LEGISLATIVE ASSEMBLY

Tuesday 26 October 2004

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Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

ASSENT TO BILLS

Assent to the following bill reported:

Special Commission of Inquiry (James Hardie Records) Bill

GOVERNOR OF NEW SOUTH WALES REAPPOINTMENT

Ministerial Statement

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.20 p.m.]: The governorship of New South Wales is the oldest public office in Australia. On 1 March 2001 the people of New South Wales gained the services of one of its finest occupants, Professor Marie Bashir—our thirty-seventh Governor, our first woman Governor and our most highly educated Governor. In welcoming Her Excellency to office at that time I made the following observation:

> In terms of direct experience, knowledge and understanding over a range of issues and problems of deep community concern, there has never been a more highly qualified Governor of New South Wales.

I pointed to the enthusiasm, sympathy and empathy she brings to every task and cause to which she sets her hand and heart. I said also that we are fortunate and privileged to have a woman of such quality. And so it has proved to be. Incidentally, since Government House was opened to the public at the time of the appointment of Professor Bashir's predecessor it has hosted more than one million visits by members of the public, people who were previously locked out of Government House. Honourable members would recall that on 14 September I announced that I would recommend to Her Majesty the Queen that Professor Bashir's term be extended for another three years. I am happy to inform the House that on 1 October Buckingham Palace advised:

> The Queen is content for Her Excellency Professor Marie Bashir AC, to remain in her current position until February 2008 as recommended.

All I can say is, "God save the Queen". I thank Professor Bashir for once again placing herself at the service of the people she knows and loves so well.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [2.23 p.m.]: I take the Premier to task for providing an opportunity for genuine bipartisanship before the beginning of question time. It is out of keeping with the usual activities of the bear pit. The Opposition is as delighted by the extension of the term of Professor Marie Bashir as it was by her appointment. As well as being the most highly qualified person to hold the office, she is certainly one of the nicest and most genuine people ever to do so. She does a magnificent job throughout New South Wales representing the people of the State. I was pleased to hear that her term has been extended until 2008. Indeed, one of the most significant things about Professor Bashir is the wonderful fact that she is an Australian of Lebanese background, a girl from the country who became an outstanding professional in her chosen career of medicine, and later psychiatry.

Professor Bashir became an expert in the study of children and their needs. Although taking her away from that field of expertise was a loss for the State, her appointment as Governor was a great gain for us. It is, of course, a matter of great joy to all of us in this House and to every citizen of New South Wales to see Nick Shehadie as a handbag for the first time in his life. As Governor of New South Wales, Her Excellency is the patron of the New South Wales Rugby Union and the Governor's partner is the patron of the Country Women's Association, a role that Nick Shehadie fulfils with great aplomb. This is a good reappointment, and it is supported by the Opposition. It is a reappointment that does a great service to the important role of Governor of New South Wales and to the people of New South Wales.

LICENSED VENUES PATRONS WATER AVAILABILITY

Ministerial Statement

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [2.23 p.m.]: I would like to give a brief report on a sweep of new regulations relating to free drinking water in licensed premises. In August it became law that all pubs, clubs and restaurants in New South Wales had to provide free drinking water to patrons. That followed complaints to the Department of Gaming and Racing that a number of licensed premises were providing only bottled water at an inflated cost to patrons. In other cases there were reports that some nightclubs had turned off the taps in some bathrooms. The provision of drinking water is essential to the responsible serving of alcohol. It slows down alcohol consumption and prevents dehydration. Early reports indicate that the vast majority of premises are complying. In August alone my department's compliance officers conducted more than 100 harm minimisation investigations of licensed premises. They paid particular attention to the free water provisions and found a mere handful of breaches.

I am pleased to say that the vast majority of licensees are complying. In fact, many have contacted the department to make sure that they are in full compliance with the new legislative provisions. Earlier this month it was brought to the attention of the department that a restaurant in Leichhardt, the No Name Italian restaurant, was charging about $4 for a jug of water. When approached by compliance officers the restaurateur tried to get around the letter of the law by claiming that she was not charging for the water but for serving the jug and washing it afterwards. Such stunts are not on. The law states that free drinking water must be provided. The owners were warned that they had breached their licensing conditions, but I emphasise that at this stage they were not fined. They have since changed their policy.

However, we will continue to monitor that restaurant and other licensed premises to ensure that they comply with the letter and the spirit of the law. As we approach the schoolies zone and the summer holiday period the availability of free water at licensed premises is an important community issue. I remind all licensed premises across New South Wales that they face fines of up to $22,000 for breaches of their licence conditions and the possible cancellation of their licences. My department's compliance officers, who have conducted about 1,400 harm minimisation inspections over the last 12 months, will be out in force over the warmer months to ensure that free drinking water is provided to all patrons.

Mr GEORGE SOURIS (Upper Hunter) [2.26 p.m.]: The Opposition supports the provision of free drinking water at all licensed venues. However, I make the observation that by far the vast majority of hotels and clubs already comply with the relevant provisions and have done so for a long time. It is a little unfortunate that one or two bad eggs reflect badly upon the hotels and clubs in this State. The Opposition supports this initiative, which has been in place for some time. As we approach the school holiday and Christmas periods the Minister's statement serves as a timely reminder of the obligations of licensed premises.

SCIENCE EXPOSED

Ministerial Statement

Mr FRANK SARTOR (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [2.27 p.m.]: Over the last two days Parliament has hosted Science Exposed, a gathering of top scientists, researchers and science communicators. The themes of the event are showcasing useful science and encouraging students to choose science careers. There are 20 exhibitors, including the Powerhouse Museum, the NSW Police forensics unit, the Garvan Institute, the Australian Museum and technicians from National Aeronautics and Space Administration [NASA], who are working with the Australian Centre for Astrobiology on plans for future space missions. This is the first time that an event of this type has been held in New South Wales. The community response has been excellent.

Yesterday more than 600 people attended Science Exposed—people from Sydney and country New South Wales and students from Maitland, Leeton and Raymond Terrace. The most popular exhibits include the police forensics unit, the NASA satellite technology display and the sports science reflex and aptitude testing centre. Australia faces a national shortage of basic scientists. Events like Science Exposed guide students towards careers in astronomy, genetics, nanotechnology and forensics, amongst others. I intend to have Science Exposed become an annual event. Mr Speaker, I thank you and the President of the Legislative Council for your co-operation and support. I urge all members to take the time today to visit Science Exposed, to see some of the State's scientific stories and to encourage students in their electorates to choose science as career.

PHOTOGRAPHING OF PROCEEDINGS

Mr SPEAKER: Order! I advise visitors in the public gallery that the use of cameras in the Chamber is not permitted.

NSW OMBUDSMAN

Report

Mr Speaker announced the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of the report entitled "Report of the Ombudsman for the Year Ended 30 June 2004".

Ordered to be printed.

PETITIONS

Murrumbateman Public School

Petition requesting re-establishment of Murrumbateman Public School, received from **Ms Katrina Hodgkinson**.

Mature Workers Program

Petition requesting that the Mature Workers Program be restored, received from **Ms Clover Moore**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Greg Aplin**, **Mr Malcolm Kerr** and **Mr Andrew Tink**.

Willoughby Traffic Conditions

Petition requesting a regional traffic plan for the Pacific Highway at Willoughby, received from **Ms Gladys Berejiklian**.

Breast Screening Funding

Petition requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **Mr Steve Cansdell.**

Coffs Harbour Aeromedical Rescue Helicopter Service

Petitions requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Andrew Fraser** and **Mr Thomas George**.

Yass District Hospital

Petition opposing the downgrading of existing services at Yass District Hospital, received from **Ms Katrina Hodgkinson**.

Alcohol and Drug Services

Petition requesting increased and expanded inner city alcohol and drug services, received from **Ms Clover Moore**.

Mental Health Services

Petition requesting urgent maintenance of and increased funding for mental health services, received from **Ms Clover Moore**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mr Steve Cansdell**, **Mr Andrew Fraser** and **Mr John Turner**.

Bus Service 300

Petition requesting improved bus services including expansion of the 300 series bus service to adequately serve the inner city, particularly during peak-hour travel, received from **Ms Clover Moore**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Bus Service 352

Petition requesting extension of bus service 352 to operate on nights and weekends, received from **Ms Clover Moore**.

Murwillumbah to Casino Rail Service

Petition requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Neville Newell**.

Albury Electorate Policing

Petition requesting an increased physical police presence in the Albury electorate, received from **Mr Greg Aplin**.

Isolated Patients Travel and Accommodation Assistance Scheme

Petition objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Ms Katrina Hodgkinson**.

Lismore Fire Service

Petition requesting the provision of a permanently staffed fire service in Lismore, received from **Mr Thomas George**.

Business Enterprise Centres

Petition requesting the reinstatement and funding of business enterprise centres, received from **Mr Steve Cansdell**.

Temora Agricultural Research and Advisory Station

Petition opposing the closure of the Temora Agricultural Research and Advisory Station, received from **Mr Ian Armstrong**.

Feral Deer Management Plan

Petition requesting a plan to manage the impact of feral deer in the Sutherland Shire, received from **Mr Barry Collier**.

State Forests

Petition opposing any proposal to sell State Forests, received from **Ms Katrina Hodgkinson**.

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

Pet Sales

Petition requesting a ban on the sale of pets from pet retail outlets, and that such sales be restricted to qualified registered breeders and pounds, received from **Ms Clover Moore**.

Cat and Dog Meat Sale

Petition requesting legislation banning the sale of cat and dog meat for human or animal consumption, received from **Ms Clover Moore**.

Alcohol Wet Centres

Petition requesting the establishment of wet centres in the inner city to provide a safe place for chronic drinkers, received from **Ms Clover Moore**.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Reports

Mr Paul Gibson, as Chairman, tabled the following reports:

Report No. 5/53 entitled "Report on Road Safety Administration in New South Wales. Road Traffic Crashes in New South Wales in 2002", dated October 2004.
Report No. 6/53 entitled "Report on Road Safety Administration in New South Wales. Road Traffic Crashes in New South Wales in 2003", dated October 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

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DEPARTMENT OF COMMUNITY SERVICES CHILD PLACEMENTS

Mr JOHN BROGDEN: My question is directed to the Premier. Why is the Department of Community Services [DOCS] tearing apart the family of Michael and Joy Paice by taking their seven grandchildren and placing them in separate foster homes when an independent family therapist says the couple "helped these children enormously by providing them with a stable, caring environment" and when the seven children want to stay with their grandparents?

Mr BOB CARR: It is always difficult to raise individual cases such as this and have the details spelled out in the public arena. Bear in mind that DOCS can be criticised in this Parliament for not removing children or for removing children. It is very hard to make decisions in circumstances as difficult as these. The Leader of the Opposition has asked a question and now I am in a position where I must share with the House at least some of the material about which DOCS has advised me. DOCS advises that this case was one where there were escalating concerns about the capacity of the grandparents to care for these seven children, despite significant support being provided by DOCS. I can do no more than relay to the House what DOCS has advised me.

Mr Steve Cansdell: Your only concern is with what DOCS—

Mr BOB CARR: Well, hold on! Let us not reduce ourselves to that level. I have been asked a question and I propose to answer it with the information given to me by DOCS, and to treat this matter with a bit of dignity. A matter as sensitive as this should not be dealt with by interjections thrown backwards and forwards—

Mr SPEAKER: Order! I call the honourable member for Clarence to order.

Mr BOB CARR: Let us try to deal with these human tragedies, these critical human situations, with a bit of dignity.

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order.

Mr BOB CARR: This is the advice from DOCS. I am advised that in this case DOCS has escalating concerns about the capacity of the grandparents to care for these seven children, despite significant support. What was the support? DOCS advises that during the period these people cared for their grandchildren they received an allowance of $2,450 per fortnight from DOCS. In addition, I am advised a payment of $9,800 was made to these people when the placement commenced. I am also advised they received one-off assistance for

things such as a computer for the home and a rental car for family outings. In addition, respite care was provided on request. That is what I am advised by DOCS. I have qualified everything I have said by saying that is the advice I have received from DOCS. I am advised that DOCS attempted mediation to resolve concerns expressed by the carers, but DOCS reports the issues could not be resolved, and concerns over the care being provided to the children grew. I do not believe that it is appropriate to go into the details of those concerns. The fact is a professional assessment was made that the children needed to be placed in alternative care, and that is what has happened. DOCS has to deal with these very difficult family circumstances and will be criticised if it removes children and will be criticised if it fails to remove children.

Mr SPEAKER: Order! I call the honourable member for Clarence to order for the second time.

Mr BOB CARR: This is the advice I have received, and if the advice is wrong I would welcome information to that effect and have it investigated.

Mr John Brogden: Point of order: My point relates to relevance. I am keen to know what the Premier is going to do to fix this problem.

Mr SPEAKER: Order! There is no point of order.

DOMESTIC VIOLENCE COURT INTERVENTION MODEL TRIAL

Ms MARIE ANDREWS: My question is addressed to the Premier. How is the Government assisting women who have been the subject of domestic violence?

Mr BOB CARR: Domestic violence is a serious crime affecting one in four Australian women in long-term relationships, according to one assessment. Last year, 26,000 incidents of domestic assault were recorded in this State—three assaults every hour, and they are only the ones reported to the authorities. Research in the United Kingdom suggests that women are beaten on average 35 times before they call the police. That means our first priority must be to protect the victims from harm and look after them through the court process until justice is done.

Mr SPEAKER: Order! I call the honourable member for North Shore to order.

Mr BOB CARR: But there is another side to domestic violence: holding offenders accountable for their actions. Domestic violence is a crime but problems such as financial difficulties, drugs, alcohol and mental illness often play a part. They are not excuses, but they do need to be understood if perpetrators are to be helped to change their ways. Before the last election, we said we would trial a domestic violence court intervention model in two courts in New South Wales—a comprehensive criminal justice and community welfare response to domestic violence, bringing together NSW Police, the Department of Community Services, the Attorney General's Department, the Local Court and Corrective Services. The House will be interested to know that the trial will begin shortly in two locations, Campbelltown and Wagga Wagga, supported by funding of $1 million for two years and including the appointment of Deputy Chief Magistrate Symne to provide judicial leadership in the area of domestic violence.

Our program means intervening and assisting at the point of the report of the violent incident itself through to the sentencing and management of the offender. The model adopts international and national best practice to improve the policing and prosecution of domestic violence. It will increase collaboration between legal and welfare agencies. It means a presumption in favour of arresting and charging perpetrators—that is important—rather than treating domestic violence as something private that does not need a police response. We will provide quicker and more seamless help for victims from the first report through to the end of the court case. We will improve our response to children affected by domestic violence, especially by ensuring that more women and children can remain in the family home, allowing children to stay in familiar neighbourhoods and schools and instead finding alternative accommodation for perpetrators rather than the victims.

At the same time, there will be an increased use of exclusion orders to keep offenders away from victims. Victims will also benefit from the streamlining of the criminal justice process. We will speed up domestic violence cases by giving magistrates clear directives on how to run domestic violence cases, and bring better investigative techniques to bear, ensuring greater success for domestic violence cases in court. The Department of Corrective Services will provide mandatory perpetrator education, teaching violent spouses to understand the causes of their anger, and how to overcome it, we hope, cutting the rate of reoffending and

protecting partners in the future. This is an unashamedly interventionist approach, tougher on offenders and fairer to victims. The Government looks forward to reporting back to the House on the outcomes of the trial.

DUBBO BASE HOSPITAL ANAESTHETISTS

Mr ANDREW STONER: My question is directed to the Minister for Health. Given that last week the Minister promised to direct health staff to liaise with anaesthetist Dr David Schuster following his resignation from Dubbo Base Hospital, why has Dr Schuster still not been contacted, apart from receiving a letter accepting his resignation, when the hospital will be left with just one qualified Dubbo-based anaesthetist from January, for 6,000 surgical procedures a year?

Mr MORRIS IEMMA: The action of Dr Schuster is regretted. I met with Dr Schuster a couple of months ago, when he outlined a number of issues that he sought to have addressed in relation to anaesthetics at Dubbo Base Hospital. One issue was the recruitment of a director of medical services. Both Dr Schuster and Dr Luff, from Royal North Shore Hospital, who maintains an orthopaedic service at Dubbo Base Hospital, gave the name of a potential candidate. One of the issues is that the position be on a full-time basis, which the College of Anaesthetics requires for that hospital.

A particular name was put forward. It is not appropriate that I intervene in the selection process or advertising process or order area health services to select particular individuals. However, I am advised that some preliminary inquiries have been made and that the potential candidate is not available on a full-time basis. The individual is working in another rural hospital in New South Wales and maintains a residential qualification in Victoria. The issue of the selection of a particular person is not a matter in which it is appropriate for the Minister to intervene. Nevertheless, it is a position that the area health service requires to be filled. Preliminary inquiries have been made, and a potential candidate was identified, but he is not available to provide a full-time service. I think the indications are that the person would be available on a part-time basis. As gracious as that offer may be, if the position is to be filled then it should be on a full-time basis.

The area health service has recruited an area of need anaesthetist who has qualifications in this field of medicine, recruitment action has taken place and recruitment has occurred. I understand there is a difference of opinion on the suitability of the individual. Again, that is a clinical matter and not one on which I can direct medical authorities or area health services in relation to the qualifications of an individual. If an individual clinician has qualifications that pass scrutiny, then the selection of a clinician is a matter for the area health service and the hospital—as long as the individual is qualified. The advice that I have is that this individual is qualified and meets the qualifications but there is a difference of opinion about the suitability of the person. The area health service is attempting to recruit additional anaesthetic support at that hospital.

Another issue that was raised related to an office. Dr Schuster raised concerns about whether some minor modifications to that office would enable additional administrative support to be provided to anaesthetists at this hospital, also further satisfying the college's requirements. We are working to ensure that those concerns are met. A number of issues were raised on which there remains a fundamental difference of opinion in relation to the suitability of one candidate and potentially a second candidate. The recruitment has occurred for the area of need anaesthetist. It is regrettable that Dr Schuster has put in his resignation. I have made it quite clear that the management of the health service or the hospital should contact Dr Schuster to ask him to reconsider. I made a public approach when interviewed on Dubbo radio in relation Dr David Schuster reconsidering his action in submitting a resignation, which takes effect in the new year. He is a good surgeon, he is a decent man, and I am more than happy to repeat the request for Dr Schuster to reconsider his resignation. In the interim, the health service moves to address the issues raised by Dr Schuster.

TASK FORCE GAIN

Mr PAUL GIBSON: My question without notice is addressed to the Minister for Police. What is the latest information on Task Force Gain and related matters?

Mr JOHN WATKINS: A year ago the Commissioner of Police unleashed Task Force Gain onto the streets of south-western Sydney. He brought together criminal investigators, uniformed police, target action group officers and highway patrol officers, and he put the most experienced, no-nonsense police commander in charge. Detective Chief Superintendent Bob Inkster and the men and women of Task Force Gain have truly had a remarkable 12 months. Their hard work, in the face of violence and intimidation from organised crime and from organised criminals in that part of Sydney, has resulted in a real difference on the streets of south-western

Sydney. Today I can inform the House of the very latest results from Task Force Gain. They show that in one year there have been 1,069 arrests, 2,384 charges laid, and 117 operations; 122 search warrants were executed, 23 hand guns were seized, along with long-arms, knives and thousands of rounds of ammunition; six people were charged with murder offences, including attempted murder and conspiracy to murder; 117 firearms-related charges were laid; and drugs with an estimated street value of $3.5 million were seized. That is a truly remarkable 12 months of work.

Mr SPEAKER: Order! I call the honourable member for Davidson to order.

Mr JOHN WATKINS: Task Force Gain has been funded entirely from seized criminal assets; that is, with money taken from crooks by NSW Police or by the New South Wales Crime Commission. To date, the Treasurer has provided $3.2 million to Task Force Gain from those seized funds. Honourable members would be aware of media speculation yesterday about the future of this elite policing unit. Today I can inform the House that the Government will provide Task Force Gain with a further $1.8 million for its third six-month stint on the streets of south-western Sydney. This is more money than Gain has been provided in either of its first two six-month deployments.

I am advised that current planning will see a core group of about 60 detectives deployed as a central unit of Task Force Gain. In addition, 20 target action group officers will continue to operate with the task force to address the identified organised crime groups and increase the focus on mid-level drug trade. The task force will continue to operate with its Arabic translators and interpreters, and a new 30-member target action group, focusing on street to mid-level drug trafficking, will be attached to the greater metropolitan region. As well as that, a 30-member high-visibility, high-impact policing unit comprising uniformed officers will operate from the south-western under the control of the operations manager of the greater metropolitan region and be on hand to provide the muscle when Task Force Gain asks for it.

As I have said previously, Gain stage three will pave the way for a permanent State Crime Command squad, targeting the same types of crime that led us to establish Task Force Gain 12 months ago. That squad—currently slated as the Middle Eastern Organised Crime Squad—will become the tenth State Crime Command specialist unit. It will join the following squads: homicide, robbery and serious crime, South-East Asian crime, child protection and sex crimes, property crime, fraud, firearms and regulated industries crime, and of course the Drug Squad. Drug traffickers and their networks operate across local area commands. The plan outlined today will provide not only Gain stage three, but gives the region a powerful resource to tackle drug crimes.

Drug crimes were at the heart of the bloody gang battle that we saw 12 months ago. Detective Chief Superintendent Bob Inkster developed this plan as one of the final tasks in 12 months of work that has truly made a difference to the people of this State. Work is continuing on its progression—between State Crime Command, Greater Metropolitan Region and the Deputy Commissioner, Operations. On behalf of the people of New South Wales we commend Task Force Gain on an incredible year to date. We know that the next six months will provide a further significant dent in these violent criminal networks and their drug dealing.

RYDE HOSPITAL SURGICAL SERVICES

Mr ANDREW TINK: My question without notice is directed to the Minister for Health. Why has he failed to act on concerns raised in Parliament more than one year ago about a shortage of surgeons at Ryde Hospital and instead used that shortage in this leaked report as an excuse for transferring Ryde surgical services to Royal North Shore Hospital?

Mr MORRIS IEMMA: It is interesting to note that the honourable member for Epping comes in here and cries crocodile tears about the Ryde and Royal North Shore hospitals. This report was commissioned by the relatively new General Manager of Royal North Shore Hospital in her efforts to improve the management and efficiency of the operating theatres and surgical services at the two hospitals. The report is highly critical of the management of the operating theatres, the scheduling of lists, the allocating of sessions, and the purchasing of equipment. The report is critical also of perishables in the operating theatre and increased costs. It outlines the potential for significant improvement in efficiency, particularly with cost so that, for example, additional savings can be ploughed back into providing surgical services. The report details a number of recommendations, the major one being the formation of a structural reform group headed by Professor Carol Pollitt, who will review the operation of both sites and produce a plan for the implementation of better management practices across the two sites.

BUILDING SUSTAINABILITY INDEX

Mr MATT BROWN: My question without notice is directed to the Minister for Infrastructure and Planning. What is the latest information on government efforts to reduce energy and water used in new buildings?

Mr CRAIG KNOWLES: The changes to building construction rules in July this year, known as BASIX [Building Sustainability Index], offer one of the most innovative plans to reduce water and energy use in Sydney. BASIX is the web-based planning tool that is now a requirement for every new application to build a house in Sydney. Since July, when it commenced, more than 2,600 BASIX certificates have been used. In simple terms that means that 2,600 new homes under construction are designed to use 40 per cent less water and 25 per cent less energy, which will make an enormous difference to greenhouse emissions and water consumption in the Sydney region, particularly as more and more new homes are built and as BASIX continues to expand as we roll it out over the next couple of years.

Over the next 10 years the full implementation of BASIX is expected to save 9.5 million tonnes of greenhouse gas emissions. That is the equivalent of taking 2.6 million cars off the road and saving 287 billion litres of water for the same period, which is the equivalent of about 15 per cent of a full Warragamba Dam. It is roughly the equivalent of the infrastructure components of the water plan we announced last week, the mining of deep water in the three dams and the pumping of water from the Shoalhaven River. A simple change in building rules will achieve an equivalent amount of water savings to those big infrastructure programs. When we talk about our big infrastructure plans, particularly for water savings, we talk about a diversified plan that involves many solutions, not just one single solution. BASIX is very much a part of that.

I place on record my appreciation to the building industry and the environment movement, which have been terrific partners in rolling out BASIX in recent months. They have been very supportive of the introduction of BASIX. For example, Brendan Crotty, the Managing Director of Australand, said, "BASIX has become a reliable and consistent method of measuring water and energy savings initiatives." Robert Barnaby, the Group General Manager of Masterton Homes, one of the biggest home builders in the nation, said, "I applaud the introduction of BASIX as a first-step measure to addressing the need for a greater environmental conscience through the home building process." Jeff Angel, the Director of the Total Environment Centre and well known to everyone, said, "House buyers will not have to battle builders and councils to get water and energy savings measures. And because there will be much more demand for energy and water saving appliances, such as solar hot water and rainwater tanks, these will become cheaper as production is ramped up." That is very true.

This is also about building critical mass around new industries. BASIX is part of our plan to provide the certainty required by business for a boom in sustainable technologies and industries. There are real new jobs in this new technology of energy and water consumption savings. For example, BlueScope Steel, the old BHP, which traditionally has made steel rainwater tanks, has recently recognised a market opportunity and decided that rather than just produce the steel, which they have done for generations, they are now going into the production, supply and installation of rainwater tanks as a full process. It is a major expansion of their business and, I suspect, a major source of new job opportunities, particularly for the Illawarra, as they expand their production. Ian Frame, Executive Director of the Australian Window Association said, "Window manufacturers report that BASIX is already significantly raising home owners' and builders' awareness of the very real importance of building energy efficient dwellings."

The extension of BASIX will roll on from new, single residential construction from 1 July into other areas. Currently on exhibition is BASIX for new multiunit residential developments, including high-rise, mid-rise and low-rise buildings. For the first time in Australia the Government will be a long way down the path to ensuring that multiunit residential developments reduce their energy and water use. Multiunit residential developments make up to 70 per cent of new housing construction in Sydney. Therefore it is vital to ensure that these developments are designed to be both energy and water efficient. To help meet the water targets the Department of Infrastructure, Planning and Natural Resources has been working with New South Wales Health on new water quality standards for grey water and waste water recycling systems. Changes to the way apartments are designed for BASIX will not only ensure that residents have a better quality of home, but that they will lead to savings of more than $300 and $600 a year on energy and water costs.

I know that members, such as the honourable member for Camden, have been to some of the new BASIX subdivisions that were designed specifically to build in these energy savings from day one. We have witnessed enormous changes both in building design and the thought processes behind the building design,

leading to substantial savings not only in construction type and construction materials but also in the long-term running costs of the average home. One fellow, because of proper solar design, was able to design a home to remove the need for airconditioning, which is a saving on the plan itself of about $1,500 and a substantial saving in ongoing electricity bills. It is a commonsense design. The incorporation of a rainwater tank, the ability to use solar electricity and putting basic and simple things back into a house, such as eaves for shade and a clothesline instead of clothes dryer, are the sorts of things that build up the BASIX profile to make those 40 per cent savings in water and 25 per cent savings in electricity.

Submissions on multiunit BASIX are welcome. The closing date for the exhibition period is 12 November. We are conducting briefing and training sessions for the industry. For example, yesterday almost 100 key industry representatives attended briefing sessions on the multiunit model of BASIX. Along with an extensive advertising and communications campaign when BASIX was initiated in July, we have now trained more than 2,000 builders, architects, council planning staff and people who are involved in the building industry generally to make them aware of the value of BASIX. That work will continue.

Following public exhibition, BASIX will be finetuned and will apply from February next year to all new flats, houses, townhouses and villas. Further extensions of BASIX include the application to alterations and additions to all homes from October 2005, a phase-in across the entire State not just the Sydney region, and from July 2005 to subdivisions and neighbourhoods and, as stated in the Metropolitan Water Plan, all new homes sold after 1 July 2007 will be required to meet a level of water efficiency equivalent to at least the retrofit program overseen by Mr Sartor and Sydney Water. That is a very sensible program—a very low-cost, heavily subsidised package that is worth approximately $130 but is available for $22 to make homes more energy efficient.

Mr SPEAKER: Order! I call the honourable member for Cronulla to order.

Mr CRAIG KNOWLES: These are commonsense applications of water and energy efficiency and represent the sensible use of technology. This is all part of this Government's plan to diversify water resources and to incorporate big spending on infrastructure with big opportunities for consumers to make real savings. BASIX is a very fine initiative. It is welcomed by the industry and is rolling out across 2,600 homes that already have BASIX certification, with many more to come.

KARIONG JUVENILE JUSTICE CENTRE SECURITY

Mr CHRIS HARTCHER: I direct my question to the Minister for Juvenile Justice. Now that she has admitted that a busload of pensioners entered the Kariong Juvenile Justice Centre when last month she said it was "untrue", and given that she has now transferred the Kariong centre's manager whereas last month she said that she was confident that all the incidents had been "handled professionally and appropriately to ensure the safety and security of the community", will she now admit that she misled the Parliament and the people of New South Wales?

Ms DIANE BEAMER: Attempts by the Opposition to beat up, to mislead and to scare communities throughout New South Wales are indeed a disgrace.

Mr SPEAKER: Order! I call the honourable member for The Hills to order.

Ms DIANE BEAMER: The Opposition is running around telling every other centre that they will be taking people from Kariong, but that is simply not true. It is telling people in the electorate of the honourable member for Clarence that Kariong detainees will be going there, and that is simply not true. The Opposition is telling the people of Dubbo and the Riverina, but it is simply not true. Let me talk about some things that have occurred at Kariong. So far we have removed the manager of Kariong and replaced that manager with the manager from the Frank Baxter centre, who has a superb reputation throughout juvenile justice.

Mr Bob Carr: All very riveting questions today.

Ms DIANE BEAMER: Riveting questions! We have made sure that the three staff members who were involved in incidents have been disciplined, and the visiting procedures at Kariong have been altered. Now all detainees have to wear overalls and are searched after visits. Those who are found with contraband are denied contact visitors. We have stiffened procedures in Kariong to make sure that we have the best and safest environment for both detainees and workers.

STRATA LAWS REFORM

Mr JEFF HUNTER: My question without notice is directed to the Minister for Fair Trading. What is the latest information on strata laws in New South Wales?

Ms REBA MEAGHER: Honourable members will recall that in August this year I released a discussion paper proposing further reforms to strata laws in New South Wales. The paper built on significant amendments to the Strata Schemes Management Act that was passed by the Parliament in March this year. Strata complexes are home to more than 1.5 million people in New South Wales and account for one-third of all new residences that are built in this State. Given the growth in popularity of this form of housing, the Government is focused on ensuring that strata laws continue to keep pace with modern realities.

A range of significant issues was canvassed in the paper that was released for consultation and included the modernisation of by-laws, particularly those dealing with noise, car parking, the drying of washing, and behaviour of residents; options for the termination of strata schemes to deal with the inevitability of having to renew deteriorating buildings while balancing the needs of individual lot owners; and proposals for a new definition of "common property" to ensure that it can be identified easily and with certainty. I inform the House that more than 200 submissions were received in response to the paper. The strong response from individuals and industry, including strata managers and owners corporations, indicates that there is significant interest in improving the laws that govern more than 60,000 strata schemes in New South Wales.

As strata schemes change from small blocks of six or eight units to high-rise complexes containing hundreds of units, we need to ensure that by-laws are flexible enough to cover all types of strata schemes. One specific example of change relates to noise. A noisy resident can literally destroy the peace and quiet to which people are entitled in their home. The current by-law dealing with noise and floor coverings requires that a resident must not make noise that is likely to interfere with other residents. In addition, floors are required to be covered to help to prevent the transmission of noise to another unit. The most common concern raised about the existing by-law is that it is imprecise and does not specifically cater for the type of material that floors are to be covered with.

Options that were canvassed to improve the situation included the use of modern technology to specify the levels of acceptable noise, or the introduction of improved mechanisms to resolve disputes over noise when they arise. Last financial year the Office of Fair Trading received 37,000 strata-related inquiries, and 30 per cent of those related to issues surrounding by-laws concerning matters such as noise, pets, parking, and common property. By-laws are the building blocks by which owners in strata schemes live and deal with each other. It is important for the laws to keep pace with the changing nature of strata schemes. Some of the most intense, yet most divergent, comments in response to the paper relate to the termination of strata schemes.

Currently the termination of the scheme can be achieved only by a unanimous vote of lot owners or by a Supreme Court order. Views were expressed that this is unduly onerous and that options should exist to remove the need for all lot owners to agree. That has been countered by views that residents who have spent their entire life in one place should not be able to be moved against their will. We recognise that termination of a scheme is difficult. A balance between community needs and expectations and the rights of long-term residents is needed. There is no easy answer to this issue, and the Government will give it careful consideration. Over one-quarter of the total population of New South Wales owns, lives or works in strata scheme units, and that proportion is set to increase. The Government will carefully consider the submissions that have been received to ensure that our strata laws continue to cater to the needs of residents and owners, now and in the future.

ROADS AND TRAFFIC AUTHORITY TRAFFIC CONTROL TRAINING PACKAGE

Mr GEORGE SOURIS: My question is directed to the Minister for Roads. Why is the Roads and Traffic Authority [RTA] slugging hardworking State Emergency Service [SES] volunteers across the State $100 per head for a training package on traffic control duties, causing locally raised funds to be diverted from rescue operations and restricting volunteers in serving their communities in towns such as Muswellbrook in the Upper Hunter?

Mr CARL SCULLY: I will seek advice and inform the House.

WHITE CLIFFS VISITOR INFORMATION CENTRE

Mr PETER BLACK: My question without notice is directed to the Minister for the Environment. What is the latest information on the White Cliffs Visitor Information Centre and national parks in western New South Wales?

Mr BOB DEBUS: I thank the honourable member for Murray-Darling for his question and acknowledge his enduring interest in national parks in his electorate. The honourable member's question refers to a fantastic demonstration of just how significant the contribution of national parks can be to the economy of rural and regional New South Wales. Construction has commenced on the White Cliffs Visitor Information Centre, at the gateway to the new and spectacular Paroo-Darling National Park, which was gazetted by the Carr Government just two years ago.

I am sure honourable members will be aware that White Cliffs is equidistant between Broken Hill and Bourke, in the arid zone of New South Wales, and that the Paroo-Darling National Park is one of a number of new parks recently established in that part of the world to provide an entirely new fillip to tourism in the area. The centre at White Cliffs will cost $1.2 million and will showcase the Far West, providing tourist information on local sights and accommodation as well as highlighting the significance of the 260,000-hectare national park that I mentioned earlier. If one is lucky, one can be accommodated in an underground motel at that park.

Mr George Souris: Point of order: The member who asked the question has spent the whole time during the Minister's answer yahooing and carrying on, not listening to the answer.

Mr SPEAKER: Order! There is no point of order.

Mr BOB DEBUS: The honourable member has interrupted my promotion of the tourism industry in White Cliffs. I was attempting to remind the House that it is an especially enjoyable experience to spend the night in underground accommodation in White Cliffs.

Mr SPEAKER: Order! I call the honourable member for Vaucluse to order.

Mr BOB DEBUS: The visitors centre will provide also an office for four National Parks and Wildlife Service staff and a base for all National Parks operations in that part of the world.

Mr SPEAKER: Order! I call the honourable member for Murray-Darling to order. I call the honourable member for Upper Hunter to order.

Mr BOB DEBUS: It will be a innovatively designed centre, paying attention to the climatic extremes of the area; the considerable cold and extreme heat that is experienced during the year. The centre will harness solar energy, and will involve innovative airconditioning and composting sewerage systems. The building design draws inspiration from the area's pastoral buildings, using corrugated iron cladding and a wide entrance veranda; the kinds of designs that imitate the traditional architecture of the area. In answer to the honourable member's question, the development of the centre will mean jobs for far western New South Wales. During the construction phase there will be a range of work opportunities for local tradespeople and labourers. A Broken Hill-based firm, De Franceschi and Sons, won the right to construct the building after a tender process. That firm will benefit in self-evident ways from the execution of that contract.

Once the centre is complete it will house up to seven new National Parks positions which have been coming on line since the park was created. They include two rangers, a pest control officer, a field officer and an Aboriginal identified position for a cadet archaeologist. Although seven new jobs may not sound a lot to city people, for a remote village such as White Cliffs it will be extremely significant. It is estimated that initially $300,000 will be fed back into the local economy each year through wages of National Parks workers being spent on the ground and through the purchase of maintenance materials and other consumables in the village of White Cliffs, a pattern that is expected to increase over time.

That amount is in addition to the tourist dollars that will be attracted to the area once the visitors centre opens early next year. Self-evidently, tourists spend money: they stay in motels, buy meals and petrol, and use local services. It is instructive to know that an input-output study conducted by the National Parks and Wildlife Service some time ago into the economic benefits provided by three national parks in the honourable member's electorate—the famous parks of Sturt, Kinchega and Mutawintji, and there are many other parks in far western

New South Wales in the honourable member's electorate—showed that those three parks alone contribute $9.6 million every year to the far western regional economy.

That contribution is in addition to the jobs created directly amongst National Parks employees. National parks are sustaining more than 160 jobs in the private sector. The honourable member for Murray-Darling will confirm that 160 jobs in the Far West is a very substantial proportion of the total available employment. Similarly, Warrumbungle National Park, which attracts 50,000 visitors each year, has its gateway in Coonabarabran. That park earns $1.4 million annually for the economies of Coonabarabran, Coonamble and Gilgandra. The honourable member for Barwon would acknowledge the great significance of the Warrumbungle National Park. On the best analysis available, that money sustains 66 local private sector jobs.

[*Interruption*]

In response to the interjection by the honourable member for Upper Hunter, the boundary is between the towns. Those jobs are sustained as a result of the input by the tourists who utilise Warrumbungle National Park. The bottom line is that national parks are good not only for the environment but also for jobs. In the time remaining, I could mention studies of a similar nature, electorate by electorate, around New South Wales, but, mercifully, that will not be necessary.

DEPARTMENT OF COMMUNITY SERVICES CHILD PLACEMENTS

Mr BOB CARR: I provide a supplementary answer to the answer I gave to the Leader of the Opposition at the start of question time. I have reviewed material from the Department of Community Services [DOCS] concerning the Paice family. It confirmed my view that those matters are best not raised in this fashion. I immediately offer to have the Leader of the Opposition briefed in detail by DOCS on this case. I will refrain from reading onto the parliamentary record the details that have been provided to me. There is only one detail that I will announce and that is that when these youngsters—and according to my estimate their ages range from 4 to 14 years—were last identified and their faces shown on television on the North Coast, the school reported the following day that the children had been distressed after that identification and consequently were subjected to taunts by other children. That supports my point that in this House we should not use names when we talk about cases that come before DOCS.

Questions without notice concluded.

LEGISLATION REVIEW COMMITTEE

Membership

Motion, by leave, by Mr Carl Scully agreed to:

That Noreen Hay be appointed to serve on the Legislation Review Committee in place of Marianne Frances Saliba, discharged.

Message sent to the Legislative Council advising it of the resolution.

CONSIDERATION OF URGENT MOTIONS

Mental Health Act Review

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [3.28 p.m.]: This motion is urgent because this is the first major review of the Mental Health Act since its implementation in 1990. This matter is urgent because the Government has already released two discussion papers for public consultation, prior to the drafting of legislation for consideration by Parliament. This matter is urgent because public submissions for the second discussion paper regarding treatment and operational issues close on 31 October. This matter is urgent because review of the Act is being undertaken in conjunction with a number of improvements to mental health services, a structural reform process to obtain better accountabilities and service outcomes, better cross-agency co-ordination of care and significant increases in funding for mental health service provision over the next four years, with the announcement of an additional $241 million over the next four years.

Public Hospital System

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [3.29 p.m.]: My motion is urgent because today a report on the state of the public hospital system has been leaked. The report gives a snapshot of what is happening not only in two hospitals in Sydney but also in hospitals across the State. My

motion is urgent because the most serious revelation in this report is that it clearly bells the lie that the Carr Government has pursued for years, that is, that elective and non-urgent surgery lists are blowing out because of nurse staffing shortages. This report states:

> There is a widespread perception, which appears to be at least partly valid, that limitations on access to operating theatre time had been used by management as a deliberate strategy to constrain surgical activity for financial reasons … This limitation on OR activity has been frequently attributed to nursing staff shortages, even when this was not the major restraining factor.

Miss Cherie Burton: Point of order: My point of order relates to relevance. The reality is that surgical services at Royal North Shore Hospital have increased. The figures quoted by the honourable member are incorrect.

Mr SPEAKER: Order! There is no point of order.

Mr BARRY O'FARRELL: I am happy for the honourable member for Kogarah to take a point of order because every time she opens her mouth it shows just how little she knows about health services in New South Wales. I am happy for her to take a point of order in relation to the second issue that I am about to raise. Today this report reveals that in light of the post-Bali trauma the Premier and the Minister for Health visited Royal North Shore Hospital and Concord hospital and announced that a new severe burns unit would be built at Royal North Shore Hospital. This matter is urgent because even though the severe burns unit has been built not a dollar has been spent on recurrent costs. As a result, that burns unit is not working. People are missing out on treatment—

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat.

Miss Cherie Burton: Point of order: My point of order again relates to relevance. The Deputy Leader of the Opposition is raving on about this issue when instead he should ask the Federal Government in Canberra to give New South Wales the $3 million that is owed to it. The Federal Government has no commitment to the people of New South Wales. The Deputy Leader of the Opposition is crying crocodile tears.

Mr SPEAKER: Order! The Deputy Leader of the Opposition has the call.

Mr BARRY O'FARRELL: My matter is urgent because last year the Federal Government gave this State a 30 per cent increase in hospital funding but this Government is not directing that funding towards providing services for patients across the State. That ridiculous situation occurred less than a year after the Camden and Campbelltown hospitals incident. Hospitals were rebuilt and people died because this Government would not fund adequate services in those hospitals. The severe burns unit at Royal North Shore Hospital—a unit that has been constructed and finished—has not been opened for a single day because this Government will not put a dollar into recurrent costs. This motion is urgent because the report makes it clear that what is happening at Royal North Shore Hospital and at Ryde hospital is happening at hospitals across this State.

Miss Cherie Burton: Point of order: The Deputy Leader of the Opposition is discussing the substance of the motion. He is not establishing why this matter is urgent. The report to which he is referring makes no adverse comments regarding clinical services and the performance of any members of staff at Royal North Shore Hospital.

Mr SPEAKER: Order! The Deputy Leader of the Opposition must give reasons why his motion should have priority.

Mr BARRY O'FARRELL: I have tried to state, but the honourable member for Kogarah does not want to hear, that what is going on at these two hospitals is going on at hospitals across the State. My motion is urgent because this report clearly finds that there are systemic failures in the health department. My motion is urgent because this report shows that despite operating theatres being staffed surgery is not being scheduled. The health department cannot even agree when a surgery session will commence. The report states that there are no weekend discharges and, as a result, patients cannot be admitted to hospitals on Monday because of the backlog.

My motion is urgent because this report blows the whistle on the Carr Government's mismanagement of hospital services in this State. My motion is urgent because it demonstrates why the Premier wants to hand hospitals to the Federal Government solely because of the way in which he has run hospital services in this State into the ground. The Federal Government has provided 30 per cent in additional funding but none of it has gone

to front-line health services. In the Northern Sydney Area Health Service bureaucracy costs are up 200 per cent, nurse numbers are down 13 per cent and bed numbers are down 23 per cent. Is it any wonder that doctors, nurses and specialists are squabbling over the last cent? As a result, morale is down and patient services are suffering. My motion is urgent because anyone who is logical and fair knows that this report is a damning indictment of this Government. It is a Kodak moment on an unhappy family in NSW Health.

Miss Cherie Burton: Point of order—

[*Time expired*.]

Question—That the motion for urgent consideration of the honourable member for Kogarah be proceeded with—put.

The House divided.

Ayes, 48

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Bartlett	Mr Hickey	Mrs Perry
Ms Beamer	Mr Hunter	Mr Price
Mr Black	Mr Iemma	Dr Refshauge
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Ms Keneally	Mr Scully
Miss Burton	Mr Knowles	Mr Shearan
Mr Campbell	Mr Lynch	Mr Stewart
Mr Collier	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Meagher	Mr Watkins
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	
Mr Debus	Mr Morris	
Ms Gadiel	Mr Newell	*Tellers,*
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 33

Mr Aplin	Ms Hodgkinson	Mr Slack-Smith
Mr Armstrong	Mrs Hopwood	Mr Souris
Mr Barr	Mr Humpherson	Mr Stoner
Ms Berejiklian	Mr Kerr	Mr Tink
Mr Cansdell	Ms Moore	Mr Torbay
Mr Constance	Mr Oakeshott	Mr J. H. Turner
Mr Debnam	Mr O'Farrell	Mr R. W. Turner
Mr Draper	Mr Page	
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Richardson	*Tellers,*
Mr Hartcher	Ms Seaton	Mr George
Mr Hazzard	Mrs Skinner	Mr Maguire

Pairs

Ms Saliba	Mr Merton
Mr Yeadon	Mr Pringle

Question resolved in the affirmative.

MENTAL HEALTH ACT REVIEW

Urgent Motion

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [3.42 p.m.]: I move:

That this House supports the Government's first major review since 1990 of the Mental Health Act.

For the first time since the Mental Health Act commenced operation in 1990 a major review of the legislation is being undertaken. At that time the legislation was considered to be a high watermark in Australian mental health legislation because of the recognition it gave to the rights of persons affected by mental illness. However, since 1990 there have been significant changes in the New South Wales health system. The way in which mental health services are organised and provided has changed and new regulatory developments, such as privacy laws, have impacted directly on the legislation and the way we provide our services. It is now time to undertake a comprehensive review of the Act, in recognition of the changing nature of mental health service provision and having regard to the health reform agenda with which the Government is proceeding.

I commend the Government and NSW Health for choosing to follow an open process in reviewing the Act. The views of key stakeholders were sought late last year as a guide to drafting the two discussion papers that have been released for public consultation. The first discussion paper, canvassing issues related to carers and information sharing, was released for public comment in February this year. The second discussion paper, focusing on treatment and operational issues, was released in August, and public submissions on it will be received until the end of this month. There has been much debate about the discussion papers within mental health circles. I know that at its annual general meeting last week the Mental Health Co-ordinating Council hosted an entire session for member organisations to discuss various aspects of the discussion papers.

I would like to talk at some length about the issues canvassed in these papers. Last year I visited many area health services and spoke to many front-line workers, management officials, parents, carers, consumers, and non-government service providers about mental health service provision in New South Wales. Families and workers alike agreed that the current provisions in the Act relating to information sharing with families and carers were inadequate and needed to be addressed as soon as possible. The first issues paper released by NSW Health focuses specifically on these issues. It asks: Does the current legislation permit the proper disclosure of information to carers, whether on specific issues such as informing families and friends about admissions, to the more general provision of information about ongoing care and treatment roles? It also questions whether the current legislation supports carers' involvement in treatment planning and ongoing care issues.

If I were caring for a loved one who was mentally ill I would expect to be informed of key decisions affecting that person, such as whether the person was admitted as an involuntary patient or discharged. This type of sentiment—on which the current Act is silent—was expressed to me time and time again during my visits. The privacy debate is complex and involves balancing public and private interests, dealing with discrimination and stigmatisation, and evaluating patient autonomy and rights with the recognition that sometimes individuals do not have the capacity to make decisions for themselves.

Myriad questions arise. For example, who should be informed of what information, and by whom? Should this information be limited, and at what point should a carer have access to information—when a patient is incapable or in a more general treatment setting? How should information be obtained? Should there be limitations on the sort of information disclosed? Should carers be included in discharge planning? Indeed, what is the definition of a "carer" for legislative purposes? Should a person have the right to prevent the disclosure of information to carers when he or she regains his capacity?

These issues were conveyed to me by a number of people who have daily contact with mental health services in New South Wales. They are struggling against laws they believe are too biased in favour of patients' rights. As we can see, the environment in 2004 is very different from that in 1990. Whether that is the result of greater acuity about mental illness, co-morbidity, an increased burden upon resources, or a looming work force shortage crisis, it is apparent that the legislation should reflect the current health circumstances. I look forward to debating these issues in the House when the legislation is introduced in the near future.

The second discussion paper released by NSW Health in August this year canvasses important definitional and treatment issues for patients, including a close examination of the forensic mental health system. Key issues that need to be considered in the current review of the Act are whether the definition of "mental illness" needs to be broadened to include people who suffer from a personality disorder or anorexia

nervosa, and whether mental health services have a duty of care to those people. The notion of least restrictive environment and its appropriateness as administered currently has long been contentious. Many have argued that the legislative emphasis on least restrictive environment has resulted in limited care. The Government's review of the Act will determine whether this needs to be amended by legislation for proper administration of the intent of the notion.

Significant discussion and concern was expressed about the procedures used to admit involuntary patients. The review of the Act will also consider issues that the police have raised with me on many occasions in relation to the transportation of patients between facilities or to hospitals. They include whether risk assessment should be completed prior to authorising an involuntary transfer and admission, and whether the Act should be amended to provide a specific role for the Ambulance Service in transporting clients. At present NSW Health is piloting different models of care dealing with emergency situations and involuntary patients. Nepean and Liverpool hospitals are piloting psychiatric emergency care four-bed units that will provide specialist staff and care for patients who would usually be cared for in emergency departments. On the mid North Coast a new model of emergency care is being piloted that has clearly defined roles for mental health services and ambulance and police services. I hope these pilots will be able to inform the discussion and the proposed legislation on emergency care.

The review of the Act raised some very important practical questions, such as who should conduct assessments and within what time frame? Are the current leave provisions, including community treatment orders, adequate? Do we need to reconsider the current separation of the roles of the court and the Mental Health Review Tribunal in relation to assessing patients? One of the most difficult areas in the health system is forensics. NSW Health has put forward a range of suggestions to balance the needs of victims, patients, and natural justice in that very grey area of health. The retention of the executive discretion in New South Wales has been controversial. Most other States have done away with this system as they have revised their legislation. Many have placed the decisions relating to the treatment, care, and release of these patients within the court system. This is certainly something that needs to be considered by the Parliament. The review is a comprehensive one, and one on which we urge public debate. The nature of mental illness has changed significantly in the past 14 years; acuity is much higher, and co-morbidity more common, and each has a significant impact on the way mental health services are provided.

I congratulate the Minister for Health on embarking on this review of the Act. I congratulate the Minister on his true commitment to mental health service provision. An additional $241 million will be provided for mental health service provision over the next four years. That will go a long way towards easing the burden on a stretched mental health work force and families and consumers affected by mental illness. The additional resources will be backed by significant structural changes within the mental health system. The area restructure will consolidate reporting lines and accountability, as the Government promised in its response to the select committee inquiry into mental health services. The mental health director will directly report to the chief executive officer of the area, will be responsible for mental health services across the area in all health settings, from community mental health to emergency department care, and will be allocated and responsible for the bottom-line mental health budget as a result of tighter controls from northern Sydney.

This commitment to a better resourced and more accountable mental health service, and more in-tune legislation, can, in part, be credited to the recommendations of the select committee inquiry and the sentinel events review committee. Both committees, chaired by the Hon. Brian Pezzutti and Professor Peter Baume, have played a large role in conveying to the Government the needs of the mental health system. Last year I spent a lot of time visiting area health services and talking to people about mental health. I will continue to consult with the public about the Mental Health Act and the Government's quest to improve existing legislation.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [3.52 p.m.]: On any day of the week in any of this city's major emergency departments one will find people who are suffering mental illness and waiting for treatment. On any given week in any year in the past few years one would have found people waiting for days on end in emergency departments. Indeed, the worst case brought to my attention was, in the electorate of the honourable member for Auburn, a gentleman who waited almost seven days for admission to a mental health bed. Regrettably, that demonstrates the pressure upon our system that has grown in recent times, and has certainly grown, as the honourable member for Kogarah said, since the 1990 legislative changes. But what has not increased and grown throughout that period is the number of mental health beds. What has also not grown and improved in that time is the access and the speed with which people are able to be triaged and to access mental health beds and receive treatment they so desperately require.

The Opposition will not oppose this motion, obviously because mental health ought to be above politics, and it will remain above politics. I say again for the umpteenth time in this Chamber that only one mental health policy was taken to the last election: the policy launched by the Leader of the Opposition in March 2003. There was no utterance about mental health from the State Government during that campaign. We will try to maintain bipartisanship in relation to the achievement of improved mental health services in this State, but I say, and it is a partisan thing to say, that if there were a genuine commitment from the Minister for Health on these issues, if there were the sort of priority attached to it that the honourable member for Kogarah—

Miss Cherie Burton: Point of order: My point of order is relevance. The motion is specifically about the Mental Health Act. The honourable member may not be au fait with the Act or the discussion papers that have been in circulation since February and August, because he has not mentioned one thing about them. That is what this debate is about. I ask that the honourable member talk about the Mental Health Act, and make a positive contribution.

Mr BARRY O'FARRELL: To the point of order: In anticipation that the honourable member for Kogarah would make another intellectual contribution by way of a point of order, in the first minute of her speech she talked about how mental services were organised and provided in the community. In the first 1½ minutes of her speech she talked about the change of service provision in recent years. In the last 2 minutes of her speech she talked about changes in the provision of health services under the Government's $241 million package, and the additional resources being made available. If the honourable member for Kogarah does not believe that the statements she made in support of her motion relate to the provision of mental health services—we know she has an interest in education—she ought to go back to school and resit the higher school certificate.

Mr DEPUTY-SPEAKER: Order! If the Deputy Leader of the Opposition will resume his seat, I will rule on the point of order. I am sure the Deputy Leader of the Opposition was making only preliminary comments and that he will return to the substance of the motion.

Mr BARRY O'FARRELL: The substance of the motion is that this legislation sets the parameters for which services are provided for mental health in New South Wales for people in our community who suffer mental health. As the honourable member for Kogarah devoted at least four minutes of her 10-minute speech to the provision of services, I will continue to do the same.

Miss Cherie Burton: Point of order: Again my point of order is relevance. The Deputy Leader of the Opposition, who does not know anything about the Act and has not consulted with anyone about it—even though two discussion papers have been circulating since February and August of this year—has been caught out. Lazy again, because it has not been on the front page of the *Daily Telegraph*! Now the Deputy Leader of the Opposition is trying to get out of it by slagging off at the Government. Well, it is not going to work. The honourable member should make some sort of sensible contribution to the debate.

Mr BARRY O'FARRELL: To the point of order: The point I make again is about the way in which mental health services are provided in New South Wales by virtue of this legislation. One cannot talk about this legislation without talking about the provision of services. But I remind the House that we again heard from the honourable member for Kogarah about her visit to front-line medical services across New South Wales, and the provision of mental health services by those services.

Miss Cherie Burton: Point of order—

Mr DEPUTY-SPEAKER: Order! The honourable member for Kogarah cannot take a point of order on a point of order. I ask her to resume her seat.

Mr BARRY O'FARRELL: I know that the honourable member for Kogarah is concerned about the contribution I want to make. I know the honourable member for Kogarah is determined to waste as much of my time as possible. But I say to you, Mr Deputy-Speaker, that if the legislation governs the provision of services, if the honourable member has spent 40 per cent of her allocated time talking about the provision of those services, including the prospective allocation of $241 million, I am entitled in my response to her motion to make reference not just to the legislation, as I hope to be able to do so, but to this Government's appalling record on mental health for nine years.

Mr DEPUTY-SPEAKER: Order! I have heard enough on the point of order. Does the honourable member for Wollongong wish to make a contribution to the point of order? I am sure she will be brief.

Ms Noreen Hay: To the point of order: I have a very keen interest in the Mental Health Act and its review. My point of order is that quite some minutes have gone by without the Deputy Leader of the Opposition making one reference to the Mental Health Act and its review.

Mr Brad Hazzard: What's your point of order?

Ms Noreen Hay: Mr Deputy-Speaker, I will respond to you. I think the Deputy Leader of the Opposition should be directed to refer back to the motion.

Mr Barry O'Farrell: To the point of order: I congratulate the honourable member for Wollongong on her point of order because, although she has been in this place only 18 months, in that time she has shown more interest in this matter than the Carr Government. It gives me no satisfaction, in responding to this motion, to note, as the honourable member for Wollongong knows, that this State Government spends less on mental health patients than any other government in Australia.

Mr DEPUTY-SPEAKER: Order! I have heard sufficient from the honourable member on the point of order. The Deputy Leader of the Opposition will return to the substance of the motion. I suggest that he make valuable use of the precious little time remaining to him by addressing the motion.

Mr BARRY O'FARRELL: The point I was going to make, before I was so rudely interrupted by the honourable member for Kogarah, is this: If this issue had the priority, urgency, and weight behind it that the honourable member for Kogarah suggests, why is the B team in the Chamber arguing the motion? Should not the Minister for Health be in the Chamber, demonstrating his commitment to mental health in New South Wales? At the end of the day—

Miss Cherie Burton: Point of order: Again, my point of order relates to relevance. The Deputy Leader of the Opposition should be directed to return to the motion. Also, I object to the Deputy Leader of the Opposition referring to women members on the Government benches as the B team. That remark is highly offensive, and he should withdraw it and apologise.

Mr DEPUTY-SPEAKER: Order! I have heard sufficient on the point of order. The Deputy Leader of the Opposition may resume his speech.

Mr BARRY O'FARRELL: When I referred to Opposition members as the B team, that had nothing to do with gender. We on this side of politics believe in merit—which is sadly missing from the Government front bench at the present time. The reality is that, whether the legislation is amended or not, whether we consider better information technology or not, or whether we consider the way in which resources are allocated, the legislation is important. The contributions that have been made by the public on both discussion papers are extraordinary. The stories they tell, like the stories about people fronting up to emergency departments and not being able to get access to services, are legendary. No amount of legislative change—just as no amount of talk by the former Minister for Health about increased efforts to deal with anorexia nervosa, when people currently cannot get access to those services—

Ms Noreen Hay: Point of order: I take exactly the same point of order.

Mr DEPUTY-SPEAKER: Order! The honourable member for Drummoyne will cease interjecting so that I may hear the point of order.

Ms Noreen Hay: The Deputy Leader of the Opposition should be directed to debate the motion. He should make a positive contribution to a review of the Mental Health Act.

Mr DEPUTY-SPEAKER: Order! I am sure the Deputy Leader of the Opposition is trying to do so.

Mr BARRY O'FARRELL: Mr Deputy-Speaker, as you would agree, the most positive contribution that could be made to the review of the Mental Health Act would be to make more mental health beds available. The honourable member for Kogarah spoke about a pilot program at Nepean hospital. I am sure even the honourable member for Kogarah knows that the reality is that no comprehensive or systematic improvements to mental health are being made in New South Wales. There are many pilots, but none is going anywhere.

Miss Cherie Burton: Point of order—

Mr DEPUTY-SPEAKER: Order! The honourable member has indicated she has a further point of order. I hope it is relevant.

Miss Cherie Burton: It is. The Deputy Leader of the Opposition should confine his remarks to the reform of the Act. The Government has increased mental health funding by 121 per cent since the Coalition was voted out of office. He should have a long, hard look at the facts.

Mr DEPUTY-SPEAKER: Order! The point of order is now academic as the speaking time allowed for the Deputy Leader of the Opposition has expired.

Ms NOREEN HAY (Wollongong) [4.02 p.m.]: The Minister for Health has publicly acknowledged that one of the most pressing health issues facing the Government today is mental illness. In 2002-03 there were 22,000 admissions to mental health units.

Mr Barry O'Farrell: Point of order: I am amazed that half a minute into her speech the honourable member for Wollongong has not referred to the legislation that the motion is about.

Mr DEPUTY-SPEAKER: Order! I am sure the honourable member for Wollongong was about to address the motion.

Mr Barry O'Farrell: I ask you to draw her back to the leave of the motion—as you directed on a number of occasions that I do. Similar points of order will be taken unless the honourable member for Wollongong and other Government members talk about the legislation in every sentence.

Mr DEPUTY-SPEAKER: Order! The honourable member for Wollongong may continue.

Ms NOREEN HAY: Since 1990 involuntary admissions have doubled and police escorts of patients to hospital have increased fourfold. This is having an enormous impact upon service provision. A review of the Mental Health Act is timely. We need to make sure that the Act accurately reflects the mental health service provision in New South Wales. The most important issues that need revising are those that impact upon consumers, their families and carers and front-line staff, particularly in the Illawarra and in my electorate of Wollongong. Information sharing with families and carers must be addressed. My electorate office is constantly receiving telephone calls from distressed families who do not understand exactly what the position is with their loved ones because permission has not been granted to provide them with this information.

Mr Barry O'Farrell: Point of order: The motion moved by the honourable member for Kogarah relates to a review of the Mental Health Act. The fact that the people of Wollongong cannot get access to mental health beds, and therefore complain to the State Labor member, is not relevant—as you will recall the honourable member for Kogarah argued earlier—to a review of the Mental Health Act, which is the subject of the motion. I ask that the honourable member for Wollongong be directed to return to the leave of the motion. However, I accept that her argument is in support of the Opposition's claim that the closure of mental health beds—

Mr DEPUTY-SPEAKER: Order! I have heard sufficient from the Deputy Leader of the Opposition. There is no point of order. The honourable member for Wollongong has the call.

Ms NOREEN HAY: I wish to speak to the point of order.

Mr DEPUTY-SPEAKER: Order! The honourable member may speak to the point of order, but I remind her that she has the call.

Ms NOREEN HAY: Today the Opposition did not make any positive contribution to the motion proposing a review of the Mental Health Act. I want to make a major contribution to the debate on the reform of the Mental Health Act, to which I am totally committed. By his point of order, the Deputy Leader of the Opposition has demonstrated that the Opposition is determined to ensure that I cannot make my contribution as the member for Wollongong.

Mr Barry O'Farrell: Further to the point of order—

Mr DEPUTY-SPEAKER: Order! I do not wish to hear further on the point of order. I have already ruled against the point of order taken by the Deputy Leader of the Opposition. I suggest the honourable member for Wollongong proceed with her contribution.

Ms NOREEN HAY: The second discussion paper canvasses a range of treatment modalities and definitional and role-defining issues. We should be considering whether people with personality and other challenging behaviours should be defined as mentally ill. That once again raises the whole question of dual diagnosis. Where should police assistance begin, and where should it end? Do we need to legislate a role for the Ambulance Service? Are our current leave provisions in inpatient settings appropriate? Indeed, are the conditions set out in community treatment orders by the Mental Health Review Tribunal appropriate? Does the division of responsibilities between magistrates and the Mental Health Review Tribunal remain suitable? Do we need to legislate to provide more effective discharge care following an admission to an inpatient facility? Or will staff shortages continue to limit our best endeavours to provide appropriate care?

The Minister for Health was successful in obtaining an additional $241 million for mental health service provision over the next four years. Organisational reform will provide significant improvements as funding and service delivery become more transparent. We also need to make sure that government agencies work better together. A chief executive officers forum has been established comprising all human service agencies to co-ordinate better cross-agency services. The establishment of the forum means it is now constantly on the agenda of Ministers and their director-generals, and that change can happen. With this in mind, the Government's plans for the future include the Illawarra Area Health receiving more than $9.5 million over the years 2004-05 and 2007-08. [*Time expired.*]

Ms GLADYS BEREJIKLIAN (Willoughby) [4.07 p.m.]: In speaking to this urgent motion about a review of the Mental Health Act I will echo the words of the shadow Minister for Health: This side of the House regards mental health issues with a great degree of seriousness. We know that the people of New South Wales rely on the Government to provide them with adequate mental health care, but, regrettably, the Government is not providing that care. As the honourable member for Kogarah said, the review of the Mental Health Act will take into consideration the changing nature of service delivery, health reform in New South Wales, treatment and operational reviews in relation to mental health, and better resourcing of mental health services. However, what the Government says and what it does are totally different things. On Monday the Chatswood Mental Health Clinic will close its doors and 300 people who rely on its services will be thrown out into the streets.

Ms Noreen Hay: Point of order: Once again I raise the matter of relevance. Instead of making a positive contribution to the review of the Mental Health Act, again the Opposition—

Mr Brad Hazzard: What is your point of order?

Ms Noreen Hay: Mr Acting Chairman, my point of order is that the member is currently not—

Mr Brad Hazzard: He is the Deputy-Speaker, he is not the Acting Chairman.

Ms Noreen Hay: I beg your pardon. I will start my point of order again.

Mr DEPUTY-SPEAKER: I ask the honourable member for Wollongong not to do so.

Ms Noreen Hay: You have corrected me. I will start my point of order again. The member is not contributing in a positive way to the mental health review.

Mr DEPUTY-SPEAKER: Order! The claim of a lack of relevance has some basis. However, I am sure the honourable member for Willoughby will move to the substance of the motion in the next few words.

Ms GLADYS BEREJIKLIAN: I understand that. I move:

That the motion be amended by the addition of the following words after "Act":

"but expresses concern at the decision to close the Chatswood Mental Health Clinic."

I again put on the record that on Monday 300 people on Sydney's North Shore will have nowhere to go because the Government's response to mental health problems is to close down community-based mental health care clinics. A paper written recently by Dr Alan Rosen, who works out of Royal North Shore Hospital, stressed the need for community-based mental health care, but the Government's treatment of mental health patients is taking us back decades. Clinical workers at the Chatswood Mental Health Clinic have informed me that on Monday they will be transferred to the old paediatric ward of Royal North Shore Hospital and remain there until 2008. After 2008 they will be located in a community services building on the campus of the same hospital.

Rather than going to discrete community location people who suffer mental health problems will have to go to hospital. As Dr Rosen pointed out in his highly acclaimed paper, the worst thing one can do to mental health patients is send them back to a hospital site that reminds them of the worst and most acute time of their illness. Medical reports have proved that time and again.

I am concerned that the buildings into which the Chatswood Mental Health Clinic will be relocated have been dilapidated for some time. Local clinicians have been lobbying for years to improve those health services, but their lobbying has been ignored and their calls for improvements have fallen on deaf ears. The Government says one thing about mental health but does another. What will happen to the mental health patients after Monday? I have requested a meeting with the Minister for Health to discuss this. I hope that he will agree to meet with me before Monday. As from Monday the doors to the Chatswood Mental Health Clinic will be closed and 300 patients who could previously attend a community-based facility will have to go to the foyer of the old paediatric ward on the campus of the Royal North Shore Hospital to access mental health services.

It is regrettable that the Government puts profit ahead of patient care. The site at Chatswood is worth $12 million. We know that the Government's real agenda is to sell off the site for $12 million in a fire sale, and that will put patient care at risk. The Government's leading health clinicians in this area say that community-based mental health services is the best way of treating mental health patients. The Government will throw people out onto the street and send them to a hospital site to access mental health services because they do not support community-based mental health care. I urge the Government to stop the rhetoric and put words into action. [*Time expired.*]

Ms TANYA GADIEL (Parramatta) [4.12 p.m.]: I am pleased to speak to the motion relating to the review of the Mental Health Act 1990 and mental health service provision in New South Wales. The Western Sydney Area Health Service, which covers the Parramatta electorate, has long provided specialist mental health care. The Cumberland Hospital has more than 220 psychiatric beds and additional mental health beds are available at Westmead Hospital. The Western Sydney Area Health Service provides a broad range of inpatient and community care facilities, ranging from the child and adolescent facility at Westmead to the secure Bunya Mental Health Unit for forensic patients. I agree that a public review of the Mental Health Act is timely.

The select committee inquiry made important recommendations about a review of the Act. Primarily those recommendations related to greater consultation and information sharing with families and carers to deliver a better overall quality of care for our mentally ill. I am saddened by the degree to which debate on the motion degenerated. Numerous comments have been made about the attitude of the Carr Government to mental health. The State's mental health budget has received a massive boost of an extra $68 million for the 2004-05 year, bringing the level of program expenditure for mental health services to a record $783 million. Since 1994-95 funding for mental health services in New South Wales has increased by 121 per cent. The Government's priority is to provide a complete range of acute, sub-acute and community-based care for patients when and where they need it.

Mr Barry O'Farrell: Point of order: I regretfully take a point of order because the start of the contribution of honourable member for Parramatta, who has some experience in these matters and whose electorate that is relevant to this issue, was relevant to the review of the Mental Health Act. She has now gone into the politics of it. If that is the case, she might like to explain why Victoria provides 20 24-hour staffed community beds per 100,000 people, and yet in New South Wales—

Mr DEPUTY-SPEAKER: Order! There is no point of order. The honourable member for Parramatta is entitled to address the matter in the way she has because of the amendment.

Ms TANYA GADIEL: Some $24.6 million has been allocated in 2004-05 for a number of important projects. It is important that I outline them in context because of the way the Carr Government has been attacked by the mob on the other side.

Ms Gladys Berejiklian: Mob?

Ms TANYA GADIEL: I am being polite by using the term "mob". The money will be used to fast-track urgent additional mental health beds in metropolitan Sydney, including piloting psychiatric emergency care units in Nepean and Liverpool hospitals, further developing the role of mental health services in the community, enhancing child and adolescent mental health services, expanding court liaison and community forensic services and providing better mental health services to Aboriginal communities by increasing the

number of Aboriginal mental health workers. The 2004-05 mental health budget includes expenditure for the completion of planning and the start of work on the redevelopment of Lismore's $25.8 million Richmond Clinic, which will include 15 extra beds. Those opposite do not want to know about extra beds, but Lismore is a classic example of the Government funding extra beds.

The 2004-05 mental health budget also includes recurrent funding for the new 50-bed acute care mental health unit at Wyong, a new 14-bed acute care mental health centre at Liverpool, two mental health beds at Broken Hill in addition to mental health community and medical staff enhancements in the region, planning for an additional 80 medium-security and community care beds, and minor works program for mental health services across the State. Tenders will be called this year to expand the successful housing accommodation support initiative with the Department of Housing and the non-government sector. The Government aims to improve the supported accommodation services for a significant number of people suffering from mental illness. In the Parramatta electorate and Western Sydney the Government has significantly boosted mental health services. I commend the review to the House and I commend the Minister for this work.

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [4.18 p.m.], in reply: I thank the honourable member for Parramatta and the honourable member for Wollongong for their contributions. However, I cannot do the same for those opposite. Despite more than $300 million being ripped out of the State's health budget we have been able to increase mental health services funding by 121 per cent since the Coalition was in government. As usual, the Deputy Leader of the Opposition made an absolute joke of the whole debate. I will take a copy of *Hansard* to the stakeholders and make sure that they are aware of the joke he has made of something that is so important to them. But the Deputy Leader of the Opposition would not know that because it is not on the front page of the *Daily Telegraph* or the *Sydney Morning Herald*. To know that, he would have to have done some research and consultation, and that happens way before he gets out of bed in the morning.

Mr Brad Hazzard: Point of order: Under the standing orders, the member is not entitled to attack the Deputy Leader of the Opposition, except by substantive motion. After all, it was she who trivialised this entire debate with a whole series of juvenile points of order.

Mr DEPUTY-SPEAKER: Order! There is no point of order. The honourable member for Wakehurst will resume his seat.

[*Interruption*]

Mr DEPUTY-SPEAKER: Order! I am not interested in the opinion of the honourable member for Wakehurst. I have ruled against his point of order.

Miss CHERIE BURTON: I point out that the honourable member for Wakehurst has spent the whole time he has been in this Chamber laughing and joking. He has not even had the courage to make any contribution at all to this debate.

Mr Brad Hazzard: Point of order: Is the honourable member for Kogarah offering to extend the time for the debate so that I can participate?

Mr DEPUTY-SPEAKER: Order! The member is not offering to extend time for the debate. There is no point of order. The honourable member for Kogarah has the call.

[*Interruption*]

Mr DEPUTY-SPEAKER: Order! I have ruled against the point of order taken by the honourable member for Wakehurst. The honourable member for Kogarah has the call.

Miss CHERIE BURTON: The review of the Mental Health Act has involved close consultation with key stakeholders, and the Government will continue that consultation. The Government has consulted with many groups in the community and will continue its program of consultation throughout the development of amending legislation. I especially mention and express gratitude to Dr Brian Pezzutti, a former member of the Legislative Council who led the upper House Select Committee on Mental Health in 2002 and whose report made over 120 recommendations on the delivery of mental health services in New South Wales. A review of the Mental Health Act was one of the key recommendations of the report.

The two discussion papers that have been issued have widely canvassed all the issues that have been raised by consumers, carers, mental health workers, people who are affected by the standard of mental health services, and people in the mental health profession. I look forward to the Opposition contributing at some stage proposals to ensure that the delivery of mental health services operates efficiently and is applied more relevantly to the changed nature of mental illnesses, particularly as the need for change in the delivery of services has emerged since the last review was

undertaken in 1990. The Government will meet regularly with key stakeholders and welcomes their input on the draft bill. There are many issues that must be dealt with from both sides of the delivery of mental health services, including privacy issues and changes to the forensic side of mental health—delicate aspects of legislation.

As usual, the Government and the Minister for Health will ensure that consultation will take place so that the best possible outcome for all concerned is achieved. I look forward to continuing to work with Professor Peter Baume and Dr Brian Pezzutti. I thank them particularly for the contribution they have made and for their commitment to mental health services. I also thank the honourable member for Bligh, Clover Moore, and the Hon. Dr Arthur Chesterfield-Evans for their continued interest in and pursuit of improvement in mental health services. The nature of mental health services and the style of delivery of those services will always be changing and there will always be a need for improvement. I am proud to be part of a Government that is committed to changing services to suit the community and to assisting people when they need assistance.

Amendment negatived.

Motion agreed to.

REGIONAL CREDIT UNIONS

Matter of Public Importance

Mr RICHARD TORBAY (Northern Tablelands) [4.24 p.m.]: I am pleased to discuss the credit union movement as a matter of public importance. The credit union movement has been a success story, particularly in country regions where credit unions have been doing more than their share to compensate for the ugly side of banking that emerged during the past 10 years, the subject of numerous debates in this House over that period. As the big banks fled small rural centres, they left behind the sour taste of disillusionment, and that marked the end of a culture of trust that had developed over many generations. I have spoken to many people in the rural sector who have referred to the culture of trust being broken in recent years.

In the northern part of the State, the New England Credit Union stepped quietly and effectively into the void left by the banks. Small centres such as Warialda, Ashford, Mungindi, and Bundarra, which were left without local banking services in the wake of the big bank exodus, now have a credit union service which is rapidly expanding its hours of operation in response to need. The credit union has adopted the same philosophy of personal service and community involvement which once positioned banks as a central and major player in country communities. The New England Credit Union was established 30 years ago on the campus of the University of New England and has been expanding ever since. It has 35,000 members, 10 branches and 3 agencies. Its head office is based in Armidale.

As part of its expansion program, it has merged with other credit unions, including the Armidale Credit Union, the New England Credit Union and the North West Local Government Employees Credit Union. Another friendly merger is under way between the New England Credit Union and the Peel Valley Credit Union, which is based in Tamworth, following an approach made by the Peel Valley Credit Union. Upon finalisation of the merger, the combined assets of both organisations will amount to $280 million, and there will be 140 employees. The Peel Valley Credit Union has a membership of over 9,000 and has 7 branches and 2 agencies.

Both organisations share a common philosophy that is based on a commitment to provide members with access to good service, fair fees, competitively priced products and a willingness to support not only the larger towns but also the smaller towns in the region, including Manilla, Kootingal, Nundle, Quirindi, Werris Creek, Bingara, Barraba, Ashford, Uralla, Bundarra, Glen Innes, Inverell, Moree, Warialda, Mungindi, Walcha, Guyra and Tenterfield. In Mungindi, up to 90 per cent of the population are members of credit unions. Even in the larger communities, rates of membership are as high as 50 per cent of the population or more.

The credit union movement has an interesting history and has remained true to its origins in Germany in 1864. The mayor of a small Bavarian town, Friedrich Raiffeisen, organised a co-operative savings institution to allow the people of his district to pool their money and lend to each other. He envisaged the credit union as an instrument of social change in a way that would make permanent improvement in its members' economic and social conditions. It took until 1946 for the concept to take hold in Australia. At that time Kevin Yates, the founder of credit unions in this country, opened the doors of the Universal Credit Union in Sydney. Credit unions continue to be based on the concept of co-operation and the values of equal and mutual self-help that the first credit unions were founded on.

The Australian credit union movement now has 3.5 million members who are important participants in the retail finance sector, with membership of 21.8 per cent of the adult population in New South Wales—very significant membership by any measure. Currently there are 175 credit unions in Australia and 155 of those are affiliated with the peak industry body, Credit Union Services Corporation (Australia). As many honourable members would be aware, prior to entering Parliament in 1996 the Leader of the Opposition was employed by the corporation as its public affairs manager. I will welcome his contribution to the debate. Traditionally, credit unions have been strong in service values and its members are extremely loyal. Of the members surveyed in 2003 by Eureka Research 85 per cent said that they would recommend their credit union. That is a good number of recommendations for any organisation. In the same survey 84 per cent of members rated their relationship with their credit union as excellent or very good. I have been a member of the New England Credit Union for many years and my experience echoes the results of the survey.

I am impressed by the imminent merger with Peel Valley Credit Union because it is an amicable arrangement that promises no job losses or forced transfers and no cutting of existing services. The credit union specialises in home loans and personal loans for mums and dads, a commonly used term in this House, which it rightly believes is a good market in which to be involved, and to which the community continues to respond. To my mind it is important for large financial organisations to be involved in their local communities. That is what a credit union does and continues to do. In my area the New England Credit Union has followed that philosophy to the letter. The credit union runs an indigenous employees training program and I have had the opportunity to recognise some wonderful work in that program. I am pleased to have the opportunity in this forum to commend the credit union for that outstanding program.

The credit union supports community and cultural events. Its staff, particularly the general manager, Kevin Dupe, take a leading role in community organisations. Through Kevin the credit union has enjoyed strong management for many years. The dedicated staff are central to its success. The New England Credit Union and the credit union movement are shining lights in the present-day murk of corporate greed and self-interest. Smaller communities have seen those services move away from the bank's perspective; they have seen credit unions reinvest into those services. Smaller communities are committed to the New England Credit Union and regard this merger as a further opportunity for the credit union to expand into the community and invest in people rather than profitability. I congratulate the credit union movement and look forward to hearing the contributions of other members.

Mr STEVE WHAN (Monaro) [4.43 p.m.]: I congratulate the honourable member for Northern Tablelands on bringing this matter of public importance before the House today. In his case it is third time lucky in managing to have the matter debated. Credit unions in country New South Wales have kept many rural communities alive while the banks have turned their backs on many other communities and left town. Our credit unions deserve to be congratulated on their support of rural New South Wales. Credit unions in my electorate of Monaro play an important role in local communities. In many instances they have helped to keep towns alive, while other towns have not survived. The existence of a financial institution is central to the ongoing viability of many rural communities. The presence of a bank or a credit union in a town means that workers' pay can be banked, children can learn about the importance of saving and mortgages can be arranged face to face.

In country New South Wales small businesses and families often complain about the inability to speak face to face with a bank manager about their finances. Those complaints should not be underestimated because, surprisingly, banks like to talk face to face about family finances, houses and home loans. The presence of a bank in a town is a demonstration of financial confidence in that town. A bank or a credit union operating in a town means that the town is still thriving and growing. When a bank shuts up shop, the residents of that town are naturally concerned about the reasons for the bank leaving. Does the bank know something they do not know? Will significant local companies close down? Will people lose their jobs? Those questions flow through to small business, because if people have to go to a larger town to withdraw money it is likely that they will do much of their shopping in that larger town.

The closure of a bank has a flow-on effect throughout rural communities. In my electorate bank closures is an important issue, and credit unions have filled the gap. Recently I attended a function organised by the Service One Credit Union, which now incorporates the Snowy Mountains Credit Union. It has reopened an office in Cooma, which it now shares with Country Energy—a great example of two organisations that are committed to employment in a local and regional centre sharing a shop-front facility. The facility has separate counters for each organisation. That is an example of local organisations servicing the needs of a local town. The Snowy Mountains Credit Union was formed to help provide financial services to the people of the Snowy Mountains region. It has provided services in Cooma and Jindabyne as well as from its important branch at Bemboka, a small town which I am pleased to say is still in the electorate of Monaro after the redistribution.

Mr John Brogden: But they aren't.

Mr STEVE WHAN: The Leader of the Opposition is being facetious. I know the people of Bemboka love having a voice in government, and they will be pleased to have their town represented in this House. The small community of Bemboka is at the bottom of Brown Mountain in the Bega Valley. The local community fought hard for that credit union, which is run from a small office. Following the closure of the banks the small community of Delegate, which is on the Victorian border, is serviced by credit unions. Delegate is a proud little town, a go-ahead place, that needed to retain a financial institution. After banks leave small towns many communities refuse to be left without financial facilities. As I mentioned, in the area I represent communities have actively sought the setting up of local credit unions. The communities and the credit unions that service them deserve the respect and congratulations of Parliament on their dedication. The refusal of those communities to quietly transfer their affairs to another town is a reflection of their spirit.

On a related matter, many communities in Monaro have attracted branches of the Bendigo Bank, which provides similar facilities. Braidwood has done so, and recently a meeting was held in Bungendore to discuss opening a branch of the Bendigo Bank. In the past I have been critical, as have members from all sides of politics, of the treatment of rural communities by banks. I was interested to hear a media report that a major bank had suggested that it would reopen its offices in rural communities. Obviously that is welcome news, but I suppose it would be greeted by many rural communities with a degree of cynicism.

We all watched as the bank closed its offices, and one has to wonder whether that is a bit like the Howard Government approach: belt people for so long that they turn around and say "thank you" for stopping the belting. That seems to be the hallmark of large and unfeeling organisations such as some banks and the Howard Government. Communities that need banking services obviously work hard to keep them, and they deserve the support of banks and credit unions. It is obvious that over the past eight years or so the Howard Government has done nothing to stop banks from leaving country towns or to protect the delivery of financial services in those towns.

Over a number of years the Labor Party has put forward policies to ensure that financial institutions remain in country towns. Those policies have not been followed by the Howard Government, which is happy to allow them to leave and not replace them. Meanwhile, the Howard Government has done nothing to regulate the incomes and profits of banks and the massive salaries paid to chief executives. The Howard Government does not care about that, because it is happy to let the free market take a hold and decimate services in rural communities.

In 2003 banks collected about $8.7 billion in bank fees—up about 12 per cent from 2002. Every day they collect about $23 million in bank fees. Is it any wonder that people in rural New South Wales have to take action to ensure that they have banking services in their towns? In 2003 households paid about $3 billion in bank fees—up 15 per cent on the figures for the previous year. On average, that is about $400 per household. One would expect banking institutions to provide better services. Instead, rural communities have been treated with disdain. They have had to take matters into their own hands by attracting smaller institutions and credit unions into their towns to try to keep financial services alive and retain small businesses that rely on those financial services.

It is pity that throughout my contribution there have been fairly consistent interjections from Opposition members. They would do anything to defend the Howard Government but they do not stand up for rural communities in New South Wales. We need unanimous agreement from those on all sides of politics that banking and financial services in rural New South Wales are important. They are services that must be retained and that governments must protect. We must also back rural communities when they are fighting for the retention of such institutions. The Labor Party, at both a State and Federal level, is behind all those rural communities that are fighting for financial institutions.

I referred earlier to the establishment of the credit union at Bemboka, which received a great deal of support from Jim Snow, a former Federal Labor member for Eden Monaro. He knew how to stand up for his community. He worked with the Bemboka community to establish that credit union. Jim Snow was also intimately involved in the establishment of the credit union at Delegate.

[*Interruption*]

Opposition members are happy, by way of interjection, to denigrate a person who gave 13 years of service to his community and who was respected by that community. Jim Snow stood up for his community and for rural financial services. What a clear picture has been painted by Opposition members and the Federal Liberals! They are willing to support banks that make huge profits and they are willing to stand up for executives who do the wrong thing and get payouts when they leave, but they are not willing to stand up for rural communities. Today we want to know whether they are willing to support credit unions.

Ms Katrina Hodgkinson: Point of order—

Mr ACTING-SPEAKER (Mr John Mills): Order! If the point of order relates to relevance I do not want to hear it. The remarks of the honourable member for Monaro are entirely relevant. I have been listening carefully since I spoke to the Leader of the Opposition.

Ms Katrina Hodgkinson: It is important that the honourable member, who is currently addressing—

Mr ACTING-SPEAKER (Mr John Mills): What is the point of order?

Ms Katrina Hodgkinson: It is important that the honourable member recognise that this is a debate about credit unions. He should stop his politicisation and return to the substance of the motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. In the last minute the honourable member for Monaro has used the words "credit unions" several times.

[*Time expired*.]

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [4.33 p.m.]: I join the honourable member for Northern Tablelands in addressing what should have been a bipartisan motion—praising the role of credit unions in regional New South Wales. I am a former employee of the Credit Union Services Corporation (Australia) Ltd, or CUSCAL, a terrific organisation in which to work. Like all credit unions, CUSCAL is a member-focused organisation. One thing that distinguishes credit unions from other financial services, in particular banks, is that they are, and always will be, member-owned organisations.

In this day and age, when banking has become enormously competitive and the introduction of mortgage originators has made the home loan market the most competitive that it has been in 40 years, there is still a role for credit unions in New South Wales and, in particular, in regional New South Wales. Credit unions put people before profit—an important message that they have always sent to their members. They have also been very innovative. I am digressing slightly from regional New South Wales but it is interesting to note that the first organisation to introduce automatic teller machines [ATMs] in Australia was the Queensland Teachers Credit Union. The credit union movement is often regarded as a high-cost organisation that is unable to be as competitive as banks because of its high cost structures and its difficulty to achieve the same economies of scale that are achieved by banks in the provision of information technology.

Who would have thought that the Queensland Teachers Credit Union would introduce ATMs, which are now commonplace? That is not the quaint image that we associate with credit unions. We should also recognise that their focus on members was so strong that they were the first financial institutions in the country to ask, "How can we make it possible for our members to access their funds 24 hours a day?" Currently there are 175 credit unions in Australia, with 155 affiliated to CUSCAL, the peak industry body that provides both financial and industry association services to its members. It is worth noting that about 9 or 10 years ago, when I first worked for CUSCAL, that number was well in excess of 300.

Credit unions in Australia are being squeezed, in part by their economies of scale and their cost structures. I pay tribute to all those credit unions for ensuring that they remain member owned and member focused while operating in a strict and competitive financial market. In many cases they are doing that by way

of mergers. For many members the name of an old credit union might change, the logo might change and its advertising might change, but the faces behind the counter, the friendly services and the extension of its member-focused service will continue, which is a point of distinction. Credit unions have an enormous share of the market. In rural communities in particular they always ensure that there is open and friendly financial service.

Over the 60-year period that credit unions have existed in Australia they have provided supportive financial services. The credit union ethos is akin to the ethos of Australian volunteers. Believe it or not, some credit unions in Australia still open only once a week—on a Saturday morning or on a Sunday afternoon. In small communities they open after church, they take deposits, they give cash to their members and they provide home loans and other sorts of loans. The credit union movement has weathered the storm of easier finance and, in particular, the issuing of credit cards on a mass scale. Originally credit unions were well known for the personal loan, the car loan, the holiday loan and the boat loan. Today many people can put those things on a credit card, but if they get into trouble with their credit card repayments they know that they can always go to their credit union. Credit unions are wonderful organisations that provide people-based financial services to millions of Australians. I commend this motion to the House.

Mr RICHARD TORBAY (Northern Tablelands) [4.47 p.m.], in reply: I thank the honourable member for Monaro and the Leader of the Opposition for contributing to debate on this motion. The Leader of the Opposition highlighted the important role that credit unions play, in particular, in country and regional New South Wales. Other honourable members referred to the community-driven approach of credit unions. The Leader of the Opposition referred to reducing cost structures, which is true in relation to the proposed credit union merger in the New England area. I agree with his comments when he said that credit unions will always be member driven and that they will always respond to community needs.

I again pay tribute to the New England Credit Union on its proposed merger. I have received feedback from Ashford, a small never-say-die community located in the Northern Tablelands electorate that is fighting hard after some difficult times in recent years. It has now secured the services of a credit union—an initiative driven by the community and responded to by the New England Credit Union in a small community that had no other banking services. Recently a member of that community said to me that when the community was fighting hard to secure banking services the New England Credit Union responded. The New England Credit Union did not ask how it would profit from providing services to this small community but decided that those people were entitled to receive banking services. We should acknowledge that point, which goes to the heart of the contributions by the honourable member for Monaro and the Leader of the Opposition. That is what the credit union movement is all about.

I believe the proposed merger will succeed because there is a strong management culture among credit unions in the north-west of the State and because they enjoy the overwhelming support of the local communities. This is underlined by the growing number of credit union members, by community feedback and by credit unions' support of many local events and community organisations throughout the New England and north-west areas. It is important that we not only bag institutions when there is bad news but also praise the good work of institutions like credit unions that are returning to regional communities, investing their time and money and making an investment in people. That culture and that management style will strengthen consumer loyalty into the future. I commend the credit union movement and trust that it will continue to go from strength to strength. Regional communities appreciate the work of credit unions. The way things are going, we will need to rely on organisations such as credit unions that believe in people above all else. I thank the House for giving honourable members the opportunity to congratulate the credit union movement.

Discussion concluded.

REGISTERED CLUBS LEGISLATION AMENDMENT BILL

Third Reading

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [4.51 p.m.]: I move:

That this bill be now read a third time.

Mr GEORGE SOURIS (Upper Hunter) [4.51 p.m.]: I take this unusual step of speaking on the third reading of the Registered Clubs Legislation Amendment Bill in order to raise several issues that have come to the fore since the conclusion of the second reading debate and thus could not be explored at that time. My

remarks centre on a particular Supreme Court case and the provision in the bill that allows an inquiry into the Panthers club, conducted under section 41X of the Registered Clubs Amendment Act, to make retrospectively certain findings of corruption and/or improper conduct that otherwise could not be made under the Act or the inquiry's terms of reference, which adhere to the Act.

The Panthers club initiated an action in the Supreme Court that challenged the jurisdiction of the inquiry regarding these matters, particularly potential findings of corruption and improper conduct. This followed the exposure of potential draft findings that the head of the inquiry tabled to the inquiry, which subsequently became the subject of the Supreme Court action. The Supreme Court action has now concluded and the judgment prohibits and prevents the inquiry from making such findings, in accordance with both the Act and the terms of reference and two High Court of Australia precedents. It is a strong judgment based on strong foundations that will prevent the inquiry from expanding beyond its terms of reference and the Act.

This bill has assumed even greater significance from a legislative perspective as it will now not simply be a retrospective measure but overturn a finding of the Supreme Court that is based in significant part on High Court precedent. As legislators, we should consider this matter carefully. We should consider the issue of enacting retrospective legislation per se and the fact that this bill will deny natural justice to all those witnesses who gave evidence to the inquiry after considering their position and taking advice on the matter. It would be a gross travesty of justice to allow the inquiry to make retrospectively findings that are not provided for in the current legislation—indeed, the Supreme Court, relying significantly on High Court precedent, reaffirmed that they are not available to the inquiry. It would be a grotesque denial of natural justice—greater even than that which would occur should this legislation pass through both Houses of Parliament.

This bill will overturn the finding of the Supreme Court. That is a grave matter. I acknowledge that Parliament has the power to do that but I expect that power to be reserved for the most vital, life-and-death cases. This bill is an act of persecution on the part of the Government of a particular club and the club movement generally for having the audacity in recent times to oppose publicly, through a political campaign, the imposition of dramatically increased taxes on the club movement. I will not rehearse those issues this afternoon—I certainly covered them in my speech during the second reading debate—but I am very concerned that Parliament would pass legislation of this nature, which will have implications for natural justice. It will deny natural justice to all witnesses—not just the club's chief executive—who appeared before the inquiry.

That inquiry has been concluded for some time. I question the inquiry's practice of deliberately stalling and waiting for this bill to pass and shift the goalposts retrospectively to enable the inquiry to adjust its findings and deny natural justice to all witnesses and other concerned parties. That seems not to generate much concern. I am amazed that a Queen's Counsel of the calibre of the person in charge of this inquiry would adopt that approach and wait for the legislation to mature. I ask the Minister for Gaming and Racing—I would appreciate it if he would pay attention instead of listening to the honourable member for Murray-Darling—a vital question that I also asked during the second reading debate but which the Minister did not answer. I believe he deliberately failed to respond because of the likely content of his answer.

The question is: What role has been played by Mr Temby, by the inquiry's lawyers, officers or bureaucrats, by officials from the Department of Gaming and Racing, and by anyone relevant to the Government or the inquiry? Have they made representations or sought to incorporate certain features in a bill that would change the terms of reference in such a dramatic way? If so, it is improper. Has the inquiry sought to influence the Government to change its own terms of reference in order to make predetermined findings? It is outrageous that the Government would entertain such an overture and introduce retrospective legislation that involves the denial of natural justice by overturning a judgment of the Supreme Court and the High Court precedent that was used in determining the Supreme Court case. Any Minister who supports this type of legislation abnegates his legislative morality and his credentials as a member of Parliament. Obviously his higher duty is of no relevance or interest to him: He simply wants to have this legislation passed by the Parliament so the inquiry can do its dirty work.

Mrs JILLIAN SKINNER (North Shore) [5.00 p.m.]: I did not have an opportunity to speak to this bill previously. I am particularly disturbed by the latest information provided by the honourable member for Upper Hunter about the concluded Supreme Court action taken by the Panthers club. I am astonished that this bill will overturn and affect a finding that prohibited the inquiry from making findings beyond its original terms of reference. I will refer to some aspects of the bill that offend me. It is breathtaking that the Minister and his colleagues on the Labor benches argue such a transparently intimidatory piece of legislation. It covers up the Government's incompetence—if it were serious about having an inquiry—in framing terms of reference that

were all-encompassing. The inquiry was not necessary. It was nothing more than an attempt to silence those in the clubs movement who had the gumption to speak against the Government's taxation measures.

The inquiry was an attempt to coerce those people into silence, and it was intimidatory in that it changed the goalposts. This retrospective and draconian legislation imposes costs on clubs. I agree with my colleagues who said that this was all about Mr Temby telling the Premier and the Minister for Gaming and Racing that he could not find anything wrong: The Premier had a tantrum, the Minister had a panic attack, and they said they would change the legislation in Parliament. What a hideous way to govern! This legislation is immoral. It is a very sad day when this Parliament changes the goalposts relating to an inquiry. If this measure does not work, do we keep coming back until a mechanism is in place to make sure innocent parties are caught?

I have a very good relationship with clubs in my electorate—they are great personal friends. I know that they are extremely angry with this Government. This legislation makes the Government even more transparent in its bullying, intimidatory tactics. People right across the State—in my electorate and that of the honourable member for Upper Hunter, in the country, in the city, in the Dubbo electorate, which we will visit shortly—are really angry. This will be a litmus test. Let the Government wear the odium it deserves from people in the clubs movement and those who rely upon them for many different aspects of their life. Clubs provide support to organisations, sporting teams and individuals in the community. It is important for all members of Parliament to let the people know exactly what this legislation is about—I know we will—that is, the Government's bullying tactics, and let them have their say.

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

The House divided.

Ayes, 47

Mr Amery	Mr Gibson	Mr Orkopoulos
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Bartlett	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Black	Mr Hunter	Dr Refshauge
Mr Brown	Mr Iemma	Mr Sartor
Ms Burney	Ms Judge	Mr Scully
Miss Burton	Ms Keneally	Mr Shearan
Mr Campbell	Mr Knowles	Mr Stewart
Mr Collier	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr Watkins
Mr Crittenden	Mr McLeay	Mr West
Ms D'Amore	Ms Meagher	Mr Whan
Mr Debus	Mr Morris	*Tellers,*
Ms Gadiel	Mr Newell	Mr Ashton
Mr Gaudry	Ms Nori	Mr Martin

Noes, 30

Mr Aplin	Ms Hodgkinson	Mr Souris
Mr Armstrong	Mrs Hopwood	Mr Stoner
Ms Berejiklian	Mr Humpherson	Mr Tink
Mr Cansdell	Mr Kerr	Mr Torbay
Mr Constance	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr Page	
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Richardson	*Tellers,*
Mr Hartcher	Mrs Skinner	Mr George
Mr Hazzard	Mr Slack-Smith	Mr Maguire

Pairs

Ms Saliba	Mr Pringle
Mr Yeadon	Mr Roberts

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

TONTINE SCHEMES

Mr PAUL LYNCH (Liverpool) [5.15 p.m.]: I draw to the attention of the House a very serious situation in which several constituents of mine have found themselves. Those constituents include Seak Liv Ly, Chanthy Dos, and Sok Kheng Dos. They have been involved in a tontine—which some may call a pyramid-type scheme. It is also sometimes called a money agreement or a money scheme. My constituents now regard this as a fraudulent and corrupt venture, as a result of which they have lost many thousands of dollars. I raise the matter here to see if something can be done about it. It was reported to the Department of Fair Trading on 10 August this year.

My constituents first became involved in the tontine, or money agreement, in early 2003. Around January that year the organiser of the tontine came to the house of Ms Ly and Mrs Dos. The organiser discussed the tontine scheme, and my constituents agreed to participate in it. The theory of the scheme involved each of 36 people contributing $300 each month, although the initial contribution from each was actually to be $500. Each of those participating would have the opportunity to use the money collected, although they would pay interest on it if they did use it. The advantage of this was said to be that money would be more easily available than from a bank or other financial institution, and that profit could be made by way of the interest that would be paid on the money. Some people apparently had more than one of the 36 shares. Thus, while there were 36 shares, there were less than 36 actual participating individuals. I understand that 16 people might have actually paid money.

My three constituents have invested approximately $35,000 in the tontine. One other person I have been told of—although I have not yet spoken to—is said to have invested $65,000 in cash and jewellery in these sorts of schemes over three years. In this particular tontine, the mathematics suggest that about $130,000 is collected each year. That is of course quite a substantial sum of money. The monthly payments by my constituents continued until April this year. One of my constituents then approached the organiser for access to the money in accordance with the arrangement that she thought had been reached. The organiser refused to pay any money. In the words of my constituent, the organiser said they were not going to get any money and there was nothing they could do. The organiser did not have any money to pay them. The organiser warned my constituents not to report this to authorities and said her husband had a gun licence.

Quite obviously, my constituents have reported this matter. They went to both the police and the Department of Fair Trading in early August. I have also made some appropriate representations. Regrettably, not a lot seems to have happened so far in regard to official action. It is now becoming quite urgent. There have been some other, even more aggravating features. My constituents have discovered that this organiser has been doing this sort of thing for about 15 years. Apparently, many people have been damaged by this organiser, but she relies on preying upon people who are able to be intimidated or who do not know enough about the law and the legal structure to take action against her. My constituents believe that the organiser is specifically targeting people who cannot speak English and are less able to prosecute complaints against her. As one of my constituents said:

> I also believe that there are a lot of people out there amongst Asian communities who suffer losses from her scheme. If she is not stopped soon, I fear there will be more people out there suffering losses like me.

The organiser, I am advised, is now selling her house. There is a fear that she is about to flee the jurisdiction. It is therefore becoming quite urgent that something be done about it. I would urge some immediate official action. I would in particular ask the Department of Fair Trading to look seriously at this matter. I understand the department has some powers that it can use, and that use of those powers can be expedited. I ask that that happen.

WAGGA WAGGA TOURISM

Mr DARYL MAGUIRE (Wagga Wagga) [5.20 p.m.]: I wish to bring to the attention of the House and the Minister responsible for tourism some alarming deficiencies in Tourism New South Wales. Tourism Wagga Wagga wrote to Tourism New South Wales in January and May 2003, but those letters remain unacknowledged. At a meeting in September 2003 Tourism New South Wales promised to get back to Wagga Wagga City Council on issues raised. Inexplicably, there has been no such response. A further letter was sent in September 2004, but still there has not been a response. Geoff Kidd, Chairman of Tourism Wagga Wagga, has stated:

> Based on Tourism NSW's lack of response or acknowledgement of our letters and their lack of action after the meeting, we are totally exasperated. We are desperate to get these matters resolved, and we are bitterly disappointed in the performance of Tourism NSW.

Mr Kidd has asked me to help. In "The Heart of Country New South Wales" marketing campaign and in a feature article in outback magazines, Tourism New South Wales has either left out Wagga Wagga or listed activities that are seven years out of date. This is but one example of incompetence at the highest level of the organisation. Tourism New South Wales did not make an effort to contact staff at Tourism Wagga Wagga to get the latest information; nor did it check the Tourism Wagga Wagga web site for up-to-date information.

On the "Heart of Country NSW" map, experiences listed for Wagga Wagga include nature, arts, crafts and culture. There is no mention of heritage, history, or local wine production, or produce. On the back of the brochure under "Regional Events" Tamworth is listed three times, Canberra twice and Griffith twice, but neither the Wagga Wagga Gold Cup nor the Jazz Festival, flagship events in the city council's calendar of events, rated a mention. Wagga Wagga City Council has poured an enormous amount of money into those two events, but Tourism New South Wales did not bother to look at the web site or contact the local tourism bureau to update the information and get it right before it printed the "Heart of Country NSW" brochure.

Bundanoon and Bowral are listed on the map but they are not even in the area designated "The Heart of Country New South Wales"—another muck-up. "The Heart of Country New South Wales" television commercial promoted nine or 10 regional towns and cities, but not one mention was made of Wagga Wagga, the State's largest inland city. The other places I have mentioned are lovely places to visit and their communities are welcoming; I am simply pointing out the terrible inaccuracies and inefficiencies of Tourism New South Wales under Minister Nori. The towns of Hay, Narrandera, Griffith, Echuca and Moama are listed in the Griffith to the Victorian border section of the brochure, but no mention is made of either Wagga Wagga or Gundagai. The Murray River, Torrumbarry Weir, Barmah Forest, the Echuca-Moama river boat cruise or houseboat, Lake Hume, the Murrumbidgee River at Hay and Lake Burrinjuck are mentioned, but no mention is made of Wagga Wagga's Murrumbidgee river cruises.

Funding for the Riverina Tourism plan indicates that the State Government's financial contribution has declined to zero over five years, despite local government contributions having risen tenfold. Several other Riverina councils are experiencing problems in their dealings with Tourism New South Wales similar to those I have highlighted. It is an absolute disgrace to spend thousands of dollars on printing a brochure that ignores flagship events that are recognised throughout a community and, importantly, funded by the council. Tourism New South Wales did not even take the initiative to search the web site or telephone the local tourism officer to ask for an update. Wagga Wagga is the largest inland city in New South Wales and it is disgraceful that it has not been referred to in the brochure. Minister Nori should drag in the chief executive officer of Tourism New South Wales and whoever is responsible for this brochure, carpet them, and do whatever needs to be done to fix the problem. I want to hear in this Chamber what she intends to do to right this wrong.

SUTHERLAND SHIRE FERAL DEER CONTROL

Mr BARRY COLLIER (Miranda) [5.25 p.m.]: Deer have been cast in movies, cartoons and children's books as mild, timid, defenceless creatures, but feral deer are making life a misery for residents in the Sutherland shire suburbs of Grays Point, Gymea Bay and Kirrawee. Introduced deer are ruining gardens, turning

lawns into dung heaps, and damaging fences and private property, including parked cars. Adult male deer are large animals weighing up to 160 kilograms and in the mating season they are very aggressive. They have been known to attack residents in their own backyards. The deer are roaming local streets, causing an increasing number of road accidents and so many near misses that it is only a matter of time before there is a fatality. As residents like Barry Alchyn, Elywn Gaywood, and Carol and Bevan Dobbins of Grays Point will tell you, the feral deer problem in their suburb is going from bad to worse.

Letters to the *St George and Sutherland Shire Leader* by residents Bill Morrill, Perry Stafford, Connie McPherson, Margaret Simpson and Tony French demonstrate the seriousness of the feral deer problem in shire streets and backyards. Today I presented a petition signed by 900 shire residents calling on the Parliament to acknowledge the impact of feral deer on those residents, and calling for the State Government and Sutherland Shire Council to work together to reduce the number of deer in residential areas. I could not agree more. It is clear that we must work together to bring this problem under control. What is being done? Feral rusa deer were introduced in 1906 but they escaped from an enclosure and by 1999 studies show a deer population in the Royal National Park of 2,600. During the 1994 bushfires the deer moved out of the park into the suburbs of Grays Point. They have been breeding there and they have established herds.

The deer are living in urban areas and reserves under the care and control of Sutherland Shire Council. After residents expressed grave concerns about the problem, I wrote to the council and, as usual, the finger pointing began as to who was responsible for controlling the deer. In October 2003 I wrote to the Minister for the Environment for advice and assistance. On 20 October 2003 the Minister advised in writing that his department had established a deer working group, which included Sutherland Shire Council. It had commenced a deer culling program in the Royal National Park using expert marksmen under strict protocols approved by the RSPCA and the Animal Welfare League. To date I am advised that around 450 deer have been taken from the park. The Minister went on to advise:

> As with all feral animal management in New South Wales, it is the responsibility of the land manager to control pests on their land.

As a matter of law this means that the National Parks and Wildlife Service is responsible for controlling deer in the Royal National Park. But it also means that Sutherland Shire Council as the land manager is responsible for managing and controlling deer in residential areas, community land and local roads in the shire. In his letter the Minister suggested how the State Government and its agencies could assist the council. He also identified possible funding sources that could be available for council to control the deer. The Minister then noted:

> It is regrettable that to date it appears Sutherland Shire Council has not engaged in any form of activity and management despite repeated requests from neighbouring landowners.

I wrote immediately to the then Mayor, Councillor Phil Blight, enclosing the Minister's letter. I said:

> I urge you to take immediate action. I also advise that I am willing to support any application by council for funding assistance to the bodies set out in the Minister's letter.

On 30 October 2003 I received the mayor's response as follows:

> Council acknowledges rusa deer inhabit natural and residential areas of the Sutherland shire and share your concerns for the serious threat they pose to indigenous ecosystems, gardens and public safety. The importance of the issue has recently been highlighted with increased requests from residents urging council to take action.
>
> Council is preparing a draft feral rusa deer policy.
>
> Once adopted, I am confident the feral rusa deer policy will enable appropriate actions to be developed and implemented to control the deer population in urban areas of the shire.

In June 2004 I wrote to the new Shire Mayor, Councillor Kevin Schreiber, seeking an update on council's progress with the development of its feral rusa deer policy. Although the mayor advised that the council had been working with State agencies to develop a co-ordinated management strategy to control deer numbers, he went on to say:

> At this stage I am unable to advise you on the timeframe. However, I have asked for the matter to be expedited.

That letter was dated 15 June 2004, four months ago. So what we have is this: A shire council has publicly acknowledged the problem of feral deer within its boundaries and the serious threat they pose to the safety of

residents, but it has not developed a plan to tackle the problem. One year has gone by, under both Labor and Liberal mayors, but still no plan, still no action. The Minister advised me by letter dated 9 August 2004:

> The NPWS will continue its extensive deer removal program within the National Park and the NPWS will continue to work with council to assist it to meet its obligations to control deer.

The Government is doing its bit. Today I call on all 15 councillors, regardless of their political persuasion, to put the problem at the very top of their agenda at their next council meeting. Councillors: The ratepayers are behind you, the State Government will assist you and I, as the local member of Parliament, will do everything I can to support you. There are no excuses. There can be no reason for further delay. You councillors must, as a matter of urgency, accept your responsibility to ratepayers. Finalise your plan. Work with the State Government and get cracking on controlling deer in residential areas of the shire. Surely we do not need a tragedy before you do something.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [5.28 p.m.]: I thank the honourable member for Miranda for following this matter through with council to ensure the deer control program is extended across land managed by council. The National Parks and Wildlife Service established a deer working party to provide expert advice on deer control options. This led to the first deer management plan, which commenced operation in April 2002. The plan instigated a cull program, which is running for an initial term of three years. The program is currently being reviewed and adjusted to achieve further long-term reduction in the total number of wild deer. The program has resulted in the removal of 450 deer by ground shooting.

Protocols and operational procedures were developed by the Department of Primary Industries and implemented by the local rural lands protection boards, which are the co-ordinating agency with regard to the management of all species, including deer. The Department of Environment and Conservation [DEC] has neither the legislative authority nor the responsibility to directly conduct deer management operations outside the national park system. As well as the DEC undertaking its own program on national parks land, its officers have met with council representatives on numerous occasions over the past five years with the aim of assisting councils to develop appropriate responses to problem deer in areas under its management. The DEC has developed a specific training course to cover various aspects of handling deer and other large animals. The course is useful not only for land managers who are involved in deer culling operations but for the management of deer that have been involved in vehicle accidents. The DEC continues to encourage both Sutherland and Wollongong councils to send officers to attend the course. The DEC also recently initiated a process involving both the Sutherland and Wollongong councils and the rural lands protection boards [RLPBs] to improve information that is provided to members of the public in response to inquiries relating to deer.

The DEC has taken many constructive steps to control deer across land that is managed by the department and will continue to do so. It is timely that councils, equally as land managers, take constructive steps towards controlling deer across the lands they manage. I sincerely hope that local councils that are experiencing the deer management problems take the opportunity offered by the DEC and the RLPBs to assist in controlling deer on council-managed land.

WOODBURN DEBUTANTE BALL

Mr STEVE CANSDELL (Clarence) [5.32 p.m.]: Last Saturday, 23 October, I was very fortunate to be the guest of honour at the Woodburn Debutante Ball. Woodburn is a small village that is situated on the banks of the Richmond River near the Pacific Highway 100 kilometres north of Grafton. All roads seem to lead to Woodburn: The town seems to the junction of roads to Alstonville, Ballina, Casino, Coraki and Evans Head and is very close to the Broadwater and the Bundjalung national parks. Woodburn has only 550 people, yet the social significance of the presentation of six debutantes attracted a crowd of approximately 170 people. What a great night it was! A three-piece band played throughout the night at this typical bush-country ball. My only disappointment was that the band did not play *Running Bear*, but the wonderful old-time dances included the Pride of Erin, the barn dance, and the foxtrot. It was a great pleasure to attend the ball.

The six young debutantes were dressed to the absolute max. Their hairstyles were beautiful and they were all as dressed up as one would expect of young ladies on the occasion of making their public debut. The matron of honour was Dot Sawatzki, who is one of the ladies who is involved in everything that takes place in such a small community. She is the secretary of the Mid Richmond Lions Club, the co-ordinator of the Driver Reviver program that is centred at New Italy, which is close to Woodburn, and is held every year, and she is a member of the Woodburn Hall Committee.

Dot presented the debutantes to me, and the highlight of the occasion was the young pageboy, Rory O'Connor, and the young flower girl, Taylor Rees. From the minute they walked through the door, under the archways and along the red carpet, they were a picture of perfection. Young Rory took the cake for the best-presented person that night. He was totally focused from the time he left the door of the hall until he reached me, and his every step was perfectly placed with his gloved hand behind his back. He was brilliant.

The debutantes presented themselves beautifully and are a credit to their families. Moreover, their partners showed appropriate respect and dignity for this very strongly supported and long-held tradition in Australia. I have attended other debutante balls where the partners felt it was cool to slouch along, but the young men at the Woodburn Debutante Ball had the bearing and demeanour which showed appropriate respect for the occasion, and all credit is due to them for that. The debutantes and their partners were Rebecca Hundy and Heath Salmi, Linda Moreman and Dallas Willis, Nikky Webber-McIntosh and Nathan Rook, Kate Gardner and Brendan Fernnace, Sam McGrath and Matt Walters, and Ashton and Brett Lovett. The maids of honour and their partners were Claire Macey and Jess Carol, and Amy Yagar and Adrian Roots As I say, they all presented themselves beautifully.

No formal public occasion can come together without the full support of a strong committee, and the committee responsible for the Woodburn Debutante Ball did a great job. Committee members included Sue Haynes, Laurelle Williams, who was also the MC and did a brilliant job, Christine Betterridge, and Norma Huet, whom I met in Casino the previous week. Norma was fully professional and was very excited about preparations for this major event, which is held biennially at Woodburn. To top it all off, the ball raised over $1,000 which will assist the Woodburn Hall Committee to carry out much-needed repairs that most halls in country towns need at some stage.

The ball was a credit to the town of Woodburn. I had to refresh my memory of how to do the foxtrot. While I was doing the progressive barn dance, I got to meet most of the townspeople—twice. Many of the ladies were very impressed with my footwork—because they felt it. I trod on many toes and eventually had to be taken onto the veranda for a couple of quick dancing lessons and instruction in how to dance properly. The whole night was a wonderful occasion. The patron, Joan Roots, who had another commitment, was greatly missed, but I am sure she will attend in full force in two years time. I congratulate Woodburn and its residents.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.37 p.m.]: The honourable member for Clarence has painted a wonderfully vivid picture of the Woodburn Debutante Ball. I imagine that he was not only enjoyed himself doing the foxtrot but disported with the veleta. The honourable member for Clarence highlighted the sense of community in small towns and the importance of social functions. I am pleased he was able to attend and display his great dancing skills.

The honourable member for Clarence also mentioned the tremendous efforts of matrons of honour, who provide guidance and instruction to young people who usually are unskilled in the formal art of dance. As a former physical education teacher, one of my functions was to teach dancing, so I know from personal experience the effort involved in taking young people from the current form of dancing to the more formal requirements of a ball's program of dances. The formality of a debutante ball reflects the commitment of teachers and the quality of their guidance and instruction. While I am not sure about *Running Bear*, perhaps *Under the Boardwalk* would have been appropriate for the occasion. I congratulate the honourable member for Clarence on the manner in which he has highlighted such an important part of the life of the people who live in the town of Woodburn—a night that will be remembered by the debutantes for a very long time.

BREAST CANCER

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.39 p.m.]: Monday 25 October was Australian Breast Cancer Day—a day to remember the impact of breast cancer on families and the community generally and celebrate the research that has been undertaken to deal with this deadly disease that accounted for the death of 2,521 women in 2002. Breast cancer is a deadly disease and its abatement requires ongoing research and commitment. Australia's Breast Cancer Day was launched in Newcastle by a service at the Christ Church Cathedral. The church was absolutely packed with people to hear a sermon given by Dean Graeme Lawrence. The theme of his sermon was hope, love and the importance of caring for sufferers, by clinicians, hospital support staff, family members and hospice workers. The occasion included a very touching candle-laying ceremony which brought everyone together—clinicians, survivors, carers and family members of sufferers.

The launch was followed on Monday 26 October by a breakfast held at the Newcastle City Council. Those in attendance were addressed by Professor Fran Boyle, who is a medical oncologist from the Australian

New Zealand Breast Cancer Trials Group, which is based at the Mater Misericordiae Hospital at Newcastle. The institute's director, Professor John Forbes, is a professor of surgical oncology at the University of Newcastle and the director of surgical oncology at the Mater Misericordiae Hospital. Professor Boyle spoke of bringing together all people involved in research and the treatment of breast cancer as a team to support breast cancer sufferers and enable them to move confidently through diagnosis, treatment, post treatment care, and, regrettably in some cases, palliative care.

Professor John Forbes addressed us and pointed out that over the past 20 years there have been four important advances. First, it is safe for most women whose breast cancer is diagnosed early to have only the lump rather than the entire breast removed. Second, the use of chemotherapy and tamoxifen for treatment of breast cancer has saved more than a million lives in the past 10 years. Third, mammography screening can detect breast cancer at its earliest stage, when the chance of survival is at its highest. Fourth, breast cancer can be prevented in women at increased risk of the disease.

Professor Forbes pointed out that the majority of those advances were due to clinical trials research. Clinical trials are the only way to reliably identify effective treatment and prevention strategies for breast cancer. The Australian New Zealand Breast Cancer Trials Group conducts breast cancer clinical trials across the two countries. It is based at the Breast Cancer Institute in Newcastle. On Monday 25 October, Bernadette Gates, the Vice-President of Human Resources at Avon, attended the Breast Cancer Day breakfast and handed a cheque for $500,000 to Professor Forbes for the continuation of the breast cancer trials and research that is needed to deal with this most deadly of diseases for women.

The clinical trials research has revealed some important statistics, including the fact that deaths from breast cancer have fallen almost 20 per cent in the past decade as a result of new treatments introduced as standard therapy more than 10 years ago. Today, a woman diagnosed with a breast cancer smaller than one centimetre has a 90 per cent chance of leading a normal life. However, there is still a lot to be done in ongoing research. Professor Forbes pointed out than more than 10,000 women in Australia have participated in clinical trials conducted by the Australian New Zealand Breast Cancer Trials Group. He acknowledged the commitment of those women to furthering research to find ways to diagnose and effectively treat this most deadly of diseases. I join with all of my parliamentary colleagues in congratulating the researchers on their work. I congratulate also companies such as Avon for contributing to research. [*Time expired.*]

LANE COVE TUNNEL

Ms GLADYS BEREJIKLIAN (Willoughby) [5.45 p.m.]: I raise community concern about the significant impact of the construction of the Lane Cove tunnel project on the Willoughby electorate. I thank the relevant progress associations and members of the community consultation liaison groups [CCLGs], who are doing an outstanding job, sometimes under difficult circumstances, in representing our local communities. I also thank the many constituents who have brought their concerns to my attention. It is important to acknowledge that the construction phase is taking a toll on many local residents, who are experiencing angst and stress as to the potential changes in their streets and local communities. The strong message I send to Thiess John Holland and other organisations involved in the construction of the tunnel and associated works is that the community is willing to work alongside them to deliver the best outcomes for all concerned. However, we need to ensure that adequate consultation processes are in place to allow that to happen.

Consultation does not mean making a decision and communicating that decision; it means that when there is a likely detrimental impact on residents, the residents should be consulted about the objective and then be able to have active input into the solution. After all, it is the local residents who know more about the area than anyone else. The Naremburn shops is a case in point. After a decision was imposed on the community, we were able to establish a two-month reprieve to put forward other alternatives. It would have been more appropriate to have had the opportunity to comment on the proposal in the first instance, prior to it being presented as the final solution. There are many other examples, and again I implore Thiess John Holland and its associates to ensure that when making decisions that will impact on residents, consultation occur prior to final decisions being made.

I refer to specific areas of concern and implore Thiess John Holland to take the time to take on board the constructive suggestions already raised by residents. For example, I understand that both Thiess John Holland and Willoughby council are reviewing the use of Park Road, Naremburn, by trucks to build the compound under the Gore Hill Freeway viaduct. A few weeks ago I visited Park Road residents and was told of their concerns about the original proposal, which would have prevented them from having anywhere to park

their own cars and would have significantly increased already existing safety issues with large trucks negotiating a very narrow cul-de-sac. Only yesterday I visited residents in Northcote Street, Naremburn, who showed me the enormous impact that proposed changes would have on their street and residential amenity.

I take this opportunity to publicly thank Zoe and Hank Wall, who have spent the past decade using their own money to plant trees along the foot of the freeway across the road from their residence. They have also maintained land owned by the Roads and Traffic Authority [RTA] in what, thanks to their efforts, is now known as Fleming Park. That land was previously discarded by the RTA but Zoe and Frank's determination to make their community as green and as family friendly as possible has meant that with the assistance of some of their neighbours they have been able to create a small oasis in what would otherwise have been nothing less than a dumping ground. The residents in Northcote Street are now concerned about the impact a proposed four-metre shared bike track will have on safety around the bend in Northcote Road, which is already a problem. They understand the need for the construction compound and the need for a regional bike track, but they want the opportunity to air their concerns and to receive an adequate response.

In addition to assurances about maintaining the current greenery, they would also like an assurance that every effort will be made to ensure the safety of all users of the road during and after the construction phase. Concerns about proposed noise walls in Walter Street, Naremburn, as well as dust and movement of heavy vehicles in Chelmsford Avenue, Willoughby, have been raised by constituents. An issue regarding residents in the Artarmon end of the electorate has been brought to my attention by the efforts of Mr Stuart Begg, who is a community representative on CCLG 3. The proposed plans do not allow local Artarmon residents to turn left from the Gore Hill Freeway exit to the Pacific Highway. At present residents are able to turn left off the Gore Hill Freeway onto the Pacific Highway to go south, as there are three lanes, two to go north and one to go south, with a turn-left green arrow.

The new plan is for the exit from the Gore Hill Freeway to have three lanes turning right only to go north on the Pacific Highway. Not only is that a major inconvenience to local residents, but it will force traffic through residential areas such as Reserve Road, Jersey Road, Broughton Road, and Rimmington Street. It will increase traffic safety issues past Thompson Park and the nearby Artarmon Public School. Residents in the Northview complex also have great concerts about access to and from their residences. I hope that my raising of this matter in the House today will result in the CCLG 3 committee giving due consideration to the concerns raised by Mr Begg.

Artarmon and Mowbray West residents in particular are concerned about the fact that the Minister for Roads has not to date accepted the Federal Government's contribution of $10 million towards filtration. Constituents have highlighted to me what they regard as the potential health consequences of the State Government's refusal to do anything about filtration, notwithstanding the generous contribution by the Federal Government. I urge the State Government to ensure that there is an open and genuine consultation process for residents in relation to the Lane Cove tunnel project and urge the State Government to consider the community's concerns in relation to the need for filtration.

YEO PARK INFANTS SCHOOL

Ms LINDA BURNEY (Canterbury) [5.50 p.m.]: Public education in the Canterbury electorate is always in the forefront of activities in the area. Today I pay tribute to Yeo Park Infants School, a small school that celebrated its seventy-fifth birthday on 11 September. I attended the celebrations. The commemorative publication produced to mark that occasion contained an account of the rich history the little school has enjoyed. The land on which the school is situated is within an area inhabited by the Aboriginal Dharug people. The original site was used as a teacher training college for women. It then became the Hurlstone Agricultural Continuation School and was then relocated to Glenfield. In 1917 the infants school was established. At that time it was known as the Hurlstone Park Public School and in February 1950 the school was officially named Yeo Park Infants School.

Recently I was delighted to learn that the Government has earmarked funding to finally upgrade the old toilets, a project this school has pursued for some time. This year students at Yeo Park Infants School will provide artwork, through a drawing competition, to the Canterbury electorate office for its Christmas cards. The celebration on 11 September was well attended by the local community and many present and past students and teachers. The school is in great hands under the direction of Stacey Furner and her team of dedicated staff. That wonderful, tiny school is in an amazing part of the electorate. The school has no surrounding fences and is located in the middle of a large park. The school's motto is "Learning and Growing Together", which is also the

final line of all the verses of the school song. It is a delight to hear infants singing their school song, the last verse of which states:

We're proud that our families come from many lands
And in our little school can take each other's hand
At Yeo Park School we're happy to say
We're learning and growing together.

Those words truly capture the spirit of Yeo Park Infants School. The school was threatened with closure in the late 1980s when the Coalition Government was closing many small schools throughout the State. It is heartening to remember that through the efforts of the then local member, Paul Whelan, and a tireless band of parents and friends of the school, the school remained open. That is testimony to the determination it showed in its fight for survival.

On election day in 1990 the parents and citizens association built a mock graveyard at the back of the school and draped the school building in black cloth. An article in the *Daily Telegraph* on Wednesday 29 August 1990 showed students from Yeo Park Infants School throwing their hats in the air in delight as the Minister of the day, Virginia Chadwick, decided to keep the doors open in response to the efforts of Paul Whelan and the Yeo Park Infants School community. Yeo Park Infants School is unique not only in the Canterbury electorate; it is also unique in New South Wales and, in particular, the Sydney region. It is a small K-2 infant school. As I said earlier, it is located, most incredibly, in the middle of a large park.

I asked people in the school community why the kids did not take off, as there are no fences around the school. Yeo Park has such a great community and there is such togetherness in the school that the children have imaginary fence lines and they do not cross over them. I am thrilled that the school will receive funding for a toilet upgrade. When I went to see the toilets at that school it reminded me of the time that I spent at school. The toilets are not attached to the school buildings, and they are cold and drafty. A safety issue is also involved because there are no fences around the school and the toilets are located a long way away from the main school buildings. The school welcomes the toilet upgrade and it is much appreciated by the parents and citizens association. Signalised traffic lights will also be installed on old Canterbury Road, which is near the school. The seventy-fifth anniversary of Yeo Park Infants School resulted in two great presents: a signalised safety crossing and new and upgraded toilet facilities.

HOME WARRANTY INSURANCE

Mr ADRIAN PICCOLI (Murrumbidgee) [5.55 p.m.]: I refer today to a serious issue relating to the future of the building profession in New South Wales under the Carr Labor Government. Since I was elected as a member of Parliament in 1999 builders have been coming to my office complaining about the mismanagement of home owner warranty insurance and other industrial relations matters. Builders are frustrated by the fact that the Government is making it difficult for them to operate their businesses. Over the past four or five years home warranty insurance has received a great deal of attention. According to most of the builders to whom I have spoken, prior to the election of the Carr Labor Government home warranty insurance was handled quite professionally, and to their satisfaction and to the satisfaction of consumers, by the Building Services Corporation. The New South Wales Government then privatised the system, and that led to the problems that builders face today.

Today I wish to refer to two matters. I refer, first, to Mr Tim Nolan, a builder from Deniliquin, who has been held liable for the payment of $70,000. He engaged an engineer to conduct soil tests on land on which he was to build a house and those soil tests subsequently proved to be wrong. He relied on those tests, as he was entitled to do. The homeowner warranty insurer was not successful in suing the engineer and, therefore, he sued Mr Nolan. Mr Nolan is now faced with paying about $70,000 in damages, which I understand will send his business broke. A second and similar matter involves Mark Tindall and David Taylor, two builders from Griffith, who built a spec duplex a few years ago. They also engaged an engineer to do soil tests and they relied on those tests. Anyone who pays a professional to provide professional advice is entitled to rely on that advice, which is what those builders did. The soil tests were subsequently proved to be wrong and the building suffered some structural damage.

Again the home owner warranty insurer was unsuccessful in obtaining damages from the engineer and a dispute arose between the insurance company and the soil tester. In the end the damages were estimated to be about $400,000. Subsequently, the insurer was not able to get the money from the soil tester and the home owner warranty insurer approached the builders seeking an amount of $400,000. The builders were not parties

to the agreement that damages would amount to $400,000. However, four years down the track they are faced with having to pay the damages, essentially for a mistake that they did not make.

The two cases I have outlined go to the heart of the problems in the regulation of the building industry today. Home owner warranty regulations, WorkCover, industrial relations and all the other regulations that have been imposed on builders by the Government are making life difficult for small builders, people like Mark Tindall, David Taylor and Tim Nolan. Large construction companies do not face those sorts of problems; they are not being affected by these regulations. Because of their size they can afford to engage administrative staff to do all those sorts of things. It is the larger building companies that tend to go broke and cause trouble for dozens of home owners. People in the building industry believe that there is a conspiracy and that government departments are trying to get rid of as many small businesses as they can. If the Government continues to do what it is doing and does not reform the system that is what will happen.

MS HEATHER CANTERBURY RAIL FINE

Mr HARTCHER (Gosford) [6.00 p.m.]: Today I wish to detail a serious complaint that has been made to me by Ms Heather Canterbury, one of my Green Point constituents. Ms Canterbury travels each day from Green Point to Wahroonga, at the end of the F3, where she parks her car and catches the train from Wahroonga station to Central station. Ms Canterbury and her fellow commuters catch the 8.08 a.m. train from Wahroonga, which regularly misses Wahroonga station to make up the time that is lost further up the line. Ms Canterbury's correspondence refers to her dissatisfaction and the dissatisfaction of her fellow passengers with the fact that only last week the 7.40 a.m. and 7.50 a.m. trains both skipped Wahroonga to make up the time, simply flying through the station and leaving passengers to wait.

On that day the 8.08 a.m. train finally arrived at 8.20 a.m. to pick up almost one hour's worth of waiting travellers. From the best accounts of passengers, the 8.08 a.m. train stops at Wahroonga only 80 per cent of the time on weekdays, leaving commuters waiting for later trains and thus risking arriving late at work. On the day in question Ms Canterbury was travelling down the station steps to the platform, where only electronic ticket machines are available. There are no ticket barriers at the station. Upon reaching the platform Ms Canterbury noted that the 8.08 a.m. train was pulling into the station, remarkably, at 8.08 a.m. Amazed and agog at the train's rare on-time arrival at Wahroonga station, Ms Canterbury boarded it without question and prepared to enjoy the rare treat of arriving at work on time for the first time in weeks. But Ms Canterbury's trip did not go to plan.

I will stop short of completing the story while I relate for the benefit of honourable members a side note about Ms Canterbury's travelling practices. Her experience will not be unusual to other rail commuters. Ms Canterbury did not purchase her ticket at the beginning of the week. Over the course of weeks or months, holidays—public and private—days off and the occasional sick day she had changed her ticket purchasing habits. Ms Canterbury no longer purchased her weekly tickets on Monday, at the start of the week, but on Thursday. That ticket lasted her until the return trip the following Wednesday, when she would again be required to purchase another weekly ticket the following morning. On this particular day Ms Canterbury had intended to purchase only one return ticket, just one day's worth. A person must travel for three or more days of the week for a weekly ticket to be cost effective. Ms Canterbury was lucky enough to have her annual leave the following Monday and, as her ticket ran out on the Wednesday night, she would require a return ticket for Thursday and again on Friday.

Thursday went off without a hitch. I urge members to imagine Ms Canterbury's reaction when calmly preparing to purchase her ticket, perhaps getting out her brochures to plan more of her holiday on Monday, perhaps having a coffee and then finally boarding the 8.08 a.m. train at some time closer to 8.30 a.m.—or not, if previous days were anything to go by—and then suddenly being faced with the extraordinary arrival of the train on time. She dashed to catch the train and make a great impression by arriving on time on her last day at work before going on annual leave. The train doors shut as the CityRail clock ticked over to 8.08 a.m.—the first time in two weeks that that had happened. Ms Canterbury watched as the station disappeared, and then took her seat. As the train trundled towards the city Ms Canterbury and her fellow commuters chatted about the novelty of an on-time train and how much better their days would be if they were not always late for work.

At Chatswood Ms Canterbury noticed two CityRail inspectors walking from passenger to passenger and checking tickets. Ms Canterbury calmly reached into her jacket pocket to retrieve her ticket. Honourable members can imagine her dismay when she realised that the shock and awe of her rare on-time train and the extenuating circumstances of a non-weekly ticket requirement had caused her to forget to purchase a ticket from

the automatic machine at Wahroonga station. Ms Canterbury realised her mistake: she had no valid ticket, not through any devious action or any wish to avoid the normal process of ticket purchasing but through a simple mistake. Ms Canterbury had always purchased a ticket in the past and carried a valid ticket when travelling, even though her usual station has no ticket barriers.

Ms Canterbury did not wait for the inspector to walk the full length of the carriage to where she was seated but rose from her seat, approached the inspector and told him that she had mistakenly boarded the train without a ticket. The inspector promptly informed her that this was an offence, and issued her with an infringement notice and a fine of $220. I join Ms Canterbury in her quest for leniency—charging $220 for the right to travel on an on-time train, which is late 8 times out of 10, is simply ridiculous. It was a lapse of memory and of judgment on Ms Canterbury's part; that is clear. No-one is advocating the clearance of this fine but imposing the maximum penalty on a first-time offender, who had gone proactively to the inspectors and advised them of her misdemeanour, is unfair by any standard. I urge the Minister for Transport Services to heed Ms Canterbury's pleas and find it within himself to show some leniency.

TOUKLEY AMBULANCE STATION

Mr PAUL CRITTENDEN (Wyong) [6.05 p.m.]: I call on the Minister for Health to commission the construction of a new ambulance station at Toukley. Honourable members may be aware that I have raised this issue with several people but I cannot explain the situation better than Jim Stirling, President of Brisbane Water Sub Branch of the Health Services Union, who wrote to me late last week, expressing grave concern about the safety of Toukley ambulance station. On Sunday 19 September during a heavy storm water entered the Toukley ambulance station as a result of a building design fault.

During the storm the roof—which is a sawtooth design—held vast amounts of hail and water in its asbestos gutters, which caused water to back up in the gutters and downpipes, which are also made from asbestos. Hence water entered the roof space. The hail broke the seal on the roof, which is asbestos, causing particles to travel with the water and enter the building. Water travelled along the roof space across the ceiling, which is also made from asbestos, picking up more particles. It then flowed down the asbestos walls via the cornices and leaked from electrical light fittings in the roof. By the time the storm was over approximately three inches of water covered the entire floor. That is nothing new—in fact, it has occurred on at least 12 other occasions.

Toukley ambulance station was constructed in 1964 in the days when there was a sole ambulance officer, Mr Falconer Snr. The Toukley area has grown substantially since then and there are now obviously many more ambulance officers. In fact, there is a complement of paramedic ambulance officers as well as a general duties crew. This problem was precipitated by inclement weather on 19 September but ambulance officers at Toukley have been unhappy for some time, and I share their concerns. Ambulance vehicles are too high to enter the ambulance station via Main Street in Toukley so they must enter via Peel Street near a blind corner and reverse into the station—which is a very dangerous manoeuvre for ambulance officers to perform. It is yet another reason why we need a new ambulance station to be constructed adjacent to the existing Toukley ambulance station. There is plenty of land on which to construct that facility.

I have spoken several times to Phillip Kelly from the Minister's office about this matter. Last Tuesday I raised it privately with the Minister for Health, who was very receptive and is looking into the issue. Ambulance officers have placed a ban on entering Toukley station, and I support them in their stand. I also understand that the union wishes to call a public meeting in Toukley to discuss the issue. We are very lucky on the Central Coast to have a champion in the Hon. John Della Bosca, who is Minister for the Central Coast. I have informed Mr Della Bosca that I will make myself available at any time convenient to him to attend that public meeting. I also point out to the Minister that union members take this matter so seriously that they intend to hold a meeting on Friday to discuss placing a ban on ambulances attending any race meetings on the Central Coast. If that happens jockeys will not ride in races—I do not blame them—and that will lead to the cancellation of race meetings on the Central Coast, at both Gosford and Wyong.

This issue must be resolved. Ambulance officers do an excellent job in very trying circumstances. The Minister is certainly doing some wonderful work in this area. I understand that six additional patient transport officers will be located at Terrigal in early to mid November, and I look forward to those officers helping with the workload in the Wyong shire. I also look forward to the provision of the additional paramedics that are required on the Central Coast. But the accommodation at Toukley ambulance station is the most pressing issue. We must ensure that ambulance officers, who are lowly paid yet highly skilled, have adequate working conditions.

PORT MACQUARIE ELECTORATE SPORTS TOURISM

Mr ROBERT OAKESHOTT (Port Macquarie) [6.10 p.m.]: I will highlight tonight some improvements to the value and recognition of sport and sports tourism and their economic benefits in the Hastings region. Only two years ago sporting infrastructure on the mid North Coast was tired and few recognised the value of sports-based tourism to the area. We can now lay claim to being one of the major sports centres in both New South Wales and Australia as a whole. For example, in February next year we will stage the Australian long course triathlon for the third time, with the assistance of a $50,000 grant from the State Government's Major Events Board. I had the pleasure of competing in the previous two races and will do so again in February. I can confirm that the event is organised extremely well by a committed army of volunteers, led by local identities Mike Reid and Hastings Council General Manager Bernard Smith.

In February next year there will be a new event on the sports tourism calendar: the Warriors on Water surf-lifesaving event, which has the potential to become one of the biggest surf-lifesaving events in Australia. There are only three events in the Kellogg's Nutri-Grain Ironman Series this year and the Australian championships are heading to Perth from 2007. So the Warriors on Water event, which has a State of Origin format, has the potential to become one of the major showcase events for both competitors and spectators. It will inject millions of dollars into the Port Macquarie economy. I welcome the State Government's contribution of $200,000 through the Major Events Board to make the event a reality.

I am also pleased to be involved with the newly formed Sports Taskforce. This council-based task force has commissioned a sports audit, conducted by Australian Sports Marketing, and has developed a council-based sporting development fund—which is unique among councils throughout New South Wales—to run alongside the two State-based sporting funds, the Capital Assistance Program Grant and the Regional Sporting Fund. The local council's sporting development fund aims to improve the quality of sporting facilities so that sport prospers in the Hastings in the long term and to elevate the standard of facilities to cater for existing usage and attract sporting events that will heighten the profile of sport in the area.

We have undertaken some exciting grants and programs. A grant of $150,000 has been allocated to assist with the soon-to-be completed Wayne Richards Park and the regional grandstand, which is also near completion. The Port Macquarie Rugby Club has undergone a major renovation with a grant of $30,000, and the Port Macquarie Surf Club has just completed a $30,000 renovation. The Sporting Development Fund, run at the local level, will certainly further assist the development of sport and sports-based tourism in the Hastings.

I seek two further commitments from the State Government, through the Minister for Tourism and Sport and Recreation, the Premier and the Treasurer. The first is for financial assistance to implement the sports audit that has been undertaken through Sports Marketing Australia, funded by the local council, which has identified a range of opportunities available to attract events to the Hastings. This is the first time a clinical approach has been taken in attempting to attract sport to the Hastings. I have already spoken to the Director-General of Sport, Bill Healey, about this approach. We are seeking up to $50,000 to assist in the implementation of this program to attract sports to the Hastings Valley, and ask the Minister to assist us in that regard.

I also seek from the Minister, the Premier and the Treasurer a favourable response to the submission in regard to significant funding for three major venues and facilities in Port Macquarie: the indoor stadium, the outdoor stadium, and Wayne Richards Park. The submission was put to both the Director General of Sport and to the Premier in May this year. With the huge growth in the Hastings Valley, I urge the Government to look favourably upon that funding submission.

PEEL VALLEY EXPORTERS PTY LTD WORKERS COMPENSATION PREMIUMS

Mr PETER DRAPER (Tamworth) [6.15 p.m.]: I want to highlight the impact that the New South Wales WorkCover scheme is having on a major industry in the electorate of Tamworth. I have previously raised the broader issue of the impact this scheme is having on business owners, employers and farmers, in a bid to impress the need for a more targeted reform to the scheme. I acknowledge efforts by the Minister for Commerce, John Della Bosca, to improve the scheme by focusing on better claims management and services. The Minister recently announced a $576 million reduction in WorkCover's $2.9 billion debt, which indicates that debt is heading in the right direction. Much more work needs to be done on the way premiums are calculated, but it is heartening to know that this particular area is subject to a significant review.

However, in the meantime I continue to be approached by business owners for whom the scheme continues to be a threat to their very existence. I was recently invited to attend an urgent meeting with the

Managing Director of Country Fresh Australasia Pty Ltd, Mr Graham Jackson, and senior staff members of Peel Valley Exporters Pty Ltd. Specialising in mutton and lamb products, Peel Valley Exporters opened in Tamworth in 2002 as a state-of-the-art processing plant built to service all export meat markets, including the United States of America and European Union countries. The plant produces premium quality product for global markets, and services leading domestic industry operators including Woolworths, Kachels Wholesale Meats Pty Ltd, Tenderplus Pty Ltd, Country Fresh Australasia Pty Ltd and Westend Wholesale.

Peel Valley Exporters and Country Fresh Australasia belong to the JSA Jackson and Son Pty Ltd group of companies, a third generation family company that has been in the meat industry for almost 70 years and employs several hundred people in Queensland and New South Wales. Peel Valley Exporters, in particular, has been a great success story for the group and for the Tamworth region. It provides not only vital employment and viable career paths but a strong, reliable market for the region's sheep and lamb producers. Peel Valley Exporters employs approximately 300 staff, and plans to expand that number to 600 in two years. However, the lamb abattoir is facing a significant crisis due to an increase in the company's workers compensation premium, which has soared this year from 13 per cent to 33 per cent. Based on the wages of the business, this percentile equates to a $1.9 million premium that the business has to pay this year. I was told at the meeting this figure is unaffordable and could effectively force the abattoir to close.

Employers have their premiums adjusted in part according to their claims, and it appears this increase in premium is due to an onslaught of false workers compensation claims against which the company has been powerless to act. Despite strong evidence to the contrary, insurance companies have accepted the claims as valid. The cases include an employee who received workers compensation after being stood down due to industry downturn. The employee was to be offered work once it became available but told the occupational health and safety return to work co-ordinator he would apply for workers compensation if stood down. The employee went to a general practitioner and received a workers compensation certificate for a work injury, which was allegedly sustained five months earlier. That person is receiving full workers compensation, even though he later resigned from a position at Peel Valley Exporters. The company has learned that the employee in question is now working as a volunteer at a canteen, carrying heavy cartons of soft drink, despite having told Peel Valley Exporters of restricted shoulder movement and severe pain.

In liaison with the insurance company, Peel Valley Exporters has been told that the employee will receive full workers compensation until assessed by an independent specialist. If the employee cannot perform tasks in another vocation, he will continue to be paid compensation for 26 weeks and then receive payment at a statutory rate. The insurance company has not acted upon the company's request to investigate. In another case, an employee who is receiving workers compensation was dismissed for breaching the drug and alcohol policy after testing positive to drugs in an approved urine test. The insurance company stated that the employee would continue to receive full workers compensation even though the policy was breached. The company offered to re-test the employee in 30 days to determine whether the drug had cleared, but the offer was declined. Peel Valley Exporters is concerned that an employee can stay at home and receive full compensation even though a position is available if the employee is drug free.

Another employee suffered a shoulder injury and receives workers compensation but fails to comply with his rehabilitation program. Payments continue despite Peel Valley Exporters urging the insurer to deny the claim. The employee underwent surgery and returned to work on yet another rehabilitation program, but was again non-compliant with the return to work plan. The employee was gaoled and was non-compliant for six months, in which time he did not take part in any rehabilitation program. The employee was terminated from Peel Valley Exporters, as no position was available. On his release from gaol he re-opened his workers compensation case and receives workers compensation payments. These cases contributed to the significant increase in the company's workers compensation premiums. Mr Jackson has rightfully asked for assistance in addressing these false claims. Is it fair to expect the company to pursue court proceedings to pave the way for a reduction in the cost of their claims? Would it not be fairer to prevent fraudulent claims from being factored into the equation in the first place? The premium could be adjusted once the claim was proved to be genuine. As demonstrated in the case of Peel Valley Exporters, employers have little defence against the system as it stands. I urge the Minister to continue with his reform process.

Private members' statements noted.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Administrative Decisions Tribunal Amendment Bill
Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Bill
Professional Standards Amendment Bill

[*Mr Acting-Speaker (Mr Paul Lynch) left the chair at 6.21 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Dr Andrew Refshauge agreed to:

That standing and sessional orders be suspended to provide for:

(1) the introduction, and progress up to and including the Minister's second reading speech, of the following bills, notice of which was given this day for tomorrow:

Teaching Services Amendment Bill; and
University Legislation Amendment Bill.

(2) the introduction and progress through all remaining stages at this or any subsequent sitting of the Health Legislation Amendment (Complaints) Bill and cognate bills, notice of which was given this day for tomorrow.

TEACHING SERVICES AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [7.31 p.m.]: I move:

That this bill be now read a second time.

The Carr Government is committed to ensuring that the New South Wales education system continues to meet the challenges of the twenty-first century and delivering world-class results. Since coming to government in 1995 we have increased funding of education and training by almost $4 billion, an increase of more than 65 per cent. Since 1995 we have undertaken the most comprehensive review and updating of the syllabus, beginning with the primary syllabus, then the Higher School Certificate, and finally the years 7 to 10 syllabus. We have introduced more rigour into the curriculum, with a focus on literacy in all years. We have employed more than 900 reading recovery teachers to provide one-on-one tuition to students who are falling behind with their reading. Over the next four years we will be spending more than $460 million to progressively reduce class sizes in the early years of school to give our students the best possible start to their schooling.

We are seeing the results of our investment in education. New South Wales is leading the way in many key areas of education—a fact confirmed by the recent Productivity Commission report on government services. Our year 5 students are the best in Australia when it comes to their writing skills. The commission found that 95.9 per cent of children in year 5 achieved the national writing benchmark. The commission also found that our year 3 students were above the Australian average when it came to achieving the writing benchmark, with 89.9 per cent of students achieving the benchmark, almost half a per cent above the national average.

These results come on top of last year's finding by the Productivity Commission that 15-year-olds in New South Wales were among the best in the world in literacy. New South Wales outperformed most OECD countries in literacy—including the United States of America and the United Kingdom. We have a world-class system, delivering world-class results. But we cannot rest on our laurels. That is why the reforms we are introducing tonight will ensure that our schools continue to meet the challenges of a twenty-first century education system.

Two major reforms are encompassed in this bill. The first is to allow for the merit-based appointment of people from outside the New South Wales public education system to executive positions in schools. The second is the introduction of a framework for enhanced accountability for government school principals. Both will have significant, positive impacts on the quality of educational leadership in government schools. More importantly, they will enhance the quality of learning for students in those schools. In June 2004 I announced a major initiative to enhance public education and the role of principals.

The initiative included a $50 million pay rise for principals, and all executive staff in schools, on top of the 12 per cent increase for all school teachers awarded by the Industrial Relations Commission. Principals will receive a total increase of between 17.5 per cent and 19.5 per cent between January this year and January 2005. The increase is fully funded by Treasury. The increases brought government school executive staff in line with

staff of Catholic schools. It is therefore important that they are subject to similar systems of merit selection and accountability.

This Government recognises the important role the school principal plays in shaping the educational outcomes and management of a school. We want to give our principals greater authority in the running of their schools, but we are also requiring a greater level of accountability. The bill is not a complete rewrite of the Teaching Services Act. Rather, the bill acknowledges and builds on the existing structure of the Education Teaching Service, which is renamed simply "the Teaching Service". There are a number of minor amendments that are intended to tidy up the Act by removing obsolete references, and generally reflecting the structure and practices of the Department of Education and Training in 2004.

Two definitions are fundamental to this bill. The first is the term "senior position". This new term is defined in the bill as "any position in the Teaching Service to which a person employed in the Teaching Service could be promoted". The second key term defined in the bill is "merit". The bill adopts definitions of "merit" that are currently used elsewhere in New South Wales public sector employment legislation. In particular, "merit" is defined in essentially the same terms as in the Public Sector Employment and Management Act 2002. Merit of persons seeking appointment to a vacant position is to be determined by having "regard to the nature and duties of the position and to the abilities, qualifications, experience, standards of work performance and personal qualities of those persons that are relevant to the performance of those duties".

It also reflects the definition of "merit" contained in the Technical and Further Education Commission Act 1990, which applies to the appointment and promotion of TAFE teachers by the Technical and Further Education Commission. For too long we have had a system which, while based on merit, did not necessarily ensure the best possible candidate for each vacant position. This bill rectifies that anomaly. Section 47A (2) requires that all appointments to vacant senior positions are to be made on the basis of merit. Section 47A (5) requires the director-general to determine the comparative merit, as defined, of persons seeking appointment. No longer will it be a requirement for appointment to a senior position that the person be currently employed as an officer of the Education Teaching Service.

Unlike the rest of the public sector in New South Wales, and employment in the rest of the community throughout Australia, there was no capacity for good candidates from outside the system to throw their hats in the ring. In effect we were saying, "We welcome everyone to be a teacher, but if you are outside the system, you will have to start as a classroom teacher, no matter what your previous experience." Now, with this bill, good teachers from public schools interstate, or good teachers from non-government schools who want to make a contribution to public education, will get that chance. We have the best teachers and principals in our system, and we want to make sure that we will be able to continue to attract the best to our public schools. Our students deserve it, and their parents expect it.

The second reform provides the separation of performance issues from conduct issues for principals in government schools and the introduction of a new, streamlined process for dealing with a small number of under-performing principals. The bill introduces, for the first time, a performance management framework for principals. These provisions are set out in the proposed new sections 52, 53 and 54. The proposal will require the director-general to conduct a performance review of every principal, and to do so on at least an annual basis. The director-general retains the right to do so more frequently if individual circumstances warrant it.

The process for dealing with a principal who, after a performance review, is considered not to meet the required level of performance comprises two components. First, where there are concerns about the performance of a principal, he or she will be informed of those concerns and will be required to undertake a performance improvement program designed around the identified concerns. If at the end of the program the principal's performance is still not satisfactory, the director-general is empowered to take appropriate action, including dismissal or demotion. Principals will maintain their existing right of appeal to either the Industrial Relations Commission or the Government and Related Employees Tribunal against dismissal or demotion. With these protections in place the bill removes additional internal review processes for principals subject to dismissal or demotion for unsatisfactory performance. Section 83 of the Act makes it clear that performance issues for principals are to be separated from disciplinary or misconduct issues. As such, prescribed officers will no longer investigate principals for performance-related issues. These processes have proved unnecessarily cumbersome and time consuming.

To give operational effect to these amendments the Department of Education and Training will introduce a principal assessment and review schedule that will allow an annual assessment of school principals

measured against key accountabilities. This will include an analysis of indicators such as learning outcomes, educational leadership, community and staff feedback, resource and risk management, staff and community relationships, and planning and budget management.

The package strengthens the role of principals in relation to occupational health and safety and introduces, among other things, an on-line leave management system that will save time for teachers and principals. Enhanced accountabilities for principals will allow the director-general to ensure that the expected level of expertise and leadership is in fact delivered. Another key element of this reform package is the introduction of a review of a principal's appointment to a particular school every five years.

It is recognised that schools have different needs depending on their stage of development. This initiative is designed to match the skills and abilities of principals with the needs of schools. The review will consider the principal's performance since appointment to a school against the major areas of accountability for principals: the development of the school, the skills and abilities necessary to drive continuous improvement, and feedback from parents/caregivers, students and staff. Following the five-year review, the principal will be either transferred to a new school or retained at their current school.

Where performance issues are identified, the new performance management provisions will apply. I mentioned earlier that the proposed reforms are built on the existing framework of the Teaching Services Act. For this reason many of the existing benefits that are currently applicable to teachers will continue to apply. For example, section 60 currently contains a right for an officer to appeal to the director-general where the officer is dissatisfied with the process of filling a vacant position. This appeal right is preserved and enhanced in the revised section 60. It is important to note that the existing transfer system is retained.

The director-general's power to transfer staff on a permanent or temporary basis has been updated to reflect changes that previously were introduced on the commencement of sections 86 and 87 of the Public Sector Employment and Management Act 2002. The new provisions underpin the existing transfer system. It is intended that the existing transfer scheme will continue to operate and thus enable staff who obtain transfer points to be considered for a transfer to a preferred school. A transfer in these circumstances will continue to be permitted by the two reforms introduced in this bill.

Finally, I wish to clarify for the House the reason for some of the additional machinery provisions that have been included in proposed section 47A. In relation to merit appointments, I have indicated that the bill has relied on the definition of "merit" in the Public Sector Employment and Management Act 2002. It is entirely appropriate, then, that the bill also picks up the other associated provisions from that Act, such as section 18, relating to advertising of positions, and section 22, relating to legal proceedings in relation to appointments. These reforms are commonsense, practical improvements that will strengthen the public education system in New South Wales.

I wish to acknowledge the contribution of the New South Wales Teachers Federation on behalf of the Primary Principals Association, the Secondary Principals Council and the Public Principals Forum for their contribution in developing this package. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

LEGISLATION REVIEW COMMITTEE

Report

Ms Virginia Judge, by leave, on behalf of the Chairman, tabled the report entitled "Legislation Review Digest No 14 of 2004", dated 26 October 2004.

Ordered to be printed.

UNIVERSITY LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [7.44 p.m.]: I move:

That this bill be now read a second time.

The University Legislation Amendment Bill 2004 proposes amendments to each of the 10 Acts establishing the State's public universities. The amendments will ensure that New South Wales universities can demonstrate to the Commonwealth Government that they comply with the national governance protocols for higher education providers. For the information of members, because of their particular relevance to this bill, I seek leave to table copies of the national governance protocols for higher education providers.

Leave granted.

Protocols tabled.

The national governance protocols are part of the Commonwealth Grant Scheme guidelines issued by the Federal Government under its Higher Education Support Act 2003. The protocols were tabled in both Houses of the Australian Parliament on 21 June 2004. The Higher Education Support Act 2003 provides, at section 33.15, that higher education providers who satisfy the Commonwealth Minister that they meet the requirements of the protocols will have their basic Commonwealth Grant Scheme funding increased. If the Commonwealth Minister is satisfied that the requirements of the protocols are met, the universities will receive increases in the basic grant of 2.5 per cent in 2005, 5 per cent in 2006 and 7.5 per cent in 2007.

The Commonwealth Minister stated last year in media releases that universities complying with the protocols will share in an additional $404 million nationally over the period 2005 to 2007. The Commonwealth Government has not provided the State with a breakdown of how the additional $404 million will be allocated among the nation's universities. However, it is estimated that New South Wales universities' share would be in the order of $104 million over the three years. Members would be aware that the Carr Government has long been concerned about the financial health of our universities under the Howard Government. That is why we have moved quickly to have a bill drafted, in consultation with the State's public universities, to ensure that New South Wales universities do not miss out on this additional, badly needed funding.

Turning now to the bill itself, the amendments to each of the State's university Acts, other than the Australian Catholic University Act 1990, are set out in 10 separate schedules containing near-identical provisions. The only variations are to take account of minor, local, or pre-existing differences between our public universities. A significant change to the constitution of governing bodies relates to the current arrangement where each governing body includes one member of the Legislative Council, elected by that Council, and one member of the Legislative Assembly, elected by the Legislative Assembly.

This arrangement can no longer continue because protocol 5 prevents current members of State or Commonwealth parliaments from also being members of university governing bodies, unless they are specifically selected by the governing body. However, it is interesting to note that after discussions with me, all the New South Wales universities have written to me to indicate that they value the input of the members of Parliament and that their governing bodies would like them to stay. The bill implements this change by removing from all university governing bodies the special categories of membership for parliamentarians. These two membership categories generally will be replaced with two additional ministerial appointees, with a total of six ministerial appointees on each university governing body.

It is important that the bill continues to provide for individual parliamentarians to be appointed as members of university governing bodies provided they are nominated by the governing body. The other significant changes are designed to meet the requirements of national governance protocols 5 and 6. These protocols require that financial and commercial expertise are always present among the membership, and that external, independent members—that is non-student, non-staff members—are always in a clear majority. They also require that non-elected members must possess the ability to contribute to the effective working of the governing body, that universities must adopt systematic procedures for nominating prospective appointed members and that governing bodies do not exceed 22 members in total. All these requirements are implemented through various straightforward provisions in the sections of the bill dealing with the constitution of governing bodies.

These requirements of protocols 5 and 6 have a significant consequential impact. To help universities meet these protocols, the bill provides governing bodies with as much flexibility as possible in deciding their own membership characteristics and numbers, with only minimum requirements set in the legislation. For universities that wish to do so and have the full support of their governing bodies, the bill allows them, through their by-laws, to determine the final make-up of their governing bodies, provided the membership does not exceed the maximum of 22 members. This flexibility is designed to ensure that universities can always meet the requirements of protocols 5 and 6, no matter what the circumstances.

Subject to the maximum membership limit, the bill allows governing bodies to appoint as many members of their own choosing as they feel is necessary to meet either the requirements of the protocols or perceived skill shortages. This is a change from the current arrangements, where all but one of the university governing bodies can appoint only a single member of their own choosing. The bill also allows governing bodies to vary the numbers or method of selecting graduate members–or members of convocation, as they are traditionally defined at some universities. The bill provides for one or more non-student, non-staff graduate or convocation members to be either elected or appointed to the governing body.

This represents a significant freeing up of the current arrangements where the number and method of selecting graduate or convocation members is set in the Act and cannot be varied to meet changing needs and circumstances. Where a university governing body decides that its graduate members should be appointed through a process defined in its by-laws, such appointments will be made by the governing body. At their request, and in consultation with all other New South Wales universities, differing provisions have been made for the University of Sydney and the University of New South Wales so they largely retain their existing situations in relation to graduate members.

Although the bill provides the other eight New South Wales universities with the option of changing their governing body-appointed or elected graduate member arrangements, there is no compulsion to do so. The bill has been drafted in such a way that universities are free to maintain exactly their current arrangements if they are serving them well. This is an important point because some erroneous assertions have been made along the lines that the Government is doing away with graduate elections. It is clear from the bill that that is not the case, and universities are free to maintain current graduate numbers and to hold elections as the method of selecting graduates. The key point is that the decisions will be made by the universities' governing bodies themselves.

Although the bill provides universities with the capacity to decide these aspects of their governance for themselves, it also requires that their decisions be given legislative force and effect through by-laws. Members of this House are no doubt familiar with universities' by-laws, which are tabled here from time to time. The requirement is important because it provides a means for the Minister to be assured that the decisions being implemented are a true expression of the will of the governing body. It is also important because it provides legislative assurance to any members whose position on the governing body is determined through these provisions. By-laws also present an opportunity for public scrutiny of these important decisions of universities.

Protocol 2 requires universities' governing bodies to adopt a statement of their primary responsibilities. The protocol mandates a number of features that these statements must include. This statement of responsibilities is not something that can be legislated: It is the responsibility of the governing body itself to implement. However, the bill does assist university governing bodies to adopt such a statement. The sections in the bill relating to a governing body's oversight of controlled entities are intended to ensure that when universities implement protocol 10, they are acting in accordance with, and are mandated by, their legislation. One of the national governance protocols that clearly places the onus for implementation onto universities' legislation is protocol 3.

Protocol 3 is already partly provided for in the existing New South Wales legislation. This protocol requires that the duties of governing body members be specified in a university's legislation and that members must always act in the best interests of the university—honestly and in good faith. It also mandates that there be provisions to ensure that conflicts of interest are disclosed and avoided, and that there be safeguards to limit the liability of members who have acted in good faith. Protocol 3 also requires that any member who is disqualified from acting as a director under part 2D.6 of the Corporations Act automatically loses office and that governing bodies have the power, by a two-thirds majority, to remove any member who breaches these duties. Each New South Wales university Act already includes provisions that cover many of these areas.

The bill includes provisions designed to implement the remainder of protocol 3. To this end, it lists the duties of governing body members in a new schedule to each of the Acts. These duties include the requirement that members must carry out their duties in good faith, for a proper purpose and in the best interests of the university as a whole. The bill also requires that governing body members act honestly and with reasonable care and diligence, and so as not to improperly use their position or information acquired through their position to gain an advantage or cause detriment to the university. The bill broadens the existing New South Wales conflict of interest provisions, which are currently in the context of a university's commercial activities only, to all aspects of a governing body's responsibilities.

The bill establishes more detailed provisions, requiring members of governing bodies to disclose and register any relevant material interest and preventing them from participating in discussion or determination of matters in which they have such an interest, except with the specific approval of the governing body. Unlike protocol 3, the proposed New South Wales provisions relating to the dismissal of members who are deemed to have breached these duties include some basic protections against the misuse of this power, as well as natural justice requirements. Under the provisions of the bill, removal from office may only be effected at a meeting for which notice has been duly given, including to the member concerned of the proposal to remove him or her.

To remove a member, the two-thirds majority must be a majority of the current membership of the governing body, not merely a majority of a particular meeting, and the member proposed to be dismissed must be given a reasonable opportunity to reply to the motion before it is put to the vote. The bill also enhances the existing vacation of office provisions, in line with protocol 3, to add that any member who is or becomes disqualified from managing a corporation under part 2D.6 of the Corporations Act automatically loses office. When there is a change in university governing body membership, it is vital that there be a continuity of skills and experience. That is why in the bill, in implementing protocol 6, members' terms of office are required to overlap and to not exceed 12 years in total unless a majority of the governing body agrees.

Finally, the bill includes savings and transitional provisions to provide university governing bodies with the means of transferring smoothly to their new governance arrangements. Consultation on the draft bill has taken place with chancellors and vice-chancellors of New South Wales public universities. Chancellors and vice-chancellors were responsible for further consultation within their own institutions. The universities generally support the bill as currently drafted. The National Tertiary Education Union and the National Union of Students were also consulted. While they were not supportive of many aspects of the national governance protocols, they are supportive of the provisions in the bill relating to student and staff representation.

This bill will enable the adherence to the national governance protocols by our public universities in New South Wales and, as such, will allow their share of $404 million to flow to them. The University Legislation Amendment Bill is an affirmation of the New South Wales Government's commitment to the autonomy and independence of universities. It grants universities freedom to govern themselves in the way they see fit, while also ensuring that appropriate and effective governance arrangements are in place. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

HEALTH LEGISLATION AMENDMENT (COMPLAINTS) BILL

HEALTH REGISTRATION LEGISLATION AMENDMENT BILL

NURSES AND MIDWIVES AMENDMENT (PERFORMANCE ASSESSMENT) BILL

Bills introduced and read a first time.

Second Reading

Mr MORRIS IEMMA (Lakemba—Minister for Health) [8.00 p.m.]: I move:

That these bills be now read a second time.

On 14 September the Health Legislation Amendment (Complaints) Bill and two cognate bills were released as exposure draft bills for public comment. The bills implement the recommendations of the Special Commission of Inquiry into Campbelltown and Camden Hospitals and the review of the Health Care Complaints Act 1993 undertaken by the Cabinet Office. The bills have been the subject of an extensive public consultation process during which 20 submissions were received. The Cabinet Office also met with a number of key stakeholders, and their views have been carefully considered. In many instances changes have been made to the bills that I am introducing today. Details of the issues raised through the consultation period and the Government's response to those matters are set out in a consultation report, which I seek leave to table.

Leave granted.

Report tabled.

I take this opportunity to thank all stakeholders who made submissions on the draft bills.

Mr Thomas George: And the Opposition Whip.

Mr MORRIS IEMMA: And I thank the Opposition Whip. The first main purpose of the bills is to refocus the Health Care Complaints Commission [HCCC] on investigating serious complaints about health service providers. To achieve this, Commissioner Walker recommended that unsatisfactory professional conduct be redefined so that only significant instances involving a lack of skill, judgment, or care will result in an investigation or disciplinary action. Unsatisfactory professional conduct will be defined as "any conduct that demonstrates that the knowledge, skill or judgment possessed, or care exercised, by the practitioner is significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience". The reference to "significantly" in that context may refer to a single act or omission that demonstrates a practitioner's lack of skill, judgment or care, or it may refer to a pattern of conduct. In any individual case, that will depend on the seriousness of the circumstances of the case.

The Pharmacy Board of New South Wales and the Australian Psychological Society raised a concern about assessing unsatisfactory professional conduct by reference to other practitioners of an equivalent level of training or experience. Those organisations considered that all practitioners should be judged by the entry level standard for practitioners and should not be judged by the differing levels of training and experience, which practitioners acquire over time. They suggested that practitioners should be able to treat all conditions, regardless of their level of experience. The Government does not support that view. A practitioner who has only recently commenced practice should not be held to the same standard as a more experienced practitioner and be expected to treat all conditions. It would be unfair to expect a registrar to be able to treat a condition that should be treated only by a specialist.

I note that all practitioners will still need to meet the entry level standards reflected in the requirements for registration. A number of recommendations of Commissioner Walker sought to give the HCCC greater flexibility in dealing with complaints. This is consistent with the goal of refocusing the HCCC on investigating serious complaints. These changes will ensure that the HCCC and the registration boards have a broad range of options available to them for dealing with complaints where a complaint is assessed but does not meet the threshold for investigation. One of those options, which will be provided for in proposed section 25B of the Act, will allow the HCCC to refer a matter to a registration board for consideration of performance assessment. Under proposed sections 20A and 39, the HCCC will be able to use that option at any time while dealing with a complaint or at completion of its investigation.

Proposed section 25B of the Health Care Complaints Act is specifically designed to recognise the co-regulatory regime and will clarify that the HCCC does not have a supervisory role over the registration boards in relation to performance assessment. The proposed section will make it clear that investigation by the HCCC and performance assessment by the registration boards are alternative streams. The registration boards' current obligation to refer back to the HCCC serious matters which emerge when dealing with complaints, either by performance assessment or by other means, will be retained. This is recognised in a drafting note. The purpose of that clarification is to reinforce the co-regulatory nature of the complaints regime involving the health professional registration boards. It should be noted that Commissioner Walker particularly praised one of the registration boards—the Medical Board—for its handling of complaints falling within the board's area of responsibility. Commissioner Walker recommended also that performance assessment be introduced for the nursing profession.

Performance assessment has proven to be an effective means of reviewing a medical practitioner's performance. That is because performance assessment occurs in an environment focused on rehabilitation rather than punishment. Accordingly, the Nurses and Midwives Amendment (Performance Assessment) Bill introduces similar performance assessment provisions to those that have operated successfully for medical practitioners. The Government recognises that the implementation of those provisions will require considerable consultation by the Nurses and Midwives Board with the profession, including the Nurses Association. It is therefore proposed that the commencement of those provisions will be delayed until the necessary consultation and preparation is complete. Proposed section 3 of the Health Care Complaints Act seeks to redefine the objects of the HCCC. Proposed section 3A clearly sets out in the legislation which agencies and organisations in the health system have responsibility for improving standards.

The new objects for the HCCC emphasise that its primary role is the investigation of serious complaints, and the resolution of complaints through alternative dispute resolution. A number of stakeholders expressed strong support for the new objects of the HCCC. The bills also include a requirement for the HCCC to have regard to the protection of the public when exercising its complaints handling and other functions, bringing

it into line with the health professional registration Acts which have an explicit public protection focus. The second main purpose of the bills is to improve the operation of the complaints handling process to make the process faster and more effective. That is to be achieved by proposed sections 21A and 34A of the Health Care Complaints Act, which will empower the HCCC to require the production of hospital, medical and practice records during assessment of a complaint and investigation.

In addition, when the HCCC investigates a complaint, it will be empowered to require relevant people to provide documents and information. Commissioner Walker recommended the introduction of those new powers on the grounds that early characterisation and assessment of complaints involving Campbelltown and Camden hospitals could well have been assisted by giving the HCCC greater access to records. Commissioner Walker also noted in that regard that such powers would involve questions of privilege and immunity in relation to evidence obtained in that way. For that reason, proposed new section 37A of the Act will provide that, while a person can be compelled to provide self-incriminatory information, that information cannot be used against them in criminal or civil proceedings if the person objects. The material will still be able to be used in disciplinary proceedings.

The HCCC is also excused from responding to a subpoena if the document to be provided would be inadmissible in proceedings; for example, when the subpoenaed information contains self-incriminating answers. Several stakeholders wanted those provisions to go further so that any information provided to the HCCC cannot be subpoenaed. However, it is not the intention of the bills to make it more difficult to conduct litigation and I believe that the provisions introduced today strike the right balance. A further way in which the complaints handling process is to be streamlined is through the removal of the requirement for a statutory declaration to be provided by a complainant before a complaint is investigated. The Special Commission of Inquiry identified the practical problems with requiring a statutory declaration and the fact that it contributes to delay.

A request by the HCCC for a statutory declaration may discourage those with poor literacy skills, or persons from particular cultural backgrounds who are reluctant to approach government agencies, from pursuing complaints. Furthermore, other watchdogs such as the Independent Commission Against Corruption and the Ombudsman do not have a statutory declaration requirement. It remains important to ensure that complainants do not provide false or misleading information when making a complaint. I have therefore written to the HCCC requesting that it review its administrative procedures so that it appropriately notifies complainants that it is an offence knowingly to provide false or misleading information to the HCCC. As suggested by the New South Wales Medical Services Committee, a drafting note specifically referring to this offence has also been included in the Health Care Complaints Act below section 9. That provision sets out the requirements for making a complaint.

The third main purpose of the bills is to make the complaints system fairer for all parties by giving proper protection to practitioners, to complainants and to the general public within this framework. Proposed section 20 (2) of the Act implements the recommendation of the Special Commission of Inquiry that the HCCC must promptly identify doctors and nurses who are the subject of complaints and the allegations against them. In addition, an ongoing obligation has been imposed on the HCCC to keep under review its assessment of a complaint. The purpose of these provisions is to respond to a key finding of Commissioner Walker, namely that the HCCC failed in many cases properly to identify and notify those against whom a complaint had been made.

Another important protection for practitioners is the creation of a new office of the Director of Proceedings within the HCCC. The director will make independent decisions on whether complaints should be prosecuted. This proposal addresses perceptions of bias within the HCCC. This proposal was suggested by the HCCC during consultation and was circulated for comment to stakeholders, who have given it wide support. To ensure that the co-regulatory nature of the system is preserved, the Director of Proceedings will be required to consult with the relevant registration board about its views before deciding whether or not to institute disciplinary proceedings.

Section 96 of the Health Care Complaints Act will be amended to provide that complainants will be protected from liability if they make a complaint in good faith. This amendment ensures that protections which are available to persons who make protected disclosures are available to those who make a complaint to the HCCC. Proposed sections 99A and 117A of the Health Services Act will improve public protection by introducing a mandatory obligation on chief executive officers of public health organisations to report suspected unsatisfactory professional conduct to registration authorities.

Proposed section 28A of the Health Care Complaints Act will require the HCCC to use its best endeavours to notify a person identified in a hospital record as the next of kin of the outcome of an assessment

decision in relation to a complaint by the HCCC in cases where a patient has died or lacks capacity. The hospital must assist the HCCC by providing the name of the person identified in the hospital record. The purpose of this provision is to address concerns that arose during the HCCC's investigation into Camden and Campbelltown hospitals because some patients and families were not notified directly of any problems identified with the health care they received.

The bills also provide for the integration of the Health Conciliation Registry with the HCCC so that all dispute resolution functions can be performed by the same body. Stakeholders have generally supported the inclusion of the proposed safeguards in the bill, which will ensure that the conciliation functions are kept independent of the HCCC's investigative function. These safeguards include the statutory recognition of the separate role of the registry, providing that the registry and conciliators are independent of the HCCC when conducting conciliations, offence provisions to prevent the unauthorised disclosure by registry staff or conciliators of information obtained as part of their duties, and giving the parliamentary joint committee a role in overseeing the operation of the registry.

I acknowledge in particular the contribution of the parliamentary Joint Committee on the Health Care Complaints Commission in its "Report into Alternative Dispute Resolution of Health Care Complaints in New South Wales" and its submission on the bills. A number of the committee's recommendations are not appropriate to implement through legislative change. Consultation will occur with the HCCC to determine whether they can be implemented administratively. Root cause analysis provisions will be introduced based on the quality assurance committee provisions of the Health Administration Act 1982 in order to protect information provided to root cause analysis teams. This will encourage practitioners to participate in root cause analysis, which is an important tool for ensuring that the causes of adverse events are properly identified.

In addition, to reduce the possibility that serious individual conduct matters are buried in the privileged process, the amendments also explicitly provide for matters that raise possible unsatisfactory professional conduct or individual performance issues to be referred to hospital management for action. Finally, amendments to schedule 5 to the Health Care Complaints Act address concerns raised by the doctors' representatives about the remedial legislation that was introduced following the first report of the Special Commission of Inquiry. As recommended by the inquiry, these changes will ensure that challenges based on oppressiveness or delay are not prevented. I note that the relevant provisions are supported by the main doctors' representatives. I commend the bills to the House.

Debate adjourned on motion by Mr Thomas George.

CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT BILL

Second Reading

Debate resumed from 23 June.

Mr PETER DEBNAM (Vaucluse) [8.15 p.m.]: I indicate at the outset that the Opposition will not oppose the passage of this bill through the House. However, I want to make a few brief comments about it. In New South Wales the current legislative framework requires child sex offenders and other specified serious offenders against children to be registered on the New South Wales Police Child Protection Register. The register contains certain personal details for a period of time after the release of an offender. Currently in Australia there is no uniform registering regime across the States, which means that it is impossible to monitor offenders who move from one State to another and who later return to New South Wales, and it is impossible to monitor offenders from other States. The bill aims to implement a national reporting scheme and it will also allow police to photograph offenders and any distinguishing features. The objects of the bill are:

> … to amend the Child Protection (Offenders Registration) Act 2000... in connection with a national reporting scheme as follows:
>
> (a) to make provision for the recognition of, and reporting obligations of, offenders subject to reporting requirements in other jurisdictions who come to New South Wales...
>
> (c) to extend the operation of reporting requirements to other offenders by child protection registration orders, where there is a risk of the lives or sexual safety of one or more children, or children generally.
>
> (d) to extend the kind of information that must be reported by registrable persons subject to reporting requirements and to enable certain changes in information to be reported other than in person.

One important aspect of this bill is that it creates a national reporting scheme for offenders detailing the reporting obligations of offenders in New South Wales. For the benefit of honourable members who have not looked through this bill, I suppose the most amazing thing about it is that it has not been done before. Today I spoke in this House about a convicted paedophile, Geoffrey Hillsley, who was released from gaol in 2002, who murdered again this year and who raped a 10-year-old girl. That horrific offender is a good example of why we have to do so much more to protect the most vulnerable: the children in our community.

The reporting requirements in the bill are fairly limited and conservative. Known offenders can still move backwards and forwards around Australia. It is amazing that offenders still have a fair amount of flexibility. As I said earlier, the Opposition will not oppose the bill, which I hope progresses quickly through both Houses. I hope that other States will implement similar legislation and that an effective national reporting scheme will be put in place. The police and the community generally need a lot more help in monitoring known offenders. Geoffrey Hillsley stated in writing that he would offend again. Regrettably, he fulfilled that written assurance. We should tell the police to inform Parliament about any loophole that needs to be tightened. This is a modest bill, especially in terms of reporting requirements. Perhaps we will need to revisit this issue if significant progress is not made over time.

Mr MATTHEW MORRIS (Charlestown) [8.19 p.m.]: I support the Child Protection (Offenders Registration) Amendment Bill. It is an important bill and I congratulate the Minister for Police, the Hon. John Watkins, on its introduction. The key purpose of the bill is to build on the Child Protection (Offenders Registration) Act 2000, which is tracking about 1,600 offenders in New South Wales. I understand that this register will soon become a national scheme—and not before time, as the current New South Wales scheme has suffered strict limitations because other States do not have similar systems in place. As a consequence offenders on the register have simply moved out of New South Wales and the tracking of these individuals has stopped. Advice indicates that currently 971 offenders have been released into the community. That is 971 individuals who may pose a risk to those communities in which they reside.

A key benefit of the bill is that it allows a court to order a person convicted of the non-registrable offence to register. Changes to registration will also require registered offenders to make a full report to police before leaving New South Wales. This is also the case when an offender enters New South Wales, at which time the offender will be required to identify previous names, the names of children who generally reside in the same household, and details of affiliations within any club or organisation that has child members or activities with child participants. It is important to note that offenders will also be required to report to the police every 12 months in the same month as they first reported. This is a key requirement of the bill; it will allow police to monitor registered offenders' movements and changes in details. The bill will also require interstate travel to be reported when that travel is greater than 14 days, instead of 28 days as currently stated. Offenders will be required to nominate additional information as to a known address or location while travelling outside New South Wales.

I have not touched on every element of the bill but, rather, on key elements that demonstrate the intent of the Minister and the Carr Government to tighten controls on paedophiles. No other issue is as important as ensuring that our young people, our children, are safe from child sex offenders. The community, particularly parents, have a right to know that their children are safe: safe at school, safe at home, and safe at the neighbour's house. Unfortunately, we do not live in a perfect world and offenders are out there, at risk of reoffending. It is true that the great majority of offenders cannot be cured, will not be cured, and are likely to reoffend. Every step that can be taken should be taken to ensure that those offenders are known, documented, tracked and monitored to ensure they understand that sexual offences—in this case against children—will be dealt with harshly.

As a parent of young children I was horrified recently to witness the national investigation into child pornography, to hear the number of arrests made and to think about the positions of trust to which many of those arrested were appointed in good faith. In my view any offence committed against a child is simply not acceptable. All parents have a right to feel sure that their children are not at risk. The tracking of known offenders, monitoring and registration are appropriate, and as a member of the Government I am pleased to support this important bill.

The bill not only gives support to our police in dealing with known offenders but, importantly, sends a clear message to registered offenders that the Government is actively supporting police, parents and children. Police will be able to protect our communities to a greater degree through this bill. We all understand the need to manage the register carefully, keep it up to date and ensure that the information is correct. As a result of this bill the register will include photographs of key offender body parts with tattoos or identifying marks, such as

scars or similar markings. These photographs will offer a greater opportunity to identify offenders more quickly. Parents must remain alert to the risk and actively educate their children about general safety matters. I urge all honourable members on both sides of the House to support this bill in the strongest possible terms, and I commend it to the House.

Mrs JUDY HOPWOOD (Hornsby) [8.24 p.m.]: I support the Child Protection (Offenders Registration) Amendment Bill and confirm that the Opposition will not oppose it. The bill will amend the Child Protection (Offenders Registration) Act 2000 in connection with a national reporting scheme, with reporting obligations and other requirements for offenders who commit certain child-related offences. I will refer to some objects of the bill. The bill makes provision for the recognition, and reporting obligations, of offenders subject to reporting requirements in other jurisdictions who come to New South Wales. It specifies certain offences in the lists of offences relating to children for which a person who is found guilty of such an offence—in other words, a registrable person—is required to report relevant personal information to police in accordance with the principal Act, and makes other changes to those lists. The bill extends the operation of reporting requirements to other offenders by child protection registration orders when there is a risk to the lives or sexual safety of one or more children, or children generally. It extends the kind of information that must be reported by registrable persons subject to reporting requirements and enables certain changes in information to be reported other than in person. The bill also provides for annual reports of relevant personal information to be made by registrable persons.

I share every honourable member's concern that children in our society are as safe as they can possibly be and are protected from all harm. I am a member of the Committee on Children and Young People and, as such, I work hard to ensure that no legal loopholes put children in harm's way. It is a step in the right direction when legislation is tightened to protect children. I work closely with police in my local area. I attend local police accountability community team meetings and join many other community members in considering important issues such as the safety of children. At a recent Mount Colah Neighbourhood Watch meeting Commander Peter Gallagher, who heads the Ku-ring-gai Local Area Command, explained the proposed legislation and how it will work in the local area. He offered important insight into the bill and gave the Neighbourhood Watch group a lot of useful information. I know that Commander Gallagher is willing to travel wherever he is required in the line of duty to explain whatever is required.

The current legislative framework requires child sex offenders and other specified serious offenders against children to be registered on the New South Wales Child Protection Register, which contains certain personal details for a period after their release. However, there is currently no uniform registration regime across the States, which makes it impossible to monitor offenders who move interstate or return to New South Wales or to monitor offenders from other States. The bill aims to provide a national reporting scheme and allows police to photograph offenders and any distinguishing features they might have. The bill has received generally favourable comments. The creation of a national reporting scheme for offenders is certainly a step in the right direction and will, hopefully, address many current concerns about child safety.

Ms TANYA GADIEL (Parramatta) [8.30 p.m.]: As a member who is passionate about policing and justice issues, I am pleased to support the Child Protection (Offenders Registration) Amendment Bill. Child protection should be at the forefront of government policy, and I am pleased to be a member of a Government that has done so much to ensure that our children are protected. Recently the Government introduced the Child Protection (Prohibition Orders) Bill, which allows police to apply to the Local Court for an order that prohibits registrable persons from engaging in specific behaviour where there is reasonable cause to believe that the behaviour poses a risk to the sexual safety or the life of children. The Government also introduced the Child Protection (Offenders Registration) Bill.

As a result, the New South Wales Child Protection Register has been in operation for more than three years, and we know that it has proven to be an invaluable tool for police in their operational duties. As at May this year, the register had a total of 1,500 offenders on it, 971 of whom have been released into the community. Those who remain in New South Wales are required to report to police. Earlier this year the Minister for Police announced changes to the policy of NSW Police that regulates information disclosure about registrable persons. The changes allow the commander of the Child Protection and Sex Crimes Squad to approve the broader release of information about registrable persons when a genuine threat exists, and when harm to a child or other vulnerable person is foreseeable. The scheme has shown good results, but the Government believes that more can be done to improve it, and that is what this amendment seeks to do.

One of the major flaws in the current system is that when registered offenders leave New South Wales it is difficult to detect their entry back into the State. An additional problem is that there has not been a national

database of offenders. That means that once offenders left New South Wales they escaped the police radar. Likewise, offenders from other States could come undetected into New South Wales. Clearly, that is not acceptable. This amendment to the Act will do a great deal to ensure that NSW Police—indeed, the police of Australia—can track and monitor paedophiles. New South Wales has led the fight in this critical area of the law. It has played an integral role in having a national child protection offenders registration scheme established.

This bill has two key elements. First, it recognises the national system of offenders registration. Second, it brings our registration into line with the nationally developed child protection registration model that will be adopted by all States and Territories. I am sure this House would support the statement that our police in all areas of law enforcement do an outstanding job, but I want to single out for special mention our police working in child protection. Without doubt those officers have one of the toughest jobs in society. The cases they deal with daily are sickening. I have nothing but admiration and respect for the way in which they conduct themselves. I can only imagine the anguish they must feel upon having to interview children who have fallen prey to paedophiles.

As honourable members are aware, the Child Protection and Sex Crimes Squad is based in police headquarters at Parramatta. The people of Parramatta are proud to have such an important unit of the State Crime Command in their city. Sadly, last week our community lost one of its finest detective sergeants in the Child Protection and Sex Crimes Squad. Detective Sergeant Peter Yeomans has been in the police force for 24 years. He has a distinguished nine years service in child protection. He has now been appointed as an inspector at Chatswood police station. The most recent case Detective Sergeant Yeomans worked on as commander was Strike Force Duckboards, a joint investigation by police attached to the sex crimes squad and Auburn detectives.

That case involved the brutal gang sexual assault of a 16-year-old female at Newington, whilst her parents were bound and gagged in their living room, by four offenders. All four offenders have either been found guilty by a jury or have pleaded guilty in the Sydney District Court. Three of the offenders have been found guilty under section 61JA of the Crimes Act of aggravated sexual assault in company. Detective Sergeant Yeomans' professionalism and leadership in operational decision making is notorious within the State's crime command. I wish Peter all very best in his future role.

I have no doubt that the bill and the establishment of the national register will aid police immensely in their duties. The Government is committed to assisting police in carrying out their duties in a proactive manner. The tough nature of the new safeguards this bill introduces to the New South Wales system do not cause me any anxiety; I am happy to support them. It has been proven that a person who has committed offences against our children is likely to reoffend. As legislators we have a responsibility to protect our children. The rights of the child not to be molested and abused far outweigh the rights of the perpetrators of such crimes. I commend the bill.

Ms NOREEN HAY (Wollongong) [8.35 p.m.]: Like the honourable member for Parramatta, I am passionate about policing and justice, and I am dedicated to the protection of children at all costs. Therefore I support the Child Protection (Offenders Registration) Amendment Bill. Child protection should, and must, be at the forefront of the minds of all decent members of society. We must work together to provide our children with a safe environment and protection from the kind of abuse we have read so much about. Our children are our future and, as the mother of four adults and the grandmother of three young children, I for one will not shy away from the hard task of dealing with perpetrators in a way that is appropriate to defending the innocence of our children and their right to grow up, access opportunities for excellence in our education system free from bigotry, racism, discrimination and, at some stage, to make choices about their sexuality, including where and when they might participate in sexual activity.

I believe that all things should be equal with adults. However, the protection of the child must be paramount, and if that treads on toes, so be it. It is essential that at-risk members of the community are able to obtain information about convicted paedophiles. Frankly, if we cannot protect children in our society, we have lost the plot. I am pleased to be a part of a government that has done so much to ensure that our children are protected. However, I think we all accept that there is still much work to be done. Recently the Government introduced the Child Protection (Prohibition Orders) Bill, which allows police to apply to the Local Court for an order that prohibits registrable persons from engaging in specific behaviour where there is reasonable cause to believe that the behaviour poses a risk to the sexual safety or life of children.

Some would say that the fact that we have come to the position where we have to legislate for the protection of children is a blight on our society. However, that seems to be the case. The Carr Labor

Government also introduced the Child Protection (Offenders Registration) Bill. As at May this year the New South Wales register has an unacceptable 1,500 offenders on it, 971 of whom have been released into the community. Many others are required to report to police. The Minister for Police has announced changes to the policy of NSW Police that regulates the disclosure of information about registrable persons. Those changes allowed for the commander of the Child Protection and Sex Crimes Squad to approve the broader release of information about registrable persons when a genuine threat exists, and when harm to children and/or other vulnerable people might exist. I commend the police for their hard work and for doing a magnificent job.

The scheme has shown good results, but we in the Government believe more can be done to improve the system, and that is the aim of this amendment. When registered offenders leave New South Wales it is difficult to detect their re-entry to this State. That is yet another problem posed by such a vast country. However, I believe that the fact that so many agencies are working together will go a long way to assist in resolving this difficulty. At this stage I commend all who are involved in and are working hard with the Department of Community Services, NSW Police and health officers to provide a more effective investigative process and a better understanding of each agency's role to achieve the best outcome for the child. It is a sad reflection on our society that we must constantly argue about these horrendous events. However, I place on record my appreciation of the efforts of the New South Wales Minister for Police to bring forward legislation that is necessary to protect our children. I commend the bill.

Mr JOHN WATKINS (Ryde—Minister for Police) [8.41 p.m.], in reply: I thank all honourable members for their contributions to the debate on this most important bill. I remind the House that the New South Wales Government has made a commitment to development of the national child protection register, which is modelled on the New South Wales register. The Wood royal commission recommended such a national approach, but New South Wales has remained the only Australian jurisdiction with a child offender register. An interjurisdictional report on a national approach to child offender registration was prepared for the Australasian Police Ministers Council in June 2003, and on the basis of that report, after a lot of debate and a second Australasian Police Ministers Council meeting, a national model bill has been developed. It is appropriate to acknowledge the willingness of other jurisdictions to do that.

In November last year Cabinet approved amendments to the Child Protection (Offenders Registration) Act 2000 to ensure we moved towards a proposed national model. The major changes to the New South Wales Act as a result of implementing the national scheme will include enabling a court to order a person convicted of a non-registrable offence to register under the Act when the court is satisfied that the person poses a risk to the sexual safety or the life of a child or children generally; requiring additional information to be provided by offenders, including names and ages of children who live with them or with whom they have regular unsupervised contact; requiring details of an offender's affiliation with clubs or organisations with child membership, and details of any tattoos or permanent distinguishing marks; replacing the requirement for an offender to provide a passport photograph with the ability of police to take a photograph of the offender and any part of the offender's body, with some exceptions; imposing longer reporting periods that better reflect the window of recidivist risk; requiring offenders to register with police annually, in the same calendar month; requiring offenders to register at least once in New South Wales, before leaving this State; and improving reporting of interstate and international travel arrangements.

The register will make a real difference to children in this State and, indeed, throughout Australia. In particular, it will stop registered sex offenders in New South Wales from disappearing across the border into other jurisdictions. I am proud to say that New South Wales leads Australia in child protection. That is due to the efforts of previous New South Wales Ministers and the support of members from both sides of the Parliament. New South Wales is one of the leading jurisdictions in the world on child protection, and long may it be so. I have made it very clear to the Ministry of Police that I want it to provide further examples of child protection measures that can be instituted in this State.

I conclude by thanking Kim McKay, the Commander of the Child Protection and Sex Crimes Squad, and all her officers who work daily in this most challenging area. I particularly thank Commander McKay for assisting with the introduction of this legislation. Ms Michaela Padden of the Ministry of Police, an outstanding public servant, has worked very closely with Kim McKay in bringing a number of like pieces of legislation forward. These two women are owed a great debt for the work they have done. They can be very proud of what they have achieved in New South Wales. This is most important legislation, and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

HEALTH LEGISLATION FURTHER AMENDMENT BILL

Second Reading

Debate resumed from 22 September.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [8.45 p.m.]: This bill seeks to amend six Acts within the Health portfolio. I say at the outset that the Opposition will not oppose the bill. Putting the six amendments in the order of easiest to more difficult, I start by saying that the amendments to the New South Wales Institute of Psychiatry Act to remove requirements for the institute to apply for the Minister's approval before operating outside of New South Wales, and to allow the institute to delegate administrative functions to its staff, are clearly sensible. As with many other pieces of like legislation first enacted in 1964, the principal legislation has required updating to take account of modern requirements as well as changed standards in the area. There is absolutely nothing controversial I could say about this part of the bill, even if I wanted to.

The second amendment that I will deal with, but which is on a par, will remove from the Public Health Act provisions that have required the Minister for Health to approve crematory equipment and apparatus. I accept that in this day and age asking the very busy Minister for Health to approve crematory equipment and apparatus is overly regulatory, particularly as an Environment Protection Authority has been established to provide oversight and regulation in this area. Again, the Coalition does not oppose this amendment. The third amendment proposed by this bill relates to the Dental Technicians Registration Act. That also is 30-year-old legislation setting penalties in relation to registration in New South Wales. The amendment simply seeks to increase from 5 penalty points to 50 penalty points the sorts of penalties that can be imposed. Considering that the Premier's breach of food safety regulations last week could have incurred a thousand penalty points, or two years of imprisonment, it is appropriate that the penalties applied under the Dental Technicians Registration Act also be updated.

The fourth amendment I deal with starts to get into areas on which there is some controversy. This is the amendment on which the Minister commenced his second reading speech. Like most things that emanate from this Government, this measure is well intended and its goals are admirable. I refer, of course, to the repeal of the Nursing Homes Act and regulations. Anyone who has been a member of this Parliament for any significant period of time will have been made aware of the difficulties, costs and inconveniences faced by the nursing homes in their electorates in complying with two sets of regulations and standards. That impacts significantly and particularly upon the not-for-profit and charitable nursing homes in our communities. To reduce the amount of such regulation, particularly when the sorts of standards being sought have been so comprehensively covered by the Commonwealth Government's Aged Care Act, passed in 1997, is indeed sensible.

Operators and those representing operators, such as the Aged and Community Services Association of New South Wales and Australian Capital Territory Incorporated, and the Australian Nursing Homes and Extended Care Association, New South Wales, are concerned that the Government's decision—notwithstanding its desire to repeal the Nursing Homes Act—will replicate the provisions of the Act that relate to professional nurse staffing in the New South Wales Public Health Act. Their concerns are twofold. Their first concern is that consumer protection is built into the existing Commonwealth legislation.

If a nursing home is found to be wanting in a particular area sanctions can be, and are, enforced by the Federal Department of Health and Ageing, which can include the withdrawal of licences and the closure of homes. That Act also provides for a redress complaints resolution scheme. As someone who represents an area where many of these facilities exist, the honourable member for Peats, who is in the chair, knows very well that since 1997 the Government—and also, to be fair, governments prior to 1997—has not been slow to apply those sanctions and ensure that the aged care sector, or that part of it in which problems existed, have been cleaned up. Sanctions have been applied and nursing homes have been closed to ensure that the aged and infirm in our community get the care they deserve.

The argument from those in the sector is that if professional nursing staffing standards within a nursing home are not up to scratch and there are resultant problems, there are already sanctions under the Commonwealth legislation to deal with them. Their second concern is the unintended consequence. Both the Aged and Community Services Association and the Australian Nursing Homes and Extended Care Association are concerned that the provisions will provide a disincentive to the future provision of high care, particularly with small numbers of high-care places such as those that are found in country areas represented by the honourable member for Bega, the honourable member for Lismore and the honourable member for Clarence,

who are present in the Chamber. They are concerned that they will have to pay for both a director of nursing and 24-hour coverage by a registered nurse. The proposed amendments to be inserted in the Public Health Act require that the director of nursing be a nurse and that 24-hour care be available on site by a nurse.

In short, the argument is that smaller, acute care establishments, particularly those in country areas, may have to double up when the director of nursing is in attendance during nursing hours and could, as a qualified nurse, provide that type of service. I ask the Minister to deal with that concern. I know that even this Government is aware that those of us who live in, and seek to represent those in, country electorates do so with more obstacles than those of us who have the pleasure of representing city electorates. Another point raised with me by both those associations is that some of their members are concerned that the wording of item [1] (b) in schedule 5 to the Health Legislation Further Amendment Bill could extend to cover low-care places, that is, the old hostels.

One of the associations has a legal opinion that supports the Minister's interpretation as to the effect of the bill. The Minister has told the industry that new staffing provisions will apply only to existing nursing homes and to high-care places allocated under the Home Care Act. But the Aged Care Industry Council has indicated its strong opposition to the legislation if it extends to cover low-care establishments. I seek some guidance and advice from the Minister in relation to those issues. We reserve our attitude in another place.

The other area of contention relates to amendments to the Optical Dispensers Act. What appeared, even to the Minister, to be a fairly simple change has caused a degree of grief within the sector. As the Minister indicated in his second reading speech, the Optical Dispensers Act, which is 41 years old, will be amended to deal with serious health risks associated with wearing coloured and novelty contact lenses specifically by addressing the definition in the Act, which currently does not include coloured or novelty contact lenses that serve no corrective purposes. It is regrettable that those who drafted the second reading speech delivered by the Minister have caused excitement on both sides of the debate in the sector by reference to the United States Food and Drug Administration.

Optometrists have interpreted it one way and optical dispensers and the like have interpreted it differently. As a result a debate has waged, which I know the Minister is aware of and the Opposition has been briefed on. Let us be sensible about this. Everyone understands—including those of us who have worn contact lenses—that loosely fitted lenses can float up under the eyelid, become caught and require professional intervention to remove them. Worse still, for those of us who have had the experience of both soft and hard contact lenses, the result of a lens that is far too tight can be, as the Optometrists Association pointed out to me, far more catastrophic. The eye's cornea derives all its oxygen from direct contact with the air.

A lens that is too tight can severely reduce oxygen supply in the same way that hands around one's throat or a plastic bag around one's head—as one advises one's children not to do—can starve one of oxygen. A cornea that is starved of oxygen is highly susceptible to infection. As optometrists point out, it is usually in those cases that you see the most damaging corneal ulcers and infiltrative diseases, such as keratitis, both of which can ultimately, at the worst extreme, threaten one's sight. The Optometrists Association is arguing that there ought to be a prescription provided for all contact lenses, whether novelty or not. In relation to prescriptions, they quote the United States Food and Drug Administration, the same body quoted by the Minister in his second reading speech:

> Responsible and appropriate use is critical when it comes to contact lenses. That means getting an eye exam and valid prescription, and buying contact lenses from an eye-care professional licensed to sell them. It's also essential to follow directions for cleaning and wearing the lenses and to have follow-up eye exams.
>
> These precautions apply to all contact lenses, including non-corrective lenses intended solely to change the appearance of a normal eye in a decorative fashion, such as to turn brown eyes blue. These products present the same health risks as contact lenses intended for vision correction.

That is the quote the optometrists seized upon in support of their argument that prescriptions ought to be available for all contact lenses, whether required to correct sight or for novelty and other reasons. Notwithstanding that, those who are in the business of selling novelty contact lenses have a separate view. They welcome the amendment. They believe it will provide better policy and guidelines so that the purchasers of novelty contact lenses, like those who purchase other products, are made aware of the risks. The other thing the dispensers point out is that people who buy these contact lenses to change the colour of their eyes, to impress friends or to horrify people at Halloween, or whatever, would incur a significant cost when one takes into account the fees that would apply if they were available on prescription.

I am concerned that what should have been simply a tidying up of the Act to obviate something that poses a health risk to members of the community has caused great confusion within the industry. I hope that either here or in another place the Government will outline a way in which those concerns may be addressed. Without wishing to offer too many solutions to the Minister, who is always accusing me of not offering any solutions, perhaps the reality is that we should see how the changes proceed and review this legislation after 12 months to assess whether the desired benefits have materialised, or whether problems have arisen as predicted by the optometrists, thus necessitating a review of the legislation and tightening of its provisions. I look to the Minister to provide support for the point made by the Opposition.

This legislation seeks to amend the Health Services Act to facilitate the establishment of a corporation to achieve savings throughout the health system by what the Minister has described as a consolidation of corporate services and other support functions. The consolidation will be undertaken through a shared corporate services entity. Only the Carr Government would seek to reduce administrative overheads by establishing another administrative entity! One thing I have learned over 18 months while I have been dealing with the Health portfolio is that every idea comes with a new bureaucracy and a new range of middle management. Regrettably, each layer of middle management and bureaucracy starves health organisations of funding that is required to provide front-line services at places such as Hornsby hospital, Wagga Wagga hospital, Grafton hospital or Lismore Base Hospital, where the Federal Minister for Health and Ageing was so well treated during the recent Federal election campaign.

This legislation follows the announcement by the Minister for Health earlier this year of stage one of the reorganisation of the Health portfolio and of area health services, which was accompanied by the announcement of a loss of 650 jobs and a saving of $100 million. As time passes, the predicted savings appear to be more and more illusory, as evidenced as recently as last weekend by Terry Clout's comments in the *Newcastle Herald* relating to whether savings made by the Hunter Area Health Service will flow through to hospitals and clinics in the Hunter area. The changes follow the second review of the health system by the Independent Pricing and Regulatory Tribunal [IPART]. The Minister has been aware of the changes for some time. In February in a front-page story in the *Sydney Morning Herald* which suggested that savings were on the way, the Minister referred to savings that were expected to accrue from better sharing arrangements in corporate services and other areas. We are yet to see the quantum of savings predicted by Professor Tom Parry in his second IPART report.

This legislation is important because, as the Minister stated in his second reading speech, the shared corporate services program will include all health support services, such as linen and catering services, as well as traditional corporate services, such as human resources, finance, information technology, asset management and administrative services. The Minister wishes to establish a corporation to enable those services to be shared through a local and regional network in a way that provides maximum flexibility. But all the terms used by the Minister are code for further job losses in regional and rural New South Wales as a result of the changes. That is a matter of great importance to my country colleagues on both sides of the House, and I acknowledge that one or two Government members may also be concerned. It is important to ensure that, unlike what occurred with the introduction of the first tranche of changes to area health services, the Minister puts forward some figures to indicate the number of jobs that may be expected to be lost in regional and rural New South Wales. It is equally important to ensure that that is done in advance of the changes being finalised.

In the case of previous area health service changes, the Minister has not been prepared to consult local communities or talk to local people about the form that the changes were to take, their impact on local economies and whether there would be opportunities to manage the changes so that the results would not be devastating to communities. As the Minister knows, particularly in the current employment and economic climate provided to Sydney by the Federal Government, effectively there is full employment in Sydney. But that is not the case across regional and New South Wales, except perhaps for parts of the North Coast and south-western New South Wales. Throughout many regional and rural areas of New South Wales the availability of jobs has reached a critical level. People who provide corporate services to public hospitals and clinics throughout the State will experience the impact of job losses as a result of this bill, and the impact will extend from families through to local economies.

In the context of implementing this legislation, instead of unveiling a grand plan and six months later plucking a figure from the air to indicate the job losses that may be expected in country communities, the Minister ought to make some attempt to engage those communities in dialogue and provide details of the magnitude of the job losses that will occur. The Minister should try to estimate in advance of his final announcement the measures that may be possible to ameliorate the impact of job losses. The hallmark of the

best governments is that they take the people into their confidence and try to circulate their proposals with a view to obtaining feedback in advance of implementation, as indeed the Minister for Health has done with some legislation over the past 12 months. By doing so in relation to this legislation, the Minister will be able to ascertain whether there is a way of achieving the goals of the legislation through slightly different means that will have less of an impact upon regional and rural economies and, if so, how that may be implemented. Communities situated in areas west of the Great Dividing Range suffer the greatest detriment from cutbacks, whereas places such as Grafton, Lismore and other towns near the coast seem to manage fairly well.

I place on the record the Opposition's concern for the potential job losses as a result of the implementation of this legislation, quite apart from the Opposition's concern that over-bureaucratisation of the health system, particularly in Sydney, Newcastle and Wollongong—has starved health organisations of much-needed funding that could otherwise have been used for the provision of front-line services. Over-bureaucratisation has been tacitly recognised by the Minister's first tranche of reforms in area health services administration. However, my major fear is that the $100 million in savings will not eventuate, particularly in the light of this Government's policy of no forced redundancies. I implore the Minister to be up front with communities and foreshadow what the impact of the bill will be to give them an opportunity to advance an argument on how the goals of the legislation might be achieved to effect savings without significant job losses or reduction in funding for front-line services.

I conclude my remarks by expressing sympathy for the Minister, whose administration of the Health portfolio follows two former Ministers who managed to increase the size of the health bureaucracy hand over fist by starving health organisations of funds that were required for the provision of front-line services. That is a knot that the Minister now has to untie, as he is exhorted to do every morning by Alan Jones. I suggest to the Minister that it will be possible to implement his reforms in a manner that is both compassionate and attentive to the views expressed by Alan Jones. The Minister's highest priority should be to ensure that people who live in communities that are west of the Great Dividing Range and outside NSW—Newcastle, Sydney and Wollongong—are not thrown onto the scrap heap. They should be consulted meaningfully and given a chance to suggest alternatives so that the end result will be a win-win situation with less bureaucracy in area health services, and shared corporate services, but without devastating impacts on communities that members of the Coalition seek to represent.

Ms ANGELA D'AMORE (Drummoyne) [9.08 p.m.]: I support the Health Legislation Further Amendment Bill and recognise its importance in delivering a more efficient health system. The bill is a positive step forward in the provision of support services for the New South Wales public hospital system. The shared corporate services strategy that was announced by the Minister for Health continues to build upon this Government's commitment to boosting front-line services. The Government has a strong plan, a strong commitment, and a strong focus on providing more resources where they are needed—at the front line. The Government's plan involves eliminating unnecessary duplication in the delivery of support services, such as linen, catering and human resources. The shared corporate services program means that corporate and business services will be provided under shared arrangements across New South Wales.

The plan makes perfect sense. Why should 17 area health services have 17 different ways of managing human resources when they could share services? Why should area health services pay more to provide their own catering or linen when more efficient shared services could cut costs and release more funds for the provision of services at the front line? Currently the models of provision around New South Wales have meant increased costs in providing services. The Shared Corporate Services Program will lower overall service delivery costs and deliver better services across the entire health system. The plan will generate about $100 million in savings that will be ploughed back into front-line services.

The scope of the Shared Corporate Services Program improvements include transaction services such as recruitment, payroll, accounts payable, purchasing, and information technology systems support. The program includes professional services such as accounting, learning and development, legal, communications, property management and fleet management. In addition, it will support non-clinical services such as linen and catering. The savings will be pumped back into the health system for nurses, doctors and beds—more help where it is really needed, on the front line.

The bill amends the Health Services Act and creates the Public Health Support Division of the Health Administration Corporation. The corporation is an existing statutory body and is the proposed vehicle for delivering shared corporate services. I advise the House that any staff transferred to the Health Administration Corporation will continue to be employed under the same terms and conditions as they enjoy in public health

organisations. The Government made a commitment to consult with the relevant unions; that consultation has taken place and will continue. In response to the comments of the Deputy Leader of the Opposition who expressed the hope that consultation occurs, I advise him that the awards covering the employees contain clauses headed "Workplace Change and Redundancy". Under the awards, there is an obligation to consult with not only the union but also any potential employees who may be displaced. The clauses contain redeployment and redundancy provisions.

Mr Michael Richardson: You know about those?

Ms ANGELA D'AMORE: Yes, I know the award very well, having been an officer of the New South Wales Nurses Association. With my colleagues at the Health Services Union of Australia I entered into many proceedings before the Industrial Relations Commission where we argued for workplace change and redundancy clauses. I have full faith in the Health Services Union to represent its members. The New South Wales industrial relations system requires the Government to consult on workplace change and potential redeployment and redundancy. I look forward to that. In my electorate of Drummoyne there is a 500-bed teaching hospital, the Concord Hospital. I am proud to have that hospital in my State electorate. I welcome any savings that can be ploughed into supporting our nurses and doctors, providing better equipment or opening up more beds. I am sure that nurses and doctors at Concord Hospital will see the value in these amendments. I will continue to work with the Health Services Union, to heed their concerns, and to meet with relevant staff at Concord Hospital when they have concerns. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [9.12 p.m.]: The Health Legislation Further Amendment Bill is a bill for an Act to repeal the Nursing Homes Act 1988 and a regulation made under that Act, and to make miscellaneous amendments to various Acts and instruments that relate to health and associated matters; and for other purposes. The bill amends six Acts. The objects of the bill are:

(a) to repeal the *Nursing Homes Act 1988* and the *Nursing Homes Regulation 1996*,

(b) to amend the *Dental Technicians Registration Act 1975* to increase certain penalties under that Act,

(c) to amend the *Health Services Act 1997* to enable the health Administration Corporation (***the Corporation***) to provide health support services to public health organisations and to provide health support services and other services to other persons with the approval of the Minister,

(d) to amend the *New South Wales Institute of Psychiatry Act 1964* to remove the requirement for the New South Wales Institute of Psychiatry (***the Institute***) to obtain the Minister's approval to carry out certain functions outside New South Wales and to enable the Institute to employ certain staff members with the Minister's approval and to enable the Institute to delegate certain of its functions,

(e) to amend the *Optical Dispensers Act 1963w* to include contact lenses that have no corrective power as optical appliances to which that Act applies,

(f) to amend the *Public Health Act 1991* to remove the need for the Minister's approval to use crematory equipment and to require the person who operates a nursing home to ensure that a registered nurse is on duty at the nursing home at all times and that a registered nurse is appointed as a director of nursing of the nursing home,

(g) to amend a number of other Acts and instruments consequent on the repeal of the *Nursing Homes Act 1988*.

The Deputy Leader of the Opposition has pointed out certain concerns, particularly in relation to the Optical Dispensers Act and the provision of coloured and novelty contact lenses. My focus is in relation to the amendments to the Health Services Act 1997. Item [7] of schedule 2 inserts into chapter 10 of the Health Services Act part 1A, which enables the corporation to provide health support services to public health organisations and, with the Minister's approval, to provide health support, or corporate or other services by contract or agreement to other persons. It establishes a Public Health System Support Division into the corporation. The persons employed in that division are to be employed in connection with public health organisations and the public hospitals that those organisations control, and they are to carry out the corporation's function of providing health support services to those organisations.

The corporation may delegate its functions under proposed part 1A to a person or an appointed body. The director-general may transfer staff of a public health organisation to the corporation for the purpose of exercising those functions. The director-general may authorise the corporation to make use of the services of any of the staff of a public health organisation. The Minister stated in his second reading speech:

> It is proposed to amend the Health Services Act 1997 to support NSW Health's shared corporate services program. The report of the Independent Pricing and Regulatory Tribunal entitled "New South Wales Health: Focusing on Patient Care" confirmed that the potential exists for significant savings to the health system through consolidation of corporate services and other support functions and it recommended that a shared corporate services entity be established.

I have a great concern about the quality of services. Included in the program are all the health support services, such as linen and catering, as well as the traditional corporate services, such as human resources, finance, information technology, asset management and administrative services. There is nothing worse for a nurse who is caring for a patient than to run out of linen or to have poor food services. I have received a number of complaints about the quality of food at Hornsby hospital and Gosford Hospital. One lady in intensive care ate an extremely poor excuse for scrambled eggs. She was feeling nauseated, and no wonder, and said that when she threw up the eggs in her bed they looked exactly the same as when she ate them.

The Minister must assure us that if the services are to be shared in an endeavour to save money, the quality of those services will not diminish. I know that it costs 6¢ to provide a breakfast at Gosford Hospital, but what does that breakfast consist of? If there is to be one central place for the preparation of food, it will have to be transported up and down the F3, and heaven only knows what patients will be given to eat. We want patients to get better, to have good quality food; we do not want to serve them garbage. We want to make sure that nurses and other carers have access to food in hospitals out of hours. I have great concerns about this legislation, and I ask the Minister to provide an assurance that the quality of the food will not diminish, but will improve. Quite frankly, nurses have reported to me that the quality of food is absolutely appalling. How will patients get better without good food? What is enticing about eating meals that look disgraceful?

The bill includes provisions to facilitate the transfer of public health system staff engaged in corporate and health support service delivery to the Public Health System Support Division of the Health Administration Corporation—obviously another corporation is to be created—or the use of such staff by the Health Administration Corporation. The Minister emphasised for the benefit of members that any employee of the public health organisation who is transferred to the Public Health System Support Division of the corporation will retain all existing entitlements and employment conditions. It is reassuring to see those provisions in the bill. If we are to stretch services across such a large area, provisions must be included in the legislation to ensure that linen is available at weekends and at night-time when it is needed. Bed linen must be able to be changed and hospitals must be able to provide food of a quality similar to the food to which members in this place are accustomed.

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [9.20 p.m.]: I support the Health Legislation Further Amendment Bill and recognise its importance in delivering better front-line services. The proposed changes to the Health Services Act will make our health system more efficient and ensure that the savings made in the delivery of support services are pumped back into front-line services. Doctors and nurses in hospitals work hard, day in and day out. With Federal funding cuts to health and the decline of bulkbilling, the more resources we can give the front line the better.

The Shared Corporate Services Program is a big step forward and a sign of the Government's strong commitment to building a better health system. The bill proposes changes to existing health legislation, including the repeal of the Nursing Homes Act. The New South Wales Department of Health has reviewed the Nursing Homes Act as part of its competition principles agreement. The current New South Wales regulation of nursing homes is largely a duplication of Federal Government regulation. In New South Wales, aged care facilities are forced to comply with both Federal and State law in this area. I understand that all jurisdictions around Australia, with the exception of the Northern Territory, have either withdrawn or are seeking to withdraw regulation in this area.

The Commonwealth Aged Care Act has established a comprehensive regulatory and funding regime for aged care services. Forcing nursing homes to comply with both Federal and State regulations will create an unnecessary burden and divert much-needed resources away from their core services. Complying with two levels of government regulation may slow the opening of more aged care places. Given the Federal Government's lack of investment in aged care and the fact that more than 900 people in our public hospital beds should be in aged care facilities, this amendment is important.

These proposed amendments would cut red tape and ensure that the aged care industry devotes its energy to providing services. That is a sensible measure. Although the Government is moving out of aged care regulation it will not compromise on crucial minimum standards when it comes to nurse staffing. The Government will move the staffing provisions of the Nursing Homes Act to the Public Health Act to ensure that these nurse-staffing standards remain. It will require nursing homes to appoint a director of nursing and have at least one registered nurse on duty at all times. Minimum staffing levels do not exist in the Commonwealth legislation, so State legislation will protect these standards.

Over many years older New South Wales residents have worked to make our State a stronger and better place, and they deserve to get a decent standard of care in these facilities. The bill also proposes minor amendments to the Dental Technicians Registration Act, increasing the penalties for breaches of the legislation from 5 penalty units to 50 penalty units, that is, from $550 to $5,500. I advise the House that this amendment is supported by the profession and was proposed by the Australian Commercial Dental Laboratories Association. It will tidy up the existing Act by bringing it into line with other health professional legislation.

The bill also proposes amendments to the Optical Dispensers Act in light of emerging new trends. Many honourable members would be aware that there has been a substantial increase in the use of coloured and novelty contact lenses that are available to consumers. These types of lenses include different sorts of shading, colours and patterns and they are incredibly popular with young people going to parties and school formals. They are fashion accessories. The only difference is that they serve no clinical or medical purpose, and currently there is no regulation governing their use.

The Government has listened to warnings from the United States of America Food and Drug Administration about the risks involved with these types of lenses. That is why the bill proposes increasing regulation to ensure that only licensed optical dispensers and registered optometrists can supply novelty and coloured lenses. I understand that the Minister has asked both the optometrists and optical dispensers boards to develop a joint policy to provide consumer information. That policy will develop appropriate warnings, information, advice and programs for users and, in particular, high-risk users such as diabetics. Other proposed amendments include removing the provision for the Minister to approve crematory equipment. That change is also as a result of the competition policies agreement. The Environment Protection Authority already governs regulation in this area. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [9.25 p.m.]: The Health Legislation Further Amendment Bill relates to a far greater plan that the Government and the Minister have for the people of New South Wales. The bill incorporates a number of proposed amendments to legislation in the health portfolio. It will repeal the Nursing Homes Act to reduce duplication with the Commonwealth Aged Care Act; remove requirements in the Public Health Act for the Minister to approve crematory equipment and apparatus; amend the Dental Technicians Registration Act by increasing penalties for legislative breaches; and amend the Health Services Act to facilitate the Health Administration Corporation as the vehicle for shared corporate services in the public health system.

The bill will amend the New South Wales Institute of Psychiatry Act to remove requirements for the institute to apply for the Minister's approval before operating outside New South Wales, and to allow the institute to delegate administrative functions to its staff; and it will amend the Optical Dispensers Licensing Act to ensure that only licensed optical dispensers and registered optometrists can distribute coloured or novelty contact lenses.

I refer in particular to the amendment to the Health Services Act to facilitate the Health Administration Corporation as a vehicle for shared corporate services in the public health system in New South Wales. On 27 July NSW Health announced it would restructure the current 17 area health services and amalgamate them into eight—four in metropolitan New South Wales and four in regional New South Wales. As a result, our community held public forums to discuss what could be done in the provision of health services in our area, which comprises the Greater Murray Area Health Service and the Southern Area Health Service. It was proposed that those area health services would be amalgamated to form the Greater Southern Area Health Service. As a result of that public meeting our community formed a task force and produced a paper that was presented to the Minister.

The first part of that paper relates to the review of the Independent Pricing and Regulatory Tribunal [IPART], which focuses on patient care and its recommendations, the second part relates to the impact of the proposed amalgamation on health service delivery in our region, and the third part focuses on the Riverina-Murray Area Health Service. The IPART review and its recommendations are generally endorsed by communities in the Riverina-Murray area. The report states:

> The core outcomes identified by IPART to deliver improved health services were:
>
> - Planning focused on patient needs
> - Better quality care and patient safety
> - More integrated service delivery

- Stronger structures for clinician and community participation
- More equitable health outcomes and more effective funding arrangements
- Better performance through clearer roles and accountabilities
- More efficient support services
- A more integrated performance measurement system
- A more sustainable workforce

The IPART report is an in-depth document but its recommendations were already in place in the Greater Murray Area Health Service. In March a plan had already been put in place. That document states:

> As you are aware an integrated services plan for the Greater Murray Area Health Service was prepared in March this year and a range of corporatisation initiatives reflecting the shared service model for support services proposed by IPART is already in place within our region.

It continued:

- We have already corporatised our linen, food and stores supply services with each of these support functions operating as autonomous business units.
- The Linen Service processes 34 tonnes of linen a week and supplies all hospitals in GMAHS as well as Young, Harden and Boorowa in Southern AHS. The Linen Service is regarded as one of the most efficient in NSW and has the capacity to increase production to meet the needs of other hospitals outside the area if required.
- Aubrey & Wagga Wagga Hospital kitchens supply some 30,000 meals per week or 1.5 million per year to hospitals across the GMAHS and could increase output if required.
- Materials Management supply 31 hospitals and 19 community health services across GMAHS as well as Government and semi government nursing homes and Junee Jail.
- Management & staff from the Materials Management Unit have been providing assistance to Southern area for some 12 months.

> In short, we have already stepped down the path being promoted by IPART to reduce costs and improve support service delivery. This has occurred without the need for a wholesale restructure and we believe that this approach should continue, as it is working well.

The amalgamation of the Greater Murray Area Health Service and the Southern Area Health Service will produce worse management and governance outcomes. We believe it will weaken, not strengthen, clinician and community involvement in decision making by compromising existing networks and relationships across the region. The cost savings anticipated by the Government through a shared service corporation undertaking a range of non-core health support functions will be delivered irrespective of the boundary structures of the area health services.

My point is that cost-saving measures are already in place and the Government's plan to amalgamate 17 area health services into eight is flawed for the clear reasons we gave the Minister during our meeting, as outlined in the documents we presented. We have already started down the service delivery path and my local community and the communities of Griffith and Albury are concerned about what services will be retained under the Government's plan. How many jobs will be lost to produce savings of $100 million? We identified in the paper developed in March that administration savings would be minimal. The paper states that the administration savings will be minimal and that the real savings will be found in the area of corporate services delivery. The community is concerned about the Minister's plans for those corporate services that we have already started to develop to produce savings.

The community believes that the new area health service plan is flawed. Hospital waiting lists increased again in August. The numbers have skyrocketed, and continue to spiral out of control. The success of this plan, which will take up to two years to implement—it will be two years before we see any results—will be measured by a reduction in waiting lists. The next State election will be held in two years, so the Minister for Health will be judged at that poll if he does not provide the forecast savings. At no time during this debate has there been mention of the number of jobs that will be lost, the number of services that will be relocated, and how the entire structure will work.

The proposed area health service will serve a geographic area the size of Victoria. It will stretch from Bega on the South Coast to the far west of the State beyond Hay and serve some 400,000 people. In fact, the area is so large that clinicians—those who are involved in health delivery and who would know far more than most of the educated bureaucrats driving this plan—are extremely concerned, and rightly so. I have said on radio—and I say again tonight—that I think this plan is another Camden-Liverpool in the making. We will have to wait and see what eventuates.

We say in our paper that the proposed area health service is so large that 70 per cent of health facilities in the new area will be closer to Wagga Wagga than to the proposed administrative centre in Queanbeyan. Wagga Wagga will capture 50 per cent of the population within a 150-kilometre radius. The same population base is not found within 250 kilometres of Queanbeyan. Some 72 per cent of the population of the new area health service live more than 150 kilometres from Queanbeyan and 10 per cent of the population live between 400 and 650 kilometres from Queanbeyan. Wagga Wagga, Albury and Griffith hospitals provide complementary facilities and services for the people of our region. The Riverina-Murray is a relatively densely populated area in terms of regional New South Wales, with a large number of population centres across the region, in the range of 10,000 to 60,000 people. This creates a critical mass of population across the region that, by itself, has sufficient complexity to warrant its own administrative structure. That fact is reflected in the decision by other State Government departments to establish boundaries across the proposed Riverina-Murray region.

The Government's plan is flawed. Although we are already treading the path of corporatisation and service delivery, we are being denied the opportunity of implementing our plan to the nth degree by the proposal to amalgamate the Southern Area Health Service and the Greater Murray Area Health Service and to administer it from Queanbeyan. Pambula and Bega on the South Coast are lovely towns with wonderful people but we have absolutely no community of interest with them. Health delivery should be about community of interest as well as service delivery at the coalface. There is no denying that we want to improve services, minimise waste, and spend the funds we save at the coalface. But our document says clearly that corporatisation, not administrative amalgamation, will deliver those savings.

The Premier said during a visit to Griffith that the plan will "free up" funds that are currently being spent on support services and reallocate them to front-line clinical services. The community agrees that the money should be used to provide clinicians, nurses, and extra hospital beds. But neither the Minister nor any of his bureaucrats have told us how many new hospital beds will be opened as a result of this restructure. We have heard nothing about the redevelopment of Wagga Wagga. When will we receive capital works funding? [*Extension of time agreed to*.]

The service delivery plan has not been mentioned. How many more operations will be performed under the new plan? How many more nurses will be employed using the savings generated in our region? The Government has identified that $3 million will be saved by amalgamating two area health services to produce a service area the geographical size of Victoria. Most of those savings will come from corporatisation. How many new hospital beds will be opened? Since Bob Carr came to power in 1995, some 5,000 hospital beds have been closed. We never hear about that. Wagga Wagga is a major referral centre for cities such as Griffith, whose residents access our facilities. We have built infrastructure that is second to none. No other city in this State has medical infrastructure or clinical expertise like Wagga Wagga. We now want a commitment from the Government that it will develop and build Wagga Wagga Base Hospital and fund infrastructure for Griffith as soon as possible. The people will then believe in the plan that is being foisted upon them by the Minister.

The community has expressed concerns to me at meetings about the overall amalgamation plan. The delivery of services and applying identified cash at the coalface have never been objected to, but the community wants to know how many jobs will be lost? Will the regions retain their services? Jobs are important to the Wagga Wagga community, which has gone through the worst drought in its 100-year history. The community has fought all sorts of challenges and it deserves to know what is in store for it. The services to which I have referred in those regions have already been corporatised. What is their future? For many years loyalty has been shown to all the Ministers for Health by many people in the delivery of health, and they have walked down the path of corporatisation. Will the Minister respond to the concerns of the people of the region, and the honourable member for Burrinjuck, who has actively taken part in this debate?

I may have strayed from the leave of this debate but the overall plan is of great concern to my community. I have perhaps pushed the boundaries a little, but it was important to do so, so the Minister can tell the community what to expect from this plan. The Minister has not given an indication in our meetings that he is

going to change his mind about this very solid proposal. We have no common ground on which the clinicians, the task force that is being appointed, can have constructive dialogue, and I have no doubt they want to be constructive, but the Minister and his team are not responding. Those loyal and dedicated people, who have worked in corporate services and the linen and food areas on which we depend, need an indication so they know where they are heading in the delivery of health in our region. They want to know about their future. They are hanging on tenter-hook, and in his reply the Minister would be well advised to give some indication of what is intended.

Mr GREG APLIN (Albury) [9.43 p.m.]: I will reiterate some of the concerns expressed by my colleague the honourable member for Wagga Wagga in relation to the Health Legislation Further Amendment Bill. The objects of the bill are to repeal the Nursing Homes Act 1988 and the Nursing Homes Regulation 1996, to amend the Dental Technicians Registration Act 1975 to increase certain penalties under that Act, and to amend the Health Services Act 1997 to enable the Health Administration Corporation to provide health support services to public health organisations and to provide health support services and other services to other persons with the approval of the Minister.

Further objects are to amend the New South Wales Institute of Psychiatry Act 1964 to remove the requirement for the New South Wales Institute of Psychiatry to obtain the Minister's approval to carry out certain functions outside New South Wales, and to enable the institute to employ certain staff members, with the Minister's approval, and to enable the institute to delegate certain of its own functions; to amend the Optical Dispensers Act 1963 to include contact lenses that have no corrective power as optical appliances to which that Act applies; to amend the Public Health Act 1991 to remove the need for the Minister's approval to use crematory equipment, and to require the person who operates a nursing home to ensure that a registered nurse is on duty at the nursing home at all times, and that a registered nurse is appointed as a director of nursing of the nursing home; and to amend a number of other Acts and instruments consequent on the repeal of the Nursing Homes Act 1988.

I will refer specifically to the Health Services Act 1997 because in his second reading speech the Minister said that Act is amended "to establish a shared corporate services vehicle for the public health system". Accordingly, the bill establishes the Public Health System Support Division of the Health Administration Corporation, a corporation established under the Health Administration Act 1982. The amendments include provision to facilitate the transfer of public health system staff engaged in corporate and health support service delivery to the Public Health System Support Division of the Health Administration Corporation, or the use of such staff by the Health Administration Corporation. It is important to note a provision that states:

> Any employee of a public health organisation who is transferred to the Public Health System Support division of the Health Administration Corporation will retain all existing entitlements and employment conditions.

A note is to be inserted in the Act as an explanation of proposed part 1A that provides:

> Part 1A enables the Health Administration Corporation … to provide health support services to public health organisations and, with the Minister's approval, to provide health support services or corporate or other services, by contract or agreement, to other persons. A Public Health System Support Division of the Corporation is established and the persons employed in that Division are employed in connection with public health organisations and the public hospitals that they control and are to carry out the Corporation's function of providing health support services to those organisations. The Corporation may delegate its functions under Part 1A to a person or an appointed body. The Director-General may transfer staff of a public health organisation to the Corporation for the purpose of exercising those functions and the Director-General may authorise the Corporation to make use of the services of any of the staff of a public health organisation. The Minister may require a public health organisation to acquire health support services from the Corporation or some other specified person.

I point out those concerns because, although they will be incorporated in the Act as a result of this legislation, I have great concerns for persons currently employed under the area health system in our State because their future is by no means guaranteed. As we all know, and as the honourable member for Wagga Wagga quite clearly enunciated, a major change is afoot in southern New South Wales. I refer to an open letter dated Friday 15 October from Albury City Council, signed by Mayor Dr Arthur Frauenfelder, to the Minister for Health. The letter states:

> Albury City Council and its community believe that its health services declined when the Greater Murray Area Health Service was created and administered from Wagga Wagga. Doubling the size of the Health Service and further distancing its administration will only exacerbate this decline.
>
> The ability to effectively manage an area health service relies heavily on accessible, available decision making. We need a cohesive health service management structure, which incorporates the department, the clinicians and the community; not a large remote bureaucracy.

> We understand the proposal of NSW Health to undertake this restructure is predicated in part on the recommendations of the Independent Pricing and Regulatory Tribunal (IPART) report into NSW Health—Focusing on Patient Care, which was published in August 2003. This review aimed to deliver improved health services based on:
>
> - Quality care and patient needs
> - Integrated service delivery
> - Stronger clinician and community participation
> - A more sustainable health work force
>
> The recommendations from IPART which, if implemented appropriately, should result in improved health outcomes for consumers. It is worth noting that the tribunal did not recommend the amalgamations of area health services and goes to some length to recommend against boundary changes and area amalgamations. To quote the tribunal:
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> > The health system has already undergone significant change since 2000, and the reforms recommended by this review will result in further substantial change. Adding on extensive review of Area boundaries and program of Area amalgamations to the reform agenda is likely to be disruptive, and negate same of the gains to be made in other parts of the system. Indeed, a degree of certainty in the overall framework for the next five years is highly desirable.

I concur with this report by the tribunal because a degree of certainty for affected staff is sorely lacking in the bill now being debated. Albury City Council said that it concurred entirely with the tribunal's view that the proposed amalgamation will be disruptive and negate gains which we believe have already been made, and will continue to be made, in our region. The council said:

> The fundamental issue is that the proposed area health service is geographically too large and unwieldy to be effective and the demographics of the proposed area reflect a disparate and dispersed population base with little if any community of interest between the communities of Greater Murray and those around Canberra.

The letter is quite extensive, but I will concentrate particularly on one aspect. I quote:

> The sheer size of the area, even under the Greater Murray model, imposed some considerable challenges on the health service from an administration, travel, time and operational perspective. The recently developed Greater Murray Area Health Service Integrated Services Plan identifies the need to devolve decision making and consultation to a more local level, in contrast to the Government's current proposal to enlarge the area and centralise decision making.

As one who was employed in the health system for some time and worked in the Albury Base Hospital, I found it extremely concerning to be at work one day and find the accounting and administration section had been ripped out. That had a devastating effect on the morale of those employed in the health system. Literally, the whole office was taken apart and removed to another area—an area not in Albury, but in Wagga Wagga. Now, we are to be subjected to the same sort of measure under the proposed Greater Southern Area Health Service. Under the terms of this bill, and yet again with the Health Corporation, we may find that the corporate services indeed will not even remain within the Riverina-Murray area but will be moved to some nebulous place, perhaps lost in the ether of communication because there would never be direct contact under the devolution that was required by Albury City Council in its letter to the Minister.

The travel involved has always been of concern because, while certain directors may well be appointed in areas within the new proposed boundaries, they will have to travel to maintain their contacts with their other directors. As has been the case with certain persons located in Albury having to travel regularly, either daily or even weekly, to Wagga Wagga, the strain on themselves and on costs is obviously considerable. With the corporate services centralisation proposed under the terms of this bill, I envisage us being subjected to an even greater degree of travel between the areas and also the removal of the services which currently are based in the areas of greatest need.

Along with those problems come, of course, the concerns that will be experienced by the consumers—namely, the patients—and also those who have been delivering the services so successfully for such a long period, whether those be laundry services or food services. The cook-chill factor is already a fact of life, but I see that food service becoming even more remote and removed from the areas of consumption, with all the problems attending transportation and hygiene considerations. There is a need to review this particular aspect when it comes to centralisation of corporate services, because for anyone who is working in the system it will no longer be possible to achieve results when movements of equipment are perhaps required within the hospitals. One might well be faced with the arduous task of anticipating needs well in advance, or perhaps with the placement of orders in triplicate, or with the prospect of emails not necessarily being read on the day on which they must be read to provide the service, and then having to wait until that service is delivered—whether it be movement of equipment, repairs, corrections to address information technology faults, or whatever.

In that regard, I give but one example of an event that occurred at the Albury Base Hospital in connection with the closure of the hydrotherapy pool. On that occasion—and this could well be a corporate service that is at the heart of this bill—a fault occurred, and it had not been corrected after some six weeks because no-one had actually got round to ordering the correct part and insisting that it be delivered. All persons who would normally make use of the services of the hydrotherapy pool—many of them elderly and in the habit of visiting the pool regularly, or disabled people, or people requiring therapy—were severely disadvantaged by this failure in the operational system. So much so that when I contacted the chief executive officer he was unaware of the problem. Nobody had taken the time to report the problem to him. The pool is a facility that should be repaired in the normal course of events.

The point I make is that it was not repaired until I contacted the chief executive officer and he took steps to ensure that the part was ordered and the repairs were made. I fear that that is only one small and minor example of the problems that will occur under the provisions of this bill, and certainly under the centralisation of the Greater Southern Area Health Service. So woe betide those who feel that their jobs are safe and that the services will be delivered. I pour scorn on claims made by honourable members opposite that this legislative amendment will result in a better delivery of frontline services, because experience has shown that that is definitely not so under the current area health service and, therefore, is highly unlikely to be so under an even more centralised service. I bear in mind that only this afternoon—and this goes to the heart of guaranteeing jobs and degrees of responsibility—I received from concerned persons at Albury Base Hospital a petition which I will read into *Hansard*. It states:

> We do not agree with the decision to remove the position of Area Director of Nursing from the second tier health service management.

It is signed by many of the employed nurses. The concerns of staff are great. The Government should take them into account. It ill behoves anyone opposite to stand in this place and claim that the jobs will be maintained, the service will be better and the frontline services will improve under this bill. Experience shows that is not so. If the purpose of the bill were indeed to improve the delivery of services, then we would all be in favour of it. I commend to the Government the ideas that Opposition members have put forward, the need to ensure that staff are protected and services are delivered, and the need to ensure that local services are attended to, and not from the centralised health service proposed by the bill.

Mr IAN ARMSTRONG (Lachlan) [9.57 p.m.]: I will speak about health services in the Riverina and Greater Murray, the Southern Area Health Service and the general principles of health delivery in those areas. The one critical point of this debate is the delivery of services to meet the increasing demands of an ageing population for better health services as technologies and knowledge improve. People are living longer and are becoming more and more aware of the services that can be provided by a better educated medical fraternity than we have at the moment. There are many difficulties associated with the delivery of health services. The expectation of service delivery is open-ended. That expectation is that world-class health services will be available in every hamlet and every town. I have no problem with that; it is a reasonable expectation. After all, it is fair to say that health is the most important subject for each and every one of us. Having said that, I note that the Government, which has been in office since 1995, has once again moved to change the rules and the management structure.

Mr Alan Ashton: That is what governments do.

Mr IAN ARMSTRONG: They do, but that is an admission of failure on the part of the Government. It has failed in the past, and now it will try another experiment. The Government has failed because it has created a bureaucracy which, in many cases, has been more interested in protecting itself, be it Greater Murray Health Service or the Southern Area Health Service, than in delivering better services to the patients. It is now trying another experiment. I have only one interest: patient care and service to the community. I am not particularly interested in how many jobs there might be, who has them, how many committees there might be or how many white cars drive out of Queanbeyan, Wagga Wagga or Albury every morning.

Mr Alan Ashton: They're all from Canberra. They're all Liberal Ministers.

Mr IAN ARMSTRONG: They may well be. The honourable member might talk about Canberra, but we provided a better service than the Government has provided. All we have seen is change. Some 18 months ago the Southern Area Health Service, when it was $8 million behind in its budget, decided on a change of management. It introduced another tier of management and put in six divisional managers.

Mr Morris Iemma: And we're getting rid of them.

Mr IAN ARMSTRONG: The Minister says they are getting rid of them—because they know they made a mistake.

Mr Morris Iemma: That's correct.

Mr IAN ARMSTRONG: They know they made a mistake. It did not deliver a better service to the public. All it did was increase the deficit of the service. For two years the kitchen of the Harden District Hospital, a public hospital in that area, would not have passed a true test of the Department of Health. It was substandard and should have been closed down. On a number of occasions the Department of Health threatened to do so. Recently we heard about the lady who could not deliver her baby at Young, Cootamundra or Temora because an anaesthetist was not available, so she had to travel 135 kilometres to Wagga Wagga. The Government can talk about providing services and changing management, but the bottom line is that a fortnight ago neither the Greater Murray Area Health Service nor the Southern Area Health Service could provide the appropriate services for that woman to have her child.

Some years ago the Sinclair report recommended a multipurpose centre for Junee. After a number of meetings all sorts of new groups were formed to examine the recommendation. It was decided that Junee should have a multipurpose centre. A press release with the timetable was issued accordingly. The press release is two years out of date because the program set down on behalf of the Greater Murray Area Health Service is now two years behind schedule. Once again, the current management structure has failed because of its inadequacy and incompetence: it was established primarily to protect itself. Those organisations have become havens for their own infrastructure as opposed to providers of service. It is fair to say that in many cases communities have had to take responsibility for their health care services. The Young District Hospital and the Mercy Care Centre recently amalgamated. The newly constructed Mercy Care Centre opened about three months ago and a fully functional Young District Hospital was opened recently, although it has not yet been officially opened. The plan for the amalgamated facility provided for an oncology unit. An area was set aside for the unit, but the program provided no funding.

Enter the community of Young, which has done what the Government was not prepared to do, that is, recognise the need for an international standard oncology unit and build it. In the past 12 months the community of Young has raised more than $420,000. Last Friday night a function in Young raised $132,000. That is $100,000 more than it budgeted for. At the same time the Mercy Care Centre has raised more than $150,000. In the past 12 months a community of 12,000 people has raised just under $600,000. Why? Because the Government could not provide the money. They can provide staff, second tiers of management and white cars, and they can have umpteen management committees, seminars and conferences but they could not find the money for an oncology unit. The community did it. At last Friday night's function, which was attended by people from Sydney and Canberra, all the 400-odd waitresses and 23-odd barmen were volunteers. Not one person was paid. Not one person has been paid to raise that money. Yet we have an army of bureaucrats in the Southern Area Health Service and the Greater Murray Health Service who are paid good money, but they have not been able to do what that the community did on a voluntary basis.

Mr Alan Ashton: People like to do good things for their hospitals.

Mr IAN ARMSTRONG: When there is a Government like this one, they have to. Otherwise they do not get the facilities.

Mr Alan Ashton: Some $150,000 was raised for Bankstown because people want to help.

Mr IAN ARMSTRONG: The honourable member should come out and live at Young where he would have an oncology unit of international excellence.

Mr Alan Ashton: If you represent a party that likes to have people with their own independence and raise money for their—

Mr IAN ARMSTRONG: The honourable member does not know what he is talking about. He should come to Young. He should retire to Young.

Mr Alan Ashton: You don't believe in socialism where everything is given to you.

Mr IAN ARMSTRONG: When the honourable member gets his parliamentary pension he should retire to Young, where he would get proper health care in the oncology unit.

Mr Morris Iemma: A new hospital.

Mr IAN ARMSTRONG: A new hospital indeed. The new hospital was furnished by the women of Young in the hospital auxiliary.

Mr Morris Iemma: Partnership, and we appreciate it.

Mr IAN ARMSTRONG: Indeed, and the oncology unit has been put in. The bottom line is that I am not particularly worried about how the Government manages health care services, but I am very concerned that it has not managed in the past and that it has let down the communities. Health care services in the Greater Murray Area Health Service have been substandard. They are two years behind in the development of the Junee multipurpose centre.

Mr Morris Iemma: Two?

Mr IAN ARMSTRONG: Yes, two years behind.

Mr Morris Iemma: Who is?

Mr IAN ARMSTRONG: Under the Minister's Government the Greater Murray Area Health Service is two years behind. The Southern Area Health Service was some $7 million over budget. Its answer was to create a second tier of management. I want from the Government and the Minister an absolute guarantee—and a clear demonstration to make it totally transparent—as to how they will manage in a business-like fashion and deliver top-class health care services to the people of those two areas. The Minister's responsibility is simple: deliver a service that will provide hospitals, and infrastructure and clinicians to deliver the service. That means that the Minister has to provide a forum that will attract doctors. I find it absolutely abysmal that we have factionalism among the doctors in Young. We have only one anaesthetist. The community of Young is some three doctors short. Yet the Minister and his staff are incapable of addressing the problem. Why is it that Young has been short of doctors for the past two years when some 18 months ago within three weeks of one doctor in Cowra dying two doctors were busting to get there? The Minister must look at his own management and his personnel.

Mr Morris Iemma: Did you ask Tony Abbott? Ask Brendan Nelson and Tony Abbott.

Mr IAN ARMSTRONG: He ought to stop trying to shift the blame somewhere else. I understand that the Minister is a member of the Government. I understand that he has a staff to manage health care in those regions. That means managing health care in toto. The Government has failed and is failing. There is no evidence to show that the situation has improved.

Mr Alan Ashton: A $100,000 degree.

Mr IAN ARMSTRONG: Hang on to the $100,000 degree. Young just raised nearly $600,000. Forget about Mickey Mouse degrees! The honourable member is all yap, yap, yap. He does not have one bright suggestion. He is just a yapper. What is the expression? It is the noisy—

Mr Alan Ashton: No, it's empty vessels make the greatest noise, and you have given us 20 minutes proof.

Mr IAN ARMSTRONG: The honourable member for East Hills says that empty vessels make the most sound, and he is fair evidence of that proposition. The simple request I make is that resources be deployed to deliver services to patients so that they may have confidence in health care services and so that clinicians will be inspired by confidence to practise in country areas and provide health services that communities reasonably are entitled to expect to receive in this decade. The bottom line is that if the Minister concentrates on the mechanics of management instead of concentrating on outcomes, he will fail. The Minister, the Australian Labor Party and the New South Wales Government must accept the challenge of providing a reasonable standard of health services in this State. They have failed to do so in the past, but I hope they succeed in the future. If they do not succeed, disasters similar to the case of the woman who a fortnight ago was not able to have her baby in her home town will recur.

Mr MORRIS IEMMA (Lakemba—Minister for Health) [11.10 p.m.], in reply: I thank honourable members for their contributions to this debate. In relation to the point made about nursing homes, I point out that

the Government is committed to maintaining the current high levels of professional nursing care to residents of aged care facilities. Repeal of the Nursing Homes Act and cognate legislation, the Public Health Act, represents a sensible and balanced approach to the regulation of high-dependency aged care facilities under a complementary and non-duplicative Commonwealth-State legislative framework. For large organisations such as New South Wales Health, the provisions to establish a Public Health System Support Division of the Health Administration Corporation as a shared corporate services vehicle will provide an effective means of improving corporate and health support service delivery to the public health system.

I thank the shadow Minister for his contribution to the debate. In response to the point he made about low-care places, I assure him that my legal advice is that this legislation will not apply to them. The provisions of the bill do not apply to low-care establishments, and were never intended to. Even if they did, they would not be enforced against those types of establishments. The point the shadow Minister made about the Commonwealth legislation building in consumer protection is correct, and I confirm that the Commonwealth legislation does that. The sanctions outlined in the Commonwealth legislation will have the effect that the shadow Minister outlined. Should problems occur, those sanctions will protect consumers.

Although the points made by the shadow Minister are correct, I point out that the intention underpinning the retention of registered nurse provisions is to provide protection and ensure that quality of care is maintained to obviate any adverse incidents occurring in relation to quality of care. Notwithstanding the relevance of the points made by the shadow Minister, I point out that the administration of consumer protection powers is a balancing act. However, the Government believes that maintaining and protecting quality of care will avoid adverse incidents occurring that may lead to Commonwealth sanctions being imposed against a nursing home. That is the rationale for retaining the relevant provisions.

The consolidation of the corporate services will eliminate duplication and inconsistency. The non-standardised approach to the delivery of corporate services is one of the reasons for the Government's introduction of this legislation. A better arrangement for the delivery of corporate services will result in reduced cost. The consequential savings will be reinvested in front-line health services. This is an important initiative and it demonstrates the Government's ongoing commitment to the provision of more resources for the delivery of front-line services. I recognise the place of affiliated health organisations as non-government organisations within the public health system and that they have their own philosophies and obligations. The practical reality is that participation by affiliated health organisations in the New South Wales Health Shared Corporate Services Program will occur only with their co-operation. I foreshadow that I will move an amendment at the Committee stage to make that clear on the face of the bill.

The bill incorporates a number of proposed amendments to other Acts within the Health portfolio. The amendments to the Dental Technicians Registration Act bring penalties in that Act into line with other legislation applying to health professionals. The proposed amendments to the Public Health Act concerning crematory equipment remove unnecessary regulation, given the oversight of the Environment Protection Authority of industry operations. The provisions which will amend the New South Wales Institute of Psychiatry Act will streamline the process for forging important international and interstate partnerships. The amendments to the Optical Dispensers Act are a response to the increased use of non-refractive coloured and novelty contact lenses by consumers. The amendments provide that non-refractive novelty and coloured contact lenses can be supplied only by licensed optical dispensers and registered optometrists, thereby providing a safeguard for those who seek to use those items. The amendments to the Optical Dispensers Act will make it safer for people to use novelty lenses by better ensuring that they receive accurate information on their appropriate use.

There has been increasing use of these products, particularly among young people. In the interest of public safety, the Government has decided to take action by increasing regulation in this area. The Government has taken seriously the warnings issued by the Food and Drug Administration of the United States of America about the consequences of inappropriate use. As part of the Government's decision to regulate plano novelty contact lenses, I wrote to both the New South Wales Board of Optometrical Registration and the Optical Dispensers Licensing Board requesting that they develop a joint policy on the appropriate information and services that should accompany the supply of the product to consumers. It is very important to provide consumers with proper information and warnings about the use and storage of these products. Furthermore, while consumers with particular medical conditions, such as diabetes, are generally well informed by their treating practitioners about the need for special precautions, such as the careful use of contact lenses, the proposed regulatory scheme will provide a further opportunity to ensure that they receive appropriate information and advice.

I advise the House that an expert advisory group will be convened by the chief health officer to assist the New South Wales Board of Optometrical Registration and the Optical Dispensers Licensing Board in developing the joint policy. However, the Government does not believe that it should create a legislative requirement for eye examination and prescription. The United States has introduced a system in which there is a requirement for prescription, but we do not propose to move down that path. We have a system of regulation in New South Wales that is different to the one that applies in the United States. Appropriately, we have adopted a different approach. New South Wales already has a well-developed regulatory system for both optometrists and optical dispensers.

The other reason the Government has not introduced a prescription is the financial burden it would place on consumers. The costs of eye examinations vary but are roughly an additional $50 to $100. The average cost of lenses is between $40 and $100. The combined cost of both the eye examination and the lenses would create a significant financial incentive for consumers to purchase directly over the Internet or interstate in an unregulated environment. The Government prefers all consumers to get appropriate advice. The proposed regulatory scheme is designed to strike on appropriate balance and maximise the likelihood of consumers purchasing through regulated health professionals. The amendments concerning the regulation of novelty contact lenses have been the subject of consultation with relevant health professional and industry groups. The proposed legislation to restrict the supply of novelty contact lenses to regulated health professionals is supported by the Royal Australian and New Zealand College of Ophthalmologists. The college has written to New South Wales Health, stating:

> It is important to remember that even though these are not refractive, but are purely cosmetic lenses, the inherent risks as with any contact lens use, are still there and thus it should be mandatory for optometrists and optical dispensers to provide consumers with the appropriate information regarding the safety of the use of these lenses.

Following the development of this joint policy, optometrists and optical dispensers will be required to provide information and services to consumers in accordance with the policy. I expect the relevant registration boards to monitor compliance with the policy by their respective registrants and to advise the Department of Health should they consider that further regulation is required to underpin the policy. I advise the House that the Department of Health will closely monitor the public health outcomes of the new regulatory scheme and its ongoing effectiveness. In conclusion, I turn to address the point made by the shadow Minister, who sought assurances in relation to a review of the legislation after 12 months. I undertake to the shadow Minister that the Government will conduct that review. If problems arise I assure him that regulations will be tightened. I thank him for his co-operation and constructive suggestions in that regard. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Schedule 1 agreed to.

Mr MORRIS IEMMA (Lakemba—Minister for Health) [10.21 p.m.]: I move Government amendment No. 1:

No.1 Page 9, schedule 2 [7]. Insert after line 26:

126H Consent of affiliated health organisations required for certain orders

(1) The Director-General may not make an order under section 126D (1) or 126E (1) in relation to the staff of an affiliated health organisation unless the Director-General has obtained the written consent of the organisation to the making of the order.

(2) The Minister may not make an order under section 126G (1) that requires or directs an affiliated health organisation to do, or omit to do, anything unless the Minister has obtained the written consent of the organisation to the requirement or direction.

St Vincents and Mater Health Sydney, which operates St Vincent's Hospital at Darlinghurst, has raised concerns that the bill's amendments to the Health Services Act in respect of shared corporate services on their face would permit mandatory participation by public hospitals, such as St Vincent's in the New South Wales Shared

Corporate Services Program. While the practical reality is that such participation could occur only with the co-operation of affiliated health organisations operating the public hospital or other public health service, it is proposed to amend schedule 2 to the bill to expressly provide that such participation is voluntary. Subsections (1) and (2) of section 126H will provide that a ministerial direction to acquire health support services from the Health Administration Corporation under proposed section 126G and any consequential transfer or use of an organisation's staff will not apply to any affiliated health organisation without its consent.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.23 p.m.]: The Opposition supports the amendment. Given the important contributions that St Vincents and Mater Health Sydney have made to public hospitals it would be unfair if it applied mandatorily. We welcome the proposal put forward by the Minister. In the interests of disclosure, I acknowledge that a child of mine was born at the Mater.

Amendment agreed to.

Schedule 2 as amended agreed to.

Schedules 3 to 6 agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Mr Morris Iemma agreed to:

That the House at its rising this day do adjourn until Wednesday 27 October 2004 at 10.00 a.m.

The House adjourned at 10.25 p.m. until Wednesday 27 October 2004 at 10.00 a.m.