

LEGISLATIVE COUNCIL

Tuesday 4 September 2012

The President (The Hon. Donald Thomas Harwin) took the chair at 2.30 p.m.

The President read the Prayers.

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

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

T Bathurst
LIEUTENANT-GOVERNOR

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth, he assumed the administration of the Government of the State at 1.00 p.m. on Saturday 25 August 2012.

25 August 2012

ASSENT TO BILLS

Assent to the following bills reported:

Graffiti Legislation Amendment Bill 2011
Fiscal Responsibility Bill 2012
Community Housing Providers (Adoption of National Law) Bill 2012

COURTS AND OTHER LEGISLATION AMENDMENT BILL 2012

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

Motion by the Hon. Duncan Gay 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.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, a report entitled, "Investigation into the Conduct of a University of New England (UNE) Procurement Officer and UNE Contractors", dated August 2012, received out of session and authorised to be made public on 30 August 2012.

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

Pursuant to sessional orders Formal Business Notices of Motions proceeded with.

COOTAMUNDRA ABORIGINAL GIRLS HOME CENTENARY**Motion by the Hon. MICK VEITCH agreed to:**

That this House notes that:

- (a) the weekend 10, 11 and 12 August 2012 marked 100 years since the Cootamundra Domestic Training Home for Aboriginal Girls was opened,
- (b) the house operated for 57 years,
- (c) the community of Cootamundra welcomed back the "girls" by organising a range of events to acknowledge the centenary,
- (d) such a commemoration is painful for many Indigenous people but is a necessary part of the healing process that will eventually lead to reconciliation, and
- (e) this was an important next step for many in attendance that follows on from the report entitled "Bringing them home: The 'Stolen Children'" and the formal apology by Prime Minister Kevin Rudd and the Australian Parliament in February 2008.

GUNDAGAI GREAT FLOOD**Motion by the Hon. MICK VEITCH agreed to:**

- 1. That this House notes that:
 - (a) 24 June 2012 marks the 160th anniversary of the Great Flood event at Gundagai,
 - (b) in 1852, Gundagai and surrounding areas experienced torrential rain forcing the Murrumbidgee River to break its banks, flooding the township and destroying life and property,
 - (c) two local Wiradjuri men, known as Yarri and Jacky Jacky, saved many people over three days and nights, and
 - (d) Yarri is credited with rescuing 49 people by heroically navigating the swollen river in his small canoe and Jacky Jacky rescued 20 people in a larger canoe.
- 2. That this House joins the community of Gundagai in acknowledging the extraordinary heroism of Yarri and Jacky Jacky during the Great Flood of 1852.

BEN HORNBY RETIREMENT**Motion by the Hon. JOHN AJAKA agreed to:**

- 1. That this House notes:
 - (a) the retirement of NRL St George Illawarra Dragons captain Ben Hornby,
 - (b) the loyalty and dedication showed by Ben Hornby to the St George Illawarra Dragons Club throughout his 13 seasons of first grade rugby league, and
 - (c) Ben Hornby being appointed captain of the team from the start of the 2009 season until the end of this 2012 season.
- 2. That this House congratulates Ben Hornby on:
 - (a) playing 271 first grade games to date, being more than any other Dragons player,
 - (b) having provided so much joy and rejoice to many supporters when captaining the St George Illawarra Dragons to the premiership in 2010,
 - (c) leading the St George Illawarra Dragons team to a minor premiership in 2009 and 2010,
 - (d) representing the New South Wales Blues in the State of Origin in 2004, 2006 and 2008, and
 - (e) representing Australia in the Rugby League Tri-Nations in 2006.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

LEGISLATION REVIEW COMMITTEE**Report**

The Hon. Dr Peter Phelps tabled the report of the Legislation Review Committee entitled "Legislation Review Digest No. 23/55", dated 4 September 2012.

Ordered to be printed on motion by the Hon. Dr Peter Phelps.

STANDING COMMITTEE ON SOCIAL ISSUES**Report: Domestic Violence Trends and Issues in NSW**

The Clerk announced the receipt of report No. 46 of the Standing Committee on Social Issues entitled "Domestic violence trends and issues in NSW", dated 27 August 2012, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed 27 August 2012.

The Hon. NIALL BLAIR [2.39 p.m.]:

That the House take note of the report.

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

PETITIONS**Religious Discrimination**

Petition supporting the proposition that the Anti-Discrimination Act 1977 be amended to include religion as a grounds of discrimination, and requesting that the House support the amendment to the Act to make it unlawful to discriminate on the grounds of religious belief or absence of religious belief, received from the **Hon. Shaoquett Moselmane**.

BUSINESS OF THE HOUSE**Routine of Business**

[During the giving of notices of motions.]

The PRESIDENT: Order! The level of conversation during the giving of notices of motions is becoming too high. I ask members to listen to the notices of motions in silence.

PRIVILEGES COMMITTEE**Report: Citizens Right of Reply (Mr Brian Boyle)**

Motion by the Hon. Trevor Khan agreed to:

That the House adopt the report.

Pursuant to standing orders the response of Mr Brian Boyle was incorporated.

Reply to comments by the Hon Jeremy Buckingham MLC, the Hon Cate Faehrmann MLC and Mr David Shoebridge MLC in the Legislative Council on 20 June 2012

I wish to make a submission under Standing Order 202 in respect of a number of statements by members of the Legislative Council on Wednesday 20 June 2012 in the second reading debate and Committee proceedings on the Game and Feral Animal Control Amendment bill.

I believe the statements by the Hon Jeremy Buckingham, the Hon Cate Faehrmann and Mr David Shoebridge have had an adverse effect on my reputation that is injurious to my occupation and possible future occupation. I am currently employed as the CEO of the Game Council of New South Wales and have been a public servant for 26 years. The second reading debate and Committee proceedings were unusual for the repeated mentions of me and misleading or incorrect statements by three of The Greens members of the Legislative Council.

Mr Buckingham stated that:

1. *'On the day of the announcement the people of Orange saw Brian Boyle go up Mount Canobolas, which was shrouded in thick, pea soup fog—you could not see 50 metres ahead—and say, "Is it not great that I will be able to shoot up here? I can let off a high-powered rifle through a thicket of bush, in the fog, with no idea who else is in the park." Inevitably, someone will end up being shot.'*

The Mount had cloud over it but it was not shrouded in fog. The area where the interview with the television crew was clear—as seen in the excerpts on the ABC program that night.

I never at any time made the statement attributed to me by Mr Buckingham.

2. *'I live in Orange and this is also my experience of the Game Council. It is a little fiefdom for Brian Boyle and his Shooters and Fishers Party mates. There is a \$1 million kickback for these guys ...'*

Mr Buckingham is implying corrupt activity by myself in receiving or being part of a \$1 million 'kickback'.

Ms Faehrmann stated that:

'The reason that members are speaking to the amendment is the political nature of the Game Council; this clause in the bill gives a lot of authority to one person, who traditionally has been a political figure in the Shooters and Fishers Party.'

I have no ties to or membership of any political party—I am a public servant and have been so continuously since 1986.

Mr Shoebridge stated that:

1. *'We should be very clear about this. Mr Boyle engages repeatedly in the political dialogue that goes on in this State about the expansion of hunting. He regularly comments, for example, on the political debate about having 12-year-old kids unsupervised out in State forests stabbing pigs to death. He regularly commentates, in fact has attended political meetings—*

...

—that my party has organised in western Sydney. He attended and addressed the meeting. He engages in political debate. He attends the meetings in order to engage in political debate. And he engages regularly in political debate across the State. He is a political figure, and he is going to be basically a tsar, in charge of some \$5 million budget, standing in the shoes—'

Mr Shoebridge is referring to a meeting at Padstow Senior Citizens Centre in Bankstown on 6 July 2011. I did not attend the meeting—it was attended by Mr John Mumford, Chairman of the Game Council and Messers Douglas Shupe and Stephen Larsson, both of whom are appointed Councillors on the Game Council of NSW. My diary notes and calendar will confirm I was in Orange and was involved in meetings that day.

2. *'Mr Boyle will be in charge of about \$2.5 million of direct grants made every year by this Government. In their lean years they will get \$2.5 million, but no doubt in coming years, after the Government has sacked another 15,000 public servants, they will have yet more millions of dollars to lavish on the Game Council, and give it to just one person to engage in his ongoing political advancement here in New South Wales. It is not by accident that the two current Shooters and Fishers Party members of Parliament find their way into this Chamber after sitting as chairs of the Game Council. It is a deeply political organisation and, unlike the Nature Conservation Council, is not a statutory body. The Nature Conservation Council is a non-government organisation and does not rely upon block grant funding, as does the Game Council; and the Nature Conservation Council does not have statutory powers, as does the Game Council. This amendment is about good governance; it is about not giving one person \$5 million and the powers of a statutory body.'*

I have no ties to or membership of any political party—I am a public servant, and I have not been at any time and am not engaged in or have any interest in 'political advancement'.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Conduct of Business

Motion by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith relating to the conduct of business of the House.

Conduct of Business

Motion by the Hon. Duncan Gay agreed to:

That General business take precedence of Government business this day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Lynda Voltz agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 850 outside the Order of Precedence relating to mental health legislation be called on forthwith.

Order of Business

Motion by the Hon. Lynda Voltz agreed to:

That Private Members' Business item No. 850 outside the Order of Precedence be called on forthwith.

MENTAL HEALTH LEGISLATION

The Hon. LYNDIA VOLTZ [3.00 p.m.]:

1. That this House notes:
 - (a) the tragic murder of Nick Waterlow and Chloe Waterlow at the hand of a family member, and the terrible impact this has had on their entire family,
 - (b) that their son and brother Antony Waterlow was found not guilty of this murder on the grounds of mental illness,
 - (c) that this case has generated significant debate both in the public domain and amongst the psychiatry community regarding the effectiveness of psychiatric treatment under the narrow interpretation of the NSW Mental Health Act which requires intervention only when "necessary for the person's own protection from serious harm".
2. That this House calls on the Government to conduct a public inquiry into the current definition of the Mental Health Act 2007 and investigate wider calls for a move to capacity-based mental health legislation to ensure that treatment of people with mental illnesses is not restricted due to their decision making incapacity.

I thank the House for allowing me to move this motion. As members would be aware, the Antony Waterlow case, the murder of Chloe and Nicholas Waterlow, is a tragedy that has sparked significant debate about the treatment of those with mental illnesses. Whilst I do not wish to revisit those tragic events, the statement by Antony Waterlow after he had been in Long Bay jail for five months is illuminating. Finally on medication and shattered by the realisation of what he had done, he stated:

This is a good thing but it's also a terrible thing, because it makes me aware of the awful realities of what I have done.

I am terribly shattered by what I have done. I miss my family incredibly. I'm so, so sorry and I will be for the rest of my life.

For years his father, Nicholas, and sister, Chloe, had tried to have Antony treated for what they believe was schizophrenia but he repeatedly refused to take antipsychotic medication. A recent paper reviewing the Waterlow case by Christopher Ryan from the University of Sydney, Sascha Callaghan and Matthew Large from the University of New South Wales titled "Better Laws for Coercive Psychiatric Treatment" goes to the heart of the gap in effective psychiatric treatment and the decisions by doctors who do not believe they have reasonable grounds to detain and treat a patient for the protection of themselves or others from serious harm.

At the crux of this paper is this wording of the New South Wales legislation that requires an examining doctor to believe that intervention is necessary for the person's own protection from serious harm. This has led doctors to the view that the Act required harm that was more serious than any harm caused merely by the symptoms of the mental illness. Antony Waterlow's hallucinations and delusions were not enough. He would also have been required to exhibit some other symptoms such as the possibility that he might commit suicide. If the psychiatrist that saw Antony were of the opinion that he was not at risk of a possible suicide, deterioration or similar additional harm then he or she could not have detained him under the self-harm provisions of the Act.

At the heart of this Act is the absence of anything within it to deal with patients in their best interests. The legislation should be capacity-based to ensure that the treatment of people with mental illness is not restricted due to their decision-making incapacity. The Mental Health Act 2007, the latest version, in section 14 states:

- (1) A person is a mentally ill person if the person is suffering from mental illness and, owing to that illness, there are reasonable grounds for believing that care, treatment or control of the person is necessary:
 - (a) for the person's own protection from serious harm, or
 - (b) for the protection of others from serious harm.
- (2) In considering whether a person is a mentally ill person, the continuing condition of the person, including any likely deterioration in the person's condition and the likely effects of any such deterioration, are to be taken into account.

In 2002 the Legislative Council Select Committee on Mental Health reviewed mental services in New South Wales. One submission to that inquiry by Mr Fred Pateman, whose son had schizophrenia and was killed by a close friend suffering from schizophrenia, stated:

There is a lot of talk about early intervention in the system but we are always told that unless someone is in danger to himself or others, nothing can be done. By the time they have reached that stage they have either been shot by police or have committed suicide.

Neither the 2002 Legislative Council Select Committee on Mental Health nor the 2007 amendments to the Act appear to have dealt with the categorisation of patients and their likelihood of harm to themselves and others. The Law Reform Commission has recently also released a report on people with cognitive and mental health impairments within the criminal justice system. Whilst this 460-page report is extensive, not one of the recommendations relates to the incapacity of a person with a mental illness to make decisions about their treatment. Furthermore, the Law Reform Commission has been looking into this issue since 2007. Indeed, where the Law Reform Commission does give regard to capacity it is in its current calls for submissions regarding apprehended violence orders. As part of that appeal the commission notes:

This issue of comprehension was explored in the 2010 case of *Farthing v Phipps*, an appeal against the making of an AVO. There was expert evidence that the defendant had "no conception of the meaning of the AVO and no capacity to meaningfully comply with this". The District Court noted that when making an AVO, the Court is to consider "any other relevant matter" and concluded that the fact that the defendant cannot comprehend the terms of the order, and is therefore unable to comply with it, is a sufficient reason why an order should not be made.

The tragedy is that there are too many Fred Patemans and Nicholas Waterlows out there dealing with adult sons and daughters who have no capacity to recognise their illness and an incapacity to make decisions about their treatment. In medicine a person has a right to refuse life-saving treatment. However, when a person lacks capacity to comprehend or analyse the information necessary to make a decision to refuse treatment should that refusal form a lack of consent? It is not accepted for patients who suffer from dementia or Alzheimer's, yet for the mentally ill a whole different standard of capacity is applied.

As a society we stand by while those patients continue to suffer fear and paranoia, and quite often lonely, miserable lives. As a result of the narrow definition of protection from serious harm under the Act many Australians are missing out on their right to access medical services, services that would not only reduce the risk to themselves and others but also, and more importantly, significantly contribute to a greatly improved standard of living. It is difficult to comprehend how we as a Parliament could not but review these issues if there is a chance to improve the lives of those with mental illness. The first priority of any changes should be: what is in the best interests of the patient.

I would like at this point to move an amendment to the motion as it stands by adding the words "best interest" to clause 2 alongside "capacity-based". A recent case of *Re: J* to some extent may permit greater interpretation of section 14 of the Mental Health Act. However, it is not strictly binding on future cases. In this case the New South Wales Supreme Court noted that section 14 would permit the continued involuntary detention of a person suffering from mental illness if that were necessary to protect the person from serious harm, being the harm associated with the illness itself. But it went on to add, "it would be necessary to consider the extent to which the illness was a harm to the person and to assess its seriousness".

Both Victoria and Tasmania have proposed draft bills that, if passed, will allow coercive psychiatric treatment of patients who lack decision-making capacity to refuse medical treatment. In 2007 the Tasmania Government recommended as part of the Tasmanian Department of Health review of the Mental Health Act

1996 discussion paper that when a person has a treatable mental illness and as a result of that mental illness that person is a danger to themselves or others, the State has a duty to intervene and to provide treatment to that person even though they may have made a competent and informed choice not to consent to treatment.

Further, in the Tasmanian draft Mental Health Bill capacity goes to the patient's ability to understand the information relevant to the decision, retain information relevant to the decision, use or weigh information relevant to the decision, and communicate that decision. The Victorian draft bill also reflects this decision-making capacity of the patient. These bills placed the decision-making capacity as a threshold issue for patient treatment of those with a mental illness. Of course, there will be a range of views that can be raised about any changes to the treatment of patients when they have not chosen to receive that treatment. The history of coercive treatment in this State has not been amongst our finest hours and therefore any changes to this Act must firstly be discussed in an open and transparent way that allows the experts in the field to contribute, particularly from within the areas of medicine, support services and the law, as well as members of the public and in, particular, the families with an intimate knowledge of the problems faced.

When I spoke to members and staff around the Parliament I found that almost every person had a story of a sibling, a relative or a friend who has what they consider to be an undiagnosed or untreated illness. This is perhaps reflective of our community. The issue that is often raised is the tragedy of the life lived by those with a mental illness who, with some medical intervention, may lead much happier, healthier lives in a more stable environment than that in which they currently find themselves. Of course, we cannot bring back Nicholas and Chloe Waterlow, nor can we bring back Fred Pateman's son, but perhaps by reviewing this section of the Mental Health Act and replacing the additional harm test with the best interests test we may avoid some tragedies in future. In conclusion, I thank Christopher Ryan from the University of Sydney and Rob Ramjan from the Schizophrenia Fellowship for taking the time to talk to me and for their helpful advice. Whilst I have the privilege of being able to move this motion today, it is the work of Christopher Ryan and Rob Ramjan the motion stands on and I thank them and their organisations for their commitment to this important area of social reform.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Before I give the call I have to advise the Hon. Lynda Voltz that if she wanted to move an amendment it had to be lodged before she commenced speaking. Therefore, another member should move the amendment.

The Hon. Adam Searle: I am happy to move the amendment during my contribution to the debate.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [3.10 p.m.]: I thank the Hon. Lynda Voltz for moving this motion and for her interest in the matter. There is no doubt that she feels very passionately about this issue, as do many members of the community in New South Wales. I also acknowledge the tragic case of the Waterlow family and the public debate that the case has sparked. This Government and the Minister for Mental Health, Kevin Humphries, believe that mental health is an absolute priority. We want to keep people with mental health problems out of the prison system and to support those who end up as forensic patients moving towards a full recovery.

We are committed to improving the experience of mental health care consumers and ensuring their rights are protected. Minister Humphries has delivered on the Government's election commitment to establish a Mental Health Commission for New South Wales with reform priorities including better managing the experience of people with a mental illness, their families and carers, and ensuring the smooth operation of the Mental Health Review Tribunal. I am pleased to say that this was supported by the Opposition and the crossbench in this Chamber.

Mental health is not, and never should be, a partisan issue. The major point of the motion of the Hon. Lynda Voltz involves calling for a public inquiry. The Minister for Mental Health has advised me that this year the Government will be conducting a full review of the Mental Health Act with comprehensive public consultation to ensure that the Act is effective in delivering a modern, clinically responsive system. That means exploring how the right to appeal is extended not only to those who are detained but also to those who are refused access, to ensure that mental health services remain open and accessible to consumers.

The Government will continue to put improving mental health care front and centre, demonstrating its commitment to serious and meaningful reform and to improving the lives of people touched by mental illness. I am proud to announce that over the coming year we will deliver more money to improve mental health services than any previous New South Wales Government. Our record investment highlights the value this

Government places on improving the lives of those who have been touched by mental illness so that people can recover and lead full and meaningful lives. That is a long-held commitment of the Liberal-Nationals Coalition. We have been working hard over the past year to build a framework for reform so that we deliver a mental health system that this State deserves.

I reiterate the message from Minister Humphries that we will be conducting a full review of the Mental Health Act, which will involve full public consultation, to ensure that we provide an effective system that delivers modern, clinically responsive mental health care to people throughout New South Wales.

Dr JOHN KAYE [3.14 p.m.]: On behalf of The Greens I speak in support of the motion of the Hon. Lynda Voltz. She has gone to the heart of a difficult debate—a debate that would benefit enormously from public exposure. The debate goes to the criteria that are used within the Mental Health Act with respect to detaining patients against their will. When a patient presents with symptoms of mental illness but refuses treatment, under what conditions can that patient be held against their will and treated against their will? It is an incredibly difficult problem largely because we are talking about taking away somebody's capacity to determine what they want for themselves. Currently a psychiatrist and the Mental Health Review Tribunal are empowered to make those decisions. The criterion under which that empowerment occurs is the likely risk of harm to themselves or to others.

Dr Chris Ryan, a psychiatrist at Westmead Hospital, Sascha Callaghan, a lawyer from the Centre for Values, Ethics and the Law in Medicine at the University of Sydney, who works with Dr Ryan, and Matthew Large, who is a clinical senior lecturer at the School of Psychiatry at the University of New South Wales, have identified that probably a key contributor to the Waterlow tragedy was, indeed, that criterion and the failure to identify that Mr Waterlow was in a position where he should have been detained and treated against his will. Mr Waterlow did not wish to be treated. He did not have awareness that his condition was such that he was having paranoid delusions, so he rejected treatment. It was not possible to say at that time that he would be a risk to himself or to others and it was considered that involuntary treatment was "not necessary for the person's own protection from serious harm". In this particular case it was not clear that that was the case.

The issue comes down to what the definition within the Mental Health Act currently requires of treating clinicians. It requires them to make a prediction and to say whether or not the patient presenting with the symptoms at that point in time is likely to do harm to himself. That inevitably means that two types of error occur. The first type of error, the so-called type one error, is where a false diagnosis is made—a clinician says that the patient is likely to do harm, and when that diagnosis is made the patient is then treated against his will. Dr Ryan and Ms Callaghan identify in their paper that there must be a large number of people who have been treated against their will who would never have done harm to themselves or to others. The second type of error, which happened in the case of Mr Waterlow, is where the diagnosis that the patient will not do harm is false and the patient goes on and does harm. Either way, there is not a good outcome.

What has been suggested by a number of psychiatrists, particularly Dr Ryan, is to move away from the risk of harm criterion and to a test that is based on a person's best interests. It is clear that examining a requirement to change the test is necessary. Issues arise about other people determining what is or is not in the best interests of the patient and it needs to be done with a great degree of sensitivity. Because it is such a complex area, making a change to the Mental Health Act should not be done lightly. A call is made in the motion of the Hon. Lynda Voltz to hold a public inquiry—a General Purpose Standing Committee inquiry, a Social Issues inquiry or a Government-commissioned inquiry.

The Parliamentary Secretary quite rightly observed that we are now at a point in the cycle of the Mental Health Act when it should be reviewed. We are told that it is going to be reviewed later this year and that this will involve an element of public participation. The Greens will seek to make a submission to that review. We think that a number of features within the Mental Health Act could be dramatically improved. They are largely technical by nature or relate to policy decisions of the former Labor Government that we think were not appropriate and should be reversed. What constitutes conditions for imposing treatment on a person with mental illness is a different kind of decision. It goes to the core of our understanding of mental health and an individual's right to self-determination. The issue is beyond the reach of a normal review of the Act. It is a singular matter that requires specific attention and that can only be achieved by a separate public inquiry focusing on the issue.

We are aware of a range of opinions on the definition of mental illness and the conditions in which a patient should be compelled to have treatment. A variety of opinions exists among the mental health community

and others who worry about these issues. There is a clear need to test those opinions against each other. I am strongly inclined towards the views put forward by Dr Ryan, Ms Callaghan and Dr Large. Their opinions clearly are based on substantial psychiatric experience, including situations where the current definition has not worked and that demonstrate that the definition needs to be changed.

However, I also am aware that some advocates for people with mental health are concerned that a change to a best interest based definition would make it too easy to take away the right of an individual to make a decision. That is to say, a change in definition could undermine the self-determination of an individual because he or she has a mental health condition. These complex issues require the gaze of experts and experienced people. Mental health patients, their representatives and advocates across a broad spectrum must be given the opportunity to give evidence on this crucial matter. This is a matter of life and death and we cannot easily brush it aside. To that extent I strongly support the motion of the Hon. Lynda Voltz, which I understand is soon to be amended. The amendment will encourage the development of an independent inquiry into these important matters. I support the motion and congratulate the member on moving it.

The Hon. PAUL GREEN [3.22 p.m.]: The Christian Democratic Party also thanks the Hon. Lynda Voltz for moving this motion. This is a question of individual empowerment or disempowerment in mental health cases. There is no doubt that on occasion it can be difficult to determine whether a person is a risk to himself or herself and to others. The determination can often be confirmed by the medical officers or mental health advocates who know the individual. However, sometimes it can be extremely difficult to identify situations in which someone may be at risk. When one should take away another person's decision-making capacity in light of medical evidence or other external factors is a grey area. The Hon. Melinda Pavey talked about the Government's review of the Mental Health Act and this is the appropriate time to address that Act. I encourage the Hon. Lynda Voltz to ensure that her concerns about this issue are addressed in the review. The Christian Democratic Party will help her to ensure that is done.

This is a complicated issue because a lot of things can trigger a mental health episode. A person may go along well on the right medication for a long time until a death in the family or another stressful event throws him or her off balance. These stressors can trigger irrational thoughts and behaviours that compromise an individual's ability to recognise that he or she is moving towards a breakdown in capacity to deal with situations as well as he or she might be able to deal with them when in full health. Those sorts of things must be taken into consideration. There is no "one-size-fits-all" solution in the treatment of mental health or indeed any medical condition. Anyone who has spent any time practising medicine realises that every case and every individual are different. Doctors must be precise in their baseline findings because it cannot be taken for granted that every individual is the same.

What seems to be right for 100 people can often be wrong for one person in general medicine and in mental health cases. Even institutionalising people in the belief that it will make them safe quite often can put some individuals at greater risk. Many institutionalised patients are under close observation and have their own nurses to look after them, but sometimes it is the person who is not being so closely watched who has a breakdown triggered by his or her individual environmental or social factors. As I said, this is a grey area. The Christian Democrats are of the view that the right way forward is to allow the Government to review the Mental Health Act and to make the necessary amendments. The issues that are listed in this motion should be a top priority of that review.

The Hon. ROBERT BROWN [3.27 p.m.]: I congratulate the Hon. Lynda Voltz on moving this motion. The Shooters and Fishers Party is sympathetic to the outcomes that the member is trying to achieve but defers to the lead of the Christian Democrats on this issue. In doing so, we will also commit to bringing our influence to bear on the Government to treat the review of the Act seriously. Many members in this House have had personal or family experiences with mental health problems. My family has not been immune from that. I was a young man at the time of the Richmond report but if I had been a bit older I most likely would have got my hands around that man's throat because of the damage that he caused in this State to people suffering mental health problems.

There is always a fine balance when considering the civil liberties of people with a mental disorder and the question of whether they are capable of determining their own best interests, which is a terrible term with which to come to grips. The review of the Act, which is due in June 2013, will commence in about 10 months time. The Shooters and Fishers Party is serious about ensuring that in its review the Government is cognisant of the issues raised by the Hon. Lynda Voltz. I imagine that the Government will conduct a proper review. We look forward to community consultation on these issues. For the reason that we could move immediately to refer

the matter to a general purpose standing committee or a select committee to examine the issue, I would like to support the motion, but the Shooters and Fishers Party will defer to its colleagues the Christian Democrats and simply thank the Hon. Lynda Voltz for drawing the matter to the attention of the House and moving a motion that is worthy of support. If the Government plays its part properly, the Shooters and Fishers Party believes that that will achieve the desired outcome.

The Hon. HELEN WESTWOOD [3.30 p.m.]: I support the important motion moved by the Hon. Lynda Voltz. I thank and commend her for bringing this very significant issue to the attention of the House. I take this opportunity to express my condolences to the Waterlow family and their friends on the loss of their loved ones. As we have heard during this debate, the Mental Health Act 2007 requires review. I fully support an inquiry as outlined in the motion. I understand there may be some amendments to the manner in which such an inquiry would be conducted or the form that such an inquiry would take, but I think it is important that we review aspects of the Act that have led to this motion.

I take up the reference by the Hon. Robert Brown to the Richmond report. I have to say, as someone who was around at the time it was published, I do not share his view of David Richmond. David is an absolutely fine public servant who has done many great things for the State, including the delivery of the best Olympics and its infrastructure. He also happened to be a constituent of mine when I was the Mayor of Bankstown. David Richmond is a man of great principle and great mind. I am aware of the circumstances in which the Richmond report was produced. They are very different circumstances from today's circumstances for people with mental illness and people with disabilities. The report was published at a time when someone with diabetes or a deaf person could end up in an institution.

I know of examples of deaf children who were unable to communicate being deemed to have a psychiatric illness or disability. Those children were institutionalised for life and some horrendous acts of abuse were perpetrated upon them as well as adults. They had disabilities but had been wrongly diagnosed with a mental illness when their conditions were treatable. I believe that what the Richmond report called for was never fully implemented. Most people did not bother to read the full report. The Richmond report did not just talk about deinstitutionalisation. It discussed a different model for ensuring that people were receiving the treatment and the care they needed. The report really was about protecting people whose human rights had not been recognised for many years because of our approach to disability services and the very vexed issue of mental health.

We have come a long way in the management of mental health. Like many members of this House, I acknowledge it has touched my own family. I suppose someone like me, who has 33 first cousins as many large Catholic families do, will find among those first cousins someone who suffers from schizophrenia, as do two of my first cousins and their immediate family. An elderly auntie and uncle are still dealing with the consequences of a cousin's schizophrenic-related episodes and unwillingness to accept clearly needed treatment that would improve his and his relatives' quality of life. Sound mental health is a most important asset for our community. It enhances not only the wellbeing and integration of groups within our community but also the capacity of individuals to love, to work and to play in ways that provide the fullest achievement of their capacities. It is in the interest of this State and indeed Australia that all members of our community should have access to good mental health and freedom from mental health problems and mental disorders.

The arguments for capacity-based legislation are outlined in an article by Chris Beards and Jonathon Harms that was published by the Association of the Relatives and Friends of the Mentally Ill, or ARAFMI. I will cite the article and quote from it extensively in support of the motion. In the New South Wales Mental Health Act 1993, mental capacity refers to the understanding of general situations through the act of comprehension and memory. Capacity is taken to be the ability to understand the nature, purpose and consequence of any act or transaction which one enters into. Having sufficient capacity is necessary for a person to be able to make almost any legally binding decision, such as entering a contract, giving informed consent to medical treatment or authorising access to confidential medical information.

The question that is often asked is: Should risk or capacity be the pivotal factor that establishes a threshold for imposing involuntary treatment? Based on the example of the New South Wales Mental Health Act 2007, applying an assessment of risk can encompass all persons who clearly lack capacity as well as persons for whom the loss of capacity is subtle. The further qualifying requirements of least restrictive care and consideration of the continuing condition of the patient prevent unnecessary hospitalisation and promote the delivery of involuntary treatment in the community. It is not the law, but often its interpretation and implementation, which creates problems. Too many clinicians still apply a test of dangerousness when assessing the risks required for imposing involuntary treatment.

If persons have epilepsy or diabetes their doctors cannot insist that they have treatment if they have made a competent decision to refuse it. A person cannot be forced to have chemotherapy or be compelled to take antihypertensive medication. A person does not have to immunise his or her baby—although I have to say that I think it is very wise to do so. It does not matter that the treatment might be for a person's own good. If a person is able to understand and weigh the risks and benefits of a treatment that person controls whether or not he or she gets it. This right to personal autonomy is enforced and entirely uncontroversial in general medicine, but it is completely ignored by every mental health Act in Australia. This needs remedying.

Legally, all rights of personal responsibility must be presumed until a person has been assessed professionally by a psychiatrist. The self-sufficiency displayed by the competent consumer must be recognised and respected while the interests of the incapable consumer are protected by other means. Assessing a consumer's capacity to make rational decisions must be based on the individual's functionality in differing facets of life. Being incapable of comprehending situations, lack of memory and inability to premeditate actions are defined as factors of mental incapacity. Under the Guardianship and Administration Act 1993, mental incapacity refers to the inability to look after one's own health, safety, or wellbeing or to organise one's affairs. There are well-established indicators to assist in determining a lack of legal decision-making capacity. People may be disorientated and confused about their location in time and space. They may be confused as to the identity of themselves or others, or they may demonstrate an inability to understand or communicate in a rational way.

In 2010 the New South Wales Law Society provided a list of general warning signs for lawyers when it comes to assessing an individual's capacity, many of which refer to issues that may arise as a result of the onset of mental illness and can prevent persons from being able to make legally binding decisions on their own behalf. These are difficulty with recall or memory loss, ongoing difficulty with communications, lack of mental flexibility, difficulty with simple calculations, disorientation in time and space, limited ability to interact with others, and altered appearance, mood or social withdrawal. However, recent research confirms the notion that individuals should not be presumed to lack capacity simply on the basis of an unwise decision. It is important to understand that all individuals who are capable of making their own decisions will sometimes make irrational or unwise choices.

In the area of capacity I acknowledge that there are differing levels of capacity. Generally speaking, the degree of capacity required for decisions needs to be proportionate to the importance and complexity of the decision being made. A person might be unwell and disoriented which would disqualify him or her from making complex financial decisions. But that person would still have the capacity to decide what he or she would like for lunch. That is a partial incapacity that is relatively easy to understand.

However, an individual might also have capacity issues with respect to certain issues only. As I have said, that is a partial incapacity. For example, an individual who suffers from an eating disorder might be perfectly capable of making most decisions but go through an irrational and dangerous decision-making process when it comes to eating. Such an individual would thus be the exact reverse of the first example, in that he or she might be able to make complex financial decisions but might not be able to decide safely whether to have lunch or whether to eat at all. Even though individuals may demonstrate irrational thinking in regard to specific issues they still remain competent in other aspects of their lives.

In the same way, people experiencing paranoia might try to restrict access to treatment plans and personal information if harbouring suspicions towards families and carers. For example, irrational patterns of thought caused by mental illness can induce them to make decisions that are not based on a realistic appreciation of their circumstances, such as the belief that the caregiver is a spy or a government operative. It could be argued that a person experiencing those kinds of delusional symptoms lacks the capacity to make decisions about those specific issues, just as the person with an eating disorder does not have a decision-making capacity relating to eating. Capacity to make decisions can fluctuate over time if one's mental health or illness fluctuates. Carers usually will be aware that mental disorders and their symptoms can change in severity, based on biological, social and environmental factors. For example, persons may have full capacity so long as they adhere to a treatment regime, but they may lose that capacity if they cease medication and become more unwell. A person's capacity should be reassessed after each fluctuation occurs as it will determine the consumer's ability to make decisions safely.

Capacity is an important issue in mental health care because, as can be seen from what I have said, mental illness can affect a person's capacity to make decisions about issues related to his or her care. It is a formal legal requirement across Australia that consent to any kind of medical treatment must be made by a competent person—either by the person who is to receive the treatment or, if he or she is unable to do so, by

some other competent person on his or her behalf. Under section 33A of the New South Wales Guardianship Act, the competent person who would normally make such a decision for a loved one incapacitated by illness is deemed to be the responsible person, as essentially defined as the next of kin. However, under the Guardianship Act, neither the responsible person nor the Public Guardian can approve treatment to which they know the incapacitated person objects unless they obtain specific authorisation from the Guardianship Tribunal.

Unfortunately, and unlike most other illnesses, if persons lack insight into their mental illness or deny that they have one, they may actively resist and oppose any treatment. Concerns that people may not want to make decisions consistent with their own best interests when their judgement is affected by mental illness have meant that the New South Wales Parliament has enabled authorised medical officers to agree to involuntary treatment or intervention under the Mental Health Act, subject to oversight by the Mental Health Review Tribunal, should refusal to accept treatment place them or others at risk of serious harm. I do not discount the contributions and concerns raised by other members relating to this issue. This complex issue again comes down to a question of balance.

In the Waterlow case, but there are others, the nature of the mental illness was such that the person suffering a mental illness refused treatment. That can lead to persons causing themselves an injury, perhaps taking their own lives or, in serious cases of violent paranoid episodes, taking the lives of others. Often it is the people who love them and who have cared for them who are injured in these incidents. Having understood the reasons for enacting this legislation in the first place, it is time that we revisited the Act, reviewed it and looked at ways of ensuring that people with a mental illness receive the treatment they need to ensure they do not pose a danger to themselves and to others. We must do so in a way that upholds their basic human rights which will not be an easy task but it is a task of which we as legislators are capable. I support the motion.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.45 p.m.]: I move:

That the question be amended as follows:

In paragraph 2:

- (a) omit "definition of the Mental Health Act 2007" and insert instead "definition of 'mentally ill persons' in section 14 of the Mental Health Act 2007", and
- (b) Insert "best interest" after "capacity-based".

In speaking to the motion I do not wish to traverse ground that has been eloquently chartered by other speakers. In the relatively short time I have been shadow Minister for Mental Health, the issue of when and in what circumstances persons arguably in need of treatment can have that treatment when they lack insight into the need for it is an interesting but emotionally charged and vexed issue. It enters into the whole area of risk management for the individual concerned, for the wider community and in particular for their closest associates—usually their family—and the need to protect people. Weighed against that is the wish not to return to circumstances that existed centuries ago when people were subjected to unwanted treatment by their families or relatives because they exhibited behaviour about which they were concerned or of which they did not approve.

The Hon. Catherine Cusack: Or they just lacked the will.

The Hon. ADAM SEARLE: I acknowledge that interjection. No-one wants to return to the forcible and unwarranted treatment of persons. However, when people lack such insight they need that greater capacity to receive treatment. Families with whom I have spoken—and I hasten to add that none of them are associated with the Waterlow matter—have been most concerned about circumstances in which, in their view, a relative, friend or close associate has been experiencing a health crisis, has needed treatment and has not been able to receive it because he or she is not aware of the situation, did not want it and the family is at its wits end about how to deal with the matter. As I said, this is an emotionally charged and vexed issue and there are no easy answers. I suspect that if there were easy answers they would have been implemented well before now. The example referred to in the motion is an unfortunate and dark illustration of the problem—one that can be resolved only through open and public dialogue—hopefully based on evidence rather than on assertion or emotion. It is something that is timely and that is now required. I hope all members embrace this motion.

The Hon. LYNDA VOLTZ [3.49 p.m.], in reply: I thank all members for their contributions to this debate. Crossbench, Government and Opposition members all share a commitment to achieve the best possible

outcomes for those suffering from mental illness. It is sad that we must speak about such tragic cases, but it is important that we raise awareness about deficiencies in the Mental Health Act and for professionals, politicians and the community to discuss the direction of the Act. I thank all members for their contributions to the debate.

Question—That the amendment of the Hon. Adam Searle to the motion of the Hon. Lynda Voltz be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Adam Searle to the motion of the Hon. Lynda Voltz agreed to.

Motion as amended agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Robert Brown agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 819 outside the Order of Precedence relating to the Game and Feral Animal Control Further Amendment Bill 2012 be called on forthwith.

Order of Business

Motion by the Hon. Robert Brown agreed to:

That Private Members' Business item No. 819 outside the Order of Precedence be called on forthwith.

GAME AND FERAL ANIMAL CONTROL FURTHER AMENDMENT BILL 2012

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

Second Reading

The Hon. ROBERT BROWN [3.52 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Game and Feral Animal Control Further Amendment Bill 2012. The bill is very simple and straightforward, so I will not take up much of the time of the House with my second reading speech. The bill addresses a major problem in New South Wales, particularly for irrigation farmers. Currently, New South Wales farmers must apply to the National Parks and Wildlife Service for a permit under sections 120 and 121 of the National Parks and Wildlife Act 1974 and duck hunters must pass a Waterfowl Identification Test and then apply for a permit under sections 120 and 121 of the National Parks and Wildlife Act 1974 to be issued with a game hunting licence by the Game Council NSW. That is duplication of effort.

The bill simply removes much unnecessary red tape by condensing the administration under one single licensing authority—the Game Council NSW. As is similar with the current system, the bill provides for the granting of a game management licence authorising the owner or occupier of specified land, or a licensed hunter, to hunt on that land for non-commercial purposes ducks and other native game birds that have been listed as game animals. The bill does not authorise the hunting of native game birds on public lands. The same provisions that apply currently to game hunting licences, including provisions disqualifying certain persons from being granted a licence, also will apply to game management licences.

Further, the bill enables the Game Council NSW to impose special restrictions and quotas regarding the hunting of native game birds listed as game animals. Requirements relating to the tagging of those birds captured or killed are similar to current requirements but without the current bureaucratic duplication. Again, as is currently the case, persons will not be authorised to hunt or kill any such bird unless they have passed an official identification test of native waterfowl. The test will be conducted by or on behalf of the Game Council NSW or other bodies recognised by the council. The Game Council will recognise also any test conducted

before the commencement of this section by or on behalf of the Department of Environment and Climate Change in connection with the identification of native waterfowl, and the same test administered in other States.

According to the Ricegrowers Association of Australia, early in the season this year 5,000 hectares of rice were lost as a result of damage caused to the crops by ducks. A further 11,500 hectares had to be re-sown—some areas numerous times—and that is the largest area ever to be re-sown. The value of lost production has been calculated at \$10 million and does not include the costs associated with re-sown seed, fuel and other labour costs. Those of us who travel further west than Leichardt and Marrickville know that farming life is not easy. Indeed, it is financially devastating for irrigation farmers who are experiencing a good season to have their crops ruined, particularly by waterfowl. Rice is not the only crop hit each year by waterfowl; of course, many green crops are destroyed by certain duck species. Last year the re-opened Coleambally rice mill processed 800,000 tonnes and it expects to receive 960,000 tonnes this harvest. Farmers deserve every chance to maximise their crops and not to have them eaten by game birds. I commend the bill to the House.

Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

NATIONAL PARK ESTATE (SOUTH-WESTERN CYPRESS RESERVATIONS) AMENDMENT BILL 2012

Second Reading

Debate called on, and adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

NATIONAL PARKS AND WILDLIFE AMENDMENT (ILLEGAL FORESTRY OPERATIONS) BILL 2012

Second Reading

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

Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.

QUESTIONS WITHOUT NOTICE

NSW LONG TERM TRANSPORT MASTER PLAN

The Hon. LUKE FOLEY: My question is directed to the Minister for Roads and Ports. Given that a spokesperson for the transport Minister said today in relation to the Government's transport plan that "the document clearly outlines the funding plan", will the Minister advise the House how much of the \$100 billion expected to be raised by this plan will be from new tolls on existing roads?

The Hon. DUNCAN GAY: Those opposite need a question time committee. I remind members opposite that when you play cricket, you do not bowl to the opposition's strength. I direct those opposite to the NSW Long Term Transport Master Plan and to, from memory, chapter 10 of that plan. An entire chapter is devoted to funding. It is a great plan—something that was never thought to be delivered by those opposite when they were in government. Incredibly, not one member of the Opposition, is now sitting on the losers lounge and part of the previous Government, put a submission in to contribute to this plan. Did the Hon. Penny Sharpe put a submission in? Where were the member's ideas?

The Hon. Dr Peter Phelps: Lazy.

The Hon. DUNCAN GAY: The shadow transport Minister and the shadow roads Minister were dubbed by my staff "Lazy" and "Lazier". Some members of the Labor Party, however—

The PRESIDENT: Order! The Minister has the call.

The Hon. DUNCAN GAY: Some members of the Labor Party—people who want to work and who are aspirational in the Labor Party—actually put a submission in concerning the transport plan. Does anyone know who one of those members was?

The Hon. Matthew Mason-Cox: Who was it?

The Hon. DUNCAN GAY: Ryan Park: that member who is known by many in the Labor Party as the "shadow shadow Minister for roads". Ryan Park is a former chief of staff of a roads Minister in the former Labor Government. I suspect the Labor Party was thinking of putting a submission in and Leader of the Opposition said, "Let us submit something like we did in Government", and when Opposition members then said, "But Robbo, we did not do anything", that is exactly what they put in—nothing.

The Hon. Penny Sharpe: Point of order: My point of order is relevance. The Minister was asked a specific question about how this pie-in-the-sky plan will actually function—

The PRESIDENT: Order! The member should not make debating points while taking a point of order. There is no point of order.

The Hon. DUNCAN GAY: As I indicated, the funding is covered within the Transport Master Plan. Members opposite should listen for a moment; they are on the loser's lounge, but they were in government once. I see the Hon. Jeremy Buckingham is here: "Corncob Joe" has returned from his trip to the United States of America and has not paid his carbon tax dues. The Transport Master Plan has a whole chapter on funding. In case it has escaped those opposite, there have been two transport budgets of between \$12 million and \$13 million—neither one an insubstantial amount.

The Hon. Penny Sharpe: It is committed.

The Hon. DUNCAN GAY: The member says, "It is committed", but I remind her that parts of the plan have been committed also, and the money funds part of the plan. This Government is not like the previous Government—it does not just produce brochures; it produces results for the State. There is a role for local government in delivering part of the plan and there is a role for the Federal Government— [*Time expired.*]

The Hon. Duncan Gay: I am happy to take a supplementary question.

The PRESIDENT: Order! It appears there is none on offer. The Minister's time for speaking has expired.

CROWN EMPLOYEES (PUBLIC SERVICE CONDITIONS OF EMPLOYMENT) AWARD

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Finance and Services, and Minister for the Illawarra: Minister. Will the Minister address some of the concerns raised by the Public Service Association of New South Wales with regard to the Government's award applications before the Industrial Relations Commission?

The Hon. GREG PEARCE: I thank the honourable member for that very good question. I am aware of a number of things that have been reported in the press regarding the Government's application to the Industrial Relations Commission to vary the Crown Employees (Public Service Conditions of Employment) Award. Some of the inaccuracies being peddled defy belief. Let us put this in context. Earlier this year the Public Service Association applied to the Industrial Relations Commission for an award to increase wages by 2.5 per cent and some further amount over and above 2.5 per cent that would be funded through employee-related savings. In response, the Government filed an application that proposed a number of changes to the award. Reforms included removing entitlement to annual leave loading; simplifying shiftwork provisions to align entitlements with modern working arrangements while maintaining appropriate penalty and other payments—

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the first time.

The Hon. GREG PEARCE: —removing additional leave entitlements for rural employees that are based on outdated geographic and travel considerations; removing access to worker's compensation top-up payments in line with the statutory scheme that applies to the rest of the community; aligning sick leave and sick

leave for caring purposes as personal carer's leave to provide broader flexibility without increasing the entitlement; tightening access to community services and special leave to avoid the use of such leave where other forms of leave are available; and removing outmoded allowances, such as travelling incidentals, garage or carport, forage for horses, and flying allowances that are out of step with modern standards.

The PRESIDENT: Order! I call the Hon. Jeremy Buckingham to order for the first time.

The Hon. GREG PEARCE: Perhaps the Hon. Jeremy Buckingham can tell me how many public servants really need an allowance for the handfeeding of forage to their horses? The member cannot. It is ultimately for the Industrial Relations Commission to decide whether it adopts the proposed reforms of the award. The Public Service Association later dropped any claim to any increase over and above 2.5 per cent. The Public Service Association is entitled to drop a claim and it did. However, if I were a member of the Public Service Association I would be asking what the association's office bearers were providing for my membership fees if they could not be bothered prosecuting for extra pay rises above the 2.5 per cent. The Public Service Association walked away from its membership. It took the basic 2.5 per cent and did nothing for its members.

The Government has continued to pursue its claim as it will modernise award provisions, improve service delivery, support agency workforce management, reduce administrative red tape and better align employee entitlements with community standards. Of course, consistent with Government wages policy, it is anticipated that the Industrial Relations Commission will award increases above 2.5 per cent where there are employee-related savings. Such an application will allow the Industrial Relations Commission to do so. The unfortunate thing is that the Public Service Association has gone out publicly to mislead its members on what the Government is doing. Let us look at a few of its claims. [*Time expired.*]

The Hon. MATTHEW MASON-COX: I ask a supplementary question. I ask the Minister to elucidate his excellent answer.

The Hon. GREG PEARCE: The Public Service Association has gone out to mislead not only its own members but also members of the public. It claims that flexible work practices are under attack. The fact is that the Government is seeking to provide for shorter notice periods to terminate flexible working hour agreements following machinery of government changes. The claim does not seek to reduce flexible work practices. The Public Service Association claims that foster carers and surrogate parents are excluded from parental leave. The fact is that the proposed changes provide clarity of the existing provision. There is no entitlement in the current clause for leave for foster carers and surrogate parents. Labor had 16 years to do something about that, if it supported such an entitlement.

The Public Service Association claims that sick leave and sick leave to care for a family member are to be abolished. Nothing could be further from the truth. The fact is that the separate clauses for sick leave and family and community services leave will be replaced, if adopted by the Industrial Relations Commission, by a personal carers leave clause, which provides greater flexibility for employees to utilise family care leave, just like in the National Employment Standards. The Public Service Association claims that shift workers will lose out. Again, the fact is that the changes proposed simplify and modernise entitlements while retaining appropriate compensation for those employees undertaking shift work. The Public Service Association claims that work health and safety consultative arrangements will be removed. Again, the fact is that there is no proposal to remove consultative arrangements on work health and safety matters.

The proposed award retains existing wording, which provides that "... the parties to this award are committed to achieving and maintaining accident-free and healthy workplaces". Why does not the Public Service Association actually get out there and do something for its member—pursue extra pay rises for its members—instead of running around telling lies?

PACIFIC HIGHWAY UPGRADE

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports. Given that the Government transport master plan only promises significant investment in the Pacific Highway, does this mean that the Government has yet again walked away from its commitment for a 2016 completion of the Pacific Highway duplication?

The Hon. DUNCAN GAY: Some days one can only try to give them advice. If anyone had been listening to the House—

[*Interruption*]

Did I hear the Hon. Steve Whan coming out against the Bells Line of Road? The leader of the Labor Party in waiting is against it. No wonder members opposite did not put in a submission. No wonder the Hon. Steve Whan is sitting on the losers' lounge.

The Hon. Steve Whan: Is that the best you can do? You tell lies. Is that the best you can do?

The PRESIDENT: Order!

The Hon. DUNCAN GAY: I am just repeating what the member said, and I am being accused of lying. It is unbelievable. No wonder the people of Monaro voted him out. One cannot trust him when he is sitting on the losers' lounge, let alone when he is representing real people.

Dr John Kaye: That is totally unnecessary.

The Hon. DUNCAN GAY: Exactly, thank you.

Dr John Kaye: Answer a question for a change.

The PRESIDENT: Order!

Mr David Shoebridge: You are a grub.

The Hon. DUNCAN GAY: I take offence at that.

The Hon. Greg Donnelly: I don't.

The Hon. DUNCAN GAY: I can understand in your case. I take offence at being called a grub by the greatest grub in this House—

The PRESIDENT: Order! I have had quite enough. Members on both sides of the Chamber should exercise some restraint.

The Hon. DUNCAN GAY: Oh come on!

The PRESIDENT: Order! I call the Hon. Duncan Gay to order for the first time.

The Hon. DUNCAN GAY: We have now been hit by the leader of the Opposition in waiting and the other leader of the Opposition in waiting—The Greens and the Labor alliance. One would have to be living in a parallel universe not to hear me talk about the Pacific Highway and the fact that the Labor Party had sold out the people of New South Wales. There is a little figure of \$2.31 billion, which would have been \$2.31 billion from the friend of those opposite, Albanese; an amount committed to the 80:20 funding arrangement that he had with the New South Wales Labor Party when in government. We stumped up the money that we said we would find as part of that 80:20 arrangement—

[*Interruption*]

The PRESIDENT: Order! The Minister has the call.

The Hon. DUNCAN GAY: Thank you, Mr President, it is very difficult to answer faced with the tirade from the members on that side of the House. We have stumped up that money and we are waiting for the Federal Government to honour its end of the bargain. That was the bargain New South Wales Labor had when in government but which somehow changed when we came to office. I have been talking to Minister Albanese and frankly the negotiations have been going pretty well. We have been able to put up what we could, and that will be matched with regard to the other amount. We are currently in negotiations to see what we can do. We live in hope that the Federal Government will see the commonsense of actually doing the right thing.

Mr President, earlier I took offence at being called a grub and that comment has not been withdrawn. I apologise to you, Mr President, for the comment I made to you. I take offence at being called a grub when I am answering a question from members of this House. The call was not from a Labor member but from the leader of The Greens.

[Interruption]

The PRESIDENT: Order! Members are calling "Time", to indicate that the Minister's time for speaking has expired. However, arguments on points of order are not subject to time limits. I have not forgotten that the Hon. Duncan Gay has taken offence; I simply decided not to interrupt him by making a ruling immediately. My preference is that when members take offence to a term directed at them I research precedents to determine whether the term has been ruled offensive and then make a ruling. Accordingly, I will make my ruling when I have considered the matter.

[Interruption]

The PRESIDENT: Order! I call Mr David Shoebridge to order for the first time.

The Hon. PENNY SHARPE: I ask a supplementary question. Will the Minister please elucidate his answer and confirm that the commitment to duplicate the Pacific Highway to 2016 will not be met by this Government?

The Hon. DUNCAN GAY: In case I had not been clear on previous occasions and the Labor Party once again was not listening, I state again that I have very clearly said that the Federal Labor Party walking away from the 80:20 funding arrangement seriously put at risk delivering the Pacific Highway for 2016.

Later,

The PRESIDENT: Order! Earlier in question time Mr David Shoebridge referred to the Hon. Duncan Gay as a "grub". I have consulted precedents and have found that in 2007 President Primrose ruled that the term "grub" was offensive. I am inclined to uphold that ruling. Therefore, I require Mr David Shoebridge to withdraw the word.

Mr David Shoebridge: I withdraw it. However, I take a point of order: The Minister has requested that I withdraw the insult, but he called me "the greatest grub in the Chamber". If for no other reason, the hypocrisy of that requires that he withdraw those words. He sits across the table in his sanctimonious fashion—

The Hon. Duncan Gay: If it is helpful, in the best sanctimonious fashion I can manage, I withdraw calling him a grub because he called me a grub.

[Interruption]

The PRESIDENT: Order! I require no assistance from the Hon. Walt Secord. Did the Minister refer to Mr David Shoebridge as a grub?

The Hon. Duncan Gay: Yes, I did.

The Hon. Greg Donnelly: Point of order—

The PRESIDENT: Order! I certainly require no assistance from the Hon. Greg Donnelly. Minister, for the sake of clarity, could you make it clear that you have withdrawn the word?

The Hon. Duncan Gay: I certainly withdraw.

The Hon. Greg Donnelly: In the exchange you are referring to, on which you have just ruled, the Minister for Roads and Ports pointed to me and said, "You would know all about being a grub." I take offence at that and I ask that he withdraw.

The Hon. Duncan Gay: To the point of order: To set the record straight, the Hon. Greg Donnelly also called me a grub and that is when I said he would know about being a grub. Of course, I will withdraw—provided he withdraws as well.

The PRESIDENT: Order! Would the Minister kindly withdraw without qualification? I will then deal with the matter raised by the Hon. Greg Donnelly.

The Hon. Duncan Gay: I withdraw.

The PRESIDENT: Order! The Hon. Duncan Gay has taken offence to the Hon. Greg Donnelly calling him a grub. Is the Hon. Greg Donnelly prepared to withdraw?

The Hon. Greg Donnelly: I withdraw.

RURAL AMBULANCE OFFICERS

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Police and Emergency Services. Given that recent media reports describe a new rostering system from rural ambulance officers, has the new system been introduced and is the Minister aware of any industry concerns relating to the new rostering system in rural New South Wales?

The Hon. MICHAEL GALLACHER: The Hon. Paul Green should have directed his question to the Minister for Health. Therefore, on his behalf I will refer the question to the Minister for Health and get an answer for him as soon as possible.

SYDNEY CENTRAL BUSINESS DISTRICT MOTORCYCLE RESPONSE TEAM

The Hon. DAVID CLARKE: My question is directed to the Minister for Police and Emergency Services. Will the Minister report on the first month's achievements of the new central business district motorcycle squad?

The Hon. MICHAEL GALLACHER: It has been almost a month since the establishment of the new central business district motorcycle response team, announced by the Premier on 6 August. I am pleased to update the House on the team's achievements to date. In only a few short weeks the 10-member motorcycle response team has already achieved real results.

The Hon. Walt Secord: How much revenue?

The Hon. MICHAEL GALLACHER: So far 1,744 vehicles have been moved on and 514 official cautions have been issued. We hear the Hon. Walt Secord calling out, "How much revenue?" There are still the last remnants of the previous Government. Listen to what I have to say: 514 official cautions. We are about changing driver behaviour; the previous Government was about changing the bank balance—that was the focus of the previous Government. The cautions have been generally issued for congestion-type offences such as vehicles blocking intersections, cars travelling in bus lanes, vehicles double-parked or vehicles stopped in clearways or in no-stopping zones.

Whilst a warning phase has applied for the first month for congestion offences, infringement notices have been issued for safety-related offences that pose a real risk to the offender or to the public. For example, there have been 25 infringement notices for seatbelt offences. I am sure no-one one would argue against the issuing of those infringement notices. In addition, there have been 201 infringement notices for drivers illegally using mobile phones. I am sure everyone will agree that issuing infringement notices for illegally using mobile phones is an important part of policing duties.

In addition, infringement notices have been issued in relation to parking in the central business district. How many people have found themselves logged up in the central business district because of people who take it upon themselves to park somewhere that blocks the entire movement of motor vehicles in the city? No-one in this place would oppose those infringement notices because we all want to see the movement of traffic through the city. Nearly 500 infringement notices have been issued for traffic light and other safety offences. Again, they are all important aspects of policing. In addition, police have conducted 802 random breath tests and have issued 216 infringement notices to taxi drivers who have committed safety offences. The motorcycle response team has backed this up with some briefings to representatives of the State Transit Authority and the New South Wales Taxi Council to clarify drivers' legal requirements and the work being done by the team.

Commercial drivers operating in the central business district will ultimately benefit as the work of the motorcycle response team starts to achieve results. Their safety is enhanced if fewer dangerous offences are being committed, and their journey times will be improved if there are fewer accidents and fewer blockages. Pedestrians will benefit as intersections and crossings become clearer and dangerous drivers start to change their behaviour. However, pedestrians have responsibilities to use marked crossings, to wait for green signals and to look before they step onto the road. To date, 62 pedestrians have been infringed for safety offences. Given their physical vulnerability as road users, I hope that this will serve as a wake-up call to other pedestrians.

Being out and about in the central business district the motorcycle response team has the capacity to quickly respond to any incident that may arise—examples include attendance at motor vehicle accidents, quickly moving on illegally parked vehicles and escorting tow trucks to broken-down vehicles. As already flagged by the Minister for Roads and Ports, police response times to central business district incidents and crashes have already been halved from 15 minutes to just eight minutes. That is a great result for the travelling public in the central business district. *[Time expired.]*

SNOWY RIVER BENCHMARKING AND ENVIRONMENTAL FLOW RESPONSE MONITORING PROJECT

Dr JOHN KAYE: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries, and concerns the current status of the Snowy River Benchmarking and Environmental Flow Response Monitoring Project. Is the project still in operation and, if so, how many full-time and part-time staff are working on it currently in comparison to 2011? If the project has been cut, will the Minister advise the House when the decision was made to cut the project and why that decision was made?

The Hon. DUNCAN GAY: I have been given information that may be helpful to the member's question. I thank the member for his question and I am happy to respond on behalf of my colleague the Minister for Primary Industries.

The PRESIDENT: Order! I call the Hon. Luke Foley to order for the first time.

The Hon. DUNCAN GAY: Before I get into the detail, I remind The Greens and Dr John Kaye that in October last year it was the Liberal-Nationals Government that presided over the largest ever flushing flow into the Snowy River since Jindabyne Dam became operational in 1967. I recently advised the House that planning for this event was in its final stage, and on behalf of the Minister I am pleased to provide a further update. With Jindabyne Dam at full capacity and further inflows imminent from snow melt run-off, the catchment is primed for an early spring release to occur this year. Therefore, we are commencing a release on 13 September of similar magnitude to the October 2011 release.

A total of 79.6 giganlitres of water will be released from Jindabyne Dam over 17 days. The releases will peak at 10,000 megalitres a day for three days, commencing on 18 September, before gradually decreasing to 350 megalitres a day by 30 September. If there is any intended implication in the member's question that this Government is somehow turning its back on the Snowy River, he is way off the mark, but I accept that that is not the case. We are implementing significant changes in the public sector. We are doing this to right the budgetary mismanagement of those opposite over 16 years and get on with improving customer services in key areas.

The Hon. Steve Whan: We left you a surplus.

The Hon. DUNCAN GAY: There he is—the person responsible for most of it. Like many of the Minister's agencies, I am advised that the Office of Water within the Primary Industries portfolio, which has administered the Snowy flow response monitoring program, is undergoing a change management process. I am advised that the Office of Water change management plan was approved in April 2012.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the first time.

The Hon. DUNCAN GAY: The Snowy flow response monitoring and modelling program was established to assess outcomes of environmental water releases to the Snowy Mountains Rivers and was jointly funded by New South Wales and Victoria. Currently the program is going through a reporting phase, with much of the existing data being analysed and written up. It is expected that this information will be publicly available once completed.

The program has significantly improved the understanding of the Snowy River over the past decade, and future monitoring of the Snowy River does not require the same level of resourcing. However, New South Wales has committed funding to ongoing monitoring. Further studies will continue where the Office of Water has some existing external science and modelling partnerships addressing key information gaps. The Office of Water has some small external funding agreements with Snowy Hydro and the Australian Capital Territory Government. The release of increased flows to the Snowy River and the Snowy montane rivers will continue in accordance with commitments agreed as a result of the Snowy inquiry. *[Time expired.]*

Dr JOHN KAYE: I ask a supplementary question. Will the Minister elucidate his answer?

The Hon. DUNCAN GAY: I am advised that the target 212 gigalitres of water entitlements for the Snowy River, ratified in the deed signed by the partner governments following the corporatisation of Snowy Hydro, have been secured and allocations of water to these entitlements will be released on an ongoing basis. The upcoming spring flushing flow from Jindabyne Dam to the Snowy River is testament to the Government's ongoing commitment to the Snowy River.

COUNTRY RAIL SERVICES

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports, representing the Minister for Transport. I refer to page 214 of the Government's transport plan which states, "Country passenger rail services are approaching a critical decision point." Will the Minister advise the House whether this decision point means the Government is considering full privatisation of country rail services?

The Hon. DUNCAN GAY: I thank the honourable member for his question which, unlike some of the other questions, I think is a fair question. Members opposite sigh in exasperation and so they should, because the legacy they left us in country rail especially is just damn appalling. The trains that came in have done millions of miles and should have been replaced 15 or 16 years ago. That we are fast approaching a critical situation should have been self-evident to members opposite over a decade ago.

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

The Hon. DUNCAN GAY: Their false exasperation is unbelievable. They sat on their hands and were frankly too lazy to put in a submission. They had to wait for Ryan Park—an aspirational person within the Labor Party.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the second time.

The Hon. DUNCAN GAY: This is an important question. I will forward it to the Minister for Transport for a detailed answer.

NSW LONG TERM TRANSPORT MASTER PLAN

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the draft NSW Long Term Transport Master Plan?

The Hon. DUNCAN GAY: That is the question I was hoping to get earlier. Today I joined the Premier and the Minister for Transport, Gladys Berejiklian, to release the 20-year vision to deliver New South Wales a world-class public transport, roads and freight network. For the first time this State will have an integrated transport plan.

[Interruption]

Just be quiet, Corncob Joe.

The Hon. Jeremy Buckingham: Point of order: I take offence at being called Corncob Joe. It is a slight based on the fact that I come from the regions. I am particularly offended that the country member would use such a derogatory term. I ask him to withdraw it.

The Hon. DUNCAN GAY: Mr President, to be helpful to the House I am more than happy to withdraw it.

The PRESIDENT: Order! I thank the Minister.

The Hon. DUNCAN GAY: The draft NSW Long Term Transport Master Plan includes more than 200 short-term, medium-term and long-term actions and recommendations. We have already made great progress on the North West Rail Link, Opal electronic public transport ticketing and the widening of the M5 west. Importantly we have earmarked more than \$53 billion for transport and roads infrastructure and services over the next four years.

The Hon. Walt Secord: Point of order: This is clearly a ministerial statement.

The PRESIDENT: Order! The question did not seek a statement on policy. The Minister is not making a ministerial statement.

The Hon. DUNCAN GAY: The waste and mismanagement of the former Labor Government was staggering. Those opposite on the losers lounge spent half a billion dollars on a CBD Metro only to scrap it and they could not even muster the effort to negotiate the widening of the M5 West.

The PRESIDENT: Order! Members will cease interjecting. I cannot hear the Minister.

The Hon. DUNCAN GAY: In contrast the New South Wales Liberal-Nationals Government is getting on with the job of investing in crucial public transport and roads infrastructure and services in the short term, but we are also doing the detailed work to look ahead and ensure every decision we make fits into the bigger picture.

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

The Hon. DUNCAN GAY: In the Sydney region my colleague the Minister for Transport will be focusing on modernising the metropolitan rail network, redesigning the city's bus network, and we will be working together to integrate roads, public transport and freight to better meet customer needs across transport modes. We intend to deliver a program of work to expand capacity on Sydney's most congested corridors, including road, rail and bus improvements. We also are planning to complete critical missing links on Sydney's motorway network including the M5 East freeway expansion, the M4 extension, the Inner West bypass, the F6 extension, and the F3 to M2 connection. As promised, we will start work on one of these missing motorway links within the first term of Government, with Infrastructure NSW to advise on the priority. *[Time expired.]*

The Hon. JOHN AJAKA: I ask a supplementary question. Will the Minister elucidate this answer?

The Hon. Lynda Voltz: Point of order: I refer to Standing Order 64 (5) (a), which states:

The asking of each question must not exceed one minute and the answering of each question must not exceed four minutes. A Minister may seek leave to extend the time for an answer by one minute.

This is the second time Ministers who have been asked a question by their own side have extended their answer. Ministers who interject at members opposite and take up a lot of time should not be given an extension.

The PRESIDENT: Order! I thank the Hon. Lynda Voltz for her point of order. The supplementary question is in order.

The Hon. DUNCAN GAY: As part of our plan for greater Sydney, we have already started work on widening the M5. I recently announced that a managed motorways system is being planned for the M4 to improve real time traffic flows. The Government is determined to deliver roads for growth centres in Sydney's west and north-west to link the greater Sydney workforce to employment opportunities and to national and international gateways. We are also delivering a pinch point and congestion management plan that will address growing pressure on the road network with targeted measures.

Importantly, the precinct action plan for Port Botany and Sydney airport is aimed at reducing congestion by targeting traffic pinch points, increasing rail services, and investigating additional bus service options to and from Sydney airport. It will improve the infrastructure that supports freight flows to and from Port Botany. The Government has listened closely to what the people have had to say and we have come up with a draft plan, in conjunction with the people of the State, that is deliverable, fundable and sensible. Instead of doing things in isolation and presenting them on glossy brochures, the Government has adopted a coordinated approach. Sadly, that is something that those on the losers lounge still have not grasped.

CHILD SEXUAL ABUSE

Reverend the Hon. FRED NILE: I address my question to the Minister for Police and Emergency Services, representing the Attorney General. Is it a fact that there is widespread concern over very low sentences for paedophiles convicted in New South Wales of child sexual abuse? Is it a fact that Philip William Doyle was

sentenced on 24 August 2012 in the District Court to only a minimum four and a half years imprisonment for 38 offences against five young boys? Will the Government change the scrapped two-year diversion treatment program for child sex abusers to a post-jail compulsory treatment program?

The Hon. MICHAEL GALLACHER: I thank Reverend the Hon. Fred Nile for his question. As he has requested, I will seek a response from the Attorney General as soon as is practicable.

NEWCASTLE RAIL SERVICES

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Police and Emergency Services, and Minister for the Hunter. Given that the transport plan released by the Government this morning is supposed to be "a basis for planning our transport system for the next 20 years", why is there is no plan for future rail services in Newcastle?

The Hon. MICHAEL GALLACHER: That is a very good question. It is good to see the Opposition examining a very detailed proposal that has been put forward by the Government that involves two Ministers and two departments working together.

The Hon. Duncan Gay: What was their plan?

The Hon. MICHAEL GALLACHER: Labor had no plan. Labor's plan was to survive. They had "inaction" for transport 2010 and they gave out hats, stickers, rulers and everything, but that all disappeared. The Government's draft master transport plan is an extensive proposal. A significant amount of work has been undertaken during its preparation and a far greater amount of work will be done on it in the future. To obtain a comprehensive answer, I suggest the question is best directed to the Minister for Transport.

STRIKE FORCE RAPTOR

The Hon. CHARLIE LYNN: My question is addressed to the Minister for Police and Emergency Services. Will he update the House on the NSW Police Force's Strike Force Raptor operation that targeted the Comancheros Father's Day weekend memorial ride?

The Hon. MICHAEL GALLACHER: I thank the Hon. Charlie Lynn for his question. I am sure all members share my disappointment at reading in yesterday's newspapers glowing commentaries on the Comancheros so-called memorial ride to commemorate the shooting deaths of four Comanchero members at the Viking Tavern, Milperra, on Father's Day 1984. Sections of the media continue to perpetuate the myth that outlaw motorcycle gangs contribute something to society other than misery, violence and the proliferation of drugs. The fact is they do not. They are not heroes. They are driven primarily by greed that drives them to accrue wealth through the trade in illicit drugs.

If they think that New South Wales police would or will take pressure off them even for an instant just because they are holding a memorial for their fallen, they are wrong. Strike Force Raptor was out in force keeping a close eye on each gang member as they rode from their clubhouses to the Palmdale Cemetery on the Central Coast. Police conducted patrols of Comanchero clubhouses in Wollongong, Milperra and of course on the Central Coast. They also carried out checks on bikies coming from interstate. A number of Victorian members were stopped and warned in relation to their manner of driving. A Wollongong bikie was found riding a motorcycle with a cancelled registration. The motorcycle was towed.

Police also conducted a vehicle search outside the Milperra clubhouse, resulting in a bikie being charged with possession of prohibited drugs. Police spoke with senior members of the gang at Milperra and informed them of their obligations in relation to compliance issues and manner of driving. Police conducted breath tests of all riders and drivers and examined all vehicles. They identified a number of defects and riders remedied those prior to the ride commencing. As I mentioned earlier, one senior bikie was issued with a traffic infringement notice for an expired label. Four learner riders and one provisional licence holder were issued with traffic infringement notices for riding prohibited motorcycles. One gang member was arrested on an outstanding warrant and was refused bail. One Central Coast member was issued a traffic infringement notice for blocking a roundabout.

Mr David Shoebridge: Oh!

The Hon. MICHAEL GALLACHER: Another was charged with possession of a prohibited drug when he was found with an amount of cannabis. Once again we hear from The Greens—the "common chokos" of the Parliament. They are in there defending their friends, the one percenters. That is where The Greens have something in common with the bikies. Come the Federal election, The Greens will be lucky to get 1 per cent of the vote, or 1 per cent of the vote will be all they will get. The fact is that most people have had a gutful of those clowns' behaviour.

What I am elucidating upon today is the fact that the police are taking pressure to them. The Greens trivialise this, but it is what zero tolerance policing is about. It is about saying to people, "If you think you are above the law, you are not. If you so much as blink out of place and break the law, then we are going to be all over you like a rash." Members should not think for one moment that the Comancheros were not aware they were watched. When they threaten the rest of the community and when people are living in fear in our community, they need to understand that the cops are going to take the gloves off. The only people who want to condone their actions are The Greens.

The Hon. Cate Faehrmann: What do you mean by "take the gloves off"?

The Hon. MICHAEL GALLACHER: We are listening to the babbling comments coming from members opposite. They think that somehow there is a vote in it for them, but the fact is that the majority of the community have had an absolute gutful and so have the police. The message that the police are sending to outlaw motorcycle gangs in this State is very clear, and they sent it on Sunday: there will be no respite and no peace for as long those individuals purposely put themselves outside the law and challenge the rights of others to live without fear of violence. The police will continue to focus on those gangs. [*Time expired.*]

WORKERS COMPENSATION SCHEME

Mr DAVID SHOEBRIDGE: I direct my question to the Minister for Finance and Services. What is the Government doing to ensure that jobs and claims managers employed by licensed insurers under the New South Wales workers compensation scheme remain onshore with local knowledge and local pay packets, given the moves by QBE and potentially other licensed insurers to offshore jobs including claims management tasks?

The Hon. GREG PEARCE: The Greens, who are against everything, are asking me what I am doing about the workers compensation scheme. A couple of months ago they had the opportunity to support the Government's reforms to the workers compensation scheme, which was facing a \$4.1 billion deficit. We were looking at a situation in which we had an unsustainable scheme and we were faced with the prospect of a 28 per cent increase in workers compensation premiums across the board. What a devastating effect that would have had, particularly on small, medium, rural and all other businesses that are currently struggling to provide services in this State.

Mr David Shoebridge: Point of order: The question was about the offshoring jobs from licensed workers compensation insurers, not past reforms that this Parliament was dealing with. The Minister is not being relevant.

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

The Hon. GREG PEARCE: I am talking about keeping jobs in New South Wales. I am talking about having a vibrant New South Wales economy. What did The Greens do to support us? Nothing. They fought every inch of the way. They engaged in abuse, they engaged in telling lies and they stood in the way of the Government maintaining jobs in New South Wales. I am very pleased that the Government has succeeded with its reforms. We are now working very hard to implement them. I know that we have saved thousands of jobs in New South Wales as a result of those hard-fought reforms.

AGRICULTURAL SHOWS POLICING

The Hon. PETER PRIMROSE: My question is directed to the Minister the Police and Emergency Services. Given that the Minister, the Deputy Premier, Andrew Stoner, and the Leader of The Nationals in this place, the Hon. Duncan Gay, promised in writing to exempt agricultural show societies from having to pay for policing costs, why has the Minister doubled the policing costs being charged to the Hawkesbury Agricultural Show in 2011 and 2012?

[*Interruption*]

The Hon. MICHAEL GALLACHER: We hear from Hayseed Hal sitting over there. He should just sit there, go back to sleep and we will wake him when we are ready. I thank the honourable member for his question. Decisions made in relation to the allocation of police at these shows are made by the New South Wales Police Force.

The Hon. Greg Donnelly: Ho, ho, ho.

The Hon. MICHAEL GALLACHER: Is that you, champion? You have a chest infection like I have never heard before. It is a shame Dr Chesterfield-Evans is not here to have a look at you. We will get Dr Meredith Burgmann to check you over when she gets a chance. Be that as it may, these decisions are made in relation to the police allocation. They are heavily subsidised. We have met with organisations from the show societies and we will continue to meet with them into the future. But we need to get as many police as possible back to work, as we are continuing to do. We have constant calls from the Opposition as to why we are not putting police on the streets in western Sydney. Can members imagine if I were to say here today that we will do something that will cut the cost and see more police go into areas of New South Wales that are held by The Nationals? We would be accused by those opposite of ripping police away from western Sydney again. Talk about hypocrisy in relation to these issues—it is amazing.

The New South Wales Police Force has to ensure that resources are available to communities and it does so at heavily subsidised levels. These proposals in relation to user pays were put in place by the former Labor Government. It was the policy of those opposite. We continue to discuss with these organisations the ways we can reduce costs to ensure that these agricultural shows are recognised for what they are, and that is providing a community resource. But it is important to recognise that at the end of the day we need to ensure police are at these venues because at many of them alcohol is being sold and if we do not have police there and something were to happen as a result of alcohol-related violence, police would be accused of being negligent in the performance of their duties. But to get police to the shows, they have to be taken from a local area command somewhere, and sometimes allocated over a number of days.

The large proportion of shows across the State are not expected to pay any fees because of the lack of size of their shows, but for the more commercial ones there is an expectation that they will make some payment towards the allocation of police to the shows. The honourable member indicated that we promised this at the last election. I know for a fact we did not promise it at the last election. I challenge the honourable member or anyone in the Opposition to show me a document showing that we promised it at the last State election. The honourable member is misleading the House in the question he is asking. He should make his position clear. Is he referring to a matter before the last election? Such a claim is completely untrue. If he is, he should explain why he is misleading the House. If not, exactly where did he get the inference that we suggested it at the last election? [*Time expired.*]

The Hon. PETER PRIMROSE: I ask a supplementary question: As the Minister clearly failed to answer the question, is he taking it on notice?

The Hon. Dr Peter Phelps: Point of order: That is not a supplementary question.

The PRESIDENT: Order! That is not a supplementary question.

RURAL AND REGIONAL TRANSPORT

The Hon. SARAH MITCHELL: My question is directed to the Minister for Roads and Ports. Will the Minister please update the House on planning for rural and regional transport?

The Hon. DUNCAN GAY: I thank the honourable member for her important question. I have found it ironic that Labor members condemn our draft transport master plan yet did not bother to put in one themselves. For 16 years they ran New South Wales transport into the ground. It is amazing that a courageous plan generates criticism from the very people who left the State in a mess: 16 years of lost opportunities, 16 years of waste and neglect, 16 years of ad hoc planning, 16 years of sweet nothing. Our draft master plan begins the process of rolling out a truly integrated strategy to deliver long-overdue transport outcomes for the people and businesses of rural and regional New South Wales. Today some people in their excitement have forgotten the wise adage that good plans shape good decisions. Since coming to office the Coalition has also shown a firm commitment to source and release capital to start funding crucial infrastructure projects. For example, proceeds liberated by the long-term lease of Port Botany and Port Kembla will be directed towards further upgrades of major regional roads such as the Pacific and Princes highways.

Members should ask themselves: Would waterfront union bosses have ever allowed the Labor Party to refinance the ports to help fund much-needed road and rail infrastructure projects? The answer they would probably get is no. Yet those opposite ask us how we are going to fund it. Likewise, would the Electrical Trades Union have ever allowed the Labor Party to sell the power generators to help fund infrastructure projects? The answer would come back no. In the Government's first two budgets it has committed record funding of \$26.3 billion to improve transport services and infrastructure. This includes \$8 billion for roads in rural and regional New South Wales.

These are historic levels of funding for transport—levels of funding never seen under Labor, the very people who enjoyed rivers of revenue generated by stamp duty and land tax. There is \$17 million for the strengthening and replacement of timber bridges across the State; \$15 million to complete construction of the Victoria Creek realignment on the Princess Highway; \$4.7 million to upgrade Wool Track Road, near Broken Hill; and \$1 million for resurfacing parts of the Mitchell Highway near Orange. This is but a small snapshot of the vast array of projects we have committed funding to this financial year.

The PRESIDENT: Order! I call the Hon. Jeremy Buckingham to order for the second time.

The Hon. DUNCAN GAY: Importantly, the draft master plan outlines a framework to build on our many achievements. For example, in the Northern Rivers it outlines our commitment to widen and upgrade the Bruxner Highway; on the mid-North Coast it outlines our commitment to upgrade sections of the Oxley Highway between Port Macquarie and Wauchope; in the New England it outlines our commitment to upgrade the New England Highway near Tamworth and sections of Bolivia Hill south of Tenterfield. Again, these are just some of the short-term actions detailed in the draft plan. [*Time expired.*]

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES

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. Can the Minister provide details on the vacancy rates in each of the Department of Community Services offices across the State as of 31 July 2012, and what processes are in place to fill vacancies?

The Hon. GREG PEARCE: I am not sure what the honourable member's question is getting at. Was she talking about jobs and employment?

The Hon. Jan Barham: Vacancies.

The Hon. GREG PEARCE: What do you mean by vacancies?

The Hon. Mick Veitch: Empty houses.

The Hon. GREG PEARCE: Empty houses? I am sorry; I did not hear the member's question properly. I suggest the member put that question on notice.

POLICE RESOURCES

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Police and Emergency Services. Given that the Parsons audit of police resources was released more than six months ago as a result of a resolution of this House and that the Government has possessed this document for a year, when will the Minister release the long-awaited response to the Parsons audit?

The Hon. MICHAEL GALLACHER: It is interesting that those opposite want to talk about police but do not want to congratulate the Government on increasing police numbers to a record level. They do not want to congratulate us on now seeing 16,016 police on the streets of New South Wales. No, they do not want to talk about that. Nor do they want to talk about the fact that except for four local area commands in country New South Wales—

The Hon. Lynda Voltz: Point of order: The Minister is debating the question rather than answering when the long-awaited audit of police resources will be released.

The Hon. Dr Peter Phelps: To the point of order: I believe the member jumped in too early because I clearly heard the Minister talking about resourcing rural police stations, which is absolutely in line with the question about the Parsons report.

The PRESIDENT: Order! There is no point of order.

The Hon. MICHAEL GALLACHER: Those opposite do not want to talk about the fact that, except for four country local area commands that are at just under 90 per cent operational level, every other local area command in New South Wales, particularly each one in Sydney, including all those in south-western Sydney, is at or above 90 per cent operational level. That is quite a remarkable turnaround from the years of neglect under Labor. They do not want to talk about the fact that despite all their claims of police numbers being cut—members will recall that over the past couple of weeks those opposite were out rabbiting on that police numbers have been cut—the Police Association representative in Wollongong said it is untrue; numbers have not been cut. One would think that the first voice we would hear criticising any government that started to significantly cut numbers to local area commands, the likes of which those opposite have claimed, would be that of the Police Association. As recently as a couple of weeks ago the association representative in the Illawarra said it was not true and that the numbers have not been cut. Those opposite have been caught out lying yet again—more Labor lies. Sadly, Lynda got the silly question for today. Quite simply, after many years—

The Hon. Duncan Gay: There were a lot of numbers.

The Hon. MICHAEL GALLACHER: No, that one is special because she is being asked—

The Hon. Steve Whan: Point of order—

The Hon. MICHAEL GALLACHER: Here we go: The living dead is now standing up.

The Hon. Greg Donnelly: I take offence at that.

The Hon. MICHAEL GALLACHER: I remove the "living" comment. I am sorry.

The Hon. Steve Whan: I have two points of order. The first is based on relevance. The Minister was asked a specific question about the Parsons review and the Government's response to it. My second point is that the Minister should refer to members by their appropriate titles.

The Hon. MICHAEL GALLACHER: Well, if he knew who I was talking about, he is a better man than me.

The PRESIDENT: Order! There is no point of order in relation to the first point. As to the second point, on many occasions I have reminded members to refer to other members by their correct titles.

The Hon. MICHAEL GALLACHER: I am sorry. It actually was an observation rather than a reference to him. The fact is that after 16 years of neglect by Labor we are getting on with the job of actually speaking to police about what they believe are the challenges in the organisation's structure. As I have said publicly, and repeat here because the member obviously has not heard me say it, after receiving its submission we went back to the Police Force with further questions about how it intends to respond to the ministerial audit. Police work being undertaken right now is a work in progress. As I have indicated, we genuinely want to get it right for police, unlike those oppose who just ignored police claims about inadequacies and lack of resources, and lack of focus by government. Given all that those opposite have said over the past couple of weeks regarding targeted crime in south-western Sydney, it is amazing that this is the first question in months they have asked me on policing.

The Hon. Greg Donnelly: That's not true. I asked you one.

The Hon. MICHAEL GALLACHER: Your questions are always on notice. Your questions are irrelevant, just as you are. This question was about police resourcing in New South Wales. Not one question has been asked about drive-by shootings—not a damn question. Yet they go outside and make all these terrible claims— *[Time expired.]*

The Hon. MICHAEL GALLACHER: The time for questions has expired. If members have further questions they should place them on notice.

Questions without notice concluded.

Pursuant to sessional orders debate on committee reports proceeded with.

STANDING COMMITTEE ON SOCIAL ISSUES**Report: Transition Support for Students with Additional or Complex Needs and Their Families**

Debate resumed from 21 August 2012.

The Hon. NIALL BLAIR [5.05 p.m.], in reply: I conclude my contribution by thanking all members who participated in the take note debate: the Hon. Helen Westwood, Deputy Chair of the Standing Committee on Social Issues, Dr John Kaye, the Hon. John Ajaka, the Hon. Natasha Maclaren-Jones, the Hon. Matthew Mason-Cox, the Hon. Cate Faehrmann, the Hon. Catherine Cusack and the Hon. Greg Donnelly. All the contributions to the debate clearly show the committee's work in this area has been well received. It was an important issue for the committee to investigate and one that, hopefully, represents a change for some of the most vulnerable people within our community, particularly children with special and complex needs. Hopefully also, the report's recommendations will be received and accepted by the Government and will go a long way to bringing about the necessary changes to enable a better experience for families when their children enter our education system and at the many transition points as they travel through the whole education system.

As chair of the committee I also thank all those who made submissions to this inquiry, especially those who allowed us to visit their facilities. As mentioned in this debate and in the report, the committee went to Dubbo and spent time looking at some facilities. Certainly not lost on me or other committee members is the fantastic effort of the staff who work with children with special and complex needs in a challenging but very special job. I thank those who welcomed us to their facilities. I thank also all the witnesses who gave evidence, including family members of children with special and complex needs, as well as all the other service and advocate groups within this sector. The committee's work would not have been possible if it were not for the courage, strength and time these people dedicated to our inquiry, and I thank them for that.

I thank the secretariat. I mention again all secretariat members who worked with the social issues committee on this report and thank them for their detailed and conscientious work, going through all the submissions, identifying key potential witnesses and looking at all parameters for the committee, particularly when welcoming vulnerable witnesses to the inquiry. I thank the secretariat, led by Rachel Simpson, on its work. Finally, I commend the other committee members who worked on this report—the Hon. Helen Westwood and deputy chair, the Hon. Cate Faehrmann, the Hon. Natasha Maclaren-Jones, the Hon. Greg Donnelly and the Hon. Catherine Cusack—for giving this issue its deserved respect.

The inquiry dealt with the most vulnerable people within our communities, which challenged committee members. I thank all committee members for their dedication, the time they took to read through the submissions, the quality of the questions they asked and the general will they expressed to resolve the issues that face some of the most vulnerable people within our community. I thank my fellow committee members for their hard work. The people of New South Wales and those that face the issues identified by the committee will find their future journey a little easier due to the work done by the social issues committee and implementation of the recommendations put forward by the committee. I commend the motion to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE**Report: Opportunities to Consolidate Tribunals in NSW**

Debate resumed from 14 August 2012.

Reverend the Hon. FRED NILE [5.11 p.m.]: I have already shared my thoughts on Standing Committee on Law and Justice report No. 49 entitled "Opportunities to Consolidate Tribunals in NSW". It is a good opportunity for the Coalition Government to look closely at the number of tribunals in New South Wales. I am certain a number of those tribunals can be consolidated. I did make the point in my earlier remarks that over the years I have developed a bias against tribunals. I favour courts with judges and, where necessary, juries. Often tribunals make decisions based on what suits the government rather than what suits the person making the claim. The complainants do not always receive justice from tribunals. Tribunals were a common feature of

totalitarian regimes such as the former Soviet Union because tribunal members could be handpicked. That is why socialist governments favour tribunals rather than courts. I urge the Government to consolidate tribunals and see how many matters can be handled by the excellent New South Wales court system.

Mr DAVID SHOEBRIDGE [5.13 p.m.]: When the Standing Committee on Law and Justice started the inquiry into consolidating tribunals in New South Wales its first task was to identify how many tribunals there are in this State. That was a very extensive job. The Government does not have a consolidated list. The closer we looked into the issue the more tribunals we found: tribunals such as the Government and Related Employees Appeal Tribunal; the Industrial Relations Commission; an array of modest tribunals in the transport sector; separate tribunals for doctors, physiotherapists and allied health professionals; a tribunal that dealt with lawyers; the Administrative Decisions Tribunal; the Anti-discrimination Board; tribunals dealing with professional associations and employment issues; and potentially the busiest tribunal in Australia, the Consumer, Trader and Tenancy Tribunal. The list was extensive.

One jurisdiction of the Consumer, Trader and Tenancy Tribunal, dealing with matters in relation to tenancy agreements, receives 50,000 claims in any given year. As the committee looked at the different tribunals it became apparent that each tribunal developed idiosyncrasies in the way it went about its business. Some of the idiosyncrasies produced good outcomes, such as the informality in the Consumer, Trader and Tenancy Tribunal which ensures low-cost outcomes for the people appearing before the tribunal. Some of the specialist skills that the Industrial Relations Commission has developed in relation to award and occupational health and safety matters produce refined proceedings which save money and ensure that a great level of expertise is brought to the issue before the commission.

In many areas there were participants before the tribunals concerned about the idiosyncrasies present in that corner of the quasi-legal world. Many people were critical of the lack of appeal rights in the Consumer, Trader and Tenancy Tribunal. The appeal right—if you could describe it as such—in the tribunal is by way of requesting the head of that tribunal to have another look at and review a decision. It is a discretionary determination that is always done on the papers. A number of people who had appeared before the tribunal said they had given up on trying to access the review process because 99.9 per cent of appeal applications were rejected. There is effectively no appeal process in the tribunal other than via the District or Supreme Court. When you are talking about a \$100 per week rental increase or an issue with mould on the wall that your landlord had not resolved after six or 12 months very few people want to spend \$20,000 to take a narrow point of law to the Supreme Court. Almost 100 per cent of the people who appeared before the committee said that if tribunals are consolidated then there should be a clearly defined internal appeals mechanism that can be accessed. It was the unanimous position of the committee members:

That an easy, timely and cost-effective internal merit appeals mechanism, with the requirement to establish error of either fact or law and an appropriate threshold including the requirements to obtain leave, be established within any consolidated tribunal so as to maximise the potential benefits of greater access to justice through a consolidated tribunal.

Much of the discussion in the committee concerned the result for the public if the Government does not move to consolidate tribunals. If the Government does not move to consolidate tribunals it should seriously look at implementing an appeal mechanism in the stand-alone Consumer, Trader and Tenancy Tribunal. The High Court has made observations about the way legal practice develops in specialised tribunals. Having practised law in a couple of different tribunals, I have seen the club culture that develops: there is an accepted way that a tribunal will go about its business; there is an accepted way to put submissions; and a form of shorthand develops between practitioners who work there on a daily basis. That practice can describe very complex legal or factual issues in a shorthand manner. An example would be in the world of workers compensation—to the extent those matters are still being argued before a commission.

It is a club with an accepted set of rules and accepted ways of exchanging and dealing with complex factual, legal and medical issues. That means for a new practitioner in that area of the law it is difficult to come to terms with the way proceedings transpire. It is more a question of lore than law. The same happens in other specialised tribunals. The Consumer, Trader and Tenancy Tribunal also operates in that manner. One sees it if one looks at the way in which smaller medical tribunals operate. Often what governs the outcomes is very much a group acceptance amongst practitioners of the way in which business is done in these tribunals. That is sometimes reflected in formal rules of practice but more often it is reflected in the culture and the way those tribunals operate. Tribunals like the Industrial Relations Commission have their own clubs that are perhaps more expanded and general clubs.

The High Court has observed on a number of occasions that unless the broader law and potentially the Parliament keep an eye on, review and oversight tribunals, those club types of rules and idiosyncrasies may

develop to such an extent that they cease producing outcomes within the broadly accepted field of natural justice and procedural fairness. This was raised on a number of occasions in submissions to the committee. Against that was a powerful set of submissions stating that when one has that level of experience, with practitioners and regular participants in tribunals using a kind of shorthand to understand the issues presented, such as the way medical evidence can be read in workers compensation proceedings or how the Industrial Relations Commission looks at industrial disputes and makes orders in a quick and cost-efficient fashion, that kind of shorthand and understanding of rules can produce more efficient and quicker outcomes in tribunals.

It is a question of balancing the two competing priorities. Do we allow idiosyncratic justice to develop—a set of understood rules and shorthand—to allow quick and easy access to justice using a set of skilled practitioners who can engage and deliver quick outcomes, or do we insist upon more generalised rules with tribunals that operate more within the mainstream? Do we do what Reverend the Hon. Fred Nile said and put everything before the District Court and the Supreme Court and feel comfortable about the fact that the rules of natural justice and common law principles will be obeyed, but accepting that if we do the participants in the more formal court proceedings inevitably will be involved in substantially longer proceedings with substantially greater costs?

Weighing up the different policy issues led the committee to the view that it should establish a broader consolidated tribunal to pick up the issues of natural justice and apply a clearer set of general rules. We should look at the mistakes that have been made in other jurisdictions such as when Victoria established the Victorian Civil and Administrative Tribunal. Victoria consolidated all the tribunals in one go, lost significant specialised skills and created chaos in the transfer to a single tribunal. If we move towards a consolidated tribunal—and there are good arguments for consolidation of tribunals in New South Wales—we should keep those specialised skills and the capacity to deliver targeted justice in our tribunal system. We must also ensure that we do not have the idiosyncratic developments that produce unfairness in stand-alone tribunals. I wish the Government well as it considers the committee's recommendations and I thank the chair and other committee members for the positive way in which we all engaged during the inquiry.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.23 p.m.], in reply: I thank members for their contributions to this debate. Each member who has spoken has brought to this debate a thoughtful perspective to a comprehensive and far-reaching inquiry. Written submissions and evidence were received from a wide array of stakeholders and representatives with different points of view. The report that is before the House is one that has been arrived at largely through committee consensus. The overriding focus of the report is that it recommends that the Government pursue the establishment of a new tribunal to consolidate existing tribunals, where appropriate.

In doing so the committee is mindful that access to justice must be a pivotal objective, with access to justice that is fair and equitable and available equally to all. The committee also is mindful that any such consolidation should be formulated in its detail by appropriately qualified experts and that particular care should be taken to ensure access by those in rural and regional areas. Once again I thank the staff of the committee secretariat for their invaluable support and hard work. I thank also the members of the standing committee for their cooperative and constructive approach to the inquiry. I have much pleasure in commending the committee's report, "Opportunities to Consolidate Tribunals in NSW" to this House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Education Amendment (Ethics Classes Repeal) Bill 2011

Debate resumed from 21 August 2012.

The Hon. LYNDA VOLTZ [5.25 p.m.]: On the last occasion that the report of General Purpose Standing Committee No. 2 entitled "Education Amendment (Ethics Classes Repeal) Bill 2011" was being debated in this Chamber I was referring to my dissenting report and the dissenting report of the Hon. Shaoquett Moselmane. I also said that I was not a member of the committee but that I had filled in for another member. I referred also to the first recommendation with which I had a problem; namely, the double-barrelled enrolment procedures. I take issue with the recommendation that religious organisations and their affiliates will be able to

be providers of ethics classes. Special religious education is part of the education system now and I believe it should be part of the system. Although I take issue with some forms of religious education within our schools, it plays an important cultural role and can help us as a society to have a better understanding.

We have ethics classes because a significant number of people in the community—about 25 per cent at the last census—do not align themselves to religious organisations but still would like their children to be in class while others are attending religious classes. Ethics classes seek to provide children with a worldly understanding of how to deal with ethical questions and help them with the concepts of what is right and wrong. However, I do not believe that ethics classes should be taught by religious organisations. The Baptist Union of New South Wales in not opposing special ethics education stated:

We believe that, for students in NSW, an understanding of their own community's faith background is an important part of their education. However, if a student's parents object to them receiving such teaching, and wish instead for their child to receive teaching in a non-religious worldview such as the ethics course which the law now allows as an alternative in SRE time, we are not opposed.

The non-religious world view is important in ethics classes. I am not saying that every religious organisation that teaches ethics classes will not teach students a non-religious view; it is just that if my children were in an ethics class I do not believe they would not get that religious world view. Therefore, I would not send my children to an ethics class that was taught by religious educators. If I wanted them taught by religious educators I would send them to the special religious education classes, as indeed I already do. If I were to send them to ethics classes I would not want them to be taught by religious educators. Parents make that clear distinction. People might think the provision of ethics classes by religious educators is neither here nor there. I know what my children are told in their religious education classes. They have come home and told me things with which I do not agree and that is going on in schools every day. There is nothing in my mind that tells me that that would not be the same as ethics.

The Hon. Marie Ficarra: Take them out and enrol them somewhere else.

The Hon. LYNDIA VOLTZ: I note the interjection by the Hon. Marie Ficarra that I should take them out of religious education when religious teachers say something with which I do not agree. I do not agree with that because, as I tell my children, they have to learn, particularly with religion, that just because their religious teacher may have a view it is not the view of the whole world or the view of the entire church and they should learn to analyse what people are saying to them. That is also what people are taught in ethics, but I do not believe that ethics education should be taught by religious organisations. The Hon. Marie Ficarra suggests that if I take them out of special religious education and put them into ethics classes that somehow that would make a difference and there would be a perceived crossover and confusion amongst parents. [*Time expired.*]

Reverend the Hon. FRED NILE [5.30 p.m.]: I am pleased to speak on the report of General Purpose Standing Committee No. 2 entitled "Education Amendment (Ethics Classes Repeal) Bill 2011." As members know, I introduced the Education Amendment (Ethics Classes Repeal) Bill 2011 on 5 August 2011. The purpose of the bill was to repeal the provisions that had been inserted in the Education Act by the combined efforts of the former Labor Government and The Greens. As we came to the end of 2010 it was clear that the Labor Government had realised it was going to lose the next election dramatically and that it would be voted out of office. I believe it made a decision to tie the hands of the incoming Coalition Government so that it would be locked into ethics classes provision.

When the Labor Government introduced the provision I noted that the Coalition strongly opposed the introduction of so-called ethics classes. I believe that the term "ethics classes" is a misnomer. I am sure that parents think ethics teaches children what is right and what is wrong, but ethics classes really are discussion groups and the pooling of children's views. The teachers are required to observe the children and not to impose their views on them; so the children do not get any so-called ethics teaching at all in the classes. The Coalition opposed the introduction of ethics classes and so did the majority of churches of various denominations—Catholic, Anglican, Baptist and Presbyterian. I think the only church that had a different view at that point was the Uniting Church; all the other churches were combined in opposing the provision of ethics classes.

Because of that strong opposition I considered that the best thing to do after the Coalition Government was successfully elected was to introduce a bill to return to the position of having only special religious education in our State schools and to have ethics classes removed from them. However, over some time the churches considered that they did not want to have more controversy over ethics classes. They considered that the debate was hurting the churches because it appeared that the churches were opposed to ethics and that was

confusing the mainstream population in the State. Therefore, the churches began to re-examine their position and their opposition. It also became clear that to discontinue ethics classes would cause disruption to the schools, which would then put the churches offside with the New South Wales Teachers Federation, which strongly supported the continuation of ethics classes. When the Coalition Government was elected its intention was to act in favour of my proposition of removing ethics classes. Prior to the election the Liberal-Nationals Coalition assumed that the upper House would still be controlled by the Labor Party and The Greens.

Dr John Kaye: Perish the thought.

Reverend the Hon. FRED NILE: Perish the thought. So the Coalition Government modified its strong opposition to ethics classes believing it would not have the numbers in the upper House and would have to accept ethics classes. That took a bit of steam out of the Coalition's original opposition to ethics classes. But I am still working on the Coalition Government and who knows what the future holds. Nevertheless, I supported the referral of the bill to an inquiry. I had discussions with the Minister for Education and we came to an agreement that the bill to repeal ethics classes would be referred to General Purpose Standing Committee No. 2 for inquiry and report. I hoped that with an open inquiry further evidence would be produced that would support my position and the position of some of the churches and some of the community who still have reservations about ethics classes.

I am pleased that the inquiry was held. My colleague the Hon. Paul Green was a member of the committee and attended most of the sessions. I attended some of the sessions in order to hear first-hand some of the evidence from the witnesses both for and against the continuation of ethics classes. That valuable inquiry was conducted in a good manner by the Hon. Marie Ficarra as chair. She did a good job, as she usually does. It should be noted that special religious education has always been an important part of our State education system from the early penal days of the New South Wales colony. Members may have forgotten or may not know that the Anglican Church provided all the education in those early days.

The Hon. Marie Ficarra: In 1866.

Reverend the Hon. FRED NILE: In the late nineteenth century the State assumed control of the public education system under the Public Schools Act 1866. That Act legislated the requirement for every public school to set aside a portion of each day of not less than one hour for special religious education. As I said, the Anglican Church had started the early schools in the colony, but because of the increasing number of students it found it was unable to continue to provide an education system for the State. It was therefore willing to compromise and hand over the church schools to the State. As we know, the Anglican Church still retained individual Anglican schools but the equivalent of our State schools were handed over by the Anglican Church to the State under the agreement that schools would still have one hour a day of special religious education so that it would still continue to be an important part of the education system.

Other changes were made to the Public Schools Act and the 1866 Act was amended by the Public Instruction Act 1880. Gradually, the period of special religious education became one hour a week, which churches have been happy with, and it has been a fairly big job to provide that one hour a week. There is no attempt that I am aware of to go back to the original one hour a day; it would be impossible to provide that amount of instruction and the number of teachers that would be required. I am pleased with the report. I would have liked it to support the bill, but I accept political realities.

In its first recommendation the committee voted to continue to facilitate the delivery of special education in ethics in New South Wales government primary schools as an option for students who do not attend special religious education. I was pleased also with recommendation No. 12 in the report, which I know has been attacked by members of the Labor Party and The Greens. The recommendation states that the Department of Education and Communities should ensure that the revised religious education implementation procedures be followed to give a priority to religious education, and that the information will be provided to parents. Then parents who rightly have a conscientious objection to special religious education would be provided with further information indicating that there are other options for their children if they wish to avail themselves of that arrangement. I think that is the fairest way to proceed. I am pleased that in 2014-15 there will be a review of special ethics education. We will see what that inquiry brings forth.

Dr JOHN KAYE [5.40 p.m.]: I address the report of General Purpose Standing Committee No. 2 entitled "Education Amendment (Ethics Classes Repeal) Bill 2011". The Education Act (Ethics) Bill 2010 was born after 131 years of total and complete frustration by those who opted out of the religious instruction

available at the schools to which they sent their children. For 131 years their children had no opportunity to engage usefully in the educational process for one hour a week, or what became one period a week. As the curriculum became more crowded and as more people changed their attitudes to religious instruction in schools the levels of frustration grew dramatically.

It must be understood that The Greens did not dream up the Education Act (Ethics) Bill, although we were proud to be part of the campaign. The bill emerged after the 2004 annual conference of the Parents and Citizens Federation of New South Wales which started to raise concerns about what was happening to those children whose parents opted out of the religious education options available at schools. The move to provide a secular ethics alternative was vigorously opposed by many, but not all, of the organised religions. The Uniting Church and the Jewish—

The Hon. Dr Peter Phelps: The Uniting Church.

Dr JOHN KAYE: I acknowledge the interjection of the Hon. Dr Peter Phelps.

The Hon. Dr Peter Phelps: The slightly Christian Marxists.

Dr JOHN KAYE: The member says they are Christian Marxists. I had not noticed, but if the member says so I bow to his superior knowledge on all such matters. As I was saying, a number of religions did not object; however, some mainstream religions, notably the Sydney Anglican and Roman Catholic churches, mounted a fairly substantial campaign, as did some of the less mainstream organisations including the New South Wales Council of Churches, which has only a small number of organisations or religions within it. As Reverend the Hon. Fred Nile said, in the dying days of the Labor Government, after significant pressure from the Parents and Citizens Federation, St James Ethics Centre, The Greens and a variety of other civil society organisations, the Labor Government relented and agreed to a trial of ethics education. That trial was overwhelmingly popular with parents and students and it proved to provide useful engagement.

It is to the discredit of those who continue to oppose secular ethics as an alternative that they continued a campaign that was based on disinformation and what can only be described as profound selfishness. They were seeking to deny children whose parents did not choose a religion on offer the right to have gainful use of their time in that period. That is the height of selfishness. It runs counter to the best of the religious traditions and it is to their shame that they persisted. It is to the credit of some of the mainstream religions, the Anglicans and the Catholics in particular, that they finally realised this was a losing game and they swapped sides and repealed their opposition to the secular ethics alternative.

This report was born as a result of a rearguard action run by a small number of religions, mostly on the conservative end of the religious spectrum. We heard from some of those people in the inquiry. I must say I found some of their evidence highly incredible. Reverend the Hon. Fred Nile and the Christian Democratic Party and some elements in this Parliament are either seeking to make political gain out of what has now become a complete minority issue or hold profound views that their vision of public education is more important than the wishes of parents and the rights of children to have a secular alternative. It is to the credit of the majority of members on the committee—Labor, Coalition and The Greens—that the report's first finding was that the provisions of the Education Act relating to ethics not be repealed. That is a welcome finding and one to which I hope the O'Farrell Government sticks. I hope it will stick to its promise not to mess with ethics.

However, there were four recommendations in the report that profoundly concerned The Greens. The first was the absence of a recommendation that the Minister for Education write to the Commonwealth Assistant Treasurer supporting deductible gift recipient status for organisations that develop and deliver special ethics education materials. It is to be noted that scripture providers automatically get tax deductible gift recipient status. That is to say, donations made to scripture providers are automatically tax deductible whereas an equivalent gift made to an ethics provider is not tax deductible. By not supporting tax deductibility status for the ethics providers we are restricting and constraining their capacity to remain financially viable. The Greens second concern relates to the absence of a requirement that religious organisations and their affiliates be prohibited from providing special education ethics and suppliers of special education ethics be required to demonstrate a commitment to becoming system-wide providers of philosophical ethics. I moved that amendment to the report as a recommendation but it was defeated by the Coalition and the Christian Democrat member during the deliberative. It is in the minutes.

Reverend the Hon. Fred Nile: The overwhelming majority.

Dr JOHN KAYE: It was not overwhelming. Reverend the Hon. Fred Nile may be better at theology than he is at numeracy because it was not an overwhelming majority: it was three to five.

The Hon. Paul Green: That is a majority.

Dr JOHN KAYE: I do not see that as a majority but others might. The reality is that without that recommendation we run the risk of ethics being subverted by religious organisations seeking to use their numbers to infiltrate and operate ethics. It is quite extraordinary that the Coalition and Christian Democrats would not support the idea of absolute honesty in this matter and prohibit religious organisations from delivering ethics classes. The third concern was the failure of the report to recommend that the Department of Education and Communities develop an open and transparent process to determine which religious organisations and their affiliates are permitted to deliver special religious education in New South Wales government schools.

The committee rightly says there should be an open and transparent process for the delivery of ethics education. I strongly support that and I think it is a good idea. We need to have openness and transparency when we have non-professional education bodies moving into public schools. The committee has set an excellent benchmark for all other non-public sector educational organisations that deliver education within our schools. The Greens will be pursuing that issue because it is important. But somehow or other the committee was not capable of extending that to special religious education providers.

The final and most concerning issue is in recommendation No. 12, which was raised by Reverend the Hon. Fred Nile and the Hon. Lynda Voltz in their presentations. That recommendation states that schools must offer special ethics education in a second letter addressed only to parents of children who have opted out of special religious education. The two-stage process is irrational. It is designed to deliberately disadvantage special ethics education. It will impose an unnecessary and punitive administrative burden on schools. It is not necessary under section 33A of the Act. It is a mean and nasty policy decision that will punish schools when they offer special ethics education by imposing an unnecessary burden on them.

There are easier ways to achieve the desired outcome of making ethics the alternative for those who have opted out. For example, a two-stage survey form could be provided that simply asks parents to choose one of the options of religious education on offer, with a final square stating "None of the above". If the parents tick "None of the above", they then go to question No. 2, which offers special ethics education or independent studies. That would have been a simpler and fairer way, and it would have conformed to the requirements of section 33A of the Act.

My amendment was supported by the Labor members of the committee, but was opposed by Coalition and Christian Democratic Party members. We understand where the Christian Democratic Party is coming from, but it concerns us that the Coalition continues to hold a candle for the destruction of ethics education, knowing full well how popular it is. I conclude my remarks by thanking the committee staff—Rachel Callinan, Rebecca Main, Alex Stedman, Angeline Chung and Nyoka Friel—my colleagues and, in particular, the chair, who did an excellent job. I really admire the way that the Hon. Marie Ficarra was independent, even though she disagreed with me. [*Time expired.*]

Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

STANDING COMMITTEE ON STATE DEVELOPMENT

Report: Economic and Social Development in Central Western New South Wales

Debate resumed from 31 May 2012.

The Hon. RICK COLLESS [5.50 p.m.]: I am pleased to have presented the first report of the Standing Committee on State Development in this term of Parliament. In July 2011 the Minister for Western New South Wales, the Hon. Kevin Humphries, MP, requested the committee inquire into and report on economic and social development in central western New South Wales. While the term "central west" refers to a well-described region of New South Wales, the committee took a much broader view of the term "central western New South Wales", and decided to change the terms of reference to central and western New South Wales. This area is broadly defined as the area immediately west of the Blue Mountains, with a line drawn from the north-eastern corner of the Lithgow shire to the far north-west corner of New South Wales, and a second line drawn from the south-east corner of the Oberon shire to the far south-west corner of New South Wales as being the area of interest to this inquiry.

That broad boundary definition was then redrawn along local government boundaries, with the northern and eastern boundaries of the Lithgow, Mid-Western Regional, Wellington, Dubbo, Narromine, Bogan, Cobar and Central Darling local government areas forming the northern boundary of the study area. It includes the entire unincorporated area of New South Wales, and the southern boundary is defined by the southern and western boundaries of the Oberon, Bathurst Regional, Cowra, Young, Bland, Lachlan, Cobar and Central Darling local government areas. The local government areas of Blayney, Orange City, Cabonne, Parkes, Forbes and Weddin are included within that broader boundary area. There is a wide diversity of large inland regional centres, towns, villages and communities within that area, and they face a wide diversity of issues and challenges as one moves through the area from east to west, particularly with respect to the recent drought, fluctuating commodity prices and changing population demographics.

The committee believes that the recommendations contained in the report will assist in unlocking the economic and social potential of the west and ensure that it thrives as a viable and important part of the New South Wales economy. Arguably the most important of the recommendations is recommendation 11, which states:

That Transport for NSW ... give serious consideration to the construction of a dual lane expressway over the Blue Mountains as part of the NSW Long Term Transport Master Plan.

I must say that I was particularly pleased to see in the draft NSW Long Term Transport Master Plan, which was released today, in a section referring to preservation of corridors in the Sydney region, that item No. 9 refers to the Bells Line of Road corridor requirements. It is very reassuring to know that that corridor has been given due recognition. There are a number of challenges with such a proposal, but a safe and efficient passenger and freight route over the mountains is a key factor in the central and western areas of New South Wales maintaining and improving their prosperity into the future. One needs only to examine the positive economic and social impacts that have been delivered to areas north and south from Sydney since construction of the F3 and the Hume Highway upgrade to know that.

Prior to the construction of the F3, I lived in the Hunter Valley. It was not uncommon for a trip from Singleton to Sydney to take up to eight to 10 hours—a distance of some 185 kilometres. The same trip today can realistically be completed in two and a half to three hours in comfort and safety. Today a trip from Bathurst to Sydney via the Great Western Highway is approximately 220 kilometres, of which Penrith to Lithgow is 100 kilometres and is the slowest and most dangerous part of that trip. If travelling by the Bells Line of Road, the trip is just 200 kilometres, of which the Lithgow to North Richmond link is 75 kilometres, and also is the slowest and most dangerous part of that trip.

In recent years there has been much debate about the appropriate route for a redesigned dual-lane expressway over the mountains, and the committee did not engage in that debate. I recommend that members who are interested in development of the central and western areas of New South Wales carefully read chapter five of the report as it deals in some detail with the issue of transport over the mountains. The majority of inquiry participants, including local government bodies and groups such as the Bells Line Expressway Group, were of the view that a new expressway standard road over the mountains was essential for the future of the study area. There were many suggested recommendations from participants about the course of action upon which the New South Wales Government should embark, from committing to route options and selection of a preferred route, reserving that route on local environmental plans [LEPs] and establishing time frames, to including a rail corridor within the new design.

Those issues were raised with Transport for NSW Deputy Director General, Mr Tim Reardon, who advised the committee that routes across the Blue Mountains are being considered within the Government's draft NSW Long Term Transport Master Plan. As a result of that evidence, the committee resolved to request a report from Transport for NSW about the current status of the preservation of a transport corridor over the mountains and also to give serious consideration to the construction of a dual-lane expressway as an integral part of the NSW Long Term Transport Master Plan. I very much see that recommendation as the key recommendation in the report. I must emphasise that point to the relevant Ministers and the Government as a whole.

There are a total of 30 recommendations in the report, which can be grouped together for ease of discussion. The first couple of recommendations deal with population issues. There is an estimated 327,000 people living in the study area. This population is growing at a slower rate than the rest of New South Wales. New South Wales as a whole has grown at approximately 10 per cent over the last nine years, while the central and western areas have grown at only 1.5 per cent, with the western areas static or declining and the eastern areas experiencing most of that growth. There is also a change in demographics, with a growing aged

population and a shrinking youth population, and with an increasingly significant Aboriginal population in the region. The report discusses the reasons behind these changes in some detail, but needless to say one of the most significant contributing factors to these changes is the 10 years of drought experienced in the region.

One of the issues the committee was concerned about is the importance of high-quality population forecasting to underpin decisions with respect to the provision of government services. More research is needed and that research should be made publicly available. Following the population discussion is the issue of encouraging people to relocate to regional areas. The Evocities Program has been successful for the larger inland cities. The committee wants to not only see this program continue but also recommends to the Government that it develop this concept further by adopting a tiered approach whereby smaller regional centres also reap the benefits of the program.

During the inquiry process many participants raised a number of health issues. There are three recommendations regarding health issues, principally with respect to providing local boards with the financial authority to allocate resources according to their local priorities. There was also a recommendation regarding exemption from section 19 (2) of the Health Insurance Act to enable the Royal Flying Doctor Service in the south-eastern section to claim Medicare rebates. That is very important.

The committee had an interesting discussion with respect to the Clontarf Foundation. The Clontarf Foundation, which is based in Western Australia, aims to improve the education, discipline, self-esteem, life skills and employment prospects of young Aboriginal men and by doing so equip them to participate more meaningfully in society. I would love to see the New South Wales Government commit annual funding to the Clontarf Foundation to roll out that program across New South Wales. That is one of the committee's recommendations.

The committee made a number of education-type recommendations. Without going into all the recommendations on an individual basis, six recommendations were made with respect to roads and transport issues. I have already spoken about recommendation 11, the most important recommendation in the report. There were also some recommendations regarding sealing of highways in western New South Wales that remain the only unsealed highways in the State. They are the Cobb Highway and the Silver City Highway. There are a number of other recommendations with respect to transport issues, including rail freight infrastructure and the delivery of regional aviation services, which I note was the subject of some discussion in the transport plan that was released today.

I will speak briefly about a couple of other issues. I refer to a recommendation relating to regional development, in particular the Cobar Enterprise Facilitation Project. I went to Cobar to look at this project. It is a worthwhile project, promoted by the Cobar Shire Council and funded by it and the local community. It has resulted in the creation of some 100 jobs in Cobar. It has put in place a facilitator who works through some of the constraints that people who want to start up a business may be facing. There was quite a discussion about the Foundation for Regional Development, which members of this House are well aware of, and the work that Peter Bailey and his team do in promoting regional development in New South Wales. That work should continue. I know Mr Bailey has been having discussions with the Treasurer in recent times to make sure that program continues.

I mention briefly appendices 5 and 6. I give Cathryn Cummins, one of the committee staff, a great deal of credit for organising a roundtable consultation process in Parkes. We were able to speak to large groups of people that we would not have had the opportunity to speak to if they were giving evidence on a one-on-one basis. Cathryn organised it and did a tremendous job of facilitating it. Some good recommendations came out of that day.

A subcommittee went to Longreach in Queensland to visit what is called the Remote Areas Planning and Development Board, known as the RAPAD board. The Hon. Amanda Fazio and I—she was subsequently replaced on the committee by the Hon. Steve Whan—visited Longreach to see how that organisation operates. It was a worthwhile exercise. It was localised decision-making by a board of people who live in those remote areas. We saw some good things up there in relation to regional funding, culture, vocational training and those sorts of things. I recommend that people look at the report of that trip in appendix 7.

I offer my thanks to the secretariat. As I have already said, Cathryn Cummins did a particularly good job with this report. I thank the committee director, Rachel Simpson. I pay tribute to Rachel for the work she has done not only in relation to the standing committee—

The Hon. Mick Veitch: She has gone and left us. That is how bad you were.

The Hon. RICK COLLESS: She left others, too. Rachel has recently taken a similar job within the Legislative Assembly. When she told me she was leaving I said, "That is terrible, you are going to the dark side." Rachel has done a tremendous job and I pay my compliments to her not only for the way she has managed the Standing Committee on State Development but also for all the other committee work she has done. I am sure all members would sincerely thank Rachel for her work. I commend the report to the House.

The Hon. MICK VEITCH [6.05 p.m.]: I speak on the report of the Standing Committee on State Development entitled, "Economic and Social Development in Central Western New South Wales." At the outset I declare an interest: I live in the central west of New South Wales. I want to qualify the statements of the chair, the Hon. Rick Colless, who said that some of the population bases of the central west were struggling. I point out that the population of Young is undergoing a significant increase.

The Hon. Rick Colless: You are in the eastern part.

The Hon. MICK VEITCH: The eastern part, that is right. My understanding is we continue to grow because it is a great spot to be. This was the committee's first foray with the Hon. Rick Colless as chairperson. There may well have been some trepidation about entering into the murky new world with the Hon. Rick Colless in charge, but I have to say, having read the report and coming through the other side, the Hon. Rick Colless did a good job as chair. The day we held a roundtable in Parkes was interesting, but it would have been quite difficult to chair because of everything going on. I offer my commendations to the Hon. Rick Colless on the way he chaired a difficult day.

This report mentions a number of things that governments of both persuasions have grappled with for a long time. Any good committee should always have a recommendation that recommends another inquiry. Members will note recommendation 9 suggests that we hold a further inquiry into funding models for sport and cultural facilities in regional New South Wales. It is extremely important for country people that funding models are looked at. As a good committee we have suggested another inquiry, but we did not suggest only one further inquiry. The Hon. Rick Colless was really keen and we now have two. The Minister for Primary Industries referred to the Standing Committee on State Development an inquiry into the feasibility of establishing food security precincts in New South Wales. As a good committee, we have not only looked after ourselves with one referral; we have accepted two referrals.

The terms of reference of the committee allowed for a broad discussion on a range of items. I was quite interested in the discussions about post-flood mechanisms or funding mechanisms. The issue of betterment was raised. I refer to the way in which flood repair works are currently funded. The council receives money and has to replace the road or the infrastructure to the standard it was prior to the flood. That is all well and good, but it means that in the next flood it will be washed away again. The concept of betterment was discussed. My understanding is there has been only one instance of betterment in New South Wales—maybe even Australia—and that was at Tumut—

The Hon. Dr Peter Phelps: Ah, Monaro.

The Hon. MICK VEITCH: No, Tumut, it was not Monaro—to move the swimming pool at Adelong, which is looked after by Tumut Shire Council.

The Hon. Steve Whan: It was flooded?

The Hon. MICK VEITCH: It was flooded, yes. Recommendation 14 is that Transport for NSW and Road and Maritime Services collaborate with regional organisations of councils and key stakeholders in the freight industry to develop a consistent methodology for the assessment and approval of permitted routes for high-performance vehicles. This is critical. Indeed, today a number of items in the transport plan referred to high-performance vehicles and B-triples, and there are some suggested routes for those. This is critical because it involves not only the use of the Newell Highway or the Hume Highway, but also the link roads between them to get from the Newell to the Hume and so on. The councils we spoke to in this inquiry raised concerns about the way the B-doubles roll-out was conducted across New South Wales. The recommendation refers to a consistent way of engaging with communities about how that will take place. We are moving to B-triples or high-performance vehicles, certainly for freight movement. It is a critical point and a pertinent recommendation.

Recommendation 15 is close to my heart. The committee considered ways to improve rail freight infrastructure in central and western New South Wales. The recommendation talks about the Maldon-Dombarton rail line. Honourable members will know that when we were in government I was quite passionate about the Blayney-Demondrille rail line and was keen to see it reopened as a fully functioning rail freight corridor. My view has not changed. It is an important rail corridor link in New South Wales for freight rail and certainly would complement the Maldon-Dombarton rail line. The Hon. Paul Green has spoken at great length about the benefits of the Maldon-Dombarton line for his part of New South Wales. I believe it is a critical part of the infrastructure, as is the Blayney-Demondrille line.

I too want to talk about the roundtable consultation, a relatively new concept for committees in this place. The Legislative Council committees perform a great function and are good at their work, but this process was a little innovative. Cathryn Cummins put a lot of work into getting this roundtable consultation to work well and for us to collect as much information from as many people in a short period of time. From the quality of the report it is obvious that she succeeded. Certainly the guidance provided to committee members from the secretariat on how to participate in the discussions was, for me, quite beneficial. It is important to put on the record our support for this process. I am certain that other committees will consider replicating the roundtable process that the Standing Committee on State Development conducted for this inquiry. We obtained a wealth of information from many people at that time.

We travelled far and wide for this inquiry and report. Our time in Broken Hill was quite beneficial because of the different issues for different parts of the region. As the chair said in his contribution to the debate, issues in the far west clearly were different to those in the eastern part of the central west of New South Wales. Those issues were raised with the committee. The majority of the report speaks for itself. I am keen to see the Government's response to a number of these recommendations. As is always the case with these things, we will wait the six months to see how the Government responds. I conclude my contribution by commenting on the proposed Bells Line Expressway. The committee received a number of submissions from organisations, mainly local government, some of which were quite adamant that the Bells Line Expressway is a priority for growth.

The Hon. Steve Whan: The number one issue.

The Hon. MICK VEITCH: That is right, it is the number one issue for the growth of the central west in New South Wales. Clearly, the preservation of the corridor is the first step in that process. I am interested to see how the Government progresses that recommendation, particularly in light of the transport plan that was announced today. A number of communities in the region will be and are sweating on that Bells Line Expressway project being advanced in some way. As the corridor for that expressway has been preserved, some discussion was held as to whether preserving additional width for a freight-specific rail line over the mountains would be a benefit. Of course, that would pose more difficulty and certainly the Bells Line Expressway faces other issues, particularly as it will traverse a World Heritage listed national park conservation area. I appreciate that such a proposal would not be as easy as it sounds, but certainly the evidence the committee received at this inquiry made it clear that the people want that expressway.

In conclusion, I express my appreciation to the committee secretariat, to Hansard, to committee members and to the chair for the manner in which he conducted the inquiry. I make a parting comment regarding Rachel Simpson, who is moving to the other Chamber. I have served on a number of committees of which Rachel has been the director. She has always carried out her functions professionally and has been quite committed to the end result. Some committees were quite difficult and one that comes to mind was the electoral funding committee in early 2008 of which the Hon. Amanda Fazio and I were members and with which Rachel also was involved. She will be missed, but I am certain that the Legislative Assembly has obtained quite an adequate staff member for committees.

The Hon. Dr PETER PHELPS [6.15 p.m.]: When I first became a member of this committee I was advised by another member that this was the pork-barrel committee, but I was pleasantly surprised to learn that that was not the case. I should like to refer to a couple of the report's recommendations. Recommendation 13 relates to post-flood funding mechanisms. I am on a unity ticket with the Hon. Mick Veitch: the fact that repairs are carried out only to the pre-existing level strikes me as madness and a complete waste of money. It is better that they not be done or that betterment be entered into. To have things wash away annually or semi-annually strikes me as a waste of money by governments and should be immediately addressed. I doubt that few councils were planning on flooding bridges just so they could get a better bridge installed. When flooding occurs naturally and damages bridges, they should be repaired.

I agree with the member also regarding the Maldon-Dombarton rail line. It is a vital link in the future expansion of Australia's export markets. Sydney already is a sausage filled to the brim. Newcastle is not much better and if mining and gas activities in northern New South Wales proceed as planned, it will become as untenable as the routes of Sydney. The Maldon-Dombarton line is a vital link. I agree also with the member that much benefit would be gained if the Blayney-Demondrille line also was opened as an alternative route without having to again cross the choke point of the Blue Mountains.

Recommendation 16 relates to approaches to the delivery of regional aviation services, including subsidisation of targeted air routes and the establishment of a hub and spoke model to manage access to Sydney airport. It will come as no surprise to members of this Chamber that I am not a big fan of government subsidies. General aviation in Australia has been badly neglected under all governments with the onerous safety restrictions. I am reminded of the scene in *Yes, Minister* where Hacker walks into the hospital and they say, "Minister, this is the cleanest hospital." "Yes, but it's got no patients." That is how I think most governments have treated general aviation in Australia—that is, it will have the safest general aviation network because there will not be one; it will all be regular public transport services. For many country towns, regular public transport is not a financially viable option. I refer to the evidence from Brindabella Airlines for anyone who wishes to find out what needs to be done. Brindabella Airlines was not asking for money; it was asking to be allowed to run as a business and to have the onerous taxation requirements removed.

Recommendation 24, in relation to the Native Vegetation Act, is quite important and in view of the email received today from Fiona Simpson of the New South Wales Farmers Federation is even more timely. Recommendation 25 involves the one amendment I made to the recommendations: the request to the Minister for Local Government to review rate pegging in light of the evidence received during this inquiry. An overwhelming majority of councils, not all, believed that rate pegging was holding them back from delivering the infrastructure which their community needed. When I put to witnesses whether they were concerned that rate increases above the peg level would cause people to leave their area the view was that it would not cause people to leave.

Councils are willing to take up a greater share of the burden in delivering local infrastructure—for local people, for local needs—from their own resources without calling on State or Federal funding. I ask the Minister to look into the possibility of removing rate pegging in rural and regional New South Wales because the councils believe that they can provide the necessary services but are being tied back because—and this will come as no surprise—a one size fits all local government view based on the Sydney basin seems to predominate.

There is one thing I will say. Recommendation 12 is a recommendation to schedule the complete sealing of the Cobb and Silver City highways as soon as practicable. When the committee was taking testimony about this one of the participants said, "It is terrible. We get potholes and they are not fixed. If this was the M1, M2, M3, M4, M5, M6 or M7 there would be a crew out and within 24-hours it would be repaired." I said him, "You do realise of course that all of those roads were paid for with tolls? So, are you prepared to accept tolls on the Cobb and Silver City highways for its upgrade?" He said, "No, we cannot have that." I think we have to get a little perspective here. I was surprised that there were not more requests for handouts. I think it is to the credit of rural and regional New South Wales that they have understood that the days of handouts and pork barrelling are gone.

The successful towns are those that have diversified their interests and sought to create and take control of niche markets. I say honestly that the days of the 20-mile Cobb and Co. towns are gone. There is simply no way that the 20-mile Cobb and Co. towns are going to survive into the future. There will be gradual urban agglomeration such as with the towns of Dubbo, Orange, Bathurst, Young, Queanbeyan, Wagga Wagga, and Armidale. Towns such as those have a core of human capital and infrastructure which will see them and country New South Wales continue to prosper. It will not be the same country New South Wales of 1912. The country New South Wales of 2012 and into the future will be fundamentally different. In that regard I have to say that we should be wary of trying to maintain a rural Disneyland or an inner-city concept of what rural New South Wales is like.

We do not need, and it will not be economically effective, to do that. I would also point members to a report done by the Grattan Institute of May 2011 titled, "Investing in Regions: Making a Difference" by John Daley and Annette Lancy. This report received some criticism during the course of the committee hearings but its findings remain unchallenged. Chapter four, "Aiming for equal economic growth in regions is unproductive" states:

Traditionally, governments have taken a "regional equity" approach to disparities in regional growth rather than redistributing the uneven economic impacts on individuals of disparate regional growth, these regional development policies aim to get the laggard regions to grow faster. ...

However, economic theory, Australia's economic history, analysis of Australian government interventions and Australia's current patterns of development all suggest that there is relatively little that governments can do to increase the economic growth rates and population growth of particular regions.

Our analysis shows little lasting economic impact from regional job attraction schemes (including programs following factory closures), decentralisation of government jobs, and regional universities.

Despite successive waves of regional development policies, the long-term major patterns of regional development are primarily explained by exogenous economic factors, not by specific government intervention in a particular region.

It further states:

... the rationale for government spending in regional areas is often blurred. Projects which primarily provide social infrastructure and more equitable access to government services are often badged and spending justified as regional economic development projects.

This is not merely a question of semantics. As the available evidence discussed in the remainder of this chapter shows, region-specific economic development programs, whilst expensive, do little to create sustainable economic growth. When the only justification for a program is its social benefit, then it is likely to be scrutinised more carefully to determine whether the service level is reasonable given the cost and whether the program is delivering these benefits to the greatest areas of need.

Further:

The available studies and anecdotal observations seem to suggest in today's world, better infrastructure alone cannot override the predominant drivers of long-term economic development in a region—education and proximity to larger urban areas. Rather, infrastructure can accelerate economic growth, but only in regions that are already growing quickly due to a critical mass of population and economic activity and high levels of education.

I think that sums up my view entirely.

The Hon. PAUL GREEN [6.25 p.m.]: As a member—and spring chicken—of the Standing Committee on State Development I found it rewarding to search out the land, hear the stories and find the truths concerning regional areas. A variety of testimony was given at the hearings by local government, health and various other representatives. I acknowledge the secretariat, Hansard staff and Rachel Simpson, who was very professional. The chairman and team shared their experience with me and the committee showed compassion for the needs of rural and regional New South Wales.

I note that if the committee had an open cheque book we would have written some decent cheques right then and there. Some of the issues constituted a no-brainer in terms of what really needs to happen. One of the first issues that we heard about was rail, road and air connectivity and the hindrance to those transport options. The Bells Line of Road was a major issue. As with the South Coast roads, the Bells Line of Road is an artery to the western region: if you have no blood you have no flow of life and virtually everything dies. The peripherals die and then the towns and villages will die. That was noted by the Hon. Dr Peter Phelps by reference to Cobb and Co. towns. The towns need not die.

The Hon. Dr Peter Phelps: No, but they have to find a niche.

The Hon. PAUL GREEN: I will respond to that interjection. These towns need to reinvent themselves and many of them turn to tourism.

The Hon. Dr Peter Phelps: Temora is a great example.

The Hon. PAUL GREEN: Yes. There are great examples throughout western New South Wales of towns and villages that have reinvented themselves with tourism. But by taking that part of the pie someone else is missing out. It is very competitive. The towns can exist and find a niche market. Many of them have a history that is long and worth buying into.

I return now to connectivity. The obvious concerns were that if the roads were in disrepair and not able to handle the freight load their lifeblood would be cut short. The Hon. Mick Veitch referred to issues with respect to high-performance vehicles and B-triples. Before any action is taken community engagement must be encouraged. The initial reaction to me has been, "We don't want that in our backyard". I understand that something like \$500 million worth of damage has been caused to our roads as a result of 80 per cent of New South Wales being flooded for 44 per cent of this year, with many of our roads falling apart because water is the enemy of roads. If high-performance vehicles and B-triples are to constantly travel on those roads then those roads had better be built right in the first place or the Government will not have a cheque book long enough to maintain them.

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

Pursuant to sessional orders debate on budget estimates proceeded with.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2012-13****Debate resumed from 21 August 2012.**

The Hon. STEVE WHAN [6.30 p.m.]: In the minute I have remaining to speak I will reiterate some key points about the budget. We heard a lot of spin from the Government in the Budget Speech. The Government inherited a budget surplus but it has delivered two budget deficits. What is most disappointing for people in the area that I represent is the fiddle that has been undertaken with funding for the Kings Highway—

The Hon. Dr Peter Phelps: Don't you represent all of New South Wales?

The Hon. STEVE WHAN: Rural New South Wales particularly. The Government stated that \$5 million was allocated in the budget for the Kings Highway but it turns out that most of that was Labor Government money that was committed to building the noise walls on Canberra Avenue. In fact, this year's budget has the biggest reduction in funding for the Kings Highway in a decade. Next year the Government must commit to funding at least \$12 million to \$15 million a year in new funds for the Kings Highway, otherwise we simply will not see the improvements that are necessary for that highway. The other disappointment was that once again the Government broke its pre-election promise to provide 50:50 funding for the Pacific Highway. The Government made that explicit promise but it has reneged on that promise. [*Time expired.*]

The Hon. AMANDA FAZIO [6.31 p.m.]: I thank the Hon. Scot MacDonald for letting me speak before him. Under Barry O'Farrell the New South Wales economy is going backwards with the 2012-13 budget. As we all know, Barry O'Farrell inherited a \$1.3 billion surplus when he came to office. Since then the Government has delivered two consecutive budget deficits, Government debt has doubled and Treasury has forecast that debt will increase to \$22 billion over the next four years. The House should remember that the Parliamentary Budget Office undertook a review and found there was no budget black hole, so the Government's actions are unnecessary.

In terms of infrastructure, Government debt has doubled but nothing has been built. We have a huge increase in Government debt but we have no infrastructure to show for it. I do not understand this, because if Government debt is increased it is generally because money is being spent to build infrastructure such as roads, hospitals and schools. However, that is not the case. The Government needs to provide some explanation for its actions, because it does not make any economic sense. The New South Wales economy is suffering from a lack of investment and a Premier who is doing nothing about job creation; in fact, he is doing his best to cut the number of jobs in the public sector and the private sector.

When Barry O'Farrell came to office he promised to create 100,000 new jobs. The latest Australian Bureau of Statistics data shows there are 5,681 fewer jobs today than when Barry O'Farrell came to office, unemployment has increased from 4.8 per cent to 5.2 per cent, and Treasury is forecasting unemployment will rise to 5.5 per cent this financial year. Barry O'Farrell is cutting a massive number of public sector jobs, which will result in a massive reduction in services for the people of New South Wales. This is not what the Government promised and is something it cannot afford to do. The Government inherited a budget surplus and it should stop fudging the figures, stop cutting jobs to try to justify its position and stop cutting front-line staff in health, education and emergency services.

Not only are we losing jobs in the public sector, the Government is doing nothing while thousands of positions are lost in the construction, manufacturing, finance and other sectors. A list of companies and businesses have shut down on this Government's watch yet the Government has done nothing to prevent the closures. It is simply not good enough. The Government should be proactive in attracting jobs to New South Wales. The Government has not even made an effort to win events for New South Wales that provide jobs, even if they are for the short term. It is a pretty dismal performance overall.

This year the Treasurer stated that the budget takes the right decisions for tough economic times. I completely disagree with that statement, because there was no black hole to start with so why was there a reason to take right decisions for tough economic times? This is just absolute rubbish. In fact New South Wales, like most of Australia, has benefited from the very wise decisions of the Federal Government to spend our way out of the global financial crisis. We are doing very well. Whenever I travel overseas people say that they

wished their governments had had the initiative to do what the New South Wales Government and the Australian Government did to stop the massive loss of jobs and prevent financial problems by actually spending our way out of a recession.

It suits this Government to have a gloom and doom agenda because it can then sell off Government assets to its friends in the private sector. The Government cuts the jobs of public servants because it would always prefer to have work done by the private sector rather than the public sector. It does so not because it is more efficient but because the Government's friends in big business can turn a profit from it. That is the only reason for doing it. I am really worried that any future Federal Abbott government will follow what has happened in the United States and privatise welfare provision. Instead of every cent in a welfare budget helping those in need, somebody makes a profit while people on welfare are screwed into the dirt. This is the sort of philosophy we see at the Federal level and we are seeing here at State level.

I turn now to the specifics of the 2012-13 budget. A press release dated Tuesday 12 June 2012 stated "\$5 billion for roads and maritime in 2012-2013 budget". However, most of the projects mentioned are ongoing projects where a forward commitment for the money had already been given. They were ongoing projects. The budget referred to building the Hunter Expressway. The Government would not have been game to stop building the Hunter Expressway, because it was already underway and a forward commitment for the money had been given by the Labor Government to fund various projects. There was a change of government and the Coalition is now trumpeting these initiatives as if it is new money for new projects. It is pre-existing money for projects that are ongoing.

This included \$240 million to start work on the Pacific Highway upgrade between Tintenbar and Ewingsdale. There is reference also to other Pacific Highway funding such as \$180 million to continue work between Sapphire and Woolgoolga and \$70 million to continue planning the upgrade of the Pacific Highway between Woolgoolga and Ballina. There is also \$90 million to start work on the Gerringong upgrade of the Princes Highway. Those projects had been on the planning books for a very long time. They were already budgeted for, with community consultation and planning already underway. So for the budget to trumpet these projects as if they are something new and that the Government has found this money is absolute rubbish. This Government is making claims about projects that were already underway.

I note comments made earlier today in debate about the Bells Line of Road freeway or expressway, whatever one wants to call it. That has been trumpeted by stupid members of The Nationals for years. There is not one cent in this budget put aside for it but the Government is still going out west spruiking it up as a great project. The Government has no money to build it but it is still talking about it. The Government is still going on about having a dual carriageway over the Blue Mountains—still heightening expectations, still getting business people over the other side of the sandstone curtain excited about this—but it is not putting its money where its mouth is. That is typical. The Government is re-announcing funding for highways that was already budgeted for in forward forecasts by the Labor Government and yet for the one project the Government is talking about—the Bells Line of Road expressway—there is no money.

In relation to education cuts, according to Treasury documents nearly 2,500 jobs in education will be cut over the next four years. Barry O'Farrell is going to axe more than 2,500 jobs from schools and TAFEs. Funding cuts of this magnitude will impact on children across the State and make it much harder for teachers in the classrooms, with TAFE teachers and support staff set to lose their jobs. Barry O'Farrell does not care about the impact of his job cuts. He is doing it because of a philosophical belief. We know that Local Schools, Local Decisions is a bad policy that is causing problems. It is not about giving autonomy to schools; it is about cutting funding to schools. It is about making sure that when there is not enough money to run the schools the Government can wave its hands around and say, "It is not our problem; it is the stupid principals. They cannot manage their budgets". This is all about buck-passing and it is about abrogation of responsibility. It is not about empowering local schools; it is about shafting them in relation to funding. It is an absolute disgrace.

The demountable replacement program that was in place when Labor was in government has been scrapped by the O'Farrell Government. The Government does not care. There are now 5,000 demountable classrooms in New South Wales schools that have no prospect of being replaced with permanent air-conditioned classrooms, because of the penny-pinching, mean-spirited decisions made by the O'Farrell Government. In relation to cuts for special needs students, at least 272 schools are losing funding for students with special needs from the beginning of term three this year. That is a disgraceful move.

As a parent of a child with special needs who went to a public school I can testify to the difference it makes for such children to be able to have access to a teaching assistant while they are integrated into a normal

classroom. They are able to catch up with their peers and they are able to go on and finish their education in a normal school setting, which is a lot cheaper for the Government in the long run than having those children attend a special school. But this Government's penny-pinching is saying to those children that they do not deserve a hand-up, they do not deserve an equal chance to achieve to their maximum potential. That is exactly what is happening. No student with special needs should be forced to lose specialist teaching support, but that is what we are seeing under this penny-pinching, mean-spirited, evil Government.

In relation to unflued gas heaters, the O'Farrell Government has turned its back on parents, teachers and students with its broken promise to replace unflued gas heaters in New South Wales public schools. It is a disgrace. New South Wales Labor has supported for a long time a quality vocational education training system with TAFE as the pre-eminent public provider. The cuts in this budget to TAFE are worth \$29 million. We deplore those cuts. They will have a detrimental effect on communities right across New South Wales. We must focus on this issue because, particularly in regional areas, sometimes the only opportunity for people to get back into the workforce is to get training or retraining through TAFE. For children who do not have the ability or the inclination to go through to tertiary education in a university, TAFE is their option. Class numbers are being cut, courses are being cut. This is not a smart decision when it comes to ensuring that we have a well skilled-up workforce. A well-trained, well-skilled workforce is an asset to New South Wales, but the O'Farrell Government is showing it does not care about that. Treasury documents on health show that over the next four years this Government will cut 3,600 jobs from health.

The Hon. Dr Peter Phelps: No nurses though.

The Hon. AMANDA FAZIO: Hospital workers will lose their jobs. Paramedics, physiotherapists, speech pathologists, radiographers and other specialists are all in the firing line. I note that the Hon. Dr Peter Phelps said that nurses will not be cut. That is very good, but if we do not have the ancillary health workers working alongside the nurses then the work of the nurses will be stretched further and further. Treasury documents also show that Barry O'Farrell cut NSW Health research grants by about \$44 million and that the Cancer Institute will have to cut \$380,000. That is not a decision of a caring government; that is not a decision of a government that wants to improve the health and welfare of the people of New South Wales: that is a disgraceful decision from a disgraceful government. Hospital funding will only increase by 5.4 per cent. That is not enough to meet the growing demand on our health system. Emergency department waiting times are increasing under this Government, despite the pathetic promises made by the Minister for Health, who has now tried to redefine her promises and worm her way out of what she said.

But this is just the tip of the iceberg. I will tell the House a little bit about the budget bill on broken promises and the cost to the people of Strathfield, which is one of my duty electorates. Before the election the Premier promised that there would be no job cuts, no service cuts, no new speed cameras and no cuts to the first home buyer grants. But he has broken all of those promises. In Strathfield and Ashfield the O'Farrell Government has failed to deliver new commuter car parks, which were promised by the new member for Strathfield. I have to assume that because the Government has such a large majority in the lower House it figures it can cut loose some of those seats, so why waste any money giving anything that it has promised to those people?

The Hon. Marie Ficarra: You won't be winning that one back.

The Hon. AMANDA FAZIO: I note the comments of the Hon. Marie Ficarra that we will not win back Strathfield. The member for Strathfield is never seen, because he cannot offer the people anything. He never turns up to things, he makes no promises anymore and when he was pressured about the commuter car parks his response was that it was not his responsibility or the State Government's responsibility; local government had to find suitable sites and then bring that information back to him to let him know where he might be able to lobby to have them built. But I can guarantee that he has lobbied no-one to get those commuter car parks built. Nobody wants to see him because everybody knows that the Government is going to cut him loose.

The Hon. SCOT MacDONALD [6.46 p.m.]: I commend the Cabinet and the Liberal-National team on the presentation of the appropriation bills and the 2012-13 budget. What continually puzzles us on this side of this House is why it is the lot of the Coalition to repair the ship of state after a Labor government. Over the last couple of decades Liberal-National governments have stepped into the smoking ruins in Victoria, South Australia, Western Australian, Queensland, the national Government in 1996 and, of course, in New South Wales in 2011. Tony Abbott and Warren Truss will have the same task next year after record deficits and

ballooning national debt. The rehabilitation of the State and Federal budgets is hard, difficult work. This is the case in New South Wales. The figure we should all have burned into our minds is \$6 billion. That is the budget deficit New South Wales would have been facing if it did not make the tough but necessary decisions with public sector wage restraint, police death and disability scheme amendments, reining in solar bonus rebates and reducing the size of the public service.

The Hon. Matthew Mason-Cox: Not to mention workers compensation.

The Hon. SCOT MacDONALD: And workers compensation. These are the decisions that the previous Government should have made but it abrogated its responsibility to the people of New South Wales and to future generations. The Treasurer makes the point that the last time forecasted expenses had been lower than budgeted was in 1996—the last budget of the Greiner-Fahey Government. Under Labor, expenses had been increasing at 6 per cent or 7 per cent per annum.

I will make some comments about the 2012-13 performance report, which is included in the budget papers. The report provides information about the Government's service delivery performance in achieving the NSW 2021 goals. The NSW 2021 Plan was released in September 2011 and states an intention to rebuild the economy, return quality services, renovate infrastructure, strengthen our local environment and communities, and restore accountability to government. The performance report structure describes the 2021 goals, the key strategies and initiatives implemented in 2011-12, and the funded key strategies and initiatives that are planned for the future to achieve the targets. But it goes beyond aspirations. The NSW 2021 Plan and the 2012-13 performance report also outline targets and measures. As the well-known management principle goes, "If you can't measure it, you can't manage it."

For the benefit of the House I will restate some of the goals, implemented strategies and targets. In the Attorney General and Justice cluster the Government has implemented strategies ensuring all domestic violence related deaths are reviewed by the Domestic Violence Death Review Team, encouraging greater non-custodial punishment for less serious offenders and reviewing the Young Offenders Act 1997. Its goals and key initiatives planned for the future continue to be preventing and reducing the level of crime through the reduction of property crime by 15 per cent by 2015-16, and by reducing adult and juvenile reoffending by 5 per cent by 2016.

In the education and communities cluster the Government has enrolled more students—with a higher proportion of completions—in higher level qualifications, implemented training options for retrenched workers in rural and remote areas and appointed 30 of the 50 recommended new student support officers in schools. Strategies planned to achieve key goals of strengthening the New South Wales skill base and improving the education and learning outcomes for all students include a 50 per cent increase in the proportion of people between the ages of 20 and 64 with qualifications by 2020, a 20 per cent increase by 2020 in higher level vocational education and training qualifications by women and students in rural and regional New South Wales, and reducing the gap between Aboriginal and non-Aboriginal students in reading and numeracy by 50 per cent by 2018.

Turning to the Family and Community Services cluster, the Government is committed to better protecting the most vulnerable members of our community by breaking the cycle of disadvantage. One of the key strategies proposed is reducing the number of Aboriginal people who are homeless by 33 per cent by 2013. The Government is committed to increasing the opportunities for people with a disability by promoting employment opportunities for them through the Ready, Willing and Able strategy and by closing the gap in the employment rate between people with a disability and the overall community by 50 per cent by 2016.

In the Health cluster the Government has already strengthened preventive health measures and is committed to keeping people healthy and out of hospital through several key strategies. Smoking is the greatest single cause of premature death and is a leading preventable cause of disease in New South Wales. Consequently one of the key strategies proposed includes reducing smoking rates by 3 per cent in 2015 for non-Aboriginal people and by 4 per cent for Aboriginal people. Currently the smoking rate is 14.9 per cent for non-Aboriginal people and 34.7 per cent for Aboriginal people. In regard to the Premier and Cabinet cluster the Government has established Infrastructure NSW to develop a 20-year strategy to improve infrastructure networks and is committed to ensuring 93 per cent of State roads meet national smoothness standards by 2016. The Government is also committed to NSW 2021 goals of restoring confidence and trust in State and local governments and improving government transparency and accountability.

In the Trade and Investment, Regional Infrastructure and Services cluster the Government is committed to improving the performance of the New South Wales economy and has already partnered with the Department of Education and Communities to explore mentoring, education and training opportunities to increase women's enrolment in, and completion of, apprenticeships. Key strategies planned for the future include growing business investment by an average of 4 per cent per year to 2020, growing employment by an average of 1.25 per cent per year to 2020 and reducing the gap in employment outcomes between Aboriginal and non-Aboriginal Australians within a decade. The Government also is committed to securing potable water supplies, proposing to save 145 billion litres of water per year through water conservation in Sydney by 2015.

Finally in the Transport cluster the Government is focused on reducing travel times and growing patronage on public transport and has already implemented several changes to CityRail timetables to achieve these goals. A key government initiative outlined in the performance report focuses on increasing the proportion of total journeys to work by public transport in the Sydney metropolitan region to 28 per cent by 2016. The current rate is 23 per cent. In response to the Hon. Amanda Fazio's comments about outsourcing, on Friday in Armidale we had the privilege of hosting Senator Marise Payne. We met with a number of local housing groups, one of which was the Homes North Community Housing Co. that has taken over a lot of the work done by the previous public sector.

The Hon. Steve Whan: Yes, we gave it to them.

The Hon. SCOT MacDONALD: The Labor Government gave it to them and we have accelerated the process of moving the housing stock to that company. All those indicators are an improvement on what the public sector did previously, so I acknowledge the Hon. Steve Whan's interjection. The stock is in better condition.

The Hon. Steve Whan: It's part of the national agreement.

The Hon. SCOT MacDONALD: The company mentioned it was part of the national agreement, but this Government has accelerated the transfer of stock. However, it made the point that the existing stock was in bad condition and said that it makes the delivery of service difficult when it has to catch up, so to speak. I look forward to seeing more of that. It does not just deliver public housing to clients; it looks at all their needs and whether they have the capacity to service the debt and are ready for a tenancy. My point is that the Hon. Amanda Fazio suggested that transferring services or assets to the private sector was a mistake. We see evidence to the contrary in Armidale. The Homes North Community Housing Co. also services Gunnedah, Tamworth, Glen Innes and Inverell and it is doing a far better job. I would like to see that process continue.

I commend the budget. It is a difficult budget in difficult economic circumstances. We are making difficult decisions but if we had not started that process we would be in a perilous condition and comparisons to some of the jurisdictions in Europe are valid. It is trite for members opposite to say that under their Government everything was rosy, they had it all under control and they only delivered surpluses. The surpluses they delivered were mirages. They left us with a structural deficit that would have imperilled this State's triple-A credit rating within a year or two. Gloating is wonderful by the members opposite, but we were left in a difficult position and we are making the difficult decisions. The public appreciate and understand that we have to make those difficult decisions. We have the public's goodwill and I hope we will continue to have it for some time yet. I acknowledge the work of Beth O'Connor, a political student from the University of Technology, Sydney, who assisted me in researching these notes.

The Hon. MARIE FICARRA (Parliamentary Secretary) [6.58 p.m.]: The Liberal-Nationals Government of New South Wales is proud of this budget. In challenging economic times we have delivered what this State needs, which is responsible spending that enables us to deliver more housing and more infrastructure. As a State we need to tighten our belt. We know that. Budget cuts are never easy or popular but in this case they are necessary, given the \$5.2 billion lost in GST revenue as consumer confidence was hit by global economic uncertainty. We are proud to have maintained our triple-A credit rating because any downgrade would have cost the State at least \$3.7 billion, and would have meant that service provision may have been impacted adversely.

Our State's accounts will slide into the red next financial year with a forecast deficit of \$824 million, but then the budget will turn around from 2013-14 by returning a \$289 million surplus followed by an increase to \$562 million in 2014-15 and a further increase to \$1.7 billion by 2015-16. Members opposite say hooray, and so do New South Wales taxpayers. This New South Wales budget delivers a 17 per cent increase in infrastructure spending over the next four years compared to the past four years while setting the path to recovery by directing funds into sectors producing economic growth, such as housing, planning and infrastructure.

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

The House continued to sit.

The Hon. MARIE FICARRA: The Commission of Audit detailed poor decision-making by past successive Labor governments and money being wasted on projects without proper analysis—for example, the \$500 million plus that was wasted on the Metro, which quickly comes to mind. Many others quickly come to mind such that I could easily spend the rest of the time allocated for my speech on listing all of Labor's past mistakes. At this point it is worth emphasising that while we are boosting infrastructure spending, the Federal Labor Government has reduced its contribution dramatically, which is a subject for discussion on another day. It remains true that as a society we are judged by how we treat our most vulnerable citizens. I am proud to say that this budget delivers more than \$700 million over four years in new money for programs to help our needy people: \$723 million for out-of-home care services to protect vulnerable children and young people who cannot safely live at home; and \$336 million to deliver the second year of Stronger Together Two, including 9,125 new places for people with a disability.

The Hon. Mick Veitch: Do you guys write your speeches?

The Hon. MARIE FICARRA: Yes, I wrote this speech, and I am very proud of it. The budget also will provide \$232 million for home and community care services to support people with a disability to continue living in their communities; \$134 million for specialist homelessness services to help break the cycle of repeat homelessness for an estimated 65,400 people; \$131 million for Aboriginal housing, including 65 new dwellings and repairing and maintaining homes in the Aboriginal community housing sector; \$20 million to support Aboriginal Affairs programs, including the development of a whole-of-government strategy to increase economic and educational opportunity and improve service delivery; \$1.4 million for the Community Relations Commission Multicultural Advantage Grants Program; \$3 million to provide young people with positive leadership and development activities and increased participation in their communities; and \$4.5 million over four years for volunteering strategy initiatives to make it easier for people to volunteer and also to support current volunteers—the often silent but not forgotten heroes of our society.

To kick-start our economy, this budget has targeted our underperforming housing sector by more than doubling to \$15,000 the first home owners grant for buyers of newly built homes worth up to \$650,000, and allocating a New Home Grant of \$5,000 to all non first home buyers of new properties worth up to \$650,000. Moreover, this Government has increased the upper threshold for stamp duty concessions for first home buyers to \$650,000, reflecting Sydney's median house price increase in recent times. First home buyers will now be up to \$19,245 better off under this budget. This is now the most generous new housing scheme in the nation and one of which we are very proud. In 1995 more than 55,000 new homes were approved in New South Wales. However, over the past five years, housing approvals averaged fewer than 30,000 each year. New South Wales housing supply clearly is not keeping up with demand, so this Government offers targeted incentives that are aimed at stimulating economic growth as part of this budget.

As a Government we hear the feedback loud and clear from the construction industry that we need to stimulate housing starts and get more infrastructure jobs in place. The Building the State package provides \$561 million for additional infrastructure, thereby accelerating the development of 76,000 more properties to boost housing supply in New South Wales. Our Building the State program will fast-track approvals for major projects.

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

CRIMES AMENDMENT (CHEATING AT GAMBLING) BILL 2012

SUCCESSION AMENDMENT (INTERNATIONAL WILLS) BILL 2012

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Michael Gallacher, agreed to:

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for the next sitting day.

Bills read a first time and ordered to be printed.

Second readings set down as orders of the day for a future day.

ADJOURNMENT

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [7.07 p.m.]: I move:

That this House do now adjourn.

TRIBUTE TO JOHN "JETHRO" THOMPSON, AO

The Hon. CHARLIE LYNN (Parliamentary Secretary) [7.07 p.m.]: Tomorrow our Premier, Barry O'Farrell, launches a book titled, *A Vietnam Vet's Remarkable Life*, and subtitled, *The True Meaning of Mateship*. The book is about Sapper John "Jethro" Thompson, who is in the President's Gallery tonight. I can attest to that remarkable life because we trained together for almost a year before we volunteered to go to Vietnam. When we arrived I recall standing in the ranks as we were allocated our jobs. I was posted to Plant Troop in 17 Construction Squadron and Jethro went to 1 Field Squadron, which meant he would be working in the minefield at Nui Dat. The prologue of his book explains what happened four months later on 9 May 1967:

Whoopa! I'm catapulted into the air with enormous force, then crash down on my back. A cloud of debris slowly rains over me. I can hear the gentle rhythmic sound of soil landing around me despite the noise of the explosion still ringing in my ears. I close my eyes against the gritty, sandy soil as it covers me. I feel no pain. I look at my hands. Some fingers are missing, others are hanging loosely. My arms are red with blood gushing from many wounds. I attempt to sit up, but I can't feel my legs.

"Call dustoff!"

I can hear someone moaning. I don't know who it is. Someone else is calling for the safety pins to be replaced in the mines.

"We can't replace them."

"Why not?"

"Jethro has them in his pocket."

Sergeant Brett Nolen is ripping open shell dressings. He kneels beside me, shielding me from the sun. He looks at me silently for a moment then starts sticking shell dressings into my guts. I feel his hands pressing down hard onto my stomach. He tears open more dressings. They look terribly small in his bloodied hands. I still feel no pain, but blood is running into my eyes. It's warm and sticky. Lieutenant Joe Cazey and Nolen are telling me about the lovely nurses who'll look after me once the Dustoff chopper gets me to hospital. The thought of pretty nurses distracts me for a while as I lie in the minefield, not wanting to think about my life-blood soaking into the ground around me.

I raced to the United States Army Field Hospital at Vung Tau as they brought in the injured. It was almost as if he should have been in a body bag. Surgical teams went into immediate action and six hours later Jethro, his body swathed in bloody bandages, was wheeled into the ward. Stumps stuck out where his arms used to be, another stump where his leg used to be, huge clamps held his stomach together, and shrapnel fragments peppered his face. He defied all the odds. The doctor who made a decision about which blood group to use still cannot bring himself to meet him. They pumped 51 pints of blood into his body. Later that night, when he drifted into semiconsciousness, he began to tell me what he was going to do when, not if, he got better. He has since told me that he has no memory of his first 40 days in that field hospital. I have a vivid memory of many conversations during my time at his bedside. His book is not a war story; it is about his struggle to cope with his physical pain, the psychological impact of being a triple amputee and the mates who supported him.

His life since then has been remarkable. He endured the loss of his first wife, Judy, to cancer and later married a legacy widow, Perle. They raised seven children and have 12 grandchildren. In the mid-1980s Jethro retired from his job in the public service and became a full-time counsellor for Vietnam veterans who were doing it tough. He also was State president of the Limbless Soldiers Association and Queensland Vietnam Veterans Association. In 1988 he was the RSL recipient of the Australia Day Award and in 2006 he was recognised with an Order of Australia medal. His response to a government submission that limbless soldiers be recognised as ordinary pensioners at the age of 65 was a classic. He advised them that he was looking forward to getting his arm and leg back. We almost lost him a few years ago when he had to have a heart valve replaced. When he pulled through I let everybody know he was okay. One of his nurses, Annie Philiben, sent a note from the United States in which she said:

I was the nurse on duty when he arrived at the post op ward. I never forgot that fighter. One of the things you probably didn't know was that after 7 or so surgeries to clean his amputations (shorten the limbs) he was doing real well. Then he became extremely ill and for days we had no idea what the problem was. Finally they took him to surgery and found he had an infected gall bladder. The surgeons just wanted to drain the gall bladder but a false move caused the gall bladder to rupture and all that infected goo went over his belly. This is really a bad thing to happen. We were very worried about him. He had such high fevers and was so out of it. One day a nurse noted that my uniform was full of holes. It was from the silver nitrate solution we used on burns, it used to splash back on us and made holes in our uniforms. She said "Annie what happened to your uniform." I told her about the silver nitrate and said "one of these days the whole uniform is just going to fall off." Jethro lifted his head and said "I sure hope I'm there that day." He was better. It was hard not to cry.

It is coincidental that the Paralympics are currently being held in London. I can honestly say that if there were an event for sacrifice, selfless service, compassion and inspiration, Jethro would be our first gold medallist.

CHILD PEDESTRIAN SAFETY

The Hon. MICK VEITCH [7.12 p.m.]: I have spoken in this place before about toddler safety and, in particular, about driveway deaths and low-speed vehicle run-overs. I draw the attention of the House to a report prepared by the Bureau of Infrastructure, Transport and Regional Economics entitled "Child pedestrian safety: 'driveway deaths' and 'low-speed vehicle run-overs', Australia, 2001-10." The sobering report highlights why we as legislators need to take some action in this important area. The report states:

The issue of low-speed vehicle run-overs is important because it raises questions about whether the visibility from within many four-wheeled vehicles of small and near objects outside, in any direction, is adequate and whether the movements of pedestrians and motor vehicles need to be more segregated than they are at present in current built environments.

The statistics in the report highlight why this is important. The report states:

Around the home

66 pedestrians aged 0-14 years were killed in the ten-year period 2001-10 and 483 seriously injured in the eight-year period 2002-03 to 2009-10 (serious injury data were available for this period only) due to being hit by a four-wheeled motor vehicle moving around a home.

On average, seven pedestrians aged 0-14 were killed each year ... and 60 seriously injured each year ... due to being hit by a four-wheeled motor vehicle moving around a home.

60 pedestrians aged 0-4 and six aged 5-14 were killed in the ten years 2001-10 due to being hit by a four-wheeled motor vehicle moving around a home.

In the eight years 2002-03 to 2009-10, pedestrians aged 0-4 years accounted for 70 per cent of the pedestrians ... who were seriously injured around the home due to being hit by a four-wheeled motor vehicle.

A further 293 pedestrians aged 0-14 years were seriously injured around the home due to being hit by some other road vehicle (for example, motorcycle, three-wheeled vehicle or pedal cycle).

What we do not know is what the vehicle speeds were at the time of their collision with pedestrians, in particular, fatal collisions. We do not know the details of vehicle speeds, vehicle movements, speed limits at the time of the collisions and also the built environment. One of the real issues highlighted by the report is the need for a national hospital records system to incorporate statistics of low-speed motor vehicle run-overs around people's homes.

I have spoken in this Chamber at length about Emma and Peter Cockburn from Young who tragically lost their daughter, Georgina. The Cockburns, who are passionate advocates for legislative reform, are calling for reversing cameras to be mandatory on all vehicles in New South Wales and Australia which surely cannot be too difficult. The United States has already moved to mandatory reversing cameras. Surely we can do that also in Australia. The Cockburns also support a call for a national database to collect information so we can get more accurate data on the incidence of low-speed vehicle run-overs around homes in New South Wales and Australia. They want a national education campaign to assist in highlighting the issues.

Anyone who travels to agricultural shows and to field days such as Henty will see the Cockburns who have a stall. They have a four-wheel-drive vehicle with different size cut-outs of children from the ages of nought to four years to show that at times one cannot see children when reversing a vehicle, no matter how good a driver one might be. They also support calls for Australian design rule changes to amend all new passenger vehicles to be fitted with reversing cameras. I note there has been some progress in this area. The Standing Council on Transport and Infrastructure supported calls to make reversing cameras mandatory in all cars in Australia—a critical first step in trying to prevent these traumatic incidents. I draw the attention of all members to this report entitled "Child pedestrian safety: 'driveway deaths' and 'low-speed vehicle run-overs', Australia, 2001-10", and request that they read it and support calls for change in this area.

FERAL ANIMALS

The Hon. ROBERT BORSAK [7.17 p.m.]: Tonight I talk again about feral animals and the concept of governments using a bounty system to control their numbers. The Shooters and Fishers Party has raised this issue on a number of occasions—it has referred in particular to foxes—with this Government and with the former Labor Government but the answer that we keep getting back is that it does not work. Perhaps this Government and members of the former Labor Government should tell that to the 100,000 feral foxes that have been shot in less than a year under the Victorian Government's bounty system—that is, 100,000 foxes at

\$10 per scalp for a total of \$1 million in the conservation and protection of native animals in that State. I suggest it is a cost-effective outcome for Victoria and I commend the Victorian Government for putting in place a bounty scheme and committing \$4 million over a four-year time frame.

The Victorian scheme, which commenced in October last year, has been five times more successful than the previous FoxStop program, which accounted for 20,000 foxes in three years. Not surprisingly, the success in Victoria has seen other States looking at setting up their own bounty schemes. The idea is not new and it works but the key is to continue the programs and not have those programs run for only six months or a year. There must be a permanent bounty scheme so the pressure on foxes is maintained and they do not get a chance to breed up again. The Victorian scheme, sensibly, includes a bounty on wild dogs which are worth \$50 per scalp, in recognition of the fact that wild dogs not only attack small native birds and animals but also kill sheep—not just lambs as the fox does.

The Minister in charge of the Victorian bounty scheme said that the \$1 million paid out to hunters is partial compensation for their efforts and also recognition by his Government that the community's active role in controlling foxes is appreciated. I believe the Victorian system shows the way for New South Wales and other States. We have enormous problems with wild dogs and foxes and landholders are screaming for action. The best way to do this is to enlist properly licensed conservation hunters to help. A \$10 bounty on foxes is about the right level and it gives value to the hunter and to the State.

New South Wales National Parks and Wildlife alone have a \$30 million allocation each year for pest and weed control, and that is only on their land. It mostly uses the less-effective 1080 poisoning programs, which kill non-target native animals and birds. I point to a program in the Milton-Ulladulla region of southern New South Wales as an example of how a targeted and coordinated fox shooting program can work. This program began in September 2004 when a community meeting of all stakeholders discussed the best approach to managing the fox problem. The meeting identified the main issues as predation of native animals and livestock, particularly shorebirds, poultry and children's pets, nuisance value in local caravan parks and public parks, such as raiding of garbage bins, and disease transmission. The program area consisted mainly of small rural, outer urban and urban holdings with ocean on the eastern side and forested escarpment along national parks and State forests on the western side.

The program was designed to reflect the State fox threat abatement plan and provide integrated pest management through interagency support and landholder cooperation. It ran until March 2009 when, unfortunately, funding ran out and further support was not forthcoming—a very short-sighted decision. Shooting was the main method used for culling; 1080 poisoning was not feasible and the program took in a total of about 8,500 hectares. The results were a reduction in fox numbers counted and destroyed over the five years, and 73 per cent of landholders reported reductions in sightings and signs of foxes for at least three to six months after the program. This program demonstrated that group fox shooting programs can be effective if done correctly. Interestingly, it found that the choice of shooting rather than 1080 baiting resulted in many more landholders taking part, and a larger, more continuous area being controlled. The sooner we get a fox bounty system in place in New South Wales, the better for everyone—except, of course, the fox and wild dog.

AUSTRALIA/ISRAEL AND JEWISH AFFAIRS COUNCIL

The Hon. WALT SECORD [7.21 p.m.]: I note my support for the Australia/Israel and Jewish Affairs Council Rambam Israel Fellowship program. Annually, this program sponsors visits to Israel by senior journalists, politicians, political advisers, public servants, defence personnel, trade union officials, the clergy and student leaders. As any member would agree, briefing notes can get one only so far in understanding some issues. In many cases, one has to get out there and see things for oneself. This is what the Rambam program affords. On Sunday night, 2 September, I attended a reception at the Sherman Contemporary Art Foundation to mark the tenth anniversary of the program. It was hosted by Brian Sherman, AM, and Dr Gene Sherman, AM, both of whom have supported the program since its inception. The event was attended by a number of State and Federal parliamentarians, including our colleague the Government Whip, the Hon. Dr Peter Phelps; the Western Australian Federal Labor Senator, Mr Glenn Sterle; and the Federal member for Wentworth, Mr Malcolm Turnbull.

Over the past decade more than 400 people have participated in Rambam. Members will be aware that in early January 2012 Rambam provided me with assistance with on-the-ground transport for two days in Israel. I paid for my own flights and accommodation; there was no cost to New South Wales or Australian taxpayers. I visited Tel Aviv, the suburbs of Jerusalem, East Jerusalem, Yad Vashem, the Gadot Observation Point near the

Golan Heights and Syria, the Jordan River, Tiberias, Nazareth, the Dead Sea, Masada, the Yitzhak Rabin Crossing Point at Eilat, Gush Etzion and Sderot. I saw firsthand the survival of the Jewish people that the holocaust was intended to finish. I visited also Jordan, Iraqi Kurdistan and the Palestinian territories, including Jericho and Ramallah. Despite the current stalled peace process, I am still optimistic that a two-State solution is possible and that there can be reconciliation between Israelis and Palestinians.

Visiting Israel is the best education for any parliamentarian. I got an immediate appreciation of the urgency that Israel's geography creates regarding threats from bordering nations. At its narrowest point this nation is 15 kilometres wide. This creates situations that we of the wide brown land cannot comprehend. One discovers what a "nuclear Iran" really means to Israelis and Palestinians alike and appreciates why in Israel's western Negev, Sderot, one does not have to wear seat belts—incredibly, for safety. Sderot is 840 metres from the Gaza Strip and has experienced daily missile attacks for the past 12 years. Eight people have been killed and hundreds wounded in the town of 24,000 people. So far this year some 440 rockets have been launched on Sderot. If there is an air raid, one has 15 seconds to seek shelter. Ironically, wearing a seat belt is what could kill you in Sderot.

But the most chilling is a local playground in Sderot. It looks just like any in suburban Sydney, except for the giant colourful caterpillar who snakes through it. As friendly as he looks, he is concrete and he is a bomb shelter. Kids play all around him, knowing that at the sound of an air siren they have 15 seconds to race into his belly and seek shelter. As a parent, standing in that park was a truly chilling experience for me. No wonder that on 26 August Sderot opened a \$26.5 million fortified, rocket-proof high school building for its 1,200 students. It has concrete walls, reinforced windows and an architectural plan all designed specifically to absorb and deflect rocket fire. I ask members to imagine if we had to contemplate such issues as part of our own education system. That is a phenomenal contrast.

Finally, a visit to the security barrier was the most enlightening. Put simply, this is a barrier against terrorism. While it is easy to debate such things from far away, the fact is that, on the ground, the security barrier saves lives. The fact is that it has dramatically reduced deaths by suicide bombing. In short, a colleague asked me if my visit to the Middle East had changed my views on Israel. I said it had. It had made me an even stronger supporter of Israel. So I thank the Australia/Israel and Jewish Affairs Council and its Rambam program for playing a part in cementing my views on Israel.

I place on record my thanks to the following Australia/Israel and Jewish Affairs Council staff for their support and assistance: Executive Director Dr Colin Rubenstein, AM; Director of International and Community Affairs, Jeremy Jones, AM; and Israel Liaison, Mr Peter Adler. Further, it would be remiss of me not to thank Ms Roley Horowitz, a wonderful guide. Patient and possessing the skills of an international diplomat, she was the best guide I have ever encountered. In January 2013 I hope to return to Israel as part of the New South Wales Jewish Board of Deputies multiparty mission to Israel in my capacity as deputy chair of the New South Wales Parliamentary Friends of Israel. I thank the House for its consideration.

R U OK? DAY

The Hon. PAUL GREEN [7.25 p.m.]: I speak tonight about R U OK? Day. No matter how well we know someone, we never know the innermost thoughts of another person unless that person chooses to reveal them to others. Proverbs 20:5 states:

The purpose in a man's heart is like deep water, but a man of understanding will draw it out.

R U OK? Day is a national day of action that encourages Australians to be people of understanding and to ask their family, friends and colleagues, "Are you ok?" As stated on its website, the mission of R U OK? is to:

Help end suicide by empowering people to make a difference, encouraging open and honest conversation, whilst driving real connection.

As stated on its website, the mission priorities of R U OK? are:

- to generate conversation at a national level surrounding the prevention of suicide and eliminate any stigma surrounding the open discussion of suicide
- to encourage Australians to take responsibility for reaching out to people in their community by asking family members, friends and colleagues 'Are you ok?' and to create a safe platform for those at risk of suicide to be able to communicate

- to promote and support suicide prevention services so that people can readily access expert help when required; to implement programs that encourage people to access and provide assistance at an early stage, thereby reducing the risk of suicide arising from difficult life situations or mental illness
- to educate Australians about identifying risk factors for suicide, support people at risk and refer them to appropriate professional and emergency services
- to coordinate a national day of action on which Australians are encouraged to reach out to people in their community, whether or not they are perceived to be at risk of suicide, and ask, 'Are you ok?'

R U OK? Day is held on the second Thursday of September, which will be on 13 September 2012. Conversations are good for our wellbeing, regardless of whether we are struggling with a problem. It helps us to feel valued and supported by the people around us. A growing body of research links supportive social relationships and a sense of social connection with a reduced risk of suicide. Earlier this year I spoke about Don Richie, who was known as the Angel of The Gap. He truly understood the power of words and what it meant to converse with someone. He cared, and the person he cared for knew it. By asking them, "Is there something I can do to help you?" Don Richie saved many people from ending their lives in The Gap. As I mentioned earlier in the year, the Australian Bureau of Statistics considers the suicide rate as an indicator of social cohesion. The bureau states:

While such deaths can occur for many reasons, and many complex factors might influence a person's decision to suicide, these preventable deaths point to individuals who may be less connected to support networks.

As the bureau suggests, support networks or having people that actually care about you is essential in reducing the risk of suicide. R U OK? Day emphasises the importance of taking the time to ask people how they are. The R U OK? website provides resources for workplaces, schools, universities and sports teams to help engage people who may be struggling. The website provides some tips about how to ask questions in a way which is appropriate. We all know that words can be used to build people up or to bring them down. I refer to the Book of Proverbs, chapter 12:18:

There is one whose rash words are like sword thrusts, but the tongue of the wise brings healing.

Gavin Larkin, the co-founder of R U OK? Day, stated:

In the time it takes to have a coffee, you can start a conversation that could change a life, or even save it.

My question to you, Madam Deputy-President, is: Are you okay?

LENNOX HEAD SWAMP WALLABIES

The Hon. CATHERINE CUSACK [7.30 p.m.]: The iconic headland near my home at Lennox Head was once cleared and used for farming. For 30 years my local community has been rehabilitating the area. I pay tribute to the gallant band of Lennox Landcare volunteers, led by Malcolm Milne, and an annual tree planting day coordinated by Rob van Iersel, a director of well-known local business called GeoLINK. In partnership with Ballina Shire Council and the Catchment Management Authority vast tracts of weeds, especially bitou bush, have been removed. Last June was the tenth anniversary of World Environment Day tree plantings on the headland and the results have been extraordinary. Over that period more than 10,000 trees have been planted by 600 volunteers, including students from Lennox Head Public School. Ballina Shire Council's James Brideson estimates 60 per cent of the headland has now been revegetated with littoral rainforest species.

This has seen the return of wildlife, including numerous species of birds and swamp wallabies that love the leaves of rainforest plants. By 2008 the number of swamp wallabies on the headland became a problem for the new plantings that were too immature to survive their grazing. A local youth employment project, Environmental Training and Employment [EnvITE], organised a team to fence in 2,500 young plants. Thanks to their efforts to protect 30 years of dedicated community effort, our beautiful headland is thriving and buzzing with life. It is a reminder of the importance of volunteering and also how incredibly difficult it is to rehabilitate cleared land. It has been an act of love and there is no other way such a result could have been accomplished. Sadly, the Gillard Government's decision to axe Green Corps funding has closed the wonderful Environmental Training and Employment program and will cost local environment projects thousands of hours of professionally managed training and work.

Last week I was further dismayed to learn someone has been shooting swamp wallabies at Lennox Head. I admit to being in disbelief when I first heard this shocking news. I visited Ballina police station and

confirmed that 12 swamp wallabies were believed killed in the reserve along Seven Mile Beach, a short distance from my home. A police officer who visited the area had confirmed bullet holes in two carcasses that he observed. Police understand this has been happening over a period of weeks. It is a very upsetting situation. A local resident discovered the dead wallabies on the beach and along the fire trail and, seeking to be helpful, dragged them out of sight into the bush. I am advised these deaths were not reported for some weeks, by which time most of the bodies had been ravaged by feral animals and were much decomposed.

The people of Lennox Head would like the offenders apprehended and made accountable for this disgusting crime. That is not going to happen, which is why I am drawing the attention of the House to what has occurred and the gaping gaps it exposes in protection of native wildlife. I respectfully submit our regulatory system is unprepared and inadequately resourced for dealing with these crimes. There needs to be a strong and well understood compliance system to protect native animals in public reserves. What has happened in Lennox Head tells me the State is not at all prepared for the challenge of protecting wildlife in the forthcoming regime allowing recreational hunting in national parks.

The wallaby deaths cannot be properly investigated due to delays in reporting and investigating, confusion as to who the lead agency is and a lack of protocol for dealing with multiple firearms offences under the jurisdiction of both the police and the National Parks and Wildlife Service. It seems the National Parks and Wildlife Service should be the lead agency, but this was not understood by the public, Ballina Shire Council or the police and, as a result, there were significant delays in reporting the incident. There is now no useable evidence and there can be no satisfactory outcome for this case.

I was further dismayed to learn there is only one National Parks and Wildlife Service investigator, based at Byron Bay, who covers an area from Newcastle to the Queensland border at Tweed. The Government proposes to open a large area of national parks in this region, in addition to State forests, for recreational hunting. There is absolutely no way one National Parks and Wildlife Service investigator for wildlife protection will be adequate. We need an interdepartmental investigations protocol for wildlife offences and it needs to be understood by the parks service, police, councils and local communities.

The public need to be informed how to report a crime and to whom they should report it. The penalties for killing endangered wildlife are inadequate. The maximum fine is \$11,000 per animal or prison, or both. If 12 swamp wallabies are observed dead with bullet holes and recovering, analysing and presenting evidence in relation to each of the 12 swamp wallabies is too onerous, how will prosecutions be achieved? I am not aware of a single successful prosecution case on a per animal basis. The death of a group of wallabies with representative evidence ought to be sufficient to establish what has occurred. A \$100,000 penalty for the offence would give the courts latitude to impose an appropriate penalty and avoid the problem of offenders escaping penalties due to problems with the investigation. I urge the Minister to urgently address these protocols, communication, regulatory and resource problems to ensure a meaningful system of wildlife protection that meets community expectations.

THE HON. DR PETER PHELPS TWITTER ACCOUNT

The Hon. Dr PETER PHELPS [7.35 p.m.]: Senator Robert Ray was famous for saying, "A lie uncorrected takes on the patina of truth." In that vein I comment on an article by Jane Caro in last Sunday's *Sun-Herald* in which she states, "... he was quietly convinced by his brothers to retreat from Twitter altogether". That statement is completely and utterly false. My decision to terminate my Twitter account was mine and mine alone. I am particularly aggrieved by the fact that Ms Caro made no attempt, despite the fact that my telephone number and email address are readily available, to verify that assertion. That stands in contradistinction to a real journalist such as Barclay Crawford from the *Sunday Telegraph*, who did contact me and I was able to put on the record the true state of affairs. It is an unfortunate situation. I use this opportunity to correct the record. I terminated my Twitter account entirely of my own volition. I look forward to the correction in next Sunday's edition of the *Sun-Herald*.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 7.37 p.m. until Wednesday 5 September 2012 at 11.00 a.m.
