

I call upon the members opposite to support this bill.

I commend the bill to the House.

Second Reading Debate

The Hon. LYNDIA VOLTZ (10:39): I speak on behalf of the New South Wales Labor Opposition on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. I begin by acknowledging New South Wales firefighters for their tremendous efforts over the years and their unwavering dedication as career firefighters in New South Wales. The bill has come before this House following the introduction of Labor's Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018. New South Wales firefighters have lobbied the New South Wales Liberal-Nationals Government for years seeking the introduction of legislation to provide greater support to firefighters who have contracted occupational diseases. Every time the Government failed to act and the firefighters' concerns were pushed to the side.

Following on from the gutting of the workers compensation scheme by this Government, the inaction on firefighters' concerns came as little or no surprise to many who were in need. The New South Wales Labor Opposition has been working closely with stakeholders for more than a year to develop legislation that would provide firefighters the legislative protections they so direly need and deserve. Despite claims that the Government had been working on legislation for more than a year, in consultation with stakeholders, a number of key stakeholders do not appear to have been consulted in the lead-up to the introduction of this bill, nor was their input sought prior to the bill being drafted.

The first anyone heard about this bill was when the Government expedited the drafting of its version of the legislation following Labor's announcement in the lead-up to the introduction of Labor's Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018. NSW Labor invited bipartisan support for the bill and welcomed the Government to work with Labor to introduce legislation that would protect and support firefighters who develop occupational diseases. Rather than working together towards a common goal, the Government concluded that it would instead take the low road and vote down Labor's legislation.

What sets our sides apart when it comes to the protections of firefighters throughout New South Wales is that those of us in NSW Labor are not afraid to get stuck in and to give it our all to ensure that firefighters are appropriately supported. The New South Wales Labor Opposition will support the legislation before us today, as we on this side are not opposed to putting partisan politics aside in order to get things done. New South Wales firefighters deserve the best possible protections and should be supported, with no strings attached, should they contract an occupational illness.

The primary purpose of this bill is to provide protections for all firefighters across New South Wales who have contracted an occupational disease throughout their career. Unfortunately, the legislation before us today falls short of that objective as it will protect only firefighters who have been diagnosed with an occupational disease from 27 September 2018 onwards. Any firefighter who contracted an occupational disease and was diagnosed before 27 September 2018 will not have the presumed protections set out in this bill while it remains in its current form. That is why NSW Labor will seek to move amendments to allow for a six-month amnesty period for firefighters to make claims under this legislation.

This amnesty period will ensure firefighters who contracted an occupational disease prior to the 27 September 2018 cut-off date as prescribed in this bill will not be unfairly discriminated against as a result of this Government's short-sighted selfishness, all because it wants to save a quick buck. The amnesty period would allow firefighters six months to lodge a claim following the commencement of this legislation, to provide at least some retrospectivity to the men and women who should not have their illnesses discounted as a result of an arbitrary date set by this Government.

Throughout Australia there is a history of legislative protections for firefighters and the introduction of presumptive legislation. It is imperative that New South Wales introduces similar protections for our firefighters and it is our duty to ensure that the legislation being introduced provides sufficient coverage to ensure everyone in need will be protected by the bill before us today. There are two key differences between the bill before us today and the bill Labor recently introduced. The bill before us today will protect only firefighters who contract an occupational disease and are diagnosed after 27 September 2018 whereas Labor's bill provided retrospective protections to ensure every legitimate compensation claim could be reasonably supported. Furthermore, Labor's bill provided protections for individuals to lodge a claim up to 10 years following the cessation of their service, as is similar with other jurisdictions. The bill before us contains no such provision.

The Minister for Finance, Services and Property has detailed in his second reading speech in the other House that the Government does not support the retrospective protections on the ground that it would add in excess of \$350 million in additional claims liabilities and would be inconsistent with the other States and

Territories. Those of us who sat on the Legislative Council Standing Committee on Law and Justice and have constantly reviewed this Government's changes to the Workers Compensation Act and compulsory third party insurance scheme know how inaccurate is any figure this Government comes up with in regard to what it anticipates will be additional claims. So I think we can take that with a grain of salt. However, it always comes down to money with those on the other side of the Chamber rather than doing what is right. They are happy to spend billions of dollars on stadiums but are happy to throw the firefighters of New South Wales to the wolves.

Going back 20 to 30 years, our firefighters' protective clothing and safety equipment was nowhere near the quality or safety rating of that used today. For those such as Mr Gino Debono, who is now 55 years old and who has dedicated 30 years to the service of Fire and Rescue NSW, that is a problem of which he is all too well aware. Gino was diagnosed with brain cancer in October 2015. He has undergone two invasive surgeries and 30 days of radiation therapy and is now thousands of dollars out of pocket as he is required to pay for his own treatment. Like all firefighters, Gino always wore his protective equipment, did things by the book and took every precaution available to keep himself as safe as possible. Evidently the safety equipment and protective clothing was insufficient and he has contracted an occupational disease, for which this bill would not support him.

Mr David Proust is a fit 59 year old who has always taken care of his health and wellbeing, especially during his 20 years of service to Fire and Rescue NSW. David has a grade 4 glioblastoma. This is a terminal brain cancer, which he has contracted throughout his dedicated career with Fire and Rescue. David has six children aged from 26 years to 37 years and he is the proud grandfather of 10. Two of David's sons are active serving firefighters with Fire and Rescue NSW. David thanks his lucky stars that the protective equipment and clothing provided nowadays is far superior to the equipment he was provided back in the day. His children stand a better chance than he did. David was diagnosed with cancer in May 2018. He has undergone one invasive surgery and 30 days of radiation and is routinely undergoing chemotherapy, blood tests, MRIs and so much more.

To date, the Proust family is more than \$10,000 out of pocket for treatment, and who knows how much more moving forward. David has been given six months to five years to live as a result of the occupational disease he contracted over a 26-year career with Fire and Rescue. He too will not be protected under this bill. That is, of course, unless those opposite agree to support the amendments Labor will be moving in this House today to provide a six-month amnesty period to support firefighters such as Gino and David who would otherwise be unfairly discriminated against. We on this side are not asking for the world; we are only seeking due compensation and support for those who contracted an occupational disease while putting their lives on the line to keep all of us in New South Wales safe. I sincerely hope the members of this Chamber will consider doing the right thing and support Labor's amendments to provide a six-month amnesty period for firefighters affected by occupational diseases. I commend the bill to the House.

[*Business interrupted.*]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I welcome to the President's gallery former Clerk of the Parliament Mr Les Jeckeln. He is always welcome to the House; we like to see him here.

Bills

WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018

Second Reading Debate

[*Business resumed.*]

Reverend the Hon. FRED NILE (10:48): On behalf of the Christian Democratic Party I speak in support of the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. This bill reforms the workers compensation legislation to establish presumptive rights to compensation for firefighters in respect of 12 specified cancers and simplifies the claims process for firefighters by introducing a presumption that the cancer was caused by exposure to fire hazards in the course of their employment. Extensive research on the occurrence and prevalence of cancers amongst firefighters has identified a strong link between the activities of firefighting and 12 primary cancers. Consultation has been undertaken with Fire and Rescue NSW, the Rural Fire Service [RFS], National Parks and Wildlife Service and the Forestry Corporation. Similar legislation exists in all other Australian jurisdictions, with the exception of Victoria.

The main reforms that will be implemented by the bill include a legislative framework to allow for a presumption that recognises the link between 12 types of primary cancers and the hazards of firefighting. Under the reforms, eligible injured firefighters who meet the minimum qualifying periods of service, whether as

employees or as official RFS volunteers, will not be required to prove the cancer was as a result of their work as firefighters. This would be presumed. New provisions will apply from the date of injury for eligible firefighters who were employed and/or volunteered, were engaged in firefighting activities and were diagnosed with one of the specified cancers. Qualifying periods are to be aggregated but any concurrent periods of paid and volunteer service are to be counted as a single period.

New provisions are to apply from the date of injury, being the date of diagnosis or death from one of the prescribed cancers, whichever occurs first. This will apply to injury on or after 27 September 2018. The bill allows retrospective application prior to 27 September 2018 for eligible firefighters who made a claim that was denied by the insurer on the basis that the firefighter could not prove that their work was a substantial contributing factor to one of the specified cancers. The bill also will impose no post-service time limits on the application of the new provisions for a firefighter who meets the minimum qualifying periods of service to be diagnosed with a specified cancer.

The Christian Democratic Party is pleased to support this legislation, which deals with the seriousness of cancer that has plagued these brave individuals, who have put their lives at risk to protect the community. Those who serve as firefighters should be appreciated on the same level as other emergency service personnel, such as police and medical responders. Due to the hazards that they routinely face, firefighters are exposed to conditions that can cause a variety of cancers and other major health defects.

This bill amends the legal framework of the workers compensation regime to establish a presumptive right to compensation in relation to a list of 12 specific types of cancer. The bill also will streamline and simplify the claims process through which firefighters can apply for compensation. The drafters of this bill engaged in a consultation process with Fire and Rescue NSW, the Rural Fire Service, the National Parks and Wildlife Service and the Forestry Corporation. Under the proposed reform, firefighters will not have to prove that the cancers they are suffering were caused by their work as firefighters. New provisions under this bill concern employed and volunteer firefighters and will allow them to make an application from the date of injury. Concurrent periods of paid and volunteer service will be counted as a single period when determining whether or not an applicant satisfies the qualifying period for an application. If the minimum qualifying periods are met, there will be no post-service time limits for the application of the new provisions.

I am heartened to see that there is also a retrospective element to this bill, namely, that firefighters who made an unsuccessful claim to their insurer prior to 27 September 2018 will not be left in the cold. The public, particularly firefighters, will be watching this bill closely. I have been contacted by firefighters and their families who have expressed their concern about how this law will operate. The Fire Brigade Employees Union has expressed concern about the extent to which the provisions in this bill are retrospective because they rightly fear that many firefighters who are presently suffering from cancers induced from their work will not be covered. In a statement online, the union referred to the example of one of its members from the Metropolitan North 2 zone. The union writes that this firefighter:

... our member in MN2 ... was diagnosed with brain cancer in May this year and given less than 12 months to live.

The union states that this person will not be able to draw any solace from the passage of this bill. The union supports presumptive legislation such as is in this bill. However, it also strongly feels that the bill is not perfect and falls well short of other proposals. I have also received a letter from Sheenagh Blacklaw, who wrote to me about her husband, a New South Wales firefighter who rose to the rank of station master. Andie Blacklaw was diagnosed with a stage 4 malignant tumour and went through the gruelling process of fighting the cancer. Sheenagh Blacklaw recounted how the hospital became like a second home to the family as they stayed with Andie during this period:

This long and painful battle encompassed the whole family, myself as his wife, his 3 young daughters, respective grandparents, friends and other members of our close knit community.

Happily, Andie survived. But many suffer as he did and do not make it through. Sheenagh's story tells us that these cases impact a far broader section of the community than many people may appreciate. The pain and suffering affects the family, friends and the immediate community in which the firefighters work. It is a shame that we have not been able to assist these individuals and families who are in pain earlier. I note that there is a question about the retrospectivity of the bill. It seems to be the key concern of those who have contacted my office. I ask that the Government clarify this aspect of the bill, as there appears to be considerable confusion on this point. I am pleased to commend the bill, noting the questions I have raised in my contribution.

Mr DAVID SHOEBRIDGE (10:56): On behalf of The Greens I speak to the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. I say at the outset that there is no confusion by anybody who has read the bill as to how the retrospectivity works. I acknowledge and endorse the analysis done by the Opposition in that regard. The Greens support this legislation. For many years we have supported presumptive legislation

guaranteeing the right to workers compensation for firefighters in respect of a series of occupational cancers. My colleague Adam Bandt has run this case robustly and consistently at a Federal level. I acknowledge the work he did to bring the first presumptive legislation in the Commonwealth Parliament in 2011, which has formed the model for a series of legislation in other States.

The Commonwealth legislation provides protection for firefighters who are exposed on and from 4 July 2011. As each and every other jurisdiction has slowly moved, almost always after pressure from the firefighters unions in each State and Territory, the demand from the firefighters has been to at least make it retrospective to the date that the Commonwealth legislation provides. There is a reason why firefighters, their families and their loved ones are so passionate about having presumptive legislation in respect of occupational cancer. I note this information provided by the Cancer Council:

Studies suggest firefighters are at an increased risk of developing certain types of cancer, owing to exposure to carcinogenic particles associated with fire-fighting.

However, proving causation can be difficult, because exposure to these particles can vary, and there may be multiple exposures from more than one event.

Most Canadian provinces have presumptive legislation, including 14 cancers—also include lung, pancreatic and skin cancer/melanoma.

24 US states have presumptive legislation, although it is neither uniform in the cancers addressed, nor the requirements necessary to receive compensation

The Cancer Council points out that the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 was the first occasion when presumptive legislation was delivered in Australia. The Cancer Council then says, in reference to the 2011 Commonwealth committee inquiry, which led eventually to that presumptive legislation:

Given the quantity and quality of evidence presented, the committee is confident that a link between firefighting and an increased incidence of certain cancers has been demonstrated beyond doubt.

Adjudication under workers' compensation requires an examination of the weight of evidence, not scientific certainty. These are quotes from stakeholders to that inquiry:

Firefighters ... are expected to take risks that would be unacceptable in any other work environment ... They may be trained to manage these risks and to protect themselves, but the working environment cannot be made safe because they deal with situations that are inherently dangerous and may lose control.

In the interest of society and as safety professionals, however, they essentially waive the right to refuse dangerous work and routinely accept the risk ... it is ... ultimately in society's interest to compensate for this risk because the work has to be done.

I endorse those comments. The work of the Fire Brigade Employees Union [FBEU] in pressing for this presumptive legislation should not be in any way misunderstood. It has been a consistent, passionate and constant advocate for getting presumptive legislation in New South Wales, and it has a proud record of protecting its members' rights to workers compensation. For example, many members will recall the occasion when firefighters surrounded this Parliament.

In 2012, when this Parliament was threatening to strip away their basic workers compensation rights—and we have seen the tragedy for workers in other industries as a result of those changes—they stood firm. In fact, in what I think was one of the most emblematic and powerful demonstrations of union solidarity, they undertook their first general strike since the 1950s, surrounded this Parliament and hosed us down as a situation of danger. They won the battle not only because of their solidarity but also because the community understands that we need to ensure that our firefighters are protected. They literally run into fire and danger, and it is our obligation to protect them. The FBEU recently said in one of its SitRep reports:

Debate on the Government's *Workers Compensation Legislation Amendment (Firefighters) Bill 2018* resumes when the NSW Parliament returns next week. SitRep 29 reported on the Bill's failure to cover firefighters who contracted cancer prior to 27 September this year but who had not yet submitted a workers comp claim – firefighters like our member in MN2 who was diagnosed with brain cancer in May this year and given less than 12 months to live. He is one of many serving firefighters who will not be covered by the Government's Bill, simply because he prioritised surgery and chemotherapy over some legal paperwork.

That is the nub of the dispute between the Government, the Opposition and The Greens—and it looks like the Government, the Christian Democratic Party, the Opposition and The Greens—as to the extent to which we as a Parliament provide retrospective cover to firefighters who have contracted occupational cancers. We are talking about the most serious, life-threatening and appalling illnesses. We are talking about firefighters who have contracted brain cancer, leukaemia, bladder cancer, kidney cancer, non-Hodgkin lymphoma, colorectal cancer, oesophageal cancer and the like. If a firefighter has contracted one of those occupational cancers after exposure to hazards at work—and there are different periods of exposure for different cancers—for a period that pretty much every study has said is likely to lead to occupational causation, then they should be compensated, regardless of whether or not they develop the cancer before or after 27 September 2018.

I note the Opposition's amendment seeks to increasing retrospectivity and I have seen some government costings on this. It is suggested that the costs are in the order of hundreds of millions of dollars, but I find it difficult to understand on what basis that actuarial conclusion was made. We are talking about firefighters who die from a list of cancers. If there are that many firefighters who have these occupational diseases—the average claim is \$350,000 or something—and it is going to cost the State something in the order of \$200 million to \$300 million, then we should acknowledge the scale of the problem and do everything we can to help them and ensure that they are given fair and just compensation.

I will be frank: I think those costs are wildly inflated. I understand how actuarial costs happen, and I do not necessarily blame the Minister's office or the department for the results of the actuaries. Actuaries tend to look at the seven worst-case scenarios, put them all in a row and then add 30 per cent on top just to be sure. That is how they tend to come up with these kinds of figures. In many ways those kinds of assessments from actuaries prevent us from doing good public policy and appropriate legislation.

The Greens have two amendments that we will be pressing in the event that the Labor Opposition amendment does not succeed. The first is to make the legislation retrospective for any cancer developed on and from 4 July 2011. This would make New South Wales consistent with the Commonwealth and the Northern Territory. Hopefully, it will set at least a basic national standard so that other States can move to that point. If we do not succeed on that, and I hope we do, then we will be seeking to move that a review be undertaken by the Law and Justice Committee.

Twelve months of claims' experience will allow us to see how many of these cancers are coming forward. We will then have a far better handle on the actuarial costs. We can then get rid of these grossly inflated costs and actually move to ensure that we do provide fair and just retrospectivity for firefighters. To MN2, the firefighter who was diagnosed with brain cancer in May of this year, I say on the record, "I believe you should be compensated. The Greens believe you should be compensated and I would hope that a majority of members in this Chamber believe you should be compensated."

The Hon. ROBERT BROWN (11:03): I make a brief contribution to the Workers Compensation Legislation Amendment (Firefighters) Bill 2018 on behalf of the Shooters, Fishers and Farmers Party. We will be supporting the bill, we will also support Labor's amendments to the bill and, if Labor's amendments do not get up, we will consider The Green's amendments. Labor has foreshadowed that its amendments relate to retrospectivity claims. This bill has bipartisan support. It should have had bipartisan support in the other place last month when the matter was brought before the House by the Opposition. It is perhaps regrettable that the Government opposed it for no other reason than politics. On that occasion the Government could have moved an amendment if it did not agree with the entirety of the bill and the matter could have been resolved much sooner.

The Shooters, Fishers and Farmers Party have always supported our full-time and voluntary firefighters; indeed, all our emergency workers. They perform an essential emergency service in our community, which in many cases is dangerous, and they deserve our support. Many of these people leave their homes in the morning, not really knowing whether they will return at night. They place their lives on the line when attending all types of emergency situations—whether it is a raging bushfire, entering into an asbestos-riddled building engulfed in flames or responding to a hazardous material spill or other contamination leakage. They do not complain, they just do their job. Every member of this Parliament has an obligation to make sure that the risks to which these people are exposed are identified and that they are protected.

Research shows that firefighters are at a greater risk of developing certain types of cancers as a consequence of repeated and prolonged exposure to carcinogenic chemicals, with which they are regularly in contact in the course of their duties. Concerns have been raised with our office by the Fire Brigade Employee Union and affected individuals regarding retrospective legislation and access to compensation. Any firefighter who contracted an occupational disease and was diagnosed before 27 September 2018 will not have the presumed protection set out in this bill. It is an absolute disgrace that this Government would deny these people compensation because, according to the Government, it would not be fiscally possible to compensate everyone because it would cost \$350 million.

I remind members that when Mike Gallacher negotiated with us about the changes to the police insurance compensation scheme, at the end of the day the Government was all too ready to cough up an extra \$300 million. I negotiated that directly with Mike Gallacher. There was no argument: \$300 million. Mr David Shoebridge has pointed out that the figure of \$350 million may or may not be correct. Think about that in the context of the money this Government is spending on bread and circuses. We are talking about people's lives. Of course, it would not be fiscally responsible for a Liberal-Nationals Government when the money could be spent rebuilding two perfectly functioning stadiums at a cost of \$2 billion or more. For Hansard's benefit, I am speaking ironically. It is probably not obvious because I am struggling to breathe. What about moving the Powerhouse Museum 20 kilometres down the road for a billion and a half dollars? Easy.

The only thing that this Liberal-Nationals Government has shown fiscal responsibility for is fattening the pockets of lobbyists and their mates from the big end of town. We support this bill and we hope that the Government will show some compassion and support Labor's amendments. If it cannot stomach Labor's amendments, I hope it will support The Greens amendments that would provide our firefighters with the protections they need and deserve and bring this State into line with the Federal Government, as Mr David Shoebridge postulated. Why should members of this House be marked forever with the stamp of "miserable bastards" because we did not do our bit to bring this State into line with the Federal Government? I will not be part of that. We will support the amendments.

The Hon. COURTNEY HOUSSOS (11:10): The purpose of the Workers Compensation Legislation Amendment (Firefighters) Bill 2018 is to establish presumptive rights to compensation under the Workers Compensation Act 1987 for firefighters in respect of certain cancers. The effect of the presumption is that the disease will be presumed to have been contracted in the course of the worker's firefighting employment. As it should, the bill places no time limits on the rights of firefighters to make a claim after they have finished their firefighting service. However, they will be required to have undertaken a minimum period of service prior to a cancer diagnosis. Importantly, the bill also includes voluntary service. Firefighting service will include firefighting activities within the Rural Fire Service, Fire and Rescue NSW, the National Parks and Wildlife Service, the Forestry Corporation of NSW and Sydney Trains.

Federal legislation dealing with this matter passed unanimously in 2011. It is disappointing that New South Wales is one of the last States to address this very important matter. I congratulate the shadow Minister for the portfolios of Police, Emergency Services and Corrections, Guy Zangari, on his work. It is disappointing that only a matter of weeks ago the Government voted down his private member's bill on this very issue in the other place and introduced this bill instead. This is likely to be the last piece of legislation that this Chamber deals with before the election. It is an incredibly important piece. That is why I wanted to place on record my acknowledgement of the heroic efforts of firefighters. They risk their lives each and every day running into burning buildings to save others. I doubt that I could do it. The bill addresses the longer term effects on their lives and on their families well after their service to the public has finished. It is an important statement from this Parliament to pass this significant piece of legislation before we rise for the election.

Labor is proposing a range of amendments to improve the bill. Of course, I will be supporting them. It does not make sense that there is no level of retrospectivity. It will mean that a firefighter who has already contracted a cancer clearly related to his employment will not get treated in the same way because of a matter of days or a matter of hours. I will obviously be supporting the Labor amendments to correct that. I commend this incredibly important bill to the House. I place on record my sincere thanks to all firefighters from every agency in New South Wales whether they are working in a paid or voluntary capacity. They do incredibly important work for public safety in this State and we commend them for it.

The Hon. DAVID CLARKE (11:14): On behalf of the Hon. Don Harwin: In reply: I am pleased to deliver a reply to the debate on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. I thank honourable members for their contributions. As members heard, the bill will support the Government's commitment to providing the best possible protection and support for all of our firefighters and their families across New South Wales when they need it most. The bill establishes presumptive rights to workers compensation benefits for eligible firefighters in respect of 12 types of primary cancers. Those presumptive rights will apply to employed and official volunteer firefighters who meet the minimum qualifying periods of service.

The amendments will simplify the process for making a claim for workers compensation by employed and volunteer firefighters diagnosed with any of the specified cancers. It does this by establishing presumptive rights to workers compensation benefits unless proven otherwise by an insurer. The amendments will specify 12 types of primary cancers to which the presumption applies and specify minimum qualifying periods of service for firefighters and volunteer firefighters. The amendments will also allow for eligible firefighters to receive the benefit of the presumptive provisions for the specified cancers diagnosed on and from 27 September 2018—the date on which the Government announced its intention to introduce the bill.

Primarily, the bill will legislate presumptive provisions to recognise 12 types of primary cancers and their minimum qualifying service periods. The proposed amendments will apply to all firefighters, including those workers employed by the Office of Environment and Heritage, the National Parks and Wildlife Service and the Forestry Corporation of NSW who meet the definition of employed firefighter. Presumptive cover reverses the onus of proof for workers compensation claims, meaning that eligible firefighters who are diagnosed with certain primary cancers are assumed to have contracted the cancer through the course of their employment unless the employer can prove otherwise.

To be very clear, the minimum qualifying service periods and the primary cancers are as follows: five years for primary site brain cancer and primary leukaemia; 10 years for primary site breast cancer and primary

site testicular cancer; 15 years for primary site bladder cancer, primary site kidney cancer, primary non-Hodgkin's lymphoma, multiple myeloma, primary site prostate cancer, primary site ureter cancer, and primary site colorectal cancer; and 25 years for primary site oesophageal cancer.

Secondly, the bill introduces a new section 19A to the 1987 Act that allows eligible firefighters to receive the benefit of the presumption. That presumption is that they are entitled to workers compensation when they are diagnosed with one of the specified cancers with a date of injury on or after 27 September 2018. The eligible firefighter's date of injury will be the date of diagnosis or the date they die from one of the specified cancers, whichever occurs first. Thirdly, the bill allows for retrospective application prior to 27 September 2018 for eligible firefighters who made a claim before the commencement of the amendments and has their claim denied by the insurer on the basis that the firefighter could not prove that their work was a substantial contributing factor to the cancer.

Fourthly, the bill allows for consecutive and broken periods of eligible service to be aggregated; however, concurrent periods of employed and voluntary service will only be counted as a single period of service. Finally, the bill will impose no post-service time limits on a firefighter to make a claim post service or employment. However, the existing provisions for making a claim will still apply in that the firefighter will be required to make a claim within the fixed time periods following diagnosis. As is currently the case, a longer period is available to all injured workers to make a claim with the approval of the State Insurance Regulatory Authority.

It is important to note that the presumption provisions will operate within the existing workers compensation legislative framework. Extensive research in Australian and North American workers compensation jurisdictions identified and shows conclusively a link between the activities of firefighting and 12 primary cancers. Over the past 12 months, the Government has consulted closely with Fire and Rescue NSW and the Rural Fire Services, as well as other agencies which represent more than 100,000 current and former firefighters who will benefit from this reform. The amendments supported by those entities and other government agencies will introduce a presumptive right to workers compensation unless proven otherwise by the liable employer.

The amendments proposed in the Workers Compensation Legislation Amendment (Firefighters) Bill 2018 will ensure better support for all firefighters and their families in aiding their recovery and return to health. This demonstrates the Government's commitment to improving the workers compensation system for the people of New South Wales. We have studied what has transpired in other jurisdictions and we have consulted widely to come up with the best possible proposal for firefighters in New South Wales. In 2011, the Commonwealth and Australian Capital Territory Labor Governments introduced presumptive legislation with no retrospective application and no coverage for former firefighters.

In 2013, the South Australian Labor Government introduced its presumptive legislation with no retrospective application and limited coverage for former firefighters limited to 10 years post-employment. This was amended in 2014. In 2013, the Western Australian Coalition Government introduced its presumptive legislation with no retrospective application. This was amended in 2016. Similar to our proposal, the Western Australian law extends the presumption to former firefighters with no post-employment time limit on diagnosis. In 2013, the Tasmanian Labor Government introduced its presumptive provisions with no retrospective application and a 10-year post-employment time limit on diagnosis which was subsequently amended in 2017. In 2015, the Northern Territory Labor Government introduced its presumptive legislation with very limited retrospectivity to July 2011, the date that the Commonwealth legislation commenced and a 10-year post-employment time limit on diagnosis.

In 2015, the Queensland Labor Government introduced its presumptive provisions for firefighters with no retrospective application and no post-employment time limit on diagnosis consistent with our proposals and the laws which apply to Western Australian firefighters. In 2017, the Victorian Parliament voted down a bill which included presumptive provisions for firefighters. The bill also included a controversial merger proposal which led to the Victorian Opposition and other non-government members of Parliament voting against the bill. The Victorian Liberal Opposition has subsequently confirmed that if elected in November it will introduce standalone presumptive legislation for firefighters.

The bill ensures that our firefighters who work to protect the lives and property of people and the community of New South Wales are provided with the best protection and support when they need it most. Unlike some jurisdictions, the bill will ensure presumptive provisions are available to all eligible firefighters who are or were in a paid role or in a current or former volunteer role who meet the definition of an official firefighter, and through that employment for voluntary service they are or were engaged in firefighting activities and have been diagnosed with one of the specified cancers with a service period that meets the minimum qualifying period for the cancer.

The bill does not place any time limits on making a claim after diagnosis following employment or service. The bill will allow for retrospective application prior to 27 September 2018 for eligible firefighters who made a claim and liability was on the basis that the firefighter could not prove that their work was a substantial contributing factor to the cancer. The bill seeks to prevent unnecessary delays by simplifying the claims process and acknowledges the extremely important role of all firefighters and official Rural Fire Service volunteers in New South Wales.

Once again, I emphasise the importance of the bill that addresses and acknowledges the important role of all employed firefighters and official rural fire service volunteers across New South Wales. We acknowledge and applaud the dangerous and difficult work they do every day on behalf of our communities. This Government is committed to commencing the provisions contained in the bill. If the bill is approved we will work diligently to publish a proclamation regulation as soon as possible with a commencement date of 1 January 2019. This will align with the proposed commencement of the dispute resolution provisions contained in the Workers Compensation Legislation Amendment Act 2018 which will also commence on 1 January 2019. On my last day as a member of this Parliament I am honoured to commend, on behalf of this Government, an outstanding bill. I thank Minister Dominello for his efforts in leading these important reforms to the workers compensation system. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have Opposition amendments on sheet C2018-163 and The Greens amendments on sheet C2018-179B.

The Hon. LYNDIA VOLTZ (11:27): By leave: I move Labor Opposition amendments Nos 1 and 2 on sheet C2018-163 in globo:

No. 1 Existing diseases

Page 5, Schedule 1 [3] (proposed clause 1 (2) (a) and (b) of Part 19K of Schedule 6), lines 14–21. Omit all words on those lines. Insert instead:

- (a) a claim for compensation has been made under the relevant compensation Act in respect of the disease before the commencement of the eligibility provision, and liability for the claim has been denied on the ground that:
 - (i) the disease was not contracted in the course of the worker's employment, or
 - (ii) the employment was not a contributing factor, or a substantial contributing factor, to contracting the disease, or
- (b) a claim for compensation is made under the relevant compensation Act in respect of the disease within 6 months after the commencement of the eligibility provision.

No. 2 Existing diseases

Page 5, Schedule 1 [3] (proposed clause 1 (4) of Part 19K of Schedule 6), lines 25–34. Omit all words on those lines. Insert instead:

- (4) A further claim for compensation may be made under the relevant compensation Act in respect of an existing disease if the claim has been made, and liability for the claim has been denied, as referred to in subclause (2) (a) (whether or not the claim has also been the subject of proceedings in the Commission or a court).

Labor is moving the amendments to create an amnesty period that will ensure firefighters who have contracted an occupational disease prior to the 20 September 2018 cut-off date as prescribed in the bill will not be unfairly discriminated against as a result of this Government's short-sightedness. The amnesty period will allow firefighters six months to lodge a claim following the commencement of this legislation to provide some retrospectivity to the men and women who should not have their illnesses discounted as a result of an arbitrary date set by this Government. The Parliamentary Secretary in his response to the second reading debate gave an astounding list that I assume he thought may help the Government's case, but it can only hurt it.

He went through a list of jurisdictions where this legislation has been introduced, the most one being the July 2011 Federal legislation. We are now in 2018 and it has been eight years since legislation was introduced to give firefighters coverage. That shows how long this Government has taken to protect our firefighters. If the Government had acted immediately Mr Proust and Mr DeBono would be covered by legislation and we would

not be having this debate today. South Australia introduced its legislation in 2011 and, according to the Hon. David Clarke, made it retrospective in 2013 so that everyone was covered and in that State Mr Proust and Mr DeBono would have been covered. Western Australia introduced its legislation in 2015 and made it retrospective in 2016, and in that State they would have been covered. Tasmania introduced its legislation in 2013 and made it retrospective in 2017, and in that State Mr Proust and Mr DeBono would have been covered. The Northern Territory introduced its legislation in 2015 and in that State both of those families would have been covered.

The reality is that this Government has been dragged kicking and screaming to the table on this legislation. The firefighters whose cases I have cited have had to have invasive surgery. They do some of our most important work and are already \$10,000 out of pocket. They are paying the price for this Government's indecision and short-sightedness. At the end of the day we know our firefighters carry out a risky job and, just like the police and soldiers on the frontline, we ask them to do something that puts their lives at great risk. We should feel a responsibility to cover them.

The Government said it will cost \$350 million. I will set aside the fact that the Government has never been right with its figures in any of its reviews of insurance schemes. Recently under the compulsory third party [CTP] insurance scheme in nine months it has nearly collected—

The CHAIR (The Hon. Trevor Khan): Order! The Hon. Lynda Voltz is close to being outside the leave of the amendments. When she touches on other areas she is moving away from the amendments.

The Hon. LYNDA VOLTZ: The Government's main argument to these amendments is costs. Its costing is \$350 million.

The CHAIR (The Hon. Trevor Khan): I am not arguing with that.

The Hon. LYNDA VOLTZ: An indication of the Government having wrong figures is the CTP scheme that ran for nine months. It took nearly \$1 billion but so far it has only paid out \$50 million. The Government argues about the tail but in reality if a scheme is changed to have only a six-month claim period there is no tail. The Government gets its figures wrong every time. Even if we accept that it will cost \$300 million or \$350 million that pales into insignificance compared with the way this Government has spent money on stadiums. It was a \$600 million stadium that then escalated to a \$1.6 billion stadium package and it is now a \$2.45 billion loan, with \$315 million in disruption costs alone at the Sydney Cricket Ground. That is before we add the cost of Parramatta pool and the cricket stadium. The Minister for Sport has \$400 million sitting there—

The CHAIR (The Hon. Trevor Khan): I remind the Hon. Lynda Voltz that she should be addressing the amendments she moved. She is engaging in a valid argument for a contribution to the second reading debate but it does not address the appropriateness of the amendments that she has moved. I invite her to address the substance, as it were, of the amendments and the rationale for them.

The Hon. LYNDA VOLTZ: The amendments will allow a six-month amnesty to capture those people who are dying from a serious cancer, who have undertaken invasive surgery and who have been given a life expectancy of 12 months to five years. They are out of pocket by having to pay for their own medical expenses. This Government says it cannot afford to cover them because it will cost \$350 million. It is not unreasonable for people in the public to ask why the Minister for Sport has \$400 million available for an indoor sport stadium in the central business district but the Government says in this Chamber it will not cover our firefighters who fight fires on the frontline and are now dying. It is about the Government's priorities and these amendments address what should be this Government's first priority—that is, protecting our firefighters in the bushfire season.

We know that bushfires are dangerous and many lives can be lost if things go wrong. Firefighters take great risks doing their job and they should be covered. Even if the Government's figures are right, which I do not think they are, it is not outside what this Government can pay. The Government has plenty of money floating around that it is handing out hand over glove in other places. It is not unreasonable for the Government to look after our firefighters.

The Hon. DAVID CLARKE (11:35:0): The Government does not support Opposition amendments Nos 1 and 2 that extend the retrospective application of the presumptive legislation. The Government bill provides limited retrospective application of the presumption. The Government bill provides the opportunity for a firefighter who previously made a claim for compensation for one of the specified cancers and had that claim denied, because they were not able to prove that the cancer arose out of their firefighting exposure, to make that claim again. When the firefighter makes the claim again, the Government bill allows them to rely on the presumption. This means that they do not have to prove the cause of the cancer; it is presumed the cancer was contracted because of their firefighting activities.

This policy position addresses any inequity suffered by firefighters who previously tried to make a claim for compensation but who could not gather the evidence to meet the burden of demonstrating causation. The Opposition amendments go further than this and make the retrospective application of the presumption to all firefighters, regardless of the fact that they had not previously made a claim. Actuarial assessments indicate that this would cost more than \$350 million—an amount payable by the people of New South Wales. These amendments are inconsistent with the existing legislative framework and the application of similar legislation across Australia. The proposed amendments are not supported.

Mr DAVID SHOEBRIDGE (11:36): The Greens support Opposition amendments Nos 1 and 2. If the Committee allows me, it may be convenient for me to move The Greens amendments. I would ask the Committee, if Opposition amendments are not successful, that The Greens amendment No. 1 on C2018-179B be put. If that is not successful, then The Greens amendment No. 2 on C2018-179B be put in that order.

The CHAIR (The Hon. Trevor Khan): If the Committee is agreeable, I will put Opposition amendments Nos 1 and 2 together. I will then put The Greens amendments, subject to the Opposition amendments having gone down, in seriatim.

Mr DAVID SHOEBRIDGE: By leave: I move The Greens amendments Nos 1 and 2 on sheet C2018-179B in globo:

No. 1 **Existing diseases**

Page 5, Schedule 1 [3] (proposed clause 1 (2) of Part 19K of Schedule 6), line 13. Omit "27 September 2018". Insert instead "4 July 2011".

No. 2 **Existing diseases**

Page 6, Schedule 1 [3] (proposed clause 2 of Part 19K of Schedule 6). Insert after line 9:

- (4) As soon as practicable after the period of 12 months from the commencement of this clause, the Law and Justice Committee of the Legislative Council is to review the operation of clause 1.
- (5) The review under subclause (4) is to consider:
 - (a) the cost of claims for compensation resulting from the operation of clause 1, and
 - (b) the equity and ongoing costs of extending the application of the eligibility provisions to existing diseases contracted on or after 4 July 2011 as provided by that clause.
- (6) The Law and Justice Committee is to report to Parliament on the outcome of the review under subclause (4).

The Greens support Opposition amendments Nos 1 and 2. I said in my contribution to the second reading debate that The Greens are sceptical about the actuarial costing of an additional \$350 million liability. The Opposition amendments state that regardless of when a firefighter contracted, diagnosed or died from one of the 12 occupational cancers, they will have a right to make a claim for compensation within a short period of six months from the passage of the bill. The Government is right to the extent that it says that if a firefighter contracted and died from the cancer two decades ago their family would have the right to make a claim within that six-month window.

If a firefighter contracted and was diagnosed with the cancer two years ago that firefighter, or his or her family if he or she had passed away, has the right to make a claim within six months.

I think it is grossly unlikely that within a six-month window enough of those claims would be brought from deceased or suffering firefighters to come anywhere near \$350 million. There is a six-month window within which to make the claim. If I had any criticism of the Opposition's amendment, it would be that six months is probably not long enough for the message to get out amongst the firefighting community and amongst former firefighters so they would have time to make a claim. The Opposition amendment opens up retrospectivity to any firefighter or the family of any firefighter who had contracted one of these occupational diseases and had been working in the industry long enough to be covered by these new expanded definitions. Because of the way that amendment extends back in time indefinitely, The Greens support it. Again, I think it is almost ludicrous to suggest that the likely cost of that will be anywhere near \$350 million.

I covered The Greens' two amendments in my contribution to the second reading debate so I will not go over them at length. The Greens amendment No. 1 would change the Government's proposed date of retrospectivity, 27 September 2018—the date it announced its decision. Instead, the legislation would be made retrospective to 4 July 2011. Any firefighter who died from or was diagnosed with one of the occupational diseases from 4 July 2011 would be covered as a result of The Greens amendment No. 1.

Why is that fair? Because it is the standard that has been set in the Commonwealth and the Northern Territory. The Government argues that there is no retrospectivity in other states, such as Western Australia and

Tasmania. That is true to some extent, but those States moved years before us—in 2013 and 2012. The Commonwealth and those other states did not have the same argument about retrospectivity because they moved seven, six and five years before now, so the retrospectivity argument was not the same. Firefighters in New South Wales have been asking for this since it was passed in the Commonwealth seven years ago; that is why The Greens have suggested the date of 4 July 2011.

If neither of those amendments succeed—and I hope we do not get to this point—The Greens' final amendment is to refer this matter to the Law and Justice Committee to review how the retrospectivity in the bill has currently operated. That is to be done as soon as practicable 12 months after this legislation commences. Under that review, the Law and Justice Committee is to consider the cost of claims for compensation resulting from the operation of clause 1. It would look at the claims experience, find out how many matters have come forward, and then consider the equity and ongoing costs of extending the application of the eligibility provision to existing diseases contracted on or after 4 July 2011 as provided by that clause. In other words, if the inflated actuarial assessments are the reason this is not being done now, let us get some claims experience. If that is the final hurdle, let us look at how many claims have come forward, look at the experience in other jurisdictions and work out how much it actually will cost—not the grossly inflated figures we are dealing with at the moment. Next year let us finally do it with all the cold, hard facts to hand.

The Government has said that under its bill retrospectivity will extend earlier than 27 September 2018, and there is a tiny amount of retrospectivity for firefighters who had made a claim and had it denied before that date. That is not genuine retrospectivity because almost all of those firefighters will have gone to their lawyer; their lawyer will have got an expert report from their treating cancer specialist; that expert report will say, "You're not going to win this case because causation is just too hard"; and claims will not have been brought. It is not the case that those firefighters have brought claims and had them denied; most of them will not have brought a claim. They would then be doubly penalised because they did not put in a claim that was probably unmeritorious under the existing legislation. If I were one of those firefighters or a family member of one of those firefighters and I were watching what is happening here today, I do not think I could stomach it.

The Hon. DAVID CLARKE (11:44): The amendments moved by The Greens would have the effect of extending the retrospective application of the presumption from 27 September 2018, as announced by the Government, to 4 July 2011. The Government opposes these amendments. The Government's bill provides limited retrospective application for the presumption. It provides the opportunity for a firefighter who previously made a claim for compensation for one of the specified cancers and had that claim denied because they were not able to prove that the cancer arose out of their firefighting exposure to make that claim again. When the firefighter makes the claim again, the Government's bill allows them to rely upon the presumption. This means that they do not have to prove the cause of the cancer; it is presumed the cancer was contracted because of their firefighting activities.

This policy position addresses any inequity suffered by firefighters who previously tried to make a claim for compensation but who could not gather the evidence to meet the burden of demonstrating causation. The Greens' amendments go further to make the retrospective application of the presumption to all firefighters with a date of diagnosis from 4 July 2011, regardless of the fact that they had not previously made a claim. Actuarial assessments indicate that this would cost more than \$250 million—an amount payable by the people of New South Wales as an increased cost on their insurance rates. The Workers Compensation Legislation (Firefighters) Amendment Bill 2018 introduces presumptive legislation for firefighters that goes further than nearly all of the other States and Territories in Australia. That is, when introducing their legislation, all States and Territories apart from the Northern Territory provided for no retrospectivity in the application of the presumption.

Regarding The Greens amendment No. 2, I indicate that the Minister is supportive of a review in similar terms to that amendment. I am informed that the Minister will work with Mr David Shoebridge and the Hon. Natalie Ward to draft terms of reference for a review by the Law and Justice Committee. However, the Government does not support the amendment.

The Hon. LYNDA VOLTZ (11:47): Obviously the Labor Party supports The Greens' amendments. Regarding The Greens amendment No. 2, as a member of the Law and Justice Committee who has looked at actuarial information provided to that committee for more than a decade, I think The Greens have got Buckley's chance of getting any real actuarial information. That has been our experience. It sounds nice to have a review but the reality of the Law and Justice Committee over the past decade is that we have struggled to get actuarial information, to the extent that members of the committee have discussed bringing in our own actuaries to try to get to the bottom of it.

The Hon. ROBERT BROWN (11:47): I have foreshadowed that the Shooters, Fishers and Farmers Party will support the Opposition's amendments and The Greens' amendments. The Government has indicated that it believes The Greens' amendment No. 2 has value. Of course it has value, because it would bring to the table the facts of the matter on this \$250 million or \$350 million. My comment regarding these amendments is that

members cannot honestly, as a bunch of Christians—and others—stand here in this place with a stopwatch and say, "You win; click—you lose." Whether \$350 million or \$250 million—does it matter? If we had some mechanism whereby we could press a button to get an instant poll of the ratepayers of New South Wales, we could ask them, "Is \$250 million or \$350 million worth one life? Two lives? Five lives? What is it worth?" I have had two close family members, a niece and a brother-in-law, die of brain cancer. It is sneaky. You cannot predict when it is going to happen. You can have it treated and it can come back years later. I have a nephew now with the same damn thing. So I would urge my colleague Reverend the Hon. Fred Nile: Have some compassion, brother, and vote for the amendments.

Reverend the Hon. FRED NILE (11:49): Speaking to the Opposition, we have sought some advice from the Government as to that amount of extra money that would have to be found from the budget—the \$356 million, which some members question. The Government has advised that \$102 would be added to every emergency services levy policy, \$16.50 would be added to every individual's council rates and \$52.3 million would have to be found from consolidated revenue. That is trying to be realistic.

The Hon. Lynda Voltz: That is just not true, Fred.

Reverend the Hon. FRED NILE: These are the figures provided by the Government. I can only trust the Government to be giving us accurate figures and advice. The other question in my mind—because I have been here, as members know, for 34 or 35 years or something—is that I have seen over the years where the Government gets amendments that it is very unhappy with, especially in the financial area, the bill stalls and does not go anywhere. That is my concern. I do not want the firefighters to lose out on having any improvement which this bill gives them. I cannot force the Government to implement the bill with the amendments—that is up to the Government policy. I do not have it in front of me but I have seen this happen over those years, where a bill was amended, strongly opposed by the Government in this economic area, and the bill then stalled—it did not get implemented. You cannot force the Government to implement the bill with your amendments. I am a realist and I have seen this happen over the years, where the bill is stalled and does not get promulgated or some other strategy is used by the Government. I hope that does not happen and I have no advice from anybody in the Government that that is a possibility, but I would like the Parliamentary Secretary to give a guarantee that if the amendments were carried the bill would proceed and the amendments would proceed through the other place, or the bill would be stalled.

The Parliamentary Secretary can answer my questions in a moment. I put him on the spot with the proposition I just put to him. We are all very sympathetic to the firefighters and we could spend hours discussing various people we know who have had cancers, including my own father who died of lung cancer. It is quite an emotional thing when you are discussing policies that affect people's lives, especially in this case of firefighters who risk their lives every day on our behalf. If anyone has a priority out of all the workers, they should be at the top of the list. That is how the Hon. Paul Green and I feel about these amendments. It may be an emotional response and not a financial one that something should be done and that these amendments should be carried. That would be where we are leading in our thinking at this stage. The Greens amendment No. 2 is something we have often supported in the past. I do not see that as a dramatic intervention. There may be some problems with amendment No. 1 but the Government may come up with some proposition whereby it could accept No. 2. We will see how the debate and the voting proceeds on the amendments.

The Hon. ROBERT BROWN (11:54): If I may be so intemperate as to offer some advice to someone who has far more experience than me, the Government uses this threat often. The threat is probably made privately in meetings. I know it has been made to us: "Oh, if these amendments go through we'll pull the bill." My response to the Government has always been, "Okay, bring it on. Let's see you attempt to pull a bill like this. Let's see you put your cards on the table." I know the member at the table who has carriage of this bill cannot make a decision here. He has to take direction from the Minister who has promulgated the bill. To Reverend the Hon. Fred Nile I say: Fred, good on you, mate. That is good; that is putting them on notice. That is the way you have to deal with this Government. I am sorry to have to say that, but that is the way we have to deal with this Government, so bring it on. I hope Reverend the Hon. Fred Nile carries through. It will be interesting to see what the Government representative has to say about whether the Government would honour the bill if the amendments were carried. That will be very interesting. But in either case I say to my colleague Reverend the Hon. Fred Nile: Let's take them on, Fred. They will not dare kill a bill like this just to try to spook you out of supporting the Opposition amendments.

The Hon. LYNDIA VOLTZ (11:56): Regarding the figures the Government has put forward as to the insurance levy I again urge members to look at the workers compensation reviews that have been undertaken by the Legislative Council Standing Committee on Law and Justice and find out how much leeway there is in the workers compensation scheme. We are not talking about a small scheme. We are talking about a scheme that currently holds billions and billions of dollars. With the compensation figures Reverend the Hon. Fred Nile was

talking about, use the compulsory third party example I gave: Over nine months, almost \$1 billion has been collected in compulsory third party and only \$50 million has been paid out to people with injuries.

There is a huge amount of money in those schemes because the schemes are built to have long tails. That is exactly what is indicated by the situation of firefighters with these types of cancers. The point is the scheme always has flexibility within it to adjust. If one looks at insurance levies for cars alone, that is more than \$1 billion. For the Government to imply that people's house insurance will go up by \$150—I cannot remember the exact figure used by Reverend the Hon. Fred Nile in his example—because of the inclusion of some retrospectivity on firefighters is inconceivable when one considers the amounts that go into this scheme.

Mr DAVID SHOEBRIDGE (11:58): Dealing with Reverend the Hon. Fred Nile's contribution—and his concern is about the cost—I think the Opposition is right to look at the most recent experience of a new scheme that has been established, which is the no-fault element of the compulsory third party [CTP] scheme. The Chair of the Legislative Council Standing Committee on Law and Justice would probably join with me—although she can probably speak for herself—in expressing frustration at how long it has taken to get the actuarial projections for claims under that scheme in the first 12 months of its operation. It is often hard to predict what the actuarial response will be in the first 12 months of the operation of a scheme because nobody knows about it and it depends upon how well it is communicated and how effective the lawyers and others are at putting claims on in a short period. We now know that the actuarial projections for the CTP scheme showed in their worst-case scenario that \$150 million would be paid out in the first nine months of the scheme—actuaries think the worst-case scenario is when people are actually paid benefits. But because it was a new scheme and because there is always a delay in claims being made, only \$50 million was paid out. That is one-third of what the actuaries had assumed.

The actuaries projected five alternative scenarios based upon different delays in people making claims due to this being a new scheme. Even their lowest estimate, which assumed people would be delayed in making claims on the new scheme, is higher than the amount actually paid out. When we look at actuarial estimates in this case, we see they project that something like \$350 million would be paid out with a window of opportunity to put claims on of six months. This is wildly inflated. I do not blame the Government for putting those actuarial figures to us; I am sure that they came from the actuaries. However, history shows that the actuarial projections are wildly inflated.

The CHAIR (The Hon. Trevor Khan): The Hon. Lynda Voltz has moved Opposition amendments Nos 1 and 2 appearing on sheet C2018-163. The question is that the amendments be agreed to.

The Committee divided.

Ayes 18
 Noes 17
 Majority..... 1

AYES

Brown, Mr R	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Graham, Mr J	Green, Mr P
Houssos, Mrs C	Moselmane, Mr S (teller)	Nile, Revd Mr
Pearson, Mr M	Primrose, Mr P	Searle, Mr A
Secord, Mr W	Sharpe, Ms P	Shoebridge, Mr D
Veitch, Mr M	Voltz, Ms L	Walker, Ms D

NOES

Ajaka, Mr	Blair, Mr	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Fang, Mr W (teller)
Farlow, Mr S	Franklin, Mr B	Harwin, Mr D
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Mason-Cox, Mr M	Mitchell, Mrs
Phelps, Dr P	Ward, Mrs N	

PAIRS

Mookhey, Mr D

Amato, Mr L

PAIRS

Wong, Mr E

Taylor, Mrs

Amendments agreed to.**Mr DAVID SHOEBRIDGE (12:08):** I withdraw The Greens amendment No. 1 on sheet C2018-179B.**Amendment withdrawn.****The CHAIR (The Hon. Trevor Khan):** Mr David Shoebridge has moved The Greens amendment No. 2 on sheet C2018-179B. The question is that the amendment be agreed to.**The Committee divided.**

Ayes 18

Noes 17

Majority..... 1

AYES

Brown, Mr R
Field, Mr J
Houssos, Mrs CPearson, Mr M
Secord, Mr W
Veitch, Mr MDonnelly, Mr G (teller)
Graham, Mr J
Moselmane, Mr S
(teller)Primrose, Mr P
Sharpe, Ms P
Voltz, Ms LFaehrmann, Ms C
Green, Mr P
Nile, Revd MrSearle, Mr A
Shoebridge, Mr D
Walker, Ms D

NOES

Ajaka, Mr
Colless, Mr R
Farlow, Mr S
MacDonald, Mr SMartin, Mr T
Phelps, Dr PBlair, Mr
Cusack, Ms C
Franklin, Mr B
Maclaren-Jones, Mrs
(teller)Mason-Cox, Mr M
Ward, Mrs NClarke, Mr D
Fang, Mr W (teller)
Harwin, Mr D
Mallard, Mr S

Mitchell, Mrs

PAIRS

Mookhey, Mr D
Wong, Mr EAmato, Mr L
Taylor, Mrs**Amendment agreed to.****The CHAIR (The Hon. Trevor Khan):** The question is that the bill as amended be agreed to.**Motion agreed to.****The Hon. DAVID CLARKE:** I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.**Adoption of Report****The Hon. DAVID CLARKE:** On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

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 2018-2019

Debate resumed from 19 June 2018.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (12:20): In reply: As the Fifty-sixth Parliament draws to a conclusion, I have to say there has not been as much debate on this excellent budget as I would have liked. But now is not the time or place, because we are all anxious to hear the valedictory speech of the Hon. Ernest Wong, whom we have enjoyed serving with. With those few remarks, I commend the motion to the House.

The PRESIDENT: The question is that the motion be agreed to.

Motion agreed to.

The PRESIDENT: Order! According to resolution of the House of Thursday 15 November 2018, proceedings are interrupted to enable the Hon. Ernest Wong to make his valedictory speech without any question before the Chair.

Members

VALEDICTORY SPEECH

The Hon. ERNEST WONG (12:21): Before I make my valedictory speech, I acknowledge the original custodians of this land and pay my respect to their elders both past and present. The 5½ years that I have been in Parliament have been a profound experience for me—a true personal journey. Why do you enter Parliament? Clearly, it is to make a difference. The question is: In what way do you make a difference? Throughout my time in the legislature, I have had two overriding concerns: social equity and social justice. They have been my guideposts through all my time in Parliament.

Anti-discrimination has been of paramount importance for me as a member of the Chinese community and the ethnic community as a whole. The Australian Federation was defined, prior to and at the time of its inception, on the basis of distinguishing itself against people from China. Despite the small Chinese community already in Australia, in June 1888 representatives from the then British colonies on the continent met to discuss what they called the "Chinese Question". At the end of the conference, they issued a resolution, which read:

In the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australia.

The Immigration Restriction Act passed just after Federation. Its limitation of immigration to those from the British Isles made Chinese Australians strangers in the land that had in fact become their home. That was maintained by leaders of both major and minor Australian parties throughout the twentieth century. In 1941, during the Second World War, Prime Minister John Curtin declared in the House of Representatives:

This nation will remain forever the home of sons of Britishers who came here in peace to establish in the South Seas an outpost of the British race.

In 1966 the leader of the Australian Labor Party [ALP] in Federal Parliament, Arthur Calwell, stated that in his opinion, "Asians present a menace to our society". Thirty years later, Pauline Hanson declared in 1996, "All Asian immigration should be stopped". Today Australia is home to more than 1.2 million people of Chinese ancestry. But such pronouncements from political leaders and others over time never fail to give Chinese Australians a feeling that somehow they are not part of Australia or that somehow they are not "authentic" Australians. This is so unfair and so iniquitous, and I have always stood against it. It was from that standpoint that I brought the issue to the forefront in 2015 in an Address-in-Reply debate when I reminded this Chamber:

Chinese Australians are ... Australian citizens first and foremost ... [and] as Australian citizens, we look to Australia's interest.

Social justice is the bedrock of the teaching I received as a boy. In the final stages of my school education I went to a Jesuit secondary college in Hong Kong, where I grew up. One of the key principles of the Jesuit heritage is the call to a faith that does justice and which expresses solidarity with the poor and marginalised. It is a basic belief that Christian faith cannot have integrity without action for social justice. Even more, the approach extends to those elected by the people, who, I believe, have a duty and a responsibility to help vulnerable people who are not in a position to help themselves.

The iniquity of discrimination is most fundamentally changed through multiculturalism. Multiculturalism is the foundation for affirming the civic validity of immigrants. For immigrants, knowing their culture is accepted

*Bills***WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018****Messages**

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly having considered the message dated 22 November 2018 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Workers Compensation Legislation Amendment (Firefighters) Bill, informs the Legislative Council that the Legislative Assembly disagrees with the proposed amendments because:

- (1) Opposition amendments Numbers 1 and 2 would extend the retrospective application of the presumptive legislation in circumstances where the Government's Bill already provides limited retrospective application of the presumption. The Government's Bill also provides the opportunity for a firefighter who previously made a claim for compensation for one of the specified cancers and had that claim denied, because they were not able to prove that the cancer arose out of their firefighting exposure, to make that claim again. When the firefighter makes the claim again, the Government Bill allows them to rely on the presumption. This means that they do not have to prove the cause of the cancer; it is presumed the cancer was contracted because of their firefighting activities.
- (2) These provisions address any inequity suffered by firefighters who previously tried to make a claim for compensation but who could not gather the evidence to meet the burden of demonstrating causation. The Opposition amendments go further than this and apply the retrospective presumption to all firefighters, regardless of the fact that they had not previously made a claim. Updated Treasury figures indicate that this would cost up to \$1 billion—an amount payable by the people of New South Wales. Further, these amendments are inconsistent with the existing legislative framework and the application of similar legislation across Australia.
- (3) The Greens amendment No.2 is unnecessary because following extensive discussions with the Hon. Rev. Fred Nile and the Hon. Paul Green from the other place, an agreement has been made that will ensure that proper due diligence is done on the full cost of total retrospectivity. Consequently, the Government has committed to conduct an inquiry into the full cost of retrospectivity within the first 100 Days following the upcoming election. This inquiry of the Legislative Council will be chaired by the Hon. Rev. Fred Nile and will review and report on the total cost of retrospectivity.

SHELLEY HANCOCK
Speaker

Legislative Assembly
22 November 2018

In Committee

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (18:51): I move:

That the Committee not insist on the amendments disagreed to by the Legislative Assembly.

The Government has been in extensive discussions with Reverend the Hon. Fred Nile and the Hon. Paul Green regarding an agreement that would ensure that proper due diligence is done on the full cost of total retrospectivity. It is important that the full cost of this policy and the flow-on impacts for the budget bottom line for emergency services levy insurance policies and for council rates be understood fully and interrogated independently before they are introduced. As advised in the message, the assessment of Treasury suggests that retrospectivity could cost up to \$1 billion.

If the Committee does not take the position tonight of not insisting on its amendments, the Government would have no option but to withdraw the bill in its current form. This would mean that firefighters would have no presumptive coverage until Parliament was to resume after the election in 2019. To that end I inform the Committee that the Government has committed to conduct an inquiry into the full cost of retrospectivity within the first 100 days following the upcoming election. This inquiry of the Legislative Council will be chaired by Reverend the Hon. Fred Nile and will review and report on the total cost of retrospectivity. In accordance with this agreement I am putting that to the Committee for further consideration and trust that it will return the bill to the other place as originally introduced by the Government. The Government would like to have this matter resolved before we adjourn this year, with the protections that our firefighters want and deserve. I urge members to support the motion I have moved.

The Hon. LYNDA VOLTZ (18:54): The Opposition of course opposes this motion about the message from the other Chamber. It is amazing that we now have the Government coming back in here with the magical \$1 billion figure as the cost, because the Minister said in his second reading speech—

The CHAIR (The Hon. Trevor Khan): Order! I am alive to the lateness of the hour and to the fact that it is the last day of the sitting. I am also very much aware that this is a significant bill and very important to a lot of people. I am not in any way seeking to detract from the debate, but interjections at this stage could get hopelessly out of hand. I encourage members to be restrained in their interjections. That is all I will say at this stage.

The Hon. LYNDIA VOLTZ: As I was saying, here are the magic beans of the State Government. They come back to this Chamber with a message where they have picked a figure out of fairyland so that it is now \$1 billion. The Minister in his second reading speech in the other House said:

Actuarial analysis of the introduction of full retrospectivity of these provisions suggests that it would add in excess of \$350 million
...

That is a rather large jump by the Government in just a few short hours but, given the inaccuracy in the Government's actuarial figures on anything we have seen before the Legislative Council Standing Committee on Law and Justice where they have been constantly overinflated, I suspect this is like every piece of legislation we have had before us from this Government about actuarial costs. At the end of the day this cost is about people who are suffering from cancer today and are paying for it out of their own pocket. And they are people who are doing it because they were frontline firefighters looking after the people of our State. That is the reality about the legislation in front of us.

Those opposite would not say, "We are not going to compensate the Police Force because it might cost us a few bucks." They would not say, "We are not going to compensate our soldiers because it might cost us a few bucks." But somehow when it comes to our firefighters members of this Government walk into this Chamber with absolute bald-faced lies about the figures and say they are not going to look after our firefighters. The reality is the Government's legislation has no retrospectivity because nobody could put a claim in for these cancers as they were not covered by the Act. That is the reality.

That is why Mr Proust, who in May was diagnosed with cancer and has had invasive surgery and radiation treatment and has paid \$10,000 out of his own pocket, will get nothing. He has a life expectancy of 12 months. He does not have 12 months to wait for this Parliament to go off and do its usual nonsense with the actuarial figures. By the way, unless the Government has actually stumped up the money to pay for someone to look at those figures it will not be much of a committee hearing, because we have been through that before. Mr Proust will not be here for that. His family will continue to have to put their hands in their pockets to pay for his medical treatment that he needs because he looked after people on the frontline in bushfires. And it is the same with Mr Debono, who was diagnosed with and is dying from cancer.

There is absolutely no way this Government can come back and tell us that that is not acceptable. There should be compensation. They are entitled to compensation. The Federal Government did it in 2011. Since 2011 this Government has known this legislation is needed. These two people would have been covered if this Government had done the right thing. Those opposite will not do the right thing. They will not even look at doing the right thing. They will not even take legislation back to 2011 when everybody else was eligible for it, when everybody else knew there was a problem. South Australia came on board. Western Australia came on board. Tasmania came on board. The Northern Territory came on board. Everyone has come on board except for this Government, in the biggest State in our country, with the biggest population—a Government that says it has a robust budget and it will not look after firefighters. It is a disgrace. Labor opposes this.

The Hon. ROBERT BROWN (18:59): I will speak from this side of the table because I want to face the people who are doing this tonight. You should be ashamed of yourselves for having conned the Christian Democrats into this flip. The only reason we are back here debating this motion is that Government members think they have the numbers. I cannot do anything about that—they may well have them. That is right. Just sit there and look at your phones. Do not look up. You are all a disgrace and I am ashamed to sit on the same benches as you. The Shooters, Fishers and Farmers Party will oppose this motion.

Mr DAVID SHOEBRIDGE (19:00): Firefighters run into danger. That is what they do. They run into fires and into danger and put themselves at risk. All they are asking is if they suffer from one of 12 identified occupational cancers that we know from international literature they are likely to get when they run into fires and use the firefighting chemicals they have been using for decades, they want to be taken care of. And if they die from those cancers—and many of them do—they want their families taken care of. That is what they are asking this Parliament to do. That is what the amendments we agreed to did.

We did not put a time limit on this. We did not say, "If you are diagnosed or die after September you are covered, but if you were diagnosed before September, I'm sorry. You are on your own. You are not covered by workers compensation. Go onto social security and Medicare." That is the effect of these amendments. There are families who have lost a father or mother from a cancer that they suffered because of their exposure as a firefighter. If they will not be compensated, what will the Reverend the Hon. Fred Nile say to those families? "Sorry, it was too expensive." What will the Government say to those firefighters and those families? "Sorry, it was going to cost too much to give you a \$300,000 death benefit because your father or your partner died as a result of being a New South Wales firefighter." That is the answer that is being given by the Government and the Christian

Democrats. "It is too expensive to pay for the death of the breadwinner in your family, despite the fact that their job was to run into fires and save you, your loved ones and everybody else in New South Wales."

The Government has told us that its new cost estimate is \$1 billion, but we know what that figure is. That is the wildly-outside-the-range maximum potential liability that the actuaries have come up with. It is not the central estimate. At least there was some honesty in the discussion before about the central estimate, which is around \$350 million and is ridiculously inflated in itself—the idea that 2,000 or 3,000 firefighters or families of firefighters would lodge a claim within the six months that this retrospective window will be open is fanciful. The idea that the answer to this problem is to have a committee chaired by Reverend the Hon. Fred Nile, who is today voting down the firefighters and selling them down the river, is even more fanciful.

The Greens will not support and give our votes to establish an inquiry chaired by the member who is supporting amendments that damage firefighters. I will also say on the record that this is a complex issue and requires dealing with actuarial assessments. I do not believe the Reverend the Hon. Fred Nile is the right person to be chairing that kind of difficult committee. It will not work and it will not deliver justice for firefighters. Firefighters deserve their Government to be in their corner when they suffer from cancer because of the work they do keeping us safe. These amendments betray them. To strip out the amendments that were being supported earlier today is a betrayal of those firefighters, pure and simple. And it is just for money.

The Hon. ADAM SEARLE (19:04): I move, according to Standing Order 156 (2):

That the motion of the Hon. Don Harwin be amended by omitting the word "not".

This amendment is to make sure that an affirmative decision emerges from this Committee process. The position of the Labor Opposition, as articulated by the shadow Minister, is absolutely clear. This community asks firefighters to put themselves in the way of harm. If as a result of that calling and occupation they contract one or more of these scheduled cancers—

Mr David Shoebridge: Which we know they do.

The Hon. ADAM SEARLE: —which we know they do, we should provide a safety net for them and their families, rather than requiring them to go through lengthy and expensive litigation.

Mr David Shoebridge: Which they normally lose.

The Hon. ADAM SEARLE: I acknowledge that interjection. This is not a one-out. This may be a novel process for New South Wales, but it is in place in Victoria.

Mr David Shoebridge: And in the Commonwealth, the Northern Territory, Western Australia—

The Hon. ADAM SEARLE: Noted. The point is this is the largest State. We in this place and in the other place all say that we support our police, paramedics, firefighters and all those occupations where the community invites people to put their health and lives on the line. The least we can do is make sure they are looked after properly. I urge members to stick with the commitment this Chamber made earlier today and not sell out for 30 pieces of silver.

The Hon. PETER PRIMROSE (19:05): Briefly, the arguments have been well put by other people on this side. I am talking to everyone on the other side. I have been here long enough to hear all members of this Chamber. When firefighters do the job we ask them to do, we praise them and say how great it is that they put themselves in harm's way. This disgusting episode is taking place just after we have just gone through Christmas felicitations and said, "Thank you and have a wonderful Christmas," but one of the groups of people who will not be enjoying Christmas with their families are the firefighters out there doing the jobs we ask them to do—firefighters, police and nurses.

In relation to this matter, I will not even try to appeal to Reverend the Hon. Fred Nile. I will leave that to others. I ask the Hon. Paul Green to consider this matter very carefully. He voted one way earlier this morning. I know he is an honourable and sincere member. I have been on committees with him. I know he cares about what happens to people in the helping professions. If he does not take account of what the politicians say, he should take account of what the fireys say and what the victims of people doing their job have said. On this occasion, do not put politics first; put morality first and do not vote with Reverend the Hon. Fred Nile.

The CHAIR (The Hon. Trevor Khan): The Hon. Don Harwin has moved that the Committee not insist on the amendments disagreed to by the Legislative Assembly, to which the Hon. Adam Searle has moved that pursuant to Standing Order 156 (2) the question be amended by omitting the word "not". The question is that the amendment be agreed to.

The Committee divided.

Ayes 12
 Noes 16
 Majority.....4

AYES

Brown, Mr R	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Moselmane, Mr S (teller)	Primrose, Mr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Voltz, Ms L	Walker, Ms D

NOES

Ajaka, Mr	Blair, Mr	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Farlow, Mr S (teller)
Franklin, Mr B	Green, Mr P	Harwin, Mr D
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Nile, Revd Mr	Phelps, Dr P
Ward, Mrs N		

PAIRS

Graham, Mr J	Amato, Mr L
Houssos, Mrs C	Fang, Mr W
Mookhey, Mr D	Mason-Cox, Mr M
Veitch, Mr M	Mitchell, Mrs
Wong, Mr E	Taylor, Mrs

Amendment negated.

The CHAIR (The Hon. Trevor Khan): The Hon. Don Harwin has moved that the Committee not insist on the amendments disagreed to by the Legislative Assembly. The question is that the motion be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

[In division]

The Hon. Greg Donnelly: Conscience vote for the Liberals and Nationals. Conscience vote for the Christian Democrats.

[Interruption from gallery]

Reverend the Hon. Fred Nile: Mr Chair, will you please silence the interjections and intimidation of members?

The Hon. Greg Donnelly: Cut it out, Fred. You have got no balls, mate.

Mr David Shoebridge: It is hardly intimidation.

The CHAIR (The Hon. Trevor Khan): Order!

Reverend the Hon. Fred Nile: Point of order: My point of order relates to intimidation by the Hon. Greg Donnelly.

The CHAIR (The Hon. Trevor Khan): I just indicate two things. Firstly, we are at the end of the season and a degree of civility is required. Secondly, those in the gallery are invited to witness but not to participate.

Ayes 16
 Noes 12

Majority.....4

AYES

Ajaka, Mr	Blair, Mr	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Farlow, Mr S (teller)
Franklin, Mr B	Green, Mr P	Harwin, Mr D
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Nile, Revd Mr	Phelps, Dr P
Ward, Mrs N		

NOES

Brown, Mr R	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Moselmane, Mr S (teller)	Primrose, Mr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Voltz, Ms L	Walker, Ms D

PAIRS

Amato, Mr L	Graham, Mr J
Fang, Mr W	Houssos, Mrs C
Mason-Cox, Mr M	Mookhey, Mr D
Mitchell, Mrs	Veitch, Mr M
Taylor, Mrs	Wong, Mr E

Motion agreed to.**The Hon. DON HARWIN:** I move:

That the Chair do now leave the chair and report that the Committee does not insist on the Legislative Council's amendments.

The Committee divided.

Ayes 16
 Noes 12
 Majority.....4

AYES

Ajaka, Mr	Blair, Mr	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Farlow, Mr S (teller)
Franklin, Mr B	Green, Mr P	Harwin, Mr D
MacDonald, Mr S	Maclaren-Jones, Mrs (teller)	Mallard, Mr S
Martin, Mr T	Nile, Revd Mr	Phelps, Dr P
Ward, Mrs N		

NOES

Brown, Mr R	Donnelly, Mr G (teller)	Faehrmann, Ms C
Field, Mr J	Moselmane, Mr S (teller)	Primrose, Mr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Voltz, Ms L	Walker, Ms D

PAIRS

Amato, Mr L	Graham, Mr J
-------------	--------------

PAIRS

Fang, Mr W
Mason-Cox, Mr M
Mitchell, Mrs
Taylor, Mrs

Houssos, Mrs C
Mookhey, Mr D
Veitch, Mr M
Wong, Mr E

Motion agreed to.

Adoption of Report

The Hon. DON HARWIN: I move:

That the report be adopted.

Motion agreed to.

Messages

The Hon. DON HARWIN: I move:

That a message be forwarded to the Legislative Assembly informing the Assembly that the Legislative Council does not insist on the Council's amendments.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

WELLBEING INDICATORS

Mr JUSTIN FIELD (19:33): As the year ends, it is a good time to reflect on whether we in this Parliament have improved the lives of people in New South Wales. But how do we measure whether we have been successful? The Liberal-Nationals Government might argue that a \$4.2 billion surplus is a sign of good governance. In the lead-up to the State election next March, we can be sure that both major parties will be engaged in a war of words over surpluses and deficits, spending and savings and economic management. What we are unlikely to hear is a critique about whether this debate, the focus on growth, State product, housing starts and other traditional economic measures are delivering for the people of New South Wales and improving our wellbeing as a society.

Let us be honest, not everyone in New South Wales is reaping the benefits of the current budget surplus. What is the point of having a surplus when 40,000 people in this State are homeless? We are short-changing our community by continuing to promote progress based on dollars and cents alone. In the last State budget, while the Government was spruiking a stamp duty windfall of \$7.7 billion, the Australian Bureau of Statistics released data on homelessness which showed it was rising to unacceptably high rates. Between 2011 and 2016 there was a 37 per cent increase in homelessness in New South Wales. This is more than double the national average.

For youth, the story was even worse. Statistics show a shocking 92 per cent increase in the rate of homelessness was experienced by people in New South Wales between the age of 19 and 24 years. A surplus means nothing to people when they have no roof over their head. It is no replacement for access to justice. It provides no comfort to those bearing witness to the destruction of the natural environment for profit. We need a new way to measure what we do in this place. We need alternative wellbeing indicators to easily measure how we pursue the improvement of wellbeing for the people of New South Wales and use those to guide our work and as a benchmark for success.

The PRESIDENT: Members who wish to have a discussion will do so outside the Chamber.

Mr JUSTIN FIELD: We can measure job security, wages growth, access to and affordability of health care, access to quality education for our kids, the ability to afford to live well, housing security, renters' rights, access to justice and a society free from corruption. Do we feel safe in our society? Are we free from discrimination? Do we have clean air, clean water and a healthy environment? Do we have a safe climate? Measuring those things is what should guide our work. There is a global movement among political parties, civil society groups and economists that governments move away from measuring their success in a purely fiscal