

LEGISLATIVE COUNCIL

Wednesday 23 November 2011

The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State at 8.25 p.m. on 20 November 2011.

20 November 2011

INDUSTRIAL RELATIONS AMENDMENT (NON-OPERATIVE AWARDS) BILL 2011

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

PROCEDURE COMMITTEE

Report

The President tabled report No. 6 of the Procedure Committee entitled "Report Relating to Private Members' Business, the Sitting Pattern, Question Time and Petitions", dated November 2011.

Ordered to be printed on motion by the Hon. Michael Gallacher.

WORK HEALTH AND SAFETY LEGISLATION AMENDMENT BILL 2011

Third Reading

Motion by the Hon. Greg Pearce agreed to:

That this bill be now read a third time.

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

MEN'S AND MIXED NETBALL CHAMPIONSHIPS

The Hon. MARIE FICARRA (Parliamentary Secretary) [11.03 a.m.]: I seek leave to amend Private Members' Business Notice of Motion No. 364 as follows.

1. In paragraph 1 (a), omitting "1 to 5 November" and inserting instead "25 to 29 October".
2. In paragraph 3 (b), inserting "Mr Philip Axel of South Africa" after "Lisa Harm of Australia";.

Leave granted.

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that:
 - (a) between 25 to 29 October 2011, the Men's and Mixed Netball Championship between Australia, New Zealand and South Africa was held on the Gold Coast, and
 - (b) the Australian Sonix Teams, which included many New South Wales players, won the championship title in each division, including:
 - (i) Men's Open: Australian, Sonix scored 58 to defeat New Zealand 31,
 - (ii) Men's 23 and under: Sonix scored 46 to defeat Australia A 34,
 - (iii) Mixed: Sonix scored 61 to defeat New Zealand 30.
2. That this House congratulates members of the Championship Teams, including:
 - (a) Men's Open:
 - (i) Darren Kelly, Coach,
 - (ii) Kelli Douglas, Manager,
 - (iii) players James Matthews, David Chisholm, Andrew Simons, Daniel Ryan, Guy Keane, Will Jamison, Daniel Cooke, Valance Horne, Garry Pashen and Steven Curr,
 - (b) 23 and under men:
 - (i) Lucille James, Coach,
 - (ii) Karen Wild, Manager,
 - (iii) players Dominic Bates, James Burrige, James Morrison, James Robertson, Ely Harrison, Merrow Clough, Jamie Bruce, Aidan Kelly, Louis Tsomasopoulos and Steven Philpot, and
 - (c) Open Mixed:
 - (i) Jody Viktorin, Coach,
 - (ii) Elise Caldwell, Manager,
 - (iii) players Richard Lake, Bo Stepanicic, Matt Lapsley, Andrew Mitchell, Jarrad Walker, Natalie Tommasini, Angela Jeffery, Sophie O'Shea, Natasha Westbrook and Eliza Long.
3. That this House thanks and congratulates:
 - (a) the Australian Men's and Mixed Netball Association for its fine organisation of the Championship and its Executive:
 - (i) Grant Crocker, President,
 - (ii) Tahli Shields, Vice President,
 - (iii) James McCallum, Domestic Director and President, Victoria,
 - (iv) Kelli Douglas, Treasurer,
 - (v) Maureen Stephenson, Director of Umpiring,
 - (vi) Darren Kelly, New South Wales President
 - (vii) Carolyn Sweet, Queensland President, and
 - (b) the umpires that officiated at the Championship, including Gareth Fowler of New Zealand; Cheryl Van Druemel, Joel Owen, Stewart Ting, Amy Wincombe, Deborah Tapper and Lisa Harm of Australia; Mr Philip Axel of South Africa; and Maureen Stephenson, OAM, Director of Umpiring.

KUJAWY-SYDNEY POLISH FOLKLORIC DANCE ENSEMBLE THIRTY-FIFTH ANNIVERSARY**Motion by the Hon. David Clarke agreed to:**

1. That this House notes that:
 - (a) on 19 November 2011 the Kujawy-Sydney Polish Folkloric Dance Ensemble celebrated its 35th anniversary at a ball held at the Polish Club, Bankstown, organised by the Polish-Australian Community,

- (b) the Kujawy-Sydney Folkloric Dance Ensemble has earned a well-deserved reputation for its artistic professionalism and its representation and showcasing of the great cultural heritage of the Polish people which extends back more than 1,000 years, and
 - (c) since its formation, the ensemble has performed in various festivals around Australia and overseas, including in Spain, New Zealand and Poland.
2. That this House acknowledges:
- (a) the extraordinary work of the Kujawy-Sydney Polish Folkloric Dance Ensemble's founder and past President, Mrs Ryszarda Bardaczewska,
 - (b) the great work and dedication of the current President of the Kujawy-Sydney Polish Folkloric Dance Ensemble, Mrs Jolanta Zurawski and teachers and choreographers Marek and Wieslawa Wojnicz, and
 - (c) those that attended the anniversary, particularly:
 - (i) Mr Daniel Rafal Groman, Consul General of the Republic of Poland in Sydney,
 - (ii) The Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Premier, the Hon. Barry O'Farrell, MP,
 - (iii) Ms Tanya Mihailuk, MP, shadow Minister for Fair Trading, Healthy Lifestyles and Volunteering, representing the Leader of the Opposition, Mr John Robertson, MP,
 - (iv) Mr George Krajewski, President of the Polish Federation of New South Wales,
 - (v) Mrs Jadwiga Solka-Krajewska, President of the Polish Women's Association,
 - (vi) Mr Andrej Lubieniecki, SBS Polish Correspondent,
 - (vii) Mrs Ernystyna Skurjat-Kozak, General Editor of Puls Polonii,
 - (viii) Father Krzysztof Chwalek and Father Marion Szeptak,
 - (ix) Mrs Ryszarda Bardaczewska, former President and Founder of Kujawy Folkloric Dance Ensemble,
 - (x) Mrs Jolanta Zurawski, current President of the Folkloric Dance Ensemble.
3. That this House pays tribute to the Polish-Australian community for its important and positive contribution to the life and wellbeing of the State of New South Wales and the Commonwealth of Australia.

TRIBUTE TO MRS PAM HALL

Motion by the Hon. Marie Ficarra agreed to:

- 1. That this House notes with sadness the passing on 8 November 2011 of Mrs Pam Hall, the cofounder of the Manly Warringah Netball Association, one of the State's largest netball associations.
- 2. That this House acknowledges the extraordinary contribution of Mrs Hall to the community over a 60-year period, including:
 - (a) in 1954, Mrs Hall, along with Mrs Iris Gracie and Mrs Evelyn Langbein, wrote to local swimming clubs, surf clubs, gas companies, factories and businesses in the Manly Warringah area inviting girls and women to play in the first women's basketball (now netball) competition in the Manly Warringah area, where teams such as Manly Y and West Dee Why had previously been required to travel to the city to play, and higher grade teams continued to travel to the city to play until the mid to late 1960s,
 - (b) in 1955, Mrs Hall with others founded the Manly Warringah Women's Basketball Group, which:
 - (i) went on to become an affiliated association of New South Wales Women's Basketball Association in 1965,
 - (ii) has developed into the second largest netball association in the world and one of the most successful netball associations in the country with numerous players and officials representing New South Wales and Australia,
 - (c) in 1960, Mrs Hall founded the Collaroy Plateau Youth Club Netball Division,
 - (d) Mrs Hall served on the Executive Committees of the Manly Warringah Women's Basketball Group and Manly Warringah Netball Association for in excess of 35 years, was a badged umpire, coach and manager and served on numerous sub-committees of the association, and

- (e) in honour of Mrs Hall's outstanding service to netball, she was awarded Life Membership of the Manly Warringah Netball Association, Life Membership of the Collaroy Plateau Youth Club, the NSW Netball Association's Anne Clarke Outstanding Service Award, the Centenary Medal and the Warringah Council Outstanding Community Service Award.
3. That this House extends its sympathy to Mrs Hall's children Karen, Janine and Ian and their respective families on their loss.

RIVERINA CITRUS

Motion by the Hon. Scot MacDonald agreed to:

1. That this House:
 - (a) commends Riverina Citrus for its highly successful promotion in Martin Place on Monday 14 November 2011, and
 - (b) acknowledges the support of the Hon. Marie Ficarra, MLC, who represented the Premier at the promotion in her capacity as Parliamentary Secretary to the Premier.
2. That this House notes that:
 - (a) Riverina Citrus represents the largest citrus production region in Australia and is the premier grower organisation in the industry,
 - (b) staff and growers, including the Deputy Chair, Mr Phillip Blacker, served 8,500 samples of Australian grown orange juice to the public,
 - (c) a flyer was distributed highlighting the advantages of Australian grown juice and the current inadequacies of the Federal country of origin labelling laws in assisting consumers to make informed choices, and
 - (d) Martin Place was turned into a mini citrus orchard that reminded Sydneysiders of the origins of their food and the hardworking Australians who produce it.

TRIBUTE TO MRS NEITA MATTHEWS, OAM

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that at the recent Netball NSW Awards Dinner, Mrs Neita Matthews, OAM, was inducted into the Netball NSW Hall of Fame in recognition of her over 70 years involvement in netball.
2. That this House acknowledges Mrs Matthews' outstanding history, achievements and contribution to netball, in particular:
 - (a) in 1966, Mrs Matthews became Newcastle's first person awarded the All Australia Umpires' Badge,
 - (b) at a national level, Mrs Matthews was member of the All Australia Umpires' Committee from 1968 to 1976, and a member of the All Australia Umpires' Grading Committee, All Australia Appointments Committee, All Australia Examination Papers Panel and All Australia Panel for Badging AA Umpires from 1968 to 1986,
 - (c) after moving to Sydney in 1968, Mrs Matthews was elected Umpires Convenor of the Eastwood Ryde Netball Association, holding the role for 11 years, then Senior Vice President for 15 years, and was elected President in 1994, a position she held until 2004,
 - (d) as a Level 1 Coach in 1968, Mrs Matthews coached the Eastwood Ryde State League 1 team to victory,
 - (e) at a state level, Mrs Matthews was elected Netball NSW Junior Vice President in 1968 and also held the position of NSW Umpires' Coordinator for 17 years, travelling around the State teaching thousands of people how to umpire, teaching accreditation courses and badging umpires,
 - (f) between 1968 and 1977, Mrs Matthews umpired at the Australian Netball Championships, and
 - (g) at an international level, Mrs Matthews officiated in the following capacity:
 - (i) umpired for the Asian Championships Singapore in 1969,
 - (ii) conducted lectures, coaching and testing of umpires in Papua New Guinea in 1976, 1981, 1982, 1984 and 1986,
 - (iii) was appointed as Australia's umpire for the first test between Australia and Trinidad-Tobago in 1978, which was played at the Hordern Pavilion, and it was during this match that Mrs Matthews was awarded her International Umpire Award,

- (iv) conducted lectures, coaching and testing of umpires in Sri Lanka in 1978,
 - (v) umpired for the South Pacific Games in Fiji in 1979,
 - (vi) umpired for the Mini South Pacific Games in the Solomon Islands in 1981,
 - (vii) umpired with a touring Australian Institute of Sport Team in Fiji in 1982,
 - (viii) umpired with a touring Australian Institute of Sport Team in Malaysia in 1982,
 - (ix) umpired with a touring Australian Institute of Sport Team in New Zealand in 1983,
 - (x) conducted lectures, coaching and testing of umpires in Kenya, East Central Africa in 1987,
 - (xi) was elected Australian delegate to the Oceania Netball Federation meeting in New Zealand in 1987,
 - (xii) was appointed Australia's delegate to Oceania Netball Federation Meeting in Tonga in 1989,
 - (xiii) formed teams for children with a disability and commenced disability competition in 1985,
 - (xiv) was elected secretary of the Oceania Netball Association in 1987, a position she held until 1991.
3. That this House notes that, in recognition of her outstanding service, Mrs Matthews:
- (a) was awarded Life Memberships of Eastwood Ryde Netball Association in 1977 and Netball NSW in 1980,
 - (b) was made Patron of Netball NSW between 1987 and 2011, and
 - (c) was awarded the Australian Sports Medal in 2000 and Centenary Medal in 2003 for service to the community through amateur sport, the Anne Clark Service Award for services to netball in 1978 and the Order of Australia Medal in the 2007 Australia Day Honours List.
4. That this House congratulates Mrs Matthews on her well deserved honour of being admitted to the Netball NSW Hall of Fame.

CONSUL-GENERAL FOR THE SULTANATE OF OMAN TO AUSTRALIA RETIREMENT

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that:
- (a) in December 2011, Mr Hamed Mohammed Hamood Al-Hajri will conclude his term as the Consul-General for the Sultanate of Oman to Australia,
 - (b) Mr Al-Hajri was responsible for establishing the first Oman Diplomatic Mission in Australia in January 2006 and has served with distinction since that time,
 - (c) in October 2009, Mr Al-Hajri was appointed by fellow Consuls-General as the Dean of the Victorian Consular Corps, holding the position until February 2011, and
 - (d) during his time in Australia as Consul-General for the Sultanate of Oman, Mr Al-Hajri:
 - (i) organised the Annual National Day Celebrations from the period of 2006 to 2011 in the cities of Melbourne and Sydney,
 - (ii) organised the Annual Canberra National Multicultural Festival from 2007 to 2011,
 - (iii) launched the permanent Jabrin Fort Replica at Cockington Green Gardens in Canberra,
 - (iv) launched the permanent Oman Corner at Melbourne University,
 - (v) launched the 2011 Oman Cultural Days at Sydney Convention and Exhibition Centre,
 - (vi) produced a coffee-table publication entitled "Oman and Australia—Our Growing Ties",
 - (vii) launched the Oman Consulate-General website in 2010,
 - (viii) was a founding member of the Australia Oman Business Council in 2010,

- (ix) supervised Oman Student Exhibitions in Melbourne's Federation Square in 2007 and 2009 and in other cities including Sydney, Brisbane, Perth and New Zealand,
 - (x) supervised and supported Omani sponsored students in Australia, New Zealand and Malaysia,
 - (xi) enrolled Oman students directly into Australian universities,
 - (xii) produced the student guide entitled "Oman Student Guide to Study in Australia",
 - (xiii) produced the student guide entitled "Oman Student Guide to Study in New Zealand",
 - (xiv) produced the student guide titled "Oman Student Guide to Study in Malaysia",
 - (xv) established the Oman Ministry of Higher Education Database Program, and
 - (xvi) worked and supported all Oman Student Societies in Australia to achieve student welfare in Australia.
2. That this House congratulates and thanks Mr Al-Hajri on the exemplary work he has done as Consul-General for the Sultanate of Oman in enhancing cultural and trade relations between Oman and Australia and wishes Mr Al-Hajri, his wife, Mrs Raya Al-Hajri, and his children, Al Raiyan, Hamood, Hamdan and Ibrahim, the very best for the future.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 385 outside the Order of Precedence objected to as being taken as formal business.

PRIVILEGES COMMITTEE

Report

The Hon. Trevor Khan tabled report No. 57 of the Privileges Committee entitled "Statements Made by Mr David Shoebridge", dated November 2011.

Ordered to be printed on motion by the Hon. Trevor Khan.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the Auditor-General's Financial Audit report, Volume Seven 2011, focusing on Law, Order and Emergency Services, dated 21 November 2011, received out of session and authorised to be printed on 23 November 2011.

PETITIONS

Identity Concealment

Petition opposing any face covering that conceals the identity of a person and prevents Australia from being an open society, and requesting that the House support the private member's bill of Reverend the Hon. Fred Nile that prohibits within all public areas the wearing of any article of clothing that conceals a person's identity, received from **Reverend the Hon. Fred Nile**.

Religious Education and School Ethics Classes

Petition opposing the philosophical ethics course currently on offer in public schools and requesting that the House support the Education Amendment (Ethics Classes Repeal) Bill 2011 and the cancellation of the ethics course, received from the **Hon. Rick Colless**.

Adoption Laws

Petition requesting that the Parliament reject any proposed legislation or amendments to adoption laws that would take away the fundamental human right of adopted children to be raised by both a mother and a father, received from **Reverend the Hon. Fred Nile**.

SESSIONAL ORDERS

Days and Hours of Sitting

Motion by the Hon. Duncan Gay agreed to:

That the sessional order for sitting days be amended by omitting all words after "That" and inserting instead:

during the present session and unless otherwise ordered, this House meet for the despatch of business each week as follows:

Monday	11.00 a.m.
Tuesday	2.30 p.m.
Wednesday	11.00 a.m.
Thursday	9.30 a.m.
Friday	11.00 a.m.

Precedence of Business

Motion by the Hon. Duncan Gay agreed to:

That the sessional order for precedence of business be amended by omitting paragraphs 1 and 2 and inserting instead:

1. Government Business is to take precedence of General Business on Monday, Tuesday, Wednesday and Friday, and after 3.30 p.m. on Thursday each week.
2. General Business is to take precedence until 3.30 p.m. on Thursday each week.

Questions Without Notice

Motion by the Hon. Duncan Gay agreed to:

That the sessional order for the time for questions without notice be amended by omitting paragraph 1 and inserting instead:

1. Questions are to commence at 4.00 p.m. on Monday and Tuesday, and at 2.30 p.m. on Wednesday, Thursday and Friday.

Adjournment

Motion by the Hon. Duncan Gay agreed to:

That the sessional order for the motion for the adjournment be amended by omitting all words after "That" and inserting instead:

notwithstanding anything contained in the standing orders, during the present session and unless otherwise ordered:

1. Proceedings must be interrupted at 6.30 p.m. on Tuesday, 10.00 p.m. on Wednesday and 3.30 p.m. on Thursday and Friday to permit a motion for adjournment to be moved to terminate the sitting if a Minister thinks fit.
2. If at the time of interruption the House is in Committee of the Whole, the Chair will interrupt business and inquire if the Minister wishes to move that the Chair report progress and seek leave to sit again.

Committee Reports

Motion by the Hon. Duncan Gay agreed to:

That the sessional order for debate on committee reports be amended by omitting all words after "That" and inserting instead:

notwithstanding anything contained in the standing orders, during the present session and unless otherwise ordered, debate on committee reports is to take precedence after questions on Tuesdays until 6.30 p.m.

QUAKERS HILL NURSING HOME FIRE

Motion by the Hon. Michael Gallacher agreed to:

That this House:

- (a) offers its profound condolences to the residents, their families and friends, of the Quakers Hill Nursing Home,
- (b) commends the heroic efforts of staff of the nursing home and members of Fire and Rescue NSW, the NSW Police Force and the Ambulance Service of NSW in battling this tragic fire and rescuing so many residents,

- (c) thanks the staff of NSW Health as well as the numerous hospitals and aged care facilities that have taken into their care the former residents of the Quakers Hill Nursing Home,
- (d) praises the many local residents and other community members who went out of their way to assist on the day to care for and comfort residents, and
- (e) notes the determination of the community to work together to assist all those caught up in this terrible tragedy.

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

MARINE POLLUTION BILL 2011

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay.

Second reading set down as an order of the day for a future day.

DOYLES CREEK TRAINING MINE

Reference to the Independent Commission Against Corruption

Consideration of the Legislative Assembly's message of 11 November 2011.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.29 a.m.]: I move:

- (1) That under section 73 of the Independent Commission Against Corruption Act 1988 this House refers to the Independent Commission Against Corruption for investigation and report with respect to:
 - (a) the circumstances surrounding the application for and allocation to Doyles Creek Mining Pty Ltd of Exploration Licence No. 7270 under the Mining Act 1992 (NSW) (Mining Act);
 - (b) the circumstances surrounding the making of profits, if any, by the shareholders of NuCoal Resources NL as proprietors of Doyles Creek Mining Pty Ltd;
 - (c) any recommended action by the New South Wales Government with respect to licences or leases under the Mining Act over the Doyles Creek area;
 - (d) any recommended action by the New South Wales Government with respect to amendment of the Mining Act; and
 - (e) whether the New South Wales Government should commence legal proceedings, or take any other action, against any individual or company in relation to the circumstances surrounding the allocation of Exploration Licence No. 7270.
- (2) That as deemed necessary, the Commissioner may also inquire into any related matters.

The Hon. LUKE FOLEY (Leader of the Opposition) [11.30 a.m.]: The Opposition supports the motion.

The Hon. JEREMY BUCKINGHAM [11.30 a.m.]: The Greens support the referral.

Reverend the Hon. FRED NILE [11.30 a.m.]: The Christian Democratic Party also supports the referral to the Independent Commission Against Corruption.

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

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

VALUATION OF LAND AMENDMENT BILL 2011

Second Reading

Debate resumed from 22 November 2011.

Dr JOHN KAYE [11.32 a.m.]: This legislation addresses an issue raised by a decision of the Land and Environment Court in April 2011 in which the court found that, in placing a valuation on land which was

subject to a heritage listing, a term should be added to the depreciation of the land in respect of heritage listing. This additional term goes beyond the existing depreciation, which was designed to address the reduction in the value of the land associated with the constraints on future use of the land by its heritage listing. The term added by the Land and Environment Court is, by its nature, extremely complex, and it is of questionable fairness. The additional term refers to additional construction costs in building a new building identical to the heritage building by virtue of the constraints of heritage listing.

There are three potential problems associated with the Land and Environment Court's decision in the case of *In Adam Pty Ltd v Valuer General* in April 2011. The first is the cost of undertaking such an assessment. In effect, the Land and Environment Court's decision means that section 14G of the Act, and the equivalent section within the Heritage Act, would require that each valuation be conducted on a property by property basis, so each property would need to be addressed to assess specifically the additional construction costs in reconstructing a heritage building. That would not only impose a cost on State revenue but would also impose a time burden which the Minister, in his second reading speech, told us would interfere with the normal assessment processes and leave the State unable to meet its 1 January deadline of assessing all land values. For that reason we were happy to give the Minister the opportunity to read the bill a second time and to debate the bill.

The second issue is that of fairness. It is a philosophically complex question. There is no question that when the State or a local government imposes a heritage listing on a property the value of that property declines and the cost of maintaining the property must go up. At this point I declare a personal interest as I am the proud co-owner of a heritage listed property—both State and locally heritage listed—in Bronte. I note that the Hon. Robert Borsak nods. I imagine there are a fair few of us who have done this. When we purchased the property it was not heritage listed; it became heritage listed after we purchased it. We supported the heritage listing—

The Hon. Dr Peter Phelps: Because you were there it is a famous property.

Dr JOHN KAYE: No, we were actually part of a group of residents who initiated a heritage listing of that property, and we are proud to have done so. The development constraints that it has imposed on our property and the land value change are of no consideration to us at all. We believe that the property we live in is an important part of the local community, as are equivalent properties of which it is part of a matched set. But it is true that additional costs have been imposed. We are in the process of constructing a new fence and we felt constrained to do so in a heritage consistent fashion. It has cost us significantly more money than a standard fence would, but we do not object to the cost; it is a cost that we are happy to bear. It is part of the joy of living in a piece of history.

However, I have to say that there is an issue about the maintenance of heritage and one of the key debates that occurs is how much benefit should we return to the owners of heritage properties for their maintenance of the heritage of that property and in return for the constraints that heritage listing imposes on their property. I have to say philosophically, personally, I think that heritage is a law, like speed limits. We do not compensate people for obeying the speed limit; we expect them to do so. I do not feel a very strong need for the compensation of people for owning heritage properties. It is the law and it is the nature of owning that property. But it is reasonable to compensate people at least to reduce the valuation of the land consistently with the constraints that heritage imposes on the land. Under the pre-April 2011 section 14G of the Valuation Act and section 123 of the Heritage Act that was already done. Although this court case was based on a challenge to the fairness of that, there is a long-established process which I think has been restoring to owners of heritage properties a sufficient bonus to compensate for the loss of development value of their property.

The third issue is the heritage cost penalty, which is an extremely complex process to assess. In effect the heritage bonus value requires an additional reduction on top of the development constraints of the cost of building a new building to the heritage standards of the heritage-listed structure compared with the cost of building a new building not to the heritage standards. That is an entirely hypothetical question but sometimes hypothetical considerations help one assess value because they give a sense of what the long-term dollar value impacts are. The reality is that a new heritage building would not be built on these sites. We are not trying to imitate a market process here. There is no question that this will have an impact on the value of the property but is it a real cost faced by the owners of the property? I think the answer to that question is no.

In many senses the heritage cost penalty provided by the decision of the Land and Environment Court does not adequately reflect any real cost or any market depreciation of value. It raises a question of why we

should let the Land and Environment Court decision stand. On 24 November 2009, after the introduction of a similar piece of legislation and a similar Land and Environment Court hearing had occurred, the then shadow Minister, who is now the responsible Minister, the Hon. Greg Pearce, commented:

The valuation system in New South Wales is complex and is based on fiction and a number of assumptions that have led quite a few people to believe there is a need for a thorough and proper review of the valuation process, and potentially a review in relation to heritage aspects.

My former colleague and good friend, Ms Sylvia Hale, who had responsibility for the legislation at the time, supported those remarks. The Minister has now been responsible for the portfolio for nine months—

The Hon. Greg Pearce: Seven.

Dr JOHN KAYE: I apologise. The Greens are interested to know what steps the Minister has taken to make that a reality. We appreciate that the legislation is in response to a decision made in April, shortly after the Minister assumed the portfolio, but it is now six months down the track. Legislation has now been rushed into the Parliament, and whilst The Greens are not opposed to its introduction we would ask the Minister to tell us what he is doing to make the comments he made in 2009 a reality. Ms Hale, in her contribution to the debate in support of the 2009 bill, said:

... it is clear that the prospect of individually valuing heritage buildings would be a very expensive exercise, and the way to approach this issue is to retain the status quo until such time as there is a genuine review of the basis for imposing land taxes and the rating system ... But until that sort of review is undertaken the Greens believe we should persist with the system that existed until the decisions of the Land and Environment Court ... were made.

Ms Hale also made a fairly substantial contribution on the issues of land tax and municipal ratings based on the theories of Henry George and a single tax system. I cannot say that I am a Georgeist—as a firm supporter of other forms of wealth-valuing taxes—but Ms Hale did make some very important points about the way in which land taxes can be used in a progressive fashion. I also note that the Hon. Penny Sharpe, who was then the Parliamentary Secretary, also supported the change to the legislation. I ask the Minister to outline in his address in reply the ways in which the additional valuation term imposed by the decision in *Adam Pty Ltd v Valuer General* would be unfair. The Greens appreciate that the Minister made clear in his second reading speech the ways in which it would impose a burden on the State, but we are particularly interested in the way this would or would not be an appropriate way of encouraging the retention of heritage and the way this would or would not fairly reward those who do a good job in maintaining heritage.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.45 a.m.]: I support the Valuation of Land Amendment Bill 2011. I also congratulate the Minister on introducing this legislation to correct certain anomalies. I note the comments of members in relation to restoring the status quo with regard to the value of heritage restricted land—it is important to do that in light of the recent court case. The bill also clarifies the Valuer General's power to delegate and employ contract valuers to make certain valuations. This amendment results from a report of the Valuer General's committee of the previous Parliament, of which I was proudly a member.

The then Valuer General submitted that in documents such as leases, which often referred to the Valuer General as the arbiter, where parties could not reach agreement as to a particular value of land he had to step in as an arbiter to determine the value for the purposes of that document. That is an important commercial function but, in reality, it was done in a personal capacity. The Valuer General was deemed to have to personally fulfil the function rather than contract it out to third party valuers. This important amendment will give efficacy to commercial transactions and it will also reflect what was meant to be the intent of such provisions in those leases. It is simply impractical for the Valuer General to officiate in a personal capacity in those matters. I commend the changes to the House and I congratulate the Minister on introducing these important amendments.

Reverend the Hon. FRED NILE [11.47 a.m.]: The Christian Democratic Party supports the Valuation of Land Amendment Bill 2011. The bill will restore the status quo with regard to the valuation of heritage restricted land and will clarify the Valuer General's power to delegate and employ contract valuers to make certain valuations. The urgency for the bill arose from a recent decision by the Land and Environment Court in which it was decided that when valuing heritage restricted land a "heritage cost penalty" was to be applied to reflect the difference between the cost of construction of a new non-heritage building and a new existing heritage restricted building. Heritage land has not previously been valued in this way. The heritage cost penalty is a novel concept that is not referred to anywhere in the legislation.

The bill proposes to amend section 14G of the Valuation of Land Act and section 123 of the Heritage Act to state that the cost of construction of improvements on land has no effect on land value. The legislation will restore the status quo and does not alter the methodology used to value heritage restricted land. As a result, the amendment is to be taken to have always applied, with the proviso that the amendment will not apply to proceedings commenced before the bill was introduced and the decision in *Adam Pty Ltd v Valuer General* will be preserved.

Mr DAVID SHOEBRIDGE [11.49 a.m.]: I support the comments of my colleague Dr John Kaye. I want to be clear about why The Greens support this legislative intervention to deal with the decision in Adam in the Land and Environment Court.

[Interruption]

In fact, I have a house that is a contributory heritage item in the Woollahra heritage conservation area. It is not a specific heritage item; it is a contributory heritage item.

The Hon. Robert Borsak: With all due respect, what does that mean?

Mr DAVID SHOEBRIDGE: That means that it is not listed in its own right as a specific heritage item but it is a contributor to what is quite a beautiful heritage streetscape.

The Hon. Dr Peter Phelps: It will become famous because David lived there.

Mr DAVID SHOEBRIDGE: I do not deny that it may become a heritage item in the future, but it is merely a contributory heritage item at the moment. As my colleague Dr John Kaye said, it creates some additional costs if an owner wants to do any substantial renovations. It imposes some reasonable limitations so as to preserve and protect a property. I know from my experience that there are additional costs but there are extreme benefits in having a heritage property: one's neighbours also have heritage property and one lives in quite a beautiful area, which many people would prize in terms of the streetscape.

The issue relates to the heritage cost penalty. Should owners of heritage properties get an additional benefit on the basis that they must pay a notional penalty if they have to reconstruct their property as a mock heritage item at some point in the future? That is the point. That is absolutely notional and indeed so academic in terms of the reality of the situation that the Parliament should intervene and get rid of the heritage cost penalty. Justice Biscoe said in paragraph 21 of his judgement:

The appellant submits that the Commissioners erred in not deducting a "heritage cost penalty". The amount of the "heritage cost penalty" is the difference between the costs to construct a new existing heritage building and the costs to construct a new non-heritage building.

The concept is that we would give owners a discount because they would have to construct, in the words of His Honour, "a new existing heritage building". A new existing heritage building cannot be constructed. If a building constructed in the 1880s, which had certain heritage values, was for some reason destroyed through fire or misadventure no-one would suggest that the property should be reconstructed. That simply would not happen in reality. Therefore, the thought that a landowner will be given a discount in land tax because they will have to reconstruct a mock 1880s property is a nonsense. In fact, that is what the commissioners found. In their judgement the commissioners said:

55 As we understand the position, the postulated heritage cost penalty included by Mr. Dempsey and included by Mr. Ferdinands—

they were the two valuers at the time—

... is, in our view, a case of double dipping. The only basis upon which an allowance can be made, as a consequence of the operation of section 14G (1) (b1), is to apply an uplift factor that reflects the cost that would be incurred in returning the building to its "as new" state as required by the section.

56 To adopt a proposition that says that, in addition to that uplift factor, some further allowance should be made for the reconstruction of the building in modern style and materials is, in our view, a fallacy.

With all due respect to Justice Biscoe, I think the commissioners were right. The Parliament should intervene and not allow that double dipping in these circumstances. I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

The Hon. STEVE WHAN [11.54 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 354 outside the Order of Precedence, relating to a Select Committee on the Election Funding, Expenditure and Disclosures Amendment Bill 2011, be called on forthwith.

As members would be aware, the Government's Election Funding, Expenditure and Disclosures Amendment Bill has been introduced, and a number of issues need to be considered by all members of this place and the community. My motion would refer the bill to a committee to deal with the issue while the Parliament is in recess over the summer period. That would ensure that issues about the bill, including how the bill might impact on not-for-profit organisations and peak bodies representing different community organisations, as well as on parties involved in the legislation, are dealt with.

The Opposition wants to bring this matter forward today to ensure that a committee can start considering the legislation and make recommendations to the Parliament. At this stage I flag that I will be seeking leave to amend the reporting date to 15 February 2012, from 1 February 2012 as the motion stands. Also, I will be seeking leave to delete paragraph (2) of the motion, which is that the order of the day for the second reading of the bill not be proceeded with until the committee has reported. I urge members to support this motion.

The Hon. ROBERT BROWN [11.56 a.m.]: The Shooters and Fishers Party supports the urgency motion.

Dr JOHN KAYE [11.56 a.m.]: This matter is urgent because the Parliament will rise probably on Friday or possibly on Thursday. Establishing a committee to allow the provisions of this legislation to be looked at over the recess will enable a richer and more complete debate about some of the concerns raised. We support the urgency motion.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [11.57 a.m.]: The Government will not oppose the urgency motion.

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

Motion agreed to.

Order of Business

Motion by the Hon. Steve Whan agreed to:

That Private Member's Business item No. 354 outside the Order of Precedence be called on forthwith.

SELECT COMMITTEE ON THE PROVISIONS OF THE ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT BILL 2011**Establishment**

The Hon. STEVE WHAN [11.58 a.m.]: I seek leave to amend the motion by deleting paragraph (2), which is that the order of the day for the second reading of the bill not be proceeded with until the committee has reported.

Leave granted.

I seek leave to amend paragraph (3) of the motion to change the reporting date to 15 February 2012.

Leave not granted.

The PRESIDENT: Order! I advise that another member will have to move an amendment to change the reporting date during the debate. Such an amendment will be dealt with at the conclusion of the debate.

The Hon. STEVE WHAN: I move:

1. That a select committee be appointed to inquire into and report on the provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011, and in particular:
 - (a) the constraints imposed by the bill on community and not-for-profit organisations, including unions, community groups, clubs and environment and social justice organisations and their ability to engage in the political process,
 - (b) the impact of the bill on peak organisations, whose constituent entities are themselves membership-based,
 - (c) the impact on community organisations, whose members are voters registered to vote,
 - (d) the impact of the prohibition on the payment of affiliation fees for organisations affiliated to political parties,
 - (e) the impact of donation caps on donations of registered voters and their organisations,
 - (f) the impact of the aggregation of the electoral spending of affiliated organisations under the expenditure cap of the party to which they are affiliated,
 - (g) any amendments necessary to address any adverse impact identified, and
 - (h) the risks of a successful constitutional challenge.
2. That the committee report by 1 February 2012.
3. That the committee consist of nine members as follows:
 - (a) four Government members,
 - (b) three Opposition members,
 - (c) The Hon. Robert Borsak, and
 - (d) Dr John Kaye.
4. That the chair of the committee be Dr John Kaye.

This motion seeks to appoint a select committee to inquire into and report on the provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011. It is proposed that the committee will inquire into the constraints imposed by the bill on community and not-for-profit organisations, including unions, community groups, clubs, and environment and social justice organisations, and their ability to engage in the political process. A number of issues need to be considered before this legislation can be properly considered by this Parliament: the impact of the bill on peak organisations—whose constituent entities are themselves membership based—the impact on community organisations whose members are registered to vote, the impact of the prohibition on the payment of affiliation fees for organisations affiliated to political parties, the impact of donation caps on registered voters and their organisations, and a number of other matters.

This legislation has been introduced by the Government with relatively short notice—although it was flagged previously. The legislation raises a number of important questions, not just for political parties but also for community-based organisations. Those questions need to be dealt with in a manner that allows for the community to have input and to comment on those provisions—in particular, I refer to the provisions relating to the way that expenditure laws would work for community-based organisations, especially those with membership structures. It is of concern to the Opposition that this bill could have negative impacts not just on the Australian Labor Party—which the Government is keen to punish via this legislation—but also on membership-based organisations in New South Wales. For example, I refer to Unions NSW and its ability to conduct campaigns such as the Your Rights at Work campaign, which was so prominent a few years ago.

The legislation also raises questions about campaigns such as those run by Clubs NSW on poker machine legislation. It raises questions about campaigns run by community-based organisations, the religious sector and other political parties. This legislation has been introduced without a lot of consultation. I am sure Government members will say that there have been previous inquiries into election funding, but previous inquiries have not made recommendations consistent with the provisions in this bill. Community-based organisations need to ensure that there are no unintended consequences and there are no unfair aspects of this legislation.

The Opposition is concerned that this bill will prevent organisations such as Unions NSW, the Council of Social Service of New South Wales [NCOSS], the Australian Industry Group and Clubs NSW from collecting funds from their members to run coordinated campaigns that matter to them and their members. This bill is potentially an attack on basic rights of freedom of speech. It is designed to attack the basic structure of the Labor Party. That is something that most people in New South Wales would be concerned about. Since the 1890s the structure of the Labor Party has involved affiliated unions—indeed they were the creators of our party. That structure has served this State well for 120 years.

The Government is quite unashamedly trying to destroy the Labor Party structure by this legislation. It is a classic case of a Government that would use its numbers to destroy the Opposition. However, the unintended consequence is that a number of community organisations could be affected, including disability support groups—which might be restricted from defending their most needy—the unions, animal welfare groups, environment groups and even business groups. Even the campaigns against the Federal Government's mining tax could be prevented by this sort of legislation. In addition, anti carbon tax ads, coal seam gas advocacy ads and the poker machine campaigns from Clubs NSW could be prevented by this legislation if it is not carefully considered. That would be a fundamental brake on freedom of speech in New South Wales.

The Hon. Dr Peter Phelps: That is nonsense. You have not read the bill.

The Hon. STEVE WHAN: The bill attacks freedom of speech. The bill would restrict the ability of many community groups to undertake their work. Earlier this year 40,000 union members stood up to this Government in The Domain. This bill would seek to silence their voices.

The Hon. Dr Peter Phelps: That is rubbish. You clearly have not read the bill.

The Hon. STEVE WHAN: Obviously, the Government Whip did not go outside. He suggested that I have not read the bill. If the Government has confidence in the bill it will have no concerns about sending it off to a committee, while the Parliament is in recess, to consider these issues.

The Hon. Duncan Gay: How many committees has this bill been to?

The Hon. STEVE WHAN: The legislation proposed by the Government has not been recommended by any parliamentary committee. Let us be very clear about that: This bill has not been previously considered by a parliamentary committee. Previous parliamentary committees have inquired into political donations, but not with recommendations like this. This is important. Let us face it: Government members are interjecting because they are upset that their blatant attempt to try to nobble the Opposition in New South Wales is being—

The Hon. Duncan Gay: Finally some honesty—the rivers of gold; a well-financed Opposition.

The Hon. STEVE WHAN: Democracy in New South Wales depends on having strong Opposition. This is simply a vindictive attempt by a hypocritical Government to try to silence the Opposition. However, the unintended consequence of this legislation is that it could silence legitimate community groups. It could silence organisations such as Unions NSW, other political parties and interest groups. A provision of the bill that causes problems is the combining of the cap of organisations that have affiliation relationships—

Dr John Kaye: Point of order: This is an important matter. Labor's contribution to this motion is significant. I know the Government does not want to hear it, but I cannot hear a word because of all the interjections.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I remind members that interjections are disorderly at all times.

The Hon. STEVE WHAN: This bill could potentially impact on a range of community organisations that have affiliated structures. Many such organisations represent the people of New South Wales, including peak bodies, the not-for-profit community sectors, religious organisations and a whole range of other organisations. Provisions of this legislation are of significant concern and need to be further investigated. One of those provisions is the obvious attempt by this Government to target the Labor Party structure. However, it will affect other organisations that have affiliation relationships with peak bodies, such as Unions NSW, the Hotels Association, clubs, and bodies that have the same sort of membership structure.

Prohibition of affiliation fees is a key anti-democratic move instigated by this Government. It seeks to cap donations and the combining of caps. I ask members to consider what would happen if a body that is affiliated runs another campaign that is not at the behest of or the will of the political party concerned and that takes out its entire spending cap for an election. That might be a clever thing for the Government to try to do, and it might feel smart in trying to nobble the Opposition in that way. However, it is not the democratic way to go about things. This bill is an example of the Premier's vitriolic and vindictive approach to politics in New South Wales. The Premier is not interested in good government and good democracy; he is interested in getting even with his political enemies. This is a get-even bill from this vindictive Liberal-Nationals Government. It shows the Government's paranoia—it wants to pass a bill that seeks to destroy the potential for political opposition and political debate in New South Wales.

The hypocrisy of members opposite is demonstrated by the fact that even after they introduced the bill they were still seeking the very donations they said they wanted to rule out through this legislation. The hypocrisy of that is astounding. The former Labor Government introduced political disclosure legislation and donation reform, and we adopted those measures as our practice from the time we announced them. However, the Government has been willing to hold massive fundraisers to rake in millions of dollars from corporate donors even when it knows that it is seeking to outlaw such donations in this legislation.

The Hon. Dr Peter Phelps: Does Labor get any donations from corporates?

The Hon. STEVE WHAN: The Opposition Whip refers to corporate donations. Until recent times—it is now illegal—Government members were receiving donations from tobacco companies even though other parties in Australia had made the conscious and moral decision to stop accepting such donations. That is the hypocrisy of members opposite; they continue to receive donations along those lines. Questions remain as to whether they have complied with the existing laws. The Labor General Secretary wrote to the Election Funding Authority regarding the Liberal Party's failure to declare its staff costs during the campaign. The Nationals and the Labor Party declared those costs, but the Liberal Party did not.

The Hon. Dr Peter Phelps: Point of order: The Hon. Steve Whan is clearly infringing upon the sub judice conventions of this place. The matter is before the Election Funding Authority. He should not transgress the conventions of this place.

The Hon. Amanda Fazio: To the point of order: The matter is not sub judice. The matter the Hon. Steve Whan referred to is being investigated by the appropriate authorities. The sub judice rule comes into effect only when the matter is before the courts. I can understand why the Hon. Dr Peter Phelps would desire to gag debate on this issue, but at this stage the matter is not subject to the sub judice ruling. I advise him to look at the Legislative Council fact sheet in relation to sub judice matters so that he does not make the same mistake in the future.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! There is no point of order.

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. The Hon. Steve Whan is talking about issues that would be covered if the legislation were to go ahead or would be points of discussion for the committee. He seeks to have the bill referred to a committee so that numerous issues can be addressed. It is not for the House to deal with those matters. The Hon. Steve Whan should debate why the Opposition believes the bill should be referred to a committee, not what the committee will examine.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! The Hon. Steve Whan will confine his remarks to the motion before the House.

The Hon. STEVE WHAN: The motion relates to legislation that amends the existing Election Funding, Expenditure and Disclosures Act and covers a range of potential new laws that the Government proposes to introduce. The Opposition and others in the community have grave concerns about the democratic impact of some of these decisions. The Opposition is also extremely concerned about whether the bill would survive a challenge in the High Court. On advice given to the Labor Party when in government the bill goes close to infringing on a number of previous decisions.

The Hon. Dr Peter Phelps: New Zealand says you're wrong; Canada says you're wrong; Britain says you're wrong.

The Hon. STEVE WHAN: It is all very well for the Opposition Whip, who likes to hear his own voice, to rave on about other countries, but the Australian High Court has made decisions on this issue. If the Government is so confident about this bill, it will have absolutely no fear about it being referred to a committee. Passing this motion will ensure that the committee deals with a number of items, including the risk of a successful constitutional challenge. It will also be within the Government's ability to argue that this is not a risk. We need to be able to consider the impact of aggregation of electoral spending of affiliated organisations under the expenditure cap of the party to which they are affiliated. That is designed, very transparently, to attack the Labor Party structure.

The Hon. Dr Peter Phelps: Rubbish!

The Hon. STEVE WHAN: "Rubbish", says the member opposite. How bizarre. There are many other groups in the community that have affiliated organisations that would be impacted by this legislation, and I suspect unintentionally, given that it is clearly legislation designed with the vindictive measures in mind for which this Government is so famous. We seek to ensure that peak organisations across the community will not be negatively affected by the legislation. Many of them play a legitimate role in the lead-up to elections. They put forward positions for voters to consider before voting. These organisations include the New South Wales Teachers Federation, which often campaigns on education issues. That organisation may be caught up in this as well.

The aggregation provisions could certainly impact on industrial organisations affiliated to the Labor Party and many public sector unions that recently protested outside Parliament House. The proposed caps on expenditure could have serious impacts on fundraising expenditure and other political parties may wish to comment on that issue. The Opposition is concerned to ensure that the legislation that goes forward is fair. At the moment it is clear that that is not the case. I place on record that the Labor Party has led the way on electoral reform over the years. It started during the Wran Government and was continued by the former Labor Government. However, we were opposed every step of the way by coalitions and conservatives, who did not want to give up the funding sources that they have enjoyed and are enjoying still to this day, contrary to the spirit of this legislation. [*Time expired.*]

The Hon. ROBERT BROWN [12.18 p.m.]: I will speak briefly to the motion. I do not need to say too much after the eloquent presentation of the Hon. Steve Whan, who put most of the issues on the table as the Shooters and Fishers Party see them. However, I place on record that the Shooters and Fishers Party in both the inquiries conducted under the former Government objected strongly to the direction that the inquiry recommendations appeared to be going. We believed that there was some merit in the work done, in fact, by Ms Lee Rhiannon—it is rare that I give her much credit—in regard getting rid of developer donations. However, that then morphed into corporate donations, which then morphed into any donations of any organisation over a certain limit—which I think was \$5,000. We then objected to the legislation put in place by the former Labor Government. In our view it was counter-democratic.

We strongly support the assertions made by the Hon. Steve Whan that this legislation inhibits democracy in that community organisations have ably demonstrated over a long time that their members are happy to have their political will and opinion aggregated. The way that aggregation sometimes takes place is by donating to political parties. The Shooters and Fishers Party believes that this legislation verges on a limitation on the constitutional right to free speech.

I do not want to debate the Hon. Dr Peter Phelps about this, but certainly our constituent organisations are outraged by the legislation. They believe that they should have the ability to coalesce the views of their members. A number of organisations—I refer, in particular, to the Sporting and Shooters Association of New South Wales, the Field and Game Federation of Australia, and the hundreds of clubs throughout New South Wales—have an expectation that the Shooters and Fishers Party will speak on their behalf. They decided amongst themselves how they will demonstrate that aggregation of the will of their members.

This bill drives it way too far; it is far beyond the initial stance taken, particularly by The Greens, that donations could bring about bad governance through favouritism—that is, developer and corporation donations. It is a naïve assumption that only individual registered voters should be able to donate to political parties. In Australia our people have a history of wanting to aggregate—the union movement is a perfect example, as is the Nature Conservation Council, the Wilderness Society and other organisations with a membership. The Sporting Shooters Association of Australia has 140,000 members Australia-wide.

The Hon. Dr Peter Phelps: But why should my money go to support your party?

The Hon. ROBERT BROWN: Then resign from Sporting Shooters Association of Australia, sport. We support this legislation going to a committee because we agree with the Hon. Steve Whan: the issues in the bill were not necessarily addressed in the two earlier committees. I move the following amendment:

That the question be amended by omitting in paragraph 2 "1 February 2012" and inserting instead "15 February 2012".

Dr JOHN KAYE [12.22 p.m.]: I thank the Hon. Steve Whan for moving this important motion. While the Election Funding, Expenditure and Disclosures Amendment Bill 2011 is small, it is complex. It is complex because at the core of it lies a principle with which it is hard to disagree. The principle is that donations should be made only by individuals or citizens. The Greens have campaigned for that for a long time, and we strongly support it.

The Hon. Jennifer Gardiner: Not very hard.

Dr JOHN KAYE: I note the interjection of the Hon. Jennifer Gardiner. She would benefit if she looked at what I, my former colleague Ms Lee Rhiannon and The Greens in general have done in this area to advance the issue. I know the Hon. Jennifer Gardiner is not a member of the Liberal Party, but she is in coalition with it. I invite her to look carefully at the 2010-11 returns of the Liberal Party to see whether it has lived in any sense at all by its standards, including the almost \$9,000 in illegal developer donations. I have digressed, but to return to the motion. The core of this bill is a good and substantially positive idea. However, the problem is that wrapped around it are at least three, and possibly more, provisions that will have an adverse impact on democracy and the rights of people who belong to democratic membership-based organisations. It will also impact on their rights to express themselves collectively. It comes down to a philosophical argument as to whether one believes purely in raw individualism—

The Hon. Dr Peter Phelps: Hear, hear!

Dr JOHN KAYE: I note the interjection of the Government Whip—or whether one believes in the rights of people to get together and collectively express their opinion. Three specific provisions have caused The Greens great concern about the legislation. The first concern is the peak organisation provisions. I have been quite surprised by the Government's failure to listen to a number of representations that have been made to it on this issue. The way the legislation is written at the moment means that peak organisations—such as the Australian Council of Churches or any peak organisation of churches, and Unions NSW, which is a representative body of organisations which themselves are membership based—are prohibited from campaigning with the money they get from the membership-based organisations.

Effectively, this legislation imposes on all organisations a membership structure that might be entirely artificial to make a statement during a State election campaign. Any statement made during a State election campaign that in any way seeks to influence the vote of a voter—whether it be to vote for the Shooters and Fishers Party, the Christian Democratic Party, the Liberal Party, The Nationals, The Greens or the Australian Labor Party—or asks people to be mindful of an issue, or says that a number of parties have been better on one issue than on other issues would become illegal if the money that was used to express those opinions came from membership-based organisations and was aggregated together. The Greens believe that that has a massive impact on the rights of free speech and the ability of organisations to get together, to aggregate their money and to do collectively what they cannot do individually. That is our first concern.

The second concern of The Greens relates to affiliated unions. I say very clearly that The Greens do not have any affiliated bodies. We do not go down that path. We are totally a grassroots, membership-based organisation.

The Hon. Robert Brown: Neither does the Shooters and Fishers Party.

Dr JOHN KAYE: I believe what the Hon. Robert Brown said. However, it is true that the Australian Labor Party was formed by the trade union movement. As a result, it still has within it a significant membership presence of the trade union movement. One may or may not like that. One might think it is crazy or it is not crazy. It really does not matter what individual members of Parliament think. I am sure some members of the Labor Party think it is crazy, but that is their call. However, that is not what this debate is about. This legislation refers to donations and how money should be spent. The Greens believe it to be totally inappropriate to use legislation that is about donations and elections to try to restructure a political party internally.

Third, I refer to affiliated union spending. I will put it as an individual so that some members on the Government benches can understand it. In effect, this legislation says that if a member of a political party spends money that can be considered to be electoral expenditure, that electoral expenditure becomes part of the total expenditure under the cap of the political party. In individual terms, it sounds totally ridiculous and one would not consider doing that. One would not seek to say that the spending of a member of the Liberal Party is in any way aggregated into the Liberal Party's expenditure just by virtue of their membership. Yet that is the rule that is being imposed onto a trade union by this legislation. It seeks to constrain the free speech rights of a trade union. I refer also to affiliation fees. I accept that this is a complex issue. This legislation explicitly prohibits affiliation fees. That matter needs to go before a committee and be debated publicly.

The fourth and overriding reason for supporting this motion is the complexity of the legislation. I said earlier that this legislation is small. The Government Whip should not tell me I have not read it, as I have read it many, many times. I have been through it with a fine-tooth comb. However, I am not convinced I fully understand the ramifications of it. Because this legislation sails so close to trampling on the free speech rights of members of organisations and of the organisations themselves it is important that it be exposed to the rigour of public debate and that there be public evidence on it. It is no secret that I have had meetings with the Coalition, Labor, Shooters and Fishers and almost anybody else on this legislation. Never has what is effectively one page of legislation occupied so much time.

What is absolutely clear to me is that there are different understandings of what this legislation will do. Also clear to me is that a number of important community organisations, particularly the trade union movement, have expressed major concerns about this legislation. It is important therefore that this Parliament have the opportunity to hear those views. To just debate this bill in Parliament and let it pass means there will not be an opportunity to hear those public views. It is therefore the decision of The Greens to support this motion and to support the establishment of the inquiry.

The legislation would impact on local government elections. Those elections are scheduled to be held in September next year. It is important that whatever legislation this Parliament passes is enacted early in 2012 so that the legislation is in place for the local government elections. We strongly support the principle behind the legislation and that principle being part of the funding regime for local government elections. However, we do not believe that not having the legislation in place by the end of this session will impose much of a change on local government elections. What is important is that, before we take this next important and good step contained within the provisions of this legislation—some intended, some possibly unintended—there be an opportunity to subject the provisions to public debate before a public inquiry.

A second reading debate and consideration of the bill in the Committee of the Whole of this Chamber are no substitute for the public having an opportunity to make submissions to and be heard by a committee and for the committee to deliberate on those submissions and report back to this House. Of course, what the committee reports back to this House will not be binding on this Parliament. This House will make its own decisions, as it always does. However, this House should be informed. We should hear those views of the public. They should have the opportunity to give evidence and make submissions to inform a report from that committee. The Greens therefore support the creation of the committee proposed by the motion. The Greens support the proposal that the committee sit until 15 February—as amended by the Hon. Robert Brown—in order to take evidence and to report back to the Parliament. The Greens commend the motion to the House.

Reverend the Hon. FRED NILE [12.32 p.m.]: The Christian Democratic Party supports in principle the Election Funding, Expenditure and Disclosures Amendment Bill 2011. The second object of the bill, which is to prohibit political donations from corporations or other entities, is the provision of concern to the Government and the Shooters and Fishers Party. It seems that the bill will have an unintended impact on what I would regard as community organisations, as distinct from business corporations. We have been working on this measure for some years, and I understand the intention of this amendment is to eliminate corruption through donations by corporations influencing government decisions. There is evidence of that happening during the 16 years of the previous Labor Government. We do not want that to happen again. So I understand and support the intention of the Government to do all it can to prevent that occurring, even though there are allegations that similar influences were at work in businesses and firms that support the Liberal Party.

I also support in principle the referral of the bill to a select committee comprising four Government members, three Opposition members, the Hon. Robert Borsak of the Shooters and Fishers Party, with The Greens Dr John Kaye as Chair of the committee, recognising that The Greens have had an interest in this issue for many years. Because the bill could have what I regard as unintended consequences—some may have been

intended by the Government, but I will put them at the level of unintended consequences—it is better to have an inquiry, with the community having the opportunity to give evidence and make submissions to the inquiry, to find a way forward and to enable genuine community organisations, such as shooters' clubs and so on, to participate in the electoral process. I do not believe that donations made by those clubs have any influence on government legislation as such. Therefore the Christian Democratic Party supports the bill in principle and also supports referral of the bill to the select committee.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [12.35 p.m.]: The Government does not support referral of the Election Funding, Expenditure and Disclosures Amendment Bill 2011 to a committee because there have been two extensive committee inquiries into the issue of political donations and campaign finance reform. Those committees were the Select Committee on Electoral and Political Party Funding, which reported in June 2008 on "Electoral and Political Party Funding in New South Wales", and the Joint Standing Committee on Electoral Matters, which reported in March 2010 on "Public Funding of Election Campaigns". To hold another committee on the same issue within a year of the last inquiry appears to me to be unnecessary.

In 2010 the Election Funding and Disclosures Act was amended to introduce new caps on electoral communication expenditure and political donations. During the parliamentary debate on that bill the New South Wales Liberals and The Nationals proposed amendments to introduce a ban on corporate donations, as well as to aggregate the expenditure of parties with that of their affiliated organisations. The amendments proposed by the Liberals and The Nationals at that time were not supported. So the New South Wales Liberals and The Nationals gave a commitment that if a Coalition government was elected in March 2011 only electors would be able to make donations. The community has had an opportunity to speak on this issue, and it did so with considerable force in the March 2011 election. The Government fully intends to do all in its power to give effect to the policy that it took to the election—a policy that the community overwhelmingly endorsed at that election.

The bill is intended to amend the Election Funding, Expenditure and Disclosures Act to increase the transparency of the New South Wales political system. As other members have said, the bill will, if passed, ban political donations by other than individuals. This is intended to prevent donations from industrial organisations, peak industry groups, religious institutions and community organisations. We do not accept that members of organisations will lose their democratic right by the passing of the amendments proposed by the bill. It will be unlawful, if the bill is passed, to give or receive a political donation other than by an individual who is on a Commonwealth, State or local government electoral roll.

Contrary to the scare campaigns that Labor is trying to run, the existing bans on donations by property developers and tobacco, liquor and gambling entities and their close associates, such as a company director and his or her spouse, will remain in place. However, the electoral communication expenditure of affiliates will be linked to the expenditure of parties to determine whether a party has overspent during a campaign. The bill does this by aggregating the expenditure of a party with that of its affiliated organisations. An affiliate is an entity that, under the rules of the party, can appoint delegates to its governing body and/or has a role in candidate preselection. That affiliate might be incorporated or unincorporated.

In addition, the bill deems the expenditure to exceed those caps where total party and affiliate expenditure is together higher. The bill makes it an offence under the Act for a party to spend more than the relevant legislative caps. The aggregation would apply for both the overall State cap on party expenditure as well as the electoral cap, which I think is \$50,000. It is apparent that Labor and The Greens are squirming and that they are trying to ensure their donation base is not affected. The reason this referral proposal has been put forward is simply to delay dealing with this legislation for as long as possible.

The Hon. STEVE WHAN [12.39 p.m.], in reply: I thank The Greens, the Shooters and Fishers Party, and the Christian Democratic Party for indicating that they support the referral of this legislation to a select committee. In response to a point made earlier by the Minister, this will hardly result in delaying the bill. We have only 2½ days—if that—of sittings left this week, but the Government has not brought on the legislation. The proposal in my motion is for the committee to report back by 1 February 2012, so it is ridiculous for Government members to say that this will delay the bill.

The Minister said also that members of the Labor Party had been running scare campaigns about existing bans when they have never said anything along those lines. However, the Labor Party has criticised the Government for accepting donations from organisations that are now banned after the ban was announced and before it was legislated. There were interjections by some members about the constitutionality of this

legislation—an issue at which a select committee could look specifically, based on advice from people such as Dr Anne Twomey. She provided advice to the previous Government about election funding laws. I refer to that advice and apologise to Dr Twomey for quoting only a small part of it. Her executive summary states:

Laws that ban or impose limits upon political donations or election campaign expenditure are likely to be regarded as burdening the constitutionally implied freedom of political communication. This is because they have the effect of limiting the quantity and breadth of communication about political matters. Such laws will only be held valid by the courts if they are reasonably and appropriately adapted to serving a legitimate end in a manner which is compatible with the system of representative and responsible government prescribed by the Commonwealth Constitution (the *Lange* test). Accordingly, reform proposals concerning party financing must be measured against this test ...

Her view was:

An outright ban on political donations is likely to be struck down as constitutionally invalid on the ground that it is not 'reasonably appropriate and adapted' to serving the legitimate end of reducing the risk of corruption and undue influence.

When I was a member of Cabinet and we considered legislation along those lines we understood it to include a complete ban on corporate contributions. This issue must be dealt with carefully. It would be a tragedy for New South Wales if, through any actions of this Government, a constitutional challenge rendered the legislation invalid. It is important to take those things into account as that is not something anybody in this place wants to see. I make the fundamental point that this will not delay the legislation; it will simply allow for its scrutiny and enable those groups who believe they will be negatively affected by it to have an input. We must ensure that when the legislation is debated in this place we get it right.

Question—That the amendment of the Hon. Robert Brown be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Robert Brown agreed to.

Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 20

Ms Barham	Mr Green	Mr Shoebridge
Mr Borsak	Dr Kaye	Mr Veitch
Mr Brown	Mr Moselmane	Ms Westwood
Mr Buckingham	Reverend Nile	Mr Whan
Ms Cotsis	Mr Primrose	<i>Tellers,</i>
Ms Faehrmann	Mr Roozendaal	Ms Fazio
Mr Foley	Mr Secord	Ms Voltz

Noes, 15

Mr Ajaka	Mr Khan	Mr Pearce
Mr Blair	Mr MacDonald	
Mr Clarke	Mrs Maclaren-Jones	
Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Miss Gardiner	Mrs Mitchell	Mr Colless
Mr Gay	Mrs Pavey	Dr Phelps

Pairs

Mr Donnelly	Ms Cusack
Mr Searle	Mr Gallacher
Ms Sharpe	Mr Lynn

Question resolved in the affirmative.

Motion as amended agreed to.

[The President left the chair at 12.52 p.m. The House resumed at 2.30 p.m.]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

QUESTIONS WITHOUT NOTICE

ENDEAVOUR ENERGY

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services. Does the Endeavour Energy ban on the display of anti-electricity privatisation messages on its vehicles have the Minister's support? What role, if any, did the Minister play in the development of the ban?

The Hon. GREG PEARCE: I played no role in the development of that ban.

BUSHFIRE HAZARD REDUCTION

The Hon. MELINDA PAVEY: My question is addressed to the Minister for Police and Emergency Services. Given that the 2011-12 bushfire season is well underway, will the Minister update the House on current conditions and bushfire operations?

The Hon. MICHAEL GALLACHER: People should not be fooled by the rain that we have had over the past 24 hours, particularly in the city. One could be led to believe that everything is fine and we have a bit of respite for summer, but nothing could be further from the truth. As we know, Sydney has always been affected by coastal showers, which could lead Sydneysiders to believe that everything is fine across the rest of the State. However, those who cross the Great Dividing Range—Government members cross the Great Dividing Range all the time—know that it can be very dry in some areas. Members will recall that last summer was characterised by floods across much of the State. The soggy summer meant that our Rural Fire Service volunteers were, more often than not, helping their peers in the State Emergency Service rather than fighting fires.

In fact, 2010-11 was the first fire season in recent memory where we did not see a single section 44 bushfire emergency declaration. We are now about seven weeks into the 2011-12 bushfire season and this year there is no room for complacency. The Rural Fire Service has advised me that despite recent rain in some districts there remains the potential for significant grass fires in many areas. Regular rainfall throughout the year has caused a significant increase in crop and grass growth. As the grass cures with rising temperatures so the risk of grass fires increases. Grass fires pose a significant threat and a challenge to firefighters due to the speed with which they move and the impact they can have not only on people and property but also on stock and livelihoods.

It should be borne in mind that, while in November 2010 no district in New South Wales was in drought, in October this year the Department of Primary Industries assessed that about 40 per cent of the State is either in drought or on the verge of being so. The Rural Fire Service warns that fire activity is more likely as the drying trend spreads to grass and vegetation across inland New South Wales. I am advised that between 1 July and 17 November the Rural Fire Service attended 7,829 incidents—more than 2,200 of those have been bush or grass fires. In the Far West of the State total fire bans were declared on 19, 27 and 28 September.

Three fires have been declared emergencies under section 44 of the Rural Fires Act. Two of these occurred in the Blue Mountains—members would remember that they occurred on 20 to 23 September and 24 and 25 October—and the third occurred in the Cobar-Central Darling unincorporated region on 28 and 29 September. Since 1 July, 262 incidents have been subject to a formal fire investigation. I also understand that the month of September saw the first deployment of a rapid aerial response team consisting of volunteer remote area firefighters. In view of the continuing fire danger it is pleasing to note that more than 1,900 hazard reduction activities have been completed since 1 July. The Rural Fire Service will be continuing the Prepare-Act-Survive media campaign to raise awareness among all New South Wales residents, visitors and travellers about the need to be prepared and take precautions against the bushfire risk, whether at home or on holiday.

In particular, I encourage property owners in bushfire-prone areas to take all necessary steps around their homes and gardens to minimise the chance of fires taking hold. I take this opportunity to highlight the immense contribution of our Rural Fire Service volunteers throughout the year and particularly during the bushfire season. Our volunteer firefighters are well aware of this season's potential challenges and stand ready to respond to bushfires wherever and whenever they occur. The Rural Fire Service and its members have demonstrated time and again that they are committed to protecting not only our communities and their own communities but also to responding to calls for assistance, no matter where they come from.

POLICE DEATH AND DISABILITY SCHEME

The Hon. ADAM SEARLE: My question is directed to the Minister for Police and Emergency Services. Given that the 5,000 police—

The Hon. Greg Pearce: Five hundred.

The Hon. ADAM SEARLE: —protesting outside Parliament House yesterday were also fighting for their occupational health and safety rights, does the Minister appreciate that they might have been offended when he said of their protest, "From an occupational health and safety perspective I was concerned"?

The Hon. MICHAEL GALLACHER: In effect, the Deputy Leader of the Opposition is asking for my opinion on whether the police were offended. We are committed to working with our front-line police. Indeed, I have been working with the Police Association today and I will continue to do so. Despite all the rhetoric from members opposite that communications have broken down, I can assure them that communications are well and truly advanced. We will continue to work with our front-line police to ensure that there is a suitable outcome not only for the police but also for future generations of police coming into the Police Force.

It is crucial that as a starting point we look back at the first significant sign that things were going terribly wrong in providing protection for our police in the first Auditor-General's report in relation to death and disability under the previous Government's administration. The previous Government sought to ignore that report. More than that, it tried to cover up the report. Sadly, it was caught out, and members opposite will continue to be caught out. Members opposite deny this. The 2009 wage claim agreement between the previous administration and the Police Association was to last for only two years.

But, surprisingly—members will be shocked to hear this—another thing was ticked off for two years, the death and disability scheme, despite the fact that only a short time previously the Auditor-General had identified in writing serious concerns about the scheme. He said that something needed to be done. The previous administration put our police officers at risk by ignoring systemic problems with the scheme. Police were at risk because the scheme was unsustainable. Today's report by the Auditor-General confirms the neglect by members opposite—neglect in terms of fiscal management of the scheme and the fact that the scheme has failed successive police officers over the past few years, since 2005, because the focus has been on lump sums.

I was asked whether I was embarrassed. I am embarrassed because members opposite cannot accept that they let down the Police Force. I do not know what we have to do to get the message across to members opposite that they are the reason we have to make the decisions that we must now make. They ignored the problem for years. They tried to hide it for two years by putting together an agreement that came to an end at the 2011 State election, knowing that the next government would have to deal with the problem. It was a classic landmine set by members opposite. Now they pretend they know nothing about it. Not one of them has said, "We guarantee that we will re-introduce the same death and disability scheme that exists now." They have said that the scheme does not work and has failed. They are a disgrace. [*Time expired.*]

The Hon. ADAM SEARLE: I ask a supplementary question. Does the Minister stand by the comments of his colleagues sitting behind him that there were only 500 police officers at the rally yesterday?

The Hon. Greg Pearce: There were 500.

The Hon. ADAM SEARLE: I acknowledge the interjection by the Minister.

The Hon. Matthew Mason-Cox: Point of order: Mr President, as the member would be aware that was a new question and it is totally out of order and I ask you to rule that way.

The PRESIDENT: Order! I remind members that supplementary questions are in order only when they ask a Minister to elucidate an aspect of the answer that he has given. The member's question did not ask for an elucidation of the Minister's answer.

DUBBO COLLEGE

Dr JOHN KAYE: My question is directed to the Minister for Roads and Ports, representing the Minister for Education. Can the Minister explain the delay in removing the uncertainty in relation to filling the positions of the Dubbo College principal and the college senior education director position at Dubbo?

The Hon. DUNCAN GAY: I understand that on the 24 June 2011 the Minister for Education, Minister Piccoli, announced that changes to the composition of Dubbo College would take effect from 2012. The college will comprise two campuses: the Delroy and South campuses for students in years 7 to 10 and a senior secondary campus for students in years 11 and 12. The Minister made this decision after carefully reviewing all the information available. Unlike previous Ministers, he has visited the community to consult with representative groups, including the students.

Giving students in regional areas access to the best possible standards of schooling has been and continues to be the Minister's top priority. Kerri Leigh-Gordon, an experienced school education director, has been appointed during this transitional stage to lead the implementation of the new college structure. During this time a substantive school education director will be selected through a merit process. The new model will offer a broad range of subject choices for students and career development opportunities for all staff. All staff will have access to year 7 to 12 teaching opportunities and cross-college collaboration. I am confident that with improved co-ordination and strong leadership the Dubbo community will work together and focus on building a strong culture of excellence in the delivery of secondary education.

Speaking of bringing the community together and going forward, I seem to remember that last time this matter was before the House I had a letter from the heads of the campuses at Dubbo College. It had been sent to the honourable member and in general terms indicated that he should butt out, because he was deliberately causing concern in the community. Unlike the honourable member, the Minister is trying to bring the communities together and trying to move ahead with what is not an easy situation.

F3 ACCIDENT MANAGEMENT

The Hon. NIALL BLAIR: My question is directed to the Minister for Roads and Ports. Will the Minister for Roads and Ports update the House on this morning's accident on the F3?

The Hon. DUNCAN GAY: I thank the honourable member for his question. In the early hours of this morning at approximately 3.40 a.m. a two-truck collision occurred at Alison, north of Wyong, on the F3. Two trucks collided and one of the trucks jackknifed. I am informed that the B-trailer on the B-double started to move. The driver took evasive action which caused the jackknife. The crash blocked two southbound lanes on the freeway but thankfully northbound traffic on the F3 was not affected. The trucks were carrying non-hazardous materials. Emergency services and two Traffic Management Centre traffic commanders from the newly established F3 field response unit—which the Government opened a few weeks ago near Peat Island, located at the Hawkesbury River Bridge depot—responded, with one traffic commander arriving on site shortly after 3.40 a.m. to evaluate the incident and implement appropriate traffic controls. An emergency trailer and heavy tow were also deployed from the F3 field response unit to assist salvaging the truck and to manage traffic.

Additional resources were also deployed from the Wyong depot and a traffic commander from the Hunter region assisted in queue management. A contraflow was considered at 4.45 a.m. However, due to the traffic volumes at the time, poor visibility and wet weather conditions, it was deemed to be unsafe. Because of the lack of injuries and non-hazardous materials being involved lanes were expected to be re-opened within a reasonable period. Southbound diversions were put in place at 3.54 a.m. for all vehicles, via Sparks Road and the old Pacific Highway, to rejoin the F3 and Wyong Road at Cobbs Road. Light vehicles were also able to divert via Hue Hue Road. Significant southbound delays were experienced throughout the morning with traffic queued back to the Doyalson interchange, a distance of about two kilometres. Just after 7 a.m. one of the two southbound lanes was reopened, after the removal of one of the trucks. Motorists were able to get past the site of the crash using this lane. The second truck was removed from the site at about 7.50 a.m. After debris was removed from the site the second lane opened at approximately 8.40 a.m. One southbound lane on the F3 near Alison was closed again at 12 midday to allow debris to be cleared from the site but was reopened again at 12.10 p.m.

This morning I attended the Transport Management Centre shortly after 7.00 a.m. I was joined by the new chief executive officer, Peter Duncan, at the Transport Management Centre to see first-hand the work of the accident response team. I have to say it was quite exceptional. These officers really put a huge effort in. While watching I saw some of the silly behaviour of motorists. There were motorists with what was—on F3 standards—a relatively short queue, under two kilometres, who were starting to do U-turns on the road. *[Time expired.]*

The Hon. NIALL BLAIR: I ask a supplementary question. Could the Minister elucidate his answer?

The Hon. DUNCAN GAY: I was talking about the actions of some of the motorists on the highway this morning. Some of them were starting to do U-turns. Vehicles from a stationary position were doing a U-turn across the median strip into traffic that was going in the opposite direction travelling at between 100 and 110 kilometres an hour. The officers at the Traffic Management Centre were seriously considering reopening the diversion at that stage to remove that tail—to stop that silly behaviour.

Through sensible work and with the help of media outlets the guys were able to get the message out to the public that traffic was moving and motorists should not do that sort of thing. We would welcome showing any member at a suitable time the work being carried out at the Traffic Management Centre at Eveleigh. It is a coordinated approach, with police, Roads and Maritime Services, transport, fire and ambulance officers all located in the one room in a state-of-the-art precinct. The officers are doing excellent work and I congratulate them on their work this morning. Media alerts to motorists were first issued at 4.00 a.m. advising of diversions and for people to stay away from the area. These alerts were provided to all relevant media agencies, including in the metropolitan, Central Coast and Hunter areas, as well as the freight industry. Phone, text and email alerts were sent out as well. [*Time expired.*]

CARBON TAX

Reverend the Hon. FRED NILE: I ask the Minister for Finance and Services a question without notice. Is it a fact that the Gillard-Swan Government is threatening New South Wales with major funding cuts from the GST because the New South Wales Government had stated intent to increase State royalties for the mining industry to compensate for the cost of the Federal carbon tax? What impact would the proposed Federal GST cuts have on the New South Wales budget?

The Hon. GREG PEARCE: I thank Reverend the Hon. Fred Nile for his question, which shows a great degree of concern about the people of New South Wales given that the Federal Labor Government seems to be overly hostile to the people of New South Wales. Measures taken by the Gillard Labor Government threaten our budget and have the potential to erode our tax base. In addition to the increased costs that the Gillard Government's carbon tax will cause to flow on to New South Wales households and businesses, the tax represents an almost \$1 billion hit to the New South Wales budget.

The carbon tax was introduced by the Gillard Government without any consultation and without any offer of compensation. Our attempts to engage on this were rebuffed by the Federal Labor Party and the equivalent of their North Korean controllers, the Bob Browns, the Wilkie man, the Windsor man and the Oakeshott man. This is particularly galling and we simply cannot afford to accept without compensation the Gillard Government's \$1 billion hit to our budget as a result of its carbon tax. That is why we intend to increase State mining royalties by an amount equivalent to the impact of the carbon tax, an amount that will be refunded to the mining companies by the Commonwealth under the mining tax arrangements.

The New South Wales Government has levied mining royalties since 1884—even before the Hon. Walt Secord was born, but not long before—nearly two decades before there even was a Federal Government. Now Wayne Swan, Julia Gillard, Bob Brown, the Wilkies, the Oakeshotts and the Windsors are seeking to penalise New South Wales, first, by threatening to withhold our future GST payments and, secondly, by declaring New South Wales ineligible for infrastructure funding from their so-called Regional Infrastructure Fund.

[*Interruption*]

The Hon. Greg Donnelly has apparently had too long a lunch. He just interjected that he had too long a lunch. He should stay off it at lunch time.

The Hon. Amanda Fazio: Point of order: The standing orders preclude members from making adverse reflections on other members. The comment made by the Minister might have been appropriate for himself but not the Hon. Greg Donnelly.

The PRESIDENT: Order! I remind all members that interjections are disorderly at all times.

The Hon. GREG PEARCE: We must be approaching the happy season if the Hon. Amanda Fazio had lunch with the Hon. Greg Donnelly. The point is that we have a Federal Government that is openly attacking our New South Wales revenues. It is openly attacking the New South Wales people with extra charges through its

carbon tax. The Federal Government is doing everything it can to penalise New South Wales. Why is it doing that, particularly when one considers that Windsor and Oakeshott come from New South Wales? What are they actually doing to achieve anything for New South Wales? [*Time expired.*]

GIRRAWEE VEGETATION DAMAGE

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports. Will the Minister advise the House how many calls were received by TransportInfo relating to the removal of trees at Girraween?

The Hon. DUNCAN GAY: This could be the day that the Government falls because this could be the day that I do not have to hand the detail of how many phone calls the transport hotline received about trees at Girraween. However, as a competent Minister I will take the question on notice and seek to find an answer for the member.

SOCIAL HOUSING

The Hon. NATASHA MACLAREN-JONES: My question is addressed to the Minister for Finance and Services. Will the Minister update the House on recent innovative housing projects?

The Hon. GREG PEARCE: I thank the member for her question and interest in social housing in New South Wales. I can report to the House that on 15 November 2011 the most innovative social housing project ever undertaken in New South Wales: the Camperdown project called "Common Ground", was officially opened. I joined Minister Goward and Senator Mark Arbib to officially open the \$32 million, six-storey, 104-unit residential housing development and meet its new tenants.

[*Interruption*]

The Hon. Dr Peter Phelps: Point of order: Because of the level of noise it is impossible to hear the Minister.

The PRESIDENT: Order! There is too much interjection in the Chamber.

The Hon. GREG PEARCE: That is all right. We will get through it, even if we have to have a supplementary question because this is a very important development.

The PRESIDENT: Order! The Minister should not be distracted by interjections. He should continue with his answer.

The Hon. GREG PEARCE: This is a very important development in social housing in terms of homelessness and affordable housing. If members opposite had an interest in social justice—

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time. I call the Hon. Penny Sharpe to order for the first time.

The Hon. GREG PEARCE: If members opposite had any interest in promoting social justice or had any connection at all with the proud traditions of the former Labor Party, they would support this issue. I have to admit that even the Federal Labor Government, even Gillard and her mob have taken an interest in this project.

The Hon. Amanda Fazio: Point of order: My point of order relates to the correct use of titles. It is inappropriate for the Minister to refer to the Prime Minister in the way in which he did. I ask you to remind him of the appropriate way to address the Prime Minister.

The PRESIDENT: Order! The standing orders relate only to members of this House. I remind members of the need for civility in debate at all times.

The Hon. GREG PEARCE: The Camperdown project is a key housing initiative for New South Wales that will reduce the number of people—

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the second time.

The Hon. GREG PEARCE: One would have thought that the Hon. Penny Sharpe, of all of the members opposite, would have a skerrick of an interest in social justice.

The PRESIDENT: Order! The Minister will ignore interjections and continue with his answer.

The Hon. GREG PEARCE: The Government has a strong commitment to prevent homelessness and reduce the incidence of homelessness in New South Wales, as is reflected in the NSW 2021 Plan. Evidence shows that once people have a home and a place to feel safe they are able to address and manage the issues that lead to their homelessness. The \$32 million project provides stable, secure, long-term homes for 62 previously homeless people, offering the support and opportunities they need to get back on their feet and re-engage with the community. It also provides 42 much-needed affordable housing units on the city's doorstep. The project is a remarkable bipartisan innovation, supported by business and the community, construction and government. Grollo, the builder, all of the consultants, the community housing providers and MA Housing are all to be commended. [*Time expired.*]

The Hon. NATASHA MACLAREN-JONES: I ask a supplementary question. Will the Minister elucidate his answer?

The Hon. GREG PEARCE: This project has bipartisan support, except from this mob over there, who do not support homelessness measures and social—

The Hon. AMANDA FAZIO: I move:

That the Minister be no longer heard.

The Minister was asked a supplementary question because he spent the four minutes available to answer the original question sledging people opposite. He is now doing the same in his supplementary answer. This is clearly a waste of time. He has had plenty of time to read his script. It is a pity he cannot do that. I ask that he be no longer heard.

The PRESIDENT: Order! Under the standing orders the motion may not be debated or amended. Therefore, it is my responsibility to advise the House to consider whether the member speaking has had ample opportunity to debate the question, whether the member speaking is abusing the standing orders or conventions of the House or is obstructing business, or whether the motion would take away the rights of the minority if carried.

Question—That the motion [That the Minister be no longer heard] be agreed to—put and resolved in the negative.

Motion negatived.

POLICE DEATH AND DISABILITY SCHEME

Mr DAVID SHOEBRIDGE: My question is directed to the Minister for Police and Emergency Services. Did the Government put the contract for insurance coverage for the Police Death and Disability Scheme out to tender? If not, how can the Government give the people of New South Wales comfort that the quote received represents value for money for them?

The Hon. Michael Gallacher: Point of order: This matter is before the Chair; it is on the *Notice Paper*. Accordingly, it is out of order.

Mr David Shoebridge: To the point of order: The insurance is not part of the bill that is before the House. It is a separate administrative process that will be undertaken by the Minister and does not relate directly to the bill before the House. The Minister should answer the question.

The PRESIDENT: Order! Does the Minister wish to add anything?

The Hon. MICHAEL GALLACHER: No.

The PRESIDENT: Order! Does the member wish to be heard further on the point of order?

Mr DAVID SHOEBRIDGE: No.

The PRESIDENT: Order! The question does anticipate debate on a bill that is on the *Notice Paper* and is, therefore, out of order.

POLICE RESOURCES

The Hon. MICK VEITCH: My question is directed to the Minister for Police and Emergency Services. Given that the Premier has just referred the matter to the Minister, will the Minister now make public the unedited version of Parsons audit into police resources?

The Hon. MICHAEL GALLACHER: I am mesmerised by this new found interest within the Australian Labor Party in the allocation of resources and the needs of the NSW Police Force. It is absolutely amazing. We are talking about country and regional areas of New South Wales and now the Opposition wants the Parsons report released. I assure the House that at the time of the Government's choosing it will release the Parsons report, not when the Hon. Mick Veitch or any other member of the Opposition who ignored the issues of policing for far too long want it released. They may well be excited about the report and want to see it but, like everything in life, they will have to wait for the appropriate time for its release.

The Hon. MICK VEITCH: I was being nice about it.

The Hon. MICHAEL GALLACHER: I am being nice too. I answered the question yesterday. I could have said that I have already answered it.

PLATYPUS PROTECTION

The Hon. WALT SECORD: My question is directed to Minister for Roads and Ports, representing the Minister for Primary Industries. Following the discovery last month of two dead platypus in the Georges River near Campbelltown, and concerns expressed by the Macarthur National Parks Association and world leading platypus expert Dr Tom Grant of the University of New South Wales, will the State Government erect signs warning about the use of so-called Opera House yabby traps in waters frequented by platypus in the Macarthur region?

The Hon. DUNCAN GAY: This is a serious question.

The Hon. Walt Secord: Then why are you laughing?

The Hon. DUNCAN GAY: I am laughing at your leader laughing at you. This serious question deserves a serious answer and I will refer it to the Minister for Primary Industries to obtain just that.

DRUNK AND DISORDERLY OFFENCE

The Hon. CHARLIE LYNN: My question is addressed to the Minister for Police and Emergency Services. What is the latest information on alcohol move-on powers and the new offence of being intoxicated and disorderly?

The Hon. MICHAEL GALLACHER: The new provisions in the Summary Offences Act relating to intoxicated and disorderly behaviour came into effect on Friday 30 September 2011 in time for the drinking season that we unfortunately experience during the long summer months. As was said repeatedly during debate on this legislation, the new offence is not about locking people up, particularly not the disadvantaged. It is about making our streets safe again for ordinary people wanting to have a good time in our public places, without being threatened by rowdy and violent drunks. By linking the offence to the now expanded police move-on powers, we have ensured that no-one receives a fine for this offence without first being given an opportunity to calm down and leave the area. The Government believes that the undoubted responsibilities of those who supply alcohol must be matched by the responsibility of those who consume it. So those who refuse to comply with a move-on direction and are found again within six hours in a public place still intoxicated and acting in a disorderly way can be given the on-the-spot fine.

On the latest figures available I can advise the House that from the date of commencement, 30 September 2010, up until 22 November there have been 101 legal actions for the offence under section 9 of

the Summary Offences Act, and that in most cases this has been in the form of an infringement notice. These are early figures, but so far they bear out what the Government said during the debate on these provisions: firstly, they will prove useful to police and, secondly, the majority of people committing the offence will not be arrested by police or go to court; they will receive an infringement notice. So we will not see paddy wagons full of intoxicated unfortunates being carted off to police cells, as The Greens and those opposite predicted. Nor are we seeing the abuse that it was predicted we would see. Rather, we are seeing robust but measured enforcement by our police who confront the consequences of public drunkenness and disorderly behaviour every Friday night and all weekend.

Let us not forget that, owing to the way the offence is designed, a great many people who might otherwise have committed the offence have been given a chance to remove themselves from the situation by complying with an earlier move-on direction. This has also been assisted by our removal of the previous Government's silly limitation that alcohol move-on directions could only be given to groups of three or more persons. Police now give these directions to intoxicated individuals and, as a result, allow them to avoid any further legal action for being intoxicated and disorderly in public.

I would also like to thank the commissioner for his recent contribution to discussion on how to manage binge drinking, and the particular role young women should play in looking out for each other. Our new intoxicated and disorderly offence and enhanced move-on powers are just one way this Government is contributing to dealing with the prevailing "drink to get drunk" culture, as Commissioner Scipione rightly calls it. Once again I would personally like to thank the men and women of the NSW Police Force for their tireless efforts in helping to make our streets truly safe again.

BANKSTOWN INCOME MANAGEMENT TRIAL

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Finance and Services, representing the Minister for Family and Community Services. Noting that the Minister advised in an answer to a question on notice on 27 June 2011 that bilateral negotiations had commenced between the New South Wales Government and Commonwealth officials to plan the implementation of the Bankstown Income Management Trial, what information has the New South Wales Government agreed to provide to enable the targeting of particular individuals or families in the area?

The Hon. GREG PEARCE: I thank the member for her question, and I will refer it to the Minister and obtain an answer.

PRINCES HIGHWAY UPGRADE

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Can the Minister update the House on the Princes Highway upgrades?

The Hon. DUNCAN GAY: I thank the honourable member for his question. I note that at the start of November my Parliamentary Secretary joined the Speaker of the New South Wales Legislative Assembly and member for South Coast, Shelley Hancock, to mark the start of construction on the 6.3 kilometre South Nowra Princes Highway duplication. This is yet another example of the New South Wales Liberals and The Nationals getting on with the job of delivering on our election commitments. The 2011-12 State budget includes \$18 million to start work on the South Nowra upgrade of the Princes Highway, as part of a \$62 million upgrade that will see the highway duplicated to improve traffic flow and efficiency through this section of Nowra. Early work has been underway for the South Nowra project with the relocation of utilities and the commencement of construction on this important link of the Princes Highway.

Work on the highway upgrade will take place at various locations across the entire length of the project, including the upgrade of Forest Road and associated street lighting. I have made it clear that the Princes Highway upgrade is a key priority for this Government. That is why I have inspected work on the Princes Highway several times since our election in March. And that is why the New South Wales Government has committed more than \$100 million this year towards the Princes Highway. As part of this year's Princes Highway commitment, we also have allocated \$25 million to complete preconstruction activities and start major work on the Gerringong to Bomaderry upgrade, which will provide approximately 7.5 kilometres of upgraded highway and include two new interchanges providing access to Gerringong and Gerroa. It is interesting that we hear the former member for Monaro trying to interject. He would not be game to go down there, because he knows that the Federal member does not like him. Everyone in Canberra tells us that there is open warfare between those two Labor members.

I cannot understand how two Labor members cannot work together. Mike Kelly seems to be a reasonable sort of bloke; I do not know why he has a problem with the member opposite. Everyone in Canberra says that he does. At the end of October the member for Kiama, Gareth Ward, who is a great member, also announced that the preferred tenderer for the upgrade of the Princes Highway at Gerringong had been selected. It is expected the contract will be awarded in early December, at which time the detailed design will be prepared. Under the current New South Wales Liberal-Nationals Government, work on the Princes Highway upgrade is moving forward at a record rate.

This is in stark contrast to the inaction and broken promises of the former Labor Government, with that loser Matt Brown promising the Gerringong to Bomaderry upgrade back in 2006, but not delivering. The New South Wales Government understands the importance of improved travel times, especially during peak holiday periods, as well as better accessibility to businesses through this busy precinct. We also understand the importance of the upgrades for road safety and reducing the road toll. In August I called on the Federal Minister for Infrastructure, Anthony Albanese, to extend the National Highway network to include the Princes Highway south of Gwynneville to Jervis Bay Road south of Nowra. [*Time expired.*]

The Hon. JOHN AJAKA: I ask a supplementary question. Could the Minister for Roads and Ports elucidate his answer?

The Hon. DUNCAN GAY: I renew this call on the Federal Government. Given the importance of Port Kembla and the Illawarra-South Coast region to the national economy, it is imperative that the major highway linking the region is included in the National Highway network.

The Hon. Steve Whan: You refused to support this. Give us back our money.

The Hon. DUNCAN GAY: I would like to see some bipartisanship from that mob of whingers across the table. All they want to do is whinge and criticise. That is why they were so hapless and useless in government. We are talking about works that will build the nation and are good for the people of the Illawarra. One would think that Labor members would be supporting the Coalition Government on this. But, no, all we have is Darth Vader and her mates whingeing and whining and carrying on—

The Hon. Lynda Voltz: Point of order—

The Hon. DUNCAN GAY: —and moving points of order.

The Hon. Lynda Voltz: The Minister knows he should refer to members of this Chamber by their correct titles. Further, he should respond relevantly to the question asked of him about Princes Highway upgrades, rather than inventing facts.

The PRESIDENT: Order! I did not hear how the Minister referred to a member, so I will not rule on the point of order. However, I make the general observation that all members should refer to other members by their correct titles.

The Hon. DUNCAN GAY: I would have been willing to apologise to the Hon. Amanda Fazio, but I was not asked to do so. I take this opportunity to congratulate the member for South Coast, Shelley Hancock, the member for Kiama, Gareth Ward, and the member for Bega, Andrew Constance, on their hard work in promoting the importance of this upgrade. They have been vocal advocates to ensure their local communities receive much-needed upgrades to this road. We also understand the importance of the upgrades for road safety and reducing the road toll— [*Time expired.*]

RARE HABITAT CLEAR-FELLING

The Hon. ROBERT BORSAK: My question without notice is addressed to the Minister for Finance and Services, representing the Minister for the Environment. Is the Minister aware of claims by the Nature Conservation Council of New South Wales that there are "thousands of hectares of rare habitat proposed to be clear felled for mining"? Is the claim factual? If so, where are these "thousands of hectares"? Is there any truth in the claims of the Nature Conservation Council that the survival of the Pilliga mouse, the black-striped wallaby and the malleefowl is being threatened by mining?

The Hon. GREG PEARCE: I am not aware of those claims. However, if they are being made, the member would have to ask the Hon. Cate Faehrmann to justify them.

HARNESS RACING

The Hon. HELEN WESTWOOD: My question without notice is directed to the Minister for Police and Emergency Services. Will the Minister advise the House what the New South Wales Police Force is doing to investigate alleged corruption in the harness racing industry in New South Wales?

The Hon. MICHAEL GALLACHER: The Labor Party still harks back to those great days where it interfered in police investigations. If the honourable member thinks that I am going to give details about an investigation—

The Hon. Amanda Fazio: Point of order: The question that the member asked did not ask for operational information; it did not ask about the nature of the investigation—

The PRESIDENT: Order! The member knows that she should not make debating points under the guise of a point of order. There is no point of order.

The Hon. Amanda Fazio: The member was asking him for an answer.

The PRESIDENT: Order! The member will resume her seat.

The Hon. Amanda Fazio: Point of order: The Minister and Government members continue to make stupid noises, which is not appropriate during question time. It is not appropriate for Ministers to engage in such behaviour. I ask you to ask them to stop engaging in unparliamentary behaviour.

The PRESIDENT: Order! During the last sitting week I had cause to make a ruling about the behaviour of members during question time. I refer members to my previous ruling. In particular, I referred to the sledging of members during question time, particularly when Ministers are answering questions.

The Hon. MICHAEL GALLACHER: I have no intention of detailing to the House any investigations that the police may be conducting into the harness racing industry without first seeking the advice of the commissioner as to whether it is appropriate to put it on the record. I will seek that advice. However, I do not intend to put information on the record that may be detrimental to a police investigation.

NATION BUILDING—ECONOMIC STIMULUS PLAN

The Hon. TREVOR KHAN: My question is addressed to the Minister for Finance and Services. Will the Minister update the House on what action the New South Wales Government is taking to fix the Federal Government's and the former New South Wales Labor Government's Nation Building—Economic Stimulus Plan housing mess?

The Hon. Amanda Fazio: Point of order: The question is out of order. The question clearly contained argument. Accordingly, it is inappropriate. I ask you to rule the question out of order.

The PRESIDENT: Order! A large part of the question was in order. One word contained argument. Consistent with rulings made by previous Presidents, I will allow the Minister to answer that part of the question that was in order.

The Hon. GREG PEARCE: The Federal Government's housing stimulus steam train has been a disaster since its commencement in 2009. Despite all the fanfare of the announcement, the housing stimulus projects were railroaded through, creating skills shortages and leading some building companies and their suppliers down the path to insolvency. Thanks to the Federal Government's unrealistic time frames, overambitious deadlines and layers of red tape, builders simply could not get the work done in time for Labor's spin machine.

The Hon. Luke Foley: Point of order: The Minister is flouting your ruling. He is addressing only that part of the question that was clearly out of order—that is, he is alleging a mess. He is not dealing with the part of the question that you ruled was in order—that is, what his Government is doing.

The Hon. Dr Peter Phelps: To the point of order: Clearly in this instance the Minister is speaking about the background that led to the problem that he is now attempting to solve. If one has a problem, it is perfectly reasonable and sensible to discuss the background that led to the problem eventuating.

The PRESIDENT: Order! The Minister was being generally relevant.

The Hon. GREG PEARCE: I have previously updated the House on the numerous delays, cost blowouts and sites left incomplete as a result of this ill-managed program. Since becoming Minister my primary concern has always been to ensure that these projects are completed in a timely fashion and that New South Wales taxpayers get value for money. The 174 dwellings awaiting completion as a result of the collapse of companies associated with the stimulus housing program are spread across 11 locations, from Coffs Harbour to Bomaderry, and from Caringbah to Orange.

Unlike the previous New South Wales Labor Government and the Federal Government, we are getting on with the job of fixing this mess. I can inform the House that a tender process has commenced, with the New South Wales Government calling for expressions of interest for the completion of these remaining sites. The scope of works includes all design and construction work necessary to complete the incomplete and defective works left by former contractors, and any dilapidated works as a result of the sites remaining unoccupied since the former contractors' withdrawal.

To ensure that we do not get a repeat of the mistakes made by the former Government, all contractors invited to apply for selection must be best practice accredited and prequalified in the building works category of the Department of Finance and Services Contractor Prequalification and Best Practice Accreditation Scheme 2011-14. This will provide an added level of assurance to taxpayers. There have been enough delays already. Calling on the best builders in New South Wales to put their hands up for the job will ensure that the job gets done. All of these builders have demonstrated the ability to deliver projects of this type on time and on budget and, most importantly, have shown the financial stability to ensure that they will be there to finish the job.

Expression of interest submissions close on 29 November 2011 and a tender is expected to be awarded by the end of February 2012. The delivery of the remaining dwellings is targeted for completion by the end of June 2012, with the exception of some dwellings, which will be delivered the following month. Importantly, there are subcontractors who have, like New South Wales taxpayers, been left out of pocket. A list of all subcontractors who were previously engaged on these jobs will be provided to the shortlisted tenderers. My primary concern remains to get these projects finished, to reduce the housing waiting list and to get people into new homes.

NETHERLANDS WIND TURBINES

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware that in the Netherlands offshore wind turbines, which power more than 100,000 households, have been declared to be too expensive? Is the Minister aware that the cost of subsidising the power production from those mills has blown out to more than the equivalent of AUS\$6 billion a year and now householders and industrial consumers will be forced to pick up that financial burden? What impact will the Netherlands experience have on plans by the New South Wales Government to pursue the development of wind farms in this State?

The Hon. DUNCAN GAY: I am not aware of that report from the Netherlands, but I am not surprised. I have had similar concerns for a long time. I was interested to see that the great social commentator, Prince Philip of Windsor, had some words to say—

Mr David Shoebridge: Point of order: By definition, everything the Minister says from here on cannot be relevant. The Minister has admitted that he has no knowledge of the substance of the question. Therefore, the balance of his answer must, by definition, be irrelevant.

The PRESIDENT: Order! I remind the Minister of the need for him to be generally relevant.

The Hon. Amanda Fazio: Point of order: It is against the standing orders to use the Crown or the Crown's representatives in debate to try to sway argument. Therefore, I believe that the reference by the Deputy Leader of the Government to his Royal Highness the Prince of Wales is outside the standing orders.

The Hon. GREG PEARCE: Prince Charles is the Prince of Wales.

The PRESIDENT: Order! Standing Order 91 (2) refers to her Majesty the Queen or the Governor. It does not extend to his Royal Highness the Duke of Edinburgh.

The Hon. DUNCAN GAY: I wish I could remember the exact words of the Duke of Edinburgh because they were crackers. I will get them for the House.

The Hon. Jeremy Buckingham: Point of order: My point of order is that it is impossible to understand the Minister.

The PRESIDENT: Order! The Hon. Jeremy Buckingham has taken a point of order about the number of interjections. I am also having trouble hearing the Minister. Members will cease interjecting.

The Hon. DUNCAN GAY: I was disappointed that we had the Earl of Orange and not Guthrie Featherstone, QC, MP, the Rumpolian of the New South Wales Parliament. I will take the question on notice and refer it to my learned colleague for reply. I can advise the House that the Duke of Edinburgh described them as "a very bad idea, a disgrace and they have never worked".

The Hon. MICHAEL GALLACHER: If members have further questions, I suggest that they place them on notice.

CULTURAL COMPETENCY TRAINING

The Hon. MICHAEL GALLACHER: On 19 October the Hon. Jan Barham asked me, representing the Premier and the Minister for Aboriginal Affairs, a question regarding cultural competency training. The Premier has provided the following response:

I am advised:

There are 33 agencies in the public service, including nine principal departments. Twenty-three of the agencies have as their chief executive a person employed in the public service. The other 10 agency heads are not public service positions as they are statutory positions such as the Director of Public Prosecutions, Ombudsman and Commissioner for the Police Integrity Commission.

There is no centrally available information on which of these agency heads undertook cultural competency training.

There is no standard definition of "regional manager" across the public service, therefore the requested information is not available.

POLYCYSTIC OVARY SYNDROME

The Hon. MICHAEL GALLACHER: On 21 October 2011 the Hon. Paul Green asked me, representing the Minister for Health, a question regarding the polycystic ovary syndrome. The Minister for Health has provided the following response:

I am advised:

The Royal Australian College of General Practitioners is responsible for the standards for general practice care, education, training and research, including polycystic ovary syndrome.

In July 2009, the Australian Government provided substantial funding for the Polycystic Ovary Syndrome Australian Alliance, to provide education, facilitate research and optimise evidence-based health care relating to polycystic ovary syndrome. The *Evidence-based guideline for the assessment and management of polycystic ovary syndrome* was launched on 29 August 2011 in Perth. The guideline is available at <http://www.managingpcos.org.au/pcos-evidence-based-guidelines>. The guideline addresses the long-term complications of polycystic ovary syndrome, including increased risk of diabetes, cardiovascular disease, obesity, depression and anxiety. As a result of the new guideline, Australian women suffering from polycystic ovary syndrome will benefit from more effective diagnosis and treatment.

New South Wales local health districts have implemented health education activities related to services for polycystic ovary syndrome. This includes the availability of general educational programs on obesity and life style for prevention and management of polycystic ovary syndrome. Leaflets and educational pamphlets on polycystic ovary syndrome are also available to patients and doctors.

PORT KEMBLA STEELWORKS INCIDENT

The Hon. GREG PEARCE: On 21 October the Hon. Luke Foley asked me, representing the Minister for the Environment, a question regarding a BlueScope Steel explosion. The Minister for the Environment has provided the following response:

I am advised as follows:

BlueScope Steel have advised that the size, location and impact of the minor explosion within the No 4. coke oven battery resulted in no emission leaving the site. A full report into the incident has been prepared by BlueScope Steel and is being assessed by the Office of Environment and Heritage. I am advised that a preliminary review of the report shows

that the emission from the explosion contained only combusted gas (typically CO₂ and water vapour) and dust from the top of the ovens. I am further advised that the prevailing wind conditions at the time were off-shore and away from the community.

Questions without notice concluded.

AGRICULTURAL TENANCIES AMENDMENT BILL 2011

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher, on behalf of the Hon. Greg Pearce.

Motion by the Hon. Michael Gallacher agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Quorum

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

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

- (1) The resolution of 22 June 2011 appointing the Joint Standing Committee on Road Safety be amended by leaving out "any five members shall constitute a quorum" in paragraph (2) and inserting instead "any four members shall constitute a quorum",
- (2) A message be sent acquainting the Legislative Council of the resolution and requesting the Legislative Council to pass a similar resolution.

Legislative Assembly
23 November 2011

SHELLEY HANCOCK
Speaker

Consideration of message set down as an order of the day for a future day.

VALUATION OF LAND AMENDMENT BILL 2011

Second Reading

Debate resumed from an earlier hour.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [3.34 p.m.]: The Valuation of Land Amendment Bill 2011 clarifies the practice of the Valuer General in two significant areas: the valuation of land subject to a heritage restriction and the making of valuations not specifically required by legislation. Heritage valuations have been given to heritage-restricted land for more than 30 years. Over that time the assumptions used to value heritage land have been standardised and are now reliable and well accepted. The recent case of *In Adam Pty Ltd v Valuer General* has added a level of complexity that was never intended by the legislation.

The legislation prescribes a mechanism that gives a discount to the extent to which a heritage building prevents land from being developed to its highest and best use. The legislation does not require that the actual condition or state of repair of the heritage building be taken into account. In this regard, the legislation requires the valuer to assume that the building is new. This allows a valuer to consider the effect that the heritage building has on the potential use of the land without having to make a physical inspection of the property to review its state of repair. In the *In Adam* the Land and Environment Court determined that the legislated assumptions required a valuer to apply a discount to the value of heritage land that was described as being a "heritage cost penalty". This heritage cost penalty was determined to be the difference between the cost to construct a new existing heritage building and the cost to construct a new non-heritage building.

The heritage cost penalty is not referred to in the legislation and was never intended by the legislation. It is a concept developed by the court, not Parliament. If it were to be introduced it would result in a potentially

larger heritage reduction than that proposed by Parliament and it would be much more difficult to calculate. The bill restores the status quo and confirms that the cost of construction of the building is not to be considered in the process of making a heritage valuation. To calculate the heritage cost penalty in the manner decided in the case of *In Adam* would require a quantity surveyor to calculate the cost of constructing a heritage building today using heritage materials and techniques and compare it against the cost of constructing a modern building.

This type of calculation would be costly and time consuming. It would also be very subjective and open to disagreement, leading to an increase in objections. This would have the potential to undermine confidence in the whole valuation process. Valuation lists are to be given to the Office of State Revenue by 31 December 2011. To enable this to be done the methodology to be used for valuing heritage land must be settled before that date. Although an appeal has been lodged by the Valuer General against the *In Adam* decision it is unlikely that the appeal will be determined before the end of this year. The bill is urgent and needs to be passed during this parliamentary session to provide certainty for both landowners and the Government.

The bill also deals with an unrelated but significant matter. The Valuer General is required by the Valuation of Land Act to make valuations for rating and taxing purposes and to make valuations as required by other legislation. These are not the only tasks that the Valuer General performs. The Valuer General often receives requests to make valuations outside the strict ambit of the Act. These "private valuations" are undertaken at the request of the parties to a private agreement such as a lease or other contract. The majority of these private valuations would relate to a rent review clause in a lease or the determination of a fair market price in an option agreement. The Valuer General uses the services of contract valuers to undertake these private valuations in the same way as contract valuers are used to make valuations for the purposes of the Valuation of Land Act. A recent court decision has raised doubt as to whether the Valuer General can rely on the provisions of the Valuation of Land Act that govern the use of contract valuers when called upon to make a valuation not specifically required by the Act.

This bill proposes to amend the Act to remove any doubts raised by the decision and to provide the clarity required to ensure that the important functions the Valuer General provides can continue. The amendments will make it clear that the Valuer General may conduct valuations outside the stated statutory functions of the Act. This will specifically allow the Valuer General to conduct private valuations when requested to do so for the purposes of a private agreement. While the provisions of the Act as they currently stand do not preclude the Valuer General from performing these functions, it is important that they be clearly provided for. This will give certainty to businesses engaging the services of the Valuer General and to the Valuer General in conducting the valuation.

In addition, the amendments will clearly enable the Valuer General to delegate the making of private valuations and to make valuations on the recommendation of a contract valuer. These valuations will be deemed to be valuations made by the Valuer General notwithstanding the wording in the private agreement. The bill ensures that the Valuer General will have no obligation to accept a request to perform a valuation provided for in a private agreement. It will remain a discretionary undertaking as there may be good reasons why the Valuer General cannot or is unable to make a specific valuation. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.40 p.m.]: I lead for the Opposition in debate on the Valuation of Land Amendment Bill 2011. The Opposition supports the bill, the object of which is to amend the Valuation of Land Act to make it clear that the Valuer General can make a valuation of land for the purposes of a private agreement at the request of a party to that agreement, and to provide for those purposes a valuation carried out in accordance with the usual delegation of the Valuer General. Therefore, contract valuer arrangements are deemed to have been carried out by the Valuer General.

The bill also affirms the methodology used by the Valuer General in valuing heritage restricted land by ensuring that the cost of construction improvements are not taken into account in determining the land value of that land, and to make it clear that there is to be no adjustment of the land value of heritage restricted land except that which results from the specific assumptions required by the Act or such a valuation. The bill also amends the Heritage Act 1977 in relation to the valuation of land on the State Heritage Register, to the same effects as the amendments to which I referred earlier. The bill is largely technical in nature, but it is a good, sound modernisation of the law in this regard. For those reasons, the Opposition supports the bill.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [3.42 p.m.], in reply: I thank members for their valuable contributions to the debate on the Valuation of Land Amendment Bill 2011, and I note their general support of the amendments. I note the comments of Dr John

Kaye seeking clarification on a number of points. In relation to the issue of fairness, we believe that the heritage cost penalty will operate unfairly to heritage owners. As the member noted, the assumptions in section 14G of the Act already provide a fair means for heritage owners to receive a reduction in land tax and rates based on a reduced value for their land. The heritage cost penalty is not related to the heritage significance of the property. A modest wooden cottage with colonial significance would not receive much of a benefit under the heritage cost penalty. On the other hand, a less significant but more ornate or substantial building would. If the State was to provide a heritage bonus to landowners, this would not be the rational way to do so.

The current heritage discount that is applied is based on vacant land value and acknowledges the restriction of development imposed by the heritage status. The heritage cost penalty requires that greater consideration be taken of the building itself, which will create an inequity between heritage landowners. In relation to a review of heritage valuation matters more generally, it is acknowledged that the methodology is complex and may benefit from further consideration. The urgency of this amendment comes about because of a decision of the Land and Environment Court. Although the decision was made in April, the Valuer General has been pursuing an appeal. It is now clear that a decision will not be obtained this year, and certainty is required for the State Government and landowners alike. I commend the bill to the House. Again I thank members for allowing the bill to be dealt with urgently.

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

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Greg Pearce agreed to:

That this bill be now read a third time.

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

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 4 postponed on motion by the Hon. Michael Gallagher.

POLICE AMENDMENT (DEATH AND DISABILITY) BILL 2011

Second Reading

Debate resumed from 9 November 2011.

The Hon. STEVE WHAN [3.46 p.m.]: The Opposition is strongly opposed to the Police Amendment (Death and Disability) Bill 2011. We do not accept the glib remarks made by the Minister for Police and Emergency Services during question time today. He sought to blame the previous Labor Government and he tried to shift responsibility for its appalling, rushed decision onto Labor members. Frankly, the cops who turned up in the street this week do not accept it either. This week we saw an historic display of anger from New South Wales rank and file police. Some 5,000 police turned out in the street—a conservative estimate puts the number 4,000, but we think 5,000 police were out there. That means that at least one-quarter of the entire police workforce turned out to protest against the Government's decision. It is unprecedented in demonstrations to see such a high percentage of a workforce turn out to protest against a Government initiative. It shows comprehensively the anger that police feel about the Government's approach to the changes it wants to make to the death and disability scheme.

The current death and disability scheme provides financial awards for police who are killed or injured on the job. The scheme was introduced by the last Labor Government and recognises that the workplace occupational health and safety risks to police are both latent and active. It means that police are in a risky profession. The fundamental change in this legislation is to move the benefits from an award under the Industrial Relations Act to a commercial insurance scheme. This represents a major change to how that is dealt with. The bill significantly reduces entitlements available to police officers. By removing the scheme from the Industrial Relations Commission, the police will not have an industrial entitlement and have no capacity to argue a fair level of protection to an independent umpire. That is the way in which this Government consistently approaches these sorts of issues.

I find appalling the way in which changes to this scheme will result in reductions in long-term assistance for police officers who have been injured at work—a key issue of concern for the NSW Police Force. I am sure all members have received many emails from police officers who are concerned about this legislation. The Police Association has also sent many members case studies of police officers who have been injured at work and who are concerned about these legislative changes. The Government hastily introduced this bill but it claims that consultation is ongoing even though it is trying to conclude the second reading stage this week. Earlier today I was told that the Government wished only to conclude the second reading stage of this bill in the current parliamentary session. I need reassurance about this Government's legislative agenda but I hope that this bill will not be rushed through the Parliament today.

In some areas this death and disability scheme lacks the detail that is required. The Government claims that there are ongoing discussions and that it is obtaining quotes from insurance companies, but I have not seen any details. In question time today the Minister again refused to answer questions relating to those specific areas. We are seeing moves away from the provision of long-term benefits for many police officers in this State, which is a matter of concern. I quote from an article written by the Police Association entitled, "Police safety is your safety", which states:

"Premier O'Farrell—Don't kill Police Death and Disability protections.

When most people are running away from dangerous situations, Police Officers are running towards them. It's their job to put their lives on the line to keep you safe.

Because they do such a dangerous job, Police Officers need and deserve protections in case they are killed or seriously injured.

It's these protections that give Police Officers confidence their families will be looked after if something happens to them during the course of their duties.

And it's these protections that are being slashed by the O'Farrell State Government.

Without a decent safety net, Police Officers will be left exposed whenever they come to your aid.

That is why this week 5,000 police men and women in uniform attended the Macquarie Street rally in an unprecedented demonstration of their anger. I do not believe any Government member can ignore that rally. On Tuesday there was a distinct lack of Government members on Macquarie Street to listen to the stories of police officers who had been injured at work. Government members do not seem to be interested in hearing stories about those who have been injured. I note that when the Minister tried to defend the Government's proposed changes Government backbenchers were remarkably silent. I am sure that many members in the other place are extremely concerned about what this Government is putting them through. On Thursday 200 police officers attended a rally in Clarence to protest against the Government's proposed scheme. At the Clarence by-election on Saturday many booth workers spoke to police officers who said that they would never vote for The Nationals if they implemented these changes to the death and disability scheme. I will quote from some of the Police Association case studies that many members received. Daniel Danvers had this to say:

Joining the Water Police was a childhood dream come to fruition.

He obviously loved his job and, as his family attests, he took great pride in his work. He said:

Whilst conducting my duties in 2007 I received an urgent request for assistance off the coast of Norah Head. The master of a vessel was in distress and requesting urgent assistance from the Water Police. During the rescue I suffered a debilitating spinal injury.

He experienced a number of problems while trying to recover from his injury but he dedicated himself to rehabilitation and at one stage returned to full duties. However, his condition deteriorated and he said that he has "reached the stage where it is now painful to go to, or even get out of, bed". He said that he lives day to day and masks the agony he suffers with a cloud of prescription painkillers. He goes on to state:

I have had cortisone injections. I have had needles inserted into my spine without anaesthetic during discography.

He said that he cannot sit or stand for long and that he is depressed. He said that under the current system he had reasonable cover, that his immediate financial situation was okay and that his mortgage was not threatened. He makes this plea:

Mr O'Farrell my life is in your hands. These changes, if implemented will destroy me if I am unable to return to work.

He makes reference to his four-year-old daughter who was upset when she overheard him talking one day about the possibility of selling the family home if he suffered any undue financial hardship and states:

I assured her that everything would be okay.

His daughter then said to him by way of comfort:

It's alright daddy, I'm gonna ask Santa for a new back for you. When I'm older, I am going to be a doctor and fix your back.

He concludes his comments in this case study booklet that I know Government members have received by stating:

If only adults were as considerate and caring as children.

Police officer Simon Shannon said:

I have never felt so let down, alone and under pressure ...

My physical future is still uncertain as I am just out of my last operation, but under the Government's new system my family's financial future is now clear. We have none.

In 1988 David Llewellyn entered the police force at the age of 19 and he is now in his twenty-fourth year of operational policing. He describes how he became injured as follows:

I have since been recommended for medical discharge from the NSW Police, having been found to be unfit to work in any vocation by an Orthopaedic Surgeon, a Psychiatrist, a Psychologist, a GP and a Musculo-skeletal Physiotherapist. On Thursday, November 3, I became aware of the intention to change the D&D scheme. I was shocked and devastated by this development as I had been waiting for a decision to be made to send me to an Independent Medical Examination for both the physical and psychological injuries.

He is another police officer who believes his future will be placed at risk if this Government goes ahead and changes the death and disability scheme as outlined in this legislation. David Taylor, a police officer of 22 years, suffered psychological injury and trauma and describes one of the incidents that he attended that is causing him to have nightmares. He states:

A family—mother, father, sister and brother were dead in the car. People were screaming, crying, and pouring over the two dead children. The children were about the current age of my kids. I see their dead faces. I see their lifeless bodies still strapped to their seats. I see blood flowing from their mother, her lifeless eyes bulging from her head.

He paints a very distressing picture and recalls the recurring nightmares that he has had of this incident. Not surprisingly, he suffered psychiatric trauma from this and other experiences. He is concerned that the Government's changes will leave people just like him without the assistance that they need. Police officer Jacob Van Praag had this to say:

I accept that there is a need to look into the revision of the scheme, however feel betrayed by the very way in which this is being forced and rushed through parliament, with the intent of not looking after those already on long term sick, and needless to say, not looking after the men and women of the NSW Police Force who continue to put their life, bodies and families on the line for the protection of the community. Under the new scheme, I stand to lose further quality of life and my three children will be forced to continue to go without.

A great many case studies are listed in the documentation that the Police Association presented to all members of Parliament. I will refer later to some other case studies. The key point that has been made by all those who contributed to these case studies is that, despite assurances from the Minister about ongoing consultation, police men and women in this State do not believe there has been adequate consultation. They do not believe that this scheme will provide adequate compensation for those who are injured in the line of duty.

The Minister's glib answers in question time gave officers no cause for comfort. He said constantly that the Government was left with a terrible mess, not one of its making but one that it has been left to fix. The

former Labor Government also dealt with these issues. It realised the importance of not changing anything without ensuring that police officers were properly covered and catered for under their insurance. The Government should not change the scheme until the NSW Police Force and its officers are confident that they will receive the assistance they need. It is outrageous that so many Coalition members travelled around the country before the election and spoke to local police, claiming to be their friends. They promised to look after their interests but they have failed to give any notification of these changes. It is a disgrace that in the last sitting week the Minister introduced the bill and representatives of the Police Association of New South Wales were handed the bill for the first time only when they were sitting in the public gallery.

That is not consultation in any form and the two weeks that have elapsed since then is inadequate time for consultation. It shows a total disregard for the more than 16,000 police officers in this State and it is a demonstration of this Government's hypocrisy. The scheme is critical to anyone entering the Police Force. People become police because they want to help their communities; they are committed and dedicated people, who are willing to put their safety on the line to protect society. For that reason every member in this place admires our police. They do that day and night, knowing that when they go out on the job their families worry about them. However, when they make the decision to join the Police Force they have the knowledge and confidence that the Government will look after them and, more importantly, their families if they are injured in the line of duty. The Government has removed that confidence.

If the Government cannot satisfy the Police Association and members of the Police Force that they can continue to have that confidence all the promises in the world about increasing police numbers will mean nothing because people will not join the Police Force. People will not be prepared to take those risks and, more importantly, serving police officers who put themselves at risk to protect other members of the community every day will no longer have confidence. It is not good enough to ram the bill through this place and to state that ongoing negotiations are taking place and that the percentages officers will be paid if they are disabled or killed in the line of duty will be looked at. The Minister's recent disparaging remarks that were made during debate on the bill when he suggested that people with psychological injuries were not competent to manage their own finances are dismissive and offensive to those who have suffered trauma. They need security and certainty for the future.

Every police officer to whom I have spoken and from whom I have received emails has said that following an injury their aim is to become fit so they can return to work. Despite some of the answers to questions in this place, these people are not bludging off the scheme or trying to receive a lifetime pension or large payout; they are a group of incredibly committed individuals whom we all admire and acknowledge do a fantastic job. However, with this bill the Government will be ripping out their safety net if they are injured at work. I will refer to other case studies. John Hicks entered the Police Force in 1994. It was his dream to become a police officer. He said that his journey was littered with mateship, dedication, humour, death, violence and stress. He loved his job and was prepared to die in a pool of blood to protect and serve. He said:

... sounds corny but that is what we all felt and some did die and continue to do so.

He spoke about how he has wrestled drunks and domestic offenders week after week and saw bodies at the morgue. Offenders have tried to punch, kick and bite him. Eventually stress and post-traumatic stress disorder crept up on him. He said:

I was so used to running on adrenalin I could not tell the difference, I would cut my hair close, check equipment, press clothes to a knife's edge preparing for war most night shifts. I started to lose focus and block out visits to the morgue ...

My home life started to fall, I would watch my wife cry and could not show compassion or give comfort. At times I would not speak, then within a minute have a murderous rage inside me that could choke the life from a criminal or drunk that crossed me, I kept this anger within a breath of exploding into violence ...

These are not just one off incidents, they happen over and over again ...

I cannot believe that a Government would scrap the D&D scheme and enforce another without input from Police and their Association. I would not have thought a Government would do deals with [others] so they could enforce their will on Police Officers. This scheme is not only for those working now but for all those coming out of the Police Academy wanting to protect and serve. I ask that the NSW Government stop this push and go into negotiations with elected officials of the Police Association for a fairer system. If not convinced, try walking in my shoes for one day.

During the rally outside Parliament on Tuesday a number of police officers spoke about their concerns. We saw a police officer who had had multiple operations on his knees as a result of a car running into him. He was on the stage with his wife and his small child. They are expecting another child in January. He believes that the

Government's proposal will not provide a secure financial future for his family; they may not be able to keep their house and secure their income, particularly with his wife on maternity leave next year. He is not assured by the comments of the Minister. Certainly police who watched the performances in question time would not be assured by the Minister's glib responses. He has righteously attempted to turn this into a political exercise. I note that the Auditor-General's report, from which I am sure members will quote, refers to the cost of this scheme. All members, as well as the Police Association, would acknowledge that the cost of the scheme is high, but the way to tackle that is not by removing the safety net.

The Minister has suggested that the Government is doing police a favour because they will be rehabilitated and be fit to return to work. As shown from the rally on Tuesday, police do not believe the Government. There is a fundamental breakdown in that trust between police and the Minister, who should represent them. I have great respect for the Commissioner of Police but unfortunately police who attended the rally do not have confidence in their commissioner either on this matter. I give the further example of Karol Blackley, who referred to the need for proper support for police officers. Clearly she is offended by the fact that debate so far has been about costs rather than the welfare of those police officers who will be impacted by this legislation. It is all very well for the Government to talk about costs over and again but we know that the police death and disability scheme is expensive.

The Hon. Melinda Pavey: Did you read the Auditor-General's report?

The Hon. STEVE WHAN: The Hon. Melinda Pavey should have paid attention as I referred earlier to that report. One does not rip out the safety net for loyal serving police officers and put in place something about which there has been no consultation and in which the police have no confidence, as shown demonstrably on Tuesday when more than a quarter of employees in the NSW Police Force protested at an unprecedented rally. I do not think anybody has ever seen such a large percentage of a work force turn up at a rally. The number of protestors on Tuesday was probably smaller than the number of teachers who turned up in protest at the changes that were made by the Greiner Government and by former Minister Terry Metherell, and the 40,000 public sector employees, including police, who assembled in the Domain and who marched along Macquarie Street. However, on Tuesday these police officers, a valuable group of people in society, showed us in an unprecedented rally just how upset they were about these changes but the Government is choosing to ignore them.

In question time today the Minister for Finance and Services interjected and said that probably only 500 police officers attended the rally on Tuesday. If the Minister is so mathematically incompetent I worry about the future finances of this State. His statements showed his arrogant approach and the approach of other Government members to police officers in this State—a group of people who have served our community well, a large proportion of whom probably voted for Coalition candidates at the last election. They believed Coalition candidates when they said that they would support police and they now believe that they have been sold down the river. I would have loved to have read some of the messages on the beach balls that were flung over the fence but it would not be appropriate to do so as they would be considered props.

The banners being carried by members of the NSW Police Force should have sent shivers down the spines of Government members as one banner referred to a likely increase in police suicides as they no longer had confidence in the support that they would receive. Premier Barry O'Farrell will have blood on his hands. I acknowledge that that is a harsh accusation but that accusation was made by serving police officers who have no confidence in this Government after the introduction of this bill. They believe that they have been sold out by this Government. The Minister made it clear that this bill must be passed by Parliament before the end of the year. This morning there was media speculation that the Government might call back Parliament for a special sitting in December if this bill is not passed, which demonstrates that the Government has not done its homework.

Two weeks ago the Government, without notice, hastily introduced this bill and it now expects members to roll over and to back a Government that is not trusted by the Opposition or by 16,000 police, 5,000 of whom attended the rally on Tuesday. How could any member in good conscience support this bill when the people that it will affect the most have said that it is so bad? I challenge Government members to speak honestly in debate on this bill, as did the Minister for Finance and Services, and to say that they are dismissive of the rally and all those police men and women who expressed displeasure at this Government's actions. I know that many police officers will read the contributions to this debate just as they read *Hansard* when this bill was introduced two weeks ago. I have received many emails as a result of interjections by Government members in this Chamber who indicated their enthusiasm at debating this legislation.

In specific cases the scheme that has been put forward by the Government will lead to a reduction in the assistance offered to the families of police officers in the event of their tragic death or disability. There has been media speculation that the Minister made counteroffers to the Police Association but this legislation does not provide any information and the Minister has not told us about any counteroffers. The Police Association told us that it is not satisfied with the so-called negotiations, as the Minister put it, that have taken place thus far. On that basis it is fair to say that the general public would not be satisfied either because I am 100 per cent sure that the general public would back our police officers. If this Government does not do the right thing our police officers will let it know in no uncertain terms that they are not happy. I refer again to the case studies, in which police officer Martin Burke states:

I write to you in my capacity as a concerned member of the NSW Police Association. I am an employee of 11 years experience and am currently a member who is on restricted duties. I suffered 3 separate back injuries as a result of my work all relating to interactions I have had with violent and non compliant members of the public.

My most recent injury, sustained in February 2011 ... I have an S1 Nerve root injury in my back ...

After speaking with my neurosurgeon I am hopeful of returning to full duties, however, all surgery has risks and if I am unable to make a full recovery or have future disc degeneration this may end my career.

Everything people take for granted like getting dressed, washing or going to the toilet, for me is a challenge, but I still try my best and go to work because I enjoy what I do. I take pride in what I do and feel I can hopefully make a difference in the workplace. I can no longer play sports like cricket and golf that I really enjoyed and was a big escape from work, and have put on 10kgs as a result of my injury as I find it a challenge to exercise due to the discomfort of my injury. When I had my cortisone injection ... I was able to be more mobile and exercise was enjoyable.

I have read through the Government's proposal for the new Death and Disability Scheme and feel it is completely unacceptable. If my recovery is unsuccessful it will put a significant financial strain on my wife and I. We currently have a mortgage and only 1 income (mine) and the adjustments in the scheme would leave me unable to service my mortgage and maintain the running cost of my house, and that is even after trimming any discretionary expenses such as getting rid of a second car. We don't have much to trim as we already live a simple life ...

I urge all Members of Parliament to carefully read the proposal put forward by the government. The decisions of all members will impact the lives of real people and their families. Even if this legislation will go through, I will not be covered by the new scheme or the old scheme due to my current work status and pre existing injury. I will only be covered if I am able to return to my pre injury duties for 2 months.

Police officer Matthew Harper provided the following information:

I along with many other serving members of the Police force, are shocked and disappointed by the proposed changes.

Whilst reading about the proposed changes on the Police association website, I am drawn to the latest news section. The first heading reads "Man charged with assaulting Police Officer". The next reads "Police sick of alcohol related violence". Then there is "King hitter will be caught" ... Every single day there are station summaries ... about assaults on Police, threats ... community.

He talked about his situation and about his duties as an employer, and expressed concern about the fact that he will not receive the support that he needs. He talks about experiences that he has found distressing and the sort of assistance he received at the time. His contribution is quite long, so I will not go through it. Suffice to say that he recounts a whole series of experiences he has had in dealing with people who have made threats to his person. He asks the Minister:

If you would be so kind as to respond to my correspondence by phone. I would love to finally get that phone call to ask, "How are you going? Are you okay?" I wait for the phone call, Minister, but certainly won't hold my breath.

This officer sums up what many police are saying. They are expressing their concerns through their association and personally, but are not getting the assurances they want and are not clear how this bill will deal with them. For instance, it is concerning that the date from which this legislation will operate is when an appropriate insurance policy is in place. It is concerning also that the bill removes death and disability matters from the jurisdiction of the Industrial Relations Commission, and that any savings from this measure will not count as savings for the benefit of police. This reflects the attitude of this Government to police. As a result of upper House amendments to and discussions about the 2.5 per cent cap police will be exempted for this round of wage negotiations but will not be exempted in future. Meanwhile, Victorian police have achieved a 19 per cent wage increase, to be implemented over a number of years. Over time, those different policies will mean that New South Wales police will in real terms fall back. Even if the Government succeeds in getting these draconian changes through, it is saying that it will not allow those savings to count as savings needed to achieve a wage increase of more than 2.5 per cent; those savings will benefit Treasury.

The Opposition recognises that one always has to keep an eye on the cost of schemes such as for death and disability, but the way in which it is being done here is offensive to the police in New South Wales. It is also offensive to New South Wales citizens, who really value the work that their police do. This bill is not in keeping with the Government's pre-election comments. As I said a couple of weeks ago, when the Premier as Leader of the Opposition spoke to the Police Association conference during the pre-election campaign he made no commitment such as this. The Premier certainly did not have the honesty to stand up and tell the Police Association and its members that he would be taking drastic action and slashing the benefits that a permanently incapacitated person might receive or the percentage of their normal wage that they might receive, the period of years over which they will receive those benefits or how their long-term future will be affected if they are unable to return to work. Those are all flaws in the bill that have not been dealt with by this Government; they certainly have not been resolved by negotiation.

The Opposition maintains the firm stance that it took two weeks ago when we first saw this bill. We will continue to oppose this legislation while the Government fails to properly negotiate these measures with the union involved. We will continue to oppose the bill while the Police Association and police officers tell us that they do not believe they can go about their day-to-day work in a dangerous environment with any confidence, and that is because they do not have confidence in the assistance they can get from this scheme. We will continue to oppose this measure until this Government engages in meaningful negotiations to try to come up with a scheme that benefits police injured at work and gives them that security. Yes, we acknowledge that this scheme is costly, but our police are worth the cost until we get this scheme right. And until the scheme is right, the Opposition will do everything in its power to oppose this legislation.

The Hon. TREVOR KHAN [4.24 p.m.]: I support of the Police Amendment (Death and Disability) Bill 2011. The objects of the bill are: firstly, to terminate the existing industrial award-based scheme for death and disability payments to police officers injured at work or off duty; secondly, to replace the scheme with entitlements to death and disability payments in accordance with an approved insurance policy; thirdly, to amend the Industrial Relations Act 1996 to remove the jurisdiction of the Industrial Relations Commission to make or vary industrial instruments that provide for death and disability payments in respect of police officers; and, finally, to make other consequential or ancillary amendments.

No-one can deny that there are significant issues with the current scheme, from an operational perspective as well as from a financial perspective. This problem is not a new one by any stretch. The Labor Opposition knew about the problems for years yet chose to do absolutely nothing when in government. It is clear that had it acted two years ago we would not be in the position we are today. The last police Minister in the Labor Government is now the shadow Treasurer—the man who is responsible for shaping their economic and fiscal policy. Those opposite have known for some time that the current scheme discourages officers from returning to work by topping up salary and making lump sum death and disability benefits payable on medical discharge. It is important to highlight again some of the numbers we are talking about here: for instance, a \$762 million cost anticipated this financial year, a potential \$4.4 billion cost over the next four years, and a 152 per cent increase in the number of officers taking long-term sick leave since the commencement of the death and disability scheme.

This bill will provide for a new scheme that is financially and, more importantly, operationally viable. An insurance policy that will be purchased will provide: firstly, a lump sum benefit if an officer dies—with the amount unchanged from the existing death benefit; secondly, a lump sum benefit if an officer is totally and permanently disabled due to an injury, with the scale of benefits reduced in line with that which is generally commercially available; and, thirdly, an income protection benefit that begins after a six-month waiting period following injury, during which time an officer's salary is maintained at 100 per cent by the Police Force. This will provide 75 per cent of salary for the remainder of the five-year benefit period. As the House has already been advised, in the event of total and permanent disability, the insurance policy will pay both the lump sum benefit and the income protection benefit, which can be commuted to a lump sum at the insurer's discretion. Add to that the fact that the Government will be increasing its current investment in the scheme, equivalent to an additional 2 per cent of salaries.

But this is not just about reforms to the design of the current scheme. I am pleased to note that the Minister for Police and Emergency Services has announced an injury management fund, comprising \$15 million over three years. I understand the fund will allow those injury management initiatives prioritised by the Police Force to be trialled and evaluated over an initial three-year period. Funding from the fourth year onwards will be available to allow for the most successful trial initiatives to be funded on a long-term and statewide basis. The Government has presented a long-overdue package of reforms that will not only bring the costs of the scheme down to sustainable levels but also will do more to support injured police officers. I commend the bill to the House.

The Hon. SHAOQUETT MOSELMANE [4.28 p.m.]: I reiterate Labor's opposition to the Police Amendment (Death and Disability) Bill 2011. This is a bill for an Act to amend the Police Act 1990 with respect to the death or disability of police officers; to amend consequentially the State Authorities Superannuation Act 1987 and the Industrial Relations Act 1996; to rescind consequentially industrial award provisions relating to payments for the death or disability of police officers; and for other purposes. The objects of this bill, as we are informed, are as follows: to terminate the existing industrial award-based scheme for death and disability payments to police officers injured at work or off-duty; to replace that scheme with entitlements to death and disability payments in accordance with an approved insurance policy; to amend the Industrial Relations Act 1996 to remove the jurisdiction of the Industrial Relations Commission to make or vary industrial instruments that provide for death and disability payments in respect of police officers; and to make other consequential or ancillary amendments.

We in the Opposition are in solidarity with the 5,000 police officers who demonstrated their opposition yesterday, and we are with every one of the Police Force's 16,000 members who object to this bill. This bill simply has the effect of extinguishing the rights of police officers in times when they are most in need. How low can this Government get, hitting the men and women of our Police Force while they are down, injured and most vulnerable by taking away their entitlements, taking away moneys that would otherwise help them to recover and to receive necessary support while looking after their injuries? Irrespective of how severe their injuries are, or even if they die, the O'Farrell Government seeks to take away what is naturally the right compensation to provide. I encourage Government members to read the statements of police officers giving accounts of their suffering after being injured at work in the Police Association's bound statements titled "Protect the Police that Protect your Community".

Why is the Government introducing this bill? I believe, for one, the Government is doing the bidding of the big fat cats in insurance companies who have imposed a deadline. The Government has clearly put the interests of insurance companies ahead of protecting injured and disabled police officers. We know that insurance companies are making super profits and ought to return some of those profits to the people who invest in them, but no, the fat cats want more. So what does the Government do? It trades the wellbeing and livelihood of the men and women of the Police Force for a fistful of dollars to feed the ever-hungry fat cats of insurance companies. The O'Farrell Government is simply doing their dirty work. Whether it is a self-insurance scheme or whatever it is, the Government must ensure adequate support is provided to the men and women of the Police Force who are injured, disabled or killed in the line of service.

Further, this Government is clearly hell bent on destroying the Industrial Relations Commission. It has speared the Industrial Relations Commission in the guts with the Industrial Relations Amendment Bill and now with this Police Amendment (Death and Disability) Bill 2011. It ultimately wants to use the inquiry into opportunities to amalgamate tribunals as a backdoor way to diminish the power and authority of the Industrial Relations Commission and the critical institution that it had become as key arbiter in industrial relations disputes.

In arguing for urgency and why the bill ought to be given priority over other bills the Minister, the Hon. Michael Gallacher, noted a number of reasons. I will not go through all of them but two reasons given for the matter being urgent were that the costs of the scheme are simply unsustainable and that the scheme merely offers a big cheque to injured officers. Clearly, the real object of the bill is to take proper compensation away from police officers who suffer death or disability, leaving their families struggling to make ends meet.

Yet again, the Government wants to ram through legislation that will deprive injured police officers of the benefits they have had in previous years. Many police officers go out every day and night putting their lives at risk. They are comforted by the fact that, should anything happen, the Government will look after them and their families through the existing scheme. That sense of security or reassurance will no longer exist. That protection will be watered down, diminishing final compensation top-up payments. As the Minister said this morning on 702 ABC—I was listening to him—

The Hon. Michael Gallacher: What time?

The Hon. SHAOQUETT MOSELMANE: Early in the morning, at about 8 o'clock. As the Minister said on radio this morning, the proposition is that injured officers will get 100 per cent salary for six months after injury and 75 per cent for the next five years for injury and disability. It is not clear what will happen after five years. Perhaps the Government believes that there will be a miracle recovery and disabled officers will

simply pick themselves up, dust off their uniforms and hit the road. This morning the Minister referred to an independent assessment that he relied on. I have not seen it, but I would like to see that assessment and how the figures were worked out.

This Government is going about its business without proper and frank consultation with the Police Association. The Minister has tried hard to argue that he is talking to the Police Association; however, those who listened to the police at yesterday's rally have a completely different impression. The Government has introduced this bill in haste and is seeking to ram it through in this session of Parliament. This is far too serious a matter to be treated in such a fashion. Police officers feel disappointed, bewildered, dismayed and let down—and they have every right to. The officers have every right to be furious at planned changes to the death and disability scheme.

The scheme has provided to them the support they deserve and the Government now seeks to restrict it. Helping police officers to get back to work is not a bad thing; what is bad, however, is the sneaky and underhanded approach that this Government has adopted in dealing with police without sufficient consultation. The president of the Police Association, Scott Weber, told the rally yesterday that Barry O'Farrell's Government had failed to negotiate a fair deal for police officers injured on duty and called on the Government to withdraw its death and disability bill from Parliament. I echo the president's sentiments. The Government should not add insult to injury by introducing this unacceptable bill.

The Hon. MARIE FICARRA (Parliamentary Secretary) [4.36 p.m.]: I support the Police Amendment (Death and Disability) Bill 2011, which amends the Police Act 1990 to require the New South Wales Police Force to take out approved death and disability insurance for police officers who are not otherwise covered by the now closed police superannuation scheme, that is, officers employed post-1988. The Minister, with the concurrence of the Treasurer, can approve an insurance policy that provides death and disability benefits. The Government believes that the insurance policy proposed provides fair and adequate financial support for injured police officers.

It is proposed to take out new commercial insurance to replace the current scheme and the workers compensation top-up entitlement. The Government will invest an additional 1 per cent on top of the original commitment of 3.6 per cent of salaries, as well as an additional 1 per cent to take benefits to 75 per cent of salaries for up to five years. Death benefits will remain unchanged, and a lump sum benefit for total and permanent incapacity will still be available. An income protection benefit will be paid, instead of the partial and permanent incapacity benefit and unlimited workers compensation top-up.

The bill, in section 199K, will provide for transitional coverage to officers during any period that an approved policy does not cover. The transitional coverage will be equivalent to payments made to officers covered by the approved policy. A regulation-making power covers provisions that may or may not be included in an approved insurance policy, participation in injury management initiatives and transitional provisions. Ongoing reviews of the costs of the scheme and the Auditor-General undertaking a performance audit within 12 months of the new arrangements are also provided for.

The bill establishes a framework under the State Authorities Superannuation Act 1987 for regulations allowing officers to relinquish their additional benefits cover, which provides death and total disability cover, and be covered by the new scheme. The current death and disability scheme is simply unsustainable from an operational and financial point of view and its current design is leading to increases in officers remaining on long-term sick leave for significant periods. In 2010-11 a total of 1,135 officers took long-term sick leave. At any one time there can be 600 to 800 officers on long-term sick leave—equal to the size of three or four large local area commands. This financial year the death and disability scheme, plus the subsequent flow-on costs to workers compensation, is expected to cost the people of New South Wales a total of \$762 million: \$299 million on the scheme, more than 10 times the original cost estimate in 2005; workers compensation premiums of \$273 million, a 742 per cent increase since 2005; and a workers compensation hindsight adjustment of \$190 million.

With no signs that the long-term sick leave problems are being resolved, and with advice received that the costs associated with the scheme could grow to as high as \$4.4 billion over the next four years, it is only responsible for the Government to take action. The former Government had ample opportunity to address these issues. At least four years worth of advice was ignored. In 2007 the Auditor General told the former Government there was an emerging problem. In 2008 the Auditor General told the former Government that:

... financial benefits are likely to discourage return to work and may make medical retirement the preferred option for some who wish to leave the Force.

In 2009 and 2010 it was again raised in the Auditor General's report to Parliament as one of the most significant issues facing the Police Force. The former Government was privy to actuarial advice showing that the scheme was out of control. Volume Seven of the Auditor General's report, which was tabled in Parliament today, states:

The Force's liability for the Death and Disability Scheme is based on an independent actuarial assessment. The Death and Disability liability has grown significantly by \$169 million or 147 per cent since 2007-08 and by 49% in 2010-11. The partial and permanent incapacity (PPI) claims paid, a component of the Death and Disability Scheme, has increased by 47 percent to 415 claims in 2010-11.

The report further states:

The increase in the number of claims is undesirable not only from a financial perspective but also from the impacts on the Force more generally.

These reforms are important. The new arrangements will focus on getting police officers back to work to fix the operational impact and, in turn, reduce costs. I commend the bill to the House.

The Hon. WALT SECORD [4.43 p.m.]: I speak against the Police Amendment (Death and Disability) Bill 2011. The Government wants to terminate the existing industrial award based scheme of death and disability payments to injured police officers and replaced it with reduced entitlements. The Government also wants to amend the Industrial Relations Act 1996 to ensure that the Industrial Relations Commission cannot make or vary industrial instruments that provide death and disability payments in respect of police officers. I will repeat that. The Government wants to provide police officers injured or killed with less compensation and support, and it wants to ensure that it stays that way. The Government wants to ensure that even if the Industrial Relations Commission finds this to be unfair, unreasonable or unconscionable the commission is powerless to do anything about it.

It is a stain on the Government that it is proceeding with yet another bill to take away more workers' rights and protections. It is a shame on this Government that it is contrary to the numerous explicit guarantees given by Premier Barry O'Farrell before the election that the Government should take its "right slashing" agenda to the extent of diminishing support to injured or killed police officers. What a disgrace! On 22 November a record 5,000 uniformed police officers from across this State marched outside Parliament House. It was the largest rally of uniformed police officers even seen in this State. Those officers came from places including Grafton, the Tweed, Tamworth, Gunnedah, Dubbo, Broken Hill, Newtown, western Sydney, the South Coast, the Central Coast, Orange and Deniliquin.

A day in my working life that I can vividly recall was 9 September 2010. I was working for former Premier Kristina Keneally and Constable William Crews had been fatally shot whilst on duty. Many things needed to happen and many things needed to be said that day but one sentiment came up time and again that day: They stand where we cannot. That is the nub of what we as a society ask police to do. We ask them to be prepared to put themselves in situations of danger for our benefit. A death and disability scheme for police is not like any ordinary scheme. The societal compact is entirely different and members should bear that in mind as we debate the bill.

The Police Association has advised that the average age of police accessing the current program is 40 years. If the bill is passed the current death and disability scheme will be replaced with income protection insurance that cuts off after 5.5 years. Under the O'Farrell Government changes the total and permanent disability lump sum payment for a 44-year-old officer will be reduced from 8.5 times salary to 1.64 times salary. It will mean that a 44-year-old senior constable with a permanent disability will have his or her benefits cut from \$766,000 to \$147,600. That sum will have to sustain the officer for the rest of his or her working life. It will not. Families losing a primary earner and care giver, often at the peak of his or her responsibilities, will have only 5.5 years support even though that person has been forever lost. What of an injured officer? Under the O'Farrell Government changes injured officers will receive a full salary for six months which will gradually be reduced thereafter. Mr Scott Weber from the Police Association of New South Wales summed up the hypocrisy of this when he said:

Police officers put their lives on the line every day, but this tells them that if they are injured they will only be given six months.

Mr Weber said he feared a situation where police officers would be less inclined to venture into high-risk situations if they thought they or their families would not be looked after properly if they were injured or killed. I fear Mr Weber is right. In that sense the bill affects us all: every citizen and family in this State. As I said earlier, we have a special societal contract with the police and if we break that contract we put at risk the

security of every New South Wales community. As public representatives how can we maintain the preparedness of police to embrace dangerous situations if we do not provide them with certainty for their families? Mr Robert Dunn of the western region of the Police Association said it best. On 4 November he said on ABC Central West radio:

... for the Government to do this to police and say that they're concerned for our welfare ... I don't know how they can look at themselves in the mirror.

I also note the hundreds of emails and letters received from police officers, their spouses and their families who are "disappointed, bewildered and let down" by the O'Farrell Government. This is yet another phase in a long-haul attack on the workers of this State, and the families who depend on them. History repeatedly shows that we have fought hard for our rights and protections, and many paid the most tragic price. Out of respect for that human price, if nothing else, we should ensure that such protections can never be precipitately removed, particularly the protections of those who we ask to protect us.

In conclusion, I draw attention to comments made by Mr Kevin Anderson, The Nationals member for Tamworth. On 15 November he told the *Northern Daily Leader* that he supported local police officers in their campaign against the O'Farrell Government's changes to the death and disability scheme. I will be watching with great interest to see what action he takes when it comes to a vote in the other place. I will also be interested in the stance of the member for Tweed, who is the Parliamentary Secretary for Police. Last week I saw him on his way to a meeting with the Police Association in his office on the twelfth floor. Similarly, I will be interested in the views of the member for Campbelltown, who often speaks publicly about his 27 years in a police uniform. The Opposition opposes the bill.

The Hon. SCOT MacDONALD [4.49 p.m.]: I welcome the opportunity to support the Police Amendment (Death and Disability) Bill 2011. This bill is a manifestation of the Coalition Government's commitment to be fiscally responsible by confirming its support for fair conditions and entitlements for police officers. This reform continues the pattern of the new Liberal-Nationals Government: recognise a problem and act. That is the great contrast with the previous Labor Government. It would be dishonest not to acknowledge that some members of the previous Labor Government recognised that many of its policies were unsustainable. Time and time again we heard the rhetoric that public sector wages were growing beyond the capacity of the State to pay. Promises were made to rein in expenditure but the will was never there to make the hard decisions.

I am proud to be part of a government that is willing to make the difficult decisions and will not be beholden to narrow interests or thuggery. The policy is fair and realistic. The Coalition Government is also fortunate to have three former police officers within its ranks: Mr Troy Grant, the member for Dubbo; Mr Brian Doyle, the member for Campbelltown; and the police Minister, the Hon. Michael Gallacher. They have served in the New South Wales Police Force with distinction and rank. The Government Whip is the son of a police officer and the Premier is the grandson of a police officer. They have told us of the sacrifices and dangers officers face.

They have retold stories of injured and sick officers, but they have also told us of the deadening culture that has begun to emerge under the 2005 scheme, which has impacted on many people. Those remaining on the front line were making up for absent colleagues, and possibly even community safety was compromised. The new scheme will continue to be the most generous in Australia. To give some perspective of the scale of the problem with the current scheme, it is instructive to recall what the New South Wales Auditor-General stated in the report released today. He said:

I again recommend the Force review the underlying causes for the increasing number of partial and permanent claims and urgently develop and implement strategies to address the unfavourable trend.

The Force should continue to closely monitor its liquidity to ensure that it has sufficient funds to meet the increasing costs of the scheme. The lump sum payment structure should be reviewed and alternative forms of payment be considered.

The Force should provide appropriate rehabilitation to injured officers to help ensure their return to the workforce and to meet its continuing obligations to support them after partial and permanent disability payments have been made.

The Force's liability for the death and disability scheme is based on an independent actuarial assessment. The death and disability liability has grown significantly by \$169 million or 147 per cent since 2007-08 and by 49 per cent in 2010-11. The partial and permanent incapacity (PPI) claims paid, a component of the death and disability scheme, has increased by 47 per cent to 415 claims in 2010-11. Of the total PPI claims paid in 2010-11, 79 per cent related to psychological claims and 95 per cent had a psychological component to the injury.

The increase in the number of claims is undesirable, not only from a financial perspective but also from the impacts on the Force more generally.

The statistics quoted by the Auditor-General are alarming. In 2008 the death and disability liability was \$115 million; that has risen to \$284 million in 2011. Total partial and permanent incapacity claim payments were \$40,930,000 in 2008; they have risen to \$165 million in 2011. The average claim size has risen from \$378,986 in 2008 to \$458,000 in 2011. The new scheme will continue to be the most generous in Australia. The bill also contains transitional provisions, and section 199K provides for those claimants who are waiting on a response to the independent medical assessment report. I trust that the decision maker in these transitional cases will be compassionate and fair.

It is heartening that the Minister for Police and Emergency Services and the Treasurer have made extra funds available for those currently working through the process. The police Minister has steered a difficult bill into the Parliament. State political debate often focuses on police numbers or those on active duty, but this reform is probably most significant because not only will it assist with those statistics but, most importantly, it will enhance pride and motivation in the force. This will be a win-win for the individual, the service, the community and the government of the day. I support the Police Amendment (Death and Disability) Bill 2011.

The Hon. SOPHIE COTSIS [4.54 p.m.]: I oppose the Police Amendment (Death and Disability) Bill 2011. The Government has rushed this disgraceful bill into this place. The Government should withdraw the bill immediately and start again. It should start negotiating with the police men and women of this State. Five thousand police men and women and their families were outside the Parliament yesterday, on 22 November. It was a historical day. I spoke to a number of former members of this place and I did some research which showed that people had never seen the sight we saw in Macquarie Street yesterday. If I held the seat of Rockdale, Oatley, Miranda, Heathcote, Orange, Monaro, Maitland or Newcastle, I would be worried that 5,000 police men and women came to Macquarie Street to stand up for their rights, their colleagues, those who are currently injured and not working, and those who protect our State and our safety.

It is a sad day when we must argue against a Government bill that will remove the right of police to appear before the Industrial Relations Commission. This is nothing new. We have seen the Government's theme, and it is an anti-worker theme. From the time the Liberal-Nationals were elected to government—indeed, before they were elected to government—they said one thing but did another in relation to industrial relations. The Government said one thing to the Police Association; it said another thing to the police men and women who serve our communities when they were in Macquarie Street. During the election campaign the Liberal-Nationals took photographs with police and fed police rubbish about how much they supported them and how a Coalition Government would stick with them. Yet today we are debating this atrocious, disgraceful bill. The Government has turned its back on the police men and women who protect our streets and our community.

On Friday 18 November I was in Maitland to meet with Mr Dean Koenig of the New South Wales Police Association. Mr Koenig is the Police Association's executive member for Northern Region 1, which includes the Hunter. I met with Mr Koenig because, like other people, he has been unable—as far as I am aware—until today to speak to the member for Maitland, Robyn Parker, to raise the concerns of Hunter police and police in her electorate. As an article written by a local councillor, Dean Koenig and I appeared in the *Maitland Mercury*, I hope the member for Maitland will organise to meet with police and listen to their concerns. I met with Mr Koenig in Maitland to hear his concerns about the officers of the Hunter and outer regions. My colleagues and I share those concerns. How will police officers who are injured on the job support their families as a result of the O'Farrell Government's cuts to the death and disability scheme?

In 2005 both sides of politics agreed that police needed a level of financial security beyond normal workers compensation in recognition of the particular risks that they face. Police have a sworn duty to protect our society, our communities, our children and our businesses. While many occupations are accompanied by hazards and risks, police are the people we turn to when faced with violent criminals and other dangerous situations. Police officers have our backs, and they must know that we have theirs. Since 2005 almost 1,200 police have been medically discharged because they have been assessed by independent medical practitioners as so incapacitated that they cannot perform any duties whatsoever within the New South Wales Police Force. The average age of officers medically discharged is 40 years old, with 15 years of service.

The New South Wales Police Force has found that of the 700 police medically discharged in the period 2009 to 2011 only 2 per cent have subsequently found full-time employment. A further 85 per cent of police medically discharged are now fit for some work, but are unable to find work, or they remain so sick or injured that they are unable to be placed in alternate employment. These figures make clear how essential it is to provide police with the support of the death and disability scheme.

In November 2009 the Police Association and the then New South Wales Labor Government reached an agreement to look at the death and disability scheme, with negotiations to be completed after the 2011 election. There was an acceptance on both sides that some reform was necessary for a sustainable scheme. Throughout the election campaign the Hon. Michael Gallacher and his colleagues told police officers and local communities that they had nothing to fear, that the Coalition was on the side of police and would protect their entitlements. The Coalition has turned now that it is in government. Instead of delivering its election commitments, which were written in black and white, the Coalition is attacking the conditions of work of police men and women.

The attack on police is another front in Barry O'Farrell's war on workers. In just eight months the Coalition has stripped public sector workers' rights, capped their wages and removed the independent umpire of the Industrial Relations Commission. It has watered down New South Wales occupational health and safety and started sacking over 5,000 public sector workers. It tried to deny equal pay for social and community service workers. It has closed New South Wales industrial relations offices in Gosford, Penrith, Wagga Wagga, Coffs Harbour and Orange. It has tried to stop retiring long-serving public sector employees from accessing their final wage determination increase. It has transferred 13,000 TAFE employees to the Federal workplace system. It has proposed cuts to the employment protections of 55,000 local government workers.

It is now attacking the protections police rely on if they are injured in the line of duty. Instead of negotiating in good faith with the Police Association, the Minister has offered up what the association's President, Scott Weber, calls "a half-baked scheme that will expose police officers injured in the line of duty to undue hardship and leave their families exposed to financial ruin". The Coalition's proposal will drastically reduce the lump sum amount for total and permanent disability. It will eliminate any lump sum benefit for police who are partially or permanently injured and unable to work anywhere in the New South Wales Police Force, but who may be able to work in another occupation. This lump sum has been replaced with an inadequate income protection benefit of as little as 65 per cent of salary for a maximum of five years and only for those who cannot work at all.

Perhaps most heartless of all is the Coalition's treatment of officers who sustain a psychological injury while on duty. Yesterday more than 5,000 police men and women protested in Macquarie Street. My Labor colleagues, cross bench members and I spoke to many of the officers and their families. I spoke to one young woman whose husband currently has a psychological injury. She was devastated. She was crying. I will not disclose further information that she told me. We have to look at the human face of these injuries, both psychological and physical. This officer is likely to have his payments cut from \$569,000 to \$76,000. While this officer might be able to work again outside the Police Force, the statistics on his ability being able to do so are not great. Of the 700 police medically discharged between 2009 and 2011, only 2 per cent of members have found full-time employment. The Coalition thinks \$76,000 is all a police officer needs, after their career is ended by psychological injury, incurred in the line of duty while protecting their communities.

Police and other members of the community will rightly condemn this cut in the scheme. It is heartless and it gives no recognition of an officer's service or the seriousness of psychological injury. Quite rightly, 5,000 police officers and their families marched yesterday. It was an historic day in New South Wales. I was proud to be a Labor Party member. I was proud to join my Labor leader, John Robertson, and my colleagues at the front of Parliament House to show the police that Labor supports them. I note that members from The Greens, the Shooters and Fishers Party and the Christian Democratic Party also showed police their support.

I did not see one Liberal member or one member from The Nationals. I did not see one regional Liberal member. I did not see any of them. When they go out into the regions or to their metropolitan seats and talk up the police, I will be saying to the police, "Do not believe what they say, because they were not out there listening to the stories of the people whose spouses have been affected by physical injury or psychological injury while on duty protecting us, protecting the citizens of New South Wales." Had they joined us, they would have heard the stories of courage and dedication.

These men and women put their lives on the line to protect the citizens of our community, to protect us. These are the men and women who serve their local community with the highest honour. When people see a police officer in their community they feel safe and secure. They know that police are doing a tremendous job fighting crime, protecting our streets against violence—against street fighting—building relationships with the many groups in the community, developing excellent crime-fighting strategies, using new technologies, identifying gaps within communities to secure the trust of their local communities and helping newly arrived migrants understand policing in the local community.

I recently attended the African women's annual ball at Canley Vale. I was proud to see the local police in attendance. The local police are working with those African women, reaching out to build trusting relationships. They are talking about an important issue: domestic violence. Many of us will never know what it is like to attend a domestic violence situation. The men and women of our Police Force attend incidents where women have been beaten to a pulp. Police use their skills and professionalism to deal with these situations. Yes, they are trained, but those police men and women pick up the victims—mostly women—who have been beaten close to death, who have been smashed up, whose eyes have popped out, whose eardrums have been blown, who have been punched and smashed in the face, and who have been kicked in the head. In some cases, pregnant women have been bashed.

Our police men and women arrive at those scenes and are presented with the rawness of those situations. Our police men and women are there for most of the insidious and awful of crimes, where young children have been sexually abused or physically assaulted. The men and women of the Police Force are there to pick up the pieces and to take these kids to safety. That is just the start of a long and tortuous process of arrests, interviews and court proceedings, which unfortunately can last for years.

Many of us go to work, clock on and clock off. For these men and women it is a long process to ensure that justice is done for those young children. When their shift is finished they go home to their family, peer through the door and window to check on their children and their hearts are bulging with anger and hurt at what they have seen these other children experience. The Government has betrayed our State's finest and bravest. The Coalition in opposition was always keen to claim that it was on the side of police and law and order. In government the Coalition's betrayal of police has been swift and fierce. I note the appalling conduct of the member for Dubbo, who told the Police Association before the election that he would work with the association to protect police entitlements but who has since said he did not even look at the letter he signed giving his support to the Police Association's campaign.

Labor opposes these cuts to the entitlements of hardworking police. We oppose the way that Minister Gallacher and the Government have rushed these changes into the House with the demand that they be passed by the end of the year to satisfy, as my colleague the Hon. Shaoquett Moselmane has said, the fat cats from the insurance company, the fat cats who are driving the O'Farrell Government's agenda. I say to Premier O'Farrell and his Minister that they are in charge; they should say no to the fat cats of the insurance company. They should stop this process, withdraw the bill and start negotiations right now. We oppose the way the Government has locked out the representatives from negotiations. The Government must withdraw this bill and start again. The Government continues to attack the working people of this State. I read onto the record an email that my colleague has received. It states:

Dear Mr Whan

I have just finished reading from the Hansard your recent address to parliament on the proposed changes to the Police Death & Disability scheme. Thank you for your genuine support of injured police officers. Please read below a copy of an e-mail I sent Mr Gallacher recently. He didn't get back to me with a response. Disappointing indeed. Could you please raise my concerns with the Government.

Kind regards

Sergeant Ross Perry

The email sent to the Minister for Police states:

I am a 50 year old serving NSW police officer. A Sergeant with 15 years operational experience. I have been off work now for five months after being injured ON DUTY attempting to arrest an out-of-control 1st grade rugby league footballer. The details of which have not been released to the media ... Apart from the predictable post-surgery pain, debilitating arthritis now fills those damaged neck and shoulder joints. The pain is constant and, at times, unbearable. It makes me irritable and difficult to be around all of the time. The long term prognosis is poor. Despite this my goal is to one day return to the NSW Police Force. But clearly that will take time.

Now your Government wants to slash my fortnightly workers compensation payments, down to as low as 65% of what I receive now!! All because I was injured protecting the people of NSW! Please tell me how - on 65% of my salary - I will be able to meet my fortnightly child support payments while at the same time have enough money to pay my rent, cover my bills and put food on the table? Heaven forbid have any disposable income! None of this was my fault remember?

I'm sorry, but these changes have not been properly thought through. I urge you to reconsider this hastily prepared, poorly researched piece of legislation and, in consultation with the NSW Police Association, negotiate a more equitable scheme to assist injured officers like me.

The Government needs to reconsider, as the sergeant has said. In conclusion, I acknowledge the commitment and dedication of the men and women of the New South Wales Police Force. I thank police and their families in

particular. Their families are very important and very special to us as citizens of New South Wales for what they endure, for what they go through. We do not really know but I will do my best as a member of Parliament to keep talking to police and their families. I will listen to their concerns and issues; I will always be on their side. At this point they need our support. They need us to be there with them, shoulder to shoulder. The New South Wales Labor Opposition is standing with them, firm and strong, shoulder to shoulder. We will not give up. We will stand with them to continue the fight against this Government's bill.

Mr DAVID SHOEBRIDGE [5.15 p.m.]: On behalf of the Greens I speak in opposition to the Police Amendment (Death and Disability) Bill 2011 and to echo many of these sentiments expressed by Opposition members in opposing the bill. The bill does three things. First, it terminates the existing industrial award-based scheme for death and disability payments, so the rights of police will be terminated under this bill. Second, the bill replaces that scheme with entitlements to death and disability payments that are in accordance with an approved insurance policy, but the bill does not establish what those rights will be under the insurance policy. We know the bill takes away rights, but it does not establish rights.

Third, the bill amends the Industrial Relations Act to remove the jurisdiction of the commission to deal with any death and disability award entitlements in the future. The bill removes the ability of that independent umpire to set a future fair scheme for death and disability at any time. The bill takes away rights, establishes a statutory regime that has no guarantees in place at all, and removes the right of police to go to the independent umpire to establish any fair scheme in the future. It is a three-pronged attack on the rights of police to a fair and just scheme for their death and disability benefits.

The Greens accept that costs have gone up under the death and disability scheme. We accept also that the previous Government did little to address it. That is fairly clear. The Greens accept that the number of police claiming death and disability benefits under the scheme has increased. We note also that neither this Government nor the previous Government has taken any concrete steps to reduce the number of police suffering from injury. A slashing of benefits should not be the Government's first step to reduce the cost to society of compensating injured police. The first thing the Government should have done, back in April of this year, was consult the Police Association to work out new ways to deal with injured police, to work out ways to change the culture in the New South Wales Police Force so that police officers with a psychological injury are treated with respect from day one and in such a way that they can remain on duty.

The Government should have considered the appalling figures, and the fact that only a tiny number of injured police return to suitable duty. It should have considered the existing award provisions that allow the Commissioner of Police to approach police officers and have them placed in the many hundreds of suitable and available duty positions in the New South Wales Police Force. Those award provisions have almost never been used. If the Government had turned its mind to finding decent jobs that give injured and partially incapacitated police respect, decent pay, and allow them to use the skills and attributes developed while in the Police Force, it could have used the existing provisions of the current award, but it failed to do so.

The ultimate outcome is that the number of police who are injured and claiming benefits is continuing to rise because no government has been willing to confront the core problem—that too many police have been too seriously injured and governments have not treated them with the respect to which they are entitled whilst they are still engaged by the New South Wales Police Force. If there is one clear message that I, on behalf of The Greens, would hope the Government receives in the course of this second reading debate it is to stay at the table with the Police Association, negotiate in good faith and do so recognising that policing is fundamentally dangerous work.

Police perform dangerous work in the interests of the people of New South Wales. If we expect police to put themselves in harm's way, as they do almost daily when they are at work, we ought to expect the Government to step up to the plate and to protect them fully when they are injured. Police have been willing to negotiate in good faith with the Minister but we know that a month before this legislation was rushed into this place, the Government put the association effectively into the freezer. It went out and negotiated an insurance product. Instead of sitting down and negotiating with police, the Government effectively put the police into the freezer and negotiated with a private insurer. The Government came back with a scheme that might fit its budget but it most definitely does not fit any concept of fairness for police officers who are injured in the course of their duty.

This is not the first attack by this Government on the working conditions of public sector workers. Previously we saw an attack on the ability of the Industrial Relations Commission to set fair wages for all other

public sector workers. We know that the Government wants to cap pay rises at 2.5 per cent this year but we do not know what it will do next year through regulation. The Government wants to ensure that public servants receive a pay rise this year that is less than inflation. We know that it does not want police approaching the Industrial Relations Commission for fair benefits when they are injured at work. We know that it has stripped TAFE workers of their protections under the State awards system. What is it about police and public sector workers that this Government finds so offensive? Perhaps it is because they are paid under the current system of a fair wage for a fair day's work.

When this Government establishes that the great bulk of police officers who are injured at work suffer from psychological injuries it might realise that it is a decade in the past. It does not recognise psychological injuries as genuine injuries that need to be compensated. Under this scheme the real cuts will impact on partially but permanently incapacitated police officers who, overwhelmingly, are suffering from seriously disabling psychological injuries. The figures are telling. In 2006-07, 67 per cent of those officers seeking medical discharge had a psychological injury compared to 70 per cent in 2008-09 and 81 per cent in 2010-11. In the last financial year the figure for combined physical and psychological injuries rose to 93 per cent. It is important to realise that the cuts the Government wants to make to benefits will impact most on police officers suffering psychological injuries.

In a scenario provided by the Government in its own modelling, under this scheme a psychologically injured police officer who can do a modicum of work outside the Police Force when he or she is discharged will see benefits cut from \$569,000 to just \$76,000. That is the real attack. Will police who exit out of the scheme realistically find other meaningful employment? I have further statistics relating to police officers who are exiting out of the scheme in order to receive a medical discharge and benefits under the current death and disability scheme. On average they are 40 years of age, they often have a young family, they have served an average of 15 years in the force before they are medically discharged, effectively they are professional police officers who have developed their careers, and when they exit out of the system on medical discharge with a psychological injury very few of them find any kind of meaningful employment.

The figures make it very clear. Only 2 per cent, or one in 50 of those people who exit out of the scheme, obtain full-time employment. When part-time employment is taken into account—for example, stacking shelves in a supermarket or obtaining employment as a lollipop person at a school crossing—only 15 per cent have found that kind of part-time employment. To date, 85 per cent of police officers who exit out of this scheme remain unemployed. These people are not shirkers and they are not rorting the system. They are genuinely injured police with seriously disabling injuries, 85 per cent of whom cannot find a job after they leave the Police Force. They deserve more than the standard workers compensation benefits and the few frills that the Government wants to throw them when they exit out of the scheme. I will now deal in detail with the provisions in this bill. The first substantive clause in the bill is proposed new section 199C which states:

An approved death and disability insurance policy is required to be taken out on behalf of police officers ...

However, it does not set any terms for that approved policy. Effectively it requires the Government to obtain a private insurance policy to cover the costs and liabilities of the scheme. The Government has not fully explained why the scheme has to be privatised other than to state that it appears as though a private insurer will be a meaner judge of disability. The Government wants to ensure that it gets the liability off the Treasury books for a set sum. New section 199D (2) (a) states that an approved death and disability insurance policy:

- (a) must include provision for payments to or in respect of police officers who die, or who are incapacitated for work, as a result of being injured at work, and
- (b) may also include provision for payments to or in respect of police officers where their death or incapacity does not result from being injured at work.

Under this bill there is no promise of a single benefit—not one dollar—for police officers in New South Wales. It just states that it has to include provisions for death and disability. Under the bill, if an officer was provided with \$10 when he or she exited the scheme that would satisfy the requirements of this policy. We now know that the Government sought a price from one insurer—TAL Insurance—for a particular scheme. In question time today the Minister was asked whether there was a tender for the process. Did the Government try to get value for money and put the scheme out to insurers? We did not receive an answer. One would have thought that if there had been a tender and the Minister and the Government of New South Wales wanted real value for money, they could have said that they went to tender, tested the market and found that this was the best way to price it.

It appears as though we are not only getting a privatised scheme; the Government did not test the market to obtain value for a privatised scheme. We have been told that the Government has to sign the quote from the insurance company before it expires but we have not been told by the Minister that there has been due diligence in setting the price for the quote. When the Minister was asked in question time today to clarify the situation and to confirm whether or not the Government had gone to tender, that question remained answered. The obvious conclusion is that there was no tender process and that a false deadline has been put in place by the only insurer with whom the Government has had any dealings. New section 199E provides:

The Minister may approve an insurance policy under this Part only if satisfied that the cost to the State of the policy (after deducting the contribution to that cost of police officers under section 199F) will be:

- (a) subject to paragraph (b), approximately 4.6% of the remuneration of police officers ...

The one guarantee is that the Government has capped how much it will pay. It is clear that if over time the current set of benefits payable under this current insurance policy prove too costly the police can expect to face further cuts in the future. The legislation will not come back to this House or be sent to any fair umpire to decide on such changes; it will merely be up to the Minister and the Treasurer to work out what has been termed a so-called fair set of benefits for police. No matter what the Government is promising to crossbench members in this place to garner their support, it has not promised that the same set of conditions will apply 12 months from now. Under this bill everything will be up for grabs when the Minister wants to put in place a new policy or a new set of regulations. Proposed section 199G provides:

The regulations may make provision for or with respect to the death or disability of police officers, including the following:

- (a) The provisions that must or may be included in a ... policy,
- (b) The savings and transition provisions ...
- (c) The obligations of the NSW Police Force and police officers ... with respect to rehabilitation ...
- (d) The establishment ... of injury management and prevention ... programs ...

But it does not provide a single guaranteed benefit for police officers. We know that section 199I will rescind the current entitlements for death and disability, because it rescinds the 2005 award. So we know that section will absolutely take away entitlements. We know from section 199K that this legislation will be retrospective. Under the current bill, unless police officers have received a report from an approved medical officer effectively recommending their discharge, they will not get a dollar under the existing award; they will get only the greatly reduced benefits, whatever they may be under the insurance policy. It looks like there have been some further negotiations and that the Government has moved somewhat on the transitional provisions and is willing to say that those currently within the process will receive the current benefits. But the bill states that from today onwards, if the bill is passed by this House, every police officer will get the greatly reduced and unfair benefits. We know the Government intends to review the scheme in order potentially to greatly reduce benefits, because that is what section 199L of the bill does. It provides:

- (1) The Commissioner is to keep under review the cost to the State of securing death and disability payments to or in respect of police officers under this Part.
- (2) The Commissioner is to advise the Minister and the Treasurer from time to time of that cost to the State and of the percentage of the remuneration of police officers that it represents.

So we know that whatever deal is agreed to today it will be reviewed and it will be subject to further cuts in the future. Those changes will not come before this House; they will be made by regulations as between the Treasurer and the police Minister. Schedule 4 to the bill removes the jurisdiction of the New South Wales Industrial Relations Commission to deal with any award or entitlement in relation to death and disability. Again, the Government does not want to have to deal with an independent third umpire to set a fair term because the Government knows it might cost it more to fairly compensate police after a full and open hearing in the Industrial Relations Commission. The Government is suspicious that that will cost it more than the current scheme. It is concerned that if it has to convince an independent body what is a fair scheme, it will end up paying more than it will pay under this miserable scheme. So it removes the capacity of the independent body to determine what is fair. That is exactly what schedule 4 to the bill does.

The Government is frightened that a fair award determined by the Industrial Relations Commission will cost more than the current proposal, and therefore the Government will remove the right of police to approach the commission. Let us think what that means for emergency services workers such as police. Effectively, if

police want to industrially contest their entitlements to a fair reward for death and disability, they cannot go to the Industrial Relations Commission because the Government closes that door on them with this bill. They have greatly limited rights to take industrial action more broadly, because they are emergency service workers. If the Government chooses not to sit down and fairly negotiate a reasonable compromise with police, it may well come down to the Government using its special emergency services powers effectively to order the association to return its officers to work, or remove industrial action, or the officers of the Police Association could face penalties under the Act, and the association itself could be deregistered. Many submissions have been sent to my office by family members and police officers expressing their concerns about this bill. I will read one contribution from the wife of a police officer who states:

I am hoping that you take just a few minutes to read my letter as the NSW Police Force has taken a lot more than a few minutes from our lives. My husband is only 39 and currently on sick leave with PTSD. Do you know that this is actually a mental illness? Why do we have all these ads on television about mental illness, can you remind me?

PTSD has occurred to my husband as a result of 15 years of trauma and tragedy from a job that he actually loved. Now the thing he loved has eaten away who he is as a man, husband, father, son and friend; he is now paranoid, anxious, aggressive, and sad, to name a few.

Do you ever go out just to get bread and are worried that your loved one will not be there when you return and that you will find them hanging in the shed?

Well this is how I feel. I find it very difficult at times to leave our three daughters with him some days. He is just one of the many men and women in the NSW Police Force. Can you imagine if there are other husbands and wives of officers who feel like this?

It has not only affected him but our whole life and our children's lives forever. How do I explain to my 10 year old daughter when she asks me why her daddy is taking seven medications at night, why he just doesn't feel up to going to her school concert, when she sees her father lying in bed crying in the middle of the day, or when she is woken in the middle of the night by her father's screams?

Do you have any answers for me? Can you imagine how worried and scared she is and the impact of this on her, the memory of her dad and her childhood? It makes me feel pretty sad. He is irreplaceable and he is worth a lot to us.

I have received countless numbers of such emails from police setting out the real impact of policing in New South Wales—from wives, children, friends and from police officers themselves. The Government should go back to the table. The Government should negotiate with the Police Association. This bill is unfair.

The Hon. AMANDA FAZIO [5.35 p.m.]: I oppose the Police Amendment (Death and Disability) Bill 2011. I state at the outset that I, like most members of this House, have received a lot of emails from individual police telling me about the circumstances that have caused them to take time off work through incapacities they suffered as a result of their employment in the NSW Police Force. I also have received from, and read, the Police Association of New South Wales case studies forwarded to all members of this Parliament. Anybody who votes on this legislation and has not taken the time to read all those case studies is derelict in his or her duty as a legislator. The case studies are very important and show why this legislation should not be supported.

I state at the outset that my main concern, apart from diminution of the entitlements of police, is the motivation behind the introduction of this bill. The bill is not about improving the police death and disability scheme; it is simply a money-saving exercise, and an attempt to privatise the scheme and put it into the hands of a profit-making, private sector insurance company. No insurance company will touch this scheme unless it can make a decent profit out of it. And the way for an insurance company to make a decent profit out of it, while curtailing government expenditure, is by slashing the entitlements of police.

When I say "slashing the entitlements of police" I know what I am talking about. For a number of years I worked for Comcare, the Commonwealth commission for the rehabilitation and compensation of Commonwealth government employees. We often had agencies that worked for us come to us and ask why we did not use the sorts of procedures that were used regularly by private sector insurance companies when dealing with workers compensation claims. The sorts of things I am talking about are sending people to selected doctors who had a very strong record of finding that there was no injury or disability suffered by the person seeking compensation. I am talking about those who employed private investigators to take covert video footage of people going about their daily lives, in an attempt to prove that those people were shirkers and bludgers.

That is what will happen to New South Wales police if the scheme proposed by the bill is put in the hands of a private insurance company. The Government will wipe its hands of how that insurance company deals with those claims. How do insurance companies make such big profits? It is by having a process of rejecting a high proportion of claims, knowing that many people will not have the wherewithal, or the strength

left within them to take action against that rejection. That is how they maximise their profits. And that is what this bill will impose on New South Wales police—the people we ask to protect and serve our community. They will have to deal with a draconian system under which the insurance company maximises its profits. Although the bill before us will cap the expenditure that the Government has to pay to a percentage of overall expenditure on police salaries, there is no cap on the level of profits that can be made by whichever insurance company controls this scheme. That is absolutely scandalous.

The Government will wipe its hands of responsibility for the scheme and it will say, "It's not our scheme; it's run by a private company." As was noted earlier, there was no answer given today to the question asked in question time about how this particular insurance company was selected. We do not know whether there have been proper probity checks. We do not know whether insurance companies were asked to go through an expression of interest process, or whether a tender was put out for the operation of the scheme. All we know is that a selected insurance company will be able to make profits by minimising payments to injured police. I think that is an absolute disgrace. I honestly do not know how anybody in this Chamber can support that. I think it is appalling.

I refer next to the process behind the introduction of this bill. The Coalition went to the State election lying to the Police Association and to all those police officers who sought an assurance from it about their working conditions. The Coalition lied in its campaign. I refer to correspondence some time ago from the then Leader of the Opposition—the current Premier Barry O'Farrell—when he talked about the way in which the Coalition, in opposition, opposed changes to the police death and disability scheme introduced by the former Labor Government. He said:

Police—and their families—need to know that they will be protected by a Liberal/Nationals Government every time they pull on their uniform and go to work and that we will stand by them and their families if they are injured or worse on the job.

We now know that that was nothing other than a bald-faced lie. Yesterday 5,000 police officers and their families, and representatives of other union groups, rallied in front of Parliament House but not one member of the Liberal Party or The Nationals had the courage to go onto the balcony and watch that demonstration. For the police, who usually are quite a conservative group, to come out in uniform and to protest in that number outside State Parliament shows how seriously they have taken this attack on their rights and conditions, and so they should.

Police officers are not like any other category of government employee. We do not ask people who sell tickets at railway stations or who mow lawns in primary schools to put their lives on the line every time they go to work, yet that is what we expect from police officers. So far as I am concerned that puts them in a special category. That means that we ask of police officers and their families that they risk their lives every day and live a life of turmoil as a result of moving to different parts of the State, changing shifts and working odd hours. We expect them to do that and to confront the most horrible scenes at work. I will not go through all of them, but those members who attended the rally yesterday know of the cases that were cited. We expect that of police officers yet in return we are going to take from them a death and disability scheme that recognises that their special working conditions require special workers compensation arrangements. That is the nub of this issue and that is what we are talking about.

Members of the Liberal Party and The Nationals lied in the election campaign. Their negotiations have been appalling. A false deadline has been set by a specially selected insurance company. The only justification for ramming this legislation through the Parliament before it rises at the end of the year is that the insurance company set a deadline. This Government is worried about how much money it will have to spend before it can implement these changes to the death and disability scheme. That is what it is worried about; it is not worried about the stress that this is causing already injured police. It is not worried about the impact that this legislation will have on the morale of the Police Force generally. It is not worried about the impact that this legislation could have on public safety if the police are forced to ramp up their industrial action. This Government, which does not care about that, is saying, "We need to save money."

We all know that the budget black hole about which the Liberals and Nationals talk is bogus. When the Parliamentary Budget Office reviewed it, it found that it was bogus, which is probably why they are trying to neck that office. Apart from that, we know that this is something they have entered into in bad faith. There is no good faith in these negotiations. They are not trying to do the best by police. They are not trying to talk it through with the New South Wales Police Association to find a better way to run the scheme or fine-tune the existing scheme to reduce unnecessary expenditure. Basically they are saying, "The insurance company says

that we have to do it now." The Treasurer and member for Manly said, "We have to cut expenditure in this area now, so we are going to do it." This Government has not kept faith with the commitments it made to the police, which is why it will not give extra funding to keep up operational police numbers—something that the former Labor Government always did. This Government has already announced that it will cut that funding.

The Auditor-General's report recognised that there was a need for improvements to the scheme and the Labor Opposition also recognises that fact. The scheme needs to be improved but not in this heavy-handed and deceitful manner. If one believed the Government one could be forgiven for thinking that police officers do not contribute to this scheme, yet we all know that the police pay a levy on their salary into the scheme. Those opposite claim that that does not happen. The New South Wales Liberals talked about the death and disability benefits in the submission that they made to the Police Association prior to the State election. They said that any future changes to the death and disability scheme that may at any future date be proposed must be about ensuring the system works to protect injured workers, to rehabilitate those who are about to return to work and, most critically, to allow a dignified exit from the force for those who are unable to return.

Slashing benefits for permanently incapacitated police officers is not about a dignified exit. Having an insurance company's private investigators covertly film people is not about a dignified exit from the work force. That is nothing more than a disgrace. Again, this Government has lied to police. No wonder serving police officers in New South Wales have a massive feeling of betrayal by the Minister for Police, a former police officer, the member for Dubbo and the member for Campbelltown, who are also former police officers. They feel betrayed by their former colleagues and I fully understand that feeling of betrayal.

The Government is trying to cloak this money-saving exercise by saying that it has real concern for police officers. The claim that has been made is that those opposite want to get people back to work more quickly. In doing so they have been waving a red flag to the media and some talkback radio announcers have been referring to massive mortgage busting payouts for police officers. This dog-whispering campaign is really about painting police officers, who are badly injured or who have suffered some form of psychological injury that prevents them from going back to work, as bludgers in the eyes of many in the community. Anyone who has read the comments that appeared in newspapers and on websites yesterday after the rally would be aware that the dog-whispering campaign is starting to bite, which is reprehensible because it fails to recognise the sorts of things in the case study folder we have been given—things that police officers said occur on a regular basis.

Many people are simply unaware of the horrible situations faced by most police officers. All that they see when driving past car accidents is wrecked cars all tangled together, perhaps a few police cars, a couple of ambulances and a fire engine. They do not see what is inside the mangled wreckage, which is what our police officers deal with day in and day out. That is what causes them to suffer psychological injuries and the assaults perpetrated by offenders also cause them to suffer physical injuries. Members of the general public do not see that which is why it is shameful that this dog-whispering campaign has been allowed to take place. Today I wish to focus on post-traumatic stress disorder—another thing with which the dog-whispering campaign has been tinkering around the edges.

It has been saying that police officers who claim they are so severely psychologically injured that they cannot return to work somehow are bunging it on. It fails to recognise that post-traumatic stress disorder is a cumulative problem. When I worked at Comcare I dealt with claims by the Australian Federal Police and by people who worked for the Commonwealth Bank. The bank management, in particular, would often say, "I do not understand because the teller for whom you have granted the claim has had four previous armed holdups and has gone back to work. Now, after the fifth one, they claim they are incapacitated." They fail to accept that psychological injuries compound after going to one too many horrible car crashes and retrieving bodies from suicides and murders. The last one is the straw that breaks the camel's back.

It is the last time police respond to an alarm triggered in a shop or a factory at night and have an armed offender stick a double-barrel shotgun in an officer's face that causes post-traumatic stress disorder. It is very hard to get people back to work who have suffered from post-traumatic stress disorder. Provisions already exist in the current legislation, as Mr David Shoebridge pointed out, that could be better used to get officers back to some form of meaningful police work, but that work might not be in general duties or in the field. If the Government has such a burning desire to increase or improve the rehabilitation prospects of injured police the current system allows for it. But the bill is not about getting police back to work. It is not about long-term results for police. It is certainly not about giving people a dignified exit from the force. It is all about saving money.

One of the first things the Government did when it won office was to fulfil one of its election commitments: it introduced legislation to impose mandatory life sentences on those who kill police officers. The

justification for doing so was because police officers place their lives on the line every time they go to work. It is not good enough to say that if someone kills a police officer he or she will get a mandatory life sentence. What does a police officer get in return if someone beats him or her so severely that he or she cannot work again? The police officer gets reduced benefits. It is absolutely hypocritical to place a higher value on the life of a police officer and then to reduce the benefits of an injured officer. Does that have any consistency? No, it does not.

The bill is a sham. It is not about caring for police. It is not about doing anything at all to help police. In fact, all the bill has done is to create confusion, uncertainty and a loss of morale. Police feel undervalued. The current death and disability scheme pays the salaries of those police who are off but the payments do not include shift penalties and other payments. Police are not receiving what they would if they were at work. Under the current proposal that lesser amount will be further reduced to 65 per cent after a certain period and, depending on shift penalties, that is probably a cutback to 50 per cent of what they would be paid if they were at work. The Government says that is fair; it is not. We know that the police, like all of us, plan for their jobs. No doubt police officers think to themselves: "The police force is my chosen life career. I have chosen to do this dangerous work in serving the community. I will be at work until I am 55, 60 or whatever. I have a mortgage. My partner and I have decided we will have X number of children. We will be able to afford this." Then the game plan changes because the rules are changed.

Police are worried that if the bill is passed then not only will they be on the employment scrapheap as injured workers, probably with a permanent incapacity that will greatly restrict their opportunity for further employment, but they may not be able to keep their mortgage payments up and, in turn, they may lose their homes. Police officers are facing all sorts of problems because of the heavy-handed and deceitful way this legislation has been introduced. It is an absolute disgrace. The Government has a two-faced attitude to police. It claims that it values them but it will not maintain operational strength funding. When the Commissioner of Police, cap in hand, next time says, "We need an extra \$30 million because we have fallen below the operational level" he will be told, "Bad luck. Make do."

When the injured police go to a private insurance company and say, "How about a graduated return to work" the response will be, "No, you are a bludger. You get back to work now full-time or we will cancel your payments." If the bill is passed the Government will be able to say in all honesty, "It is not our problem. The insurance company will deal with it." The bill strips away the basic rights of police. It takes away the Government's responsibility as an employer of police. It is a complete abrogation of responsibility. The Government was not honest about this during the election campaign. Coalition candidates signed pledges from the Police Association saying, "We will not change this." The pathetic excuse that they do not read what comes in front of them does not wash. The bill should be withdrawn. The Opposition does not support it and we hope that Government members will not support it either.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.55 p.m.]: I provide a contribution in support of the Police Amendment (Death and Disability) Bill 2011. The changes proposed by the Government to the Police Act 1990 are important and deserve studied consideration by all members. The resulting question—which is easy to answer in the affirmative—is: Will the legislation be in the long-term interest of police? The clear answer is yes. The figures provided by the Minister for Police and Emergency Services with respect to the current status of the death and disability scheme are of great concern. In the current financial year the death and disability scheme, along with the subsequent flow-on costs to workers compensation, is expected to cost a total of \$762 million—approaching 50 per cent of salaries. Importantly, behind the figures are injured officers who are being failed by the current death and disability scheme. Those officers faced without rehabilitation support and injury management need to get back to work. Far too often they are simply given a cheque and sent on their way. The Minister outlined that currently between 600 and 800 officers are on long-term sick leave. In the last financial year 1,135 officers were on long-term sick leave at some time—a 152 per cent increase since 2005-06.

The scheme commenced in 2005 and since 2006-07, on average, medical discharges under the death and disability scheme have increased by 79 per cent. If this trend were to continue, in five years time the rate of medical discharge for post-1988 officers is likely to be 792 officers. A snapshot of officers leaving the force in the first half of 2009 shows that 66 per cent of exits were for medical reasons and only 27 per cent were via resignation. Over the same period a massive 79 per cent of officers who left the force for medical reasons did so due to psychological injuries, 7 per cent due to physical injuries and 14 per cent for a combination of both.

Under the proposed changes the Government will create a \$15 million injury management fund for three years. The fund will allow those injury management initiatives prioritised by the Police Force to be trialled

and evaluated over an initial three-year period. In fact, part of the \$15 million fund is already in the process of being spent, including investigating more opportunities for injured officers to take up meaningful work within their local area commands. The Government wants to ensure that injured officers are given every opportunity to get back to work. The changes proposed by the Government to the death and disability scheme are sensible and I am pleased to speak in support of them.

The Hon. MICK VEITCH [5.58 p.m.]: I oppose the Police Amendment (Death and Disability) Bill 2011. The object of the bill is :

- (a) to terminate the existing industrial award-based scheme for death and disability payments to police officers injured at work or off-duty,
- (b) to replace that scheme with entitlements to death and disability payments in accordance with an approved insurance policy,
- (c) to amend the *Industrial Relations Act 1996* to remove the jurisdiction of the Industrial Relations Commission to make or vary industrial instruments that provide for death and disability payments in respect of police officers, and
- (d) to make other consequential or ancillary amendments.

The police provide a valuable service to our communities—I hope that no-one in this Chamber would deny that. They are the first port of call when anything goes wrong. It is normal for police to see horrendous things every day. They attend murder scenes, domestic violence scenes and sex offender scenes, and see every spectrum of any imaginable violent or harmful situation. The Minister for Police repeatedly brought this point to the attention of members when he was in opposition. Indeed, on 30 November 2005, in his contribution to the original Police Amendment (Death and Disability) Bill, he said:

Because of the nature of their work, police officers see things and work under pressure that members of this House and the wider community could not begin to imagine. Imagine turning up at the scene of a horrific motor vehicle accident ... Imagine turning up at the scene of a fire such as the one at Wyong which resulted in the death of a number of young children in and around the home. Imagine turning up at the scene of a violent crime or finding that a police officer has taken his or her life—as has happened far too often.

The general jobs that police officers attend day in and day out include attending premises in the middle of the night and being told it is believed that armed offenders are inside. They enter those premises with their partner while waiting for backup. Most of us in this place could not begin to imagine the stress and strain under which police officers perform their duties.

None of that workplace pressure and stress has changed. The only thing that has changed is the support for and capacity to work constructively with the Police Force and its collective, the New South Wales Police Association. The Police Association provided me with details of what officers can expect in a day's work. The list begins by listing common weapons that are used against the police, such as screwdrivers, baseball bats, garden forks, firearms and knives. The next category on the list is common injuries suffered in the line of the duty. Previous speakers have referred to post-traumatic stress syndrome but police also suffer from anxiety, depression, suicidal thoughts, nightmares, blood contaminations and physical injuries. The final category on the list is common events that police officers regularly endure, such as attending a death where there is a bloated body, murder scenes with severed heads or attending a suicide where the person has jumped in front of a train. I could go on but it only gets more gruesome. I can only imagine how hard that would be to see once in real life, let alone more than once.

I gained an insight into how this feels last Friday, 18 November, when I read an article on the front page of my local newspaper, the *Young Witness*, entitled "Government Scheme Revives Horror for Officer". In this heart-wrenching article Senior Constable Brendan Clark said that he felt compelled to tell his personal story publicly after hearing about the Government's attack on the death and disability scheme. Senior Constable Clark was diagnosed with post-traumatic stress disorder after attending a triple homicide: two children and their grandmother had been murdered by their grandfather. Senior Constable Clark said:

I would find myself waking up sleeping on my daughter's bedroom floor and when my wife would ask what I was doing sleeping on the floor I would say I am protecting her ...

I then stopped trusting everyone and distanced myself from my close friends and family, although my family and my wife's family are loving and trusting people I would not let my daughter go and stay at their place because I started thinking you cannot trust anyone.

Three years on my life is still a roller coaster ... I still have nightmares and still have trouble sleeping.

In the article Senior Constable Clark said it was some comfort that the death and disability scheme existed because if he was not allowed to return to work he would still be able to support his family. He said:

All this time I knew I was protected by the NSW Police death and disability insurance which we all pay for out of our wages and I knew in the back of my mind that if the day ever came where I could no longer handle doing the job that I know and love so much my family would be protected financially.

Unfortunately, Senior Constable Clark's story highlights the remarkable issues faced by police officers in country New South Wales. It is common for police to be injured physically or psychologically: it is the reality of the work they undertake. Every member of the Police Force deserves to go to work knowing that they are protected, just as every person in the State deserves and expects to be protected by the police. I particularly highlight the complexities faced by country police when recovering from an injury. Often they must endure rehabilitation in isolated communities, and they often have to travel great distances for treatment, whether it be surgery, physiotherapy or counselling sessions. They certainly do not need the additional stress of watching the management of this issue play out in the media.

The main issue with this bill is the transfer of this award from the Industrial Relations Act to a commercial insurance scheme, which has the potential to reduce the number of benefits available to police officers, specifically those police who are suffering or have suffered psychological injuries or illnesses. It also omits an independent umpire—that is a common theme we have noted in this place since the March election—so police will have no impartial avenue for seeking redress. It seems to be a favourite policy of the neo-liberals opposite to eliminate the independent umpire wherever possible. But perhaps the most damning thing about this bill has been how the Government and the police Minister have handled the negotiations with the Police Association.

The Government's approach to the negotiations resulted in an unprecedented rally of about 5,000 police. The Government has tried to understate the number, clearly to reduce the importance of the turnout of workers we saw yesterday. This is outrageous, especially considering that the Police Association has repeatedly given an undertaking that reform is necessary and that it is willing to negotiate reforms with the Government. I congratulate the Police Association on putting together a booklet of case studies, which has been referred to in many contributions to this debate. These are real stories. One cannot but be moved by the stories. I draw the attention of members to some of the statements contained in the book. One statement reads:

My intent is still to return to work, however my specialists are saying this is unlikely.

That highlights the attack on the police service by some members of this place, which is regrettable. During the Minister's second reading speech we heard some outrageous interjections and catcalling from Government members, and we heard other slights in the debate today. I think that behaviour is regrettable in a House of this stature. The attacks on the validity of claims of post-traumatic stress syndrome worry me, because it is a real issue not only for police but for people in other fields as well. To continually question in this debate the validity of post-traumatic stress syndrome and psychological disorders is a regrettable approach to a serious issue for a number of police officers. Another statement in the booklet reads:

This new system is simply a means of casting me aside without care. I have never felt so let down, alone and under pressure.

...

My physical future is still uncertain as I am just out of my last operation, but under the Government's new system, my family's financial future is now clear. We have none.

I urge the Minister not to proceed with this bill. I ask him to sit down with the Police Association until a suitable outcome has been negotiated. I oppose the bill.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [6.09 p.m.]: I support the Police Amendment (Death and Disability) Bill 2011 and I congratulate the Minister for his genuine desire to ensure police injured in the line of duty are not orphaned by the Government of New South Wales or by their union. I have the greatest respect for the Hon. Michael Gallacher, Minister for Police and Emergency Services. The Minister and I have similar backgrounds. He comes from working class stock, born in Glasgow and educated in Mount Druitt. I was born in Orbost and left school at 15 to help the other nine members of my family. We lived in a two-bedroom fibro house on the Snowy River. I later lived in bush camps, working for the Country Roads Board until I was conscripted into the army. Our roots are very much working class, but neither of us has ever felt ashamed of that. This background is an important factor in the reasoning behind this bill.

The subject of law and order brought us together in this place. The Minister was a proud young police officer. I was a victim of the justice system after my daughter was attacked and sexually assaulted in 1987. I am not sure my family would have survived that ordeal without the support, the compassion and the friendship of Detective Sergeant Syd Carter, and his police colleagues in Bathurst, where my daughter had been a student at Mitchell College. We will never forget them.

The Minister and I shared another life experience, the pride of uniformed service: the Minister with the New South Wales Police Force for 16 years and I with the Australian Army for 21 years. The Minister has served as a foot soldier in the criminal conduct zones of Kings Cross. I was a heavy equipment operator with the Royal Australian Engineers in Vietnam. We both experienced situations we would rather forget, but that is what we signed up for. I believe we both handled the situations we confronted as we were expected to do. We both drew great strength from our mates, our profession and from those we helped support in their hour of need. We both realised our fortnightly pay packets were a small part of the rewards of uniformed service. I remember when I applied for officer training, after a couple of years in the ranks, I received a brochure advising that I could never expect to be wealthy as a commissioned officer in the Australian Army. However, it did imply that I would have experiences that money cannot buy. After 21 years service in three different countries I can attest to that.

My discussions with the Minister indicated that a career in the NSW Police Force had a similar caveat. We also shared the Opposition benches in this place for the past 15 years and often lamented the lack of support police received from the previous Government. The Minister referred to the consequences of this in his maiden speech. He said:

There is not one person who will sway me from the belief that it was a former government under the blind direction of former Attorney General Frank Walker, in dissolving the Summary Offences Act, which was responsible for releasing the cancerous effects of street crime upon our society. Forget Kings Cross and the Rocks, go out to Gilgandra, to The Entrance or to any suburb in the Sydney metropolitan area—even Bondi Beach for goodness sake!—nowhere is unaffected by the degree of crime. It was also at this time, as a result of what I was having to deal with day in and day out, that I began to question everything that I had ever been brought up to believe in the Labor Party.

He went on to say:

Law and order has become the most significant issue in politics in the last decade. There are plenty of lawyers in the Parliament who have dealt with the theory but up until now there has not been one person—not one in this Parliament—who has real experience. I recognise that there are members in another place who are former members of the service, but have a look at where I have been over the years. Unlike them, I have not hidden in an office; I have been on the front line. In the 16 years I spent as a member of the Police Service I performed duty in its three largest areas—general duties, highway patrol and criminal investigation. I have seen first hand the effects of crime on the victims, their families and the community. I make no apology: I am, and always will be hard on criminals.

Everybody who knows the Minister is aware of his pride in his chosen profession of policing and his commitment to the personal safety and security of the citizens of this State. On 26 March this year the people of New South Wales voted overwhelmingly to elect the O'Farrell Government, to clean up the financial mess and restore confidence in the economic management of what was once the Premier State. In order to honour this commitment each Minister has critically examined their respective portfolios in order to deliver better outcomes for taxpayers, who entrust them with their hard-earned dollars to deliver services and provide security.

According to New South Wales Treasury figures the police death and disability scheme now costs more than 10 times what it was expected to cost when Labor introduced it in 2005. The figures are staggering. In the last financial year alone the scheme cost \$288 million. In addition to this, the workers compensation costs for the NSW Police Force have increased by a massive 742 per cent since 2005-06. Workers compensation premiums for 2011-12 will cost \$273 million, plus a hindsight adjustment of \$190 million. That totals \$463 million. Death and disability costs are expected to increase to at least \$299 million in 2011-12. When added to the \$463 million in workers compensation costs, the scheme will cost \$762 million this year. That is approaching 50 per cent of police salaries of \$1,574 million. Of more concern is the Treasury projection that if the current death and disability scheme is not fixed, associated costs could blow out to as much as \$4.4 billion over the next four years. This is clearly unacceptable and unsustainable.

Other serious concerns about the current system include: the negative impact it has on the operational strength of the Police Force, and the incentive the current scheme provides for injured police to leave the force. I understand that 1,135 police officers were on long-term sick leave in the last financial year. This is an increase

of 150 per cent since the scheme was introduced five years ago. This bill is designed to support the rehabilitation of police and the health and safety of officers. It is about helping officers and providing the support they need to return to work: not to give them a huge pay cut and kick them out the door.

The current scheme discourages injured police from returning to work, by topping up their salary and making death and disability benefits payable on medical discharge. This approach overrides economic incentives built into the workers compensation legislation. It provides a powerful incentive for injured officers to take their money and leave. The figures speak for themselves: only 2 per cent of injured police discharged under the scheme as at May 2011 are back at work, without the assistance of government benefits. A massive 85 per cent of injured officers discharged under the scheme are not working at all.

I have been informed that many seek government assistance. They deserve better than what is currently being offered. Police are confronted with horrific situations in the line of duty. These experiences can have serious implications on their future psychological well-being. That is why I believe the current system is flawed and needs reform. We must ensure they are properly rehabilitated, wherever possible. Taxpayers deserve a better return on their investment than they are getting under the current scheme. They are the donors who fund the cost of recruitment and training of police. As police graduates proceed through the ranks they gain valuable experience that takes years to replace at great cost. When they are required to take an early discharge on medical grounds the cost is enormous. Nobody is more aware of this than the Minister. This is why he set out to change the philosophy behind the scheme for police injured in the line of duty. Instead of creating a dependency on welfare, the Minister is investing in their rehabilitation, to allow them to continue to serve in their chosen profession with dignity.

The Minister is doing this through the establishment of an injury management fund, which will allow those injury management initiatives prioritised by the NSW Police Force to be trialled and evaluated over an initial three-year period. The reforms contained in the bill are expected to see the combined costs of death and disability and workers compensation decrease to around \$200 million per annum, which is a reduction of \$560 million when compared to the level in 2011-12.

On 26 March this year the people of New South Wales did not vote for the O'Farrell Government to continue the reckless economic mismanagement of the former Labor Government. They voted for change. They voted for a better way. They voted to make New South Wales number one again. As a member of Parliament I have been inundated with emails about this bill. Many of those emails expressed genuine concerns about the new measures introduced by the Minister. However, it appears that many of these were based on misleading information they had received about the intent of the bill. I assure them that this bill is designed to support police officers and their families with the utmost sincerity and respect for the risks they face on our behalf in their profession.

In my 21 years of army service as a soldier, and later as a commissioned officer, I recall that we all took great pride in the fact that we joined to serve the governments of the day regardless of their political persuasion. We respected our leaders. We developed a sense of camaraderie that has lasted well beyond our service careers. There was, and still is, a strong spirit of esprit de corps, a term best described by wartime historian Dudley McCarthy when writing about the 39th Battalion on Kokoda. He described it as thus:

Although possessing no permanent site, having neither roof nor walls, no unchanging form, it yet becomes home for those who serve in it. Away from it, each of its members can revert to being homeless individuals, lost, uncertain, without proper identity. Because of this it calls to life in a man, rounded into fullness through shared battle, suffering and death, each other will always feel some sense of brotherhood for each other man of his battalion. Through this thing the strong lift the weak to efforts and achievements beyond their own strength and their conscious wills, and the dependence of the weak gives greater strength and endurance to the strong. For every individual human part of this battalion who is killed, this thing changes something in those who survive and calls to life something new that never was there before.

I was reminded of this spirit at a recent Legacy function I attended. A young commando in his early 30s had suffered horrific injuries in a helicopter crash in Afghanistan. Almost every bone in his body was broken, his rifle had been driven through his thigh and his face was smashed. He will never be the same again, but all he could talk about that night at the function was his unit, the 2nd Commando Regiment, his mates and his willingness to help others. Another young commando had been shot through the back of the skull, with the bullet exiting his cheekbone. He is working his way through rehabilitation and told us that his aim is to rejoin his mates in his regiment as soon as he can.

A mate of mine was blown apart in Vietnam 44 years ago. He lost his leg, his arm, most of his intestines and still has a body full of shrapnel. He now counsels soldiers who have suffered similar injuries in

Iraq and Afghanistan and was recently awarded an Order of Australia for his devotion to helping veterans cope with their physical and psychological injuries. He has never left the military family and I believe this has been an important part of his own rehabilitation. I remind members opposite that we are fully aware of what post-traumatic syndrome is all about. I think we have great empathy for it. Some of the email responses I received implied that I was obviously not a supporter of the police. I would like to correct this misconception by referring to an article I put on the public record on my blog at www.charlielynn.com in April last year. Members opposite should read it. I wrote:

Our police are the front-line custodians of a civil society. Most of the work they do is out of the public eye as they try to cope with our social failures in dysfunctional areas around the state. They also have to deal with sophisticated ethnic crime gangs who know how to use our 'justice' system to undermine and discredit their profession. Criminal scumbags who have no respect for our police or our system even grace our social pages as their criminal careers are glorified in television dramas such as *underbelly*.

'Respect for our Police has been seriously undermined by green-left politicians, lawyers, magistrates and judges who believe criminals are victims of society rather than saboteurs of civil order—

I know the Hon. Sophie Cotsis does not agree with that. I continued:

Mandatory sentencing for people who attack, assault or kill police must be seriously considered if we are dinkum about restoring respect for them and protecting them from lowlife misfits and our current system of 'justice'.

The Hon. Steve Whan: Actions speak louder than words.

The PRESIDENT: Order! There is far too much interjection in the Chamber.

The Hon. CHARLIE LYNN: I further wrote:

Anybody who kills a cop on duty should be locked up for the term of their natural life.

Actions do speak louder than words because I voted for that—

Anybody who hurls abuse, intimidates a cop or their family, or physically assaults them should be sent to prison for proscribed terms. No ifs or buts.

Anybody caught with an illegal weapon should be consigned to a prison farm at the back of Bourke for 5 years to till the soil and live off what they grow. Anybody caught dealing in drugs a second time should be sent further out for 20 years. No excuses.

The deaths of Constable Crews and his 14 colleagues killed in the line of duty should not be in vain. It's time we empowered the cops, disempowered the do-gooders and dispatched the crims to the back o'Bourke and beyond.

That is what I wrote, that is what I believed and that is what I still believe. I remind our front-line police also that I voted in support of the Minister's recent bill to ensure cop killers spend the rest of their lives in jail. I have also supported the need for police to carry taser guns and will continue to be a vocal advocate for any initiative that supports front-line police to maintain law and order within our communities. The New South Wales Treasury is not a slush fund. It contains hard-earned dollars from a veritable army of individual entrepreneurs—farmers, builders, traders and truckies involved in private enterprise based on risk and reward. These are the people who fund the machinery of government and the services they provide to build and protect our communities. Our job is to ensure that the economic pie is shared fairly, that waste is minimised, that career professionals in the public service are adequately protected in the unfortunate event of illness or injury related to their jobs, and that they have the security of an adequate retirement and death benefits scheme for them and their dependents. I commend the bill to the House.

Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.

The House continued to sit.

[The President left the chair at 6.27 p.m. The House resumed at 8.00 p.m.]

The Hon. LYNDIA VOLTZ [8.00 p.m.]: I speak against the Police Amendment (Death and Disability) Bill 2011. In November 2005 the New South Wales Labor Government introduced the Police Amendment Death and Disability Bill. It is important to note that that bill was based on deliberations of the Police Superannuation Working Party, the chair of which was from the Premier's Department, and its membership comprising representatives from the Ministry for Police, NSW Police, the Police Association of New South Wales and New South Wales Treasury. The working party was formed in 2003 in recognition of the limitations

of the then system of death and disability coverage for police officers and the need to provide police officers with insurance protection commensurate with the level of risk they face in the line of duty. That is in contrast to the route now taken by the O'Farrell Government with this current bill, which seeks to remove those provisions. On 9 May in this Chamber the Minister for Police and Emergency Services was asked whether he could give a guarantee that the Government will not cut or reduce benefits to officers under the Police Death and Disability Scheme. In response to that question the Minister said:

... have said to those opposite many times that this Government will maintain a death and disability scheme for police as one of a suite of measures to ensure that we protect injured workers in a way that those opposite could never have dreamt of.

On 9 November the Minister, with no notice to anyone, introduced this bill into the House. Two weeks later we are here debating it. That is exactly six months to the day that the Minister—when asked directly whether he would give a guarantee that his Government would not cut or reduce benefits under the Police Death and Disability Scheme—said that his Government would maintain a death and disability scheme for police as one of a suite of measures. Of course this Government has plenty of form relating to its inability to consult. Members will recall that earlier this year in this Chamber we debated the public sector wages legislation, yet another example of this Government's propensity to ram through legislation. In regard to the previous police bill, the Labor Government established a working party, examined submissions, listened to the people and forged a consensus, and that was in stark contrast to the current Government, which rammed its industrial relations legislation through the Chamber.

The important point missing today is people in government should seek to obtain consensus. The current Government should abandon the Alan Joyce style-of-management it has chosen to pursue and go back to the table and achieve an outcome based on careful consideration, deliberation and consultation. Under the previous system introduced by the Greiner Government serving police officers operated under different death and disability insurance schemes. Prior to April 1988, police operated under the Police Superannuation Scheme. When the Greiner Government closed that scheme, police officers who joined the force after April 1988 became members of the State Authorities Superannuation Scheme, unless they chose to transfer their benefits to First State Super.

Those latter schemes were not police specific but, rather, covered all public sector workers in New South Wales. This has produced the unusual situation in which two officers rostered on the same shift and responding to the same incident may be treated differently with respect to insurance payments if they are both injured or, indeed, killed. The introduction of the death and disability insurance—which is available to police officers employed on or after 1 April 1988, other than those who contributed to the Police Superannuation Scheme—redressed this inequality and ensured that the unique dangers faced by police officers were recognised. The Death and Disability Scheme includes the availability of a lump-sum payment for work-related injuries. The benefit is paid if the injury prevents the injured officer from continuing to work with NSW Police, or the broader public sector, and the benefits paid are based on the injured officer's age and the degree of incapacity suffered. If an officer is killed while on duty, their benefits are paid to their spouse or their estate.

At the same time as it introduced this scheme the then Labor Government introduced a number of other measures. It created a specialist unit within NSW Police to oversight and improve the injury management process. The specialist unit provided advice and education to local area commands on the management of injured police officers. Those on the other side of the Chamber, including the Minister, have omitted to mention in this debate the particularly high rate of partial and permanent disability in the Police Force. They have omitted to deal with the causes of the high rate of occupational health and safety matters. I would be interested to hear from the Minister the reason that the number has increased from 108 to 415 a year. What has he done since becoming the police Minister to reduce the rate of injury and illness in the New South Wales police workforce?

Members have referred to an Auditor-General's report that was released today. There are a number of matters of interest referred to in that report. But more specifically, Peter Achterstaat pointed to the more general impact on New South Wales police, not just the financial impact. The only action that appears to have been taken to manage the unfavourable trend is the establishment of a medical expert panel in February 2010. Since that panel was introduced 187 referrals have been assessed. In the case of one only of that number the top-up payment was terminated and that termination was overturned on appeal. I believe that rather than merely concentrate on the monetary end of the scheme we should examine the figures and the rates. Much more can be done to achieve an outcome for the Police Force by conducting a review of occupational health and safety

similar to that done in relation to the NSW Fire Brigades when its compensation scheme figures spiked. After the review of occupational health and safety was undertaken at NSW Fire Brigades its scheme was brought under control without any reduction in benefits for firefighters.

What seems to be lacking here is discussion between the Minister for Police and Emergency Services and the Police Association about how to provide a safer working environment for what we know are essentially front-line troops. Policing is becoming increasingly complex. We know the proliferation of modern communications makes policing more difficult and it is therefore of little surprise that police numbers are spiking. Because of the proliferation of Twitter, Facebook and other social media, a mob can form very quickly at what may be a minor incident, and this is obviously having an impact on the Police Force. Perhaps the Minister can explain what he is doing to reduce the risk to police officers. Perhaps if he released his audit into police resources this Chamber would be able to determine whether police are better resourced and whether incidences of disability resulting from injuries to police in the workplace would be reduced. We would then learn how police officers in Granville, Bankstown and in regional or remote towns such as Moree and Nyngan are resourced.

The conditions faced by police are real and difficult and contribute significantly to disability claims. A cousin of mine retired with a disability from the Police Force a number of years ago. Fortunately he was engaged under the pre-1988 scheme. I recall his distress when an old school mate of his was killed in a road accident while driving a truck at the same location at which he had pulled him over for speeding only a week earlier. The pressure built up in him to such an extent that the more motorists he pulled over, the angrier he got and the less in control of his emotions he became. Eventually one day he cracked. He told me that after pulling over a motorist who had really done nothing seriously wrong, he felt like he was going to kill the driver.

Basically, he snapped. He knew then and there that he could not work in the frontline anymore; that he had to go off on sick leave. He was asked to come back on light duties but he became so distressed that he had to leave the Police Force. Even now—nearly a decade after he left the force—he does not like to talk about his time as a police officer as it causes him so much distress. I am sure that the Minister is aware of many similar cases involving police officers. My cousin would have been completely devastated if he had been required to return to the Police Force. He is one of the hardest working and most personable people I know—a working class boy from the western suburbs who was driven by an inner belief that helping people was the right thing to do. He is the exact type of person who would be adversely affected by this bill.

Other speakers referred to post traumatic stress disorder; I will too. Post traumatic stress disorder manifests itself in a number of different ways, and not everybody reacts to it in the same way. Many front-line police officers and soldiers cope well with it; others do not cope at all. Some never speak of it; some do not get out and about. I recall on occasion travelling in a vehicle with a former member of this place, Paul O'Grady. As we passed by a hotel in Five Dock and we pulled up behind another car I heard a "pop, pop" sound. I had only recently left the Army and I knew exactly what the noise was. Men in the vehicle in front of us shot three people who were leaving the hotel. Two of them stumbled back into the hotel and the third lay on the street while a girl who was with them tried to run across the line of fire to get to a car.

I hopped out of my side of the car to go to the fellow lying on the street. Fortunately, the fellows doing the shooting drove off in their car. I was told that later on they shot police officers. It seemed that the ambulance arrived very quickly. I could not find an exit wound on the fellow on the ground, so I sent the ambulance officers who arrived in the first ambulance into the hotel. When the next ambulance arrived, I sent them into the hotel as well because I knew that two people inside had definitely been shot. I thought the fellow on the street was just groggy from being hit on the head because there was a broken bottle on the ground, and I had not seen any bullet wound to his back when I turned him over.

The third ambulance that arrived had only one officer in it, and he could not transport the fellow on the street. Unfortunately, he had been shot, and there was an exit wound. I had sent the ambulance officers to attend to the fellows inside, and the fellow outside died. I often wonder whether my decision to send the ambulance people to the persons inside played any part in whether the fellow outside died. The point I make is that the reality is that you never get over something like that. Police officers make those sorts of decisions every day, and the stress that creates never leaves you. That is why we have a scheme like the current death and disability scheme for police.

Reverend the Hon. FRED NILE [8.12 p.m.]: On behalf of the Christian Democratic Party I am pleased to speak on the Police Amendment (Death and Disability) Bill 2011, which brings with it a tension

between the main players involved in the progress of legislation through this House. The Government has its policies and objectives and wants to balance its budget. The New South Wales Police Association has to represent its members and in doing so must do all it can to get the best outcome for its members. Then we have members of the main political parties, but particularly members on the crossbenches, of which I am one along with the members of the Shooters and Fishers Party and The Greens. We are the ham in the sandwich when it comes to legislation like this, because we know that our votes are critical in determining whether legislation will pass this House. Here the Government does not have a majority of members, as it does in the lower House, where it has no problem passing legislation at any time. In this Chamber, there sometimes has to be a great deal of negotiation.

As members know, I have always had a deep interest in the welfare of the NSW Police Force. I was pleased to campaign some time ago to change the name of the NSW Police Service to the NSW Police Force. The word "service" suggested a watering down of the role of police in our society, so I was pleased when the name NSW Police Force was restored. That force exists to serve and protect our society, to fight crime and to carry out the many other duties that police are required to perform. As members know, I have first-hand experience of that as two of my sons have served in the NSW Police Force.

My eldest son, Stephen, served for about 25 years in many different departments of the Police Force, from highway patrol, to fingerprinting, to internal affairs for two years, and finally as police prosecutor. He had a very happy time serving in the Police Force. There were some experiences that he obviously shared with me. One of those happened when he was stationed at Gladesville when he, along with another officer, was called upon to apprehend people who were attempting to commit a robbery. The two officers split up: one went to the front door and one to the back door. My son went to the back door, where he was confronted by a thief who pointed a shotgun at him and pulled the trigger. Thankfully, the weapon misfired, otherwise Stephen would in all likelihood have been killed. That brought home to me the dangers that police officers face daily.

My son David also served for about 20 years, before he had to resign for medical reasons because of knee injuries he sustained while apprehending a suspect. He went through many medical procedures to try to get the knee working again, but finally had to resign from the Police Force. David also had a number of interesting experiences in the Police Force. I discussed these matters with one of the officers of the Police Association who had some connection with Nyngan, where David served for a number of years. David loved the country, and was happy to serve at Nyngan. I do not think too many police would volunteer to go to Nyngan, but he did, and served there for many years through flood and other events. He told me of some incidents that occurred when he patrolled there, often on his own.

On one occasion he apprehended and charged a drunken driver who said, "You can't charge me; I'm a prominent citizen in the town," and made threats towards my son in an effort to avoid being charged. Obviously, David did charge him. Later this person, probably after having too many drinks, visited the little fibro place that David was renting and threatened him with an axe because he had been charged. These are experiences that no-one but police has to confront. They are just an illustration of what all police officers face daily, and that is why it is so important that they have good, fair and just legislation that provides for them when they have disabilities caused through their service or, worse still, provides for their families in the event of their death in the line of duty.

There are also some humorous stories. I recall a close family friend of mine, a young woman, telling me, "Oh, I met your son Stephen the other day." I said, "Where did you meet him?" She said, "He booked me for speeding." He had been on highway patrol in the Katoomba area. That demonstrated that he was always fair and showed no favouritism, even to people who were friends of the family. If people speed, they should be charged, and they were charged. But there is another side to being a police officer—facing the reality of death and disability.

Being the ham in the sandwich I explore whether it is possible to improve legislation. I have had many discussions with Scott Weber and Peter Remfrey, the leaders of the Police Association, and with the Minister to try to improve the legislation. I have to be positive; I do not see my role as blocking legislation, unless it is impossible to see any good in it. Initially, I set out to see whether legislation can be improved by amendment, through discussion and so on.

I am pleased about one of the proposals that I put to the Minister for Police and Emergency Services, the Hon. Michael Gallacher. After discussions with the Police Association it seemed that there could be particular problems with the scheme, despite the best intentions of the Government, and I suggested to the

Minister that the bill should contain a provision that the effectiveness of the scheme should be reviewed by the Auditor-General. I advised the Minister that I was happy to move an amendment to that effect if he was willing to accept it. I was pleased not only that the Minister accepted it, but also that he actually incorporated it in the first print of the bill. Proposed section 199M, Review of effectiveness of scheme by Auditor-General, provides:

- (1) The Auditor-General is to review whether the provisions of this Part and the injury management practices for police officers have improved the performance of the NSW Police Force in securing the return of injured police officers to duty.

It is the Government's intention to do all it can to restore officers to good health and strength, where it is physically possible to do that, so that they can continue to serve in the NSW Police Force. The second part of the amendment incorporated in the bill is:

- (2) The review is to be conducted within 12 months after the commencement of this Part (or within such further period as the Minister may approve on the recommendation of the Auditor-General).

There are a number of other aspects to that particular amendment, and I am very pleased that the Government agreed to it. In my discussions with the Police Association, which has concerns about the overall impact of the legislation, I indicated some areas where the bill could be improved. One of those was to involve the Industrial Relations Commission. On 21 November I received a letter from Scott Weber, the President of the Police Association, in which he said:

As previously discussed, the Police Association of NSW believes that this issue is best resolved in the Industrial Relations Commission ... rather than the Parliament.

I have agreement from the Government—an amendment will come forward in due course—to have a role for the Industrial Relations Commission in this legislation. I am pleased that that will happen. Another matter that the Police Association raised was the scheme to clarify the long-term effect of the legislation. The Police Association proposed to me adding the words "long term" to clause 199E, so that it would then read:

... only if satisfied that the long term cost to the State of the scheme ...

I have had that amendment drafted, and I understand that the Government has agreed to accept it. The Police Association expressed concern about the contribution that police officers are required to make and proposed rewriting clause 199F (1) to read:

- (1) Police officers are required to make a contribution up to a maximum of 1.8 per cent of salary to the State of a death and disability scheme ...

There was some concern that, if that were not clearly stated, the Government may feel there is a need to increase the figure of 1.8 per cent. I understand the Government will accept this amendment which, when passed, will give some certainty to the Police Association of New South Wales with regard to that particular amount. I am pleased that we have been able to make some progress. Probably there are other areas where improvements still need to be made. I understand there are other amendments, which the Shooters and Fishers Party has been discussing with the Minister, and hopefully they will eventuate and become part of the legislation. The amendments I am speaking to are on sheet C2011-136; they will be discussed in more detail during the Committee stage.

There is no doubt that the Government faces a challenge. The challenges relate not only to the death and disability scheme for the NSW Police Force but also to the whole industrial area—including the salary and wage increases of public servants, which we have already debated—and the solar panel controversy. There is no doubt that the Coalition Government has to repair a lot of damage caused to the State and its economy by the previous Labor Government during the 16 years it was in government. Perhaps the previous Government was aware of some of the problems, but it did not rectify them for whatever reason. There is no doubt that the Coalition Government is facing financial realities, which is why it seems to be involved in a great deal of controversy. There may be more controversy in other areas of the State as time progresses, but this is the issue we are dealing with now.

It is clear that the death and disability scheme is financially unsustainable unless supported by Treasury. In 2010-11 it cost \$288 million, more than 10 times what it was anticipated to cost in 2005. The Labor Government thought it would be nearer to that figure, but that has not been achieved and it has blown out. Over

the next four years it has been projected to cost \$4.4 billion, including flow-on costs to workers' compensation. The scheme, including costs to workers' compensation, is costing around \$15 million per week. This is \$12.5 million more than it should.

The death and disability scheme is operationally unsustainable. In 2010-11 there were 1,135 officers on long-term sick leave, up from 450 in 2005. This means that, with all the attempts of the Government to increase the authorised figures of officers serving in the NSW Police Force, we then have in this case 1,135 police on long-term sick leave, and that figure would increase. When one considers that the figure was only 450 in 2005, there is something basically wrong with how this system is operating. At any one time there are between 600 and 800 officers on long-term sick leave. This is equivalent to three to four large local area commands not being at work. It must create great pressure on the remaining officers who are carrying the extra load. Obviously, it also puts pressure on officers in command positions, who are coping with those figures.

Perhaps others would have a different scheme but, for better or worse, the Government has proposed this scheme to purchase through First State Super new commercial insurance to replace the current death and disability scheme and the workers' compensation top-up entitlement. The Government will invest an additional 1 per cent over and on top of its original commitment of 3.6 per cent of salaries. Insurance will still pay lump sums for death and total and permanent incapacity, but will pay an income protection benefit instead of a partial and permanent incapacity benefit and workers' compensation top-up. The proposed arrangement is still the most generous scheme available to police in Australia.

I was interested to see comparisons of sample cases. Under the new scheme for police officers—not the old scheme—the death benefit lump sum in New South Wales is \$805,000; the equivalent in Victoria is \$492,000 and in South Australia it is \$450,000. New South Wales is well ahead of the other States in respect of the new scheme that we are now debating. In sample cases, total and permanent disablement benefit in New South Wales is \$631,000, in Victoria it is \$590,000 and in South Australia it is \$555,000. Again, New South Wales is better off than those other States. Sample cases for temporary disablement, partial or total, is \$233,000 in New South Wales, \$98,000 in Victoria and \$105,000 in South Australia. It does seem that the Government is seeking to get the best of both worlds under the proposed new scheme. Some could even argue why it is not more like other States. It is better than other States, and I am pleased that it is.

There is also a plan, which I think is the most important part of the new scheme, to get officers back to work. This legislation would create a \$15 million injury management fund—I know the Government is increasing the figures as a result of the negotiations that have been occurring with the crossbench—over three years to trial and evaluate innovative approaches to injury management, including through partnerships. The Government is committed to recurrent funding capped at \$5 million to fund successful injury management projects. This is a record investment in injury management.

They are some positive features of the legislation. As I said, it may not please everyone, but I believe it is a balance that the Government is seeking to achieve. In relation to death benefit, I note that there has been some publicity about the effect on families where an officer has died in the course of duty, as if there is some disadvantage under the new legislation. The figures that I have been given by the New South Wales Treasury indicate that the death benefit is unchanged. For instance, in a sample case under the current scheme a death benefit lump sum payment is \$805,000. That death benefit lump sum payment will be exactly the same under the revised scheme. Families that fear they will be disadvantaged by the new scheme if the breadwinner of the family is killed in the line of duty should be made aware that that does not appear to be the case from those figures.

Although reluctant, the Government has no choice but to proceed with this new proposal and we all hope it will be successful. I note in the workers compensation figures supplied to me that in the year 2005-06 the budget allocation was \$49 million and that each year thereafter the budget allocation has gradually increased. In 2010-11 the budget allocation was \$132 million. In 2011-12 the budget allocation is \$463 million—a 201 per cent increase. In 2005-06 the number of officers on long-term sick leave was 450, in 2009-10 the number jumped to 895, and in 2010-11 the number jumped to 1,135. [*Time expired.*]

The Hon. GREG DONNELLY [8.32 p.m.]: I speak to the Police Amendment (Death and Disability) Bill 2011 and join my Opposition colleagues in opposing the bill. A number of speakers have already made a contribution to this debate and I am confined by the time restrictions that the Government placed on second reading contributions some time ago. However, I will try to cover those areas in need of a little more detail than otherwise covered by previous speakers and in those areas adequately covered, I will let the record speak for

itself. I am particularly concerned by the way the Government has handled this matter. I understand that in July it was agreed that the Police Association of New South Wales, Commissioner Scipione and Minister Gallacher would collaboratively work together to provide a sustainable outcome in support of injured officers and to finally address what were recognised to be—and no-one denies this—serious issues associated with current death and disability arrangements.

Between July and September seven meetings took place between Deputy Commissioner of Police Burns, the Minister for Police and Emergency Services chief of staff and other government officials as part of a negotiating committee. A hiatus then occurred. On 2 November the Minister for Police and Emergency Services called the Police Association to an urgent meeting. At that meeting the Minister announced that the Government was preparing legislation to close the current death and disability scheme and that a new income protection model would commence on 1 January 2012. The Police Association is now questioning what it worked through with the Government, in good faith, between July and September.

It feels somewhat—I use the word advisedly—"cheated" by the process. As far as I can discern, although these negotiations took place, no substantial proposal was ever put on the table for consideration. On 2 November, when the Minister put his proposition, the association felt trapped into a position. On 9 November an urgency motion was moved in this House and the second reading speech was pushed through. The Government is now determined to push this legislation through before the rising of the Parliament for the Christmas recess. One cannot help but feel sympathy for the Police Association. This bill falls short of the mark it sought to achieve: a satisfactory outcome for the Government, the association and the police officers of this State.

I also find the proposition of the removal of death and disability cover from an award of the Industrial Relations Commission to a straight commercial arrangement with a commercial insurance disturbing. I note the comments by Reverend the Hon. Fred Nile about the involvement of the Industrial Relations Commission. I ask that the Minister elaborate on this in his reply. The association will be given some comfort if the Industrial Relations Commission is to be provided with an opportunity to arbitrate over the death and disability award that the Police Association has before it—I understand that application is on foot.

But I am not sure from the comments by Reverend the Hon. Fred Nile that the role of the Industrial Relations Commission will go as far as arbitrating the outcome. In my view the application before the Industrial Relations Commission should be allowed to run its course and an arbitrated outcome should be determined. An unfortunate feature of this Government is that time and again it moves legislation to marginalise the role of the Industrial Relations Commission, particularly with respect to State sector employees. The current proposition on the table will take the whole issue of death and disability cover out of the award and it will be treated as a commercial insurance arrangement.

A number of things have been said about the current scheme. The average age of officers medically discharged is 40 years old and they have had 15 years of service. There is no evidence of any abuse of the death and disability scheme. The Commissioner of Police personally signs off on all medical discharges. The Parsons review, commissioned by the current Minister, specifically looked at injury management. Part of that review saw Assistant Commissioner Peter Gallagher undertake a specific analysis of over 700 medical discharge files and he concluded that there was no evidence of any systematic rorting of the death and disability scheme. Members have not seen a copy of that review, although we would like to. Since 2005 almost 1,200 police have been medically discharged because they were assessed by independent medical practitioners, nominated by the NSW Police Force, as so incapacitated to not to be able to perform any duties whatsoever within the NSW Police Force.

The NSW Police Force audit has confirmed that of the 700 police medically discharged in the 2009-2011 period only 2 per cent of members have subsequently found full-time employment; and 85 per cent of members medically discharged are now fit for some work but are unable to find work or remain so sick or injured that they are unable to be placed in alternative employment. This position is confirmed by the workers compensation insurer. Members will be aware that during negotiations with the Police Association the Government produced a document that contains four scenario outcomes for Senior Constable Smith, who has 40 years in general duties. The association contested the scenarios in the Government's document with its analysis of how the scheme will impact, using the scenarios provided by the Government.

In scenario two Senior Constable Smith, with 21 years of service, incurred a serious spinal injury while arresting an offender. After 14 months on workers compensation sick leave he is assessed as being totally and

permanently injured and unlikely ever to work again. Under the current scheme he or she will receive an ongoing normal gross salary of \$1,650 per week from the date of injury until medical discharge 14 months later; he will receive a death and disability total disability lump sum of 8.5 times salary, which is equal to \$766,000 minus concessional tax; and, finally, after medical discharge he will receive a weekly benefit from workers compensation of \$424 until the age of 65 years. Under the proposition—this is where the association's analysis differs from the Government's position—there will be only an ongoing normal fortnightly salary from the date of injury for six months, then 75 per cent of insured salary of about \$1,300 per week for the next eight months; a death and disability total and permanent disability lump sum of 2.06 times salary, which is \$185,000 minus concessional tax; and finally after medical discharge 65 per cent of his salary, which is about \$1,125 a week, for a maximum of four years and four months, reverting to \$424 workers compensation after this time.

When he is off sick Senior Constable Smith loses \$350 a week for eight months until he is medically discharged. He loses \$580,000 in lump sum benefits but receives an extra \$700 a week for the next four years and four months, which is about \$156,000 in total. The association also contested the outcomes in scenario three. On analysis, scenario three seems to be deliberately misleading. As Senior Constable Smith is not medically discharged there is no entitlement to a total and permanent disability lump sum. Rehabilitation is already an obligation for the NSW Police Force and the workers compensation insurer. Not enough details are provided in the scenario to provide a sensible comparison, which the Government asserts is done in the analysis.

In scenario four presented in the Government's document, after 21 years Senior Constable Smith develops a chronic post-traumatic stress disorder injury. After 14 months on workers compensation sick leave he is assessed as partially and permanently injured and unable to work anywhere in the NSW Police Force. He may be able to work elsewhere when he recovers. Under the current scheme he will receive his ongoing normal gross salary of about \$1,650 per week from the date of injury until medical discharge 14 months later. He will receive the death and disability partial and permanent disability benefit of 5.36 times salary, which equals a net benefit of \$331,000 after normal tax of 31.5 per cent on a gross benefit of \$483,000. After medical discharge, if he remains unfit for all work, he will receive a weekly workers compensation benefit of \$424. Compare that to the proposed scheme, Senior Constable Smith will receive an ongoing fortnightly salary from the date of injury for six months and then 75 per cent of the insured salary of about \$1,300 per week for the next eight months. He will not receive a partial and permanent disability lump sum.

After medical discharge if he remains unfit for all work he will receive 65 per cent of his salary, which is about \$1,125 a week, for a maximum of four years and four months, reverting to \$424 workers compensation after this time. If he is fit for some work but cannot find any employment he is entitled to nothing under the proposed scheme, only workers compensation benefits. When he is off sick Senior Constable Smith loses \$350 per week for eight months until he is medically discharged. He loses \$331,000 net in lump sum benefits. If he is unable to do some work, irrespective of what the work is, or if he is unemployed he will get no support from income protection insurance. So there is a serious contrast between what the Government has put forward in its document about outcomes and the association's analysis. The association has grave concerns about the specific outcomes of the scheme if it becomes law. I now refer to a comprehensive bound document produced by the Police Association entitled, "Police Association of NSW: Protect the Police that Protect Your Community".

Before I commenced my contribution I spoke to the Minister and said that I would like to have the 17 commentaries by 17 police officers incorporated in *Hansard*, and the Minister said that that would be acceptable. So I seek leave to incorporate in *Hansard* the 17 contributions by Daniel Danvers, Simon Shannon, Darryl Taylor, Dave Llewellyn, David Taylor, Jacob Van Praag, John Hicks, Karol Blackley, Martin Burke, Matthew Harper, Melissa Ryan, Rick Watson, Ross Wilkinson, Rob McDougal, Simon Gillard, Brett Edmonds and Peter Taylor.

Leave granted.

Daniel Danvers (# 35423)

I joined the NSW Police Force in 2000. Having attested, I served in General Duties at North Sydney, before being transferred to the Marine Area Command. I did my initial training at Sydney Water Police before being transferred to my current location of Newcastle Water Police.

Joining the Water Police was a childhood dream come to fruition. I have been in, on and around, boats since I could walk. I had also dreamed of being a Police Officer and serving the community. Having completed 2 trades, and gaining valuable life experience, I then set out to fulfil this dream. It is an even more exciting and fulfilling job than you could ever imagine.

At the Water Police, my core roles were the maritime search & rescue of persons and vessels off the NSW coast, anywhere up to 200+ nautical miles (NM). This task often lasted for days and without support. My duties also included ensuring compliance on the water to marine regulations, as well as detecting and preventing marine crime. I was also part of the Marine Operational Support Team (MOST) which conducted tasked underway boardings of ships and vessels offshore, sometimes over 100 nautical miles (NM) and in atrocious conditions.

Whilst conducting my duties in 2007, I received an urgent request for assistance off the coast of Norah Head. The master of a vessel was in distress and requesting urgent assistance from the Water Police. During the rescue I suffered a debilitating spinal injury. The sea state was terrible and the conditions were very ordinary. Whilst trying to get the vessel under tow, we came off the back of a large wave. The subsequent shock went through my legs and up my back. I suffered structural damage to discs and vertebrae. The human body is extremely resilient when force is applied head to toe, but it is not biomechanically designed for the upward transfer of such force. Unfortunately these sorts of accidents are commonplace in the Water Police.

Some people recover sufficiently, whilst others do not. This is an unavoidable symptom when you ask the flesh of a human body to endure the volatile conditions of an unforgiving ocean. Generally, Water Police go out when conditions have reached a stage where no-one else can, or in fact wants to. They endure the worst conditions to achieve the best result - saving human lives.

After the injury, I dedicated myself to rehabilitation and managed to return to full duties in a reasonable amount of time. As you can appreciate, the water is a challenging and dynamic environment over which you have no control. That said, I successfully returned at full capacity to all my previous duties. Whilst my back continued to give me intermittent pain and inconvenience, I endured and continued to discharge my duties to the best of my abilities on behalf of the wider NSW community. I managed and maintained my injury through physical activity and constant physiotherapy.

Unfortunately for me, my back gradually deteriorated and was actually reinjured in February this year. This re-injury and deterioration was complicated further by the discovery that previously undiagnosed damage to my SI joint, which was a result of the original injury, had destabilised my spinal column and resulted in weakness being referred to various new areas on my spine. To my dismay, the gradual and debilitating degradation of my spinal column rendered me a physical shell of my former self. I have always been an extremely fit and active person. Maintaining health and fitness has always been a priority. This of course complemented my duties as a Police Officer. My condition reached a stage where it is now painful to go to, or even get out of, bed. I live day to day and mask the agony I suffer in a cloud of prescription painkillers. I have had cortisone injections. I have had needles inserted into my spine without anaesthetic during a discography. I regularly see an exercise physiologist and an osteopath in an attempt to maintain mobility. There is no quick fix. An operation is only a 15% chance of success at this stage with current techniques and technologies. Those odds are not good so it is a last resort I'll not yet employ. I have made all available attempts to recover and return to my previous physical capacity. My journey has been a long and painful one, all with the end goal to return to full duties at work. I endure pain every single day. I can't sit for long. I can't stand for long. I am depressed. Only those who have suffered such injuries and been relegated from fit, active people to hobbling cripples can understand the damaging psychological effects that accompany the obvious physical ones.

And now I am in limbo. I have attempted everything asked of me, as well as plenty of extraneous things. I have been paying into the NSW Police Death & Disability fund since its inception in 2005. Now, the NSW Government is immorally rescinding it and replacing it with a much inferior model. What am I supposed to do? I've attempted to return to work in good faith. I have always been a frontline operational officer. My intent is still to return to work, however my specialists are saying this is unlikely. The insurance company accepted full liability for my injury. It is an accepted and authentic injury, sustained from work prior to the dilemma we now find ourselves in. Under the current system I was reasonably covered.

My immediate financial situation was okay and my mortgage not threatened. I have been on and off work doing all the things asked of me since February when my condition so dramatically deteriorated. Now, the Government is trying to retrospectively strip me of my entitlements. I didn't ask to be injured at work. I don't even want to leave work. Why would you want to leave the Water Police? As I said, it's a dream come true. The proposed changes mean that I'll be thrown on the proverbial scrapheap. Because I cannot see an independent medical officer before the end of November 2011, my entitlements are retrospectively transferred to the new, inferior scheme.

It seems less and less likely that I'll be able to perform Policing duties. My employment opportunities outside are minimal to non-existent. As I said, I am in constant pain and find movement difficult. There is no way I would be able to 'get back on the tools', the only other employment I know. I can't stand for long or sit for long. What are my prospects? The current entitlement would have at least bought me time to discuss and plan my family's future without fear of foreclosure. My mortgage may have been safe, but I'm only 36. I still have a long life to live. There are ever increasing pressures on households. I am not a sexist, but I am a proud man and have always been the primary bread winner. It hurts to know that my contribution may become negligible. I have two beautiful young children to support and see into adulthood. The old scheme does not meet these costs, let alone the new scheme. At least it made the transition to a new, not better, life possible. My kids idolise me and love the fact I'm a Police Officer. It makes me proud to hear them talk about it. I'm at a crossroads and need the Government's help, not their derision. If this proposed scheme is enacted, my entitlements reduce drastically. I will be unemployable and financially ruined. My mortgage will not be met. Again, these circumstances all result from the fact I was doing my job.

Mr O'FARRELL, my life is in your hands. These changes, if implemented will destroy me if I am unable to return to work. I feel that the personal stories and lives of honest hardworking Police are being lost in the argument of economics. I'll leave you with this; when these proposed changes arose, because of my fluid situation I was, and remain very worried. My gorgeous 4 year daughter overheard me distressed and talking on the phone discussing the implications of being unable to work and such a reduction in entitlements. She was very upset that we may have to sell the house if burdened with such financial hardship. I assured her that everything would be okay. She then comforted me, in the way that only children can, and said, "It's alright daddy, I'm gonna ask Santa for a new back for you. When I'm older, I'm going to be a doctor and fix your back". If only adults were as considerate and caring as children.

Simon Shannon (# 41893)

Before 0200 am on the 25th December 2010 my partner and I responded to a stolen vehicle job. Two vehicles had been stolen from the same address. We arrived at the village where the vehicles had been stolen and we soon located one white colored Ute still being driven by one of the offenders. We positioned our fully marked police vehicle with lights activated in the path of the stolen Ute. As it approached us, it appeared to slow down so I exited our vehicle. The Ute increased speed towards me. I moved out of the way and the Ute passed me by. The driver then lost control of the vehicle as it drove onto the Highway, fishtailing several times before coming to rest in the culvert. I again approached the vehicle as it was now stationary. The Ute again drove in my direction. I stepped so that I was out of the path of the Ute, but as it passed me the driver swerved to the left causing the rear of the Ute to slide out and hit me. I was thrown several meters before landing on my back. As a result of the collision I received a broken left leg. Both the fibula and tibia were broken. The driver drove away from me and finally crashed the Ute into a color bond fence not far from where I was lying. The offenders then decamped the scene. I was conveyed to Tamworth Hospital. As a result of the break, I now have a nail inside my tibia from my knee to my ankle and two screws. I was also told that I had sustained damage to my knee.

I have since had two operations on my left knee and one on my right knee. The last being on the 1st November 2011 to both knees. I am again on crutches. During the last year I have had trouble sleeping, reliving the incident, mainly at night. I react to the sound of engines revving loudly and have to locate the source of the sound.

My partner is also a Police Officer. We have an 18 month old daughter and expecting another baby in January.

If these changes come into effect, we as a family will need to reassess everything. As a result of my time off already, as I understand it, if I am still off work, I will in, about four months go onto 65% of my wage. This will place more stress on me, and my family. My relationship with my partner has already got unnecessary stress on it as a direct result of my incident and my uncertain future. I cannot afford to be on that sort of pay which is a result of no fault of mine, while I'm still required to pay back the government, HELP, for becoming a cop in the first place. We certainly cannot, under the new system afford, to have my partner hurt at work. Where would that leave us if we were both unable to work? We will need to see if she is able to stay in the job. You may see two cops gone.

From the moment I was injured I have always intended to return to work, and did return to work on a restricted basis before my last two operations. But as my injuries have still not allowed me to recover to my pre injury health, the end result is still uncertain. If the worst case scenario happens and I am unable to return to work, where does that leave my family. This new system is simply a means of casting me aside without care. I have never felt so let down, alone and under pressure.

The government is forcing me, an injured employee, back to work so I can provide for my family. I am still undergoing rehabilitation, including operations and possibly more to come. It would appear the government wants me back to work less than fit and still carrying injuries, the last operation found a torn ACL. This also causes issues for the people I work with. If I am unable to perform when needed, other officers will be at risk. I have done everything asked of me since the incident regarding rehabilitation.

My physical future is still uncertain as I am just out of my last operation, but under the Government's new system, my family's financial future is now clear. We have none.

Darryl Taylor (# 29898)

I wish to just relay my story and how even the Blue Ribbon failed me. I was injured back in January 2000 after a pursuit, and over the next few years continued to injure both knees up until 2006 where I was placed on permanent restricted duties. After putting up with all the threats to send me back to Sydney (I live in the Riverina), I was placed into the Exhibit and Station controllers roll. Now I don't know about anyone else, but this is ok if you are on your way out for retirement but not when you are forced into such a position that you could have to do for the next 20 years with no promotion, or any job stimulation what so ever. So after 3 operations and now up for 2 knee replacements, I was punted out the door on the 25/11/10 as partial not TPI. So at 47 years of age and the rank of Incremental Sergeant, I got \$383,000 less tax. Sounds great but when you have to spend tens of thousands of dollars in modifications to your house so it is easier to move around and pay off a mortgage, pay for cleaners and tradesmen to do most functions, I am now into my super - well what's left of it. So what do I get now - \$391.50 per week and bills come to \$293.70 per week. I am very much faced with the prospect of having to sell my home. All I and my doctors ever asked for was for rehabilitation so I could get back to full hours or close to it.

On each and every occasion I was knocked back on rehabilitation which would have kept me at work in some capacity. I ended up on Morphine patches and still on to this day so I can function in some capacity. I asked if I could work at Leeton Police Station a few days a week but was forced to do the 120km round trip to Griffith. In the end, I was reduced to 2 x 8hr days and told if I couldn't do 26 hrs plus I would be gone. So I have the insurance company refusing to pay for anything and the Cops trying to punt me out the door because I was injured. Not only do you fight the management, you fight the filthy insurance companies and management doesn't give a shit about that.

Now I wasn't the only one, a work colleague from Narrandera was transferred to Griffith because he was injured - a 200km round trip with a bad back, and by your own car to, well that makes perfect sense. So at this time I have not worked for over 12 months, and am very unlikely to work in the future - I have 6 doctors confirming this. Today I actually broke down after I attended Centrelink to try and get some assistance. Can you imagine after being a Sergeant of Police in a small country community having to walk into Centrelink for a hand out how proud it made me feel, shit I locked some of these people up. Maybe if they bloody did the right thing in the first place by injured police instead of turfing them out the door they wouldn't have this mess on their hands. So who is to blame - the management, for doing nothing to even find out if you are being looked after and having this blind mentality of operational or not operational and they shall never meet. In 12 years I got one phone call 2 weeks before

I finished up - what a joke. I just wonder if any pre 88's have to go to Centrelink for a hand out. Maybe post 88's should be making the decisions for the pre 88's and see how they like the changes. So don't anyone be fooled into believing they want to retain police even under the current system, I have a mountain of paperwork to confirm this situation.

Dave Llewellyn (# 25701)

I was attested as a Probationary Constable in the NSW Police on the 9 September 1988 at the age of 19 years. I am now in my 24th year of operational policing. I have served in remote and difficult to police communities, regional country areas and the Sydney metropolitan area. During my service, I have been exposed to dangerous and life threatening situations, having twice been commended for bravery.

On the 20 October 1995, I suffered an injury to my right knee whilst participating in weapons training. I underwent surgery to my right knee and returned to work after an extensive period of rehabilitation. In time I returned to full operational duties.

On the 28 December 2006, I re-injured my right knee whilst on police property. This was classified by the NSW Police as a recurrence of the original injury. Again I had surgery on the right knee and again underwent extensive rehabilitation before returning to full operational duties.

On the 26 January 2010 whilst recovering a deceased person from beneath Lennox Point on the far north coast, I re-injured my right knee which resulted in major surgery. In late 2010, I attempted three times to return to restricted duties as part of my return to work plan. This only aggravated my injury and I was certified by my Doctor as being unfit to work. Shortly afterwards I was diagnosed with clinical depression as a secondary injury to my knee injury.

My situation has devastated my life and that of my family. I have always considered myself a career police officer and to this end I was on the Sergeant's promotional list.

I have since been recommended for medical discharge from the NSW Police, having been found to be unfit to work in any vocation by an Orthopedic Surgeon, a Psychiatrist, a Psychologist, a GP and a Musculoskeletal Physiotherapist. On Thursday, 3 November I became aware of the intention to change the D&D scheme. I was shocked and devastated by this development as I had been waiting for a decision to be made to send me to an Independent Medical Examination for both the physical and psychological injuries.

After a protracted effort over many weeks not only by myself, but by specialist Doctors, the Police Association and by my LAC, the NSW Police late Friday, 4 November decided to send me to an Independent Medical Examination scheduled for the 24 November.

The result of the IME I don't know. What I do know is that I believed that if I ever found myself in this position, I would have the peace of mind of knowing that my interests would be looked after by my employer and that my family's future would be secure. Instead I find myself emerging from one nightmare into the uncertainty of another. I don't expect sympathy or charity. I do expect to be treated in a fair and just manner. The proposed changes to the D&D scheme will further punish and penalise those members of our police force who have sacrificed their health and well-being, along with their quality of life as a direct result of their service to their community.

David Taylor (# 26498)

I refer to recent information regarding proposed changes to the Death and Disability Scheme for NSW Police.

I have worked as a NSW Police Officer for the past 22 years and am currently stationed at Tweed Heads Police Station. I am married with two children aged six and nine.

Since starting as a Student Police Officer, I have been subjected to most experiences a NSW Police Officer can see, hear, feel and smell.

In December 2010 I could no longer function as a person, let alone be suitable to continue the privilege of being a NSW Police Officer. Extraordinarily vivid flashbacks of uncountable traumas caused me to take sick leave. I was diagnosed with Post Traumatic Stress and Acute Depression. My claim was accepted by Allianz Insurance.

Given your position in parliament you may aware of the symptoms of these conditions. I will not dwell on them - suffice to say it is unpleasant and very destructive on a person, and their family.

I take medication which is supposed to assist me, and deal with the side effects of those daily. I have attended a psychiatric clinic, and have partaken in weekly counselling sessions searching for answers and craving support to pull myself out of my nightmare. I surrender to alcohol far too often, but it does occasionally numb me from my mental torture.

It is now Sunday, 6 November 2011. Last night I managed to get about three hours sleep before suddenly waking in a lather of sweat and my heart palpitating from a nightmare. Several years ago my three colleagues and I came across a fatal motor vehicle accident not far from Taree. A family - mother, father, sister and brother were dead in the car. People were screaming, crying, and pouring over the two dead children. The children were about the current age of my kids. I see their dead faces. I see their lifeless bodies still strapped to their seats. I see blood flowing from their mother, her lifeless eyes bulging from her head. I see their skin colour is fading. I see people from the other car, their blood flowing onto the road, the pain and shock in their eyes. I see mangled cars, I see broken glass. I see everything. I am in the moment. It is shocking. I do feel thankful however that I did not dream of my own kids faces superimposed on the dead children's bodies. That was last night's nightmare.

While trying to make sense of that nightmare, the images of blank faces and broken glass immediately flash me back to the North Haven Bowls Club. I was a member of a surveillance team which was following a group of men who were committing armed robberies in the area. Those in charge of the investigation saw fit to allow these men to actually commit an armed robbery at the club in the presence of numerous secreted police. I see the shocked and horrified faces of the three staff members, straining against zip ties around their hands and feet, looking to me and a colleague to get them out of the club while the offenders were still inside.

Shattered glass over the floor, lifting these three people to their feet and dragging them to safety, their faces haunt me, keeps me awake, and disgusts me. I still ask myself why that happened.

These are only two of many incidents which disturb me on a daily basis. Some are more frequent than others. I cringe at the overpowering thoughts during the day. I crave a night's sleep.

As my employment as a NSW Police Officer was the cause of my condition, I believed the NSW Police would support and assist me. Surprisingly to me, NSW Police has not taken any real interest in me. I would be floundering without the support of my family and friends. My bills are paid, but there is no genuine assistance, support or encouragement given to me or any staff member with Post Traumatic Stress, or their family who suffers along with them. I had to search out my own doctor, my own psychologist, my own psychiatrist, my own support team. There were no recommendations and no advice. I rely on the untested common knowledge of police going through the same issues.

The only time I was contacted by my Local Area Commander was via an email, through a GSO, stating the current Death and Disability Scheme was changing and I will not be entitled to payments through my superannuation. No questions about my condition, no questions about my welfare, no interest what so ever.

All the NSW Police did was forward a letter stating I was not to utilise the Employee Assistance Program - the very organisation I thought would be the experts in trauma, post traumatic stress and the experts in helping me.

My General Practitioner, Psychologist and Psychiatrist have written reports stating I am unsuitable for NSW Police work, unsuitable for any work within the NSW Police organisation, and unsuitable for any type of employment.

I am attending an Independent Medical Examination on 1 December 2011 in Sydney. Without pre-empting the result, I believe a Medical Discharge from the NSW Police will be recommended.

One of many symptoms of my condition is the inability to concentrate. I am not in a position to take in any information in great detail, and I am currently dumbfounded with the bombardment of information about these proposed changes, let alone the consequences and ramifications of recent proposed changes to my Superannuation Scheme.

Am I now being informed by the NSW Government, and my boss, the NSW Police Commissioner, that after much of my own soul searching, heartache and confusion which caused me to realise I can no longer be a policeman, that I am not entitled to payments which have been documented on my superannuation forms for years, for my ongoing work related injuries?

Jacob Van Praag (#36348)

I became a police officer in 2002 and have spent my whole career performing general duties policing. It was my lifelong desire to be a police officer and I loved performing my duties as I felt great satisfaction in protecting the members of the public and assisting those less fortunate than myself.

While enjoying my job, I have attended numerous serious jobs where people have committed suicide, were attempting suicide and without going into the distressing details 'messy deceaseds' and motor vehicle collisions. Unfortunately these jobs remain vivid in my mind and often cause me distress.

On the evening of the 29th of March 2007, I was assaulted on duty where I was punched repeatedly in the back of my head and neck. As a result of injuries I received on that evening, I suffered from concussion symptoms for a period of about four weeks. I had constant headaches, loss of concentration and severe pain in my neck and head.

I returned to work after a period of about six weeks, however from that time I suffered regular headaches and periods of depression and loss of mobility in my neck. I have been assaulted on numerous occasions and have been exposed to blood and other biological contaminations whilst performing my duties. As all police officers that I have worked with, I just got back up convincing myself that this was part of the job and that I needed to keep going. I have done this constantly throughout my whole career refusing to acknowledge the serious physical and psychological effects this was having upon me and my family.

On the 3rd of December 2009, I injured both my shoulders whilst effecting an arrest of an offender wanted on warrants. This caused loss of mobility in my shoulders and arms and after an extended period of treatment I returned to full duties. My shoulders and neck continue to cause me excessive pain, however I just kept going as usual, ignoring the signs of fatigue and stress. A short time after returning to full duties in 2010, I suffered further biological contamination injuries from a female I was dealing with who was mentally ill and threatening self harm. Again my family and I were forced to wait out the three and six month blood tests.

I continued my duties as a police officer again on the front line. I enjoyed my job and refused to accept that my health was seriously failing. In February 2011 I was again struck with severe headaches preventing me from working for a period of four days. On the 9th of March 2011 I was forced to terminate my shift due to migraine type headaches and symptoms including pins and needles down my left side, I had blurred vision in my left eye, loss of concentration, slurred speech and my neck was seized. Since that time I have been on workers compensation only being able to perform very few four hour shifts. I continued to

struggle with pins and needle sensations in my left arm and leg finding the pain in my arm unbearable. I was unable to sleep due to the severe pain in my neck and the frustration of the pain in my left arm. During the next three months I remained determined to beat my injuries as always, refusing to accept doctor's advice and diagnosis of PTSD and Depression.

Upon examination by a further neurologist, it was revealed that I had lost all reflexes in my arms and legs and that the sensation of pain was not detected by me from my knees down. After being medicated to assist in sleeping the nightmares returned. I often wake my wife by yelling and fighting in my sleep causing her distress and fear that she would be assaulted by me. To this time it remains a real fear for my wife to intervene or wake me from sleep.

I remain medicated for my illnesses and suffer periods of severe depression, I am not the same person as I was when I joined the Police Force. I am tired, sore, frustrated, distressed and depressed, I'm broken.

The news in relation to the intended changes to the Police Death and Disability Scheme has caused further undue stress to my family, colleagues and I. I again find myself in tears and unable to go about my everyday life. I accept that there is a need to look into the revision of the scheme, however feel betrayed by the very way in which this is being forced and rushed through parliament, with the intent of not looking after those already on long term sick, and needless to say, not looking after the men and women of the NSW Police Force who continue to put their life, bodies and families on the line for the protection of the community. Under the new scheme, I stand to lose further quality of life and my three children will be forced to continue to go without.

John Hicks (#29374)

On 22 May 1994 I was employed as a student Police Officer and attended the Goulburn Police Academy, I was 39 years old and the oldest in a class of 240. I had plenty of life experience and was in excellent health and fitness. This was my dream.

I was put through my paces and graduated a Probationary Constable on 18 November 1994. My first posting was Gosford then Chatswood followed by Newcastle. After one year of Policing I was placed on blood pressure medication, the work load was fast and furious, but I never had one sick day off in the first four years. All Police Officers of my rank felt it a privilege to be a constable and felt we owed a debt to the people of NSW.

My journey was littered with mateship, dedication, humour, death, violence and stress. I loved my job and was prepared to die in a pool of blood to protect and serve, sounds corny but that is what we all felt and some did die and continue to do so.

Over the next fifteen years I worked in many areas, uniform and plain clothes. I was a general duties supervisor for five years. I have attended some of the most horrific crimes and deaths, there is no way a person could commit suicide or be murdered that I have not witnessed. As a supervisor in Newcastle I attended at least 300 - 400 bodies at the morgue, acting for the coroner. Out in the field I have arrested violent offenders, I have wrestled drunks and Domestic Offenders week after week. Offenders have attempted to punch, kick, bite, spit and stab me with varied degrees of success. I have saved myself from serious assault by using my Glock pistol as a deterrent. I have been driver and passenger in so many high speed pursuits I cannot remember most of them. If I recollect correctly I have used fourteen cans of capsicum spray.

Stress and PTSD crept up on me, I was so used to running on adrenalin I could not tell the difference, I would cut my hair close, check equipment, press clothes to a knife's edge preparing for war most night shifts. I started to lose focus and block out visits to the morgue. I was robotic in dealing with death and emotion, I could paint the walls with blood and not flinch or give it a second thought. My home life started to fail, I would watch my wife cry and could not show compassion or give comfort. At times I would not speak, then within a minute have a murderous rage inside me that could choke the life from a criminal or drunk that crossed me. I kept this anger within a breath of exploding into violence.

I have helped try to resuscitate murder victims, laid on garage floors with grieving mothers after cutting their son down from the rafters, wrapped up dead infants in a bunny rug and teddy bear, picked up body parts strewn along rail tracks, watched a young man take his last breath in a mangled car only to confuse him in my mind with my own son, and I've told so many people that their loved one is not coming home it's a blur. These are not just one off incidents, they happen over and over again.

I was unfolding, an accumulation of incidents was leaving me feeling alone, emotional, scared, paranoid, anxious and exhausted. I was diagnosed firstly with chronic arterial fibrillation; my heart was beating out of rhythm and would not go back into sinus rhythm. I carried on for another eighteen months until finally giving into the nightmares, paranoia and suicidal thoughts, all the threats, assaults and dead came back to haunt me and I could take no more. It was November 2007 when I dropped. For many months every time I closed my eyes I would see myself with a gun to my head, death and violence haunted me, I felt like I had been dropped behind enemy lines without a gun. I would store food, keep weapons, stay away from target areas. Thankfully these things are diluted now, but the guilt of leaving others to carry on is always with me.

From 1994 to 2005 I had no Death and Disability cover. I worked alongside Officers who were generously covered in the SASS and pre 88 schemes. When the D&D was voted on I have to say I had reservations, I was 50 years old and knew if I needed it I would be discriminated by age with any payout, but in general it was a good scheme and a long time coming so I voted yes for my colleges. On 17 September 2009 I was medically discharged with PTSD, I have not worked in any capacity since. I was paid two years pay less tax. PTSD does not just disappear. I still suffer. I have tried three types of anti-depressant medication but could not handle the complete numbness and disconnection they gave me. The song "some days are diamonds some days are stone" describes my life. I walked to the edge of the cliff, looked over and stepped back.

I cannot believe that a Government would scrap the D&D scheme and enforce another without input from Police and their Association. I would not have thought a Government would do deals with religious and shooting senators so they could enforce

their will on Police Officers. This scheme is not only for those working now but for all those coming out of the Police Academy wanting to protect and serve. I ask that the NSW Government stop this push and go into negotiations with elected officials of the Police Association for a fairer system. If not convinced, try walking in my shoes for one day.

Karol Blackley (# 27920)

I joined the NSW Police when I was 26. I was young and fit and healthy and enthusiastic about helping and protecting the community. I decided early in my service I would aspire to be a Detective and studied and worked hard to achieve that goal. I have spent 17 years of my career as a Detective, primarily at Local Area Commands dealing with the day to day variety of serious crimes ranging from Murder, Sexual Assault and Kidnapping, to street level drugs and stealing. I am now an 8 year incremental Detective Sgt after being promoted in 2003. I was transferred to Surry Hills L.A.C. in early 2008, which is a busy inner city station, after serving 5.5 years at Parramatta L.A.C. As I went from location to location praise followed, and as I was 'pigeon holed' into my Investigator role by HR.

I began to suffer symptoms of ill health to the point I thought I was about to have a stroke or even have a terminal illness. In 2009 I sought medical help, and as I faced more front line work I spoke to my Commander about relieving the pressure I was under. Initially this request was considered, but it was not long before the demands were again high, and resources low. As a result of increased demands, I suffered a 'melt down' and I had to take time off. On investigation my 'workcover' claim was accepted.

I had a month off work and agreed to return on restricted duties which increased to full time to comply with aim of returning to duties in 26 weeks. I saw psychologists, took medication and saw the Doctor regularly to comply with the 'return to work' plans set down by the NSW Policy. The Psychologist warned I had returned to work way too early for my condition, however I was pressured by the Command to return to work as soon as possible. I returned to full duties by 26 weeks but I was still far from cured. I took 2 months of my own leave to again hope to cure myself of the stress and anxiety and Post Traumatic Stress I had now accumulated. I returned to work in December 2010 and within a few months began to realize I could not work on the front line any more, in fact I was not confident I could work at all. By the end of May 2011 I could not sleep, and basically suffered the same symptoms and was back to where I was in 2009 when I originally left. It seems when I went on 'Workcover' originally it was 'career suicide' and I was now a legacy and a liability. Although I tried to obtain other options, my prospect of transfer was to face years of more front line work & possibly death had I not done something about it. From the 1st of June 2011, I again resumed 'Workcover' sick leave and the psychologist was not surprised.

In my opinion it would be impossible to recover from 19 years of sustained, relentless pressure, in the prescribed 26 weeks, especially when a case is fresh and offenders are at large or in custody. Call outs in the middle of the night often in succession, 15 - 27 hour shifts & 57 hour weeks due to overtime. Working 19 hours on call outs on your weekend rest days off, all contribute to stress. I have had to put aside my Holidays because of District Court Trials set down during them. Just being on call for most of those years not knowing when the phone will ring and what unspeakable things you will be asked to see and investigate, plays on your mind. The trauma of the countless deaths, and dealing with traumatized families, has a toll. The list goes on. I know this from my own personal experience.

Sure the NSW Police recognise fatigue factors and wish to minimise them in recent times, but where does it leave those of us already over exposed? Whilst the Policy wishes to minimise harm in the future, those decisions are often left to an increasing level of inexperienced staff who charged straight for the promotion ladder with no front line knowledge of what is needed to finish a serious investigation, not to mention the budget restraints and subsequent pressure from the Commanders, and resources dedicated to keeping the 'Compass' in the right direction, instead of solving front line serious crime. I have not had a psychological 'de-brief' after a major incident in about 15 years. I cannot access 'well checks' as it's not available for front line police. Our only offerings are to ring EAP, the Departments 'lifeline' to speak to 'consultants', who then decide how close you are to the edge to decide whether they will fund your visit to an ACTUAL Psychologist (of which the number of visits is restricted due to the cost). Quite often you have to wait for 3 days till someone can ring you back. It is no wonder I finally cracked under the pressure, as nothing real has happened to change the culture that has sent so many police over the edge.

The 'return to work' system in place is so poorly run and staffed it only exasperates the issue. In my case the Safety Command Case Officer resigned 10 days into my case, I was contacted a month later by a new one who only 'touched base' and asked 'if I had seen a psychiatrist yet', without offering to assist in obtaining the services of one. Months later my only dealing with her was when she emailed me to tell me my case now moved to someone else. I found out months later that this new case officer was actually on maternity leave when my case was allocated to her and she was not aware of it. That same employee is now on long term sick leave, so now I have no case officer.

The Insurance Company Case officer, posted my documents to the wrong address, referred to me as a 'prison guard' & had countless errors in my Return to Work Plan. He then failed to pay any of my expenses or my Doctors Bills, effectively leaving me stranded without a Doctor to manage my plan until I chased up all the funds myself. Remember I am the 'patient' or 'client' here, yet the service I get is deplorable. The L.A.C. Commander on either occasion of absence has never contacted me to check on my welfare, and sometimes I do not hear from a HR Duty Officer in months. My colleagues are too busy to recall I even exist. Don't think this not a common story, it is generally the way it is. It takes months to get an appointment to see a psychiatrist, whilst I lie awake every night with insomnia. It is no surprise really why in almost 5 months the people who collectively manage my plan have not even had a collective discussion about me returning to work, let alone have a prospect to return to work in 6 months.

The Government now wants to punish ME and take my wages away from me that I have worked so hard to obtain. Effectively I am being 'bullied' to go back to work, by a deadline. The cost of living in Sydney is one of the highest in the world and of course I have a mortgage to pay. If I was paying rent it would be just as expensive, yet I am expected to survive on a massive reduction % of my wages, unless I get better by their deadline. The message this sends is the NSW Government and Police do not accept that 'Psychological injuries' are real and we must all be making them up to access a 'cash cow'.

You only have to speak to my colleagues at work and family and friends to know it is very real in my case. I can tell you now I cannot survive on the wage they are offering, and my family and I will suffer, and the stress and anxiety will go up not down. The NSW Police has a duty of care to look after me and my fellow officers, and if this policy is implemented they have failed. Let's not forget I have done nothing wrong but do my job in good faith and do what was required of me. Let's not forget they have accepted 'liability'. Yet I am not deserving of the proper professional care, and case management because I am taking too long to recover in the eyes of the Government from an illness that took years to evolve. One they could have prevented.

So I go broke waiting for the people managing my plan to get back from sick leave, or their holidays, and for someone who cares to find me the right help, or a place to go. In the mean time I am still sick. Now whilst I sit at home trying to get better, the NSW Police speeds ahead. In 4 months many computerised systems I used to know have completely changed. There have been countless laws repealed, implemented, or amended. New policies and procedures in place, and those on the front line know it's hard to keep up in this is a constant changing work environment. I have training in none of them. I will be expected to go back and catch up. Realistically I am so far behind I cannot hear the band, but I am expected to rush back to work by a dead line and skip in to the beat of the drum. This is primarily why a large percentage of Officers end up being medically discharged. Not because they concocted an elaborate plan to fool Doctors so they can grab some cash.

It takes an average of 14 - 24 months to be medically discharged or redeployed, and this new policy is leaving officers without a real wage for most of that time. The D & D Policy then offers you nothing when the inevitable stress and strain of all of this takes its toll and you are forced to leave. I am only asking for a fair go and for what I am entitled to. Remember I PAY into this 'insurance scheme' with my money, and now without any consultation, the powers to be, wish to pull the rug from under me and change it to leave me potentially without employment and financially destitute. I will be like a wounded Gazelle lying in the game park with no protection from the creditors.

Nowadays we live in a 'throwaway' society, but it is especially sad when it now reverts to people. Employees and Servants of the Government are now disposable & merely replaced. This 'belt tightening' only leaves me with two choices - be 'bullied' to come back to work within 26 weeks and suffer the rest of my life, and not be able to function properly in my job, or live as I am left to carry symptoms that not only affect me but the loved ones around me, and be a potential 'time bomb' waiting to explode, or worse, possibly cause someone else or myself an injury because I am on medication just to get through the day. Or the other option to try to get better, most likely taking longer than 26 weeks, and go bankrupt, with no compensation for my 20 years of effort. Many say to me it's a shame the Police Force has lost so much experience and it shows out there on the streets and in the courts. I seem to think they simply don't care about the very oath we all swore on Graduation day, I think it's just about money.

The Treasury Departments Graph of Bankruptcy by the year 2015 of which they based their drastic decisions, can be fixed by another means. By fixing the very reasons Officers in this job succumb to the stressors in the first place and changing that culture to minimise the officers going off sick, instead of punishing those of us presently in the system trying to improve our health that the Police has slowly deteriorated.

In the mean time the politicians and hierarchy get a pay rise and a tidy termination payout. I think we deserve better and I am the victim of this betrayal and if this new policy as it stands is approved, many more will suffer the same fate of desertion and destitution as I face.

Martin Burke (# 34782)

I write to you in my capacity as a concerned member of the NSW Police Association. I am an employee of 11 years experience and am currently a member who is on restricted duties. I suffered 3 separate back injuries as a result of my work all relating to interactions I have had with violent and non compliant members of the public.

My most recent injury, sustained in February 2011 resulted in a 5 month full time absence from work. I have an S1 Nerve root injury in my back and an Ulnar Nerve compression in my left arm. My back injury will require corrective surgery, I am still having tests done to establish the extent of my arm injury. Currently, I cannot stand for longer than 15 minutes, sit for 30 minutes or drive for 1 hour. I cannot drive a manual car as this aggravates my back and left leg. I have only partial feeling in my left leg, unstable left knee, with constant pins and needles and chronic lower back pain with muscle spasms. I have partial feeling in my two small fingers on my left hand and cannot sleep on my left side due to the arm injury.

My daily and weekly routine involves stretching multiple times a day, medication and physiotherapy. I am currently working on restricted duties for 24 hours per week. My symptoms are not currently stable as the cortisone injection in my back and shoulder have worn off and I am currently awaiting another one particularly in my back this week.

After speaking with my neurosurgeon I am hopeful of returning to full duties, however, all surgery has risks and if I am unable to make a full recovery or have future disc degeneration this may end my career.

Everything people take for granted like getting dressed, washing or going to the toilet, for me is a challenge, but I still try my best and go to work because I enjoy what I do. I take pride in what I do and feel I can hopefully make a difference in the workplace. I can no longer play sports like cricket and golf that I really enjoyed and was a big escape from work, and have put on 10kgs as a result of my injury as I find it a challenge to exercise due to the discomfort of my injury. When I had my cortisone injection in my I was able to be more mobile and exercise was enjoyable.

I have read through the Government's proposal for the new Death and Disability Scheme and feel it is completely unacceptable. If my recovery is unsuccessful it will put a significant financial strain on my wife and I. We currently have a mortgage and only 1 income (mine) and the adjustments in the scheme would leave me unable to service my mortgage and maintain the running cost of my house, and that is even after trimming any discretionary expenses such as getting rid of a second car. We don't have much to trim as we already live a simple life.

Due to the nature of my injury, if I am unable to work in my current role and am forced to leave, my prospects of future employment is bleak. All know is what I do and I have no other skills. I have even informed my boss that I would be happy to go to the region office and cut out paper dolls as long as I physically can.

I urge all Members of Parliament to carefully read the proposal put forward by the government. The decisions of all members will impact the lives of real people and their families. Even if this legislation will go through, I will not be covered by the new scheme or the old scheme due to my current work status and pre existing injury. I will only be covered if I am able to return to my pre injury duties for 2 months. Currently, with my status and nature of my injury, this uncertainty is very concerning, in addition to the proposal being unacceptable anyway.

Matthew Harper #35717

I am writing to you in relation to the proposed changes to the death and disability scheme. I along with many other serving members of the Police force, are shocked and disappointed by the proposed changes.

Whilst reading about the proposed changes on the Police association website, I am drawn to the latest news section. The first heading reads "Man charged with assaulting Police Officer". The next reads "Police sick of alcohol related violence". Then there is "King hitter will be caught" where a Senior Constable was king hit whilst trying to assist an injured man. He was unconscious for ten minutes. Every single day there are station summaries on the Police system about assaults on Police, threats against Police and horrific incidents we have to deal with to provide a safer community.

Enough of the headlines. I wish to give you information in relation to my particular situation and the circumstances leading up to my current position. All of the proceeding incidents are recorded on the Police computer system and to my knowledge the local area management team are well aware of each and every one. Please keep in mind the Occupational Health and Safety Act 2000 whilst reading. The main point of the Act I would like to specifically keep in mind is in relation to the section titled 'Duties of employers' which states; *"An employer must, so far as is reasonably practicable, ensure the health, safety and welfare of all the employees of the employer"*.

Before I start I want to make it clear that I am not portraying myself as a Police officer who has been through any ordeal that many other Police have not. I know full well that many Police have endured far more horrific and terrifying incidents over a longer period of time.

I have been a serving member of the New South Wales Police force for 10 years. I commenced duty at Green Valley Local Area Command in 2001 and later transferred to Fairfield Local Area Command. In 2007, I transferred to a smaller command. I won't name the command but I was stationed at a smaller sector comprising about 20 police.

On the 25th November 2007, I attended a fatal motor vehicle accident on a busy highway, whereby a young male was killed. The damage to this young man's head will never leave my mind. Half of his head was missing and his entire body was crumpled. His legs were bent and he was positioned in such a way that his bottom was sitting near the foot pedals. I and other Police stayed at the scene for many hours and assisted with his extrication. Following this incident, management offered me no support, nor any counselling. I did not even get a phone call asking "are you ok?"

On the 16th of January 2008, I attended another serious motor vehicle accident where an 8 year old boy was crushed between his mother's car and a large tree after he was left playing in the car. He was unconscious when I arrived and had suffered severe head injuries. He was in a critical condition for some time however later recovered. Following this incident, management offered no support or any counselling. I did not even get a phone call asking "are you ok?"

On the 8th of August 2008, I was off duty and at my private residence with my wife and then 6 week old child. About 10.30pm, two offenders attended my private residence. One of the offenders commenced to yell and swear out saying "Matt Harper you [REDACTED] pig [REDACTED], get out here". I walked outside to investigate and spoke with the offenders. They became aggressive and one continued to yell out "Pig [REDACTED]". I issued a check drill to this offender and they left shortly after. I contacted on duty Police and they patrolled the area. Following this incident no further action was taken against the offenders. There was also no follow up given to me. Again I did not even receive a phone call asking "are you ok?" This was the first time I had offenders attend my private residence, but it would not be my last. It caused me serious distress and I began experiencing difficulties sleeping.

On the 13th of October 2008, about 10.40pm, I again had a number of offenders attend my private residence. Again I was at home with my wife and then four month old child. The offenders began yelling and swearing "Get out here Harper you [REDACTED]. Get out here and do ya [REDACTED] job you [REDACTED]". I contacted on duty Police and went outside to investigate. The offenders ran off. Following the incident my sleeping difficulties increased and I was becoming agitated and paranoid. Due to the sleeping problems I would start to sleep a lot during the day. I received no support and you guessed it, no phone call.

On the 14th of October 2008, shortly before midnight, I was again at home with my wife and son when a number of offenders attended my premises. The main offender I will call SMITH. I had been involved in charging SMITH and he was subsequently bail refused for two weeks. He was released a matter of hours before this incident occurred at my premises. In total there were about eight offenders including SMITH. They walked past my premises on a number of occasions yelling out and challenging me to exit my premises. I contacted on duty Police and they attended but SMITH and the other offenders had left. SMITH and the others returned however and at the time SMITH was armed with a knife. All offenders entered my driveway and SMITH ran down beside my private vehicle. I had again contacted on duty Police who were on their way. As the Police vehicle was approaching the offenders called out to SMITH "Ditch the knife". They left my driveway and walked away a short distance, however SMITH remained hiding beside my vehicle. As the Police approached the other offenders, SMITH began running through my yard. I pursued him and took hold of him. He commenced to throw punches at me and not knowing if he still had the knife, I punched him back and threw him to the ground. On duty Police assisted and SMITH was handcuffed. As a result of the incident SMITH suffered severe swelling to his face.

Following this incident, the Local Area Command did provide some assistance. They PARTIALLY completed a risk assessment which returned a "Low" risk rating. Despite the rating, no strategies were put into place for my protection. My premises underwent no inspection in relation to the assessment. An apprehended violence order was granted, however this provided little relief and my insomnia began to increase in severity and the strain was affecting my family life. I decided to move my family as we felt unsafe. We relocated to another small town about 15 minutes north. The risk assessment failed to relocate with me however and no inspection of my new premises was conducted.

Shortly after the incident with SMITH, his brother began making some threats against me and my family. I was made aware of the threats by a friend.

On the 6th of November 2008, SMITH'S brother attempted self harm by cutting his wrists. He was located by other Police and taken to the local hospital, however he absconded. Despite my history with the SMITH brothers, I attended to assist with locating SMITH'S brother to ensure his safety and to ensure he obtain the required medical assistance. We located him and upon seeing me he became enraged and began threatening violence towards my wife and I.

He was yelling "I am going to kick your front door in [REDACTED] I am going to stab you in the guts and rape your wife". The offender was restrained by the two other Police officers at the scene as the offender was trying to get at me. He was thrashing his arms about and the bandages covering his wounds slipped and blood began flowing freely from his wrists. The two other Police officers did their best to restrain the offender. I did not want to become involved in helping them restrain him as I was frightened the incident would escalate and give the offender more reason to attack me and my family. The blood continued to flow and the offender became too slippery to hold. He began to break away from the officer's grip and I was forced to intervene. I sprayed the offender with oleoresin capsicum spray. The offender was subsequently scheduled, however for the following several hours he remained fixated on me and made threats in the presence of other Police and hospital staff. He was later charged and an AVO sought for my protection. Again the AVO provided with me with little to no comfort. The officer who conveyed the offender to the hospital on this second occasion returned some hours later. He had a concerned look on his face. He explained that I should be careful as the offender was hell bent on revenge against me. I still remember the sick feeling in my stomach. I remember thinking to myself, "there goes any sleep I may have gotten".

On the 22nd of September 2009, I attended an horrific fatal motor vehicle accident on the same busy highway. The collision involved a small sedan and a large semi trailer. The driver of the sedan was killed instantly. The body was completely destroyed and sprayed across the roadway and the front of the semi trailer's bulbar. They were never able to recover the deceased person's head nor the rest of his body. It was like he exploded and vaporized into thin air. The captain of the fire brigade said "This is the worst accident I have ever seen". The captain has been in the fire brigade for thirty odd years and has lost count of the fatal accidents he has attended.

A reasonable guess however would be in excess of 100. Following this accident I received no support nor was I offered any counselling. I did not even get a phone call asking "How you going".

On the 1st of November 2009, I attended another fatal motor vehicle collision in a small town not far from where I lived. I was recalled to duty to attend this accident. After waking up I arrived on scene to find the deceased was a young local male aged twenty years of age. At the scene we had to deal with up to fifty distraught young teenagers who either witnessed the accident or knew the deceased. The deceased person's family also attended the scene. The deceased was a family friend of one of my colleagues. He was distraught following this accident and I offered him support and a shoulder to cry on which he did. Following this incident I was offered no support or counselling. I did not even get a phone call. I did get a big thanks and a hug from my colleague some time later which was nice.

On the 29th of May 2010, I attended another fatal motor vehicle accident involving a young female aged 19 years old. We responded and it was clear she was deceased. She had partially been ejected from the vehicle however she still had her seatbelt on. The seatbelt had slipped upwards as she was ejected and it was wrapped tightly around her throat. Her face was distorted and her tongue was bulging out of her mouth and her eyes bulging out of her head. Following this, I attended her mother's residence. I knew her mother as did most of the Police in the Nambucca Valley. I delivered the death message, and again I gave her my shoulder to cry on. I completed about eight hours overtime that morning as I had to drive the dead girl's mother to her ex partner's house. He was the father of the deceased. I did not have to deliver the death message this time, however, as he knew as soon as he saw us. I then drove the mother and father of the dead girl to the hospital where they viewed the body. I explained to them about the bulging eyes and tongue and explained that the seatbelt had squeezed so tightly around her neck resulting in the zombie like appearance. Again I allowed them both to use my shoulder as they wept. I also helped them remain standing upright. Following this incident I received no support or offer of counselling. There was no phone call.

On the 16th of June 2010, a male and female were involved in a domestic as they drove along the pacific highway. Unknown to me at the time, the male was threatening to kill himself and his partner by driving head on into an oncoming vehicle. I was in that oncoming vehicle with my work colleague. Out of the corner of my eye I saw the vehicle veer towards us. He missed us by about thirty centimetres. We turned thinking the driver had fallen asleep and as we rounded a bend and caught up to the vehicle, we saw the female passenger trying to climb out of the car window whilst it was in motion. She was looking at us and screaming for help. We eventually stopped the vehicle and with guns drawn arrested the driver who was intoxicated and had a lengthy history of violence. As you could imagine the female passenger was very upset and she too used my shoulder to cry on. Again no support and definitely no phone call even after I explained in embarrassment that I had nearly defecated myself.

On the 16th of February 2011, I attended an accident on the same busy highway. The three occupants were trapped in the vehicle. When I arrived on scene I spoke with the driver of the vehicle who was elderly as were his passengers. The driver appeared shaken but otherwise ok. I began speaking to the front passenger who was an elderly female. Her name was Shirley. She was able to tell me this whilst slipping in and out of consciousness. I held her hand for a while and allowed her to grip my arm tightly. I saw the rear female passenger was unconscious and soon after ambulance arrived and began treating her. I later spoke with her son. Her name was Eurie, however she was known as Mollie. I stayed with Shirley until they were all extricated from the vehicle. Shirley and Mollie were flown by ambulance to hospital. They both later died due to their injuries. I had completed my shift and was at home. I was not able to rest and made constant phone calls to find out what condition Shirley and Mollie were in. About

8pm, I received the news that Mollie had succumbed to her injuries and died in hospital. I contacted the on duty inspector and asked if the family had been informed. He was not sure. He made some enquiries and called me back. He said "We believe they know but we can't be one hundred per cent. We will contact them". I asked the inspector if it was ok for me to attend the station straight away (in my own time) and make that phone call. He allowed me to and I contacted Mollie's son. He had already been informed but appreciated my call. I returned home and was extremely sad. So I first made contact with Shirley and Mollie's children via phone at the scene. I advised them of the accident and that Shirley and Mollie were not well. I told them I would look after their possessions at Macksville Police Station. As a result of making that initial contact, I felt obligated to ensure they knew their mother had died. I stayed in constant contact with Shirley and Mollie's children and some time later one of them attended my Police Station. I was not working that day but I made a point of going in on my own time and meeting them. I felt obligated to do this.

I did not want the family having to deal with someone they had not dealt with or someone who had not been to the accident site. They had many difficult questions such as "were they in pain". I lied and said no. I didn't tell them about the screaming and groaning. He was not in the right frame of mind to collect his mother's property. Sometime later, Mollie's other son attended the station. Again I was on days off but I went into work to meet with him. I spent the next couple of hours sorting through property (some of which I had to clean blood off) and returning it to the kids. Again the difficult questions came and again I lied. It was a very upsetting time for Mollie's children so I let them use my shoulder to cry on. No support or phone call was ever received. Sometime later I received notification that Shirley also died. She held on for a week though.

Early in 2010, my wife fell pregnant again and we found out that it was a multiple pregnancy. We were now expecting twins in January 2011. It was at this point that I realised I needed some assistance. My sleeping problems were only getting worse. I was yelling a lot at my two year old son, the reason being was he was being a two year old. I did not really want to play with him. My wife sat me down one afternoon and said "Do you know you are becoming a horrible person". I hung my head in shame and could not respond. I attended my local GP's office and explained my situation to him. He referred me to a psychologist with whom I met on a regular basis. After discussing my problems with the psychologist and a number of helpful strategies I found some relief and again started to get a solid six hours sleep a night.

In August 2011, I received credible information that a male person was arranging to have me seriously assaulted by four offenders. The information also suggested that the male person had my name written on his fridge at home, and further that he was fixated on me and determined on causing me harm due to my profession. This information was received on a Wednesday night at 8.25pm whilst I was off duty. I notified a detective attached to our area immediately and he contacted the informant that night. The information listed above was confirmed by the detective as being accurate.

The following day, being a Thursday, there was no progress and in fact no action taken in relation to the matter at all. This was the same the following day, being Friday. I was working this particular Friday and I informed my sergeant that I was having difficulties in coping with the most recent threats. I felt agitated, scared and again I began suffering severe insomnia.

Saturday came and again there was no action or investigation initiated. Same story on Sunday.

I was not upset with the detective in charge of the matter as he had no opportunity to look at the matter. He was dealing with an extradition hearing for a person wanted for murder in London. I was however disappointed that the commander did not even consider providing further resources (perhaps another detective from the command) to assist.

On Monday I commenced my rostered shift at 7am. By this stage I was fairly exhausted due to lack of sleep and the stress and lack of action on the command's behalf. When I arrived at work there was a job waiting to attend this male person's house in respect of a domestic between he and his wife. The job came in at 6.20am. I attempted to arrange other Police to attend however it was difficult as I was the only person at Macksville Police Station. I finally contacted an officer from Bowraville and a second officer at Nambucca Heads. I was awaiting their arrival when there was knocking at the front door. I knew immediately that it was going to be the male person.

Feeling scared, exhausted, angry and frustrated, I found a knife and went to the front door. My plan was simple even though it was conceived in my depressed agitated state. Throw the knife at his feet and shoot him in the head, problem solved no need for those further resources to investigate the threats. As I went to open the door, the officer from Bowraville arrived. I asked him to deal with the person and I went to the rear of the Police Station upset and shaking. The officer approached me after about 15 minutes and had a concerned look on his face. I think he was worried as I was still holding onto that knife.

He advised me that firstly, the male at the door was in fact the person who was threatening me. He further advised me that the male had made no attempt to hide the threats made and even said "I was ready to come down and kill that harper [REDACTED] last week".

Shortly after, I broke down in tears. Not only because of the prolonged suffering of depression, paranoia, insomnia and fear, but because of what I was about to do with that knife and the gun I have been carrying for ten long years. The officers I was working with told me to go home whilst they attended the male's home to further investigate the domestic.

When at home I again broke down in my wife's arms. She comforted me and shortly after I contacted a work colleague who attend my home with his wife (ex-serving member discharged medically unfit). They provided me with comfort and support and contacted my GP without my knowledge and arranged an emergency appointment with him for that morning.

The officers who attended the mate's premises returned and confirmed that my name was written on the male person's fridge. There was other writing around my name however it was not legible. I attended my GP's office again (driven by my colleague) agitated and teary eyed. He immediately put me off work and made an appointment with a psychiatrist. Over the proceeding days I remained highly agitated and again could not sleep. I met with the psychiatrist and psychologist over the proceeding weeks, and they later diagnosed me with depression and post traumatic stress disorder. I was placed on medication including anti depressants and sleeping tablets.

I continued with treatment and began to feel a little better. Talks soon came up regarding returning to work and a conference was planned on the 13th September. I felt hopeful about a return to work, however as the date of the conference loomed I again began to suffer from insomnia, paranoia and I was generally frightened. I began to suffer panic attacks.

The injury management unit had planned the return to work conference and had arranged (without my knowledge) to have the commander attend. I expressed clearly that I wanted the commander to have nothing to do with the conference. I felt that he had done nothing to help me or support me and that bottom line, he had been grossly negligent in ensuring my wellbeing. I said "He has not given a shit about me till now, what, now he wants to come to the doctor's with me and hold my hand. I informed both injury management unit and the insurance company as well as my doctor that if the commander came to my conference, I would not be held accountable for my actions. My exact words were "I am so angry I will punch him the face".

A couple of days before the conference I was at home with my wife and children. I was feeling agitated most of the day and after lunch I began to pace uncontrollably around the back yard. My mind was racing and I was not able to control my thoughts. My wife became concerned and also upset. Luckily my 3 year old son was having a day with his nan and pop and did not have to see me in that condition. I contacted my GP and he advised me to attend his practice immediately, which I did. During the appointment I was crying, and was in a highly panicked state. The conference was cancelled and further appointments were made with the psychologist and psychiatrist. Again with their assistance and support I was able to get some relief and I began to feel a little better.

A new conference date was set for the 2nd of November 2011. I maintained my position that I did not want the commander present. I indicated that I would be willing for another LAC representative to be present but not the commander. I provided a list of suitable inspectors that I felt comfortable with. The injury management unit suggested an acting duty officer that was relieving in my area. Considering the acting inspector had been relieving for the past six weeks and had not attempted to make any contact with me (even though I saw her drive past my house on numerous occasions) I declined her attendance also.

Again the days leading up to the conference were stressful for me. I was feeling agitated and nervous. None the less I was feeling hopeful and I attended on the 2nd of November with an open mind. I first saw the psychologist at 1.15pm. Our appointment finished at 2.15pm which was convenient as the conference was due to start at 2.30pm. I left the psychologist's office and took up my now usual seat in the waiting room. I saw one of my colleagues was also in the waiting room. He is off with a number of medical issues (work related) as well. We spoke and he advised me he was also there for a conference. His was supposed to start at 2pm but the Injury Management Unit was late. About 2.25pm, the Injury Management Unit arrived however they had someone with them. The Commander.

My heart sank and I felt embarrassed, agitated and down right angry. He approached me and my colleague and despite my feelings I still shook his hand and said hello. The commander then began talking to my colleague. He asked my colleague how his family was going and they spoke about cricket. The commander did not speak to me or ask how my family was going. This may have had something to do with the fact I had my head hung in embarrassment and was staring at the ground. The lady from the injury management unit said to the commander "we only have till 3 o'clock". The commander's response was "Oh well we only have 2 to do don't we. We will be right".

At hearing this I left my seat and spoke to the receptionist. I begged her "He is not coming to my conference is he". She replied "I am not sure I will speak with the doctor". My response was simple "I'll rephrase it for you, HE IS NOT COMING". The receptionist spoke with the doctor and it was arranged for the commander to leave before it was my turn.

I finally made it into the conference, minus the commander, at 3.20pm. Almost an hour after it was scheduled. That left me with almost an hour to contemplate my decision, become more agitated, nervous and angry. I still agreed to give the return to work idea a go and the plan was to be drawn up.

I left feeling humiliated and that night I could not sleep. The following night I could also not sleep and I was becoming more depressed. On Friday the 4th of November, I again made the familiar phone call to the doctor's surgery. As always he said "come right in". I attended the surgery and entered the doctor's room.

I was agitated and upset. My legs were shaking uncontrollably and I was digging my fingernails into my hands and fingers till they bled. I used one of the doctor's tissues to wipe away the blood and my tears. He told me "It looks like your career is more than likely over". I wept as it was becoming clear to me that he was right. I had the realisation I would probably never make it back to the job I had loved. The job I told my parents when I was a child that I was going to do.

The doctor prescribed valium this day and told me to take two every night. That night I did take the valium but only one tablet. You see I get very paranoid at night. I cannot afford to sleep too soundly or be out of it on medication because the offenders may return to my home and I need to be fit to defend myself and my family.

The incidents that I have listed above have been extremely traumatic to me. There are countless other incidents I have attended too that have also impacted heavily on me but by this point I am sure you would like to stop reading. For instance there was the five year old girl who was sexually assaulted by her grandfather. There were the other fatal accidents I attended. There were the other death messages I had to deliver. There were the stabbings and shootings I attended. There was the murder where the husband bashed his wife's skull in with a metal bar. Her brain matter was spread through the hallway. This one turned into a siege and I had to lay in wet long grass for six hours whilst the negotiators spoke with the offender. Again all of these incidents are recorded on the Police computer system if you doubt my honesty.

Throughout my ordeals, I found my colleagues to be understanding and supportive. I cannot say the same for the New South Wales Police Service.

Minister, I am unsure if you are aware of the Policy entitled "threats against Police". This particular Policy is quite in depth and covers a range of incidents. It specifically relates to what the responsibilities of the Local Area Command are. The Local Area Command, and more specifically the Commander, failed in all aspects of this Policy. At the time the latest threats arose, no action or investigation was commenced for five days and the only reason it became a priority was due to the incident that occurred on that Monday morning. Had this incident not occurred on Monday morning I can only guess how long it would have taken.

As with all threats made against Police, a threat assessment is essential, NO MANDATORY. To my knowledge NO risk assessment was completed at all on this occasion and some three months later there has been no assessment forthcoming. If an assessment has been made, I have not been notified of the outcome and NO strategies have been forthcoming.

Despite the lack of support from the Local Area Command and the failure of the Command to adhere to the "threats against Police" Policy, I maintained a position that I wanted to return to work.

Minister, taking into consideration the above, can you please indicate to me where any of the above circumstances are my fault. Have I been negligent in some way? I believe that I have always carried out my duties to the best of my ability. I have placed the safety of the community above my own on countless occasions. I have been recognised as a diligent and hardworking officer not only by Senior Management but by my peers and the community. Only in August 2011, I was one of a few officers in the local area command to receive a letter of congratulations on my numbers. When I say numbers it refers to the amount of charges I have laid and the offenders I have arrested. In total 114 charges were initiated by me in the last two years.

With the proposed changes to the death and disability scheme, assuming I am assessed as not suitable to return to work with the New South Wales Police Service, assuming I am still suitable to mow lawns or work at McDonalds, I would walk away from a profession that I have dedicated myself to with nothing. Nothing to support my family with. Nothing to pay the mortgage with and still no support from the Police Force or government.

I exaggerate slightly. I would walk away with my depression, post traumatic stress disorder, insomnia, anxiety and a damaged relationship with my wife and children. I would also walk away with a sick, sick feeling in my stomach that will never leave me.

I used to hope that all three of my boys would grow up with the same dream I had as a child. To become a Policeman. Now it is my hope they will not even contemplate entering a profession like this one, only to be damaged and thrown out with the rubbish. My three year old boy thinks its strange that I don't go to work anymore. We have explained some things to him and if you ask him now why dad doesn't go to work anymore, he replies "cause he is a little bit sad".

Minister, do you think my employer has complied with their requirements under the Occupational Health and Safety Act. Have they done all things reasonable to ensure my health, safety and wellbeing. If your answer is yes, they have done all things reasonable, then I don't believe you deserve to be the Minister of Police, or a Minister of any other portfolio for that matter. I would contend that the New South Wales Police Force has done nothing to ensure my health, my wellbeing, or my safety.

I hope that you can read my story and show some compassion towards the men and woman that put their lives on the line everyday. You don't have to be shot, stabbed or beaten unconscious to suffer life long effects.

If you would be so kind to respond to my correspondence by phone, I would love to finally get that phone call to ask "how are you going" and "are you ok". Thank you for taking the time to read this correspondence.

Lastly I want to stipulate my feelings on the current death and disability scheme. I believe, as do many other officers, that some reforms need to be made to make it a sustainable scheme. The first priority however should not be to implement a new scheme that leaves us with nothing after being 'damaged'.

Here is my idea. Let's ensure the threats against police policy is adhered to. Let's arrange counselling and support for officers after attending horrific incidents. Let's start to make that phone call asking "are you ok". Let's start looking after the officers that put their safety second to the safety of the community. Then you may find there is no need for the death and disability scheme to be amended.

I will wait for that phone call Minister, but I certainly won't hold my breath ...

Melissa Ryan (# 44613)

I am currently recovering from having a major back operation due to a disc protrusion and annular tear in my lower back. I originally sustained this injury in 2008 whilst at the NSW Police Academy. This injury was brought to their attention via a report at the time. I was also given the wrong size boots by the uniform officer and was told in no uncertain terms that 'it was too bad, you only get issued one pair, and we don't have your size'. The two years following from graduating I suffered from the continual burning and heaviness in my legs whilst wearing the NSW Police issued appointment belt and performing my duties as a Police Officer. I sought advice from doctors and a physiotherapist during this time; however they were unable to diagnose the correct problem.

I continued performing my duties to the best of my ability, however as time went on my pain increased, my legs would not allow me to walk far, climb stairs or perform basic tasks. My legs would burn then go numb, eventually not allowing me to walk any further than 300 metres. I sought advice again by a doctor who sent me for a CT scan in October 2010 which showed a L4/L5 disc protrusion and annular tear and a dehydrated disc which was pressing on my spinal cord causing severe nerve pain in my lower back, buttock and legs. This came as a complete shock as I had been continuing with my duties possibly making this injury worse.

For two and a half years I have suffered from severe debilitating pain, burning, numbness in both my legs rendering me unfit from October 2010 to date. My neurosurgeon rendered me unfit for all duties due to the fact that I have been unable to walk more than 300 meters, sit for more than 15 minutes, unable to stand for more than 15 minutes, unable to perform any task without my legs throbbing, burning, and shutting down, and on top of this my lower back has been a massive source of pain causing me to lie down for a long period of time unable to ease the pain. My neurosurgeon stated that the NSW Police issued belt is a major contributing factor to my injury. A top independent neurosurgeon whom I was referred to by EML stated that the boots being the wrong size was also a contributing factor.

During the nine months of time away from work I have seen three different neurosurgeons, and all but one agreed that an operation is definitely needed for my back in order to get back to any quality of life. My neurosurgeon has stated to me that I will not be returning to full duties. This has been the opinion of all independent neurosurgeons due to the seriousness of the injury and how long the nerves have been impinged by my disc. My neurosurgeon was ready to operate in May 2011. The insurance company delayed and delayed approving an operation, losing paperwork, not following up with the surgeon, not returning phone calls to myself, not liaising with the return to work lady, instead I had to ring and ring and ring with no definite answer as to an approval for an operation regardless of the fact that I had three doctors opinions all stating that an operation was required. They requested that I seek a fourth opinion in which I said no and took my matter to the Industrial Relations to help me with my case. It was only then that with dealing with a senior member at EML Insurance that an approval was given for an operation within weeks of Industrial Relations being involved.

I had my operation finally on the 6th October 2011. The time frame in which I had to wait for an operation was one of the most stressful periods of my life. Firstly, I had a debilitating injury where I went from being very physically fit and active to not being able to do anything without pain in my lower back or legs. For almost a year I endured many sleepless nights, almost every second of the day in pain, I was angry, upset, stressed beyond belief causing me to question my policing future. I was told by three surgeons that I was not going back to full duties, I was in desperate need of an operation, and I had no idea what my career path was going to be.

Everyday I was stressed about whether I was going to be able to ever work again as I was advised on several occasions by the insurance company that the operation may not be approved as they required a fourth opinion and even then they were unsure as to what they would do. I experienced severe stress as a result of this "unknown" situation. I have been unfit for duties for a year from a job that I love. All I want do is go back to work. That is all I have ever wanted to do is get back to normality. I have had to endure nine months of stress and pain which not only has taken its toll on me but my partner and family.

My partner is in the NSW Police Force and lives with me. The amount of stress that has been put on not only me but for my partner who has been caring for me whilst trying to keep her wits about her, has been extreme. She has had to take extended periods of time away from her own duties, assisting me to do the most mundane task as I have not been able to do without excruciating pain and suffering. I have not been able to do basic chores. My partner has a career in the Police force which has been put on hold so she can care for me. Our social life is zero. I have not been able to go anywhere of any distance, I have had to turn so many people down due to the amount of pain that I have been in, I have been stuck at home not using my brain as I have had no energy left to even read a book let alone take up a hobby. My days were spent sitting for short periods, standing for short periods, looking out the window, in pain. I have had to adjust every part of my life in order to deal with this injury. My relationship with my partner is very strong; however there have been many a time when my stress levels along with hers have been tested. I have not forgotten how it has affected her, my family and my close friends, in that they see me in pain everyday, they have to care for me like an invalid. This has been the hardest part apart from the pain, the fact that I have put this stress on my family and friends. The fact is I have been on workers compensation payments. I have lost thousands and thousands of dollars because of this. My partner and I have been paying off a mortgage, paying bills just like everyone else. It has been extremely tough on both of us.

This injury has occurred yes, but the delay could have been avoided, my recovery has been prolonged, the damage done. I now have been advised that I have permanent nerve damage in my left leg, weakness, lack of feeling in parts of my feet and leg. I still am recovering from the operation with more mobility however time loss and damage could have been avoided. The current death and disability scheme has helped my partner and I scrape by. Without the payments being made to me we would lose the house, lose everything, we would not be able to survive financially and the emotional toll would be astronomical. As I stated before all I want to do is go back to work, my recovery is so important however without the death and disability scheme this would not be possible.

I have mouths to feed too; they also include the non-human kind, my animals. I am extremely concerned about my future and my continual rehabilitation and the reduction in payments if I require further treatment in order to get back to my best of health. My neurosurgeon has advised me that the disc protrusion and tear was worse than what the MRI showed and that I have permanent nerve damage on my left side. The months waited to have the operation only prolonged the damage.

Finally, I must add that I have felt supported in my injury by my command and have felt lucky to have this support. I know other officers have not received such support. If the D&D program is removed then I will feel severely unprotected in the event that my injury makes me unfit for work. It is extremely hard to realise what you have until you lose it. I certainly have in the past taken for granted my physical health and fitness, I know that I will never take it for granted ever again as without my health I can't do my job, I won't have that quality of life. Without health we have nothing. I speak for all officers who have, had or might have in the future an injury or disability.

Rick Watson (# 39637)

I wanted to be a NSW policeman for as long as I can remember. My father was a member of the NSWPF and this no doubt formed the basis of my desire. Proudly, I joined and was sworn in in August 2003. From 2003 until 2010, I had no concerns about any death, disability or permanent injury. Why would I? I was of the belief that I was a fit, active and motivated police officer in the best of health, albeit with slight lower-back discomfort as a result of an on-duty incident in 2005. In any case, I was doing what I had always wanted to do and felt on top of the world.

Little did I know that back on that night in 2005, whilst performing duties at the CBD Street Policing Unit, I would suffer significant, serious damage to my spine. It is not a particularly interesting event which resulted in same, rather a boring old sprint episode when responding to an urgent call over the radio. In moving from the roadway to the footpath, I tore my Achilles tendon which forced me to awkwardly jar my lower back.

Being young and keen, I ignored my back problems until 2010 when I could no longer cope. It was only then that it was brought to light that I had bulging discs and cracked and misaligned vertebrae, a permanent injury. Rather than sit at home for an

extended period I returned to work at the earliest opportunity on restricted duty. After a slow and steady rehabilitation on restricted duty, I made it back to my position fit for pre-injury duty approximately 12 months later. Unfortunately I lasted one week before I succumbed to the pain previously experienced.

Since that date in August 2011, I now hobble around the house in agony. To add to that agony, I am generally unable to perform household duties nor hold or play with my two year old son for any length of time. It can be quite difficult in that he is not old enough to understand why his father has to lie on the lounge or in bed intermittently for several hours a day rather than play cars with him.

In the time that I have been injured and consulted with various medical experts, I'd always thought in the back of my mind that I would one day resume my life and career as a police officer. It is only recently that it has become evident that it will never eventuate. My disappointment is something that I cannot accurately explain, however the blow was somewhat softened by the fact that financially my family and I would be okay.

Last Wednesday, the government's proposals came to light. Upon reading the documentation, I can describe feeling like my insides had just fallen out onto the floor. I was in disbelief. Here I am suffering a serious and very real injury, and completely unable to engage in any employment whatsoever. Why? Because I was a police officer and I was hurt on the job. It was interesting that a specialist told me early in the piece it was quite plausible that had I not have been a police officer I probably would have gone my whole life without such an injury.

Do I regret it? No. I needed to be a police officer. It is something I just had to experience and do for myself. I am proud of my duty and accomplishments.

Not so long ago my wife and I bought a modest house on the Central Coast for \$345,000. Not a very big mortgage in the scheme of things. It's certainly nothing special, but it is home. In the relatively short period of time we've been here, my son was born and we've managed to afford to do a few small things to make it more comfortable.

I am deeply saddened, upset, disappointed and anxious that if the current Death and Disability scheme is abolished we will lose our home. There is no mistake, we absolutely cannot afford a mortgage under the proposal. And not by a long-shot. My wife is employed part time to care for my son - I can't even do that! I can't even begin to explain how it feels to know that my home, something I have worked so hard for, will be gone. Again, all because I got hurt as a police officer. What am I going to tell my son??? What am I going to tell my friends and family??? Considering the amount of my current mortgage repayments, I also have serious concerns about being able to afford a rental.

I am just an average person currently living in the middle class like millions of others. I am now asking myself - How am I going to pay for my son's birthday party in December? How am I going to be able to afford Christmas presents? Further in the future I will have to ask myself - How am I going to pay for my son's birthday party in December? How am I going to be able to afford Christmas presents? How am I going to be able to afford my son's schooling? Will I ever be in a position to own another house to call home? How will I be able to provide for my family, or even just myself for that matter? What does my future as an ex-copper with a spinal injury and limited financial means hold?

I can't even tell my wife and son, "Don't worry we always have our health!"

Normally I would tend to exaggerate a little for entertainment sake. Sadly for me, none of the abovementioned is an exaggeration. It is very simple mathematics. I cannot survive for the rest of my life on \$200 per week and a lump sum of \$80,000 - Give or take. It is a very devastating way to end a career I so enjoyed and was so proud of.

Ross Wilkinson (# 25327)

I thank you for your kind words received when I was awarded the Australian Police Medal on the Queen's Birthday Awards, they mean a lot to me and my family for which were a large part of the investiture. I am an Inspector of Police with a distinguished career that has exposed me to many aspects of this job. I was at the Crescent Head Shootings as a Team Leader for the Tactical Police where two Police lost their lives, I was at the Canga Siege and performed the building entry to secure the then crime scene, I was shot three times at Burwood at a Domestic, I herniated a disc in my back and dislocated my knee rescuing an elderly woman who attempted to commit suicide, with other Police performed CPR on a colleague who died at the National Police Remembrance, I attended over 50 fatal motor vehicle accidents (including identifying one of my colleagues to the coroner), murders in the last 5 years without ANY welfare support being offered.

Again, working as an operational officer on the truck, (whilst the Government at the time had dwindled our Operational Policing numbers to nothing), being involved in a horrific critical incident. Myself and a very junior partner entered a burning car, under downed power lines with no concern for our safety, performed CPR on the young man who is only alive by our actions.

I was at the Police Academy in March 1988 and have had 5 medical operations to remain at work since, I have toiled above average, I have had numerous opportunities to leave but have kept giving to this state, however in September even my Commander had the foresight to see that I was not coping and sent me to seek counselling to assist with my behavioural changes. I did this very reluctantly because I knew I wasn't well, and based on what has been happening I could be forced into leaving the job I love.

The story is irrespective now, because regardless of how my mind and soul is, or whether my body is broken, I will be back at work. I cannot assure that you will ever get the undying commitment I have provided before, nor can I guarantee that I will ever care about best practice ever again. The fact is you have created a system that does not recognise the experience or the commitment of Police and their Families that you have squandered in the past. I would like confirmation from you that the Death and Disability Scheme insuring me through MY own financial contributions in excess of \$180 a fortnight, for the period of its

existence, will not be covering me for the physical injuries received in that period. If that is the case, can you please simply tell me why you have paid other Police for injuries received in this period and why you are discriminating against me. I look forward to your correspondence.

For those within your Government who utilised Law and Order as a platform, you should hang your heads in shame, you have just bitten the hand that feeds you. I understand changes needed to be made and that money influences decisions, but surely you can see that the system you intend to put in place does not recognise or promote longevity within the Policing environment, and at no point has there been any figures released comparing the "pre 88" system to the one your government has so vehemently targeted. Your figures do not encapsulate the "Y" generation phenomenon, the increase in female recruitment with the flow-on of maternity and part time impacts in the workplace, industrial legislation impacts, the increase of alcohol related violence, (State legislation could alter this too!!) and drugs in the current community environment.

Money is a great thing and we would all like to have more than we get. I don't chase it, really all I want is to keep the bank at bay fortnightly, pay my kids education fees, register my car and treat my wife and family to a safe home. I am at a point in my life now by your governing decisions that I will outlast you in your public duty, I am beyond disappointed to hear members of your Government refer to Police as being greedy and hope that you at least restore some integrity in yourself and discipline those who appear to be taking this issue personally. I would also respectfully request that you ask your Police Minister to resign from the Police Association because there is an obvious conflict in him performing his duties without prejudice.

Please rest assured that I will actively challenge your proposed candidates in the electronic and print media in all the communities I have served unless a serious compromise is reached, and as a few of you on this mailing list know that encompasses North, South, East and West of this fine State.

I will perform my duties, but I will NEVER EVER give you my heart and soul again.

Rob McDougal (# 31296)

The NSW Government are trying to take away our death and disability coverage stating that Police are abusing the system and leaving with fake psychological injuries in an attempt to get a so called 'mortgage buster' payout.

This makes me very angry and more stressed and frustrated about future repercussions for me and especially my family.

I think most people are unaware of a lot of stressors placed upon a police officer.

Here are some of the more interesting facts that I have personally discovered only since joining the Police Force:-

1. A leg that has been amputated is a lot heavier than your brain first tells you it should be, before you pick it up.
2. The second thing you do after a bullet hits your car is pat yourself down looking for blood and a hole.
3. Time really does seem to slow down when you have a sawn off rifle drawn on you.
4. You really start to feel helpless when all you can do is hold someone's brains into their skull with a towel and watch the drunken idiots that were in the car fight each other on the side of the road, whilst waiting for a paramedic to arrive.
5. You get even less sleep than most after having your first child because you have been to one too many SIDS deaths.
6. Even after saving someone's life you just expect them to complain about something minor that you may have done whilst saving it.
7. It's hard to explain to a victim or the family the reason an offender got such a light sentence or got off completely because of some unforeseen technicality.
8. It's even harder when you're the victim of an assault police charge; they get off at court, and then laugh at you about the magistrate's lenient decision outside the court house.
9. Six months is a long time to spend waiting for blood test results to see if you have contracted AIDS or Hepatitis from the crook that bled all over you.
10. It's still just as long a wait the 5th time it happens.
11. It takes every ounce of strength to remain professional with a victim, who was the crook that assaulted you last week.
12. Your capsicum spray does not hold enough when you're out numbered 40 to 2 and the nearest back up is 270kms away.
13. It still amazes me how long the smell of a deceased stays in your clothes. And no, Vicks doesn't work. It just makes you cringe at the smell of Vicks as well.
14. Real life is more bizarre and twisted than any TV show or Hollywood production could ever come up with.
15. You start to question yourself, "What am I doing here?" after finding a fully loaded AK47 under a crooks bed and fully loaded desert eagle under the pillow, along with the 70 other guns and explosives riddled throughout the house and shed.

These are only some of the things I have personally witnessed. They are not made up or stories I have heard second hand. I could go on, talking about sexual assaults, paedophiles etc but I would rather leave those thoughts locked in the memory vault and not dwell on them any more than I have to.

The reason I am writing this is to show that what the government is trying to do to our death and disability cover is so wrong, words cannot describe. Most Police love their job and stick in there when others give up. They literally run into the burning house or towards the gunfire when others flee. But it can get to a point where enough is enough and I hope that when it does those police don't lose their house or family.

This does make me angry, and it should make every member of the public angry that the government is not looking after the people that look after everyone ...

Simon Gillard (# 30966)

I have been a Police Officer since the age of 19 years of age and am now 35. Policing is all I know. I have worked diligently during that time for the people of NSW.

In 2009 I suffered depression as a result of working on an extensive Homicide matter and then concurrently working on a case you may be familiar with, the Knox Grammar school paedophile investigation. I was sent to this Strike Force at Hornsby for around 5 months as a senior detective.

I have two children of my own, a boy who is now 6 and a girl who is now 8. As a result of this investigation, I suffered nightmares concerning my children, trauma and depression. I received no counselling. When I did try to get counselling and broke down in 2010, I was told to go back to work and it would pass. I went back to work whilst suffering depression and trauma to once again (as I always have done) try and do the right thing by the police and the people of NSW and not myself.

In May 2011 I was required to attend a paedophile training day where I severely broke down and had to leave. I subsequently saw my doctor on the 30th May 2011 after this break down and have been seeing my doctor, psychologist and psychiatrist since to try and get better. I still suffer from nightmares, anxiety and depression even with on-going treatment. Policing is all I know and it has been taken from me through no fault of my own.

The new compensation scheme will inevitably leave my family and I in severe hardship. I grant that there needs to be a reform to the compensation system but for honest hardworking police like myself who gave to this state for 16 years, even whilst depressed, I feel this new scheme is totally unfair and unjust. The new scheme will lead to the demise of my family as I have to support a wife and two young children. My friends and family are aghast at the new scheme proposal having seen what I have been through.

I beg you to please reconsider the new D&D scheme and allow, in complete consultation with Police Officers via the NSW Police Association, us to come up with a suitable scheme that will not leave honest police suffering honest conditions in a dire situation post policing.

Brett Edmonds (# 28876)

If things couldn't get any worse, I am suffering PTSD and also have had shoulder surgery six months ago for a HOD.

I have found out today they will no longer pay for physio or the gym. I have been informed by my surgeon that I am suffering from what he thinks is frozen shoulder and I need to continue physio and gym. They are really looking after me.

Anyone who joins the cops now is an idiot after the way I have been treated. I am an idiot. I should have locked myself in the truck instead of breaking up brawls. You cannot afford to get injured. I feel sorry for the SPG and rescue squad and other high risk areas.

I am at a loss at what to do next. My family are checking on me every five minutes because they think I'm going to do something stupid - which I'm not, but I cannot believe that the government are saying they will be looking after Police after they get injured when they won't, and so far I have not heard of one strategy to be proactive and stop people from getting injured in the first place.

Peter Taylor (# 26571)

I am disgusted with the proposed changes to our Death and Disability Scheme. I have just sent a long e-mail to my local member, Tanya Davies (Mulgoa Electorate), outlining my disgust. I am in a situation where I had a breakdown back in about 1993 or 1994. As a result, I have been on permanent restricted duties ever since with constant 6 monthly checkups with my GP of over 27 years, and in March this year had another breakdown and am now suffering from very high blood pressure again and depression. I am under the care of my GP, a Consultant Psychologist and a Consultant Psychiatrist. They all want me out of the workforce for good.

I have just begun my medical discharge through the Region Office and was planning to come into town in the near future and discuss my options with you and need for a Solicitor etc. And now this. My head is in a spin. I have had some 27 years in the job and have just turned 59. You give your heart and soul to the job and now this. You have my wholehearted support in your campaign. The interesting thing is they say there will be no change to the death benefit, so I guess my family is better off if I'm dead, according to the new plan.

The Hon. GREG DONNELLY: I read the document during the dinner break while I was preparing my contribution. It was heart-rending reading through the individual stories of police officers who have been so damaged while carrying out their duties in this State. It is extraordinary that even clear presentations like these which demonstrate what our police suffer day in and day out on behalf of the citizens of New South Wales, are still not enough to get the Government to withdraw the bill from the Parliament and conduct good faith negotiations with the Police Association.

In conclusion, I congratulate the Police Association on the way in which it has conducted itself during a difficult period. In particular I acknowledge Scott Weber, President of the New South Wales Police Association and his executive committee; Peter Remfry, the secretary of the association; Julie Carroll, the assistant secretary, legal; Greg Black, assistant secretary, organising; and other senior staff of the association. It has been a difficult time for them and they have worked tirelessly on this matter, which is of such significance and importance to the 16,000 members of the NSW Police Force. I am sure that those members are proud of the efforts that have been made not just up to this point but also the ongoing efforts that will be made to achieve the best possible outcome in the circumstances.

This bill should be withdrawn and should not be used to force—and I use that word advisedly—an outcome from the Police Association. That is not the proper way in which to conduct negotiations. In his heart of hearts I believe that the Minister knows that. Negotiations should be conducted in good faith. In particular, the New South Wales Industrial Relations Commission must be able to consider the union's application and produce an arbitrated outcome. Unfortunately, the Minister is not prepared to countenance that, and that is why I will be opposing the bill.

The Hon. PENNY SHARPE [8.49 p.m.]: I speak in debate on the Police Amendment (Death and Disability) Bill 2011. In recent weeks I have received many emails from police officers in New South Wales. The content of those emails has stayed with me longer than it took me to read them. I have thought in particular about the email I received late at night from a police officer's partner who shared her concerns for her husband and her family. I will read that email which states in part:

PTSD has occurred to my husband as a result of 15 years of trauma and tragedy from a job that he actually loved. Now the thing he loved has eaten away who he is as a man, husband, father, son and friend. He is now paranoid, anxious, aggressive, and sad, to name a few.

Do you ever go out just to get bread and are worried your loved one will not be there when you return and that you will find them hanging in the shed.

Well this is how I feel. I find it very difficult at times to leave our three daughters with him some days. He is just one of the many men and women in the NSW Police Force. Can you imagine if there are other husbands and wives of officers who feel like this.

It has not only affected him but our whole life and our children's lives forever. How do I explain to my 10 year old daughter when she asks me why her daddy is taking seven different medications at night, why he just doesn't feel up to going to her school concert, when she sees her father lying in bed crying in the middle of the day, or when she is woken in the middle of the night by her father's screams.

Do you have any answers for me? Can you imagine how worried and scared she is and the impact of this on her, the memory of her dad and her childhood. It makes me feel pretty sad, he is irreplaceable and he is worth a lot to us.

Government members spent a lot of time blaming others for the Government's decision to introduce this bill. Government members are no longer in opposition. The decision was made by them, by Barry O'Farrell and by Andrew Stoner. This decision rests with all those members of the Liberal Party and The Nationals who promised New South Wales police a better deal. This decision is entirely in their hands. They are taking the axe to the entitlements of police officers in New South Wales. The O'Farrell-Stoner Government introduced this bill without proper consultation. The O'Farrell-Stoner Government is rushing this bill through both Houses of Parliament. When we are talking about the lives of police officers we should not be rushing through changes without negotiation. Five thousand police officers marched outside Parliament House yesterday because they were outraged about this process. They did not do so lightly; they did so with all seriousness and we should be listening to them. I will read from another email I received from a police officer in the Hunter, which states:

It is with great trepidation that I correspond with you. I am a frontline NSW Police Officer with 18 years service. I have worked in Sydney's CBD, the Eastern Suburbs and the greater Hunter. I have been active in General Duties, Bike Patrol, Public Order, Transit Duties, Water Police and part-time Tactical Policing, amongst other duties. All of these endeavours have been performed to the best of my abilities. Quite often I have, and continue to be, exposed to dangerous and life threatening situations. I do this in confidence and good faith, knowing that should calamity prevail and catastrophe strike, myself and my family will be supported and not subject to financial ruin. I happily serve the community. Is it too much to ask that myself and my family be protected if I'm seriously injured undertaking these duties?

He goes on to state:

The new proposed Police Death & Disability scheme is potentially disastrous. Despite all the talk of the mythical "mortgage busters", the average age of an injured officer leaving the force is 40 years old. They have an average length service of 15 years. Their average payout is \$290k after tax. Is this figure truly that awful if an officer cannot work, or has great difficulty working again?

Moreover, the Gallacher Report found no evidence of systemic rotting of the system.

He went on to state:

NSW Fire & Rescue and NSW Ambulance Service have akin entitlements, yet no talk of these benefits being rescinded or diluted is forthcoming. Or is the NSWPF a test case to usher in a new era of industrial relations where those serving the community are financially enslaved in the event of serious injury? If the proposed changes to the NSW Police D&D scheme are so "fair", why is there an addition to the bill hidden in the jargon (section 199 to be precise) to "remove the jurisdiction of the Industrial Relations Commission (IRC) to make or vary industrial instruments that provide for death and disability payments in respect of Police Officers"?

He then states:

If an officer is physically or mentally incapacitated due to their work and is unable to effectively continue to operate in that environment, what happens when they have difficulty readjusting and obtaining suitable alternate employment? What happens when they are compensated so poorly that they are financially destitute? What are the possible outcomes? Separation, divorce, bankruptcy and yes, unfortunately suicide. The proposed scheme bizarrely punishes legitimately and permanently injured officers. If such dire financial hardship is looming, it is more than possible that stricken officers may be so distraught and desperate to provide for their family that a terrible outcome such as suicide becomes a consideration. The proposed changes almost hint at such an incentive, as a crippled officer is less able to provide in life as in death.

If this scheme is enacted, I will reconsider my career path. It will not be in the interests of myself and my family to endanger myself. The risks far excel the protections proposed. My corporate knowledge will be lost, the hundreds of thousands of taxpayer dollars invested in my training will be lost, and my enthusiasm will be lost. I will seek refuge in the safety of an office, within the confines of a Police Station to minimise risk, and liability to my family. All other experienced frontline officers I have conversed with are of the same philosophy.

For your information, I am from a proud Policing family. My great uncle, my father, my wife and my cousin are all past or serving members. I have never felt so exposed or betrayed. The family tradition ends if this scheme is enacted. There is no way I would allow my children to join the Police Force with so little protection. I care too much about my children to expose them to such risk of financial ruin. The big picture has been lost sight of, in the chase to save dollars.

He continues:

Sirs, Ma'ams, Honourable Members, the proposed changes as they stand will have a devastating impact on NSW Police, their families and ultimately, the wider community of the NSW public. You, as elected officials, have the propensity to stop this atrocious miscarriage of justice and deny this despicable bill. At the very least, have all parties, particularly the obtrusive NSW Government, return to the negotiating table and achieve a fair and desirable outcome. NSW Police deserve much better than what is being proposed.

This bill will terminate the industrial award-based scheme for death and disability payments to police officers injured at work or off-duty and replace that scheme with entitlements to death and disability payments in accordance with an approved insurance policy. It will amend the Industrial Relations Act to remove the jurisdiction of the Industrial Relations Commission to make or vary industrial instruments that provide for death and disability payments in respect of police officers.

The current death and disability scheme provides financial awards for police officers killed or injured on the job. The scheme, which was introduced by the Labor Government, recognises that the workplace occupational health and safety risks to police officers are both latent and active. They are unique. The fundamental change outlined in this legislation is moving death and disability benefits from an award under the Industrial Relations Act to a commercial insurance scheme. It is all about money. This represents a major change to how these matters are dealt with and will lead to a reduction in benefits available to officers, in particular, those who have suffered psychological injuries.

This bill will significantly reduce the entitlements available to police officers in almost every scenario, including spinal injuries, major psychological trauma and other permanent injuries. In removing the scheme from the jurisdiction of the Industrial Relations Commission and eliminating the death and disability scheme status as an industrial entitlement, the police will have no capacity to argue to an independent umpire for a fair level of protection. The way the Government has handled negotiations on this bill is the major reason why the police feel so aggrieved by this process. A week before the bill was introduced into Parliament the Police

Association was handed a copy of the bill that the Government planned to introduce before negotiations had reached a conclusion. I acknowledge that the Police Association indicated from the outset that reform was necessary and that it was prepared to negotiate an outcome with the Government. The Government and the Minister have to accept responsibility, given that their actions led to an extreme response from police.

The Opposition opposes this bill and will not support any amendments unless they have the support of the Police Association. When we vote on this bill we must keep in mind that police officers across this State will be watching and waiting in the hope that the unique work they do every day in our communities is recognised—not through words but through actions.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [8.59 p.m.]: It is with great regret that I speak in debate on the Police Amendment (Death and Disability) Bill 2011. Indeed, I regret that we have this partisan conflict because in 2005 all sides of politics recognised that police perform a unique role in society, one that requires a particular response to ensure that police officers are protected when they can no longer protect themselves, when they are injured, can no longer continue with their duties as police officers or continue in the workforce generally. All sides of politics came together in recognition that if police were injured in the line of duty and had to leave the Police Force they should be provided with a level of financial security above and beyond that of basic workers compensation.

The death and disability award was made by consent after an application by the Commissioner of Police in 2005 to the Industrial Relations Commission. The commissioner said at the time that the conditions of the award fairly represented and addressed the concerns raised. In another context the Minister for Police has spoken about attempts by the previous Government to politicise policing but no-one would suggest that the current Commissioner of Police or indeed his predecessor would have allowed themselves to be politically manipulated by any government or Minister.

The current regime, which is facing the prospect of being eliminated by this bill, did not result from a contest or exchange of ideas independently arbitrated by the commission but through negotiations between the Police Association and the Government. The Government now seeks, in effect, to nullify that agreement without having the courage to go down to the independent umpire equipped with a set of ideas and proposals that it believes represents a better outcome in the public interest. Instead, the Government seeks to load the dice in its favour by cancelling the award by legislative fiat and ensure that the commission cannot again have that power by stripping it of its jurisdiction to make awards relating to death and disability. This is most regrettable for a number of reasons.

Much has been said about the need for action, some of which suggests that medical discharges have not been bona fide or they represent some kind of rotting of the system. Police are only medically discharged after all opportunities for redeployment in suitable duties have been exhausted and independent medical specialists have established that officers are permanently injured and unable to continue to serve in the Police Force. This opinion is in addition to that of the officer's treating doctors and medical reports of the workers compensation insurer. These decisions are reviewed by a medical discharge review panel consisting of the New South Wales Police Executive Director of Human Resources, a nominee of the Police Association and an independent member, who in the past was the chairperson of the WorkCover board of directors.

The panel approach ensures that all opportunities for redeployment are exhausted and that the officer has complied with his or her own obligations as part of the injury management plan and return to work plans. All recommendations regarding medical discharge and any benefit under the scheme are then referred through the chain of command to the Commissioner of Police for determination. This is an important feature. Ultimately I understand that these discharges are signed off by the Commissioner of Police. The Hon. Greg Donnelly spoke about a review of 700 files undertaken by Assistant Commissioner Peter Gallagher, who looked at the medical discharge files and concluded that there was no evidence of any systemic rotting of the scheme.

I do not know if Assistant Commissioner Peter Gallagher has any qualifications with respect to psychological injury or is in a position to second-guess the opinion of many doctors but approximately 80 per cent of the injuries suffered by police officers who access the medical discharge arrangements are psychological and many of these are secondary conditions developed as a result of physical disability and difficulty dealing with chronic pain, loss of mobility and the subsequent effect on lifestyle and career. These psychological illnesses or injuries can also be the accumulation of distressing and disturbing events over many years. Ultimately the snapping point may be a particular incident but it is my understanding that in most cases it is not the result of only one incident; it is an accumulation of years of experience that causes that tipping point.

I would have thought that before a Government acted in so drastic a way a proper and systemic review would be undertaken on whether the system had been corrupted. The ultimate sign-off by the commissioner would seem to speak against that, as would the review by Assistant Commissioner Peter Gallagher. I am not aware of any empirical evidence beyond surmise that there is systemic rotting of the scheme, so that is an important factor to be considered in this debate. Mr David Shoebridge indicated the new scheme replaces the existing scheme with one that has identifiable or known entitlements to death and disability payments in accordance with an approved insurance policy. The insurance policy's parameters are not contained in this legislation; it is just a policy that is approved by government. Although the association may know the contours of the current proposed policy, my understanding is that the proposed provider of that policy may only be engaged for a 12-month contract, which causes grave apprehension in serving officers: what happens beyond those 12 months? What happens if the provider no longer wishes to be in this business or no longer will offer a policy on the same terms?

A radically revised scheme could be brought into effect simply by a change in policy whether or not there is a change of underwriter. People's protections, their ability to survive financially and psychologically following serious injury that prevents them from continuing their vocation as police officers may be fundamentally affected without the need for this Parliament to speak further on these important matters. It could be done simply by a change of policy or by a change in the terms of the policy. For such an important area of public discourse this is grotesquely unsatisfactory. We should have before us, in black and white, a scheme that has been proposed beyond a 12-month span, one that is meant to be continuing so that everyone can make an informed assessment about whether it is better or indeed worse than the status quo. That is certainly not available to the members of this House or, if it passes this House, to members of the other place.

We understand from what the Government has said will be the contents of this new approved policy that it will drastically reduce the lump sum amounts available for total and permanent disability and injury where members of the Police Force will not be able to work again in policing or, indeed, any other occupation. It will eliminate also any lump sum benefit for police who are partially and permanently injured and unable to work anywhere in the Police Force but who may be able to work in another occupation. This lump sum will be replaced with what the Government terms an income protection benefit but which, on my information, may constitute as little as 65 per cent of salary for a maximum five-year period and only for those who are unable to work at all.

Of equal interest but more worrying is that I understand the bill also seeks to eliminate the workers compensation top-up protection not in the death and disability award but in the mainstream police conditions award. It seeks to replace those provisions with the provisions set out at lines 7 to 22 on page 9 of the bill with the insertion of a new section 125A in the Police Regulation 2008. The bill contains a provision that during the first 26 weeks of incapacity police will be paid any gap between weekly compensation payments and their ordinary police officer rate of pay.

That is very different from their actual take-home pay. Police are often paid additional amounts over and above an ordinary rate of pay and they do not receive these additional amounts if they are not actively working. My understanding of the way the current regime works is that any gap is topped up to their actual current level of take-home pay as long as they are complying with the recommendations contained in their injury management and return-to-work plans. If an officer is non-compliant those top-up payments can be withdrawn. If the employer or the insurer feels that the plans are inadequate they can be referred to another medical specialist, who can rewrite or impose a new plan or new parts of a plan which an affected officer will then have to comply with. That is to ensure that officers are not malingering, that they are applying themselves assiduously to getting well again within the limits of their injury.

I do not believe that those provisions in the current award have been effectively worked over by management or that all the possibilities that they afford have been properly and thoroughly investigated to achieve the best possible outcomes. Instead, here we have a sledgehammer to crack a walnut to try to push that regime out of the way for a much simpler proposal, one that will deliver lesser benefits to injured police officers. The other interesting aspect is that the existing top-up provisions are in the mainstream police award, the same award I believe that is currently before the Industrial Relations Commission for arbitration. I have not seen all the material in that case but my understanding is that the Police Force, or the Government, has not sought in those proceedings to make any claim or counterclaim to strip out from the award or modify those existing provisions. Why is that the case if there was some systemic problem with their operation?

The answer is that the Government had a plan B. It could not be bothered, was too afraid, did not have the courage or the inclination to put together a cogent argument based on information—dare I say evidence—

and did not have the confidence to take the case down to the independent umpire to seek to persuade an independent body to change at least that aspect of the police death and disability arrangement to effect improvements as they saw it. Instead, we see again as part of this bill part of the ongoing vendetta against the independent umpire, to strip away piece by piece the 120 year history of the Industrial Relations Commission. I mentioned earlier the stripping away of the jurisdiction of the commission to make death and disability awards in the future. We saw the first shot in this process of whittling away independent protections for working people in the public sector.

First of all there was the imposition of the wages policy, restricting the commission's ability to have free, fair and open arbitrations of wages and conditions, restricting it artificially to a nominated cap. Then there were occupational health and safety changes whereby most of the jurisdiction built up carefully over 20 or so years of the Industrial Court is to be thrown out and transferred off to a court with little or no experience of these matters. Then there is the referral of the Industrial Relations Commission and other tribunals for potential merger. And here we see another step in the process preventing the commission from making these kinds of awards in the future.

The Government lacked the courage, ability and confidence in its own argument to put together a case, take it down to the commission and say, "These awards have been made in the past by consent. We do not think they are working properly. Here are the solutions." That is how we should make an award that addresses all of our concerns. Let us have this matter argued on the basis of sworn evidence, properly put for arbitration by a disinterested independent body, one that does not have a financial stake in the outcome or a financial conflict of interest, as the Government has.

I think Reverend the Hon. Fred Nile indicated that the scheme proposed by the Government represents the most generous in Australia. There is the amount of salary that the Government is committed to provide to the death and disability arrangements and will continue to make in the order approximately of 4.6 per cent of the remuneration of police officers to be covered by the new policy. My understanding is that the Victorian Government makes a contribution of up to 28 per cent into a joint superannuation death and disability arrangement. The Queensland Government provides an 18 per cent contribution for Queensland police to fund death and disability benefits through superannuation while complementing workers compensation arrangements already in place. I also understand that officers in the Australian Federal Police receive a 15.4 per cent government contribution to their superannuation and death and disability arrangements.

Reverend the Hon. Fred Nile: I was speaking of the payments.

The Hon. ADAM SEARLE: I acknowledge the interjection but I am pointing to a different aspect of the scheme, where on any reasonable comparison what the Government is proposing is not as generous as applies in other places. As I understand the policy that the Government is proposing, the driver of the new scheme is a superannuation vehicle to provide or to create income protection benefits. I am not a specialist in the area of superannuation, regulation or law but doing that in this way may well create taxation implications for police officers regarding their ability to pay into their own superannuation funds. It may create a tax burden and I am not sure that this is a matter that anyone has thought through thoroughly.

This may be part of the vice of having the driver of the new scheme being an approved policy that is not part and parcel of the legislation that we cannot all see in black and white and go through line by line and get independent advice about what are going to be the practical, legal and, dare I say, financial implications for those who are to be covered by the new arrangements. I do not seek to scaremonger; I simply point to that as being a potential real problem of the new proposal and one that I am not sure has been identified by the Minister or his advisers and certainly not one that has currently been addressed, as I understand it, although I would be very happy to be proved wrong on that aspect.

For all of those reasons, and the reasons that have been provided by other speakers earlier, I am simply unable to support the package of measures the Government has placed before the House. I think they are ill-conceived and have been rushed into. I may have missed it but I do not recall these fairly radical changes being clearly telegraphed by the Minister when he and his team were in opposition. I do not recall them saying to the Police Association and its members that they have to fix up this State as there are a few things that are not going right and the death and disability scheme is one that they will have to address. Again, if the Minister in his reply can point me in the right direction I would be happy to be proved wrong. I do not mean weasel words of saying that there may be some concerns or that the commitments have to be carefully hedged until we see all the paperwork and data. I have to say that I think that the Government did not put its cards fairly on the table before election day this year. [*Time expired.*]

Dr JOHN KAYE [9.19 p.m.]: I join with others in opposing the Police Amendment (Death and Disability) Bill 2011. I am appalled that we are even considering this legislation at this time, in this Chamber, at this stage of what ought to be a negotiation between the Police Association and the Government. Whether we are being used as a negotiating tactic or whether this is, indeed, a serious way of undermining the authority of the Industrial Relations Commission matters not, what is before us today is unconscionable. Others have spoken more eloquently and with greater knowledge, understanding and experience of the current scheme, of what is being proposed and the implications of what is proposed. I am very impressed by their contributions and, if I needed further persuasion, I am thoroughly persuaded by the contributions made by my colleague Mr David Shoebridge and the Labor members who have spoken eloquently in opposition to this legislation.

My contribution will therefore do very little other than to underline three specific issues, each of which amplifies and reinforces my personal view that we should not be considering this legislation today. I think everybody now acknowledges that some changes need to be made to the scheme. But those should not be resolved by legislation; they should be resolved by negotiation between the Police Association and the Government, and they should be resolved before the Industrial Relations Commission, either as a consent award or as an award that is negotiated and arbitrated before the commission. This is the wrong place to be making these decisions.

All information I have received about this legislation, both from the Government through its generous briefing and also from the Police Association and from submissions from individual police officers and their families and people affected by death and disability in the Police Force, has reinforced in me the views that were expressed by Mr David Shoebridge and by the Labor members of Parliament in speaking against this legislation. We should be seeing the Government negotiating. What we have here is not negotiation. We see being pushed through Parliament a scheme that will savagely undermine the benefits available to police who suffer injury or to the families, dependants and loved ones of police who die at the workplace. This undermining is unconscionable not just because these are working people and they have every right to a reasonable compensation scheme, but also because these are people who by the nature of their work are involved in physically, emotionally and psychologically dangerous activities.

Police put themselves, body, soul, spirit and mind into danger on a daily basis—and we expect them to do so—for not fabulously generous pay. We expect them to do so nonetheless, and as a community we should stand by them. We should stand by them when they are injured, and we should stand by their families, dependants and loved ones when officers die. This legislation is a step away from the social contract that ought to exist with police. The first of the three matters I wish to address relates to the process of how we come to be here today. An awful lot has been said about who said what to whom. Much of what has been said is disgracefully misleading. I go to a contribution made yesterday, 22 November, in the Legislative Assembly by Mr Troy Grant, the member for Dubbo. He said that the Government would work with the Police Association, and then said of the Police Association:

They are back at the negotiating table. Shame on them for perpetuating lies that they were never involved in negotiations. They were involved and they are misleading their members by choosing the cheap option of trying to vilify someone who served with them by misrepresenting matters and making a personal attack rather than addressing the real issues facing the membership.

I wish to make the position absolutely clear. On the Police Association's website what the Police Association said to its members has nothing that is misleading. The Police Association says it was in negotiation. In fact, the story it tells of negotiation with the Government goes to the exact opposite point to that which Mr Troy Grant was trying to assert. Mr Grant was trying to say that the association was saying that there was no negotiation. On the contrary, the Police Association entered into negotiation in good faith on 27 July and had some seven meetings with the Minister or with representatives of the Minister or the commissioner from 27 July to 2 September. Those were always negotiation meetings, and always tough. Of course, they should be tough. Anybody who has been involved in any form of industrial negotiation will know positions are taken and there is a lot of argy-bargy. That is how it should be. That is how the right answers are delivered in some instances. What is absolutely true is that, after the meeting on 2 September, on 21 October the Police Force responded to the Police Association by saying:

We are still awaiting details from insurers before we are able to have further discussions with the Association.

So on 21 October the Police Force tells the association, "It's on hold. We want to talk to our insurer." Then on Wednesday 2 November the Police Association is called to attend an urgent meeting with the Minister, who tells the association, "Hey, guess what? We're legislating." There is absolutely nothing between, "We're in good-faith negotiations. Yes, it's all going well but we need to talk to our insurers" and, "Here's the legislation. We're going

to cut deals and we will ram it through the upper House, and too bad for you because that's the way we're going." If we are talking about negotiation and getting a quality outcome, that is not negotiation. Any of us who have been involved in negotiations with employers know how appalling it is to spend time trying to get a reasonable outcome only to be shafted, to be knifed in the back, to be told, "Sorry, you've wasted your time. What we're really going to do is force you into a legislated outcome."

The Police Association was always open and honest with its members. The Police Association never implied that no negotiation was occurring when there was negotiation occurring. The association said there was no negotiation occurring when the Government pulled the plug on negotiation. Mr Grant should be ashamed of himself for being misleading on this matter, as indeed he was. To be clear, the Police Association said from the outset, "There is an issue with the scheme. We are prepared to find a negotiated solution."

The second matter I wish to address relates to the issue of what will happen next if this legislation goes through and the impact of this legislation, particularly given that there is no codification of the benefits available under the scheme in the legislation. I have also been informed that there is only a one-year contract with the insurer. That is to say, on 1 January 2013 the police will be thrust into a race to the bottom. Every insurer will know that there is no bottom line on how low the benefits can be or how high the costs can be. Every insurer will know what their competitors will be offering, if indeed competitors can be found. The inevitable outcome will be that there will be no legislative protection. We are legislating an incomplete scheme because we are not legislating an underlying protection for those benefits that are available to injured police and to the families of those who die. Passing this law means that we are exposing police to an unknown future—to a future that will be determined by a marketplace, a marketplace that effectively will be a race to the bottom. That is inappropriate. That breaks down even further the social contract with the police.

The third matter is the issue of benefits that are provided under the scheme as we understand it. The problem is with those who are permanently and partially disabled. What happens to those police? To understand what we are really talking about here, we are specifically talking about people who overwhelmingly have psychological injuries: 93 per cent of all claimants have an element of psychological injury, and 80 per cent of those are reporting an entirely psychological injury. An attack on these injured police is an attack on the concept that we treat psychological injury in exactly the same way that we treat physical injury. Progress has been made in our society in recognising that psychiatric disease and psychological injury are as real, as treatable and as debilitating as a physical injury. Yet this scheme is an almost deliberate attempt to denigrate and underestimate psychological injuries. Post-traumatic stress disorder is as real as a knife in the back or as a broken bone. It is a debilitating, serious condition that needs to be treated seriously.

Under the existing scheme, a police officer who is found to be permanently and partially disabled could perhaps expect a payout of \$570,000. Under the scheme proposed in this bill, the best that officer can hope for is a 12-month income top-up of \$76,000 on top of workers compensation payments. At the end of the 12 months all they will have is the workers compensation payments. For a single individual with no dependants those payments will be a mere \$400 per week. These people have put their lives on the line for the citizens of New South Wales. These people have done what everybody in this Chamber knows is stressful, difficult and dangerous work. Only two per cent of officers who suffer a psychological injury can ever hope to obtain full-time employment again. The 85 per cent of officers who will not get a job again will be left with only \$400 a week for the rest of their lives. That is shameful. It is a disgraceful outcome that this House should not even contemplate.

There is need for better injury management. I do not think that anybody has argued against that. But it is clear that to spend \$15 million over three years on an experimental injury management scheme is a disgrace. The scheme is unproven and there is no evidence to support it. It is a disgrace for this Government to conduct an experiment on injured police officers at a cost of only \$5 million per year for three years. If this Government was serious about injury management, about helping injured police officers and avoiding future injuries the figure would be far greater than \$15 million.

Another disgraceful accusation that has been floated around is that the scheme has been rorted. As other members have indicated time and again, the scheme has not been rorted. Assistant Commissioner Peter Gallagher undertook a specific analysis of over 700 medical discharge files. He concluded that there was no evidence whatsoever of any systematic rorting of the death and disability scheme. To be clear: Every single police officer who is discharged has been discharged because they have been assessed by an independent medical practitioner nominated by the NSW Police Force and their discharge has been signed by the

Commissioner of Police. There is no avenue for reporting and there is no evidence of reporting. To suggest the scheme is being reported is simply malicious. Let us be clear about the psychological injuries we are speaking of. Dr Tarra Shaw is a well-known psychiatrist who wrote to The Greens, saying:

Police are constantly exposed to traumatic situations. While the average person will rarely encounter a dead body, severe violence, or a critical injury, such events are everyday aspects of police work.

There is no way to train police to completely psychologically protect themselves to deal with the years of seeing crimes against children, against women, frequent death and gore. They will be emotionally affected and sometimes frequently traumatised. Repetitive exposure to severely stressful situations makes illnesses such as post traumatic stress disorder and depression much more likely to occur.

Police may have difficulty finding death and disability insurance in the private sector. If society wants police to deal with trauma every working day, it is only just that there is protection for those police who can no longer work because of trauma-induced psychological injury.

That is the opinion of a leading psychiatrist in New South Wales, yet we are ignoring it. But let us not just listen to the psychiatrists; let us listen to the police officers. A police person wrote to my office and said:

I am writing to ask for your help. I have been a police officer for 21 years and never thought I would need the death and disability cover. Throughout my 21 years I have been shot at, someone has attempted to stab me and I have been to countless accidents where I have held the hands of adults and children while they died, however I managed to stay at work.

In January 2010, I tried to save a father who had got caught in a rip whilst rescuing his children. Although I located him we were unable to save him and he died in front of his children. I was diagnosed with post traumatic stress and took one week off work.

Therein hangs a tale as to why it was only one week, but there we have it.

Both my psychologist and psychiatrist agreed this was not long enough but I had a commitment to work and the Shoalhaven Community. In May 2010 I was the first car at the horrific bus crash that occurred at Kangaroo Valley.

She then goes on to account for what she saw there. Her post-traumatic stress disorder became significantly worse, but she stayed at work and continued in her role. In September 2010 after attending another serious incident she started to have panic attacks. She says that the commissioner has proposed that the changes to the death and disability scheme will be retrospective, which means that she may see vastly reduced payout and support if she has to leave the scheme. I conclude by reading a letter written by Rob McDougal who is a commissioned police officer. He talks strongly and passionately against this bill and says:

Here are some of the more interesting facts that I have personally discovered since joining the Police Force:

1. A leg that has been amputated is a lot heavier than your brain first tells you it should be, before you pick it up.
2. The second thing you do after a bullet hits your car is pat yourself down looking for blood and a hole.
3. Time really does seem to slow down when you have a sawn off rifle drawn on you.
4. You really start to feel helpless when all you can do is hold someone's brains into their skull with a towel and watch the drunken idiots that were in the car fight each other on the other side of the road, whilst waiting for a paramedic to arrive.
5. You get even less sleep than most after having your first child because you have been to one too many SIDS deaths.

The list goes on dramatically about the things that police have to encounter. He does not talk about the sexual assaults or the paedophiles because he wants to leave those locked in his memory vault. But he does say:

The reason I am writing this is to show that what the Government is trying to do to our death and disability cover is so wrong, words cannot describe. Most police love their job and stick in there when others give up. They literally run into the burning house or towards the gunfire when others flee. But it can get to a point when enough is enough and I hope that when it does those police don't lose their house or their family.

The stories go on. Many of the accounts are heart wrenching and all of them point to one single outcome. If we abandon police and leave them without the protection they have, if we leave them without the ability to go to work each day knowing that if they are injured they will be looked after and if they die their families will be looked after, it will be much harder to recruit police. Furthermore, police will increasingly go to work with injuries and do more damage to themselves and to those around them. We owe it to these people who put themselves on the line to make our society safer; we owe it to them as public sector workers and as human

beings that they go to work knowing that this Parliament stands there with them. As representatives of the people of New South Wales the only way we can do that and show our gratitude to our Police Force is to vote against this legislation.

The Hon. HELEN WESTWOOD [9.39 p.m.]: Because so many members have spoken on the Police Amendment (Death and Disability) Bill 2011, I will not go over much of the detail and technicalities of the bill that others have spoken on. I want to place on the record my opposition to this bill and of course the Labor Party's opposition to the bill. Also, being one of the final speakers, just about every one of the case studies that I was going to refer to has already been read. My comments will be based on my relationship with police officers and my understanding of what we, as a community, expect of our Police Force, simply as a citizen, but also as someone who has been involved in local government and now as a legislator.

I am certainly aware of what it is that we expect from our police men and women in New South Wales. As all other members have said in this debate, police officers face danger on a regular basis. As well as that, we expect our police officers to be professional at all times. We expect them to be empathetic, caring and ethical. We expect them to turn up at car accidents and to care for victims, and then to knock on the doors of families who have lost loved ones. We expect them to attend fires and to help rescue. We expect them to identify bodies, charred remains of adults, children and the elderly. We expect them to attend and try to resolve sieges and to keep the peace at riots. We expect them to arrive at domestic violence incidents in suburbs and towns in far flung and very small communities right across the State. We know that they often have to deal with victims of sexual assault, taking their statements and referring them and families affected by domestic violence to other support services. They then have to attend court and support victims.

Police officers also have to work undercover, and that is an area of policing that not many members have spoken about during this debate. I think that undercover work in particular has real difficulties and real dangers for officers. I know of incidents where undercover police officers have had a gun placed in their mouth. I cannot imagine the fear that that would evoke in any human being and what psychological trauma they would continue to live with for the rest of their life, having had a gun placed in their mouth, threatening their life while carrying out their work to protect members of the public. I think we need to keep those circumstances in mind, because they are the circumstances and conditions that we ask police officers to work in. We ask them to do that work on our behalf. We expect them to keep the peace, we expect them to enforce the laws that we as legislators make, and we expect them to do so professionally, without being angry, without losing their temper, always in good humour. We also expect them to do it empathetically and with great care and compassion. It must be very difficult to have those qualities of care and compassion and face the human tragedies that police officers face each day.

When we ask police officers to do that on our behalf, we owe it to them to give them support, to give them the conditions and the award that they need to carry out their job effectively and with confidence. They need to have confidence that if they are injured, if they can no longer carry out their duties as officers, they and their loved ones—their families, their partners, their children—can continue to have a reasonable income that gives them a quality of life. I do not think that is a lot for us to give back to the police men and women of this State who do a superb job on our behalf.

Like many other members this evening, I am really alarmed and concerned by the process that has been undertaken to get us to this point. I doubt that anyone thinks that the Police Association is an unreasonable group of people. It does not make outrageous demands upon Government or upon us as employers. I think what it asks for is reasonable. It is hard to believe that we, as a government, have not been able to get to a point where we can settle with the Police Force and give police officers the confidence that they will have a death and disability scheme that ensures that they will not be living a life of poverty or a life of unemployment if they can no longer carry out the job that they were committed to because they have been injured on the job.

I find it hard to believe that the Government could not have negotiated with the Police Association, on behalf of police officers of this State, to get the scheme to a point where it is acceptable to the Government and to the association. I cannot believe that that is beyond the Government. I think one problem is that there has not been a willingness to accept that, when we want a quality police force and we want police to do really difficult jobs in very difficult circumstances, there is a cost. That stuff does not come cheaply. You are not going to get policing on the cheap in this State.

Having a compensation scheme, a death and disability scheme, that protects those men and women, is part of ensuring that we have the best Police Force that the people of New South Wales deserve. I believe that

we have that to this point. I had the fortune to work with some outstanding police in my role as mayor of Bankstown and as a councillor there for many years. It is the largest command in New South Wales and we had some wonderful officers, some great leaders of that command, who had to deal with some very difficult criminals and certainly really tough and tragic circumstances, with a number of violent incidents. There were horrendous gang rapes in Bankstown and, as many would know, there were also, regrettably, some criminal elements that were creating a great amount of angst in the community. It took a great deal of effort on the part of officers to police that in a way that did not create further problems in the community while still addressing the criminal elements that were making life quite difficult in the area and certainly committing crimes.

I would have thought that the Government could have got to the point of negotiating an outcome. Another area of concern to me is that again the Government is continuing its practice of removing the independent umpire when it comes to industrial relations. We do not expect any other employer to be able to set all of the wages and conditions that the workers work under, but it seems that this Government is not willing to go to the independent umpire to put its case and have an independent person consider all of the facts and figures and then determine, on balance, what is best for both parties. Again, I think that is because the bottom line is money. Money is the priority—"we need to do this as cheaply as possible".

If we want quality policing and a Rolls Royce police force—and I believe we have one in New South Wales—we have to pay for it. We have to pay police officers the wages they deserve. We have to give them conditions that make them safe and make them want to come to work every day. We have to ensure that if they are injured they will do their best with the support and resources available to them to be rehabilitated and get back on the job. I do not accept that police officers are bludgers. I do not accept that they are out to rot the system. I believe that when they are injured they want to get back to work as quickly as possible. I have seen officers do that. They have had to go to events where they have had a gun or knife pulled on them and some have had to fire back. There have been instances where someone has been killed and the officer is under investigation. They have so much to deal with that none of us could possibly understand.

I do not think any of us here has been placed in situations that many police officers in this State have had to deal with. It is not surprising that they need to take time off to recover. I think they need support to do that. It concerns me that we are not looking at the resources and support they need both on the job and post-injury. What is the organisation doing to assist these officers who we know are in very stressful jobs? We know that a number of them are going to be affected psychologically and physically in the work they do. What are we doing to prevent that? What are we doing by way of training and in their stations and commands to ensure we minimise injury? The bill does not look at these aspects; it is simply looking at dollars. It is about reducing the cost of police officers' injuries. I do not think that should be our priority.

Our priority should be to support our police officers to continue to do the superb job they do and give them confidence. They need to know that the Government, their employer, their commissioner and their leadership support them in the vital role they have in keeping each and every one of us safe, keeping our neighbourhoods safe and supporting so many of us in times of need. They deserve much better than what they are getting from this Government. For all those reasons I will not be supporting this legislation. In fact I will oppose it at every opportunity.

I hope the Government will have the capacity to acknowledge that what it is doing is wrong and stop taking direction from Treasury. Let us face it, if it was up to Treasury we would not spend a dollar on anything. No-one would get sick, we would not have any trains and we would not be worrying about buses. We just would not spend anything. The Government cannot look to Treasury for direction on important policy areas such as this. Policing is one of the most important public services provided to the people of New South Wales. It is imperative that we should be willing to pay for it. We need to pay what it is worth. It is worth ensuring that every police man and woman in this State believes that if they are injured or hurt on the job, whether psychologically or physically, they will be looked after.

They need to know they will be supported and assisted with rehabilitation so they can return to work. There will be cases where that is not possible. That is a fact. Not everyone's injury will allow them to return to work. When they cannot return to work they should not be financially disadvantaged. They should not have to lose their home. They should be able to continue to have a roof over their head and over their children's heads. They should continue to have a decent quality of life. I am gravely concerned that if the Government continues along the path it is proposing in this bill there is a great risk that that will not happen. Why would men and women work for the New South Wales Police Force? Why would they choose that as a career knowing the dangers and difficulties they face and that they will not have the security of a decent death and disability scheme?

I urge every member to reconsider their position on the bill. They need to think about what the police officers in this State deserve and what they do for each and every one of us and our constituents every day. I urge members to give police what they deserve—a death and disability scheme that will ensure they continue to have quality of life after they have served the people of this State and been injured in carrying out the great work they do. I will be opposing the bill.

The Hon. PAUL GREEN [9.55 p.m.]: I speak on behalf of the Christian Democratic Party to the Police Amendment (Death and Disability) Bill 2011. The objects of the bill are to terminate the existing industrial award-based scheme for death and disability payments to police officers injured at work or off duty and to replace that scheme with entitlements to death and disability payments in accordance with an approved insurance policy. The bill will also amend the Industrial Relations Act 1996 to remove the jurisdiction of the Industrial Relations Commission to make or vary industrial instruments that provide for death and disability payments in respect of police officers.

The background to the bill is that all parties and stakeholders agree that the scheme needs to be reformed and that the current scheme costs too much and is financially unsustainable. In 2010-11 it cost around \$288 million, more than 10 times what it was anticipated to cost in 2005. The scheme is having a flow-on cost to the Police Force workers compensation premiums. These premiums have increased from \$55 million in 2005 to \$154 million in 2011 and are costing around \$15 million a week, which is \$12.5 million more than they should. The scheme has also impacted on front-line police through the increased long-term sick leave of police officers. Officers on long-term sick leave have increased from 450 in 2005 to 1,135 in 2010. At any one time there are between 600 and 800 officers on long-term sick leave. This is the equivalent of three or four large local area commands not being at work.

The current scheme, which offers a lump sum compensation payment on top of workers compensation payments, is a poor design. The scheme encourages officers to stay on long-term sick leave and undermines rehabilitation efforts to some degree. A review found that only 2 per cent of the officers discharged under the current scheme are back at work without the assistance of government benefits. A massive 85 per cent of officers discharged under the scheme are not working and rely on government benefits. All parties have agreed the scheme must be urgently reviewed to remove the significant financial disincentive for officers to return to work. If this scheme continues and is not reviewed it could grow to as much as \$4.4 billion over the next four years. This is clearly unsustainable.

My local radio has been quite concerned about the police position on this. I continually say to them that the police are valued. Quite often, long after we have gone to sleep, they are out dealing with matters that we would not want to deal with. Sometimes they deal with the very worst of human nature. I take this opportunity to thank them and recognise their valued work. However, the financial capacity of this scheme is clearly unsustainable. The problem in my view is that our kids will be paying this bill long after we are gone if the figures continue to climb. Something needs to be changed. I am pleased to say that the Police Association is trying to do that in tandem with the Government.

It is the understanding of the Christian Democratic Party that under the proposed changes death benefits will not change and a lump sum benefit will still apply; the new total and permanent disability benefits will start from early January 2012; if an officer is totally and permanently disabled before then, the old benefit arrangements will apply and a lump sum benefit will still apply; partial and permanent injury benefits will be discontinued; and officers will still receive partial and permanent injury benefits if by 11 November 2011—when the legislation is expected to commence—

Mr David Shoebridge: It is retrospective.

The Hon. PAUL GREEN: No. As I was saying, they will receive benefits if they have attended an independent medical examination as part of the medical discharge process and if the New South Wales Police Force has received a report as a result of that examination stating that the officer no longer has a capacity to work in the force. It is noted that income protection will begin after a six-month waiting period following injury, during which time an officer's salary is maintained at 100 per cent by workers compensation payments and topped-up by the New South Wales Police Force.

This will provide 75 per cent of salary for a minimum of eight months and 65 per cent of salary thereafter for the remainder of the five-year benefit period—another 52 months. The income protection benefit is paid subject to the insurer's assessment of the officer's fitness to work. All other officers will be eligible for

new income protection payments if they are currently off work due to workplace illness or injury or are injured or become ill. Once the new arrangements commence—potentially in late November—all officers will have a 26-week period of workers compensation top-up before the income protection payments start.

The Government has established an injury management fund comprising \$15 million over three years. The fund will allow the injury management initiatives prioritised by the New South Wales Police Force to be trialled and evaluated over an initial three-year period. Initiatives will be funded on approval by the New South Wales Police Force and the Treasury based on a detailed business case. The Christian Democratic Party notes the concerns expressed by the Police Association. Mr Scott Weber, the President of the Police Association of New South Wales, has stated in correspondence:

This new scheme is not in reality a redesigned death and disability scheme that operates post medical discharge. What is proposed interferes with conditions of employment that operate outside of the current death and disability scheme and strikes at one of the core conditions for police officers that is found in the current salaries and conditions award: our 'top up' arrangement for those officers who have injuries compensated under the workers compensation system that involve officers being totally incapacitated for periods in excess of 26 weeks.

...

We wanted to make sensible changes to the scheme which would ensure its sustainability, we still do and the committee knew this, they also know the reality of the seriousness of the injured work force.

...

Our approach was a holistic one, any reforms proposed [should] not only address the scheme benefits but improving injury management and changing the culture in the organisation was critical. We have and continue to have serious concerns that alterations to the scheme alone will not result in better outcomes for New South Wales Police Force or our members.

...

The greatest barrier to addressing the current situation is the entrenched culture within the New South Wales Police Force, which facilitates injured officers being treated with scepticism, stigmatised and discarded.

...

Over the past 20 years it is clear that the prevalence of psychological injuries, and the need to seek help, has been acknowledged within the New South Wales Police Force. However, the stigma attached to psychological illness continues.

...

Officers feel ashamed of any psychological condition and view these conditions as a sign of weakness. Psychological injuries are often disparagingly referred to. They are considered, or consider themselves, a liability and incapable of continuing in a high risk, high volume work environment.

...

Cultural change will take time and commitment. Government will argue that it is committing 15 million over three years to injury management—but there is no guarantee that the funds will be made available or focused on the work that is really required. Funds will only be released subject to approval by New South Wales Police Force and the Treasury based on a detailed business case. There is no guarantee of anything.

When asked about the failure to negotiate, the Police Association supplied its position on the meetings and the processes. Dr John Kaye mentioned them in his contribution to this debate, so I will not repeat them. Minutes of the meetings held with the Police Association from 27 July to 2 September clearly record the association's preparedness to make concessions to the scheme, including a move from lump sum benefits to a monthly income stream, offset workers compensation benefits, reduced off-duty benefits and the introduction of a means test for those members able to earn some income.

On 13 September it was agreed to postpone further meetings until feedback had been received from the insurance industry. On 21 October the association inquired as to the next meeting date and was advised that further discussions were still pending on a response from the insurers. On 2 November the association was contacted by staff on behalf of the Minister for Police and Emergency Services and requested to attend a meeting at 3.00 p.m. that day. At that meeting the Minister provided briefing documents and advised that the Government would be announce the introduction of new legislation the following day. I continue the quote from Mr Weber's correspondence:

Our bottom line will always be that injured police require a sustainable financial safety net if they are injured protecting the community and have no other options but to leave policing.

It is the association's view that the Government's proposal falls a long way short of that. As the Hon. Helen Westwood said in her heartfelt speech, it is not about numbers; it is about people. I do not think the State has enough money to pay police officers what they are worth—the same goes for all our emergency workers.

Dr John Kaye: That is just an excuse for underpaying them.

The Hon. PAUL GREEN: It is not an excuse for underpaying them. In my view the value of police officers to the community far outweighs the dollar value. I now read into *Hansard* some of the correspondence received by the Christian Democratic Party on this issue. One police person wrote:

I grant that there needs to be a reform to the compensation system but for honest hardworking police like myself who gave to this State for 16 years even whilst depressed and suffering trauma I feel this new scheme is totally unfair and unjust. The new scheme will lead to the demise of my family as I have to support a wife and two young children.

Another officer wrote:

I am married, have 3 sons and a mortgage. In 2007 I received a back injury, and after surgery returned to work. This year I was involved in a motor vehicle accident at work, it is unlikely I will return to work. I and other injured police will be severely financially disadvantaged, to the point of being unable to meet mortgage repayments and decreases in our standards of living. No consultation has been made with us. The true failing of the current system are with its administration and the payouts to police for psychological claims as opposed to physical injury. The Liberal Govt supported this scheme while in opposition.

In view of the lateness of the hour I will not read all the correspondence. Another wrote:

My husband is a Leading Senior Constable of 22 years experience. He is currently on leave due to psychological injury sustained in the course of carrying out his duties. He and many other hardworking, self-sacrificing members of the New South Wales Police Force and their families are being severely impacted by the news of the sudden proposed changes to the scheme. [We were] assured that the provisions of the current death and disability scheme were adequate to provide for our family in the event of injury ... Most people's immediate reaction is 'Why are they picking on the Police?'

And if they need to save money, why don't the politicians give up some of their benefits? None of the changes are going to make injured Police fit to return to work any sooner than they would be under the current scheme. Forcing them back to the job while they are still unwell will have dire consequences for them, their families, their fellow Police and for the community. Those who end up being medically assessed with a Partial and Permanent injury or a Total and Permanent Disability are just that—"permanently injured or disabled". They will not be able to return to Police work and their ability to earn an equivalent income in other employment is diminished or non-existent. The Police Minister cannot repair the damage done to Police on the job, (although much more could be done to prevent it). He can however limit the fallout by maintaining an adequate level of assistance.

Finally, another letter states:

I am a detective of ten years experience ... I attend these situations knowing if any harm is to come my way, my wife and children will at least be compensated for in a way which would financially assist for a period of time. I am 39 years of age and this financial assistance decreases with age in the current system. In my opinion age should not be a determining factor ... Any changes to the Death and Disability scheme need to be non age specific and not to take away ANY financial compensation to an injured police officer.

The letters go on, and there are a lot of them. The reason I read them out is because this issue is about people and we need to make sure that we look after these people who are putting their lives on the line. I have no doubt that the Government's response was prompted by the alarm bells that the Auditor-General's report has set off. I obtained the New South Wales Auditor-General's Report, Volume Seven, today. In it the Auditor-General notes some significant items. About two-thirds of the way down page 2, he refers to some of the issues he is looking at. He states:

Partial and permanent disability liabilities and payments continued to trend upwards.

Death and disability liabilities increased by 49 per cent in 2010-11.

Actions taken to address the unfavourable trend in claims have had no impact to date.

There is an extra item that I will not speak about tonight, but it is one of which I am mindful. The Auditor-General states:

Shortfall between actual police officers and authorised positions has improved.

In my view, that shortfall needs to improve a lot more, but we will deal with that issue another time. On page 4 of the report at item 55 the Auditor-General says:

I again recommend the Force review the underlying causes for the increasing number of partial and permanent claims and urgently develop and implement strategies to address the unfavourable trend.

The Force should continue to closely monitor its liquidity to ensure it has sufficient funds to meet the increasing costs of the scheme. The lump sum payment structure should be reviewed and alternative forms of payment be considered.

The Force should provide appropriate rehabilitation to injured officers to help ensure their return to work to meet its continuing obligation to support them after partial and permanent disability payments have been made.

I again recommend the Force reviews processing of its workers compensation claims to minimise delays in recouping claims from the insurer.

The Minister has been advised that the insurance arrangements proposed for New South Wales police officers is equivalent to or better than that of any other Australian jurisdiction, and Reverend the Hon. Fred Nile addressed some of those comparative figures in a different case study. The Government proposes to spend the equivalent of the extra 1 per cent of police salaries on the new scheme that the previous Government originally committed to when it created the current scheme. The new scheme will be enhanced by the creation of a fund of \$15 million over three years to improve injury management within the NSW Police Force. Most public sector workers are covered by statutory workers compensation insurance. The statutory rate of workers compensation after six months is currently \$25.50 per week for a single person with no dependants. Under the new insurance arrangement this payment for police would be more than double that. The new insurance provides additional lump sum payments if an officer dies or is totally incapacitated over and above that which is available to the other workers as part of their workers compensation entitlements or superannuation insurance.

There will need to be cuts to benefit levels in order to put the scheme back on a sustainable financial basis. The Minister notes that extensive discussions have been had with the Police Association. The association canvassed changing one lump sum benefit to an annuity but its principal solution was for the Government to throw more money at the problem. The Government remains committed to maintaining a death and disability scheme for our police and their families but any scheme must be financially and operationally sustainable. I think Reverend the Hon. Fred Nile noted that. In conclusion, I note that the Minister has been working, particularly in the last 48 hours, with the Police Association and the association has been helpful in trying to work with the Minister on this legislation in order to ensure that our cops are valued and our State continues to help those police who unfortunately fall ill due to the nature of their demanding vocation. We look forward to seeing the amendments to the bill.

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

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION

Membership

Motion, by leave, by the Hon. Dr Peter Phelps agreed to:

That the Hon. Catherine Cusack be discharged from the Committee on the Office of the Ombudsman and Police Integrity Commission and the Hon. Trevor Khan be appointed as a member of the committee.

Message forwarded to the Legislative Assembly advising it of the resolution.

TABLING OF PAPERS

The Hon. Duncan Gay tabled the following papers:

- (1) Electricity Supply Act 1995—Report of the Independent Pricing and Regulatory Tribunal entitled "Energy distribution and retail licenses: Compliance report for 2010/11—Report to the Minister for Energy", dated October 2011.
- (2) Independent Pricing and Regulatory Tribunal Act 1992—Reports of the Independent Pricing and Regulatory Tribunal:
 - (a) Report entitled "Compliance and Operation of the NSW Energy Savings Scheme during 2010: Report to Minister—NSW Energy Savings Scheme", dated July 2011.
 - (b) Report entitled "Compliance and Operation of the NSW Greenhouse Gas Reduction Scheme during 2010: Report to Minister—Greenhouse Gas Reduction Scheme", dated July 2011.

Ordered to be printed on motion by the Hon. Duncan Gay.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [10.18 p.m.]: I move:

That this House do now adjourn.

DUST DISEASE COMPENSATION

The Hon. PETER PRIMROSE [10.18 p.m.]: I wish to bring to the attention of the House report No. 131 of the New South Wales Law Reform Commission entitled "Compensation to Relatives" and to join with those urging the Government to respond quickly and positively to its recommendations. A key finding is that the operation of a legal precedent known as the Strikwerda principle can operate in an unfair way in its application to dependants of dust diseases victims and particularly victims of asbestos-related disease, depending on whether the victim was able to finalise personal injury proceedings in the Dust Diseases Tribunal before dying or an action was commenced before the victim died. The first of these is of particular concern, where the dust disease victim is unable to complete or settle his or her action for damages before death. The deceased victim's personal representative is able to carry on the action and recover damages for non-economic loss. However, if the damages for non-economic loss pass by way of succession to the deceased's dependants, the amount of the damages will have to be deducted from any amount awarded to them in a dependants' action.

The second scenario, where the dust disease victim is unable to complete or settle his or her action before death, arises quite frequently because of the accelerated progression of some dust diseases between the time of diagnosis and death. This rapid and unpredictable progression leaves little time for dust diseases victims to arrange their affairs advantageously for the benefit of their dependants. The compensation that the dependants receive therefore relies on arbitrary factors associated with the progression of some dust diseases, along with the deliberate and interminable delays originating from the defendants' lawyers seeking to limit compensation in the manner of a flock of circling vultures.

As a result of this disadvantage, between 2005 and 2008 amendments were made to overcome the impact of the Strikwerda principle in Western Australia, South Australia and Victoria. I urge the New South Wales Government to speedily adopt the recommendations of the Law Reform Commission to do the same. The commission found that the abolition of the Strikwerda principle will not lead to overcompensation at the expense of defendants whose negligence gave rise to the dust-related death. Rather, the commission found that its abolition would effectively allow the family of a person who died from a dust disease to recover through the combined operation of an estate action and a dependency action the non-economic loss damages that the deceased could have recovered in his or her lifetime; and the proportion of the damages that could have been recovered by the deceased in respect of his or her loss of future earning capacity to provide domestic services, and that would, but for the death, have been available to support his or her dependants.

Today in the other place the Opposition gave notice of the intention to introduce a private members' bill to provide fairer compensation to asbestos victims along the lines I have outlined so that the relatives of victims who die before their case is finalised receive part of the compensation the victim would have been awarded. The Benefits for Relatives of Asbestos Victims Bill will implement the Law Reform Commission's recommendation to provide fairer compensation to asbestos victims and their families. The bill will seek to override the Strikwerda case I have outlined in dust diseases matters and would allow families of asbestos victims who die before their case is finished to receive part of the compensation the victim would have received.

The bill, if passed, will allow the families of asbestos victims to commence a case for these damages up to 12 months after the death of their relative. The bill will ensure that the families of those victims are able to receive part of their compensation should they pass away before their case is finalised. As the shadow Minister indicated, the Law Reform Commission has already made clear that this proposal would not be unreasonably expensive. There is no reason for the Government to oppose the bill. These are good, sensible changes to provide certainty to asbestos victims and their families. I call on the Government to support the families of asbestos victims by supporting the bill in both Houses.

WEST PAPUA

The Hon. CATE FAEHRMANN [10.23 p.m.]: I draw the attention of members to the plight of the people of West Papua, a people who live a mere 250 kilometres from our northern shore. During the 1950s, with assistance from its Dutch colonial Government and the Australian Government, West Papua was moving

towards independence. By 1961 the colony had its own flag, the Morning Star, and Papuan government officials. However, in 1962 conflict erupted over West Papua between the Netherlands and Indonesia, and a United Nations agreement gave control of the colony to Indonesia for six years. This was to be followed by a referendum to determine the views of the population.

But in 1969 the so-called Act of Free Choice, in which the Indonesian Government used the procedure of *musyawarah*—where only elders selected by the Government were allowed to vote—returned West Papua to Indonesia. Given that only about 1,000 out of one million were selected as elders, it was no surprise that they voted to remain under Indonesian control. A briefing by Free West Papua Campaign (United Kingdom) to the International Parliamentarians for West Papua stated that since 1963 at least 100,000 West Papuans have died at the hands of the Indonesian occupying forces, representing approximately 10 per cent of the population. Countless others have been tortured, raped, intimidated and imprisoned.

A military build-up in West Papua has continued under Indonesian President Susilo Bambang Yudhoyono, and a government ban on journalists travelling to West Papua severely limits the international community's ability to monitor the scale and impact of human rights abuses. This attack on the human rights of West Papuans reached an appalling low in October this year. The Papuan People's Congress, the third in 50 years, was held at Jayapura in an isolated province. Its aim was to discuss human rights and the Papuans' struggle for independence. It attracted several thousand people from some 200 tribes. It also attracted 5,000 armed personnel from the Indonesian police and army. According to a report in the *Sydney Morning Herald*, the announcement of independence at the conclusion of the congress was met with gunfire from the security forces. A reported six people were killed and dozens wounded. The newly elected President and Prime Minister were arrested, along with a few hundred more activists who were taken into custody.

Internationally, at least lawyers and others are watching. The International Lawyers for West Papua was launched in Guyana on 3 April 2009 and in the United Kingdom in October this year, bringing together Papuan independent leaders, lawyers, parliamentarians and non-government organisations to assist in the West Papuans' fight for self-determination. Parliamentarians from around the world are watching. International Parliamentarians for West Papua was launched at the Houses of Parliament in London on 15 October 2008. The organisation was established by exiled West Papuan independence advocate Benny Wenda, and is chaired by British Labour MP Andrew Smith and Lord Harries. The International Parliamentarians for West Papua's declaration states:

WE the undersigned recognise the inalienable right of the indigenous people of West Papua to self-determination, which was violated in the 1969 "Act of Free Choice",

AND call upon our governments through the United Nations to put in place arrangements for the free exercise of that right

SO that the indigenous people of West Papua can decide democratically their own future in accordance with international standards of human rights, the principles of international law and the Charter of the United Nations.

I recently joined the International Parliamentarians for West Papua. The Australian Government funds and trains the Indonesian counter-terrorism squad known as Densus 88, reportedly part of the contingent of troops who opened fire on the independence congress. I support calls by my Federal colleague Senator Richard di Natale for the Australian Government to immediately suspend all support to the Indonesian military and to send a fact-finding mission to the region. The Australian Government cannot sit on its hands any longer on this issue. The importance of the notorious Freeport mine—the most valuable mining operation in the world—cannot be underestimated in all of this. Jim Elmslie wrote for *New Matilda* today that the mine was imposed on the Arnungme people against their will and has been dominant in the political economy of West Papua ever since.

The mine is currently crippled and weakened by violent strikes, where tribesmen have now joined the strikers and successfully fought back police attempts to break through. The tribesmen were drawn in by the strike and, armed with spears and arrows, have been expressing their own grievances over land rights, pollution and lack of compensation from the mine. Herman Wainggai is a Papuan who lives in Australia as a political refugee; he has a key role in the West Papuan National Authority that acts as a transitional government. He puts his faith in the West Papuan National Authority to end 50 years of repression and violence at the hands of the Indonesians. He likens the West Papuan National Authority to a canoe carrying different tribes united by nationalism to be one people, one soul and one nation. He looks to countries like Australia to hear the Papuan cry for help. I look to my fellow members of Parliament from all political backgrounds to come together to show that we hear those cries and that our backs are not turned on our nearest neighbours. I ask members to support the formation of a West Papua Parliamentary Friendship Group, which will first meet when Parliament resumes next year.

HAY COMMUNITY

The Hon. NATASHA MACLAREN-JONES [10.28 p.m.]: Recently I made a visit to southern country New South Wales. Hay is an historic town to visit, from the spectacular 1892 courthouse to the railway station now operating as a museum and the local radio station. Situated on the picturesque Murrumbidgee River and surrounded by open plains, Hay has a very rich history. Currently there are five quality and vibrant museums, which more than 100 volunteers have worked to create, which is a testament to the passion and local pride the people of Hay have for their community. While I was in Hay I had the pleasure of visiting Shear Outback, which provides a great insight into the Australian shearing industry through its innovative interactive museum, the Shearers Hall of Fame, the Shear Outback exhibition and the Murray Downs Woolshed, where I met with a number of young shearers undertaking a two-week training course in shearing run by Shear Outback. The concept of Shear Outback grew from a committed group of locals who wanted to recognise the contribution the Australian shearing industry has made to our country's culture and economy. I commend the board of Shear Outback for its initiative in creating an educational and enjoyable tourist attraction.

Regional New South Wales will play a critical role in rebuilding our economy. Regional tourism is the lifeblood of small country and coastal towns and we cannot escape the fact that tourism has taken a hit over the years. We need to provide support and assistance to help local operators build and develop their businesses to encourage and attract more visitors and more jobs for the community. In visiting the War Memorial High School to present a flag, I visited also its outstanding War Memorial Museum that honours those from Hay whose lives were lost in war. The museum holds an outstanding collection of artefacts, photographs and documents that will assist in educating future generations. We must support students and assist the work of teachers to encourage children not only to remain at school but also to remain in their local communities, rather than being forced to go to cities due to lack of local employment.

The Hay War Memorial High School, like many schools in regional areas, is unique as it holds close community ties and provides a personal educational experience for a diverse group of students. I commend the school for developing a broad range of programs, including a series of short films, to meet the needs of its students. Schools are vital in promoting social and emotional wellbeing in regional areas as those communities have relatively few support systems or organisations for young people. During my visit I met also with a number of local community leaders and primary producers to discuss issues affecting southern country New South Wales. No matter who I met or where I went, the number one issue repeated to me was the uncertainty surrounding the Murray-Darling Basin Plan, which is to be released next week. The community has a right to be concerned about the plan's long-term future for the region.

Agriculture is one of Hay's most important industries and over the past few decades a number of cropping enterprises have emerged in addition to several large irrigation farms, including cotton and rice. In fact, rice yields from the region now rank with the highest in the world. Whilst it has been said that the drought is officially over, it will take time for our regional communities to get back on their feet. Australia is one of the toughest places in the world to farm, but our farmers are the most resilient on earth. A government that chooses to ignore regional New South Wales does so at its own peril. This is what happened over the past 16 years under successive Labor governments. The Coalition recognises that our rural communities play a critical role in the O'Farrell Government's efforts to rebuild the New South Wales economy. We recognised early that in order to help farming communities in New South Wales prepare for the future, we must focus on proactive rather than reactive assistance to ensure the continuance of our farming sector in Australia. We must remember that primary industry is a major employer in our country towns. Without jobs for future generations these towns will die. We owe them more than that.

ASHFIELD COUNCILLOR JULIE PASSAS

The Hon. AMANDA FAZIO [10.32 p.m.]: Tonight I shall speak about a terrible scourge that has afflicted the Ashfield area. I refer to a homophobic, racist, irrational harridan named Julie Passas, who is an active member of the New South Wales Liberal Party. I shall outline the havoc and chaos this deranged creature has wreaked. She campaigned for the closure of public toilets in Ashfield Park because she claimed that poofers and perverts frequented them. Her actions resulted in some considerable discomfort to other users of the park as those facilities no longer were available to them. On the back of that campaign she was elected to Ashfield council where her havoc continued. On 20 December 2001 an article in the *Daily Telegraph* states:

Death threats passed to an Ashfield Councillor by another have been revealed in a Burwood local court. A complainant ... issued a statement that claimed fellow councillor, Julie Passas, threatened her life after the Ashfield Council Christmas party on 14 December 2001.

The councillor revealed also that Passas had threatened her life in the council chambers in April 2000 and had assaulted her in the council kitchen in April 2001. The havoc then moved on to a spate of apprehended violence orders being taken out by other Ashfield councillors against Julie Passas. The mayor of Ashfield at the time, Mark Bonanno, said that he was worried he might be forced to make a similar application to Ashfield council for legal expenses of \$100,000 when he successfully defended an apprehended violence order brought a year earlier by Councillor Julie Passas. Councillor Bonanno won the case in January and also a later costs hearing, but he was concerned that Councillor Passas might not be able to pay. He said:

I've effectively defended myself to the cost of myself and my family—to the cost of \$100,000—and that's not fair. I have already sent a letter to the general manager asking him to consider whether the [council reimbursement] policy applies to me.

In another related case, another councillor alleged in the Administrative Decisions Tribunal that Councillor Karin Cheung did not live within the council area at the time of the 1999 elections. Councillor Cheung won the case when she appealed to the Supreme Court, but that was later overturned. In the meantime, when dealing with another application for an apprehended violence order against her Ms Passas, unhappy at being unrepresented in court, lodged a complaint to the Judicial Commission regarding the conduct of Justice Jennifer Betts. She and another person complained about Justice Betts. The Judicial Commission considered the matter fully and dismissed the allegations of Julie Passas—because she is a liar.

A range of apprehended violence orders were taken out because of the behaviour of Julie Passas. The people of Ashfield finally got sick of her carryings on and in the 2004 council elections Julie Passas was thrown out—thank heavens! She then made a further impost on the council by insisting on a recount of the vote. The *Sydney Morning Herald* noted that the departure of Councillor Passas meant that there would be less bile and stated that her contribution to council had contributed more bile than a gall bladder ward. Councillor Cheung lost her position on the council when it was revealed that Councillor Passas had been involved in her false enrolment on the electoral role. Councillor Passas acted as Karin Cheung's campaign manager. Councillor Cheung was thrown out when it was discovered that she lived in Hurstville and not in the Ashfield municipality. Part of the evidence that proved Councillor Cheung did not live in the municipality were 51 telephone calls from her home phone in Hurstville to the Liberal Party campaign director, Julie Passas.

The Joint Standing Committee on Electoral Matters received a submission about the false enrolment and Julie Passas' involvement. There was also her fabricated response to comments I made in debate on a citizen's right of reply. Councillor Passas lied in her response. However, I was not able to respond as I held the position of President of the Legislative Council. Councillor Passas provided references from an expelled Australian Labor Party member who was not involved in the campaign I referred to, and from a former Liberal Party member who also was not involved in that campaign. The one thing I refer to members is Julie Passas' involvement in the waste of \$648,618 of taxpayers' money in a complaint she made about a Roads and Traffic Authority property at 89 Liverpool Road, Ashfield. What a disgrace. [*Time expired.*]

GENETICALLY MODIFIED CROPS COMPENSATION

The Hon. JEREMY BUCKINGHAM [10.37 p.m.]: Tonight I speak about genetically modified [GM] wheat and the right to compensation by New South Wales farmers, and generally to raise the level of debate in this Chamber. Recent events have highlighted a growing concern in the Australian farming community in regard to genetically modified farming and the issues surrounding contamination. It is time for serious consideration of remedies to protect farmers and their customers who make a legitimate choice not to consume foods containing genetically modified material. Steve Marsh, a certified organic farmer in Western Australia, has discovered that up to 70 per cent of his land has been severely contaminated by his neighbour's GM canola crop blowing across his property. This has led to him losing organic certification for his farm.

Through no fault of his own, Mr Marsh now is unable to charge the significant premium that his organic oat and wheat attracted. For certified organic wheat this was between \$500 and \$800 more per tonne. The "no liability" contracts that his neighbour signed with the seed manufacturer Monsanto mean that Mr Marsh's only legal recourse is to sue his neighbour. While this is the first such case of a farmer taking legal action in Australia for contamination from genetically modified organisms, it likely will be followed by many others as more exemptions from the moratorium on GM crops are approved. Recently, the Office of the Gene Technology Regulator approved a number of field trials of GM wheat. Six trials are being run in Australia, including two in New South Wales, located near Narrabri. The GM industry has stated that its aim is to move towards commercial scale production of GM wheat in Australia in two years.

The Hon. Dr Peter Phelps: How long?

The Hon. JEREMY BUCKINGHAM: In two years. Despite being generally open to GM farming, the United States, Canada and Russia have banned GM wheat outright. The president of the National Farmers Union in Canada explained that "once a GM crop is introduced contamination is inevitable". This contamination has led to the loss of billions of dollars in exports.

The Hon. Duncan Gay: How much?

The Hon. JEREMY BUCKINGHAM: It has led to the loss of billions in exports for Canada's wheat farmers who are unable to export to Asian and European consumers who are hostile to GM foods. The GM industry is now targeting Australia as its GM wheat guinea pigs, recognising the relatively weak legislative framework for managing GM risks in this country. If industry has its way our daily bread will no longer be sliced white—it will be white and spliced with genetically modified organisms. Under the current legislative framework or lack thereof, litigation amongst and between farmers is the likely outcome of any expansion of GM farming, especially where contamination is inevitable, as it is with wheat. The key factor in avoiding contamination and subsequent lawsuits among farmers is a change in the application of liability. Common to all proposals is that "no liability" contracts offered by GM companies cannot be allowed to continue. Our GM laws and regulations must be reformed to respond to the very real risk of GM, particularly for non-GM farmers.

One proposal from Ian Cohen in 2010 was to apply liability to the patent holder. The Netherlands has created a fund paid into by all GM farmers as a condition of their licence to farm GM, with compensation paid to non-GM farmers for contamination directly out of this fund. Another option is to regulate the sale of GM seeds by applying strict liability to the licensee or distributor. This would place the onus on the reseller to require best practice in isolation methods and would lead to the restriction of sales only to those farmers who are least likely to contaminate. The manufacturers of just about any product are legally liable for the damage that knowingly causes. It seems strange for the manufacturers of GM seed to be an exception to the rule. With this in mind I intend to introduce a bill in the New Year that aims to protect non-GM farmers from contamination by genetically modified organisms. I encourage members on all sides of the Chamber to work constructively on rebalancing our system of GM regulation to ensure fairer outcomes for all farmers, not just those under GM contracts.

CARBON TAX

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.42 p.m.]: When Julia Gillard faced the Australian people before last year's election she promised solemnly and without equivocation that there would be no carbon tax under a government that she would lead. That promise had no backdoor escape hatch through which she could wriggle. It was an iron-clad guaranteed promise with no ifs or buts about it. Yet only a few days ago that promise to the Australian people proved to be worthless; that promise proved to be a lie. With the passage of Labor's carbon tax through the Senate, proof beyond doubt was provided that a promise made by the Gillard Government is a promise meant to be broken and a promise that will be broken. Once again Federal Labor has betrayed the Australian people. Once again it has lied to the Australian people and, once again, it has shown that it is rotten to the very core. Despite the Labor Government inappropriately, and in breach of its own advertising guidelines, splurging millions of dollars of taxpayers' money on a lying campaign to sell to us that a carbon tax would actually be good for us, the Australian electorate is not buying it. The latest Galaxy poll shows that 73 per cent of people believe they will be worse off.

They have had their fill of Labor lies. That is why, according also to a Galaxy poll, a hefty majority of the electorate cannot get an election soon enough. Whether or not one believes in human-induced global warming, the great majority do not believe that this carbon tax will do anything to reduce it. In that they are dead right. They agree with Tony Abbott when he said, "The carbon tax won't clean up the environment but it will clean out your wallet." Even if we accept the Government's assertion that the tax will reduce carbon in the atmosphere, that decrease, even by the Government's own figures, is infinitesimal. By way of comparison China's increase in carbon emissions from 2004 to 2009 was about 2,500 million tonnes per annum. That figure is anticipated to rise over the 10-year period to 2010 by a further 6,000 million tonnes per annum, whereas the proposed decrease in Australia's emissions over the decade is about 50 million tonnes per annum. China's increased emissions will be over 100 times as large as our reductions. In the process, China's industry continues to grow while we scuttle ours.

Labor's tax is not a carbon reducing tax; it is a wealth reducing tax. It is imposing on Australian businesses taxes that inevitably will be passed on to the whole community through higher charges. How does that help to reduce climate warming? The answer is that it does not. Labor is and always has been a party of

high taxation, a party of confiscatory taxation, a party that uses taxation to achieve a socialist redistribution of wealth. Labor never changes. Even by its own calculations three million Australian households will be worse off under Labor's new tax. But the truth is that the whole community will be worse off and the whole community knows it. According to officials of the Australian Crime Commission it will act as a honey pot for criminals engaged in money laundering and other fraudulent activities. According to leaders of the business community, it will be a great impediment to economic growth and export industries.

According to New South Wales Treasury officials, it will cause a massive blowout in infrastructure costs. According to economists, it will result in the loss of thousands of jobs. According to those who produce goods and services, it will result in higher prices for consumers. It will not reduce emissions, it will not reduce global warming and it will not increase renewable energy sources. That is why the latest news poll shows that in the past two weeks Labor's vote has deteriorated significantly. With the Coalition's two-party preferred lead increasing from 6 per cent to 14 per cent, the Coalition would win an election by 57 to 43 per cent. Also significant is the fact that the Greens vote has shrunk to 10 per cent from the 11.8 per cent it received in last year's election. Increasingly, the Federal Greens are seen for what they are—the centre of political ratbagery in this nation and the gravediggers of the Australian economy. When they snap their fingers Labor dances to their tune.

Senator Bob Brown hailed the passage of the carbon tax as a green letter day but it should be called a red letter day to reflect that this socialist transfer of wealth tax will dump yet again another load on the back of ordinary Australians. This tax makes it clear for all to see that the one who drives the Greens is not the green Green, Senator Bob Brown, but the red Green, Senator Lee Rhiannon. The next election will not be a green letter day or a red letter day; it will be a time is up day—a day celebrating the end of the Green Labor Government and its iniquitous carbon tax.

QUAKERS HILL NURSING HOME FIRE

The Hon. WALT SECORD [10.47 p.m.], by leave: I speak about the tragic events that occurred on 18 November at a nursing home in Quakers Hill. Firstly, I extend my condolences and sympathies to the friends and families who lost loved ones in this tragedy. I commend the pre-dawn heroic efforts of the nursing home staff, members of our police, fire and ambulance service, NSW Health as well as the numerous hospitals and aged care facilities that have taken residents into their care. Further, I commend the Quakers Hill community which has rallied in support of the nursing home residents. I also listened with interest to the discussion about sprinklers and safety standards.

While I will not speak specifically about the Quakers Hill Nursing Home fire as that is the subject of a police investigation and a person has been charged, I understand that the nursing home was built in 1981 at a time when the Building Code of Australia did not exist. In principle, I would like to see sprinklers become mandatory in all New South Wales nursing, aged care and retirement living accommodation. I note that they are already mandatory in nursing homes in Queensland and Victoria. I welcome the fact that the Premier indicated that such regulatory changes would be considered.

I note that the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW, the Hon. Brad Hazzard, said today that the New South Wales Government would attempt to identify which nursing homes do not have sprinkler systems. I support such a move. Members would be aware that almost 100 residents, many of them frail and suffering from pre-existing conditions, had to be evacuated last Friday from the Quakers Hill Nursing Home. More than 30 were taken to hospital with many of them requiring intensive care.

Since last Friday we have seen the death toll slowly rise to nine. But, of course, what captured the concern and compassion of New South Wales citizens was the fact that the victims were elderly. Members would be aware that I have some experience in aged care so I watched the events at Quakers Hill with great interest and great sadness. From 2007 to 2009 I was chief of staff to the Federal Minister for Ageing, Mrs Justine Elliot. She had governance of the nation's 2,900 nursing homes. She was a compassionate advocate for the rights and protections of our nation's elderly. She and her team worked to improve quality and compliance in our nation's nursing homes. In February 2008 police checks were extended to all staff working in aged care, whether they had supervised or unsupervised access to nursing home residents.

At the time more than 116,000 people were employed as direct care workers—nurses, personal carers and allied health workers—in Australia's nursing homes. We broke new ground on quality and compliance in

aged care. And as her chief of staff I will always remember the outrage from aged care providers who were upset by our record 7,000 unannounced visits to inspect nursing homes. The commercial providers called them raids, but they were simply unannounced inspections by the Aged Care Standards and Accreditation Agency and the Department of Health to ensure that nursing homes were meeting minimum standards. Justine Elliot made no apologies for protecting the frail and vulnerable in aged care and neither did I. It is a background that has enabled me to understand the best and worst of this sector and to appreciate what it is like on the ground for staff caring for the elderly and the frail.

I understand that family and staff are worried about the residents at Quakers Hill. I know that there are many difficulties in relocating frail and aged residents—many of them in their 90s. Three years ago in Victoria, several nursing homes had to close and the Department of Health and Ageing had to relocate all of the residents. This was a difficult time for all involved, but one of the heart-breaking aspects was trying to locate family members to inform them that the residents were being moved. It was heartbreaking because it often transpired that many had outlived all of their family members and were totally alone. There was no-one to contact. But then there were the many other days that showed the very best of our capacity to care for each other. I developed a deep admiration for the faith-based aged care sector: for the Baptist, Jewish, Anglican, Uniting and Catholic organisations that provided world-class facilities for people in their care.

I had the privilege of working with leaders such as Dr June Heinrich of Baptist Community Services who retired in September 2010 from the position of chief executive officer. Dr Heinrich saw care for the elderly as a mission. And then there is Mr Bryan Lipmann, who worked with homeless and alcoholic men needing aged care in Melbourne. In fact, Mr Lipmann's work is so outstanding and innovative that it was recognised earlier this year in Mexico by the United Nations. His organisation, Wintringham, received one of six international United Nations Habitat Scroll of Honour awards for its efforts in housing and serving the needs of older disadvantaged adults. It is the first Australian organisation to receive such an award. I would like to see Mr Lipmann extend his world-leading work to New South Wales. Therefore, I urge the State Government to make contact with his organisation.

Above all, that time in aged care opened my eyes to the need for a comprehensive policy to respond to our changing demographics. Australians now have the longest life expectancy in the English-speaking world. We have a life expectancy rivalling the Japanese and the Icelanders. With this great achievement comes opportunity, but there are also challenges for our nation's decision-makers. Within 40 years, the number of Australians over 65 will almost triple to 7.2 million. And while we do hear a lot these days about an ageing population, sadly it is often only presented in the negative. It is something to be celebrated. Yes, it is true that demographic changes are presenting challenges for every Government, including the O'Farrell Government, but we need to remind ourselves that an ageing population is a blessing.

An ageing population means a healthier community and it means longer lives. It is an indicator that we are achieving the promise of this nation. It means more and more people with the benefits of wisdom and experience, a vast education, time to reflect and enjoy their leisure, and time to care for others. For that we must give thanks. An ageing population is not a problem for the elderly: it places an onus on all of us. Ageing is a natural part of being human. Hence, a safe, affordable and secure aged care facility is a basic human right. We must ensure that the final days of older Australians are lived in dignity. I thank the House for its consideration.

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

Motion agreed to.

The House adjourned at 10.55 p.m. until Thursday 24 November 2011 at 11.00 a.m.
