LEGISLATIVE COUNCIL

Tuesday 5 June 2007

The President (The Hon. Peter Thomas Primrose) took the chair at 2.30 p.m.

The President offered the Prayers.

The PRESIDENT: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report the receipt of the following message from the Hon. Justice Keith Mason, Administrator of the State of New South Wales:

K. Mason
ADMINISTRATOR

Office of the Governor
Sydney 2000

The Honourable Justice Keith Mason, Administrator of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on Lieutenant-Governor of New South Wales, The Honourable James Jacob Spigelman, being absent from the State, has this day assumed the administration of the Government of the State.

3 June 2007

TABLING OF PAPERS NOT ORDERED TO BE PRINTED

The Hon. Tony Kelly tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

The following papers were ordered to be printed:

(1) Report of NSW Attorney General's Department on review of Police Powers (Drug Premises) Act 2001, dated 2006.

(2) Report of NSW Attorney General's Department on review of Police Powers (Internally Concealed Drugs) Act 2001, dated 2006.

(3) Report entitled "Report on the Section 430 investigation into Wagga Wagga City Council", dated May 2007.

(4) Report entitled "NSW Department of Local Government report on Section 430 investigation into Port Macquarie Hastings Council", dated May 2007.

(5) Report of Parramatta Stadium Trust for the year ended 31 December 2006.

(6) Report of Trustees of the ANZAC Memorial Building for the year ended 31 December 2006.

UNPROCLAIMED LEGISLATION

The Hon. Tony Kelly tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 5 June 2007.

ELECTION PROMISES COST OFFSETS

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of 10 May 2007, documents relating to election promises cost offsets received on 1 June 2007 from the Director-General of the Premier's Department, together with an indexed list of the documents.

PETITIONS

Killalea State Park

Petition objecting to multiple parts of Killalea State Park being leased to private interests for 52 years to undertake a major accommodation development, received from **Ms Sylvia Hale**.

Unborn Child Protection

Petition requesting statistical reporting of abortions, legislative protection of foetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Reverend the Hon. Fred Nile**.

FORMAL BUSINESS PROCEDURE

Sessional Order

Ms LEE RHIANNON [2.38 p.m.]: I move:

That, notwithstanding anything contained in the standing orders, for the remainder of the current session Standing Order 44 be varied as follows:

1. Before the House proceeds to the business on the *Notice Paper*, the President will ask with respect to each notice of motion, at the request of the member who gave the notice, whether there is any objection to its being taken as a formal motion. If no objection is taken, the motion shall be taken as a formal motion.

2. Formal motions will be taken in the order in which they appear on the *Notice Paper*.

3. The request from a member that a notice of motion standing in their name on the *Notice Paper* be taken as formal business must be signed by that member and handed to one of the Clerks at the Table during the sitting of the House, on the day before the member wishes the matter to be considered as formal business.

4. The question of a formal motion must be put and determined without amendment or debate.

5. An order of the day for the third reading of bills may be dealt with as a formal motion.

I move this motion on behalf of the Greens to improve the process of the Legislative Council. If adopted, this motion will enable members to proceed through more of the business that comes before the House. This proposition will not interfere with the Government's legislative program or private members' business. Members give notice of many motions on a vast range of issues in this Parliament, but, at present, the majority of those motions are never considered. That is unfortunate. While I do not believe that any member would vote in favour of all the motions on the business paper, I think most members would agree that the members who bring forward such motions do so in the context of the democratic process that this House represents, and they have the right to have their motions considered by their fellow members.

This motion, if adopted, would allow members to vote on motions at the start of the day, without the issues covered by the motion being debated at any point. The motions to be considered by the House must be nominated by the mover. But that does not mean that they then automatically come up for a vote. Any member who does not want a motion to be voted on in this way can deny leave. That is, the voice of one member can take a motion out of this process and the motion will simply sit on the business paper, so there is a clear mechanism to limit the reach of the proposed change to Standing Order 44.

The proposal by the Greens will improve the democratic workings of the House, and presents a practical way to manage the business paper, which we all know grows larger and larger with each sitting day. The procedure we are suggesting would allow matters that are contentious to be dealt with quickly and efficiently if the mover wishes that to happen and if all other members also agree to this process. The mover of the motion gains the advantage of having his or her motion determined ahead of the queue of business, but this is at the cost of not being able to have the motion debated. Clearly there is a trade-off. This process will have advantages for all members, and again I emphasise that any one member can refuse leave and so stop consideration of the motion.

The motion has been modelled on the process used in the Senate. The procedure was included in the original standing orders of the Senate in 1901. A report into the process issued by the Senate procedures committee in 2004 stated:

> The procedure has become more valuable over time because of the ever-increasing amount of unresolved business before the Senate. It is particularly valuable for General Business, as distinct from Business of the Senate or Government Business, because

> so many notices of motion are given under General Business that they will never be reached in the normal routine of business unless they are taken as formal. The procedure for formal motions is virtually the only chance for a senator to have a General Business notice of motion determined.

The Hon. Michael Costa: A Senator—

Ms LEE RHIANNON: I note the interjection. For the Minister's benefit and to bring him up to speed, I was quoting from the report of the Senate procedure committee. The report notes that some Senators raised concerns about some of the motions that were submitted under this process.

The PRESIDENT: Order! I am finding it very difficult to hear Ms Lee Rhiannon. This is an important debate, and I urge members to reduce the level of conversation. Further, I suggest that members remain seated while the member with the call is speaking.

Ms LEE RHIANNON: But again I emphasise that if any member does not want a particular motion considered, it may be knocked out on a single voice. The Senate procedure committee report also stated that in 2003, 383 motions were considered as formal business, with 371 proceeding as formal—that is, the motions were obviously passed—and there were 28 divisions on formal business. I understand that as a result the business paper for the Senate is quite small. I would hope that all members of the Legislative Council will agree to work together to increase the democratic processes of this Chamber.

I acknowledge that the process outlined in this motion, if adopted, will constitute only one small component of the rules under which we function. However, this small change will allow for a more efficient way to deal with our daily program and help ensure that we consider more matters in this House. If we adopt this change to Standing Order 44 the House will save time. As members would be well aware, often the Greens and other crossbench members use contingency motions to allow an airing of matters referred to in their motions. In many cases we know that the motions will be defeated, but each member is allowed five minutes to speak to his or her motion. If the motion to vary Standing Order 44 in this way is passed, the need for urgency motions will be drastically reduced. I urge members to support the motion, which I believe will improve the efficiency and functioning of the House.

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [2.44 p.m.]: The Government does not oppose the motion; indeed we support it. However, with regard to many such changes to the standing orders, we will not know their effect until they are in operation. We support the motion at this stage, but if down the track we find there is an unintended outcome in the operation of the standing order, we reserve the right to review it. Such matters are normally considered by the Legislative Council's Procedure Committee, and I suggest that when the Procedure Committee meets for the first time this session it should review the amended standing order, consider whether it is happy with its operation, and determine whether any finetuning is necessary.

The Hon. DON HARWIN [2.45 p.m.]: I agree with most of what the Leader of the House said. The Opposition also does not oppose the motion. I note that in the Senate the moving of formal motions takes place at a time other than at the commencement of the day's sittings. However, that is not particularly relevant to whether the change to the standing order as proposed by the motion is warranted. Effectively, it reverses the presumption, which has always been that everything on the *Notice Paper* can be dealt with formally, and that is probably a good thing. However, as the Leader of the House has foreshadowed, it is a sessional order—that is, it will operate only for the present session. I note, however, that under this Government parliamentary sessions have tended to extend much longer than traditionally is the case; they can now extend for several years. We therefore welcome the assurance of the Leader of the House that the matter will be considered by the Legislative Council's Procedure Committee at its first meeting. As a member of that committee I am pleased that the committee will monitor the operation of the change to the standing order.

Reverend the Hon. FRED NILE [4.46 p.m.]: The Christian Democratic Party agrees with the motion being passed on the basis that what is proposed will be trialled as a sessional order. It may be a three-months trial, but the proposal must be reviewed lest there be some negative impacts as a result of the change. As other members have said, the normal procedure is for such matters to be referred to the Legislative Council's Procedure Committee, whose membership comprises members of all parties who will consider the matter calmly in the committee process, rather than the matter being the subject of a motion in the House.

I certainly would prefer that we adopt the Senate procedure and have formal motions presented at a time different from that when the normal business procedures of the House are conducted. It occurs to me that

under the present process some confusion may arise because of such a change. At present, at the beginning of each day when the Chair calls over items on the business paper, most are objected to. If we adopt the process as proposed by the motion, members may be confused about what process is being followed. The President or the Clerks may consider setting aside a time when the process of formal motions should take place. I suggest that it take place at perhaps 2.30 p.m.—at a time separate from that at which the normal business procedures of the House are conducted. That would be my proposal in supporting the motion.

Ms LEE RHIANNON [2.48 p.m.], in reply: I thank all members who have spoken to the motion. I look forward to seeing how the procedure plays out in practice. We will certainly judge together whether it works effectively for the benefit of the House.

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

Motion agreed to.

MARINE PARKS ACT 1997: DISALLOWANCE OF MARINE PARKS AMENDMENT (BATEMANS) REGULATION 2007

Business called on, and postponed on motion by the Hon. Don Harwin, on behalf of the Hon. Duncan Gay.

MARINE PARKS ACT 1997: DISALLOWANCE OF MARINE PARKS AMENDMENT (PORT STEPHENS—GREAT LAKES) REGULATION 2007

Business called on, and postponed on motion by the Hon. Don Harwin, on behalf of the Hon. Duncan Gay.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms SYLVIA HALE [2.49 p.m.]: I move:

> That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 38 outside the Order of Precedence, relating to an order for papers regarding Killalea State Park, be called on forthwith.

This motion, if passed, will require the production of all documents concerning the agreement to lease three parcels of land in Killalea State Park—the 250-hectare pristine coastal reserve on eight kilometres of coastline and surfing beaches between Shellharbour and Kiama. The matter is urgent because no details of the agreement to lease have been made public. Members of the Killalea State Park Trust were sworn to secrecy, and even the representatives of Shellharbour and Kiama councils on the trust were forbidden to inform their councils of the details of the 52-year agreement to lease.

The matter is urgent because it was reported in yesterday's *Illawarra Mercury* that joint venture developers, led by the multinational funds management and infrastructure company Babcock and Brown, have already paid $600,000 to the Killalea State Park Trust, but there was no public information available as to what that payment was for and what guarantees were given to the developers in return. The only thing that is presently clear about the agreement to lease is that a private developer is being permitted to exploit a State park for profit. The matter is urgent because, while there has been no public consultation whatsoever about the proposal, we know from yesterday's *Illawarra Mercury* article that the developer has prepared—

The Hon. Amanda Fazio: Point of order: At this stage the member must confine her remarks to matters of urgency. It is not good enough that the member has a one-minute spray about the substantive motion, that she then says, "And this matter is urgent because", and that she then goes on to talk about the substantive matter. The member has told us repeatedly that she considers the matter to be urgent but she has not told us why it is urgent. I ask you to direct the member to explain to the House why the matter is urgent and not to debate the substantive debate.

The PRESIDENT: Order! When arguing that a matter should be given some priority a member must establish why the matter is of sufficient urgency to warrant the suspension of standing orders to allow it to be

debated. The case is not made out by a member simply repeating the words, "This matter is urgent because". I uphold the point of order and ask the member to continue in light of my ruling.

Ms SYLVIA HALE: This matter is urgent because the development of Killalea State Park is progressing rapidly but without public scrutiny. If the debacle of the Cross City Tunnel has shown us anything, it is that dealings between the Government and the private sector involving the exploitation of a public resource for private profit should be completely transparent and subject to detailed scrutiny.

The Hon. Greg Donnelly: Point of order: I raise the same point of order raised by the Hon. Amanda Fazio. No sooner had you made your ruling than the member immediately commenced a diatribe of ideology in an attempt to attack the Government. As you have ruled, Mr President, the member must confine her comments to establishing the urgency of the matter.

The PRESIDENT: Order! I again uphold the point of order and ask the member to continue in light of that ruling.

Ms SYLVIA HALE: The matter is urgent because of the degree of public consternation that surrounds this development, which is provoked by the secrecy surrounding the negotiations that have taken place and the agreement to lease that has been entered into. In other instances, such as the Cross City Tunnel, where there has not been transparency and openness at the very beginning of negotiations, it is clear that public interest is the loser. The reason for urgency in this case is that the documents that are fundamental to what is happening at Killalea State Park must be made available as soon as possible rather than kept in obscurity and away from the public. We can only know what is happening if those documents are made available now so that everyone has the benefit of being able to form a considered opinion on the matter.

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [2.54 p.m.]: This matter is not urgent. As I explained to Ms Sylvia Hale a few hours ago, nothing will be happening in Killalea State Park for quite some time. There are 37 other motions listed before this matter on the *Notice Paper*. Again the Greens are trying to jump the queue, as they always do for political purposes. The only reason the Greens consider this matter to be urgent is that they want a campaign. There are not enough trees being knocked down to cause the Greens to campaign, so they are looking for something else to campaign about.

As I advised the Greens at a recent briefing, all that has happened at Killalea is that a proponent has been selected to go away and put together a proposal and a development application for the community and the council and to carry out a public consultation process. My guess is that the final proposal will be produced towards the end of this year, at the very least. If this motion were debated in September, October or November, nothing would still have taken place with regard to Killalea, except perhaps for some further public consultation. The matter is definitely not urgent; there are more urgent matters on the *Notice Paper* that can and should be dealt with. Some calls for documents cost the Government in the order of $200,000—a complete waste of public money. This motion calls on some 20 government departments, ministries and local government bodies to research their files to look for relevant papers. That constitutes a huge cost to the Government. But I concede that is an argument for the substantive motion, not for urgency.

The Hon. TREVOR KHAN [2.56 p.m.]: The Opposition supports this motion, a decision about which I am most pleased given that 30-odd years ago I learned to dive in that pristine region of the South Coast.

The Hon. Christine Robertson: It would not have been pristine if you were diving in it!

The Hon. TREVOR KHAN: I had a wash before I dived! I submit that if one considers the cogent arguments put forward by Ms Sylvia Hale, one would have to support her motion.

The Hon. ROBERT BROWN [2.57 p.m.]: I do not believe that this matter is urgent, given that the documents the Greens are seeking may or may not be included among those that local councils can now make available to the public. The only matter of urgency perhaps is the composition of the trust membership. Perhaps an indigenous person should be placed on the trust—yesterday!

Reverend the Hon. FRED NILE [2.57 p.m.]: As has been said in previous discussions about the production of documents pursuant to Standing Order 52, in any request members should be more objective and

very precise about the documents to be produced. The motion requests many Ministers and departments to search their records and files—the Minister for Lands, the Department of Lands, the Premier, the Office of the Premier, the Treasurer, the New South Wales Treasury, the Minister for Natural Resources, the Department of Natural Resources, the Minister for Climate Change, Environment and Water, the Department of Environment, including the Environmental Protection Authority, the National Parks and Wildlife Service, the Minister for Planning, the Department of Planning, the Minister for Tourism, the Department of Tourism, the Minister for Finance and the Minister for Commerce.

We know that this matter is in its preliminary stage; the process has not yet begun. The proponent will make a development application to the council in due course and the council will be obliged then to consult the public. At that point people will have a clear idea of what is proposed. At this stage that is not clear. I have been advised that whatever documents are available are with Shellharbour City Council and that local residents can seek copies of the documents there. I do not believe at this stage there is any urgency unless, as has been suggested, it is for the Greens' political purposes.

Dr JOHN KAYE [2.59 p.m.]: An advertisement that appeared on Good Friday 6 April in the *Illawarra Mercury* stated:

> It is notified that the Minister for Lands intends to give consent in accordance with section 102 (4) (a) of the Crown Lands Act 1989 to the grant of a lease and to the grant of a class of leases, the particulars of which are set out in schedule 1 by the Killalea State Park Trust.

Despite the Minister's comments during the briefing this afternoon this matter is proceeding apace. If everything is not brought out into the public domain we run the risk of losing a substantial section of irreplaceable coastal land. To just sit back and do nothing is not good enough because we will reach a point where the position is irreversible. If the documents are not brought into the public domain now to allow informed public debate on the matter, we run the risk that in six months time the lease will have been granted and we will be so far down the track that it will be too late, the development application will have to go ahead, and we will have an irreversible loss of irreplaceable coastal land.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Clarke	Ms Hale	Mr Pearce
Mr Cohen	Dr Kaye	Ms Rhiannon
Ms Cusack	Mr Khan	
Ms Ficarra	Mr Lynn	*Tellers,*
Mr Gallacher	Mr Mason-Cox	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Noes, 22

Mr Brown	Mr Macdonald	Mr Tsang
Mr Catanzariti	Reverend Dr Moyes	Ms Voltz
Mr Costa	Reverend Nile	Mr West
Mr Della Bosca	Mr Obeid	Ms Westwood
Ms Fazio	Ms Robertson	
Ms Griffin	Mr Roozendaal	*Tellers,*
Mr Hatzistergos	Ms Sharpe	Mr Donnelly
Mr Kelly	Mr Smith	Mr Veitch

Question resolved in the negative.

Motion negatived.

PROFESSIONAL STANDARDS AMENDMENT (MUTUAL RECOGNITION) BILL 2007

Second Reading

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [3.09 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

Professional standards legislation has been enacted in all States and Territories to facilitate the capping of occupational liability. Such legislation also protects consumer interests through requirements for insurance and the implementation of risk management strategies and complaints and disciplinary procedures.

In New South Wales, there are currently eight schemes approved under the *Professional Standards Act 1994*. These schemes cover accountants, legal practitioners, engineers, surveyors and valuers.

The *Professional Standards Amendment (Mutual Recognition) Bill 2007* implements a decision of the Standing Committee of Attorneys General that States and Territories amend their professional standards legislation to enable mutual recognition, between jurisdictions, of schemes approved in other jurisdictions.

Under current professional standards legislation, the process for professionals to obtain capped liability outside their home jurisdiction is cumbersome, inefficient and involves duplication.

Mutual recognition of schemes by jurisdictions aims to address these problems and provide a more seamless national system of professional standards legislation.

Mutual recognition will cut the "red tape" currently facing professionals who wish to have capped liability when providing services in other jurisdictions. It recognises the reality that the work of professional practices often transcends state boundaries.

I now turn to the key provisions of the Bill.

Clause [1] of the Bill inserts a number of new definitions in the Act.

Under professional standards legislation, an occupational association may submit a proposed scheme to the Professional Standards Council for approval. Alternatively, an occupational association may ask the Council to prepare a scheme on its behalf.

Clause [3] of the Bill provides that a proposed scheme may indicate an intent to operate in New South Wales only, or in both New South Wales and one or more interstate jurisdictions.

Under professional standards legislation, there is a requirement for the Council to advertise a proposed scheme and to receive and consider comments and submissions on the scheme.

Clause [4] of the Bill provides that if a proposed scheme indicates an intent to operate in more than one jurisdiction:

- the scheme must be advertised in each of those jurisdictions; and
- the advertising requirements of each of those jurisdictions must be met.

Under professional standards legislation, the Professional Standards Council is required to consider a range of matters before approving a proposed scheme. These matters include:

- all comments and submissions received on a proposed scheme;
- the position of people who may be affected by capping the occupational liability of members of the occupational association; · the nature and level of claims relating to occupational liability made against members of the occupational association;
- the risk management strategies of the occupational association, and the means by which those strategies will be implemented;
- the cost and availability of insurance against occupational liability for members of the occupational association; and
- the standards determined by the occupational association in relation to insurance policies.
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Clause [5] of the Bill provides that if a proposed scheme indicates an intent to operate in more than one jurisdiction, the Council must consider:

- the matters outlined, plus any other matters specified in the professional standards legislation of the interstate jurisdictions; and
- all of the matters in the context of each of the jurisdictions concerned.

Under professional standards legislation, the Professional Standards Council may submit a scheme approved by it to the Minister.

Clause [6] of the Bill provides that if the scheme indicates an intent to operate in one or more interstate jurisdictions, the Council may submit the scheme to the Minister administering professional standards legislation in those jurisdictions.

Under professional standards legislation, the Minister may authorise the publication in the Gazette of a scheme submitted to him or her by the Professional Standards Council.

Clause [7] of the Bill provides that the Minister may also authorise the publication in the Gazette of a scheme submitted to him or her by an interstate Council.

Under professional standards legislation, a person who is or is reasonably likely to be affected by a scheme published in the Gazette may apply to the Supreme Court for an order that the scheme is void for want of compliance with the Act.

Clause [10] of the Bill extends the right to challenge a scheme to any person who is or is reasonably likely to be affected by a scheme in its application in another jurisdiction.

While the professional standards legislation of States and Territories is largely consistent, there are some jurisdictional differences.

Clause [11] of the Bill provides that a Court:

- may not make an order that an interstate scheme is void for want of compliance with the New South Wales Act on the ground that the scheme fails to comply with the requirements in the New South Wales Act relating to the contents of schemes; and
- may make an order that an interstate scheme is void on the ground that the scheme fails to comply with the requirements of the interstate law, under which it was approved, in relation to the contents of schemes.

Under professional standards legislation, either the Minister or the Council may initiate a review of the operation of a scheme. A review may be conducted to decide whether a scheme should be amended or revoked or whether a new scheme should be made.

Clause [12] of the Bill provides that a review may also be conducted to decide whether the operation of an interstate scheme should be terminated in New South Wales.

Under professional standards legislation, either the Minister, the Council or an occupational association may initiate the amendment or revocation of a scheme.

Clause [14] of the Bill provides that the provisions relating to amendment and revocation do not apply to an interstate scheme. Clause [15] of the Bill inserts a separate section governing the termination of an interstate scheme operating in New South Wales. Either the Minister, the Council or an occupational association may initiate a termination.

Clause [15] of the Bill also provides that:

- when an instrument revoking a scheme that also operates interstate is published in the gazette, the Minister must give notice to the relevant interstate Ministers; and
- when the Minister receives notice that an interstate scheme that also operates in NSW has been revoked, he/she must publish a notice in the Gazette.

The process for the amendment and revocation of a New South Wales Scheme and the termination of an interstate scheme is similar to that for the approval of a scheme. That is, there are requirements for public notification and receiving of submissions, for the Council to consider a range of matters, and for gazettal.

Clause [16] of the Bill inserts a more comprehensive provision on the duration of schemes to cover both New South Wales schemes and interstate schemes which may operate in New South Wales.

Clause [19] of the Bill provides that for the purpose of dealing with a scheme that operates, or indicates an intent to operate, in both New South Wales and another jurisdiction, the Professional Standards Council may:

- in the exercise of its functions under the Act, act in conjunction with the Council of the interstate jurisdiction; and
- act in conjunction with the Council of the interstate jurisdiction in the exercise of that Council's functions under interstate PSL.

This Bill is supported by the Professional Standards Council. It is also supported by key professional bodies, including the Law Council of Australia, New South Wales Law Society, New South Wales Bar Association, and the National Institute of Accountants, which were consulted during the drafting of the Bill.

I commend the Bill to the House.

The Hon. JOHN AJAKA [3.09 p.m.]: The Professional Standards Amendment (Mutual Recognition) Bill amends the Professional Standards Act 1994 with respect to the mutual recognition of New South Wales and interstate schemes for the limitation of occupational liability. The bill is not opposed by the Coalition. It is part of an ongoing process initiated by the Standing Committee of Attorneys-General that will allow mutual recognition between jurisdictions of schemes approved in other jurisdictions. This process is sensible and inevitable because of the increasing synchronisation of legislation between the States and Territories.

The Professional Standards Act 1994 was introduced, first, to enable the creation of schemes to limit the civil liability of professionals and others; secondly, to facilitate the improvement of occupational standards of professionals and others; thirdly, to protect consumers of services provided by professionals and others; and, fourthly, to constitute the Professional Standards Council to supervise the preparation and application of schemes and to assist in the improvement of occupational standards and protection of consumers. Under the Act, there are eight schemes in New South Wales, covering accountants, legal practitioners, engineers, surveyors and valuers.

There is an ever-increasing tendency for the work of professionals in Australia to transcend State boundaries. Unfortunately, development in the work of professional practices has been hampered by excessive red tape. This is made worse when dealing with the red tape of differing States. This is something I am well aware of, having acted for many interstate clients on matters that were applicable in two or more States. The proposed changes before the House will allow professionals to seamlessly obtain capped liability outside their home jurisdiction and overcome the now cumbersome and inefficient system of having insurance in different States. The proposed amendments will cut red tape and allow for more efficient professional practices in New South Wales. This will help to create a system that is fairer and more consistent not only for the various professional bodies but, just as importantly, if not more so, for the consumers dealing with those professionals.

It is important to note that the other States and Territories will also need to introduce uniform amendments to ensure the improved efficiencies. I am pleased to speak on a bill that the Federal Attorney General successfully pushed for at a meeting of Attorneys General in April this year. Over the past 11 years the Federal Liberal Government has proved to be a champion of improved efficiency, which is evidenced by the resulting strong national economy. The bill is supported not only by the Federal Attorney General but also by the Professional Standards Council, the Law Council of Australia, the Law Society of New South Wales, the New South Wales Bar Association and the National Institute of Accountants. I am pleased to indicate that the Opposition does not oppose it.

Ms SYLVIA HALE [3.13 p.m.]: On behalf of the Greens, I support the bill. Professional standards schemes are generally in the interests of the community in that while they cap occupational liability they also put in place obligations for insurance, risk management strategies, and complaints and disciplinary procedures. With such schemes operating in different States and Territories, it is sensible to have mutual recognition of the schemes across the jurisdictions. The bill provides for safeguards when schemes based in other jurisdictions operate in this State, and provides a review mechanism when doubt is cast on the efficacy of such schemes. For those reasons the Greens support the bill.

Reverend the Hon. FRED NILE [3.14 p.m.]: The Christian Democratic party supports this bill, which is a machinery measure that will have a valuable impact when it brings into line the operation of professional standards schemes in all States. The legislation has been initiated by the Commonwealth, which has enacted complementary legislation, and this bill will be the New South Wales contribution to capped liability schemes, which will be approved in all States and Territories.

Professional standards legislation has been enacted in all States and Territories to improve occupational standards, protect consumers and enable professional standards councils to approve schemes that cap the occupational liability of their members. We support the bill, particularly as it is already supported by the Professional Standards Council and key professional bodies, including the Law Council of Australia, the Law Society of New South Wales, the New South Wales Bar Association and the National Institute of Accountants. For that reason the Christian Democratic Party supports the bill.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [3.15 p.m.], in reply: I thank honourable members for their contributions to the debate. I take this opportunity to address two matters raised by the member for Epping during debate on the bill in the Legislative Assembly on 29 May 2007, one of which was also raised by the Hon. John Ajaka today. First, the member for Epping raised concerns about the provisions in item [11] of schedule 1 to the bill. These provisions were inserted on the advice of Parliamentary Counsel to enable a mutual recognition regime to operate effectively on a national basis. They are necessary because States and Territories do not have uniform professional standards legislation, although they have largely consistent professional standards legislation. The provisions will ensure that schemes do not fail because of minor differences in State and Territory legislation.

Secondly, the member for Epping credited the Federal Attorney General with initiating mutual recognition reforms at the meeting of the Standing Committee of Attorneys-General [SCAG] on 12 April this

year. Effectively, the Commonwealth is taking credit for reforms initiated by New South Wales. I place on record that it was in fact my predecessor, the Hon. Bob Debus, who placed the matter of mutual recognition on the agenda of the Standing Committee of Attorneys-General meeting in July 2006. I acknowledge, however, that once the matter was on the agenda the Commonwealth expressed support for the reforms. This bill is a result of State and Territory Attorneys General cooperating and working together through the Standing Committee of Attorneys-General to improve the operation of professional standards legislation on a national basis.

The amendments in the bill will be introduced by other States and Territories, thereby ensuring that the States and Territories continue to have nationally consistent professional standards legislation, and that there will be a more seamless national system of professional standards legislation. The bill recognises the realities of various markets for professional services which transcend State boundaries and enables the States and Territory professional standards councils, which have the same 11 members appointed to them, to act more effectively as a national council; and it cuts red tape and administrative and compliance costs for professionals and professional bodies. I note that a key priority of the Government's State Plan is to cut red tape and reduce the regulatory burden on businesses. This bill is entirely consistent with the Government's commitment in this area. It will ensure that consumer interests are protected by extending existing consumer protection measures to situations where a scheme is to apply in more than one jurisdiction. 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 leave, by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

CRIMINAL PROCEDURE AMENDMENT (VULNERABLE PERSONS) BILL 2007

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [3.19 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

I am pleased to introduce the *Criminal Procedure Amendment (Vulnerable Persons) Bill 2007*.

This bill proposes amendments to the *Criminal Procedure Act 1986* to amend the existing provisions that govern the giving of evidence by children in certain proceedings, and extend those provisions to cover persons with an intellectual impairment. It is proposed to repeal the Evidence (Children) Act 1997 and insert those provisions into the *Criminal Procedure Act 1986*, extending their application to intellectually impaired persons. It is considered more appropriate that these provisions are placed in the *Criminal Procedure Act 1986*.

This bill forms part of the Government's on-going legal reforms in the area of sexual assault prosecution arising out of the recommendations of the Criminal Justice Sexual Offences Taskforce, and also the Statutory Review conducted by my Department in June 2006 into the Evidence (Children) Act 1997.

The Taskforce Report contained 70 recommendations, which not only focused on laws and procedures affecting the prosecution of sexual assault matters, but also gave rise to more general concerns with respect to the protection of vulnerable witnesses within the criminal justice system.

The Taskforce recognised that people who have an intellectual disability or other cognitive impairment may be more vulnerable to sexual assault, particularly where they require assistance with their daily life activities. The Taskforce Report highlighted the need to provide greater protection to people with intellectual disabilities and other cognitive impairments, and to improve police investigations and the court process for those people.

The Taskforce also highlighted the need to provide further protections for children giving evidence in these types of situations, to prevent re-victimisation. The rationale for introducing special arrangements for vulnerable witnesses recognises that such witnesses often suffer a deficit in the ability to communicate and find it harder to adapt to new environments and situations.

I turn now to the detail of the bill.

Clauses 5 and 6 repeal both the Evidence (Children) Act 1997 and the Evidence (Children) Regulation 2004 respectively.

These provisions will be transferred to the *Criminal Procedure Act 1986*.

Item [1] of Schedule 1 replaces Section 76 of the *Criminal Procedure Act 1986*, which concerned recorded interviews with children, transcripts of such recorded interviews, and access to the recorded interview. The new Section 76 substantially re-enacts those provisions" and replaces references to a 'child' or 'children' with references to 'vulnerable persons', thereby extending its application to persons with an intellectual impairment.

The key term 'Vulnerable Person' is defined in the new Part 6 of Chapter 6 to be a child or an intellectually impaired person. For the purposes of that part, a person is intellectually impaired if the person has:

(a) an appreciably below average general intellectual functioning; or

(b) a cognitive impairment (including dementia or autism) arising from, or as a result of, a brain acquired injury, neurological disorder or a developmental disorder; or

(c) any other intellectual disability.

The only change to the Section is the insertion of subsection (4), which enables the recording to be admitted in circumstances where the Notice requirements set out in the regulations have not been complied with, provided that the parties consent, or the accused person or his or her representative has been given a reasonable opportunity to listen to or view the recording, and it is in the interests of justice.

This amendment was one of the Recommendations of the Criminal Justice Sexual Offences Taskforce, and was also highlighted in the Statutory Review of the Evidence (Children) Act 1997 in June 2006.

Item [2] of Schedule 1 amends Section 91 to provide that a complainant in certain sexual offence proceedings, who is intellectually impaired, will not be required to attend a committal. This amendment mirrors the protections already in place for child complainants in certain sexual offence proceedings, reducing the number of times such witnesses are subjected to cross examination over the course of a sexual assault prosecution and reducing the re-traumatisation associated with multiple court appearances. The amendment arises from the Recommendations of the Criminal Justice Sexual Offences Taskforce.

Item [3] of Schedule 1 replaces the existing Section 185, which concerns recorded interviews and transcripts of recorded interviews. The new Section 185 substantially re-enacts those provisions and extends their application to vulnerable persons, thereby including the intellectually impaired.

Item [4] of Schedule 1 adds a Note to the end of Section 274 that makes clear that these provisions extend to certain civil proceedings as well as criminal proceedings.

- Under the amendments, vulnerable complainants in prescribed sexual proceedings, being children and those who are intellectually impaired, now
- have an entitlement to the presence of a support person when giving evidence in camera (Items [6] and [7]);
- are prevented from being cross-examined directly by an unrepresented accused person (item [8]);
- may use alternative arrangements for the giving of evidence, such as closed-circuit television, or the use of screens or planned seating arrangements in the courtroom ([Item 9]).
- have a general entitlement to the presence of a support person as set out in Section 294C when giving evidence in such proceedings (Items [10], [11] and [12]);

Item [13] of Schedule 1 inserts a new Part 6 into Chapter 6 of the *Criminal Procedure Act 1986*, which deals with Evidentiary Matters. The proposed Sections 306M to 306ZP concern the giving of evidence by vulnerable persons, defined as children and intellectually impaired persons.

The new Part substantially re-enacts the provisions of the Evidence (Children) Act 1997, so as to enable the electronically recorded interviews made by investigating officials with a witness who is a vulnerable person, to be admitted into evidence as part of the person's evidence in chief. For children these are commonly know as JIRT [Joint investigation response team] interviews.

The new Part also confers an entitlement upon such vulnerable persons to give their evidence in criminal proceedings, and certain other proceedings, by means of closed-circuit television or other similar technology, rather than attending the proceedings to give oral evidence.

Proposed Section 306P sets out the circumstances in which the new Part 6 will apply to the evidence of vulnerable witnesses. In the case of a child, this is when the child is under the age of 16 at the time the evidence is given. This provision has not changed from the Evidence (Children) Act 1997.

In the case of intellectually impaired witnesses, the provisions will apply if the court is satisfied that the facts of the case may be better ascertained if the witness's evidence is given in such a manner. In making such a determination, the court will consider not only the quality of the evidence, but also the effect of any stress or trauma associated with the witness giving his or her evidence in the ordinary way.

There are some minor modifications contained in the proposed Part 6. Proposed Section 306Q provides that the Regulations may require an investigating official to record interviews with vulnerable persons. This replaces Section 7 of the Evidence (Children) Act 1997, which requires an investigating official who questions a child in connection with the investigation of the commission or possible commission of an offence by the child or any other person to ensure that any representation made by the child in the course of the interview is recorded, if the investigating official considers it may be adduced as evidence in court.

Existing Section 7, which sets out the requirements for the recording of interviews, will be moved to the regulations, and this will allow more flexibility in police operations and the ready adoption of new technologies when they become available.

Proposed Section 306U replaces and amends Section 11 of the Evidence (Children) Act 1997, which allows the previously recorded statement of a child under the age of 16 years to be admitted in criminal proceedings as his or her evidence in chief, where he or she is over the age of 16 but less than 18 years of age. The proposed amendment expands these provisions to enable the recording to be admitted no matter what the age of the person at the time of the hearing. This proposed change is in response to a specific Recommendation of the Criminal Justice Sexual Offences Taskforce.

Subsection (4) also makes it clear that the provisions requiring the vulnerable person to be available for cross-examination and re-examination in subsection (3) do not apply to committal proceedings.

Proposed Section 306V replaces Section 12 of the Evidence (Children) Act 1997 and concerns the admissibility of the recording of the vulnerable person's evidence. The amendment provides that despite a failure to comply with the Notice requirements in the regulations, the recorded statement should be admitted if the parties consent, or if the accused has had an opportunity to view the recording, and it would be in the interests of justice to do so.

This amendment also arises from the Recommendations of the Criminal Justice Sexual Offences Taskforce, as well as the Statutory Review of the Evidence (Children) Act 1997 conducted by my Department in June 2006.

The task force considered that the court should have a discretion whether to admit the evidence in circumstances where compliance with the notice provisions cannot be proved, provided that the accused has had an opportunity to view the recording, and it is in the interests of justice, or the parties consent. This would avoid a two-week delay, which the prosecution is obliged to seek in order to comply with the notice requirements. It would also bring these provisions in line with other judicial discretions.

Proposed Section 306ZE replaces and amends Section 21 of the Evidence (Children) Act 1997 which places a prohibition on children giving identification evidence by means of closed-circuit television or other similar technology. The child must be brought into court to give such evidence orally. Identification is often not a fact in issue in such proceedings, and the existing prohibition has been identified as unnecessarily problematic and has caused some practical difficulties, particularly where the child is giving evidence from a remote facility. The proposed amendment therefore retains the prohibition on giving identification evidence by way of closed-circuit television, but limits it to circumstances where identification is a fact in issue in the proceedings.

Schedule 2 makes consequential amendments to other Acts arising from the bill. The amendments contained in this bill will make it easier for children and persons with an intellectual impairment to give their evidence and provide greater protections from the stresses of the court process, as well as assisting them to give the best evidence they can give. I am sure these amendments will be welcomed by all members.

I commend this bill to the House.

The Hon. JOHN AJAKA [3.19 p.m.]: The Criminal Procedure Amendment (Vulnerable Persons) Bill 2007 amends the Criminal Procedure Act to make further provision with respect to the giving of evidence in criminal proceedings by certain vulnerable persons, namely children and intellectually impaired persons, in the form of recordings of previous representations and by closed-circuit television in court proceedings. The bill will consequently repeal the Evidence (Children) Act. The Opposition does not oppose the bill.

The bill arises out of recommendations of the Criminal Justice Sexual Offences Taskforce. The task force recognised that some members of our community, such as the intellectually disabled, may be more vulnerable to sexual assaults. It was also recognised that police investigations and court proceedings needed to be improved for vulnerable persons. It is our duty as elected representatives to ensure that vulnerable persons are given the protection they need and deserve. By incorporating the Evidence (Children) Act within the Criminal Procedure Act and broadening the definition from "child" to "vulnerable persons", which are defined as "children and intellectually impaired persons", the bill will help protect more vulnerable persons.

The bill will result in intellectually impaired persons being able to, first, not attend committal hearings, second, have their evidence-in-chief tendered in the form of recorded interviews or transcripts in criminal proceedings and certain civil proceedings, and, third, in prescribed sexual proceedings, be prevented from being cross-examined directly by an unrepresented accused, have access to alternative arrangements for the giving of evidence and the presence of a support person when giving evidence.

It is important to note that concerns have been raised about the possible ramifications of proposed section 306Q of the Act, which provides that the regulations may require an investigating official to record interviews with vulnerable persons. The concern is that intellectually disabled people may not be aware that their conversations are being recorded and police may use that as evidence in a case without their prior knowledge or understanding. Courts and their officials will need to treat vulnerable persons with the utmost respect and understanding.

I note also that the courts of New South Wales would be in a better position to protect vulnerable members of our community if the Government provided the courts with the very necessary additional funding so desperately needed. It is time for the Government to deliver properly resourced specialist courts, with specially trained judges, Crown prosecutors, Director of Public Prosecution lawyers and support staff. I am pleased to indicate, as I did earlier, that the Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [3.22 p.m.]: The Christian Democratic Party supports this very practical, worthwhile bill, which will provide additional protection in the law to the intellectually impaired. The bill will provide greater protection for child witnesses and other vulnerable persons. This is part of the ongoing implementation of legislative recommendations made by the Criminal Justice Sexual Offences Taskforce in its 2005 report headed "Responding to Sexual Assault: The Way Ahead." As honourable members know, the task force made 70 recommendations for change, including a number of legislative amendments, and they have been picked up in this bill. A number of the amendments had already been dealt with in the Criminal Procedure (Sexual and Other Offences) Bill.

Some of the important aspects of this bill include the extension of protection currently provided to children in the criminal justice system to other vulnerable witnesses such as the intellectually impaired. It will also enable the pre-recorded statement of a child made when he or she was less than 16 years of age to be admitted as his or her evidence-in-chief no matter the age of the child at the time of the hearing. Another important aspect prohibits the calling of a complainant with an intellectual impairment at committal proceedings for certain sexual offences, mirroring the protection already provided to child complainants. The bill will also amend former part 2, concerning the requirement for interviews for children to be recorded and which had not yet commenced, stating that any such requirements as to the recording of interviews with vulnerable persons may be set out in the regulations. Finally, it provides that vulnerable witnesses will only be brought into court to give oral evidence about identification in circumstances where it is a fact in issue in the matter.

In the briefing we received, the Attorney General indicated that the whole issue of consent is now a priority for his department and in due course he will be bringing in legislation relating to consent in rape cases, to which we are looking forward and will give our support. This is needed to assist victims and hopefully to increase the conviction rate, which is very low.

Ms LEE RHIANNON [3.25 p.m.]: The Greens support this bill. All its measures will in some way make it easier for children and people who are intellectually impaired to negotiate the criminal justice system where sexual assault is alleged. However, much more needs to be done to ensure the criminal justice system accommodates the victims of sexual assault. The work of the Criminal Justice Sexual Offence Taskforce, set up by the Government in 2004 to drive reform, has been critical in outlining key reforms to modernise and humanise the criminal justice system for sexual assault victims. For the Government to claim in the media in recent times that the majority of the task force's recommendations have been implemented is, sadly, far-fetched.

The Hon. John Hatzistergos: No, it is not.

Ms LEE RHIANNON: According to our advice, it is more accurate to say that one-sixth of the recommendations have been implemented. The Attorney General says that is rubbish. It would be good to sit down with him and get the accurate figures, but that is certainly the impression that people who study this closely have gained. All the best work in the world by the Criminal Justice Sexual Offence Taskforce becomes irrelevant if its recommendations are ignored. Library bookshelves are lined with worthy reports on this subject, and they are gathering dust. It is the job of the New South Wales Attorney General to ensure that this is not the future for the taskforce's recommendations.

Piecemeal reform by the Government, when the editors of a major paper decide to create a momentary media storm around the failures of our sexual assault laws, is not good enough. It would be interesting for the Attorney General to enlighten us on how that played out. The Government needs a big-picture commitment, not an ad hoc approach, to revolutionise our legal system. The New South Wales Rape Crisis Centre, which was

represented on the Criminal Justice Sexual Offence Taskforce, has developed a comprehensive best practice model for the prosecution of complaints of sexual assault, which I understand the centre hopes the Attorney General will embrace and implement.

The centre is clearly of the view that the current system is failing women. It notes that in 2005 just under 9,500 complaints of sexual and indecent assault were made to New South Wales police. The Australian Bureau of Statistics estimates that only 20 per cent of assaults are reported. Fewer than 500 people are convicted every year, with not all of those convicted receiving custodial sentences. The rate of reporting through to conviction for sexual assault is far lower than for any other criminal offence.

One of the key planks of the Rape Crisis Centre's best practice model is for a one-stop unit to provide counselling, health and legal services and most importantly, access to a case manager. This was also recommended by the task force. Such a holistic service is critical to help ease the way for victims who, because of their experience, are already reluctant to become involved in the criminal justice process. The Attorney General's office tells us that the one-stop shop initiative is being considered by the Department of Health and Police, These words do not sound promising. They suggest the Government may drag its feet on this and other proposals until such time as a tabloid creates a stir and a directive comes down from a government under siege to announce the implementation of the initiative to remove some heat. That is certainly how we have seen other government policies play out in this area.

Another key reform recommended by the Rape Crisis Centre, unfortunately rejected by some on the task force because it was not considered politically viable, is the establishment of specialist sex offences courts. The centre points out that this does not involve the construction of new court buildings as most current court complexes have the capacity to be redesigned to incorporate these specialist courts.

What specialist courts offer is the opportunity to change the culture of our current court system. Victims of sexual assault would experience fewer delays and a smoother pre-trial and trial process. A specialist court would enable specially designed courtrooms equipped with closed-circuit television [CCTV] facilities. Victims would face a specialist judge, assisted by specialist sexual assault prosecutors, both experienced in sexual assault matters. Other ingredients in the Rape Crisis Centre's plan include a range of law reform changes, including a legislative definition of consent.

While the Greens welcome the Attorney General's move to release a discussion paper on this and other reforms such as the introduction of an objective fault test, and his four-month deadline for action, we will closely monitor progress to ensure it does not fall off the Government's to-do list. We need a government willing to focus on the more difficult question of how to change our society to prevent sexual assault, rather than simply place an ambulance at the bottom of the cliff. Police need better training and NSW Health's forensic response requires improvement through better resourcing. Lastly, the Rape Crisis Centre is making a well-measured call for more research, training and resources. Current services for victims and survivors of sexual assault are so under resourced that they are unable to meet demand. We need additional counselling services, expansion of the nurses' examiner program and funding to support initiatives targeting indigenous communities.

A reform program to create a criminal justice system that operates as a safe place for women to pursue prosecution of a sexual assault involves many facets. It is imperative that the Government pursue a complete, finessed reform package. There is no quick fix or room for a bitsy, ad hoc approach. The Greens urge the Government to get on with implementing reform measures that are now laid before it—they are already there, on the table—acting independently of the pressure of any sensational campaign from the tabloids. That would benefit everyone, particularly the victims of sexual assault.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [3.33 p.m.] in reply: I thank honourable members for their contributions to this debate. To respond to the matter raised by Ms Rhiannon—anonymously I might add—I point out the following facts. Of the 70 recommendations contained in the Criminal Justice Sexual Assault Task Force report, 44 relate to legislative reform, and 15 of those recommendations were implemented in the Criminal Procedures Amendment (Sexual and Other Offences) Bill 2006, which was assented to on 2 November 2006. I also point out that 11 of the legislative recommendations did not require any action to be taken; for example, recommendation No. 15 that there be no attempt to define "recklessness". In addition, six of the remaining 18 recommendations that refer to legislative reform concern

increased protection for children and witnesses with intellectual impairment in the criminal justice system, and they are included in this bill.

The 12 outstanding legislative recommendations concern a definition of "consent", expansion of the circumstances vitiating consent and the introduction of an objective fault test. They also deal with the expansion of offences of a sexual nature committed against persons with an intellectual impairment in the Crimes Act and the use of a more appropriate definition for those offences that takes into account a range of other cognitive impairments that are not covered by the definition. The amendments have been drafted and are set out in the consultation bills. They have been publicly circulated, along with a discussion paper on each topic, due to their complex nature. As I have indicated, I hope to introduce a further bill covering these amendments in the near future.

The remaining 26 recommendations in the task force report are operational in nature and relate predominantly to service delivery as well as education and training. Four of those recommendations are currently being implemented and an interagency working group has been formed, comprising representatives of various government agencies affected by the recommendations, that will be responsible for monitoring the coordination and oversight of the implementation of the remaining recommendations.

A couple of honourable members have mentioned the issue of specialist courts. That was not a task force recommendation. The Government commitment is to have every district court operate as a specialist court. To that end, a practice note has been issued by the Chief of the District Court dealing with timeliness and process in relation to these matters. Training is being provided to members of the judiciary to ensure that they are across the new obligations provided for in the legislation and other issues relating to the conduct of sexual assault cases. It is important to recognise the fact that the District Court sits in 32 locations across the State. Having a specialist court—which, as I said, was not recommended by the task force—would inevitably mean that victims would have to travel lengthy distances to access the court, which would sit only in specified locations. The Government does not believe that that is in the interests of victims, particularly if it results in extended delays in the conduct of trials because they have to be moved to other locations. It is in the interests of everyone—the prosecutors, the victims, the witnesses and the community—that the process being implemented by the Government, which ensures that the District Court is well equipped to deal with all these matters in a timely way, is progressed.

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 leave, by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

MENTAL HEALTH BILL 2007

Second Reading

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [3.38 p.m.]: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Mental Health Bill 2007. This bill is the culmination of an extensive consultation and review process commenced by the Government in 2003. Members will be aware that the Mental Health Bill 2006 was introduced in this House by the then Minister Assisting the Minister for Health (Mental Health) in November 2006. The second reading speech on that bill provides detail about the history of the review of the Act, its focus and some of the key provisions in this new piece of legislation. There is no need

to revisit in detail the matters canvassed in the Minister's speech on the history leading up to the introduction of this important piece of legislation.

In introducing the Mental Health Bill 2007 it is appropriate that I restate the Government's commitment to mental health services, with this legislation remaining one of the keystones to supporting ongoing improvement and reform of those services. Whilst endorsing the comments made during the second reading speech in November last year, it is also appropriate that I again outline for the benefit of the House the aims and focus of the bill and some of its key provisions. I will also outline some minor amendments to the bill that have occurred since its introduction last year.

The changes included in the new bill have as their focus a number of key reforms. These include a new part drawing together the key objects and patient protection provisions, including new provisions containing "principles of care and treatment"; recognition of the role of carers and patients, and recognition of their right to information and to be involved in care and treatment decisions—this addresses one of the main issues raised in the review, which was to enable the sharing of relevant information with patients and their carers, and support the involvement of both patients and carers in treatment decisions; clarification of transportation provisions, and the role of police to balance law enforcement and mental health priorities.

This aims to provide a more structured approach to admission and transport. The changes will also allow ambulance officers to take people who appear to be mentally ill to a hospital for treatment. The power will not be open-ended, but will be limited to where the ambulance officer is treating a person and providing ambulance services and where that officer has been authorised to make detention decisions. Training and support for ambulance officers will be critical to ensure that they can safely and effectively perform this role. As such, the Ambulance Service will ensure that necessary training occurs as part of the authorisation process.

New, more detailed transportation provisions have been developed for the new bill. The new provisions aim to emphasise that NSW Health will take primary responsibility for patient transports, with requests for police involvement to be limited to where there are serious concerns about patient and/or staff safety. The revision of "prohibited treatment" provisions to include psychosurgery is another provision in the legislation. The bill lists a number of prohibited treatments that will not be permitted in New South Wales. These are deep sleep therapy, insulin coma therapy and psychosurgery. The definition of psychosurgery has been revised. It was crucial that the ban on psychosurgery did not prevent treatment and research into other debilitating medical conditions. The definition, therefore, allows the listing in the regulations of the medical conditions or illnesses for which treatment may be provided.

The legislation also features the streamlining of provisions relating to treatment in the community. This will be done by consolidating the current two orders into a single community treatment order that can be initiated while in care or in the community and allowing those orders to run for 12 months. One concern expressed by submissions on a single order was to ensure that appropriate criteria were used and to ensure that the person subject to the order would have a reasonable and proper opportunity to challenge its being made. To this end the bill provides for people in the community to be given 14 days notice of an application for an order. The test for issuing an order will be the same whether a person is in the community or detained in a facility, although their personal circumstances will, of course, be relevant to the order. Legal representation will be available, as with current processes, but a failure to attend on the notified date will allow an order to be issued in the person's absence. Orders will be able to be made by the tribunal or by a magistrate.

I turn now to clause 150 of the bill. Under the 1990 Act the tribunal is required to be constituted by three members, irrespective of the nature of the matter before it. This means that a full panel must be constituted for what are very often simple interlocutory matters, such as listing arrangements, arranging or changing venues, noting representation and simple adjournments. Clause 150 of the bill creates flexibility to allow simple matters such as these to be dealt with by a legal member of the panel—that is, the president, a deputy-president or another appointed lawyer—sitting alone.

The Government recognises that one-person panels should be limited to these minor and administrative matters and that it is important to ensure transparency in how decisions on constituting the panel are reached. The Government therefore proposes to develop, in consultation with the tribunal, regulations using the powers in clause 150 (5) to ensure that a full three-person panel sits where substantial or contested matters come before it. That is, the Government intends that the single member will be used only in procedural matters. There is the possibility that it might be extended to a very restricted class of emergency situations. That will be the subject of further discussion. It is also important to emphasise that these changes do not affect the constitution of the

tribunal in forensic matters. The provisions in relation to forensic patients have been retained and will continue to require the panel to be fully constituted by the president or a deputy-president, a psychiatrist, and another suitably qualified member in forensic reviews.

The bill generally reflects the 2006 bill but has been slightly revised and finetuned. For example, under the 1990 Act a range of different functions were allotted to a range of different offices, including the director general, the chief health officer, authorised officers appointed by the director general, medical superintendents, and medical officers working in the facility. The 2006 bill simplified these provisions. Other roles were designated functions of the director general, largely replacing the old concepts of authorised officer. In operational practice there will be no change, as the officers who are currently appointed as authorised officers will continue to exercise the function via a formal delegation from the director general.

In the period since the 2006 bill was introduced, however, a number of additional references to the director general have been identified as needing to be changed in keeping with this policy. This includes references to the Chief Executive Officer of the Ambulance Service in clause 4 and references to the authorised medical practitioner in chapter 4. Some minor changes have also been made as to who can approve forms used under the legislation. Currently, forms can be made by regulations or can be approved by the Minister. Changes have been made in the 2007 bill to allow the President of the Mental Health Review Tribunal to approve forms used by the tribunal.

The 2006 bill also limited the public facilities which could be gazetted as declared psychiatric facilities to premises of an area health service under the Health Services Act. There are, however, additional public facilities that this terminology does not cover, such as Justice Health and the Children's Hospital at Westmead. Both of these premises are statutory health corporations. The language of clause 109 has therefore been revised to refer to public health organisations, a term that covers all public facilities listed in the Health Services Act.

A limited number of changes have also been made to restore some aspects of the forensic provisions in the 2006 bill, taking them back in line with the 1990 Act. The main changes in this regard relate to amending the period of time in which a forensic patient must be reviewed from 12 months back to six months, as provided in the 1990 Act. The period of time between reviews is a matter that will be considered by the current forensic review.

The 2006 bill also provided the director general with a right of appearance when the tribunal is reviewing forensic matters. This marked a change from the current system whereby the Government does not have any express right to appear. Such a right would be relevant if there were no executive discretion, and the tribunal or another judicial body made final decisions on release. However, the question of whether the executive discretion should be retained is still pending the outcome of the forensic review. The right to appear provision has therefore been removed in the 2007 bill so the provisions reflect the current scheme in the 1990 Act. I commend the bill to the House.

The Hon. JENNIFER GARDINER [3.47 p.m.]: The Mental Health Bill was first introduced into the Parliament at the end of the life of the last Parliament, and it has now been reintroduced with some minor revisions. It replaces the 1990 Mental Health Act, which was subject to amendments back in 1994 and 1997, a whole decade ago. The Act was in need of a comprehensive review. The Labor Government was very tardy in conducting such a review, so the Legislative Council acted in 2001 when it established the Select Committee on Mental Health, which was chaired by Dr Brian Pezzutti and which was reported at the end of 2002.

During the debate on this bill the Government has acknowledged the Select Committee on Mental Health as being of great assistance in providing a context for the review of the Act. It is interesting to note the composition of the committee back then. As I said, it was chaired by my esteemed former Liberal Party colleague in this House, the Hon. Dr Brian Pezzutti, who put an enormous effort into that important select committee's work, as he did with all his other endeavours as a member of this House. Also serving on that committee were the Hon. Peter Breen, who, as a result of the last election, is no longer a member of the House; the Hon. Dr Arthur Chesterfield-Evans, who also was not re-elected to the Parliament at the last election; the Hon. Amanda Fazio, who is presently in the chair; the Hon. John Hatzistergos, who later became the Minister for Health and is now the Attorney General, and Minister for Justice; and the Hon. John Jobling, who replaced my Nationals colleague the Hon. Doug Moppett, who resigned from the Legislative Council just four days before his untimely passing in the year that the select committee reported.

A lot of water has passed under the bridge with regard to mental health policy in this State since the select committee's report, so it is pleasing that the Government is now acting on some of its recommendations,

albeit in a belated way. In Dr Pezzutti's foreword to the select committee report he pointed out that in 1846 a Legislative Council select committee conducted the first inquiry into mental health services in this State. The 2002 select committee of this House was the first parliamentary inquiry since 1877 to specifically inquire into mental health. It was also noted that the work of the Pezzutti inquiry coincided with the twentieth anniversary of the release of the Richmond Report, the recommendations of which led to the deinstitutionalisation of very many people suffering from a mental illness—a report and a process that still resonates in the debate about mental health policy to this day. It is interesting to reflect on Dr Pezzutti's words of 2002:

> New South Wales has a community mental health sector with a large responsibility for mental health care, but not the necessary resources. The weight of evidence presented to the committee highlights that mental health services in New South Wales need revolutionary improvement. Deinstitutionalisation, without adequate community care, has resulted in a new form of institutionalisation: homelessness and imprisonment.

Sadly, that was highlighted a few years later by another select committee of this House, the Select Committee into New South Wales Prisons—chaired by another of my esteemed Liberal Party colleagues, the Hon. John Ryan—which found that many people in New South Wales' prisons were suffering from some form of mental illness. Dr Pezzutti went on:

> There are some good models of supported care in New South Wales. The best of these work better because of greater coordination at a local level. They draw together the care, support, housing and social contacts people need to be part of their community. Many acute patients, however, are beyond such a model and many more, including those with both a mental illness and a substance abuse problem, are slipping through the gaps in the system.
>
> Many serious mental illnesses are chronic and relapsing in spite of best care, just like diabetes and asthma, yet they do not get the same priority. Mental health is everyone's business; it is as important as physical health and deserves equal priority.

I think it is fair to say that since then there has been a greater acknowledgement in our society of the pervasiveness of mental health and the need to talk about it openly. We have to try to help people with adequate resources and facilities.

The select committee said that there cannot be a one-size-fits-all approach to mental health services. Based on evidence presented to the committee, a sanctuary—a place of respite, retreat and safety—is beneficial to many people with a mental illness. The disability of a mental illness in some situations means that many people become dependent on family, friends or carers. Understandably, for some families and carers the burden becomes too much. Unfortunately, many people with a mental illness do not have any support base to depend upon, and that remains the case today. Tragically, and despite the rhetoric of a succession of Carr-Iemma health Ministers, this is still the case.

As Chair of a General Purpose Standing Committee Inquiry into Rural and Regional Health I well recall Dr Andrew Refshauge—the first of the Carr-Iemma Labor Ministers for Health in this State—claiming that a new era in resourcing mental health services was to be ushered in on his watch. Yet, any extra funding for mental health seemed to simply disappear into a black hole. Today, especially in rural and regional areas in New South Wales, the same is true. In regional cities like Tamworth, Dubbo and Albury, the shortage of professional mental health staff and services is obvious, drastic and, indeed, tragic.

Overall, the provisions of the bill cover the whole area of care, treatment and control of mentally ill persons and mentally disordered persons. Provisions in the bill deal with the voluntary admission to mental health facilities, the new law relating to involuntary admission and treatment in and outside mental health facilities, and the requirements for involuntary admission, detention and treatment. The bill sets out the provisions for the admission to and the initial detention in mental health facilities and the provision for a mentally ill person, once classified as an assessable person, to be subject to a magistrate's inquiry. I found one particular provision very interesting in that a person who is found, after the various steps laid out are taken, to be a mentally disordered person must not be detained for a period of more than three days, not including weekends and public holidays.

I wondered if that is because of a problem in relation to the shortage of psychiatric and other mental health staff. A person who is mentally ill may well become mentally ill over a long weekend such as an Easter break. I am aware of a circumstance where a mental health facility seemed to simply close down despite patients being there and others needing admission. It is of concern that built into this legislation is the idea that mental health facilities may not be operating around the clock, regardless of the needs of the patients.

The bill also relates to the continuing detention in mental health facilities and it provides for the procedures and purpose of the mental health inquiries to which I referred to determine whether an assessable

person is, on the balance of probabilities, mentally ill and what happens in respect of the person. As the Minister said, the bill sets out the provisions that relate to the establishment of a three-monthly review by the Mental Health Review Tribunal of those persons who are found at an inquiry to be mentally ill and who require attention. It sets out the provisions requiring the discharge of such persons in certain circumstances and the requirement for such persons to be examined at least once every three months. It also sets out the appeal provisions in relation to the tribunal.

Another provision of the bill will provide for leave of absence to be given for detainees from mental health facilities and it sets out the provisions that might be attached to such leave being granted. The bill sets out the details of what happens in the case of involuntary patients who are treated in the community as distinct from in a mental health facility, and it makes allowances for the making of community treatment orders and how those orders will operate. In relation to the care and treatment of patients, the bill refers to the rights of patients or detained persons and primary carers. It makes a very important provision for the neglect of a person to be regarded as an offence.

Very importantly, the bill sets out the rights of patients and persons detained in mental health facilities and their primary carers as to what is to be notified to them affecting the patient and their rights under the Act. Nothing could be more distressing to the carers of a person who is mentally ill if they are in any way kept out of the loop as to how the patient is to be treated. I have some insight into the distress that can be caused to families.

Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

POLICE WORKLOAD

The Hon. MICHAEL GALLACHER: I direct my question without notice to the Minister for Industrial Relations. Is the Minister responsible for WorkCover aware that police in a number of local area commands, including Lake Macquarie, Lower Hunter, Barwon, and Lake Illawarra, have threatened to or have taken industrial action in recent months, protesting over a lack of police, including a lack of detectives, to handle the workload being placed on them? Is the Minister aware that today New South Wales has only 17 more police officers than in 2003? What action has WorkCover taken to launch an investigation into the New South Wales police and its police operational staffing levels, given the high level of concern being expressed by police about their safety and working conditions, including their willingness to take industrial action when all other options have failed?

The Hon. JOHN DELLA BOSCA: I thank the member for his question.

The Hon. Michael Gallacher: These are serious matters.

The Hon. JOHN DELLA BOSCA: Obviously these are serious matters but the problem is that you have directed them to the wrong Minister. I am quite happy to refer the question to the Minister for Police, who is the proper Minister to make decisions about the management of the police workforce and the management of police resources. I find it extraordinary that the Leader of the Opposition would advocate this level of intervention by WorkCover in police management. On behalf of the Government I thank the member for his question, which I will refer to the Minister for Police for a prompt answer.

PUBLIC HOLIDAY ENTITLEMENTS PROTECTION

The Hon. PENNY SHARPE: My question is directed to the Minister for Industrial Relations. Can the Minister inform the House about the State Government's protection of public holiday entitlements for families in New South Wales?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for her ongoing interest in this matter. In contrast to our opponents, the Iemma Government is determined to protect the working conditions and entitlements of New South Wales families. We have consistently promoted an industrial relations system that promotes a fair go for families, has a powerful independent umpire and provides employers with certainty and an efficient and low-cost method of resolving disputes, and a system that does not tie up employers in legal red tape or force them into a race to the bottom with their competitors.

New South Wales employers have historically relied on the State award system knowing their competitors were also paying a fair wage. It stands in contrast to the unfair WorkChoices legislation, which has stripped away wages, entitlements and the Australian fair go. Honourable members will be aware that New South Wales and the Commonwealth have agreed there should be a public holiday on Friday 7 September this year to assist with the smooth running of the Asia Pacific Economic Cooperation [APEC] leaders summit in Sydney. The Iemma Government has foreshadowed legislation to ensure that public holiday entitlements are extended to cover the Asia Pacific Economic Cooperation holiday in all State awards. The legislation is necessary as not all State awards recognise regional holidays.

These arrangements make it clear to all employers who are subject to State awards that the Asia Pacific Economic Cooperation public holiday is to be treated like any other public holiday. Workers can have the day off and be paid, or if they have to work, they should receive the appropriate penalty rates. These arrangements will cover people who normally work in the Sydney metropolitan area but are being asked to stay away to assist with the smooth operation of the Asia Pacific Economic Cooperation event.

Given the Commonwealth supports a public holiday to reduce disruption, the Premier is writing to the Prime Minister calling on him to introduce similar protections for workers under Federal awards and industrial instruments. About two-thirds of workers have been forced into the WorkChoices system. It is vital that, like their colleagues who benefit from New South Wales State awards, their holiday entitlements are also protected and they are not penalised for not going to work on a public holiday, as suggested by both the Commonwealth and State governments.

The legislation will also allow the Iemma Government to close general shops, including department stores, supermarkets, furniture, electrical, hardware, jewellery and clothing stores in the affected local council areas, should security concerns arise. At this stage, we anticipate that shops in the city will be able to trade as usual but we need to make sure we have adequate powers to protect the safety of visitors and residents.

It was recognised by New South Wales and the Commonwealth last year that a public holiday would be the best way to minimise disruption during the summit. The Asia Pacific Economic Cooperation summit will be the most significant meeting of international leaders ever held in Australia. The leaders will be accompanied by thousands of support staff, delegates and media, so it is vital we put in place these measures and ensure the event is a success. While the Howard Government may have passed the worst set of industrial laws this nation has seen, I remain hopeful that it will follow the lead of the Iemma Government and make this important legislative amendment so families are not disadvantaged by this public holiday, which is the result of both Commonwealth and State determinations in the public interest.

GRAINCORP DRIVERS OVERLOADING BREACHES

The Hon. DUNCAN GAY: I direct my question without notice to the Minister for Roads. Is the Minister aware that the Roads and Traffic Authority has searched through Graincorp records dating back to November 2005 and has just issued court attendance notices to several drivers for overloading breaches? Why is the Minister pursuing these breaches more than 18 months on? Is this merely a revenue-raising venture for the Roads and Traffic Authority? Is the Minister aware that this has caused great angst among some drought-stricken farmers, many of whom are bordering on depression because of this drought?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his question on this matter. Because of the details involved, I will take the question on notice and come back with a precise response. I note the member's tendency not always to be 100 per cent accurate in what he says; therefore, it is appropriate I take it on notice.

SCHOOL ZONE DUAL FUNCTION SPEED AND RED LIGHT CAMERAS

Ms LEE RHIANNON: I direct my question to the Minister for Roads. The Minister has failed to answer a question on notice I asked last year about the budget for new red light cameras. The Government has refused to invest in dual function speed and red light cameras, and the Minister has not met his commitment to improve safety in school zones by upgrading pedestrian safety measures, such as installing red light cameras at all school crossings. Given these circumstances, will the Minister scrap his secret camera van plan and give the money for dual function speed and red light cameras outside every school in New South Wales? Or will we have to wait until a child is killed or seriously injured before the Government will find the money in its billion dollar budgets to install red light cameras outside our schools?

The Hon. ERIC ROOZENDAAL: The question has a number of parts to it. I will try to deal with the parts that bear some resemblance to being accurate and dismiss the parts that are completely inaccurate. The New South Wales Government has the most comprehensive school road safety package anywhere in Australia. New flashing light warning systems have been installed at 100 schools to increase motorists' awareness of 40 kilometre an hour school zones. These are innovative systems with high visibility school zone signs with flashing 40s—some are mastheads, others are flashing lights. In addition, this technology incorporates back-to-base reporting and is being evaluated for its effectiveness by a group that includes the NRMA.

Of course, not all schools require flashing lights. Some schools have fencing on the median strips, some have overpasses, some have raised crossings while other schools have signalised lights. The position of the Roads and Traffic Authority [RTA] and the Government is always to get the appropriate treatment for each school to ensure the safety of schoolchildren in that area and we are constantly looking at ways to improve school safety. The suggestion by the honourable member that a red light camera be at every school in New South Wales—there are over 3,000 schools—is both impractical and unrealistic and demonstrates that the Greens have no knowledge of how to run properly the safety aspects of school zones in an effective and realistic way.

If the honourable member had tuned in recently to Ray Hadley, she would be well aware that the Roads and Traffic Authority is having discussions with the New South Wales police to transfer responsibility for the red light camera technology to the Roads and Traffic Authority. That technology is becoming obsolete and renewal of that technology will be necessary. The Roads and Traffic Authority is in the process of negotiating that issue with the police, as we speak.

The New South Wales Government remains committed to road safety. Indeed, last year we had the lowest road toll since the Second World War. There is always more work to be done on improving road safety for both pedestrians and motorists. The P-plate reforms to be introduced later this year will protect P-plate drivers and include peer restrictions, bans on mobile phones and other ways of improving young driver safety. In addition, we are investigating new ways of communicating with young drivers so that they get the message that speed is dangerous for them and they need to take responsibility on the roads.

Ms LEE RHIANNON: I ask a supplementary question. Have red light cameras been installed at any school crossings? If so, how many?

The Hon. ERIC ROOZENDAAL: The member fails to understand that the Government is committed to school zone safety. In fact, we are rolling out 25 speed cameras in targeted school zones where we believe it is appropriate to improve safety.

The Hon. Duncan Gay: Will they be marked or will they be in panel vans?

The Hon. ERIC ROOZENDAAL: All speed cameras in New South Wales are appropriately signed with at least three signs as part of our high visibility enforcement. That is the Government's policy. As part of the package we are putting 25 speed cameras into school zones. That is an important way to improve safety in school zones. We do not simply shove red light cameras into school zones because not every school zone has signalised lights. Some school zones have raised crossings, some have overhead passes, and others have fencing or a combination. It is important that we have the appropriate treatment to suit the environment of each school.

RURAL BROADBAND ACCESS

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Rural Affairs. Will the Minister update the House on what the Government is doing to support broadband access for rural and regional communities in New South Wales?

The Hon. TONY KELLY: There seems to be little argument that universal access to fast and reliable broadband is fundamentally important to our ongoing economic and social development. Yet, despite this accepted wisdom, and while the rest of the world marches on, the Howard Government continues to sit by and dither on bringing world-class broadband to Australia. Indeed, the details released today by the Federal Government from Senator Coonan are more about the coming Federal election than about expanding broadband coverage. Their plan is just another recipe for delay and higher broadband prices. I am pleased to report,

however, that the Iemma Government is taking responsibility and is working closely with information technology companies and community groups to facilitate the establishment of proper broadband in New South Wales. Last month I had the great pleasure of opening Australian's first Public Broadband Summit, and I take this opportunity to thank Ms Linda Summers, the chair of the Regional Communities Consultative Council, for her tireless and generous work in ensuring the summit's success.

The Hon. Michael Gallacher: Is she a former police officer?

The Hon. TONY KELLY: She is a former police officer. The summit has opened the way for communities, local government and regional development bodies to take advantage of the opportunities that broadband can offer. The potential is enormous. Broadband communication is already revolutionising how we go about business, and this meeting of public officials, policymakers, technology and service providers, and visionaries explored key aspects of this emerging industry. One new area to emerge internationally is the establishment of community-based broadband networks owned and operated by local communities. The summit examined the feasibility of these networks and looked towards establishing them in New South Wales.

Expert speakers from around the world shared their broadband experience regarding economic impact, the digital divide, competition and consumer choice, emerging technologies, case studies and public policy implications. The time is now for communities to plan and determine their own destiny and identify what their industries, businesses and community needs, and broker a solution tailored to their community's unique needs. In a nutshell, public broadband is about affordable, accessible, always on and anywhere connectivity for the whole community. Through my rural affairs portfolio I offered assistance to disadvantaged communities to ensure the opportunities afforded by the summit would not be lost to those that most needed them. One such community is Central Darling Shire, which was represented by its Community and Economic Development Manager, Mr Kym Fuller. In a letter to me, Mr Fuller outlined the benefits of the summit to a community such as Wilcannia much better than I ever could. He said:

> On a personal level I found it fascinating we are fast reaching a stage where, if it can be imagined it can be done, areas such as the Central Darling can have the ability to provide high level technological services to all of its residents and visitors.
>
> We will have the opportunity to assist with the education levels of some of the most disadvantaged people in the State and the Shire will be able to add value to the traditional services provided by local government.
>
> In health and education etc that can make a real difference.

He further said:

> I could go on but my real belief is that we are on the cusp of something revolutionary. This type of technology roll out could enable shires like ours to play in the big league by enticing big business to invest.

The Iemma Government is committed to helping Wilcannia and other rural communities to realise the enormous potential that proper broadband can bring. The first ever Australian Public Broadband Summit has taken a much-needed step towards this important goal.

KANGAROO MEAT INDUSTRY

The Hon. ROY SMITH: My question is addressed to the Minister for Lands, representing the Minister for Climate Change, Environment and Water. Is the Minister aware of a campaign in Europe by a group called Animal Liberation that is trying to undermine the kangaroo meat industry? Will the Minister assure the House that the arrangements in place through the New South Wales Commercial Kangaroo Harvest Management Plan meet all scientific and hygiene requirements? Further, will he assure the House that the harvest meets all sustainability requirements?

The Hon. TONY KELLY: I am tempted to answer this question but it is my duty to pass it on to the Minister for Climate Change, Environment and Water in the other place. I will pass on the question and ensure that I get a timely reply. I read the articles about different green and environmental groups approaching some of our trading partners buying our kangaroo meat, such as Russia, and campaigning against our kangaroo meat exports. Members of this House and people reading *Hansard* who have not had a kangaroo meat barbecue should do so. Kangaroo meat is 98 per cent fat free and has no cholesterol. I have about 10 barbecues a month and nine of them would be kangaroo meat. I implore members who have not had kangaroo meat to try it.

STATE BUDGET AND TAX REVENUES

The Hon. GREG PEARCE: My question is directed to the Treasurer. As the General Government Financial Statement for April was not published by Treasury when it was due, will the Treasurer confirm the trend disclosed in the March report that showed State taxes trending approximately $1.2 billion ahead of budget and investment returns trending another $600 million ahead of budget for the year as a result of the current economic prosperity? What impact will these booming revenues have on the budget result?

The Hon. MICHAEL COSTA: The member has been here long enough to know that the Treasurer will not comment on budget results a week or two out from the budget. However, I will say that the results will not be in line with what the Leader of the Opposition and the Hon. Greg Pearce were saying in the lead-up to the election, that is, the State would be in recession and we would see a blowout in the projected deficit to the tune of $1 billion. That is what the Hon. Greg Pearce and his former leader were saying—lie after lie!—and they have been proven wrong. The honourable member should be patient and wait two weeks, and all will be revealed.

GREENHOUSE GAS ABATEMENT SCHEME

The Hon. LYNDA VOLTZ: My question is addressed to the Minister for Energy. Will the Minister update the House on the success of the State Government's Greenhouse Gas Abatement Scheme [GGAS] in the wake of media reports today?

The Hon. IAN MACDONALD: First, let me make one thing perfectly clear: New South Wales is leading the way on greenhouse gas reduction. The Government has filled the vacuum left by Federal Government inaction through the New South Wales greenhouse reduction scheme. It has been a resounding success. The figures speak for themselves. Since 2003 there has been a reduction of more than 41 million tonnes of greenhouse gas emissions. That is the equivalent of removing nine million cars off the road for a year. The primary objectives of this scheme are sound. They are to reduce greenhouse gas emissions for the electricity industry while at the same time encouraging the offset of greenhouse gas emissions. Nic Frances from Easy Being Green was reported in the *Australian* on 8 June 2006 as saying:

> One state [New South Wales] is quietly fighting climate change through a very simple market-friendly action. It put a price on carbon.

Ken Edwards from Next-gen, one of Australia's largest brokers of carbon offsets, was quoted in the *Australian Financial Review* on 17 June 2006 as saying:

> The NSW Scheme is highly regarded around the world.

Even the Prime Minister's task force, which handed down its report last Friday, recognises the New South Wales scheme and acknowledges that there would need to be a transition process to give due regard to industry participants who have already made significant greenhouse gas reduction investments under the scheme. I regret to say that some media reports today contain a number of factual errors regarding this groundbreaking scheme.

The University of New South Wales Centre for Energy and Environmental Markets report is a draft for comment only—nothing more, nothing less. The report misses the point of the scheme's two primary objectives that I mentioned earlier and makes many inaccurate claims. Let me answer some of those. Almost all emissions trading schemes, such as the European Union Emissions Trading Scheme, allow the use of offsets. There is nothing odd in this. Far from sending a distorted signal to sectors about the cost of carbon, it establishes the cost of carbon abatement across a broader section of the economy.

The New South Wales Government rewarded some projects that were in place before the scheme was operational because we believed that early action taken in offsetting carbon emissions should not have been penalised simply because they were on the wrong side of the start date of the scheme. I make one point very clear: The only pre-1997 projects currently eligible to create certificates are those that participated in the preceding voluntary version of the scheme. So, not just any pre-1997 generation is eligible under the scheme—only the generation that complied with the voluntary scheme. To punish these companies would send the wrong signal that the rest of the community should wait as long as possible to act because there is no advantage in doing the right thing.

The report also criticised the scheme for allowing certificates to be claimed for supposedly increasing emissions, though this is not the case. The scheme allows certificates to be claimed for producing less

greenhouse emissions than the current average of all generation. It does not matter where the power comes from as long as the level of greenhouse gas emissions is reduced. I add that this reduces the overall cost of low emission electricity for consumers in New South Wales.

As for other reports relating to the concerns about the integrity of some offset schemes, I assure honourable members that a rigorous framework administered by the Independent Pricing and Regulatory Tribunal supports the New South Wales scheme. That framework requires companies creating certificates from tree planting to ensure trees are not harvested or damaged by bushfires or pests. It also requires that the estimation of carbon sequestered is conservative and is subject to requirements for rigorous auditing on a regular basis. If the trees do not remain for 100 years, the company creating these offset credits must make amends by making good the abatement from other forestry activities or paying substantial penalties. I also point out a clear distinction between the credibility of the voluntary offset market and the products delivered through the New South Wales greenhouse gas reduction scheme. [*Time expired.*]

CONSERVATION HUNTING

The Hon. ROBERT BROWN: I direct my question to the Minister for Primary Industries. Will the Minister give the House details of a major marketing campaign to promote the value of conservation hunting by volunteers in New South Wales?

The Hon. IAN MACDONALD: That is a good question and I am sure my answer will interest some of our Greens colleagues. The conservation scorecard that has been issued shows that as of 20 February 2007, a total of 3,790 feral animals had been removed from forests across the State, including 680 pigs, 990 feral goats, 363 foxes and 1,295 rabbits. This is a very good conservation measure. This is active environmentalism. I welcome the opportunity to update the House on the plan.

Honourable members will be aware that more than 80 introduced species have established wild populations in Australia. Approximately 30 of these have become pests. After habitat loss, innovative species are the single greatest threat to Australia's unique and treasured biodiversity. The consequences are considerable. For instance, there are estimated to be around 7.2 million foxes in Australia today. That is appalling.

The Hon. Melinda Pavey: How many?

The Hon. IAN MACDONALD: There are 7.2 million. I thought that would have been on the tip of the honourable member's tongue. It is claimed that these foxes consume an average of 190 million native birds every year. That is shameful, and I am sure that Mr Ian Cohen agrees with me. In some areas feral pigs—

The Hon. Duncan Gay: What about shooters in national parks?

The Hon. IAN MACDONALD: I can deal only with the areas I am responsible for. In some areas feral pigs have been known to attack and eat up to 40 per cent of newborn lambs. That is something I am responsible for—no, not the deaths of the lambs! Feral animals also spread weeds and livestock disease, damage waterways and wetlands, cause crop damage and land degradation. Studies have shown that across Australia, feral animals cost an estimated $720 million every year in lost production and control measures.

The Hon. Rick Colless: What have you done?

The Hon. IAN MACDONALD: I have done heaps; look at the report card! It is probably too difficult for the honourable member to read. The report card shows what we have done. Members opposite had plenty of time. Did they let shooters into parks? No. Did they let them into State forests? No. That is their record. Getting back to the question, licensed and accredited hunters can now access 180 State forests and two Crown land areas through the conservation hunting scheme that commenced in March 2006 to help control pest populations. Hunting in State forests is not new. Previously it occurred under the Forestry Act without the stringent controls that have now been introduced by the Gaming Council—and I give every credit to the council for doing a marvellous job.

Arrangements of this kind have operated in other States for many decades. Victoria allows conservation hunting in national parks to eradicate pests. This is not the first time licensed recreational hunters have helped to tackle this problem. For instance, on the mid North Coast hunters licensed by the Game Council play a key role

in controlling wild deer populations that destroy residential and market gardens and agricultural crops. Hunters participated in community-based feral animal control projects in the Illawarra region, the Hunter Valley and the Riverina. They are cooperating with the New South Wales Department of Primary Industries and the Sporting Shooters Association to measure the benefits of targeted fox-hunting. [*Time expired*.]

STATE PRODUCTIVITY—MENZIES RESEARCH CENTRE REPORT

The Hon. MATTHEW MASON-COX: I direct my question to the Treasurer. Is the Minister aware of the "State of the States" report, by eminent economist Mr Henry Ergas, which was released last week? The report concluded that the Government has largely squandered, on increased real wages and increased numbers of State Government employees, the massive increase in revenue that New South Wales has enjoyed over the past six years, without any material improvement in service delivery. Why has this loss of productivity occurred under his watch and what does he intend to do about it?

The Hon. MICHAEL COSTA: I do not know who gave the honourable member that question, but they were not doing him a favour. The Menzies Foundation commissioned the Ergas report. That is the same as my getting the Evatt Foundation to write a report on the virtues of Kevin Rudd.

The Hon. Melinda Pavey: Name one.

The Hon. MICHAEL COSTA: He has plenty of virtues. He is not John Howard—that is a virtue in itself. He is not Peter Costello—that is an even bigger virtue. He is not Malcolm Turnbull—that is another virtue. I could keep going through the list. He is not Joe Hockey, who is hopeless, as we all know. That is not a credible report. The only tier of government that has had a windfall is the Commonwealth Government. In the past six budgets, it has received $45 billion higher than it budgeted for. The Commonwealth Government is the only tier of government that has experienced windfalls and it has underfunded services across the country. As I have said to this House on many occasions—

The Hon. Matthew Mason-Cox: Point of order: Mr President, I ask you to bring the Treasurer back to the question, which is about what the States have done with the windfall revenue received, not the Commonwealth.

The PRESIDENT: Order! Ministers are reminded that their answers must be relevant to the questions asked of them.

The Hon. MICHAEL COSTA: I am not surprised that the honourable member is embarrassed by those figures, but they are accurate. Over the past six budgets the Commonwealth Government has received $45 billion more than it budgeted for. The disgrace is that it has on average spent only $5 billion annually on infrastructure. The New South Wales Government has been spending annually on average $10 billion on infrastructure in this State, and the Commonwealth Government has spent only $5 billion nationally. That is a disgrace. I do not know who gave the honourable member that question, but the Government will not accept the Menzies Foundation as a reputable source for anything.

PERIODIC DETENTION

The Hon. KAYEE GRIFFIN: My question is directed to the Attorney General, and Minister for Justice. What is the latest information regarding periodic detention in New South Wales?

The Hon. JOHN HATZISTERGOS: Periodic detention has been a sentencing option in New South Wales for nearly 40 years. Indeed, New South Wales is the only State jurisdiction that makes it available, enabling offenders sentenced to imprisonment to serve two days a week in detention and requiring them, for the most part, to perform community work. Work to the value of $4 million has been performed around the State by periodic detainees annually, including participation in projects such as the annual Clean-Up Australia Campaign, work for the Upper Parramatta River Catchment Trust, maintenance of the Kokoda Track Memorial Walkway at Concord, clearing weeds from national parks—in particular, Elouera Bushland Reserve, Liverpool—maintenance and improvement of the physical environment of a wide range of schools, and cleaning and maintenance of a vast stretch of the Georges River.

While the scheme is now four decades old, it has not remained static. In fact, the Government has introduced several reforms to periodic detention over that period. These changes have, among other things,

restricted those eligible for periodic detention and allowed the swift revocation of periodic detention orders if an offender has failed to turn up for detention. Most notably, offenders are now ineligible for periodic detention if they have served a sentence of imprisonment of six months or more full time. Certain sex offenders are also ineligible to perform periodic detention.

The Government has shifted the revocation of periodic detention orders from the courts to the State Parole Authority, required the courts to set a minimum and an additional term or fixed term when sentencing a person to periodic detention, required mandatory revocation if an offender does not attend periodic detention without leave on three occasions, and required in certain circumstances past failures to report for detention to be carried over to any reinstated order. Although these reforms have made the system more rigorous, a number of shortcomings still exist. The State Plan priority is to reduce reoffending, and I am concerned that periodic detention is not focused enough on rehabilitating offenders and correcting their criminal behaviour.

Furthermore, as was noted in a November 2001 report of a select committee of this House chaired by the Hon. John Ryan, there was a noticeable and progressive decline in the use of periodic detention as a sentencing option, particularly since the mid-1990s. Complicating the matter further is the markedly different and virtually ineffective procedures for revoking the orders of non-compliant Federal periodic detainees, who are largely administered under Federal law. That is why I have asked the Sentencing Council of New South Wales to evaluate the scheme and to assess alternatives. The council's report is due to be provided to me by October this year.

As part of the review, the Sentencing Council will examine the extent to which periodic detention is used as a sentencing option throughout the State and the appropriateness and consistency of such use; the nature of the offences for which periodic detention orders are most commonly made; the method of enforcement of periodic detention orders and the appropriateness of such enforcement; the advantages and disadvantages of periodic detention orders in comparison with other sentencing options; whether there are better alternatives to periodic detention orders; any modification that may be made to periodic detention, including the combination with other community-based orders; and the different arrangements in the State and Federal legislation relating to periodic detention orders. In line with the State Plan, the Iemma Government is committed to reducing reoffending. I look forward to receiving the report of the Sentencing Council before determining what action the Government should take in relation to these alternatives.

KOONDROOK-PERRICOOTA STATE FOREST TOORANGABY LOGGING

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. Given that the New South Wales Government and the Murray-Darling Basin Commission have just spent $4 million purchasing the 1,480-hectare property "Toorangaby" as an addition to the Koondrook-Perricoota State Forest significant ecological asset on the Murray River, can the Minister guarantee that the red gum forest in this addition to the Ramsar-listed site will not be logged? What water is available and how is it expected to be delivered across this new property extension to the red gum icon site? How will the purchase improve the natural values of the significant ecological asset if the area is not protected from logging?

The Hon. IAN MACDONALD: That is a very good question. New South Wales Forests initiated the purchase of the property.

The Hon. Melinda Pavey: How much was it?

The Hon. IAN MACDONALD: Around $4 million. After persuasion and discussions, the Commonwealth joined the New South Wales Government in the arrangement through the Murray-Darling Basin Commission. So it is a joint venture. This property will allow the Government to deliver water into the red gum forests very effectively. In addition, whenever an environmental flow occurs—or, indeed, if eventually we get a flow—the water will flow through the property and into other red gum forests. It is a very effective and strong purchase. I would have thought the honourable member would have been full of praise about this addition to the New South Wales Forests inventory. It will assist in improving the environmental values of the red gum forest. The problem with the honourable member is that he does not accept the fact that the red gum forest in the region employs many hundreds of people and makes a significant contribution to the local economy. The local industry's forest or mill-gate value is about $60 million and it employs 400 or 500 people. It is a significant employment generator in the area.

In addition, the local industry is not involved in clear felling; it is a very selective logging operation based on a licence granted by the National Parks and Wildlife Service, and it has been certified internationally

as a best practice model in the area. New South Wales Forests is not destroying those red gum forests; it is managing them very effectively under stringent environmental guidelines. If my memory serves me correctly, we will not be logging this section, but I will check that. The licence under which the operation is being conducted was issued in agreement with the National Parks and Wildlife Service, so it is subject to very tight environmental guidelines.

We must keep this industry operating because it is vital for the local region. We cannot wipe out an industry that has been logging in the area for more than 100 years. The environmental values in that area are very strong. I have been through most of these areas over the past two to three years, including Moama. The work being done is in harmony with the most stringent environmental practices and is designed to keep the industry alive.

PERSONAL INJURY COMPENSATION

The Hon. JOHN AJAKA: My question without notice is directed to the Attorney General, and Minister for Justice. Is the Minister aware of Justice Ipp's comments that New South Wales compensation laws are "inconsistent, unbalanced and unfair for injured people"? Why has the New South Wales Labor Government refused to implement the recommendations of the personal injury compensation legislation report handed down in December 2005 by General Purpose Standing Committee No. 1, which also found that the Government's reforms went "too far"?

The Hon. JOHN HATZISTERGOS: The Hon. John Ajaka ought to be aware that I administer only one of the pieces of legislation he referred to; the other two are administered by my colleague the Leader of the Government. A comprehensive response in relation to that report was provided to the House. I refer the honourable member to that response.

WORKCHOICES LEGISLATION

The Hon. HENRY TSANG: My question is addressed to the Minister for Industrial Relations. Can the Minister inform the House whether there has been any consultation between the Iemma Government and the Commonwealth concerning changes to the WorkChoices legislation?

[*Interruption*]

The Hon. JOHN DELLA BOSCA: Yet again members opposite are showing that they are not prepared to take this matter seriously. Yesterday the Iemma Government presented a submission to a hastily convened Federal Senate inquiry into the Howard Government's changes to WorkChoices. Once again, the States and Territories were not consulted about the changes. The first opportunity we had to sight the new legislation—comprising 144 pages of disjointed amendments and explanatory notes—was when it was introduced to the Federal Parliament last week, giving those who are interested in the bill only five days to decipher it and meet the Senate inquiry's deadline. This arrogant and secretive conduct is typical of the Howard Government, and it is precisely why it got WorkChoices wrong in the first place—the Howard Government refused to talk with the States and Territories.

In a further display of arrogance, the Federal Government embarked on a multimillion-dollar advertising campaign to promote its so-called fairness test even before the legislation was introduced to Parliament. Does this sound familiar? Do members remember the failed $55 million WorkChoices advertising campaign from last year? The fact is the fairness test bill, as I have said before, is akin to putting lipstick on a pig.

In our submission to the Senate inquiry we make the point that the Howard Government's half-baked amendments in the shadow of a Federal election will do nothing to alter the fundamental unfairness of WorkChoices, and they are clearly unworkable in any practical sense. The concept of fair compensation for the removal of protected award conditions is not defined in the bill. There is no guidance as to how non-monetary compensation is to be assessed, and there is no method for determining whether a particular benefit is of value to the employee.

Mr Howard's latest cynical attempt at window dressing will not ensure fair compensation for the removal of most protected award conditions; is unbelievably complex in its terms; is subjective, indeterminate and uncertain in its application; and lacks transparency and a capacity for reviewing decisions by a neutral or

independent party. The "tweaking" of the Workplace Relations Act, as Mr Hockey calls it, comes at a cost of $370 million to taxpayers over the next four years through the employment of hundreds of extra bureaucrats to check the Australian workplace agreements. This means businesses can look forward to being buried under an even bigger mountain of complexity and red tape.

The bill also builds on the autocratic power the Federal Minister will have in determining workplace arrangements. On top of the existing powers, Joe Hockey has to prohibit matters in enterprise agreements. The bill allows him to make directions to the Workplace Authority Director on how the so-called fairness test is to be applied, including what non-monetary factors may be considered to be of value to the employee. Confirming what a cruel hoax the bill is, it does not even apply to the 300,000 workers who have had their "protected by law" award conditions stripped away under Australian workplace agreements lodged since the introduction of WorkChoices.

The WorkChoices system still lacks an independent umpire that can provide fair, inexpensive and fast workplace justice when disputes and disagreements arise. Families seeking justice will still have to resort to a costly legal process through the courts that most workers simply cannot afford. The only way to guarantee a fair industrial relations system that benefits families, workers and businesses is to scrap WorkChoices, and to start again with an Australian industrial relations system based on Australian values.

KANGAROO VALLEY, MOSS VALE ROAD, TREE REMOVAL

Ms SYLVIA HALE: I address my question to the Minister for Roads. Is the Roads and Traffic Authority proposing to remove more than 90 trees along a stretch of Moss Vale Road in the Kangaroo Valley? If so, what is the justification for removing such a large number of trees from a relatively small stretch of road? What alternatives to removing the trees has the Roads and Traffic Authority considered, and why have such alternatives been rejected?

The Hon. ERIC ROOZENDAAL: The Roads and Traffic Authority manages in excess of 17,776 kilometres of State roads, including some 4,259 kilometres of road on the AusLink national network and 2,962 kilometres of regional and local roads. The authority services activities and projects across the entire State, including remote areas. Sixty-five per cent of the Labor Government's record $3.3 billion Roads budget is being spent on roads outside Sydney. As to the specifics of the honourable member's question, I will take them on notice and provide her with a detailed response.

INLAND RESTRICTED FISHERY

The Hon. RICK COLLESS: My question without notice is directed to the Minister for Primary Industries. How many restricted licensed fishermen can fish for carp and yabbies in the electorate of Murray-Darling? Are these fishermen restricted to three fishing places only, and are they required to check their nets every two hours while they are fishing? Will the Minister relax the restrictions he has placed on these fishermen? If not, will he negotiate a compensation package with these fishermen to allow them to leave the industry with dignity and fair compensation?

The Hon. IAN MACDONALD: That is a very interesting question. I am not sure about the carp aspect of it, but I certainly know something about the yabbies that are under stress in the river system. And they are under stress for very good reason. The Hon. Rick Colless lives out in the bush, a fair way from the Murray-Darling electorate, in the verdant areas on the edge of the New England plateau. For most of the year he looks out over beautiful, green hills and running streams. They have had a few problems in Tweed Heads—

The Hon. Duncan Gay: Answer the question.

The Hon. IAN MACDONALD: I'll answer it.

The Hon. Duncan Gay: Get to it. Hurry up!

The Hon. IAN MACDONALD: I'm not going to hurry; I have three minutes and 10 seconds remaining to answer the question and I will take up every second of it now. In relation to the yabbies, there is a drought—

The Hon. Duncan Gay: Point of order: The Minister has indicated to the House that he has no intention of answering the question. There are fishermen in the Murray-Darling area who are quite concerned that—

The PRESIDENT: Order! The Deputy Leader of the Opposition well knows that he is making a debating point, not taking a point of order. The Minister may continue.

The Hon. IAN MACDONALD: I cannot believe that the Deputy Leader of the Opposition would waste my time like that! In any event, there is an issue in relation to the number of yabbies and the impact of the drought in the region. Indeed, if I recall correctly, the River Darling has not been flowing for some time. Occasionally the intermittent impact of a storm out west—at Wanaaring, Brewarrina, or—

The Hon. Duncan Gay: It's the Murray, Minister.

The Hon. IAN MACDONALD: Yes. The drought is affecting the entire Murray-Darling Basin—in case the member has not realised that. Yes, there are some closures in place, and they were put in place because of the drought.

The Hon. Duncan Gay: But you won't talk to these people.

The Hon. IAN MACDONALD: I will talk to them. The Deputy Leader of the Opposition should get them to give me a ring.

NUCLEAR POWER PLANTS

The Hon. EDDIE OBEID: My question is addressed to the Minister for Energy. Can the Minister update the House on New South Wales's position on the introduction of nuclear power plants in our State?

The Hon. IAN MACDONALD: I think I will even get Dr John Kaye's support with this answer. I thank the Hon. Eddie Obeid for this timely question. On this issue New South Wales has a clear and longstanding view: We do not want nuclear reactors in this State. We do not want nuclear waste in our beautiful State. That is why it has been illegal to explore, let alone mine, for uranium in New South Wales since 1986 by virtue of the Uranium Mining and Nuclear Facilities (Prohibitions) Act. This could be the subject of another question: If Prime Minister Howard had his way, where do members think the power stations would be situated? We could run quite an interesting competition in New South Wales on that. There are no plans to repeal this legislation, despite what those opposite and their masters in Canberra might like.

Let me make it clear: The Government's position will not change on this. Quite frankly, the Federal Government's position on nuclear power is clear and frightening, and the Opposition's silence on the issue leads one to the conclusion that its position is the same. The Federal Government wants a swag of nuclear power stations up and down our coastline, and the Prime Minister has stated that no area will be ruled out—it could be the Central Coast, the Illawarra or the North Coast. Any one of our beautiful seaside communities could be home to a nuclear reactor if the Prime Minister has his way. The Howard Government is seeking legal advice on how it can override State and local government bans on nuclear power. That is not what our communities want.

Australian research shows that two-thirds of Australians oppose nuclear power plants in their local area. That would not be a surprise to the Deputy Leader of the Opposition. The message from the people of New South Wales is clear: they do not want nuclear power stations and they certainly do not want nuclear waste dumps. They do not want to be the victims of the Federal Government's quick fix as it scrambles at long last to address global warming. The community wants leadership from the Prime Minister; what it does not want is rhetoric. It does not want a proposal about emissions trading that is completely tied up in conditions or a proposal that is meaningless.

The States and Territories have shown clear leadership on greenhouse gas emissions and have agreed to a National Emissions Trading Scheme. The Federal Government has finally come clean on its nuclear vision for New South Wales.

The Hon. Rick Colless: The Minister is going red. He looks like a cooked yabby!

The Hon. IAN MACDONALD: It will be a long time before the Hon. Rick Colless gets the chance to cook me! Now the Federal Government has to go the whole nine yards and tell our communities exactly where it plans to put the power stations and the waste dumps. We know the Hunter, the Riverina, the Far West, the Central Coast, the Shoalhaven and the Illawarra have been earmarked as ideal locations for these facilities. And now the Federal Government must spell out its plans in detail. Our communities should not have to live with this hanging over their heads.

The Iemma Government opposes the introduction of nuclear power stations and waste dumps in New South Wales on the grounds they make no economic environmental sense. That is why we have strongly supported innovative energy solutions such as clean coal technologies, including a financial commitment of $22 million to two clean coal projects, which I informed the House about last week. Nuclear power stations are banned under New South Wales law and we will not be lifting that ban.

THE ROCK CENTRAL SCHOOL DEMOUNTABLE CLASSROOMS

Dr JOHN KAYE: My question is directed to the Minister for Education and Training. I refer to his answer to my question on 30 May in respect of the removal of a demountable classroom from The Rock Central School. Why are there no four-module demountables being kept at Goulburn? Exactly why are the 100 demountables being kept at Goulburn if they are incapable of being used at Young Public School following a fire?

The Hon. JOHN DELLA BOSCA: The member is treating a very complex situation as if there were a very simple answer. Of course, if it was simply a matter of taking one of the demountables not being used at Goulburn down to Young to accommodate the children in kindergarten and special needs classes who no longer have a classroom because of a fire at the school, instead of taking one from The Rock Central School, I or someone from my ministerial office or the Department of Education would have done just that. That would have been done had that been a possible, sensible or logical option. However, I am advised that there are 127 different configurations of demountables. The demountables that are used for secondary school classrooms—

The Hon. Duncan Gay: They would probably be happy with one that closely fits their requirements.

The Hon. JOHN DELLA BOSCA: No, they would not be, and there is a very good reason for that. The demountables that are suitable for secondary school classes—whether they be science laboratories or just general secondary school classrooms—are for obvious reasons a different size. They have different spaces used for different purposes and for quite different teaching and learning environments from those that are suitable for kindergarten children. Also, the demountables suitable for kindergarten classes and special needs classes are not as common as those that are used for general secondary school classes. The one that was suitable was surplus to capacity at The Rock.

I spoke to the very nice member for Burrinjuck and she congratulated me on responding quickly to the needs of the Young Public School. I also met today with the former member for Burrinjuck, my colleague the Hon. Justice Terry Sheahan. What has happened at The Rock Central School is regrettable and clearly it has caused some emotional distress—

The Hon. Robyn Parker: You said the principal was quite happy about it though.

The Hon. JOHN DELLA BOSCA: No, I said he was informed and advised of what had happened at The Rock. What is important to understand is that the demountable classroom at The Rock was surplus to requirements and at Young it was essential because of the disruption that had been experienced by those very vulnerable kindergarten kids who needed a classroom. The Rock Central School can reconfigure its classroom needs around the existing space it has allocated and the demountable was surplus to capacity there. The school had been advised of that previously.

As Dr John Kaye may want to continue to run this campaign I say to him that it is important to minimise disruption to schools. I am concerned that the criteria the department used to decide the demountable at The Rock was surplus to capacity appears at this stage to be confined to the original decision. I have asked the director general to look at a series of proposals for emergency situations such as happened at Young—the rare instances of fires and vandalism that destroy classrooms—so we have some alternative to a process that became difficult for the school at The Rock.

It is important to understand the decision was made because the kids at Young needed a classroom. They were being accommodated in a way that was unacceptable and we needed to accommodate that school community. The Rock Central School could cope with the situation that occurred as a result of the removal of the demountable.

RURAL CHRONIC HEART FAILURE MANAGEMENT

The Hon. JENNIFER GARDINER: My question without notice is directed to the Attorney General, representing the Minister for Health. Is the Minister aware of recent research published in the *Medical Journal of Australia* that explored whether primary care management of chronic heart failure differed between rural and urban areas in Australia? Is the Minister aware that the study found a higher prevalence of chronic heart failure and a significantly lower use of recommended diagnostic methods, such as echocardiogram referral, among patients in rural areas? Can the Minister advise the House whether there has been an examination of the implications of this research for New South Wales? If so, what was the outcome? If not, will such an examination occur, and can the Minister advise specifically what the Government is doing to redress any city-country imbalance in relation to access to heart specialists and diagnostic support?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Minister for Health.

HEAVY VEHICLE ROAD SAFETY

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Roads. Will the Minister update the House on the latest Government initiatives to improve road safety in the heavy vehicle industry?

The Hon. ERIC ROOZENDAAL: Yesterday I was at Mount White on the F3 with Marie Andrews, the hardworking member for Gosford, and also the Federal member for Local Government, Territories and Roads, Jim Lloyd, to open the new state-of-the art southbound heavy vehicle checking station. The station is in addition to the checking station on the opposite side of the freeway northbound at the site known as "Beer Truck Bend". Up to 6,000 heavy vehicles use the F3 to access Sydney's road network each day. That is why in 2004 this Government called on Canberra to commit to funding for a southbound heavy vehicle checking station.

The $8.4 million checking station will significantly improve safety on this busy stretch of road and is a good example of the State and Federal governments working cooperatively to improve road safety for all motorists. The southbound heavy vehicle checking station is a win for all motorists who use the F3. The new 24-hour facility will allow Roads and Traffic Authority [RTA] inspectors to more effectively enforce driving hours, roadworthiness and weight limits. The checking station makes use of high-tech systems including weigh-in-motion, Safe-T-Cam and TruckScan. It has a five-plate static weighbridge with the capacity to weigh B-doubles in one operation. The new checking station has a vehicle inspection system that includes dynamic brake and suspension testing.

A range of screening checks and inspections will be carried out each day including log books, licence, registration, mass and dimension, as well as brake and suspension testing. Heavy vehicles will be required to divert from the freeway to a screening lane where high-tech systems will be used to select vehicles and direct them to the inspection area. This is about strengthening heavy vehicle enforcement in New South Wales and improving road safety both locally and throughout the State. Heavy vehicles travel more than 3.5 billion kilometres per year in New South Wales. Although they only make up around 2 per cent of vehicles registered in New South Wales, heavy vehicles represent 6 per cent of the kilometres travelled and around 80 per cent of Australia's interstate freight travels through New South Wales.

Heavy vehicle enforcement in New South Wales is about maximising road safety and protecting the infrastructure of the New South Wales community while ensuring the ongoing efficiency of the freight industry in New South Wales. Sophisticated compliance systems combined with appropriate regulations and targeted on-road enforcement resources ensure that the road freight sector is as efficient, safe and responsible as possible. The new checking station is the latest in a raft of New South Wales Government initiatives to improve the safety of all road users in New South Wales.

MEDOWIE HIGH SCHOOL PROPOSAL

The Hon. ROBYN PARKER: My question without notice is to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance. Will the Minister explain to the families in Medowie and Tilligerry Peninsula why they are waiting for a high school to be built in Medowie and their children are travelling considerable distances each day to the nearest high school when there has been vacant land available to start construction of this school next to the existing public school in Medowie? Will the Minister indicate whether there is a plan to build a high school in

Medowie or whether the Government's election promise to the people of Port Stephens will be broken, just like the promise to build The Spit Bridge?

The Hon. Amanda Fazio: The Spit Bridge has been built.

The Hon. JOHN DELLA BOSCA: You people should really catch up with the initiatives of the McGirr Government. My colleague the Treasurer will deliver the budget when it is to be delivered. I am confident, as every member on this side of the Chamber is proud to attest, that we will honour all of the commitments we made to the people of New South Wales at the election. We will be able to do that because we had a very sensible and proper program of costings and sensible policy initiatives. When members are privileged to listen to the Treasurer's Speech they will hear that we will be in a position to honour all our commitments. I am not in a position to disclose what is in the forward capital budget of the Department of Education and Training for any particular school other than to give that general answer but I anticipate that the Government will honour all its commitments.

Second, the Government is of the view—and the Premier made this very clear—that we are a government not only for the people who voted for us but for those who voted against us and for those who voted for third parties; those who gave preferences to us or those who did not give preferences to us. We take very seriously our responsibility to govern for all of New South Wales. I reject any imputations or inference in the member's question that we would be influenced by the way a very small minority of misguided persons in Port Stephens voted that resulted in Labor not winning the seat on that occasion.

I suggest that if honourable members have further questions, they place them on notice.

Questions without notice concluded.

MENTAL HEALTH BILL 2007

Second Reading

Debate resumed from an earlier hour.

The Hon. JENNIFER GARDINER [5.04 p.m.]: The bill continues to set out the rights of patients or detained persons and primary carers. It is worth placing on record the noble principles for care and treatment as follows:

> It is the intention of Parliament that the following principles, as far as practicable, be given effect to with respect to the care and treatment of people with a mental illness or mental disorder:
>
> (a) people with a mental illness or mental disorder should receive the best possible care and treatment in the least restrictive environment enabling the care and treatment to be effectively given,
>
> (b) people with a mental illness or mental disorder should be provided with timely and high-quality treatment and care in accordance with professionally accepted standards,
>
> (c) the provision of care and treatment should be designed to assist people with a mental illness or mental disorder, wherever possible, to live, work and participate in the community,
>
> (d) the prescription of medicines to a person with a mental illness or mental disorder should meet the health needs of the person and should be given only for therapeutic or diagnostic needs and not as a punishment or for the convenience of others,
>
> (e) people with a mental illness or mental disorder should be provided with appropriate information about treatment, treatment alternatives and the effects of treatment,
>
> (f) any restriction on the liberty of patients and other people with a mental illness or mental disorder and any interference with their rights, dignity and self-respect is to be kept to the minimum necessary in the circumstances,
>
> (g) the age-related, gender-related, religious, cultural, language and other special needs of people with a mental illness or mental disorder should be recognised,
>
> (h) every effort that is reasonably practicable should be made to involve persons with mental illness or mental disorder in the development of treatment plans and plans for ongoing care,
>
> (i) people with a mental illness or mental disorder should be informed of their legal rights and other entitlements under this Act and all reasonable efforts should be made to ensure the information is given in the language, mode of communication or terms that they are most likely to understand,
>
> (j) the role of carers for people with a mental illness or mental disorder and their rights to be kept informed should be given effect.

Once the bill is enacted we will be able to monitor the performance of the Government using those words. It is one thing to at last have mental health legislation updated by the passage of this bill and the legislative framework relating to mental health properly reviewed but it is another to ensure that there is adequate provision of resources for people needing mental health treatment. The Carr and Iemma governments have failed appallingly in that regard and the Opposition will expose the disparity between Labor's rhetoric and its performance in living up to its undertakings to those affected by mental illness. Indeed, all of us are affected by mental illness, either directly or indirectly through people we care about. The Opposition will work to ensure that the provision of mental health services and resources lives up to the principles for care and treatment of mentally ill persons in New South Wales.

Reverend the Hon. Dr GORDON MOYES [5.09 p.m.]: I speak on behalf of the Christian Democratic Party on the Mental Health Bill, the object of which is to make provisions with respect to the care, treatment and control of mentally ill persons and mentally disordered persons and other matters related to mental health. The bill largely re-enacts the Mental Health Act 1990 and includes amendments made in light of the statutory review of this Act.

We cannot ignore mental health. It is becoming a larger issue in the public mind now than at any time in my memory. The mental health of our people lies at the heart of the wellbeing of our society as a whole. The 2004-05 Australian Bureau of Statistics publication entitled "Mental Health in Australia: A Snapshot" reported that in 2001—the most recent year for which we have statistics—9.6 per cent of the Australian population, or 1.8 million people, reported having a long-term mental or behavioural problem. Females were more likely to report long-term mental and behavioural problems: 10 per cent of females, compared with 8.5 per cent of males.

Mental or behavioural problems are most prevalent among those who are separated or divorced. Married persons reported rates of mental or behavioural problems half that of people who live on their own. Those who live in the most socioeconomically disadvantaged areas experience a higher prevalence of mental or behavioural problems, at 12.3 per cent, compared with people who live in the least socioeconomically disadvantaged areas, at 8.1 per cent. On one occasion when I sought to trace the residential address of available psychiatrists able to treat such people in Sydney I found the vast majority of them lived in the area where people are least socioeconomically disadvantaged. When I tried to develop a mental health institute in areas where people were most socioeconomically disadvantaged I found psychiatrists were unwilling to travel the distance to their work.

The 1997 National Survey of Mental Health and Wellbeing of 13,600 adults showed that one in five, or 20 per cent, had a mental disorder during the 12 months prior to the survey. The prevalence of mental disorder generally decreases with age. Many people do not understand this, but in fact those in their teens, not those in older age, are more likely to have psychotic orders. Young adults aged 18 to 24 years have the highest prevalence of mental disorder, at 27 per cent, with the figure declining steadily to 6.1 per cent in those aged 65 years and older. Men and women had similar overall prevalence rates of mental disorder. However, from the age of 35 years, women were more likely to have a mental disorder. The most commonly reported mental and behavioural problems are mood or affective problems and anxiety-related problems.

In 2001, 317,400 males, or 3.4 per cent of the population, reported having anxiety-related problems, and 535,000 females, or 5.6 per cent of the population, reported having anxiety-related problems. Anxiety disorders include conditions involving feelings of tension, distress, nervousness, panic disorder, agoraphobia, generalised anxiety disorder, obsessive compulsive disorder and post-traumatic stress disorder. What implications do these statistics leave us with? Clearly, mental health problems are on the rise in our community. They are entrenched and widespread, and cannot be resolved by the sufferer in isolation. Any improvement must be led by a hand-in-hand approach. As decision makers, we must commit to understanding what lies beneath the manifestation of mental health problems, rather than simply adopt solutions to treat the symptoms. Mental health problems will surface in many forms, and will continue to demand attention on many different levels in our society.

In 1990 the New South Wales Parliament passed the Mental Health Act, which was said to have represented a "high watermark in Australian mental health legislation". I should add that that comment was made on reflection in July 2004. According to the Department of Health, prior to its introduction the legislation had been the subject of extensive consultation both with those with a direct interest in its provisions—that is, health professionals—as well as with those in the broader community. In order to guarantee a level of community involvement, the Minister set up a Mental Health Act implementation and monitoring committee to undertake a statutory review of the 1990 Act. A review was conducted in 1992 and the legislation was

consequently amended in 1994 and 1997, based in part on that review. There has been no substantive amendment of the Act until today.

Honourable members will know that in December 2001 the Legislative Council set up a Select Committee on Mental Health, with wide terms of reference to review the provision of mental health services, including funding, quality, staffing levels and community participation in those services. A final report was given, with 120 recommendations. Honourable members might recall that that report was authored by the chairman Dr Brian Pezzutti, who was supported by an outstanding team of members of this House. In July 2004 the legal division of the Department of Health put out a discussion paper on the Mental Health Act 1990. Consequently, we now have before us the product of the various consultations that have ensued. I must make mention that during my five years as a member of this Parliament no other bill has received such an outpouring of concern as this. We have received hundreds of letters on this legislation in the past couple of years since the discussion paper on this bill was released.

It is expected that mental health will provoke passionate reactions from those in our community. This issue is close to the hearts of many because of personal experience or because they are carers of a loved one with a mental illness. I acknowledge the hundreds of letters my office has received, and thank constituents for taking the time to express their views to me. Many people in the community know, because of my broadcasting on these issues over many, many years, that I have a sympathetic understanding of the needs of people suffering mental ill health. Many of these letters stemmed from concerns about the use of electroconvulsive therapy [ECT], otherwise known as shock treatment. Electroconvulsive therapy is a form of therapy that has had a legislative basis in the original 1990 Act. The letters express real concern from people who sincerely believe that such treatment in a modern day society should be condemned. Page 45 of the discussion paper on the Mental Health Bill noted:

> … while ECT is controversial in the community, many clinicians see it as a useful and necessary form of treatment for some intractable conditions. It is said to have successful outcomes for certain individuals who have been unsuccessfully treated with medication.

In 2005 I was responsible for the employment of 70 psychiatrists and more than 400 psychologists and professional counsellors, and I have run three mental health hospitals—Wesley Private Hospital, Wandine Private Hospital and the Wesley Mayo Clinic, as well as several other institutes. In each of these we have had patients who required electroconvulsive therapy. What can be achieved by shocking a person's brain into numbness, leaving a mere shell of a person, is beyond me. From a layperson's point of view, it is incomprehensible that such methods of treatment may still be employed in today's health facilities by medical practitioners. But the fact is that for some people it is the only form of viable therapy.

Clearly, the re-adoption of electroconvulsive therapy in this legislation warrants proof beyond any reasonable doubt that the therapy is justified. I do not believe that the sanctity and integrity of the human brain should be compromised by people in experimentation, given the possible grave injury and harm potential suffered by patients subjected to such treatment. Over many years, as chair of the Medical Practitioners Board, I have discussed this matter with member psychiatrists and psychologists at great length, and I am impressed with their care whenever electroconvulsive therapy is used. This form of treatment can do so much to help some patients with severe psychotic episodes for which there is no other treatment but I acknowledge, as do the psychiatrists, that on occasions there are some patients whose condition is made worse, and there is no clear indicator to distinguish possible outcomes with differing patients. This is a controversial and difficult problem.

Other letters have dealt with the extensive prescription of medication to deal with psychiatric disorders, particularly the administration and medication to involuntary patients. I realise that community views are mixed about the use of medication, particularly in relation to children, although I note that many people are opposed to the use of medication to deal with mental health problems. Debate on these concerns does not fall strictly into the realm of the debate about this bill, however I acknowledge these concerns and also acknowledge that there are times when a person is in the midst of an extreme psychotic episode and, voluntarily or not, medication must be used.

I have also spoken to the New South Wales Law Society about some of the concerns with this bill. One concern is the ability of medical practitioners to administer medication to any voluntary patient in such a situation as I have just mentioned, when a patient is in an acute episodic presentation. The Law Society has assured me that this power was originally vested in the 1990 Act. This bill not only reiterates that power but also adds some further mechanisms for the protection of voluntary patients.

The other concern I had was in relation to the composition of the Mental Health Tribunal in circumstances where only one person may constitute the tribunal, but the Law Society has given the opinion that this proposal is not controversial because the matters to be dealt with when the tribunal consists of only one person are not substantive matters. I thank the Law Society and in particular Miss Clare McKendrick for briefing my office on its stance. I point out one important provision made by the Hon. Jennifer Gardiner that will interest people who profess to adhere to a religion and even those who do not profess any affiliation with any religion. Proposed section 16 (1) provides:

> A person is not a mentally ill person or a mentally disordered person merely because of any one or more of the following:
>
> (b) the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular religious opinion or belief
>
> (f) the person engages in or refuses or fails to engage in, or has engaged in or refused or failed to engage in, a particular religious activity

Mental and emotional brokenness is but one facet of the brokenness that individuals commonly face in their day-to-day lives. I conclude by saying that in my 27 years of leading Wesley Mission it grew to become the largest complex for supporting people with mental health issues in our nation—through its hospitals, its geriatric centres, counselling services, hundreds of qualified staff, emergency telephone services such as Lifeline, its suicide prevention work, staff working with mentally ill prisoners, with homeless people on our streets, with intellectually disabled children and adults, and so on. I have felt that work is second to none.

In all my experience I have resolved that there can be no healing from brokenness for the individual or for churches or for the scattered human family until we get to sensible, meaningful religious roots. Among the most helpful psychologists I have studied is Dr Paul Tournier of Switzerland. One of our Wesley Mission psychiatrists studied at depth in post-graduate doctorial work with him in Switzerland. Dr Tournier's book *The Whole Person in a Broken World* reinforces the fact that the good news of Jesus Christ can help to make people whole.

Through all of Wesley Mission's ministry and my own service in the field of health and mental illness, and particularly counselling people through the public media, we have sought to make broken people whole. I have used scripture and experience in my preaching over television and radio every week now for 40 years to help people find wholeness in a broken world. I believe this Act will go some way towards helping people become whole—physically, socially, emotionally, psychiatrically as well as spiritually and sexually.

Debate adjourned on motion by the Hon. Michael Veitch and set down as an order of the day for a future day.

ADJOURNMENT

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.26 p.m.]: I move:

That this House do now adjourn.

WORKCHOICES LEGISLATION

The Hon. GREG DONNELLY [5.26 p.m.]: It may be my imagination but it seems to me that the verbal attacks by John Howard, Peter Costello, Joe Hockey and Tony Abbott on unions and the Australian Labor Party are becoming increasingly shrill and intemperate. Despite their spending an estimated $55 million of taxpayers' money to sell their so-called essential reform, the punters are not buying it–not one little bit. It has been just over 14 months since WorkChoices commenced, and the more we get to know and understand it, the more we dislike it. To date, it has primarily been individual workers impacted by WorkChoices. Most of us have heard about Annette Harris and her battle with Australian workplace agreements at Spotlight, Coffs Harbour. Many are aware of individuals who have been sacked because unfair dismissal rights have been severely curtailed.

WorkChoices is both a comprehensive and complex piece of law. With over 2,000 pages of legislation, regulation and explanatory notes, still, even after 12 months of operation, only a relatively small number of people fully understand what this law has done to Australian workers. The passing of WorkChoices by John Howard was, for him, an article of faith. He had no political mandate to do what he did. However, he was careful to build into the legislation explicit provisions that would act as a brake on employers bursting out from day one and taking full advantage of the new laws, particularly with respect to their current employees.

Very few people have heard about NAPSA—notional agreements preserving State awards. When WorkChoices commenced on 27 March 2006, employees engaged by a corporation who at that time had their wages and conditions governed by a State award were automatically drawn into the Commonwealth industrial relations system. The wages and conditions in the State awards were in effect vacuumed into the Federal system and reflected in a legally enforceable instrument called a notional agreement preserving State awards. Everything from the State awards were drawn into the notional agreement, except for certain prohibited matters like trade union training leave and the like.

The notional agreement preserving State awards protection has a limited life. It expires on 27 March 2009, three years after WorkChoices commenced. John Howard deliberately gave himself a three-year grace period that would put him well beyond the Victorian, New South Wales and Federal elections. There is now less than two years of protection to go and the clock is counting down. The notional agreement protection expires at midnight on 27 March 2009.

Unless workers have been persuaded to leave the protection of these notional agreements and become covered by an Australian workplace agreement or a union or non-union collective agreement, their wages and working conditions will go into free-fall. As far as their wages and working conditions go, the only things that will be legally enforceable are the five minimum entitlements provided for in WorkChoices. Everything else is up for grabs. State award rates of pay, allowances and entitlements will be up for grabs and subject to negotiation. WorkChoices is deliberately designed to kick in after this State election. We are not talking about individuals here and there—think for a moment of the number of workers covered by notional agreements preserving State awards in New South Wales, Queensland, South Australia, Western Australia and Tasmania.

We are not talking about tens of thousands, even hundreds of thousands of workers, we are talking about millions. It is interesting to reflect that even after spending all that taxpayers' money on promoting the virtues and benefits of WorkChoices, I do not recall one reference to 27 March 2009, unquestionably a very big event for millions of Australian workers and their families. As Australian workers mark off 27 March 2009 on their calendars, what is starting to dawn on many Federal Liberal Party and Nationals members of Parliament is that the Australian Council of Trades Union and the Australian Labor Party, far from making up things or exaggerating, are reflecting very serious and justified concerns that voters and the community have about WorkChoices. Moreover, if the trend continues, many of those members of Parliament will pay the ultimate political price for letting John Howard have his article of faith. John Howard himself may not survive when voters realise what they have to do on polling day 2007 to recover what has been taken from them.

WAVERLEY COUNCIL BY-ELECTION

DEATH OF LAURA MARGARET CHAFFEY

The Hon. DON HARWIN [5.31 p.m.]: On 10 May 2007 the member for Coogee in the other place made a few remarks about the Waverley Council by-election. Some of them were well clear of the mark. In particular, he said he thought the Liberal Party and its candidate were not suitable or capable of representing residents of Waverley Ward. That is not how the constituents of Waverley Ward saw it. On 19 May a by-election was held for a vacancy on Waverley Council. In 2004 the primary vote was 34 per cent for the Liberals, 31 per cent for Labor and 24 per cent for the Greens. Consequently, it was widely anticipated that, with the help of a strong Greens preference flow, the ALP candidate would easily obtain the minimum required to secure the seat. That is certainly what the member for Coogee must have been expecting.

However, that did not occur. I am pleased to inform the House that the local Liberal team did not take the expected result for granted and, through its hard work, the seat was secured by 51 votes. The local Liberals chose an excellent candidate in David Ridyard, who works with victims of drug addiction and alcohol abuse at the rehabilitation centre Odyssey House. I am pleased to be able to say that David and his supporters demonstrated the value of engaging directly with residents by building their campaign on traditional doorknocking. In addition to this approach, they distributed a newsletter, how-to-vote cards and flyers on the area's most critical council issue—parking and parking fines.

The current Labor-Green controlled council has made it extremely difficult for residents to have off-street parking on their own land and has reduced parking in multi-unit developments, forcing people to park on the street. This has resulted in too many cars for the on-street parking spaces available and caused an excessive proliferation of resident parking schemes. These schemes come at a cost to residents and inevitably result in an increase in fines levied by council. With this by-election result the residents of Waverley Ward have

sent a clear message that any scheme to reduce the number of cars on the road can be implemented successfully only when combined with improved public transport options—something that the council and the State Government have failed to deliver.

The Labor vote in the ward continued its downward trend and declined another 6 per cent from the last election. Of course, that is an indictment of the leadership of the council by the Labor team leader and mayor, George Newhouse. This is a solid result for the Liberals on Waverley Council that endorses their stance on parking in the area and demonstrates the value of traditional door-to-door campaigning on the local day-to-day issues that affect people's lives.

On a sad note, I note the death of a very great lady at the age of 94. Last week I attended the funeral service at St Mark's in Darling Point of Laura Margaret Chaffey, a remarkable woman and a member of an exceptional family. For over half a century Sister Chaffey devoted her working life to St Luke's Hospital in Potts Point. She commenced a four-year nursing traineeship there in 1941, and for the next 38 years was a dedicated nurse. She cared for countless patients and also faced the challenges of hospital management. Even after her retirement in 1979 she continued to serve the St Luke's community through a range of volunteer activities. She had many dear friends at St Luke's and her years of involvement gave her great personal satisfaction.

Laura was a long-term Liberal Party member and we were members of the same branch for 15 years. She came from a family with a strong tradition of service. Her father was Frank Chaffey, who was member for Tamworth in the other place from 1913 until his untimely death in 1940. Laura's brother, Bill Chaffey, succeeded their father as member for Tamworth in 1940, subsequently becoming Deputy Leader of the Country Party. He remained in the seat until 1973, some 60 years after his father had first been elected. Both men combined the early years of their parliamentary terms with periods of active service abroad in a world war, and both achieved ministerial rank.

Through her decades of service to nursing and the community of St Luke's, Laura Chaffey demonstrated her family's strong sense of duty She was a strong and independent individual whose life is an example to us all of commitment and service. We will miss her commonsense, insight and very great sense of humour at branch meetings. Vale Laura Margaret Chaffey.

SNOWY SCIENTIFIC COMMITTEE AND SNOWY WATER LICENCE

Ms SYLVIA HALE [5.36 p.m.]: I wish to outline to the House some disturbing recent developments or, in some cases, lack of developments, relating to the administration of Snowy Hydro Limited. Following the collapse exactly 12 months ago of the ill-conceived and ill-fated attempt by the New South Wales and Victorian Labor governments and the Liberal-Nationals coalition Federal Government to sell off Snowy Hydro, many people believed that the issues surrounding Snowy Hydro were resolved. They are not resolved and the continuing drought, the threat of climate change and the at times competing demands of irrigators, farmers, the tourism industry and the environment ensure that the operations of Snowy Hydro Limited will be of considerable public interest for the foreseeable future.

In light of the overwhelming public opposition to the sell-off proposal, it was disappointing to see reports in the media that the Managing Director of Snowy Hydro, Mr Terry Charlton, is continuing the push for privatisation. Mr Charlton has provided me with a copy of his speech to the recent conference of the Country Women's Association. It is clear that Mr Charlton is indeed continuing to push his well-worn arguments for privatisation. Privatisation of Snowy Hydro has been rejected by the community and was not endorsed by the upper House inquiry into its future ownership. If Mr Charlton is unable to accept the views of the public and the Parliament, he should question whether he should continue as managing director.

Just as concerning is the lack of action by the New South Wales Government in two areas: the failure to establish the Snowy Scientific Committee and the failure to initiate the review of the Snowy Water licence in a timely manner. The Snowy Scientific Committee is established by section 57 of the Snowy Hydro Corporations Act 1997. Yet, 10 years after the Act was passed, the committee still has no members appointed to it and has not met. This raises very serious questions about an answer that Minister Della Bosca gave to the Parliament last year. The Minister told the House in May 2006 that "The committee is being established now because it is anticipated we will require those decisions in the coming year." Yet, a year later, in May 2007, the Minister for Energy in response to my question without notice told the House that the issue of the Snowy Scientific Committee was still under consideration. What happened in that intervening 12 months to change the

Government's mind? Or is it the case that the Government has never intended to allow the committee to undertake the duties outlined for it under the Act?

The Government is showing contempt for the people of the Snowy region by refusing to do what it is required by law to do; that is, to establish a scientific committee to advise on appropriate allocation of water from the Snowy Mountains Scheme and the state of the Snowy River environment. The issue of water allocation is critical, and it is imperative that the decisions taken are based on the best scientific advice. The refusal to establish the committee is designed to reduce scientific input to these decisions so the Government can continue to play politics with water allocations. Which leads us to the issue of the review of the Snowy water licence. Section 25 of the Snowy Hydro Corporatisation Act 1997 requires a review of the provisions of the Snowy water licence after the first five years of its operation.

The licence was issued on 30 May 2002. The five-year anniversary has now passed, yet there is no sign of the review taking place. The Act specifically states that it is the duty of the Water Administration Ministerial Corporation to use its best endeavours to complete that first review, and to give effect to the results of the review, within six months after the fifth anniversary of the issue of the licence, that is, by 30 November this year. The Act allows the corporation to commence public consultation on the review before the five-year anniversary so that it can meet that requirement. What steps has the Minister taken to initiate the review process? How will the public be consulted during the review? The public has no idea—and neither do I.

It looks like the review of the licence is going the way of the establishment of the scientific committee. The New South Wales Government seems to think that some elements of the Snowy Corporatisation Act are optional, when in fact they are mandatory. It is time for the Government to fulfil its obligations to the people of the Snowy region and across New South Wales by establishing the Snowy Scientific Committee and initiating a review of the Snowy water licence with full public consultation and without further delay.

WORKCHOICES LEGISLATION AND LOCAL GOVERNMENT

The Hon. MICHAEL VEITCH [5.41 p.m.]: This morning I, along with a number of other honourable members of this House, attended the opening of the 2007 New South Wales Shires Association Conference.

The Hon. Michael Gallacher: The Premier didn't attend though.

The Hon. MICHAEL VEITCH: He was sick. At the conference the Hon. Paul Lynch, Minister for Local Government, gave a very thorough and concise explanation of the leadership the New South Wales Government is providing to the extremely important local government sector. In his address the Minister raised a number of pertinent matters for local government. These included local government's role in delivering upon the important State Plan; local government's role in developing effective partnerships to develop local solutions; constructive change for the better, instead of avoiding change; and resource sharing and twin arrangements, or, as they are more commonly referred to by the local government sector, sister-city relationships between city and country councils.

More importantly for the local government sector, the Minister openly raised the hoary old chestnut of amalgamation, clearly stating this Government's position of no forced amalgamations. The Minister clearly stated the Government's desire for strong local councils that are meeting their local communities' needs. I, like a number of other members of this House, carry the dual role of a local government representative. I was quite heartened to hear the Minister speak so positively and passionately about the local government sector. I know, for instance, that the Deputy Leader of the Opposition has clearly stated that his favourite council is the Upper Lachlan Shire Council, of which he is a ratepayer. I personally cannot go so far as to publicly place one council ahead of another in some sort of unscientific preference arrangement, but I can say that I am proud to have sat on Young Shire Council since September 1995.

There was, however, a disturbing moment this morning during the opening address by the outgoing President of the New South Wales Shires Association, Councillor Col Sullivan, OAM. In his opening address Councillor Sullivan spoke about the Federal Government's WorkChoices legislation and the impact the legislation is having upon local government. Councillor Sullivan, in my view, further muddied the waters concerning the impact of WorkChoices on the local government sector, and has done a serious disservice to his constituency. I feel compelled to clarify the situation for my colleagues in local government. It is true that there is a great deal of uncertainty regarding the working conditions of local government employees since the advent of WorkChoices.

The PRESIDENT: Order! The Hon. Matthew Mason-Cox will cease interjecting.

The Hon. MICHAEL VEITCH: It certainly does not do anyone any good—employees, councils or ratepayers—to continue creating an uncertain work environment. The Minister for Industrial Relations, the Hon. John Della Bosca, has previously provided information on the arrangements for local government post-WorkChoices. This morning's comments by Councillor Sullivan, OAM, are clearly inaccurate and are not consistent with the accurate and informed comments of the Minister for Industrial Relations concerning WorkChoices.

Local government is currently facing a period of industrial turmoil instigated by WorkChoices. While councils are established under State law and regulated by the New South Wales Government, there are untested suggestions that a portion of their community activities, such as running a swimming pool and/or a child care centre, is enough to characterise them as having corporate status for the purposes of the WorkChoices legislation. Despite the considerable controversy that surrounds this view, the Federal Workplace Relations Minister recently wrote to councils urging them to adopt what he claims are superior arrangements offered by WorkChoices. In his three-page letter Mr Hockey was effectively enticing councils to drive down the working conditions of thousands of valued local government workers. If councils blindly followed Mr Hockey's instructions, child care workers, lifeguards, librarians and waste workers would face substantial cuts to their take-home pay and be forced to trade off weekend penalty rates, overtime and public holidays.

In March last year the New South Wales Government amended the Industrial Relations Act to provide industrial parties involuntarily swept into WorkChoices with a mechanism that preserves their access to the proven and trusted dispute resolution system delivered by the New South Wales Industrial Relations Commission. These agreements have proved particularly popular within the local government sector. Councils who are actively resisting a forcible transfer to the Federal system have enthusiastically embraced the opportunity to maintain the existing industrial arrangements, which have served them well for many years.

I am advised that to date more than half of New South Wales councils have signed referral agreements. Mr Hockey should accept this gesture for what it is: a strong symbolic signal that, if afforded the choice, councils would prefer to remain within the State industrial system, one which has delivered—and continues to provide—fairness and certainty for everyone. In the meantime, the New South Wales Government has been doing all it can to protect local government workers.

DEATH OF HIS ROYAL HIGHNESS KING MALIETOA TANUMAFILI II OF SAMOA

SAMOAN-AUSTRALIAN COMMUNITY

The Hon. DAVID CLARKE [5.46 p.m.]: The passing of His Royal Highness King Malietoa Tanumafili II, Head of State of the island nation of Samoa, on 11 May this year at the grand age of 95 is a sad loss not only to the people of Samoa but also to the Samoan community here in Australia. The high regard, respect and admiration of the Samoan-Australian community for the late head of State was very apparent to me when I represented the Leader of the New South Wales Opposition, Barry O'Farrell, at a memorial service held at Bankstown Town Hall last Sunday organised by the Samoan Council of Sydney.

For the last 45 of his 95 years King Malietoa Tanumafili II served as Head of State of Samoa. His life was a glowing testament of service and devotion to his people. He was an architect of an independent Samoa, having been the joint chairman of its Constitutional Convention in 1959. He had a special interest in education, seeing it as holding the key to the success of Samoa as a modern nation, and for a time served as Chancellor of the University of the South Pacific. He was keen to preserve the Polynesian heritage of the Samoan people, believing that it was an essential ingredient for a stable and progressive Samoa. Above all, King Malietoa Tanumafili II was deeply loved and respected by his people. He was at one with the Samoan people, and they were at one with him. In many ways he personified the life of an Old Testament prophet. He was like a patriarch to his people. He was a deeply religious man, a religious leader in a deeply religious and Christian nation. He was a godly man in a godly nation.

The people of the beautiful island nation of Samoa and the Samoan-Australian community can be well proud of him and his life of service, his life of devotion, his life of faith, and his life of goodness. He left behind him a peaceful nation—a nation successfully incorporating both parliamentary democracy and traditional Samoan customs of governance, a nation with an independent judiciary, a nation with a growing economy based on free enterprise principles.

The late King left behind him a nation which points the way for other island nations of Oceania. Members of this House will be interested to know that there are an estimated 50,000 people in Australia of Samoan birth or ancestry, with probably 30,000 of them residing in New South Wales. It is a thriving community with its own newspapers and sporting and cultural life. Recently the community took another major step forward with the formation of the Samoan Council of Sydney, headed by Mr Taga Loa Fotu Filipo Tago, its capable and go-ahead president.

One reason for the cohesiveness and rich social fabric of the Samoan-Australian community is the major part played by its various Christian denominations. Samoa is an overwhelmingly Christian nation, both in thought and practice, and the same applies to Samoans here in Australia. At the memorial service I recently attended, Samoan choirs representing various denominations participated. They included Methodists, Congregationalists, Catholics, Assemblies of God, Mormons, and Seventh Day Adventists. Listening to these choirs one can well understand why the Samoan people are renowned for the magnificence of their choirs and why music and singing are so characteristic of the rich cultural heritage of Samoans.

I conclude by paying tribute to the Samoan Australian community as a whole. They are a people of good humour; they are a people of great friendliness; they are a people of great generosity and hospitality; they are a people with a beautiful soul; they are a people who, for a whole multitude of reasons, are a welcome addition to Australia and to Australian society.

NRMA VEHICLE INSPECTION SERVICE

Ms LEE RHIANNON [5.50 p.m.]: In 2000 a proposal was put to NRMA members to split the NRMA's road service from NRMA Insurance. At the time, a series of promises was made to the NRMA's two million members. This included promises that as a result of the proposal membership fees would not increase, service levels would be maintained or improved, and the road service would be in a strong financial position. Additionally, a restraint of trade was imposed on the road service restraining it from ever again engaging in financial services such as insurance.

Since the split, each and every one of these promises has been broken. NRMA membership fees have doubled for many members, the number of road patrollers has been slashed and now a core NRMA service has been axed. The NRMA's vehicle inspection service was commenced in the 1930s as a free service to members. Over the years it came to be relied upon by thousands of motorists annually as an independent and honest broker. It ensured that safer cars were on our roads, and saved many NRMA members from buying a lemon, much to the chagrin of shonky motor vehicle repairers and dishonest second-hand car dealers.

Incredibly, on 20 April this year the vehicle inspection service was shut down. Almost no warning was given and there was certainly no debate. Not a word was said about it to members at the NRMA's 2006 Annual General Meeting. The vehicle inspection service has been axed despite rule 3 (b) (i) of the NRMA's constitution, which states as an objective of the company:

> To provide motorists with a range of services, and without limiting the generality of this object, to provide emergency or breakdown road service and other services to vehicles.

The official reason given for its closure was that the service lost $1 million last year and its use was in decline. However, it was not mentioned that the service actually posted a profit in some previous years. Moreover, the NRMA has been spending millions of dollars in recent years buying unprofitable businesses such as motels, holiday parks and car rental companies, including the veteran loss-maker Thrifty Car Rentals. These purchases have turned out to be a feast of fees for the NRMA directors, who have appointed themselves to the boards of these companies without having to report their payments in the NRMA' s annual accounts.

What members have not been told is that the Motor Traders Association [MTA] and NRMA officials held a secret meeting last September at which the Motor Traders Association called in their favours for the electoral support given to the NRMA majority board at the 2005 board election. It should come as no surprise that the real reason for the closure was not what members were officially told. For decades, the NRMA's vehicle inspection service provided inspection reports, which resulted in second-hand car dealers and repairers having to carry out expensive repairs and remedial work for vehicles under warranty. These dealers and repairers belong to an organisation called the Motor Traders Association.

The Motor Traders Association regarded the vehicle inspection service as an expensive nuisance, costing its members thousands of dollars in profits every year. It was in the financial interests of the Motor Traders Association for the vehicle inspection service to be wiped out.

However, the Motor Traders Association had a deeper connection with the NRMA' s internal affairs. Indeed, the real reason why the vehicle inspection service was axed was as a payoff to the Motor Traders Association for its electoral support of the majority NRMA board dating back to Nick Whitlam and his team. The Motor Traders Association contributed significant funds to board election campaigns. One NRMA board election resulted in the imposition of a levy on its members to raise money for the election campaign of Whitlam and his team, which included Michael Tynan, a car dealer well-known in the Sutherland area and a former president and current councillor of the Motor Traders Association. Mr Tynan is a director of the NRMA to this day.

It is high time that both the Australian Consumer and Competition Commission [ACCC] and the New South Wales Department of Fair Trading looked into the unfair practices that are robbing NRMA members of their services. NRMA's two million members deserve a better deal than they are getting.

INAUGURAL SPEECH OF THE HONOURABLE MARIE FICARRA

The PRESIDENT: I advise members and visitors in the galleries that the Hon. Marie Ficarra is about to make her first speech in this House, and I ask that all the customary courtesies be extended to her.

The Hon. MARIE FICARRA [5.54 p.m.] (Inaugural Speech): I speak in this debate for the first time as a member of this place, and in doing so I recognise the honour of becoming the first woman from the Coalition to serve in both Houses of this Parliament. I would like to thank the Clerk of the Parliaments and her staff for the assistance they have provided me since I assumed office. I also extend my thanks to my parliamentary colleagues from all political affiliations, who have shown me courtesy and respect since my first election in 1995 and my subsequent return to this place. I particularly want to thank my Coalition colleagues who have encouraged me and guided me in recent years to facilitate my return to this place. You know who you are and you know how much I value your friendship and appreciate your support.

I particularly acknowledge in the public gallery today Mike Stanley, a good friend of mine from the Hunter Valley, and, importantly, the great nephew of the first woman to serve in this Parliament, Millicent Preston Stanley. Her portrait hangs in the foyer at the entrance to Parliament House. Millicent Preston Stanley was the member for Eastern Suburbs from 1925 to 1927. Millicent was involved in a wide array of women's groups and issues and was President of the Feminist Club for many years, encouraging Australian women to stand up and have a voice in their communities, in their local councils and in their parliaments.

History shows that Millicent was a woman who never gave up. She had a genuine love of people and never confused her kindness with weakness. During her time in Parliament she campaigned tenaciously on reducing the high rate of maternal mortality at that time, reforming child welfare, making amendments to the Health Act, and better housing. All these issues are still relevant in today's society and they are issues that I will very much pursue. I come to this House proudly carrying the values instilled in me as a daughter of Italian immigrants. My father, Antonio, and my mother, Rosaria, migrated to Australia post the Second World War from the Eolian island of Lipari, a part of Sicily in Italy, to set up a new life for our family, which included my brothers Frank, Aldo and Joe.

My family, like thousands of others of the day, were economic refugees from a divided Europe besieged by unrest and monetary depression. Australia offered a place of safety and opportunity. My parents transformed themselves from working in an island economy dominated by fishing, agriculture and mining to becoming proprietors of a small family business—a milk bar that naturally included fruit and vegetables. One of my earliest memories is as a four-year-old child attempting to sneak the remnants of chocolate ice cream from the base of a large Streets ice-cream container from which the family made ice-cream cones. Unfortunately for me, I was too short—and probably still am—and I remained trapped headfirst for some time until one of my brothers, who is in the gallery tonight, heard my muffled screams as the frostbite set in. These days I am far more careful with ice-cream cones and I restrict myself to visiting the Cronulla mall gelato bars, but I still have a phobia for confined spaces and freezers.

On a serious note, I am proud to have spent my early teenage years working in one of the few ethnic small businesses in Beverly Hills at the time. It taught me much about understanding my local community, Australian values, our heritage and, importantly, the power of communication and knowledge. I have many fond memories of growing up serving in the fruit shop, and I always smile when I remember my small calico apron that my mother sewed for me. There I was proudly guarding the tomato stack, which had a sign in front of it warning all, "Please do not squeeze me until I'm yours". This adage still applies, may I say.

My brothers, Frank and Aldo, their wives, Ann and Caroline, together with my nieces Rosemarie, Liane, Victoria and Jenny, and my nephew-in-law Peter are all here tonight. To my great-nephew Daniel and great-nieces Mary-Kate and Remy, and the very many family members who could not be here, especially my nephews Paul and Michael and nephews-in-law Peter and Jason, I love you all dearly and I am very proud to call you my family.

To my many friends and supporters in the gallery, my Tuesday night family whom I have nicknamed the Triple D club—the desperate, dateless and dysfunctional amongst you—I love you all very much and thank you for your care and support of me throughout my life. I thank you for all the public and political involvement that you have endured, all the letterbox dropping, the endless fundraising, and standing on polling booths, shopping centres and railway stations. I could not have made it this far without you.

My late parents embraced what Australia had to offer. They loved their freedom and the right of individuals to work hard and prosper in this great country, and, most importantly, they loved their children and grandchildren. They were determined to ensure that their futures were secure. Indeed, my parents ensured that I was given the opportunity to have an excellent education—the greatest gift of all.

I attended Regina Coeli Primary School at Beverly Hills, Mary McKillops at Lakemba, Beverly Hills Girls High School and then Sydney University. My participation in my Catholic religion has enhanced my understanding of life and still does today. I was proud to be part of the congregations of Regina Coeli, Beverly Hills; St Declans, Penshurst; Sacred Heart, Randwick; Sacred Heart, Mona Vale; and am proud to be a part of St Aloysius, Cronulla today.

The Catholic Church, its program of social justice and the wonderful parishioners that I have met during my life have taught me so much about the important aspects of life—not superficial monetary obsessions, but the benefit we gain from spiritual strength and moral conviction, from strong family and personal relationships, generosity and care towards others and a willingness to serve our community. I wish to recognise in the gallery tonight my good friend Reverend George Caps, from the Christian Community Outreach for the homeless and all the fine work he has done in our society.

Education has been so important for migrants in Australia. Education facilitates the pathway to employment, citizenship and participation in society. As such, it was this education that prompted my political awareness as a young adolescent. I became convinced that the freedom to live, work and prosper depended on having strong and appropriate public policies and legislation based on community consultation. I stood for local government as a young woman in the late 1970s because I believed, and I still do believe, that local government is an integral grassroots part of society.

I enjoyed every minute of my 16 years as a councillor on Hurstville City Council, as its Mayor and Deputy Mayor and as President of the Australian Women's Local Government Association. I acknowledge many councillors and past councillors here in the gallery tonight and the dedication they have to their communities—doing so much for no financial gain but the satisfaction in being able to serve. I believe it to be admirable.

I also relished every minute of my time as the member for Georges River in the Legislative Assembly—that other place. My past political experience has taught me that good law and policy development should ideally ensure that there are no long waiting lists in hospitals for citizens in need, that education is freely available, that our streets are safe and that taxes are fair and collected for good purposes and not mere revenue raising.

More importantly, good law guarantees that all people have equal access to education, health care and justice, and can participate in our society irrespective of wealth, ethnicity or gender. Australians share common values such as respect for freedom and dignity of individuals, support for democracy, our commitment to the rule of law, the equality of men and women, the spirit of a fair go, of mutual respect and compassion for those in need.

I believe that the Parliament is the most important institution in every democratic society and I am proud but humbled to serve in this place. The Parliament's actions ultimately regulate, finance and facilitate every section of our society. The presence of Parliament provides public legitimacy to the governance of its people and the structure of its society. More importantly, through democratic elections, the Parliament provides the voice for our diverse country.

I am a small "d" democrat, which inevitably means that I am a large "L" Liberal. I believe that the Liberal Party has delivered to our community an environment that has facilitated services to people and families to prosper and cater for their needs and interests. Due to a Liberal Government, as a young person I received tertiary education, opportunity and hope. I very much want what I received to continue for future generations to come.

I pledge to work tirelessly to represent the people of New South Wales whilst demonstrating Liberal Party principles. The Liberal Party is a party of initiative and enterprise, valuing the importance of the family, individual freedom and private endeavour whilst caring for those in need.

As a member of this place, I see great opportunity to involve and develop the interest of the people of New South Wales in the political system. Whatever one's political philosophical beliefs, I am sure that all would agree that a sound understanding of political processes and good access to elected representatives is a vital ingredient to a civil society. We do not want our fellow citizens to feel so disempowered, alienated and frustrated that they need to take action en masse, as some did on the streets of my home suburb of Cronulla in 2005—in fact, outside my front balcony on North Cronulla Beach.

We need better understanding of differing cultures and, more importantly, better communication. It is our job as legislators to ensure that understanding and communication. As members of Parliament, we should give everyone a ready ear, to hear about their problems and work together to find solutions to those problems so as to maintain and improve our great Australia.

During my preselection and at the recent State election, I gave a commitment to travel throughout regional and rural communities as much as possible to meet members of those communities and assist them in any way possible over the next eight years. Whether or not these people are in constituencies represented by members of another party, whether or not they are comfortable speaking English, whether they live close to where I live or far away, I am committed to being responsive to their needs.

I believe also that it is essential that young people be listened to and that their needs and interests are addressed. Over the period of my involvement in public life I have come into contact with some amazing young people. Some of them are here tonight. I wish to acknowledge and thank sincerely the great support, encouragement and advice I have received over the years from the Young Liberal Movement.

I acknowledge in the gallery tonight the current president Noel McCoy, past presidents Alex Hawke, Natasha MacLaren-Jones, and the many other past and current hardworking members, such as Nathaniel Smith and his "Flying Squad", Jai Rowell, Zaya Toma, Liz Davies, Jameela Khan, Simon Fontana, Belinda Frisken, and the others who are unable to be here tonight and are far too numerous to name. I thank you, not just for your contribution to political life but to your local communities. I am particularly fortunate to have as my loyal and hardworking staff member the Vice-President of the Young Liberal Movement, Daniel Try. He is a future leader, I am sure. Thank you all.

I would also like to acknowledge two important young people whom I have watched grow into fine young men, and they, too, are here tonight. Unfortunately neither of them is a member of the Liberal Party but both have made significant contributions to their communities. To Vincent De Luca OAM: I admire your integrity, courage and devotion to others in need. Vince survived a life-threatening battle with cancer at the age of 22 and by the age of 26 he had become one of the youngest people in our nation to be awarded the Order of Australia for his already many years of extraordinary service to his community, particularly in youth welfare and community-based organisations. To Matthew Fuentes, who has also been active in community service from a very young age: You too are amazing. I value the love, support and expert advice you have both given to me over the years—and still do, whether I want it or not!—and I wish you all the best in your already very successful careers.

I turn now to what I hope to accomplish in the years to come. I am a scientist by training. My first paid work was as a senior tutor, then lecturer in histology to medical, dental, veterinary science and science students at Sydney University whilst undertaking research into childhood muscular dystrophy. I have been fortunate and privileged to have worked and held senior positions for three major international pharmaceutical and medical diagnostics companies, Hoechst Pharmaceuticals, Cytyc Diagnostics and most recently Merck, Sharpe and Dohme Australia.

My career post-university progressed from educating medical practitioners about new pharmaceutical products to informing our Federal decision makers about new medical developments and the evidence favouring approval and taxpayer Medicare funding. Over this period I received invaluable assistance with this endeavour

from experts who started off as my professional colleagues but whom I now consider as dear friends and mentors. I acknowledge their presence tonight: Professor Neville Hacker, Head of Gynaecological Oncology at the Royal Women's Hospital in Sydney and a world leader in the field of gynaecological cancer; Associate Professor John Gullotta, from the Federal branch of the Australian Medical Association [AMA], who has also been a bastion of support for women's health care; and my good friend Di Ford, who has played a major role in teaching me the skills of effective, outcome-focussed, government relations.

Many in this House know that I believe friendship should not be dictated by political allegiances. Di has held various senior roles with Federal and State Labor members and Ministers. I am proud to say she and her late husband, John Ford, have been not only loyal colleagues but also wonderful friends.

During my working career I am proud to have played an important role in the development of our national health strategy to combat cervical cancer, diabetes, heart disease, osteoporosis and other illnesses. My last employer, Merck Sharp and Dohme, is currently in partnership with CSL in supplying vaccines that, thanks to the great wisdom of our Prime Minister, John Howard, and the Federal health Minister, Tony Abbott, will substantially prevent cervical cancer in the next generation of young Australian women. I believe my experience in the roles I have mentioned has been invaluable to my understanding of the national and State health systems and how they can be improved. During the time I spend as a member in this place I will use my scientific training and the expertise of my colleagues to determine just what is and what is not being achieved when it comes to health care.

I will support good decisions, made transparently, with full disclosure of supporting evidence that withstands scrutiny. But I will certainly oppose any decision that is not in the best interests of the welfare of the people of this State. I also strongly believe that political spin and gloss should be exposed; quality evidence and substantiation should lead to remedial action. That is what the people of New South Wales expect, along with new initiatives and policies that improve their lives and that of their families. In my discussions with senior members of the medical profession I have encountered deep disquiet about the way they are expected to modify their work to achieve certain bureaucratic and outcome irrelevant levels of performance. The measure of good outcomes, performance is typically what that great thinker Avedis Donabedian called process measures.

Born in 1919 in Beirut of Armenian parents, Donabedian studied at the American University in Beirut. As a young man he faced difficulties because of his ethnicity and had to continue his distinguished academic career in the United States at Harvard. Donabedian made the breakthrough discovery that all measures of quality in health services could be described under three categories: structure, process and outcome. Structural measures describe the capacity, such as the number of beds open in a hospital; process measures describe how well and how fast things happen. For example, how long does one wait for a needed total hip replacement in a public bed in New South Wales? But all of these are subservient to outcome measures. How are we progressing in reducing the burden of disease?

Donabedian was much revered as a thinker and much loved as a cultured, passionate and creative person. He and his followers have strongly and immeasurably influenced every public health expert and health economist of my generation. Donabedian crystallised our understanding of what quality means in health care delivery. I do not confine my thinking on need for quality evidence to just the health sector. In the fields of energy and water supply, planning and environmental management, transport, housing and every other field, whenever we want to make advances we need to get our measures right before we can talk about what we have achieved. For example, in recent years there has been much discussion about whether train services are better if they run more often to timetable, even if passenger numbers are declining and passenger satisfaction is abysmal. I have no doubt what international public transport experts would say about that. What does not get measured properly does not get managed well.

I particularly acknowledge the Leader of the Opposition, Barry O'Farrell. Barry and I commenced our parliamentary careers together back in 1995. My parliamentary career was curtailed somewhat for a period but I have returned, and I look forward to working with Barry and my colleagues to ensure a Coalition win at the next election. Barry has appointed me as the shadow Parliamentary Secretary for Citizenship, assisting Gladys Berejiklian, the Shadow Minister for Transport and Citizenship, who is in the gallery tonight. Gladys is a fabulous performer and a good friend. To me, citizenship is most important; it means both gaining rights and embracing responsibilities. Australian citizenship is a privilege, not a right, and we want people who come to Australia to fully participate in Australian life through citizenship. The right to vote to elect our representatives and have a say in the running of our communities, State and nation is the highest form of individual recognition as an Australian citizen.

We should all respect the laws and norms of any society we join, whether as a guest or a permanent citizen. Such respect has always accompanied the great cultural contribution of the vast majority of migrants.

I will therefore work diligently with people of all ethnicities to promote that form of citizenship that my family so strongly and passionately embraced. Australians have been so successful at integrating millions of people with diverse backgrounds from more than 200 countries because of our unique nature of kindness and mateship.

I particularly acknowledge someone who had a great impact on me as a newly elected member of the Legislative Assembly back in 1995, the late Ian Glachan, OAM. Ian was a wonderful and kind family man who genuinely cared about people. He was an extremely ethical man who was a role model not only to his fellow parliamentarians but also to the community at large. He will forever be one of the most respected members to serve in the New South Wales Parliament, and I acknowledge the presence in the gallery tonight of his wife and my dear friend, Helen Glachan, a fellow member of the New South Wales Liberal executive, and her daughter, Ann. I thank you for coming all the way from Albury.

I cannot name all my campaign supporters as I risk offending any that I may momentarily overlook. I thank all of you present tonight and the many who could not attend. During my 28 years in the Liberal Party I have always admired the work I have witnessed by all of you. To those in my Sylvania Waters branch of the Liberal Party led by our President, James Young, all the other party members from branches in the Sutherland shire and the St George region, to my fellow Liberal State Executive members, to Helen Wayland, President of the New South Wales Womens Council and her many members here this evening and to my fellow Liberals across New South Wales: I would not be here today but for your hard work.

To my great friend and supporter, Senator Concetta Fierravanti Wells; the Hon. David Clarke, MLC, and Marissa Clarke; Chris Hartcher, the member for Terrigal; the Hon. Mike Gallacher, MLC; the Hon. Matthew Mason-Cox, MLC; Nick Campbell, Vice-President of the New South Wales Liberal Party: I thank you for your belief in me and your assistance in helping me return to this Parliament. To my hardworking and patient fundraising team—Ann Chapman and Dr Frank Chapman, who have been with me from the beginning; Clive and Lorraine Johnson, who keep me accountable; the irrepressible Val Coy; Mercia Goldsmith; Ali McCaughan; Alan and Marie Bonney; Fay Samuel; Lina and Andrew Gullotta. OAM; Teresa and Sam Restifa; Di Todaro; the effervescent Maria Venuti, AM, who is recognisable to all in the front of the gallery; graceful Helen Zerefos, OAM; the irrepressible Ferdi Dominelli, who is also in the gallery; councillor Frank Oliveri; Rick and Jillian Forbes; Nick Scali; Mario Martino; Linda Restuccia; Mary Lou Jarvis; Teena McQueen; and Rod and Len Bosman: I thank you all for being there whenever I yelled for help. You are always there.

It is also particularly pleasing to have in the gallery tonight some outstanding men and women who were candidates at the last State election: Tricia Hitchen for Penrith, Karen Chijoff for Mulgoa and Andy Rohan for Smithfield. I know you will keep fighting for your communities and keep involved with us in the New South Wales Coalition as we need your passion, energy and input.

Finally, I come to the most important person in my life, my husband, Dr Alan Carless, and my recently acquired Carless clan—my mother in law, Alice, Aunty Jean, brother Peter from Calgary Canada, and nephews James and Charlie. They have welcomed me into their hearts and their lives and for this I love them dearly. Alan's great love and support for me has enabled me to return enthusiastically to this place. He keeps me charged and focused on serving the people of this great State. He ensures my feet are always on the ground. In conclusion, I would like to read into *Hansard* a most beautiful poem that Alan wrote for me when we decided to share our lives forevermore not so long ago:

You came into my life and filled it full
Of love and energy and boundless joy
Replacing much that was so deadly dull
And worthless, like a worn out plastic toy.
To aid us on our never-ending trip
We only need the best things that we own:
Our wisdom, values, faith and fellowship
In all the close knit circles where we've grown.
Together now we travel to that place
Where lovers go, escaping all our pain
We hold each other, knowing our embrace
Is gentle, yet so certain to remain.
While ever I can think my thoughts quite clearly
My first will always be, I love you dearly.

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 6.22 p.m. until Wednesday 6 June 2007 at 11.00 a.m.