

# LEGISLATIVE ASSEMBLY

Wednesday 23 May 2012

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**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 10.00 a.m.

**The Speaker** read the Prayer and acknowledgement of country.

## AUDITOR-GENERAL'S REPORT

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Settling Humanitarian Entrants in New South Wales—Services to permanent residents who come to New South Wales through the humanitarian migration stream: Community Relations Commission for a Multicultural NSW, Department of Premier and Cabinet", dated May 2012, received on 23 May 2012 and authorised to be printed and published.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

*[During the giving of notices of motions.]*

**The SPEAKER:** Order! Members should allow members with the call to give notice of their motions in silence. I will not hesitate to direct members who continue to interject to leave the Chamber.

## JUDICIAL OFFICERS AMENDMENT BILL 2012

### Second Reading

**Debate resumed from 28 March 2012.**

**Dr GEOFF LEE** (Parramatta) [10.12 a.m.]: I speak in support of the Judicial Officers Amendment Bill 2012, which is supported by people in the legal community with whom I have spoken. The object of the bill is to amend the Judicial Officers Act 1986 to require the Judicial Commission to provide the Attorney General with certain information about complaints made to the commission about judicial officers. The bill also makes a consequential amendment to the Government Information (Public Access) Act 2009.

Schedule 1 [1] provides that the Judicial Commission must, at the request of the Attorney General, provide the Attorney General with certain information about complaints made against a particular judicial officer. The commission will not be required to provide information about a complaint against a particular judicial officer if it considers it is not in the public interest to provide the information, unless the complaint has been referred to the conduct division. The aim of this proposed legislation is to determine what is fair and reasonable and ensure that the public is properly and transparently informed about what is happening with complaints against judicial officers, which are quite often misrepresented in the media. In his agreement in principle speech on 28 March 2012 the Attorney General said:

The Judicial Officers Amendment Bill 2012 will amend the Judicial Officers Act 1986 to enable the Attorney General to be provided with certain information about the existence, nature, progress and outcome of complaints before the Judicial Commission.

Currently, the Attorney General is not provided with information about the existence of a complaint before the Judicial Commission. However, such information is required because, as the Attorney General quite rightly pointed out in his speech, he may need to clarify matters reported in the media to determine whether a complaint should be considered and/or determined. The public's interests are best served by their having full confidence in our law and justice system and by their being properly should matters be misrepresented in the media.

The Judicial Commission of New South Wales is an important body that performs three major functions. First, it assists the courts to achieve consistency in sentencing; second, it organises and supervises an appropriate scheme of continuing education and training of judicial officers; and, third and most important, it examines complaints against judicial officers—a key function addressed by this bill. The Judicial Commission has power to examine complaints about the ability and behaviour of judicial officers. The complaint function of the Judicial Commission provides a means for people to have their complaints examined by an independent body. An important role of the commission is to receive and examine complaints made against judicial officers and to determine which complaints require further action.

"Judicial officer" is defined in the Judicial Officers Act as a judge or associate judge of the Supreme Court of New South Wales; a member, including a judicial member, of the Industrial Relations Commission of New South Wales; a judge of the Land and Environment Court of New South Wales; a judge of the District Court of New South Wales; a magistrate; and the President of the Administrative Decisions Tribunal. Any person can make a complaint against a judicial officer to the Judicial Commission and a complaint may be referred to the commission by the Attorney General. The Judicial Commission will make a preliminary investigation of such complaints and, in the interests of natural justice, the judicial officer concerned is advised that a complaint has been made about him or her to the commission and is provided with a copy of the relevant documentation.

The Judicial Commission conducts a thorough investigation of every complaint received, and often that involves an examination of transcripts, sound recordings, judgements and other material relevant to the complaint. I have spoken to a number of people in the industry about this bill, including Professor Michael Adams, who is the Dean of the Law School at the University of Western Sydney—a fantastic institution. The Law School has been in existence for more than a decade now and the professor's views about this bill complement the concept of natural justice in relation to procedural fairness. The Attorney General may need relevant facts to correct any misinformation in the media, and there is nothing sinister about provisions in the bill relating to that. As the Attorney General said, this is a reasonable and worthwhile amendment because it improves law and justice, as it promotes transparency and builds awareness and confidence in the law and justice system.

The University of Western Sydney Law School is conducted at many campuses but I am most familiar with the Parramatta campus. Not only does it have a high profile in terms of teaching students the details of law; it also contributes to the social fabric and social awareness of students. Included among the law school's many notable projects and initiatives is the Parramatta Community Justice Clinic, which operates a service at no cost to individuals who seek representation. It gives assistance to some of the most marginalised people in society those who have slipped between the cracks with regard to access to legal aid and other services, and who would not necessarily get any other representation.

In partnership with the Macquarie Legal Centre, students at the clinic, under the guidance and direction of a qualified lawyer, provide relevant advice to help these needy people. In many cases a great number of problems for the courts are resolved because confusion and delays are reduced. I have been associated also with a project at the Blacktown court that involves Sudanese students providing interpreting services for people who come from Sudan and are experiencing difficulty with our language. That fantastic program educates people about the basic concepts of the law and legal procedures. Many new arrivals to Australia, through no fault of their own, do not understand details about our laws and the legal and court processes, and it is important that they be fully informed about such matters.

The success of the law school is underpinned by its staff; it has 42 full-time academics. I note that recently Associate Professor Michael Blissenden won the Australian Learning and Teaching Council's national teaching award for law studies. It is the highest award for university learning and teaching, and it is a great credit to the law school that it has such wonderful lecturers. The school is well established with the equivalent of 1,700 full-time students, and that equates to about 3,000 students at multiple campuses, of which Parramatta campus is the largest. Interestingly, a recent study published on the MyUniversity website showed that the University of Western Sydney law school scored a higher student satisfaction rate than that achieved by the University of Sydney, the University of Technology, Sydney, and the University of Melbourne. Satisfaction with teaching staff and the delivery of quality education should not be undersold. I congratulate the University of Western Sydney and Professor Michael Adams on their dedication to teaching people. I commend the Judicial Officers Amendment Bill 2012 to the House.

**Ms TANIA MIHAILUK** (Bankstown) [10.22 a.m.]: My contribution to debate on the Judicial Officers Amendment Bill 2012 will be brief. I note at the outset that when the bill was introduced by the Attorney General there seemed to be some degree of urgency about bringing the amendment to the House. Week after week the bill has been pushed further down on the business paper, and I note that a range of other issues have arisen in the media since the bill was brought forward. The Attorney General now appears to be retracting from his initial stance on this issue. The bill represents an attempt by the Attorney General to improve his ability to manage the media. That was perhaps overlooked when the bill was introduced. The Opposition will oppose the bill. There is no reason that the Attorney needs to access information from the conduct division of the Judicial Commission, except to answer media inquiries. The proposed legislation is bizarre and unnecessary. I shudder when I think that such a proposal was able to make it through Cabinet and meetings of Government members. Item [1] of schedule 1 states:

The Commission must, at the request of the Minister, provide the Minister with information that discloses the following in relation to a particular judicial officer.

The information required by the bill includes whether a complaint has been made and the details of when the complaint was made, the subject matter of the complaint, actions that have been taken by the commission to deal with the complaint and, for those complaints that have been disposed of, the manner in which the complaint was disposed of. As the shadow Attorney General said, the Judicial Commission is an independent body. The existing Act contains a mechanism by which the final findings of the commission are reported to Parliament. Effectively, the Attorney-General is requesting the equivalent of a mechanism that would allow the Premier to demand updates on the status of an Independent commission against corruption inquiry or that would allow the Minister for Police and Emergency Services to receive information about Police Integrity Commission investigations.

If this bill is passed, we could have a situation in which the Attorney General is called upon to act, to some degree, as a spokesman for the Judicial Commission. That would be highly inappropriate. If there is need for comment to be made on behalf of the commission, the commission itself should make that comment. There is real danger that any resulting public commentary by the Attorney General may well affect the outcome of Judicial Commission investigations. It is important that independent oversight authorities such as the Judicial Commission, the Independent Commission Against Corruption and the Police Integrity Commission remain independent. When the Legislation Review Committee considered this bill I seconded an amendment moved by Mr Shoebridge from the other place in the following form:

The Committee is concerned that providing all complaints to the Attorney General will inappropriately involve a politician in matters regarding judicial officers, and will trespass on the separation of powers.

Unfortunately, Government members opposed that amendment. However, the final digest did concede that the bill:

... may impact upon the separation of powers between the Legislature, the Executive and the Judiciary.

As members of this State's Legislature we should be mindful of the words of Justice Spigelman, CJ, who in *Bruce v Cole* commented on "the central significance of judicial independence in our system of government". At that time Justice Spigelman was discussing the restrictions on the power of the Legislature to remove judicial officers. I note that the commentary in the e-brief prepared by the Parliamentary Library research office states:

It is almost 30 years since the judicial system in NSW was under a serious cloud and it was this that led to the radical decision, at the time, to establish the Judicial Commission. No doubt, the integrity of the judicial system, along with the processes in place to protect it, is an area of the constitution that should always be the subject of careful and vigorous analysis and debate.

I urge the Attorney General to reconsider this legislation as it establishes a dangerous precedent and is completely unnecessary.

**Mr JONATHAN O'DEA** (Davidson) [10.27 a.m.]: I join in debate on the Judicial Officers Amendment Bill 2012. The Judicial Commission of New South Wales was established under the Judicial Officers Act 1986, which provides for the examination of complaints against judges and other judicial officers, as well as for procedures for suspension, removal and retirement in certain circumstances. Historically, the removal of judicial officers in Australia and in New South Wales has been rare. As part of the current process under which a New South Wales judicial officer might be removed from office, the Judicial Commission presents a report to the Governor setting out the division's findings of fact and opinion. A copy of that report is presented also to the Attorney General, who must then lay it before both houses of Parliament.

Currently, section 37 of the Act prohibits a member or officer of the Judicial Commission from disclosing any information in relation to a complaint before the commission, except in limited circumstances. The proposed amendment preserves the independence of the judiciary and the commission while enabling the Attorney General to have access to basic information about the existence of complaints to the commission, their progress and outcomes. This will be achieved through introducing a new section to the Act, section 37A. The new access arrangements are particularly appropriate when a report of a complaint about a judicial officer is already in the public domain, so that the Attorney General might appropriately consider or make comment on it in the public interest.

I note that the commission will not be required to provide information about a complaint against a particular judicial officer if the commission considers it is not in the public interest to provide the information, except where the complaint has been referred to the conduct division. Also, the commission will not be required to provide the Attorney General with all the details of the examination or investigation of a complaint by the commission but may when providing any required information provide additional information that the commission "considers relevant".

The shadow Attorney General's suggestion in his earlier speech on this bill that this legislation would result in the Attorney General becoming a spokesperson for the Judicial Commission is erroneous. The person serving at any time as Attorney General has a special legal advisory role. They are responsible for appointing judges and they are invariably a valuable and responsible member of Parliament, capable of sound judgment. While the shadow Attorney General was correct in indicating that no Minister has the right to receive information from the Independent Commission Against Corruption, the Police Integrity Commission or the Ombudsman about particular complaints, none of their decisions on such complaints must come before this Parliament for further consideration.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain silent.

**Mr JONATHAN O'DEA:** The shadow Attorney General failed to make that distinction in his speech. It was a speech that reminded me of the following words from Marcus Aurelius:

If you are pained by external things, it is not they that disturb you, but your own judgment of them.

As a parliamentarian I am comfortable with entrusting the Attorney General, whoever that might be at the time, with the right to receive the limited information specified in the proposed section 37A. Like the cross-party Legislation Review Committee, I do not see it as preventing the Judicial Commission from independently discharging its functions or compromising the principle of a separation of powers. Following the previous misleading speech from the member for Bankstown, I can also confirm that the Attorney General and this Government in no way resile from this bill or its content.

In the case last year that arguably prompted identification of the need for this amending legislation a magistrate with a mental illness came before the Parliament for it to decide whether he should cease to hold office. The matter was decided in the magistrate's favour by the upper House, which meant that he was given another chance to continue in his employment and the matter did not need to come before this place. At the time of this decision the Attorney General and the upper House were not fully aware of further allegations of misconduct by the magistrate that they might have been, despite these having been canvassed in the media.

A decision of the conduct division of the Judicial Commission prompts Parliament to consider removal but does not compel it to act or say that it must or even should act. In the recent case before the upper House to which I refer the conduct division of the Judicial Commission of New South Wales performed a merit assessment with access to relevant arguments and evidence. Its decision obviously caused the matter to come before the Parliament. Apparently the role of the conduct division of the Judicial Commission was seen by some at the time of its introduction as a way of guarding against the dangers of potentially injudicious politicians who might want to remove judges. Ironically, in the case to which I refer it was the politicians in the upper House who actually saved the career of the magistrate in question.

I believe that the existence of a mental illness, adequately treated, should not be a bar to people performing fulfilling employment or holding high office. However, where there is unacceptable conduct from a magistrate with a mental illness I do not believe that parliamentarians should be making a merit assessment as to whether that behaviour or the condition justifies the removal from office of the magistrate. We are not, in my opinion, qualified to assess their mental state or its connection to the conduct in question. Nor are we in a position to receive comprehensive evidence regarding such conduct.

At the time that the case in question was being closely considered I was inclined to support calls from the Schizophrenia Fellowship of New South Wales for a legislative amendment to enable the services of the Mental Health Tribunal of New South Wales to be utilised in such cases. Section 53 (3) of the New South Wales Constitution Act allows for such legislation, but I note that there appears to be no current reform proposal in this respect. The case to which I refer also highlighted gaps in policy relating to mental illness and treatment of public servants, particularly those in roles with a high level of authoritative independence. Our system does appear restricted in the way that it can assist such people to openly and honestly deal with their situation without our having recourse to potential employment termination.

However, given that we have a currently accepted process whereby the New South Wales Parliament does have a judgement role to play, we should avail ourselves of as much relevant information as reasonably possible before making a decision on a judicial officer's future. This bill is therefore welcome in providing that the Judicial Officers Act be amended to require the Judicial Commission to provide the Attorney General with certain limited information about complaints made to the commission about judicial officers. The Attorney General—a responsible person in this Parliament—can then share that information as appropriate, including to correct public misconceptions or misinformation. I therefore strongly commend this bill to the House as a sensible and balanced reform.

**Debate adjourned on motion by Mr Nick Lalich and set down as an order of the day for a later hour.**

### **HEALTH SERVICES AMENDMENT (NATIONAL HEALTH REFORM AGREEMENT) BILL 2012**

**Bill introduced on motion by Ms Jillian Skinner, read a first time and printed.**

#### **Second Reading**

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [10.37 a.m.]: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Health Services Amendment (National Health Reform Agreement) Bill 2012. The bill implements a major component of the National Health Reform Agreement agreed by the Council of Australian Governments in August 2011 and will establish the legislative framework for new national funding arrangements which are scheduled to commence on 1 July 2012. The agreement requires significant health reform action including improved local accountability and responsiveness of public hospital health services through devolved local governance and management, improved and transparent performance reporting and accountability measures and major changes to improve the transparency of public hospital funding through a national health funding pool, and a nationally consistent approach to activity-based funding as a means of improving patient access to services and public hospital efficiency. These key elements of the agreement complement and reinforce directions and strategies already being pursued by the New South Wales Government for a more devolved and accountable health system.

The Government has already implemented important local government changes through the Health Services Amendment (Local Health Districts and Boards) Act 2011, which created local health districts and district health boards with devolved responsibility for managing public hospitals and health services. The Government has also been working closely with the Commonwealth and other jurisdictions to establish the framework and governance arrangements for the new Independent Hospital Pricing Authority and the National Health Performance Authority. The bill before the House today supports the next major plank of the national health reform agenda. It will provide for the implementation of the new health funding arrangements agreed by all Australian governments to promote greater transparency, accountability and efficiency in relation to the funding of hospital and health services in Australia.

The key elements of these new national health funding arrangements include: the establishment of a single national health funding pool comprising separate State pool accounts; the payment of all Commonwealth and State activity-based funding for public hospitals into the pool; the establishment of a national system of activity based funding to commence from 1 July 2012; transparent accounting, reporting and auditing of pool accounts; the appointment of a single administrator of the pool as an independent statutory office holder by all health Ministers under the procedures set out in the agreement; provision that payments from the pool shall only

be made by the administrator at the direction of the responsible State Minister and in accordance with the service agreement with the local health district; and the establishment of State managed funds to receive funding for block grants, teaching, training and research.

In New South Wales, in addition to local health districts, these new funding arrangements will also apply to health service networks that will receive activity based funding through the national health funding pool. This will include the Sydney Children's Hospitals network and the St Vincent's health network. Under the agreement all jurisdictions must pass legislation to implement these new funding arrangements. To maximise national consistency, jurisdictions have agreed on a set of common legislative provisions prepared on behalf of all jurisdictions by the Australasian Parliamentary Counsel's Committee recognising that additional jurisdiction specific provisions may also be required.

I now turn to the specific provisions of the bill. The bill incorporates the agreed national common provisions to be included in a new schedule 6A of the Health Services Act 1997 as well as additional New South Wales specific provisions which are also consistent with the National Health Reform Agreement. Under part 2 of schedule 6A the office of the administrator will be separately created under each jurisdiction's legislation, though a single individual will be appointed to the office. The administrator is independent but accountable to all jurisdictions. Under clause 3 of part 2 the administrator is to be separately appointed by the Minister in each jurisdiction, who is a member of the Council of Australian Governments Standing Council on Health. Before the appointment is made the Chair of the Standing Council on Health is to seek nominations from each member of the council. The proposed administrator is to be unanimously agreed upon by all members of the council prior to his or her appointment as administrator.

The administrator may be appointed for a period not exceeding five years, but will be eligible for reappointment. The functions of the administrator, which are set out in clause 8 of part 2, are: to calculate and advise the Commonwealth Treasurer of the contributions the Commonwealth is required to pay into the State pool account for each State and Territory; to monitor payments into each State pool account; to make payments from the State pool account in accordance only with the directions of the State and to report publicly on the payments made into and from each State pool account, and other matters the administrator is required to report on under the proposed amendments.

Under clause 7 the administrator is to be assisted in carrying out his or her functions by the national health funding body. The funding body will be established under Commonwealth legislation. The administrator cannot delegate his or her functions but is to be assisted by the staff of the funding body. In practice this will mean that, whilst funding body staff can undertake calculations and prepare documentation for approval by the administrator, ultimately all calculations, payments out of State pool accounts and reports must be approved personally by the administrator.

In clause 8 the bill explicitly provides that all money in State pool accounts is State money and that neither the administrator nor the staff of the national health funding body is subject to the control or direction of the Commonwealth in relation to the exercise of the administrator's functions. Under clause 8 (3) the Council of Australian Governments is able to issue directions in relation to the manner in which the administrator exercises his or her functions. The purpose of this provision is to ensure consistency in relation to the way the administrator carries out his or her functions for all jurisdictions. It is anticipated that any directions may address such matters as the development of uniform requirements in relation to the preparation of reports and financial statements by the administrator, and common procedures relating to payments by the administrator out of State pool accounts.

In accordance with the National Health Reform Agreement, the costs of the administrator and funding body are to be borne by the Commonwealth. I note that the Commonwealth has allocated funding for this purpose in its recent, 2012-13, budget. The bill contains provisions for the suspension and removal of the administrator. Given that the administrator will be appointed by all nine jurisdictions, it has been necessary to take some care in the drafting of these provisions. Under clause 4 of the proposed new schedule 6A the administrator is to be suspended by the Chair of the Standing Council on Health if the chair is requested to do so by either three State health Ministers or the Commonwealth health Minister. The bill specifies the grounds on which the administrator may be suspended. These grounds include failure by the administrator to comply with his or her obligations or duties, physical or mental incapacity, being accused or convicted of a criminal offence and bankruptcy.

In addition, safeguards have been included to ensure that the Commonwealth Minister acting alone may not repeatedly request the suspension of the administrator. To address this concern paragraph (5) of clause 4 requires that where there is a repeated request to suspend the administrator within 90 days of an earlier period of suspension the suspension must be agreed to by a majority of the members of the Standing Council on Health. Under clause 5 the Standing Council on Health has the power, by majority decision, to remove the administrator from office. In that event all health Ministers must take steps to terminate the administrator's appointment in their jurisdictions by the date determined by the standing council. The provisions also allow the administrator to resign from the office.

Clause 6 permits the chair of the standing council to appoint an acting administrator during any period when the office is vacant or the holder of the office is suspended or absent from duty. The appointment of an acting administrator may only be made from a panel of persons previously agreed to by the Standing Council on Health. Part 3 of the proposed new schedule 6A contains provisions for the establishment of a State pool account and State managed fund in New South Wales.

In accordance with the National Health Reform Agreement, under clause 9 the New South Wales State pool account will be established as a separate bank account held with the Reserve Bank of Australia. All Commonwealth funding to the State for hospitals under the National Health Reform Agreement will be paid by the Commonwealth directly into the State pool account. The State contribution for activity-based funding for New South Wales hospitals also will be paid into the account. Other State payments will be made to the State managed fund or direct to local health districts. Under these new arrangements the administrator will make payments directly to local health districts from the State Pool Account in accordance with the directions of the State in its role as system manager.

Under the agreement, these payments are to be made in accordance with service agreements that are agreed between the State and each local health district. These agreements will set out the volume of services to be provided by each local health district, as well as the price to be paid for those services. The Ministry of Health is currently managing an overall implementation program to commence these new funding arrangements on a statewide basis and in local health districts from 1 July 2012. A key principle of the proposed arrangements is that the administrator will be subject only to directions of the State Minister, or his or her delegate, and is not subject to the control or direction of the Commonwealth in relation to the exercise of the administrator's functions under the provisions of this bill.

The bill also acknowledges that, given the critical role of the administrator in making payments to the health system in New South Wales, it is necessary for there to be a mechanism to facilitate the making of payments in the event the administrator is unavailable to make payments at a particular time—for example, due to illness or misadventure. The power to appoint an acting administrator by the chair of the standing council partially addresses this risk; however, it does not sufficiently address the risks when critical payment is required to maintain public hospital services. Accordingly, under clause 11 (8) of part 3 the Minister may direct a New South Wales State official to make payments from the State pool account in circumstances when the administrator is not available to make a payment at the time it is required. It is intended this power would be used in exceptional circumstances only.

The National Health Reform Agreement also requires States to establish State managed funds for the purpose of receiving both Commonwealth and State block funding for small public hospitals and other block-funded services, as well as funding for teaching, training and research. Clause 12 requires the Director General of the Ministry of Health to establish a State managed fund, which may be established either as a separate fund or a separate bank account. In either case, the funding that is paid through the State managed fund will be reported on by the administrator in the same way as the administrator reports on funding through State pool accounts. Under part 4 of the proposed schedule 6A the administrator is required to establish appropriate financial management and record-keeping systems in relation to the administration of the State pool accounts. A key component of the National Health Reform Agreement is that the administrator will provide regular reporting on all funding that flows through the State pool accounts and State managed funds of all jurisdictions.

Under clauses 15 and 16 the reporting will be both monthly and annual, and will include reporting on the amounts paid in by the Commonwealth and States and Territories, payments out to each local health district and the basis on which they were made, and the number of public hospital services funded. Both the monthly and annual reports by the administrator must be made publicly available. In addition, a copy of the annual report for each jurisdiction must be tabled in that jurisdiction's Parliament. These arrangements will ensure complete transparency and accountability in relation to funding provided by all levels of government for local health

districts and other health services covered by the National Health Reform Agreement. Under clause 17 the administrator must also prepare an annual special purpose financial statement in relation to each State pool account and an annual combined financial statement for all State pool accounts.

Clause 18 provides that the Auditor-General of each State or Territory will audit the special purpose financial statement prepared by the administrator for their State or Territory's pool account. Clause 19 also provides for State and Territory Auditors-General to have the power to conduct a performance audit of the administrator in relation to their jurisdiction under their existing legislation. However, they will be required to provide notice to other Auditors-General of a proposed performance audit, so as to provide Auditors-General with an opportunity to collaborate and minimise the potential impact on the administrator. Part 5 of proposed new schedule 6A contains a number of miscellaneous provisions. These include provisions applying Commonwealth oversight and government information legislation to the administrator, including archives, freedom of information, ombudsman and privacy legislation. The equivalent New South Wales legislation will be disapplied from the administrator.

The purpose of this approach, which is stipulated by the National Health Reform Agreement, is to avoid imposing an excessive regulatory burden on the administrator, who will be exercising statutory functions in nine jurisdictions. The application of Commonwealth oversight legislation will be modified, as appropriate, by way of regulations made under the Commonwealth National Health Reform Act 2011 with the agreement of the Standing Council on Health. Commonwealth regulations currently are being developed by an inter-jurisdictional working group. As the regulations may not be completed by 1 July 2012 the bill includes a transitional provision that will delay the application of the Commonwealth oversight and government information legislation and the disapplication of New South Wales legislation to the administrator until the agreed regulations have commenced.

The miscellaneous provisions of the bill also include provisions that will allow the appointment of the initial administrator with the agreement of all jurisdictions' health Ministers and the commencement of the new national funding pool, even if all jurisdictions have not commenced their legislation on time. I am advised that legislation to implement the new funding arrangements has been introduced by the Commonwealth, Queensland, South Australia, Tasmania and the Northern Territory. These transitional provisions will ensure that the national funding scheme can commence in the event that any particular jurisdiction has not commenced its legislation. The bill also contains a small number of other amendments to the provisions of the Health Services Act to accommodate the new national health funding pool arrangements. Specifically, items [3] and [4] of schedule 1 to the bill amend section 127 of the Act, which deals with the funding of public health organisations in New South Wales.

Item [3] provides that the Minister is to have regard to the National Health Reform Agreement in determining the amount of subsidy paid from the Consolidated Fund to fund public health organisations under the existing financial provisions of the Health Services Act. Item [4] makes it clear that the provisions contained in section 127, relating to the determination of funding to public health organisations, do not affect the operation of the provisions in the new schedule 6A that relate to health funding arrangements under the National Health Reform Agreement. The bill implements common national legislative provisions to establish a more transparent, accountable and efficient system of funding of hospital services in Australia.

Under the national health funding arrangements New South Wales will continue to provide the majority of funding for New South Wales health services; have responsibility, as the system manager, for the integrated public health system, and will be responsible for ensuring local health districts' and networks' performance; set the price, funding rules and overall level of funding received by local health districts for service delivery, and purchase services from local health districts under service agreements; and bear the residual risk and meet the costs of service delivery in the public healthcare system. The proposals contained in the bill support and complement this Government's policies for a more devolved and responsive health system where key decisions about patient care are made locally in the context of transparent governance and funding arrangements. The bill provides the legislative basis for further health reform opportunities. I commend the bill to the House.

**Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.**



**JUDICIAL OFFICERS AMENDMENT BILL 2012****Second Reading****Debate resumed from an earlier hour.**

**Mr NICK LALICH** (Cabramatta) [11.00 a.m.]: The object of the Judicial Officers Amendment Bill 2012 is to amend the Judicial Officers Act 1986 to require the Judicial Commission to provide the Attorney General with certain information about complaints made to the commission about judicial officers. The bill also makes a consequential amendment to the Government Information (Public Access) Act 2009. The separation of powers between the State and the judiciary is one of the constitutional pillars that keep our society afloat and functioning without improper bias and influence. It is imperative that the role the judiciary plays within the framework of government is that it remains independent from the government of the day and the Executive Council. The bill violates this framework and violates the judicial officers' right to proper independence from the State.

The member for Davidson spoke earlier about Marcus Aurelius, an emperor of Rome in the second century AD and referred to some of his sayings or writings from that time. Marcus Aurelius was probably one of the better emperors of Rome but we know the Roman emperors had absolute and draconian powers. Is the Liberal Party giving us an insight into its thinking in that it is reaching back some 2,000 years to get ideas for the legislation it is putting before the House? If that is the case, hail emperor Barry, because that looks like the way things are going. Barry O'Farrell wants to be an emperor so that he has absolute power, through the Attorney General, to ask for information and make a decision.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Government members will come to order.

**Mr NICK LALICH:** He would become the judge, jury and executioner of any judicial officer that he wished to remove from power. The member for Davidson said that outside people were complaining. We know that sometimes the complaints come from the media. If we are going to have trial by media let us get rid of the judiciary, put the case in the newspapers and try judicial officers by the media. In this country we have a system of justice that has worked wonderfully well and I do not think we have to reach back 2,000 years to get ideas for legislative changes for the people of New South Wales. I thank Marcus Aurelius for the great work that he did in Roman times—

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Government members will remain silent.

**Mr NICK LALICH:** —but I think we should leave to history the illustrious work he did for the Roman people. This bill compels the Judicial Commission to provide information on individual judicial officers. It compels the Judicial Commission to release details of the history of any relevant complaints made against an officer. If that is not government poking its nose into the affairs of the judiciary then I do not know what is. Our judicial officers need to have confidence that the government of the day is not snooping behind their backs. Only this confidence will allow our judicial officers to make correct and proper rulings and not be placed under undue and unfair influence.

The judiciary requires independence and our society requires an independent judiciary to uphold our laws and exercise justice. In every job there must be good governance provisions so that any misbehaviour or misappropriation can be dealt with. We already have this in our judicial system. In the first instance when a complaint is received the commission will conduct a preliminary investigation into the matter. This is a reasonable course of action as the very nature of being a judicial officer may result in individuals or groups being unhappy with their decisions. In every case the judicial officer is advised of the fact that a complaint has been made to the commission and is provided with a copy of the relevant documentation. The commission has the power to summarily dismiss the complaint if it includes certain elements that would make it inappropriate for the commission to handle; or if the complaint is essentially judicial in character.

In the case where a complaint is not dismissed, it may be referred to the relevant head of jurisdiction. This referral may contain recommendations as to the steps that may be taken to handle the complaint. However, if the complaint is not dismissed or referred to the head of jurisdiction; it must then be referred to the Conduct Division. The Conduct Division has the capacity to report to the Governor of New South Wales the findings of the commission, and this is where parliamentary consideration as to the possible removal of judicial officers comes into play. It is a stringent and robust process. Most importantly, it maintains the independence of the

judiciary, an institution whose integrity must be upheld so that society has confidence in our judicial officers and our judicial system. We must not reach back 2,000 years into ancient history to come up with ideas for legislation. The Opposition opposes this bill.

**Mr CHRIS PATTERSON** (Camden) [11.05 a.m.]: I support the Judicial Officers Amendment Bill 2012. The bill aims to amend the Judicial Officers Act 1986, which establishes the Judicial Commission of New South Wales. The Judicial Officers Act 1986 confers on the Judicial Commission its functions relating to sentencing consistency, judicial education and various other matters. The Act also provides for the examination of complaints against judges and other judicial officers and procedures for suspension, removal and retirement in certain circumstances. The Judicial Commission was established as a statutory corporation and is completely independent along with its staff.

The member for Cabramatta referred to the Attorney General having the power of judge, jury and executioner. It sounds more like a Judge Dredd movie than anything the Attorney General would do and it would be a great theme for a comic strip, not a serious amendment bill. Currently under the Act the commission is able to receive a complaint about a judicial officer by a member of the public or a referral of a matter from the Attorney General. The procedure by which the commission deals with complaints received and referred is set out in the Act. The commission is required, under the Act, to conduct a preliminary examination of the complaints, which may be summarily dismissed, referred to the head of jurisdiction if the complaint is substantiated but does not justify the Conduct Division's attention, or referred to the Conduct Division if the complaint is of a more serious nature.

If a complaint is referred to the Conduct Division by the commission for investigation, the Conduct Division can decide that a complaint is wholly or partly substantiated and that the matter could justify parliamentary consideration of the removal of the particular judicial officer from office. It must present a report to the Governor explaining the Conduct Division's findings. A copy of this report must also be provided to the Attorney General, who must then lay it before both houses of Parliament. Parliamentary involvement occurs only when the Conduct Division forms the opinion that a matter could justify parliamentary consideration of the removal from office of a judicial officer and the Governor is provided with a report of such findings. Currently under section 37 of the Act, a member or officer of the commission or the Conduct Division or a committee member of the commission is prohibited from disclosing any information in relation to a complaint.

Some circumstances exist for the Attorney General to be informed but they are limited to informing the Attorney General only for the purposes of legal proceedings arising out of the Act, in connection with the administration or execution of the Act, with permission from the person from whom the information was obtained, and for any other lawful reason. At present the Judicial Commission must report to the Attorney General the outcome—the outcome meaning if the matter has been summarily dismissed, referred to the Conduct Division or referred to the relevant head of jurisdiction—of a matter relating to a judicial officer and referred to the Judicial Commission initially by the Attorney General. The commission, though, is prevented from providing the Attorney General with any information about the outcome of complaints about judicial officers by a member of the public, except in the aforementioned limited circumstances.

The proposed amendments in this bill will enable the Attorney General to seek and be provided with basic information from the commission about whether a judicial officer is the subject of any complaint and about the progress and resolution of that complaint. The commission will not be required to provide the Attorney General with details of the examination or investigation of a complaint by the commission. The commission will have the discretion not to disclose any information about the complaint or referral to the Attorney General if it considers it is not in the interests of the public to do so. The commission will be required to notify the Attorney General when a complaint or referral is made to the Conduct Division and will also need to notify the Attorney General when the complaint is disposed of and the manner in which it was disposed of. These amendments will help our judicial system provide transparency to the public. At every opportunity I like to reiterate this Government's commitment to transparency and accountability.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain polite and silent.

**Mr CHRIS PATTERSON:** I know it is said that I should not acknowledge members' interjections because it gives them oxygen, but I believe there is transparency not only in the Attorney General's Department but also in the Rail and Police portfolios. All ministries pride themselves on transparency and accountability. I use the example of the Attorney General and of a complaint being in the public domain. Complainants will be able to inform the media that they have complained and provide the substance of that complaint. Court reporters

may report particular incidents and speculation may arise from that. We expect, as does the public, that the Attorney General should be able to advise whether a complaint is being considered or has been determined by the commission.

Without the amendments in this bill, the Attorney General and the Judicial Commission will be unable to provide clarification or respond to media reports. These amendments will not impinge on the independence of the commission and its ability to deal with complaints according to the Act will not be limited or affected in any way. This Government is providing another level of transparency that the people of New South Wales want and deserve. Transparency and accountability are the cornerstones of the O'Farrell Government. The Attorney General has done a wonderful job with these amendments. I also commend him for being a wonderful friend not only to the people of New South Wales but also to the people of my electorate. Last Friday the Attorney General came to Campbelltown and attended a forum held by Jim Marsden of Marsdens Law Group.

**Mr Guy Zangari:** A fundraiser.

**Mr CHRIS PATTERSON:** It did not cost one cent and it was not a fundraiser. I thank the member for Fairfield for raising that issue. The aim of the forum was to give the people of my area access to the Attorney General—unlike those on the other side have done historically—at no cost. Senior partners of Marsdens—an extremely well-respected law firm—magistrates, local area commanders, commissioners and offender management and operations of Corrective Services NSW attended the forum. People were able to ask questions of the Attorney General, which gave him the opportunity to hear firsthand from key stakeholders about law and reform issues facing the people of Campbelltown, the Macarthur region, Camden and Wollondilly. The forum was hosted jointly with my colleagues the member for Wollondilly and the member for Campbelltown. It was an informative forum at which discussions were robust. I commend the Attorney General for coming to our area because he cares about not only the people of New South Wales but also the people of my electorate. He made himself accessible to local people. Jim Marsden, who is an extremely well-respected solicitor, said it was the first time that an Attorney General had visited our area. I commend the bill to the House.

**Mr GUY ZANGARI** (Fairfield) [11.17 a.m.]: I will provide a modern contribution to debate on the Judicial Officers Amendment Bill 2012 rather than the Marcus Aurelius version delivered by the member for Davidson, who is stuck in the Roman era—et tu Greg Smith. The bill seeks to amend the Judicial Officers Act 1986, No. 100, which I will refer to as "the Act". The bill will introduce provisions that will compel the Judicial Commission of New South Wales to provide information to the Attorney General in relation to judicial officers who are the subject of a complaint before the commission. Despite the reasons put forward by the Attorney General, the Hon. Greg Smith, as to why the changes embodied in this legislation are necessary, I oppose the bill. I oppose it because it seeks to create an instrument that places members of the judiciary under the observation of the Executive arm of the New South Wales Government, thereby dangerously encroaching on the independence of the court as the constitutional safeguard against the government of the day and the Executive Council.

It is clear that the subjects of this legislation are officers of the court. According to the section 43B of the Judicial Officers Act 1986, a judicial officer includes: a judge or associate judge of the Supreme Court of New South Wales; a member, including a judicial member, of the Industrial Relations Commission of New South Wales; a judge of the Land and Environment Court; a judge of the District Court of New South Wales; a magistrate; and the President of the Administrative Appeals Tribunal. Those people have been appointed to carry out the time-honoured functions of justice and to enforce law and order, as decided by this Parliament. It is a long-held tradition in our democratic constitutional monarchy that imperative to the role the judiciary plays within the framework of government is that it remains independent from the government of the day and the Executive Council.

The effect of this legislation, which compels the Judicial Commission to provide information on individual judicial officers and details of the history of any relevant complaints made against an officer, is to place the judiciary under the observation of the government of the day. Putting pressure on individual judicial officers is tantamount to encroaching on the independence of the judiciary. will place this legislation in the context of mechanisms that the Judicial Commission has in place to handle complaints about the judiciary. First, on receiving a complaint the commission will conduct a preliminary investigation into the matter. In every case the judicial officer is advised that a complaint has been made to the commission and is provided with a copy of the documentation.

The complaint can be summarily dismissed if it includes certain elements that would make it inappropriate for the commission to handle or if the complaint is essentially judicial in character. If the complaint is not dismissed it may be referred to the relevant head of the jurisdiction. This referral may contain recommendations as to the steps that may be taken to handle the complaint. However, if the complaint is not dismissed or referred to the head of the jurisdiction it must then be referred to the Conduct Division. Once it is with the Conduct Division that body has the ultimate power of reporting to the Governor of New South Wales the findings of the commission and, where possible, reporting to the Governor about whether the complaint could justify parliamentary consideration as to the removal of the judicial officer from office.

I will now deal with the provisions of the instrument being debated today. Item [1] of the schedule that proposes to insert new section 37A into the Act compels the commission to provide the Attorney General with information about a particular judicial officer and a record of complaints the commission may have received about that judicial officer. That includes the date complaints were made and the dates of alleged incidents complained about, the subject matter of the complaint, what level the complaint reached within the commission's investigative process and, for complaints that have been disposed of, the manner in which they have been disposed of. New section 37A (2) gives the commission discretion not to release the information if it considers that it is not in the public interest to do so. However, new subsection (3) provides that that discretion is revoked once the matter has been referred to the Conduct Division.

It is clear that these amendments will allow the government of the day to influence the judicial process at some level. While this legislation does not seek to regulate the judiciary directly, given the mechanisms it seeks to implement it does leave open the possibility for the Government to impact indirectly upon the decision-making processes of judicial officers. This legislation will put into the mind of judicial officers that if the Judicial Commission receives a complaint about their ability or their credibility as an officer of the law that complaint could potentially subject them to the scrutiny of the Attorney General and the government of the day. Once a complaint about a judicial officer is registered with the commission, the judicial officer is made aware of it. That gives the particular judicial officer notice that he or she is under review. New section 37A makes it clear that the information being sought is not about a particular incident or event or a particular judicial officer.

New subsection (3) stipulates that when the Minister requests information about a particular judicial officer the commission is compelled to divulge all matters relating to the officer irrespective of when the complaints were made. That leaves it open to infer that this legislation will place a judicial officer under the scrutiny of the Attorney General and the government of the day. The Judicial Commission was originally created so that inquiries into complaints regarding the judiciary were conducted at arm's length from government. The amendments in this legislation encroach on that separation, which was one of the reasons for the creation of the Judicial Commission in the first place. As such, I oppose this bill.

**Mr ANDREW GEE** (Orange) [11.24 a.m.]: I support the Judicial Officers Amendment Bill 2012. I am disappointed with members representing the electorates of Bankstown, Cabramatta and Fairfield for the negative approach that they have taken to this legislation. Given their contributions one would think the very foundations of our legal system will be shaken by this bill. It will not affect the independence of the Judicial Commission and it will not impact on the separation of powers. However, it will improve the administration of certain aspects of justice in New South Wales. As I listened to members opposite, like the member for Davidson I was reminded of Emperor Marcus Aurelius. I note that the member for Cabramatta has returned to the Chamber to listen to my contribution. He would do well to heed the wise words of Marcus Aurelius, as would the member for Bankstown and the member for Heffron. The Emperor once said:

The happiness of your life depends upon the quality of your thoughts, therefore guard accordingly; and take care that you entertain no notions unsuitable to virtue, and reasonable nature.

Members of the Opposition should take heed of those wise words because some of the thoughts I have heard expressed today have been very unreasonable and irrational.

*[Interruption]*

The member for Heffron interjects. I ask her not to think about London but Rome and those wise words of Marcus Aurelius.

**Ms Kristina Keneally:** I am thinking about Sydney University Law School.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Despite being provoked, Opposition members will remain silent.

**Mr ANDREW GEE:** I point out to the schoolchildren in the public gallery this very good lesson: Members on the Opposition benches are being naughty and members on the Government benches are being well behaved. Opposition—naughty. Government—well behaved.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! I have been informed that the students in the gallery are from Blaxcell Street Elementary School and are guests of the member for Granville.

**Mr ANDREW GEE:** I also welcome the students and I apologise for the rowdy behaviour of members opposite. Proposed section 37A sets out key elements, and states:

- (1) The Commission must, at the request of the Minister, provide the Minister with information that discloses the following in relation to a particular judicial officer:
  - (a) whether a complaint has been made, when a complaint was made and when the matter about which a complaint was made is alleged to have occurred,
  - (b) the subject-matter of the complaint,
  - (c) the stage of the procedure for dealing with a complaint that the complaint has reached,
  - (d) for a complaint that has been disposed of, the manner in which the complaint was disposed of.

Nothing in that provision allows the Attorney General or anyone else to second-guess what the commission is doing in relation to a complaint. It provides that the commission must disclose at the request of the Minister the key elements of the complaint. That may be for many different reasons, including simply to set the record straight as to whether a complaint has been lodged. New section 37A (2) provides that the commission is not required to provide information about a complaint against a particular judicial officer if the commission considers that it is not in the public interest to provide the information unless the complaint has been referred to the Conduct Division. Unless the matter has been referred to the Conduct Division there is a discretion as to whether to provide that information.

Proposed section 37A (3) provides that the commission must notify the Minister when a complaint about a judicial officer is referred to the Conduct Division and when and the manner in which such a complaint is disposed of, whether or not the Minister has requested information about the complaint. Proposed section 37A (4) provides that the commission may, when providing the Minister with information about a complaint against a judicial officer under this section, also provide other information that the commission considers relevant. This is a very transparent process. It does not mean that the Attorney General, or any other Minister, will be delving in any detail into the nature of the complaint because that is clearly a matter for the Judicial Commission and the legislation makes that abundantly clear. The aim of the amendments is to ensure that basic information can be provided to the Attorney General and ensure that the Attorney is aware of any complaints serious enough to be referred to the Conduct Division of the commission.

I note the words of the Attorney General in this House that the intention of the amendments is to enable the Attorney General to have access to information in order to advise if a complaint is being considered by the commission or has been determined by the commission, particularly when a report of a complaint about a judicial officer is already in the public domain. The Attorney General noted that the proposed amendments do not impinge on the independence of the commission, and its ability to deal with complaints according to the Act will not be limited or affected in any way. He stated that the proposed amendments preserve the independence of the judiciary and the commission whilst allowing the Attorney General to have access to this information. The Government member who spoke previously told us that the Attorney General is a great friend to the citizens throughout New South Wales. Certainly the Attorney General, who was recently in Wellington, has been a wonderful friend to the citizens of the Orange electorate.

**Mr Nick Lalich:** And to prisoners, giving them time off.

**Mr ANDREW GEE:** The member for Cabramatta should stick to Marcus Aurelius and learn from those words, but I should inform the House about the important work that the Attorney General has been doing in my electorate. The audiovisual link at the Wellington courthouse, which connects the Wellington Correctional Centre to the courthouse, was opened recently. Police officers will no longer have to babysit

prisoners for long days when the court is sitting. About three officers are taken off duty to sit and watch those prisoners—they even have to walk up the hill and buy them food from McDonalds. The audiovisual link frees up police officers to get back onto the streets and catch criminals. Crime rates in Wellington are down quite significantly. Break and enter offences are down to 10 a month from 25, which is almost the lowest recorded in Wellington.

The reduction in crime rates is due not only to the good work of the Attorney General—and, make no mistake, it has been good work—but also to the community, which has been involved in increased reporting of crime, and that is a great step forward. It has also been due to the hard work of police officers. They have a plan to combat crime in Wellington and they have been working to that plan. Credit is due to those hardworking officers. The Attorney General has been to Wellington and opened the audio-visual link, and that is testament to the fact that he is a great friend of law enforcement in New South Wales. The Government has history on its side with respect to this legislation. The Attorney General supports the bill. The member for Upper Hunter supports the bill. If Marcus Aurelius were alive today, he would support this bill. That is the Holy Trinity as far as this legislation is concerned and I commend it to the House.

**Mr DAVID ELLIOTT** (Baulkham Hills) [11.34 a.m.]: I appreciate the opportunity to speak to the Judicial Officers Amendment Bill 2012. I will highlight the comments made by the member for Fairfield, who stated his opposition to this bill because it was repugnant to the principles of constitutional monarchy. That is quite ironic, considering that he represents a political party that is opposed to the constitutional monarchy and indeed on 6 November 1999 fought unsuccessfully to remove the constitutional monarchy from Australia's arrangements. I am delighted to see that, 13 years later, the member for Fairfield and, one assumes, other members of the Labor Party have re-engaged their commitment to constitutional monarchy and realise that it is indeed the most efficient form of government, particularly for the people of New South Wales.

I will highlight three things that make Australia a great nation, the three things that are unique to Australia and Australians and that I believe underpin the need for us to ensure that all legislation relating to judicial officers is transparent and fair. Australia is built on sacrifice. The members of the First Australian Imperial Force [AIF] in Gallipoli taught us that. It taught us that you should go the extra mile for your fellow human beings and you should make personal sacrifice if it means providing comfort and understanding for somebody other than yourself. Our sense of volunteerism is unique and indeed makes us a civilised society. Volunteerism is the cornerstone of Australianism. The State Emergency Service, the Rural Fire Service, St John Ambulance and other volunteer combat organisations are renowned around the world and are the envy of the world.

Finally, what makes our judicial system important is our commitment to fair play and transparency, and our commitment to making sure that, as the member for Fairfield said, the constitutional arrangements in our system ensure that everybody can come to court with confidence. Having said that, I think all members—even those opposite—acknowledge that public confidence in our court system is of the utmost importance. Those with matters before a New South Wales court or tribunal must have certainty that their matter will be dealt with appropriately and justly. Public confidence in our justice system is in part dependent upon the quality of judicial office holders in this State. The people of New South Wales expect that not only the most competent and able individuals are elevated to the judiciary but also that they are encouraged. Judges and magistrates hold a privileged place within the community and, as such, are burdened with tremendous responsibilities and authority.

The independence of the judiciary is important and is essential for the application of the rule of law. Further, the separation of powers between the Legislature, the Executive and the judiciary is crucial to the maintenance of good public administration in this State. As such, the Judicial Commission has an important role to play in the administration of justice in New South Wales. As an independent body, the commission is tasked with receiving and investigating complaints about members of the judiciary. The commission's Conduct Division is further tasked with referring instances of judicial conduct that it believes could require parliamentary consideration of the removal of the judicial officer from office.

The Judicial Commission ensures that judicial office holders are held to account and removed, if necessary, while also maintaining the independence of the judiciary. These amendments merely ensure that the Attorney General, being the first law officer of this State, is informed of matters before the commission, and that is appropriate. The information to be provided to the Attorney General will be limited and in no way infringe upon the independence of the Judicial Commission. The Attorney General, being the responsible Minister, should be informed of serious matters before the Conduct Division of the Judicial Commission. This will not mean that the Attorney will be given a running commentary, rather merely informed that proceedings are being undertaken.

The current scenario is quite unacceptable, given that the media can be informed by court reporters or complainants. At present the Attorney General is unable to advise on these matters given that he or she is unable to obtain relevant information from the commission. The amendment will streamline the process of dealing with complaints regarding judicial office holders. The ultimate decision about whether a judicial office is terminated falls on this Parliament. It is appropriate that the responsible Minister will be acquainted with the matter before presenting the commission's recommendations for parliamentary consideration. I commend the Judicial Officers Amendment Bill 2012 to the House.

**Mr DOMINIC PERROTTET** (Castle Hill) [11.40 a.m.]: I support the Judicial Officers Amendment Bill 2012, which will amend the Judicial Officers Act 1986 to allow the Attorney General to be kept better informed about the existence, nature and outcome of complaints before the Judicial Commission of New South Wales. The amendment will enable the commission to disclose to the Attorney General information adequate to ensure that the Attorney is aware of any complaints that are serious enough to be referred to the Conduct Division of the commission. The Judicial Officers Act 1986 established the Judicial Commission of New South Wales and empowers it with functions relating to sentencing consistency, judicial education and other matters. The Judicial Officers Act 1986 enables a method of complaint handling against judges and other judicial officers and provides for procedures for suspension, removal or retirement in certain circumstances. A member of the public may complain about a judicial officer or the Attorney General may refer a complaint.

The Judicial Officers Amendment Act 2006 sets out the procedure that must be followed by the commission upon receipt of a complaint. The commission is required to conduct a preliminary investigation into complaints that may be summarily dismissed, referred to the head of jurisdiction, or, for more serious matters, referred to the Conduct Division. If the commission refers a matter to the Conduct Division for investigation, the Conduct Division can decide that a complaint is wholly or partly substantiated and that the matter could justify parliamentary consideration of the removal of the judicial officer from office. The Conduct Division then presents a report to the Governor setting out the division's findings. The report is also provided to the Attorney General, who must present it to both houses of Parliament.

Section 16 of the Act provides that, in the circumstance where the Attorney General refers a matter to the commission, it must report to the Attorney General whether the matter has been summarily dismissed, referred to the Conduct Division or referred to the relevant head of jurisdiction. However, in the circumstance in which a complaint is made by a member of the public, section 37 of the Act provides that the Judicial Commission is unable to disclose information in relation to the complaint except in exceptional circumstances. By amending section 37 of the Act by inserting proposed section 37A, the bill will allow for information regarding a complaint to be disclosed to the Attorney General. Proposed section 37A sets out the information about complaints that can be provided to the Attorney General.

These include whether a complaint has been made, when a complaint was made and when the matter about which a complaint was made is alleged to have occurred; the subject matter of the complaint; the stage of the procedure the complaint has reached for dealing with a complaint; and, for a complaint that has been disposed of, the manner in which the complaint was disposed of. The bill also provides that, unless the complaint has been referred to the Conduct Division, the commission is not required to provide information about a complaint against a particular judicial officer if the commission considers it is not in the public interest to do so. The commission must notify the Minister when a complaint about a judicial officer is referred to the Conduct Division and the manner in which such a complaint is disposed of. When providing the Minister with information about a complaint against a judicial officer under this section the commission may also provide information that it considers relevant.

It has been argued by those opposite that these amendments may impinge somehow on the separation of powers. Separation of the legislative, Executive and judicial powers is a critical aspect of the justice system and the rule of law. But these amendments certainly do not impinge on the notion of separation of powers. The Judicial Commission has been established as a statutory corporation and is completely independent. It conducts its preliminary examinations in private and has limited reporting requirements. The amendments are not intended to change the commission's independent status. They are intended to provide information to the Attorney about whether a complaint is being considered, or has been determined, by the commission. This is especially necessary when a complaint about a judicial officer has become public knowledge. It is essential for the proper functioning of our democratic system that the public has confidence in our legal system and in the Judicial Commission.

The Government must consider and observe continually opportunities and circumstances in which this confidence may be undermined. It can be the case—as we have seen recently—that details of a complaint against a judicial officer can enter the public domain. This can happen in circumstances in which a complainant

provides information to a media outlet and public commentary on the issue ensues. The media outlet will then seek information from the Attorney General about the complaint. Under the current system, the Attorney General is unable to obtain information about the complaint before the commission and is unable to advise that a complaint has been considered or determined. Members opposite seem to be of the view that the purpose of the bill is to allow the Attorney General or the Government to avoid negative media stories. Those opposite should not transpose their own politically driven and motivated values onto the Government.

This bill ensures that the Attorney General is able to provide clarification and correct the record when a misrepresentation has occurred. The bill is necessary to support the public's confidence in the Judicial Commission. The amendments do not jeopardise the independence of the commission and its ability to deal with complaints according to the Act. Parliamentary involvement in the work of the commission is limited to occasions when the Conduct Division forms the opinion that a matter could justify parliamentary consideration of the removal from office of a judicial officer and when it presents to the Governor a report of its findings. This bill is simply about minimising the opportunities or circumstances that may result in the public confidence in the judicial system being undermined due to the dissemination of misleading information. If such misrepresentation is in the public sphere, the Attorney General must be able to correct it. I commend the bill to the House.

**Mrs ROZA SAGE** (Blue Mountains) [11.46 a.m.]: I support the Judicial Officers Amendment Bill 2012. Appointments to the judiciary in New South Wales are made in a number of ways. Judges are appointed by the Governor acting on advice from the Executive Council. In practice, the Attorney General makes recommendations to the Cabinet and then advises the Governor. Superior court appointments are made after consultation with the head of jurisdiction and legal professional bodies. District Court judges and Local Court magistrates are selected by advertisement. Selection panels provide advice to the Attorney General regarding candidates who have applied. The Attorney General is responsible for judicial appointments and has an obligation to ensure good administration of justice in New South Wales.

In New South Wales the political executive arm is independent from the judiciary. The Judicial Officers Act 1986 established the Judicial Commission of New South Wales. The Act confers on the Judicial Commission the principal functions of assisting the courts to achieve consistency in sentencing, organising and supervising continuing education and training for judicial officers, and examining complaints against them regarding their ability and behaviour. The complaints function allows members of the community to have their complaints examined by an independent body. The Attorney General may also refer complaints to the Judicial Commission. However, the Judicial Commission is not a disciplinary body. All information and material obtained in the course of its preliminary investigation is confidential. Following the preliminary investigation, the complaint may be dismissed summarily, referred to the relevant head of jurisdiction or referred to the Conduct Division.

However, under the Judicial Officers Act 1986, the Judicial Commission is prohibited from providing certain information to the Attorney General regarding the existence of a complaint about a judicial officer before the commission. We are faced with the ludicrous situation that the media may report on a complaint relating to a judicial officer before the commission, about which the Attorney General has no knowledge. This information is in the public domain for comment by all and sundry. A classic example occurred last year in the case of magistrates Betts and Maloney. Referral to Parliament from the Judicial Commission exploded into a media campaign for and against mental illness with supporters—for and against—lobbying parliamentarians.

The relative information was in the media prior to the tabling in Parliament of the report from the Conduct Division of the Judicial Commission. This amendment will ensure that basic information can be provided to the Attorney General and that the Attorney General is aware of any complaints serious enough to be referred to the Conduct Division. If a complaint has been referred the commission will be required to inform the Attorney General, provide the requested information and notify the Attorney General when and the manner in which the complaint is disposed of. The amendment will allow the commission to disclose information such as whether a complaint has been made against a judicial officer, when a complaint has been made, when the alleged matter occurred, the subject matter of the complaint, the stage that the complaint has reached and how the complaint has been resolved.

There will be no requirement for the commission to give the Attorney General details of the investigation of the complaint. These provisions still retain the independence of the judiciary but allow the Attorney General to be made aware of complaints about judicial officers. In essence, at the moment the Attorney General can recommend the appointment of judicial officers but is not able to know if there are any issues or complaints about the same officers for whom he is ultimately responsible. The amendment in this bill will seek to rectify the situation. I commend the bill to the House.



**Mr TONY ISSA** (Granville) [11.51 a.m.]: I support the Judicial Officers Amendment Bill, which will amend the Judicial Officers Act 1986 to allow the Attorney General access to information about the nature and progress of complaints before the Judicial Commission. The Judicial Commission was established with the passing of the Judicial Officers Act 1986 in response to calls for a formal mechanism to review sentences and sentencing practice, and to give effect to judicial accountability. The Judicial Commission is important in upholding high standards of behaviour. The term "judicial officer" applies to the following: a judge or associate judge of the Supreme Court, a member of the Industrial Relations Commission, a judge of the Land and Environment Court, a judge of the District Court, the President of the Children's Court, a magistrate and the President of the Administrative Decision Tribunal. It is interesting to note that since its inception few complaints have been made against judges in criminal proceedings.

Most complaints have been of a trivial nature or have been brought on by angry losers in litigation. The number of complaints started at about 20 per year, peaked at 55 and is now about 30. The commission has been effective in that two investigations resulted in one judicial officer resigning and the Parliament considering the removal of another officer. The Act provides for the examination of complaints against judges and other judicial officers. It provides procedures for suspension, removal and retirement in certain circumstances. At present the Act states that the commission can give advice to the New South Wales Attorney General on such matters it thinks appropriate. It also gives the commission the ability to seek input from people and organisations in connection with the performance of its functions.

These proposed amendments will enable the Attorney General to have access to information received by the commission in relation to complaints about a judicial officer. This is a necessary step, as often the Attorney General is asked about specific complaints before the commission that have already been flagged in the public domain. Usually, this is due to media coverage of the complaint against a member of the judiciary. It makes no sense that if complainants take their frustrations to the media the Attorney can offer no response because he is ignorant of the facts. It is only right that the Attorney General understands and has knowledge of complaints before the commission. The amendments aim to ensure that information can be provided to the Attorney General. They will also ensure that the Attorney is made aware of any complaints serious enough to be referred to the Conduct Division of the Judicial Commission.

As I have already outlined, the amendments will enable the Attorney to seek information from the commission about whether a judicial officer is the subject of any complaint. But there will be limitations. If the complaint has not been referred to the Conduct Division, the commission will have the option of whether or not to refer information about the complaint to the Attorney. However, if the complaint has been referred to the Conduct Division the Attorney must be informed. He must also be advised of the outcome of the investigation and how that outcome was reached. It is important to note at this time that the commission will not be required to provide the Attorney with details of the investigation of a complaint by the commission.

Under our current laws, the only bodies that have authority to dismiss a judicial officer are the Governor and the Parliament. Recently, the Judicial Commission referred two magistrates to Parliament. When one magistrate appeared before the Parliament to argue his case, the Attorney could not obtain information on the case prior to hearings in Parliament. This led to lengthy delays in Parliament reaching a decision on the matter. When members of the House were considering whether this magistrate should continue to practice, they were forced to have the matter adjourned because of lack of prior information. Now it will be some time before a decision is forthcoming. It makes sense for the Attorney to be kept informed of the nature of complaints serious enough for them to be referred to the Conduct Division.

Section 37 of the Act prohibits a member or officer of the Judicial Commission from disclosing information regarding a complaint. Proposed section 37A will require the commission to advise the Attorney General of the nature of complaints against an officer. It also provides that the Attorney can request information on such matters. In conclusion, I point out that amendments to the Act do not give the Attorney General powers to make public comment about complaints to the commission. He will be given basic information only. If he believes it is in the public interest to disclose certain information, he has the power to do so. Present laws preclude him from correcting misinformation via the media. These amendments are necessary and long overdue. In no way will they impact on the independence of the Judicial Commission. Unlike members opposite, we have not been negative about bringing forward good reforms. I commend this bill to the House.

**Debate adjourned on motion by Mr Stuart Ayres and set down as an order of the day for a later hour.**

**NATIONAL ENERGY RETAIL LAW (ADOPTION) BILL 2012****ENERGY LEGISLATION AMENDMENT (NATIONAL ENERGY RETAIL LAW) BILL 2012**

**Bills introduced on motion by Mr Chris Hartcher, read a first time and printed.**

**Second Reading**

**Mr CHRIS HARTCHER** (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [11.59 a.m.]: I move:

That these bills be now read a second time.

The National Energy Retail Law (Adoption) Bill 2012 and the Energy Legislation Amendment (National Energy Retail Law) Bill 2012 establish a national uniform scheme for the regulation of electricity and gas retail markets in New South Wales. The bills will give effect to the national energy market reform program in this State. These reforms began under the Council of Australian Governments. They aim to streamline regulatory requirements for energy retailers across the national energy market. Importantly, they will maintain strong consumer protections. In 2004 the Commonwealth, with the State and Territory governments, entered into the Australian Energy Market Agreement. The governments which made the agreement were those of New South Wales, Victoria, Queensland, South Australia, Tasmania, the Australian Capital Territory and the Commonwealth. Together, these jurisdictions make up the national energy market. The agreement sets the agenda for the transition from jurisdiction-based energy regulation to national energy regulation.

Revisions to the agreement made in 2006 underpin this current and final component of the national energy retail market reforms. There is a real need for this national reform. At present different regulatory frameworks for energy retailing across jurisdictions are inefficient. For instance, significant costs are imposed on retailers operating across State borders. These costs are inevitably passed on to consumers by way of higher energy prices. Harmonised regulatory requirements will reduce compliance burdens on retail energy businesses. They will also increase competition in the energy market and ultimately place downward pressure on energy prices. These reforms are called the national energy customer framework. I will refer to them as the customer framework. The customer framework consists of a package of laws, regulations and rules. A key component of the customer framework is the national energy retail law. This law is the legislative basis for the customer framework.

The national energy retail law is being implemented across the national energy market through an applied laws model. This means one jurisdiction enacts the law and all participating jurisdictions then apply that law. South Australia, as the lead jurisdiction, passed the National Energy Retail Law (South Australia) Act 2011 in September 2011. The national energy retail law is found in the schedule to this Act. Victoria, the Australian Capital Territory, Tasmania and the Commonwealth have already introduced or soon will introduce similar legislation. New South Wales will implement the customer framework through two cognate bills and subordinate instruments.

The first bill is the National Energy Retail Law (Adoption) Bill 2012, which I will refer to as the adoption bill. The second bill is the Energy Legislation Amendment (National Energy Retail Law) Bill 2012. I will refer to this as the amendment bill in outlining its provisions. The adoption bill will apply the national energy retail law in New South Wales. The amendment bill makes consequential changes to existing New South Wales statutory instruments. The key players in the national energy customer framework will be customers, energy retailers and energy distributors. In order to be supplied with gas or electricity small customers, mostly households, will contract with retailers for the supply of energy. The distributors supply and maintain the poles and wires or pipelines in suburban streets that supply each customer.

I turn now to the adoption bill. The national energy retail law will replace current State-based electricity and gas retail licensing with a national authorisation regime. The national regime will be administered by one regulator, the Australian Energy Regulator. Businesses wanting to sell energy into the national energy market will now need only hold one national retail authorisation instead of multiple jurisdictional retail licences. This will reduce the compliance costs faced by retailers and increase competition, as consumers will have a greater choice when it comes to choosing an energy retailer. Further, having a single national regulator will enhance transparency around retailer authorisations and accountability of retailers.

Having one national regulator with the power to grant authorisations provides broader market protection. Jurisdictions will be consulted on whether or not a retailer will be granted an authorisation to supply energy in the national energy market. This will ensure jurisdictional experiences can inform the authorisation process. New South Wales currently has limited access to information about how a retailer conducts its operations in another jurisdiction. It would be unduly onerous to impose retailer authorisation obligations on those who supply energy when the selling of energy is not their core business. For this reason the national energy retail law includes an exempt selling regime. The aim of the national exempt selling regime is to accommodate business models which do not fit within the national retailer authorisation framework.

Good examples of these types of businesses are landlords and residential park proprietors who sell energy to their tenants or their residents. The legislation will enable them to do so without the need to hold a national retailer authorisation. They will be known as exempt sellers. Usually the costs of complying with retailer authorisation obligations would ultimately be passed on to customers. The exempt seller provision means that this can be avoided. The current New South Wales exempt selling regime will transition to the national scheme. However, in moving to the national regime it is important that the protections currently afforded to New South Wales customers are retained. New South Wales will therefore retain the obligation for exempt sellers to comply with the Energy and Water Ombudsman Scheme as there is no equivalent requirement in the national energy retail law.

Access to a fair and independent dispute resolution process is an important protection for all small customers regardless of where they may purchase their energy. Small energy customers are defined in the national energy retail law as households or small businesses which consume less than 100 megawatts of electricity or one terajoule of gas per year. However, New South Wales will retain its definition of 160 megawatts until at least June 2013 in accordance with the current price regulation period. When it comes to negotiating the terms and conditions of their energy supply, customers, and in particular small residential and business customers, generally have limited knowledge of their rights and entitlements. There is a further concern. The monopolistic nature of the electricity and gas distribution networks means customers have limited bargaining powers when they enter into a connection contract with a distributor.

To avoid this situation, the national energy retail law maintains the existing New South Wales approach. This approach ensures that strict rules govern contract negotiations and business disclosure obligations to small customers. Energy is an essential service. The national energy retail law reinforces this by providing that at least one retailer will be obliged to supply each small customer in the national energy retail market. This will eliminate the risk of a customer being refused by all retailers. Importantly, the national energy retail law requires that the terms and conditions of the contract between a customer and a retail or distribution business must be transparent, fair and reasonable. To ensure this standard contract terms and conditions will be set out in the national energy retail law. There are three types of contracts that will be available to customers under the national energy retail law. I will describe each one briefly.

Under the law small customers will be able to choose between two types of energy offers: a standing offer under a standard retail contract and a market offer under a market retail contract. Currently in New South Wales retailers who do not offer regulated contracts can only offer customers market offer contracts. I will describe regulated offers after describing standing and market offers. Under the reforms all retailers will have standing and market offers. This will provide for a more competitive retail energy market. The terms and conditions of standard retail contracts will be contained in the national energy retail rules. Prices will be set by retailers and can only be changed every six months. Market retail contracts will have negotiable terms and conditions but must still comply with minimum terms and conditions. This is to ensure that no customer is provided energy under unreasonable conditions. This will enhance current customer protections in New South Wales.

The third type of offer is a regulated offer. Retail price regulation will be retained in New South Wales until at least June 2013. Price regulation ensures consumers in New South Wales do not have to pay more than is necessary to access electricity and gas. It also provides certainty for retailers. These prices will continue to be regulated by the Independent Pricing and Regulatory Tribunal. The adoption bill provides that retailers who must currently offer regulated prices to small customers will continue to be subject to this obligation under the terms of their standard retail contract. Other retailers will be obliged to notify customers of their entitlement to regulated prices. A further protection is offered to customers: the consumption thresholds currently in place in New South Wales, which determine which customers are entitled to regulated prices, will be maintained.

This is in line with the Government's policy that the transition to the customer framework must ensure that all customers will have equal or stronger protections than those available under New South Wales requirements. The national energy retail law also introduces additional protections for customers who consume

energy without a contract. At present in New South Wales if a customer moves into a residence and does not enter into an energy supply contract minimal regulatory requirements apply. The national energy retail law introduces deemed customer retail arrangements to deal with this sort of situation. The price that a retailer can charge in this situation will be capped at the standing offer price. As well, these customers will have access to the protections available under standard retail contracts. No customer in New South Wales will be left without minimum protections or slip through the cracks.

In making the transition to the customer framework customers will not face any disruption or be required to do anything to maintain access to their energy. Instead, customers on regulated contracts and market contracts will continue on these contracts. In fact, the only change customers will notice will be a new, enhanced price comparison service. This will be through a one-stop shop with information on pricing offers, energy efficiency, market updates and other information. Until the customer framework commences in New South Wales customers will continue to have access to the Independent Pricing and Regulatory Tribunal's price comparison website. In fact, the price comparison website under the customer framework will be based on the Independent Pricing and Regulatory Tribunal model.

To strengthen protections for customers across the energy chain the national energy retail law forges direct relationships between distributors and consumers. Distributors will be obliged to offer ongoing energy supplies and to physically connect customers for energy supply. The national energy retail law will regulate these contracts. Having contracts in place between distributors and customers provides an important level of consumer protection. Electricity distributors already have contractual relationships with their customers. The national energy retail law will extend these arrangements to gas distributors. Both gas and electricity distributors will be required to offer deemed standard connection contracts. Deemed standard connection contracts will apply between small customers and a distribution network where there is an existing connection. Distributors may also develop standard connection contracts for large customers. The Australian Energy Regulator must approve these contracts to ensure the terms are fair and reasonable.

A further type of contract, a negotiated connection contract, will be available for small and large customers. However, distribution businesses will be required to explain to customers the differences between negotiated connection contracts and deemed standard connection contracts. As well, they will need to explain the implications of these differences. This will help consumers better understand which contract is the most appropriate for their particular circumstances. The national energy retail law creates a robust consumer protection framework with particular protections for vulnerable consumers in financial hardship. Retailers will need to adopt and implement customer hardship policies approved by the Australian Energy Regulator.

These policies will essentially be the same as the current New South Wales hardship charter, allowing the strong protections already afforded to New South Wales customers to be extended to customers in other jurisdictions. The only aspect of the national hardship policy which New South Wales will not be adopting is the requirement for retailers to develop and offer energy efficiency programs to hardship customers. This is because the New South Wales Government already has in place a number of energy efficiency schemes targeting the most vulnerable of customers. One example is the Home Power Savings Program. Imposing regulatory obligations in addition to the existing programs in New South Wales would duplicate these programs and add unnecessary costs to customers.

In recent times complaints by small customers in relation to the marketing tactics of energy retailers and those acting on their behalf have been increasing. The retail energy marketing rules under the national energy retail law are designed to better regulate energy marketing. The national law includes strong protections to promote transparency and full disclosure in interactions between businesses and consumers. It requires retailers and their marketing agents to obtain explicit, informed consent from small customers before entering into contracts. In this respect the customer framework will complement the Australian consumer law and national telephone and e-marketing legislation. It will create a best practice approach to energy marketing. The marketing requirements under the national energy retail law will replace and essentially duplicate the New South Wales marketing code of conduct. This will ensure that New South Wales marketing protections are maintained. At the same time it will reduce duplication and red tape for energy businesses by moving the protections into the national framework.

The national energy retail law also puts in place a national scheme for retailer of last resort events. The scheme is designed to ensure that there is a backup retailer who can take over and supply customers if a retailer fails or exits the market. Retailers will also be able to apply to become additional retailers of last resort for certain areas. This will allow for greater flexibility during a retailer of last resort event. This scheme provides

important protections by ensuring that customers have continued access to energy. It also provides financial security for wholesale energy markets. The national energy retail law sets out the practices and procedures to be followed in the case of a retailer of last resort event. The Australian Energy Regulator will monitor the scheme and be responsible for registering and appointing retailers of last resort. The national scheme will ensure greater control over retailer of last resort events, particularly if they affect cross-border communities. In the case of a potential or actual retailer of last resort event, the Australian Energy Regulator will work closely with jurisdictions to ensure that the transition for customers to the new retailer happens smoothly.

The final matter I wish to address in relation to the national energy retail law is enforcement and compliance. Currently in New South Wales compliance is monitored by the Independent Pricing and Regulatory Tribunal. The Australian Energy Regulator will take over this role when the national energy retail law commences in New South Wales. Under the customer framework all retailers and distributors in the national energy market will be obliged to provide regular information to the Australian Energy Regulator. Information will be required on matters specific to the customer framework, including performance against hardship program indicators and distributor service standards.

The Australian Energy Regulator will have access to a greater range of tools to enforce compliance than those currently available in New South Wales. The regulator will be able to revoke authorisations, and impose civil penalties and infringement notices. As well, it will be able to accept enforceable undertakings with energy market participants. This is designed to promote compliance without having to proceed to court action. A national compliance and enforcement regime will reduce duplication of resources, reduce the regulatory requirements for industry, and streamline the compliance and enforcement regime across the national energy market.

The Australian Energy Regulator will also be required to publish annual compliance and market performance reports. These will allow all stakeholders in the market to see how effectively it is operating. Having one national regulator monitoring and reporting publicly on compliance increases market transparency and accountability. More information can be shared and compared across the energy market, with best practice initiatives implemented across all the participating jurisdictions. It will also reduce the duplication of resources as compliance is currently monitored by several jurisdictional regulators. Each jurisdiction has issues specific to its market. It is not practical for these local issues to be addressed in the national legislation. The adoption bill therefore includes specific New South Wales provisions.

One of the principal objectives of the national energy customer framework is to create a more efficient operating environment for businesses. However, it is critical that the needs of consumers are balanced against those of the market. On this basis, New South Wales will maintain certain specific consumer protections in its State-based legislation. This will require New South Wales to make certain modifications to the national energy retail law. These modifications cover four main issues: the role of the Australian Energy Regulator, the small compensation claims regime and prepayment meters, exemptions for certain businesses from the operation of the national energy retail law and liability arrangements for distributors. I will deal with each of these issues in turn.

New South Wales will modify the role of the Australian Energy Regulator so it is able to deal with some specific New South Wales matters. As I have already told the House, the Australian Energy Regulator will become the regulator for the national energy market. It will also play a role in relation to some aspects of the national distribution market. In addition, the regulator will be responsible for ensuring that retailers comply with the New South Wales specific regulated price modifications. Further, it will be responsible for ensuring that retailers and exempt sellers comply with decisions of the New South Wales Energy and Water Ombudsman.

The Australian Energy Regulator will also monitor retailer and distributor compliance with the requirements in the national energy retail law. It is therefore reasonable for the regulator to monitor these New South Wales specific matters which will feed back into its annual reporting regime. However, the adoption bill also provides for the Independent Pricing and Regulatory Tribunal to provide information and assistance to the Australian Energy Regulator. The Australian Energy Regulator will be able to draw on the expertise of the Independent Pricing and Regulatory Tribunal in the New South Wales market.

New South Wales will not be adopting the small claims compensation regime in the national energy retail law or rolling out prepayment meters. At this stage it is unclear what the benefits and costs of these policies will be. The New South Wales Government therefore intends to undertake further analysis of these matters before making a decision on whether they should be adopted. The adoption bill will also enable New

South Wales to exempt certain persons from the customer framework. These exempt persons do not fit into the categories of exempt sellers who can apply for exemptions from the Australian Energy Regulator. The exemption power in the adoption bill is designed to capture two kinds of business activity.

Firstly, it exempts firms which sell energy as a key part of their business but which have inadvertently been captured by the national energy retail law. For example, this could be a generator that makes energy specifically to supply to an aluminium smelter. Imposing the customer framework obligations on these kinds of businesses would be costly and burdensome and would not deliver any equivalent benefit to the direct customers of the businesses. The second types of businesses which New South Wales will exempt are cross-border retailers and distributors. These businesses will include those that operate a minor part of their business in New South Wales and already comply with the customer framework in another jurisdiction. However, these businesses will be required to comply with the customer framework in the other jurisdiction with respect to their New South Wales operations. This exemption will limit the costs faced by such businesses. Requiring them to make significant modifications for a small proportion of their business would otherwise impose unnecessary costs, which would, in turn, be passed on to their customers.

The adoption bill will also modify the way in which the national energy retail law regulates the liability of distributors. The national law provides that distributors cannot vary or exclude their liability to small customers for failure to supply on the grounds of negligence or bad faith. In addition, liability can only be limited in relation to large customers by agreement. The adoption bill will enable distributors to vary or limit their liability. Restrictions on how they can limit liability will be contained in regulations. If New South Wales applied the approach to liability contained in the national energy retail law customers would face household energy price increases. This is because businesses would be subject to significantly higher insurance costs, and these would be passed onto households and business consumers. To protect customers from significant, unnecessary price rises New South Wales will maintain existing arrangements.

I have outlined the key provisions of the national energy retail law which will establish the national energy customer framework in New South Wales. I now turn to the second of the two cognate bills before the House, the Energy Legislation Amendment (National Energy Retail Law) Bill 2012, or the amendment bill. The Australian Energy Market Agreement requires jurisdictions to repeal and amend existing jurisdictional legislation which is inconsistent with, or limits, the operation of the national energy retail law. As the national energy retail law will replace New South Wales regulatory arrangements, consequential amendments are required to New South Wales energy legislation.

The amendment bill will make consequential amendments to the New South Wales Electricity Supply Act 1995 and the Gas Supply Act 1996. It repeals the retailer licensing regime, the retailer of last resort arrangements and retail price disclosure information, as well as other retail provisions now covered by the national energy retail law. The amendment bill also makes consequential amendments to the Acts which apply the National Gas Law and the National Electricity Law in New South Wales. This will ensure the national energy retail law is consistent with the broader national energy regulatory regime. In addition, the national energy retail law relies upon jurisdictional legislation to give full effect to certain components of the customer framework. These relate to guaranteed customer service standards, the operation of the energy Ombudsman scheme, and obligations for retailers to comply with New South Wales social programs.

Amendments will be made to both the Electricity Supply Act and Gas Supply Act so that these matters can operate consistently with the customer framework. Some matters in the customer framework fundamentally change the way some energy businesses currently operate in New South Wales. To ensure a smooth transition to the customer framework with as little disruption to customers as possible the amendment bill includes transitional provisions. Further, as New South Wales will be retaining regulated prices, the amendment bill makes provision for the Independent Pricing and Regulatory Tribunal to continue to monitor and report on retailer compliance with regulated offer requirements. This will ensure that customers who are entitled to regulated offers have the opportunity and information available to them to access these prices if they wish.

Consultation, at both a national and State level, has been a key part in the development of the customer framework. Government officials from all jurisdictions have worked with stakeholders to develop this comprehensive regime, which will put in place an efficient national framework while creating strong protection measures for customers. The New South Wales Government released a public consultation paper on proposed policy positions for the National Energy Customer Framework in September 2010. Submissions were received from industry groups, consumer groups and the New South Wales Energy and Water Ombudsman. This feedback and ongoing consultation informed the bills before the House today. In addition, public forums were

held throughout the State and stakeholder working groups were convened to canvass different issues. These were an important source of advice in the development of the policy positions that inform this legislation. This process has been in train since 2006.

The National Energy Customer Framework will foster greater competition. Households and businesses in New South Wales will benefit from the entry of new retailers into the market. We can expect to see these new retailers offering new products at lower prices. The two bills before the House deliver on the New South Wales Government's commitment to energy market reform and to maintain best-practice consumer protection in the energy sector. The bills will implement the final stage of this significant national energy reform process and the National Energy Customer Framework. The adoption bill and the amendment bill will commence on proclamation. The Government is confident that the right balance has been struck in the framework between the interests of consumers and industry. I commend the bills to the House.

**Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.**

### **CONSTITUTION AMENDMENT (RESTORATION OF OATHS OF ALLEGIANCE) BILL 2012**

#### **Second Reading**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [12.33 p.m.]: I move:

That this bill be now read a second time.

The Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2012 was introduced in the other place on 11 November 2011, and is in the same form, and the second reading speech appears at pages 7402 to 7404 in *Hansard* for that day. I commend the bill to the House.

**Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.**

### **INSPECTOR OF CUSTODIAL SERVICES BILL 2012**

**Bill introduced on motion by Mr Greg Smith, read a first time and printed.**

#### **Second Reading**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [12.34 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Inspector of Custodial Services Bill 2012. This bill is designed to establish the Inspector of Custodial Services. It also implements a Government election commitment and follows the recommendations of the Legislative Council General Purpose Standing Committee No. 3 inquiry into the privatisation of prisons and prison-related services in June 2009. By improving the standards within correctional facilities we are improving the prospects of rehabilitation of offenders. If offenders are rehabilitated properly they can become productive, law-abiding members of society on their release. Therefore, by improving standards within correctional facilities we are improving the safety of the community as a whole.

The inspector will perform an independent statutory role that will provide external scrutiny of the standards and operational practices of custodial services in New South Wales. The inspector will also provide an independent mechanism for monitoring broader thematic and systemic issues arising out of inspection of adult and juvenile correctional facilities and services. It is no longer appropriate—if it ever was—that agencies that provide adult and juvenile correctional services oversee themselves. The Inspector-General of Corrective Services role in New South Wales was dissolved in 2003 after the then Government accepted the recommendations of a five-year statutory review of the office. That review found there was significant duplication in the roles of the Inspector-General and Ombudsman because both organisations dealt with inmate complaints.

However, in June 2009 General Purpose Standing Committee No. 3 handed down its report on its inquiry into the privatisation of prisons and prison-related services. The inquiry noted that other jurisdictions, including England, Scotland, Wales and Western Australia, had established independent prison inspectorates. The inquiry noted that the corrections inspectorate was still part of the then Department of Corrective Services and therefore lacked independence from the department. The inquiry received submissions that New South Wales did not have appropriate prison visitors who were outside the control of the Department of Corrective Services, that their role had been watered down and that they could not be autonomous from the department in trying to resolve issues. Therefore, the inquiry recommended that the position of New South Wales Inspector-General of Prisons be reinstated to report on both public and private prisons.

The former Government did not support that recommendation and referred to the findings of the 2003 statutory review. Its response noted that the Department of Corrective Services had established a support line—a free telephone service for inmates to make inquiries and complaints—and appointed monitors to a number of State-operated correctional centres. The response noted the Commissioner of Corrective Services' direction about the appointment of monitors with regard to contracted services in a number of State-operated correctional centres. However, these initiatives are internal arrangements and do not provide a measure of external security. Inspections under the authority of the inspector will add external scrutiny and weight due to its status as an independent statutory authority.

The inspector will take a proactive rather than a reactive approach to improving custodial services. Rather than simply reacting to individual incidents after they occur, the inspector will regularly inspect and report on all correctional facilities. Therefore, the inspector will be able to nip in the bud potential problems before they become major issues. In contrast, the previous Inspector-General only ever reported on comprehensive inspections of two correctional centres and the Ombudsman has not made a special report to Parliament on Corrective Services NSW since 2000. To avoid the duplication that was identified between the previous Inspector-General's role and that of the Ombudsman, the proposed inspector's role will not extend to dealing with complaints or grievances relating to an individual in a custodial service. The inspector may refer such complaints to other appropriate bodies, such as the Ombudsman's office. Rather, the inspector will take a holistic approach, focusing on systemic issues in correctional facilities to bring about real change.

The administration of the Official Visitors Program will also be transferred from Corrective Services and Juvenile Justice to the inspector. This is essential for ensuring the independence of the Official Visitors Program in the light of findings in the 2009 inquiry. Official visitors will continue to be appointed by the Minister. Official visitors will provide all reports to the inspector as well as continuing to provide reports to the Minister and Corrective Services or Juvenile Justice, as appropriate, who may comment on those reports. I turn now to the detail of the inspector's role. The inspector will have jurisdiction over all correctional facilities in New South Wales. This will include all adult and juvenile correctional centres, residential facilities, transitional centres, juvenile justice centres, and court and police cells that are managed by Corrective Services or Juvenile Justice. The inspector's role will be to inspect and report to Parliament on each adult correctional facility at least once every five years.

The inspector must also inspect and report to Parliament on each Juvenile Justice and juvenile correctional facility at least once every three years. This shorter time frame in relation to juvenile facilities recognises the greater need for protection of juveniles. Of course, the inspector may also inspect and report on such facilities at any time, with or without notice, should the need arise. This allows the inspector to focus on areas of real and immediate concern. The inspector may also examine and review any custodial service at any time. The term "custodial service" is defined broadly and includes the management of custodial centres, the care of inmates and the transport of inmates by Corrective Services or Juvenile Justice. This provides the inspector with the ability to perform thematic reviews of custodial services generally or in relation to a particular correctional facility.

The inspector may report to Parliament on any particular issue or general matter relating to the functions of the inspector if, in the inspector's opinion, it is in the interests of any person or in the public interest to do so. This gives the inspector the power to report to Parliament immediately without a full investigation and review, if necessary. The inspector must also report to Parliament on any particular issue or general matter relating to the functions of the inspector if requested to do so by the Minister. The inspector must also prepare an annual report within four months of the end of each financial year detailing the inspector's activities in the preceding year, an evaluation of the responses of relevant authorities to its recommendations and any recommendations for legislative or administrative action.



The inspector will be given broad powers in order to perform his or her functions. The inspector will be entitled to full access to the records of any custodial centre, including health records, and to take copies or to have copies made of any of them. The inspector may visit and examine any custodial centre at any time the inspector thinks fit. The inspector may require custodial centre staff members to supply information or produce documents concerning a custodial centre's operations. The inspector may require custodial centre staff members to attend before the inspector to answer questions or produce documents relating to the custodial centre's operations. The inspector may refer matters relating to a custodial centre to other appropriate agencies for consideration or action. For example, if the inspector receives a complaint from an inmate, the inspector may refer that complaint to the Ombudsman's office.

The inspector is entitled to be given access to persons in custody, detained or residing at any custodial centre for the purpose of communicating with them. The Minister must refer reports produced during a special inquiry under section 230 of the Crimes (Administration of Sentences) Act 1999 to the inspector for comment. It will be an offence for a person to obstruct, threaten, or fail to comply with a lawful requirement of the inspector or a member of staff of the inspector in the exercise of their functions without reasonable excuse. It will also be an offence for a person to wilfully make any false statement or mislead the inspector or a member of staff of the inspector in the exercise of their functions. Furthermore, it will be an offence for a person to take, or threaten to take, detrimental action against another person because that person provides, or proposes to provide, information, documents or evidence to the inspector. These offences will carry a maximum penalty of 50 penalty units or imprisonment for 12 months, or both.

Information held by the inspector in relation to his investigative and reporting functions will be designated to be excluded information in schedule 2 of the Government Information (Public Access) Act 2009. This means that a person cannot obtain information from the inspector relating to his investigative and reporting functions through an application for access to information under the Government Information (Public Access) Act 2009. This will ensure that confidential information retained by the inspector is protected. Similar exclusions exist in relation to information retained by the Ombudsman and the Independent Commission Against Corruption. The inspector and the Ombudsman may enter into arrangements regarding any areas of potential overlap between their functions. The inspector and the Ombudsman may also share information obtained in discharging their functions. However, information may not be shared if it could not otherwise be disclosed or obtained by the inspector or Ombudsman under their respective legislation. This will ensure that the inspector and the Ombudsman are able to assist each other, and will minimise any potential for duplication of their functions.

The inspector will have a duty to report to the Independent Commission Against Corruption any matter that the inspector suspects on reasonable grounds concerns or may concern corrupt conduct. The inspector must furnish every report made by the inspector under the Act to the Presiding Officer of each House of Parliament. The fact that the inspector provides the reports directly to Parliament ensures the independence of those reports. However, the inspector must provide the Minister with a draft of each report that is to be furnished to Parliament and give the Minister a reasonable opportunity to make submissions in relation to the draft report. Similarly, if a report sets out an opinion that is critical of another division of the government service or any other person, the inspector must give those people a reasonable opportunity to make submissions. This will ensure that relevant parties are informed and it addresses concerns relating to natural justice. Whilst the inspector must consider any comments made in relation to a draft report, the inspector will not be bound to amend the report in light of those submissions.

The inspector must not disclose information in a report if there is an overriding public interest against disclosure of the information. A similar balancing test to that set out in the Government Information (Public Access) Act 2009 is provided for. However, the fact that disclosure of information might be misunderstood or cause embarrassment to the Government is irrelevant and must not be taken into account. This test provides an appropriate balance between the public interest in the inspector disclosing such information and particular circumstances in which the disclosure of the information would actually harm the public interest. For example, the disclosure of the whereabouts and security arrangements regarding a person convicted of terrorism offences could potentially threaten national security, or the disclosure of the identity of an informant could endanger their life. However, it would be open to the inspector to amend his report to minimise any adverse public interest, for example, by anonymising people referred to in the report.

The bill provides that communication between inmates and the inspector remain confidential by deeming the inspector an exempt body for the purposes of clause 107 of the Crimes (Administration of Sentences) Regulation 2008 and clause 3 of the Children (Detention Centres) Regulation 2010. The 2009 report

of the General Purpose Standing Committee of the New South Wales Legislative Council on its inquiry into privatisation of prisons and prison-related services also recommended that the New South Wales Government establish a Prisons Parliamentary Oversight Committee with powers and authority similar to the committees on the Independent Commission Against Corruption and the Police Integrity Commission. Consistent with this proposal, the joint parliamentary committee that currently monitors the Ombudsman, the Police Integrity Commission, the Information Commissioner and the Privacy Commissioner will also monitor the inspector.

The joint committee will monitor and review the inspector's exercise of his functions, examine reports of the inspector, report to Parliament on matters relating to the inspector and inquire into matters referred to it by Parliament. The joint committee will also have the power to veto the appointment or reappointment of the inspector. The inspector will be appointed for a term of five years and may be reappointed only once. The inspector will be able to be removed from office only in very limited circumstances, including for incapacity, incompetence, misbehaviour or unsatisfactory performance. These features ensure that the inspector retains the highest degree of independence. There will be a statutory review of the inspector after five years. The rate of remuneration of the inspector will be determined in accordance with the Statutory and Other Officers Remuneration Act 1975, as occurs in the case of the Ombudsman and the Commissioner of the Police Integrity Commission.

I note that the Australian Government signed the optional protocol with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [OPCAT] on 19 May 2009 but has not yet ratified the agreement. Under that convention, State parties agree to international inspections of places of detention by the United Nations Subcommittee on the Prevention of Torture. Once the convention is ratified, Australia will need to establish an independent national preventative mechanism to conduct inspections of all places of detention. For example, in the United Kingdom her Majesty's Inspector of Prisons has operated as the coordinating function for the United Kingdom's national preventative mechanism. Similarly, the role of the New South Wales inspector could be deemed to be part of the national preventative mechanism to assist the State in meeting its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. I commend the bill to the House.

**Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.**

## **JUDICIAL OFFICERS AMENDMENT BILL 2012**

### **Second Reading**

#### **Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [12.52 p.m.], in reply: I thank members representing the electorates of Liverpool, Cronulla, Myall Lakes, Parramatta, Bankstown, Davidson, Cabramatta, Camden, Fairfield, Orange, Baulkham Hills, Castle Hill, Blue Mountains and Granville for their contributions to the debate on the Judicial Officers Amendment Bill 2012. Before concluding, I wish to address the concerns raised by the member for Liverpool, who led for the Opposition in debate on the bill. I will also address the comments of some of the member's colleagues. The member for Liverpool argued that this bill compromises the independence of the judiciary. I reject this argument. Judicial independence is an essential part of the justice system and the rule of law. It is important that the Judicial Commission is completely independent when carrying out its role of receiving and considering complaints about judicial officers. The proposed amendment does not impinge on this independence and the commission's ability to deal with complaints under the Act will be unaffected.

As far as practicable, the commission will continue to conduct its preliminary examinations and inquiries in private. The commission will not be required to provide the Attorney General with details of the examination or investigation of a complaint. The Attorney General will only be able to request information regarding whether a judicial officer is the subject of any complaint, when the complaint was made, the subject matter of the complaint, when the matter occurred and the progress or outcome of the complaint or referral. If the complaint or referral has not been referred to the Conduct Division for examination, the commission will have discretion not to disclose information about the complaint or referral to the Attorney General if it considers that it is not in the public interest to do so. The member for Liverpool should take note of the Legislation Review Committee's statement in relation to this bill that:

The information required to be provided to the Attorney General is limited and does not prevent the Judicial Commission from discharging its functions under the Act independently.

This type of provision is not unprecedented. The Legal Profession Act 2004 enables the Legal Services Commissioner, the Bar Council, the Law Society Council or an investigator, to disclose information obtained in the course of a trust account investigation or examination, a complaint investigation or a compliance audit, to the Attorney General. The Act also requires the commissioner and the councils to submit to the Attorney General, at the times and in respect of the periods required by the Attorney General, reports on their respective handling of complaints. These reports deal with matters specified by the Attorney General and can include other matters the commissioner or councils consider appropriate. I do not believe the member for Liverpool has ever argued that the independence of the commissioner or the relevant council is threatened in any way by these provisions.

The impetus for this amendment came when magistrate Brian Maloney provided a written response to a Conduct Division report that expressed the opinion that the matters referred to in the report could justify parliamentary consideration of the removal of Magistrate Maloney from office on the grounds of proved incapacity. Magistrate Maloney's written submission to the Conduct Division's report stated that since treatment of his bipolar II disorder had begun in February 2010 there had been no further aberrant behaviour or any evidence of the hypermanic episodes he had suffered, which resulted in events such as those reflected in the complaints. The submission also stated that the Conduct Division did not give significant consideration to the fact that Magistrate Maloney had worked for 10 months without any complaint or suggestion of a recurrence of symptoms. This claim could not be easily verified and only very limited information could be legally provided after certain processes were followed. This resulted in delays and media speculation. Mr Maloney was then afforded the opportunity to address these additional matters.

The inability of the Attorney General to obtain information about complaints before the commission hindered Parliament's ability to deal with the Conduct Division's report and to finalise consideration of Magistrate Maloney's possible removal from office. It also caused difficulties when the existence of a complaint about a judicial officer is already in the public domain and the media is speculating about the outcome. As the commission cannot respond to such media reports, public confidence in the judicial system can be undermined. This bill preserves the independence of the commission, while allowing the Attorney General access to basic information about the existence of complaints to the commission, their progress and outcome. It should be supported by all members of this place. I commend the bill to the House.

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

**The House divided.**

**Ayes, 58**

Mr Anderson	Mr George	Mr Rowell
Mr Annesley	Ms Gibbons	Mrs Sage
Mr Ayres	Mr Grant	Mr Sidoti
Mr Baird	Mr Gulaptis	Mrs Skinner
Mr Barilaro	Mr Hartcher	Mr Smith
Mr Bassett	Mr Hazzard	Mr Speakman
Mr Baumann	Ms Hodgkinson	Mr Spence
Ms Berejiklian	Mr Holstein	Mr Stokes
Mr Bromhead	Mr Humphries	Mr Stoner
Mr Casuscelli	Mr Kean	Mr Toole
Mr Conolly	Dr Lee	Mr Torbay
Mr Constance	Mr O'Farrell	Ms Upton
Mr Coure	Mr Owen	Mr Ward
Mrs Davies	Mr Page	Mr Webber
Mr Dominello	Mr Patterson	Mr R. C. Williams
Mr Doyle	Mr Perrottet	Mrs Williams
Mr Elliott	Mr Piccoli	
Mr Evans	Mr Piper	<i>Tellers,</i>
Mr Flowers	Mr Provost	Mr Maguire
Mr Gee	Mr Roberts	Mr J. D. Williams

**Noes, 21**

Ms Burney	Mr Lynch	Ms Tebbutt
Ms Burton	Dr McDonald	Ms Watson
Mr Daley	Ms Mihailuk	Mr Zangari
Mr Furolo	Ms Moore	
Ms Hay	Mr Parker	
Ms Hornery	Mrs Perry	<i>Tellers,</i>
Ms Keneally	Mr Rees	Mr Amery
Mr Lalich	Mr Robertson	Mr Park

**Pair**

Mr Aplin

Mr Barr

**Question resolved in the affirmative.****Motion agreed to.****Bill read a second time.****Third Reading****Motion by Mr Greg Smith agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.***[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 1.08 p.m. The House resumed at 2.15 p.m.]***DEATH OF BARBARA HOLBOROW, OAM****Ministerial Statement**

**Mr ANDREW CONSTANCE** (Bega—Minister for Ageing, and Minister for Disability Services) [2.20 p.m.]: It is with great sadness that I pay my respects to an extraordinary woman, Barbara Holborow. A mother, magistrate and staunch protector of the most vulnerable, Barbara was a tenacious and fierce advocate for children and young people throughout her life. She passed away peacefully this morning in the company of her family and close friends at home in Croydon Park aged 81. Barbara Holborow served 12 years as a magistrate in the Children's Court. Her compassion and outspokenness will forever serve as a reminder of where we need to go in all aspects of life.

Barbara was diagnosed with diabetes at the age of 13 but never allowed it to hold her back in life. As a sole parent Barbara moved back with her parents at her family home in Croydon Park, built by her father and where she remained for the rest of her life. She found a job as a legal secretary and resumed her studies, first high school and then law. In fact, she was 39 when she graduated as a solicitor. She had a no-nonsense approach and in her unique way did not hold back in telling things as she saw them. Fiercely committed to reforming the judicial system for children, she was involved in setting up free legal aid for children in New South Wales, a care court that deals with cases of neglect and a special jail for first time offenders aged 18 to 25.

It was through her work at a women's refuge that she met Jacob, whom she later adopted, and since then many foster children have come under Barbara's care. Since retiring from the bench as a magistrate Barbara has fitted in a second lifetime of achievement and work. She has written three books and she became the chair of the Ministerial Advisory Committee on Ageing. She was named New South Wales Senior Australian of the Year and she became a highly respected media commentator on children's justice. Barbara was many things to

many people. To be honest, she was unforgettable and had the gravitas that few can claim in terms of commanding an audience with anyone to further the cause of vulnerable people. She continued to do this until the very end. In 2002 Barbara received the Medal of the Order of Australia for service to the community, for her work as a magistrate and for her involvement with organisations promoting the welfare and rights of children.

As I indicated earlier, Barbara was named New South Wales Senior Australian of the Year for 2012. I asked Barbara to be the chair of the Ministerial Advisory Committee on Ageing for a number of reasons, not least because I knew that she would provide the leadership necessary to guide the committee through a new government and a period of major reform. In her role as chair of the advisory committee she hauled me in on a number of occasions to give me a piece of her mind. I understand she did that to quite a number of Ministers on both sides of politics for many years. In fact, I believe that she had a quiet word with some of my colleagues as she cleared her to-do list recently.

True to form for a woman who gave meaning to the truism that if you want something done you should ask a busy person, she kept herself incredibly busy. Everyone in this House would want to express their greatest gratitude for her commitment, tenacity and support over the past few years. She has touched the lives of thousands of people across this State. On behalf of the Government I offer condolences to her children, Louise and Jacob, and her many family members. The community will no doubt reflect today on Barbara's work over many decades to support children and families whose lives have been fraught with hardship. This will be forever Barbara Holborow's greatest legacy. She was a crusader for children and a hero of our community.

**Mrs BARBARA PERRY** (Auburn) [2.24 p.m.]: Today we pay tribute to a truly remarkable life—that of Barbara Holborow. Mark Twain said, "Let us so live that when we come to die even the undertaker will be sorry." There are many, many people who are sorry today to hear of Barbara's passing. She was an incredible person and I was privileged to spend a number of years in the Children's Court system watching her work, first at the old Minda court, which is now the site of Juniperina girls juvenile detention centre, where I started as a young lawyer with Legal Aid. In fact, the children I represented were the beneficiaries of Barbara's advocacy. She wanted children to be given a voice in the court. Like all lawyers in their dealings with magistrates, I did not always agree with Barbara and she did not always rule the way I wanted her to. But I always admired her.

She played a part in setting up the first free legal aid service for children. Incredibly she let television cameras into her court, and she struggled to do everything she could to reform a system that she believed did not help and often made things worse for young people in trouble. We hear people talk ad nauseam about the best interests of children—sometimes in a tokenistic way—but Barbara fought and truly lived for this. I remember so clearly her kindness and gentleness to children in the court. But at the same time she was also a forthright and fearless campaigner. The Minister is right: Barbara was never afraid to say what she really thought.

Father Chris Riley, who was a great friend of Barbara's, this morning described Barbara in the nicest possible way as stubborn. That was Barbara. But Barbara needed that stubbornness to bring about the changes that were so needed in our systems. You need many qualities to be an effective advocate—the heart and clarity to see what is wrong with the world and articulate that, and the courage and determination to make your vision a reality. Barbara had all these qualities wrapped in one. I knew she often struggled with her health, having been diagnosed with type 1 diabetes as a 13-year-old, but her childhood battles with this disease gave her strength, as did the love of her parents. She said:

I was so loved, as an only child, that I had enough love for every other kid to share it around. When I was in sixth class at school, I was looking after kindergarten. It's just always been with me.

Her determination meant that as a single mum bringing up her daughter, Louise, she somehow found the time to become a legal clerk. Her great-great-grandfather had been a magistrate who was well loved in the Dubbo-Wellington area. She studied part time to become a solicitor and graduated at the age of 39. Barbara adopted Jacob, a young Aboriginal boy whom she met at a refuge, and she often spoke about him in court. In fact she fostered many children. She certainly had a multifaceted insight into our child protection system. I was at her farewell when she left as a magistrate of the Children's Court and I knew then that Barbara would never retire.

I heard Barbara many times on the radio and saw her writings in newspapers and books, still advocating for children and later for aged people. After her retirement she toured Australia speaking to many young people. She inspired them to follow their dreams and urged them to do better. She truly was testament to the truism that age should not be a barrier. She did some great work in her position as chair of the Ministerial

Advisory Committee on Ageing for the current Government. On behalf of the Opposition I pay respect to this woman who became a tireless advocate for better and improved judicial outcomes for children. We send our deepest sympathy to her family and in particular to Louise and Jacob, whom I remember fondly.

*Members and officers of the House stood in their places as a mark of respect.*

### **AUSTRALIA'S BIGGEST MORNING TEA**

**The SPEAKER:** I remind members that at 10.30 a.m. tomorrow, Thursday 24 May 2012, the New South Wales Parliament will host Australia's Biggest Morning Tea in the Speaker's Garden. The Premier and Minister for Western Sydney, the Leader of the Opposition and member for Blacktown, and the Minister for Health and Minister for Medical Research will be attending the morning tea with the Chief Executive Officer of the Cancer Council of New South Wales, Dr Andrew Penman, AO. I encourage all members and staff to come along and support the New South Wales Cancer Council.

### **BUSINESS OF THE HOUSE**

#### **Notices of Motions**

**General business Notices of Motions (for Private Members' Bills) given.**

### **QUESTION TIME**

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*[Question time commenced at 2.32 p.m.]*

### **MINISTER FOR RESOURCES AND ENERGY, SPECIAL MINISTER OF STATE, AND MINISTER FOR THE CENTRAL COAST**

**Mr JOHN ROBERTSON:** My question is directed to the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast.

**The SPEAKER:** Order! Government members will come to order. The Leader of the Opposition is entitled to ask his question in silence.

**Mr Barry O'Farrell:** This is called an underarm.

**Mr JOHN ROBERTSON:** That is all right. I watched an underarm delivery and, as I recall, it was not hit very far. I remember that game. Did the Minister for Resources and Energy accept, or is he aware of any other Liberal candidates who accepted, donations from the 8x5 slush fund operating out of his office?

**Mr CHRIS HARTCHER:** I refer to the answer that I gave yesterday.

**The SPEAKER:** Order! I caution the Leader of the Opposition about the form of his question, which contained a clear inference.

**Mr CHRIS HARTCHER:** There is a clear implication in that question that although it is unworthy of an ordinary member of this House it is, of course, worthy of the Leader of the Opposition. In answer to the question of the Leader of the Opposition I will read the following simple statement:

If the Labor Party stocks ever get so low as to require your services in its parliamentary leadership, it will have no future.

**Mr Barry O'Farrell:** Who said that?

**Mr CHRIS HARTCHER:** Paul Keating said that. That says it all.

**Mr John Robertson:** Read it all.

**Mr CHRIS HARTCHER:** "Read it all" he says. I will accept the invitation of the Leader of the Opposition. Then:

In my judgement Robertson has neither the intellect nor the courage to be a credible alternative Premier.

Who said that? That was Michael Costa.

**Mr Ryan Park:** Point of order: My point or order relates to Standing Order 129, relevance.

**Mr Brad Hazzard:** To the point of order: The Opposition asked for the whole quote to be provided. The Minister is simply trying to provide the whole quote. The Minister should be able to read out the whole quote.

**The SPEAKER:** Order! The Minister referred to a statement he made yesterday to provide an answer to the question asked of him today. The Minister is now elaborating on matters that may be beyond the question, so I ask him to either return to the leave of the question or curtail the length of his answer. I uphold the point of order.

**Mr CHRIS HARTCHER:** Just one more quote:

**The SPEAKER:** Order! The member's quote will incite another point of order.

**Mr CHRIS HARTCHER:** No, it will not because everybody will agree with it. I read:

In terms of intelligence, capacity and ability there are people who are streets ahead of what John Robertson has to offer.

Who said that? It was Morris Iemma.

**Mr Michael Daley:** Point of order: Apart from Madam Speaker's previous ruling on Standing Order 129—

**Mr Andrew Constance:** This is the middle order.

**Mr Michael Daley:** You are the tailender down there, buddy, and this is all your fault. I refer to Standing Order 73. Quite clearly the swamp fox has lost his bite.

**The SPEAKER:** Order! That is not a valid point of order. I cautioned the Leader of the Opposition about the form of his question, to which the return fire from the Minister is probably appropriate. I ask the Minister to return to the leave of the question. If the Leader of the Opposition persists in asking questions of this nature, he should expect this kind of reaction.

**Mr CHRIS HARTCHER:** I have exposed the Leader of the Opposition. I do not need to say any more.

### **POLICE TRANSPORT COMMAND**

**Dr GEOFF LEE:** My question is addressed to the Premier, and Minister for Western Sydney. Will the Premier inform the House of the success of the new Police Transport Command?

**Mr BARRY O'FARRELL:** I thank the member for Parramatta for his question and his long-term interest in commuters and the users of public transport. For the benefit of the member for Wollongong, I listened carefully to what the Commissioner of Police said on 14 May, when, along with the Minister for Police and Emergency Services and the Minister for Transport, he announced the new Transport Command. On that day the commissioner made the very valid point that if a person is picked up on a train for not having a valid ticket, it is not unusual for police to then find that that same person is wanted in relation to other offences. He said:

The great value of this new command is that police officers will come into contact with people who may have committed other more serious crimes. "It will enable the police to take into custody a lot of people wanted on other offences."

That is just one of the very compelling reasons for the transition to police when it comes to public transport security. Only police have police powers.

**Ms Noreen Hay:** Is that what the police say?

**Mr BARRY O'FARRELL:** The member for Wollongong should desist. The member for Wollongong is a Dragon and I am a Wests Tigers supporter, and on this day of the State of Origin we should be as one, backing the Blues. I would hate that comment to be misunderstood.

**The SPEAKER:** Order! We all support the Blues.

**Mr BARRY O'FARRELL:** The Police Transport Command officially came into being on 1 May and has conducted two high-visibility operations already. More than 100 police officers and a dozen transit officers were involved in conducting high-visibility patrols across the public transport network, including Kings Cross, George Street, Parramatta, Maroubra, Strathfield, Blacktown, and Lidcombe, as well as Newcastle, the Central Coast and Wollongong. They patrolled railway stations, bus interchanges and wharves, as well as train, bus and ferry services. They arrested 42 people and charged them with 43 offences, including assault, malicious damage, stealing, possession of prohibited drugs, possession of knives and antisocial behaviour.

Among those apprehended were two men who were spotted by police officers outside Bankstown railway station. One allegedly had a metal pole and the other allegedly carried a bag containing a knife and a balaclava. It is not true that it was the Leader of the Opposition. He is not that well recognised in certain parts of this State. He is also not very proud of his own team, because he has been seen in the west of Sydney not with a current member of his front bench of whom he could be proud but with a former Minister, David Borger. He has had to reach back in time for an escort in a part of Sydney with which he is completely unfamiliar.

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

**Mr BARRY O'FARRELL:** In another example, a 33-year-old man arrested for assaulting police and carrying a knife in public was found to have an outstanding warrant for a previous alleged assault. In yet another example, police officers recognised two juveniles who had been captured on closed-circuit television cameras allegedly stealing money from a drink vending machine at Wynyard station.

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

**Mr BARRY O'FARRELL:** They were picked up at Central Station. The students from Murwillumbah High School—who I certainly hope will be backing the Blues tonight and not the mob from the other side of the border, which is close to them—would know more about how this place operates and western Sydney than the Leader of the Opposition, even though they live in Murwillumbah.

**The SPEAKER:** Order! The member for Cabramatta will come to order. The member for Fairfield will come to order.

**Mr BARRY O'FARRELL:** I am sorry that the students from St Charbel's College have left because I had a wonderful time last Monday afternoon in Beirut with Father Tarabay. The new Police Transport Command is working with Transport for NSW and all its agencies and taxi companies on a new intelligence model to ensure that officers are in the right place at the right time. This intelligence model, which will be available to the Opposition at some stage, will include the capture of information across regional New South Wales and will ensure that best use is made of closed-circuit television cameras. The Government will do whatever it can to assist the Police Force. We will give it the resources and technology it needs to ensure that those who rely upon public transport can do so safely. Unlike members opposite, this Government understands the importance of the public transport system to people across the city. Members opposite have not asked one question about public transport for weeks, if not months.

**The SPEAKER:** Order! The member for Maroubra will come to order. The member for Kogarah will come to order. The member for Canterbury is waiting to ask a question. The member for Monaro will come to order.

#### WARATAH ADVISORY AND ANDREW HUMPHERSON

**Ms LINDA BURNEY:** My question is directed to the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast. Why does the website of the lobbying firm Waratah Advisory list the Minister's chief of staff, Andrew Humpherson, as its principal with a contact number leading directly to his mobile phone?



**The SPEAKER:** Order! The member for Keira will try to contain his excitement.

**Mr CHRIS HARTCHER:** I came into the Chamber with 13 points—

**Mr Ryan Park:** The moderates would never do this.

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

**Mr CHRIS HARTCHER:** I have in my hand a document containing 13 points about the member for Canterbury. Out of respect for her, I will not raise any of them. No, it is State of Origin day and we are all together in supporting New South Wales.

**Ms Linda Burney:** Point of order: I refer to Standing Order 129, which relates to relevance. The message says, "It's Andrew Humpherson. Please leave a message and I will return your—"

**The SPEAKER:** Order! I am sure the Minister heard the question. He has been speaking for only 10 seconds. I am sure he will return to the leave of the question.

**Mr CHRIS HARTCHER:** The 13 points are here and if it were not for the State of Origin match I would use them.

**Ms Linda Burney:** The message is clear.

**The SPEAKER:** Order! I point out to the member for Canterbury that this is not an opportunity to argue.

**Mr CHRIS HARTCHER:** She is so excited. A website, a website! Oh, my God! A website! I refer to my previous answer.

**The SPEAKER:** Order! I remind members that question time is not an opportunity to argue across the table.

#### **INDEPENDENT PRICING AND REGULATORY TRIBUNAL ETHANOL REVIEW**

**Mr GARETH WARD:** I direct my question to the Deputy Premier. Will he advise the House of the outcome of the Independent Pricing and Regulatory Tribunal review into ethanol supply and demand in New South Wales?

**Mr ANDREW STONER:** I thank the member for Kiama for yet another outstanding question. In 2007—remember those halcyon days—the Labor Government introduced the ethanol mandate with bipartisan support to ensure that ethanol-blended petrol was widely available in New South Wales. Today this Government is releasing the review of the Independent Pricing and Regulatory Tribunal into ethanol supply and demand in New South Wales. This important report outlines the way forward for the State's biofuels industry. The key finding is that ethanol supply capacity is sufficient to meet New South Wales demand under the 6 per cent mandate, but the supply market is illiquid and highly concentrated, which can result in supply, reliability and pricing risks. The Government has agreed to continue the 6 per cent ethanol mandate and will seek a further Independent Pricing and Regulatory Tribunal review in early 2013.

This Government understands the environmental, health and economic benefits that accrue to New South Wales from a strong and sustainable biofuels industry. Among the benefits are the potential to decrease fuel prices for motorists, a cut in harmful emissions and a reduced reliance on imported petroleum products. Members are aware that ethanol is a clean-burning fuel produced largely from agricultural waste product. Unlike fossil fuels, ethanol is made from renewable resources—Australian wheat and sugar crops, and potentially plant waste and even farmed algae. There are also downstream regional economic benefits with jobs in farming, transport, and ethanol and biodiesel production, all of which benefit from a strong and sustainable biofuels industry in this State.

Australia's largest ethanol production facility is in the electorate of the member for Kiama at Nowra. Over the past five years Manildra has invested approximately \$300 million in its plant to help satisfy the Government's requirements under the mandate. That investment has created 800 jobs in Nowra, which is a

massive boost for regional employment. The Government encourages other potential investors to consider investing in New South Wales and the biofuels industry. The Independent Pricing and Regulatory Tribunal report also identified potential problems in the way that the market currently operates. The Government will also release today a new exemptions framework.

By working on a case-by-case and not an automatic basis, it will provide greater certainty to all participants in the marketplace. We expect that volume fuel sellers will take all reasonable actions to comply with the biofuels mandate. However, we recognise that there are situations in which a fuel seller can seek an exemption from the mandate, and this framework will make that process much clearer, unlike the flawed legislation we inherited from members opposite. The member for Canterbury interjects yet again. With a voice like that, even Seal would not spin his chair around.

**The SPEAKER:** Order! The Deputy Premier will return to the leave of the question.

**Mr ANDREW STONER:** The new framework contains guidance for volume fuel sellers applying for an exemption, including time frames, how the expert panel will advise the Minister on proposed exemptions and the relevant matters in sections 6 and 7 of the Biofuels Act and the Biofuels Regulation 2007. It puts new requirements on volume fuel sellers applying for exemptions, including a business plan that identifies future steps to increase ethanol sales and evidence that previous business plans have been adhered to.

[*Interruption*]

**Mr ANDREW STONER:** The member for Canterbury is a sucker for punishment. Under the Act, the Minister is able to grant an exemption from the minimum biofuel requirement if compliance would be uneconomic due to the price of available biofuel, or that compliance could result in a risk to public health or safety, or other extraordinary circumstances. In assessing these grounds, the expert panel will consider whether all reasonable steps have been taken to achieve the mandate. These initiatives are an important commitment by the New South Wales Government. We know a strong biofuels industry in New South Wales is good for our economy, environment and public health, and it can lessen motorists' exposure to rising international oil prices.

#### WARATAH ADVISORY AND ANDREW HUMPHERSON

**Mr PAUL LYNCH:** My question is to the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast. Can the Minister guarantee that the mobile number listed for his chief of staff, Andrew Humpherson, on the lobbying website [www.waratahgroup.net.au](http://www.waratahgroup.net.au) is not taxpayer funded?

**Mr Brad Hazzard:** Point of order: We have had a series of questions—nothing on health, nothing on education, nothing on roads—

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

**Mr Brad Hazzard:** All we have had is a series of questions that have offended against Standing Order 128. There is a clear imputation in that question and I would ask you, Madame Speaker, to rule it out of order and indicate that unless members remove imputations from their questions they will not be permitted to ask them.

**The SPEAKER:** Order! I have made previous rulings based on Standing Order 128 and questions containing imputations. I do not believe the question did contain an imputation. It was a question that required a factual answer and the Minister now should be able to answer it.

**Mr CHRIS HARTCHER:** My chief of staff is a person of absolute integrity in whom I have absolute reliance—

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

**Mr CHRIS HARTCHER:** Can I also say this: The member for Liverpool did not exactly cover himself with glory yesterday when the rorts that he ran in the Housing Commission were—

**Mr Paul Lynch:** That didn't fly 16 years ago and it is not going to fly now.

**The SPEAKER:** Order! The member for Liverpool will come to order. The member for Wyong will come to order.

**Mr CHRIS HARTCHER:** Did members hear the defence? That happened years ago. Hansard, write it down.

**Mr Michael Daley:** Point of order: If the Minister wants to duck yet another question, that is a matter for him.

**The SPEAKER:** Does the member's point of order relate to relevance?

**Mr Michael Daley:** The point of order is taken under Standing Orders 73 and 129. The question required a factual answer.

**The SPEAKER:** That is correct.

**Mr Michael Daley:** And yes or no, not all this other peripheral rubbish. The Minister is ducking and weaving.

**The SPEAKER:** Order! The Minister will answer the question.

**Mr CHRIS HARTCHER:** An amount of \$100,000 buys a lot of points of order for the member for Maroubra. He does not come cheap. In relation to the member for Liverpool, a man whom I would not describe as a man of absolute integrity—

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

**Mr Paul Lynch:** Point of order: The Minister lied 16 years ago and he is not getting any better. The point of order is that this has nothing to do with the question that he was asked. It is clearly outside Standing Order 129. If he wants to continue these allegations against me, he has to do it by way of substantive motion. But he will not because he knows it is a lie—it was a lie 16 years ago.

**The SPEAKER:** Order! It is a valid point of order. The Minister will return to the leave of the question and be relevant to the question.

**Mr CHRIS HARTCHER:** So the defence is that it was years ago. Great defence! The member for Liverpool is gutless.

**The SPEAKER:** Order! The Minister will return to the leave of the question he was asked.

**Mr CHRIS HARTCHER:** This was said about Mr Lynch by a neighbour who—

**The SPEAKER:** I suggest that the Minister not continue with any imputations against the member for Liverpool.

**Mr CHRIS HARTCHER:** I am not; I am only quoting. There are no imputations against the member for Liverpool at all.

**The SPEAKER:** I will hear what you have to say.

**Mr Paul Lynch:** Point of order: In addition to the imputations point, which is now resolved, the other point relates to Standing Order 129. Whatever it is he is about to say in relation to me has no relevance to the question. He should answer the question he was asked, not give an answer he wants to give.

**The SPEAKER:** Order! I refer members to my previous rulings: I cannot direct a Minister to answer a question specifically. I can only ask the Minister to be relevant to the question. I trust now that he will return to the leave of the question.

**Mr CHRIS HARTCHER:** He will. The neighbour, who had the unfortunate name of Mr Obeid, said—and the *Sydney Morning Herald*, that great journalist—

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Order! I will hear what the Minister has to say before I hear another spurious point of order. The Minister has uttered only five words or so since the last point of order was taken.

**Mr CHRIS HARTCHER:** More, more, more.

**The SPEAKER:** Order! I advise the Minister to return to the leave of the question.

**Mr CHRIS HARTCHER:** Aren't they desperate? I am supposed to be the person under attack.

**The SPEAKER:** Order! The member for Liverpool will come to order. The Minister has the call.

**Mr CHRIS HARTCHER:** Mr Obeid said, according to the *Sydney Morning Herald*, "If you support me", talking about Mr Lynch, "I will make sure the Housing Commission gets you—"

**Mr Michael Daley:** Point of order—

**Mr CHRIS HARTCHER:** They are worried.

**The SPEAKER:** Order! The Minister will resume his seat.

**Ms Linda Burney:** You're a scumbag.

**The SPEAKER:** Order! I direct the member for Canterbury to remove herself from the Chamber for a period of half an hour. That sort of language is not acceptable.

*[Pursuant to sessional order the member for Canterbury left the Chamber at 2.56 p.m.]*

### MENTAL HEALTH SERVICES

**Mrs TANYA DAVIES:** My question is directed to the Minister for Mental Health. What is the Government doing to make it easier for people to access expert mental health advice?

**Mr KEVIN HUMPHRIES:** I thank the member for Mulgoa for her question and her strong commitment to improving mental health services. Today at Concord we launched the mental health support line. We should have had this question earlier because what has occurred is a hard act to follow. It gives me great pleasure to update the House on how the Liberals and The Nationals are delivering better mental health services for the people of New South Wales. There has never been a government in this State more committed to improving mental health services and there has never been a government that has put such a focus on improving the lives of those with mental illness. I am pleased to advise that the Government is again delivering on its promise to return quality services to this State. We were elected with a clear mandate for change and reform, change aimed at improving customer services and experiences across all public services. This means that we are committed to improving services and outcomes for mental health patients, their families and carers across New South Wales.

This Government is committed to ensuring that people with a mental health problem, their families and their carers can access the care they need whenever and wherever they need it. This morning I was pleased to visit Concord hospital with my colleague the member for Drummoyne to launch a groundbreaking new statewide 1800 mental health telephone number that, for the first time, will give every resident of New South Wales direct access to expert mental health advice at the end of the phone. In 2011-12 we committed \$6.7 million to bring this initiative to fruition and with this funding it will be ongoing in 2012-13. I am often asked what it means for people with mental illness when they become unwell. It means two things: They are robbed of the ability to make good decisions for themselves, which is why people who become unwell often self-harm or take part in substance abuse and risk-type behaviours; they are also robbed of the ability to make decisions for other people.

At times people with a mental illness are difficult to live with and when they become unwell they need help. That is why it is important that people who become unwell use the Mental Health Line, which will be staffed 24 hours a day, seven days a week, right across the State. The Mental Health Line heralds a new era of

mental health care in New South Wales. It is a simple and effective way in which people who are worried about mental health issues can receive expert assistance. From today, no matter where people live in New South Wales, they will no longer have to search through complicated directories to get help for a mental health problem. The Mental Health Line will provide a telephone triage assessment and referral service staffed by mental health experts and clinicians. By dialling just one number, people can speak to a mental health professional and be directed to the most appropriate care in their local area.

This morning when I visited the service, I saw firsthand how local expertise is being used to support and refer people with mental health problems to the most appropriate local services. This is accomplished with the ease of use of a statewide phone number. No long will people be faced with an answering phone or an administrative response when they call outside business hours. The Mental Health Line will ensure that people who need assistance can reach the services they need, when they need them. The line will be used to provide advice about clinical symptoms and the urgency of the need for care. It will provide advice on local treatment options to service providers, such as general practitioners, police and ambulance officers. A caller who has difficulty navigating the system will be transferred automatically and will receive assistance from a registered nurse. Anyone with a mental health issue can use the Mental Health Line to link with a mental health professional and be directed to the most appropriate care.

I acknowledge three people in the visitors gallery whom I met this morning at Concord and who have been instrumental in getting the Mental Health Line off the ground: Mr Lance Takiari, Miss Alaina Sheppard and Mr Richard Seed. These people are doing a wonderful job in providing an integrated service that is now available across the State. This service provides a continuum of care and should alleviate the concerns that the community had about a new Government starting to plug the gaps through which the mentally ill had been falling. In terms of mental health service provision, the Government has underwritten Lifeline as a 24-hours-a-day seven-days-a-week care service and has now supported the Mental Health Line for everybody in New South Wales on a 24-hours-a-day seven-days-a-week basis.

#### ELECTORAL FUNDING AUTHORITY

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Given the Electoral Funding Authority does not have the jurisdiction to investigate lobbying operations inside the offices of the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast, will the Premier now instruct the Director General to investigate these matters?

**Mr BARRY O'FARRELL:** I am not going to do anything that interferes with the Electoral Funding Authority's inquiries. The Leader of the Opposition might have a perspective on what is and is not within the purview of the Electoral Funding Authority, but I will leave that to those who run the Electoral Funding Authority. I know that there is a whole framework and machinery of integrity around government that includes the Independent Commission Against Corruption and other bodies that can be accessed by the Electoral Funding Authority. But none of that makes up for the fact that, whether in relation to The Star casino matter or this matter, all we have heard from those opposite is fear and smear and not a single fact. I was away last week—

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

**Mr BARRY O'FARRELL:** I was away last week—

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the second time.

**Mr BARRY O'FARRELL:** I was away last week—

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the third time.

**Mr BARRY O'FARRELL:** I was away last week, but I did see a comment from the Leader of the Opposition in relation to the Echo Entertainment inquiry in which he accused me of not restoring integrity to the State. I half disagree with that proposition. I think the Government has restored integrity to the State, but I certainly welcome the acknowledgement from the Leader of the Opposition—a member of the former Government—about the lack of integrity in this State under those opposite. It is clearly implicit not just in his question or in the newspaper reports that I saw on Friday, Saturday, Sunday and I think in the *Sydney Morning Herald* on Monday but also in the announcement today by the independent commission of inquiry of further work it is doing in relation to a former Minister for resources and energy.

I remind the House—particularly those elected at the last election—that that former Minister for resources and energy had been sacked from the ministry by the member for Toongabbie. As we all know, the member for Toongabbie, who was sacked in the dying hours of his administration, stood up for integrity within the Labor Party. He will go down in history for that. But what happened when he was replaced by the member for Heffron? Who brought back Mr McDonald? Within a matter of months he left office under a cloud. That goes to show how bad Labor got. The member for Toongabbie was doing well with integrity and honour, but not so the member for Heffron. I am not intending to interfere with the examination by the Electoral Funding Authority of these matters.

**Mr John Robertson:** I am not asking you to do that.

**Mr BARRY O'FARRELL:** The member opposite says he is not asking for that, but he should remember, in relation to the Echo Entertainment and The Star casino inquiry, that the Independent Liquor and Gaming Authority appointed a barrister with the powers of a royal commissioner to conduct an inquiry into what the member for Heffron did. As soon as the independent investigator announced its terms of reference, what does this bloke opposite do? He starts to criticise—

**Mr John Robertson:** Point of order: This is a serious matter. We have asked a number of questions about this and so far we have seen Ministers trying to deflect and defer. The point of order is under Standing Order 129, relevance. The question is clear: Will the Premier ask the Director General of Premier and Cabinet to investigate lobbying in the Minister's office?

**The SPEAKER:** Order! The Minister is being entirely relevant to the question asked.

**Mr BARRY O'FARRELL:** Not only am I being entirely relevant, but the fact is that we have had something like 50 questions on The Star Casino-Echo Entertainment matter. What did last Thursday's report find? It found that not a single allegation, smear or innuendo made by those opposite, in those 50 questions, bore any resemblance to the truth or the facts as investigated by the inquiry. So forgive me for thinking that in relation to this matter the Leader of the Opposition is like a dog returning to its vomit, practising the same modus operandi. If the former Minister for resources and energy can quote Paul Keating, why can't I? This is not an exclusive club. I will continue to argue that complaints we made to appropriate authorities should be investigated without political interference. I note that in the Echo Entertainment and The Star casino inquiry report the Independent Liquor and Gaming Authority chairman made adverse comments about the attempts to politicise that inquiry.

### WESTERN SYDNEY SPORTING FACILITIES

**Mr ANDREW ROHAN:** My question is addressed to the Minister for Sports and Recreation. What has the Government done to develop sporting facilities for the people of western Sydney?

**Mr GRAHAM ANNESLEY:** I thank the member for Smithfield for his question and for his interest in sport in western Sydney. I start by acknowledging the presence in the visitors gallery of Glenn McGrath. It is worth mentioning that not only was Glenn a great player for New South Wales and Australia, he also represented my local area playing for the Sutherland club—he played 53 matches and took 133 wickets. He is not only a great New South Wales Blue but he is also a great representative of the Sutherland Shire. Today's announcement by the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts that Sydney had climbed to third place on the Ultimate Sports Cities rankings, undertaken every two years by Sport Business International, is welcome news. It now places us ahead of major international cities such as New York, Paris and Tokyo. It is recognition of the commitment of the O'Farrell Government to re-energising New South Wales, particularly sporting facilities in New South Wales.

That was demonstrated earlier this week when I had the great pleasure, with the member for Smithfield, of attending the opening of the new track expansion and the rebranding of what was formerly known as Eastern Creek Racetrack to Sydney Motorsport Park. I also had the great pleasure of doing a hot lap in a radical. For the uninitiated in motor racing, a radical looks similar to a Formula 1 car but it is a little smaller, but two people can fit in it. I did a hot lap with Jonathon Webb, who had two top 10 placings at Phillip Island last weekend. We certainly tested out the new circuit. Oddly, although I placed my life in the hands of Jonathon Webb, Government members took extreme interest in my health and wellbeing. I thought it was very caring of them. The new track is now a 4.5 kilometre circuit, and it can be split into two circuits so that it can host more events. I am happy to say that this construction came in on time and on budget. It is the only facility of its kind in Sydney.

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

**Mr GRAHAM ANNESLEY:** It involved a \$7 million investment from the Government and \$5 million from the Australian Racing Drivers Club. It will also result in the V8 Supercars returning for round 9 of the championships in August this year, which is the first time since 2008. That is fantastic news for western Sydney motorsport fans and for businesses in western Sydney that will benefit from the local economic stimulus. This morning I had the great pleasure, with the Premier, of opening the redeveloped Sydney Showgrounds stadium. I am happy to say that that project also came in on time and on budget. As most members would know, it is the new home of the Greater Western Sydney [GWS] Giants and it is another outstanding sporting and entertainment facility for the people of western Sydney. It is also the home of the Royal Easter Show, the biggest annual event on the Australian calendar. It is a \$65 million joint investment with the Royal Agricultural Society and the Australian Football League [AFL], with the Government contributing \$45 million, the AFL contributing \$12 million and the Royal Agricultural Society contributing \$7 million.

**Mrs Barbara Perry:** That's what we said we were doing. That's what we signed up to.

**Mr GRAHAM ANNESLEY:** Everything in life is about timing. The investment has delivered new grandstands at the north-east and south-east points of the stadium. It has increased the capacity of the venue from 13,000 to 25,000, and it incorporates the largest video screen in the Southern Hemisphere. The Greater Western Sydney Giants will play seven home games at the stadium commencing this Saturday night. In conclusion, I wish Ricky Stuart and Paul Gallen the best of luck at tonight's State of Origin game. Paul Gallen is another great shire guy. I hope that in game two on 13 June we will be watching the Blues secure the series.

### RENEWABLE ENERGY

**Mr JAMIE PARKER:** My question is directed to the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast. It is a policy question, so the Minister will happy.

**The SPEAKER:** Order! I remind Government members that I need to be able to hear the question that is asked. The Leader of the House will come to order.

**Mr JAMIE PARKER:** Considering that the New South Wales Government has a renewable energy target of 20 per cent by 2020, when will the renewable energy action plan, which sets out how the target will be achieved, be completed?

**Mr CHRIS HARTCHER:** It is a pleasure to be asked a sensible question but, sadly, it had to come from the crossbench—those four wonderful people. This is the only Government that has a Parliamentary Secretary for Renewable Energy, the member for Pittwater, who is doing an absolutely outstanding job in developing a policy on renewable energy for New South Wales. So well regarded is he that recently he represented New South Wales at a ministerial conference with the Minister for the Environment. Afterwards all I heard was high praise for both of them. Through the Parliamentary Secretary we are developing a renewable energy action plan that has gone through a number of formulations and discussions. It is a challenging document and a challenging plan. We have a 70 per cent target to be reached by 2021, which is contained in our State Plan, and we are looking at a wide range of mixed renewable energies.

**The SPEAKER:** Order! I am finding it difficult to hear the Minister.

**Mr CHRIS HARTCHER:** We are looking at solar energy, in cooperation with the Federal Government. We are looking at wind energy: the draft guidelines have been released. We are looking at geothermal energy, and that is being partly funded by the Government's Coal Innovation Fund in conjunction with the University of Newcastle. We are looking at biomass. We have done a lot of work on biomass. Indeed, earlier the Deputy Premier answered a question about our support for ethanol.

**The SPEAKER:** Order! I remind the Leader of the Opposition that he is already on three calls to order.

**Mr CHRIS HARTCHER:** We want to encourage private investment, supplemented—we are doing the same with our discussions with the Federal Government on solar energy—by Federal and State programs to increase the amount of renewable energy in New South Wales. As the member for Balmain would be aware, recently the Federal Government agreed to locate the Clean Energy Council in Sydney. That was a result of lobbying by the Premier. We want to work with the Clean Energy Council. This Government knows that the future of energy must be renewables. The Government has made a commitment that it will not impose additional costs on taxpayers and consumers.

The total incompetence of the Leader of the Opposition in relation to the Solar Bonus Scheme was revealed by the Auditor-General. The Solar Bonus Scheme, which the Leader of the Opposition initiated and about which he has never had the courage to ask me a question, blew out from \$350 million to \$1.7 billion. People are paying for that, and they will pay for it for years to come. If the member for Balmain wishes to have further discussions about the matter the member for Pittwater and I are only too happy to have further conversations with him. As for the member for Sydney—I am sure she sits on the political right of the member for Balmain as well as physically—we are keen to cooperate with the City of Sydney in its excellent tri-generation programs. The member for Sydney knows that we have already had discussions with government agencies and the City of Sydney at every level. The Government is conscious of its responsibilities to plan for renewable energy. The Government, through the Parliamentary Secretary, is discharging those responsibilities.

### ABATTOIR ANIMAL CRUELTY

**Mr KEVIN ANDERSON:** My question is addressed to the Minister for Primary Industries, and Minister for Small Business. What action has the Government taken to lift animal welfare standards in New South Wales domestic abattoirs?

**Ms KATRINA HODGKINSON:** I thank the member for Tamworth for that sensible question. He is a good member and we appreciate the hard work he does in Tamworth. The O'Farrell-Stoner Government takes animal welfare in New South Wales extremely seriously. The Government has taken swift action to implement some tough new animal welfare requirements for all domestic abattoirs, including mandatory training. The New South Wales Government reviewed operations at all domestic abattoirs in New South Wales following an incident that occurred at Hawkesbury Valley Meat Processors on 10 February and we have acted very fast to make key changes following that breach. We also conducted a full review, which found breaches at that particular abattoir were not representative of the general standard in other New South Wales abattoirs, although it was revealed that confidence and skill levels can vary at various abattoirs throughout New South Wales.

There can be no doubt that appropriate training is the best way to create a culture in which management staff fully understand and implement procedures that consistently comply with animal welfare standards. Under the new requirements an animal welfare officer will oversee processing within all New South Wales domestic abattoirs to monitor and take responsibility for the animal welfare system. New South Wales is the first State in the Commonwealth to undertake these strict new requirements. As part of their licence conditions New South Wales domestic abattoirs will also have to ensure that, in addition to the animal welfare officer position, employees undertaking stunning, sticking and shackling operations will have completed a meat industry training course. New South Wales domestic abattoirs will also be subjected to additional random audits by the New South Wales Food Authority, which will focus on animal welfare compliance.

These requirements will have to be fully implemented by 1 July 2013. I am delighted that the Australian Meat Industry Council has fully supported these changes that we are making to domestic abattoirs. The Opposition spokesman on Primary Industries has also been very complimentary of the Government and the changes we are making in relation to animal welfare in this State. We acted quickly and halted operations at the Hawkesbury Valley Meat Processors when the issue was brought to our attention on 10 February this year. This is being welcomed by both industry and animal rights campaigners. A month later, following current reviews of operations, Hawkesbury Valley Meat Processors was permitted to restart operations, but only after meeting all operating requirements, including animal welfare.

A month of suspension for this type of industry is a long time. It is a small abattoir and we needed to make sure that it was complying before we could allow it to reopen. The Government requested a program of additional random inspections and on-site animal welfare reviews in domestic abattoirs to monitor compliance with animal welfare requirements. This has occurred. I know that a couple of smaller abattoirs are finding additional random inspections painful but these will continue until the new animal welfare officer positions are in place. Hawkesbury Valley Meat Processors has voluntarily installed closed-circuit television cameras into its operation, which it will operate and monitor.

The company will also make this footage available on request to the New South Wales Food Authority, which is responsible for this area. The most effective way of preventing problems in the future is by implementing a comprehensive approach based on training, adequate supervision, accountability and a new culture of upholding animal welfare requirements with an animal welfare officer on the ground. Operations can be stopped immediately if a breach is actually occurring. The Government will also develop a sanctions policy that provides for a proportionate response to any animal welfare breaches that are identified. These will include the capacity to require additional compliance measures, including the installation of closed-circuit television cameras, and further training in the event of serious breaches.



The New South Wales Government has completed its investigation of Hawkesbury Valley Meat Processors. It will be fined for breaching its licence conditions to a total of \$5,200. In addition, it will be placed on the Food Authority's name and shame register. Also, the RSPCA's separate investigation under the Prevention of Cruelty to Animals Act 1979 is ongoing. As I said at the outset, this Government takes breaches of food and animal welfare laws extremely seriously. These tough new requirements aim to foster a culture in which management and employees in abattoirs adhere to the improved animal welfare standards.

#### **WARATAH ADVISORY AND ANDREW HUMPHERSON**

**Mr CHRIS HARTCHER:** I seek to give a supplementary answer to a question I was asked earlier. My chief of staff, Andrew Humpherson, worked in his own consultancy business for seven months up to March 2011. His website has been dormant and was not switched off due to an administrative oversight. He transferred his mobile phone number when he commenced as my chief of staff. His LinkedIn profile confirms that his government relations business discontinued in March 2011.

**Question time concluded at 3.24 p.m.**

#### **LEGISLATION REVIEW COMMITTEE**

##### **Membership**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.24 p.m.]: I move:

That:

- (1) Garry Keith Edwards be appointed to serve on the Legislation Review Committee in place of Gareth James Ward, discharged; and
- (2) a message be sent informing the Legislative Council.

Members will recollect that when the member for Swansea was ill a substitution was made on 23 February 2012 to appoint Gareth James Ward to the Legislation Review Committee. We now have the pleasure of having the member for Swansea back in the Chamber so I take this opportunity to reappoint him to the committee. We are delighted to have him back, hale and hearty. On behalf of all members I welcome him back.

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

**Motion agreed to.**

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

#### **BUSINESS OF THE HOUSE**

##### **Suspension of Standing and Sessional Orders: Routine of Business**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.25 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to provide for the following routine of business from 7.00 p.m.:

- (1) at 7.00 pm, the taking of up to seven private members' statements;
- (2) matter of public importance; and
- (3) the House to adjourn without motion moved at the conclusion of the matter of public importance.

I anticipate that the Health Legislation Amendment Bill 2012 will be debated this afternoon and the debate may conclude, depending on the number of speakers. If it does not, we will adjourn at 6 o'clock for dinner and resume at 7 o'clock. At 7 o'clock private members' statements that would normally be allocated later in the

evening will be brought forward to straight after 7 o'clock. Immediately after those private members' statements we will deal with the matter of public importance. Members can then take the opportunity to attend to other matters if they are not directly involved with those matters.

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

**Motion agreed to.**

## **PETITIONS**

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

### **Pets on Public Transport**

Petition requesting that pets be allowed on 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**.

### **Animals Performing in Circuses**

Petition requesting a ban on exotic animals performing in circuses, received from **Ms Clover Moore**.

### **Container Deposit Levy**

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

### **Pet Shops**

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

### **Woolloomooloo Public Housing**

Petition calling for certain actions in relation to Housing NSW property and for priority for supported housing at the Camperdown project to be given to rough sleepers in Woolloomooloo, received from **Ms Clover Moore**.

## **COMMUNITY RECOGNITION NOTICES**

**By leave and pursuant to resolution the Speaker identified that General Business Notices of Motions (General Notices) Nos 598, 600, 602 to 627, 629, 631 to 635, 637 to 644, 646 to 656, 658 to 660, 662 to 672, 674, 675, 677, 678, 680, 684, 685 and 687 to 694 had been reclassified as General Business (Community Recognition Notices).**

**Question—That the following motions given by the members as indicated pursuant to notice be formally agreed to—proposed.**

### **SURFING CHAMPION ERIN DARK**

**Mr GARETH WARD—That this House:**

- (1) congratulates Erin Dark, of Gerringong, on her recent success in riding a perfect 10 wave at North Cronulla Beach.
- (2) notes that Erin Dark is the current NSW Open Women's Longboard Champion and NSW Under 18 Champion.
- (3) wishes Erin Dark the best of success in her surfing career.

**TRIBUTE TO MR BRENTON BANFIELD**

**Mr JAI ROWELL**—That this House:

- (1) notes the death of Mr Brenton Banfield, a former Mayor of Campbelltown, who passed away on 7 November 2011.
- (2) notes that Mr Banfield was elected to Campbelltown City Council from 1991 to 2007 and served as mayor on a number of occasions.
- (3) notes that Mr Banfield was instrumental in establishing programs run by Campbelltown Council, had some ambitious ideas and was known for his love of his community.
- (4) notes that Mr Banfield was a prominent solicitor in Campbelltown and Liverpool.
- (5) offers its condolences to his wife and family and notes the city of Campbelltown has lost a great citizen.

**DISABILITY SERVICES AUSTRALIA**

**Mr JAI ROWELL**—That this House:

- (1) congratulates Disability Services Australia on the opening on 26 October 2011 of the refurbished premises at Picton used for its day options program.
- (2) acknowledges the hard work and dedication that the staff undertake to ensure excellent services are provided to people with disability from the Wollondilly region.

**UNIVERSITY OF NEWCASTLE**

**Ms SONIA HORNER**—That this House:

- (1) congratulates the University of Newcastle on retaining its prestigious place in the top 300 universities in the world.
- (2) acknowledges the university is increasing its enrolments among regional students.
- (3) welcomes new Vice Chancellor, Professor Caroline McMillen.

**CORPS OF GUARDS**

**Mr VICTOR DOMINELLO**—That this House:

- (1) notes that on 15 October 2011 the graduation ceremony for the inaugural Corps of Guards took place at the ANZAC Memorial Building.
- (2) notes that the Corps of Guards is an initiative of the New South Wales Branch of the RSL following its legislative appointment in 2010 as Guardian of the Memorial.
- (3) notes that this year's graduates are the first volunteer Corps of Guards to be inducted for their important role at the Anzac War Memorial, Hyde Park.
- (4) acknowledges those that attended the ceremony, particularly Mr Douglas James, Guard Adjutant, Mr Mark Lee, former Navy Photographer and Mr Chris Perrin, State Secretary RSL.
- (5) commends the work of the RSL, including that of Mr Chris Perrin and others who initiated the Corps of Guards concept.

**CRICKETER LEAH POULTON**

**Ms SONIA HORNER**—That this House:

- (1) congratulates Australian Cricket Representative, Leah Poulton, of Wallsend, on her support of girls' cricket in Newcastle.
- (2) notes that Leah Poulton gave her time on 4 November 2011 as coach and special guest at a "Come and Try Evening" for girls.

**LAWN BOWLS CHAMPION SARAH BODDINGTON**

**Mr GARETH WARD**—That this House:

- (1) congratulates Sarah Boddington, of Huskisson, on her recent success in winning the NSW Women's Bowling Association State singles title.
- (2) notes that at 19 years of age, Sarah has become the State's youngest ever winner of the Women's State singles title.
- (3) wishes Sarah all the best of success for her lawn bowls career.

**ATHLETE JADE GROVER**

**Ms SONIA HORNER**—That this House:

- (1) congratulates Jade Grover, of Glendale Technology High School, on his recent third place in the Combined High Schools State cross country championships.
- (2) notes that Jade will take part in the State athletics championships later this season.

**REVEREND BOB FRISKEN BOOK LAUNCH**

**Mr JAI ROWELL**—That this House:

- (1) congratulates the Reverend Bob Frisken on the launch of his book *It Only Takes A Spark* on 21 October 2011 at Morling College.
- (2) notes that the book is about the formation of Christian Community Schools, now known as Christian Schools Australia, and the many schools that were established as a result of the efforts of Reverend Frisken.
- (3) acknowledges the great work undertaken by Reverend Frisken and his late wife Maryanne Frisken in the field of Christian education.

**MENTAL HEALTH NURSE OF THE YEAR JON CHESTERTON**

**Ms SONIA HORNER**—That this House:

- (1) congratulates Jon Chesterton on receiving the Mental Health Nurse of the Year award at the International Mental Health Nursing Conference held on the Gold Coast.
- (2) notes that the award recognises Mr Chesterton's contribution to professional development and training for mental health nurses, much of which was undertaken voluntarily.

**SHOALHAVEN BASKETBALL ASSOCIATION REPRESENTATIVE REFEREE JACK FISHPOOL**

**Mr GARETH WARD**—That this House:

- (1) congratulates Jack Fishpool, of Cambewarra, on his recent success in being awarded the Shoalhaven Basketball Association's Representative Referee for 2011.
- (2) acknowledges Jack's progress from refereeing in the local competition through to the New South Wales State Cup.
- (3) wishes Jack the best of success in his future refereeing career.

**MUNIBUNG HILL**

**Ms SONIA HORNER**—That this House:

- (1) Congratulates Councillor Daniel Wallace and the Lake Macquarie Council on the proposed recreation and tourism plans for Munibung Hill.
- (2) Notes that Munibung Hill is an important Aboriginal site and the proposed plans include walking tracks, picnic tables and a statue of an Aboriginal family to acknowledge the site's history.

**SCULPTURE BY THE SEA**

**Ms GABRIELLE UPTON**—That this House:

- (1) Acknowledges the launch of "Sculpture by the Sea" at Bondi on 3 November 2011.
- (2) Notes its important cultural, social and economic contribution to New South Wales.
- (3) Congratulates its founder David Handley, the Board and organisers on the 15th anniversary of "Sculpture by the Sea".

**PHEASANTS NEST RURAL FIRE BRIGADE**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates the Pheasants Nest Rural Fire Brigade Team on the opening of its new fire shed at Pheasants Nest.
- (2) Notes most of the money required for the shed was raised by members of the Rural Fire Service Brigade and the community.
- (3) Thanks the Pheasants Nest Rural Brigade for its service to the community.

**SHOALHAVEN HEADS PUBLIC SCHOOL 150TH ANNIVERSARY**

**Mr GARETH WARD**—That this House:

- (1) Congratulates Shoalhaven Heads Public School, which celebrates 150 years of education on 24 November 2011.
- (2) Notes that celebrations include the opening of a time capsule buried 25 years ago, the official opening of the new school hall and the unveiling of a 150th year commemorative plaque.
- (3) Acknowledges the ongoing and tremendous contribution made by the Principal, Ian Henderson.
- (4) Wishes all of the staff and students at Shoalhaven Heads Public School all the very best for their futures.

**BROUGHTON ANGLICAN COLLEGE TWENTY-FIFTH ANNIVERSARY**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates Broughton Anglican College on its 25th anniversary.
- (2) Commends the Principal and staff at Broughton Anglican College for their hard work and dedication to the students of the school.
- (3) Wishes Broughton College all the best for the next 25 years.

**KIAMA PUBLIC SCHOOL 150TH ANNIVERSARY**

**Mr GARETH WARD**—That this House:

- (1) Congratulates Kiama Public School, which will celebrate 150 years of education on 18 November 2011.
- (2) Notes that Kiama Public School has provided quality education for many generations of families in the local community and has provided excellent learning opportunities for all students.
- (3) Acknowledges the ongoing and tremendous contribution made by the Principal, Diane Quill.
- (4) Wishes all the staff and students at Kiama Public School all the very best in their future endeavours.

**NEWCASTLE JETS W-LEAGUE TEAM**

**Ms SONIA HORNER**—That this House:

- (1) Notes the Newcastle W-League Jets with "Matildas" Lisa De Vanna, Emily Van Egmond and Melissa Barineri and German international Ariane Hingst have a new look this season.
- (2) Notes that the Newcastle W-League Jets are running second in the W-League competition.

**BARGO CHAMBER OF COMMERCE**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates the Bargo Chamber of Commerce for its initiative "Beautifying Bargo Day" that will occur on 12 November 2011.
- (2) Thanks the Bargo Chamber of Commerce President, David Auchterlonie, and Secretary, Jodie Grundy, and the rest of the chamber for its support of this community event.
- (3) Acknowledges Tahmoor Garden Centre for providing the plants and trees on the day.
- (4) Notes that this event will involve many groups on the day, including the Bargo Rural Fire Service, Tahmoor Lions Club and Waratah Retirement Village among other groups and individuals.

**CANTERBURY ROAD SAFETY GROUP**

**Ms LINDA BURNEY**—That this House:

- (1) Congratulates the Canterbury Road Safety Group for continuing its fight for improved pedestrian safety between Canterbury Railway Station and Church Street, Canterbury.
- (2) Notes that the group is calling for the installation of traffic lights, a crossing at the intersection of Canterbury Road and Floss Street, Canterbury, a 10km/h reduction in the speed limit and the extension of Canterbury Public School's school zone.
- (3) Congratulates the Canterbury Road Safety Group President Karen Rivers for her commitment and dedication to the group.

**TRIBUTE TO COUNCILLOR MICHAEL MEGNA**

**Mr JOHN SIDOTI**—That this House:

- (1) Acknowledges Councillor Michael Megna, of City of Canada Bay Council, for his 20 years of service to local government.
- (2) Congratulates him on his many achievements as former mayor of Drummoyne and as a councillor of Canada Bay.
- (3) Wishes him all the best in celebrations, highlighting his many achievements, on 9 November 2011.

**HUNTER ACADEMY OF SPORT GIRLS WATER POLO TEAM**

**Ms SONIA HORNER**—That this House:

- (1) Congratulates the Hunter Academy of Sport girls water polo team for winning top honours in the under 16 division of the Hawaiian invitational water polo tournament.
- (2) Commends coach Shannon Johansen and the team for their efforts.

**Woronora Bush Fire Brigade**

**Ms MELANIE GIBBONS**—That this House:

- (1) Congratulates the Woronora Bushfire Brigade on the time and effort it puts into preparing to fight bushfires each year.
- (2) Thanks the Brigade for putting their lives at risk to protect others.
- (3) Congratulates the Brigade on the recent opening of their new fire station and floating pontoon.

**CANTERBURY BOYS HIGH SCHOOL**

**Ms LINDA BURNEY**—That this House:

- (1) Congratulates the students and staff from Canterbury Boys High School for their initiative in greening their school through a program of Conservation Volunteers Australia and the Vodafone Australia Foundation.
- (2) Acknowledges that they have weeded and mulched native garden beds as part of the Green Schools Connect program conducted by 30 schools nationwide.

**CAMPBELLTOWN TOASTMASTERS CLUB**

**Mr BRYAN DOYLE**—That this House:

- (1) Congratulates Campbelltown Toastmasters Club on their 800th meeting held on 2 November 2011.
- (2) Mr Cyril Tipping for 30 years active membership of the Campbelltown Toastmasters Club.

**MEMORY MAGIC PROGRAM**

**Ms SONIA HORNER**—That this House:

- (1) Congratulates Hunter based Anglican Care and the Jesmond Grove Hostel on winning the Positive Living award for the use of the "memory magic" program in its nursing homes.
- (2) Notes this innovative board game is used to help jog the memory of those who struggle with short-term memory loss and to help improve morale and behaviour.

**BOMADERRY PUBLIC SCHOOL**

**Mr GARETH WARD**—That this House:

- (1) Congratulates Bomaderry Public School on officially opening the upgrades to the library and classrooms on 9 November 2011.
- (2) Notes that Bomaderry Public School has provided quality education for many generation of families in the local community and has provided excellent learning opportunities for all students.
- (3) Acknowledges the ongoing and tremendous contribution made by the Principal, Dionne Hanbridge.
- (4) Commends all the teachers, staff and students at Bomaderry Public School and wishes them all the best in their future endeavours.

**DUKE OF EDINBURGH AWARDS**

**Mr BART BASSETT**—That this House:

- (1) Acknowledges the Duke of Edinburgh Awards as a prestigious honour that recognises the leadership and abilities of young people.
- (2) Congratulates David Singleton, of Colo High School, who was recently awarded the Gold Duke of Edinburgh Award at a ceremony at Government House hosted by Her Excellency, the Governor Professor Marie Bashir, AC, CVO.

**TAHMOOR MEN'S SHED**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates the men at the Tahmoor Men's Shed for their community work.
- (2) Notes that its membership has increased such that they are in need of another shed.
- (3) Wishes them well with the development of their next shed.

**JOAN SUTHERLAND SOCIETY OF SYDNEY**

**Mr JOHN SIDOTI**—That this House:

- (1) Congratulates the many volunteers of the Joan Sutherland Society of Sydney, a not-for-profit organisation, to assist the talented young opera singers.
- (2) Acknowledges the tireless work of Mr Doug Cremer, President of the Joan Sutherland Society, over the past 10 years.
- (3) Wishes Mr Doug Cremer the best on his retirement as President.

**BELMORE SPORTS GROUND**

**Ms LINDA BURNEY**—That this House:

- (1) Notes the commencement of the \$8.4 million upgrade of Belmore Sports Ground, the home of the Canterbury-Bankstown Bulldogs.
- (2) Acknowledges the tireless work that the Back to Belmore Group have done to revive Belmore Sports Ground and bring local sporting groups to work together.
- (3) Congratulates the Back to Belmore Group and the Bulldogs for plans to keep the historic venue and its future plan to transform it into a top class multi-purpose sporting facility.

**VIKINGS YOUTH FUTSAL TEAM MEMBER JEREMY ROBINSON**

**Mrs LESLIE WILLIAMS**—That this House congratulates Jeremy Robinson, of Camden Haven High School, on his selection in the Australian Vikings Youth Futsal team which will tour China in April 2012.

**JOHN HUNTER CHILDREN'S HOSPITAL NEONATAL INTENSIVE CARE UNIT**

**Ms SONIA HORNER**—That this House:

- (1) Congratulates the wonderful achievements of the John Hunter Children's Hospital Neonatal Intensive Care Unit.
- (2) Notes that since 1991 nearly 19,000 babies have passed through this unit receiving specialist care.

**CUP AND SAUCER CREEK WETLAND**

**Ms LINDA BURNEY**—That this House:

- (1) Acknowledges that Sydney Water has officially handed over the management of the Cup and Saucer Creek Wetland to Canterbury City Council.
- (2) Notes that the wetland restores some of the Cooks River's natural character and helps improve the overall health of the Cooks River by filtering stormwater runoff and establishing a local habitat for native wildlife.
- (3) Congratulates the project on its recent award of 'Highly Commended' at the NSW Stormwater Excellence Awards.

**MACARTHUR PACIFIC TONGAN ASSOCIATION**

**Mr BRYAN DOYLE**—That this House congratulates the Macarthur Pacific Tongan Association for hosting Dr Viliami Latu, Minister for Tourism, of Tonga, at a reception at the Campbelltown Catholic Club on 3 November 2011.

**STATE EMERGENCY SERVICE**

**Mr TONY ISSA**—That this House:

- (1) Notes the NSW State Emergency Service is an emergency and rescue service dedicated to assisting the community.
- (2) Acknowledges the contribution, commitment and hard work of the State Emergency Service.

**MACARTHUR DISABILITY SERVICES**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates Macarthur Disability Services on the unveiling of its Tahmoor site that enables training and employment opportunities for people with disabilities.
- (2) Acknowledges the hard work that Ann Thorn, Chief Executive Officer, and all the staff undertake on a daily basis serving people with disabilities in the Wollondilly region.
- (3) Thanks the Minister for Aging, and Minister for Disability Services for the grant of \$5,000 toward the hospitality training kitchen.

**NEXT OF KIN REGISTER**

**Ms LINDA BURNEY**—That this House:

- (1) Acknowledges the support of Canterbury Community Safety Committee for the Next of Kin Register by allocating \$3,000 to resource development.
- (2) Notes the register contains information on the nominated next of kin, doctor's details, and medical alerts.
- (3) Acknowledges the support for the register by Campsie Police Crime Manager, Detective Inspector John Betell as a tool to assist emergency services when there is no record of a next of kin.

**BILLABONG KOALA AND WILDLIFE PARK**

**Mrs LESLIE WILLIAMS**—That this House:

- (1) Congratulates Billabong Koala and Wildlife Park, Port Macquarie, on the new addition of a pair of rare snow leopards, named Kamala and Sabu, and on the construction of the new exhibit.
- (2) Acknowledges owner Mark Stone and the continued development of the park as a premier regional wildlife park and its contribution to tourism in the Port Macquarie region.

**LENNOX STREET STUDIOS ART FAIR**

**Ms LINDA BURNEY**—That this House:

- (1) Congratulates Jack Braudis, of Hurlstone Park, and Maria Christou, of Earlwood, who will be exhibiting their artwork in "Creative Corridors" at the Lennox Street Studios annual art fair.
- (2) Notes that Lennox Street Studios in Newtown is a thriving community of more than 30 artists.
- (3) Acknowledges that the "Creative Corridors" art fair provides a chance for the general public to visit the artists' studio to view the works and meet the artists.

**PALESTINE NATIONAL DAY**

**Mr TONY ISSA**—That this House:

- (1) Acknowledges Palestinian National Day.
- (2) Notes the International Day is an opportunity for the international community to focus its attention on the unresolved question of Palestine.

**CHUNG SHAN SOCIETY OF AUSTRALIA THIRTIETH ANNIVERSARY**

**Ms LINDA BURNEY**—That this House:

- (1) Notes that the Chung Shan Society of Australia recently celebrated its 30th anniversary.
- (2) Acknowledges the strong ties between China and Australia and the contribution of Chinese migrants to the nation.
- (3) Congratulates the Chinese community in serving and playing an important role in the local community.



**MACARTHUR DISABILITY SERVICES**

**Mr BRYAN DOYLE**—That this House:

- (1) Congratulates Macarthur Disability Services on their "Island Nights" Ball, held on 4 November 2011.
- (2) Congratulates Macarthur Disability Services for 29 years of committed service to the people of the Campbelltown.

**FESTIVAL OF FISHER'S GHOST STREET PARADE**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates all the staff of Campbelltown City Council and volunteers involved in bringing the community together at the annual Fisher's Ghost Festival street parade on 5 November 2011.
- (2) Thanks Campbelltown City Council for providing a day of fun and entertainment for all the families and members of the Wollondilly community.

**HANNAM VALE FESTIVAL OF FLOWERS**

**Mrs LESLIE WILLIAMS**—That this House:

- (1) That this House congratulates the organisers of the Hannam Vale Festival of Flowers held on Sunday 30 October 2011.
- (2) Notes the Festival was an overwhelming success and through the tour of local gardens, raised funds for facilities in Hannam Vale Reserve.

**PINETOWN PRECISION ENGINEERING**

**Mr BRYAN DOYLE**—That this House congratulates Alan Hadfield, and the staff of Pinetown Precision Engineering, Minto, for being a finalist in the NSW Premier's Export Award in the "Small to Medium Business" category.

**CAMDEN SHOWGIRL APRIL BROWNE**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates April Browne, of Theresa Park, the winner of the 2012 Camden Show Girl at the Camden Show Ball.
- (2) Acknowledges Ms Browne's hard work and contribution to our community, in particular in her role as President of the RAS Dairy Youth Committee and bringing her knowledge of cattle to the youth of the Wollondilly region.

**SOUTH WEST TENANTS ASSOCIATION**

**Mr BRYAN DOYLE**—That this House commends the South West Tenants Association, and Janet Davies, President, for conducting a successful conference at Kirah Ridge Christian Conference Centre, at Tahmoor, on 2 and 3 November, 2011.

**AUSTRALIAN DEFENCE FORCE**

**Mr BART BASSETT**—That this House:

- (1) Notes the importance of Australia's defence services which continue to play a role in national security, peace keeping and humanitarian operations in Australia and abroad.
- (2) Acknowledges and pays respect to the service and sacrifices given by the men and women who have served in the defence of Australia during times of conflict.
- (3) Recognises the decision by Hawkesbury City Council to name the new cycleway bridge at Rickabys Creek in honour of Hawkesbury resident Private Luke Worsley who was killed while on active service in Afghanistan in 2007.

**COLYTON HIGH SCHOOL TRADE SCHOOL**

**Mrs TANYA DAVIES**—That this House:

- (1) Congratulates Colyton High School Trade School on its success at the 2011 Rock Eisteddfod.
- (2) Thanks the teachers, students, parents and the Parents and Citizens Association members and senior executive for their hard work, training, and rehearsal of their production "Insomnia".
- (3) Congratulates the school community for winning three excellence awards for choreography, concept, and stage design and function.

**WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates event organiser Eve Langham, of Buxton, for her initiative in organising the Wollondilly community day for the World Day of Remembrance for Road Traffic Victims.
- (2) Thanks the emergency services personnel and all involved in providing care to those involved in road traffic accidents.
- (3) Acknowledges and pays respects to those Wollondilly families that have lost members to a road traffic incident.
- (4) Notes that the event will be held at the Picton Botanic Gardens on 20 November 2011.

**HARMONY DAY**

**Mr TONY ISSA**—That this House:

- (1) Acknowledges the Baha'i Group for organising Harmony Day and inviting all different religious and diverse community groups to share a night of harmony.
- (2) Notes the interfaith service began with songs of worship performed by the Temple choir in Arabic, English, Hindi and Samoan.

**OATLEY RSL SOCCER CLUB**

**Mr MARK COURE**—That this House:

- (1) Congratulates Oatley RSL Soccer Club on its presentation day held on 23 October 2011.
- (2) Congratulates all the players who received awards at the presentation.
- (3) Notes the role of the Oatley RSL Soccer Club in promoting an active lifestyle for young people in the community and teaching the benefits of team work through team sport.
- (4) Wishes Oatley RSL Soccer Club all the best for the 2012 season.

**QUEEN'S AWARD RECIPIENT RACHEL MARKS**

**Mr MATT KEAN**—That this House:

- (1) Congratulates Rachel Marks on receiving the Queen's Award, the highest accolade of the Girls Brigade.
- (2) Acknowledges the contribution by Rachel towards the local community through various efforts including volunteer work.
- (3) Acknowledges the contribution of community based organisations such as the Girls Brigade in providing skills and opportunities for individuals to serve their local communities.

**PADSTOW BAPTIST CHURCH**

**Mr GLENN BROOKES**—That this House:

- (1) Notes the excellent work and strong community support given by the Padstow Baptist Church.
- (2) Congratulates Senior Pastor, Graham Hoare, on the opening of the new church complex.
- (3) Notes the work undertaken by Grant Heslop, Manager Community Care and the many volunteers who give up their time to help the needy within the community.
- (4) Notes the support of the Police Commissioner for their work.

**UNIVERSITY OF WESTERN SYDNEY SCHOOL OF MEDICINE**

**Mr BART BASSETT**—That this House:

- (1) Congratulates the University of Western Sydney (UWS) School of Medicine on the forthcoming graduations of its first intake of medical students in December 2011.
- (2) Acknowledges the leadership of the University Council, the Chancellor, Vice Chancellor Professor Janice Reid, the Dean of the UWS School Medicine, Professor Annemarie Hennessy and her staff on establishing the medical school.
- (3) Acknowledges the partnership between the UWS School of Medicine and Blacktown and Mount Druitt Hospitals and Staff Medical Council that provide a quality teaching facility.

**DON'T DIS MY ABILITY AMBASSADOR STEVE RIPLEY**

**Mrs TANYA DAVIES**—That this House:

- (1) Congratulates Steve Ripley, of Claremont Meadows, on his appointment as a "DON'T DIS my ABILITY" Ambassador for 2011.
- (2) Congratulates Mr Ripley on his appearance in the Australian theatre production of "Children of a Lesser God".
- (3) Acknowledges Mr Ripley for his strong support of parents and families of children who are deaf or have a hearing impairment.

**TRIBUTE TO HARVEY WORTH**

**Ms TANIA MIHAILUK**—That this House:

- (1) Notes Harvey Worth has been a volunteer for charity organisations for almost fifty years and congratulates him for his decades of service to the Bankstown community.
- (2) Notes that Mr Worth was awarded the Medal of Australia last year for his work for charity organisations.
- (3) Notes that Mr Worth has been a Director of Bankstown City Aged Care since 1981 and the Treasurer since 1983 and will be retiring this year after more than thirty years of service.

**KU STARTING POINTS MACARTHUR**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates the staff and volunteers of KU Starting Points Macarthur for the support, care and assistance they provide to the families of the Wollondilly electorate.
- (2) Notes the assistance and opportunities the organisation provides to children.
- (3) Thanks Lorraine Brown for her ongoing efforts as coordinator of this organisation.

**LEBANON INDEPENDENCE DAY**

**Mr TONY ISSA**—That this House:

- (1) Acknowledges all Lebanese Communities as they celebrate the 68th Anniversary of Lebanon Independence Day, 22 November 1943.
- (2) Notes that the Lebanese Independence Day, is a national day celebrated in remembrance of the liberation of Lebanon after 23 years under French Mandate.

**ST GEORGE COMMUNITY SERVICES SOUTHERN SYDNEY VOLUNTEER EXPO**

**Mr MARK COURE**—That this House:

- (1) Notes the St George Community Services Southern Sydney Volunteer Expo held on 27 October 2011 that brought together a range of community service providers.
- (2) Commends the work of the St George Community Services in providing much needed support to the vulnerable and disadvantaged in the community.
- (3) Thanks the Minister for Ageing and Minister for Disability Services for opening the Expo.

**MARIE BASHIR PEACE AWARD RECIPIENT CARA VAN WYK**

**Mr MATT KEAN**—That this House:

- (1) Congratulates Cara van Wyk, of Hornsby Girls High School, on receiving a Marie Bashir Peace Award.
- (2) Acknowledges the contribution that Cara has made to peace, harmony and social justice in both the school community and beyond.
- (3) Commends individuals and programmes that further the values of peace, harmony and social justice.

**ST JUDE'S REFUGE**

**Mr GLENN BROOKES**—That this House:

- (1) Notes the work being undertaken within the Community by St Jude's Refuge.
- (2) Congratulates Mr Clem McNamara, the President of the Refuge, for leading an organisation that provides year round accommodation and meals for homeless men at minimal cost.

- (3) Recognises the efforts of the staff and volunteers of St Jude's Refuge.
- (4) Encourages the Government to continue to provide support for organisations such as St Jude's Refuge.

#### **ST MARYS LOCAL BUSINESS AWARDS**

**Mrs TANYA DAVIES**—That this House:

- (1) Congratulates the businesses that were nominated for, and winners of, the St Marys Local Business Awards 2011.
- (2) Congratulates St Marys businesses: Go Bananas Family Entertainment Centre; Enchanted Hair and Beauty; Graham's Hobby Centre; Camels Bins; Cath's Cakes; A & R First Choice Smash Repairs; Martins Chemist; Chimes Hair Design and Toros Kebabs.
- (3) Congratulates St Clair businesses: Sam's Italian Seafood Restaurant; Rockmans; Optix 2000 and Matthews Quality Meats.
- (4) Congratulates Colyton business, Wild Ride Australia.

#### **YOUTH WORLD SHOW TEAM MEMBER MADDIE LANE**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates Maddie Lane, of Tahmoor, who at 13 years of age will be part of Australia's Youth World Show Team competing in the 2012 World Youth Show in Texas, United States of America.
- (2) Notes the commitment made by Maddie to horse riding and wishes her all the best in the competition.

#### **PEAKHURST AMATEUR SWIMMING CLUB FIFTIETH ANNIVERSARY**

**Mr MARK COURE**—That this House:

- (1) Congratulates the Peakhurst Amateur Swimming Club on its 50th Anniversary, celebrated on 22 October 2011 at Mortdale.
- (2) Commends the work of the Peakhurst Amateur Swimming Club in teaching local children to swim.
- (3) Recognises the importance of learning to swim in Australian culture and for improved water safety.

#### **CANTEEN NATIONAL BANDANNA DAY AND BLACKWELL PUBLIC SCHOOL**

**Mrs TANYA DAVIES**—That this House:

- (1) Acknowledges the work of Canteen in supporting 12 to 24 year olds living with cancer through camps, programs and peer support.
- (2) Congratulates Blackwell Public School on raising \$1,210 for Canteen on Bandanna Day in 2011.
- (3) Congratulates Marnee Larden, of Blackwell Public School, on her creative poster display for Bandanna day.

#### **CATHY MAHER EQUESTRIAN ACHIEVEMENTS**

**Mr JAI ROWELL**—That this House:

- (1) Acknowledges Mrs Cathy Maher, of Picton, in her love of horses and notes her success in showing horses in national competitions.
- (2) Congratulates Mrs Maher on her horse Nehima which made the top five in a prestigious east coast competition and Niva which was reserve champion at a state competition.
- (3) Wishes Mrs Maher all the best as she prepares her horses for national competition later this year.

#### **ST GEORGE COMMUNITY AWARDS**

**Mr MARK COURE**—That this House:

- (1) Notes the inaugural St George Community Awards held on 27 October 2011, attended by the Premier as a special guest.
- (2) Congratulates all those who received awards on their outstanding service to the St George community across a range of categories including: St George Community Award; Young Person of the Year; Older Person of the Year; Sportsperson of the Year; and Community Group of the Year.

#### **RETIREMENT OF ROBERT PHILLIPS**

**Mr MATT KEAN**—That this House:

- (1) Thanks Mr Robert Phillips for his contribution to education as the Principal of Hornsby Girls High School.

- (2) Acknowledges the impact that Mr Phillips has had as principal of Hornsby Girls High School which now ranks amongst the top three schools for the Higher School Certificate results and wishes him all the best in his retirement.
- (3) Extends best wishes to Mr Justin Briggs in continuing the hard work of Mr Phillips as the new Principal of Hornsby Girls High School.
- (4) Notes the importance of teachers and staff at the school and the impact they have to the quality of education the students receive.

#### **RURAL FIRE SERVICE**

**Mr BRYAN DOYLE**—That this House congratulates the volunteer members of the Rural Fire Service who were awarded the National Medal and Long Service Medals at the award ceremony held at the Liverpool Catholic Club on 5 November 2011.

#### **KU-RING-GAI LOCAL AREA COMMAND**

**Mr MATT KEAN**—That this House:

- (1) Notes the drop in almost all areas of crime rates in the Hornsby area.
- (2) Acknowledges the work of Ku-ring-gai Area Command, New South Wales Police and the wider community in targeting and preventing criminal activity.
- (3) Notes the importance of supporting police and community groups.

#### **GALSTON PUBLIC SCHOOL 125TH ANNIVERSARY**

**Mr MATT KEAN**—That this House:

- (1) Congratulates Galston Public School on its celebration of 125 years.
- (2) Acknowledges the work of staff and parents in supporting the school and the positive impact the school has had for students and the wider community.
- (3) Continues to support schools in providing quality education to students to ensure they have the best opportunities to use their skills and knowledge.

#### **WELLINGTON ROTARY CLUB**

**Mr ANDREW GEE**—That this House:

- (1) Congratulates the Wellington Rotary Club, an organisation that has engaged in thousands of community projects since it was founded in 1937.
- (2) Notes that the 33 members of the club recently raised \$70,000 so that a room for patient accommodation could be included in the recently built CareWest Lodge at Orange.
- (3) Places on record Rotary's contribution to the Wellington community and wishes them well for the future.

#### **CAMDEN SHOW**

**Mr BRYAN DOYLE**—That this House:

- (1) Congratulates David Head, President of the Camden Show Society, on the 50th year of the Camden Show Ball, which recognises the Camden Show Girl and Rural Achiever.
- (2) Congratulates April Browne as the Camden Show Girl and Patrick Buckley as the Rural Achiever for 2012.

#### **KANANDAH RETIREMENT VILLAGE BOARD**

**Mr ANDREW GEE**—That this House:

- (1) Congratulates the Board of Kanandah Retirement Village at Mudgee in marking 10 years since the current board took office in August 2011 and 25 years since it originally opened.
- (2) Notes that at the time that Colin Box and the Board of volunteers took office the aged care facility was in danger of being lost to local ownership.
- (3) Wishes the Kanandah Board and all those who give their time freely for the benefit of the town's senior citizens well for the future.

#### **FOOTBALLER MIKAYLA COOK**

**Mrs TANYA DAVIES**—That this House:

- (1) Congratulates 10 year old Mikayla Cook, of Bethany Catholic Primary School, and St Joseph's Soccer Club, Kingswood, on their win in the Futsal West City Crusaders Competition.

- (2) Congratulates Mikayla on being selected to play for West City Crusaders FC in the under 12 Girls Futsal Super League Competition.

#### **THIRLMERE TRAIN WORKS MUSEUM**

**Mr JAI ROWELL**—That this House:

- (1) Acknowledges Trainworks Rail Museum, at Thirlmere, being named as a finalist in the 2011 NSW Tourism Awards.
- (2) Thanks all those involved for their hard work and enthusiasm by ensuring Wollondilly is seen as a tourist attraction for all.

#### **ORANGE RIDING FOR THE DISABLED**

**Mr ANDREW GEE**—That this House:

- (1) Congratulates the Orange Riding for Disabled group that has been run by volunteers for more than 30 years.
- (2) Notes the group has a special relationship with Anson Street Public School, Orange, to give children with disabilities the experience of horse riding.
- (3) Notes the Orange Riding for the Disabled's valuable contribution to Orange and wishes them well in the future.

#### **RIGHT START FOUNDATION**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates Macarthur area cyclists who are about to embark on a Canberra to Sydney charity ride for The Right Start Foundation.
- (2) Acknowledges the team of 15 cyclists that comprises local Rotarians, Macarthur Collegian Cycling Club members and local business people.
- (3) Praises the Right Start Foundation for its continued efforts to establish the first Down Syndrome specific centre in Australia, in the Wollondilly/Macarthur region.

#### **BENDIGO BANK, BEROWRA**

**Mr MATT KEAN**—That this House:

- (1) Congratulates Bendigo Bank, Berowra on celebrating its fifth birthday.
- (2) Notes the wonderful impact it has had on the local community including over \$75,000 given in community grants.
- (3) Recognises the importance of local businesses, and the services and opportunities they provide, to the community.

#### **NSW CARERS AWARD RECIPIENT CARMEL FLAVELL**

**Mr JAI ROWELL**—That this House:

- (1) Congratulates Carmel Flavell, a staff member of Community Links Wollondilly and mother of four for receiving the New South Wales Carers Award.
- (2) Thanks Community Links Wollondilly, and in particular Carmel, for their hard work and dedication to the community of Wollondilly.

**Question put and resolved in the affirmative.**

**Community recognition notices agreed to.**

### **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

#### **Narellan Road Upgrade**

**Mr CHRIS PATTERSON** (Camden) [3.30 p.m.]: The motion that I seek to be accorded priority states that this House supports the Government's commitment to upgrade Narellan Road. It should be accorded priority because the people of Camden never deserved to be forgotten by those on the other side for so long. I am proud that the O'Farrell Government has committed \$15.4 million and started work on the widening of Narellan Road to three lanes in each direction. This Government is committed to providing the infrastructure that those opposite neglected for so long.

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

**Mr CHRIS PATTERSON:** It is disappointing that the former Labor Government earmarked Camden for expansion from its current 70,000 people to nearly 300,000 in the future and never once committed or attempted to commit to the upgrading or provision of any infrastructure in Camden. Those opposite just do not get it. You cannot bring as many people as that to Camden and fail to provide the infrastructure to accommodate the growth. Narellan Road cannot cope with the current traffic numbers let alone the pressure that will be placed on it in the future. The congestion is a huge problem to the users of Narellan Road and it is impacting on their daily lives. That is why this motion should be accorded priority. My Labor predecessor said in the *Macarthur Advertiser* in August 2010:

There were reasons why the road wasn't made three lanes all the way through including the environmental effects associated with crossing an historic water channel.

He also said:

They give the impression that it sounds like a good idea so they've thrown it out there and think people won't ask questions. It's just ludicrous.

My Labor predecessor thought that the Liberal Opposition's idea of upgrading Narellan Road was ludicrous. He went on to say:

It wasn't a good idea then and it's not a good idea now.

This shows the former Government had no vision for Narellan Road and certainly did not prioritise it as important for the people of Camden. That is why I am prioritising it and why this motion must be accorded priority. Nothing has changed. John Robertson has no vision for this upgrade, let alone a plan to enable it to occur. We are getting on with the job and upgrading Narellan Road. It is a slap in the face for the long-suffering commuters in Macarthur for those on the other side to argue that this should not be a priority. John Robertson has no idea and his shadow roads Minister, the member for Lakemba, has no idea when it comes to Narellan Road. I call on those on the other side to support this motion for the long-suffering commuters of Macarthur.

### **Community Building Partnership Program**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.33 p.m.]: My motion states:

That this House:

- (1) Recognises the vital importance of the Community Building Partnership program in the Hunter and Central Coast regions.
- (2) Notes that local projects funded in 2011 include:
  - (a) \$40,000 for Newcastle and Hunter Rugby Union Inc to redevelop its sportsground.
  - (b) \$34,106 for Life Church Limited to install a commercial kitchen to feed the homeless.
  - (c) \$10,000 for Hamilton Wickham District Cricket Club to cover its practice wickets and spectator area.
  - (d) \$9,900 for the Hunter Prostate Cancer Alliance to build a secure garage.
- (3) Supports the maintenance of full funding for the Community Building Partnership program in the upcoming State budget.

This motion deserves priority because the Treasurer's economic incompetence is now putting the State's triple-A credit rating at risk, so he is doing the only thing the O'Farrell Government is good at doing—lashing out, cutting funding, and being heartless and callous, which is what we have come to expect in the 14 months it has been in office. The Community Building Partnership program is a modest scheme but a worthy one. Thirty-five million dollars is not a huge amount in the context of the overall State budget but it breaks down to a maximum of \$400,000 per electorate, and the projects that it funds make a real difference to people's lives. Over the past year this money has been the lifeblood for organisations such as Swansea Meals on Wheels, Wyong Cricket Club and Doyalson Wyee RSL. Groups such as boy scouts, girl guides and men's sheds have all benefited from the Community Building Partnership. Community groups that are looking for support and that are raising money through people baking cakes and running sausage sizzles are working very hard.

The Community Building Partnership grants are the crucial piece of funding that can make the difference between a project becoming reality or not going ahead. I have seen Government backbenchers getting very nervous. We have seen them in the corridors whispering in the Treasurer's ear. Today I issue a challenge to Government members, particularly those from the Hunter and the Central Coast: Stand with us and stand with your constituents. Tell this out-of-touch Treasurer where to get off when it comes to the Community Building Partnership program. I challenge the member for Newcastle to stand up for his community so it can benefit, as did the Life Church Limited. I urge the member for Swansea to stand up so his local communities can benefit in the same way as the Belmont Swansea United Soccer Club. I issue the same challenge to the member for Wyong, the member for Charlestown and the member for Maitland. If the Community Building Partnership program disappears next month— [*Time expired.*]

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

**The House divided.**

**Ayes, 63**

Mr Anderson	Mr Gee	Mr Roberts
Mr Ayres	Ms Gibbons	Mr Rohan
Mr Baird	Ms Goward	Mr Rowell
Mr Barilaro	Mr Grant	Mrs Sage
Mr Bassett	Mr Gulaptis	Mr Sidoti
Mr Baumann	Mr Hartcher	Mrs Skinner
Ms Berejikian	Mr Hazzard	Mr Smith
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Brookes	Mr Holstein	Mr Spence
Mr Casuscelli	Mr Humphries	Mr Stokes
Mr Conolly	Mr Issa	Mr Stoner
Mr Constance	Mr Kean	Mr Toole
Mr Cornwell	Dr Lee	Ms Upton
Mr Coure	Mr Notley-Smith	Mr Ward
Mrs Davies	Mr O'Dea	Mr Webber
Mr Dominello	Mr Owen	Mr R. C. Williams
Mr Doyle	Mr Page	Mrs Williams
Mr Edwards	Ms Parker	
Mr Elliott	Mr Patterson	
Mr Evans	Mr Perrottet	<i>Tellers,</i>
Mr Flowers	Mr Piccoli	Mr Maguire
Mr Fraser	Mr Provost	Mr J. D. Williams

**Noes, 24**

Mr Barr	Mr Lynch	Ms Tebbutt
Ms Burney	Dr McDonald	Mr Torbay
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hay	Mrs Perry	
Ms Hornery	Mr Piper	<i>Tellers,</i>
Ms Keneally	Mr Rees	Mr Amery
Mr Lalich	Mr Robertson	Mr Park

**Question resolved in the affirmative.**



**NARELLAN ROAD UPGRADE****Motion Accorded Priority**

**Mr CHRIS PATTERSON** (Camden) [3.45 p.m.]: I move:

That this House supports the Government's commitment to upgrade Narellan Road.

I am bitterly disappointed that members of the Opposition opposed my motion being accorded priority. The fact that the Leader of the Opposition, the member for Lakemba and other Opposition members voted against the motion is disappointing and a slap in the face for every commuter who uses Narellan Road. Opposition members now have an opportunity to support my motion and to show the people of Macarthur that they support them. I am proud to say that the Government has committed \$15.4 million to start the upgrade of Narellan Road—three lanes each way. Work has commenced and shortly we will see the start of construction on the third lane. The Government has acted positively on this initiative.

The Premier and the Minister for Roads and Ports have visited my electorate of Camden on a number of occasions. They have committed funds not only to Narellan Road to help the long-suffering commuters of my electorate but also to Camden Valley Way. For the first time a time frame has been set and a budget allocated for the completion of Camden Valley Way, in 2016. Under the former Government, Camden Valley Way was known as the "goat track". I am extremely proud that after the former Government delivered nothing for 16 years this Government has set 2016 as the completion date for work on approximately 12 kilometres of dual lanes on Camden Valley Way.

The former Government predicted that the population of Camden would grow from 70,000 to 300,000 but it never upgraded roads or provided infrastructure to meet future needs. This Government is about providing infrastructure and it is committed to upgrading Narellan Road and Camden Valley Way. Under the wonderful Minister for Transport, the South West Rail Link project will be completed by 2016, at a cost of \$2.1 billion. That project was announced 10 times by the former Government but not one track was laid. The Leader of the Opposition and his colleagues had no plans and no vision for Camden or for western Sydney as a whole. Clearly, they have no interest in supporting my motion to assist the people of my electorate. The member for Lakemba, the shadow Minister for Roads and Ports, is in the Chamber. During a recent trip to my electorate he stood on the side of Narellan Road with Labor's mouthpiece in our area, Greg Warren, and uttered these astonishing pearls of wisdom:

The Minister for Roads and Ports and his department must bring all parties together to find a solution to the congestion on Narellan Road.

Newsflash: That is exactly what this Government has been doing from the day it was elected. This Government is getting on with the job that the former Government left for it. Since my election I have met regularly with the Minister for Roads and Ports and members of his staff, representatives of numerous departments and Roads and Maritime Services, representatives of Mount Annan Christian College—which must be a major consideration when upgrading Narellan Road—and representatives of Camden Council. I have brought them together, but where were the member for Lakemba and the mayor in that process?

The Narellan Road upgrade is a priority for this Government. The member for Lakemba and the former Government had 16 years to do the work yet he now calls for the project to be completed. For 16 years the people of Macarthur were neglected. The former Government gave no thought to providing infrastructure in my area. This motion should be supported by all members of this House because it has many ramifications for the long-suffering mums and dads who travel along Narellan Road every day and who are missing out on quality time with their families. Every member of this House must support my motion and acknowledge that the Government is getting on with the job of upgrading Narellan Road.

**Mr ROBERT FUROLO** (Lakemba) [3.50 p.m.]: I am happy to discuss funding for roads in New South Wales, and particularly in western Sydney. Of course the Opposition welcomes any news about roads funding, especially for western Sydney. The people of Camden and outer western Sydney will be pleased that \$15 million will be spent on Narellan Road. No-one would argue with that perfectly reasonable proposition. However, the tragedy is that the rest of western Sydney is the big loser as a result of this Government's approach to roads funding. The O'Farrell Government's first budget contained a measly \$348 million for roadworks in western Sydney, according to its own press release issued after the budget announcement. I say "measly" because that amount is a shadow of the massive amount spent by the Labor Government. I will remind members

of the figures. The former Government allocated \$488 million to roadworks in western Sydney in the 2009-10 budget and \$543 million in the 2010-11 budget. That is roughly \$200 million more than the amount allocated in the O'Farrell Government's first budget.

My colleague the member for Macquarie Fields will provide the House with details about road projects undertaken by the Labor Government. They include \$30 million spent widening the M5 between Brookes Road and Camden Valley Way. I am sure that the people of Camden, Campbelltown and Wollondilly are grateful for that project. The former Government also completed a little project called the M7. Members might have heard about it, and they might even have travelled on it. It is a fabulous road and a great initiative of the former Government. It also widened the M4 to assist people travelling from the Blue Mountains and Penrith into the city, and built the M5 East extension. That was a little project costing \$800 million that made the lives of the people of Camden, Campbelltown and Wollondilly so much better. I could list more Labor Government road projects, but I will leave that to the member for Macquarie Fields.

What other promises has this Government failed to deliver on? It promised to start work on one of the missing-link projects, whether it be the M5 East, the M4 East, the M2 to F3 link or the F6. What has happened? Which project will be funded? Does anyone know which project the Government intends to build? No-one knows and no work has been done. That is yet another commitment trashed by this Government. The Federal Government has committed \$200 million to help the Government with the planning work on these projects, but the O'Farrell Government has not even decided which project it will build. Members opposite had 16 years to decide which project they should prioritise and they have had 15 months in office, but they still do not know which project will be commenced. Will it be the M5 East? We would like to think so. Will it be the M4 East? That would be a great project. We just do not know because members opposite have not made up their minds.

The people of western Sydney and south-western Sydney are forced to sit in traffic jams that are getting worse every day because this Government talks big but cannot make the tough decisions. It cannot tell the people which road project will be funded. Hopefully the congestion on Narellan Road will be relieved as a result of this allocation of \$15.4 million, but what will happen when motorists reach the M5? They will hit the bottleneck that motorists in the local area know only too well. Why? It is because this Government still has not decided whether it will fund the duplication of the M5. The residents and motorists of Camden, Campbelltown and Wollondilly should be asking their local member about the news that this Government has refused to rule out distance tolling on the M5.

**Mr Jai Rowell:** Point of order: We have been listening to the member for Lakemba for four and a half minutes and he has not yet spoken about Narellan Road.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is no point of order.

**Mr ROBERT FUROLO:** That is a great ruling. Constituents of the member for Wollondilly should be concerned about distance tolling. Will members opposite stare down their Minister? [*Time expired.*]

**Mr JAI ROWELL** (Wollondilly) [3.55 p.m.]: The member for Lakemba spent five minutes not addressing the motion. I support this motion and will highlight the significant funding commitments that this Government has made to south-western Sydney. That spending is vital to the future prosperity of this State and members opposite failed to deliver it for many years. It was made clear to me during the election campaign that a key concern was the lack of appropriate infrastructure needed to support our growing region of Macarthur. The communities of Wollondilly, Camden and Campbelltown begged us to listen as we went from door to door and heard stories of lengthy commutes to work and traffic congestion. People told us that they felt abandoned by the Australian Labor Party and that they had lost faith in their Government. For too long they had been promised the world and had been delivered very little.

In response, the Coalition asked for a chance; we asked the people for their trust and we told them that we would not let them down. It fills me with pride to speak to this motion because it is a testament to the fact that this Government is fulfilling its election commitments. The \$15.4 million commitment to widen Narellan Road, a key arterial road that starts in Wollondilly, services Campbelltown and ends in Camden, is underway. Work has started and is progressing well. The Coalition has campaigned for the upgrade for a long time, but those opposite continue to criticise it. Not content with simply running the State into the ground and abandoning the people of my electorate when they needed them most, Opposition members now have the audacity to condemn this Government's work. In fact, they have a history of opposing the work that is now underway.

I was proud to champion this cause with my colleague the member for Camden, Chris Patterson, in 2007. However, members opposite shunned the idea and the road remained congested for the Labor Government's entire final term in office. During the 2010 election campaign the Federal member for Macarthur, Russell Matheson, championed the project to upgrade Narellan Road but it was again stifled by State and Federal Labor. The former member for Camden, Geoff Corrigan, said that the \$15.4 million commitment to Narellan Road was ludicrous and that "it was not a good idea then and it is not a good idea now". Obviously members of the Labor Party have not travelled on Narellan Road and they do not know that it can take up to 45 minutes to travel such a short distance.

That sums up the mindset of members opposite: They do not listen to the people, they do not care about the daily plight of commuters and they do not care about south-western Sydney. In fact, one would be hard-pressed to find a good word that Labor has said about any of the multimillion dollar projects this Government is progressing. I am proud to support this motion and the member for Camden and the member for Campbelltown, who have delivered so much for the Macarthur region. We remain undeterred by the attitude of members opposite. We have the support of our constituents because they can see that we are already delivering what we promised.

**Dr ANDREW McDONALD** (Macquarie Fields) [3.58 p.m.]: One of the many reasons that politicians in the Macarthur area tend to get on across party lines is that we share the same roads, shop at the same shops and go to the same hospitals. Everyone who lives in the Macarthur area wants Narellan Road to be widened. However, the words of members opposite prove the dictum that history is written by the victor. The truth is that extensive work has been done on Narellan Road over the years. It was last widened between 2003 and 2007 and wide verges were also added. There are seven million people in this State and only one person is in the gallery listening to this debate. Members opposite will be judged not by whether this motion is passed but by whether Narellan Road is improved.

I hope that the member for Camden will tell the people of western Sydney what they will get for \$15.4 million. Will we get three lanes opened and widened between Appin Road and The Northern Road? When will we get it and how will it be done? Roads cost a great deal and if the member can manage to deliver 17 kilometres of widened road between Appin Road and The Northern Road for \$15.4 million even I will vote for him! The congestion is unacceptable. However, I point out that work was done in 2007 to upgrade significantly the traffic lights at Blaxland and Narellan roads. There was extensive work on The Northern Road bypass between Camden Valley Way and Narellan Road between 2007 and 2009. Those projects cost nearly \$50 million.

I very much look forward to the member for Camden upgrading 17 kilometres of road for \$15.4 million. Again, I ask him to tell us how it will be done—I am all ears. What else has happened over the past 16 years? The F5 was widened at enormous expense. Does anybody remember the gridlock between Narellan Road and Macquarie Fields? That work was achieved by the State and Federal Labor governments. I agree that Camden Valley Way has been widened significantly—through contracts sought and signed by our Government. The Camden Valley Way work is the result of tenders placed when we were in government. I very much look forward to future tenders extending Camden Valley Way to Cowpasture Road. I am told that the South West Rail Link will open in 2015.

**Ms Gladys Berejiklian:** It is 2016.

**Dr ANDREW McDONALD:** I note that the Minister for Transport is at the table. She corrects me to say that the date is 2016, which is the commitment that we gave when we were in government. [*Time expired.*]

**Mr CHRIS PATTERSON** (Camden) [4.00 p.m.], in reply: I commend the member for Wollondilly and the member for Campbelltown for their support, standing shoulder to shoulder and ensuring that the Government knows the people of our electorates need these upgrades. I thank them for their ongoing support. We three members have left the Government under no illusion as to the needs of our local areas. I will try to address a number of comments that have been made. The member for Lakemba said that western Sydney is the big loser under this Government. Let me reiterate: The total upgrade of Camden Valley Way—12 kilometres, two lanes each way—converting it from the goat track that it was under the former Government is a huge win.

**Mr Robert Furolo:** Our contract.

**Mr CHRIS PATTERSON:** It was the Opposition's goat track, and I am glad that it has taken ownership of that. A time frame was never committed to.

**Pursuant to sessional orders business interrupted and motion lapsed.**

## **HEALTH LEGISLATION AMENDMENT BILL 2012**

### **Second Reading**

**Debate resumed from 9 May 2012.**

**Mr CHRISTOPHER GULAPTIS** (Clarence) [4.01 p.m.]: It is with pleasure that I support the Health Legislation Amendment Bill 2012. The objects of the bill are: to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 for the purpose of improving the administration of the Health Practitioner Regulation National Law as it applies in New South Wales and by way of statute law revision; to amend the Health Records and Information Privacy Act 2002 to provide for the disclosure and use of genetic information subject to certain conditions; and to amend the Poisons and Therapeutic Goods Act 1966 to ensure that the same regulatory controls relating to certain restricted substances apply to registered podiatrists as apply to other registered health practitioners.

Amendments to the national law are necessary. All the proposed amendments to the Health Practitioner Regulation (Adoption of National Law) Act have an administrative tidying-up effect. As members will recall, the development of the National Registration and Accreditation Scheme for the Health Professions was a complex exercise. The decision of the New South Wales Parliament that this State would retain a separate and distinct complaints regime—a decision universally supported by members of Parliament and each of the regulated professions—means that the New South Wales legislation contains a number of complexities that do not apply in other jurisdictions.

As with any complex legislative and administrative scheme, a number of the complexities and their impacts were not evident when the legislation was passed by Parliament. With the benefit of almost two years experience, a number of minor inconsistencies and drafting oversights have come to light and are addressed in the bill. Members will be aware that the national registration and accreditation scheme is expanding on 1 July this year to include four new professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine practice, medical radiation practice, and occupational therapy. With the introduction of those professions, which have never before been registered in New South Wales, it is vital to ensure that the statutory provisions are up to date and apply in a consistent fashion across all professions. It is also critical that the statutory provisions expressly establish that the overall objective of the regulatory scheme is the protection of the public.

New section 3A clarifies that protection of the public is the touchstone for all action taken by New South Wales authorities under the legislation. The amendments will ensure that the New South Wales approach to dealing with complaints about the conduct, health and performance of registered health practitioners remains the gold standard against which the rest of the country is judged. The amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009 will include amendments to provisions relating to counselling. The bill amends sections 146B, 148E, 149A and 152I of the National Law to make clear that a health professional standards committee or tribunal can order a practitioner to undergo psychological counselling. The bill also amends the qualifications of lay or community members of bodies established under the National Law. The New South Wales eligibility criteria are inconsistent with, and narrower than, those applying to equivalent national bodies.

Amendments will also be made to provisions regarding appeals against decisions of health professional councils. The bill amends section 159 to provide that appeals under subdivision 2 are to be dealt with by way of rehearing and that fresh evidence may be given. Changes are being made to the appropriate body to review orders relating to suspension, disqualification or the imposition of conditions on a person's registration. In addition, changes will be made to section 163A of the National Law to ensure that the disciplinary decisions of health professional councils can be reviewed consistent with all other disciplinary and performance review decisions. Changes will also be made to section 163B of the National Law. The bill clarifies that the conditions imposed by a relevant review body will apply in the event of any inconsistency.

The bill also removes the requirement that tribunals give notice to the director general of proposed inquiries or appeals. The bill will ease administrative burdens of the tribunal and professional standards committees by amending section 167A and section 171 to remove the requirement of tribunals and committees to notify the director general of an inquiry or an appeal. Other proposed amendments include changes to mandatory notification. Changes will be made to evidentiary certificates and, in addition, there will be changes regarding the giving of notice of performance assessments. There will also be some miscellaneous amendments to the National Law. Other changes are being made under the amendment to the Health Records and Information Privacy Act 2002.

Under this amendment, a healthcare organisation will be able to use and disclose genetic information in certain circumstances when the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent a serious, but not necessarily imminent, threat to the life, health or safety of a genetic relative of the patient; the use or disclosure is conducted in accordance with guidelines approved by the NSW Privacy Commissioner; and, in the case of disclosure, the recipient of the genetic information is a genetic relative of the patient. The bill proposes amendments to sections 10, 11, 12, 16, 17, 18A, 34 and 36AA of the Poisons and Therapeutic Goods Act 1966. The amendments will ensure that podiatrists endorsed under the National Law can be lawfully supplied with the appropriate scheduled medicines under that Act. The bill is a practical and common-sense bill that tidies up a lot of administrative matters that need attending to. I commend the Health Legislation Amendment Bill 2012 to the House.

**Mrs LESLIE WILLIAMS** (Port Macquarie) [4.11 p.m.]: I speak on the Health Legislation Amendment Bill 2012. I congratulate the Minister for Health on demonstrating again her commitment to ensuring that the Government is able to deliver the best health services possible for the people of New South Wales. The purpose of the bill is to amend, through some minor changes, three Acts, which has arisen as a result of the introduction of the National Law. The three Acts to be amended are the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Health Records and Information Privacy Act 2002 and the Poisons and Therapeutic Goods Act 1966. I will focus first on the Health Practitioner Regulation (Adoption of National Law) Act 2009. In 2010 New South Wales—along with other Australian States and Territories—adopted the National Registration and Accreditation Scheme for the Health Professions.

In New South Wales the scheme was established through the Health Practitioner Regulation National Law. In New South Wales the National Law was modified to allow for the continuation of the Health Care Complaints Commission, which oversees complaints, discipline and management of health professionals. As chairperson of the Committee on the Health Care Complaints Commission, I understand why these changes are needed and I support the bill wholeheartedly. Section 3 of the National Law sets out the objectives and principles of the national registration and accreditation scheme, but these do not adequately address the aspects of the scheme that are unique to New South Wales. Consequently, new section 3A reflects the underlying importance of the protection of public health and safety in New South Wales. New section 3A is specific to New South Wales and reads:

In the exercise of functions under a New South Wales provision the protection of the health and safety of the public must be the paramount consideration.

The Health Legislation Amendment Bill 2012 also allows for a change with regard to the counselling of a health practitioner or student as a result of a complaint against them. Schedule 1 [15] to the bill allows for the counselling of a practitioner or student that can be ordered under the powers of a health professional council, a professional standards committee or a health profession tribunal, to include psychological counselling as well as medical or psychiatric counselling. Schedule 1 [15] also provides for a more consistent approach throughout the National Law with regard to the eligibility criteria for a community or layperson who sits on New South Wales specific professional bodies. The Health Legislation Amendment Bill also amends section 159 of the Act so that appeals from a health professional council are dealt with by way of rehearing and fresh evidence, or evidence in addition to or in substitution for the evidence that was before the council when it considered the matter.

The bill amends section 163 of the National Law, which details the appropriate review body in respect of an order and provides that the appropriate review body for an order is the relevant health profession tribunal, except when the chairperson of the tribunal determines that the national board is the appropriate review body. This may be the case when the practitioner has moved interstate. However, there may be circumstances in which a health professional council would be the appropriate review body and the amendment allows scope for the chairperson of a tribunal to make the decision to take that course of action. Section 163A of the National Law

sets out the rights that a person has to request a review of a relevant order and provides that an order made by a decision-making entity may be reviewed by an appropriate review body. A decision-making entity is defined as a committee, a performance review panel, the chair or deputy chair of a tribunal, a tribunal or the Supreme Court.

Health professional councils are not included in the definition and this must be rectified to give them powers in New South Wales to conduct an inquiry, to make a finding about unsatisfactory professional conduct and to make an appropriate order. The amendment to section 163A provides for the inclusion of health professional councils and ensures that their disciplinary decisions can be reviewed consistently with all other disciplinary and performance review decisions. Section 163B of the National Law sets out powers when a review is being undertaken and includes the power to make a reinstatement order that allows a person's registration to be reregistered. The amendment to this section recognises the requirements for registration under National Law and acknowledges conditions imposed in a reinstatement order. Under the National Law a practitioner who wishes to re-register must apply to the relevant national board and meet the relevant requirements which, in most cases, will include recency of practice and continuing education requirements.

The amendments to section 163B clarify two things: first, that a reinstatement order involves making an application for registration and having that application approved by the national board; and, secondly, that conditions can be imposed by an appropriate review body or by the national board. In the event of inconsistency in the conditions imposed, the bill clarifies that the conditions imposed by a relevant review body will apply. Some additional minor amendments to the Act are largely administrative and tidy up the effect of the National Law on the decision by the New South Wales Parliament to retain a separate and distinct complaints regime. The first is the removal of the requirement that tribunals give notice to the director general of proposed inquiries or appeals.

In New South Wales the director general does not need to be involved in health professional disciplinary proceedings because they are managed by the relevant councils and the Health Care Complaints Commission. Other amendments include changes to the provisions relating to mandatory notification; changes to evidentiary certificates; amendments to the giving of notice for performance assessments; and other minor amendments to address the specific parts of the National Law that are New South Wales specific—for example, acknowledging the change in the organisational name to the Ministry of Health. I congratulate the Minister on making the necessary changes to the Health Practitioner Regulation (Adoption of National Law) Act to provide consistency and clarification, and to reflect the approach taken by New South Wales to handling complaints about the conduct and performance of health professionals. I commend the Health Legislation Amendment Bill 2012 to the House.

**Dr ANDREW McDONALD** (Macquarie Fields) [4.18 p.m.]: I lead for the Opposition in debate on the Health Legislation Amendment Bill 2012, which the Opposition will support. Governments introduce similar bills regularly in response to changing health needs over time. Such bills were introduced in 2005, 2007, 2009, 2010 and 2011. This is a good bill that responds to community needs, not to ideology. This is a timely response to the necessary changes in medical practice and rather than a minor fix-up bill, the important changes in this bill will lead to improvements in patient care and safety. The Minister's second reading speech was clear and coherent, and paid attention to the complexities of the release of genetic information when consent is not forthcoming. Stakeholders were consulted prior to the introduction of the bill and I received a prompt, thorough and comprehensive briefing from the ministry and the Minister's office staff.

After the bill was introduced, everyone in New South Wales who may be affected by the bill had enough time to examine both the bill and the Minister's second reading speech, and I had time to consult again with some of the other stakeholders, including the Australian Medical Association [AMA], some practising geneticists and the Optometrists Association, all of whom have indicated their support for the bill. That is how it should always be done. Ramming legislation through in sausage-factory style, as is done in this place far too often, without time for debate or stakeholder consultation, forever reduces the legitimacy of any changes that the bill enshrines in legislation. It is rarely necessary and should be done only in the most exceptional circumstances. Unfortunately, it is done far too often.

The bill has three facets, which have been read into *Hansard* by the member for Port Macquarie so I will not repeat them. However, I will provide some context. With regard to the Health Practitioner Regulation Act, the rate of adverse events to patients in hospitals worldwide is approximately 10 per cent. In January to June 2010 about 0.18 per cent of patients admitted to hospitals in New South Wales—about one in 500—had a significant adverse event with a severity assessment code [SAC] 1 or 2. More people are affected by these

severe adverse events than are lost on the roads. The whole of the health profession is geared towards trying not only to reduce the rate of these adverse events but, when damage is caused, to have a rapid investigation, an appropriate apology and a response where indicated. That enables the whole health system to learn from adverse events that may occur in any part of the system.

I was involved in the Campbelltown and Camden investigations, which confirmed the significant shortcomings of care. They also confirmed the inability of the Health Care Complaints Commission, as it was then constructed, to investigate the complex interplay of human frailty, lack of adequate infrastructure to provide modern health care and inadequate provision of resources to do so. That is why the healthcare complaints system was changed to the system that was in place in 2010, prior to national legislation. This was not done Australia wide. Indeed, in Queensland the Health Quality and Complaints Commission still investigates not only individual practitioners but also systemic failures in delivery of care. This often means that the investigating body has two sometimes contradictory roles.

For that reason the previous Government's decision to reconfigure the complaints mechanism to its current form is seen by international experts as world's best practice. That is why it was important that New South Wales maintained its own health complaints and investigation system when national registration commenced, and that is why, although the legislation is difficult and these amendments were not foreseen at the time, they are necessary. These amendments will certainly improve the law as it applies to New South Wales, further enshrining that we have one of the world's best systems of investigation of adverse events when things do go wrong for patients but also a system of spreading that knowledge around the entire health system. This bill is important to further entrench that system. I turn now to the amendments to the Health Records and Information Act. Currently, the risk to the genetic relative of a person who is known to have a condition must be imminent.

With the large number of changes in genetic practice, that risk is often not imminent. For example, in cancer genetics we may know that some people have syndromes that predispose them inevitably to cancer for which prevention is possible. An example is a condition called polyposis coli, which means that people have colonic polyps that are pre-malignant. However, with adequate surveillance over many years the inevitable death from bowel cancer can be prevented, but only if the risk is known. Another example is breast cancer mutations: Knowledge means that the genetically affected relative of a patient can be offered treatment that will prevent completely the risk of developing breast cancer. This information is necessary to preserve the life of some people in this State—information that is currently held by the New South Wales Government—but unless that threat is imminent at this time, it is not able to be disclosed legally without the consent of the patient. The National Health and Medical Research Council paper on medical genetic testing states:

The sequencing of the human genome was completed in 2003 and identified approximately 20,000 different genes.

Of these, only a proportion have been associated with disease and a small proportion of those are currently tested in clinical practice.

However, with rapidly evolving knowledge and technologies, testing volume is increasing, results are available more quickly, and costs of DNA sequencing are falling. The regulatory framework within which medical genetic testing is provided in Australia is also changing.

This bill is part of that necessary change to the regulatory framework and one reason that this is an extremely important piece of legislation. The paper further states:

For example, it may be appropriate for a health professional to provide information about a genetic test being requested to identify the underlying cause of an affected patient's condition (diagnostic genetic test).

Use of the same genetic test to determine the genetic status of an unaffected genetic relative, and thereby determine the risk of that genetic relative becoming affected in the future (predictive genetic test), carries very different implications and professional genetic counselling may be required before the test is performed.

These changes to the legislation will protect patients in the unusual circumstance in which a person who finds that he or she has the genetic condition does not consent to have that information transmitted to a genetic relative. Those who do not give consent often have understandable reasons for not doing so. The most common reason is admission of genetic relation to somebody who has been brought up as a non-genetic relative. The family dynamics of such a disclosure may be affected permanently by such a disclosure. In that context the reluctance of the patient who knows he or she has a genetic condition to have that information disclosed to a

genetic relative is understandable. For that reason, the genetically affected relative requires that information, although the threat may not be imminent; it may be completely impossible to predict when that threat may develop. It may be six months; it may be 30 years. In her second reading speech the Minister said:

However, the serious and imminent test will rarely, if ever, allow disclosure of genetic information to a genetic relative without consent.

While many treatable and serious genetic disorders may pose a serious, and potentially fatal, risk or threat of harm, they are likely also to have a slow onset of many years and so are unlikely to meet the requirement that the threat be imminent.

I consulted several practising geneticists about this bill. I repeat: the Minister's second reading speech and the bill have been available for some time to enable experts in the field to comment, and that was most welcome. For example, Dr Alison Colley from Liverpool said:

Dear Andrew,

I wholeheartedly agree with the improvements that are outlined. This will enable geneticists to provide a level of care to genetic relatives that they feel is ethical. The speech is clear and concise.

Full support from me, and from my discussions, with other geneticists also.

Associate Professor Matthew Edwards not only agrees but also raises some other interesting issues. He said:

Thanks Andrew. One long-winded comment: I presume the act applies to all medical practitioners, but some of them might have limited knowledge of genetics or limited administrative resources. The family could be referred to a clinical genetics service if their doctor cannot contact everyone who is at risk, for instance if the kindred is a large one, or relatives are adopted, overseas or interstate.

Clinical genetics units are familiar with risk calculation, interpretation of complex laboratory tests, implications of genetic testing for education, employment, life or disability insurance, or discovery of non-paternity or non-maternity, they can keep large family-based records confidentially, maintain contact with families for generations and have contacts with registries such as the familial cancer registries, or with similar services that can help distant branches of the family. Genetic counselling includes the interpretation and explanation of genetic risks, benefits and disadvantages of different forms of genetic testing, medical screening and prophylaxis, and variable or age-specific penetrance, so relatives can make informed decisions about whether or when they or their dependents could have genetic testing or screening. Referral to a clinical genetics unit could remove the obligation from a single under-resourced practitioner to notify relatives, ensure that services offered to the family are consistent with best practice, and help to determine who in the family is at significant risk if the inheritance pattern or expression is complicated.

It is a summary of best practice genetics. I commend to members the New South Wales Centre for Genetics Education, which has a very good website that is helpful in difficult cases. I am pleased that the Commonwealth Privacy Commissioner has approved the National Health and Medical Research Council guidelines. As the Minister said, the National Health and Medical Research Council guidelines make it clear that if a disclosure occurs, only information that is necessary to communicate the risk of harm should be disclosed and where possible the patient should not be identified. However, this legislation will ensure that life-saving information is given to those who know because it is likely that in many cases this disclosure will mean that the patient is, in fact, identified and this is a very difficult situation. However, as I said earlier, protection through life-saving information, given to those who need to know, is at the centre of this bill.

As the Minister said, the amendment to the Act will allow but not require an organisation to use and disclose a patient's genetic information without consent only if the organisation reasonably believes that the use of disclosure is necessary to lessen or prevent serious threat to the life, health or safety, whether or not the threat is imminent to a genetic relative. The use of disclosure is conducted in accordance with the guidelines approved by the New South Wales Privacy Commissioner. This is a very important change to the way that patients and their relatives will be informed of risk in cases of genetic cancer, an area that is increasing rapidly, and disclosures without consent are highly likely to occur with significant frequency. That is why this legislation is so important to protect the patients who deserve any knowledge they can to preserve their lives but also the genetics clinics if they disclose this information.

The third part of the bill deals with the need for podiatrists to have the same regulatory controls for restricted substances as those that apply to other health practitioners. Podiatry is a field that provides vital care, especially to those with diabetes. Recent problems with access to podiatry services at Royal North Shore Hospital underline this. These front-line health workers need to be protected. I foreshadow that in future years when this legislation comes before the Parliament again, the need for many of the allied health professions such as podiatrists and optometrists to be able to further expand their prescribing rights and the use of restricted



substances will be debated, as these areas will be subject to much change. The addition of podiatrists to this legislation is both important and welcome. This is good and timely legislation. It has the support of the Opposition and I commend it to the House.

**Mrs ROZA SAGE** (Blue Mountains) [4.34 p.m.]: The Health Legislation Amendment Bill 2012 provides a range of minor amendments to various Acts relating to health. Amendments are proposed to the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (NSW) and the Health Practitioner Regulation (Adoption of National Law) Act 2009. Amendment is proposed also to the Health Records and Information Privacy Act 2002 and some minor amendments to the Poisons and Therapeutic Goods Act 1966. In 2010 New South Wales, along with the other States and Territories, adopted the National Registration and Accreditation Scheme for health professionals. The Health Practitioner Regulation National Law (NSW) is the New South Wales law that establishes this national scheme. The national law now allows registered practitioners to practise in all jurisdictions of Australia without having to apply for separate registration in each area of practice.

However, while New South Wales adopted the national scheme for accreditation and registration of health professionals, New South Wales modified the national law in order to retain its own specific provisions relating to complaints, discipline and health management of health professionals. In this way the important work of the Health Care Complaints Commission continues in New South Wales. New South Wales considered it prudent to retain its own complaint and discipline system due to the higher levels of litigation compared to other jurisdictions in Australia. All the amendments proposed to the Health Practitioner Regulation (Adoption of National Law) Act have an administrative tidying up effect. As with any complex legislative and administrative scheme a number of these complexities and their impacts were not evident when the legislation was passed by Parliament.

With the benefit of almost two years experience a number of minor inconsistencies and drafting oversights have come to light. These matters are now being addressed in this bill. The National Registration and Accreditation Scheme is expanding from 1 July this year to include four new professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine practice, medical radiation practice and occupational therapy. With the introduction of these new professions, which have never been registered in New South Wales, it is vital to ensure that the statutory provisions are up to date and applied in a consistent fashion across all professions. It is also critical that the statutory provisions expressly establish that the overall objective of the regulatory scheme is the protection of the public. Proposed section 3A clarifies that protection of the public is the key for all action taken by New South Wales authorities under the legislation.

The amendments will ensure that the New South Wales approach to dealing with complaints about the conduct, health and performance of registered health practitioners remains the gold standard against which the rest of the country is judged. I will touch on just a few of the proposed changes. Division 6 of part 8 of the Health Practitioner Regulation National Law (NSW), the national law, deals with appeals to the various New South Wales specific health profession tribunals. Three types of appeal are provided for. Subdivision 1 of division 6 provides for appeals from decisions of a professional standards committee in respect of medical practitioners, nurses and midwives. Subdivision 2 provides for appeals from decisions of a health professional council in respect of all health professions in terms of emergency orders and all professions other than medicine, nursing and midwifery in terms of complaints of unsatisfactory professional conduct.

Subdivision 3 provides for appeals from a performance review panel in respect of all registered health professionals. The provisions in subdivisions 1 and 3 provide that an appeal is to be dealt with by way of a rehearing, with fresh evidence able to be considered. However, subdivision 2, which relates to appeals from decisions of health professional councils, has no provision as to the nature of appeals. It is appropriate for the national law to clearly establish the nature of appeals under subdivision 2 of division 6 of part 8 and for the nature of appeals under subdivision 2 to be brought into line with appeals under subdivisions 1 and 3. For this reason the bill amends section 159 to provide that appeals under subdivision 2 are to be dealt with by way of rehearing at which fresh evidence may be given. This addresses the inconsistencies that already exist.

Division 8 of part 8 of the Health Practitioner Regulation National Law (NSW) provides for the review of certain New South Wales specific orders relating to the suspension or cancellation of a health practitioner's registration, the disqualification of a person from being registered in a health profession, the imposition of conditions on a health practitioner's registration and a prohibition order. Under the national law a review is an assessment at the time of the review of whether an order remains appropriate or whether it should be lifted or varied. A review is not an appeal nor does it provide a forum to determine if the original order was correct. The

review simply provides a practitioner with an opportunity to have the ongoing appropriateness of an order assessed in light of changing circumstances and ongoing public interest. In order to allow a more expeditious and efficient approach to reviews, the bill amends section 163 to allow the chairperson of a tribunal, following an application by health practitioners the subject of the review or the Healthcare Complaints Commission, to determine that the health profession council is the most appropriate review body.

Division 8 of part 8 of the national law relates to reviews by appropriate review bodies of relevant orders made by decision-making entities. Section 163A sets out the rights that a person has to request a review of a relevant order and provides that an order made by a decision-making entity may be reviewed by an appropriate review body. The non-inclusion of the health profession councils in the definition of a decision-making entity is an oversight. The proposal is to amend section 163A to include a health profession council within the meaning of a decision-making entity. The amendment to section 163A will ensure that the disciplinary decisions of health profession councils can be reviewed consistently with all other disciplinary and performance review decisions.

Under section 167A (2) of the national law a health profession tribunal is required to give 14 days notice of an inquiry or an appeal to a number of persons, including the Director General of the Ministry of Health. The provision in section 167A and section 171 requiring the director general to be notified is no longer necessary but does add to the administrative burden imposed on the relevant tribunals and committees. Changes made to the Poisons and Therapeutic Goods Act 1966 refer to the inclusion of podiatrists on the list of relevant professionals that are qualified to access and prescribe scheduled medications in their professional practice. Podiatrists were inadvertently not included, so the proposed amendments are minor changes that are not proposed to have any significant operational, financial or regulatory impact on the community. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.42 p.m.]: I support the Health Legislation Amendment Bill 2012 and I commend the Minister, the Hon. Jillian Skinner, for bringing this legislation forward. It is great to have a Government that is actually doing something about health in New South Wales. After 16 years of the other side being in power and the problems it left in the health system, which we are addressing, it is good to have a Minister who understands what is going on. We are building new hospitals, upgrading hospitals, improving clinical services and employing more nurses. We are already delivering on our promises after only 12 months, whereas members on the other side let parts of the health system die or become moribund. We are doing things. The former member for Myall Lakes referred in a speech to the lack of resources under the previous Government, the inquiries and the problems with health. We are addressing those problems in this legislation.

The bill has three main goals. The first is to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 for minor administrative improvements to the National Law as it applies in New South Wales and by way of statute law revision. These amendments include constituting the mandatory notifications of certain types of conduct by medical practitioners as complaints for the purposes of the Health Care Complaints Act 1993. Secondly, the bill also proposes to amend the Health Records and Information Privacy Act 2002 to provide for the use and disclosure of genetic information subject to certain conditions. Thirdly, the bill proposes to amend the Poisons and Therapeutic Goods Act 1966 to ensure that the same regulatory controls relating to certain restricted substances apply to registered podiatrists as those that apply to other registered health practitioners.

The bill provides for routine amendments to health-related legislation to rectify issues identified with some existing legislation and to take into account changing circumstances and concerns in the health field, in particular the current restrictions on disclosing genetic information. Schedule 1.1 makes amendments to the Health Practitioner Regulation National Law as set out in the schedule to the Health Practitioner National Law Act 2009 of Queensland and as applied as a law of New South Wales by the Health Practitioner Regulation (Adoption of National Law) Act 2009, the National Law (NSW).

In 2010 New South Wales along with the other States and Territories adopted the National Registration and Accreditation Scheme for health professionals. The Health Practitioner Regulation National Law (NSW) is the New South Wales law that establishes this national scheme. However, while New South Wales adopted the national scheme for accreditation and registration of health professionals, it modified the National Law in order to retain its own specific provisions relating to complaints, discipline and the health management of health professionals. In this way the important work of the Health Care Complaints Commission continues in New South Wales.

Schedule 1 items [1] and [3] provide that an impaired registrants panel is not an adjudication body for the purposes of the National Law (NSW). This is because an impaired registrants panel can only make recommendations in relation to individual practitioners and may not take any action against them. Schedule 1.1 [2] extends the objectives and guiding principle of the National Law (NSW) to provide that the protection of the public is to be the paramount consideration when exercising functions under a provision that is specific to New South Wales in its application. Schedule 1.1 [7] provides that a mandatory notification of certain conduct by a registered health practitioner is taken to be a complaint against the health practitioner for the purposes of the National Law (NSW) and the Health Care Complaints Act 1993.

Schedule 1.1 [8] clarifies that counselling that a professional standards committee, a health profession council, a health profession tribunal or an impaired registrants panel may order or recommend a health practitioner or student undergo includes psychological counselling. Under the Health Practitioner Regulation National Law (NSW) complaints against a health practitioner or student can be dealt with by a number of bodies, such as a health profession council, a professional standards committee or a health profession tribunal. In considering complaints against health practitioners these bodies have a number of powers including the power, pursuant to sections 146B, 148E, 149A and 152I of the National Law, to order that the practitioner or student undergo medical or psychiatric treatment or counselling.

While the intent of these sections includes allowing a professional standards committee, health profession council or tribunal to order a practitioner to undergo psychological counselling, concerns have been raised that the provisions allow only for medical or psychiatric counselling and do not extend to counselling provided by psychologists. In order to put the matter beyond doubt the bill amends sections 146B, 148E, 149A and 152I of the National Law to make clear that a health profession council, professional standards committee or a tribunal can order a practitioner to undergo psychological counselling. Schedule 1.1 [9] amends a provision relating to the delegation of functions of a council to a group of persons to provide that one person within that group must not be, and must never have been, a registered health practitioner or student in the same health profession for which the council is established.

Schedule 1.1 [10] clarifies that an appeal that a person may make to a tribunal regarding certain actions taken by a council is to be dealt with by the tribunal reconsidering the matter. Schedule 1.1 [12] provides that a council is the appropriate body to conduct a review of certain decisions made against a health practitioner if the chairperson of the tribunal so decides. Schedule 1.1 [14] provides that a reinstatement order is an order that a person may be registered in accordance with part 7 of the National Law (NSW) subject to an application for registration being made and approved under that part. Schedule 1.1 [16], [18] and [19] amend provisions relating to the composition of a professional standards committee, an assessment committee and a performance review panel to provide that those bodies must include one person who is not, and never has been, a registered health practitioner or student in the same profession as the health practitioner who is the subject of the proceedings concerned.

The Health Practitioner Regulation National Law (NSW) established numerous bodies and committees to administer the National Law. Such bodies include the national boards and the New South Wales specific professional bodies such as the professional standards committee. In respect of the composition of these bodies, the National Law provides for the appointment of lay persons, or community members, to these bodies. For the national bodies established under the National Law, such as the national boards, the community member or lay person is a person who is not and never has been registered as a health practitioner in the relevant profession.

However, for New South Wales specific bodies there is a range of inconsistent approaches to the qualifications of a lay member: for professional standards committees, assessment committees and performance review panels the lay member or community member is to be a person who is not a registered health practitioner in any profession; for tribunals the lay member is to be a person who is not registered in the relevant profession but who may be registered in another health profession; and for emergency section 150 proceedings section 150 (7) provides that if a council decides to delegate certain of its functions to two or more persons at least one of those persons must be a person who is not a registered health practitioner or student in any profession.

The eligibility criteria for a community or lay person in respect of the New South Wales provisions are therefore internally inconsistent. The New South Wales eligibility criteria are also inconsistent with, and narrower than, those applying to the equivalent national bodies. These inconsistencies create scope for confusion and error in the appointment of community members to the different bodies established under the National Law. In addition, the limitation in eligibility of the New South Wales bodies, being that no registered health practitioner can sit as a community or lay person in some cases, reduces the flexibility of various councils

in the choice of appointment of members. In order to address these problems and to ensure a consistent approach throughout the National Law the bill amends a number of sections to provide that a lay or community member is a person who is not and has never been registered as a practitioner or student in the relevant profession. I commend the bill to the House.

**Mr TONY ISSA** (Granville) [4.52 p.m.]: Before I refer to the Health Legislation Amendment Bill 2012 I want to take off my hat to the Minister for Health. The Minister is committed to reform of the health portfolio and to delivering what is best for the people of New South Wales. The Minister for Health deserves to be acknowledged for her hard work. In my 16 years of involvement in local government I have monitored the work of Ministers for health. I have noted the number of times this Minister has visited facilities in my area, particularly Westmead Hospital, to ensure that reform is taking place. I support the Health Legislation Amendment Bill 2012, which amends various Acts within the health portfolio. Health is a priority of the Government. These amendments are the result of proposals put by the Health Professional Councils Authority. Minor amendments are proposed to the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Health Records and Information Privacy Act 2002 and the Poisons and Therapeutic Goods Act 1966 to ensure a smoother delivery of the provisions of these Acts.

Let me first take members through the amendments to the Health Records and Information Privacy Act, because not many members have referred to this legislation. The Act, which came into force in September 2004, governs the handling of health information in the State by both the public and the private sectors. This includes information or an opinion about the physical or mental health or a disability of an individual. It also includes information about an individual collected in connection with the donation of body parts or organs as well as genetic information that could be predictive of the health of the individual or of a relative of that individual. It is with regard to genetic information that the amendments are proposed. Genetic information is considered health information. However, it has come to light that the privacy of this information poses concern in the modern world. Amendments will allow for the patient's genetic relatives to be informed about health issues which may be passed on to other members of that family. The information can be disclosed, in accordance with guidelines issued by the Privacy Commissioner, if it is necessary to prevent a serious threat to the life, health or safety of a relative of the person involved.

The amendment will bring New South Wales legislation into line with the Commonwealth Privacy Act. The NSW Privacy Commissioner has been consulted and supports the new provisions. The decision to disclose information without consent will be up to the clinician. Naturally, the Government understands that the clinician must perform a balancing act with the patient's desire for confidentiality and the need for a relative to be informed of possibly life-saving information. The amendments recognise the difficulties and establish a framework for the disclosure of genetic information without consent. This bill also amends the Health Practitioners Act. In 2010 New South Wales, along with the other States and Territories, adopted the national registration and accreditation scheme for health professionals. The objects and guiding principles of the scheme are set out in section 3 of the National Law and are strongly focused on the registration aspect. Prior to the national scheme a number of New South Wales specific health practitioners registration Acts, such as the Medical Practice Act, contained an objectives clause that specifically recognised that the protection of the health and safety of the public was to be the paramount consideration in exercising functions under the old Act.

Such a provision was important as it ensured that the disciplinary, performance and health management provisions of the previous Acts were interpreted in light of the overarching principle relating to public health and safety. Interpretation of the legislation, in light of public health and safety, remains essential. For this reason the bill amends the National Law to include a new objectives clause at section 3A that relates only to the New South Wales specific provisions. New section 3A provides that in the exercise of functions under a New South Wales provision of the National Law the protection of the health and safety of the public must be the paramount consideration. I refer to the provisions relating to counselling changing. Under the Health Practitioner Regulation National Law (NSW), the National Law, complaints against a health practitioner or student can be dealt with by a number of bodies such as a health professions council, a professional standards committee or a health profession tribunal.

In considering complaints against health practitioners these bodies have a number of powers, including the power, pursuant to sections 146B, 148E, 149A and 152I of the National Law. While the intent of those sections includes allowing a professional standards committee, health professions council or tribunal to order a practitioner to undergo psychological counselling, concerns have been raised. In order to put the matter beyond doubt the bill amends sections 146B, 148E, 149A and 152I of the National Law to make clear that a health professions council, professional standards committee or a tribunal can order a practitioner to undergo

psychological counselling. The National Law makes it clear that a health professional council, a professional standards committee or a tribunal can order practitioners to undergo psychological counselling. I could go on, but I will not. This bill addresses many of the issues that the Government must take on board. The Minister for Health takes health reform very seriously. As I said, her only concern is the health of New South Wales. I commend the bill to the House.

**Mr GLENN BROOKES** (East Hills) [5.00 p.m.]: The Health Legislation Amendment Bill 2012 is an inconsequential piece of legislation that makes minor amendments to several Acts within the health portfolio. While none of the proposed amendments is expected to have much significant operational impact, the amendments proposed to the Health Records and Information Privacy Act 2002 are particularly noteworthy. Under those amendments a person's genetic health information is allowed to be released to that person's genetic relatives without that person's consent. The release of such information is being allowed to address a risk of harm to the person's genetic relatives. While the bill is far from being earth shattering, it shows that both the Government and the Minister for Health are paying attention to the small details. This Government is determined to ensure that its big plans for the State are not hampered because not enough consideration was given to all aspects of health administration, no matter how minor they may be.

This bill is a reflection of a caring Government that will not allow itself to be held back from doing the things that need to be done to restore the health system for the benefit of all who are sick or injured. It is evidence that this Government is taking charge of fixing the mess created by the Labor Government during the 16 years that it floundered from one disaster to the next. The bill is part of an overall plan that will see the New South Wales health system both restored and renewed. The community rightly expects the Government to take these steps and I am pleased to say that over the past 14 months it has done so to help our community, not only in the East Hills electorate but throughout the Bankstown local government area and surrounding suburbs. In just 14 short months Bankstown Hospital has received 14 new graduate nurses, an additional five dialysis chairs—which allows the hospital to offer an extra 60 dialysis treatments a week to an additional 20 patients—and two new, state-of-the-art multimillion dollar SPECT CT scanners that will enhance medical services.

The Health Legislation Amendment Bill 2012 may be an insignificant piece of legislation but the steps being taken by this Government to improve the New South Wales health system are considerable. The community is benefiting and will continue to benefit from this Government's efforts. I congratulate the Minister for Health on the great strides that she is taking to improve the standard of health care in this State. I am proud to be a member of a Government that cares about the wellbeing of its citizens. I commend the bill to the House.

**Mr CHRIS PATTERSON** (Camden) [5.03 p.m.]: I support the Health Legislation Amendment Bill 2012. The bill seeks to make minor amendments to various Acts in this State under the Health portfolio umbrella, which is in the extremely capable hands of the Hon. Jillian Skinner. When I talk about capable hands it would be remiss of me not to mention the Hon. Anthony Roberts, the Minister for Fair Trading, who is at the table. That is a conversation for another day, but I know that the Fair Trading portfolio is in extremely capable hands. I return to the Hon. Jillian Skinner.

**Dr Andrew McDonald:** Who also has safe hands.

**Mr CHRIS PATTERSON:** Extremely safe. She not only has safe hands but she is also a tremendous friend of the electorates of Camden, Campbelltown and Wollondilly. I am glad that the member for Macquarie Fields is here to acknowledge and compliment the Government for allocating \$139 million to health care in western Sydney. Interestingly, the Coalition's pre-election commitment to that area was less than \$50 million. However, our capable Minister said that we could do better and that Campbelltown needed to do better, and she delivered. We are seeing similar gains in the Fair Trading portfolio, but enough about that.

**Mr Anthony Roberts:** You are a very good local member.

**Mr CHRIS PATTERSON:** I thank the Minister. The amendments in this bill address some technical issues that were flagged after the first 12 months of the operation of the National Law. The amendments will affect the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (NSW) and the Health Practitioner (Adoption of National Law) Act 2009. The Health Practitioner Regulation (Adoption of National Law) Act 2009 was adopted as a law of New South Wales and is the means by which various New South Wales modifications to the National Law were effected. They primarily relate to complaints handling.

Under the National Law, and in new section 6A, an adjudication body is defined and is able as a body to impose conditions on the registration of a health practitioner. The adjudication body can cancel or suspend the registration status of a health practitioner. Under the national registration and accreditation scheme impairment panels, as in other jurisdictions, are decision-making bodies and make determinations about placing conditions on an impaired practitioner's registration and about whether a practitioner should be suspended. Currently in New South Wales an impairment panel can determine whether a health practitioner is impaired, but it does not impose conditions or suspend health practitioners; it only makes recommendations to the health profession council, which will make the final determination.

The approach and purpose of the New South Wales impairment panel is to insulate any impaired registrant from decision-making that may appear to be punitive. This highlights the rehabilitative nature and intent of the impaired health practitioner system. Because no conditions or suspensions are ever imposed by the impaired registrants panel in New South Wales, it is not an adjudication body as defined in the Act and should not be included in the definition. The removal of this panel from the definition will avoid future confusion because it does not make determinations or place conditions but only makes recommendations with rehabilitation as its focus. The amendments to the Health Practitioner Regulation (Adoption of National Law) Act are designed to tidy up the Act and to make it more practical and effective.

As all are aware, the development of the National Registration and Accreditation Scheme for the Health Professions was an extremely tedious and time-consuming exercise. Having read these amendments, I cannot see how they could be described as extremely tedious, but I accept what is put before me. It was a decision of the New South Wales Parliament that this State would retain a separate and distinct complaints regime, which has meant that the New South Wales legislation contains a number of abnormalities that do not apply in other jurisdictions. It must be remembered that this decision was universally supported by members of Parliament and by each of the regulated professions associated with the bill. As one would expect, this is an extremely complex administrative scheme and, as a result, a number of complexities and their subsequent impact were not evident when the legislation was passed. It has been nearly two years since the legislation was passed, and a number of minor inconsistencies and drafting oversights have come to light and need to be addressed. That is the intention of the amendments.

The national registration and accreditation scheme is expanding on 1 July this year to include four new professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine practice, medical radiation practice, and occupational therapy. As a result of these new professions, which have never before been registered in New South Wales, we must ensure that all statutory provisions are up to date and apply in a consistent fashion across all professions. The role of the statutory provisions reinforces the overall objective of the regulatory scheme—that is, the protection of the public. Every amendment before us today has been drafted to ensure that the New South Wales public are protected. New section 3A clarifies that the protection of the public is the sole justification for all action taken by New South Wales authorities under the legislation. The amendments aim to ensure that the New South Wales approach to complaints about the conduct, health and performance of registered health practitioners is the benchmark and the expectation that the rest of the country aspires to.

The amendments to the Poisons and Therapeutic Goods Act will see podiatrists included in the Act to ensure that podiatrists endorsed under the National Law are able to be lawfully supplied with appropriate scheduled medicines under this Act. This bill will amend sections 10, 11, 12, 16, 17, 18A, 34 and 36AA to address the oversight when podiatrists were inadvertently not included in some amended sections of the Act when the National Law was originally adopted in New South Wales. Podiatrists who wish to use therapeutic medicines in their practice of health will now be able to do so as an authorised health practitioner under the New South Wales Poisons and Therapeutic Goods Act 1966.

I have touched on only a couple of amendments that this bill will make to the aforementioned Act but we can see that the intention of the bill is to continue to adjust laws and administer them so they are relevant and work to the best of their ability and intent. The very capable Minister Jillian Skinner has put a lot of thought into this legislation. As a team player, the Minister would want me to acknowledge the extremely capable staff in her office who do a wonderful job. They are: chief of staff Andrew Kirk, deputy chief of staff Adam Zarth, senior media adviser Jenny Dennis, media advisers Alice Hardy and John McCormack—"Big John"—private secretary Gail Hodges, senior policy adviser Cassandra Smith; and policy and research officer Mitchell Potts. The Minister is very proud of those extremely hardworking people, as am I. I commend the bill to the House.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [5.13 p.m.]: I cannot improve on the complimentary words of the member for Camden regarding the staff of the Minister for Health, particularly her support staff who keep us abreast of legislation and various policy initiatives before the House. Today I speak to the Health Legislation Amendment Bill 2012, which addresses a range of minor and not so minor amendments to various Acts within the Health portfolio. They have arisen since the introduction of the National Law more than 12 months ago. Specifically, there are amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009 to improve the administration of the Health Practitioner Regulation National Law as it applies in this State. There are also amendments to the Health Records and Information Privacy Act to provide—and this is very important—for the disclosure and use of genetic information in certain circumstances. That is focused on addressing the risk of harm to genetic relatives.

The bill also amends the Poisons and Therapeutic Goods Act to ensure that the same regulatory controls for accessing and prescribing scheduled medications apply to registered podiatrists as to other registered health practitioners. That is an anomaly that will be resolved by this Act. In essence, the amendments address technical issues that have arisen during the first 12 months of operation of our National Law and are not expected to have any material operational, regulatory or financial impact on the community more broadly. However, the bill is significant because the harmonisation of laws to assist with the best provision of health services that are transparent and accountable to the community and to government is incredibly important. It is for that reason I speak today to the amendments to the three Acts.

I turn first to the Health Practitioner Regulation (Adoption of National Law) Act 2009. National laws are important; they provide consistency and certainty of regulation across States and Territories for the particular matter at hand. This Government believes that is a worthy objective, and it is one we have adopted promptly with other oversight that we have in this State. For example, recently I spoke in this House about the uniform template being introduced through the Co-operatives National Law, which is another important National Law that was adopted first in this Parliament. The National Law that applies to the health area protects the public by establishing a national scheme for the regulation of health practitioners and students undertaking programs of study leading to their registration as health practitioners. The various States and Territories have introduced adopting or corresponding legislation to implement fully the national scheme that commenced operation on 1 July 2010.

From that time, the following health professions were regulated under the new scheme—and they are diverse. They are: chiropractors, dentists, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists, and psychologists—all those people who do an amazing job providing better health services for the New South Wales community. The important objective of the scheme is the protection of public safety. The background of each applicant for registration in a regulated health profession—and there are many of them—will be checked carefully. This will include criminal history and identity checking. Australian-trained applicants will need to have completed an approved program of study plus other registration requirements.

The bill contains a number of amendments. Schedule 1, the amendment of Acts, makes amendments to the Health Practitioner Regulation National Law as set out in the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland and as applied as law in New South Wales by the Health Practitioner Regulation (Adoption of National Law) Act 2009. Schedule 1.1 provides that an impaired registrants panel is not an adjudication body for the purposes of the National Law. This is because an impaired registrants panel can make recommendations only in relation to individual practitioners and may not take any action against them.

Schedule 1.1, item [2], extends the objectives and guiding principles of the national law to provide that the protection of the public is the paramount consideration when exercising functions under a provision that is specific to New South Wales in its application. Schedule 1.1, item [7], provides that a mandatory notification of certain conduct by a registered health practitioner is taken to be a complaint against the health practitioner for the purposes of the national law, and indeed the Health Care Complaints Act 1993. Schedule 1.1, item [8], clarifies that a professional standards committee, a health profession council, a health profession tribunal or an impaired registrants panel may order or recommend that a health practitioner or student undergo psychological counselling. Schedule 1.1, item [9], amends a provision relating to the delegation of functions of a council to a group of persons to provide that one person within that group must not be, and must never have been, a registered health practitioner or student in the same health profession for which the council is established.

That ensures there will not be a conflict of interest. Schedule 1.1, item [10], clarifies that an appeal that a person may make to a tribunal regarding certain actions taken by a council is to be dealt with by the tribunal reconsidering the matter. That is also important in order to provide a point of justice and reconsideration of decisions by way of appeal. Schedule 1.1, items [16], [18] and [19], amend provisions relating to the

composition of a professional standards committee, an assessment committee and a performance review panel to provide that those bodies must include one person who is not, and never has been, a registered health practitioner or student in the same profession as the health practitioner who is the subject of the proceedings. This will make the review and assessment of health practitioners fair and transparent.

I turn now to the second Act that is amended by the bill—the Health Records Information Privacy Act. This is an important amendment, and not just a technical one. Schedule 1.2 to the bill enables a person's genetic information to be used for a purpose other than the primary purpose for which it was collected. This can be done only on the condition that it is used in accordance with guidelines issued by the Privacy Commissioner appointed under the Privacy and Personal Information Protection Act 1998 and that it is reasonably believed to be necessary to lessen or prevent a serious threat to the life, health or safety of a genetic relative. This is a very important aspect of the bill. The sequencing of the human genome has led to identification of the genetic basis of an increasing number of medical conditions. The genetic information resulting from an assessment of one individual may also be highly relevant to that person's genetic relatives. Information gained may have consequences for the health of entire extended families.

Health practitioners increasingly encounter people with a genetic risk of disease or inherited disorders. The genetic condition may predispose a person to dementia—a disease that has become endemic across the community. It may cause impaired decision-making or may pose a threat to the life, health or safety of people. In many cases, people afflicted with the condition either notify family members themselves or give consent for health practitioners to do so. However, this amendment applies to circumstances when consent is not given and health practitioners may recognise the potential benefits of providing information to genetic relatives. I strongly support the amendment that is made to the Health Records Information Privacy Act through this bill. I briefly address a third amendment. The bill also amends the Poisons and Therapeutic Goods Act 1966. Schedule 1.3 to the bill applies the same exemptions and restrictions to registered podiatrists in relation to the possession, use, supply or prescription of certain restricted substances as those applying to other registered health practitioners.

Podiatrists are included with other registered health practitioners in certain provisions of the Poisons and Therapeutic Goods Act 1966. However, they have been inadvertently omitted from other provisions applying to registered health practitioners. The amending bill will bring the treatment of podiatrists into line with other health practitioners, and I support that amendment. Each of these three amendments has been proposed by the Health Professional Councils Authority. The amendments are endorsed by a body of some authority and to which we should pay note. They are, in part, of a technical nature and reflect a policy intention that has been given expression through the national law. It is appropriate to act promptly to make these changes, which have the support of health professionals. The amendments make sense of anomalies that should not exist under harmonised national law. I commend the Health Legislation Amendment Bill 2012 to the House.

**Dr GEOFF LEE** (Parramatta) [5.23 p.m.]: I support the Health Legislation Amendment Bill 2012. According to the overview of the bill, its objectives are: first, to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 for the purpose of improving the administration of the Health Practitioner Regulation National Law as it appears in New South Wales and by way of statute law revision; and, secondly, to amend the Health Records and Information Privacy Act 2002 to provide for the disclosure and use of genetic information, subject to certain conditions. I commend the member for Vacluse and I concur with her informed opinion about the importance of genetic information in light of scientific breakthroughs. I will touch on that issue briefly in this debate.

The third objective of the bill is to amend the Poisons and Therapeutic Goods Act 1966 to ensure that the same regulatory controls relating to certain restricted substances apply to registered podiatrists as apply to other registered health practitioners. These are not inconsequential changes. The amendments aim to improve the health system—a significant part of the State's responsibility. The Health portfolio accounts for a large part of the State's budget and certainly contributes to the welfare of the people of New South Wales, and especially in my electorate of Parramatta. The Minister for Health is to be congratulated on being on top of her portfolio.

I briefly mention the outstanding work that the Liberal-Nationals Government has done in partnership with Westmead Hospital and the Westmead health precinct. Together, they have increased the welfare of the local community. The Premier and I had the pleasure of attending a ceremony to welcome 161 graduate nurses



to Westmead Hospital and Westmead Children's Hospital. It was a great day, during which the graduate nurses were able to interact with the Premier. Some of the nurses were part of the Pathways program that supports prospective nurses through their tertiary studies and work experience. The Pathways program offers alternative entry into the university system. It allows people to go to university who would not otherwise have been able to. The Premier and I met one of those nurses—Rachael O'Neill. I congratulate her and the other graduate nurses.

The budget was good to Westmead Hospital, which received another 14 acute care beds this year. It is important to expand the capacity of Westmead Hospital, because it does not just serve the people of Parramatta. Parramatta is the capital of western Sydney and serves people from Penrith, Blacktown and Liverpool. This week I spoke to Danny O'Connor, the Chief Executive of Western Sydney Local Health Network. We discussed the fact that Westmead Hospital takes the complex, difficult and critical cases. Its specialisation and size mean it often deals with patients who come to Westmead Hospital for specialist attention. The Westmead precinct is the largest healthcare precinct in Australia.

The Government has been generous in its support of research at Westmead. Some \$45 million was spent on research activities, including \$25 million for the Westmead Millennium Institute. Last week I met with the executive director, Professor Tony Cunningham. The Government has provided \$20 million for the Children's Medical Research Institute under Director Roger Riddell. Those two individuals steer their research facilities. It is research combined with clinical activities: there is a close nexus. While working on the Westmead health and research campus they are able to research new diseases and new preventative medicines and then put them into clinical practice, which is sensational.

This week I was privileged to attend, with the Minister for Health, the opening of the electron microscope laboratory at the Institute of Clinical Pathology and Medical Laboratory at Westmead Hospital. This was exciting as it was the first time I had seen an electron microscope. For the first time three-dimensional models are being made of problem cells. This great technology can identify viruses that would otherwise not be diagnosed by conventional methods. It is used to treat disorders such as kidney disease, unusual tumours and some respiratory problems. The Director of the Institute for Clinical Pathology and Medical Research, Professor Dominic Dwyer, said:

... with one in three Australians at risk of kidney disease, it is critical to have a well-functioning laboratory to conduct both diagnostic tests and ongoing research.

Clearly, that is a great example of the research parts of the health precinct and the clinical parts working hand in hand to improve the health of people throughout western Sydney and New South Wales. In April I was fortunate to hear the Minister for Health announce a \$4.85 million upgrade for Westmead Hospital emergency department. This will deliver a 20 per cent reduction in waiting times for people with potentially life-threatening diseases and a 50 per cent reduction in waiting time for less urgent cases. As we know, Westmead Hospital emergency department is a busy place. This is a great example of local clinicians suggesting changes and on-the-ground decisions being made that are producing fantastic results in terms of delivering better services. Westmead is one of the busiest hospitals in New South Wales. The statistics for the emergency department show that close to 15,000 emergency patients attended—

**Mr Geoff Provest:** How many?

**Dr GEOFF LEE:** Some 15,000 emergency patients attended in October, November and December 2011. What a sensational result. I commend the hardworking doctors and nurses at Westmead Hospital. There is more good news. Late last year Crown Princess Mary of Denmark visited the hospital, and I was fortunate to be part of the renaming of the cancer centre in her honour. I welcomed her on that special occasion.

**ACTING-SPEAKER (Mr John Barilaro):** Order! There is too much audible conversation in the Chamber.

**Dr GEOFF LEE:** Princess Mary took an interest in cancer research, diagnosis and treatment. It was a great occasion, and a tribute to the hardworking doctors and nurses at Westmead Hospital that Crown Princess Mary was able to attend. Unbelievably, there is more good news. Last year funding was allocated for Westmead Children's Hospital, which plays an excellent and important role in the health care of the whole of western Sydney. The Children's Hospital received about \$70,000 for its emergency medicine online resource. The project has the objective of strengthening our public health system and is a patient-focused program.

In October last year I joined patients and staff, including Dr Deepak Gill, the department head of neurology and neurosurgery, at the opening of the Epilepsy Monitoring Unit at Westmead Children's Hospital. About 14,000 people are affected by epilepsy. The unit is looking at monitoring brain seizures with pin-point

accuracy so that surgeons can operate to remove areas that are critical to causing epilepsy. Often they get such a good result that children grow up to live free from epilepsy. Many more things are happening at Westmead. It is an internationally renowned research hub and has a fantastic hospital. I commend the bill to the House.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [5.33 p.m.]: I contribute to debate on the Health Legislation Amendment Bill 2012 on the premise that I am proud to be part of a government that has a Minister for Health who is making significant changes and a significant contribution to health in general—whether it is through health infrastructure, the provision of health services, improving health services or additional health resources in the form of more nurses. Over the past 12 months the Minister has made some significant and monumental changes. She has introduced opportunities for communities to be engaged in local health outcomes. She has given decision-making back to communities with the establishment of local health districts. Everything the Minister is doing is creating renewed community confidence in the health system.

The Minister has actively engaged with the Federal Government to ensure that reforming the health system into the future is underway and that New South Wales will no longer have to carry the total health burden. The Minister is making the Commonwealth do its share, and there is significant work still to be achieved in that arena. The Federal Government is not the easiest jurisdiction to deal with in terms of getting it to do its share, and I will allude to a couple of examples of that shortly. The confidence that the Minister has brought to health and throughout her portfolio is fabulous and much welcomed, particularly in regional New South Wales where the health needs of our communities are extremely diverse.

The health needs from north to south in the Dubbo electorate are many and varied. Essentially, Dubbo Base Hospital services far western New South Wales. It is the community and hospital of interest. It takes on diverse and difficult types of healthcare needs, and it provides extension services to some small, isolated and remote communities. Issues for people with heart conditions, renal problems and diabetes are emerging challenges for our health system. Those people need the health infrastructure to underpin and support every effort that comes their way. Health infrastructure investment in the Dubbo electorate is extraordinary. I am fairly confident that in time a statue of the Minister for Health will be erected in the Dubbo electorate, given her contribution. During the election campaign the Coalition committed \$117.5 million—

**Mr Andrew Cornwell:** How much?

**Mr TROY GRANT:** The \$117.5 million that the Coalition committed to health infrastructure during the election campaign is already on its way during its first term in government. Some \$4 million has been allocated for Dubbo Base Hospital and \$3 million has been allocated to the two hospitals at Parkes and Forbes; funding of \$3 million is already rolling out the door and into the planning processes for those two hospitals. They have been waiting nine long years, with many broken promises, to achieve that result. That great news has been widely welcomed throughout my electorate. This is the golden egg that the Minister for Health has delivered in the past couple of weeks.

The health Minister has nearly achieved the impossible. Soon after my election the community told me, "We appreciate the commitments being made regarding new hospitals and the upgrades in the electorate." There is a hospital at Peak Hill, which is a small community about 50 minutes drive south of Dubbo on the Newell Highway. It is the home of the guy who built the Queen's carriage and it is rich in Indigenous history. It is a wonderful community.

Since 1995 the Peak Hill community has had to put up with a hospital that was falling apart. The people have made every effort to get funding for a new multipurpose service, which serves a number of other small communities as well. The community has begged, borrowed and pleaded with government for funding but there has been zilch; nothing was done prior to the appointment of Minister Skinner. She should be Saint Minister Skinner because of her efforts. She has now delivered a \$12 million multipurpose service for Peak Hill, on top of the \$175 million. The people of Peak Hill are so appreciative of this funding that they are literally dancing in the streets.

As I said earlier, the Commonwealth did not provide its fair share. For many years it had made commitments that it would provide \$9 million in funding for the project, but at the time of the announcement the funding was \$3 million short, which put the project in jeopardy. We have inherited an economic base that places the health budget under enormous pressure and money is so tight that it was difficult to imagine where that money would be found. However, Minister Skinner, the saint of the Dubbo electorate, said to the community of

Peak Hill and the Dubbo electorate, "I gave a commitment that I would rectify the wrongs and the broken promises of previous years and I will come good: I will look after your health needs." She found the additional \$3 million and this \$12 million project is now underway, for which the community is greatly appreciative.

The Health Legislation Amendment Bill 2012 will ensure that the measures that underpin and support the Minister's efforts in health will be achieved. Why is the new objects clause being added to the national law? In 2010 New South Wales, along with the other States and Territories, adopted the National Registration and Accreditation Scheme for health professionals. The Health Practitioner Regulation National Law (NSW) is the New South Wales law that establishes this national scheme. However, while New South Wales adopted the national scheme for accreditation and registration of health professionals, New South Wales modified the national law to retain its own specific provisions relating to complaints, discipline and health management of health professionals. In this way, the important work of the Health Care Complaints Commission continues in New South Wales.

The objects and guiding principles of the National Registration and Accreditation Scheme are set out in section 3 of the national law. Operators, health practitioners and clinicians within Health across western areas in regional New South Wales, particularly in the Dubbo electorate, are difficult to find at times, but they must operate in an accredited, well-run and accountable system. It is paramount that they operate and work together to deliver these services to the community. This legislation goes a significant way towards ensuring that health services, a major challenge for any government, can operate effectively. The bill contains changes with respect to counselling and the qualifications of lay or community members of bodies established under the national law.

Division 6 of the bill amends the provisions regarding appeals against decisions of health professional councils. Changes are also being made to the appropriate body to review orders relating to the suspension, disqualification or imposition of conditions on a person's registration. These important measures will ensure improved operations and services within the new hospitals being built in my electorate as a result of the good relationship Minister Skinner has established between State and Commonwealth bodies. It gives local health districts and the people on the ground making decisions confidence that the environment in which health practitioners work are robust, accountable and transparent. It ensures that when resources are scarce the system will still work smoothly, with the proper bang for the buck, and that services will always be delivered at their optimum level. I commend the bill to the House.

**Mr JOHN FLOWERS** (Rockdale) [5.43 p.m.]: The Health Legislation Amendment Bill 2012 has three primary objectives to this bill. The first is to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 to make minor administrative improvements to the national law as it applies to New South Wales and by way of statute law revision. These amendments include constituting the mandatory notifications of certain types of conduct by medical practitioners as complaints for the purposes of the Health Care Complaints Act 1993. The bill will amend the Health Records and Information Privacy Act 2002 to provide for the use and disclosure of genetic information subject to certain conditions. Finally, the bill will also amend the Poisons and Therapeutic Goods Act 1966 to ensure that the same regulatory controls relating to certain restricted substances apply to registered podiatrists as those that apply to other registered health practitioners.

The bill provides for routine amendments to health-related legislation to rectify issues identified with some existing legislation and to take into account changing circumstances and concerns in the health field, in particular, the current restrictions on disclosing genetic information. I will expand on that later. The Health Practitioner Regulation (Adoption of National Law) Act 2009 implements the National Accreditation and Registration Scheme for health professionals. Section 6A (d), "an Impaired Registrants Panel" is omitted from section 6A, "Adjudication body". Under section 6A of the Health Practitioner Regulation (Adoption of National Law) Act 2009 the following entities are declared an adjudication body for the purposes of the Health Practitioner Regulation National Law: a professional standards committee, a council, a performance review panel and an impaired registrants panel.

It is not appropriate to include "Adjudication body" in the definition given that "an Impaired Registrants Panel" can make recommendations only in relation to individual practitioners and may not take any action against them. Other amendments are made to ensure that the complaints management scheme operates smoothly. I now turn to proposed section 3A, "Objective and guiding principle [NSW]". This additional New South Wales provision will ensure that protection of the health and safety of the public must be a paramount consideration when complaints management functions are exercised. Proposed section 143A, which will be inserted after section 143, states:

A mandatory notification is taken to be a complaint both for the purposes of this Part and for the purposes of the *Health Care Complaints Act 1993* ...

Other necessary amendments are made to the Health Practitioner Regulation (Adoption of National Law) Act 2009 to improve the efficiencies of the Act. The Health Practitioners National Law (NSW) by its structure did not include psychological counselling. In order to put the matter beyond doubt the bill amends sections 146B, 148E, 149A and 152I of the national law to make clear that a health profession council, professional standards committee or tribunal can order a practitioner to undergo psychological counselling. The Health Legislation Amendment Bill 2012 also makes amendments to the Health Records and Information Privacy Act 2002, which regulates the collection, use and disclosure of health information. The bill defines genetic information as "health information of a type described in section 6 (d)". It defines genetic relative as "a person who is related to an individual by blood, for example, a sibling, parent or descendant of the individual".

Clauses 3 and 4 of the amendments to the Health Records and Information Privacy Act 2002 provide that genetic information can be used, or disclosed to a genetic relative, for a purpose other than the purpose for which it was collected in certain defined circumstances. This will include where it is reasonably believed by the organisation or medical practitioner that holds the genetic information to be necessary to lessen or prevent a serious threat to the life, health or safety, whether or not the threat is imminent, of a genetic relative of the individual to whom the genetic information relates. This provision will enable organisations and medical practitioners to disclose sensitive information about an individual, including information about that individual's genetic condition or predisposition to a genetic condition. The Legislation Review Committee Digest No. 17/55 states:

However, the Committee notes the ethical complexities that concern the disclosure of genetic information. ... the Committee understands that this provision is designed to shift away from a blanket ban on disclosing genetic information and to allow organisations to make careful decisions about such situations, subject to guidelines to be established by the NSW Privacy Commissioner. An example where such a disclosure may be considered appropriate would be where the disclosure of genetic information would provide a genetic relative with an opportunity to take precautionary medical treatment to delay the onset of, or mitigate the effects against, a genetic condition to which they may have a predisposition.

34. The Committee also understands this amendment would align NSW with the Commonwealth and other jurisdictions, and that precedents are already in place at the Commonwealth level through guidelines established by the Commonwealth Privacy Commissioner and the National Health and Medical Research Council.

The Committee recognises the impacts on privacy that this provision potentially creates are outweighed by the broader public interest. As such, the Committee does not consider this provision to be a trespass on individual rights and liberties.

Further on the committee states:

Ordinarily, the Committee would comment on Acts or parts of Acts that are to commence by proclamation. However, the Committee understands that the commencement of this Schedule has been delayed to accommodate the development of guidelines by the NSW Privacy Commissioner. The Committee accepts the reasons for commencement by proclamation as appropriate in the circumstances.

I commend the bill to the House.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [5.53 p.m.], in reply: I thank members for their support for the Health Legislation Amendment bill 2012. On the Government side I thank the members for the electorates of Clarence, Port Macquarie, Blue Mountains, Myall Lakes, Granville, East Hills, Camden, Vacluse, Parramatta, Dubbo and Rockdale. My Government colleagues have taken a keen interest in this legislation. I also thank the member for Macquarie Fields for his detailed speech on behalf of the Opposition indicating support for the bill. As noted, the bill makes a number of minor but very important amendments to the Health Practitioner Regulation National Law, the Poisons and Therapeutic Goods Act and the Health Records and Information Privacy Act.

The amendments to the Health Practitioner Regulation National Law will help ensure that the New South Wales specific health professional complaints processes will continue to operate smoothly and that the national law supports the National Registration and Accreditation Scheme. The amendments to the Health Records and Information Privacy Act relate to the ethically complex issue of the use and disclosure of a patient's genetic information without consent when such use or disclosure is necessary to lessen or prevent a serious risk of harm to a relative of the patient. This is not an easy issue as it involves balancing a patient's right to confidentiality against a relative's interest in being provided with information that may potentially save the relative's life. However, I believe that the provision in the bill has struck the right balance.

The bill will allow but not require genetic information to be disclosed to a patient's genetic relative if the information is necessary to lessen or prevent a serious risk to life, health or safety of the relative and the organisation disclosing the information complies with the guidelines issued by the NSW Privacy Commissioner. In this way the bill recognises that there may be circumstances in which the most ethically appropriate course of action is to disclose genetic information without consent. However, if such a disclosure is to occur the Privacy Commissioner's guidelines will have to be complied with. I look forward to the Privacy Commissioner developing guidelines to provide the ethical framework for a disclosure of genetic information without consent. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mrs Jillian Skinner agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

*[The Acting-Speaker (Mr John Barilaro) left the chair at 5.57 p.m. The House resumed at 7.00 p.m.]*

### **PRIVATE MEMBERS' STATEMENTS**

#### **LANE COVE CITIZEN OF THE YEAR DR JUDITH MITCHELL**

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [7.00 p.m.]: I acknowledge Lane Cove Council's Citizen of the Year for 2011, Dr Judith Mitchell. Lane Cove Council is well known for the calibre of people to whom it awards the prestigious title of Citizen of the Year. Previous winners have included Mr Dick White, OAM, Mr Roger Climpson, OAM, OBE—the famed Australian newsreader—Mr Guy Warren and Mr Tom Tait. Those are just a few of the individuals who have given to the community of Lane Cove and who have thoroughly merited the award. Dr Judith Mitchell, this year's recipient, is of a similarly high calibre. Dr Mitchell teaches violin and organises children's musical ensembles, giving them the opportunity to develop both self-discipline and self-confidence. She was extensively involved in the music program at Lane Cove Public School, which began when her children were students at the school.

From a cultural point of view, Dr Mitchell's role was central to the establishment of the Lane Cove Youth Orchestra, now a high-quality musical group aimed at retaining the involvement of young people in music throughout their schooling. This award is not the first time that Dr Mitchell has been honoured by Lane Cove Council—she received a Lane Cove Citizenship Award for Music in 1993. Dr Mitchell also contributed to the broader community as a very active member of the Committee of Riverview Community Association, including outstanding service as its president from 2007 to 2010. Five years ago, when the need arose, Dr Mitchell came out of retirement to conduct the Lane Cove Public School Orchestra and teach the strings students. Three years ago she added the role of coordinator of Lane Cove Public School's strings. Dr Mitchell is currently responsible for the organisation of more than 80 strings players. In keeping with her practical nature and love of her craft, Dr Mitchell maintains the instruments to provide the students with a high-quality musical experience.

Dr Mitchell thoroughly merited this recent civic honour. She works tirelessly, above and beyond the call of duty to ensure cohesion of the overall strings program at the school. Dr Mitchell cares deeply for all the charges in her care and guides them as friends, not just students, ensuring that they progress through the musical training program, thus enhancing the participation of all those involved. Anyone who wants evidence of my words need only attend the concerts held regularly in Lane Cove Plaza to hear for themselves the marvellous Lane Cove Public School combined strings groups. I echo the words of many in my electorate when I say that

the Lane Cove community is very fortunate to have Dr Judith Mitchell as a local community member. Her passionate and selfless work promotes the professional and cultural health of our community and in doing so invests time in our nation's most precious resource, our children.

### **WESTERN SYDNEY A-LEAGUE TEAM**

**Mr GUY ZANGARI** (Fairfield) [7.05 p.m.]: There has been much hype and excitement about the Football Federation of Australia's announcement on 4 April 2012 of the expansion of the A-League to include a team from Western Sydney for the 2012-13 season. The football federations of Southern Districts, Granville, Nepean, Macarthur and Blacktown have welcomed the decision, which has been a long time coming. It is well known that Western Sydney is the nursery for football talent in this country, in particular Fairfield and Liverpool. Further, Fairfield is the epicentre of the Western Sydney football family. Within Fairfield there are three local New South Wales Premier League clubs—the Marconi Stallions, Sydney United 58, and the Bonnyrigg White Eagles. Each of those clubs has a long and proud tradition of producing talented footballers who go on to represent Australia at the highest level as members of our national football team, the Socceroos.

During the past 50 years those clubs have worked towards building football infrastructure such as stadiums, training facilities, football programs and, most importantly, a solid foundation for junior players to develop and hone their skills. In fact, Southern Districts Soccer Football Association is in its sixty-sixth year and comprises 32 clubs. Last December Southern Districts returned to the Ernie Smith Reserve, with its upgraded change rooms, a new conference room, indoor catering and canteen facilities. The new clubhouse facilities are a welcome addition to Southern Districts after a callous arson attack some years ago that damaged the complex significantly. Southern Districts, like the other associations, is well placed to provide the new Western Sydney A-League team with a large base of juniors. The new Western Sydney A-League team will give local players the opportunity to strive for excellence as the team will be within arm's reach of many juniors with the potential to be the next Socceroo. For far too long Western Sydney has bled local talented footballers to overseas clubs.

The A-League is a great competition that, since its inception, has seen our national team take part in the last two World Cups, the first in 2006 and the second in 2010. Australia is no longer a football minnow and now can lay claim to some success on the world stage. Southern Districts feeder clubs provide local talent to the Marconi Stallions, Sydney United 58 and Bonnyrigg White Eagles. It works closely with local schools to identify, foster and develop young talent, and feed the elite levels of football both at home and overseas. For example, Westfields Sports High School, Bossley Park High School and Patrician Brothers College, Fairfield, have produced a large number of the present day and former Socceroos. Harry Kewell, Paul Okon, Nick Carle, David Zdrilic, Jason Culina, Peter Sharpe, Alex Brosque and Michael Beauchamp are just some of the players born, raised and educated in Western Sydney. The task ahead is enormous for the new Western Sydney A-League team. The 2012-13 season kicks off in October.

I welcome the appointment by the Football Federation of Australia of the inaugural coach, Tony Popovic. Tony is a local Fairfield boy who began his career playing with Southern Districts. He has had a truly distinguished career at home and abroad, playing in the former National Soccer League, the J-League, the English Premier League and the A-League, and he represented Australia as a Socceroo. Tony has a colossal job in assembling a playing roster before October. However, I am sure he has the enthusiasm and the drive to put together a competitive team for the upcoming season. To date there is no word about where the home ground will be and the club colours and the official name have yet to be decided. They are minor details: what is important is that a home team for the thousands of locals who live in the footballing heartland of New South Wales will be a reality this October.

### **NATIONAL ENGINEERING, YOUNG**

#### **EQUITY PATHWAYS PARTNERSHIP**

**Ms KATRINA HODGKINSON** (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [7.15 p.m.]: I am very happy to inform the House of two good news stories concerning the Young district, both of which the Government announced last Friday. The Government has acted to save around 50 jobs in Young that were under threat as a result of economic challenges facing the steel fabrication industry. National Engineering has been an iconic employer in Young for more than a century. It was initially established in Young as D. Normoyle and Company, blacksmith and coach builder. However, the gradual decline in the demand for blacksmithing services forced the company to diversify. By 1931 the company was operating an electrical

welding plant and further diversified to construct rural grain silos. In 1950 the company began seeking major steel construction contracts. Further expansion continued through the decades and by 1989 the company had evolved into National Engineering Pty Ltd, with factories in Young and the Australian Capital Territory.

Over the past 40 years the company has become heavily involved in grain storage and handling, including the construction of large commercial structures for GrainCorp and the Rice Marketing Board. The work has included the development of on-farm silos, hydraulic and mechanical grain augering systems and commercial unloading equipment. National Engineering has a very impressive portfolio of structural engineering projects. In 2000 the world saw its handiwork in the Sydney Olympic Stadium, the Olympic Velodrome and the Olympic Aquatic Centre. Recent projects include the Coca-Cola and Woolworths distribution centres in Sydney, Qantas aircraft hangars and car parks at Mascot, the DFO retail outlet in Canberra, the Griffith shopping centre and other projects from Townsville to Newcastle and Orange. Today National Engineering specialises in the fabrication, surface coating and erection of structural steelwork. The company also undertakes sheet metal fabrication and rotary equipment manufacturing of a range of rural products.

In a very highly competitive industry, National Engineering has developed an excellent reputation as a provider of heavy structural steel and has an output of more than 100 tonnes per week. However, changing economic conditions, including the rise in the Australian dollar, the global financial crisis and the need to replace older equipment, came close to sounding the company's death knell. Earlier this year I was approached by the Young Economic Development Committee because the previous owners of National Engineering had indicated their intention to close the company, putting off up to 50 staff. I arranged for representatives from the Department of Trade and Investment to become involved and to investigate how the Government could assist. Months of hard work and negotiations ensued, during which buyers were found for National Engineering. Michael and Caroline Deeble are committed to taking on the challenge of running this company and retaining all the employees. This is a fantastic commitment from Mr and Mrs Deeble to the community of Young and I commend them for their dedication to good corporate citizenship.

However, even with the commitment of the new management, significant challenges remained, including the need to upgrade equipment. Further meetings and discussions between me, the Deputy Premier's department, Young Shire Council and the company resulted in last Friday's announcement. The State Government will provide financial assistance so that the company can buy modern equipment, including modern automated beam line and plate processing machines. I thank the Deputy Premier for approving the Government's contribution, which has secured employment for those Young residents who just a couple of months ago faced a very uncertain future. The Government's contribution has also secured work for approximately 50 additional subcontractors used by National Engineering and it sets the scene for planned expansion of the company with the possibility of another 50 positions. This is another great outcome for Young.

However, this is not the only bit of good news for Young that was announced last Friday. Very early in the morning I addressed a working breakfast of the Young Economic Development Committee. Last year 86 per cent of the students at Hennessy Catholic College were offered first round university placements. However, because of the significant cost of accommodation many families were unable to afford to relocate their children to existing university campuses. That is an age-old problem. During the meeting the principal of Young's Hennessy Catholic College, Dr Peter Webster, announced the formation of an Equity Pathways Partnership between the college and the Australian Catholic University. High school students from the Young district who have completed their preliminary Higher School Certificate will now be able to study towards university degree courses without having to relocate out of the area.

This is not a form of distance education but an arrangement whereby university staff will come to Young to conduct face-to-face lectures and provide tuition. I believe it is a first for New South Wales and I am sure it will serve as a model for other regional centres. This initiative has been warmly welcomed by many high school students in Young, their parents and other relatives and friends. I commend Hennessy Catholic College and the Australian Catholic University for their innovative approach to improving access to tertiary studies for students in regional New South Wales. As I have demonstrated, Young is a can-do place in a very happening location. It is a wonderful place for students and continued thriving employment.

#### **KANAHOOKA MEN'S SHED**

**Ms ANNA WATSON** (Shellharbour) [7.17 p.m.]: The Kanahooka Men's Shed started as a virtual shed with no facilities. However, four members believed they needed to have an activity to get them started and they

rented some garden beds at the local community farm. This very quickly developed into a commercial arrangement with the owner of the farm. It was agreed that if the water reticulation was maintained on the owner's behalf the men could have the garden beds free of charge. They have achieved some amazing results. The relationship lasted some six months, after which a breakaway group leased four acres close by and came up with a plan to combine the strength of the two groups. The union was achieved and it was not long before a chook shed was also set up at the site. Talks were commenced also with members of the neighbouring Wollongong Men's Shed about utilising some time in their shed.

At the same time discussions commenced with the local iCentral Church of Christ, which is located on the corner of Thirroul and Kanahooka roads, at the behest of a seniors learning group known as the U3A. They were able to reach an agreement with the church whereby they relocated their chook shed and developed a garden in the church grounds. Because the shed on the church site was previously used for the storage of props and tools the church kindly offered to purchase a container to transfer the stored equipment, and it is now being delivered. The current shed is a fibro construction with a sheet metal roof. Whilst the roof is sound, it needs some immediate repairs, such as replacement of guttering, and a lick of paint and some sealant. The power supply is also inadequate and is on a mixed circuit—that is, it has four lights and two power points. It urgently needs extra power outlets fitted with individual circuits and earth leakage protection to handle the anticipated extra loading. Plans also have been developed to build an awning to provide an outdoor workspace at the front of the shed and to manage noise and debris caused by the use of power tools inside the shed.

Now that the shed has been registered and the word has spread throughout the district some 15 men show up every Wednesday for the weekly barbeque, general chats and brainstorming. It is known as the inner-sanctum and the long lunch. One of the boys also has donated a ride-on mower so that the lawns can be maintained. I have been advised that now that the vegies are growing, the chooks are laying and a mandatory long lunch is held every Wednesday it is time to get busy in the shed. The members are now seeking funding under the Australian Government Shed Development Program for tools and maintenance and upgrades. What is great about the Kanahooka Men's Shed is that its members also mentor young men who have found themselves in trouble and unemployed.

In addition to being a place for men to interact with other men, the shed also has an online service. The Shed Online provides men with information on health and wellbeing, which is very important, especially in ageing men who do not have a lot of male friends, perhaps due to separation, divorce, mental health issues and those sorts of things. Good health is based on many factors, including feeling good about oneself, being productive, being valued by one's community, connecting with friends and maintaining an active body and mind. Becoming a member of The Shed Online gives men a safe environment in which they can find many of those things in the spirit of good old-fashioned mateship, which in the Australian male psyche is something that I think needs to happen more often.

I congratulate all involved in the Kanahooka Men's Shed. I could talk about them for some time. They are quite an amazing group of people and I wish them nothing but good luck. They are moving into building billy carts so that our youth can race billy carts, which is an activity undertaken quite a bit in the electorate of Shellharbour. I now have an appreciation of the great work that they do and the contribution that they make to the Shellharbour electorate and to each other.

### **TRIBUTE TO DONALD TAYLOR RITCHIE, OAM**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [7.20 p.m.]: I pay tribute, as other members of this House have, to an extraordinary man, Mr Donald Taylor Ritchie, OAM, who sadly passed away, surrounded by his family, on Sunday 13 May, aged 85. Mr Ritchie became known to many as the Angel of The Gap. He spent 50 years of his life keeping watch and reaching out to people who attempted to take their lives at the notorious cliff at Gap Park in Watsons Bay in my electorate of Vaucluse. A loving husband to Moya and father to three daughters—Jan, Donna and Sue—and grandfather, Mr Ritchie was also a true local hero to many people touched by his generosity and compassionate spirit.

Mr Ritchie is acknowledged by authorities as having intervened to stop more than 100 people jumping to their death at Gap Park. That is nothing short of remarkable. Mr Ritchie has been described in this House as a guardian angel, tirelessly reaching out to the most vulnerable in our community and coaxing them back from the cliff, often inviting them to his nearby home for a cup of tea and a chat—something as simple as that. There are devices such as fences and closed-circuit television at The Gap to give troubled souls that are considering taking



their lives the chance to reconsider. Securing the site has been an important priority for the local community and council, and for me and my Federal counterpart, Malcolm Turnbull, MP. The Rose Bay Local Area Command, ably led by Superintendent Mick Fitzgerald, also plays an enormous role in assisting those in need at The Gap.

The work of the police in that regard often goes without praise. Frankly, they do not want to bring too much attention to their important work at The Gap lest, they fear, it draws others to that suicide hotspot. Mr Ritchie proved to us time and again that a smile and a greeting, an acknowledgement—simple, gentle gestures—could make a difference to those who are in need and close to ending their lives. Recently Mr Ritchie described how he would first try to get people away from the cliff ledge then, offering a smile and being friendly, would ask, "Can I help you in some way?" Very simple words were used. Born on 9 June 1926, Mr Ritchie served in the Royal Australian Navy during World War II and later worked as an insurance salesman. His daughter, Ms Sue Ritchie Bereny, who spoke at the funeral, said that both those periods of his life helped him learn how to talk to all kinds of people about all sorts of things.

Mr Ritchie was a keen traveller and was adventurous and passionate about seeing the world. In 2006 he was awarded the Medal of the Order of Australia for his enormous contribution to our local and national community in his service at The Gap. In 2010 he and Mrs Ritchie were named citizens of the year by my local council, Woollahra council. Just last year Mr Ritchie was awarded Australia's prestigious Local Hero award for his remarkable service to suicide prevention as part of the annual Australian of the Year Awards. In accepting that award Mr Ritchie said, "Always remember the power of the simple smile, a helping hand, a listening ear and a kind word." We have much to learn from his actions. We could easily turn a blind eye to people in their darkest hour, or we could lend a hand, which is what Mr Ritchie did in a very practical sense. He could not help doing the latter, every day for five decades, keeping watch over the cliff from his home. Mr Ritchie was truly deserving of his national and community awards.

Last Friday I was honoured to pay tribute to, and celebrate, Mr Ritchie's life and achievements at his funeral service at the naval memorial chapel at HMAS *Watson* in Watsons Bay. It was a clear blue-skied day with a ripple of wind and crispness in the air. Hundreds of people were in attendance to pay tribute and rejoice in his generous spirit. The chapel itself was small and could hold only about 100 people, so most of us spilled onto the beautiful lawn of the cliff face at Watsons Bay. The Scots College boys piped the *Last Post* and *Reveille* and the HMAS *Watson* Command provided a guard of honour. It was a memorable and moving yet inspiring occasion. Mr Don Ritchie, OAM, a wonderful Australian and compassionate and tireless advocate for those in need, a kind and decent family man, our local hero—may he rest in peace. I commend my private member's statement to the House.

## **TAREE ROTARY CLUB SEVENTY-FIFTH ANNIVERSARY**

### **TAREE QUOTA CLUB**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [7.25 p.m.]: On Friday 27 April 2012 I had the pleasure of attending the seventy-fifth anniversary dinner of the Rotary Club of Taree. The able master of ceremonies was Mr Don Phillips, AM. On 23 March 1937 a meeting of interested citizens in Taree resolved that the Rotary Club of Taree be formed. It was further resolved that the annual fee be two pounds and two shillings, or \$4.20. At this meeting were a Rotarian from the Rotary Club of Newcastle, the governor's special representative and a past district governor of Rotary from the Rotary Club of Sydney. From this meeting the Rotary Club of Newcastle sponsored the formation of the Rotary Club of Taree. The first meeting of the provisional Taree Rotary Club was held on Wednesday 21 April 1937 and this is the seventy-fifth year of the club. Its official birthday is 25 May. Its charter was presented on 25 September 1937.

Interestingly, the club has had five second-generation members as leaders, including Alan Cowan, Peter Dahdah, Ashley Cleaver, Brian Hole and Ian Dyball. It has also had two third-generation members, being Don Phillips and Karenne Norling, who was the first female member of the Taree Rotary Club. At the anniversary dinner there was an address by the Rotary Club of Okayama Chuo from Japan. Eleven members of that club flew here for just three days in order to attend that evening. The directors of the board of Taree Rotary Club are: David Fisher, president; Bruce Moy, immediate past president; Joy McCaffrey, secretary; Phil Streatfeild, treasurer; Howard Whitelaw, club administration; Leonie Melder, vocational-youth; Peter McKay, international-foundation; Kevin Sharp, special projects-community; and Ashley Cleaver, membership and public relations.

The following day I attended the sixty-fifth installation program of Quota International of Taree Incorporated. Maureen Mears was the president, Cathy Baker the secretary, Jackie Wiseman the treasurer, Dawn Beer and Trish Webber the vice presidents, and the directors were Marjorie Phillips—who is the wife of Don Phillips, who was the master of ceremonies at the Taree Rotary Club anniversary dinner the previous night—Jeanette Holland, Judy Cluss and Lyn Stewart. It was a wonderful luncheon. Also present was the mayor of Taree, Paul Hogan, and the district governor, Jan Irvine, and her husband, Alf Irvine. At the installation, which was conducted by Jan Irvine, Jeanette Holland was appointed as president, Cathy Baker as secretary, Lyn Stewart as treasurer, Nancy Boyling and Janenne Towers as vice presidents, and Marjorie Phillips, Dawn Beer, Gwen Forster and Maureen Meers as directors.

The Quota club of Taree raises funds for people with impaired hearing and speech and it does a fantastic job. It has raised funds for Cundletown school for children with hearing impairments to attend a camp; Tinonee Public School; Wingham Public School; Taree High School; the Stace family; the Emma Jarvie Foundation; Westpac helicopter service; Manning Valley neighbourhood services; the Cure for Life Foundation; Royal Far West; the Cerebral Palsy Alliance; a district project for stroke impaired people; World Service; the Biggest Morning Tea; early intervention; and a Christmas gift for a refuge. This group of women, who are doing their best for their community, has raised over \$10,000 over the past 12 months. I congratulate Taree Rotary Club on its seventy-fifth anniversary and Quota International of Taree Incorporated on the sixty-fifth installation for that organisation.

### **MICHELAGO MAYFAIR**

**Mr JOHN BARILARO** (Monaro) [7.30 p.m.]: I speak this evening of a community event that took place in the great electorate of Monaro. The Michelago Mayfair celebrated its fifth year on Sunday 6 May 2012. The Mayfair is held once a year in the small village of Michelago and is the community's biggest fund-raising event for the year. I had the honour of being asked to be the master of ceremonies at the Mayfair. The Michelago Mayfair is coordinated by the Michelago Region Community Association, commonly known to the locals as the MRCA. The association works tirelessly within the community of Michelago. In previous years it has raised funds and successfully obtained grants to construct a concrete footpath around the local oval so that the local kids have somewhere to ride their bikes and skateboards. This year it is turning its efforts to the restoration of the old tennis courts, which are also situated at the oval.

Not even an early morning frost or the cold of the Monaro winds could turn the Michelago community and its visitors away from the Mayfair. The event was well attended and there were many market stalls. Items for sale ranged from leather and woodworking products and handmade jewellery, jams and chutney to second-hand books being sold by the local Land Care group. The stalls provided many with the opportunity to do some last-minute shopping for Mother's Day. Food was also well catered for. The Michelago Rural Fire Brigade sold the usual steak and sausage sandwiches and a selection of delicious curries and an assortment of cakes were for sale. There was no lack of entertainment. The Queanbeyan Pipe Band, Seven Set and the Finger Plunkers provided fantastic music throughout the day. Static attractions included a vintage car display and a display of Harley-Davidson motorbikes. A demonstration of sheep shearing, an interactive display run by Questacon, a whip cracking display and a jumping castle for the kids—or those young at heart—were also on offer.

The Michelago Pony Club held its rally day at the oval in order to showcase its activities and attract new members. A game of soccer on horseback was played—definitely something to see. Visitors to the Mayfair were treated to an interactive display of sheep herding when the flock of sheep decided it would put the dogs to the test and run right through all the market stalls. I take this opportunity to thank the members of the Michelago Region Community Association for putting on a fabulous Mayfair event. In particular I thank Fiona Tollis and Cate Spence for their role in organising the event and in keeping me on task in my role as the Master of Ceremonies. To date they have raised approximately \$6,000, which will go towards the restoration of the tennis courts. I look forward to next year's Michelago Mayfair. Like many community country fairs and shows, the Michelago Mayfair is an opportunity for communities and families to come together to celebrate. It is also a time to showcase local wares to the many visitors who attend.

Shows and fairs are an important part of the cultural life of small towns and a popular event in larger towns and cities. Shows range from small events in small country towns such as the Michelago Mayfair to medium-size events of three days and large shows such as the Royal Easter Show in Sydney, which may run for a couple of weeks. They often combine elements of an amusement park with the agricultural show. All main

towns have a show society and in some areas several towns and villages in an area have annual shows. However, show societies are increasingly under pressure due to financial and insurance concerns and a lack of volunteers. I again congratulate the organisers of the Michelago Mayfair—especially Fiona and Cate—for their dedication and hard work in organising the Michelago Mayfair.

Michelago is a small town on the Monaro Highway on the way to Cooma. I am fortunate that Romney, a member of my staff, is a member of the great community of Michelago. When one wakes up to the cold winds coming off the Tinderries in the middle of winter—Michelago can have a minus eight degree start to the morning—one knows that one is alive. Michelago is a service community to the visitors who come to the snow during the winter. The ski season opens on the Queen's Birthday weekend and I encourage my colleagues to make tracks to the Monaro to spend a few days in the mountains on a skiing holiday. It is the best skiing holiday destination in the country. Forget about Queensland and the European Alps.

**Mr Troy Grant:** How much skiing do they do in Queensland?

**Mr JOHN BARILARO:** They do a lot of skiing in Queensland. Forget New Zealand and the Alps. It is the winter season—but take care on the Monaro Highway.

**Private members' statements concluded.**

## **NATIONAL PUBLIC EDUCATION DAY**

### **Matter of Public Importance**

**Ms CARMEL TEBBUTT** (Marrickville) [7.35 p.m.]: I speak this evening about a matter of public importance. Tomorrow is National Public Education Day, an opportunity to celebrate the successes of our public schools, here in New South Wales and across Australia. A strong public education system is the cornerstone of a fair and just society. Quality public schools—open to all—provide the opportunity for students to reach their full potential. The skills and knowledge disadvantaged students obtain at school can provide a path to a better life. Investing in public education has always been a priority of Labor and I am proud of our achievements in government. Those achievements include reducing class sizes in the early years of schooling; ensuring New South Wales teachers are amongst the best paid in Australia; introducing the Best Start in Life Program and seeing New South Wales students outperform other States in literacy and numeracy results.

I have spoken many times about the great things that are happening in public schools in my electorate. Recently I visited Marrickville Public School for its Anzac Day commemoration ceremony. Every year Kerry Chambers, the principal, and community member Chris Burgess organise this event. It allows students to understand the importance of Anzac Day and to pay tribute to all the Australians who have fought in conflicts overseas. Marrickville Public School is one of the most multicultural schools in Marrickville. It is a moving experience to see the students and parents participate in marking this day of great significance in Australia's history.

Diversity is one of the great strengths of public education. Public schools take all-comers and in our public schools students from different cultural, socio-economic and religious backgrounds mix together and learn how to get along. It is a great act of trust for any parent to leave his or her child at the school gate. The principals, teachers and support staff in our public schools return this trust through the dedication and commitment they invest in their students. Research tells us—and intuitively we know it is true—that the factor that makes the biggest difference to a child's educational outcomes is the quality of teaching. Most of us can remember a teacher—and no doubt more than one—who had a profound impact on us and helped to shape the person we have become. Today is a chance to pay tribute to all the public school teachers who—through their passion and knowledge—have fostered a love of learning in their students.

These are challenging times in education. The manner in which education is funded, how best to ensure improved learning outcomes for students and what they are to be taught, rightly are matters of passionate public debate. Over the past few months we have seen in New South Wales public schools much discussion and concern about the implementation of the O'Farrell Government's Local Schools, Local Decisions policy, which involves big changes to the way public schools in New South Wales are funded and administered. The education Minister has called them some of the most significant reforms that have ever happened in public education. But for reforms that are supposedly so significant there is very little detail of what they will mean in reality for

students, teachers and parents. We have heard a lot of slogans and catchy titles, but we have seen very little concrete detail. We understand that principals will be able to make on-the-spot purchases of up to \$5,000—which is a welcome change—but that will hardly revolutionise our schools.

Earlier this week the Minister also confirmed that schools would not be required to continue to have librarians, head teachers, counsellors and other support positions. This has led to a concern that schools will trade off these positions for the appointment of school managers who can take responsibility for the administrative tasks that are being pushed on to schools due to head office redundancies. These reforms have been characterised more by what the Minister will not say rather than by what he will say. The Government has refused to rule out increases in class sizes. It has refused to guarantee that individual schools will not lose funding as a result of the reforms or that there will not be a blow-out in the number of temporary teachers employed in schools. Parents and teachers are alarmed at the lack of certainty from the Government about the basic educational requirements that they should be able to expect at any public school in New South Wales.

The lack of clarity from the Government about the detail and impact of reforms and the concern that the real agenda is cost-cutting in our schools led to the teachers' industrial action last week. It is disappointing that the Minister has chosen to attack the Teachers Federation—calling it dishonest and negative—rather than make an effort to resolve the dispute. So I call on the Government, on National Public Education Day, to resolve the dispute over the Local Schools, Local Decisions policy. Get key stakeholders around the table, including representatives of teachers, parents and principals, and persuade them of the reforms that are meritorious and negotiate an acceptable resolution to the legitimate concerns that teachers and others have raised. The Minister must take action to do just that so that tomorrow and every subsequent National Public Education Day we can continue to celebrate the strengths and achievements of public education.

**Mr ANDREW GEE** (Orange) [7.40 p.m.]: I acknowledge National Public Education Day, which was inaugurated in 2001 by the Australian Education Union and is held annually on the fourth Thursday of May. I was disappointed by the unprovoked attack by the member for Marrickville on our hardworking Minister for Education, but I will refer to members opposite in a minute.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Keira will come to order.

**Mr ANDREW GEE:** In New South Wales National Public Education Day provides an opportunity to focus on the crucial role that public education plays in ensuring that every child has equal access to quality teaching and learning. New South Wales public schools use the day to draw attention to the excellent work and commitment of public schoolteachers and support staff, the wonderful grassroots effort made by local communities and parents and citizens associations, academic staff and the social and sporting achievements of students. I take this opportunity to thank teachers, support staff, parents, students and local community members for their commitment and efforts to make teaching and learning in this State the best in the country. As I was listening to the member for Marrickville I was taking a trip down memory lane. I was thinking of those guardians of public education opposite and the wonderful contribution they made to public education. Who can forget some of the greatest hits of the Building the Education Revolution?

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I call the member for Keira to order.

**Mr ANDREW GEE:** Let us look at Labor's great contribution at Tarcutta Public School. The school built a steel shade structure for \$44,000. When the school tried to get a structure under the Rudd Government's Building the Education Revolution scheme, 10 workers turned up to assess the site and the school was told that \$250,000 was not enough. The list goes on and on. At Brungle near Tumut—

**Mr Troy Grant:** Tottenham.

**Mr ANDREW GEE:** I will come to Tottenham school. The cost of a new library at Brungle blew out to more than \$280,000; the building should have cost \$75,000. Hastings Public School in Port Macquarie saw the cost of a covered outdoor learning area blow out from \$400,000 to almost \$1 million—a job that could have been done by local builders for \$123,000. Look no further—members opposite have a poor track record on public education. The previous Labor Government did not have to provide the funding—it was Federal money—it simply had to spend the money.

**Mr John Barilaro:** Easy come, easy go.

**Mr ANDREW GEE:** As the member for Monaro points out, it is easy come, easy go. The contribution of the member for Marrickville was disappointing. Let us talk about our Local Schools, Local Decisions policy. Under the revolutionary scheme introduced by the hardworking Minister for Education, schools taking part will have a range of options. Principals will have greater flexibility over staffing, including being able to share teaching and non-teaching staff with other schools or groups of schools and having a greater say in selecting staff. Principals have been crying out for that. We are giving initiative and responsibility back to school principals so that they can have some control over the destinies of their schools.

**Mr John Barilaro:** Decentralisation.

**Mr ANDREW GEE:** Yes. For the first time schools will control about 70 per cent of their budget, up from only 10 per cent. School principals are highly trained professionals, yet under the previous Labor regime they were reduced to—

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Keira will come to order. The member for Orange has the call.

**Mr ANDREW GEE:** Under the previous regime, school principals were stripped of their powers and responsibilities.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! Opposition members will come to order. The member for Orange has the call.

**Mr ANDREW GEE:** Under the new system, schools will have a greater say over infrastructure decisions, including being able to hire local contractors, make better use of local tradespeople and businesses and be able to share facilities and resources with schools. Contrast that with what we saw under the Building the Education Revolution. The legacy of members opposite to education in New South Wales is waste. Labor squandered public funds. As the member for Dubbo and the member for Monaro pointed out, members opposite squandered the future of our kids in New South Wales.

**Mr RYAN PARK (Keira) [7.45 p.m.]:** I am pleased to support the matter of public importance put forward arguably by one of the greatest education Ministers that New South Wales has had in the past decade, the member for Marrickville. One issue that the Minister raised—

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind the member for Orange that the member for Keira has the call.

**Mr RYAN PARK:** Government members do not understand that, despite all the technology, all the interaction with the world wide web, Twitter, Facebook and whatever, the most important and valuable person in the education system is still the teacher. Let us talk about Labor's record on teachers.

**Mr John Barilaro:** The children, the students. What about the kids?

**Mr RYAN PARK:** No, let us talk about Labor's record. The previous Labor Government re-established the Institute of Teachers. Labor commenced a trial in 40 schools to see whether decisions made at a local level reduced red tape but still benefitted students. Labor created record levels of literacy. Labor introduced a policy on class sizes that is second to none.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! Government members will come to order.

**Mr RYAN PARK:** I am extremely proud to stand alongside a former Minister who was part of a reforming Labor team that introduced some of the highest standards and highest pay for teachers, some of the highest rates of literacy and numeracy in this country, and some of the most well-equipped and best-resourced schools that New South Wales has ever had. No principals in my electorate have told me that they want to return the facilities they secured under the Building the Education Revolution. And members opposite know it.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Monaro will come to order.

**Mr RYAN PARK:** In the past couple of years we have seen the biggest investment in public schools in a generation and the highest levels of literacy ever achieved.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! Government members will come to order.

**Mr RYAN PARK:** We have the highest standards for teachers ever achieved, and we have the most professional development and investment in our public schools ever achieved. That is thanks to people such as the member for Marrickville and the Labor team.

**Ms CARMEL TEBBUTT** (Marrickville) [7.48 p.m.], in reply: I thank the member for Keira and the member for Orange for contributing to this debate and for their support for public education. The debate has been spirited but I think underneath it sits strong support from all members of this House for public education. I take issue with comments made by the member for Orange with regard to the Building the Education Revolution program. If the member for Orange spent a bit more time in New South Wales schools he might realise that most public schools in this State, as well as non-government schools, welcomed with open arms the investment that came from the Federal Government, administered by the New South Wales Government, through the Building the Education Revolution program. Schools across New South Wales have new halls, classrooms, auditoriums and gymnasiums. And they love them.

If we want to talk about legacies of Federal governments with regard to public education, let us look at the legacy of the Howard Government. The Howard Government implemented one of the most divisive forms of funding for public education. It ensured that money was stripped out of public schools across Australia; and public schools are still trying to catch up as a result of those reforms. If members opposite want to talk about legacies, let us talk about the legacy of the Howard Government because, more than any other government, it is responsible for ensuring that our public schools have been short-changed with respect to public funding.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Monaro will come to order.

**Ms CARMEL TEBBUTT:** When the Rudd Government and then the Gillard Government came to office, they tried to fix the equation by investing substantial funds in improving the physical infrastructure of schools through Building the Education Revolution. Of course, people conveniently forget that that was a stimulus program: Its aim was to address the biggest global financial crisis that we have seen since the Great Depression. The goal of the program was certainly to support schools but it was also to roll out the money quickly in order to stimulate the economy. And of course it worked because Australia is one of very few countries that did not suffer a depression or a recession as a result of the global financial crisis. That program worked. I again call on the Minister for Education to consult with all stakeholders with regard to the Local Schools, Local Decisions reforms. When the Minister released the discussion paper last year he gave a commitment that he would consult with principals, the Teachers Federation, parents and students. He has not honoured that commitment. The Teachers Federation does not have a representative on the steering committee overseeing the reforms and I urge the Minister to sort out that matter.

**Discussion concluded.**

**The House adjourned, pursuant to resolution, at 7.51 p.m. until  
Thursday 24 May 2012 at 10.00 a.m.**

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