

LEGISLATIVE ASSEMBLY

Tuesday 26 October 2010

The Speaker (The Hon. George Richard Torbay) took the chair at 1.00 p.m.

The Speaker read the Prayer and acknowledgement of country.

ASSENT TO BILL

Assent to the following bill reported:

Constitution Amendment (Recognition of Aboriginal People) Bill 2010.

ABORIGINAL FLAG

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [1.02 p.m.], by leave: I move:

That this House, on the occasion of the report of the assent to the Constitution Amendment (Recognition of Aboriginal People) Bill by Her Excellency the Governor, authorises the Speaker to arrange for the placement of the Australian Aboriginal flag in the Legislative Assembly Chamber as a permanent symbol of the recognition of the Aboriginal people as the State's first people and nations and the traditional custodians and occupants of the land in New South Wales.

The motion is largely self-explanatory. This is not an occasion for me to make a lengthy speech. I simply note that this is probably the natural consequence of the debate that we had about the Constitution Amendment (Recognition of Aboriginal People) Bill. I note that the members for Wakehurst and Pittwater, between them, suggested this in the debate that we had. It seems to me that the motion and the actions that flow from it are about acknowledging the truth of our history and having an appropriate relationship with the first people and the first nations. I commend the motion to the House.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [1.03 p.m.]: Along with the Leader of The Nationals, who will also speak, I am pleased to support this motion. I simply wanted to place on record the comments of the member for Wakehurst on 22 September when we debated the Constitution Amendment (Recognition of Aboriginal People) Bill. He said:

... it is now time that, in addition to the New South Wales flag being displayed in this Chamber, an Aboriginal flag should be displayed.

He went on to say that:

... the time has now come for us to reflect more appropriately and more openly the true commitment we have to the history and contribution of Aboriginal people to this place.

I do not think it can be expressed any better than that. Certainly, he was joined by the member for Pittwater in that. Yesterday during my visit to the Local Government Association conference in Albury one of the Aboriginal Land Council delegates rose and passionately spoke in defence of use of the words "Aboriginal" and "Aborigine", not "indigenous". I am pleased that we are talking about the Aboriginal flag. It is the Aboriginal flag. They are Aborigines, they are our first communities, but ultimately they are the Aboriginal people of this nation. We should always acknowledge them as that. This is their land; it was their land; it will always be their land.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [1.05 p.m.]: As leader of the party which represents eight of the 10 new South Wales electorates with the highest Aboriginal populations I am very pleased to support the motion moved by the Minister for Aboriginal Affairs. As has been stated, in a debate which showed bipartisan acceptance of the provisions of the Constitutional Amendment (Recognition of Aboriginal People) Bill, the member for Pittwater, I think, initially suggested that the Aboriginal flag ought to be flown in the Legislative Assembly Chamber, whereupon the member for Wakehurst agreed. This is only fitting.

Mr Barry O'Farrell: We all agreed.

Mr ANDREW STONER: Yes, but it is good to see the Government following through with what was a very good suggestion. It is only fitting that, as we have the New South Wales and Aboriginal flags flying outside this building in Macquarie Street, we also have the same flags displayed here in the Chamber.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

[The Speaker thereupon left the chair and unveiled the Aboriginal flag in the Legislative Assembly Chamber.]

The SPEAKER: I thank the Minister, the Leader of the Opposition, the Leader of The Nationals and all other members. I make special mention of the support of the member for Pittwater and the member for Wakehurst.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

VOCATIONAL TRAINING

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [1.11 p.m.]: WorldSkills Australia is the nation's premier showcase of youth skill and trade excellence. Through a program of competitions aligned to the national training packages WorldSkills Australia works to ensure that today's young people have the skills and abilities to compete within a rapidly changing global marketplace. This year Thomas Norman from Wyong High School was awarded a silver medal at the national WorldSkills competition at Brisbane. He had achieved gold at regional and State level competitions. As mentioned, Thomas Norman is from Wyong High School, which is one of the new centres for industry training excellence being set up across the Central Coast.

The creation of centres for industry training excellence [CITEs] is an innovation in the promotion of vocational education. Thomas Norman is an example. The available framework courses at the Central Coast centres for industry training excellence are in the areas of tourism, entertainment, hospitality, primary industries, retail, business services, metal and engineering, information technology and construction. We are very pleased that the network of Central Coast high schools offers school-based apprenticeships in all of these areas. The centres for industry training excellence are just one element of this Government's wider commitment to vocational education on the Central Coast. We already have two very successful trade schools, one at Brisbane Water Secondary College, Woy Woy campus, and the other at Wyong High School, which is co-located with Wyong TAFE. Students can complete their higher school certificate at the same time as completing a recognised vocational education and training qualification in health services and be employed as a school-based apprentice.

Our Government has invested over \$13 million in Central Coast secondary schools to improve facilities for the delivery of vocational training since the Department of Education and Training assumed responsibility for the Australian Technical College, Central Coast, in July 2009. This allows students to stay connected with their peer group and other supports at school, while at the same time gaining valuable work-related skills and training. Wyong High School is a trade school that offers opportunities in aged care, health, electro-technology and automotive trades. Trade school facilities at the high school and the nearby Wyong TAFE campus ensure that students have the best opportunities to develop vocational skills that are valued in local business and industry.

Last year the Government introduced legislation that increased the school leaving age to 17 years. National and international research highlights the enhanced life choices and outcomes for people who have completed higher levels of education and training. Centres for industry training excellence increase the pathways and opportunities for young people and connect them to real jobs and real opportunities in the community. The centres are in the process of receiving enhancements to their facilities so that they can expand

the vocational programs that they offer. These enhancements will ensure that the programs taught in facilities equal the best that this State can offer. If members have the opportunity to look particularly at the aged care facilities being built at Brisbane Water Secondary College, in the electorate of the member for Gosford, they will see that they are absolutely outstanding.

I am very pleased to advise the House that six schools on the Central Coast are receiving enhancements to their facilities so that they can expand their delivery of vocational pathways in state-of-the-art facilities and increase the pathways available to students. Those schools include Northlakes High School and Wyong High School, in my electorate, as well as, I think, St Peter's Catholic College and Lakes Anglican Grammar School, Lake Munmorah High School, Brisbane Water Secondary College, Woy Woy campus, and Tuggerah Lakes Secondary College, The Entrance campus. The currently available framework courses at the Central Coast centres for industry training excellence are in the areas of tourism, entertainment, hospitality, primary industries, retail, business services, metal and engineering, information technology and construction.

I am very pleased that the network of Central Coast high schools offers school-based apprenticeships in all these areas. A very important part of the delivery of vocational education is a strong relationship with industry to make sure that work placement for our students is of the highest standard and adds to the students' learning experiences. We are very proud of the relationships that schools have built with local industries and the way in which they have embraced the opportunities to employ school-based apprentices. Ten per cent of people on the Central Coast are employed in the tourism industry. Many of our students choose hospitality as an area of study because of the employment opportunities in the tourism industry. To accommodate the large number of enrolments in hospitality four of the centres for industry training excellence are focusing on that field. These include Wyong High School, Lake Munmorah High School, Northlakes High School and Brisbane Water Secondary College, Woy Woy campus. This is a very good initiative of the Government and will do our young people well in the future.

ST GREGORY'S ARMENIAN SCHOOL, ROUSE HILL

Mr RAY WILLIAMS (Hawkesbury) [1.16 p.m.]: St Gregory's Armenian School at Rouse Hill has operated for the past 26 years, during which time its students have achieved outstanding results. The school is credited with being in the top 50 schools as per National Assessment Program—Literacy and Numeracy results. The school was established by Daniel and Michael Ghoughasian, the directors of the school, for children of Armenian descent living in lower socioeconomic areas of Sydney. These children were seen to be at risk of not being appropriately educated and living a life of poverty or crime as a result. At this point in time the two directors have injected over \$15 million of their own money to keep the school operating. They charge only \$500 per year per student, which does not even meet the costs of running such a school.

In 2006 the Commonwealth Bank of Australia [CBA] granted a bridging loan of \$670,000 to St Gregory's school for the construction of new buildings. This was similar to the original funding arrangement to build the school. Following the development application being approved by council in 2007 and to progress to the next stage, the school requested an additional \$200,000 from the Commonwealth Bank of Australia, which was agreed to on the basis of a report from a preferred quantity surveyor. In early 2008, Mr Vince Portelli, a quantity surveyor recommended by the bank, visited St Gregory's school to look at the site for the new buildings, viewed the architect's drawings and provided a report stating to the bank that everything was in order.

In May 2008, the Commonwealth Bank advised the school that it would have the additional \$200,000 in two weeks. These comments were made by Mr Luke McGrath, the loans manager of the bank, on an agreed and legal tape-recorded meeting with the school's two directors and one independent person as witness for the school. I have listened to the recording and can confirm its accuracy. By mid-2008, when the additional \$200,000 was not forthcoming, the two directors of the school were asked to go to the bank's offices in Parramatta. The meeting was held with Mr Luke McGrath and senior Commonwealth Bank of Australia manager Mr Dallas Whitehead, plus the directors of the school and the same independent witness.

During the meeting the two bank officials requested the school reduce the current bridging loan by \$70,000 to \$600,000 because the bank had incorrectly forwarded the last \$70,000 as an overdraft. The directors and independent witness were advised that, if the school did this, the additional \$200,000 would be available to the school within 48 hours. The school deposited \$95,000 into the account—an increase of \$25,000 on the amount requested—within 24 hours, but the promised money was never forthcoming and within three days the

school was advised by Luke McGrath that the bank would not proceed with any further funding to the school. The school, which also had \$160,000 of its own money in its own account, then had that account immediately frozen by the Commonwealth Bank. It is still frozen to this day.

The CBA took the school to court in 2010 to recover all its money. However, the school won the case, with the judge stating that, as the CBA had forwarded the original \$670,000 to the school, this demonstrated a commitment to fund the construction of the new buildings at the school. However, the bank kept the school's account with \$160,000 in it frozen, and the school could not pay any bills. The school, now quite desperate, was seeking pro bono legal support to defend a cross-claim against the CBA to reclaim its costs and to have its frozen account reopened. However, as it could not engage a pro bono lawyer until late July 2010 the school wrote a letter to Gadens Lawyers, representing the CBA, and Maurice Blackburn Lawyers, representing some teachers, asking for a delay in the hearing in the Supreme Court for liquidation against the school to enable the school to get legal representation. The school further advised these two lawyers that it would cross-claim against the CBA for outstanding legal costs and the reinstating of its frozen bank account, and fully expected that case to be successful based on the first case. This would ultimately mean there would be no case for forcing the school into liquidation.

However, the case went ahead and the school had no representation present. Maurice Blackburn Lawyers said on the record in court that they would not wait for the school and pushed ahead with liquidation. Justice White, who was hearing this case, made the decision to push the school into liquidation based on the fact that the teachers of the school had not been paid their redundancies. However, Justice White should have asked why the teachers had not been paid in the first place, as it was not because the school would not pay them; it was because the CBA had frozen the school's bank account with \$160,000 in it and the school could not access its funds. The teachers were owed only \$100,000, and the school therefore had adequate funds in its account to pay the teachers. The school was forced into liquidation in what can only be termed a huge injustice, and the CBA should be condemned for freezing the school's account.

In April 2010 the Board of Studies of the Department of Education and Training issued a further five-year licence to the school based on its past record, its financial situation and its achievements. However, a month ago the Minister for Education and Training deregistered the school. A school, even without a single student, does not become deregistered unless it has no students for at least one year. This school had students in attendance only two months ago. The CBA should be condemned for its actions, having fully understood the loan arrangements and the commitment of funding to this school. Though its actions the CBA has wrongfully forced this school into liquidation and sold its entire assets, which is nothing short of disgraceful. The CBA should not be able to get its hands on this land, which is owned by two good people whose only intention was to provide a place of education for children.

MACARTHUR EARLY CHILDHOOD INTERVENTION SERVICE

Mr GRAHAM WEST (Campbelltown) [1.21 p.m.]: I too welcome the display of the Aboriginal flag in the Chamber. This is a really important day for New South Wales, and I am pleased the Minister was able to achieve this with the support of all members of Parliament.

I wish to speak about the Macarthur Early Childhood Intervention Service, which yesterday celebrated two birthdays: its 31 years as a service, and 21 years being operated by Mission Australia. The service, located in Leumeah, a suburb within the electorate of Campbelltown, works with families with children who have autism, intellectual disabilities and a number of other medical problems. The staff include speech pathologists, occupational therapists, physiotherapists, teachers, teachers aides, administration officers and managers. The Chief Executive Officer of Mission Australia and two members of the board attended the opening. We are grateful they made the trip.

All of the service staff were there to celebrate, cutting the ribbon and eating cake. Importantly, there was also a representative of Macquarie Bank. I said at the time that politicians do not often stand up and praise banks, certainly not merchant banks, but in this case we had good reason to celebrate Macquarie Bank being with us. Macquarie Bank staff took it upon themselves in 2005 to raise more than \$200,000 towards the expansion of this important service. It has been a number of years coming; it was only recently, with combined funding of \$50,000 from the State Government through the Community Building Partnership and a further \$40,000 to \$50,000 from Mission Australia, that the extensions took place.

The extensions now provide more room for the valuable services that are provided to people with disabilities and their families. They provide extra space for staff to work in counselling sessions and a place for

them to stop and talk to families individually as required. The centre has been innovative for many years. Indeed, Professor Johnson of the University of Western Sydney spoke about its innovation. Not only are the centre's staff helping about 60 families a year, or perhaps more than 240 individuals when the members of those families are factored in, but they also get involved in national committees and advocacy work on these issues and help set some of the frameworks. Professor Johnson and the University of Western Sydney have been working in collaboration with the original founders of the service—established 31 years ago—Macquarie University, which enjoys a great reputation in early childhood learning and teaching.

The service run by Mission Australia has as its motto "Transform". That is what the service does. It is not interested in simply applying a bandaid to people's problems or lending a condescending ear. In fact, it works very closely with individuals and their families as a unit to transform their lives and to increase the opportunities for the individuals who take part in the service. It also works for the families and siblings to ensure they reach their full potential in what can be difficult and challenging circumstances in those early childhood years. The service looks after young people from the age of naught to about six years, depending on the young people, when they start school and move on to other services.

Unlike many other services that undertake these types of activities, Macarthur Early Childhood Intervention Services is a one-stop shop for families. That is the reason for the long waiting list for its services. Through the teachers, families can get their speech pathology at the same place where they get their occupational therapy, physiotherapy and individual learning needs. The main activity room is fitted with a one-way glass mirror so that anxious parents can watch their children, not only to reassure themselves that their children are okay but also to see the amazing transformation that the young people make through this service.

The staff are rightly proud of their activities, and I congratulate them on 31 years of service to the community. I also congratulate Mission Australia on its 21 years of dedication to the Campbelltown area through this service. It could have taken the opportunity to move the service to another location but instead demonstrated its commitment to the Campbelltown area by investing several hundred thousand dollars to expand and keep it operating, for which I congratulate Mission Australia and its board.

CADIA VALLEY OPERATIONS COMPLEX

Mr RUSSELL TURNER (Orange) [1.26 p.m.]: I wish to talk briefly about the district of Cadia, Cadia mines and Newcrest and highlight the economic and employment benefits to Orange and the changing social demographics of the entire area. In 1851 copper was discovered at Cadia. Between 1851 and 1917 a major producer, known as Iron Duke, produced more than 100,000 tonnes of copper, with a yield of 5 per cent to 7 per cent of each tonne of ore extracted. Gold and copper mining operations took place at Cadia Hill between 1870 and 1930. From 1917 to 1952 there was iron ore and gold mining at Iron Duke. Carpentaria Exploration explored Iron Duke in the 1960s and from 1968 to 1988 Pacific Copper explored Cadia. In 1992 Newcrest discovered the Cadia Hill resource and development approval for Cadia Hill proposal was approved by the State Government. The project was officially opened in 1998, about \$1 billion having been expended prior to the opening.

Ridgeway Development consent was granted in 2000, the Ridgeway goldmine was commissioned in 2002, and in 2003 the Cadia Hill and Ridgeway goldmines were merged into Cadia Valley Operations. April 2010 saw the approval of a \$2 billion development of Cadia East, which will put \$1 billion into the economy every year. Operations were estimated to last for some 30 years. This will be the largest underground mine in Australia. In August 2010 Newcrest announced a \$30-million development in Orange. The *Central Western Daily* of Monday 9 August 2010 states:

Hundreds of staff will soon be working in a building the size of two football fields under a massive bid to make Orange the remote control capital of Australia.

A \$30 million development application for the mini-mining city in Leewood Drive has been lodged by Newcrest Mining Limited, the owner of Cadia Valley Operations. It is one of the biggest private investments in Orange for decades.

"We could have built this in Melbourne, Brisbane, Adelaide or elsewhere but the company is adamant it be Orange," said asset management general manager Tony McPaul.

"Orange has been good to us, we've made no secret of that and we think we've been good to Orange. It's a huge investment in anyone's terms."

When the three stages are completed up to 300 people could work or train in the complex on its busiest day.

The good news continues. This month the first jet to fly in and out of Orange was brought in by Cadia Valley Operations. Up to 100 staff operating out of the Telfer mine in north-west Western Australia will travel backwards and forwards each week from Orange whereas previously all the staff came from Perth. This will be expanded in future so that the spare parts operations, which are currently based in Orange, and the engineers and mechanics will be flown from Orange to Telfer, Cadia and the company's operations in New Guinea and Indonesia. As Newcrest has said, Orange will continue to be its main centre of operation. Newcrest Mines' head office is in Melbourne, but an increasing amount of the company's operations is moving to Orange.

It is fantastic that the ore in those four goldmines—Indonesia, New Guinea, Telfer in Western Australia and Orange—will be loaded by remote control from Orange. That is a wonderful achievement and we should acknowledge the benefit of Newcrest to Orange not only in economic terms but also in relation to the flow-on effects to subcontractors who are working in Orange. Various companies have set up head offices based around mining, not only in Orange but throughout the central west, including in Parkes. I acknowledge and place on the public record the contribution of Newcrest Mines to the community of Orange.

NONNI CLUB GRANDPARENTS' DAY CELEBRATION

Mr NINOS KHOSHABA (Smithfield) [1.31 p.m.]: I recently had the pleasure of attending the Nonni Club's annual Grandparents' Day celebration on Sunday 24 October 2010 at Club Marconi, Bossley Park, in my electorate of Smithfield. It was a wonderful event, with some 450 people attending, most of whom were grandparents and their families. Also in attendance were a number of special guests. I acknowledge Ms Angela D'Amore, the State member for Drummoyne, and Mr Nick Lalich, the State member for Cabramatta and Mayor of Fairfield, for their attendance and support of this worthy cause.

In Italy, La Festa dei Nonni, or Grandparents' Day, is traditionally celebrated around the beginning of October. The Nonni Club was established in New South Wales in 2005 with the principal purpose of achieving an officially recognised statewide day of the year in honour of all grandparents. It is important that we as a society acknowledge and do not take for granted the important role that seniors and grandparents play in our families and communities. Nonni Day is an opportunity to formally celebrate the contribution of grandparents and seniors to the lives of our families, friends and the wider community, as we already do with Father's Day and Mother's Day. After all, these are the people who raised and educated those fathers and mothers in their life skills and values. Grandparents have special qualities that develop only through raising their own children and then having the joy and freedom to take a step back and provide unconditional love and guidance to their grandchildren.

In Australia, a country of migrants, it was often our grandparents or their parents who made the decision to come to Australia. They made great sacrifices, leaving behind their families—often their mothers, fathers and siblings—to provide a better future and greater opportunities for their descendants. The Italian-Australian community and many other migrant communities have been established in Australia for several decades and their successful integration has been due to the hard work and ethics of the older generations who laid the foundations for our families and communities today.

I congratulate all members of the Nonni Club on organising this wonderful event and on acknowledging the importance of grandparents and seniors. The Nonni Club also plays an important role in my electorate by providing a place for social interaction, facilitating support for the elderly and nurturing friendships. As always, Club Marconi has supported the local community by providing the club's venue and services for important events such as this and I thank all of the club directors, in particular the vice president, Mario Soligo, and Delfina Pipitone and Joe Romeo, for their attendance and support on the day. Also, I sincerely thank the Italian community for its invaluable contribution to our multicultural country from the time their ancestors first set foot on this land to the present day. In order for us to learn and grow as a society, we must tap into the priceless resource that grandparents can provide and continue to honour their legacy. An American author once said:

Grandparents are the footsteps to the future generations.

Unfortunately my grandparents have been gone for some time, but I have nothing but great memories of when they were here and I am very fortunate that my children benefit every day from the love they receive from their grandparents. I thank the Nonni Club once again for its invitation and its hospitality and I congratulate members on a wonderful event for a wonderful cause.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.35 p.m.]: I thank the ever-hardworking member for Smithfield for raising the awareness of members of the House about this most

important matter, and for his comments in relation to the Nonni Club celebrating Grandparents' Day and recognising that grandparents are the backbone of any family and community. The multicultural community of Smithfield, through the Italian community, has recognised the importance of grandparents. Club Marconi is one of the great clubs in New South Wales and has always been ready to support community needs. I thank the member for Smithfield for reminding us that grandparents are the backbone of our community. We should never forget that.

TOMAREE NEIGHBOURHOOD CENTRE

Mr CRAIG BAUMANN (Port Stephens) [1.36 p.m.]: Today I speak about the fabulous work of the Tomaree Neighbourhood Centre, which is preparing for its 21st birthday celebrations tomorrow, celebrations that I am very sorry I cannot attend. The Tomaree Neighbourhood Centre is a not-for-profit organisation that identifies local community needs and provides relevant information and referral and other services to empower and improve the quality of life for community members and groups. There are 12 rostered volunteers who contribute 65 hours a week to the centre. The group also represents the Tomaree area in attracting funding resources to our community, is an advocate for out-of-area community agencies to provide local services, and oversees community development projects in response to local needs. Earlier this month, I attended the neighbourhood centre's annual general meeting and was overwhelmed and impressed by the great work it does. I will take this opportunity to share with the House just how this neighbourhood centre and its volunteers are helping people in our community.

The Tomaree Neighbourhood Centre produces an information booklet for new residents, holds volunteer information sessions and volunteer training and support, and has a self-run childminding service. The centre assists members of the community looking for work by helping them put together résumés and application letters. It also provides one-on-one computer training tutorials. The centre has an emergency relief program and a Hunter region no-interest loans scheme to assist people with the ever-rising cost of living, which I know many people in my electorate are struggling to cope with. It also provides an outreach financial counselling service. There is also a new addition with the Tomaree Multicultural Friendship Group, a program run by volunteers to help people to learn conversational English and a range of other helpful services, not to mention friendship, which can be difficult to find in a new country.

The centre also runs the Tomaree Accommodation Service, Disability House, which is a small group home for people with an intellectual disability, and the Tomaree Links to the Community volunteer visitor program, which sees volunteers visit residents living at Tomaree Lodge, Shoal Bay, who have intellectual disabilities. This program in particular is most impressive and goes a long way to changing and even improving the lives of the residents of Tomaree Lodge. The lodge is home to approximately 50 men and women who have intellectual disabilities. Most of the residents have lived away from their families for most of their lives and have very few or no family or friends in the outside community. Recently I came across an advertisement calling for volunteers to help with the program. I think the job advertisement gives a good insight into this wonderful program. It reads:

Do you fish? Or would you like to help someone enjoy the pastime of fishing? The "Fishing with TLC" program is looking for people to join our band of volunteers assist people with an intellectual disability to fish. This program currently runs each Tuesday morning, meeting at Tomaree Lodge and fishing various sights on the peninsula.

As members can see, these volunteers provide a tremendously important and special service. The service was in fact the brainchild of the founder of the Tomaree Neighbourhood Centre—a woman whom I have spoken about in this House before: Jenny Field. In April, Jenny was named this year's Port Stephens Volunteer of the Year. It is more than 21 years ago that Jenny not only identified the need for a neighbourhood centre on the Tomaree Peninsula, but set out to make it happen. She not only established the centre but has helped to develop many of the aforementioned programs. Jenny has been on the management committee in various roles, including as president. On top of all that, Jenny is also the foster mother to two children with a disability, through Life Without Barriers. Jenny is a truly wonderful woman and contributor to our community, and she is representative of all the fabulous volunteers at the centre.

The work of the volunteers at Tomaree Neighbourhood Centre is invaluable. According to a report from the Faculty of Commerce at the University of Wollongong, volunteers save the Australian economy \$42 billion a year—all services that we, as taxpayers, would have to pay for if it were not for the wonderful work of volunteers. But it is difficult to put a price on what the team at Tomaree Neighbourhood Centre do to help those who are less fortunate in the Port Stephens community. How can we put a price on the smiles that these volunteers put on the faces of the residents at Tomaree Lodge; or the comfort and support they offer to

immigrants struggling to cope with a new way of life, let alone a new language; or pensioners who are struggling to cope with paying their bills and are cutting back on food just to make ends meet? As I said, I deeply regret that I cannot be there to help celebrate with the fabulous staff and volunteers tomorrow. But I wish them all the best, and on behalf of the House I congratulate them on their wonderful 21 years of service to the community.

BANKSTOWN RELAY FOR LIFE

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.41 p.m.]: Nobody in our community is immune to the horrible and insidious effects of cancer. I am proud to inform the House that on 27 and 28 November Bankstown will hold its fifth consecutive Relay for Life, under the auspices of the Cancer Council New South Wales. Relay for Life brings together our local community, as it does in many other parts of New South Wales, to recognise the importance of finding a cure for this insidious and horrible disease, and to help victims who suffer from the disease. Through Relay for Life, Bankstown comes together on 27 and 28 November as one big family to offer hope and provide support for the great cause of one day finding a cure for cancer and, importantly, meeting the ongoing needs of cancer survivors in our local and wider communities.

My father, Jim Stewart, was only 57 years old when he died from this terrible disease, so I know first-hand—as do all my family members—how cancer affects family and friends, and how often it takes people, tragically, in the prime of their lives. Unfortunately, as with many sicknesses, it is not until cancer affects you, your family or a friend that you learn all about it. You then recognise its importance and significance, and you want to do something about it. Relay for Life brings that home to us. Recently I had the honour of raising approximately \$60,000 for Father Chris Riley's charity, Youth Off the Streets, through a climb I undertook of Mount Kilimanjaro in Africa, after working in an orphanage there.

A fellow who was going to join me on that climb was Steve Cox. Prior to my Mount Kilimanjaro trek, Steve had successfully walked the Kokoda Track with me, also for charity. Steve also joined me in the Himalayas, where we climbed to nearly 6,000 metres. Steve Cox has always been a fit bloke, ready to face every day. He phoned me a week before I was due to leave for Africa to tell me that he had found out he had advanced prostate cancer. Suddenly Steve's entire life was turned around. He was forced to recognise that, although he wanted to do other things, his life priorities had to change. That is what cancer does to people.

So the fifth Relay for Life in Bankstown brings home to me and to my entire community the importance of this insidious and horrible disease. The patron of Relay for Life is Jason Clare, the Federal member for Blaxland and Minister for Defence Materiel. Jason is an absolutely outstanding community-spirited person, who is well qualified to be the patron of this magnificent event. The chairperson of the event is Trent Engisch, the General Manager of the local Bankstown-Canterbury *Torch* newspaper. I pay tribute to both Trent and the paper for being so community spirited and for supporting this great event. They have brought it to the forefront of the community, year after year, and as a result we have raised a total of \$500,000. That is not too bad for a community that started the event just on four years ago. The former chair of the event is Wayne Trotman. Wayne lost his young son to cancer; he was under 10 years of age when he died. Wayne knows all about what this disease can do to a family and his spirited efforts have helped make the event the success it is today.

Literally hundreds of volunteers now support the Relay for Life event. I acknowledge in particular volunteer Barbara Gill, who is a cancer survivor. I note that today many members of the House are wearing pink ribbons in acknowledgement of breast cancer, and that cancer survivors are in our midst in this Parliament. Barbara Gill is one of those survivors in my community of Bankstown. Barbara and her partner, Ron Thatcher, get the message out and work tirelessly, despite Barbara being so sick, to help those who need to understand what cancer is about and to do something about it. Other Relay for Life volunteers include Joan Wagstaff, Ingrid Winter and Lyn Harrison.

They are only a few of the volunteers who are helping to find a cure through Relay for Life and through the Cancer Council New South Wales, which does outstanding work in raising community awareness about the disease. I will be there on 27 and 28 November. The event will culminate on the Saturday night, when we hold the hope ceremony. The ceremony involves people gathering to collect bags and present on candles their messages of hope about loved ones who are cancer survivors or who, unfortunately, have perished from the disease. This quest brings so many people—young, old and middle-aged—together as one community, one family, to share in the hope for a cancer cure.

NEIGHBOURHOOD WATCH

Mr GEOFF PROVEST (Tweed) [1.46 p.m.]: I am 100 per cent committed to the people of the Tweed. I bring to the attention of the House a great group of people in the Tweed, our local Neighbourhood Watch group. I was the manager of a large club in the Tweed, the Tweed Heads Bowling Club, for some 17 years. During that time the club funded the Neighbourhood Watch group to ensure it continued its excellent work. Neighbourhood Watch has existed in the Tweed since 1984, and it is pleasing to note that some groups have been operating for about the same period. Over the years we have conducted public education programs on home, car and personal safety, and we intend to continue this work in our communities.

Crime in and around the Tweed has increased, with a much higher incidence of stealing, malicious damage, graffiti attacks, and break and enters. I am chairman of the Combined Committee of Neighbourhood Watch, and I am also chairman of the great Banora Point Neighbourhood Watch group. The Combined Committee of Neighbourhood Watch now oversees 16 groups in the Tweed, and over the years its members have had to make ends meet from their own pockets. We have received no government funding whatsoever, and we rely on many local businesses for support.

I acknowledge in particular Rory Curtis and the local branch of The Good Guys, which have supported the local Neighbourhood Watch group through the years. They continue to provide that support, without which the group would be unable to operate. Managing a large number of groups and needing to maintain good communications virtually on a day-to-day basis has meant embracing the electronic age, together with an associated increase in costs. I point out that we are the only Neighbourhood Watch group in the State—we have around 800 active members—with its own dedicated website. The website, which we set up ourselves, allows the 16 groups to update each other continually about various issues in their towns—whether it be in relation to hoons, break and enters or whatever.

We live in a rapidly expanding growth area, and many people who move to the region are retired or nearing retirement age. It is evident that elderly folk feel threatened and vulnerable when crime is experienced close by. Our Neighbourhood Watch groups hold meetings and distribute newsletters, and generally try to be as helpful as possible, in order to allay the fears of elderly folk. In recent months we have commenced the School Watch pilot program at a local school, Banora Point High, through Principal June Rogan. At the moment Banora Point High is the only school in the State where the program is running. The School Watch initiative came at a cost, and we have raised the necessary funds ourselves. We will not be able to expand the program for the time being due to lack of funding, but we look forward to bringing other schools on board when the money becomes available. We have also looked at establishing Marine Watch and Business Watch. Both these programs could be a worthwhile part of the Neighbourhood Watch Program. A cost is involved also for stickers, newsletters and signage.

Tweed Shire Council has been supportive of our endeavours. In the main, our marketing strategy has been through word of mouth, Neighbourhood Watch and police literature; however, these days police brochures do not seem to be available. Neighbourhood Watch is our responsibility. Some years ago the New South Wales Police Force ran Neighbourhood Watch television information commercials and it would be a great help if it did so again. I plan to meet later this week with the Minister for Police to resolve a problem that has confronted us for more than a year. For some time we have tried to become an incorporated body, which will make us eligible for State and Federal funding. Recently I learned that Superintendent Adam White, who was in charge of the Neighbourhood Watch program in Sydney and who came to see our first Business Watch and School Watch programs in operation, has been moved to another department. Without his assistance it will be extraordinarily difficult to raise funds.

I call on the Government to fast-track a process that has been in the pipeline for 12 months. Our branch of Neighbourhood Watch, which has about 800 members and which is thoroughly embraced by the local community and supported by police superintendents and the vigilant Police Association, must become an incorporated body. If we do not receive information from the community it will hamper the efforts of our front-line police, who do an excellent job. Local police know that they have the support of Neighbourhood Watch. I call on the State Government to initiate that incorporation. Once again, I am 100 per cent for the Tweed.

MENAI DISTRICT SPORTS AWARDS

Ms ALISON MEGARRITY (Menai) [1.51 p.m.]: On Saturday 16 October I was honoured to attend the 2010 Menai District Sports Awards held at Club Menai. It is always a pleasure to attend this glamorous

event each year, which is conducted in a wonderful family atmosphere. The youngest athletes attending the awards were the cute five-year-old and six-year-old members of the physical culture team, with the age of the athletes increasing as we moved through the categories. On behalf of all members I offer congratulations to the following winners and runners up: rookie sportsperson junior female Adalyn Cole from Illawong Menai Cricket Club; rookie sportsperson senior male Steve Arduin from Bangor Football Club; rookie sportsperson junior male Isaac Feghall from Aquinas Colts Junior Rugby League Football Club [JRLFC]; joint runners-up Jack O'Loughlin from Illawong Little Athletics and Declan Watson from Illawong Menai Cricket Club.

I congratulate also junior sportsperson female Ella Nelson from Illawong and Districts Senior Athletics Club and runner-up Samantha Geddes from Illawong and Districts Senior Athletics Club; junior sportsperson male Daniel Hill from Menai Dragons Basketball and runner-up Adam Whatley from Illawong Menai Cricket Club. I congratulate sporting team junior male under-11 high jump-long jump Illawong Little Athletics and runner-up Aquinas Colts Junior Rugby League Football Club 12A. I congratulate sporting team senior males Aquinas Colts 19B and runner-up Illawong Menai Cricket Club C1; sporting team junior females Barden Ridge Football Club W12A and runner-up Menai Illawong Physical Culture—the cute five-year-olds and six-year-olds. There was a tear in the eye of everyone present as each of those little girls, dressed in pink, expressed their thanks to those who looked after them and made them the success that they are today.

I congratulate the sporting team senior females open 4 x 100 metres relay team, Illawong and Districts Senior Athletics Club and runner-up Menai Hawks Netball Club D2; sports star senior Sam Duggan from Aquinas Colts JRLFC and runner-up Jake Hammond from Illawong and Districts Senior Athletics Club. The Sporting Club of the Year winner was Barden Ridgebacks Football Club and the runner-up was Aquinas Colts Junior Rugby League Football Club. There were joint winners for the award of the Sporting Club Person of the Year: Matt Egan from the Barden Ridgebacks Football Club and Kim Walmsley from Aquinas Colts Junior Rugby League Football Club. The Shire Life Encouragement Award was won by Nicole Miro from the Menai Swim Club Inc. In the course of the night I had the honour of presenting State representative certificates to Nicole and Dylan Xerri for their achievements in representing New South Wales in their chosen sports at the School Sport Australia Championships. In the swimming competition Nicole won five medals and set a national record. Dylan and his good mate Kyle Flanagan won a silver medal in the rugby league competition. Dylan is passing on the State representative certificate to Kyle on my behalf.

The good thing about being at these awards every year is that when I look around the room I see the backbone of my community. All the adults get up every weekend and during the week for training. At the weekends they run the sausage sizzles, mark out the lines, cut up the oranges and do many other things for the benefit of the children in their care, and for the healthy pursuit of all the different sports that I outlined. I pay tribute to all those people. Kim Walmsley, one of the joint winners of the award for Sporting Club Person of the Year, and her husband no longer have children at the Aquinas Colts, but they are still doing that job. On the night Tony Peters was the emcee and his wife, Jill, also attended. I quote from the program, which states:

Tony Peters is currently the Executive Manager for Commercial Services at Football New South Wales. Previous to his current role his life-long enthusiasm for sport saw him carve out a highly successful career as a Rugby League Commentator/Sports Presenter. He was an on-air Commentator/Reporter with Channel Ten News/Sports Tonight—

I am sure that many people remember him—

where he won the highest media award, the Walkley, on two occasions. He is also the recipient of the NSW Sports Federation Media Award for his promotion of grassroots Football/Soccer. His 25 year career as a journalist also included work as a radio broadcaster with 2GB and 2KY. Tony devotes much of his spare time attending schools, community groups and charities to speak on many issues including the media ... Once again, he is demonstrating his commitment to his local community by hosting this event for the sixth successful year.

If Tony were present today the final person to whom he would like to pay tribute is Gina Skinner, who works for the Illawarra Catholic Club and who organises an excellent event. She did so again this year.

SHOALHAVEN MENTAL HEALTH SERVICES

Mrs SHELLEY HANCOCK (South Coast) [1.56 p.m.]: Prior to the Federal election this year a mental health community forum was organised by key Shoalhaven stakeholders for the purpose of discussing with Federal candidates their priorities for mental health services in our community. Following this meeting, members of the Shoalhaven Mental Health Fellowship identified their immediate concerns regarding the provision of mental health services in the area. I place on the record their concerns and to indicate, as always,

my strong support for enhanced services in the Shoalhaven. The Shoalhaven Mental Health Fellowship has six core local concerns regarding the provision of mental health services. The first concern is that there definitely is a need for more community mental health team workers. It states:

- a. The 24-hour team in Nowra, preoccupied by "acute assessment" work, is unable to give attention to case management.
- b. There is a general problem—

I am aware of this problem—

with retention of staff in mental health work.

- c. Where staff stay local and stay within mental health they also leave when new programs come along—they go to innovative programs as they are introduced in the region for a variety of reasons. This makes it difficult to sustain core programs.
- d. The long-term solutions lie in finding ways to attract more staff, provide more local training. This needs to be an element of regional development policy, with the notion of "infrastructure" not confined to roads and other physical structures, but including social infrastructure.

Its second concern relates to the mental health unit at Shoalhaven hospital, as promised in the clinical services plan 2006 to 2009, which is now obsolete. That plan indicated that a mental health unit would be provided at Shoalhaven hospital—an issue about which I have spoken many times in this House. The Shoalhaven Mental Health Fellowship further states:

Shoalhaven Hospital needs a 20 bed unit—this is not only a matter of demand but also evidently the cost-effective size, the size adopted most commonly elsewhere.

The third issue to which it refers relates to more access to psychiatrists. It states:

- a. The present situation is that there is no psychiatrist—in government or private practice—resident in the area. A consultant visits two days a week and two registrars visit from Shellharbour. Appointments with visiting psychiatrists are not easy to get.
- b. This is not an easily resolved situation. We understand that in 2010 the number of entrants for psychiatry training was less than the number sought; moreover, not all acceptable applicants could enter training for lack of supervisors.

The fourth issue relates to more community-based supported accommodation. The fellowship states:

- a. The need is at several levels. The overall need connects directly to hospital services. To free up places in hospital [beds] there need to be adequate facilities for people to move to. Some will need enduring support for whatever period.

At the most intensive level, the Housing Accommodation Support Initiative is set up with one TAFE-trained caseworker providing practical support to two clients in accommodation. The Housing Accommodation Support Initiative supports a total of only 16 clients at this high level in the Shoalhaven. They believe that a significant unmet need exists. Precise information is needed from other services.

The fifth issue raised was the need for better cooperation and coordination with alcohol and other drug services. There is a high proportion of dual diagnosis or co-morbidity; that is, a high proportion of people presenting with mental health issues also have drug and other dependency problems. Co-morbidity is acknowledged and must be matched by co-assessment, co-case management and co-case review. The sixth and final issue raised with me as a result of the forum is transport to the mental health unit located in Shellharbour. It is claimed, and I agree, that there are serious problems for patients and service providers in moving patients to Shellharbour Hospital. Having a unit at Shoalhaven Hospital would diminish these problems, but patients would still need to be transported from Milton Hospital. They were told of a recent case in western New South Wales where a patient spent 2½ days in the back of a paddy wagon, travelling to find a hospital that could accept him.

The situation in the Shoalhaven is neither unique nor extreme. It is nonetheless a constant and difficult problem. Issues on discharge also present problems. People discharged from Shellharbour Hospital must often walk the considerable distance to Dunmore Railway Station, and they are lucky to have money for their train fare or to have any support service upon their return. The need for support services and restoration to normal community life are self-evidently important. Where a patient has a family, it is very difficult for the family to get to the Shellharbour Hospital and family support is critical to recovery. I am sure the Acting-Speaker is aware

of mental health issues in his electorate. People in the Shoalhaven are disappointed that year after year, the need for a mental health unit at Shoalhaven Hospital continues to be discussed—it was promised to be delivered by the end of 2009—but has not been delivered, with the result that these concerns have been raised with me.

ENVIRONMENTAL PROGRAMS

Mr PETER BESSELING (Port Macquarie) [2.01 p.m.]: Efforts to reduce the impact of human activity on our environment, as well as efforts to reduce the dependence of communities upon electricity and the subsequent demand for increased power generation, have led all levels of government to focus on point-of-impact policy decisions. Public policy to deal with environmental programs is now focusing on the household and the residents within it to participate in broad-scale programs to reduce energy demands, to improve water efficiencies, and to reduce wastewater. Householders are now able to participate in a number of programs that subsidise the cost of solar panels, solar-powered heating, rainwater tanks, energy-efficient light globes, water-efficient toilets and shower heads, and a great range of other measures designed specifically to impact on people's attitudes and behaviours in driving better environmental outcomes.

The departments of local, State and Federal governments support these programs, and generally have the broad support of communities in their approach. In continuing down this path of "household intervention", all tiers of government have struggled to come to terms with the most fundamental principle of delivering services to our communities—that is, to ensure that checks and balances are in place to make sure these programs are delivered efficiently. It is a simple task to highlight the failure of the Federal Government's foray into home insulation as one that was a good idea in principle, but one that was let down through an implementation process that ignored the inherent dangers associated with poor work practices. The subsequent cost of investigating and rectifying issues with the scheme is proving costly and inefficient, and has come far too late for those affected by unsafe installations.

We often hear of early intervention and its inherent benefits when dealing with human services but it is high time that government used these same principles when dealing with programs delivered directly to households. Government must assume that the householder does not have the technical experience or the in-depth level of understanding of the laws and regulations surrounding these programs, to determine whether or not businesses are taking advantage of them or the government program. Government needs to account for substantial policing of these programs when budgets are being prepared, in order to ensure compliance and to give confidence to consumers. These programs all too often rely on consumer feedback to highlight problems and, as a result, safety and financial integrity are often compromised.

Last week, a Crows Nest business, Aspect Energy, was door knocking in the Port Macquarie area, including my home, in a bid to convince householders to swap to a water-efficient showerhead. When I informed the salesperson that I had already installed water-efficient showerheads in my home, which were provided free by our local council, he proceeded to try to convince me that his product was better and that I should still have them installed. Aspect Energy would have benefited from on-selling the renewable energy certificates received from installing the showerheads in my home, despite the fact that my current showerheads are rated and my household uses a gas hot water system—two things that make me ineligible for the program but were ignored by the salesperson. I acknowledge that this could be put down to an individual hawker, but it could also be representative of more wide-scale rorting and is almost certainly the result of poor training and implementation practices that ultimately costs the broader community.

Concerns are held also that companies and individuals are selling solar hot water and solar power systems, solar PV, on the mid-North Coast without proper accreditation and licensing. In many cases, these companies are selling solar hot water or solar PV systems, then subcontracting the installation to a plumber, an electrician or, in some cases, an untrained installer, and then simply having a relevant contractor licensee sign-off on the installation. This raises serious questions of safety and misappropriation of public funds, not to mention the warranty issues for the householder in trying to affect repairs when these systems fail. In order to get serious about cracking down on businesses and individuals taking unfair advantage of these programs, consideration must be given to ensuring that checks and balances are in place to ensure the success of these programs. Relative to New South Wales, this means giving the Office of Fair Trading and WorkCover the resources to not only act upon complaints but also to play a pro-active role in protecting the interests of individuals and the public in general.

TAMWORTH POULTRY INDUSTRY

Mr PETER DRAPER (Tamworth) [2.05 p.m.]: The poultry industry is a major multimillion-dollar contributor across the electorate of Tamworth. Despite many obstacles, including rapidly increasing utility costs,

there are people in this industry with a great vision for the future. Given the right set of circumstances, they believe that the local industry can double in size. Local poultry growers have established a not-for-profit company to progress research, and to implement environmental and management improvements. A group of interested parties met in Tamworth recently to form the Poultry Industry Support Group. Officers from the University of New England's Poultry Cooperative Research Centre attended, plus representatives from Tamworth, Gunnedah and Liverpool Plains councils, government departments, poultry farmers, Tony Windsor, our Federal member of Parliament, and a representative from my office.

The meeting was told that the Tamworth region has an almost perfect poultry industry cluster, with potential for expansion to make the local industry world's best practice. There is currently a capital investment of about \$160 million in the region, with plans to invest another \$100 million. Current economic activity amounts to \$110 million a year, expected to increase to \$180 million. Currently, about \$80 million of that economic activity stays in the region, and that is forecast to increase to \$120 million. About 1,000 people are employed directly, and that is expected to grow to 1,500 with a modest multiplier effect delivering the potential for up to 3,000 jobs. The meeting was told that Bendigo has a very successful model that assists the growth of the poultry industry in that area. They focus on the connections and the synergy between the industry and the core entities. They have strong cooperation between the industry, councils, State Government, service industries and the community. The Bendigo model has been extremely successful, and will form the basis of a strategy for Tamworth.

Tamworth has been chosen for this trial, as it is believed that if the model works locally it can be rolled out to improve the industry across New South Wales. A critical element for the success of the cluster entity will be ongoing communication to all stakeholders, with a focus on expediting implementation, innovation and community involvement. Promotional tools are planned, including a web presence to improve relationships with local communities. There are four major aims of the Tamworth rollout. The first is incorporation. Growers will register an incorporated body to enable them to secure grants and government-sponsored programs. This will help to attract independent sponsors, and to lobby State Government and Federal Government departments and politicians with a consistent and unified front.

Secondly, growers will form a peak lobbying and promotion body that incorporates the business community and local councils. This will include growers, processors, the Chamber of Commerce, the Tamworth Regional Development Corporation, other poultry growers involved with eggs and turkeys, the Poultry Cooperative Research Centre, the New England-North West Regional Development Association, service industries, the New South Wales Farmers Association, the Namoi Catchment Management Authority and Namoi Regional Organisation of Councils, the local Department of State and Regional Development, and Agriculture and AusIndustry officers in an ex-officio capacity, plus local politicians. They intend also to engage with trucking companies, grain growers, gas suppliers, electricity suppliers, litter suppliers, professional advisors and chemical suppliers.

Thirdly, they intend developing an e-marketing platform as an internet-based communications channel and information system to accurately and positively position the industry. Finally, they will address human resourcing as they intend working towards the group having either a part-time or a full-time executive officer. The group will focus on working more effectively with government departments hopefully to gain their cooperation and develop a better understanding of why growth is occurring in other States at the expense of New South Wales. With community backing, this industry can deliver significant advantages to our district and the State, if allowed to grow, by using the advantages of precincts and other improvements available to the current system.

Currently, some 26.5 million birds are produced each year in the Tamworth region by 11 growers on 16 farms. The local industry believes more farms are needed and at least 50 new sheds. A new farm will produce 6 million kilograms of meat, 4.5 million drumsticks per year and has to be able to cope with 8,000 cubic metres of manure—that is a lot of poop! A new farm will consume 300 megalitres of water, 12,000 tonnes of feed, 600,000 kilowatts of electricity, 130,000 litres of gas and 6,500 cubic metres of shavings and straw. These involve big dollars. There are challenges, including community perceptions, secure water supplies, research and action on odour mitigation, vegetation buffers, anaerobic digestion and the use of waste as renewable energy. This group is determined to succeed and is looking for cooperation from government to achieve its goals. I conclude by paying tribute to George Camilleri who passed away recently aged 82 years. Back in 1984, just 8,000 birds were processed every night at his Tamworth plant. This year the figure is now 80,000. George was integral in developing Tamworth's poultry industry and the Tamworth poultry cluster. Today, its supporters intend building further upon George's valuable legacy.

Private members' statements concluded.

[The Acting-Speaker (Mr David Campbell) left the chair at 2.10 p.m. The House resumed at 2.15 p.m.]

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from the Administrator:

JAMES ALLSOP
Administrator

Office of the Governor
Sydney, 22 October 2010

The Honourable Justice James Allsop, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Lieutenant-Governor of New South Wales, The Honourable James Jacob Spigelman being absent from the State, he has this day at 12.35 pm assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 22 October 2010

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that he re-assumed the administration of the Government of the State at 9.10 pm on 22 October 2010.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 25 October 2010

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State at 9.40 am on 25 October 2010.

ASSENT TO BILLS

Assent to the following bills reported:

Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2010
Industrial Relations Advisory Council Bill 2010
National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Ms KRISTINA KENEALLY: I advise the House that the Minister for the State Plan, and Minister for Community Services will answer questions this week in the absence of the Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health).

BUSINESS OF THE HOUSE**Notices of Motions**

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.22 p.m.]

OCCUPATIONAL HEALTH AND SAFETY LAW REFORM

Mr BARRY O'FARRELL: My question without notice is directed to the Premier. Just weeks ago the Minister for Finance was writing to people reaffirming New South Wales Labor's support for uniform national

occupational health and safety laws. Given this fact, will the Premier admit that her decision to renege on the Council of Australian Governments agreement has nothing to do with good policy—it is just another political stunt designed to mask the cracks in her dysfunctional Government?

The SPEAKER: Order! I call the member for Fairfield to order. I call the member for Coffs Harbour to order. I call the member for Murray-Darling to order. The Premier has the call.

Ms KRISTINA KENEALLY: The Government does support harmonisation. Of course we do. It cuts red tape and it increases certainty for employers and employees. Of course we support it. What we do not support is a weakening of health and safety laws for the men and women who work in New South Wales.

The SPEAKER: Order! I call the member for Epping to order.

Ms KRISTINA KENEALLY: I have not heard the Leader of the Opposition yet articulate what price he places on workers' safety. The Leader of the Opposition is twittering away right now and he is not paying attention because he does not have an answer to my question: What price does he place on workers' safety?

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: I am talking about the men and women of New South Wales who go to work every day—

The SPEAKER: Order! The Leader of the Opposition will come to order.

Ms KRISTINA KENEALLY: —in this State protected by safety laws that they have enjoyed since 1943 under Labor and Liberal governments alike.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: Workplace injury rates are at their lowest for 20 years.

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

Mr Barry O'Farrell: That is not true. Listen to Julia Gillard.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Ms KRISTINA KENEALLY: The Leader of the Opposition is waving his fingers at me. Whether they are fat or thin, he has to be on the page to mark it as his favourite. Let us be clear: I am talking about the safety of men and women in New South Wales when they go to work.

Mr Barry O'Farrell: You are presiding over and above the national—

The SPEAKER: Order! The Leader of the Opposition will cease continually interjecting.

Ms KRISTINA KENEALLY: It does not matter what economic measurement is used, New South Wales's economic performance—

Mr Barry O'Farrell: Use the Federal Government's.

Ms KRISTINA KENEALLY: The State final demand, one of the most up-to-date measurements of the State's economic performance, shows 5.7 per cent last year, which is ahead of the national average of 5.3 per cent. Our unemployment rate is lower than the national average. We have had six consecutive quarters of economic growth. That cannot be said about Victoria, Queensland or Western Australia, but it can be said about New South Wales.

Mr Barry O'Farrell: We lead Victoria in workplace injuries.

Ms KRISTINA KENEALLY: The Leader of the Opposition with his interjection betrays the fact that he is policy free and not across the details. I explained this issue to the House last week. If the Leader of the

Opposition did not spend so much time on Twitter and spent more time listening he would understand this issue. The comparison that was made last week by business groups was not an apples-for-apples comparison. The Victorian WorkCover Authority does not count the first 10 days of an employee's work or injuries of employees on journeys to and from work.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: The Leader of the Opposition is doing what Liberal governments always do and what the Liberal Party always does: sell out workers' rights and not engage in serious debates about the rights of working men and women in New South Wales.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. I call the member for Willoughby to order.

Ms KRISTINA KENEALLY: The Opposition interjects, but the Government will take the position that it has always taken. We will stand up for the rights of workers, which they have enjoyed in this State since 1943.

HEART AND LUNG TRANSPLANTS

Dr ANDREW McDONALD: My question is addressed to the Premier. How is the New South Wales Government supporting heart and lung transplants and related procedures?

Ms KRISTINA KENEALLY: It is my pleasure today to join with the Minister for Health and former Premier Neville Wran to announce a \$4 million funding boost for St Vincent's Hospital and its world-renowned heart-lung transplantation program. Heart failure affects the lives of more than 2,000 people in New South Wales every year. The St Vincent's Hospital heart-lung transplantation program is one of the largest and longest-running programs in Australia. The Government will ensure that St Vincent's Hospital continues to play this leading role in heart transplants and health service delivery in New South Wales. The funding announced today comprises two parts. First, \$3 million to allow the hospital to purchase 30 new left ventricular assist devices. These innovative devices allow patients to stay at home while they await transplant.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: I am disappointed to hear laughter from Opposition members about this announcement. These devices keep patients alive whilst they await transplant. Second, the Government will provide funding of \$1 million for new medical equipment for the emergency department and operating theatres, as part of the historic National Health Agreement. While this technology is important, it must be matched by increases in organ donation rates. The good news is that organ donation rates in New South Wales are increasing as a result of a sustained program to encourage more people to donate. However, more needs to be done. In 2009, donation rates in New South Wales were 10 per one million people. That has risen to 13 per one million people so far in 2010.

To help continue this trend the Government has launched DonateLife NSW. We are contributing \$1.3 million to support the Organ and Tissue Donation Service and its activities. I strongly encourage all members to support DonateLife NSW in their communities. Heart and lung transplants save lives immediately. That means real people are put back in our workplaces and our communities and real families are kept together. That is why we are working to increase donation rates in New South Wales and why we are helping to deliver important scientific advances, which mean that more people can receive a transplant. Today better technology and higher donation rates mean that in the future thousands of New South Wales families can be spared the trauma of losing a loved one to heart disease.

I note that \$1 million of this funding boost is being delivered under the COAG Health Agreement. This would deliver new equipment with benefits across St Vincent's Hospital. We know that those opposite have not supported the national health reform and they continue to say that it means nothing. But today there is further evidence of what we negotiated in Canberra. This agreement is delivering real life saving benefits for patients—new money, new technology and new equipment for St Vincent's Hospital. That means new chances to save lives and new chances for New South Wales families.

WATER SAVING INITIATIVES

Mr ANDREW STONER: My question is directed to the Premier. Given that the Minister for Water has passed up hundreds of millions of dollars in water saving infrastructure, given that the reaction of the Minister for Rural Affairs was to attack our policy—

The SPEAKER: Order! Government members will come to order. I call the Minister for Tourism to order.

Mr ANDREW STONER: —and given that, when questioned in the House, the Premier's only response was to refer to a media article, exactly how has she stood up on behalf of farmers and irrigators? Is that claim just another example of her spin over substance?

Ms KRISTINA KENEALLY: It is quite amusing to be asked a question by the Leader of The Nationals that suggests that media reports are somehow not representative of the Government's position or somehow cannot represent the Government's policy, because that is the only way we ever hear anything from the Leader of The Nationals—a media report appears in the morning papers and before the morning radio peak is over he has withdrawn whatever policy he put out the night before. It is absolutely laughable for me to be asked this question by the Leader of The Nationals.

We all remember that his driver education scheme was going to be mandatory and free. However, within two hours of his announcement he then announced that somebody else would pay for it and it was only going to be a voluntary scheme. That is the sort of media posturing we get from those opposite. It is a farcical question. I shall repeat what I have said about the Murray-Darling Basin guide. Just today I had the opportunity to meet with the national farmers and irrigators from Murrumbidgee. It was a very good and productive meeting—the type of work one does in Government. One does not just go out and say, "We want nothing to do with this"; one sits down with stakeholders.

The SPEAKER: Order! The Leader of The Nationals will cease interjecting. The Premier has the call.

Ms KRISTINA KENEALLY: The Leader of The Nationals does not understand that being in government is not about issuing a media release every day. Being in government is about working—

The SPEAKER: Order! I call the member for Wakehurst to order.

Ms KRISTINA KENEALLY: Being in government is about sitting down with stakeholders, listening carefully, formulating a position, negotiating and getting the right outcome for the people of New South Wales. Just today I sat down with irrigators from Murrumbidgee and had a good and productive meeting.

The SPEAKER: Order! I call the Leader of The Nationals to order.

Ms KRISTINA KENEALLY: These are ambitious targets that have been set in the Murray-Darling Basin guide. We need to consider them carefully because the reality is we need to decide as a State whether we are willing to do what is required to meet those targets. The only way we can come to that conclusion is by consultation, by discussion, by information gathering and by careful consideration.

Mr Andrew Stoner: Are you accepting the targets?

Mr Barry O'Farrell: You are accepting the targets.

Ms KRISTINA KENEALLY: No. I said the decision we have to take—

Mr Barry O'Farrell: Shall we write it again?

Ms KRISTINA KENEALLY: You are so clever. I will repeat for the sake of *Hansard* and for those opposite what I have said consistently: The decision we have to take as a State is whether we will do what is required to meet the proposed targets. We will come to a position the way we did on the national health reform: We worked with stakeholders and we took to Canberra the position that reflected the best needs of this State. I remind those opposite that if we had followed the negotiating tactics of the Leader of the Opposition with national health reform we would have signed up to what the Commonwealth Government was offering when it was offering less money and we would have walked away when it was offering more. What we will do is what we did with national health reform. I remind those opposite that the position New South Wales took is the position that prevailed nationally.

BREAST CANCER RESEARCH

Ms NOREEN HAY: My question is addressed to the Minister for Health. How is the New South Wales Government supporting breast cancer research?

Ms CARMEL TEBBUTT: Today many members are wearing pink ribbons because yesterday was Pink Ribbon Day—a day that affords an opportunity to raise awareness and increase community understanding of breast cancer and also, of course, to raise important funds for breast cancer research, treatment and services. Events take place not just on Pink Ribbon Day but throughout October. Many members and others in the community are involved in breakfasts and a range of other events, again with the important aim of raising funds for research and raising awareness of breast cancer.

We know that breast cancer is the most common cancer in women and that one in nine women in New South Wales will develop breast cancer in her lifetime. We also know that this year alone some 4,400 women in New South Wales will be diagnosed with breast cancer and 900 women will die from breast cancer in New South Wales. They are sobering figures. There is no doubt that most members, if not all members, would be touched in some way by breast cancer—by potentially being a sufferer, by knowing someone who has been a sufferer or by knowing someone who has lost their life. It touches everyone. I believe that is why there is such great community support for Pink Ribbon Day and for October being Breast Cancer Awareness Month.

While the figures are disturbing and sobering, it is important to note also that we are making quite positive progress. For example, in the past decade death rates from breast cancer have decreased by 14 per cent in New South Wales. We are seeing increased rates of diagnosis but reduced rates of mortality, and that is a good thing. These improvements are a result of a combination of earlier diagnosis and advances in treatment and surgery. Like many cancers, breast cancer has a high survival rate if detected and treated early. The chances of surviving breast cancer five years after diagnosis are 88 per cent for all breast cancer patients and 97 per cent when the disease is localised and has not spread before treatment.

Pink Ribbon Day also emphasises the importance of regular screening. BreastScreen NSW, which is part of BreastScreen Australia, is a population-based screening program, which provides for the early detection of breast cancer through free mammography screening. The service targets for screening women aged between 50 and 69 years, the age group where the risks of breast cancer start to increase dramatically and when screening mammograms are most effective.

The Government is investing significant funds to improve BreastScreen NSW—in particular, \$26 million for digital screening technology—because this equipment takes higher quality images of breast tissue than was previously thought possible and it also improves the chance of detecting abnormalities at a very early stage. But, importantly, the technology allows scans to be transmitted electronically from screening centres to reading rooms for analysis by experienced radiologists. This is a huge benefit for women in regional and rural New South Wales; it means that scans that are taken at one site can be read immediately by radiologists in metropolitan areas. It is just one way that technology is improving the health services we can offer to the population of New South Wales.

The Government has provided additional funding to expand the hours during which BreastScreen can make appointments to include late nights, early mornings and weekends to cater for women who cannot attend during business hours. The Government is focusing on ensuring that awareness of the importance and benefits of screening is raised in non-English speaking and indigenous communities. We know that language and cultural barriers can play a role in poor screening participation rates in those communities. Therefore, the Government is sponsoring local campaigns to increase awareness of the importance of screening and the services that are available, including the free mammograms provided by BreastScreen NSW.

Improving survival rates and falling mortality rates demonstrate that the Government is on the right track when it comes to tackling breast cancer. That work is being done in partnership with a range of organisations and individuals. We know that the earlier we can detect and treat breast cancer the better the results will continue to be. Pink Ribbon Day is a chance to raise awareness about these very important issues in the community generally.

DNA FORENSIC ANALYSIS BACKLOG

Mr GREG SMITH: My question is directed to the Minister for Police. Given there has been a 30 per cent increase in the length of time people are held in custody before being acquitted in the District Court and that this increase has been attributed to the State's DNA analysis backlog, can the Minister guarantee that delays in the criminal courts will not blow out further given that a response to a freedom of information application reveals that there were 7,260 outstanding DNA tests as at April 2010?

Mr MICHAEL DALEY: That is an excellent question from the member for Epping because it involves a tool which is proving to be extremely valuable and which will become increasingly valuable to the police as time goes by in their task of uncovering and prosecuting crime. That is why the budget included the allocation of a massive amount for—

Mr Brad Hazzard: How much?

The SPEAKER: Order! If the member for Wakehurst wishes to ask a question he should seek the call.

Mr MICHAEL DALEY: Every police force, not only the NSW Police Force, is dealing with the consequences of the success of DNA technology. That is the truth of it. Evidence suggests that the more cases that are cracked as a result of the use of DNA technology the more cases are referred for processing. That includes everything from major crimes such as murder or sexual assault through to minor theft of personal property. The NSW Police Force and NSW Health are aware of the backlog and the increasing demand for DNA analysis.

Mr Brad Hazzard: What does DNA stand for?

Mr MICHAEL DALEY: It stands for deoxyribonucleic acid. The increasing demand for DNA analysis has also been addressed by the Auditor-General.

The SPEAKER: Order! The member for Wakehurst will cease interjecting. He is using up all the Opposition's questions!

Mr MICHAEL DALEY: In February this year the Auditor-General reported that it was anticipated that the backlog would increase by June. The New South Wales Government has taken steps to reduce that backlog by investing more than \$25 million over the past four years. It has introduced new procedures to ensure that major crimes, such as aggravated sexual assaults on children, are prioritised and dealt with first. It will also shortly roll out a new \$5 million forensic information management system, known as FIMS, within the Police Force to ensure that only the most relevant crime scene samples with the best chance of producing results are sent to the laboratory for analysis.

The 2010-11 budget included an allocation of \$12.4 million for new forensic equipment and processes that will provide the NSW Police Force with some very important tools, including a 3D Integrated Ballistic Identification System—the Police Force asked for it and got it; six mobile forensic command vehicles; a new scanning electron microscope with an energy dispersive X-ray analyser that allows police forensic scientists to detect, characterise and identify otherwise unseen valuable microscopic clues; the establishment in partnership with a major university of New South Wales's first mitochondrial DNA laboratory; a 3D laser imaging system for forensic imaging of crime scenes and exhibits; and up to 100 additional mobile fingerprint scanners for front-line police. That is in addition to the New South Wales Government's recent rollout of 500 mobile fingerprint units to front-line police officers.

There is no doubt that these technologies and processes will lead to more efficient analysis of DNA in New South Wales and that it will help to address the backlog. The Government has provided for 90 more staff positions to undertake DNA analysis at the Division of Analytical Laboratories. It also contracts DNA analysis of some samples from minor volume crimes to a private sector provider. Over the past year the Government has also provided new robotics technology to perform DNA analysis work that would otherwise be performed manually. The use of these robots will more than double the number of samples processed from 28,000 to 62,000 annually.

M2 EXPANSION

Mr ALLAN SHEARAN: I address my question to the Minister for Roads. What is the latest information on the M2 widening project?

Mr DAVID BORGER: I am pleased to provide an update to the House on the agreement reached between the Government and the operator of the M2 motorway. Late yesterday, the New South Wales Government and Hills Motorway, the owner of the M2 motorway, signed an agreement to upgrade this busy transport corridor. As members know, improving transport options and travel times for the community is a priority for the New South Wales Government. It is clear that the north-western sector of Sydney will continue

to grow; it is projected that the population will increase by 300,000 over the next two decades. That is a huge increase for the subregion and it is critical that we are able to connect the residents to an expanded and augmented motorway network so that they can travel to other employment centres and other parts of Sydney.

The upgrade will provide about 18 kilometres of new traffic lanes along the motorway, reduce peak-hour congestion, improve access to growing residential and employment areas and support economic growth in Sydney's north-west. Once the upgrade is completed, motorists can expect to save up to 15 minutes in travel time and bus commuters can expect to save five minutes. This is a \$550 million investment in expanding and augmenting the capacity of that key motorway network, which carries about 120,000 people each day. This upgrade is an important investment in the State's infrastructure and it will generate 800 construction and engineering jobs and 2,400 indirect jobs.

Of course, this is good news for commuters in north-western Sydney and constituents in the Opposition's backyard, extending through Ryde, Hornsby and Baulkham Hills. I am pleased that the departing member for Baulkham Hills and member for Castle Hill have stayed in Parliament long enough to see the contract that the Leader of the Opposition lumped them with revised and improved by a Labor Government. On any measure, today's upgrade proposal improves that original deal; in fact, it represents a better deal for M2 users. Longstanding members opposite will recall that the Leader of the Opposition steered the original contract through Bruce Baird's office in the mid 1990s. I know that members opposite, and the Leader of the Opposition in particular, do not like to hear about his handiwork in the 1990s—it is back to the future again—when he was the chief of staff to the then Minister for Transport. He signed up to a motorway contract that locked in the State for 45 years—from 1997 to 2042. That is a fact; that was his approach when his party was in government. He casually signed up hundreds of thousands of road users to paying a toll for 45 years. The O'Farrell contract has been amended—

[Interruption]

This is a very important point and I thought members opposite would be interested in it. Obviously, they are not. They have history on this issue.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The Leader of the Opposition will come to order.

Mr DAVID BORGER: No-one is listening to his interjections—particularly not me. The O'Farrell contract has now been amended so that the owner of the M2 cannot make a claim for compensation when the North West Rail Link is built. A clause allowing for that in the original contract was agreed to by the former Coalition Government. It allowed for compensation to be claimed if public transport competition was established along the corridor. Members opposite do not like to hear that.

The SPEAKER: Order! The House will come to order. The Minister has the call.

Mr DAVID BORGER: That was the view of those opposite: build a rail line and compensate the motorway owner. That was Barry's plan. The prospect of that plan has now gone forever—good riddance to it! The project will see the construction of four new on and off ramps, which will provide better access for Sydney's fastest growing residential and business centres at Windsor Road, Christie Road and Herring Road. Cyclists will get a better deal during construction. Alternative routes will be made available from The Hills district to Macquarie Park and North Ryde. Permanent improvements to the cycleway will also be made. To pay for the upgrade, changes had to be made to the contract signed by the former Coalition Government. The M2 concession will now be extended by four years and there will be a one-off toll increase of 7.7 per cent on completion of the work. It is a modest increase.

The SPEAKER: Order! The Leader of The Nationals will come to order.

[Interruption]

Mr DAVID BORGER: The Leader of The Nationals interjects and says that that is unfair. Frankly, he has a hide to interject because in the last 10 days he has committed potentially \$400 million of taxpayers' money to zany ideas, including his crazy free learner driver program. We still do not know who will pay for that—whether it is the learner drivers or the taxpayers.

The SPEAKER: Order! Members will cease interjecting, including the member for Willoughby.

Mr DAVID BORGER: Perhaps the zany plan of the would-be Minister for Roads will be paid by the generosity of insurance companies—that is what he would have us believe in the three positions he took on this issue when he announced and then changed his policy. This is good news for the people of north-western Sydney. It will aid the growth of that area. Residents will have better access points and improved travel times, whether by car or by bus. They will have a road that will serve them well for years to come.

The SPEAKER: Order! The House will come to order, including the member for South Coast.

PLANNING AND DEVELOPMENT

Mr ANTHONY ROBERTS: My question is directed to the Minister for Climate Change and the Environment. Will he confirm that as Minister for Planning he amended planning regulations in 2006 that had the effect of abolishing the concept of existing use of land as an argument for development of land and, as a result, a development on a site adjacent to his home was forced to revise its building plans?

The SPEAKER: Order! Members on both sides of the House will come to order. I warn Opposition members that I will not tolerate interjections and gestures. The Minister has the call.

Mr FRANK SARTOR: All morning I was urging Government members to ask me a Dorothy Dixier about this issue. However, they thought Opposition members would be stupid enough to ask me a question—and they absolutely are!

The SPEAKER: Order! I call the member for Barwon to order. The Minister has the call.

Mr FRANK SARTOR: Let me deal with the so-called assertion or allegation—call it what you like. By any standard, even of the Sydney metropolitan newspapers, it is an absolute fabrication. The first assertion is that the development behind my house was somehow mysteriously changed and there is now open space behind my house. If one looks at the *Daily Telegraph* one sees that it has a nice photograph of a couple of plans that seem to suggest there is open space behind my house. It just so happens that my wife is an amateur photographer and I sent her out to photograph the development behind my house only yesterday. I have in my hand the photograph she took of the development behind my house.

[*Interruption*]

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The Minister will not use his photograph as a prop.

Mr FRANK SARTOR: When Mr Clennell—about whom I will have much more to say in a moment—called me yesterday he did not want an explanation, he did not want a briefing; he demanded an on the record comment about some kind of fiction that was supposed to have happened in 2006. I said, "Andrew, if there is an open space, come to my home and have a look." He was not interested. I suspect he did not want to know the truth, did he? He did not want to know that there is not open space behind my house. He did not want to know.

The SPEAKER: I cannot see him, but I ask Andrew Clennell to resume his seat! The Minister has the call.

Mr FRANK SARTOR: My chief of staff tells me that Andrew Clennell found out that Simon Benson came to my place for a barbecue. Simon Benson got to see my backyard. Andrew Clennell wants to make a name for himself in News Limited, but he is not a patch on Simon Benson. This story would never have been written by a journalist with any bit of integrity or bit of nous—

[*Interruption*]

He got this story from Anthony Roberts. It should have gone in the bin, together with most of the media releases—

The SPEAKER: Order! The Minister will direct his contribution through the Chair.

Mr FRANK SARTOR: I am happy to do that.

The SPEAKER: I think the Minister has just reserved the front page of tomorrow's *Daily Telegraph*!

Mr FRANK SARTOR: This story should have gone in the bin, together with all the other media releases that Anthony Roberts issued when he was in the army. He kept firing out media releases from the front line with his Gatling gun. I refer to fact No. 2: the development got approved. It got approved by whom? By me? No. By my department? No. By Kogarah Council, which is run by the Liberals? No. Guess who approved the development? The Land and Environment Court approved the development—it says lovely things about me every time there is a judgement.

I will go through it one by one. It is alleged that I somehow changed the law after the development application was lodged and that that disadvantaged the developer. The developer lodged his application in February 2006. An element of existing use rights—by the way, he does not understand existing use rights—was changed in March 2006, one month after the application was lodged. As is normal, when there are amendments to any of the planning regulations there are what are called savings and transition provisions. Those savings and transition provisions preserve all applications that are in the pipeline, that were lodged before the date of change. So this application was not in any way reduced, affected or stopped by the change in the law.

Opposition members want to be in government—clearly, they are not ready to be in government because they are still running around with rubbish like this. They are not near ready to be in government. Let me explain how existing use rights work. I am sorry to do this, but Opposition members obviously need to learn something. The Planning Act provides that if a service station or a car yard is on land and the council comes along and zones the land residential it creates what are called existing use rights. The person who owns the land is entitled to keep using the land in that way in the future. In fact, the Act allows them to intensify that use—so they could have more cars on the car yard, for example.

But at the time there was a regulation, which had been in operation for some years—probably introduced by the Greiner or Fahey governments—allowing those who had a prohibited use, a use no longer permissible on the site, to transfer that to a totally unrelated prohibited use. So they could leap zonings without having to go through a rezoning process. Anyone else would call this a rort. So that a service station could convert to a factory making rubber tyres, provided there was consent. Or, as happened near my place, a car sales yard could convert to a high-density development when the neighbouring zoning was in fact low-density development.

The developer could have applied to amend the zoning. But it did not. It lodged an application, and it was in place. When the regulation was changed, it did not extinguish existing use rights, but it extinguished the loophole. Their rights were preserved. Why was that done? It was because at the time we introduced the standard local environmental plan across the State. As those on the other side would know intimately, that reduced the number of zones in this State from about 500 to 35. That meant that some uses in the new zones would no longer be permissible by accident, thereby creating a whole lot more existing use rights and a whole lot more opportunities for this loophole to be exploited, so my department advised me to change the law. The regulation was changed, but after the application for the property next to me was lodged. Therefore, the applicant's rights were preserved.

So there we have it. There is an open space in the development. If there is a little bit of a setback, you could not swing a cat in it. I am sure that Andrew Clennell is up there, busy hiring a helicopter and trying to take aerial photographs. Then he will photoshop them and try to come up with a new story. The truth of the matter is that there is an open space. First, I have received no benefit. Secondly, I did not object to the development—although my wife objected, to council. The court decided. The court made the decision. My wife wrote a letter of objection and got criticised for it. She did that against my advice. I said, "Leave it; don't touch it." And, thirdly, the change in the law was of no disadvantage to the applicant.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr FRANK SARTOR: It has been said that I was uncharitable when, someone said, I referred to the member for Lane Cove as a fat toad.

The SPEAKER: Order! I call the member for Hawkesbury to order.

Mr FRANK SARTOR: As members know, this is language that just would not come from my lips—never. It just is not the way I think about the member. I do remember, however, in relation to the Royal Rehabilitation Centre development, which was all about preserving a facility for disabled people—

Mr Greg Smith: Point of order: My point is under Standing Order 129. The Royal Rehabilitation Centre question has nothing to do with the question asked about Mr Sartor's own situation.

The SPEAKER: Order! I remind the Minister of the length of his response.

Mr FRANK SARTOR: In framing this question, the member for Ryde made reference to being a fat toad, and I think I should explain why he attracts such wonderful adulation. This issue goes to the question of mendacity, of telling untruths about situations that have occurred, of trying to fabricate a smear that has no basis in fact. He did the same with the Royal Rehabilitation Centre proposal. We approved a very modest development designed to support rehabilitation of a disabled services hospital, but the member went around campaigning, misleading people and lying about it. That is exactly what he is doing here, with the assistance of some local suburban Liberal who has some kind of weird aspirations, together with a journalist who really cannot get his act together, cannot emulate Benson, is trying to make a name for himself, and will not let go of a story that has absolutely no basis whatsoever.

[Interruption]

The SPEAKER: Order! The Minister was concluding his answer until members started interjecting. The Minister has the call.

Mr FRANK SARTOR: First, he goes to Clennell with the story. When he is quoted the story he says, "I can't comment because it's before ICAC." Then I get on Hadley's show and give the member a spray, and he is immediately on Hadley's show commenting. He set the story up. A gullible, second-rate journalist took it up and made a big issue of it. And the mob opposite, who think they are ready for government, think this really is worth wasting the Parliament's time on.

The SPEAKER: Before I call the member for Cabramatta, I am reminded of the quote about attacking those that order their ink by the pallet! I call the member for Cabramatta.

Mr Paul Gibson: A supplementary?

The SPEAKER: Order! I will not allow another supplementary question. I call the member for Cabramatta.

MULTICULTURAL FOSTERING SERVICES

Mr NICK LALICH: My question is addressed to the Minister for Community Services. Will the Minister update the House on the rollout of multicultural foster services across Sydney?

Ms LINDA BURNEY: I thank the member for Cabramatta for his question. His electorate is one of the most multicultural parts of Sydney, with an amazing 72 per cent of people speaking a language other than English at home. Needless to say, the member is very much aware of the problems that face children and young people from these communities who cannot live safely with their families. About 25 per cent of children in care are from non-English speaking backgrounds. I am proud that Community Services has 62 multicultural caseworkers. We also have 13 community workers who help our caseworkers with families from African backgrounds. The member for Cabramatta will be interested to know that of the 18 foster carers in his electorate, four are from a Vietnamese background and two are from an Arabic speaking background.

Children from these culturally diverse backgrounds who cannot live safely at home get the best possible chance in life when they receive care that accepts and supports their identity. We do need more foster carers from a multicultural background. Today I am pleased to inform the House that three new foster carer recruitment programs for members of the Greek, Arabic and African communities are about to start. Two organisations have won tenders to run the programs. They are Settlement Services International, based in Leichhardt, for Greek carers and for Arabic-speaking carers, and SydWest Multicultural Services, an organisation that I will be visiting next week, based in Blacktown, for African carers. They will receive a total of \$135,000 for this much-needed recruitment drive. The organisations will also be required to provide support to current carers.

I know it has been a long question time, but I ask the House to indulge me for a few minutes so that I can tell members about the amazing woman I met a few weeks ago at Mamre House, St Marys. Her name is Tokariel. I was really privileged to meet Tokariel at the gathering of foster carers at St Marys. Tokariel is a Sudanese woman living in Sydney's west. She came to Australia in 2005. Her husband was killed in the war in Sudan. She has one child still living in Sudan with relatives. She has been interested in foster caring since coming to Australia and says, "I need to help my community raise their children." That is remarkable, coming from a person who has been through so much as Tokariel.

In Sudan, child protection laws are very limited. If a woman dies in childbirth, or is killed, family or friends step in to take the child home and look after them. She maintains her strong links with her community, and will raise children through story-telling and songs. The good news about this story is that Tokariel was recently trained, assessed and authorised as our first Sudanese foster carer in New South Wales, and now she is awaiting placement. But one has to ask the question: What would happen to the multicultural services unit in Community Services if those on the other side got into government?

Mr Adrian Piccoli: Stick to the script.

Ms LINDA BURNEY: I am sticking to the script. They would cut public sector services. We know this from their record when they were last in government.

The SPEAKER: Order! Members will cease interjecting. I call the member for Murrumbidgee to order.

Ms LINDA BURNEY: I might be accused of tedious repetition, but I will remind those on the other side of their history every time I get a chance. The member for Goulburn has been the shadow Minister for Community Services for one year, nine months and 29 days. During that time she has asked two questions. The first one was about something she had seen on *Today Tonight*. The member for Goulburn came into the Chamber the next day to ask me a question—

Mr Adrian Piccoli: How grubby.

Ms LINDA BURNEY: Don't you dare talk to me about being grubby.

The SPEAKER: Order! The member for Murrumbidgee will cease interjecting.

[*Interruption*]

The SPEAKER: Order! I call the member for Murrumbidgee to order for the second time.

Ms LINDA BURNEY: Coming from you, talking about being grubby is a very unusual thing to say.

The SPEAKER: Order! The Minister will direct her comments through the Chair.

Ms LINDA BURNEY: The shadow Minister got her facts wrong then, and she got her facts wrong last week when she asked about the expansion of front-line staff. The shadow Minister has had nearly two years in this portfolio. I ask: What is the Coalition's plan for Community Services—

The SPEAKER: Order! I call the member for Murrumbidgee to order for the third time.

Ms LINDA BURNEY: I cannot help but come back to this document: "Make New South Wales number one again".

[*Interruption*]

The member for Murrumbidgee does not like to hear it; that is his problem.

The SPEAKER: Order! I call the member for Kogarah to order.

Ms LINDA BURNEY: I looked through this document to see whether I could find the word "multiculturalism". Guess what? The word "multiculturalism" is in it once. Is it there about vibrant new

classrooms? Is it there about enriching society? Is it in there about cohesive, safe and harmonious communities? No. It is there, strangely, underneath "Compete for more international trade and export opportunities". The dot point is this: "Make the most of our multicultural society to strengthen trade relationships". I say to the Opposition: Please explain.

I ask: Would the Coalition continue with the implementation of the Wood recommendations? Would it guarantee no cuts to caseworker positions? During 16 years in Opposition—and I have really checked out this record—the Coalition has promised not a single extra caseworker or family support worker, not a single extra counsellor or foster carer, and not a single caseworker or carer from a culturally diverse background.

[*Interruption*]

It is a shame. It is an absolute shame in places like Cabramatta and Fairfield, and in my electorate. To conclude, it is extremely important for children to be placed, wherever possible, with a family of the same cultural background, to make sure these children not only remain physically safe and secure but also remain safe and secure in who they are. Nothing is more important than to know who you are and where you come from. That is why I am glad to inform the House that this side of the House, the Keneally Government, is proud to announce these new recruitment programs for multicultural foster carers.

LOCAL INFRASTRUCTURE FUND

Mr CRAIG BAUMANN: My question is directed to the Premier. In light of the Premier's comments to media on Sunday night that New South Wales Labor is already doing our Local Infrastructure Renewal Scheme, can the Premier confirm that the New South Wales Local Infrastructure Fund closed more than a year ago, with no funding allocated in the last budget?

Mr Andrew Fraser: That was a blunder.

Ms KRISTINA KENEALLY: It was a blunder of a question from you. The question is in relation to local infrastructure funding.

The SPEAKER: Order! The House will come to order. The member for Coffs Harbour will cease interjecting. The Premier has the call.

Ms KRISTINA KENEALLY: What is that noise they were making then, Mr Speaker? Members opposite have shown themselves for the true non-gentlemen they are.

The SPEAKER: Order! Members will come to order.

Ms KRISTINA KENEALLY: The question is about local infrastructure funding. This Government provided \$180 million in local council infrastructure funding interest-free loans for councils to bring forward infrastructure projects that were in their section 94 plans and for which they had a section 94 contribution in place. We did that as a stimulus effort, in order to provide councils with a way to bring forward infrastructure that supported new development. It was a responsible plan, it was a funded plan, it was a capped plan. It was a plan that respected councils' ability to plan for their own infrastructure, recognising that there was something that we could do to support it. In contrast, what are we seeing from the Opposition?

The SPEAKER: Order! The Premier has the call.

Ms KRISTINA KENEALLY: As soon as we start to discuss the Coalition's policy, members opposite do not want to hear about it. We see a disturbing pattern emerging from the Opposition when it comes to their policy announcements. Members may recall that episode of *The Simpsons* in which Homer Simpson ran for local council. What was his campaign slogan? "Can't someone else do it?" New South Wales has its own version. The Leader of the Opposition, who has left the Chamber—

The SPEAKER: Order! Members will cease interjecting. I call the member for Hawkesbury to order for the second time.

Ms KRISTINA KENEALLY: The Leader of the Opposition has left the Chamber. I will not try to guess what he is doing. Homer Simpson famously ran for office with the slogan "Why can't someone else do

it?" Under Barry O'Farrell it would be: "Why can't somebody else pay for it?" I ask members to consider the pattern. Who is going to pay for local council infrastructure funds? Who is going to pay for \$1 billion in additional debt for local councils? A Coalition government will say ratepayers can pay for it. Under a Coalition government, Hunter Water customers can pay for new schools and new roads—

The SPEAKER: Order! I call the member for Wakehurst to order for the second time.

Ms KRISTINA KENEALLY: Under a Coalition government, insurance customers can pay for their half-baked, half-born driver education program to the tune of \$140 million. This is what we see again and again from the Coalition. Its approach is: Find someone else to pay. We know who always stands at the end of the bill: the families of New South Wales. Whether they are ratepayers, insurance customers or Hunter Water customers, who stands at the end of that bill? It is the families of New South Wales.

The SPEAKER: Order! The member for Lismore will come to order.

Ms KRISTINA KENEALLY: And that is before we even get to the greatest pyramid scheme that has ever been before this Chamber: the Waratah bonds. The total bill is unknown.

The SPEAKER: Order! I call the member for Fairfield to order for the second time.

Ms KRISTINA KENEALLY: All we know is that the Opposition will borrow in the billions. It will just keep on going until it is done. How long is a piece of string? We all remember that famous comment from the Leader of the Opposition, "How long is a piece of string?", when he was asked how much debt the Coalition was willing to bear. The member for Manly, in a moment of truth, admitted that his Waratah bonds scheme will cost more. In his speech to the Illawarra Business Chamber on 15 October 2010 he said: "You may well pay an increased amount for that diversity, but diversified funding sources is the way of the future."

The SPEAKER: Order! I call the member for Bathurst to order.

Ms KRISTINA KENEALLY: Maybe he was educated in the Metherell years; I do not know. He said, "You may well pay an increased amount for that diversity." That is what the Coalition finally admitted to. The Waratah bonds are debt. No matter what its name, it is still debt; it still goes to the State's bottom line. What do the families of New South Wales have to show for it? They get to pay more for more debt. We know that the Coalition—

Ms Cherie Burton: They're hopeless!

The SPEAKER: Order! I call the member for Kogarah to order for the second time.

Ms KRISTINA KENEALLY: I endorse the member for Kogarah's comment.

The SPEAKER: Order! I call the member for Manly to order.

Ms KRISTINA KENEALLY: We know that just as the Coalition ran away from the half-baked Driver Training Scheme, it is running away from this half-baked \$1 billion Council Borrowing Scheme. How do we know that? Because 12 hours after it was announced who did the Coalition send out to defend it? Its policy brains; one of the best brains those opposite have: the member for Wakehurst! If there is any sign that the Coalition is defending a policy, it is when it gets the member for Wakehurst to defend it.

SUTHERLAND SHIRE BUSINESSES

Mr BARRY COLLIER: I address my question to the Minister for Small Business. Will the Minister inform the House how the New South Wales Government is supporting local businesses in the Sutherland shire?

Mr FRANK TERENZINI: I thank the member for Miranda for his question and for his ongoing interest—

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr FRANK TERENZINI: There is too much good news in the Chamber; that is why they are so noisy, Mr Speaker. I have good news about business in the Sutherland shire. The New South Wales Government

has a strong record of partnering with regional councils in their efforts to raise their profile, to improve local economies and retain the essence of their communities. The Enterprising Regions Program of the Department of Industry and Investment encourages community growth throughout New South Wales by developing skills and encouraging initiatives that boost local economic activity. The New South Wales Government is committed to increasing business investment in regional New South Wales through its many business programs.

The Sutherland Shire Council, one of six councils in the Southern Sydney Economic Corridor, is a significant contributor to a gross regional product estimated to be worth more than \$25 billion. It is an industrial and business powerhouse, covering nearly 540 square kilometres and representing nearly 10 per cent of greater metropolitan Sydney's economy. I am pleased to announce today that Sutherland Shire Council has been successful in its bid to extend its hub for the economic development program, known as the Sutherland Shire Hub for Economic Development [SSHED]. The Keneally Government has allocated \$125,000 to the Sutherland Shire Council to expand its SSHED in three regional communities over the next 12 months. This is great news for local businesses, as the SSHED program provides them with an intensive business planning workshop, which includes business basics, analysis, improvement advice and mentoring services. Businesses participating in the program can also access seminars, podcasts and other online business support services.

Since its inception in 2003, more than 70 businesses have progressed through the SSHED program, producing more than 400 jobs. The New South Wales Government is continuing to support the SSHED program to deliver business acceleration programs to selected enterprises. This has resulted in the development of a pilot program called SSHEDnet, which provides small businesses with intensive business planning, workshops on business basics, advice on business development, and mentoring services. SSHEDnet will deliver this business model, infrastructure and extended business networks to the regional New South Wales centres of Lake Macquarie, the Blue Mountains and Coffs Harbour. The Coffs Harbour pilot involves a software development company, an online marketing business, an advertising agency, a market research company, and a psychotherapy business.

I am also pleased to announce that the Government is providing \$35,000 in funding to produce the Southern Sydney Regional Profile, which will aid six councils in the southern Sydney economic corridor, including Sutherland, Bankstown, Kogarah and others. The new profile will highlight the business benefits of the six local government areas and encourage more effective networking, data sharing, collaborative business and economic growth opportunities. As well as aiding agencies with marketing, business development and investment attraction in the subregion, it will assist many stakeholders, including small and medium enterprises with a comprehensive overview of the region. I commend this report and the profile to the House. I encourage all Opposition members, including my counterpart, whoever that may be—

The SPEAKER: Order! The House will come to order.

Mr FRANK TERENCE: I am serious. Since becoming the Minister for Small Business I have been asking that question. I thought it was the member for Barwon because he was out there announcing policies about small business. Then we have the jack-in-the-box member for Ballina, who is up and down all the time whenever I am talking. Yet the other day when I picked up a copy of the *Illawarra Mercury*, on 7 October 2010 the Leader of the Opposition went to the Illawarra to make a small business announcement and guess who represented the Opposition as spokesperson for Small Business? None other than Mr Greg Pearce, member of the Legislative Council [MLC]! He was next to the Leader of the Opposition when he was making an announcement about small business. Will the real Opposition spokesperson for Small Business please come forward? Who is it? Is it the member for Barwon? Is it the member for Ballina? Is it Mr Greg Pearce, MLC? I wait with bated breath for the answer to my question: Who is my opposite number? The member for Ballina had better watch out because his job is under threat.

The SPEAKER: Order! I call the member for Ballina to order. The Minister will direct his comments through the Chair.

Mr FRANK TERENCE: All I can say is that if the member for Ballina really wants the post he had better get his act together because two others are after his job. He had better get his act together because otherwise he will lose his post and return to the backbench.

Question time concluded at 3.25 p.m.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE**Report**

Mr Robert Coombs, as Chair, tabled report No. 7/54 entitled "Review of the 2008-09 Annual Report of the Commission for Children and Young People and the 2008 Annual Report of the Child Death Review Team", dated October 2010.

Ordered to be printed on motion by Mr Robert Coombs.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Allan Shearan, as Chair, tabled Legislation Review Digest No. 14 of 2010, dated 26 October 2010, together with minute extracts from digests Nos 9, 10, 11, 12 and 13 of 2010.

Report ordered to be printed on motion by Mr Allan Shearan.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Inner Sydney Light Rail

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

Companion Animals Travel

Petition requesting that companion animals be allowed to travel on all public transport, received from **Ms Clover Moore**.

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

South West Rocks Policing

Petition requesting the allocation of more police resources to the South West Rocks region, received from **Mr Andrew Stoner**.

Livestock Health and Pest Authorities Rate Increases

Petition requesting an immediate moratorium on Livestock Health and Pest Authority rates and requesting that the locust loan become a grant, received from **Mr Andrew Constance**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

Oxford Street Traffic Arrangements

Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

Hornsby Electorate Homeless

Petition requesting funding and resources to map homeless people in the Hornsby electorate, received from **Mrs Judy Hopwood**.

The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:

The Hon. John Robertson—Mosman and Neutral Bay Ferry Timetable—lodged 22 September 2010 (Mrs Jillian Skinner).

BUSINESS OF THE HOUSE

Business Lapsed

General Business interrupted mover's agreement in principle speech No. 1 and General Business Notice of Motions (General Notices) Nos 1040 to 1051 lapsed pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Occupational Health and Safety Law Reform

Mr DONALD PAGE (Ballina) [3.28 p.m.]: My motion deserves priority because we have a crisis of confidence in this State. In particular, the Keneally Labor Government is reneging on its commitment to important occupational health and safety reforms. On 11 December 2009 at the Workplace Relations Ministers' Council, New South Wales endorsed a model Act covering occupational health and safety conditions. New South Wales was represented by two current senior ministers: Michael Daley and John Robertson. This all happened while Kristina Keneally was Premier. Last year Joe Tripodi, the member for Fairfield, had this to say about the national occupational health and safety reforms:

New South Wales is supporting this once-in-a-lifetime opportunity to achieve national occupational health and safety laws for improved workplace safety.

Not only was Joe Tripodi fulsome in his praise of these reforms, but former Premier Iemma and former Premier Rees were happy to support a national approach based on the predominantly Victorian legislation. Furthermore, on the two issues the Keneally Labor Government says it is concerned about—the onus of proof and union prosecutions—Professor Ron McCallum, Foundation Professor of Industrial Relations at the University of Sydney, and someone who strongly opposed WorkChoices, says the arguments being advanced by the Keneally Labor Government have no logical foundation.

Of course, we all know the real reason why the Keneally Labor Government is welshing on this deal: it is to shore up support from the unions that she needs to donate to her election campaign. Under current New South Wales occupational health and safety laws the unions get to keep half the proceeds of any successful prosecution, some of which will no doubt find its way back to the Keneally Government. Once again, it is all about what is good for this incompetent Keneally Labor Government, not what is good for the New South Wales economy, for New South Wales businesses or for employees and employers in this State. If New South Wales does not sign up to this important national reform we will fall further behind. The Chief Executive of the Australian Chamber of Commerce and Industry, Peter Anderson, when talking about the New South Wales Government's stance on national occupational health and safety reforms, said in the *Australian*:

This is a form of policy isolationism that typifies governments in their dying days. It is an appalling message to potential investors in New South Wales. It is hard to comprehend how a Cabinet can uphold laws that the High Court has ruled are unfair and unbalanced.

He was referring to the Kirk case. An open letter signed by major business groups and addressed to the Keneally Government stated:

NSW risks losing investment, jobs and credibility if it walks away from its commitment to the agreed national laws. Industry is profoundly frustrated at having nine different sets of safety laws and regulations around Australia.

Given that New South Wales is a large part of the Australian economy, is it any wonder that Prime Minister Gillard has been so scathing in her comments about the Keneally Government? In the *Sydney Morning Herald* on 18 October 2010 Prime Minister Gillard said:

National model occupational health and safety laws will save businesses around \$179 million per annum and, importantly, improve safety for workers.

This statement comes from no less than the Prime Minister of Australia. The Prime Minister further said:

Inconsistent laws cause confusion and costs for business.

This morning on ABC radio she said:

I never thought that in the twenty-first century I would hear a New South Wales Premier deny that a deal is a deal and a signature means you agree.

Figures recently released by the Australian Bureau of Statistics [ABS] on business entry and exit numbers is of great concern to business owners, as well as to the Liberal Party and The Nationals in this State. The ABS revealed last Friday the very disturbing news that New South Wales experienced a net loss of 17,623 businesses—

Mr Brad Hazzard: How many?

Mr DONALD PAGE: A net loss of 17,623 businesses between June 2007 and June 2009. Victoria had the second highest net loss of businesses, with some 2,300 for the same period. When we compare over 17,000 in New South Wales with just over 2,000 in Victoria, the State with the second highest figures, it is clear that something is very wrong in this State. The situation in Queensland was static and Western Australia, on a net basis, gained 1,400 new businesses. This New South Wales Labor Government is bringing business, including small business, to its knees. It has the worst record by any measure of any State or Territory in this country. Every couple of months a new report is published saying that this State is the worst performer. On Monday CommSec released its quarterly figures, showing again that in every area of economic activity this State is coming last.

Mr Kevin Greene: Point of order—

The DEPUTY-SPEAKER: Order! What is the member's point of order?

Mr Kevin Greene: The member's speaking time has expired.

Community Building Partnership Program

Mr PAUL McLEAY (Heathcote) [3.33 p.m.]: This matter should be accorded priority because this House and the community need to be informed that Premier Keneally has continued and expanded the Community Building Partnership Program in 2010. As all members in this place would be aware, the Community Building Partnership was introduced in 2009 as a stimulus measure to support jobs by providing community groups with funds for local projects. The Government originally allocated \$35 million for the Community Building Partnership, with \$300,000 provided to each State electorate and another \$100,000 provided to electorates with high unemployment.

The original purpose of the Community Building Partnership was to support local jobs by boosting local economic activity. This was just one of a range of New South Wales Government initiatives to support jobs in the face of a global recession. These initiatives relating to things such as stamp duty and payroll tax, major investment in infrastructure, and improvements to the planning system have seen New South Wales recover from the economic crisis, leading the nation in economic growth and with falling unemployment.

The DEPUTY-SPEAKER: Order! The member for Wakehurst will come to order.

Mr PAUL McLEAY: However, while the original aims of the Community Building Partnership have been met, a new need was identified along the way. Across the State last year more than 2,300 applications for community projects were received, seeking more than \$119 million. Yet only 1,180 projects were able to be funded. There is an overwhelming need for more funds for community projects. In response, the Community

Building Partnership has proven to be an overwhelming success. The Government has now announced a further \$35 million for the program in the June 2010 budget. On Sunday the Premier announced a huge expansion of the program to help communities improve their local facilities.

The Government is adding another \$23.4 million to the program, increasing the budget by 67 per cent to \$58.4 million. The extra funding will be allocated as follows. The 45 electorates that already had been allocated \$300,000 in Community Building Partnership grants will have that funding increased to \$500,000. The 48 electorates with higher levels of social disadvantage and unemployment will have available funding under the program increased from \$400,000 to \$700,000 for each electorate. By the end of this year, after the proposals have been assessed by members of Parliament and the Government, up to \$700,000 in community funding will be directed to every electorate in New South Wales. This is in response to the overwhelming community demand and the high quality of the applications that have been received.

Question—That the motion of the member for Ballina be accorded priority—put.

The House divided.

Ayes, 38

Mr Aplin	Mrs Hancock	Mr Roberts
Mr Ayres	Mr Hazzard	Mrs Skinner
Mr Baird	Ms Hodgkinson	Mr Smith
Mr Baumann	Mr Humphries	Mr Souris
Ms Berejiklian	Mr Kerr	Mr Stokes
Mr Besseling	Mr Merton	Mr Stoner
Mr Cansdell	Mr O'Dea	Mr J. H. Turner
Mr Constance	Mr O'Farrell	Mr R. W. Turner
Mr Debnam	Mr Page	Mr J. D. Williams
Mr Dominello	Mr Piccoli	Mr R. C. Williams
Mr Draper	Mr Piper	<i>Tellers,</i>
Mrs Fardell	Mr Provest	Mr George
Ms Goward	Mr Richardson	Mr Maguire

Noes, 46

Mr Amery	Ms Gadiel	Ms Megarrity
Ms Andrews	Mr Gibson	Mr Morris
Mr Aquilina	Mr Greene	Mr Pearce
Mr Borger	Mr Harris	Mr Rees
Mr Brown	Ms Hay	Mr Sartor
Ms Burney	Mr Hickey	Mr Shearan
Ms Burton	Ms Hornery	Mr Stewart
Mr Campbell	Ms Judge	Ms Tebbutt
Mr Collier	Mr Khoshaba	Mr Terenzini
Mr Coombs	Mr Koperberg	Mr Tripodi
Mr Corrigan	Mr Lalich	Mr West
Mr Costa	Mr Lynch	Mr Whan
Mr Daley	Dr McDonald	<i>Tellers,</i>
Ms D'Amore	Ms McKay	Mr Ashton
Ms Firth	Mr McLeay	Mr Martin
Mr Furolo	Ms McMahan	

Pairs

Mr Fraser	Ms Beamer
Mr Hartcher	Mr McBride
Mrs Hopwood	Mrs Perry

Question resolved in the negative.

Question—That the motion of the member for Heathcote be accorded priority—put and resolved in the affirmative.

COMMUNITY BUILDING PARTNERSHIP PROGRAM

Motion Accorded Priority

Mr PAUL McLEAY (Heathcote) [3.43 p.m.]: I move:

That this House congratulates the Government on its expansion of the Community Building Partnership Program.

Today I would like to discuss the tremendous success of the Community Building Partnership Program. It has been a wonderful chance for members of Parliament to work with their local communities to make grassroots decisions about how to spend public money for the maximum local gain. Sometimes we can feel powerless as local members not just because we have less influence than Ministers but because we have far less influence than bureaucrats and big interest groups when it comes to fixing local problems. I have always believed that locals know best what matters in their neighbourhoods. It is important that governments continue to expand the Community Building Partnership in recognition that voters must have a greater say in public decision-making and not just once every four years.

I urge the House to continue this program. I recognise and appreciate the Premier's decision this past weekend to substantially increase the allocation in light of the quality of applications received. I also urge the House to examine the model that I have chosen to deliver the program, which has been directly driven by locals who do the real hard yards in my neighbourhood's most important social institutions. The year 2007 was *Time* magazine's Year of You. YouTube, MySpace and Facebook hit the mainstream and government needed to address the question of how the wisdom of crowds can make for better public policy and service delivery.

Coincidentally, with the rise of the Internet, participatory democracy or deliberative democracy and deliberative budgeting were gaining notice internationally. Participatory democracy basically means handing over some resources and policy choices to direct community decision-making. When I was the chair of the Public Accounts Committee we undertook an inquiry into the engagement process used in the State Plan. I headed to Porto Alegre, Brazil, which was at that time at the centre of deliberative government. It seemed obvious to me at the time that Web 2.0 collaboration tools also could deliver deliberative action effectively.

The Brazilians believe participatory budgeting or deliberation is inextricably linked to socialism but that, in most respects, it is a methodology not an ideology. Getting citizens properly involved in how their government is run works in Brazil because the government gives people some cash to play with—old-school many-to-many collaboration. It is not exclusive to any ideology and it is fascinating to watch now as the United Kingdom Coalition Government endorses it as part of its Big Society program.

Last year I decided to combine what I had learned in Brazil with what I had been discussing with some of my friends in the United Kingdom and put this theory into action. I set up a crowd-funding platform—www.paulmcleay.com.au—to allocate the first round of Community Building Partnership money. I received more than 50 applications. Their projects went online with a picture of their program and 100 words describing it. I then said to the people living in my electorate, "Do not let me decide who gets the money; you decide". Every person who lives in my electorate got five votes which they could allocate to the projects that they supported.

Therefore, the onus was not on me to make the decision; the onus was on my electorate to decide. The scheme also engaged the applicants who had asked for money. I said to them, "Do not convince me, go and convince your friends and neighbours". Instead of encouraging them to write a letter to their local member of Parliament or ask their patrons to exercise some political pressure, this engendered a real activism in the aspiring applicants. It gave them the choice to go out and justify their programs to their neighbours in order to get the support and the votes they needed.

After I visited the groups and helped them write their proposals and post them online I discovered that there were other challenges—not everyone has access to a computer. To address that problem we issued forms that could be filled out manually. It encouraged community groups to go out and get as many people as they could to support their projects. Within three short voting weeks more than 20,000 votes had been cast. It was a magnificent success. The people living in my electorate got to choose which projects they supported—everything from stage constructions and hall refurbishments to outdoor classrooms, shop fit-outs, station upgrades and toilets in local community groups—and the amount of money allocated was distributed in direct correlation to the votes that the projects received.

The very small group of Engadine Rotary had 31 members who got very active. They received 4,500 votes and \$69,000 in funding as a result. I set the threshold at 200 votes. Those who received over 200 votes for a playground construction received \$3,800. It was a fantastic result. Everyone loved the scheme and enjoyed it so much that I introduced it again this year. This year it involved a similar process. There were tens of thousands of votes, people got online and people got active. Those who were the most active were rewarded.

While the early exponents of participatory budgeting were Latin American socialists, this movement is heading mainstream, particularly in the United Kingdom. In Britain, where progressive left-wingers such as Charles Leadbeater got it started, the Conservatives are getting on board as well with the Big Society Network now a vocal champion for "Your Local Budget", which introduced participatory budgeting to local authorities. They are working with the government in the United Kingdom to support up to 10 local authorities to implement participatory budgeting. While the Blair Government kicked off a number of important initiatives, including the office of the Third Sector, the new government is building on these civil society measures, including a Big Society Bank, which will help finance social enterprises, charities and voluntary groups.

Participation is beyond party politics. It is accessible, it is available 24 hours a day and it is online. When we empower local solutions and encourage participation we strengthen the institutions and bonds of civil society. Traditional approaches empower bureaucrats and entrench hierarchy, making government more and more isolated from the governed. Local budgets turn that trend on its head and put power back into the hands of citizens. In the end, governments can only be enablers. We should not treat people like children by making decisions for them and telling them how to live. We need to put power back into the hands of communities and let everyone discover how much we can achieve when we renew our faith not only in our neighbourhoods but also in each other.

Mr DARYL MAGUIRE (Wagga Wagga) [3.50 p.m.]: The Community Building Partnership Program provides funds for community groups and local councils to invest in community infrastructure throughout the State. Last year some 1,280 grants were approved for community groups and local councils to build and upgrade local facilities. This year the Government allocated \$35 million to community projects involving allocations of \$300,000 to each electorate, with an additional \$100,000 for electorates with a relatively higher unemployment rate. It was announced today that further funding would be made available.

Most members of Parliament completed applications for groups in their electorate online, and I am sure that they would agree that that process was very time consuming because of the number of applications lodged. I had to deal with 41 applications. Many of the community organisations involved made contact with me and came to see me about their projects. I also visited every group that lodged an application to ascertain their funding status. The member for Heathcote said that he used the web to invite individuals to vote for what they believed was the most important local project.

My concern is that an active, Internet savvy group in the community could sway the final decision. A group that may not be computer literate or have access to computers could be severely disadvantaged if that model were pursued. That is why it is important for local members and councils to be involved and to examine each project. If money is allocated on the basis of information gathered via the web I fear that an active group could have an advantage over, for example, groups involving older people or people in rural and regional New South Wales, where the Internet is not as freely accessible. Those groups could be severely disadvantaged if that model were to be widely used.

Given the allocation of additional funding, the Internet site should be reopened so that members can reassess their ratings. When I worked through the applications lodged by groups in my electorate I noticed that some projects could be only partly funded. I have the work sheets on which I calculated which groups could obtain funds and which could not. Groups in my electorate lodged \$1,545,000 worth of applications and the available funding was \$400,000. The year before, there were 17 applications worth \$1.2 million and the funding pool was \$400,000.

The program spells out criteria that must be met, and I note that applications from local councils must have matched funding. These programs are meant to provide greater flexibility for the disadvantaged in our communities. That is an important factor that must be taken in account. I question whether those issues are considered in the electronic polling model. I have received an application from Tumut Lawn Tennis Club—a very worthy organisation—for a \$100,000 court upgrade project. The club provides facilities to about 250 kids who play in a night competition, which is brilliant for the future of the game. When I visited the club to discuss its application there were about 40 older ladies on the court who have been playing tennis there for many years.

I also received an application for \$30,000 for a new roof from Micah House, which provides food, counselling and help for very disadvantaged people in our community. The people of Brungle also made an application, as did the community at Collingullie, which applied for funds to undertake work at the local football club. The shires of Wagga Wagga, Lockhart and Tumut also lodged applications. They are all worthwhile groups and it is difficult to determine which applications should succeed.

Many applicants are contacting my office to find out whether a decision has been made about the original partnership grants. That program was delayed because of problems with the close of applications and because the assessments involved a great deal of work. The applicants are keen to know what is happening, because many of them have obtained quotes for the work to be undertaken within a particular time frame. The suggestion that this could roll on until January and February is the cause of great concern. Contractors have provided quotes for the work to be undertaken and they could be severely disadvantaged if there is excessive delay.

Ms CHERIE BURTON (Kogarah) [3.57 p.m.]: I support the motion. As the member for Wagga Wagga said, the Community Building Partnership Program is a great initiative, and the issues he raised are legitimate. For the first time in Australia local residents have been able to play an interactive role in program funding allocation. This program enables people in our electorates to apply for small amounts for projects that are vital to them and their community. As a member of Parliament I can assist in obtaining that money. That is the spirit behind this program: it is about enabling local members, irrespective of their party, to assist their local community at a grassroots level. WIN Jubilee Oval received \$13 million—

Mr Thomas George: How did you get \$13 million?

Ms CHERIE BURTON: The member for Lismore should listen. It will provide a major sporting facility to the people of the St George area. The last budget allocated \$1 million for the refurbishment of Kingsgrove police station and for the establishment of a specialist training unit. It will also provide a greater police presence in that area.

Carlton South Primary School will get its long-awaited school fence, as will Sydney tech. Every school in the Kogarah electorate will now have a school fence. A total of \$9 million was announced for the widening of Allawah bridge, which is great news for the people of Allawah. In the 12 years that I have been the member for Kogarah approximately \$2 billion has gone into my electorate. I refer to the big-ticket items include the M5 East, the new Kogarah police station, and the new commuter car park, which provides 360 spaces free, 24 hours a day, seven days a week for the people of Kogarah.

However, that is not just what it is about. It is not just about giving grants or big amounts of money. While everyone is grateful for the almost \$2 billion that has been spent in the Kogarah electorate, the greatest day was the day I could ring the following groups and tell them that as the local member of Parliament I was able to achieve something for them that in the past was overlooked. An amount of \$125,000 was allocated to Kogarah City Council for an upgrade the central business district; \$35,000 was allocated to the Uniting Church of Australia Property Trust New South Wales to upgrade its mental health facility; \$29,500 was allocated to the Anglican Church Property Trust Diocese of Sydney for the relocation and renovation of kitchen facilities at St George's church; and \$24,000 was allocated to the Sydney Cats and Dogs Home

In addition, \$22,000 was allocated to the Anglican Church Property Trust Diocese of Sydney; \$20,000 was allocated to remediation works at the Christ Church Bexley Hall; \$15,000 was allocated to the Scout Association of Australia to refurbish the 2nd Beverly Hills scout hall; \$13,478 was allocated to St Gabriel's Catholic Church, Bexley, to build a carport for its community bus; \$10,000 was allocated to the Scout Association of Australia to refurbish the 1st Kogarah scout hall; \$7,000 was allocated to the Scout Association of Australia for repairs to the 1st Hurstville scout hall; \$5,000 was allocated to the Scouts Association of Australia for the refurbishment of the Bexley Kogarah Coptic scout hall; \$5,000 was allocated to the Scout Association of Australia to refurbish the Bexley North scout hall; and \$4,000 was allocated to the Scout Association of Australia to refurbish the 1st Carlton scout hall.

This year I received more than \$500,000 worth of applications. This Government is responsive to community needs. This Government delivers not only the large-scale, big-ticket items such as those that have been delivered to Kogarah but it also delivers the small-ticket items. Therefore, everyone feels included. Every single applicant in the Kogarah electorate will receive funding because the Government is extending the program. I congratulate the Government. I congratulate all the applicants.

Mr THOMAS GEORGE (Lismore) [4.02 p.m.]: The electorate of the member for Kogarah has certainly received a lot of funding, but it has not come out of the Community Building Partnership Program. The member for Kogarah has highlighted the fact that as members of Parliament we have an opportunity to recommend programs or projects to the Government for assistance. The inaugural Community Building Partnership Program provided my electorate with \$400,000, but I received applications for some \$2.5 million in grants towards \$7.5 million worth of projects. Yes, it was a pleasure to notify the organisations that were successful, and a number of projects were successful in my electorate. However, quite a number of projects were not successful. When I entered politics a bloke said to me, "Never be a judge." I said, "Why? I have been asked to judge a show girl competition." He said, "Never do that." I asked, "Why?" He said, "You will please one person and there will be 10 people who will not be happy, so you will win one vote and you will lose 10."

Mr Kevin Greene: It is all about votes.

Mr THOMAS GEORGE: It is a bit like this program: It was nice to ring up the ones that were successful. However, I had to face the ones that were not successful. There is a down side to it. It highlighted to me—I did not realise it—how many projects in the electorate were unfunded and that people needed assistance to complete their projects or get their projects off the ground. In saying that, the Minister in the Chair is the Minister for Sport and Recreation—

Mr Kevin Greene: Amongst other things.

Mr THOMAS GEORGE: Amongst other things—he is also the Minister for Gaming and Racing. Once upon a time we used to have the capital grants, not to the extent that we had them before. I do not think we have had them every year like we had them.

Mr Kerry Hickey: No money for you next year.

Mr THOMAS GEORGE: I would like to see what I got this year. We used to have the opportunity to recommend those programs.

Mr Kerry Hickey: You did.

Mr THOMAS GEORGE: I will certainly want to talk to the member about that. There is a lot of talk in Australia today about obesity and sport. The biggest surprise I got was the number of sporting organisations that needed assistance via the Community Building Partnership to improve their facilities in some way or another. Again, we certainly have had the opportunity to have the grants approved.

Last year in the Lismore electorate the Australian Red Cross received some money towards an upgrade of a car park; the Dunoon and District Sports and Recreation Club, a great sporting organisation, received \$30,000 for earthworks and flood lighting at Balzer Oval, Dunoon; the Lions Club Australia (Tabulam Branch) received money for a netball facility at Bonalbo; the Lismore Little Athletics club received some money for an all-weather cover; the Lismore Soup Kitchen received some money towards the establishment of low-cost accommodation for marginalised people; the Lismore Theatre Company Inc. received some money towards the replacement of its kitchen; the Lismore Thistles Soccer Club received some funding for a concrete viewing pad at its ground; and the Mt Warning preschool the upgrade of the eco-cubby learning centre.

Mr Kerry Hickey: All worthwhile organisations.

Mr THOMAS GEORGE: Yes, they are all worthwhile organisations. As I have said though, it is one thing to ring people and notify them that they were successful; it is another thing to have to ring them and tell them that they were not successful.

Mr PAUL McLEAY (Heathcote) [4.07 p.m.], in reply: The notion of the Community Building Partnership Program has certainly been embraced by all members. A total of \$35 million was allocated to our local community, to a much-needed area of social inclusion. The member for Lismore acknowledged that many initiatives still needed funding. I take that as an appreciation of a Labor Government initiative. This was Treasurer Roozendaal's idea. It was not just about being a stimulus package to keep local jobs; the first round was all about capital projects.

Two things were happening: First, the global financial crisis meant local jobs were drying up, so it was about getting local jobs on the ground. Second, the fundraising for sporting, cultural and community groups

evaporated overnight. As the global financial crisis hit, their applications for normal fundraising quickly dried up. We wanted to give them some financial assistance, but only if they were able to get builders out on the job building for them. That was the strength of this process. As a result of our review this year, we found that an extra level of community funds is much needed and, more important, that we also need social infrastructure to provide beyond the stimulus effect that it certainly had in our local areas.

The member for Wagga Wagga, though he thought the concept good and supported it in principle, said he was concerned about the process that I adopted. That was a legitimate fear that many had, particularly given that the conservatives opposed the Gillard Government's national broadband network. We would have more Internet access if the likes of Malcolm Turnbull and others actually got on with getting broadband going. My process was a combination of manual forms and Internet, so that people had a choice. If 20,000 votes indicate participation in the process, that shows that people had access to it.

The member for Wagga Wagga also raised a concern shared by many: maybe big, organised groups would be able to dominate. How would a football club compete with say Bundeena RSL Sub-branch, which by definition has about 15 members, mostly veterans and widows, who are probably not the most Internet savvy but came fourth highest among groups inspiring the community. They got people out, and people went online. The highest amount was achieved by 31 people at Engadine Rotary Club who, when they first heard about the process, said to me, "Paul, this is so unfair. How can we as a small group of Rotarians compete with Engadine Dragons and the football and soccer clubs, which have bigger email databases?" I said, "You can do it. You can say you will not get it, or you can get active." The groups that got active are rewarded with dollars. Let me quote an email I received from an aspirant, Steve Honey of the Light Up Gibson Park group:

Hi Paul

From all of us involved in the CBPP application for Light Up Gibson Park Soccer Fields can we say a very big thank you. This is a project that we embarked on about three years ago and without your help and input I don't think we would have done as well as we have.

The news you gave me yesterday was simply the best thing I have heard all year. I personally owe you for your help with how to best make the project work.

Once again thank you; the children of Thirroul as well as our community as a whole will be better for it. Thanks again Paul.

This caught the imagination of people who participated in the process. They got involved, got activated, got their lists out and knocked on doors. In the past, they have just come to one place. Treasury, which has \$1.2 million worth of applications from my electorate, said, "Instead of us deciding, we should let that decision be made locally." So they have given the matter to the local members of Parliament and asked them to use their judgement and evaluation. All I have done is taken it a step further and said, "More local than I are the local citizens themselves." In the past two years more than 8,500 people participated in this local decision-making process. I commend this program to the House and for the consideration of future governments.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

The DEPUTY-SPEAKER: Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

HEALTH LEGISLATION FURTHER AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 20 October 2010.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [4.12 p.m.]: I lead for the Coalition on the Health Legislation Further Amendment Bill 2010, which we will not oppose. I will make a brief contribution because my colleague the member for Barwon and shadow Minister for Mental Health also wishes to speak to the bill. I have consulted on these mental health provisions with a number of specialists in the area of psychiatric care and mental health. They indicate they have no problems with the bill, which they regard as tidying up current practice. However, I consulted the New South Wales Consumer Advisory Group-Mental Health Inc. These people were very alarmed as they were not aware of the changes until I sent a copy of the bill

and the Minister's agreement in principle speech to them. Consequently, they felt it likely that no other consumer groups would have been consulted by the Government. I indicated that I would raise their concerns during this debate and that I would seek a response on them from the Government.

The Consumer Advisory Group—Mental Health wants consumers to be given a minimum timeframe in which to organise legal representation to put their case to the Mental Health Review Tribunal. That seems a reasonable request. It also notes that the tribunal can make a community treatment order in respect of a forensic patient without considering whether the person has a history of refusing to accept appropriate treatment. The group believes this does not promote respect or consumer participation in treatment choice, and that it is imperative that the tribunal consider why a patient may have a history of refusing to accept treatment before heading down that path. The group has further concerns about new provisions allowing notification by post, rather than in person. In some cases, the group says, there are literacy problems. It points out that a number of patients move from one address to another. It asks that delivery in person be actively attempted three times prior to the notification being posted.

The Community Advisory Group—Mental Health is also concerned that changing the wording from "necessary and desirable" to "necessary or desirable" regarding the tribunal's making of an electroconvulsive therapy determination results in a significantly different meaning. I would agree. It has been described as a typographical error in the bill, but I wonder whether "necessary and desirable" and "necessary or desirable" are considered by the Government to mean exactly the same thing. I would like a response to that question.

I refer to the amendments to the Health Records and Information Privacy Act. This bill accords with agreements of the Council of Australian Governments regarding medical records. It is supported on the basis that the privacy laws of this country were passed by this Parliament some time ago after a fairly robust debate and an investigation conducted by the then Privacy Commissioner. The Coalition supported the legislation introduced at that time. This amendment is about improving the management and communication of health information, particularly in relation to electronic health records, as the Minister indicated in her agreement in principle speech.

I am strongly supportive of the value of electronic health records and e-health generally for a variety of reasons, not the least being that they can dramatically improve patient outcomes. I look forward to a time when we are much further advanced in this whole field of electronic health records, so that we may overcome the kinds of medical errors that have occurred, for example, in the case of Vanessa Anderson. If there had been a medical record that had included all the treatments and scans and so on that she had had before she was admitted to Royal North Shore Hospital, the outcome for Vanessa may have been very different. It is important that this legislation is put in place to assist the Commonwealth Government's initiatives in this regard. For that reason, the Coalition will not oppose the bill.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.18 p.m.]: I am pleased to speak in support of the Health Legislation Further Amendment Bill 2010. The bill makes a number of changes to the Health Records and Information Privacy Act 2002, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. The proposed amendments to the Health Records and Information Act 2002 are made in response to the Commonwealth Healthcare Identifier Act 2010, which commenced on 1 July 2010. The Commonwealth Healthcare Identifier Act establishes the healthcare identifier service, and authorises the assignment of healthcare identifiers to individuals and healthcare providers. The Commonwealth Act will assist in improving the management and communication of health information and will be a key component of the development of electronic health records.

Privacy is a key concern in the Commonwealth Healthcare Identifier Act, which sets out the limits of the authorised uses and disclosures that can be made of healthcare identifiers. The Act also creates offences for the misuse of healthcare identifiers, with a maximum penalty of 120 penalty units and/or two years imprisonment for individuals and 600 penalty units for corporations. Breaches of the Commonwealth Act are also considered to be interferences of privacy under the Commonwealth Privacy Act.

The Commonwealth Healthcare Identifier Act currently applies to both the private and public sectors of the Commonwealth, the States and Territories. However, following a Council of Australian Governments agreement, it is intended that the Commonwealth provisions will apply only to a State or Territory public sector on an interim basis until the States and Territories enact appropriate laws to regulate the use and disclosure of healthcare identifiers. Once the States and Territories have appropriate laws in place, the Commonwealth Healthcare Identifier Act allows the Commonwealth Minister to declare that specified provisions of the

Commonwealth Act do not apply to the public sector of a specified State or Territory. It is the New South Wales Government's intention to seek a declaration from the Commonwealth Minister that the Commonwealth Healthcare Identifier Act does not apply to the New South Wales public sector. The amendments to the Health Records and Information Privacy Act are an integral part of this process.

Health information is currently regulated and protected in New South Wales under the Health Records and Information Privacy Act, so this is the appropriate Act in which to include provisions relating to healthcare identifiers. The bill therefore amends the Health Records and Information Privacy Act to ensure that the Commonwealth healthcare identifiers are considered health information under New South Wales law. The bill will also insert a new section 75A into the Health Records and Information Privacy Act, to allow regulations to be made with respect to healthcare identifiers, including regulations relating to the use and disclosure of healthcare identifiers.

A ministerial council established under the Commonwealth Healthcare Identifier Act must be satisfied that the regulations provide appropriate directives regarding the use and disclosure of healthcare identifiers. The Department of Health will therefore consult with the Commonwealth and other States and Territories before seeking to make the regulations. This will in turn ensure that, once the regulations are in place, a declaration can be sought from the Commonwealth Minister under the Commonwealth Healthcare Identifier Act. If a declaration is made, the use and disclosure of healthcare identifiers by the New South Wales public sector will be regulated under the Health Records and Information Privacy Act, and the New South Wales Privacy Commissioner will be able to investigate breach of privacy in respect of the misuse of healthcare identifiers. In addition, in line with the penalty provisions in the Commonwealth Act, new section 75A makes it clear that any use or disclosure of a healthcare identifier in contravention of the regulations is an offence with a maximum penalty of 120 penalty units and/or two years imprisonment for individuals and 600 penalty units for corporations.

The bill also makes a number of changes to the Mental Health Act and the Mental Health (Forensic Provisions) Act. These amendments are generally minor in nature and are intended to clarify a range of matters relating to the operation of both Acts. For example, the bill will amend the Mental Health Act to make it clear that the Mental Health Review Tribunal may review an involuntary patient at any time. This is in addition to the current requirement that the tribunal must review a patient at least every three months in the first 12 months of detention and every six months thereafter. The bill also provides that the authorised medical officer is to bring the patient before the tribunal at any review. This amendment will codify current practice.

A number of amendments are also made in respect of community treatment orders. This includes amendments to the Mental Health Act to clarify that a written breach notice can be served by post to the last residential address of the affected person if it is not reasonably practicable to serve the notice personally, and to require the tribunal, when considering an application for a community treatment order for a person who has been a forensic patient within the last 12 months, to be satisfied that the person is likely to continue in, or to relapse into, an active phase of mental illness if the order is not granted. The bill will also amend the Mental Health (Forensic Provisions) Act to clarify that the Mental Health Review Tribunal can make a forensic community treatment order in respect of all forensic patients.

A further amendment in the bill relates to the provisions in the Mental Health Act regarding the regulation of the administration of electroconvulsive therapy [ECT] to involuntary patients. The Act provides that ECT can be administered to an involuntary patient only if the tribunal makes a determination allowing ECT to be administered. Any application for an ECT determination must include a certificate by at least two medical practitioners that the practitioners are, among other matters, of the opinion that ECT is "necessary and desirable for the safety or welfare of the patient". However, in making a determination the tribunal must be satisfied, among other matters, that the administration of ECT is "necessary and desirable for the safety or welfare of the patient". While this discrepancy is minor, it nonetheless creates different tests in relation to the administration of ECT. The bill will correct this discrepancy by reverting to the words "necessary or desirable", which were contained in the previous Mental Health Act 1990.

Finally, the bill makes a minor change to the requirements for the composition of the Mental Health Review Tribunal. Currently members of the tribunal are appointed under section 141 (2) the Mental Health Act from within three classes: Australian lawyers, psychiatrists and persons who, within the opinion of the Governor, have other suitable qualifications or experience, including at least one person selected from a group of persons nominated by consumer organisations. Generally, in exercising its functions under the Mental Health Act, the tribunal must consist of at least one member who is the president, a deputy president or a member who

is an Australian legal practitioner. However, under section 150 (3) the president of the tribunal can nominate other members, including a member who is a psychiatrist and a member who, not being an Australian lawyer, has other suitable qualifications or experience.

The requirement that a member not be an Australian lawyer is intended to ensure that lawyers are not disproportionately represented on the tribunal and that there is a fair representation of the medical and community sectors. While this general intent is supported, the requirement that a member who has other suitable qualifications or experience not be an Australian lawyer has the effect of precluding other suitably qualified members who are also Australian lawyers. For example, a person who qualified as an Australian lawyer early in their career and then later obtained other qualifications, such as in psychology, could be excluded despite being appointed on the basis of their qualifications in psychology.

In order to ensure that other suitably qualified members are not prevented from sitting on a tribunal hearing merely because the member also happens to be an Australian lawyer, the bill proposes to amend section 151 (3) (b) to refer simply to members appointed under section 141 (2) (c). This will ensure that persons appointed as a tribunal member on the basis of other suitable qualifications or experience are not prevented from sitting on a tribunal hearing merely because the member also happens to be an Australian lawyer. I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon) [4.28 p.m.]: The Health Legislation Further Amendment Bill 2010 amends a number of Acts. First, it amends the Mental Health Act 2007 with respect to the review of involuntary patients, the classification of involuntary patients as voluntary patients, the making of community treatment orders with respect to forensic patients, the service of notices on persons who breach community treatment orders, the circumstances in which electroconvulsive therapy may be used, and the composition of the Mental Health Review Tribunal. The bill also amends the Mental Health (Forensic Provisions) Act 1990 with respect to the making of community treatment orders in relation to forensic patients. Further, as the member for Macquarie Fields said, the bill amends the Health Records and Information Privacy Act 2002, basically to align New South Wales legislation with the Healthcare Identifiers Act 2010, which was introduced by the Commonwealth Government in response to the growing trend in e-health and to ensure improved health outcomes.

As the shadow Minister for Health indicated earlier, whilst the Coalition does not oppose the amendments, it is particularly concerned with those proposed for voluntary and involuntary patients under community treatment orders. The Government and its mental health units are struggling to make contact with people who breach community treatment orders. This is a serious issue, and not all groups were consulted in the amendment process. People from the New South Wales Consumer Advisory Group, such as Karen Oakley, had a number of comments to make but comments from other consumer groups were missing, including specialists. However, the Coalition did consult with Professor Patrick McGorry, a participant in the Restoring Mental Health Taskforce instigated by us. Other groups represented on that task force, which included the Mental Health Council of Australia, the Mental Health Association, the Schizophrenia Fellowship, the Association of Relatives and Friends of the Mentally Ill (Australia), Club SPERANZA, Lifeline and beyondblue, should have had some input into these amendments.

One of the responses received from the New South Wales Consumer Advisory Group related to issues around notification of people in breach of community treatment orders. Many of those people breach their orders because they have become disengaged from the mental healthcare system, whether through a government-provided service or a non-government provider. Many of those people end up homeless and are itinerant. The lack of a tracking system to support those living in the community is why this amendment was needed. When personal contact cannot be made at someone's last known place of abode, the default position is to provide a letter that will never be read. That is symptomatic of a system that allows people to fall through the cracks.

During the budget estimate hearings held earlier this year Dr Richard Matthews, Deputy Director General, Strategic Development New South Wales, said mental health is a bottomless pit of endless need. Both sides of the House would probably identify with that. Dr Matthews also said, "... we do have very significant workforce shortages" not only in the health system but in the mental health sector also. Unfortunately that creates a situation in which many people living with serious mental illness, and those living with community treatment orders, do fall through the cracks. If one examines what people comprising the mental health teams want, staffing falls far short when providing outreach services, particularly aggressive intervention-type services, to people who need monitoring, including those with community treatment orders. Whilst the Coalition

respects what the Government wants to do in reassessing and providing that facility, the necessary staffing and tracking systems are not in place. That staffing and tracking system are needed now more than ever to restore mental health services in this State.

The Coalition sought comment from people involved in the Restoring Mental Health Taskforce including Patrick McGorry, the Australian of the Year, who heads up Orygen Youth Health; Alan Rosen from the University of Sydney, well-known in mental health service provision, particularly on the North Shore and the Central Coast; Vaughan Carr from the Schizophrenia Research Institute; Ian Hickie from the Mind and Brain Research Institute; and Gordon Parker from the Black Dog Institute. Professor Sebastian Rosenberg headed the task force. All those people are concerned about the state of mental health in New South Wales. Given the recent Federal election and the announcements made as to mental health in support of each State, there is a lot of uncertainty about mental health around Australia. I place on record the words of Professor Rosenberg:

In a world of such uncertainty, in a grim way some may find comfort in constancy. And the task force has certainly found some consistent elements. NSW Health has a bottomless cup of glossy brochures, plans, strategies and policies, explaining how they are now in the recovery business, delivering high-quality community mental health care. There are literally dozens of these documents, devoid of real targets or outcomes. New South Wales's \$1.2 billion mental health system operates without any meaningful accountability to the community.

Whilst the Opposition supports this legislation there is far more to be done. For the Coalition it is not about money; it is about spending money in the right way and in the right priority framework to restore mental health in New South Wales. One of the balances the Coalition seeks to restore is the balance of resourcing community mental healthcare. That is the area that is underfunded and gets left behind when governments make these big announcements. That group of people that is living with community treatment orders every day needs our support. People in our community suffering from mental illness need to be supported, whether that be the type of support suggested by the wise professors of the task force or by the everyday people who work within the system. The Coalition does not oppose the amendments, but it would appreciate acknowledgement by the Government of the consumer advisory groups and a few of their concerns.

Ms CHERIE BURTON (Kogarah) [4.37 p.m.]: I am pleased to speak in support of the Health Legislation Further Amendment Bill. In response to some of the comments made by the member for Barwon, I remind him that this Government has transformed mental health. I had the honour of immersing myself for six years in assisting the Government in that transformation, including an increase of more than \$1 billion in government funding to mental health, the transformation of the Mental Health Act, and the way in which mental healthcare is delivered in this State. I agree with the member for Barwon that mental health and its appropriate treatment are complex issues, and that more needs to be done. Unlike a hip and knee replacement or a cataract operation, which are churned through as each operation is the same, people suffering from mental health issues have complex needs and require a complex healthcare plan. This Government has done an extraordinary job in closing the gap. The additional funds that have been allocated to mental health over the past 10 years alone are a great testament to this Government.

The bill makes a number of changes to the Health Records and Information Privacy Act 2002, the Mental Health Act 2007, and the Mental Health (Forensic Provisions) Act 1990. The bulk of the amendments contained in the bill relate to the Mental Health Act and the Mental Health (Forensic Provisions) Act. These amendments are generally minor in nature and were requested by the President of the Mental Health Review Tribunal to clarify a range of matters relating to the operation of both Acts.

For example, the bill makes some changes to the powers of the Mental Health Review Tribunal, which plays an important role in the field of mental health by, among other things, conducting independent reviews into the care and treatment of involuntary patients. Currently, section 37 of the Mental Health Act requires the tribunal to conduct a review of an involuntary patient at least every three months in the first 12 months of detention and at least every six months thereafter. This requirement can be seen as permitting the tribunal to review an involuntary patient at any time when the tribunal considers that a review is necessary. However, to put the matter beyond doubt, the bill amends section 37 to expressly allow the tribunal to conduct a review of an involuntary patient at any time the tribunal see fits.

The bill does not affect the mandatory requirement on the tribunal to review an involuntary patient at least every three months in the first 12 months of detention and at least every six months thereafter. Consequential amendments have also been made to section 37 to ensure that it is the duty of the authorised medical officer to bring an involuntary patient before the tribunal at any review. This amendment will codify

current practice. The proposed amendments will assist in protecting the rights of involuntary patients by ensuring that whenever the tribunal considers it necessary to conduct a review of an involuntary patient the tribunal will have the express power to do so.

A further amendment relates to the power of the tribunal to reclassify an involuntary patient as a voluntary patient. The focus of the Mental Health Act is to ensure that a patient in need of mental health treatment and care is given the least restrictive form of care and treatment that is appropriate to the patient. Involuntary care and treatment should be provided only as a last resort. In recognition of this, section 40 of the Mental Health Act allows the authorised medical officer of a mental health facility to reclassify an involuntary patient as a voluntary patient at any time if the authorised medical officer is of the opinion that the patient is likely to benefit from care or treatment as a voluntary patient and the patient agrees to be so classified; or if the patient is a person under guardianship, the patient is admitted in accordance with the procedures under this Act applicable to admitting such persons as voluntary patients.

Despite these provisions of the Mental Health Act, there is currently no provision for the Mental Health Review Tribunal to reclassify an involuntary patient as a voluntary patient when the tribunal is reviewing a patient. In order to rectify this situation, the bill amends section 40 to give the tribunal the same power to reclassify an involuntary patient as a voluntary patient when conducting a review of the patient. This amendment will ensure that the tribunal can make orders authorising the reclassification of an involuntary patient as a voluntary patient when the reclassification represents the least restrictive form of care and treatment appropriate to the patient.

The bill also makes a number of changes in relation to community treatment orders, or CTOs. The Mental Health Act enables the Mental Health Review Tribunal to make a community treatment order, which is an order authorising the compulsory treatment of a person in the community. Such orders are an effective way of ensuring that mental health patients receive the treatment they need whilst being able to lead relatively normal lives supported in the community by their families and friends. Under the Mental Health Act, a number of requirements must be met before a community treatment order can be made, including, at section 53 (2) (c), if the affected person has previously been diagnosed with a mental illness that the affected person has a previous history of refusing to accept appropriate treatment. In order for a person to have a "previous history of refusing to accept appropriate treatment" the person must have refused treatment in the past and the refusal must also have led to a relapse into an active phase of a mental illness requiring involuntary admission into a mental health facility.

This is a high threshold that often will not be met where there has been continual monitoring and supervision of a person with a mental illness, such as a person who recently has been on a community treatment order. To overcome this limitation and ensure that patients who have recently been on a community treatment order can receive continuity of care, the requirement in section 53 (2) (c) does not apply to persons who, within the past 12 months, have been the subject of a community treatment order. Instead, the tribunal must be satisfied that the person is likely to continue in or relapse into an active phase of mental illness if the order is not granted before a community treatment order can be made. Forensic patients represent another group in the community that may have been subject to continual monitoring and supervision such that the test of a "previous history of refusing to accept appropriate treatment" is unlikely to be met due to their particular circumstances.

While former forensic patients may not meet this test, there may be circumstances in which it would be appropriate for a former forensic patient to be subject to a community treatment order. In order to ensure that a community treatment order can be made in respect of a former forensic patient, where appropriate, an amendment to section 53 (3A) will ensure that the test of having a "previous history of refusing to accept appropriate treatment" does not apply to persons who have been forensic patients within the past 12 months. Instead, before making a community treatment order, the tribunal will have to be satisfied that the person is likely to continue in or relapse into an active phase of mental illness if the order is not granted. This amendment will assist in ensuring that former forensic patients can obtain necessary treatment for their mental illness, when appropriate.

A further amendment to the Mental Health Act relates to the procedures to be followed when an affected person breaches his or her community treatment order. Under section 58 of the Act, if an affected person breaches his or her community treatment order and the director of community treatment is of the opinion that there is a significant risk of deterioration in the condition of the affected person, the director must follow a number of steps, which include issuing the person with a breach notice requiring the person to accompany a member of NSW Health to a mental health facility for treatment and warning that police assistance may be

sought to ensure compliance with the order. Currently, a breach notice can be delivered personally to the affected person or be sent by post to the last residential address of the person. While postal service may be appropriate in certain circumstances, as a matter of best practice personal service should be attempted before postal service is relied on. In order to make this clear, the bill proposes to amend section 58 to provide that the first should be an attempt to hand a breach notice directly to the relevant person and that only if it is not reasonably practicable to hand the notice directly to the person should postal service be relied on.

Finally, the bill also amends the Mental Health (Forensic Provisions) Act 1990 in relation to forensic community treatment orders. Currently, the Act enables the Mental Health Review Tribunal to make forensic community treatment orders in respect of inmates in correctional centres, correctional patients and certain forensic patients. The current wording of section 67 (1) (a) does not capture certain forensic patients, notably, forensic patients detained in a correctional centre or other place. In order to ensure that the tribunal can make a forensic community treatment order in respect of all forensic patients who require a community treatment order, the bill proposes to amend section 67 (1) (a) to refer simply to "forensic patients" without any further qualifications. The amendments in this bill will clarify a number of aspects of the New South Wales Government's mental health legislation to ensure that this legislation can continue to operate effectively, particularly in relation to the important role played by the Mental Health Review Tribunal. I commend the bill to the House.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.48 p.m.], in reply: I thank all members for their support of the Health Legislation Further Amendment Bill 2010. As speakers have outlined, the bill introduces a range of amendments to various health-related legislation. The amendments in the bill to the Health Records and Information Privacy Act 2002 are in response to the commencement of the Commonwealth Healthcare Identifiers Act in July this year. The use of healthcare identifiers by health professionals will assist in improving the management and communication of health information and will be a key component of the development of electronic health records.

The amendments to the Health Records and Information Privacy Act in the bill will enable healthcare identifiers to be considered health information within New South Wales and will assist in ensuring that New South Wales can begin the process of seeking a declaration from the Commonwealth to ensure that the use and disclosure of healthcare identifiers by the New South Wales public sector will be regulated by one law, the Health Records and Information Privacy Act. The remainder of the provisions relate to amendments to the mental health legislation in New South Wales and was first raised by the Mental Health Review Tribunal.

I will now address a number of concerns from members opposite. The member for North Shore raised a concern regarding the ability to issue a breach order under the Mental Health Act by post. The amendment in this bill is a strengthening of the current requirements that allow breach orders to be issued in person or by post. The amendment provides that the mechanism of providing the order by post may only be employed after there had first been an attempt to hand the breach notice directly to the person and that only if it is not reasonably practicable to hand the notice directly to the person should the postal service be relied on.

I will now address concerns regarding electroconvulsive therapy [ECT]. The amendments to the ECT provisions in the Mental Health Act will clarify that the tribunal can make an ECT determination if, among other matters, the tribunal is satisfied that the treatment is necessary or desirable. The amendment would ensure that the test to be applied by the tribunal is the same as the test applied to medical practitioners, who must certify that the treatment is necessary or desirable. The use of the term "necessary or desirable" is the same as was used in the 1990 Mental Health Act and this will clarify the test and ensure that the tribunal determination is made on the same basis on which medical practitioners must certify that the treatment is reasonable and proper treatment, and necessary or desirable.

The member for North Shore and the member for Barwon raised a number of issues relating to mental health that this bill does not currently address, such as minimum time periods to organise legal representation before a tribunal review. I will bring those comments to the attention of the department for consideration. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

RADIATION CONTROL AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 20 October 2010.

Ms PRU GOWARD (Goulburn) [4.52 p.m.]: I lead for the Opposition on the Radiation Control Amendment Bill 2010, which we do not oppose. The bill is an amendment to the Radiation Control Act 1990 with respect to a number of aspects of the Act, mostly to transform the Act from an Act that is primarily concerned with the safe handling of radiation to an Act that includes the security aspects of managing radiation and radiated materials. The Opposition understands that the amendment is to implement the Council of Australian Governments' security arrangements for the storage and transportation of radiation—we hope that includes transportation from Hunters Hill to Mulgoa—and to streamline the system of radiation registration. It is also therefore meant to progress national uniformity initiatives in this area and to adopt contemporary radiation safety practices. What a pity that was not applied in Hunters Hill.

The key proposals of the bill are to give effect to the Council of Australian Governments' Chemical, Biological, Radiological and Nuclear Security Strategy of 2007; require the development of security management and transport plans; provide a security assessment of individual dealing with dangerous radioactive sources; and introduce penalties for security-related offences. It also streamlines the regulatory system of radiation licences and accreditation and moves to an organisation-based licence or registration system. It harmonises regulatory practice and procedures with those provided by the Protection of the Environment Operations Act, which, as we know, is a very important aspect of this bill. Harmonisation ensures that there are not unintended consequences for other Acts and it does that by ensuring that there is a public register of licensees; there are enforceable undertakings and financial assurances required; and there is the strength and ability to issue notices and a greater flexibility on the part of the Government to commence prosecution.

The bill therefore will improve the ability of the department to regulate radioactive waste. In streamlining the regulatory system it will decrease, one hopes, the cost to business of the regulation and, most significantly, since it has come out of the Council of Australian Governments arrangements, it will increase the national uniformity of regulation. This bill has probably been needed for a long time. The Opposition does not oppose it.

Mr MICHAEL RICHARDSON (Castle Hill) [4.56 p.m.]: The Radiation Control Amendment Bill 2010 essentially deals with the safe storage of radioactive sources by hospitals, universities, and scientific and engineering organisations. In his agreement in principle speech the Minister for Climate Change and the Environment said there are only 40 to 50 locations where these sources exist—including all major public hospitals. Nuclear medicine is one of the fastest-growing branches of medicine, with more than 2 per cent of Australians undergoing some form of diagnostic or therapeutic nuclear medicine procedure each year. Diagnostic techniques in nuclear medicine use radioactive tracers—short-lived isotopes of various chemical compounds—that emit gamma rays, which can be detected using special cameras from outside the body. The cameras build up an image of an organ, which can be used to diagnose a wide range of diseases. The biggest advantage of nuclear imaging is that, unlike X-rays, it can image both bone and soft tissue very successfully.

Radiotherapy is also, of course, used to destroy cancerous cells. Different parts of the body absorb different radioisotopes, and this enables doctors to target various organs with specific radiopharmaceuticals. The quantity injected or ingested is minute and decays away immediately after the test is completed so no damage is caused by the radiation. The radioisotope most commonly used in medicine is technetium-99m, which has a half-life of six hours. Technetium is an artificially produced element created by the decay of molybdenum-99, in turn created in a nuclear reactor. Only 12 reactors around the world produce medical isotopes, including, in Australia, the open pool Australian lightweight—OPAL—reactor at Lucas Heights. It is important to have a local source for isotopes because of their comparatively short life.

For some time I have thought that hospitals represent a potential source of material for terrorism—material to create a so-called dirty bomb. For some time I have been concerned that the security measures in

place to protect these sources of radioactive material are inadequate. In line with the Council of Australian Government's health agreement of 2007, the bill puts in place a security regime for those accessing radioactive material. As well as undergoing a security check, each radioactive source storage facility will have a person responsible for drawing up a security plan for that facility. The plan must be approved by a radiation security assessor who is accredited by the New South Wales Department of Environment, Climate Change and Water.

I am not sure why the Department of Environment, Climate Change and Water is accrediting the assessors. I would have thought that the Australian Radiation Protection and Nuclear Safety Agency and/or the Federal police would have been more appropriate. If we are talking about the actual security of the materials as opposed to an environmental issue, surely experts should be brought in to accredit the assessors. The Minister was not promoting the security of these radioactive sources as an environmental issue but as a counterterrorism measure, which we all feel very strongly about and support in this House. The bill also reduces the number of registrations each area health service has to hold to just one management licence, which is sensible.

Two well-known places where this is an ongoing issue are Nelson Parade, Hunters Hill and nearby Kellys Bush. Kellys Bush was the repository for radioactive slag containing thorium and uranium from a tin smelter that operated nearby for 71 years from 1895 to 1966. The material was also used as road base in many of the roads around Hunters Hill and, indeed, further afield in the eastern suburbs and elsewhere. A survey of Kellys Bush and local roadways carried out by the Australian Nuclear Science and Technology Organisation in June last year concluded that the maximum exposure a person would have to radiation from those sources would be less than 1 microsievert a year, which poses no health risks. However, if Kellys Bush ceased being a park and became residential land, as was the proposal in the 1970s, that might change.

Right next door is Nelson Parade—the site of a former uranium smelter that operated between 1911 and 1916 extracting radium for use on watch faces. That site is significantly more contaminated than Kellys Bush. Following an upper House inquiry last year the Government said it would clean up the material, but the difficulty is finding a suitable repository. Where does one put more than 5,000 tonnes of radioactive waste? The Government got around the problem by classifying it as industrial waste and proposing to send it to Kemps Creek. I agree that most of that material is harmless, but a few tonnes are not. Work undertaken by my office clearly indicates that the material should be classified as hazardous and therefore should not go to Kemps Creek.

According to the Radiation Control Act, hazardous waste has a specific activity over 100 becquerels per gram and prescribed activity greater than one, and 14 samples from Sinclair Knight's 1987 report to the Health Department met both criteria. The Government knew this but did not give the results to the site auditor, saying they were more than 20 years old. That is largely irrelevant: it is the blink of an eye for radioactivity. Radium 226 has a half-life of 1,600 years, thorium 230 has a half-life of 77,000 years and, from memory, uranium 238 has a half-life of 4.5 billion years, although the shorter the half-life the more radioactive and more dangerous the substance. Both thorium 230 and radium 226 are found at the Nelson Parade site.

The Government's site auditor Graeme Nyland looked at only 19 samples tested by EGIS in 1999 and 2000 and he did not consider the broader and larger 1987 survey. The EGIS samples came only from the top of Nos 7 and 9 Nelson Parade. They did not include material from the foreshore or anything removed from Nos 1, 3, 11, 13, 15 or 17 Nelson Parade, all of which have been found to contain radioactive material. He then averaged the samples to conclude that the material should be classified as industrial waste. As I said, some of this material is unquestionably hazardous and no amount of dilution with harmless soil from other parts of the site can obscure that. In 1965 the Government measured radium 226 activity on No. 11 Nelson Parade at 2,782 becquerels per gram, well over the hazardous threshold of 100 becquerels per gram. I believe that that material is still somewhere on the site. If it has been moved the Minister should tell the House and let members know to where it has been taken. It may well have been moved to a suitable site.

Following some great work done by Liberal councillor Tanya Davies the Premier has now said that none of the material will go to Kemps Creek and that the Government will try to send it interstate or overseas. That is a cop-out: it is what happened in 1978 when the Wran Government proposed sending it to a site near Hillston in central western New South Wales. The Central Darling Shire Council objected and as a result the material stayed where it was. However, it cannot be left in a suburban residential street. The Premier seems to think that France, Germany or some Third World country will accept it, but that does not make sense. Six people have died from the effects of tailings from the uranium plant. It should cause members great concern that this material will become progressively more radioactive for the next 1,000 years. That highlights a real weakness in this bill; that is, that it does not make any provision for the disposal of radioactive waste from whatever source—an industrial site, a hospital or a university. Such material could also be the by-product of industrial processing, as is the case with Nelson Parade material.

Material that is the State's responsibility cannot go to the Australian Nuclear Science and Technology Organisation facility at Lucas Heights. Lucas Heights is governed by Commonwealth legislation that prohibits the storage of State-based nuclear waste at the facility. In 1991 Sutherland Shire Council mounted a court action against the Australian Nuclear Science and Technology Organisation in the Land and Environment Court, which found that the organisation's functions under the Australian Nuclear Science and Technology Organisation Act did not extend to the storage of radioactive waste belonging to other entities.

This issue must be resolved. Proposed section 19 gives the Environment Protection Authority the power to order the State Property Authority, the current owner of Nos 7, 9 and 11 Nelson Parade, to remove the material. Will the Environment Protection Authority do that? Under this bill it should because a potentially dangerous situation exists involving actual or threatened exposure to an excessive level of radiation or contamination by regulated material. The maximum penalty for failing to comply with that section is \$165,000 or imprisonment for two years or both. Will the Government invoke that proposed section to force the removal of the material from Nelson Parade? If it does, to where will the material be transported? While much in this bill is good and should be supported, it still does not resolve the greatest problem involving radiation in this State over the past 40 years; that is, what to do with the radioactive waste contaminating Nelson Parade, Hunters Hill.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [5.06 p.m.]: The Radiation Control Amendment Bill involves outstanding contributions to the security of radioactive sources, the State Plan priority of cutting red tape and national uniformity of radiation protection legislation. The serious danger of terrorists obtaining radioactive material and dispersing it over a city such as Sydney will now be significantly reduced by the measures provided for in this legislation aimed at controlling who has access to that material. All members should support these measures, and the members who have contributed to this debate have certainly done so. No-one will have access to security-enhanced radioactive material unless they have been positively identified and passed criminal and security background checks and are assessed as being fit and proper persons.

The amendments in this bill that address the regulatory burden on business in New South Wales by reducing registrations by 90 per cent are a significant contribution to the State Plan priority of cutting red tape. These amendments will substantially reduce the administrative overheads for all businesses that have multiple sources of radiation such as X-ray machines. It is noteworthy that these efficiencies will especially benefit people in rural and remote areas of the State. The bill will make it much easier for organisations such as area health services to apply for and maintain licences for the use of radiation in medicine. They will now be able to engage the services of a consulting radiation expert to examine and certify all the equipment in their possession that generates radiation at a time that is most suitable and cost-effective to them—and not, as is currently the case, on a number of occasions each year.

New South Wales remains at the forefront of the national uniformity process through the inclusion in this bill of three basic principles from the International Commission of Radiological Protection and through the incorporation of the mining and minerals processing industries in the radiation protection legislative framework. I am pleased to support the bill.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [5.10 p.m.], in reply: The Radiation Control Amendment Bill makes outstanding contributions to two issues that will be of benefit to the people of New South Wales. The first involves for the first time addressing the security of dangerous radioactive sources. The bill establishes effective barriers to any person who would consider using radioactive material for terrorist purposes. Security authorities have been aware for some time that there is a potential for very serious consequences for our community if such materials were to fall into the wrong hands and be used to construct a simple radiological dispersal device or dirty bomb.

The bill makes provision for ensuring that no person will have access to handling, transporting, possessing or using security-enhanced radioactive sources unless they have been positively identified and passed criminal and security background checks. The Government is to be commended for having taken action to fulfil the Council of Australian Governments [COAG] counter-terrorism strategy and address this potentially serious risk to the public.

The 90 per cent reduction in red tape provided for in the changes to the system of registrations for radiation equipment and radioactive sources contained in the bill have the overwhelming support of the

regulated community. All businesses that use radioactive sources for health or industrial purposes will now find it much easier to meet their legal obligations. As part of the safety provisions in the bill the increased penalty already provided for in section 24 of the Radiation Control Act 1990 is also to be applied to the deliberate abandonment of a radioactive source. Better alignment with the national process will be achieved through the incorporation of the mining and minerals processing industries into the radiation protection legislative framework. Industry and Investment New South Wales will be the relevant regulatory authority for radioactive ores on mine sites, whilst the Environment Protection Authority will continue to have the oversight of discrete radiation sources, such as fixed radiation gauges.

In answer to the member for Castle Hill, Mr Richardson, in relation to the role of Environment Protection Authority officials in accrediting assessors, I will get an answer for him and I will get back to him out of the Chamber. In relation to the diversion of trying to dredge up the issue of Hunters Hill radioactive contamination, this bill is framework legislation, agreed at COAG. It is not about specific sites but I am happy to inform the House that Premier Keneally has instructed the Chief Executive of the Land and Property Management Authority to examine alternative options for transfer of waste to and from Hunters Hill. Premier Keneally has ruled out the use of the Kemps Creek facility to store the waste. The Land and Property Management Authority will continue to examine other options, including interstate and overseas options, for the transfer of this waste.

There are longstanding community concerns regarding contamination at the site because of past industrial practices. The site underwent remediation in the early 1990s. Contaminated materials that had been spread over several lots were consolidated with material from the main facility on what are now 7 and 9 Nelson Parade. In 1992 NSW Health arranged for housing on these lots to be removed and the land covered with clean soil, revegetated and fenced. To achieve the best long-term outcome for this residential neighbourhood the Government began a remediation program in 2007 to remove the remaining contaminated material and render the site suitable for unrestricted residential use. Numbers 7, 9 and 11 have been transferred to the State Property Authority, the agency charged with the remediation of the land on behalf of the Government.

The soils and uranium processing tailings remaining at the site were classified in 2000 by environmental consultants as in situ restricted solid waste in accordance with the New South Wales waste framework. The classification was reviewed by an independent site auditor in 2009 and the Department of Environment, Climate Change and Water concurs with this classification. With regard to the removal of the material, I am advised that the State Property Authority has engaged Enviropacific Services to carry out the remediation.

A remediation plan of action will be prepared to remove the residual contamination at Nelson Parade and unrelated hydrocarbon and heavy metal contamination in the foreshore areas. The scope of works has been reviewed by an independent site auditor and the remediation action plan will be subject to auditor review. The clean-up will be overseen by relevant agencies, including the Department of Environment, Climate Change and Water. The Australian Nuclear Science and Technology Organisation has been retained by the State Property Authority to advise on matters of radiological safety and is continuing to carry out assessments in order to progress the remediation plans.

Hunters Hill Council and residents are regularly updated and consulted regarding the remediation works. A review of alternative methods for management of the residual contamination will be included as part of the environment assessment that will be lodged to seek part 3A planning approval for the remediation works. This bill is an important piece of framework legislation which brings us into line with the State and greatly improves radiation source security. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

MOTOR ACCIDENTS COMPENSATION AMENDMENT BILL 2010**Agreement in Principle****Debate resumed from 24 September 2010.**

Mr THOMAS GEORGE (Lismore) [5.16 p.m.]: I am not leading for the Opposition; the shadow Treasurer is and he will come into the Chamber shortly. We at least have speakers here; different from the position of the Government last Friday. The objects of the Motor Accidents Compensation Amendment Bill 2010 are to amend the Motor Accidents Compensation Act 1999, first, to extend the third party insurance scheme to include coverage of incidents and accidents that occur as a result of a dangerous situation caused by the driving of a motor vehicle, a collision, action taken to avoid a collision, or any vehicle running out of control, in addition to incidents and accidents that occur during such events; second, to allow for people who are not members of the Government service, that is, contractors to be appointed as claims assessors; third, to provide for an additional ex-officio member to be appointed to both the board of directors of the Motor Accidents Authority and the Motor Accidents Council; and, fourth, to provide for additional members to be appointed to the Motor Accidents Council and to amend the Motor Accidents Lifetime Care and Support Act 2006 to provide for an additional ex-officio member to be appointed to both the board of directors of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. We have been negotiating for some time to have this issue looked at because it is of major concern. As my notes are in another folder I will conclude my remarks at this stage to allow the shadow Treasurer to speak on the bill.

Mr NINOS KHOSHABA (Smithfield) [5.18 p.m.]: I am pleased to support the Motor Accidents Compensation Amendment Bill 2010. The bill introduces amendments to the Motor Accidents Compensation Act 1999 and the Motor Accidents (Lifetime Care and Support) Act 2006. Firstly, the bill deals with the governance arrangements for the Motor Accidents Authority and the Lifetime Care and Support Authority. The bill provides for an additional ex-officio member to be appointed as a director of the board of directors of the Motor Accidents Authority and the Motor Accidents Council. The bill also provides for an additional ex-officio member to be appointed as a director of the board of directors of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. Following the passage of the Public Sector Restructure (Miscellaneous Amendments) Act in November last year the Chief Executive of the Compensation Agencies Staffing Division appropriately became a member of each of these boards and councils.

Historically, it has always been the case that the person holding the office of General Manager of the Motor Accidents Authority and the Executive Director of the Lifetime Care and Support Authority were members of the relevant board and advisory council. The amendments proposed by the bill will ensure that the general manager and executive director, who are in the position to provide advice on the daily activities of the respective authorities as well as the operation of the relevant compensation schemes, will continue to directly contribute to decisions of each agency's board and advisory council.

The bill also proposes an amendment to the Motor Accidents Compensation Act to provide for the appointment of additional members to the Motor Accidents Council. The Motor Accidents Council is the stakeholder advisory group set up by the Act to provide advice to the Minister for Finance on issues relating to the green slip scheme. As members may recall, the Premier recently announced that the Government would appoint a representative of the Motorcycle Council of New South Wales to the Motor Accidents Council. It is most appropriate that a representative of this peak body, which advocates on behalf of motor bike riders in this State, should have a voice in the Government's advisory forum for the green slip scheme.

Over the period between June 2008 and September 2009 the Motor Accidents Authority worked closely with the Motorcycle Council of New South Wales to review the guidelines that insurers must follow in setting green slip prices for motorcyclists. This review identified that those guidelines, based on three motorcycle categories, grouped too many different-sized motorcycles together, with the result that around half of motorcycle owners were paying too much for their green slip and subsidising the cost of green slips for around a third of riders. Consequently, from July this year the Motor Accidents Authority approved the introduction of five new motorcycle classes, based on engine size, for the compulsory third party insurance scheme. These recent changes mean that motorcycle owners are now paying a green slip price which better reflects the actual cost of injuries and compensation for claims against green slip policies held by riders in each of the motorcycle groups. The Minister for Finance recently met with representatives of the Motorcycle Council and has agreed that the Motor Accidents Authority will work with the Motorcycle Council to identify an independent actuary to review motorcycle green slip pricing.

The bill also provides for flexibility in the appointment of claims assessors to the Claims Assessment and Resolution Service. The Claims Assessment and Resolution Service, or CARS, is an alternative dispute resolution process, providing a non-adversarial forum for resolving motor accident claims outside of the court system. The bill will permit suitably qualified persons who are not members of the government service to be appointed as claims assessors in the Claims Assessment and Resolution Service. CARS can determine disputes about claims including procedural disputes and eligibility for exemptions as well as general assessment of claims for damages. Applications are assessed by assessors who are expert legal practitioners with significant experience in the area of personal injury law and the assessment of damages.

CARS was established as part of the Government's major reform of the compulsory third party compensation scheme in 1999. Prior to the Government's changes the only option for resolving disputes between insurers and injured persons in motor vehicle accident matters was litigation in court. The Government established CARS to provide an accessible and inexpensive forum for resolving disputes between insurers and injured persons in finalising a claim without the need to go to court. The amendments will ensure that persons appointed as claims assessors have the necessary qualifications and experience in assessing damages in motor accident personal injury claims.

The majority of persons appointed as claims assessors since the inception of the service are senior legal practitioners in private practice with an extensive knowledge of the assessment of compensation for motor accident claims. Advice recently received by the Motor Accidents Authority suggests that the Motor Accidents Compensation Act requirement that CARS assessors be members of staff may call into question the appointments of private legal practitioners as claims assessors. This could also potentially lead to challenges against the validity of the decisions made by many claims assessors. This, of course, is not in the interests of injured persons or the motor accidents scheme. The bill will preclude this possibility by validating the status of claims assessors who are private legal practitioners as well as the decisions they have made. I commend the bill to the House.

Mr MIKE BAIRD (Manly) [5.24 p.m.]: I support the member for Lismore and his contribution to the Motor Accidents Compensation Amendment Bill 2010. I confirm that the Coalition will not oppose this bill, noting that its measures are administrative in nature and that it is to close a couple of loopholes. The amendments seek to tidy up administration of the scheme and close loopholes that became evident from a recent judgement of the Court of Appeal. I do not intend to spend a long time debating the bill. However, some key points need to be raised and discussed. The key concern—as always with these issues—is that the Liberal-Nationals Coalition wants the Minister and Parliamentary Secretary to respond to debate on the bill and give assurances that this amendment will not increase the cost of green slips for motorists.

The bill is silent on the costs, though it talks about administration generally. We want assurances that green slips will not increase, because we would argue that families are already struggling with increases in electricity prices, water prices and other charges, such as the Government's recent tax grab through the Torrens insurance levy. We need to understand outcomes at every level. Obviously, the loophole noted in a recent judgement needs to be addressed, but at the same time the motorists of New South Wales need to be assured that this administrative measure will not add to the cost of green slips.

The Opposition is concerned that the appointment of more board members and more council representation will result in families being hit with an administration charge. We want to hear from the Minister and the Parliamentary Secretary that that will not happen. The Minister said, "Advice from the Motor Accidents Authority indicates that any effect on green slip premium costs should be minimal." It should concern all members of this Parliament that the Minister said "any effect on green slip premium costs should be minimal". What does that mean? What the Minister regards as "minimal" should be spelt out. Is it \$10 million, \$20 million or \$100 million? Is "minimal" relative to a State budget, to a national economy? That stretches the imagination too far, but it is a fair point to make. We would like a clear understanding of what the word "minimal" means, and what the cost implications of this measure are.

The purpose of the bill is simple. Its objects are to extend compulsory third party insurance to include people injured in an accident that occurs as a result of a previous accident; to allow for private contractors to be employed as claims assessors; to provide for an additional ex-officio member to be appointed to both the board of directors of the Motor Accidents Authority and the Motor Accidents Council; and to provide for additional members to be appointed to the Motor Accidents Council. The 2009 decision of the Court of Appeal in *Zotti v Australian Associated Motor Insurers Limited* related to a case involving a cyclist who was injured as a result of riding through an oil slick from an earlier car accident.

Because the injury was not caused at the time of the previous accident compulsory third party insurance did not cover the cyclist and the car driver was found liable for the damages. Schedule 1 [2] to the bill provides that compulsory third party insurance coverage be extended to protect drivers from individual liability. That makes sense: if you get injured on the road you should be covered by compulsory third party insurance. That unforeseen loophole put the people involved in that accident in a very difficult position. That loophole should be closed, and we support that amendment.

Various changes in the roles of appointees to the board and council have come about as a result of the establishment of the Compensation Authorities Staff Division. Before the existence of the new division the general manager of the Motor Accidents Authority and the executive director of the Lifetime Care and Support Authority had been members of the board and council. The bill provides that they will be members of the board and council. That provision is administrative in its nature.

Labor increased green slips with the medical care and injury services levy in 2006. The Coalition has raised this matter before in this Chamber, but it is a very important point as families are struggling with the day-to-day costs of living. At the time we were told in crystal clear terms by Morris Iemma that the cost of the levy on motorists would be \$20. The real cost of the levy, based on the last figures we saw, is closer to \$85, \$90 or even \$100, and that cost continues to rise. We ask the Minister or Parliamentary Secretary to advise the House of the status of the Medical Care and Injury Services levy, given that it has come to the attention of the House through this legislation, and what actions the Government is taking to minimise CTP premiums overall.

It appears that insurance companies, through cross-subsidisation and through suffering investment losses as a result of the global financial crisis, have faced a significant increase in CTP premiums. I think insurance companies have said the increase in CTP premiums is 5 or 10 per cent, but the reality is that they are much higher. Given that the object of the bill is to tidy up a legal loophole and introduce administrative changes, it would be remiss of the Government not to advise the House what process and scrutiny it is putting in place to ensure that CTP premiums are minimised, and how CTP premiums are returning to post-global financial crisis levels.

From our observation, and from the anecdotal evidence that has been presented, we on this side of the House have serious concerns that insurance companies have allowed premiums to increase on the back of the global financial crisis problems and they have not come down. We therefore ask the Government to deal with those matters in reply. We ask: What is happening with the Medical Care and Injury Services levy? What is happening with CTP levies overall post the global financial crisis? We also ask the Government to give an assurance to every motorist in this State that as a result of these changes there will not be significant increases in insurance premiums. Indeed, we argue that there should be no premium increases, and we will argue what minimal increases mean. Overall, we do not object to the tenets of the bill. We certainly support closing the legal loophole, we support the housekeeping amendments, and we are happy to support this legislation. However, we ask the Minister or the Parliamentary Secretary to provide an explanation regarding the concerns I have raised.

Mr MATT BROWN (Kiama) [5.32 p.m.]: I support the Motor Accidents Compensation Amendment Bill 2010. I am pleased that the Opposition also supports the Government's initiative. Among other things, the bill amends the Motor Accidents Compensation Act 1999 to extend the compulsory third party insurance scheme to include coverage of incidents and accidents that occur as a result of the driving of a motor vehicle, a collision, action taken to avoid a collision, or a vehicle running out of control. This is in addition to incidents and accidents that occur during such events.

As we have heard from the shadow Minister, the amendment is made in response to a recent decision of the New South Wales Court of Appeal in *Zotti v Australian Associated Motor Insurers Limited*. In that case, Mr Zotti was seriously injured when he lost control of the bicycle he was riding. Mr Zotti claimed that an oil slick that remained on the road following a motor accident some hours earlier had caused his accident. The court held that the compulsory third party insurance policy would not extend to indemnify the driver of the car in the earlier accident because Mr Zotti's injury did not occur during the actual collision but occurred sometime later. As a result of the Court of Appeal's interpretation of the definition of "motor accident", an injured person may have no choice but to take the owner of the motor vehicle to court to seek damages. This could result in the owner of the vehicle being left bankrupt.

It would be unfair and unjust that a person who is injured as a result of a motor vehicle accident may not have access to the compulsory third party scheme. It is worth noting that in its judgement the Court of

Appeal considered that the situation was unsatisfactory and deserving of consideration by the Legislature. Although such instances may be rare, it is important to close this gap in insurance cover. The bill therefore amends the definition of "motor accident" under the Motor Accident Compensation Act to ensure that the compulsory third party policy is extended to also include coverage of incidents and accidents that occur as a result of a dangerous situation caused by the driving of a motor vehicle, a collision, action taken to avoid a collision, or any vehicle running out of control, as well as accidents and incidents, such as a vehicle running out of control, that occur during the actual driving of the vehicle.

The bill continues this Government's ongoing reform of the compulsory third party green slip scheme, to improve coverage and enhance assistance for people injured in road crashes. As members may recall, this Government has taken action to ensure that green slip scheme compensation entitlements are available for people who are injured in "blameless" or "inevitable" motor accidents. A blameless or inevitable motor vehicle accident is one where no-one is considered to have been at fault in causing the accident. An example of this is where a person is injured because a driver experiences a sudden unforeseen illness or medical condition which causes loss of control over the vehicle, resulting in a crash.

Prior to the Government's reforms, where a court found that no-one was to blame for an accident green slip entitlements were not available to anyone injured in that accident. Clearly, the financial consequences of such findings for people injured in these types of accidents, and their families, were significant. This Government acted to overcome the harshness of the common law in this regard. Another area where the Government acted to avoid injustice for injured people resulting from a court decision was to respond to the case of *Cook v Cook*. In that case the High Court had determined that the standard of care expected of an inexperienced driver, such as a learner driver, is different to the standard of care ordinarily expected of a driver in relation to their passengers. The court reasoned that a supervising passenger, for example, is aware that a learner driver is inexperienced and less skilled, and so a reduced standard of care can be expected.

The Government took the view that it was not acceptable that the costs of injury to an instructor or supervisor in an accident caused by the actions of a learner driver should have to be borne by the injured person, such as a supervising parent, for example. The green slip scheme legislation was amended to make sure that such injuries are now covered by the New South Wales scheme. I am pleased to add that the High Court has subsequently overruled the *Cook v Cook* principle. The amendment to the definition of "motor accident" proposed by this bill will address a potential insurance gap which could leave motorists personally liable to pay compensation to injured persons. It will also ensure that persons who are injured in motor vehicle accidents in New South Wales will receive compensation for their injuries under the motor accidents scheme, regardless of whether the motor accident injury was caused at the time of the collision or sometime afterwards by a dangerous situation arising from the motor accident, even if not foreseen but where the driver would nonetheless remain liable.

Importantly, however, the bill does not seek to extend liability beyond that which a driver might already face and does not intend to create a situation where the liability of other parties is diminished through this legislative clarification. It is simply about ensuring that drivers are fully protected by their green slip. For that reason, the bill provides coverage for any situations, as unlikely as they may be, that have occurred since the definition was last amended in 2006. The Government's reforms to the green slip scheme are focused on ensuring that people injured in road crashes are given access to treatment and rehabilitation to assist their recovery and get them back on track as soon as possible.

The bill also makes some administrative changes which confirm the status of claims assessors and ensures that the respective boards of the Motor Accidents Authority and the Lifetime Care and Support Authority have representation from the day-to-day executives responsible for those agencies. In addition, the bill proposes an amendment to provide for the appointment of additional members to the Motor Accidents Council, to enable the appointment of a representative of the Motorcycle Council of New South Wales. These are sensible and prudent measures. I commend the bill to the House.

Mr JOHN TURNER (Myall Lakes) [5.38 p.m.]: I confirm that the Opposition will not oppose the Motor Accidents Compensation Amendment Bill 2010. Indeed, the bill is well overdue. The bill allows for people who are not members of the Government Service—that is, contractors—to be appointed as claims assessors. It provides for an additional ex-officio member to be appointed to both the board of directors of the Motor Accidents Authority and the Motor Accidents Council, and provides for additional members to be appointed to the Motor Accidents Council.

The bill amends the Motor Accidents (Lifetime Care and Support) Act 2006 to provide for an additional ex-officio member to be appointed to both the board of directors of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council. Finally—this is the aspect I want to address—the bill amends the Motor Accidents Compensation Act 1999 to extend the compulsory third party insurance scheme to include coverage of incidents and accidents that occur as a result of a dangerous situation caused by the driving of a motor vehicle, a collision, action taken to avoid a collision, or any vehicle running out of control, in addition to incidents and accidents that occur during such events.

The member for Kiama outlined the Zotti case, which is particularly relevant to the last object of the bill I spoke to. I will not reiterate what he said about that case. By coincidence I know of a very similar case that occurred in my electorate but as that matter is currently before the court I will be deliberately vague as to its circumstances. A young man who heard the sound of an accident ran to assist. He found a person trapped in a truck, which was incinerating. He had to wrench the door in an effort to release the person from the truck and in so doing sustained some significant injuries himself. The solicitors representing this young man provided me with the details of an affidavit lodged by the relevant insurer, which said, *inter alia*:

This Act, including any third-party policy under this Act, applies only in respect of the death of or injury to a person that is caused by the fault of the owner or driver of a motor vehicle in the use or operation of the vehicle and only if the death or injury is as a result of and is caused (whether or not as a result of a defect in the vehicle) during:

- a) the driving of the vehicle, or
- b) a collision, or action taken to avoid a collision, with the vehicle; or
- c) the vehicle's running out of control.

The insurer said further that it believed the injuries allegedly suffered by the plaintiff, as pleaded in the statement of claim, were not as a result of or caused during the driving of the vehicle, a collision, or action taken to avoid a collision with a vehicle, or the vehicle running out of control. This is similar to the Zotti case, where Mr Zotti, who was a third party, happened on to an oil spill at a later time and was seriously injured.

The young man to whom I referred should be commended for his bravery in attempting to save another's life, which unfortunately he was not successful in doing. He should not be prejudiced by the fact that he was outside the provisions of the Act applying at that time. I am positive that new section 38 will apply "on and after 1 October 2006", but I would ask the Minister in reply to confirm that retrospectivity. I support the bill. I know the young man to whom I have referred will be pleased to be able make a claim for compensation for the injuries he sustained in his accident.

Mr BRAD HAZZARD (Wakehurst) [5.42 p.m.]: As other Coalition members have indicated, the Coalition does not oppose the amendments contained within the Motor Accidents Compensation Amendment Bill 2010, which amends the Motor Accidents Compensation Act 1999. I place on record my continuing concern that the scheme still has many shortcomings. The system that previously operated had a potentially far greater capacity to compensate individuals in certain circumstances. The Government changed the law in that regard and we now operate within the purview of the Motor Accidents Compensation Act 1999 and its various amendments.

The issue that I am supportive of today is one that has been of concern to me for quite some time. The circumstances for individuals who may, for example, be considered good Samaritans has always seemed somewhat problematic to me in the event that they were to come to the aid of someone following an accident and find themselves hurt or injured as a result of their activities. Schedule 1 [2] will provide some degree of cover for such individuals who may come to the aid of others following a motor accident.

I am not sure that was the intention but schedule 1 [2] extends the definition of "motor accident" in the Motor Accidents Compensation Act 1999 to include not only the incidents or accidents that occur during the driving of a motor vehicle, a collision or action taken to avoid a collision, or during a vehicle's running out of control, but also to include incidents and accidents that occur as a result of a dangerous situation, or presumably dangerous situations, caused by the driving of the vehicle, a collision or action taken to avoid a collision with the vehicle, or the vehicle's running out of control. It was indicated in the agreement in principle speech that this amendment was made in direct response to a recent decision of the New South Wales Court of Appeal, and other members have referred to that. The preamble to the Act, under schedule 1, notes:

That case concerned a person who was seriously injured when he lost control of the bicycle that he was riding and who claimed that an oil slick that remained on the road following a motor accident some hours earlier caused his accident.

That circumstance brought this matter to the Government's attention, but it has been an issue for many years. Until this legislation passes through Parliament and is proclaimed I will remain concerned for people who may suffer indirect consequences as a result of an accident and also good Samaritans who come to the aid of individuals involved in an accident. It is reasonable that the Motor Accidents Compensation Scheme should extend to cover such individuals. The cost factor referred to by the member for Manly is of concern to all families in New South Wales. I assume that the Government has done its calculations and has determined that this extension can be made with either minimal or no cost impacts on the premiums paid by families across the State. I ask the Minister to indicate, on behalf of the Government, whether or not there has been some assessment done in that regard. Hopefully the degree of impact on premiums will be minimal.

Since the days of my involvement in the Staysafe committee I have been particularly concerned with the need for government to appropriately undertake motor safety campaigns. In the past Victoria has had a great focus on motor accident prevention. New South Wales has also run some speeding campaigns through the Roads and Traffic Authority, but I feel it needs to ensure that more focus is given to running appropriate road safety campaigns. The Motor Accidents Compensation Scheme under the Motor Accidents Compensation Act 1999 as amended would see financial benefit for any money spent if we could reduce the total number of motor vehicle accidents and the impacts on our community.

Mr WAYNE MERTON (Baulkham Hills) [5.47 p.m.]: I support the Motor Accidents Compensation Amendment Bill 2010. The bill amends the Motor Accidents Compensation Act 1999 in a number of ways. The objects of the bill are:

- (a) to amend the *Motor Accidents Compensation Act 1999*:
 - (i) to extend the compulsory third-party insurance scheme to include coverage of incidents and accidents that occur as a result of a dangerous situation caused by the driving of a motor vehicle, a collision, action taken to avoid a collision or any vehicle running out of control, in addition to incidents and accidents that occur during such events, and
 - (ii) to allow for people who are not members of the Government Service (that is, contractors) to be appointed as claims assessors, and
 - (iii) to provide for an additional ex officio member to be appointed to both the Board of Directors of the Motor Accidents Authority and the Motor Accidents Council, and
 - (iv) to provide for additional members to be appointed to the Motor Accidents Council; and
- (b) to amend the Motor Accidents (Lifetime Care and Support) Act 2006 to provide for an additional ex officio member to be appointed to both the Board of Directors of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council.

These are admirable notions and the Opposition supports the legislation. One of the major thrusts of this bill relates to the case of *Zotti v Australian Associated Motor Insurers Limited*. The Zotti case involved a person who was injured when the bicycle he was riding slipped on an oil slick that had been left on the road following an earlier motor accident. In that case the court was required to interpret the definition of "injury" in the Act as it existed at the date of Mr Zotti's accident in December 2005. The Court of Appeal found that because Mr Zotti's injury was not caused at the time of the motor accident crash, the compulsory third party insurer of the vehicle at fault in the earlier accident was not required to indemnify the vehicle driver for any damages to which Mr Zotti may later become entitled. This left open the possibility that Mr Zotti could seek to recover damages directly from the vehicle driver.

The decision in the Zotti case resulted in two unsatisfactory outcomes. Firstly, the injured cyclist was not entitled to recover compensation from the compulsory third party scheme for his injuries. Secondly, the motor vehicle driver was not covered by his green slip insurance policy and faced the possibility of being personally liable to pay compensation. The Court of Appeal thought that this was an unsatisfactory situation deserving of consideration by the legislature. The bill, therefore, proposes to amend the definition of "motor accident" in the Motor Accident Compensation Act to extend the cover provided by the compulsory third party policy explicitly to include coverage of incidents and accidents that occur as a result of a dangerous situation caused by the driving of a motor vehicle, a collision, action taken to avoid a collision or any vehicle running out of control.

A previous accident was the cause of Mr Zotti's injury. Mr Zotti was injured some time after the original incident had occurred. The matter went before a court and the court decided that as Mr Zotti's injury did not occur at the time of the original incident, the driver in the earlier incident was not covered by compulsory third party insurance for any damages awarded to Mr Zotti. Therefore, in Mr Zotti's case the driver of the vehicle was uninsured and could be personally sued and, depending on the extent of the damages, could end up

in a perilous financial situation. The driver could even face bankruptcy. I am aware personally of similar cases where some hours after the event of an oil spill or oil slick on a road a person has been involved in a very serious incident. A member of my family was involved in an incident in exactly the same circumstances as Mr Zotti. It is important that this legislation is amended to cover such situations.

Other issues of concern relate to green slips. Some years ago the Government amended legislation relating to motor vehicle accidents and compensation. At the time the Government promised that we would see a reduction in the cost of green slip premiums. History has proved that to be incorrect. Motorists in New South Wales now face higher premiums with fewer benefits. That is not a satisfactory situation at all. People come into my electorate office, particularly older Australians, and tell me that because of their age and the fact that they drive an older car they are penalised by having to pay an additional amount on their green slip premium.

It would be unfair and unrealistic to describe these older people as potential hoons because they drive a 1950s Holden. Some of them bought their older cars when they were new and they enjoy driving them. But they have to pay an additional premium on their green slip. These issues should be a matter of concern to the Government. I do not propose to speak any further on this bill. The Opposition supports the bill, but it is one step in many that this Government has to take in relation to green slips. It has a fair way to go. The legacy of this Government as a result of the statutory charges will be fewer benefits and higher premiums, and it will haunt this Government forever.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [5.54 p.m.], in reply: I thank members for their contributions to this debate. The Motor Accident Compensation Amendment Bill 2010 provides sensible amendments to arrangements for governance of the Motor Accidents Authority and the Lifetime Care and Support Authority. It clarifies the legitimacy of the appointment of independent legal practitioners as claims assessors and it deals with the situation of liability identified in the Zotti case. In summary, it is a package of sensible amendments.

In response to the points raised by member for Manly, the advice of the Motor Accidents Authority is that the impact on green slip prices is likely to be immaterial. The Zotti case concerned an unusual situation that required a remedy to ensure that motorists have the protection they need and that those who are insured are covered. The New South Wales Government is very much aware of the pressures on families in relation to the cost of living. Contrary to the claims of the Opposition, green slips have fallen by \$100 in real terms compared to just over a decade ago. During this time they have fallen from 50 per cent of average weekly earnings to just over 30 per cent of average weekly earnings.

In response to the point made by the member for Myall Lakes, I can confirm in relation to the retrospectivity of the Act that the definition applies from 1 October 2006. From this date, dangerous situations as a result of driving a vehicle will be covered. In response to the point made by the member for Baulkham Hills, I can inform the member that increased benefits now include lifetime care and support to those with the most serious of injuries regardless of fault and the introduction of benefits for blameless accidents and no-fault benefits for children. Again, I thank all members for their contributions to this debate. The bill is a sensible step forward. I appreciate the Opposition's support. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

NATURE CONSERVATION TRUST AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 20 October 2010.

Ms PRU GOWARD (Goulburn) [5.57 p.m.]: Although I am not the shadow Minister for this portfolio, I am happy to lead for the Opposition on this bill as a member of the shadow Cabinet. The Nature Conservation

Trust Amendment Bill 2010 is not opposed by the Opposition. We recognise that the bill enables the Nature Conservation Trust to obtain tax deductible gift status, it will manage water associated with trust properties, it will subdivide and sell off parts of properties that do not have environmental significance, it will allow the trust to prohibit subdivision on its land that does have environmental significance and it will require board members to have specific skills and attend meetings in person. The bill also enables the National Parks and Wildlife Service to enter into agreements with private landholders to protect waters associated with high conservation land. This will permit landholders who wish to develop their own covenants to implement their own conservation agreements direct with the Minister, without going through the Nature Conservation Trust.

As we understand it, the trust is a regionally based non-government organisation established by an Act of Parliament. It is for those farmers who wish to ensure ongoing protection for their own conservation work or who have onerous restrictions on their property due to high conservation values. This is where the trust can pay market price and thus facilitate retirement from farming at a fair price, which is not otherwise obtainable. Under the model a farmer may continue to live in a property as a manager or he or she can leave altogether. Ultimately, the objective is to secure the high conservation areas, implement a covenant and on-sell the property, usually to another farmer willing to accept the covenant, or to a philanthropist. In this way funds allocated to the trust can be used many times over. Prices obtained through sale of properties average 80 per cent of the price paid for the property, which represents the additional value paid to the exiting farmer.

The New South Wales Nature Conservation Trust provides invaluable assistance to some farmers who wish to retire and sell their properties. The proposed reforms reflect the recommendations of the independent review of the Act and are, in a sense, finetuning that enables the trust to carry out its duties more effectively. The amendment enables landowners to negotiate their own conservation agreements directly with the Minister and it gives farmers more options and better flexibility. In particular, it enables them to sell only those parts of their land that are, for example, wetlands and are not considered particularly useful for farming but might have high conservation value, as has been the case in the past, requiring them to sell all of their land.

We note that there have been objections to the legislation, particularly from the New South Wales Farmers Association, and I understand that that is the result of a deteriorating relationship between the association and the Government following the development of the Native Vegetation Conservation Act 2007 and ongoing issues that the association has with the Government and with this legislation. The concerns of the association aside, the Opposition's view is that this amending legislation will improve the workings of the trust and will ensure that land that can be profitably used for farming and does not have high conservation values may still be retained by the farmer without great loss to the stock of conservation land in New South Wales.

Mr PHIL KOPERBERG (Blue Mountains—Parliamentary Secretary) [6.02 p.m.]: I am pleased to support the Nature Conservation Trust Amendment Bill 2010. The Nature Conservation Trust of New South Wales, which I think is well known to nearly everybody in New South Wales and further afield, has been instrumental in achieving real environmental gains, particularly on private land in New South Wales. The trust is a not-for-profit conservation organisation operating with the mindset of an efficient private business. It fills an important conservation niche and is the only nature conservation organisation in New South Wales operating a revolving fund with conservation covenants attached to property titles.

I will provide the House with a couple of examples of the trust's work. In northern New South Wales the recently acquired Estuary Creek property is an outstanding example of the conservation values that the trust protects. This remarkable 1,608-hectare property is home to two threatened native species, the squirrel glider and the rufous bettong. It bridges two national parks and forms part of a corridor that links the coast to the McPherson Ranges. In the south of the State the trust secured the permanent protection of a small but significant portion of remnant grassland vegetation through the purchase and sale under covenant of the property *Parlour Grasslands*, a 48-hectare property near Braidwood.

These and other significant conservation values are now protected in perpetuity thanks to the work of the trust, and we want that work to continue into the future. That is why we need to ensure its enabling legislation remains relevant and effective over time. There have been significant changes to the trust's operating environment over the past nine years. Among the more significant reforms are those relating to the management and trading of water rights. This bill will enable the trust to enjoy the same rights as other private landholders to buy and trade water allocations for the benefit of the natural environment on trust properties. It is vital that the legislation that underpins the trust's activities reflects the realities of the day and enhances, not hinders, the work of this vital organisation. I commend the bill to the House.

Mr WAYNE MERTON (Baulkham Hills) [6.05 p.m.]: The purpose of the Nature Conservation Trust Amendment Bill 2010 is to enable the trust to obtain tax deductible gift status, manage water associated with trust properties, subdivide and sell off parts of properties that do not have environmental significance, and allow the trust to prohibit subdivision of its land that does have environmental significance. The bill requires board members to have specified skills and to attend meetings in person. The bill enables National Parks to enter into agreements with private landholders to protect waters associated with high conservation land. This will permit landholders who wish to develop their own covenant to implement their own conservation agreements directly with the Minister, that is, without going through the conservation trust.

The Nature Conservation Trust is a regionally based, non-government organisation established by an Act of the New South Wales Parliament. For those farmers who wish to ensure ongoing protection for their own conservation work or who have onerous restrictions on their property due to high conservation values, the trust can pay market prices and thus facilitate retirement from farming at a fair price that may not otherwise be obtainable. Under the model the farmer may continue to live on the property as a manager or leave altogether. Ultimately the objective is to secure the high conservation areas, implement a covenant and onsell the property—usually to another farmer willing to accept the covenant or a philanthropist. In this way funds allocated to the trust can be used many times over. Prices obtained through sale of properties average 80 per cent of the price paid for the property. This represents the additional value paid to the exiting farmer.

Some arguments in favour of the legislation are that the New South Wales Nature Conservation Trust provides invaluable assistance to farmers who wish to retire and sell their properties; the proposed reforms reflect the recommendations of the independent review of the Act and are a finetuning that enables the trust to carry out its duties more effectively, and the provision enabling landholders to negotiate their own conservation agreements directly with the Minister gives farmers more options and greater flexibility. The Opposition does not oppose the legislation.

Mr BRAD HAZZARD (Wakehurst) [6.08 p.m.]: As the shadow Minister for Climate Change and the Environment, the member for Goulburn, has indicated, the Opposition will not oppose the Nature Conservation Trust Amendment Bill 2010. The bill is the natural progression of efforts that were made a decade or so ago when it was clear that the way forward for conservation of land, particularly land of heritage significance, in New South Wales required the cooperation of farmers and landowners across the State. Some years ago when I was the shadow Minister for the Environment I recollect very well visiting a number of farms across New South Wales, particularly in the coastal areas, and standing with environmentalists and farmers to discuss the way forward, to determine how we as a community could best conserve the natural heritage of our great State.

The Nature Conservation Trust Act 2001 was a major step forward in regard to those arrangements and the trust has been a very constructive body. It was established by Parliament but it is a not-for-profit trust through which various measures can be taken to conserve the natural heritage of New South Wales. However, there is one outstanding issue. I well recollect standing on a property on the North Coast that had an area of wetlands that was not available for use by the farmer who owned it. It was pointed out to me by environmentalists who were also on the property that the wetlands were particularly valuable. The farmer had an issue that I do not believe will be resolved by this legislation.

In effect, by entering into any arrangement—be it a formal conservation agreement negotiated through the Nature Conservation Trust or an informal arrangement agreed to by the farmer—that parcel of land was effectively alienated in the interests of the public of New South Wales but the farmer was still required to pay council rates on it. Since the enactment of the Nature Conservation Trust Act, formal conservation agreements can acknowledge that sort of arrangement but the legislation is still silent on that issue. It is an issue for both sides of Parliament and we must address it. A great deal of the conservation of our natural heritage is dependent upon the goodwill of those who do much to enhance it in their day-to-day activities—that is, the farmers of New South Wales. Not only do they provide produce for New South Wales but they also ensure the conservation of our natural heritage.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Wakehurst will be heard in silence.

Mr BRAD HAZZARD: I would like the Minister to confirm that this bill clarifies the tax deductibility status of donations under Commonwealth legislation. I assume that the Commonwealth legislation deals with cash donations. New section 10 of this bill sets out various details under the heading "Object of Trust". New subsection (4) states:

The object of the Trust is also its principal purpose.

Note. For donations to the Public Fund maintained by the Trust to have tax deductible status under Subdivision 30-E of the Commonwealth Income Tax Assessment Act, the Trust must have as its principal purpose the protection and enhancement of the natural environment or a significant aspect of the natural environment.

The bill has been amended to give an object within the framework of the proposed Act a guarantee of tax deductibility. I am interested to know what would be the implications for a farmer who donates part of his land to the trust. It would not be dealt with by way of a conservation agreement, which would further confuse the issue. If it is an absolute indefeasible assigning of an interest in land, is that tax deductible? If so, how does it work? Taking that one step back, if it involves the alienation of land only to the extent of the conservation agreement, does that give an entitlement to tax deductibility for the amount of land that has been effectively alienated through the conservation agreement, albeit that it might not have been a complete assigning of title? The Minister may not be in a position to answer that question today—it may require clarification by the Federal authority—although I assume that the Minister considered it in the context of this bill. Perhaps a response could be provided before the legislation is debated in the other place. If the farmer is alienating land either in absolute title or through a conservation agreement, that would certainly encourage the farmers of this State to be very proactive in the conservation of our natural heritage.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Corrective Services) [6.13 p.m.], in reply: I thank the members representing the electorates of Goulburn, Baulkham Hills, Blue Mountains and Wakehurst for their contributions. The member for Wakehurst asked a very good question about the tax deductibility status of donated land. I have not studied tax law closely enough to provide an answer now, but I will ensure that he gets a response before the legislation is debated in the other place.

A decade ago a community coalition foresaw the opportunity to assist landholders wishing to protect and improve the natural heritage on their land. The Government listened to the coalition and established the Nature Conservation Trust, which has been very successful. I have some trust-managed land in my electorate. Now, nine years on, the foresight of those community representatives and this Government has resulted in a real on-the-ground conservation outcome. The trust's achievements include 21,581 hectares of high conservation value land protected across 58 properties, protection for 87 different types of regional ecosystems, and protection for three nationally threatened ecological communities and 10 ecological communities threatened in New South Wales.

Even with all the foresight in the world, we could not have envisaged the operational intricacies that have come to bear on the trust's undertakings over the past nine years. This bill tightens the criteria for board appointments by requiring a more specific set of skills and experience than is currently the case. This amendment is vital to ensure that the governing board of the trust is equipped to deal with the increasingly complex fields of natural resource management and property and financial management. The bill also removes the requirement that all parcels of land purchased as part of the revolving fund property must be sold subject to a conservation covenant. The trust can buy land only in the parcels in which it is offered, and these parcels will often contain areas unsuited to conservation. This amendment enables the best land to be protected and managed under covenant, and land without conservation value to be onsold for agricultural or other purposes. The bottom line is that the trust will be able to direct its limited resources to where it can achieve the best conservation outcome at least cost.

Likewise, this bill will insert the model clauses required for the trust to achieve tax deductible status under Commonwealth law, which is not possible under the current provisions of the Act. This is an important step in attracting donations and sponsorship to support the trust's vital conservation work. Appropriate management of natural heritage on private land is critical if the unique biodiversity of this State is to survive. This bill will assist the Nature Conservation Trust to protect natural heritage and to work in cooperation with those landholders who wish to make a difference. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

The ASSISTANT-SPEAKER (Ms Alison Megarrity): Government business having concluded, the House will now consider the matter of public importance.

PALLIATIVE CARE SERVICES

Matter of Public Importance

Mr THOMAS GEORGE (Lismore) [6.19 p.m.]: I ask the House to note as a matter of public importance palliative care services. There would not be one member of this House who has not been affected by, or had a friend or a family member who has not received the benefit of, palliative care. When I became a member of Parliament I soon learned that no-one is immune to cancer, mental illness or drugs. This matter of public importance is about recognising the effects of palliative care throughout the State. Yesterday I was very concerned when I read the article about bed reductions at the Sacred Heart Hospice in Sydney—a personal friend is involved with the hospice—because it is one of the State's largest providers of palliative care services. It provides palliative care to 1,000 inpatients per year and 22,000 outpatients per year.

In 2009-10 the South Eastern Sydney and Illawarra Area Health Service imposed an increased patient revenue target, in effect a budget reduction, on the Sacred Heart Hospice of \$1.2 million. This increased their patient revenue target by 76 per cent. This increase was part of a statewide program to increase the amount of patient fees received by the system. It was, therefore, not unreasonable to have an expectation of some increased patient revenue. It is their belief, however, that the additional revenue target set for the Sacred Heart Hospice was way out of proportion to that applied to other hospitals. They believe that this is simply not achievable. In June 2010 they formally asked the South Eastern Sydney and Illawarra Area Health Service to review the patient revenue target. To date the area health service has not done so. Sacred Heart Hospice has faced budget deficits in the order of \$1 million, which is the amount of the additional revenue target. In order to match the budget, and in the absence of any review of the target, it has been necessary to reduce the number of beds by seven. The access to available beds will be based on clinical priority, which will take into consideration access to local palliative care services.

In talking to this friend of mine, it has become obvious that the hospice would certainly like the Minister to undertake the promised review by the South Eastern Sydney and Illawarra Area Health Service. The hospice provides a lot of services to country areas, so I just touched base with my friend to find out what the needs or the concerns are of that area health service. New South Wales has Palliative Care Week, which is a time for the community to understand more about terminal illness. While terminal illness and death are part of life and touch us all, it is a subject that we, as a community, do not often talk about. Palliative care is the philosophy of care that combines a range of therapies with the aim of achieving the best quality of life for patients who are suffering from life-threatening and ultimately incurable illnesses. It has been shown that families affected by terminal illness cope better if they have an awareness of the available services and support, and access them as needed.

Palliative care does a lot of things. It affirms life and treats dying as a normal process; it neither hastens nor postpones death; it provides relief from pain and other distressing symptoms; it integrates the physical, psychological, social, emotional and spiritual aspects of care with coordinated assessment and management of each person's need; it offers a support system, which is very important to help people live as actively as possible until death; it offers a support system to help the family cope during the person's illness and in their bereavement; and it also offers a support system that enables people to stay in their own home for those last crucial days, hours and minutes.

In 2009 there were funding cutbacks in Lismore that I spoke about in this House. Our palliative care social worker position, which operated for only 18 hours a week, but serviced approximately 100 patients per month, was taken away. People in country areas cannot hop in a car and drive down the road to access services. They are not on everyone's doorstep. People in country and regional areas do not always have access to transport: They rely on social workers to visit them. Palliative care services commenced in Lismore in 1985 and have been conducted at St Vincent's Hospital as a result of a grant from the Commonwealth Government. St Vincent's Hospital in Lismore runs the program under a contract that is funded by the North Coast Area Health Service but administered by St Vincent's Hospital. I pay tribute to the whole team, not only the palliative care unit, but also the team headed by Dr Joann Doran, the Palliative Care Physician and Director of Palliative Care for the North Coast Area Health Service, and everyone associated with palliative care throughout the North Coast Area Health Service.

The palliative care unit at Lismore services nine hospitals in an area with a population 151,000 people. It receives more than 360 new referrals a year. This matter of public importance is our way of showing our

support to the carers of palliative patients in the community. Modern hospices or programs of care for the dying began in Britain. The most famous hospice is St Christopher's Hospice in London. When you think where palliative care is today, it has come a long and it is appreciated by everyone in our communities.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.26 p.m.]: I am extremely grateful to the member for Lismore for raising this matter of public importance. Palliative care is one of the most important aspects of healthcare, and I commend him for his efforts to raise awareness about its importance. When I graduated in 1978, palliative care was not a specialty and how much palliative care a patient received was at the discretion of the treating doctor. They tried. However, not much was known about optimal pain and symptom relief, and care was variable. Today, only 30 years later, we have come such a long way. Palliative care is a specialty in its own right, a complex and compassionate service that continues to become an increasingly important part of the health system, and one, I can assure everyone, that the New South Wales Government takes most seriously.

The New South Wales Government recognises that demand for palliative care services will continue to grow. We still have more to do and we acknowledge the continuing unmet demand. Palliative care is all about care. It involves the provision of physical, psychological, emotional and spiritual support for patients, their families, friends and carers. This requires palliative care services to have coordinated care from a multi-disciplinary team of medical, nursing and allied health staff. Palliative care services know to respect the dignity, needs and wishes of a person who is dying while being mindful of the needs of different cultural and religious groups. The Government is working towards its aim of providing responsive multi-disciplinary healthcare services in palliative care through the New South Wales Palliative Care Strategic Framework 2010-13. This framework provides a model for the development and strengthening of palliative care services, both specialist and generalist, over the next three years, and this framework is supported by Government funding.

Moving on specifically to the St Vincent's Hospital palliative care unit, the South Eastern Sydney and Illawarra Area Health Service provides palliative care services through a memorandum of understanding with the Sacred Heart Hospice through St Vincent's Hospital. I am advised that a decision has been made by the board of St Vincent's Hospital to reduce the number of palliative care beds at the Sacred Heart Hospice to bring the hospital in line with funded activity. However, the St Vincent's Hospital board has given assurances that the level of care required by NSW Health in its agreement with the hospital will continue to be provided. The South Eastern Sydney and Illawarra Area Health Service will continue to work with Sacred Heart and St Vincent's Hospital to ensure that patient demand for palliative care services continues to be met. I place on record my admiration for the brilliant care that St Vincent's and the Sacred Heart hospice have provided for very many years.

There is increasing recognition that in many cases palliative care can be more effectively and efficiently provided in the community setting. Providing more support to enable people to receive palliative care services in their homes or close to home often is preferred by patients and their carers. I have practised palliative care at home for dying children and can attest that palliative care teams provide incredibly valuable telephone advice and support to other practitioners. One of the great roles of a palliative care team is to provide support, knowledge and ideas to the wider professions. My experience is that most families prefer that their loved ones die at home if possible. My mother-in-law died from breast cancer some years ago, using the services of the Wollongong Hospital palliative care team. She never was admitted to a hospital and was able to die at home. These years later I express my incredible gratitude to the wonderful Wollongong Hospital palliative care team.

We have seen a number of recent enhancements to palliative care across area health services as a result of Council of Australian Governments and area health service funding. Since 2006, \$1.49 million is being spent annually to employ palliative care service development officers in each area health service. About \$300,000 per annum is being provided to the Statewide Centre for Improvement of Palliative Care, located at Royal Prince Alfred Hospital. This hospital has led the State in the provision of palliative care for more than 30 years and was a pioneer in its development. Earlier this year one-off funding of \$2 million was provided across New South Wales for local projects that support the NSW Palliative Care Strategic Framework 2010-2013. These will be implemented over the next three years.

For 2009-10, \$17.9 million from the four-year funding was allocated to the eight area health services, the Children's Hospital at Westmead and the New South Wales Department of Health. Some of this funding was for enhancements for residents in rural and regional New South Wales. For example, the Hunter New England

Area Health Services has extended palliative care support to outlying areas in Hawks Nest, Bulahdelah and Gloucester. Hunter New England has established an Aboriginal health education officer position to provide information and education on palliative care to Aboriginal communities across the Hunter New England region.

A paediatric palliative care staff specialist has been employed at John Hunter Hospital. In addition, dedicated positions have been established for a paediatric palliative care clinical nurse consultant, for a social worker and for administration. Outreach clinics for paediatric palliative care have been established at Taree, Tamworth and Narrabri. Recruitment of nurse practitioners in Queanbeyan is to commence in early 2011, with a Palliative Care Program Coordinator already engaged. The Greater Western Area Health Service has recruited a full-time equivalent palliative care occupational therapist for the region. The North Coast Area Health Service has recruited full-time staff to provide inpatient and community palliative care services in the Richmond network. Earlier this year Wauchope District Hospital received \$200,000 to create six dedicated rooms for its dedicated palliative care service.

Palliative care has come a long way. It provides care that is second to none, and Australia leads the world in the provision of palliative care. Palliative care often provides not just pain relief but also significant improvements in symptom relief, with feeding regimes and by removing fluid that causes difficulties in breathing. I acknowledge that there is unmet need, but we continue to work to improve palliative care. I thank the member yet again for bringing this issue to the attention of the House.

Mr DARYL MAGUIRE (Wagga Wagga) [6.33 p.m.]: I am pleased to support the matter of public importance raised by the member for Lismore, that is, palliative care. The member for Lismore is a passionate advocate for health services in his region. Palliative care is delivered in different ways and for varying lengths of time. It supports all people living with a terminal condition, their families and carers. This can include people living with end-stage heart, lung, renal and liver disease, as well as conditions such as motor neurone disease, AIDS and other serious progressive illnesses. The member for Lismore was indeed correct in saying that this issue touches us all: one in three Australians will be affected by cancer at some time.

Depending on the circumstances of the person in need of palliative care, it can be delivered in the home, in a residential aged care facility, a nursing home, a general ward or specialised palliative care ward in a hospital, as well as in a specialist inpatient facility, formerly called a hospice. Today the member for Lismore spoke about funding problems faced by the St Vincent's Hospital palliative care unit. I asked the member for Lismore, "Why is this important to you?" His response was, "Because places and services are very limited in the country and people have to go to other locations to access palliative care."

We all know about the tyranny of distance and the great strain that is put on not only the unwell loved one but on the family members who travel to be with the person in the end stages of their lives when they need the services of palliative care nurses. I place on record my sincere appreciation of the work that nurses and medication practitioners do. We have all attended the funeral of loved ones who have undergone palliative care. Often the nurses are there with the family. They always receive acknowledgement in some form. That tells us a lot about the great care and love that these people give.

The Parliamentary Secretary noted a statement that the Government has to "bring the hospital in line with funded activity". I suggest that is bureaucratic speak for not enough funds to provide the service that is required by the community. When it comes to palliative care, these are the kinds of things that need addressing by the provision of funds sufficient to deliver the services that are so desperately needed in regional and rural New South Wales. While on that point I highlight that some communities are lucky enough to have a hospice. Whilst people in places such as Wagga Wagga have choice, we do not have a hospice. We have old-style hospital beds for what is termed "palliative care". What is needed is an environment that may not be called a hospice but nonetheless has rooms and aesthetics that are pleasing to those who must spend time there. Importantly, that environment needs accommodation to enable families to be with their loved ones.

In regional and rural New South Wales, whether at Lismore or Wagga Wagga, Tumut or Lockhart, people are confronted by the tyranny of distance. That is why an alternative model is desperately needed in Wagga Wagga and, dare I say, Lismore and other regional centres that must rely on the city for services. We need a commitment from the Government to right a wrong and ensure that appropriate funding is made available. We do not want these bureaucratic one-liners that the Government has to "bring the hospital in line with funded activity". We want people's needs to be met.

Mr THOMAS GEORGE (Lismore) [6.38 p.m.], in reply: I thank the Parliamentary Secretary and member for Macquarie Fields and the member for Wagga Wagga for their contributions to discussion on this

matter of public importance. The level of members' contributions reinforces what palliative care means to each and every one of us, both in this House and throughout the State. The member for Wagga Wagga acknowledged the people who make a contribution to palliative care in his electorate. The Parliamentary Secretary and member for Macquarie Fields highlighted the opportunities he has had to support families, and in particular young children, in dealing with their palliative care situations. In my opinion one has to be a very special type of person to be able to provide palliative care. In my case, when I was faced with my late mother being in that situation, I thanked God for my sisters. As boys, my brothers and I used to just bolt. We did not have the appropriate expertise to be able to provide assistance. We were there when we were needed, but I thank God for the sisters in the world.

As I said, the level of contribution in this discussion has been outstanding. With regard to the palliative care unit at St Vincent's Hospital here in Sydney and the services it provides, I acknowledge that the services will continue there at a very high standard. However, the cutbacks are real: the centre has lost seven beds. I ask the Parliamentary Secretary to indicate whether there is the possibility of a review being conducted, as the hospital has sought.

The Tweed Palliative Support group at Murwillumbah, or TPS as it is commonly known, is in the running for the prestigious Volunteer Palliative Care Group Award, the winner of which will be announced this Saturday night at a function in Wollongong. The other groups vying for this award are the Broken Hill Volunteer Community and the Disability Trust at Fairy Meadow. However, simply having the groups acknowledged and being finalists is recognition of their contribution—indeed, it is recognition of the contribution of all palliative care groups. Wherever you go, in any community, you will always find important and successful programs being supported by wonderful, dedicated volunteer groups. It is ironic that we are discussing palliative care today when nearly all members of this House are wearing pink ribbons in support of Pink Ribbon Day. Palliative care is an extremely important issue, and it needs the support of governments of all persuasions. People need to appreciate that services and support can be provided for them to keep their loved ones at home.

In Lismore last May a carers' education day was held. I well remember opening the event, with all the carers there. As the carers had a cup of tea together and engaged in the program they raised a number of issues with regard to palliative care. The people involved with palliative care did not realise that the carers were having these problems at home. In many cases in some of the smaller hospitals even the trained people have not had experience in palliative care. Yet people who live in smaller areas have to go to these hospitals to get help in the first instance. Some of the nurses at these smaller hospitals probably have not had the experience in palliative care that some of the carers have had. However, everyone works together in such situations. On behalf of all members of the House I say thank you to everyone associated with palliative care in this State.

Discussion concluded.

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (ENVIRONMENTAL MONITORING) BILL 2010

Message received from the Legislative Council returning the bill without amendment.

**The House adjourned, pursuant to standing and sessional orders, at 6.43 p.m. until
Wednesday 27 October 2010 at 10.00 a.m.**
