not have a go-to person in a government agency, they needed an agency that would assist in driving their proposal through the bureaucracy so that it would come to fruition. The importance of that is that it actually provides jobs and growth in regional

economies. The committee was of the view that there needs to be some way, whether it is a one-stop-shop, a go-to person, regional development New South Wales or something like that, of stimulating the economies and assisting in driving these very important developments.

We heard evidence that there are two different models in other jurisdictions. Some witnesses spoke of the model of the go-to person in the Queensland jurisdiction. The other model was the Victorian model in which they have a go-to person that drives it through the bureaucracy to make sure that it comes to fruition. We do not want those large development proposals falling over. They mean a lot to regional economies and to regional communities. We should all do that we can to make sure they get up. All in all, there were a number of recommendations that the committee put forward. The two I mentioned were the two I wanted to draw attention to. It is a good report. This committee works quite hard and conducts some very good inquiries. This one was quite interesting. It is a good read and I commend it to all the members of the Chamber.

The Hon. NATASHA MACLAREN-JONES (17:10): I too speak in support of the report into regional planning processes in New South Wales. I commend the work of the chair, the Hon. Greg Pearce, in conducting this inquiry and also all those who participated. The inquiry was launched following the referral from the former Deputy Premier, the Hon. Troy Grant, in August 2015. During the inquiry the committee received 51 submissions and held seven hearings, including in Albury and Ballina. The inquiry was established to investigate how regional planning processes could be improved to stimulate regional development and improve the lives of regional communities.

The committee examined the constraints to regional development which are brought about by the current framework. It also examined the suitability of a standalone regional planning Act, the effectiveness of environmental protection planning instruments in stimulating regional development, opportunities to increase the role of regional councils in the process, and the development of regional plans to assist in responding to challenges that communities face in regional areas.

There were 23 recommendations. I do not intend to cover off all of them, but I want to touch on a couple of key things. The New South Wales planning system is administered jointly by the State and local governments, with both retaining jurisdiction in the areas of assessment, plan making, policy development and the provision of guidelines to various users within the system. Previously it was argued that the Environmental Planning and Assessment Act 1979, which underpins the planning system, had become quite complex. In 2013 the Government introduced legislation aimed at overhauling the planning laws of the State and returning planning powers back to local communities. Although progress has been made, the fact that there is more work to be done came through in the inquiry.

It is important to note that the planning system in New South Wales is by no means a one-size-fits-all system. There are significant differences between metropolitan and regional areas. Following constraints to regional planning due to the current framework outlined in evidence provided by stakeholders who appeared before the committee, the committee found that there was a lack of a whole-of-government approach in planning, regional plans were too generic, there needed to be more consultation on regional planning, and the planning system was restrictive. There were also difficulties for them to negotiate. I will touch on the one-stop-shop option, which has been mentioned by other speakers. It was evident that complicated State economic planning policies and environmental impact statements were creating significant delays.

During the inquiry the committee also considered the merit of the standalone regional planning Act, as I mentioned. The majority of stakeholders had the view that a standalone Act was not warranted, would create more complexities and would make it more complicated to deal with. Instead, the committee examined options to make it more flexible for regions to implement more strategic planning for their needs and to take them forward to the future. That included the way in which resources were being allocated, ensuring that infrastructure being built and maintained in the area was in line with the needs of local communities, aligning regional plans with broader State policy and also establishing a local task force that could participate in the planning process. In addition, the committee recommended that the Government examine options to ensure faster processes for approval of planning projects.

The Local Government Planning Directors Group and the Albury City Council argued that reduction in the number of State environmental planning policies [SEPPs] would assist in reducing the cost for developers in the community. The committee recommended that SEPPs be modified to include development assessment methodologies that were more appropriate to the objectives of rural zoning and supported development for the local communities. The local environmental plans [LEPs] guide planning decisions for local government areas and are created by the local councils in consultation with the community. The LEPs start with a planning proposal for a development conducted by local council then assessed by the Department of Planning and Environment. The inquiry participants supported delegation to the councils. Delegation would assist in dealing with minor planning proposals. Where delegations occur, the regional council should be able to provide support and clear guidance in

the application of the delegation. The delegation to regional councils is a positive step forward in reducing delays in the planning process and ensuring plans are made with local knowledge, benefitting the local area specifically.

As I mentioned in my opening remarks, progress has been made but there is still work to be done to improve the planning process for regional New South Wales, particularly in the area of greater consultation and reducing the complexities. It is vitally important that there is a whole-of-government approach to regional planning. The committee suggested a one-stop-shop, on which I will not go into further detail, but also the establishment of a regional development New South Wales agency to assist with navigation through the planning process. New South Wales has a fantastic opportunity over the coming years. I commend the recommendations from the report and, as the previous speaker mentioned, the fantastic work of the committee in working together to put forward recommendations that are supported by the whole committee.

The Hon. GREG PEARCE (17:16): In reply: I thank each of the speakers on the debate: the Hon. Paul Green; Mr Scot MacDonald; the Hon. Mick Veitch, deputy chair of the committee; and the Hon. Natasha Maclaren-Jones. I also thank all of the participants in the inquiry, whether they appeared as witnesses or provided submissions. The inquiry was established to assess how regional planning processes can be improved to stimulate regional development and improve the liveability of regional communities. The inquiry received 51 submissions and two supplementary submissions from a range of stakeholders including local government, the Aboriginal Land Council and other local and regional councils, organisations and groups. The committee held two public hearings in Parliament and five hearings in regional areas—Dubbo, Tamworth, Narooma, Albury and Ballina. The inquiry published a total of 23 recommendations.

It is important that the difference between metropolitan and regional areas is recognised within our planning system. Communities within regional New South Wales are home to a wide range of environmental, topographical, agricultural and urban differences, so there should not be a one-size-fits-all planning policy. It was submitted that different regional, coastal and metropolitan planning templates could be incorporated to accommodate the different regions of New South Wales. Minimising planning complexity was a theme about which we heard a great deal. The committee heard a number of points, including that the number of State environmental planning policies needs to be reduced to minimise the complexity and inconsistencies within the current system, and that current coordination and assessment processes are not working as there are too many agencies involved. There is the suggestion that a one-stop-shop approach could be implemented to streamline the coordination and response to development proposals.

The committee heard that approval processes should be streamlined so that duplication of the process does not occur and that each development application should be able to be provided with one overall approval. It was suggested that all zoned areas should be mapped out with a fit-for-purpose code. This would assist developers and communities to understand where certain development can take place and where it is prohibited. Victoria's flying squad model was mentioned as an option, as mentioned by Mr Scot MacDonald in his contribution. That is a working example of how short-term expertise and assistance can be provided to regional and rural areas to ease the backlog of planning requests. Specific mention was made of the Dubbo city infrastructure services model as an example of a better way to levy contributions compared to the current section 94 processes. Consultation with the regions needs to be undertaken in order to establish strategic planning policies that work. It has been acknowledged how essential it was to travel through regional New South Wales and consult with different communities during this inquiry.

Planning policies should assist the economic development and sustainability of Aboriginal communities. The Hon. Paul Green referred to this issue. It was noted by the Aboriginal Land Council that on occasion land given to Aboriginal communities is unusable and more of a hindrance to them due to zoning laws. Those laws need to be reassessed to allow Aboriginal communities to benefit from their land. Local government should work with Aboriginal communities also to facilitate economic self-determination. I thank the committee secretariat, ably lead by Rebecca Main, the Hansard staff and all the other staff who have helped with and participated in producing a useful and valuable report. I look forward to the Government's response.

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

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Budget Estimates 2016-2017

Debate resumed from 2 May 2017.

The Hon. PAUL GREEN (17:21): I will speak briefly on General Purpose Standing Committee No. 2 report No. 45, entitled "Budget Estimates 2016-2017". Budget estimates inquiries provide parliamentary oversight of the budget and are an important mechanism to ensure that the Executive Government is accountable to the Legislative Council. The committee membership included the chair, the Hon. Greg Donnelly, Dr Mehreen Faruqi, the Hon. John Graham, the Hon Matthew Mason-Cox, the Hon. Dr Peter Phelps, the Hon. Bronnie Taylor, and I was the deputy chair. I thank the committee secretariat for the exceptional job it does in organising budget estimates hearings. I also thank the members and non-substantive members of the committee for their participation and input. I acknowledge the Ministers and their staff, who also assisted the committee in its inquiries.

General Purpose Standing Committee No. 2 dealt with several important portfolio areas, including Family and Community Services, Social Housing, Roads, Maritime and Freight, Ageing, Disability Services, Multiculturalism, and Transport and Infrastructure. I was pleased to see the Government's investment in New South Wales. The then Minister for Family and Community Services announced that funding to the department had been increased by \$195 million, giving a total budget of \$6.257 billion in 2016-17. Some of the budget highlights raised by Ministers were the \$1.9 billion provided to ensure that children and young people are protected from abuse and neglect. That included \$560 million in new funding over four years to deliver services and to reform child protection and out-of-home care through targeted earlier intervention, intensive family preservation and restoration programs, and adoption initiatives. In addition, \$1.1 billion was allocated to prevent homelessness and to support people who need help to house themselves. That included \$188 million for crisis homelessness services and refuges to support an estimated 58,000 people seeking assistance this year.

Another \$76 million was allocated for community housing providers to fund leasing subsidies for vulnerable individuals and families in the private rental market. Further, \$280 million was provided over four years for the Future Directions reform of the social housing system to empower people to break the cycle of disadvantage in social housing through improved parenting, health, education, work and training. A further \$163 million was provided to the Aboriginal Housing Office to deliver new housing, to upgrade existing housing, and to support the Aboriginal community housing sector. In addition, \$592 million of capital expenditure was provided for the off-budget Land and Housing Corporation, new social housing, and to upgrade existing housing.

There is no doubt that tonight's Federal budget will be strategic. I hope it will address housing affordability across New South Wales and that the Federal Government has come up with new initiatives. It is not enough simply to attack the housing market; we must also remember that anyone buying or building a second house is contributing to the wider economy by buying whitegoods, furniture, carpets and other floorcoverings. Securing an investment property is not necessarily a bad thing. We need more houses to meet increasing demand, and we should support a variety of opportunities across the housing sector to achieve that. We are talking about housing a wide range of people from the homeless to homeowners.

We do not want the dream of owning a home to be unfulfilled. My brothers and I grew up in public housing, and Mum and dad received benefits from the Federal Government to sustain us as a family until we grew up and left home. Most of my brothers now own their homes, which is a good example of the housing continuum: We lived in public housing and with a hand up we were able to purchase our own homes. We want to encourage people to realise that dream. However, while demand is greater than supply, we are in trouble. If the problem persists, that dream will no longer be realistic. I look forward to knowing what the Federal Government intends to do to address this issue.

I raised my constituents' concerns about domestic and family violence, out-of-home care for children, and youth private rental subsidy programs during the hearings. The committee examined the Ageing and Disability portfolio, which was the responsibility of the Hon. John Ajaka. We heard that \$1.3 billion had been provided for the implementation of the National Disability Insurance Scheme across New South Wales. I believe that as the scheme is rolled out we will see serious teething problems. I encourage the Minister to ensure that regular scrutiny is undertaken to avoid gaping holes and to ensure that any problems that arise are addressed. We must not be caught off guard. If that happens at the grassroots level it will hurt disabled and intellectually impaired people. At the end of the day, we must ensure that vulnerable people get the care they need. At the request of my constituents, I raised their concerns about the need to increase the number of beds in aged care facilities and the Government's response to elder abuse. The more I know about domestic violence the more I believe the Government should consider funding men's refuges.

One of the outcomes of domestic violence is that when the police front up, quite often the mum will be removed because she has been the victim. The department then has to step in because there is also a risk of significant harm to the kids. The mother is not only abused and becomes a victim but also suffers twice because in most cases the kids are removed from the home. I believe that an answer to domestic violence is refuges for men so that men can be rehabilitated and educated to address their issues rather than police having to remove a mother from her home, thus delivering a triple whammy. I encourage the Government to consider men's refuges.

I have been to a men's refuge which has had some good outcomes: Men have been rehabilitated and educated and have been able to get back on their feet. Hope House at Batemans Bay is a refuge for men and there is also one at Coffs Harbour. They are trying to raise money from anywhere they can. Many women's refuges do good work but it would be great if the men's refuges could receive the same funding as women's refuges to enable them to achieve the same outcomes, which would then minimise the disruption of the family home.

The committee talked about WestConnex, which is a major infrastructure project. The Christian Democratic Party always has supported better infrastructure across New South Wales. It means people will travel from A to B more safely and it will allow them to spend more time with their families. We spoke about train and rail issues. I have more work to do in drawing the attention of the Government to rail on the South Coast. I commend the report to the House. We are looking forward to the Federal budget and the New South Wales budget which the Government will bring forward next month.

Debate adjourned.

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: Budget Estimates 2016-2017

Debate resumed from 21 February 2017.

The Hon. NATASHA MACLAREN-JONES (17:32): I speak on General Purpose Standing Committee No. 3 report No. 35, entitled "Budget Estimates 2016-2017". Before I refer to some of the portfolios examined by the committee, I thank all members of the Legislative Council who participated in the inquiry. Although I was deputy chair, at the time I chaired the meeting so I thank them for their assistance. I also thank the committee staff for their assistance and the Ministers and departmental officials for appearing. As per the guidelines, General Purpose Standing Committee No 3, which has been renamed Portfolio Committee No. 3, was required to examine the proposed expenditure for the portfolio areas of Early Childhood Education, Aboriginal Affairs, The Legislature, Education, Mental Health and Medical Research, Women, the Prevention of Domestic Violence and Sexual Assault, as well as Health. The primary role of estimates hearings is to have oversight of the budget, and it provides an important mechanism for the accountability of the Executive Government to the Legislative Council.

The committee held four public hearings and received more than 14 hours of evidence. The first day of hearings dealt with the portfolios of Early Childhood Education, Aboriginal Affairs, The Legislature, and Education. During the hearings, a number of issues were raised, including child care to carer ratios, evaluations of the program Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE], digitalisation in the Legislature, access to the public galleries during sitting hours, and capital works projects in schools. OCHRE is a Government plan for Aboriginal Affairs and is a response to the recommendations of the Ministerial Taskforce on Aboriginal Affairs, the New South Wales Auditor-General and the New South Wales Ombudsman.

OCHRE was developed through comprehensive consultations with Aboriginal community leaders, senior public servants, and members of the general public. It aims to improve service delivery and accountability outcomes relating to education and employment. This is achieved through a number of initiatives including: connected communities, language and culture nests, opportunity hubs, local decision-making models, and an independent Aboriginal council chaired by a coordinator general. As outlined in the report, OCHRE will be undergoing an extensive 10-year evaluation process conducted in three parts, which will commence in 2018. This evaluation will allow the Government to ensure that OCHRE continues to deliver on key outcomes. I commend the former Minister Leslie Williams for her great work in this area. Other matters covered during the hearing included digitalised recording in the Chamber, which allows for the preservation of documents of the Parliament from 1824 to 1901, and enables members of the public, historians, and researchers to access important historical records online. These documents are historically significant not only to our Chamber but also to this State's history.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. NATASHA MACLAREN-JONES: I note the interjection of the Hon. Dr Peter Phelps, who is a historian. These documents are also significant to Queensland, Victoria and Tasmania, which were the first to use digitalised records. The second group of portfolios examined by the committee were those of Mental Health, Medical Research, Women, Prevention of Domestic Violence and Sexual Assault, and Health. During the hearings on those portfolios a number of issues were raised including: redevelopment plans for the Cumberland Hospital; refuge and other services available for people experiencing domestic and/or sexual violence, including those with companion animals; and the Domestic Violence Disclosure Scheme. Mental health and mental wellbeing are important policy areas and improving our mental health facilities is a vital component of ensuring that the best standards of care are provided.

As one of the largest public mental health inpatient facilities in Western Sydney, the Cumberland Hospital plays an important role in providing quality care and services for a significant proportion of people in New South Wales with mental health needs. The \$2.1 million safety infrastructure upgrade to the Cumberland Hospital includes: swipe card installation, improvements to the courtyard, the installation of disability access ramps, and refurbishments to fencing, all of which will help to improve the delivery of these services. This is in addition to the Western Sydney Local Health District's strategic plan and the implementation of recommendations arising from two recent external reviews of adult mental health clinical services, and child and adolescent mental health services. The Western Sydney Local Health District is developing a local mental health clinical services plan to meet the needs of the community and to establish a better system through to 2026. The major focus will be on providing treatment in the community where possible and on early intervention strategies to reduce the impact of mental illness.

Equally important is the issue of domestic violence, which the Government is addressing through a \$300 million-plus package for specialist domestic violence services and through approaching the issue in a holistic and systematic way. This means a coordinated approach between the portfolios of Police, Health, Family and Community Services, and the Attorney General's office, which will allow for earlier intervention and prevention. An example of this approach can be seen in the Domestic Violence Disclosure Scheme [DVDS], which is currently underway. People who feel they or someone they know may be at risk can submit an application form at a police station in a pilot region in which they live. If police assess the applicant to be at serious risk, they will be notified of any relevant convictions within 48 hours, allowing that person to make an informed decision about a relationship they may have entered into or are about to enter into. Given that domestic and family violence is often characterised by a pattern of abusive and controlling behaviour, the DVDS assists people in making informed decisions. Again, I thank my committee colleagues for their participation and the staff involved.

The Hon. WALT SECORD (17:38): I make a brief contribution to the report of General Purpose Standing Committee No. 3 entitled "Budget Estimates 2016-2017". It canvasses a number of portfolios—Early Childhood Education, Aboriginal Affairs, The Legislature, Education, Mental Health and Medical Research, Women, and the Prevention of Domestic Violence and Sexual Assault, and Health. My comments will relate primarily to Health. It might surprise members, but I will limit my contribution. The committee held a number of hearings and examined a number of health matters.

There was misidentification of deceased patients at the Royal North Shore Hospital, the chemotherapy under-dosing at St Vincent's Hospital, the Central West clinics and the Macquarie University Hospital as well as the activities of Dr Phadke at the Sutherland and St George hospitals. It also examined the helicopter based at the Lismore Base Hospital as well as life expectancy among Aboriginal people. It is quite interesting that we have a new Minister for Health but we have the same problems. With the arrival of Brad Hazzard and the departure of Jillian Skinner, the system lurches from crisis to crisis. We have record-long waits for elective surgeries. I see the Hon. Duncan Gay muttering in the background. I thought he was having dinner with Mrs Skinner.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! I remind members that they should not acknowledge interjections.

The Hon. WALT SECORD: He was interjecting. He was going to have dinner with Mrs Skinner.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Deputy Leader of the Opposition will not acknowledge interjections. He will be heard in silence.

The Hon. Duncan Gay: Point of order: My point of order is with respect to relevance. This debate is about a report relating to budget estimates. At the time of the budget estimates the Hon. Jillian Skinner was the Minister.

The Hon. WALT SECORD: I was talking about her.

The Hon. Duncan Gay: The honourable member was talking about the Hon. Brad Hazzard.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! I have taken some advice and my understanding is that broad latitude is given to members debating the estimates committee reports. I do not uphold the point of order, but I again ask the member not to respond to interjections.

The Hon. WALT SECORD: Before I was so rudely interrupted I was commenting that the health and hospital system lurches from crisis to crisis. We had an old Minister and then a new Minister but we have the same problems. We have the longest elective surgery lists in Australia—the longest ever on record in New South Wales. Emergency departments and hospitals are bursting at the seams. We have had patients lying on floors and a health system that lurches from crisis to crisis.

We have low vaccination rates on the North Coast and in parts of Sydney, the northern beaches and eastern Sydney. Vaccination rates are well below the acceptable level, which is 95 per cent in order to give herd immunity. Stroke victims have been forced to have family members drive them to hospital when doctors have told them, "This is really serious. Drive yourself to hospital but do not stop for a coffee on the way." We also have the second longest ambulance waits in Australia after Tasmania. Ambulance response times are faster in Brisbane and the Gold Coast in Queensland and in Adelaide.

There have been a record number of complaints about this health and hospital system. In the Annual Report 2015-16 the Health Care Complaints Commissioner, the State's health watchdog, said that we had 6,075 official complaints. That is an all-time high. It is a 47.1 per cent increase in the last five years. Commissioner Sue Dawson told us that the number one complaint was with respect to treatment. The number of complaints has skyrocketed in the last five years and the blame can be laid squarely at the feet of the Berejiklian Government because it has failed properly to resource the health and hospital system.

The besieged health Minister has been replaced by a new one but the old problems remain. There has been a significant increase in the number of complaints, from 4,130 in 2011 to 6,075 in 2016. In one year alone there has been a 15.4 per cent increase in the number of complaints. The three most common complaints are about treatment, 42.3 per cent; patient-doctor communication, 17.2 per cent; and complaints about professional conduct, 14.9 per cent. Complaints have become much more complex. Commissioner Sue Dawson described some complaints as being about "new frontiers of medicine" including strange cosmetic procedures. We heard about a procedure called "threading" conducted by non-registered practitioners, which the Government is not monitoring and not overseeing.

We heard that there were 3,915 complaints about individual health practitioners—a 13.6 per cent increase. There also has been an 18.8 per cent increase in complaints against psychologists—a new area where there has been a large number of complaints. On the positive side, I can inform the Hon. Bronnie Taylor, a former nurse, that complaints against nurses and midwives dropped. Unfortunately doctors, nurses and other health professionals are not receiving the support that they require to provide quality health to patients. Sadly, another day brings another crisis in the health system. Premier Gladys Berejiklian has replaced Jillian Skinner but the health problems remain.

I now turn to the Independent Bureau of Health Information, the independent research office that monitors more than 80 emergency departments in New South Wales. Its research shows that a record number of patients now present to emergency departments, and that the elective surgery lists are continuing to grow. A record 684,740 patients presented to emergency departments in the most recent quarter compared to 450,000 a quarter a mere five years ago. The health system is under enormous pressure. Statewide, more than a quarter—25.7 per cent—of the State's patients waited longer than four hours in emergency departments. Western Sydney hospitals again had the longest waits in emergency departments, with Blacktown, Westmead and Bankstown hospitals recording poor performances in treatment times compared to results of the previous year. Five of the State's most under pressure and stressed hospitals were in Western Sydney, with almost half of all patients at Liverpool waiting longer than four hours. The most stressed hospitals, in order, are Liverpool, Blacktown, Westmead, Campbelltown and Nepean.

The difficulty in accessing GPs saw emergency departments flooded in the triage categories 4 and 5—non-urgent and semi-urgent patients. The Bureau of Health Information data in the period October to December 2016 showed that the State and Federal Liberal and Nationals governments' health policies were failing patients, with more than half—51.4 per cent—of the patients in emergency departments falling into the triage 4 and 5 categories. Triage 4 and 5 categories are non-urgent cases, such as earaches, sprains and abrasions—things that should be treated by a general practitioner. As of 31 December a record 73,617 patients were waiting for elective surgery. That was an all-time high—an increase of 481 patients. Behind every one of those patients is a story—for example, a story of a grandparent who cannot see their grandchild or drive a car, or a child who misses school because of tonsillitis.

The average wait for a knee replacement in New South Wales is 288 days. For a tonsillectomy the wait is 236 days and for cataract removal the wait is 216 days. The wait for a hip replacement is 203 days and for ear, nose and throat surgery 127 days. But those figures do not give the true picture. Those figures count the days from when a patient is put on a specialist list, so the wait is even longer than that. In some parts of Western Sydney the wait for cataract removal is up to four years. I have had people in my office crying because they could not see.

The story is even worse on the North Coast. Independent Bureau of Health Information research shows that hospitals on the North Coast continue to be under enormous pressure. At this very moment there are 4,648 patients waiting—that is an increase of 276 patients over the same time a year ago. At the Lismore Hospital 1,555 patients are waiting. At the Tweed Hospital there are 946 patients waiting. Doctors at those hospitals will

tell you that the wait is even longer: There is a waiting list to get on the waiting list. The wait for cataract removal at the Lismore Base Hospital is 333 days. [*Time expired.*]

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

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Childhood overweight and obesity

Debate resumed from 21 February 2017.

The Hon. SCOTT FARLOW (17:49): I note at the outset the contribution of the Hon. Bronnie Taylor, the former Chair of the Standing Committee on Social Issues, who has been elevated to the position of Parliamentary Secretary and was not able to see the inquiry, which she established, through to its conclusion. In many ways she is the mother of this report, although I do not know that she would agree with all of the recommendations because many do not. I pay tribute to the committee staff, who did a wonderful job in shepherding us and dealing with all the eclectic interests of members—in particular, Rebecca Main, and also Sarah Dunn and Belinda King—for their hard work.

In recent years overweight and obesity has become a big problem in Australia. Specifically, instances of overweight and obesity among children have increased substantially. I will give a snapshot of the magnitude of this problem. In 2014 overweight and obesity among school-aged students 12 to 17 years was highest in western New South Wales, with Far West local health districts having a childhood overweight and obesity rate of 30.4 per cent, the highest in New South Wales. In total, 20 per cent of children aged two to four years are above a healthy weight, with over 80 per cent of those children going on to become obese adults. This can reduce a person's life expectancy by three years and in severe cases by eight to 10 years. In comparison only 15 per cent of children within a healthy weight range become obese adults. The 2015 NSW Population Health Survey estimates that 15 per cent of children aged five to 16 years are overweight, 7 per cent of children aged five to 16 years are obese, and this data has remained relatively stable since 2007. It remains some comfort for policymakers that the situation is not getting worse.

The Hon. Dr Peter Phelps: And it gives lie to the obesity epidemic myth.

The Hon. SCOTT FARLOW: And I am sure the honourable member will have lots of comments on that. The committee's terms of reference reflect this information and specifically inquire into how to reduce childhood overweight and obesity. The inquiry was initiated by the former Chair, the Hon. Bronnie Taylor, who has a significant interest in this area and in health matters generally. I took over the chairmanship, I think on the day of the inquiry or just before, thinking it would be a small deliberative meeting. However, it turned out to be a public inquiry, so it was a baptism of fire but one I relished. I commend the Deputy Chair, the Hon. Greg Donnelly, for his work and his assistance. I commend also committee members Reverend the Hon. Fred Nile, the Hon. Penny Sharpe, the Hon. Shayne Mallard and the Hon. Dr Peter Phelps, who may have resisted the inquiry but relished the opportunity as it progressed, for their hard work.

The committee received 42 publicly available submissions from a broad and diverse group of stakeholders, including public health advocacy groups, libertarian organisations, government departments, the medical fraternity, and business and sporting organisations. A diverse range of organisations were involved in the inquiry and I thank them for their submissions. I thank everyone who appeared before the inquiry, of whom there were many. I turn now to some of the recommendations. Recommendation 1 was that the Government consider audit and compliance processes in the 2017 Fresh Tastes—Healthy School Canteen Strategy. School canteens have a significant impact on the diet of school students.

The Healthy School Canteen Strategy aims to ensure that the majority of food sold in canteens is nutritious and healthy while providing choice for students. The Healthy School Canteen Strategy is currently under review and the committee recognises the need for an appropriate audit and compliance process for the new canteen strategy across all New South Wales schools. I note that although we have not received a government response to the recommendation, the Government has outlined some proposals with respect to star ratings in school canteens. The Premier noted issues as a school student and some of my issues stem back to the finger bun that used to be part of the school lunch. Recommendation 2 was to encourage more participation in the NSW Premier's Sporting Challenge to a broader range of schools and students. We are all familiar with the Premier's Reading Challenge.

The Hon. Ben Franklin: Excellent.

The Hon. SCOTT FARLOW: I agree it is an excellent program and it receives a lot of attention. The Premier's Sporting Challenge is a bit of an unknown gem and only 100 or so schools are involved. It was part of the committee's recommendations that the sporting challenge be a tool of government to be used in our schools to increase the participation rate. Recommendation 3 was to encourage collaboration with secondary schools and non-government organisations to implement programs to reduce sedentary behaviour and healthy eating programs to reduce overweight and obesity. Most efforts aimed at reducing overweight and childhood obesity so far have been targeted predominantly at primary school students, who are a little more enthusiastic about participating in programs. Greater emphasis should be placed on targeting students in the secondary education age group regarding the Premier's Sporting Challenge.

Recommendation 4 was to make available training programs for primary school teachers in physical education, with resource sharing between schools. Quite a few recommendations related to the training of physical education. It is not necessarily a proposal that there be a physical education teacher in every school across the State but there is opportunity for the sharing of resources between schools. While primary teachers are often not trained in physical education, some schools do not have any teachers with such training. Increasing training available to teachers and/or teacher sharing options between schools are possible ways to improve resources. Often teachers will design programs with respect to their own predilections. One of my primary schoolteachers was a very keen walker so walking was our sport in that class.

The Hon. Ben Franklin: How many steps?

The Hon. SCOTT FARLOW: It was quite a few steps; she liked a good long walk. Another teacher was interested in aerobics and, no, I am not going to put on bike shorts and do a rendition of Mr Blundell's—

The Hon. Bronnie Taylor: Do the grapevine.

The Hon. SCOTT FARLOW: Well, it was the grapevine, and the Nutbush was part of the aerobics. I remember "Ain't nothin' gonna break-a my stride" was part of it as well. There were quite a few things, but this of course would add a little more discipline. I should add a little more discipline to my remarks as well. Recommendation 5 was to incorporate nutrition and cooking into the personal development, health and physical education [PDHPE] school curriculum, to reduce childhood overweight and obesity. That led on to the next recommendation, which was funding for pilot programs such as the Stephanie Alexander kitchen garden to target schools with high rates of childhood obesity and overweight. Some of the strongest cynics on the committee thought that this could not work but we went out to the Annandale Public School and saw the program underway at that school as well as the enthusiasm of the kids to be involved in the Stephanie Alexander kitchen garden program.

The Hon. Dr Peter Phelps: They slaughter their own animals.

The Hon. SCOTT FARLOW: I do not know about that, unless you define vegetables as animals, which some in this Chamber may. It was amazing to see the students so engaged in the program and being taught healthy eating principles. The committee witnessed that work firsthand and we were very grateful to the students from the Annandale Public School for their contribution and for the lovely meal that they prepared for us as well; it was a wonderful aspect of the committee inquiry. Funding such pilot programs with an aim for a more extensive rollout of this program is an active method to reduce childhood obesity and overweight.

Recommendation 7 was that we investigate options to reduce the cost of organised sport for children, possibly in the form of vouchers. I know the Hon. Dr Peter Phelps is a big supporter of vouchers, even as a first step. The cost associated with sport is a persistent barrier to entry for low socio-economic families. The amount of funding provided to sporting organisations has not changed from 2000 when it was \$2.5 million. As the State has minimal tax leverage, a voucher system could be the most effective way to increase sporting activity participation. Such a system was introduced in Queensland and I think it was raised with us by some of the sporting bodies that appeared before the committee.

Recommendation 8 was that we should incorporate childhood obesity and overweight in programs targeting pre-conception, pregnancy and the early stages of life. I found quite startling figures from the Department of Health in terms of the path of childhood overweight and obesity. The path can start in the pre-conception period and in the pregnancy period. That means some children really have a handicap when it comes to their future weight and better understanding of those issues is important. Parents are key influencers for the eating habits and physical activity of their children. More support for parents during pre- and post-conception and advice relating to nutrition and physical activity to reduce childhood obesity and overweight were recommended by the committee.

Recommendation 9 was that we continue implementing family-oriented programs to address childhood obesity and overweight, such as Go4Fun. This is a program targeted at seven- to 13-year-olds and is offered to children and their families by a qualified health professional. Recommendation 10 was that we improve

cross-agency collaboration in urban planning processes by improving collaboration in urban planning to cater for active lifestyles through footpaths, cycleways and open spaces. It would include increasing dialogue between engineers, architects, urban planners and food scientists to assist the urban planning process.

Recommendation 11 was to continue to work in the area of active travel to school. Of course there are a lot of barriers to active travel to school. We would like to see children walking to school, but in modern Australia that is not necessarily possible with people commuting a lot further to school and with parents, with their busy schedules and lives, unable to escort their kids to school. We looked at additional funding for bike racks at schools, building safe and connected bike networks, and increasing the legal age to 16 to for riding on footpaths. These considerations may increase participation rates. There was also some commentary about the requirement to wear bicycle helmets that sometimes proves to be an impediment to children riding to school. Recommendation 12 was to increase sharing of sporting facilities between State and local governments with schools and sporting organisations. In Queensland schools have often been orientated so that their sporting fields are on the outside so that they can be shared with the community.

The Hon. Bronnie Taylor: That's a good idea.

The Hon. SCOTT FARLOW: A good idea indeed, as the Hon. Bronnie Taylor says. Recommendation 13 was that we oppose any suggestions for bans on donations from food and beverages companies and restaurant and chains to sporting clubs and organisations. Corporate and private philanthropy allows for the development of children's sport in New South Wales, which allows clubs to keep down their costs. Any move to bans such funding without alternative income sources would have a detrimental impact on participation rates, particularly affecting those children in low socio-economic families. I note that there was division between committee members on this recommendation, with members on this side of the Chamber supporting the recommendation and those on the other side of the Chamber perhaps not supporting it.

Recommendation 14 was to improve the food labelling system in Australia through the Council of Australian Governments [COAG] to make sure that there is clear and accessible nutritional information about food, which is essential. Throughout the inquiry process I raised my concerns with the star-rating system and some of its perverse ratings. Recommendation 15 was that we investigate the concept of healthy deserts and consider mapping food deserts across New South Wales. Recommendation 16 was that the Ministry of Health seek collaboration with non-government organisations [NGOs] and the private sector to support the Premier's priority to reduce childhood obesity and overweight. It should be reflected that this was a Premier's priority.

The committee received a number of submissions about a sugar tax. The committee recognised that any implementation of a tax on sugar-sweetened beverages in Australia falls under the jurisdiction of the Commonwealth. However, it noted that the level of sugar-sweetened beverage consumption in Australia has declined since 1997, yet there has been no significant impact on the rates of childhood overweight and obesity. Further, when there was a reduction in the taxation rate of sugar-sweetened beverages with the introduction of the GST, there was no demonstrable increase in sales. This is why I believe that there should be no tax on sugar-sweetened beverages. I commend the report to the House.

The Hon. Dr PETER PHELPS (18:04): The Standing Committee on Social Issues report on childhood overweight and obesity could have been yet another chapter in the expanding volume of the library of public health totalitarianism which we have seen in this State and around the nation. I reiterate a point I have made in this place before about the insidious level of nanny state-ism running through Australian political discourse. It is not the job of government to tell people how to live their lives, nor is it the role of government to tell parents how to raise their children.

I am happy to say that the first amendment to this report came from me and that it was accepted. The amendment moved us away from congratulating the Premier on having a childhood obesity target to merely noting that the Premier of New South Wales, at that stage Mike Baird, had a childhood obesity target. This is the sort of stupid proposal that one can bet was dreamed up in some focus group that asked, "What sorts of policies can we incorporate to appeal to North Shore mummies? I know—let's go after fat kids." The real problem is that, in fact, there is no obesity epidemic. The obesity epidemic is a myth, especially an obesity epidemic among children. For example, the most current report of the Australian Bureau of Statistics says:

Around one in four children ... aged 5-17 years were overweight or obese, similar to 2011.

That statement made me go back to the 2009 ABS report, which said:

In 2007-08, one-quarter of all Australian children ... were overweight or obese ...

So I went back even further and noted that this number has not changed. The obesity epidemic is so great that there has been no real change in the number of overweight or obese children. I went back even further and found that, based on children's body mass index [BMI], from 1995 onwards—in other words for the past 20 years—

there has been no substantive change. Indeed, the ABS makes the point in its 2009-10 yearbook that differences between the numbers in 1995 and 2007-08 are not statistically significant. That means that there is no statistically significant difference in the number of overweight children between 1995 and 2007-08—and by implication at the current time. The whole idea that there is an obesity crisis or an obesity epidemic is complete and utter bunkum.

It is true that there is among certain sections an increase in obesity as opposed to overweight. Why would that happen? The simple fact is that more and more boys in particular are adopting sedentary recreational activities. Why has that come about? In the past 20 years we may have noticed the ready availability of gaming consoles and computers. There is quite an interesting gender gap variation. I do not want to disrespect gamer girls, who are active in the gamer community, but the simple fact is that there is an increase in sedentary lifestyles. This fact has been repeatedly recognised by the ABS. Instead of accepting this, we have a vision of collective punishment where we punish the entire stratum of children because of the obesity of a very small number. I took the people at their word and suggested that if we are going to use the coercive power of the State then:

The full coercive power of the State must be brought to bear on children who do not meet the health ideal that the State sets for them. Children at government schools who are overweight or obese should therefore be subject to additional mandatory physical activity during their time set aside for lunch. The nature of this should be mandated by the Department of Education along the lines of school calisthenics programs from the 1940s or 1950s. That recommendation was not taken up because it would have proved my point that basically it would be imposing a collective punishment upon a whole cohort of people based on the alleged failings—the failings as far as the State is concerned—of these children to be sufficiently thin. Instead what we get is a collective punishment. Thus there is a joint press release from the Premier of New South Wales, the Hon. Gladys Berejiklian, and the Minister for Education, the Hon. Rob Stokes, who said on 28 February 2017 in their Healthier Menus for School Canteens press release:

This is not about restricting choice—it's about ensuring the choices of food available are healthy ones ...

But the press release also says:

Under the new strategy, fruits, vegetables, sandwiches, salads, pasta, and stir fries will make up at least 75 per cent of the menu.

They are saying, "It is not about restricting choice, but we're going to restrict choice." Is there a more Kafkaesque press release than this? "We're not restricting choice; we're just restricting choice." That is the sort of nonsense we face. The press release goes on to say:

Pies, sausage rolls and pizzas can be available at all times as occasional foods providing they are above the 3.5 star rating.

Welcome to the New South Wales education system where, in health and personal development classes and sex education, students can be told, "It's okay to fellate your boyfriend three times a week, but because of health requirements you can have a sausage roll only once every semester." Welcome to public health in the New South Wales education system. Who are the people pushing this nonsense? There is a willing cohort of public health activists who are always ready to fabricate a crisis to get on the public teat and get a bit of Government money. There will be someone at Deloitte punching in the numbers for any crisis, whether it is ingrown toenails or tinea, who will tell us that the ingrown toenail crisis in Australia is worth \$27 billion and the Government should do something about it. The simple fact is that this also is bunkum.

The costs of these sorts of things, and especially of obesity, are not medical costs or cash costs but intangible lifestyle costs. It is the suffering that people endure that is hypothecated into actual dollar figures. The simple fact is that this is also bunkum. If cost is not the real issue, what is it? It is all about control. One of the things I will say to Labor members opposite is that they understood exactly what this is about. This is a nasty class-based attitude at work based on the health professionals who live east of the Red Rooster curtain and the people who live west of the Red Rooster curtain in Sydney. We always hear about the great number of grocery shops versus fast food outlets in Western Sydney, the consumption of soft drinks in Western Sydney and the obesity levels in Western Sydney. There is a dirty little class-based war from Eastern Suburbs health professionals and health totalitarians against the people of Western Sydney.

I wondered where I had heard these sorts of words before and then I remembered that they arose with the sumptuary laws in the time of King Edward III, which said that people should limit themselves to the class of food that they should eat. More importantly, they were directed to eat only two meals a day except on saints days. These were sumptuary laws of an upper class that decided that the working classes were getting above their station and therefore needed to be corrected. The God of Edward III's time has been replaced by the god of public health. There are chilling overtones to this—the presumption being that your body belongs to the state and that the state has the right to tell you what to do with your body, and the right to tell parents that they are insufficiently parental and not looking after their children's bodies. Quite frankly, I find this to be the most disturbing element: the easy acceptance of this idea that your body belongs to the state.

After all, if you look at the arguments that are used more often than not and the statistics for soft drinks—and I recognise the member's comments on sugar taxes—you will see that it is not based on any real evidence. In Australia there is a declining consumption of sugary drinks in the entire population and most notably among children. The only real growth in soft drinks happens at the level of those aged 50 and over. Why does this happen?

Because there are people who believe that your body belongs to the state. It is the mantra of public health totalitarians everywhere. It has unfortunate resonances with the totalitarian regimes of Europe in the 1930s, whether of a red or a black variety. Both basically said that your body belongs to the state. When we accept that as a basic premise, we have lost the true meaning of what it is to be a classical liberal in this day and age.

The Hon. SHAYNE MALLARD (18:14:5): As a member of the Standing Committee on Social Issues, I speak in support of report No. 51, entitled "Childhood overweight and obesity". This report is an important and timely review of the Government's progress in meeting the former Premier's target to reduce childhood overweight and obesity by 5 per cent by 2025. In summary I can report that we will be hard pressed to meet that goal, as we found when negotiating the complex issues involved and the stakeholder responses to the inquiry.

This report makes some practical recommendations that I support and some of which I will expand upon. Let us start by acknowledging there is a problem. As we heard from the previous speaker, not everyone agrees that it is a problem that the Government needs to be involved in solving, but that is a libertarian notion that the inquiry overwhelmingly rejected. Twenty-two per cent of children aged between five and 16 years New South Wales are overweight or obese. For secondary school students the figures are even higher, ranging from 25 to 30 per cent in western New South Wales, western and south-western Sydney. This can seriously impact on their health and wellbeing, with increased health risks of type 2 diabetes, fatty liver disease, orthopaedic disorders and psychosocial problems. These are facts about the costs to both individuals and communities of excessive weight gain.

The number of children overweight or obese has remained stubbornly stable since 2007 and is viewed by some as an epidemic. The former New South Wales Premier made this one of his 12 key priorities and set a target to reduce childhood overweight and obesity by 5 per cent by 2025. Childhood overweight and obesity is a complex issue influenced by a variety of factors that will take more than just a single strategy to combat. Unhealthy lifestyle choices have contributed to the prevalence of childhood overweight and obesity with only 28.2 per cent of children aged between five and 15 years achieving adequate levels of physical activity and 16.3 per cent of children aged between two and eight consuming unhealthy snacks daily.

This report advocates for a multifaceted approach at all levels of government and across the non-government sector. In schools we have made recommendations on the Fresh Tastes @ School NSW Healthy School Canteen Strategy, the NSW Premier's Sporting Challenge, as we heard from the Chair of the committee, training for primary school teachers in physical education and funding for a school kitchen garden pilot program incorporating nutrition and cooking within the personal development, health and physical education school curriculum. I turn to the economic costs of obesity, about which inquiry participants had differing views. Some suggested there was a significant cost, especially to the Australian health system while others asserted this was not necessarily the case.

In 2008 a study conducted by Access Economics for Diabetes Australia estimated the economic impact of obesity in New South Wales to be \$19 billion, of which \$2.7 billion is attributed to financial costs, including productivity losses and \$16.3 billion to loss of wellbeing. However, the Australian Taxpayers' Alliance and MyChoice Australia referred to a Productivity Commission working paper that noted the costs associated with the loss of wellbeing due to obesity are "highly exaggerated calculations" and these are not financial costs burdening State governments but costs that are "borne by the individuals themselves". Nevertheless, a number of other inquiry participants put forward an economic argument for reducing the rates of overweight and obesity. Alzheimer's Australia NSW indicated that reducing the rate of obesity will benefit individuals "through reduced health costs, improved quality of life and longer life expectancy", and also will benefit the Government and employers "through reduced public healthcare costs and improved productivity".

I now address school and early childhood based strategies. The committee heard that school canteens play a significant role in educating and providing children with healthy and nutritious food. I was sceptical of this at first, calculating that school canteens could in theory provide approximately 200 meals at most to a child, while approximately 1,100 would be provided at home. While the type of food children eat at school may not be the major contributor to a child's obesity, the school canteen is providing meals in an intense educational environment. Therefore, the type of food available at school shape a child's learning about good nutrition, and I accept that. The school canteen guidelines are currently underpinned by the State Government's Fresh Tastes @ School Healthy Canteen Strategy, which was implemented in 2005 and is mandatory across all New South Wales public schools. New South Wales Catholic schools are advised to implement the strategy, and New South Wales independent schools are encouraged to follow the strategy.

In my view, with significant public funding and the public health objective, both sectors should be required to implement the strategy. However, it is clear that a review of the Fresh Tastes @ School Healthy Canteen Strategy was needed, with several inquiry participants raising a number of issues about the current strategy. Both the Stephanie Alexander Kitchen Garden Foundation and the Obesity Policy Coalition highlighted

the limited uptake of the strategy across schools, noting anecdotally that "less than 10 per cent of schools ... are doing it" and the Obesity Policy Coalition indicating only between 20 and 25 per cent of schools were found to be complying with the strategy.

Many inquiry participants called for a focus on teaching nutrition and cookery skills to children, pointing out that school-based cooking classes are no longer compulsory and that families have limited time to teach their children how to cook or to cook meals from scratch at home. We also heard that recipes and cooking traditions are no longer passed down from family members and, sadly, people are reaching adulthood with no skills on how to cook for themselves or a whole family.

One program that is bringing practical cooking skills into schools is the Stephanie Alexander Kitchen Garden Program, which is a hands-on learning experience from which children gain knowledge of the food production cycle, and gain skills in growing food, cooking and sharing a meal. The program integrates mathematics, literacy, history, science, language, art, sustainability and more into kitchen and garden activities and in the classroom setting. The Stephanie Alexander Kitchen Garden Foundation program is incorporated within the regular school timetable so it is not an incursion for school teachers and is incrementally established over a minimum of two years.

As part of the program, teachers are provided training and given a syllabus to follow week to week, and are then able to incorporate other aspects of the curriculum within the program, such as maths or science. Currently the Stephanie Alexander Kitchen Garden Foundation program is being delivered to 218 New South Wales schools, with approximately 27,000 children participating annually in the program. It should be applauded. The program receives funding from the Victorian, South Australian, Queensland, Australian Capital Territory and Australian Federal Governments. The foundation and its programs have never received funding from the New South Wales Government.

During the inquiry committee members visited the Annandale Public School, as we have heard. The committee witnessed the great impact that the Stephanie Alexander Kitchen Garden program has had on schools, most importantly the students' enthusiasm. Members interested can turn to page 31 of the report for some entertaining pictures from our visit where we heard all about the program. We helped harvest crops and enjoyed meals cooked and served by the students. The committee strongly recommend that the New South Wales Government fund a pilot program for hotspots for programs such as recommendation 6, that the New South Wales Government fund a pilot program similar to the Stephanie Alexander Kitchen Garden program, to target areas with a high prevalence of childhood overweight and obesity. Thank you to the teachers and students at the Annandale Public School for allowing our committee to descend upon them that day.

Key social challenges identified by inquiry participants included urban planning, which is an area of interest to me. Participants identified the role of urban design and the importance of considering health objectives in urban planning to address the prevalence of obesity and overweight in modern society, including such basic things as footpaths, cycleways and open space in urban plans, to encourage physical activity. Professor Margaret Morris from Nutrition Australia raised the environmental aspects of obesity and the need for spaces that provide adequate opportunities for physical activity. There is a need for urban planning to generate healthy built environments that normalise physical activity, such as creating attractive residential areas where people can feasibly walk or cycle to essential services such as the local shops, school or even work, providing safe, activity-friendly open and green spaces.

The City of Sydney City Access Unit outlined the contribution urban planning makes to public health, that footpaths, open spaces and cycleways are integral to the public health of our communities. The City of Sydney City Access Unit provided the example of the development of Green Square as a planning process with a focus on health outcomes. Green Square will be home to 61,000 people and was developed as a walkable neighbourhood, where services and facilities can be accessed easily by foot or by bicycle. Active travel to school was one element that could be focused on to increase the physical activity level amongst children and young people. Active travel for children and young people has declined significantly over the past 40 years, with the rate of children walking, cycling or using public transport to travel to school dropping by 42 per cent between 1971 and 2013.

A study conducted within the Sydney Greater Metropolitan Area reported that in 2014-15 only 20.5 per cent of children aged five to 11 years and 35.3 per cent of young people aged 12 to 17 years travelled by a mode of active travel. The predominant mode of transport was found to be via motor vehicle amongst children within this age group across the past 10 years. Increasing children's active travel to school would potentially lead to an increase in physical activity and improved health outcomes, along with a reduction in traffic congestion and carbon emissions around schools. Australian Health Promotion Association (NSW Branch) reported findings that children who travel to school actively perform better at academic tasks compared with those who are driven.

In addressing this report I have only touched on several areas to highlight what I think can be the most effective way to address this issue. Other members, no doubt, will discuss other recommendations, including whether a sugar tax would work, and improving sport participation and food labelling laws, which we canvassed. As I said at the outset, to argue that there is no crisis or epidemic and that it is all about personal choices and government should not be involved flies in the face of all the medical evidence and the expectations of maintaining community health that society places upon good government. That is important—the expectations of good government. This was referred to the committee by the Hon. Jillian Skinner and I congratulate her on that. I also pay tribute to the committee staff and my colleagues who served on the committee. I commend the report to the House.

Debate adjourned.

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: Inner city public primary school enrolment capacity and redevelopment of Ultimo Public School

Debate resumed from 21 February 2017.

The Hon. NATASHA MACLAREN-JONES (18:26): I am pleased to speak on the report entitled "Inner city public primary school enrolment capacity and redevelopment of Ultimo Public School". Before I begin to speak to the report I note that the previous chair of the committee, the Hon. Mike Gallacher, unfortunately was not able to speak as he is no longer a member of this House. However, as the deputy chair of the committee, I thank all members for their contributions and also the secretariat staff for their support and work in organising a site visit to the Department of Education offices in Ultimo, Ultimo Public School, the Fig and Wattle Street site in Ultimo, and also Anzac Park Public School, Cammeray. If any members have the opportunity to visit or would like to look at a redevelopment of a new school, I suggest going to the Anzac Park Public School in Cammeray. It is a fantastic new school, which will accommodate close to 1,000 students, with fantastic playing fields on a raised level. It has also utilised the roof space. The site visits provided committee members with a valuable opportunity to further our understanding on the issues and also the complexities of capacity and redevelopment of inner-city public schools.

As Sydney continues to grow and the demographics change, enrolment rates continue to rise in inner-city public primary schools. The Department of Education is committed to utilising its resources to ensure that all children residing in inner-city areas who wish to attend a public school are able to do so. The catalyst for this inquiry was the Department of Education's decision to redevelop Ultimo Public School, which was considering using its initial site and also the option of purchasing an alternative site from the council of the City of Sydney at the corner of Fig and Wattle streets. The decision not to proceed with the Fig and Wattle streets site was ultimately due to the discovery of serious contamination and the complexities and associated costs of remediating the site. This was further complicated by the conflicting views held by the Department of Education and the council of the City of Sydney over the extent of remediation necessary and therefore the minimum costs and different methodologies required to carry out such remediation, with the department favouring a more thorough and therefore more costly remediation process.

Furthermore, the inability of the department and the council of the City of Sydney to reach an agreement on access terms to the Fig and Wattle streets site meant that the environmental consultants were unable to conduct further tests, such as drilling work. Had the council of the City of Sydney granted access to the department to conduct further testing, the amount of remediation and level of contamination on the site would have been clarified, and possibly other options could have been considered to proceed with the plan. Without access to the site and having regard to public health, the department concluded that the only safe remediation option from a risk-management perspective was the full removal of all contaminated soil. This course of action was estimated to cost well over \$53 million. Following its decision not to proceed with the purchase of the Fig and Wattle streets site, the department focused on redeveloping Ultimo Public School on its current site.

The committee heard that this was the preferred option, together with an expansion of Fort Street Public School, because these schools have the greatest demand from projected increases in student enrolments as well as the capacity for expansion. The redevelopment involves the construction of a new school with an expanded capacity of up to 800 students, which is an increase in the current enrolment of 320 students. It also involves relocating the students who now attend Ultimo Public School to the temporary pop-up site at Wentworth Park during the construction of the new school, which will take approximately two years. The new school on the existing site will showcase state-of-the-art learning spaces, similar to those at the new Anzac Park Public School at Cammeray. Features in these spaces include mobile touch screens.

Debate adjourned.

*Adjournment Debate***ADJOURNMENT**

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

NORTH COAST FLOODS

Mr SCOT MacDONALD (18:30): The day after Anzac Day, I inspected flood damage in the Tweed. I had seen media reports, and friends and family I spoke to tried to convey the extent of the damage, but only by witnessing the aftermath can one come near to appreciating the trauma experienced by the community as a result of this event. Between 500 millilitres and 740 millimetres of rain was recorded in the 24 hours up to 2.00 a.m. on 31 March. No natural or built system in its pathway can withstand those forces. We know about the two young children and their mother who were lost in the raging Tweed River, and the three other lives lost. The Tweed community quickly rallied around everyone who suffered, and most particularly the King and Kabeolo families.

Australia frequently confronts natural disasters. However, as I found after the Hunter floods two years ago, it is what happens after the television cameras and national media have moved on that really matters. The emergency services agencies on the North Coast did a magnificent job. The State Emergency Service responded to 758 jobs in Lismore, 532 in Murwillumbah, 240 in Tweed, and 205 in Mullumbimby. This includes 495 flood rescues. The service undoubtedly prevented the loss of many lives and injuries. Premier Berejiklian, Deputy Premier Barilaro, Minister Grant and Prime Minister Turnbull did us proud thanking those selfless and courageous people.

However, the long hard road of recovery is what will count in rebuilding the affected homes, businesses and Northern Rivers community. That is why I acknowledge the sustained hard work of local members of Parliament: the member for Tweed, Geoff Provest, and the member for Lismore, Thomas George. They are getting on with the job of ensuring that the right support flows from State and Federal governments. Individuals are being comforted and helped to the best of our abilities, and businesses are being guided to the most appropriate programs. As I found during my visit, the member for Tweed and the member for Lismore are facilitating meetings between Tweed Shire Council and Government Ministers to address planning and disaster preparedness issues. They are showing the leadership that is not particularly glamorous. There are not many headlines, but it is what matters in the weeks, months and years of recovery ahead. They are being ably backed up by the Parliamentary Secretary for the North Coast, the Hon. Ben Franklin.

I thank Councillor James Owen for guiding me through some of the impacted sites in and around Murwillumbah. Councillor Owen and council staff showed me the path of the flood surge and the damaged homes, businesses and public infrastructure. In the early stages, Tweed Shire Council estimated the cost of damage to civil infrastructure at \$100 million. Primary production will be hit with a bill close to \$31 million. The Insurance Council states that claims totalled approximately \$660 million across Queensland and New South Wales as of 11 April.

Councillor Owen took me to the business of Councillor Pryce Allsop and his wife, Carole, on the east side of Murwillumbah. The Allsop's business sells and installs gas appliances. Councillor Allsop barely escaped with his life because the premises were adjacent to the flood flow. Pryce described a late-night kayak rescue as the surge threatened his neighbour's house. The Allsops have lost thousands of dollars of stock and their building will need extensive work. Next door the Bedser's Mitsubishi truck franchise was severely hit, with dozens of new and second-hand trucks written off. I was also shown the council's Murwillumbah depot, where more than 90 per cent of the equipment was ruined.

These stories are but a fraction of the impact of the floods. Some of the damage is difficult to calculate, such as the pupils of Condong Public School being bussed to another school for a term while their school is restored to its pre-flood state. This will surely impact on the school community for some time. We found in the Hunter two years ago that the critical time is about five weeks after the disaster. By that time the adrenaline has worn off, people have overcome their shock, and agencies have moved on from response to recovery. It is at this time that the community's mental health comes under pressure. It is at this time that the realisation settles in that there will be a long road to normalisation, and individuals and organisations begin to focus on their long-term future.

They ask whether they will return to business as before, and whether they will be backed by their friends, family, governments, insurance company, clients, suppliers and banks. This is the time when all need to rally around the North Coast. As my family can attest, they are tough, resilient people, but everyone needs help after an event like this. They need to know we will be there for them for the long haul. Governments cannot fix every

problem. We cannot turn back the hands of time, but we can be open and generous. Premier Gladys Berejiklian gave that undertaking when she visited on 3 April.

RAILWAY WORKERS STRIKE OF 1917

The Hon. JOHN GRAHAM (18:34): I draw the attention of the House to the 1917 railway strike. It was a crushing loss, a catastrophe, and a capitulation to the Government's demands. It was a crushing loss, but one that shaped the labour movement for generations to come. The strike happened in the depths of war, which explains the bitterness of the dispute. It was only 18 months since our epic failure in Gallipoli. Chifley described "a legacy of bitterness and a trail of hate" that followed the strike. I will tell the House about a couple of the people involved. Bill McKell, who was the Premier in 1941, represented many of the striking families as the member for Redfern, having been first elected in 1917.

Doc Evatt, who was the Labor leader in 1951, appeared as a junior counsel defending the striking workers. Joe Cahill, who was Premier in 1952, was working at the Eveleigh rail yards as a fitter. Cahill's card was stamped "agitator", and he later struggled to find work. Eddie Ward, the firebrand of East Sydney from 1932, was also at Eveleigh. He refused to sign the conditions to be reinstated, and was in and out of work for seven years. He later said that he had "conducted a one-man strike". Ben Chifley, who was Prime Minister from 1945, led the Bathurst railway men out on 6 August and back in to work at the end of the strike. Chifley was refused a job, and he appealed and was re-employed—not as a driver, but as a fireman. That meant he would be firing up the engine for men who had scabbed on the strike. He later said:

All that that harsh and oppressive treatment did, as far as I was concerned was to transform me, with the assistance of my colleagues, from an ordinary engine-driver into the Prime Minister of this country.

Finally Jack Lang, who was Premier in 1925, committed during the election campaign that he would restore the privileges of the striking workers. Lang instructed the Commissioner of Railways to act, on pain of dismissal. Following a legal challenge, Lang legislated. When the upper House struck down his bill, he packed the House with 25 new Labor members and passed it. He got the job done. Our leaders in the decades that followed had their politics fired in the furnace of this dispute. I also want to explain why it is important for me. I was as a teenager wandering the streets of Newcastle with a copy of L. F. Crisp's *Ben Chifley* tucked under one arm. Reading about the strike was fundamental to my decisions to join Labor and to work for the union movement. There are echoes across Labor generations and echoes today of this crushing loss that went on to define the labour movement. This is the moment that created the culture of NSW Labor. This was the moment that produced leaders for decades to come. This was the moment when the New South Wales branch of the Labor Party chose politics and power.

Before the strike, the conscription split in 1916 left NSW Labor more Irish, more Catholic, more militant, and more industrialist. A sense of disappointment with the parliamentary wing pervaded Labor. Before the strike, the Labour Council's mid-year report said that "Labour has placed too much power on the political arm of the movement, and not enough on the industrial." Losing the 1917 strike shattered that view, and showed the equal importance of a political strategy and an industrial strategy for the movement. Let us make no mistake: This was a crushing loss but one that went on to produce a powerful labour movement, with leaders who knew the stakes and who, after the Second World War, went on to build the welfare state and a new Australia. What the loss in Gallipoli did for Australia, the 1917 strike did for the labour movement. Each loss produced a country or a movement with a defining sense of identity. One hundred years later, we remember their struggle.

KOALA HABITAT PROTECTION

Ms DAWN WALKER (18:39): I speak about the fate of koalas in the State of New South Wales. In fact, New South Wales needs a Great Koala National Park. Make no mistake, the plight of koalas in New South Wales is critical. If we want to see wild koalas thrive in our lifetime, we need a Great Koala National Park. If we want our children and grandchildren to see a koala in the wild, we need a Great Koala National Park. If we want to be able to share with the world the thrill of looking up through the eucalypt trees to spot a koala in the wild, we need a Great Koala National Park. To be blunt, this Government is presiding over the extinction of koalas in this State. Currently, there are three listings of the koala as an endangered population in New South Wales. They are the Hawks Nest and Tea Gardens area of the Great Lakes, the Pittwater area, and the area between the Tweed and Brunswick rivers east of the Pacific Highway. In fact, almost every population on the East Coast is in decline.

The koala is listed as vulnerable in New South Wales and the report released late last year by the NSW Chief Scientist and Engineer found that koala populations have declined in New South Wales by an estimated 26 per cent over the past 15 to 21 years. There are now only 36,000 koalas left in New South Wales. Across 13 regional koala populations in New South Wales, nine populations are estimated to be in decline. Alarming, on the North Coast koala populations have declined by around 50 per cent in the past 15 to 20 years. In fact, their best habitat has not only been excluded from national parks but also been targeted for the most intensive logging, clearing and development. Historically, there has been a stable koala population in Coffs Harbour but it too

appears to be slowly declining, and there are a number of coastal urban and peri-urban areas where koalas are no longer present. In the area around Port Macquarie the mortality rate of koalas is so high that the population may become extinct in the long term. In Ballina the Government is currently bulldozing core koala habitat for a highway upgrade.

People in New South Wales will be lucky if they see a koala in the wild during their lifetime. This level of decline is likely to continue, unless we take decisive action to reverse this trend. Current threats to koalas are unlikely to diminish without decisive targeted action from this Government, and these threats are only being exacerbated by climate change, which is making bushfires, drought and extreme heat more frequent. It is hard to believe that 200 years after settlement we still have not taken decisive action to protect our koalas, and efforts by successive New South Wales governments have failed. That is why we need a Great Koala National Park. Most of the remaining high-quality koala habitat lies in State forests and on private land where ongoing clearing of native vegetation and intense industrialised logging is leading to the removal of vital food and habitat trees. If nothing is done to protect and reconnect koala habitat, populations will decline, this will continue unabated and extinction seems inevitable.

Since entering Parliament in February, I have visited a number of State forests around the State, including in the Kalang River on the North Coast, Glenbog and Tantawangalo on the South Coast, and the Styx River forest on the New England tablelands. I was horrified to see the extent of clear felling that is occurring in some of those forests and the impact it is having on core koala habitat. I saw trees clearly marked as habitat trees felled in recent logging. Most koalas in New South Wales currently live outside protected areas. In fact, because our national park network is biased towards higher, more fertile country, it does not capture well the habitat that koalas prefer, such as fertile coastal forests that produce more nutritious leaves. Shamefully, there is no conservation reserve set aside to ensure the long-term survival of koalas in New South Wales or, in fact, Australia. By contrast, China has established a national park covering one million hectares of bamboo forest to protect their pandas. The panda reserves are now world heritage and the jewel in the crown of China's tourism industry. The Great Koala National Park would encompass 315 hectares of public land— [*Time expired.*]

LEGISLATIVE COUNCIL STANDING COMMITTEE ON STATE DEVELOPMENT

The Hon. GREG PEARCE (18:44): Last year the Standing Committee on State Development completed an inquiry into economic development in Aboriginal communities. It was a privilege to chair this inquiry, which included hardworking committee members—Deputy Chair the Hon. Mick Veitch, the Hon. Rick Colless, the Hon. Paul Green, the Hon. Natasha Maclaren-Jones, and the Hon. Ernest Wong. We did some very good work. I am pleased that we have now received the Government's response to our inquiry. The inquiry was established to investigate strategies to support economic development in Aboriginal communities as a means to address disadvantage and create sustainable communities. Amongst the outcomes of the inquiry, we had to comment on a number of distressing things. Unfortunately, there is still a clear divide between Indigenous and non-Indigenous communities.

The inquiry highlighted the need for leadership and action to be taken now. We pointed to a number of unique advantages that New South Wales has to tackle the underlying causes of economic advantage. For instance, relative to other States, New South Wales has a high urban and regional population of Aboriginal people. Since 1983, New South Wales has had a land claim process that allows Aboriginal communities to claim ownership of vacant Crown land. We have a strong local land council network. Through this Government, we currently have a \$73 billion infrastructure investment over the next four years.

The committee's recommendations focused on driving reform through increased Government leadership, accountability and policy coordination; removing barriers to Aboriginal communities, allowing access to economic opportunities through their increased land access; and capacity building of Aboriginal individuals and communities through skill building and wraparound services. The Government's response to the recommendations included some very encouraging commentary. I thank the Minister for Aboriginal Affairs, the Hon. Sarah Mitchell, for the Government's response to the 39 recommendations that were made in the report. It is pleasing to see how many initiatives have progressed since the release of the committee's report, and that the Government's response is generally in agreement with the bulk of the recommendations.

First, in respect of the employment and training initiative, Growing NSW's first economy is a framework for Aboriginal economic prosperity that was released in December 2016. It includes a pathway from education in early childhood and National Assessment Program—Literacy and Numeracy [NAPLAN] to further learning such as apprenticeships and scholarships; earning, such as having public sector employment; and developing economic agency—that is home ownership, private rental, making it easier to start a business, and economic participation in all regional and district plans.

In addition, 20 Aboriginal staff will be employed by Training Services NSW. Each regional office will have three Aboriginal training coordinators to deliver services in employment opportunities and developing career pathways for Aboriginal people. Government infrastructure investment is being capitalised through the Infrastructure Skills Legacy Program. It requires that for all projects over \$100 million, contractors must spend 1.5 per cent of the total contract value on supporting Aboriginal participation. Demonstration projects include WestConnex, Lismore Base Hospital and Sydney Metro.

The New South Wales Government is developing a new Aboriginal procurement policy that will complement the existing Aboriginal participation in construction policy. A high level public sector interdepartmental committee will be provided by the New South Wales economic development committee, comprising deputy secretaries from relevant clusters as a coordinating body. The New South Wales Government has committed funds over a four-year period, commencing in 2016, to build local Aboriginal land council capacity to participate in land agreement negotiations. This may be achieved through secondment programs for New South Wales Government employees to work in local Aboriginal land councils.

The backlog of land claims is being addressed. Existing and new land claims are being prioritised according to their potential for economic development and the Aboriginal Land Agreement process is being used. The Aboriginal Community Land and Infrastructure Project will unlock economic potential for Aboriginal land and the Department of Planning and Environment is working in conjunction with Aboriginal land councils and Aboriginal Affairs on a communication strategy to build awareness of the New South Wales planning system and its relevance to land rights and native title. The Department of Planning and Environment is also developing options for more effective planning of Aboriginal community-owned land and land swaps under the Aboriginal Land Agreement, which will provide the potential for local land councils to negotiate land acquisition outcomes to assist in accommodating the aspirations envisaged in the Aboriginal Land Rights Act 1983. It is a great privilege to be able to do this work and see the Government respond to the important work done by one of the House's committees of the House.

ENERGY PRICES

The Hon. ADAM SEARLE (18:49): My contribution is about electricity prices. As New South Wales approached the 2015 State election, the Liberal-Nationals Government gave the community a guarantee that, if it was re-elected to office, electricity prices paid by households and business consumers would not only not increase, but also go down. Their press release and website was headed, breathlessly, "Guaranteed Lower Prices for Electricity Customers". This promise was reiterated in the 2015-16 budget papers, with the promise to "drive down electricity prices", but this has since been airbrushed from history. Why? It is because no sooner was the ink dry on the Governor's commissions to the Ministers than the New South Wales Government and its agencies went to court to stop the significant reductions in network prices proposed by the Australian Energy Regulator from being implemented.

This would have seen cuts to household electricity bills of up to \$338 per year and cuts of \$569 for small businesses. The New South Wales Government—in which the current Premier was Treasurer—put its own interests, political and commercial, ahead of the public and community interests to get the highest possible sale price for its majority privatisation of distributors Ausgrid and Endeavour Energy, and the total sale of the transmission company TransGrid, costing households and businesses savings of more than \$6 billion over four years. The cynicism of this move was breathtaking and remains ongoing. Even as I speak tonight, the legal proceedings are still in the courts, more than two years on.

On 25 April the New South Wales Government was warning of household electricity price increases of up to \$400 per year because of claimed increases in wholesale electricity costs due to increased investment in renewable energy rather than in coal-fired power. But on 12 March the same Government was spruiking its clean energy credentials when it released its 2016 clean energy action plan, more than a year late. In that document, the New South Wales Government was proclaiming how much it had done to increase, to 14 per cent, the share of energy our State derived from renewable sources. The Berejiklian Government, and its energy Minister, was trying to walk both sides of the street, simultaneously claiming to support and denouncing renewable energy, hoping that by presenting a moving target no-one would notice its own culpability for driving energy prices ever higher.

But the Government's responsibility for driving electricity price rises does not end with blocking the Australian Energy Regulator determination. From 1 July 2015, the Coalition Government deregulated retail electricity prices. A report authored by well-known and respected economist Bruce Mountain of Carbon Market Economics, "Australia's retail electricity markets: Who is serving whom?", found that retailers had gouged price rises of up to 15 per cent from New South Wales households and businesses by the following year, 2016. This was confirmed by a later report provided by the Grattan Institute in March this year: "Price pain: Has retail competition failed to benefit consumers?" The report showed that electricity retailers have been lining their pockets with profits, sometimes as high as 43 per cent of the total bills.

Compounding this is the approaching crisis of energy supply. In 2013-14 this Government sold the Wallerawang and Mount Piper power stations to EnergyAustralia, which promptly closed Wallerawang, despite having paid \$160 million for both stations. This took 1,000 megawatts of electricity out of New South Wales because the New South Wales Government did not insist on maintenance of supply or at least generating capacity in the sale. The absence of this critical supply put our State at significant risk on 10 February this year, led to the Tomago aluminium smelter having its energy supply interrupted, risking its operation, and allowed generators to make record profits on their electricity due to the combination of high demand and tight supply. Had there been an additional 1,000 megawatts available there would have been absolutely no issue on any of these fronts. The issue is supply quantum and affordability.

The Government's 2016 clean energy action plan indicates that New South Wales has grown renewable energy by only a net 1 per cent since 2013. If you exclude the Snowy Hydro, as the Australian Energy Market Operator does, New South Wales gets less than 10 per cent of its energy from renewables—hardly enough to drive up wholesale electricity prices, as claimed. At this rate, it will take nearly 30 years to reach the Government's own 2020 target of 23.5 per cent. This will expose New South Wales households and businesses to an energy crisis, because all our main current power sources—the coal-fired power stations that now provide around 80 per cent of our power—will close over the next 20 years. Without replacement power coming online to replace older power sources before or at least as they retire, households and businesses will face skyrocketing electricity prices and supply shortfalls.

Only renewables are bankable, but policy antagonism and uncertainty here and in Canberra is starving much-needed investment. This is the difficulty caused by the privatisation of our energy generation and distribution system by Liberal and Nationals governments. We are at the mercy of private investors for our power security and prices. Once, governments built and supplied power to the community and paid the price when things went wrong. Now it is, "Hands off; nothing to see here," from this Government. But if those opposite think the community will not hold them to account, they are deluded. I note in the recent motor accident legislation enacted by this Parliament, the Government included a regulatory power to quantify and claw back excessive insurer profits. The question is whether we need the same kind of mechanism for power prices. [*Time expired.*]

PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2016

The Hon. ROBERT BORSAK (18:54): I wish to continue to update the House on the progress of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2016. I know that honourable members will be keenly interested in an update because the bill passed in this place, unanimously and without amendment. I repeat that this bill was passed unanimously. I thank honourable members for their support in righting a terrible wrong that was done to our State's elderly. The Shooters, Fishers and Farmers Party has received excellent support in the passing of our bill. We received support from the NSW Nurses and Midwives' Association, the Combined Pensioners and Superannuants Association, the Country Women's Association and other groups with a keen interest in quality aged care. I also wish to acknowledge the contribution of the Hon. Matthew Mason-Cox to the debate. He said:

I do not know why we have an argument here or why this is contentious. This is fundamental stuff. Like many members, I have been through this experience with my parents, both of whom were in high-care facilities.

I agree with the honourable member. Two other Coalition members of Parliament who support this bill—this time from the Nationals—are the member for Myall Lakes, Stephen Bromhead, and the member for Tweed, Geoff Provest. Mr Bromhead gave his support in conversations with the Combined Pensioners and Superannuants Association this time last week. Mr Provest announced his support to the *Tweed Daily News* on 8 September 2015. I thank both of them.

Anybody with a friend or elderly relative in care and who has set foot in a nursing home will understand the importance of this bill. I only wish that all Government members were so insightful of the needs of elderly nursing home residents. Regrettably, however, since this House passed the bill unanimously last week, there has been a concerning level of uninformed rhetoric from The Nationals members of Parliament. Anybody present during the debate last week will be well aware of the email leaked to my office, and which I read into *Hansard*. I can now reveal that the email was from Sue Thomson, the chief executive officer of McLean Care, a major private nursing home provider in the State's north-west. Ms Thomson is also chair of the regional Aged and Community Services organisation and has been in the media supporting Adam Marshall's opposition to the bill.

The email unequivocally showed that a senior Nationals Minister, the member for Northern Tablelands, Adam Marshall, was "marshalling" opposition to our bill. Adam Marshall's fear campaign against having just one registered nurse on shift in a nursing home at all times is bizarre. He has earned the ire of nurses and doctors alike for this betrayal. I am not sure why he is showing such disdain for elderly nursing home residents, who deserve a

safety net against elder abuse and poor standards of care. Perhaps there is a wealthy Nationals or Liberal Party donor lurking behind the scenes.

However, The Nationals Minister is not alone. The member for Upper Hunter, Mr Michael Johnsen, has eagerly leapt to his defence. I note that Mr Johnsen is under pressure from a stellar Shooters, Fishers and Farmers Party candidate in his electorate. He is also under pressure, as I understand it, from a shark's nest of preselectors eager to unseat him. Perhaps this is his way of marshalling support for a certain Nationals Minister. Citing a nursing home on whose board he once sat, Mr Johnsen posted to Facebook at 1.38 p.m. on 4 May that our bill would "kill off smaller nursing homes". I fear that Mr Johnsen is out of touch with the realities of aged care. He is focusing on profits instead of the fundamental role of a nursing home—the care of our elderly.

One would expect such sentiments from a city-centric Liberal Party member, but these sentiments have been expressed by two Nationals members. This is why the National Party is in such dire trouble in the regions. The Nationals members resemble their senior Coalition partners, the city-based Liberal Party. The Nationals made a fundamental error of judgment in banning greyhound racing. If The Nationals members continue to block our bill to have registered nurses in nursing homes, I fear that they will have to answer for it at the 2019 election, when our party fields candidates in all their seats. The contrast will be with the Shooters, Fishers and Farmers Party, which will be fighting for our State's elderly. We care about seniors who are in care and about rural health services. Do The Nationals members care about seniors or are they happy to sell out their rural electorates once again?

The DEPUTY PRESIDENT (Dr Mehreen Faruqi): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 18:59 until Wednesday 10 May at 11:00.