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LEGISLATIVE COUNCIL

Wednesday 8 May 2013

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

The President read the Prayers.

REGISTER OF DISCLOSURES BY MEMBERS

The PRESIDENT: I table, pursuant to the Constitution (Disclosures by Members) Regulation 1983, a copy of the supplementary ordinary returns by members of the Legislative Council for the period 1 July 2012 to 31 December 2012, as furnished to me by the Clerk.

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

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

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1177 outside the Order of Precedence objected to as being taken as formal business.

BLUE MOUNTAINS CROSSINGS BICENTENARY

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes that:
 - (a) 31 May 2013 marks the bicentenary of the first successful crossing of the Blue Mountains which was achieved by Gregory Blaxland, Lieutenant William Lawson and William Charles Wentworth,
 - (b) prior to 1813 many unsuccessful attempts were made to cross the Blue Mountains. Explorers Gregory Blaxland, Lieutenant William Lawson and William Charles Wentworth, accompanied by four servants, left Blaxland's farm at South Creek near St Marys on 11 May 1813 and arrived at Mount Blaxland in the Kanimbla Valley on 31 May. On 1 June 1813 was the day on which Blaxland, Lawson and Wentworth ended their journey and travelled back to Sydney,
 - (c) the opening up of the western regions of New South Wales which occurred after William Cox completed the first road over the Blue Mountains in 1814 following the path of Blaxland, Lawson and Wentworth provided the colony with access to rich and fertile grazing land and many inland waterways without which European settlement may not have survived, and
 - (d) the crossing of the Blue Mountains has rightly earned its place in Australia's national history and the achievements of these three explorers have shaped the State of New South Wales as we know it today.
2. That this House notes the many celebrations which are being held in recognition of the bicentenary of the crossing of the Blue Mountains and wishes the organisers every success.

PEOPLE'S DAILY ONLINE AUSTRALIA

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

1. That this House notes that:
 - (a) on the evening of 22 March 2013, People's Daily Online Australia Pty Ltd was officially launched in Sydney, Australia,
 - (b) People's Daily Online Australia is an international media organisation with a global multi-language medium adding to the wide tapestry of ethnic media in Australia,

- (c) since the establishment of official China and Australia diplomatic relations in 1972, significant social, economic and political achievements have been made between the two countries, and
 - (d) People's Daily Online Australia will provide a platform for information exchange, thereby improving the friendship and communication between both countries and its people.
2. That this House notes the contribution of all Australian Chinese journalists and congratulates all those involved in the launch of the People's Daily Online Australia.

NEW SOUTH WALES COUNCIL OF CHRISTIANS AND JEWS SHOAH MEMORIAL SERVICE

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:
- (a) on 17 April 2013, the New South Wales Council of Christians and Jews held a Shoah Memorial Service in the crypt of St Mary's Cathedral, Sydney in commemoration of the Holocaust which resulted in the murder of some six million members of Europe's Jewish community between 1938 and 1945,
 - (b) the council's memorial service also served to commemorate the sixtieth anniversary of the Warsaw Ghetto Uprising of 1943, an event which stands as a testament to heroism against overwhelming odds and adversity, and
 - (c) this marks the twenty-second year that the Shoah Memorial Service has been held by the Council of Christians and Jews, an event which began in 1991 as a small interfaith service at Rookwood Cemetery initiated by the late Sister Leonore Sharry of the Sisters of Our Lady of Sion.
2. That this House commends the New South Wales Council of Christians and Jews for their good work in promoting interfaith dialogue and understanding.

WILLIAMS-SONOMA STORE OPENING

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes:
- (a) that on 2 May 2013, Premier the Hon. Barry O'Farrell, MP, officially opened major United States retailer Williams-Sonoma's first Australian store in Sydney's Bondi Junction, in which the company has invested up to \$3.5 million and which will create up to 100 jobs over the next five years, providing a boost to the New South Wales economy as well as jobs for New South Wales residents,
 - (b) that through NSW Trade & Investment, New South Wales Government provided ongoing business facilitation services to Williams-Sonoma to encourage and support its Australian operations,
 - (c) the success of the NSW NOW campaign, which is targeting interstate and international business investment,
 - (d) that the United States continues to be the largest source of foreign direct investment in Australia and is a priority market for New South Wales, and
 - (e) that the NSW Government Business Office in San Francisco, which was established by Deputy Premier and Minister for Trade and Investment, the Hon. Andrew Stoner, MP, in 2012, has been building New South Wales' profile in the United States, making investors aware of the strengths of the State's economy and the unique benefits of investing in New South Wales.
2. That this House acknowledges that Williams-Sonoma opening its first store in Sydney is a huge vote of confidence in Sydney and New South Wales, particularly the State's vibrant retail sector.

ROCKDALE COMMUNITY BUILDING PARTNERSHIP GRANTS

The Hon. SHAOQUETT MOSELMANE [11.05 a.m.]: Mr President—

The Hon. Dr Peter Phelps: If this is item 1282, I object.

The Hon. SHAOQUETT MOSELMANE: It is too late.

The Hon. Amanda Fazio: Point of order: As no objection was made at the appropriate time and you had called the member to formally move the motion, I believe that the late objection should not be accepted.

The Hon. Duncan Gay: To the point of order: The point of whether or not these motions go through is whether there are objections within the House; it is not whether it is as the member leaves his seat or when it happens. The fact is that there was an objection from within the House and that satisfies the rules.

The Hon. Walt Secord: To the point of order: The Hon. Shaoquett Moselmane actually engaged in using the first word of the motion. He had already begun the motion.

The PRESIDENT: Order! Standing Order 44 is different from leave. Leave can be withdrawn. After I have asked whether there is any objection to be taken, when no objection has been taken and I invite the member to proceed, that is the end of the capacity of a member of the House to object. The member is quite entitled to proceed. Members should remember that, under the terms of Standing Order 44, when we object we are not objecting to the substance of the motion; we are objecting or not objecting to whether the matter can proceed as formal business. When we get to the next stage the vote that is taken is on the substance of the motion. So even though no objection has been taken to formality, it is quite within the rights of members to vote against it if they object to it going through at this stage. I will let the member conclude his moving of the motion.

The Hon. SHAOQUETT MOSELMANE: I move:

1. That this House notes that:
 - (a) the 2013 grants under the Community Building Partnership Program were distributed in the electorate of Rockdale, and
 - (b) \$200,000 was allocated to each electorate in the State, with an extra \$100,000 for those areas with higher levels of unemployment.
2. That this House congratulates the following:
 - (a) St Andrew's Anglican Church, Sans Souci: replacement of kitchen, \$30,000,
 - (b) St David's Anglican Church hall, Arncliffe: disabled and general toilet upgrade, \$25,193,
 - (c) St David's Anglican Church hall, Arncliffe: kitchen renovation, \$24,250,
 - (d) Arncliffe Scots Baseball Club: Phil Austin Baseball Fields, development project phase two, \$30,000,
 - (e) Bay City Care: opening of women's support centre, \$14,300,
 - (f) Kyeemagh Infants Public School P&C Association: school and community Learnscape garden redevelopment, \$36,363,
 - (g) Life Education NSW: improve delivery of life education to children in the Rockdale electorate, \$2,536,
 - (h) Rockdale Council Aqua Flora Reserve: playground upgrade, \$72,000,
 - (i) Rockdale Council, Bona Park: dog-friendly park, \$21,850,
 - (j) Ramsgate Scout hall: repair kitchen, \$12,600,
 - (k) St George PCYC: resurface the main hall floor, \$5,906, and
 - (l) St George PCYC's Make It Count: enhancement of outdoor basketball and youth drop-in area, \$25,000.
3. That this House notes the cut backs in the Community Building Partnership Grants which prevented further grants to be distributed, but acknowledges those that did receive the grants for their commitment, dedication and service to the people of Rockdale.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

Ms Barham
Mr Buckingham
Ms Cotsis
Mr Donnelly
Ms Faehrmann
Dr Kaye
Mr Moselmane

Mr Primrose
Mr Roozendaal
Mr Searle
Mr Secord
Ms Sharpe
Mr Shoebridge
Mr Veitch

Ms Westwood
Mr Whan

Tellers,
Ms Fazio
Ms Voltz

Noes, 21

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Khan	Mr Pearce
Mr Brown	Mr Lynn	
Mr Clarke	Mr MacDonald	
Ms Cusack	Mrs Maclaren-Jones	<i>Tellers,</i>
Ms Ficarra	Mr Mason-Cox	Mr Colless
Mr Gallacher	Mrs Mitchell	Dr Phelps

Pair

Mr Foley

Miss Gardiner

Question resolved in the negative.**Motion negatived.****BLACKTOWN CITY NETBALL ASSOCIATION****Motion by the Hon. DAVID CLARKE agreed to:**

1. That this House notes that:
 - (a) on Saturday 4 May 2013, Blacktown City Netball Association marked the forty-sixth anniversary of its foundation and the opening of the 2013 netball competition season with a festive celebration held at International Peace Park Netball Complex at Blacktown, and attended by hundreds of its members and their families,
 - (b) official guests included:
 - (i) Councillor Len Robinson, Mayor of Blacktown City,
 - (ii) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice, representing the Premier of New South Wales, the Hon. Barry O'Farrell, MP,
 - (iii) Mr Ed Husic, MP, Federal member for Chifley,
 - (iv) Mrs Sheila Kitchingham, one of the founders of the association, and
 - (c) Blacktown City Netball Association has a proud history of promoting netball competition and is now comprised of 350 teams and several thousand members, making it one of the larger netball associations in New South Wales.
2. That this House commends:
 - (a) Blacktown City Netball Association on the occasion of its forty-sixth anniversary and for promoting sportsmanship and good values amongst its members and the community generally, and
 - (b) members of the association's executive for the leadership they provide to the association and for their service to the Blacktown community generally, including:
 - (i) President, Mrs Sandra Marks,
 - (ii) Vice-President, Mrs Leonie Marshall,
 - (iii) Secretary, Mrs Kathy Booth.

AUSTRALIAN FEDERATION OF ISLAMIC COUNCILS FORTY-NINTH CONGRESS**Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

1. That this House notes that:
 - (a) the Australian Federation of Islamic Councils [AFIC] recently held its forty-ninth Congress at King Fahd School Greenacre,
 - (b) the message of peace and love was highlighted through the symbolic lighting of candles,

- (c) the congress represents the biggest gathering of Heads of Islamic Organisations in New South Wales, and was led by President Hafez Kassem,
 - (d) in recognition of its significance, it was attended by many dignitaries including the Hon. Tony Burke, MP, representing Prime Minister Julia Gillard, in the presence of the Hon. Jason Claire, MP, Mr Tony Issa, MP, representing the Premier the Hon. Barry O'Farrell, MP, and the Hon. Barbara Perry, MP, representing the Leader of the Opposition the Hon. John Robertson, MP, in addition to Mr Guy Zangari, MP, the Hon. Lynda Voltz, MLC, and the Hon. Helen Westwood, MLC, and
 - (e) the Australian Federation of Islamic Councils aims to provide service to the community in a manner that is in accordance with the teaching of Islam and within the framework of Australian law.
2. That this House recognises the valuable work that the Australian Federation of Islamic Councils and Muslims New South Wales do for the wellbeing of Muslims in New South Wales and the overall community of New South Wales and congratulates the organisers for the message of peace.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1286 outside the Order of Precedence objected to as being taken as formal business.

CYSTIC FIBROSIS

Motion by Dr JOHN KAYE agreed to:

1. That this House notes that:
- (a) cystic fibrosis is the most common genetically acquired, life-shortening chronic illness affecting young Australians today,
 - (b) people with cystic fibrosis require constant medical treatment and physiotherapy from birth,
 - (c) May is Cystic Fibrosis Awareness Month, designed to raise awareness about the genetic condition that affects one in 2,500 babies born in Australia and that on average one in 25 people carry the cystic fibrosis gene,
 - (d) the Cystic Fibrosis Federation Australia estimates that there are approximately one million unaware carriers of cystic fibrosis in Australia,
 - (e) the last Friday in May is 65 Roses Day, an international campaign to raise funds and awareness about cystic fibrosis,
 - (f) while there is no cure, as a result of the work of tireless campaigners, carers, researchers and physicians, the life expectancy for people with cystic fibrosis has doubled in the past 20 years to the mid-thirties, and
 - (g) improved support for those living with cystic fibrosis would further extend life expectancy.
2. That this House commends:
- (a) the advancements in screening and detection methods that have raised awareness of cystic fibrosis in the community,
 - (b) the work that Cystic Fibrosis NSW, Cystic Fibrosis Federation Australia and all other cystic fibrosis organisations and support groups for the work they do to help those living with cystic fibrosis, and
 - (c) those community members who have contributed to the fundraising and awareness raising efforts of all cystic fibrosis organisations and campaigns.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1289 outside the Order of Precedence objected to as being taken as formal business.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Duncan Gay.

DISTINGUISHED VISITORS

The PRESIDENT: I welcome into my gallery Archbishop Charles Bo of the Archdiocese of Yangon in Myanmar, his Secretary Father Noel Aye and Father David Ranson, Parish Priest for the Holy Name Parish at Wahroonga, accompanied by the member for Hornsby, Mr Matt Kean. Not only is Archbishop Bo a leader of his church, he is an active participant in civil society and the public affairs of his country. I am sure all members welcome you, your grace, to the State of New South Wales. I trust you enjoy your visit to Parliament House.

SESSIONAL ORDERS

Written Questions

Debate resumed from 7 May 2013.

The Hon. LYNDIA VOLTZ [11.25 a.m.]: Yesterday I was noting the number of questions and the breakdown from members opposite when they were in government. Some questions would have 38, 48 or 50 parts. That is a reality. It was said that questions were being asked of the wrong Minister. I will give an example of what happened when the current Government was in opposition. The Hon. Marie Ficarra asked this question directed to the Minister for Police, Minister for Lands, and Minister for Rural Affairs relating to the Lands Quarry Reserve:

Protected Species—Summer Wattle—in Quarry Reserve 13A Amourin St, North Manly, in view of Warringah Council's discovery of an endangered species "Summer Wattle" in Quarry Reserve—13A Amourin St, North Manly, which has been notified to the Department of Land and Department of Environment and Climate Change in accordance with legislation, will the Department immediately withdraw the land from sale? If not, why not?

The next question on *Questions on Notice* paper, 3005, is not addressed to the Minister for Police and Minister for Lands, and Minister for Rural Affairs. It is addressed to the Attorney General, the Minister for Industrial Relations representing the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce:

Protected Species—"Summer Wattle"—Quarry Reserve 13A Amourin St, North Manly

- (1) What is the Department of Environment and Climate Change's response to Warringah Council's notification of a discovery of an endangered species "Summer Wattle" in Quarry Reserve – 13A Amourin St, North Manly?
- (2)
 - (a) In view of the discovery, will the Department urgently intervene to stop the sale of this land for development by the Government?
 - (b) If not, why not?

The same question has been asked twice. When these people were in opposition they did not know which Minister to ask the question of, so they would repeatedly put the same question on the notice paper to different Ministers in the hope that they would hit the correct Minister. The Minister's objection to Peter Primrose's motion was that he did not get the right Minister, even though Duncan Gay—the old Foghorn Leghorn on the other side of the table—has stood up on numerous occasions during questions without notice and asked questions of the incorrect—

The Hon. Rick Colless: Point of order: This member knows particularly well that she should refer to members of this House by their correct title. I ask that she be directed to do so.

The PRESIDENT: Order! I remind members that they should refer to other members by their correct titles.

The Hon. LYNDIA VOLTZ: Even the Hon. Duncan Gay has asked the question of the wrong Minister. The Hon. Marie Ficarra asked the same question of numerous Ministers. Did we cut out the nine questions? No, we answered their questions. This Government has not provided any figures or any arguments that say that there are now more questions under this Government than there was previously. In fact, I have had a look at questions to some of the departments. In the period 1 August to 30 December 2011 the Department of Transport received 318 questions and they were all answered. There is absolutely no indication that they had any trouble meeting the target applied to questions on notice; they answered every question. If members were to examine what happened in the equivalent period in 2010, they would see that members opposite asked more questions of the then Department of Transport.

The PRESIDENT: Order! If members ceased interjecting it would not be necessary for the Hon. Lynda Voltz to raise her voice.

The Hon. Duncan Gay: To screech.

The Hon. LYNDA VOLTZ: The honourable member is accusing me of screeching. That is charming, and it is typical of the blokes opposite who have no female colleagues on their front bench. According to them, women screech. In 2010, when members opposite were in opposition and they asked questions on notice, the then Department of Transport received more questions and it answered them all. The Deputy Leader of the Government has never justified this measure on the basis that the number of questions being asked now is excessive compared to any other period. That is not true. His only excuse is that he does not like the questions asked by the Hon. Peter Primrose; that is why he wants to change the sessional orders.

The Hon. Duncan Gay: Is this as good as it gets?

The Hon. LYNDA VOLTZ: It gets better for you.

The Hon. WALT SECORD [11.31 a.m.]: Members opposite should get it out of their system. As the shadow Special Minister of State I oppose the motion moved by the Deputy Leader of the Government. The motion states:

1. That during the present session and unless otherwise ordered:
 - (a) members other than the Leader of the Opposition may lodge not more than nine written questions each per sitting week, and
 - (b) the Leader of the Opposition may lodge not more than twelve written questions per sitting week.
2. That the Procedure Committee review and report on the sessional order for written questions after it has been in operation for six months.

This motion is as simple as it is sinister. The first recorded question was asked in the House of Lords in 1721. Today we are seeing the O'Farrell Government undoing 292 years of parliamentary tradition. Put simply, this motion is designed to limit the parliamentary role of a democratically elected member; it stops members from doing their job. This is an attack on the core responsibility of a parliamentarian and on the foundations of responsible government. That foundation is the ability to lodge written questions in order to hold a government accountable and to ensure that it is transparent. Under the rules of this Chamber, a Minister must answer a question within 35 calendar days of receiving it. The Deputy Leader of the Government is telling half-truths about the performance of the previous Government and its approach to questions on notice. The Carr Government did change the arrangements in 1995 to require Ministers to answer questions on notice within an acceptable time frame; it introduced the 35-calendar-days rule and increased accountability.

Asking questions is the fundamental basis of a democratic system and it reflects the balance of powers inscribed in our Constitution. With that in mind, I remind the three members of Cabinet in this Chamber that they are not the Government but only part of it—they represent the Executive arm of government. The other members in this Chamber—that is, the parliamentary secretaries, the Government backbenchers and Opposition and crossbench members—represent the Legislature. This is a house of review and, together with the judiciary, it is one of the three core elements of government as we know it in Australia. This might appear to be a basic lesson in civics, but I am presenting it for the benefit of Government members. They must be aware of what the Deputy Leader of the Government is proposing.

The Hon. Duncan Gay: The death of democracy.

The Hon. WALT SECORD: I acknowledge that interjection. I remind members opposite that the formal title of oppositions in many Commonwealth democracies is "Her Majesty's Loyal Opposition".

The Hon. Duncan Gay: Point of order: The honourable member is misleading the House in claiming to be loyal to anyone.

The PRESIDENT: Order! The Minister knows that that is not a point of order.

The Hon. WALT SECORD: That title applies in Westminster-based parliaments and it reflects the longstanding principle that opposition and non-government parliamentarians are able to challenge, debate and ask questions of a democratically elected government. It is about the Opposition keeping the Government in check and accountable. Asking questions, challenging assumptions and demanding evidence are core roles of any member of this Chamber and being able to ask questions on notice is part and parcel of our parliamentary duties.

I have asked hundreds of questions on notice, and I make no apology for that. Yesterday the Deputy Leader of the Government attacked me for daring to ask a series of questions about the Premier's July 2011 attendance at a Lady Gaga concert. I asked a series of questions about that issue in August 2011 and I stand by them. The taxpayers have a right to know who the Premier took with him to that concert. He said he went alone. That is unbelievable. We have a right to know how much he wasted in attending that concert. For the record, I have no objection to going to concerts; in fact, my daughter and I went to the Bruce Springsteen concert. But who goes to a Lady Gaga concert alone? A former girlfriend frog-marched me to a Wham concert, but no-one frog-marched Barry O'Farrell to the Lady Gaga concert.

The Hon. Duncan Gay: What is the point?

The Hon. WALT SECORD: That is a good interjection. A premier is surrounded by an entourage and highly paid and trained—

The Hon. Rick Colless: How is that relevant?

The Hon. WALT SECORD: The honourable member asks how this is relevant. A premier is surrounded by an entourage and highly paid police officers and it costs thousands of dollars a day to attend to his every whim. For some strange reason, the Government is trying to block this question at every turn. Members should make no mistake, this is about accountability.

The PRESIDENT: Order! I remind Government members that this is an untimed debate. However, the duration of the debate will be increased by interjections.

The Hon. WALT SECORD: I have asked hundreds of questions and I am proud to have done so. Since becoming a parliamentarian 23 months ago I have asked questions on notice about Sydney Water, Cooks River pollution, Georges River pollution, the NSW Water Police, Sydney Water broken pipe response times, Hunter Water broken pipe response times, sewerage connections in Aboriginal communities and their link to ear and nose infections in those communities, ministerial staff salaries and staffing levels, the cost of the Premier's catering arrangements, excessive overseas travel by Ministers—particularly the greedy Deputy Premier—

The PRESIDENT: Order! The member should not reflect on members in the other place.

The Hon. WALT SECORD: I apologise for referring to the Deputy Premier as greedy.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time.

The Hon. WALT SECORD: I have also asked questions about credit card misuse in the Premier's office, taxi misuse by the Premier's office, youth courts, life-support machines in our State hospitals, blue-green algae, X-ray procedure waiting lists, conditions in the Aboriginal community of Toomelah, Royal North Shore Hospital, fire stations, the government relations company run by the member for Tamworth, the privatisation of a far North Coast road proposed by the member for Tweed, political donations, the Treasurer's failed Waratah bonds scheme, homelessness in the Tweed, the great work of John Lee with the You Have a Friend organisation and the need for a high school at Pottsville on the far North Coast. All of those were worthy topics. They certainly mean something to those communities—they mean a lot to the families and businesses of Camden, Tamworth, Tweed Heads, Pottsville and Toomelah. But clearly they are topics and issues the O'Farrell Government does not want canvassed in the community or in this Parliament. They want obedient silence.

I have to admit the list is comprehensive but I remind the Government that is what we are employed to do. We are employed by taxpayers to ask questions and represent our constituents. On 1 May I heard the Minister for Roads and Ports on ABC radio talking with journalist Liz Foschia. He pretended that the changes to the sessional orders were minor and were about managing the workload of bureaucrats. That is absolute rubbish. For one thing, the Minister for Roads and Ports cannot hide behind workload issues. This is the

Government that cut 15,000 public servants. The workload question is not related to questions on notice but it is related to the massive staff cuts to front-line services. I will refrain from using the word "liar" but I have profound respect for the traditions of this Chamber. This motion is about removing another level of scrutiny and accountability by a secretive and arrogant O'Farrell Government. The Minister for Roads and Ports should be ashamed. The Minister for Roads and Ports is a puppet and a political hack carrying out the dirty work of the Premier.

The Hon. Duncan Gay: Point of order: I let most things go but I take offence at being called a puppet and a political hack.

The Hon. Amanda Fazio: Point of order: I believe that the word "puppet" is not unparliamentary. It was frequently used in the Legislative Assembly in relation to a former Premier. And to say to anybody who has been in the Legislative Council for 25 years that they are a political hack is just a statement of fact and is not an insult.

The PRESIDENT: Order! I do not consider either word to be unparliamentary. However, I do consider that the Hon. Walt Secord, despite my previous cautions, was again reflecting upon a member. Therefore, I call the Hon. Walt Secord to order for the second time.

The Hon. Duncan Gay: Twenty-five years' service does not make you a political hack, not like some old bags.

The Hon. Amanda Fazio: Point of order—

The Hon. Duncan Gay: I apologise and withdraw.

The Hon. WALT SECORD: That is disgusting, Duncan. That is disgusting.

The PRESIDENT: Order! I advise the Hon. Walt Secord to be very careful. I remind him that he is on two calls to order.

The Hon. WALT SECORD: At least the Leader of Government business, the Minister for Police and Emergency Services, was smart enough to let the Minister for Roads and Ports take carriage of this motion. I take my hat off to the Minister for Police and Emergency Services, and Minister for the Hunter. He is wily. He is miles away from these changes. I can imagine the Premier's office—

Mr Scot MacDonald: Point of order: Is the Hon. Walt Secord talking about the substance of the motion or is he on a diatribe of personal attack? I ask that he be brought back to the substance of the motion.

The PRESIDENT: Order! The Hon. Walt Secord is sailing close to the wind but he has not yet crossed the line.

The Hon. WALT SECORD: I can just imagine the Premier's office staff—Peter McConnell, Brad Burden—saying, "We'll get some oaf in the Legislative Council to change the sessional orders."

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the third time. In accordance with Standing Order 192 I direct the Usher of the Black Rod to remove the Hon. Walt Secord. The member is excluded from the Chamber until 1.00 p.m.

[Pursuant to standing order the Hon. Walt Secord left the Chamber, accompanied by the Usher of the Black Rod.]

The Hon. Amanda Fazio: Mr President, I seek your advice in relation to this matter. When the Hon. Walt Secord returns to the Chamber, will he be allowed to resume his contribution to this motion if debate is continuing?

The PRESIDENT: Order! I will take advice from the Clerks on that matter and advise the House accordingly.

[Business interrupted.]

DISTINGUISHED VISITORS

The PRESIDENT: Order! I welcome to the President's Gallery His Excellency Mr Luis Quesada, Ambassador of Peru, and Mrs Elizabeth Castro Benavides, the Consul General of Peru.

SESSIONAL ORDERS

Written Questions

[*Business resumed.*]

The Hon. PETER PRIMROSE [11.46 a.m.]: Like all members, I have been very interested in the debate on this motion and certainly would like to hear the remainder of the speech of the Hon. Walt Secord, but I shall await your deliberations on that matter, Mr President. I oppose the motion and, accordingly, support the amendment. In this debate many dates and traditions have been mentioned. The Hon. Walt Secord referred to matters in the Mother Parliament in Britain dating back over 200 years. In 1856 the then colony of New South Wales gained responsible government with the commencement of the Legislative Assembly. Those who are aware of the State's legislative history would know that the Legislative Council goes back much further. But 157 years is not a bad innings as a House of review. The job of a House of review is to maintain the standards of the parliament and to act as a monitor to executives.

Since 1856 the Legislative Assembly is the House that has led to the formation of the Executive government. However, in the space of the past two years that independent stance has started to crack. For example, it was the Hon. Duncan Gay who moved that there be time limits on speeches in this place. It was argued that this would be more efficient and would stop pesky members making trouble by speaking on bills for lengthy periods, which the Premier found inconvenient. Now, in his capacity as Leader of the House, the Hon. Duncan Gay is seeking to put another crack in this 157-year-old house of review and once again he has cited what happens in the other House as his rationale. He wants to place a limit on the number of questions that members in this place can ask of the Executive.

I make it very clear that I do not blame the Hon. Duncan Gay for moving this motion. I have been a member in this place for a long time and in that time I have had enough conversations with the Hon. Duncan Gay to know that he personally respects the role of this House. The Hon. Duncan Gay has always wanted to uphold the traditions and role of this House as a house of review. In fact, I could quote endlessly from *Hansard* comments he has made over the years in support of that. My comments are not a reflection on the Hon. Duncan Gay as an individual. It is very clear that he is acting on behalf of the Executive and, I suspect, those in the Premier's office who do not share the same abiding commitment to this House as a house of review, any more than executives of any political persuasion ever have. What a surprise that executive governments, Ministers and their staff do not like being asked questions, but that is one of the major reasons for having a Parliament.

In our Westminster system of democratic government we not only have executive government but we also have parliamentarians from whom the Executive is drawn. Members of all political persuasions are primarily responsible for keeping a check on the Executive by examining, questioning, quizzing and, ultimately, voting on legislation proposed by the Executive or on the activities of Ministers who are, of course, members of the Executive. That is why we have a Parliament. In this Chamber there are only three Ministers and that makes placing questions on notice a very reasonable option for members who seek to ask questions of other Ministers. Indeed, that is what the Leader of the Government invites all members to do at the end of question time when he says:

The time for questions has expired. If members have any further questions, I ask that they put them on notice.

The motion suggests that the number of questions members may ask of the Executive will be limited. If the motion carried, I suggest in future the Leader of the Government will say, "The time for questions has expired. I invite members to be careful in selecting some questions they wish to put to Ministers and I ask that they put them on the *Notice Paper*." If this motion is carried, the offer to all members to ask questions will be limited for the first time in 157 years.

I turn now to the Auditor-General, who has not as yet been mentioned in this debate. The Auditor-General reviews the operations of all aspects of government, and I am sure all members agree that he does an excellent job. In assessing the role of this House the Auditor-General uses three performance indicators: the number of sitting days; the number of bills passed; and the number of questions asked, both on notice and without notice. Indeed, I have a copy of one of his reports if anyone would like to peruse it. A histogram is then

produced and one of the performance indicators in that histogram relates to how many questions are asked. That is not something that should or can be restricted; it is part of our business on which the Auditor-General assesses the performance of the legislature.

Premier Barry O'Farrell finds the asking of questions inconvenient, as all Executives do, so he wants to snuff them out. I wonder how long it will be before the Premier finds estimates hearings too onerous. I am sure staff in the Premier's office are already wondering how they can restrict Opposition and crossbench members in this place from asking some of those pesky questions during estimates hearings. After 157 years we will be going on a very slippery slope if, as identified by the Auditor-General and by tradition, our core business is no longer seen as keeping the Executive in check by asking questions. It is inconvenient to the Executive so it should be restricted, wiped out and stopped. If that were to happen, the role of the Legislature would be nothing other than as a rubber stamp for the Executive.

In moving this motion the Hon. Duncan Gay made a number of debating points, and I will pick him up on two of them. Firstly, he argued that Opposition members were "lazy" because they asked too many questions. I am not sure how that logic works but I hope for the sake of the people of New South Wales that the Executive does not apply that quirky idea to how it runs the Government. I fail to understand how it can possibly be said that members who ask questions are somehow lazy. In this regard, I refer back to the Auditor-General's assessment of our core business, and if those opposite disagree they should take it up with the Auditor-General. Secondly, the Minister argued that Opposition members were asking questions on notice because of preselection concerns. That argument inspired some jovial comment around the Chamber and various members were quizzed about it. I can inform the House that I have asked the most questions in this place and I am not seeking preselection. Perhaps we are asking questions of Ministers because it is our job, but I cannot comment on whether that is how it works in The Nationals.

A number of speakers have asserted that asking questions of the wrong Minister is somehow a sign of laziness or even a vexatious act. I thought it would be a worthwhile exercise to look at what has happened in the past. Purely at random, I looked at some of the questions that have been asked and I will give a few examples. Coincidentally, the first question I refer to was asked by the Hon. Duncan Gay of the Treasurer on 4 December 2008 regarding the Liquor Amendment (Special Licence Conditions) Bill 2008. I will not take up the time of the Chamber by reading the question; I will only read the answer:

This question is more appropriately directed to the Minister for Gaming and Racing.

The Hon. Duncan Gay asked a question of the Treasurer; it was a legitimate question but he was advised that he had asked the wrong Minister.

The Hon. Matthew Mason-Cox: What was the question?

The Hon. PETER PRIMROSE: The Parliamentary Secretary would like to know what the question was.

The Hon. Matthew Mason-Cox: Briefly.

The Hon. PETER PRIMROSE: I will read the question out if the honourable member wishes. In fact, I can read all the questions out if the honourable member wishes.

The Hon. Matthew Mason-Cox: I was asking because it may have been a question about funding.

The Hon. PETER PRIMROSE: As members are interested, and to assuage the concerns of the Parliamentary Secretary, I will read the next question. On 4 December 2008 the Hon. Duncan Gay asked a question on notice to the Treasurer:

1. In regards to the Liquor Amendment (Special Licence Condition) Bill 2008:
 - a. Why did the Government offer to pay the legal costs of the nine hoteliers who mounted a Supreme Court challenge against the new legislation if they withdrew their legal action?
 - b. Is this an appropriate manner in which to spend taxpayers' money?
 - c. What is the total legal cost of the seven hoteliers who accepted the Government's offer?

Answer—

This question is more appropriately directed to the Minister for Gaming and Racing.

The Hon. Matthew Mason-Cox: A budget expenditure item.

The Hon. PETER PRIMROSE: That is interesting. To ensure that people understand, my acknowledgement of the Hon. Matthew Mason-Cox's interjection means that will appear in *Hansard*. I will return to this point later, but when Ministers respond that a question is directed to the wrong Minister, I believe that their departments are incorrect. But maybe that is the case. What do I do then? I must then ask another question. With this motion, the Government is saying—maybe I believed that it was my only avenue—that when a Minister answers and says that the question has nothing to do with them, if I want to ask the same question of another Minister that will be one of the nine questions I can ask during the week. That is part of my problem. I thank the Parliamentary Secretary for his brave intervention because he has made precisely my point: Members will be restricted in respect of the types and volume of questions they can ask even if they believe that the Minister has got it wrong.

The Hon. Duncan Gay: You don't have to write 50 answers to the wrong question.

The Hon. Matthew Mason-Cox: You have to be more discerning.

The Hon. PETER PRIMROSE: Thank you. I concur with the Parliamentary Secretary that it is important to be more discerning. So I will pick another question at random from my list. Good grief! How would one credit this? On 26 March 2009 the Hon. Duncan Gay asked a question on notice about Crookwell wind farm. I quote:

Mr Gay to the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, Minister for State Development—

The Hon. Rick Colless: Where is he now?

The Hon. PETER PRIMROSE: The Hon. Duncan Gay is sitting next to the Hon. Rick Colless. I quote:

Answer—

This is a matter for the Minister for Planning.

On 31 May 2007 the Hon. Duncan Gay asked a question on notice about the register of encumbered vehicles system. I quote:

Mr Gay to the Minister for Roads, and Minister for Commerce—

...

Answer—

The Register of Encumbered Vehicles [REVS] is a service provided by the Office of Fair Trading. Questions about its operation should be directed to my colleague the Minister for Fair Trading.

It was not unreasonable for the Hon. Duncan Gay to ask that question. That is what happens. Our system of State Government administration is complicated. Sometimes members must ask a number of questions to get an answer from the right Minister. I do not question that; that has always happened in this place. However, under this proposal, after the first question members will be restricted to asking nine questions in the following week, including additional questions on behalf of other constituents. Members will have to pick and choose.

Reverend the Hon. Fred Nile: You could have asked the department who is responsible for it.

The Hon. PETER PRIMROSE: It is interesting that Reverend the Hon. Fred Nile interjects and says I could have asked the department. When I seek information from a department, the department regularly says that it cannot talk to politicians; we must go through the Minister. On 5 May 2009 the Hon. Duncan Gay asked a question on notice about the legal costs paid to hoteliers. I quote:

Mr Gay to the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, Minister for State Development representing the Minister for Gaming and Racing, and Minister for Sport and Recreation—

...

Answer—

The Government's response to this Supreme Court legal action was managed by the Department of Premier and Cabinet.

On 26 June 2008 the Hon. Duncan Gay asked a question on notice about house damages caused by runaway cars. I quote:

Mr Gay to the Minister for Roads, Minister for Commerce, Acting Minister for Industrial Relations, and Acting Minister Assisting the Minister for Finance—

...

Answer—

I am advised

This question is more appropriately directed to the Minister for Police.

On 31 May 2007 the Hon. Duncan Gay asked a question on notice about the Shell Gore Bay Terminal. I quote:

Mr Gay to the Treasurer, Minister for Infrastructure, and Minister for the Hunter representing the Minister for Small Business and Regulatory Reform, Minister for Ports and Waterways—

...

Answer—

... These questions should be referred to the Minister for Planning, Minister for Redfern-Waterloo and Minister for Arts ...

On 10 June 2010 the Hon. Duncan Gay asked a question on notice about Crowdy Head Harrington Wharf. I quote:

Mr Gay to the Minister for Planning, Minister for Infrastructure, Minister for Lands representing the Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs—

...

Answer—

That is a matter for the ... Minister for Lands.

The next question has a different type of answer. I am concerned that sometimes Ministers respond that things are on the public record. However, members are not aware of everything that is on the public record. On 28 June 2007 the Hon. Duncan Gay asked a question on notice about local courthouse closures. I quote:

Mr Gay to the Attorney General, and Minister for Justice—

...

Answer—

I refer the honourable member to public statements made regarding this issue and my media release dated 19 July 2007.

On 20 April 2010 the Hon. Duncan Gay asked a question on notice about the report on the New South Wales marine parks review. I quote:

Mr Gay to the Minister for Transport representing the Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)—

...

Answer—

... The report "Marine Park Science in NSW – An Independent Review" is accessible on the Marine Parks Authority website at www.mpa.nsw.gov.au.

As I said, I have randomly selected questions on notice. The Leader of the Government in this place—

The Hon. Duncan Gay: We need a time limit on this session as well, I suspect, because there is no point. You are just taking up time.

The PRESIDENT: Order!

The Hon. PETER PRIMROSE: The Hon. Duncan Gay said that I am taking up the time of the House. He chose to move this motion. In his speech he cited a number of instances where members asked wasteful questions; that somehow we had an indigent Opposition asking pesky questions of the Executive, that that was dreadful and that it had not happened before. I suggest that the Hon. Duncan Gay, the Hon. Michael Gallacher and others were doing their job in Opposition; they were doing the right thing in Opposition by seeking to keep the Executive honest.

The Hon. Duncan Gay: Show us where there were 30, 50 and 300.

The Hon. PETER PRIMROSE: Whether the then Opposition was—to use the Hon. Duncan Gay's expression—lazy by not asking enough questions is another matter, and I will leave that to the Auditor-General. But in terms of asking questions, as a shadow Minister I believe the Hon. Duncan Gay and others—as I said, I believe the Hon. Duncan Gay is an honourable member who respects how the House operates—were doing their job by asking questions to keep the Executive honest. That is what this place is set up for and I am simply pointing out that that is exactly what they did.

The former Opposition in this place did the right thing. Sometimes members asked questions to the wrong Minister and sometimes they made mistakes. I have only a few more examples; I could have found many more examples but I do not believe it is appropriate to trifle with the House. I have given a few examples to show that the former Opposition was doing the right thing, just as the current Opposition is doing the right thing. For instance, on 22 October 2008 a question was asked by the now Leader of the Government in this place, the Hon. Michael Gallacher, of the Minister for Police, Minister for Lands, and Minister for Emergency Services in relation to class 1A licences. In this case, the answer was:

I refer the honourable member to the former Minister's comprehensive answer to the previous question on the same subject.

In relation to a question on 8 April 2008 by the Hon. Michael Gallacher of the Minister for Roads and Minister for Commerce on caravan registration, the answer was:

I am advised the details about the cost of registering a caravan in New South Wales can be found on the Roads and Traffic Authority website.

The answer went on to list the website details. A question on 24 October 2007 by the Hon. Michael Gallacher of the Minister for Roads, Minister for Commerce, representing the Minister for Police, Minister for the Illawarra, was answered as follows:

The New South Wales Police Force and the Ministry for Police have advised me that lists of all grants are published in their annual reports.

I will finish by referring to one other. The third Minister in this place who was doing the right thing in Opposition, the Hon. Greg Pearce, asked a question on 3 June concerning the Parramatta City Council. His question was to the Minister for Transport, representing the Minister for Industrial Relations, Minister for Commerce, Minister for Energy and a number of other portfolios. The answer was:

The Department of Services Technology and Administration played no role in either of the court cases referred to in the question and has no information concerning the costs of proceedings brought under the Land Acquisition Act, including by councils and others.

Not involved at all. I also refer to a question on 27 October 2009 by the Hon. Greg Pearce of the Treasurer, representing the Minister for Commerce, Minister for Tourism, Minister for the Hunter, and Minister for Science and Medical Research concerning the JobsNSW website. It, of course, went to the wrong Minister. The answer was that the question should be directed to the Minister for Public Sector Reform. In response to a question on 3 June 2010 by the Hon. Greg Pearce—and I stress again, someone in Opposition, a shadow Minister doing the right thing by asking questions to keep the Executive held to account—of the Minister for Transport, representing the Minister for Industrial Relations, concerning referral of industrial relations powers, the answer was:

This question should be directed to the previous Minister for Industrial Relations and information in relation to terminating referrals is included in the Industrial Relations Amendment (Commonwealth Powers) Act and the Fair Work Act.

The Hon. Greg Pearce correctly, like a number of other former Opposition members, was not averse to what one would call fishing expeditions. I quote, for example, question No. 0369 asked in budget estimates. I will not

read it out as it is quite extensive, but it sought the total value of payments to trade unions by the Government over five years, and indeed requested a whole lot of other information. I will conclude this part of my speech by quoting a question on 12 March 2009 of one of the other members of this place, the Hon. Catherine Cusack, who made a sterling address yesterday to this House. There are many others, but I will quote this one by Hon. Catherine Cusack to the Minister for Police, Minister for Lands and Minister for Rural Affairs, representing the Minister for Planning, and the Minister for Redfern-Waterloo:

In relation to Ku-ring-gai Municipality Heritage ... how many heritage significant areas are registered in New South Wales?

The question continued, but the answer for all sections of the inquiry was:

"Heritage significant areas" is not a statutory term under the Environmental Planning and Assessment Act 1979.

It was not even part of the legislation. These members of the former Opposition were doing their job. I do not find any fault with them. They were asking questions. All I am asking, as a member of the current Opposition, is to be allowed in the same way to do my job. As various members have read and commented on questions on notice that I have asked, including the Hon. Duncan Gay, they have posited their support for this motion on assertions that those questions are not very valuable or simply inconvenient to Ministers. I would like to go through some of those questions that I have asked the O'Farrell Ministry, looking at the ones that they have found inconvenient, and seek to enlighten the House about why I have asked those questions and why I should be allowed to continue to ask those questions.

For example, on 12 March I asked the Minister for Roads and Ports, the Hon. Duncan Gay, what was the total number of parking offences in school zones in the Newcastle electorate in 2011-12 and what were the most frequent offences. The answer was that this was a matter for the Minister for Finance and Services. It was my mistake, thinking that parking offences related to either the Police or Roads portfolio, so I had a choice. I asked one Minister and got it wrong. The appropriate thing was to ask the correct Minister, or I could have asked every Minister that I thought may have had something to do with it and that would have meant that presumably all except one, the correct Minister, would have come back and said, "You have asked the wrong person." In this case I chose to ask only one Minister, whom I thought was the appropriate Minister, and I got it wrong. That is fine; I will now ask another Minister, but I am either criticised for asking one Minister and getting it wrong or for asking questions that are always addressed to the wrong Minister.

I have also asked a series of questions—and these are the ones that the Hon. Duncan Gay specifically referred to—relating to concerns that I have, and that a number of constituents have raised with me, relating to emergency evacuations. I have previously sought information on what happens in the case of schools. Do they practise emergency evacuations? I was told that this information is not kept centrally; it is retained by the individual schools. I then asked a question relating to individual schools. What I was seeking of the Minister for Roads and Ports, representing the Minister for Education, was, in accordance with the requirements of emergency management planning, on what days were trial emergency evacuations conducted at Rouse Hill Public School in 2012. This school is within one of the duty electorates that I have been asked to look after by the Opposition.

I am concerned simply to make sure that the legislative requirement of schools to have emergency evacuations is occurring. I was not suggesting that it was not, but given the concerns that have been raised by parents with me, I would much rather be able to say everything is fine, I have the figures, everyone is doing what they are legislatively required to do. I would much rather be able to say that now, and at the very least give a gee-up to those schools that may not be doing it to ensure that they are occurring, than wait until there is a tragedy and the coronial inquiry subsequently says that the rules were not correctly followed. I am not suggesting that they are not being followed. It is a simple question. The answer was:

Through established policies and procedures, the New South Wales Department of Education and Community requires New South Wales government schools to develop an emergency management plan for the school. These plans are required to be reviewed annually.

At no point did I get advice in relation to individual schools. As per my question, I already know that schools are required to undertake these emergency evacuations at least twice a year, but the answer simply says that schools are required to undertake those twice a year. I am then left in the situation of having to ask the Minister, "Precisely what is taking place in relation to this school?" I get the same answer, which is a non-answer. I then need to ask other and more detailed questions. I have another example of what is regarded by the Executive as a trivial and frivolous question. On 14 March 2013 I asked the Minister for Roads and Ports:

- (1) (a) On what dates was the M5 East city-bound tunnel closed for any period during 2012?
- (b) For how long was it closed on each occasion?
- (2) (a) On what dates was the M5 East west-bound tunnel closed for any period during 2012?
- (b) For how long was it closed on each occasion?

People who use that road know exactly what I am talking about. People are always suggesting that a road that provides the major artery to western and certainly south-western Sydney is regularly closed. I would like to see some hard data on whether that is the case so I could then consider asking for additional information if, as I suspect, it is closed for more than a reasonable amount of time. The answer I got to both questions was:

The M5 tunnels can be closed to manage incidents and conduct planned maintenance and resurfacing work as required. Advance notice of planned closures and resurfacing work is provided to the public through the project website.

I know that. That is not what the question asked. Again, even though I have my concerns about the answer, what I need to do as a consequence is ask a more detailed question. I need to go back to the Minister or maybe some other Minister and seek additional information that flows from the question. The constituents who have asked me to raise this matter are simply seeking additional information. I have sought to obtain the information. The Minister, on behalf of the Executive, has not given me the information and I now intend to ask more questions on the matter, if I am allowed to under the nine-question rule. I will have to begin selecting questions that are appropriate to ask.

On 12 March 2013 I asked a question of the Minister for Police and Emergency Services, representing the Premier, and Minister for Western Sydney, relating to reports in the media about Brickworks, Australia's largest brick and tile manufacturer, which indicated it was having difficulties renewing gas supply contracts from 2015 as so much domestic gas was being exported. My question asked:

...what action is the Government taking to ensure that adequate gas supplies are available to New South Wales manufacturers?

The answer was:

Please refer to the answer to question on notice 3547 to the Minister for Roads and Ports, representing the Minister for Resources and Energy.

That is reasonable. The Premier said a question had been asked of another Minister and I should look at that answer. That is an acceptable answer. I was not too sure, given we were talking about a whole-of-government issue, whether the Premier was the appropriate Minister but in this case he said an answer had been supplied to an identical question by the Minister for Resources and Energy. I regarded the question as very important and certainly I know that Brickworks, our largest brick and tile manufacturer, raised these matters and believed they were very important. The answer from the Minister for Resources and Energy to which the Premier referred me was:

I do not comment on newspaper reports.

I am not going to say any more other than that I need to ask more questions. I have gone back to the people at Brickworks and advised them of the Minister's obvious display of concern about what is going to happen to their contracts after 2015. I keep asking questions. That is part of the job of opposition. I asked a question on 26 February this year to the Minister for Roads and Ports, representing the Minister for Education, because I was not sure who the responsible Minister was:

Have "dragon teeth" line markings on the road pavement been installed at the gateway of all school zones in the Baulkham Hills electorate.

The answer was that the question should be directed to the Minister for Roads and Ports. Again, that is a reasonable response and I now know the appropriate Minister to whom to direct a question on that issue. I have asked a series of questions about a particular issue of mine that I would like to raise over the next few years, and this is why I need to follow them up. It concerns the cost of damage to public and private property in New South Wales caused by termites. I have done the relevant searches on all the appropriate websites, I have been through the CSIRO, I have sought information in public reports and now I have started to ask specific questions that will enable me to formulate some sort of proposal to bring to this House. I asked the Minister for Finance and Services, and Minister for the Illawarra:

In New South Wales, what is the estimated annual cost of damage caused by termites to public buildings?

What agencies are responsible for conducting research into such damage?

What agencies in New South Wales are responsible for overseeing the operations of commercial operators who provide termite prevention and eradication services?

The answer I received was:

This question does not pertain to NSW Fair Trading and should be referred to the Minister for Finance and Services.

So Fair Trading presumably is not involved in any issues to do with overseeing operators who provide termite prevention and eradication services, which is news to me, but I have found that out by asking the question. I then asked the Minister for Finance and Services a question on 2 May 2012 about the same matter:

In New South Wales, what is the estimated annual cost of damage caused by termites?

The answer was:

The Department of Finance and Services does not collect or hold this information.

No-one seems to be aware of the information. But there is a glimmer of hope, because I asked myself who else may be interested in this topic.

The Hon. Mick Veitch: Good question.

The Hon. PETER PRIMROSE: I think it is a very important question. Certainly if the whole of your capital has been destroyed by termite infestation it is a grave concern to residents of New South Wales. That is why I am taking an interest in it and asking questions. On 14 March 2013 I asked the Minister for Finance and Services, and Minister for the Illawarra:

- (a) How many Department of Housing properties were sprayed for white ants in 2011/12?
- (b) What was the estimated cost?
- (c) What chemicals were used?

I was told:

- (a) 447 Land and Housing Corporation properties received active termite treatment comprising direct destruction or chemical application during 2011-12.
- (b) The cost was \$387,497.
- (c) The chemicals were registered through the Australian Pesticides and Veterinary Medicines Authority.

Again, that is a reasonable answer and one I now propose to use to take my interest in this topic further as a legislator. On 12 March 2013 I asked a question relating to issues that were being debated here such as one we are very likely to have here tomorrow. I asked the Minister for Police and Emergency Services, representing the Attorney General and Minister for Justice, three questions:

- (1) When it enacts legislation, is the Government obliged to ensure that such legislation is consistent with international treaties that have been ratified by Australia?
- (2) If so, what mechanisms are used by the Government to ensure this consistency
- (3) If not, why not?

The Attorney General responded and I think gave a reasonable answer. It certainly helped clarify my thinking in relation to this matter. The answer is available to honourable members and I will not be asking any additional questions. It answered the question. I, again, will be doing my job, and I will be able to use that information provided by the Attorney General when I am speaking in other debates in this place.

It is important that all citizens of New South Wales understand the role of a House of review and the importance of maintaining the role of a House of review. I will not go into the details, but I asked a question on 26 February of the Minister for Roads and Ports, representing the Minister for Primary Industries and Minister for Small Business. I wanted to know which empirical research programs had been conducted by the Game Council to evaluate whether there has been a reduction of the impacts of feral animals on ecosystems and State forests through "conservation hunting", which research programs were underway, and when they will be concluded. The Minister provided details of two programs. I have had the opportunity to review them. I received a reasonable answer from the Minister and I thank the Minister for providing that answer. I am sure that members are aware that this is a contested issue, particularly so because there is an inquiry that will soon report

to this House. I was seeking additional information so I could begin to make decisions about my position in relation to these matters. Reasonable answers are not always received. I asked the Minister for Roads and Ports a question representing the Minister for Education on 27 February:

1. Is the provision of security fencing around public schools covered by the Security Industry Act 1997?
2. If so, do contractors who provide such fencing require a Master Licence?

This is an important issue for insurance, contractors and others. The answer received was that the question asked for a legal opinion and it is inconsistent with Legislative Council Standing Order 65. I am not seeking a legal opinion. The Department of Education is building fences around schools. I simply want to know whether they believe that the contractors who are building them require a master licence. That would then require me to ask additional questions, if I am allowed to ask them in the future. On 26 February I asked the Minister for Police and Emergency Services a question in his capacity representing the Minister for Health, and the Minister for Medical Research:

Since 1 July 2011 to date, on how many days has any section of the closed-circuit television system installed at Sutherland Hospital been non-functioning?

The answer from the Minister of Health was that there have been no outages of closed-circuit cameras at Sutherland Hospital since December 2011. However, following a serious malfunction of a digital component that covered 16 cameras there was a 60-day period when these cameras were unavailable while new equipment was sourced and purchased. On 26 February I asked a question directed to the Minister for Police and Emergency Services, representing the Premier, and Minister for Western Sydney:

What is the Government doing to protect and encourage the live music industry?

I thought the Premier gave me a reasonable answer and it will now allow me, if I am given the opportunity, to ask some additional questions about this very important industry in New South Wales. It is obviously important to the Premier, because he has given a reasonable answer. I mention a couple of recent questions that I have asked to which I am still waiting for answers. I would like honourable members to think about how many of these questions yet to be answered are unreasonable or perhaps represents laziness of an Opposition that does not ask questions. On 30 April I directed a question to the Minister for Roads and Ports representing the transport Minister:

- (1) (a) What works are required to the existing train line between Epping and Chatswood to enable the private single deck trains to operate as part of the North West Rail Link?
- (b) What is the estimated cost of these changes?

On 30 April 2013 I asked a question of the Minister for Police, representing the Minister for Health. I will not go through the lot, but will read out the essential five questions:

- (1) (a) Have injuries from falls among the elderly increased, resulting in more pressure on the NSW hospital system?
- (b) If so what has been the increase over recent years?

I go on to ask questions about hospitalisation and finally ask:

- (5) What actions will the Government take to reduce the number of injuries resulting from falls amongst the elderly?

It is an important issue and one that I am keen to promote, particularly through estimates and in the House during debate to ensure that we focus on reducing the number of falls. I am seeking information and data to back up the comments. On 30 April this year I asked a question directed to the Minister for Roads and Ports representing the Minister for Education. I was investigating the issue of the number of staff hours allocated to cleaning each fortnight at a particular TAFE campus. I want to ensure that the number of hours allocated to cleaning does not decrease. The Opposition wants to ensure that staff hours are monitored and that there are no cuts. This following question is of particular concern. On 30 April I again asked the Minister for Roads and Ports representing the Minister for Transport:

- (1) Will there be a turnback/stabling road at Chatswood Station for the terminating private North West Rail Link trains?
 - (a) If so, where will it be located?
 - (b) If not, what provision will be used to turn back the private trains.

I will not go into the technicalities, but if there are inadequate turnback facilities that service will not work. Seeking information from the Minister about the issue of turnback proposals for Chatswood station is a critical issue for the operation of the proposed North West Rail Link. We have not seen any information on this issue. I will have more to say on the North West Rail Link later today. To ensure its correct and proper development in the best interests of the people of New South Wales I will keep asking questions about it. I have no problem with the development of the North West Rail Link, but it is appropriate for the Opposition to ask questions to ensure that it occurs efficiently and effectively. If I am allowed to ask questions I will take the opportunity to do so as a member of this House.

I have asked an important question about Hawkesbury Road. The Hon. Helen Westwood and I both asked the Minister for Roads and Ports whether the hairpin bends on Hawkesbury Road are narrow and often difficult to negotiate, why Roads and Maritime Services has painted over the double white lines that mark the centre of the road on those hairpin bends, whether one of the consequences of the removal of the lines is that trucks now travel in the middle of the road without fear of prosecution, and whether additional safety signs have been installed warning motorists of the hazard that removing the lines has now created on those bends. I do not think they are unreasonable questions; in fact, several websites are also seeking that information. I will not take up the time of the House reading the string of questions that I have asked about the North West Rail Link.

My questions are demonstrably reasonable. I am happy to go through them again with any honourable member or in the House and to justify each of them. I am doing my job, which is to ask questions of the Executive. I do not believe that any of my questions have been frivolous or unreasonable. One of the key jobs of the Parliament is to keep the Executive Government accountable, and of course it does not like that. The Legislative Council is a House of review and if it ceases questioning, examining and probing the Executive Government it will cease being different from the Legislative Assembly. Barry O'Farrell may see the Legislative Council as "LA Lite", but the quality of parliamentary democracy in this State in the interests of the people we represent will be poorer for the dumbing down of the role that this House has performed since 1856 that will result from restricting the Opposition's role.

The Hon. SHAOQUETT MOSELMANE [12.42 p.m.]: I oppose this motion amending the sessional orders to restrict the number of written questions on notice that a member may lodge each sitting week. It is shameful, unacceptable and undemocratic. This is another attempt to gag the Opposition and to avoid accountability and parliamentary scrutiny. According to the Leader of the House, the Hon. Duncan Gay, the basis of this motion is that questions on notice are vexatious. I do not think that asking questions, particularly those asked in the public interest, is vexatious. I do not believe that members who ask the Government how it is spending taxpayers' money are being vexatious or disingenuous. In fact, no question about what the Government is doing is vexatious.

The Government can be held accountable by the use of a limited number of parliamentary mechanisms such as debates and committees of inquiry. However, the most important mechanism at our disposal is the asking of questions. Put simply, if we do not ask questions in the House of review we do not get answers. This motion is an attempt by the Government to stop scrutiny in this House. It is a shame that party politics—if that is the underlying reason for this motion—is constraining what can be asked in Parliament and eroding the quality of parliamentary scrutiny and accountability. According to Snell and Upcher in an article entitled "Freedom of information and parliament" published in *Freedom of Information Review*, the "power of parliament is now subordinate to the power of party politics" and "parliament has subsequently declined as a forum of accountability".

Members ask questions on notice of this Government because it has been dodgy and has indulged in party politics to avoid answering questions during question time. According to Owen Hughes in *Australian Politics* an institution such as ours must have a system of accountability that is designed "to ensure that any government acts in a way broadly approved by the community". Mark Bovens states in "Analysing and Assessing Public Accountability: A Conceptual Framework", published in *European Governance Papers*, that "in democracies, a significant form of public accountability is 'political accountability'".

The Government's attempt to restrict the number of questions asked on notice is a blatant and unacceptable infringement of members' rights. Members were granted that unlimited right not only so that they could hold the government accountable but also so that they could seek information that may be helpful when deciding whether to support or oppose a policy. Members have the right to ask questions to redress grievances, particularly in debates in this place. With this motion the Government is significantly changing the nature of our democracy by chipping away at our right as members of Parliament to represent our constituents. The

Government is not trying to be efficient; it is simply demonstrating incompetence by failing to ensure procedural fairness in this place. It is abusing its power and our parliamentary procedures. This motion is a violation of our rights as members and as community representatives and it completely disregards our role as members of the Opposition, most importantly by restricting debate and gagging us. It threatens the very fabric and fundamentals of our political system.

The O'Farrell Government is clearly trying to apply the guillotine yet again following its shutdown of debate in the House in 2011 for the first time in nearly 100 years. Extraordinary steps are being taken to gag members. This is nothing but an attempt to cover up how badly this Government is running this State. Forbidding members from asking questions demonstrates a disgraceful disregard for our role as public representatives. It is an assault on our free and open system and an abuse of proper parliamentary procedures. The most basic but also the most important pillar of our democratic system is the asking of questions, and that is being undermined by the O'Farrell Government.

Not content with cutting the health and education budgets and preaching to New South Wales families about tightening their belts and learning how to live within their means, this Government is now trying to gaffer tape those who dare to ask questions about its spending and the impact of its budget slashing. The people of New South Wales deserve to have those questions asked on their behalf, and the answers should be provided. This Government first limited the time that Opposition members could speak, then it limited the time for debate on an item, and it is now limiting the number questions a member can lodge each sitting week and thereby banning questions being asked during non-sitting weeks. It is amazing that members can ask questions only in sitting weeks.

The Hon. Duncan Gay: You only ever ask them in sitting weeks, you dope.

The Hon. SHAOQUETT MOSELMANE: I am referring to questions on notice. Unlike the honourable member, I will not use the term "dope" in reference to him. What will this inept Government do next? Will it handcuff Opposition members and if they fail to cooperate throw them in a holding cell? This is not the political system we want; this is blatant censorship. We live in a democracy and we uphold democratic values, and gagging members is not one of them. The Government has so far defined itself by creating a culture of bullying and applying tactics designed to dominate debate for its own political gain. It is not governing; it is bullying, gagging and destroying the ideals held dear by many members of this place. Preventing members from asking questions is destroying the basis of our civil and political rights.

By gagging members the Government is gagging our constituents and preventing their asking questions. Irrespective of how insignificant the issue may be, it is the principle behind this system that the Government is now destroying. When will it stop this bizarre nonsense? If the Government were a political lobby group trying to gag dissent from right-wing, undemocratic bullies—as some do—I would understand it. However, I would fight it and call on right-thinking people to support what is right and just. Governments should not gag people, and particularly not democratically elected representatives. What is even more bizarre and nonsensical is that the Hon. Duncan Gay said that the reason for restricting the number questions on notice that members can ask is that they "make it really hard for our staff". It is not hard to provide such answers. I put on the record that I ask very few questions, because I know that I will receive stupid answers. For example, on 20 February 2013 the Hon. Amanda Fazio asked a number of questions of the Minister for Roads and Ports as follows:

- (1) What are the projected costs for the M4 East and WestConnex proposals?
- (2) What is the route for each proposal?
- (3) How close will each proposal deliver commuters to the Sydney Central Business District?
- (4) What are the projected travel times from each proposal?
- (5) Will there be any tolling changes as a result of either proposal?
- (6) Has there been any discussion or proposals for any tolling changes in regards to the two projects?

The Minister for Roads and Ports replied to those questions asked by Hon. Amanda Fazio, who was representing her constituency, by saying, "This information is publicly available on WestConnex' website." The Minister and his staff did not put in any time and effort to provide that answer. That is why I do not ask questions of this docile, stupid Government. I wonder what the Government and its staff are working on if they provide such

answers while restricting the number of questions the Opposition can ask in future. It should be noted that our Westminster system of parliamentary democracy is based on the principle of responsible government in that Ministers are answerable to the Parliament.

By restricting the number of questions that can be asked this Government is failing to uphold the fundamental principles of open and accountable government. It is trying to erode the quality and quantity of parliamentary scrutiny. We should also ask: Why is the Government suddenly trying to change the rules? What is the purpose? What is it trying to hide? It is disheartening to see the Government stoop to such low levels by sidestepping scrutiny. This is nothing but an attempt to shut out the proper administration of parliamentary process. Most of all, this motion demonstrates the Government's contempt for parliamentary procedures and its members when it will not allow them, as representatives of the public, to ask as many questions as they need to do their jobs.

The Hon. MICK VEITCH [12.52 p.m.]: I will make a brief contribution on this motion. I oppose the motion. It would be fair to say that I ask prolific written questions of the Government because as a shadow Minister I use this process as a tool of opposition, and often it leads to information that I need or, if I do not get an answer to my question, it leads to a GIPA, a request under the Government Information (Public Access) Act. I know that the Minister for Roads and Ports has gone down the same well-worn path and knows that it is a part of the tool kit of opposition. I am currently working on a GIPA in my office in relation to \$16,200 for a department. We are reworking the scope, which is part of opposition—it is about gathering information that brings the Government of the day to account.

I believe it is my role as a shadow Minister to ask questions. I put to Government members that I ask so many written questions because most Ministers are in the other Chamber. So I ask the questions on notice via Ministers in this Chamber, which has been an accepted practice for a long time. I ask for detailed information. That is why there are so many questions on notice. If we are to use the processes established for tracking government decisions and actions, and if most Ministers are in the other place, we really have no option but to lodge written questions through Ministers in this Chamber to Ministers in the other Chamber. That has to be the procedure. I have heard commentary during this debate, mainly via interjections, that members of the Opposition should check websites. I agree that a website is the appropriate place to seek information. Some departments and some Ministers are very good at maintaining current and up-to-date information on their websites but it is also fair to say that some are not.

I have asked many questions in relation to the Regional Relocation Grants Scheme of the Minister for Finance and Services. I admit that the Minister for Finance and Services promptly answers my questions on that matter, within approximately 10 days, not 35 days. I ask that question regularly, approximately every three months, because I want to obtain the most current information at the end of every financial quarter. I continue to do so because that information is not available on the website. I think it should be. This information should be publicly available on the website and I will continue to ask this question. I also ask similar questions regarding the Payroll Tax Rebate Disability Employment Scheme and the Payroll Tax Rebate Jobs Action Plan at the end of each financial quarter or at the end of a period upon which that information should be publicly available on the relevant departmental website. Under the rebate schemes it is usually six or twelve months. I do not think any members would disagree with that being publicly available. If it were available I would not have to continually ask those questions.

I was able to identify via questions on notice that instead of securing 100 places a year under the Payroll Tax Rebate Disability Employment Scheme we have only been able to secure five. I was also able to highlight through that process that there is no monitoring or performance measuring of that scheme. I will now pursue this matter via a different process. I also have concerns about questions being directed to the wrong Minister. In the past I have asked a question of the Minister for Finance and Services on the Payroll Tax Rebate Disability Employment Scheme about the number of disability service providers who are engaged in that scheme to support workers under that scheme. The Minister for Finance and Services advised that the relevant Minister for that question is the Minister for Disability Services.

I put the written question on notice via the Minister for Finance and Services to the Minister for Disability Services, waited 35 days, and the answer was that it is not a matter for the Minister for Disability Services; it is a matter for the Minister for Finance and Services. I was sent around in a circle. That has happened to me a couple of times. It is indicative of Ministers not knowing what they are responsible for. Disability service providers who have licences to deliver the transition to work program are responsible to the Minister for Disability Services. I understand that the Payroll Tax Rebate Disability Employment Scheme is

operated through the Office of State Revenue in the portfolio of the Minister for Finance and Services. The two Ministers concerned have not worked out who is responsible for the scheme. The Opposition can be accused of asking questions to the wrong Minister but it works both ways. From time to time we also get answers from Ministers referring our questions to the wrong Minister.

Members know that I travel regional New South Wales regularly. Those travels invariably generate questions. Often quite detailed answers are sought. It has always been my understanding that any question that requires a detailed answer should be put on notice rather than asked in the Chamber without notice. That is to be fair to Ministers, because they would not have that detailed information in their House folders.

Recently I asked a question on notice about an injured worker who is under the current workers compensation scheme and who wants to establish a small business as part of their rehabilitation program. I asked what processes were necessary for that to occur. I put it to members that that is a fair and decent use of the written questions on notice process, rather than asking it to the Minister in the Chamber. As we know, when we ask questions without notice in the Chamber we do not get answers anyway. I think the Minister for Roads and Ports said yesterday that it is question time, not answer time. We do not get many detailed answers from Ministers during question time in the House. So it was fair for my question to be put on notice.

I note the Minister's statement that the proposed arrangements are okay because they are in accordance with what happens in the other place. I am concerned about this. Recently several processes in this House have been changed to replicate those in the other Chamber. That fails to acknowledge that there are two separate Chambers and that this is the House of review. The written questions on notice process in this Chamber operates differently because we are the House of review. I am concerned that there are several Ministers in the other Chamber and only three Ministers in this Chamber. I think that is one of the driving forces behind the number of questions put on notice. One need only look at the calibre of Dorothy Dixier questions in this Chamber near the end of a long session to know that even Ministers struggle to get quality—

The PRESIDENT: Order! If the Minister has difficulty with what is being said he has a right of reply and an immediate solution that he could take advantage of as well.

[The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.]

Pursuant to sessional orders business interrupted for questions.

Item of business set down as an order of the day for a later hour.

CONDUCT OF MEMBERS

The PRESIDENT: Order! In 2009 President Primrose ruled as follows:

... when a person is in public life and a member of Parliament, the risk of being criticised in a political way must be taken. Politics is not an area for sensitive persons. In the course of debate when members canvass the opinions and conduct of their opponents, they must expect criticism.

That was his ruling. However, having said that, Parliament is a place where orderly debate on the issues of the day and public affairs generally should be conducted with some degree of civility. The level of personal abuse from some members of this Chamber is unacceptable and I will not hesitate to crack down on it if it persists after warning. I ask all members to bear that in mind when they have the call or when they seek to make any other statement in this Chamber by way of interjection.

RIGHT TO SPEAK

The PRESIDENT: Order! Before lunch I was asked whether a member who had been excluded under Standing Order 192 would be able to continue speaking after his period of exclusion had expired. I rule that he cannot. Under Standing Order 87 a member may speak only once on a motion. The termination of a member's speech is a consequence of the activation of Standing Order 192. It is, however, possible for members to seek to make an additional contribution by leave. I will leave that for the better judgement of the House to consider. I should, however, remind the House that if an additional amendment were moved before the debate concludes the member would have an opportunity to make a contribution.

QUESTIONS WITHOUT NOTICE

CHILD SEXUAL ABUSE COMPENSATION CLAIMS

The Hon. LUKE FOLEY: My question is directed to the Leader of the Government, representing the Attorney General. Given that many people will come forward for the first time to share their details of abuse at both the Commonwealth and State governments' royal commissions into child sexual assault, why is the Government legislating to stop victims who have been encouraged to come forward from claiming compensation?

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question and indicate to him that a similar question was asked of the—

The Hon. Greg Donnelly: It is operational.

The Hon. MICHAEL GALLACHER: I am being respectful, Greg. I am being nice and polite today, for a little while anyway—give me a couple of minutes. The honourable member and, indeed, the President can be assured that I will seek a response from the Attorney General in relation to the question asked of me and I will report back to the House in relation to it.

GLOBAL ROAD SAFETY WEEK

The Hon. MELINDA PAVEY: My question is directed to the Minister for Police and Emergency Services. What is the NSW Police Force doing to help improve pedestrian safety given this week is United Nations Global Road Safety Week and it is dedicated to pedestrian safety?

The Hon. MICHAEL GALLACHER: What a timely question. As the member said, this week is indeed Global Road Safety Week. Requested by the United Nations General Assembly, the week draws attention to pedestrian safety. It is part of the United Nations Decade of Action for Road Safety 2011-2020, which aims to save five million lives worldwide. Throughout the world more than 270,000 pedestrians lose their lives each year. Pedestrians represent 22 per cent of the total 1.24 million road deaths. Within New South Wales an average of 55 pedestrians lose their lives each year. Police data indicates that in the 12 months to 30 April 2013 there were 2,354 crashes involving pedestrians and 46 pedestrian fatalities.

Motorists and pedestrians need to take responsibility. Motorists need to comply with the speed limit, slow down at crossings and not queue across intersections. Pedestrians need to pay attention near the road, use marked crossings and wait for green signals before crossing roads, as the Hon. Steve Whan did at lunch time when he crossed the road near Martin Place. He waited for the appropriate time to cross and was most certainly a role model.

Police enforce the road rules equally, regardless of whether a person is a pedestrian or a motorist. In the 12 months to 30 April police issued infringements to 569 pedestrians for offences, including crossing when pedestrian lights are not green, 305 infringements—of course, the Hon. Jeremy Buckingham was warned on his behaviour in Macquarie Street during the lunch break; moving into a driver's path, 108 infringements; not using marked crossings, 39 infringements; and staying on the road longer than necessary to cross, 18 infringements. On the other side of the equation, police issued a number of infringements to drivers for offences that put pedestrians at risk. For the 12 months to February 2013 police issued 250 infringements for blocking an intersection, 10,445 infringements for school zone offences—a terrible figure—and 205,000 infringements for speeding.

I mentioned school zones a moment ago. They are an important initiative to help make school zone roads safer for children making their way to and from school. Children are especially vulnerable on the roads. They do not have the road sense and experience of adults, they can be unpredictable and they are physically harder to see because invariably many of them are quite small. Additional flashing lights are being rolled out by the Government and will help to alert motorists to the presence of a school zone, but motorists still need to be alert and attentive and, most importantly, to slow down.

Pedestrians are a particularly vulnerable class of road user, especially if hit by a speeding vehicle. A pedestrian hit by a vehicle travelling at 40 kilometres an hour has a 25 per cent chance of dying as a result of

their injuries. A pedestrian hit by a car travelling at 60 kilometres an hour—20 kilometres more—has an 85 per cent chance of dying. Pedestrians hit by cars travelling at 80 kilometres an hour or more have almost no chance of survival.

These sobering statistics are the reason why speed limits in school zones are reduced to 40 kilometres per hour. Within the Sydney central business district the new 10-member motorcycle response team is also having an impact on pedestrian behaviour and pedestrian safety. I am told that since the motorcycle response team commenced operations last August there has been a 19 per cent reduction in pedestrian crashes. Global Road Safety Week draws important attention to pedestrian safety and I am pleased the New South Wales Police Force is playing its part.

CHILD SEXUAL ABUSE COMPENSATION CLAIMS

The Hon. ADAM SEARLE: My question is directed to the Minister for Police and Emergency Services, representing the Attorney General. What does the Minister say to the more than 500 victims of child sexual abuse who submit late victims compensation claims each year and those with claims already lodged and awaiting determination who as a result of the Government's changes will now be excluded from receiving support?

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question. As he has asked me the question in my capacity representing the Attorney General I will refer the question to him for a response.

LOCAL LAND SERVICES

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Finance and Services. Will the Government make a commitment to the farmers of New South Wales that the proposed Local Land Services will not be a slash and burn exercise and that current funding and services will be maintained in real terms?

The Hon. GREG PEARCE: Does anyone have a clue what that question was about?

The Hon. Steve Whan: Yes, I have. Would you like me to explain it to you?

The Hon. GREG PEARCE: Yes, I would actually.

The Hon. Jeremy Buckingham: It is about funding. Make a commitment.

The Hon. GREG PEARCE: He says it is about funding. Funding what? There are no cuts to farmers. As usual the Hon. Jeremy Buckingham is off with his North Korean controllers.

The Hon. Luke Foley: Michael Kirby is going to sort them.

The Hon. GREG PEARCE: That is right. I am pleased. I recognise the interjection from the Leader of the Opposition. The Hon. Michael Kirby will do a fair bit to sort out The Greens, and they need it. They really need to have a receiver and manager or, perhaps even better, a liquidator appointed to The Greens.

The Hon. Jeremy Buckingham: Point of order: It is relevance. We are a minute into the Minister's answer and he has not mentioned anything that I raised in my question. I ask you to make sure that the Minister's answer is relevant to the question.

The PRESIDENT: Order! I uphold the point of order. Does the Minister have anything to add?

The Hon. GREG PEARCE: I simply say that if anybody can think of anything relevant to say in answer to that question I would be grateful for the help.

EMU CROSSING BRIDGE

The Hon. RICK COLLESS: My question is directed to the Minister for Roads and Ports. Given I have been travelling over the Emu Crossing low-level bridge at Bundarra for nearly 50 years, will the Minister update the House on funding for the replacement of the bridge?

The Hon. Jeremy Buckingham: The turkey crossing.

The Hon. DUNCAN GAY: I have two comments: First, it will no longer be a low-level bridge. Second, I acknowledge the leader-in-waiting of The Greens, the Hon. Jeremy Buckingham, who called it the turkey bridge. That is the degree of care they have for regional New South Wales—absolutely none. I am tempted to pursue that matter, but I have good news for the House again. I know members opposite do not like good news but last Friday at the Uralla Shire Council chambers I had the pleasure of announcing a \$3.5 million grant to the council to replace the ancient Emu Crossing low-level bridge near Bundarra. The Emu Crossing bridge is about four kilometres south of Bundarra on Thunderbolt's Way, which some people here—such as the honourable member who asked the question—know as a regional road that connects Uralla on the New England Highway with Inverell on the Gwydir Highway.

The Hon. Sophie Cotsis: Oh.

The Hon. DUNCAN GAY: Finally those opposite know where it is. "Oh", they said. There was a moment's silence. It is somewhere in regional New South Wales. As such it represents a key transport and freight route for the people and businesses of the Northern Tablelands. The current crossing is characterised by a low-level, one-lane bridge that is often closed to traffic during even small floods. It was constructed in 1919 and consists of 13 pipe culverts. When flooding occurs there is no local alternative route and detours are required via Torryburn and Gwydir River roads, a distance of 95 kilometres. We hear in the interjections from the Labor Party that it does not care about regional New South Wales. It does not care at all.

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

The Hon. DUNCAN GAY: This presents a significant problem for emergency service vehicles and the local school bus, which runs into the major education centre of Armidale. As a key regional freight route approved for B-doubles operating at general mass limits there are thousands of truck movements each year across the Emu Crossing bridge. These trucks transport everything from grain to livestock, to farm equipment and supplies. The movement of regional and farm freight along Thunderbolt's Way comes to an abrupt halt when Emu Creek is in flood. Overall, there are approximately 550 vehicle movements across the bridge each day, 30 per cent of them trucks. Furthermore, Thunderbolt's Way is the only direct transport and freight route between the towns of Bundarra, Bingara, Wialda and Inverell to Armidale, including to Armidale airport. It is also the most direct and quickest route for the people of the Northern Tablelands to Newcastle. According to Uralla Shire Council Deputy Mayor Bob Crouch, who also happens to be chair of the Emu Crossing bridge committee, the local community has been seeking a new bridge for more than 70 years. [*Time expired.*]

The Hon. RICK COLLESS: I ask a supplementary question. Will the Minister elucidate his answer in relation to Emu Crossing bridge?

The Hon. DUNCAN GAY: Records indicate that as early as 1935 the then Gostwyck Shire Council began making representations to the New South Wales Government via the Roads and Traffic Authority for financial assistance to replace the bridge. Many of the people I met when I was up there late last year with honourable members from this Chamber when we announced, with the former local member, funding to do an investigation—

The Hon. Jeremy Buckingham: Name him.

The Hon. DUNCAN GAY: Richard Torbay. How soon they forget. We are here to help them in every way. With the New South Wales Government's funding commitment of \$3.5 million, as well as \$100,000 from Uralla Shire Council, the bridge will be upgraded to two lanes providing a structure that will be able to cope with a one in 50-year flood event. Starting in 2013-14, our funding commitment will be spread over two financial years to assist with the council's upcoming construction schedule. The announcement comes hot on the heels of a \$1.75 million grant—you will like this one, Mick—to the Boorowa Shire Council to replace the Tarengo Creek bridge on the Boorowa to Harden Road, to which the council is contributing \$750,000.

This is the Government getting on with looking after productivity in regional New South Wales—certainly the farming communities in the State that rely on this important infrastructure to get their goods in and out. They forget that there are students on school buses who rely on these bridges to get to school. When they are closed for months at a time the students do not get an education.

PARLIAMENT HOUSE FORESTRY PROTESTERS

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Police and Emergency Services. Is the Minister aware that police have suggested that they may arrest the two forestry protesters currently outside Parliament House, who are dressed as Old Bill-style London police and are beneath the tree-sitting cranky koala, on the grounds that they are impersonating New South Wales police? What will the Minister do to ensure this does not happen and that this peaceful protest can continue?

The Hon. MICHAEL GALLACHER: I thought Walt Secord was the Evil Knievel stuntman of the Legislative Council, but it turns out that Mr David Shoebridge is. I saw the two Keystone Cops out the front. They looked silly because they were trying to get a piece of rope up to the world's biggest koala you have ever seen stuck in a tree. The rocket scientist worked out how to get up, but he could not work out how to get down. But that is a matter for him and a State Transit Authority bus. Apart from the legislation known as the "Offensive Faces in Public Places Act", I cannot see what else the two so-called English bobbies would satisfy in respect of offences, other than perhaps blocking the passage of people walking along the street and potentially forcing rescuers onto the road when trying to get Kenny Koala out of the tree. When I walked past there was a bit of commotion while they were trying to get the rope up to him. Be that as it may, I will keep a watching eye on it.

The Hon. Greg Donnelly: It is operational, Mike.

The Hon. MICHAEL GALLACHER: As the Hon. Greg Donnelly reminds me, it is an operational matter. I will keep a watching eye on it. I am not aware of them having committed any offences.

COMPULSORY THIRD PARTY GREEN SLIP INSURANCE PREMIUMS

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Finance and Services.

The Hon. Greg Pearce: About time.

The Hon. GREG DONNELLY: Thank you, Greg—from one Greg to another. Given that the New South Wales Law Society has raised serious concerns about the compulsory third party scheme announced by him today, stating that it is a "radical, untested and unfair scheme redesign", will he provide a guarantee that compulsory third party insurance premiums will not increase because of these changes?

The Hon. GREG PEARCE: I thank the honourable member for his important question, even though it is late in question time for such an important question. I thank the legal profession—the Law Society, the Bar Association and the Plaintiff Lawyers Association have all participated in the discussion about the compulsory third party scheme over the past few months. As honourable members know, we have a compulsory third party insurance scheme—green slip scheme—that has seen premiums increase by 70 per cent during the past five years. At the same time, the average time for concluding a contested claim takes about four years. We have released the Ernst and Young report that shows approximately 50¢ in every dollar of premium is going to administration of the scheme and dispute resolution, not to injured people. That is the scheme that we were left with.

I acknowledge that Mr David Shoebridge has taken an interest in this matter. Through the Standing Committee on Law and Justice he has been instrumental over many years in establishing and proving that the scheme we currently have, which was introduced by the Labor Party, has allowed insurers to gain windfall profits in excess of 30 per cent. I am now doing something about it, or at least as soon as I possibly can. As the Hon. Greg Donnelly knows, the Government put out a policy paper in January of this year. We allowed six weeks for submissions. We had 200 contacts, 18 submissions and the rest were short comments. Many of the legal bodies were asking the Government to do something to get green slip prices down. At the same time, we ran a consultation process with the legal profession. I personally met with them.

The Hon. Greg Donnelly: Point of order: My question was very specific. I concluded by saying, "Will the Minister provide a guarantee that the compulsory third party insurance premiums will not increase because of these changes?"

The PRESIDENT: Order! I thank the member for his point of order. The Minister was in order.

The Hon. GREG PEARCE: The Government was pleased with the cordial way in which the legal profession engaged in the discussion. It received a submission from each of the bodies that I mentioned earlier. Those submissions have been carefully analysed by Ernst and Young and checked by another actuary to see what was sensible about them. Seventeen of the 24 recommendations made by the Law Society have been accepted. A further three of the recommendations have been partially accepted, but one key issue that we differ on is whether the Government moves to a no-fault scheme, not a scheme that is open to fraud, to criminals and hoons, and people like the Hon. Walt Secord—

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

The Hon. Lynda Voltz: Point of order: The Minister clearly said "criminals and hoons, and people like the Hon. Walt Secord". I ask him to withdraw that comment.

The PRESIDENT: Order! I did not hear that comment.

The Hon. GREG DONNELLY: I ask a supplementary question. Will the Minister elucidate his answer with respect to confirming that his announcement today will reduce the cost of compulsory third party insurance in New South Wales?

The Hon. GREG PEARCE: I did not get to that point in the answer, so I cannot elucidate. I was rudely interrupted by points of order taken by Opposition members. The question the member asked me related to our consultations with the Law Society, and I was answering that in detail.

The Hon. Greg Donnelly: The question was not about consultation. The Minister knows what the question was.

The Hon. GREG PEARCE: It was a question of consultation.

The PRESIDENT: Order! The member will resume his seat. The Minister has the call.

The Hon. GREG PEARCE: I am prepared, Mr President, if you think it is appropriate, to address the issue. However, it was basically a new question—

The PRESIDENT: Order! No point of order was taken with respect to the supplementary question. I did not rule it out of order. It does not require any debate from the Minister. The Minister should either answer the supplementary question or resume his seat.

The Hon. GREG PEARCE: One of the key objectives of this reform is to stop the ever-spiralling increases in green slip premiums. The Labor Government did not care about the cost of living or the community. The first issue is to stop the increases in premiums. I am advised that if these changes to the scheme can be adopted, and satisfactorily and successfully implemented, the people of New South Wales can expect a reduction in premiums of about 15 per cent. What about that? Everyone with a car and a green slip could potentially receive a 15 per cent decrease in their premiums, unlike what this mob opposite did. They just ratcheted it up to feather their nest. That is what they were happy to do all the time.

The Hon. Steve Whan: Point of order: I am offended by the Minister's comment that premiums were ratcheted up to feather our nests. He is an outrageous fibber. He is so hopeless that he can never think of an answer.

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

The Hon. Steve Whan: He should withdraw that implication.

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

RIVERWOOD NORTH SOCIAL HOUSING PROJECT

The Hon. CATHERINE CUSACK: I direct my question to the Minister for Finance and Services. Will the Minister advise the House about the progress being made on the social housing project at Riverwood North?

The Hon. GREG PEARCE: That is yet another good question from the honourable member and I thank her for asking it. She is interested in the good work that the Government is doing to address social housing in this State. The Hon. Sophie Cotsis is interjecting, but I will not respond. I am looking forward to a question from her about her shadow portfolio. When will she ever ask a question about social housing?

The Hon. Lynda Voltz: Point of order: I refer to Standing Order 65 (5), which states that an answer must be relevant to the question. This Minister constantly raises issues that have nothing to do with the question asked. I ask that he be directed to answer the question.

The Hon. Catherine Cusack: To the point of order: Opposition members constantly interrupt the Minister with interjections and distracting chatter and then take points of order to avoid listening to his answers. I am trying to hear the Minister but I cannot because of the interjections. Mr President, I ask you to direct members of the Opposition to give the Minister an opportunity to answer the question.

The PRESIDENT: Order! The Minister has been warned repeatedly that he should not respond to interjections. I ask him to take note of those previous rulings.

The Hon. GREG PEARCE: The Riverwood North project is a partnership between the State Government and Payce Communities. It is an excellent example of how the Government and the private sector can work together to deliver a first-class outcome for the community.

The PRESIDENT: Order! The Minister should ignore interjections. I call Mr David Shoebridge to order for the second time.

The Hon. GREG PEARCE: I recently had the pleasure of visiting the project, where work is on track to deliver a new housing development where both public and private tenants will reside within the same complex. The project has been underway for a little over a year and is currently two months ahead of schedule. The first social housing tenants are expected to move in shortly. This residential housing project has a focus on promoting a harmonious lifestyle for everyone who will live there. It will have social housing tenants living alongside private owners and will allow all residents to share and enjoy a wonderful community environment. The first stage of the complex is nearing completion. It comprises 123 social housing units, comprising 92 one-bedroom units and 31 two-bedroom units spread over two buildings. Stage 2, comprising 27 single units, will be completed next year.

All the units meet green star standards and will have cross-ventilation and solar hot water systems, and there will be rainwater harvesting for garden watering and security lighting in public areas. In addition, all units will be fully equipped to cater for the special needs of seniors and disabled residents. The location itself is wonderful, being adjacent to Salt Pan Creek, and it has elevated walkways through the wetlands. There are parks in which residents can meet and mix, and areas have been set aside for community activities such as weekend market days and where friends and neighbours can gather to enjoy themselves. A further 575 private housing units are proposed to be built over time on the three and a half hectare site. Importantly, the social housing units are modern and look no different from the private units.

This project sets a benchmark for future developments of this nature. The days of building ghettos with their social problems are in the past—the Labor past. The way of the future is to create a secure, integrated residential community mixing social and private housing. This Government is getting on with the job of improving the standard of public housing and addressing the backlog of people on the waiting list left by the Labor Government by providing affordable housing for those who are in genuine need.

UNETHICAL PROPERTY TRANSACTION PRACTICES

The Hon. PAUL GREEN: I direct my question to the Minister for Finance and Services, representing the Minister for Fair Trading. Recent news reports state that property experts are warning homebuyers to be aware of the dramatic increase in the practice of gazumping as the Sydney real estate market picks up. Given that neither the real estate agent nor the vendor is obliged to compensate buyers for any money they may have spent on legal advice, inspection reports, financial applications and other inquiries when they have been gazumped, what steps is the Government taking to stamp out this dishonest and unethical practice? When there is written evidence of gazumping, will the Government consider introducing deterrents for real estate agents who continue to be involved in this unethical practice?

The Hon. GREG PEARCE: I thank the honourable member for that important question. This is a difficult area to address. I am sure that, like me, a number of honourable members have experienced being gazumped.

Dr John Kaye: That was just for the job as Treasurer.

The Hon. GREG PEARCE: That was a good interjection. It is more than an unfortunate feature of our property market and our free-market system that people decide they want to purchase a property and spend money on searches, surveys and inspections only to have someone else come along at the last minute—innocently in most cases—and make a better offer that is accepted. As I said, I have experienced that disappointment. The Minister for Fair Trading is aware of the situation, although I am not sure that he has had that experience.

The Government certainly takes this practice very seriously. However, it must be considered in the context of the long history of property transactions in this State. One of the reasons people incur those expenses is that we have a regime that requires disclosure and purchasers must satisfy themselves about the condition of the property they wish to buy. Of course, we have a guaranteed title system that ensures that our system works very well. Some potential purchasers find problems with a property only when inspections and surveys are carried out. I am happy to have another discussion with the Minister for Fair Trading about this issue because it is important. However, I do not see any simple solutions being discovered in the near future. NSW Fair Trading does try to ensure that real estate agents act ethically and it follows up complaints of unethical behaviour. I cannot see an easy way to counter the fact that a second potential purchaser may offer more for a property before the first potential purchaser has exchanged contracts.

COMPULSORY THIRD PARTY GREEN SLIP INSURANCE PREMIUMS

The Hon. SHAOQUETT MOSELMANE: I direct my question to the Minister for Finance and Services. Why are compulsory third-party premiums the same as they were when the Minister took office but injured motorists now receive less support from the scheme?

The Hon. GREG PEARCE: I know—no, I do not know.

The Hon. Greg Donnelly: It is pretty tough being a Minister. Take your time.

The Hon. GREG PEARCE: I will. I do not know where the Hon. Shaoquett Moselmane has been, but everybody else in the community has noticed that green slip premiums have increased. I do not want to debate the question, but the suggestion that green slip premiums are the same—

The Hon. Matthew Mason-Cox: It is like his numbers.

The Hon. GREG PEARCE: That is correct. Perhaps his numbers are not the same. One of the key issues the Government is trying to address as it examines reform of the compulsory third-party insurance scheme is the fact that on average over the past five years premiums have increased by 70 per cent. One only has to look at that tremendous journal of record, today's *Daily Telegraph*, where it has given a run-down of State average compulsory third party costs and green slip costs.

Dr John Kaye: Did you give it those figures?

The Hon. GREG PEARCE: Sorry?

Dr John Kaye: Did you give it those figures?

The Hon. GREG PEARCE: New South Wales is well over \$500, other States, particularly Victoria, are at about \$260. As I say, that is one of the issues that this Government is determined to address. We are not afraid to take on tough issues. We are not afraid to take on issues in the interests of the community. We are not afraid to fight those insurance companies. We are not afraid to fight those premium increases.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The question was: Why are the compulsory third party premiums at the same rate yet injured motorists now receive less support from the scheme? I ask you to bring the Minister back to the question.

The PRESIDENT: Order! The Minister has been largely in order for most of his response. Is there anything the Minister wants to add?

The Hon. GREG PEARCE: Yes, I will address the second part of that question, which is an assertion by the Labor Party that injured people in car accidents are getting less benefit. This Government has not changed the scheme one iota. It has not changed the scheme in any respect whatsoever.

The Hon. Steve Whan: You are proposing to change it though. How come the lawyers are talking to us about your proposed changes?

The Hon. GREG PEARCE: If they are getting less it is because the former Government's scheme was so deficient that injured people are getting less. I do not believe it is true. As usual I do not think that the member is telling the truth when he made that assertion. But if it is true the Hon. Steve Whan is to blame.

OPERATION HERCULEAN 7

The Hon. MATTHEW MASON-COX: I address my question to the Minister for Police and Emergency Services. What is the Traffic and Highway Patrol doing to help improve road safety on the Barton Highway between Yass and Canberra?

The Hon. MICHAEL GALLACHER: This issue is obviously very important not only to the Hon. Matthew Mason-Cox but also to all members of the House. Operation Herculean 7 was a one-day operation conducted by police on Friday 3 May. Police efforts were concentrated on the Barton Highway at Murrumbateman, which is the main route between Yass and Canberra. The operation involved 35 police officers from the Goulburn Local Area Command, the Traffic and Highway Patrol Command, the Australian Federal Police and a New South Wales drug-detection dog. The main focus was drink-driving and drug use amongst motorists, but other traffic and criminal offences were also detected by police.

During the one-day operation police administered 1,962 random breath tests. As a result, two drivers were charged with drink driving: one for a special range prescribed concentration of alcohol offence, and one for a low-range prescribed concentration of alcohol offence. The low numbers of drivers detected driving whilst under the influence of alcohol or drugs was very pleasing for police. However, police made seven drug detections that resulted in a number of cannabis cautions and two court attendance notices being issued. During the operation, police detected three suspended drivers and seven unregistered vehicles. It is worth pointing out that an unregistered vehicle is by extension after the 21-day period also therefore not insured. This affects everyone because we are not as well protected if we are injured or our vehicle is damaged by the driver of an unregistered vehicle. And unregistered vehicles have not undergone the compulsory safety inspections that guarantee their roadworthiness. The vehicles could be driven with bald tyres, faulty brakes or dodgy steering and no-one would be any the wiser.

During Operation Herculean 7 a total of 14 vehicles were inspected and three defect notices were issued. The owners will now have to address these safety breaches before they may be driven again. A total of 18 traffic infringement notices were issued for other offences detected by police. Police will continue to target the main highways through New South Wales to keep them safe, and with the beginning of the ski season fast approaching Operation Snowsafe will be aimed at getting skiers and boarders safely to and from the snow. I thank all officers involved in Operation Herculean 7, which was a good example of co-operative policing between local, federal and highway patrol officers. I thank the Hon. Matthew Mason-Cox for his genuine interest in this issue in that area of New South Wales.

COBBORA COAL PROJECT

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, representing the Treasurer. Given that last month's planning assessment commission report on the development of the Cobbora coal project stated that "Treasury is best placed to examine the projects costs and benefits at a State level", what steps will Treasury be taking to ensure that the Department of Planning and Infrastructure is provided with an independent examination of the economic, health and environmental costs associated with the mine, particularly as a result of the mine releasing an additional 29 million tonnes of carbon dioxide each year when coal is burnt for electricity generation in this?

The Hon. GREG PEARCE: Dr John Kaye knows my view about the Cobbora coal transaction that was left to this Government by the Hon. Eric Roozendaal and his comrades on the other side of the Chamber. At this stage I am afraid that all I can say is that the Government is very closely examining its options in relation to that project.

The Hon. Duncan Gay: Is it a silly question?

The Hon. GREG PEARCE: No, he asked a specific question, to be fair. We will have a great deal more to say in due course.

GUM TREE GLEN CHILDREN'S CENTRE

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Finance and Services, representing the Minister for Local Government. In light of reports that funding has been removed from Gum Tree Glen Children's Centre, has the Government considered assisting Glen Innes council with funding of this important community service?

The Hon. GREG PEARCE: Obviously I am not aware of the specifics of that question, which may be misdirected. I will check to see whether it should be referred to the Minister for Local Government. If that be the case, I will ask the Minister for Local Government for his answer. If it is not, I will suggest that the shadow Minister get the allocation of acts and duties correct next time.

TIMBER BRIDGE UPGRADES

The Hon. NIALL BLAIR: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the Government's commitment to upgrade timber bridges in country New South Wales?

The Hon. DUNCAN GAY: As I said yesterday, the successful \$5 billion refinancing of Port Botany and Port Kembla under the long-term lease allows the O'Farrell Government to invest in critical road infrastructure in rural and regional New South Wales. Through the Government's dedicated infrastructure fund, Restart NSW, an additional \$403 million will flow towards Pacific Highway upgrades, an extra \$170 million will flow towards upgrades on the Princes Highway and an additional \$135 million will flow towards the \$290 million initiative called Bridges for the Bush.

This initiative includes replacing or upgrading five key priority higher mass limit deficient bridges on State-managed roads and 12 timber truss bridges on State, regional and local roads. This work will remove a number of significant freight pinch points, as well as improve road safety for local communities. In August last year the Government made a submission to the Commonwealth seeking matching funding for the program—that was under NB2. The result of that submission is not in as yet but the Government will be watching with care when the Federal budget is handed down in May.

The Hon. Amanda Fazio: Point of order: Previous Presidents have ruled that using terms such as "NB2" are not appropriate under the standing orders and that members must use full names. The Minister should be asked to abide by those rulings and to refrain from using acronyms.

The PRESIDENT: Order! There have been rulings on this matter to which I will give further consideration. The Minister has the call.

The Hon. DUNCAN GAY: I know that the honourable member is not aware of these things but to help her, NB2 is short for Nation Building 2.

The Hon. Amanda Fazio: I know that; I just did not know if you could pronounce it.

The Hon. DUNCAN GAY: No, you didn't know that.

The PRESIDENT: Order!

The Hon. DUNCAN GAY: I had a bit of a yarn to "Albo the Sometimes Good". We had some money left over on the Hume Highway and I said to him, "Let's put it into some good places." We had a yarn and, to his credit, \$19.5 million in matching funding will be secured for the replacement of the Kapooka rail overpass bridge near Wagga Wagga, the passing lanes on the Newell Highway, the last mile connecting the Chullora intermodal terminal, and the Roper Road interconnection on the M4—half our money and half his.

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

The Hon. DUNCAN GAY: It is obvious to those on this side of the Chamber that those sitting on the loser's lounge are jealous because they were not able to get this sort of activity happening in regional New South Wales. In the meantime the RMS—that is Roads and Maritime Services—has been working around the clock to get all the bridges "shovel ready". Indeed, I am happy to inform the House that Dunmore Bridge over the Paterson River near Woodville has already been successfully upgraded. We have done that; more good news. In the past I have updated the House on our progress with the big five higher mass limit bridges. Today I want to update the House on how we are rapidly progressing— [*Time expired.*]

The Hon. NIALL BLAIR: I ask a supplementary question. Will the Minister elucidate his answer on timber bridges?

The Hon. Lynda Voltz: Point of order: My point of order relates to Standing Order No. 64 (4), which states that it is "at the discretion of the President that one supplementary question may be immediately put by the member who asked a question to elucidate an answer". The Minister has clearly said that he is repeating updates about bridges that he has already spoken about in this House. I ask the President to either use his discretion to ask the Minister to seek leave for a one-minute extension or to not allow the Minister to be asked a supplementary question.

The PRESIDENT: Order! I gave that matter consideration before the Hon. Niall Blair was given the call. The time has expired for the member to ask his supplementary question. The Minister has the call.

The Hon. DUNCAN GAY: In the past I have updated the House on our progress with the five higher mass limit bridges. Today I want to update the House on how we are rapidly progressing with the smaller timber bridges—something those opposite threatened to ask about but never did. Tenders for the construction of a new Holman Bridge at Gooloogong were advertised just last month, while initial earthworks were started by Roads and Maritime Services in early February. Most people know that wooden bridge near Gooloogong in central western New South Wales.

Tenders have been advertised for concept development of a replacement bridge at Tabulam, on the Bruxner Highway. Some 90 per cent of the detailed design work to replace the James Park Bridge over the Crookwell River has been completed. Wakool Shire Council has confirmed in-principle agreement to project manage the replacement of the Gee Gee Bridge at Swan Hill. Roads and Maritime Services has awarded a contract for concept development for replacing the bridge over Sportsman Creek at Lawrence. In conjunction with VicRoads, a project plan is being developed for the delivery of a new bridge over the Murray River at Tooleybuc.

Detailed design work is expected to start soon on upgrading the existing bridge over the Williams River near Clarence Town. The start of truss fabrication works is planned in mid-2014 for the upgrade of the Middle Falbrook Bridge. Finally, detailed design for the upgrade of the Warroo Bridge west of Forbes is expected by late 2014, as is McKanes Bridge over the Cox's River near Lithgow. Those opposite are envious of the workload that has been achieved for regional New South Wales. [*Time expired.*]

[*Interruption*]

The PRESIDENT: Order! I call the Hon. Amanda Fazio to order for the first time.

WARKWORTH EXTENSION PROJECT

The Hon. ROBERT BORSAK: I direct my question without notice to the Minister for Roads and Ports, representing the Minister for Resources and Energy, and it relates to a decision by the New South Wales Land and Environment Court to overturn the 2012 development consent for the Warkworth extension project. Is the Minister aware that the Warkworth extension project was a continuation of operations at Mount Thorley Warkworth mine within the existing mining tenements and on land owned by Coal and Allied Industries Limited? What impact will this decision have on jobs and the local economy should an appeal against this decision fail, and how much in royalties will the State miss out on? How many other mines or mining operations are currently being challenged or could be challenged by the Environmental Defender's Office?

The Hon. DUNCAN GAY: That is an important question and the ramifications for the region are quite extensive. I do not think any member would underestimate the economic challenge that this decision has placed on the Hunter region. My understanding is that it was a Coal and Allied Industries Limited mine. As Coal and Allied has been taken over by Rio Tinto, it is now a Rio Tinto mine, and Rio Tinto is seeking an appeal of that decision. I will refer the question to the appropriate Minister for a detailed answer.

LAND AND WATER COMMISSIONER, MR JOCK LAURIE

The Hon. WALT SECORD: I direct my question to the Minister for Roads and Ports, representing the Deputy Premier. Do you stand—

[Interruption]

The PRESIDENT: Order!

The Hon. WALT SECORD: I direct my question to the Minister for Roads and Ports, representing the Deputy Premier. Does the Minister stand by his support for the independent Land and Water Commissioner, Mr Jock Laurie—

The PRESIDENT: Order! I call the Hon. Greg Pearce to order for the first time.

The Hon. WALT SECORD: Does the Minister stand by his support for the independent Land and Water Commissioner, Mr Jock Laurie, after he politicised the position by unsuccessfully standing for National Party preselection in the Northern Tablelands?

The Hon. DUNCAN GAY: Some days those opposite cannot handle it.

The PRESIDENT: Order! The Government backbench will come to order.

The Hon. DUNCAN GAY: Sometimes those opposite walk into places they should not enter. I remember Neville Wran saying that membership of the Labor Party—

The Hon. Adam Searle: Point of order: The Minister is debating the question.

The PRESIDENT: Order! There is no point of order. The Minister has the call.

The Hon. DUNCAN GAY: Those opposite might not like the answer and they might not want it, but they are going to get it. I remember Neville Wran saying that membership—

The Hon. Amanda Fazio: Point of order: My point of order is relevance. The Minister was asked a specific question about Jock Laurie and the position he holds, which is supposed to be independent. The Minister was not asked to go into history and the former Premier Neville Wran.

The PRESIDENT: Order! Although it is difficult to judge as so little time had elapsed, I am sure the Minister was about to be generally relevant.

The Hon. DUNCAN GAY: I remember Neville Wran saying that membership of the Australian Labor Party should not preclude people of honour and ability from any role within government or the public service.

The Hon. Melinda Pavey: They forget about the ability.

The Hon. DUNCAN GAY: They have often forgotten that. I do not think I have to remind sensible members of the House of the ability, the renown and the public support of Jock Laurie as a decent man.

The Hon. Greg Donnelly: Mate.

The PRESIDENT: Order!

The Hon. DUNCAN GAY: I challenge any Labor Party member who is snivelling out "mate" to challenge the integrity of this man on any issue. He has trod the Federal area as Federal President of the Farmers Association and he has covered himself in glory as President of the New South Wales Farmers Association. No-one can fault his impartiality or his ability in his current role. I would like to have seen such impartiality and ability associated with the Government when members opposite were pulling the strings.

The Hon. WALT SECORD: I ask a supplementary question. Will the Minister elucidate his answer in relation to how Mr Laurie can now be seen to be providing independent advice when Mr Laurie has so publicly politicised the decision-making position, making it untenable?

The PRESIDENT: Order! The question is out of order.

The Hon. DUNCAN GAY: It is an easy answer: Because he is a man of integrity.

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

Questions without notice concluded.

SERVICE NSW (ONE-STOP ACCESS TO GOVERNMENT SERVICES) BILL 2013

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

Motion by the Hon. Michael Gallacher agreed to:

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

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

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 1 postponed on motion by the Hon. Duncan Gay.

STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT (CO-ORDINATION AND NOTIFICATION OF RESCUES) BILL 2013

Second Reading

Debate resumed from 1 May 2013.

The Hon. LYNDIA VOLTZ [3.34 p.m.]: I will speak briefly in debate on the State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Amendment Bill 2013; obviously, the shadow Minister will speak in more detail. Basically the bill is a result of a review of the coordination of marine near-shore rescues which was announced following a drowning at Little Bay last year. The rescue arrangements then in place lacked a clear delineation and understanding across the services—police, volunteers and ambulance—of responsibilities, especially regarding the coordination of required services. I understand that a similar incident occurred at Budgewoi late last year. In response to the Little Bay drowning the Government appointed Phil Koperberg—many members of the House will be aware of Phil and his capabilities—to conduct a review. The principal legislative measure is contained in the bill.

The object of the bill is to ensure that the NSW Police Force is responsible for coordinating rescue operations and is notified by emergency service organisations of any incident requiring the rescue of a person. At present the senior police officer at the scene of a rescue operation is responsible for coordinating and determining the priorities of action in the agencies engaged in the rescue operation. Instead of limiting responsibility for coordinating a rescue operation to the senior officer at the scene, the bill will ensure that the NSW Police Force generally has responsibility for coordinating all rescue operations, including responsibility for determining the priorities of action to be taken. The bill also provides that all emergency services must notify police immediately after becoming aware of an incident requiring the rescue of a person.

The Labor Party obviously does not oppose this important legislation. We do not want a recurrence of incidents that we saw in the past where there was a lack of coordination. The incident at Little Bay in particular involved a person being left in the water for an extremely long time and his life was lost. There needs to be a clear delineation among emergency services regarding who is in charge of a rescue to ensure that action is taken swiftly and appropriately and that the full weight of the rescue services are brought to bear on any rescue of a person whose life is in danger. The police are obviously well placed to be the leaders in that coordination.

Ensuring that the NSW Police Force has the responsibility for coordinating rescue operations and is notified by all the emergency services is an important step that is provided for in this bill. The shadow Minister will speak more on the Labor Party's position relating to this legislation.

The Hon. NATASHA MACLAREN-JONES [3.37 p.m.]: I support the State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Bill which implements the recommendations of the "Inshore Water Rescue—A review of procedures" report which was prepared by Mr Philip Koperberg. As the Minister stated in the second reading speech, Mr Koperberg was commissioned by the Minister for Health and the Minister for Police and Emergency Services following the tragic death of a rock fisherman at Little Bay late last year. The Koperberg review identified a number of opportunities for the establishment of more robust protocols for inshore water rescues that strengthen the response procedures between different emergency service organisations where a person in the water requires rescuing.

The review made 18 recommendations, two of which recommended amendments to the State Emergency and Rescue Management Act; and the other recommendations were largely procedural. The first legislative amendment recommends that the Act clearly provide that the NSW Police Force has primary responsibility for the coordination of rescue operations in New South Wales. A number of agencies play a pivotal role in marine safety in New South Wales, including and not limited to the NSW Police Force Marine Area Command, Surf Life Saving New South Wales, Marine Rescue New South Wales and the Ambulance Service of New South Wales.

To ensure efficient rescue arrangements through policy and procedures it is essential that the Act provides clear guidance on which agency has overall control of the coordination of rescue operations. Part 3, division 3 of the State Emergency and Rescue Management Act 1989, entitled "Police control of rescue operations", provides that the senior police officer present at the scene of a rescue operation is responsible for coordinating and determining priorities of action of the agencies engaged in the operation. However, the Act does not outline control during situations where police are not already present. These amendments address this issue by recognising the NSW Police Force as the tasking authority for rescue operations. I note that the bill maintains a distinction between control and coordination in that the police will coordinate a rescue, meaning they allocate tasks between available rescue units, whilst control of the unit remains with the home agency.

Under section 51 of the Act the agency that manages or controls an accredited rescue unit must notify police of incidents which require the rescue of a person. There is no general requirement in the Act for emergency service organisations to notify police of rescue incidents. Therefore, the second legislative amendment recommends the Act be amended to require all emergency service organisations to notify the NSW Police Force of rescue incidents.

The remaining 16 recommendations relate to enhancements to policy, including the State Rescue Policy, procedures, and training and technology, as outlined by the Minister. These recommendations are sensible and aimed at providing a clear legislative framework for the efficient and effective management of rescue operations. The State Rescue Policy sets out rescue arrangements in New South Wales, which include land rescue and marine rescue, and the policy is administered by the State Rescue Board. The legislative framework is supported by the State Rescue Policy and current procedures, and it provides a solid reference point for key components.

The Government has accepted all 18 recommendations and is currently in the process of implementing them. The State Rescue Board has already made suggested amendments to the State Rescue Policy, for example recommendation 3, that the definition of "marine rescue" in the State Rescue Policy be amended to include the rescue of persons in water, regardless of whether they originated from a vessel or land. I thank the Minister for accepting all recommendations in the report and for bringing forward the amendments, and I commend the bill to the House.

The Hon. STEVE WHAN [3.41 p.m.]: The Opposition will support the State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Amendment Bill 2013. It is pleasing that the Government is implementing all the recommendations in the report of Phil Koperberg, which was prompted by tragedy when a fisherman died in November last year after being swept off rocks at Little Bay near Maroubra. This was a tragic situation that highlighted a flaw that had been brought to the attention of the Government by Mr Michael Daley, the Labor member for Maroubra.

The purpose of this bill is to ensure that there is no doubt about who is in control of situations such as this, with a near-the-shore rescue. The bill will ensure that police are notified and have the opportunity to

coordinate rescue operations as well as notify other organisations that may be able to help. The occurrence of a couple of these tragedies has brought us to this situation and it is sensible for the Government to act in this way. I commend the Minister for his efforts. It seems to me he acted reasonably promptly in this case. From previous comments I suspect he needed to bring the Minister for Health along, but I will come back to that.

Rock fishing is quite a dangerous activity when seas are rough. While it is very popular on the coast, it is important for people to be aware of the safety of such activity. Unfortunately, we see far too many tragedies involving rock fishermen in New South Wales. It is very important that we put in place appropriate measures to ensure that if people are swept off rocks the police are able to contact the people necessary and available to rescue them, and continue to focus strongly on educating rock fishermen about what to do and, most importantly, when not to engage in rock fishing.

When I was the Minister for Emergency Services in the last Government, and prior to that, a number of initiatives were taken to try to improve the safety of rock fishing. They included a large roll-out of angel rings along the New South Wales coast, funded through fishing licences and the Government, to ensure that in many popular rock fishing places there was some safety equipment available to assist with rescue, should it be required. Those angel rings are there to save lives, and one hopes that people will respect that and not use them for other purposes.

Education is another important aspect to much of the work that has been done regarding rock fishing. In the Sydney area it has been particularly important to offer educational material in a range of community languages. We found that many of the rock fishermen who died were people with limited English and were sometimes from countries where surf conditions around rocks and shores are nowhere near as dangerous as those along our coastline. So community language information for education on rock fishing is something which is critically important. We undertook initiatives to distribute material in Vietnamese and a number of other Asian languages to people who had fishing licences and who fished around our State. I understand that work continues today with the assistance of a number of fishing groups. Regular rock fishing alerts are put out by relevant organisations. I urge people planning rock fishing trips to take note of them.

On days when there is a swell it is sensible for people who are rock fishing to wear life jackets. As Minister I declined to make that compulsory because I thought it was a step too far and that we needed to try to make sure that people took some personal responsibility in that area. I was criticised for that at the time, but in consultation with fishing groups I felt the sensible way to go was to encourage people and to ensure they were aware that appropriate life jackets for rock fishing were available and would not inhibit their ability to fish.

Going back to the incident behind the requirement for this legislative change, a 39-year-old man drowned at Little Bay. As reported, he was swept off rocks by a large wave, struggled in the water for 15 minutes and then died. Other reports said that his time in the water was considerably longer: indeed one witness report I saw suggested that the fisherman was in the water for more than half an hour before rescuers managed to reach him, and that he was alive for much of that time.

It was obviously a tragic event and, unfortunately, it was the second such event in the area. My colleague in the other place, Mr Michael Daley, the local member, was concerned. He wrote to the Government eight months before about an incident in which a fisherman had died after being swept off rocks and the Ambulance Service had not notified the lifesavers nearby. He wrote to Minister Skinner and did not get a positive response, but the incident in November last year at Little Bay did prompt a response. It unfortunately also prompted Mr Daley to be ejected from the other Chamber when he tried to pursue this issue in the House. We have managed to get beyond those reactions and to the point where the Government sensibly referred this to the committee chaired by Phil Koperberg, whose recommendations led to this change to legislation.

It was important to clarify who had responsibility. Our emergency responses are efficient when people understand exactly who is in charge in any circumstance. That is very clear in the case of many of our natural disasters and it is now very clear in this case as well. I am pleased to see that. I assume there would have been consultation with Surf Life Saving NSW and others in making this change so that there are no unintended consequences for their operations on beaches. On that basis the Opposition is very pleased to support the bill. I put on record my congratulations to the member for Maroubra, Michael Daley, on raising this issue and on ensuring that it was pursued and that the Government eventually introduced this legislation. This is a positive outcome from the way our political system works. It arose unfortunately from a tragedy but as a result of members standing up for their local area and raising issues and highlighting them in the media a legislative response has been obtained.

Mr DAVID SHOEBRIDGE [3.50 p.m.]: On behalf of The Greens I support the State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Bill 2013. The object of the bill is to amend the State Emergency and Rescue Management Act 1989 to ensure that the NSW Police Force is the agency responsible for coordinating rescue operations and to require that it be notified by emergency services organisations of any incident that requires the rescue of a person.

The bill arises from the tragedy on 11 November last year when a rock fisherman was swept into the sea at Little Bay. Although the Ambulance Service of New South Wales was called to that tragedy, the best evidence is that it took at least 30 minutes for the rescue helicopter to arrive. The time frame is open to some conjecture but there was a significant and unwarranted delay in the arrival of the rescue helicopter. That is despite the fact that, as anyone knows who has walked in that area, the rescue helicopter is effectively within eyesight of the place where the fisherman drowned. The Westpac helicopter Chief Executive Officer, Stephen Leahy, is on record as saying they were not informed of the incident. Surf Life Saving NSW, which also was very close by, did not get sufficiently prompt notification of the incident. There was clearly a lack of coordination between the emergency rescue services in the area.

In response to that incident I have to say that the Minister for Police and Emergency Services moved promptly and I think only eight days after the tragedy tasked Philip Koperberg with undertaking a review of emergency services procedures. Mr Koperberg also responded promptly by producing a detailed review less than two weeks after that, on 30 November. His report made a number of straightforward, common-sense and practical recommendations, some of which have already been implemented by change to the policy that underlines the Act, but two of which require this legislative response. They are recommendations 1 and 2 by Mr Koperberg. Recommendation 1 is that the State Emergency and Rescue Management Act 1989 be amended to clearly provide that the NSW Police Force has primary responsibility for the coordination of rescue operations in New South Wales. Mr Koperberg made the point that the State Rescue Policy effectively said that at the time but there was no clear legislative statement to that effect. Therefore, proposed new section 50 (1) states:

The NSW Police Force is responsible for co-ordinating rescue operations and for determining the priorities of action to be taken in rescue operations.

The Greens support that provision in the bill and support the rationale of Mr Koperberg and the Government in bringing it to this House. Recommendation 2 is that the State Emergency and Rescue Management Act 1989 be amended to require all emergency service organisations to notify the NSW Police Force of rescue incidents. That is really the nub of the problem that was exposed in November last year. I commend the Government for acting promptly to bring proposed new section 51 before the House, which states:

Emergency services organisations to notify police of rescue incidents

- (1) An emergency services organisation other than the NSW Police Force must, immediately after the organisation becomes aware of an incident that requires or is likely to require the rescue of any person, notify a member of the NSW Police Force of all relevant information concerning the incident.
- (2) This section does not apply if the organisation is aware that the incident has already been notified to a member of the NSW Police Force.

If this provision had been in place in November last year perhaps the tragedy could have been averted. It is clear from the report that Mr Koperberg did not limit his consideration to just that rock fishing tragedy; he also looked at other examples where there had been a breakdown in coordination such as the tragic death in 2009 of a young bushwalker in the Blue Mountains. The report is a considered response from Mr Koperberg and the Government has accepted Mr Koperberg's recommendations. The Greens support the bill and look forward to it promptly becoming law.

The Hon. MARIE FICARRA (Parliamentary Secretary) [3.55 p.m.]: I speak in favour of the Government's State Emergency and Rescue Management (Co-ordination and Notification of Rescues) Amendment Bill 2013. The key purpose of the bill is to emphasise that the NSW Police Force is the main coordinator of rescue operations and, as such, rescue agencies need to advise the police of any rescue incident that occurs. The manner in which rescue operations are coordinated is currently set out in great detail in the State Emergency and Rescue Management Act and in our State Rescue Policy. Following the death of a fisherman at Little Bay in Sydney's south-east in November 2012, to which other speakers have referred, the ABC reported that an emergency alarm system at the beach where the man drowned had been out of order for weeks. A golfer spotted a fisherman in trouble at Little Bay in Sydney's south on a Sunday and rang 000. In

New South Wales police are responsible for coordinating water rescues but the Ambulance Service of New South Wales decided it could handle the rescue alone. Witnesses say it took an ambulance helicopter more than half an hour to reach the fisherman and a Surf Life Saving NSW helicopter stationed nearby was not deployed.

This Government, under Minister Skinner, immediately asked the Ambulance Service to strengthen its protocols. Of further concern at the time was the issue of a member of the public being on the beach when the fisherman hit trouble and trying to resuscitate him. It was reported that he would have used a Surf Life Saving alarm onshore but it had been out of order for weeks. That beacon had an A4 paper sign on it that said, "Not working. Ring 000". It was alleged that that sign had been there for a couple of weeks at least. Surf Life Saving NSW claimed the beacon was out of order because its phone lines were being upgraded, which is understandable. A spokesperson said the organisation recommends people use 000 to report an emergency, but locals said mobile phone reception on the beach was extremely patchy. Although an ambulance arrived at least 10 minutes before the helicopter it was in fact the crew of the helicopter who reached the fisherman first.

As happens in these very public accidents, the media at the time claimed that the Ambulance Service was criticised for taking too long to notify the authorities about the rock fisherman in danger. A similar incident had occurred in this area before. It was reported that a man drowned off Maroubra Beach in January this year and again the Ambulance Service refused to notify Surf Life Saving. The Ambulance Service acknowledged at the time it should have told the police about the incident earlier. It also conceded it needed to strengthen its procedures for dealing with water-based emergencies.

To improve State emergency and rescue management Mr Phil Koperberg, a former member for Blue Mountains and former Minister for Climate Change, Environment and Water, was appointed as chairman of the New South Wales Emergency Management Committee by the Minister for Police and Emergency Services, the Hon Mike Gallacher, who is at the table, and the Minister for Health, the Hon. Jillian Skinner, to review and oversee the emergency rescue protocols encapsulated in the State Emergency and Rescue Management Act and State Rescue Policy, particularly in relation to inshore and water rescues.

Phil Koperberg was selected for this role due to the highly reputable credentials he gained in his former role as Commissioner of the New South Wales Rural Fire Service from 1997 to 2007. The Koperberg review resulted in a number of recommendations that proposed changes to the State Rescue Policy and the communication functions of the Ambulance Service of New South Wales. I am pleased to note that many of the recommendations proposed in the Koperberg review have been achieved in the provisions of this bill. As well as the key objective of the bill, that is, to emphasise that the NSW Police Force is the principal coordinator of rescue operations, the review also recommended a number of amendments for the purpose of this legislation. They include that the term "marine rescue" in the New South Wales State Rescue Policy be amended to include the rescue of any person in water, regardless of whether the incident originated on land or from a vessel. Diverting from the script—

The Hon. Steve Whan: Do you have scripts? Goodness gracious.

The Hon. MARIE FICARRA: It is my own script. As I was telling the Hon. Matthew Mason-Cox, the weekend before last I was very fortunate that I did not need to call out our rescue services. I was kayaking down Minnamurra River and decided that I was more knowledgeable than the signs warning me not to proceed beyond a certain point—a sandbank that denoted the end of the river and the beginning of the ocean. I got caught in a rip and I was unable to turn back under my own paddling power.

The Hon. Matthew Mason-Cox: And you had your dog on the kayak.

The Hon. MARIE FICARRA: I had my miniature schnauzer on the kayak, but she was wearing a life jacket.

The Hon. Melinda Pavey: Can your dog not swim?

The Hon. MARIE FICARRA: Leisel, my miniature schnauzer, can swim but she was wearing a life vest, in accordance with the law relating to animals and watercraft. She was in a specially constructed Clark Rubber life vest. We made it back to safety thanks to some rock fishermen. They were very kind and I did not need to call out the rescue service, but it is great to know they were available if I needed them. Returning to the bill before the House, further provisions include that the New South Wales State Rescue Policy notes the important roles played by the Surf Life Saving NSW and the Australian Professional Ocean Lifeguard Association in relation to in-water rescues.

It also suggests: a review of command and control arrangements within all ambulance communication centres to enhance the effectiveness of their dispatch protocols and methods of communication; that multiagency rescue notification protocols be distributed to all staff, particularly communication centre staff, to reinforce agency responsibilities and enhance awareness of and familiarity with those roles and responsibilities; that the InterCAD Emergency Messaging System be incorporated into the computer-aided dispatch system of the Ambulance Service of New South Wales; and pending the installation of InterCAD Emergency Messaging System within the computer-aided dispatch system of the Ambulance Service of New South Wales that remote data terminals be installed and facilitated at each NSW Police Force rescue coordinator workstation within each of the Police Force communication centres.

The bill offers improved coordination of State emergency and rescue operations by giving clarity. It ensures that the NSW Police Force holds overall responsibility for rescue coordination and that rescue agencies are aware they must notify the NSW Police of any rescue operation so that important rescue and coordination procedures can commence. It sets out clear definitions and protocols that are to be followed in accordance with the recommendations set out in the Koperberg review. I commend the Government for taking action in amending the bill to ensure that appropriate rescue procedures are put in place. These measures will not only make efficient and effective use of emergency services but also ultimately save lives.

The Hon. RICK COLLESS: [4:03 p.m.] I offer my support for the State and Emergency Management Amendment (Co-ordination and Notification of Rescues) Bill 2013. This bill was brought about by the tragic death on 11 November 2012 of a rock fisherman at Little Bay in Sydney. As has already been pointed out by the Hon. Steve Whan, the dangers associated with rock fishing are not well understood by people of ethnic backgrounds. In many cases they are unable to read the warning signs or understand the warnings given by the media about severe weather conditions and expected high seas. It is an unfortunate situation that some people get into trouble because they do not understand the vagaries of the oceans around Australia compared to the oceans of their native countries.

Following the incident at Little Bay, the Premier called for a review of inshore rescue coordination. Mr Koperberg was commissioned by the Minister to undertake that review. Mr Koperberg made 18 recommendations to implement changes and this bill addresses two of those recommendations. The bill provides that the NSW Police Force is responsible for the coordination of all rescue operations. At present, the Act states that a senior police officer at the scene of a rescue is responsible for the coordination of the rescue but the Act is silent on a scenario where a police officer is not present at the scene. The second requirement is that all emergency services organisations immediately notify the Police Force of rescue incidents.

I pay tribute to our rescue organisations, the NSW Police Force, the Ambulance Service of New South Wales, Fire and Rescue NSW, the State Emergency Service, the Volunteer Rescue Association and Marine Rescue NSW. As an offshore boat owner, I always inform Marine Rescue when I am going to sea and it makes contact every couple of hours to check that everything is okay. It is reassuring to know that backup is available if there is a potentially dangerous situation or if something happens to a vessel—it breaks down or an incident occurs that makes it less than seaworthy. Marine Rescue can be quickly and easily contacted, and once contact is made help will be on the way.

In relation to marine rescues, the changes to the bill will allow the person-in-water concept to apply irrespective of whether the person entered the water from land, as in the case of a rock fisherman falling off rocks, or was in the water as a result of a boating accident. Marine Rescue will now be responsible for rescuing anyone in danger. Importantly, the bill retains a distinction between control and coordination of rescue operations. Whilst police will determine the priority of actions to perform the rescue, an agency such as Marine Rescue NSW will remain responsible for the undertaking of those actions and the effective rescue work. It is a great step forward. I am pleased to support this bill and I commend it to the House.

The Hon. DAVID CLARKE: [4:07 p.m.] I speak in support of the State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Bill 2013. The bill proposes amendments to the State Emergency and Rescue Management Act 1989. It implements two of the recommendations of the Koperberg review into inshore water rescue procedures relating to amendments to the State Emergency and Rescue Management Act. A report is available on the Ministry for Police and Emergency Services website. The review was conducted in response to the death of a rock fisherman at Little Bay in November last year, and the Coroner is now holding an inquest to that death. The review recommended that part 3 of the State Emergency and Rescue Management Act be amended to provide a clear legislative foundation for the management of rescue operations in the State.

There are two aspects to the amendments. The first amendment makes it clear that the NSW Police Force is responsible for the overall coordination of rescue operations. The second amendment ensures that emergency service organisations notify the NSW Police Force of rescue incidents. The State Rescue Policy and operational procedures already provide that the NSW Police Force is responsible for the coordination of rescues in New South Wales. The amendments will provide a legislative basis for those policies and procedures and will only strengthen them. Emergency service organisations were consulted and they support the bill. They include the NSW Police Force, the Ambulance Service of New South Wales, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Volunteer Rescue Association and Marine Rescue NSW.

The Koperberg review made 16 other recommendations suggesting enhancements to policies, procedures, training and technology. The Government has moved quickly and is in the process of implementing these recommendations. Suggested amendments to the State Rescue Policy have already been implemented by the State Rescue Board. They clarify that a marine rescue includes the rescue of a person who has fallen into the water either from a vessel or from land. This bill is another good bill from an outstanding Minister and I commend it to the House.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [4.11 p.m.]: I join other members in supporting the State Emergency and Rescue Management Amendment (Co-ordination and Notification of Rescues) Bill 2013. This is sensible legislation and I commend the Minister for Police and Emergency Services for the work that he has done to ensure its passage. In 2009, when I was the shadow Minister for Emergency Services, we experienced a terrible drowning in my hometown. North Wall is a notorious Coffs Harbour beach. In a situation only too familiar to many people, the incident involved an Australian family with a foreign background. Tragically, a woman went to the beach with her husband and left as a widow. Unfortunately, there was a turf war between two organisations about lack of communication. I raised those issues in the media and to his credit the then Minister for Emergency Services, the Hon. Tony Kelly, asked the State Rescue Board to review the situation and to deal with the lack of communication with regard to 1800 SURF, which was a newly established service. Despite being only 500 metres from the incident, the council lifeguards on duty did not hear about it until people ran up the beach to alert them. The board examined the issue in 2009 and some recommendations were implemented.

The incident at Little Bay in November 2012 was a classic example of lack of communication. I commend the Minister for Police and Emergency Services and the Minister for Health for dealing with this issue. I also commend former Labor Minister Phil Koperberg for the good work he did to ensure better communication following his meeting with the Minister for Police and Emergency Services. I will not deal with the Little Bay incident in detail because it is the subject of a coronial inquiry. However, I received a phone call from my husband on the day of the drowning after he heard about it on the Ray Hadley show. He said, "Mel, this is terrible." As Mr Shoebridge pointed out, the Government acted quickly and we hope that the appropriate protocols will now ensure that when a tragedy like this happens there is better communication.

I have not previously spoken in this place about my husband's bravery in January 2011. He was walking along beautiful Diggers Beach at Coffs Harbour while our son was surfing nearby when he saw some people in difficulty in the water. It was a classic case of a country family—they were from Gulgong—not being aware of the rips and the strong tide. It can be a very dangerous beach and it is unpatrolled most of the time. My husband has a bronze medallion from the local surf club and he jumped into the water and saved three people and as a result was awarded a bravery certificate by the Royal Life Saving Society. It is our responsibility as citizens to be aware and alert if we have special abilities in this area.

A couple of Sundays ago I was walking along Park Beach and I saw a European family with two beautiful toddlers. The husband was sitting in the sand dunes well away from his wife and family who were in the water where there were shore dump waves. I told them that the surf was very dangerous and that they should be swimming between the flags. The woman took the advice in good grace and they moved. I also asked the lifeguards to keep an eye on them. We all have a responsibility. It is good that these amendments are being made to enhance the legislation and to improve the protocols. I commend the bill to the House and thank the Government and the Ministers for working so cooperatively to ensure its passage.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.16 p.m.], in reply: I thank all members for their contributions to this debate. I particularly thank the Minister for Health for the way in which she worked with me to address these issues. I also thank the member for Maroubra, who rang me after the tragedy at Little Bay to tell me what he had been told by members of the surf lifesaving fraternity in the area. I raised those issues with

the Minister for Health at the earliest opportunity and we decided that this was the course we needed to take. As the local member, Mr Daley was obviously very upset about a failure in communication that had existed for many years. Had the former Government known about this issue I am sure that it would have acted as quickly. It is fair to say that this has been a problem with the system for many years. Fortunately for me, the Minister for Health was by my side as we worked with the various emergency services agencies to resolve this issue.

As members have said, this matter is now before the Coroner's Court. This was a traumatic event, particularly for the witnesses and the rescue personnel, and the Coroner will examine it in the fullness of time. As has been pointed out in this debate and in many other debates in this place over the years, the best way to increase one's likelihood of survival in the water is to wear a life vest. There are countless stories of people who have drowned having gone swimming or fishing or who have been washed into the water while walking along the beach. All those participating in a water-based activity should be mindful of their surroundings. The ocean in this part of the country is inherently different from areas where there are bays and where there is no tide or wave action. It is certainly completely different from coastal areas in other countries. Whether or not people speak English, they should know about the inherent risks of water-related activities. A simple way to dramatically increase the likelihood of survival is to wear a life vest.

A life jacket enables a person, even rock fishers who are fully clothed and wearing shoes, who falls into the water to stay afloat. As a surf life saver I know that life jackets are easier to spot in the water. It is very difficult in choppy water or at sundown to spot people in difficulty. Earlier I read about a person who, a number of years ago, was rescued from the water at 12.20 a.m. Time and again we hear about people fishing at night being swept off rocks and getting into dangerous situations. The chance of being rescued is increased if people wear a life jacket not only as a floatation device but also so that rescuers can see them more easily.

Mr David Shoebridge: It is not a fashion sport.

The Hon. MICHAEL GALLACHER: No, but the current crop of life jackets are not as cumbersome as they were years ago. They are a fashion statement because they look good and they are practical. The moment someone falls into the water they can be activated. I tell people that if they are purchasing fishing tackle for mum, dad or the children they should spend a little more and buy a life jacket as well. People get a lot of fun out of fishing and for many it is a family bonding experience. Fishing is a favourite pastime of many people. If they want to keep their family safe they should spend a little more and buy life jackets. Parents should wear life jackets and their children will follow their example. Young children cannot be expected to wear a life jacket if their mum and dad do not wear one.

Fisher persons should think about not only their family and loved ones but also the rescuers, who often are required to appear before the Coroner's Court if a person drowns. Rescuers live with the repercussions if they have not been able to save a person. In the case where there was lack of communication, it was a straightforward issue. Had that issue become apparent earlier, the government of the day would have moved quickly to address it. In relation to rescue operations, whether on water or on land, one will always find from the government, no matter who is in office, a preparedness to listen to the experts and make the necessary changes to our laws. We all want to make the environment safer for the community and for our rescue personnel. I thank all members who contributed to the debate and I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Michael Gallacher agreed to:

That this bill be now read a third time.

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

PARLIAMENTARY BUDGET OFFICER AMENDMENT BILL 2013**Second Reading****Debate resumed from 1 May 2013.**

The Hon. AMANDA FAZIO [4.24 p.m.]: I oppose the Parliamentary Budget Officer Amendment Bill 2013. When the Parliamentary Budget Officer Bill 2010 was introduced the object was to establish the independent statutory office of Parliamentary Budget Officer to provide independent costings of election promises and outside of pre-election periods independent costings of proposed policies of members of Parliament. The officer also was to provide independent analysis, advice or briefings of a technical nature on financial, fiscal and economic matters to individual members of Parliament.

I commend former Treasurer the Hon. Eric Roozendaal for introducing the original legislation to establish a Parliamentary Budget Office. It was a significant parliamentary reform that broke new ground in Australia. It followed a number of international examples such as the Congressional Budget Office, established in the United States of America in 1975; the Office of Budget Responsibility, established in the United Kingdom; and the Parliamentary Budget Office established in Canada. None of those jurisdictions has a part-time, poorly resourced Parliamentary Budget Office, which is what this amendment bill would leave us with. The benefit of the original concept to individual members of Parliament and smaller parties was immeasurable, but because it does not suit the Coalition the office is going to be scrapped.

The Government claims this bill is based on the inquiry into the Parliamentary Budget Office, but that is a total distortion. The Joint Select Committee on the Parliamentary Budget Office, chaired by David Elliott, MP, was an absolute travesty, with none of the submissions received proposing the amendments that are in this bill. The inquiry process was a complete sham. The Government got its goon squad on the Joint Select Committee on the Parliamentary Budget Office to refute every bit of expert evidence and every submission that it received and to devise its own set of recommendations—a set of recommendations that would kill off the Parliamentary Budget Office.

A great deal of high-quality and relevant evidence was given by independent experts. These were not people with a political position to push. Overseas experts and overseas parliamentary budget officers made submissions to the inquiry. But what did Mr David Elliott and the other Government members of this committee do? They decided to take their running orders from elsewhere. They did not even have the sophistication to try to get someone on their side to put their name to a submission that could be used as the basis for their recommendations. Quite frankly, that was because nobody apart from complete toadies would come up with these sorts of recommendations.

Nobody who worked in the financial or economic fields would put forward a submission that reflected the committee's recommendations because those recommendations are a disgrace and amount to a complete nobbling of the Parliamentary Budget Office. Barry O'Farrell should have been honest with the people of New South Wales and admit that his whole plan was to kill off the Parliamentary Budget Office from the outset. If this amendment bill is passed, there is no way that the Parliamentary Budget Office could have any meaningful role when it is going to be operational in the six months before an election. The parties in New South Wales that do not have access to Treasury to do their costings will have either to pay to have their costings done independently or to wait until an election is called and have their policies costed in the immediate six months before the election.

As I have previously advised the House, when I was President I was very involved in trying to establish the Parliamentary Budget Office following the carriage of the original legislation. From the outset, recruiting companies that we had asked to assist us in recruiting a Parliamentary Budget Officer and the expert staff needed told us that there was uncertainty in the financial community because they had been informed that the Parliamentary Budget Office would be axed under an O'Farrell Government. The first round of selections did not produce a candidate of suitable quality to be appointed as Parliamentary Budget Officer.

Mr Tony Harris, the former Auditor-General, filled the position on a short-term basis in the run-up to the 25 March 2011 State election. We were able to second some people from the public sector to assist him, and he got some other temporary staff to assist him also. The ability to set up a Parliamentary Budget Office was nobbled by the Liberal-Nationals Coalition in New South Wales. Once it was established it seemed to be working well, but the Coalition refused to put its election costings to the office.

If this amendment bill goes through, who would want to give up a full-time job to fill the role of Parliamentary Budget Officer for a nine-month period every four years? Where would the qualified staff come from to work in the office? The simple fact is that they would not come and the positions would not be filled. If this amendment bill goes through it will kill off the Parliamentary Budget Office in New South Wales and the losers in this process will be the people of New South Wales, who want honesty and openness in government—which the O'Farrell Government promised when in opposition.

Every household in New South Wales got one of the O'Farrell five-point promises leaflets and one of those leaflets talked about greater accountability and transparency in government in New South Wales. But that promise of increased accountability and transparency has proved to be an absolute lie and sham at every turn since 25 March 2011, not only in relation to the Government's dealing with the Parliamentary Budget Office but also in relation to a range of other issues and legislation that have come before this House. It should be remembered also that the Parliamentary Budget Office, under the leadership of Mr Tony Harris, investigated the claims by the O'Farrell Government that it had been left with a budget black hole. The Parliamentary Budget Office completely debunked that myth but it is still being spread by the Government to justify its bizarre and draconian budget slashes.

I turn now to a very grave issue relating to the Parliamentary Budget Office. While Mr Tony Harris was acting as the Parliamentary Budget Officer, the Presiding Officers engaged a new recruitment firm that cast a wider net and were ready to consider the short-listing of potential candidates. I state very clearly that the Presiding Officers had agreed to proceed with the selection process while Mr Harris was acting in the position. However, out of the blue, the Speaker at the time, Mr Richard Torbay, suddenly got cold feet and declined to allow the recruitment action to continue without having a cogent argument to rationalise his about face. This happened even though I was keen to fulfil my obligation under the Parliamentary Budget Officer Bill 2010 to appoint a person to the role of Parliamentary Budget Officer, as Mr Torbay had also been. I was concerned and disappointed at the time as I supported the concept of having a Parliamentary Budget Officer and I felt that if it were left to the incoming government it would either take no action or it would try to repeal the legislation—and that is basically where we are today.

It is now quite apparent why Richard Torbay would want to be doing the bidding of the Liberal and National parties in nobbling the Parliamentary Budget Office. It now appears that he was in discussions with The Nationals at that early stage about defecting to The Nationals. If that were the case it would be a breathtaking abuse of his role as an independent Presiding Officer and it would add to the allegations of corruption that now surround him. I am now certain that Mr Richard Torbay was colluding with the Opposition while he was the Speaker, and he should be condemned for his duplicitous and dishonest behaviour. It also raises questions in my mind about the leaking to the media of information about the internet usage of members of Parliament.

As President, I had been very direct in my instructions to the Department of Parliamentary Services that no auditing of internet usage by members of the Legislative Council was to take place. I firmly believe it is not the role of any Presiding Officer to interfere in the work of other members of Parliament, particularly not in terms of reviewing the internet sites members use because that information could be used to tip off other people about the nature of research a member is undertaking in his or her office. It is not only a complete breach of privacy but also a breach of parliamentary privilege. As I said, I had been very clear that that was not to happen in relation to the Legislative Council. However, when the opportunity arose an individual whom I have referred to previously as a "rogue" employee of the Department of Parliamentary Services undertook a very flawed audit of the internet usage of members of Parliament.

As a result of that flawed audit being released to the Parliament, Reverend the Hon. Fred Nile and one of his research staff were put through a very distressing time. Their integrity was put in doubt by some sections of the media when in fact they were undertaking legitimate research into the adult industry, which is an industry that they oppose, as does their party's platform. A young, promising Minister resigned when he was found to have been looking at adult sites on the internet. Another member of the Legislative Council, whom I refused to name publicly at the time and whom I still refuse to name publicly, was put through the most incredible stress, personal strain and anxiety because the media hounded that person to try to get a confirmation from them about their internet usage. Overall, it was a very shameful episode in the history of this Parliament.

Given Mr Torbay's actions in relation to the Parliamentary Budget Office, I am now beginning to wonder whether he encouraged the rogue employee to undertake the unauthorised audit of internet usage in order to get leverage on members of the Legislative Assembly either in some form of support for him or in

terms of getting some leverage to assist him in his jump from being an Independent to being a member of The Nationals. That is a very grave issue. I think the actions of Mr Richard Torbay in relation to both the Parliamentary Budget Office and internet usage issue are matters that should be investigated by the Independent Commission Against Corruption, and they are matters that I will be referring to the Independent Commission Against Corruption for investigation. In the meantime, in relation to the Parliamentary Budget Officer Amendment Bill 2013, I urge all members to reject this corrupt fix from the O'Farrell Government and to vote against it. I urge all members to vote for accountability and openness in government and to have an effective Parliamentary Budget Office in New South Wales.

The Hon. MARIE FICARRA (Parliamentary Secretary) [4.35 p.m.]: I speak in favour of the Parliamentary Budget Officer Amendment Bill 2013. This legislation is a consequence of the appointment of a joint select committee in June 2011 to inquire into the role of the Parliamentary Budget Officer and whether the provisions under the Parliamentary Budget Officer Act 2010 were adequate and appropriate for the purposes served by the Parliamentary Budget Officer. A number of recommendations resulted from that inquiry and the Government has accepted the reform agenda proposed by the inquiry to significantly improve the legislative framework. This will allow a more effective, efficient and accountable Parliamentary Budget Office to operate in New South Wales.

The bill seeks to address the key elements brought to our attention as a consequence of that inquiry: to limit the operation of the Parliamentary Budget Office to once every four years; to make the submission of policies for costing mandatory for both the Leader of the Government and Leader of the Opposition; to require parliamentary leaders to confirm in writing that all policies that have a budget impact are submitted to the Parliamentary Budget Office; to allow the Parliamentary Budget Office to release more than one budget impact statement prior to an election; to clarify the content of the budget impact statement by specifying a core set of indicators in line with the current budget papers; and to amend the post-election reporting and parliamentary review after each election.

Further, the Parliamentary Budget Office will now be required to report to the Public Accounts Committee. This bill makes provisions for the appointment of the Parliamentary Budget Officer, with his or her term commencing on 1 September in the year prior to a State election and ending within three months after an election. This bill will improve the effectiveness of the Parliamentary Budget Office. The mandatory submission of policies for costing addresses the Parliamentary Budget Office's need for accountability and it will ensure that the electorate receives accurate and timely information from an independent source regarding election commitments made by the major parties—that is, we get accurate and impartial costing of election policy information.

One of the key elements addressed in this bill based on the recommendations of the inquiry is to limit the operational duties of the Parliamentary Budget Office. The 2011 inquiry detailed information noting that the current functions of the Parliamentary Budget Office—including the issuing of advice, analysis, financial briefings and economic matters—coincided with the same functions undertaken by other parliamentary committees, agencies and non-government agencies. Reducing the Parliamentary Budget Office's operational duties will allow it to focus solely on fulfilling its role of preparing election policy costings. The addition of new discretionary powers in the provisions of this bill will enable the Parliamentary Budget Office to release supplementary budget impact statements as needed in response to any policy announcements that are submitted late to the Parliamentary Budget Office. This provision installs a new sense of transparency and accuracy that is not seen in the current 2010 legislation—and which the previous Labor Government did not operate under for 16 years.

The amendments made to the post-election reporting and parliamentary review of the Parliamentary Budget Office after each State election will be forwarded to the Public Accounts Committee and the committee will have the responsibility of monitoring and reviewing the operational activities of the Parliamentary Budget Office. This is another step that the Government has taken to ensure the upmost transparency and efficiency in the operation of the Parliamentary Budget Office. This bill encompasses the essential changes required to ensure the productivity and sound economic role of the Parliamentary Budget Office. It incorporates the vast majority of the reform agenda proposed by the joint select committee. The Government elected not to implement only one recommendation in the provisions of this bill. Recommendation 9 of the committee suggested that the confidentiality provisions of the 2010 legislation could benefit from being strengthened.

Whilst the Government wholeheartedly supports the need for confidentiality of the documents submitted by parties to the Parliamentary Budget Office, after much analysis it concluded that the current

provisions are appropriate and it will not be strengthening any confidentiality provisions. The Parliamentary Budget Officer Amendment Bill is yet another example of this Government's commitment to implementing legislation that ensures efficiency, effectiveness and transparency. Together with many other members, media commentators and public community leaders, I commend the O'Farrell Government for its ongoing work in creating an effective legislative framework that takes into account the best interests of the people of New South Wales.

We are building for the future. Over the next four years we will be proud to deliver sound budgets, maintain our triple-A credit rating and deliver the biggest State infrastructure agenda in Australia's history, investing more than \$61.8 billion, including Australia's two largest transport policies, the North West Rail Link and WestConnex. The O'Farrell Government is determined to return New South Wales to its rightful place as Australia's premier State. When we came to government New South Wales economic growth had been the slowest of all States in the nation for a decade. The New South Wales financial audit found that there was an unsustainable financial trend.

This bill, as with many other bills and initiatives by the Government, is sound and responsible. We will not spend more than we receive in revenue. We will continue to follow those principles because when the New South Wales financial audit reported that this once premier State had an unsustainable financial trend, with recurrent expenditure growing more quickly than revenue, it was estimated by NSW Treasury at the time that if the expense targets set by the previous Coalition Government had been continued under the Labor Government, by this time we would be better off by more than \$20 billion. We would have much more infrastructure if previous governments had managed responsibly. So whether we are talking about the budget, infrastructure or the bill before the House—which is about accountability and transparency of election promises and costings—we will follow the same trend.

We are proud of our record and New South Wales will continue to manage its budget well. Almost 1,000 more jobs have been created since this Government took office. At present New South Wales is the second-strongest State in respect of economic growth, and we aim to be the strongest State as quickly as possible. It is a great delight to commend the bill to the House.

Dr JOHN KAYE [4.44 p.m.]: On behalf of The Greens, I oppose the Parliamentary Budget Officer Amendment Bill 2013. According to one view, this bill is about one of the greatest false economies that the Government has ever tried. Members know that we spend a penny to save a pound. This is saving a penny at the cost of a pound. In the long run, the Parliamentary Budget Office would have created great economies for New South Wales. But according to another view, this bill is an attack on parliamentary democracy. Parliamentary democracy elects people who represent the community. It does not necessarily elect people who have the greatest degree of economic ability or policy savvy. That is fine. The Government has a bureaucracy that tries to correct for that deficit. But the Government is the Executive and the Parliament should be a separate and strong institution, which has the intellectual capacity to stand up to government, respond to government, provide alternatives to government, and indeed support government with new, innovative ideas.

The problem is that in a modern, sophisticated economy like New South Wales, the generation and testing of those ideas requires a level of expertise that goes beyond the capacity of almost all members of the House. It is an expert job to know how much a policy would cost and to have a full grasp on the economic implications, and indeed the social and environmental implications, of a policy idea. The idea behind the Parliamentary Budget Office is to improve the decision-making of Parliament and to allow for the generation of innovative ideas through the parliamentary process and the testing of those ideas before a Parliamentary Budget Office. The ideas that survive that process then become part of the public debate and debate in this Chamber. If a government is open-minded enough, those ideas then become part of government policy.

This bill shuts off an important avenue of innovation and new policy ideas coming into the public domain. It does so because of the Government's arrogance in thinking it has all the answers. Everything the Government does is fine; it does not need to hear even from its own backbenchers, let alone the Opposition, Independent members, The Greens or the conservative crossbenchers. There is no question that the quality of a democracy is determined by the quality of the debate that happens in society. By crimping the quality of that debate, the Government is attacking democracy. This legislation turns the position of Parliamentary Budget Officer into a part-time job. Once every four years, for six months, the Government will appoint a Parliamentary Budget Officer; they are there for six months and then they disappear. Therein immediately lies a major problem in respect of the loss of expertise.

The Government is asking to recreate every four years a new office with new people—a new Parliamentary Budget Officer and new staff in the Parliamentary Budget Office to get up to speed with the cost of each government activity that might be proposed by the Government and the Opposition. They will need to get up to speed with the idea of what different proposals would cost; they will need detailed knowledge, which they will gain from government departments and Treasury, and a detailed understanding of how to perform costings and assess the impacts of those costings on various measures of budgetary balance—figures such as the government sector net operating result, the government sector capital expenditure, the government sector net lending and borrowing, the government sector net financial liabilities and the total State sector net financial liabilities.

Every four years a group of individuals are to be brought into the Parliament and, with the magic Barry O'Farrell wand, they will be turned into experts in financial and economic modelling. They will do that for six months while they cost, effectively, only Opposition policies—and therein lies another tale. It is interesting to note that when the Coalition was in opposition it declined the services of the Parliamentary Budget Office and privatised the function by getting its own costings. The Parliamentary Budget Office will do the costings and that will be it. All of that expertise is squandered, chucked on the scrap heap, and it disappears entirely. That is problem number one with a part-time Parliamentary Budget Officer.

The second problem with a part-time Parliamentary Budget Officer is that it will deny us the ongoing input to the debate that a permanent Parliamentary Budget Officer would provide—that is, it takes away for the remaining three years and six months of the parliamentary cycle the input to debate properly costed policies, new ideas and new directions for the Government that could be properly costed and thrown into the debate in a way that would enhance it. Instead of that happening, everything is focused around elections. I guess it says a lot about the Premier and the Government he leads—all they really care about is elections. In between times, they do not want to know about Parliament or policy debate; they just want to do whatever it is that appeases their particular interest groups and not have anything to do with proper debate.

The other attribute of this bill is that the Parliamentary Budget Office will cost all the election policies of the Leader of the Government and the Leader of the Opposition, and cost their impacts on the State's finances. It is interesting to see that this Government is insisting that the Opposition have its policies costed. When Labor was in government, I must admit I supported the Opposition amendment. It is one of those great ironies. I was a Greens member of the Parliament and I supported an Opposition amendment to the Treasurer's bill at the time to make it not compulsory for the Opposition's policies to be costed. I did not want to see the Parliamentary Budget Office being used as a stick against the Opposition. That opposition is now in government and that government is now in opposition and, of course, the boot is on the other foot. Now the Government says, "Whacko the diddle-o! We can use the Parliamentary Budget Office to beat up the Opposition."

Is that not an appalling state of affairs? When it was in opposition, this Government moved not to force the Opposition to have its policies costed, but now that it is in government it is forcing the Opposition to have its policies costed. It is a gross act of hypocrisy on the part of this Government to insist that this Opposition's policies be costed. Not only is it shortening the period of the Parliamentary Budget Office so that it cannot have that expertise, it is now using it as a political weapon to try to make life more difficult for the Opposition—an Opposition that probably has precious little chance of winning the next election anyway. Nonetheless, this Government, because of its political imperatives, wants to drive a nail into that coffin using the Parliamentary Budget Office.

The other key feature of this legislation is that it removes the Parliamentary Budget Office function of providing costings for election and other policies and technical advice to other members of Parliament. That would be The Greens. This will impact on The Greens, the Shooters and Fishers Party, the Christian Democratic Party, the Independent members in the lower House and, indeed, Opposition backbenchers. In fact, if Government backbenchers were capable of displaying some independence it would even impact on them. We are all being denied the right of having a good idea, doing a bit of research on it and saying, "Wow, if we decided that we would have an additional 30 teachers of English as a second language in western Sydney; we know that would have a huge impact on educational outcomes. How much would that cost? Where would we find the money for that? What impacts would that have on the State's budget?" We now have to guess the answers to those questions. We have to do our own back-of-the-envelope calculations. We cannot submit them to the Parliamentary Budget Office.

At the moment I am very interested in policies that enhance the adoption of renewable energy and energy efficiency. I cannot get those costed by the Parliamentary Budget Office; I have to make up my own

figures—which I can do; I have some expertise in that area. However, it will not have the same authority it would have coming from the Parliamentary Budget Office. I have a great interest, as this House knows, in issues to do with education. I happen to believe we should be reducing class sizes, but we cannot get costings on that. We do not know how much that would cost. I have to go through the budget papers and make an estimate of what that cost is, and when I do that nobody treats it seriously so we are shut out of the debate. It is a way of disenfranchising members of Parliament. This is the exercise of Executive power over Parliament to stop Parliament having that capacity.

The O'Farrell Government set up a select committee to look into the Parliamentary Budget Office, which was chaired by lower House member Mr David Elliott. It was an interesting committee. I served on that committee, along with former Premier Kristina Keneally, former Treasurer Eric Roozendaal—you would not exactly say they were my soulmates—the member for Cessnock, Mr Clayton Barr, and a number of government members, including the Hon. Trevor Khan. I must say that, as far as Government members were concerned, the Hon. Trevor Khan was a unique voice of rationality and reason.

The Hon. Trevor Khan: I am doomed now.

The Hon. Dr Peter Phelps: That will not help your preselection.

Dr JOHN KAYE: I say that with a massive sense of hostility towards the Hon. Trevor Khan. All right, I will lump him in with the rest of them: He was terrible. I refer to the behaviour of Government members, the way they refused to listen and the way they—particularly the chair—came into that committee with an agenda that was presumably written in the Treasurer's office or the Premier's office, or both. I am sorry; I forgot to mention that the Hon. Walt Secord also served as a member of that committee for some time.

The Hon. Matthew Mason-Cox: And he was useless.

Dr JOHN KAYE: No, he was not useless; that is incorrect. I was impressed by the former Premier, Kristina Keneally, and I was particularly impressed by Mr Clayton Barr. I thought they drove an interesting agenda—one I agreed with. Although we did not always agree, we largely agreed on the direction that the Parliamentary Budget Office should take. We were railroaded by a Government-dominated committee giving a Government report for a Government imperative, which was to crush the Parliamentary Budget Office. I have to say that it was largely successful.

We heard some really good information before the committee, none better than from the former Auditor-General, Tony Harris. He was the inaugural Parliamentary Budget Officer; I hoped we would still be working with him and getting advice from him. I have a lot of time for Tony Harris. I normally comprehensively disagree with him on economic matters, but on matters of accounting and auditing there is none better. His views on privatisation do not bear speaking about, but he is an honest and honourable man who would have served in that job extremely well. He told the committee:

It is a pity that parliaments all over the world have become less and less effective at (a) understanding what governments are doing and (b) being able to enunciate any views about what the government is doing ... The PBO is one step to rebalance that.

Tony Harris, who served both as Auditor-General and as Parliamentary Budget Officer, was giving that committee very strong advice that we should continue with a full-time Parliamentary Budget Officer that is available to resource Parliament to enrich the debate, to deepen the understanding of members of Parliament, and to deepen the ability of parliamentarians to engage with economic debate. All of that is to be lost. The total cost of the Parliamentary Budget Office is about \$8 million a year, or so we are told. We are told that that is a waste of taxpayers' money.

The Treasurer, Mike Baird, said that the Government wants to deliver a much cheaper Parliamentary Budget Office. It wants to cut that \$8 million because it sees it as waste. This Parliament is supposed to go over, understand and make suggestions about a budget of \$54 billion. We administer Australia's largest public education system; we make laws in respect of Australia's largest health system; we make laws in respect of one of Australia's largest public transport systems; we have one of the most complex sewage and water systems in the world—a number of complex sewage and water systems—for which we are supposed to make laws; and we are supposed to regulate the world's largest number of gaming machines, poker machines, per head of population. To get economic advice to cost policies that we could be suggesting, promoting and arguing about, to get advice on what the Government is doing, and to have an in-house economic adviser who could sharpen the debates in this place for \$8 million is cheap at twice the price. The benefits of that \$8 million investment would be tenfold, a hundredfold or even a thousandfold, yet this Government decides—

The Hon. Matthew Mason-Cox: A thousandfold?

Dr JOHN KAYE: It is not unbelievable. The Government thinks it has a lock hold on truth. There could be ideas that would save \$8 billion. I did not say they were The Greens' ideas. They might even have come from the Government Whip—although somehow I doubt that. It is not beyond the realms of possibility that there could be \$8 billion worth of savings, \$8 billion worth of new expenditure or \$8 billion worth of tax revenue. This Government currently presides over a \$791 million a year handover of revenue to Clubs NSW on poker machine tax. The clubs tax is about \$791 million a year less than the poker machine tax rate paid by the hotels in New South Wales. The Productivity Commissioner said we should get rid of that. If we had a Parliamentary Budget Office I would be very interested in asking questions about how we could do that and how we could phase out that difference. I would be interested in asking questions about that \$791 million a year, which alone would close budget holes very rapidly, and getting data on how to do that.

I would be interested in getting data on what would happen if we said the wealthiest private schools in this State should not be funded by the Government and that that money should go instead to the most disadvantaged public schools. I would be interested in a whole range of policy issues. Those are just the ones I am passionate about. I am sure the Hon. Trevor Khan has passions about policy.

The Hon. Trevor Khan: I do.

Dr JOHN KAYE: I am not so sure that the Parliamentary Secretary does, but many members in this Parliament—

The Hon. Matthew Mason-Cox: Does what?

Dr JOHN KAYE: You were not listening so you would not know. I am sure there are many members in this Parliament who have ideas and who could contribute, but those ideas are being stifled by the O'Farrell Government. Important ideas are being stifled. The Parliamentary Budget Office is purely an election weapon that is now to be used to destroy important opportunities to enrich public and parliamentary debate on key policy issues. There is no question that turning the Parliamentary Budget Office into one with an election focus and a political weapon to be used against the Opposition is in itself a waste of money. It is using public funds. The Treasurer and the Premier are guilty of doing the very thing that they put forward as the reason for getting rid of the Parliamentary Budget Office. They are politicising the Parliamentary Budget Office and using it as a political weapon. They are using public money to prosecute their own election campaign rather than using it to enrich public debate, as the Parliamentary Budget Office would have done.

We have a number of amendments that we will move in Committee if the bill passes the second reading stage, and we do not think it should. The legislation as currently drafted is not a bad place to be but it could be improved to take it beyond the purely economic and look at the triple bottom line of government activity. There are significant opportunities. In the event the bill does get through the second reading stage we will try to remove at least a few of the worst aspects of the legislation. The bill is an attack on democracy. It is using public funds as a political weapon against the Opposition and it cuts other members of Parliament out of the benefits of the Parliamentary Budget Office. It is bad legislation, and we oppose it. The bill is designed for a political purpose and uses an economic justification. It takes away the capacity to enhance public debate. The Greens will vote against the bill.

The Hon. SOPHIE COTSIS [5.04 p.m.]: I speak in debate on the Parliamentary Budget Officer Amendment Bill 2013. As is often the case with governments that acquire a very large majority, almost from the outset—but certainly as time passes—they start to act with increasing arrogance and disdain for the processes and for the people in the electorates who put them there. They act increasingly with unwarranted aggression towards their own departments and other members of the Parliament, as we have seen with this bill. In 2010 the Labor Government established the Parliamentary Budget Officer by means of the Parliamentary Budget Officer Act 2010. It was the first time any jurisdiction in the nation had sought to introduce a Parliamentary Budget Office. I note that the concept of a Parliamentary Budget Office has strong support from Tony Abbott and from international jurisdictions. That support was put in evidence before a committee. For the first time in Australia, the New South Wales Parliament had a Parliamentary Budget Officer. For a time the Acting Parliamentary Budget Officer was Tony Harris, a former Auditor General of this State and a man widely respected as someone who cares about public institutions and who is truthful and honest.

The gutting of the Parliamentary Budget Office in this State has a history and a motivation. Its motivation resides inherently in the DNA of this Government, and indeed Liberal governments of all

persuasions throughout history. All their rhetoric about being conservative and caring for the institutions and the courts and the very things that go to make up the backbone of integrity in this State is just lip-service, as we have seen with the introduction of the sessional orders motion and the gagging and gutting of very important institutions. Today they are doing more than paying lip-service. This is Liberals and Nationals belief in action—let us gut the scrutineer.

On 27 April 2011 the Premier issued a press release headed "Budget black hole blows out". However, the Acting Secretary of Treasury, Michael Lambert, wrote in a report that in summary both the mid-year review and the March 2011 update provided to the incoming Government accurately reflected available information at the time and were consistent with a robust approach to budgeting adopted by the New South Wales Treasury. It was the first egg on the faces of the Premier and the Treasurer. On 2 May 2011 the Parliamentary Budget Officer responded to a request from the Leader of the Opposition on 28 March 2011 requesting the office to provide a response to claims that there had been a report on the variance between mid-financial year—December 2010—and March 2011, as well as an analysis and advice on claims in a media release of 27 April 2007 headed "Budget black hole blows out further" by the current Premier, the then Leader of the Opposition. The Parliamentary Budget Officer at the time, Tony Harris, went into some detail. I recommend all members of this House read his report dated 2 May, in which he states:

The media release offers other claims of "gross economic incompetence". Insofar as fiscal policy is concerned, the state's AAA status does not support this claim. A fear that the budget deficit "could grow even further" is merely an assertion made without evidence.

That is, the Premier made an assertion without any evidence. Mr Harris went on to say:

A claim that "Labor had 'cooked the books' to distort the true state of NSW's finances" is not supported either by the report issued by Mr Lambert or by this Office's examination of available data.

There we have it. An independent officer of the Parliament said the Premier had engaged in political hyperbole of the highest order without a single shred of evidence to back his claims. Most of my colleagues have spoken about this legislation and put forward their issues and concerns. After two years of this Government going on about being transparent and open—

The Hon. Dr Peter Phelps: Yes, as we are.

The Hon. SOPHIE COTSIS: No, you are not. You have shut down debate and you are going to cut the number of questions we can ask. You are saturating most portfolios with a plethora of stupid action plans and reports that will go nowhere and do nothing because you will not fund them. Then we want to get proper independent costings, and proper assessments where the people of this State have an independent officer of Parliament to check those costings. That is the difference between the Liberal Party and the Labor Party. The Labor Party believes in openness and democracy; it believes in people having a say, whereas the Liberal Party want to close down debate.

The Hon. Matthew Mason-Cox: Oh, come on, Soph. What about Eddie?

The Hon. SOPHIE COTSIS: I would not have to look too far in your nest, so the member should be very careful with what he says. I will leave it at that. Thank you.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.09 p.m.], in reply: It has been a rollicking good debate. I thank all members for their contributions, particularly those from Labor who have revisited history in a most peculiar way. I make it clear to the House that it is the commitment of this Government to have an independent costing of election policies, and that commitment has been both longstanding and unshakable. Let us reflect on history for a moment. On 26 November 2009 the Liberals and The Nationals introduced a bill for the independent oversight of costings of election policies. The current Premier, the Hon. Barry O'Farrell, put it to the former member for Heffron to state whether she would support our bill. On television, in the full glare of the cameras—as was her wont—the former Premier, the Hon. Kristina Keneally, said, "Absolutely." However, after we had secured support in this House for the passing of that bill, without any explanation Labor pulled the bill. It then proceeded with its own politicised version of the bill for its own self-interests.

For 16 years the Labor Party did absolutely nothing to set up a Parliamentary Budget Office. Suddenly, in the shadow of election, the Hon. Eric Roozendaal rushes to set up a Parliamentary Budget Office. Why did it

happen in such a way? Why did the self-anointed party of accountability and transparency not set up a Parliamentary Budget Office during its 16 years in office? It was not about accountability or transparency. It was not about any of these worthwhile principles. It was all about the fact that the Labor Party knew it was going into opposition for a long, long time. It set up the Parliamentary Budget Office—

The Hon. Dr Peter Phelps: Using taxpayers' money.

The Hon. MATTHEW MASON-COX: —using taxpayers' money to give it access to advice, costings, policy development, agencies and departments so that it could, in opposition, continue on its lazy way. In effect, the perfect Labor solution was to continue as a government in opposition. That is effectively what it was trying to do by setting up the Parliamentary Budget Office in the form that it was set up. Let us not forget that just six weeks before the last State election Labor was still advertising for its Parliamentary Budget Officer. Despite all the rhetoric about accountability and transparency, the then Labor Party was still advertising for its Parliamentary Budget Officer six weeks before the State election. That is how serious it was about accountability. I ask the question: How many policies did this so-called accountable Labor Government submit to its Parliamentary Budget Office before the last election?

The Hon. Dr Peter Phelps: Hundreds, I would think, if they were serious.

The Hon. MATTHEW MASON-COX: In the interests of accountability and transparency, one would think that it would be hundreds.

The Hon. Lynda Voltz: Point of order: It is difficult to follow the speaker while the Government Whip is constantly interjecting.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I remind members that interjections are disorderly at all times. The Parliamentary Secretary will be heard in silence.

The Hon. MATTHEW MASON-COX: One would think that every one of them would be submitted to a Parliamentary Budget Office. For some reason its accountability was not necessary and evaporated into a puff of logic, stopping halfway—only half of its policies were submitted. That is the Labor way. That is as good as it gets on the other side of this place. Let us return to the bill before the House. This Government is determined to provide the taxpayers of New South Wales with accurate, timely and independent information on the cost of election commitments. The Parliamentary Budget Office will put New South Wales ahead of any other jurisdiction in this nation. No other State or Territory has a Parliamentary Budget Office. Federal Labor's proposed Parliamentary Budget Office will report 30 days after the Federal election.

Dr John Kaye: There is a Federal Parliamentary Budget Office.

The Hon. MATTHEW MASON-COX: I will repeat: Federal Labor's Parliamentary Budget Office will report 30 days after the Federal election—after voters have made their decision. That is what Labor really thinks of accountability. It will be accountable after the fact, not before, in the full glare of the public domain to avoid being held responsible and accountable for every policy that is out there. In contrast, this Government's Parliamentary Budget Office will release the costings on the Monday prior to the election to ensure that the taxpayers of New South Wales are fully informed ahead of election day. It will be transparent, independent and accountable.

The submissions and policies for costings will be mandatory for the leader of the Government and the Leader of the Opposition. The Parliamentary Budget Office will operate from 1 September in the year before the election, almost seven months before election day, which is six months more than Labor's proposal for the Parliamentary Budget Office before the last election. The Parliamentary Budget Office will be appointed based on recommendations from an independent panel, the Ombudsman and information commissioner and the chairperson of the Independent Pricing and Regulatory Tribunal. I also note that the Parliamentary Budget Office will ensure that when the people of New South Wales vote at the next election they will know the cost of policies put forward by each party.

How will Labor fund its deficit of \$4 billion in relation to the WorkCover scheme and the WorkCover compensation amendments this Government has put in place, which it says it will repeal? How will Labor pay for the police death and disability reforms that this Government has put in place, which it says it will repeal? I could go on and on. This Government is returning accountability and stability to New South Wales after

16 years of reckless financial management under Labor. Every electorate, indeed every voter, deserves to know that promises made in the lead-up to an election can be afforded and are independently costed. The O'Farrell-Stoner Government is finally delivering this to the people of New South Wales.

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

The House divided.

Ayes, 20

Mr Ajaka	Mr Gallacher	Mr Mason-Cox
Mr Blair	Mr Gay	Mrs Mitchell
Mr Borsak	Mr Green	Mrs Pavey
Mr Brown	Mr Khan	Mr Pearce
Mr Clarke	Mr Lynn	<i>Tellers,</i>
Ms Cusack	Mr MacDonald	Mr Colless
Ms Ficarra	Mrs Maclaren-Jones	Dr Phelps

Noes, 18

Ms Barham	Mr Primrose	Ms Westwood
Mr Buckingham	Mr Roozendaal	Mr Whan
Ms Cotsis	Mr Searle	
Mr Donnelly	Mr Secord	
Ms Faehrmann	Ms Sharpe	<i>Tellers,</i>
Dr Kaye	Mr Shoebridge	Ms Fazio
Mr Moselmane	Mr Veitch	Ms Voltz

Pair

Miss Gardiner Mr Foley

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [5.27 p.m.], by leave: I move Greens amendments Nos 1 and 2 on sheet C2013-028B in globo:

No. 1 Page 4, schedule 1 [8], lines 10 and 11. Omit all words on those lines.

No. 2 Pages 4 and 5, schedule 1 [11]–[13], line 33 on page 4 to line 5 on page 5. Omit all words on those lines.

As I stated in my contribution to the second reading debate, The Greens do not support the notion that members of Parliament will no longer have the capacity to request policy costings and that non-election policies will not be costed. The purpose of these amendments is to reinstate the capacity of non-government and non-opposition—

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! There is too much noise in the Chamber. I ask members to keep their conversations to a minimum. Opposition members should keep their voices down or leave the Chamber.

Dr JOHN KAYE: I appreciate the support offered by the Hon. Marie Ficarra, as always. I look forward to that continuing support in relation to the vote.

The Hon. Robert Borsak: A closet Green.

Dr JOHN KAYE: That is a remarkable accusation to make against the Hon. Marie Ficarra. Just because she has a kayak does not mean she is a closet Green. That would make the Hon. Robert Brown a closet Green. There is a kayak faction in this Parliament. I would be surprised if the Shooters and Fishers Party did not vote for these amendments, because surely it would want its policies costed. Surely the Shooters and Fishers Party has a number of policy ideas. Indeed, its proposal for recreational hunting in national parks would have benefited from an independent assessment by the Parliamentary Budget Office had it been in place. The Shooters and Fishers Party could have had its proposal costed independently.

The Hon. Robert Borsak: We had it costed.

Dr JOHN KAYE: I would be very interested if the Hon. Robert Borsak told us who costed it and how it was costed. Indeed, other members have a number of interesting ideas that are not costed. These amendments are an important step towards improving the quality of parliamentary debate, the accountability functions of this Parliament and the capacity of members to have new proposals appropriately costed and their impact on the budget appropriately assessed. I commend the amendments to the Committee.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [5.30 p.m.]: The Opposition supports The Greens amendments Nos 1 and 2 moved by Dr John Kaye because, to an extent, they reinstate the original intention of the bill as enacted previously by the Parliament. For that reason I urge all members to support these amendments, including other parties which may have an interest in having their policies costed so that they may be able to better represent their constituents and better participate in public debate leading up to elections.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.31 p.m.]: The Greens amendments Nos 1 and 2, as has been pointed out, will alter the role of the Parliamentary Budget Office from focusing on the costing of election commitments. The bill as drafted implements the recommendation of the inquiry to focus the role of the Parliamentary Budget Office on costing election commitments. This will avoid duplication of the work already performed by parliamentary committees, other agencies and non-government agencies. Accordingly, the Government does not support The Greens amendments Nos 1 and 2. I note that members of Parliament have access to the Parliamentary Library, which will undertake research on their behalf on any issue. The library is an excellent resource available to each and every member. In addition, independent non-government agencies, institutions and researchers already provide analysis and commentary on budgetary, economic and fiscal issues.

Dr JOHN KAYE [5.32 p.m.]: I have never heard such an inadequate defence of voting against amendments in my entire time in Parliament. I am one of the greatest supporters of the Parliamentary Library. It is an excellent facility but its staff are librarians. They are researchers of information; they are not costers, economists or people who are qualified—

The Hon. Dr Peter Phelps: Bring back more Costas.

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! I remind members on both sides of the Chamber that interjections are disorderly at all times.

Dr JOHN KAYE: Being an engineer, I am slightly slow in the sense of humour department. I finally got the joke. They are not Costas in the sense of Michael or, indeed, costers in the full sense of the word. That is a good thing. The staff of the Parliamentary Library are not experts in creating economic policy. They are expert librarians, information gatherers and information collators and processors. They have different skills and it is absurd to suggest that their services are a replacement for a Parliamentary Budget Office.

An equally absurd suggestion from the Hon. Matthew Mason-Cox is that we do not need a Parliamentary Budget Office because we have parliamentary committees. For the benefit of the Hon. Matthew Mason-Cox, parliamentary committees are made up of parliamentarians, not experts on costing policies. Finally, and most outrageously, it was suggested that it does not really matter because we have non-government organisations. For example, would the Council of Social Service of New South Wales provide me with a totally reliable independent costing of a policy for more social workers in New South Wales? Would the Nature Conservation Council provide me with a reliable, independent costing on more national parks? Would the Shooters and Fishers Party provide the Hon. Robert Brown with any credible costing of gun measures? It is obviously nonsense.

Non-government organisations are a major part of our society and they fulfil an important role but we cannot expect them to perform the role of a Parliamentary Budget Office. That shows that either the Hon. Matthew Mason-Cox is being disingenuous or he has failed to understand the function of a Parliamentary Budget Office. For the benefit of the Hon. Matthew Mason-Cox and other Government members, the task of the Parliamentary Budget Office is to undertake costings of policy proposals and assess their impact on the budget. Non-government organisations and the Parliamentary Library are not expert in this area, and we would not trust parliamentary committees to undertake such a task.

The Government has no excuse for voting against these amendments. I am surprised that the Shooters and Fishers Party supports the Government on this matter. Although The Greens do not agree with a lot of substance of the Shooters and Fishers Party, I think we agree on the importance of a robust parliamentary debate. I will be surprised if the Shooters and Fishers Party votes against these amendments, because they are a key ingredient in maintaining a robust, informed, sensible parliamentary debate. I commend The Greens amendments Nos 1 and 2 to the Committee.

Question—That The Greens amendments Nos 1 and 2 [C2013-028B] be agreed to—put.

The Committee divided.

Ayes, 18

Ms Barham	Mr Primrose	Ms Westwood
Mr Buckingham	Mr Roozendaal	Mr Whan
Ms Cotsis	Mr Searle	
Mr Donnelly	Mr Secord	
Ms Faehrmann	Ms Sharpe	<i>Tellers,</i>
Ms Fazio	Mr Shoebridge	Dr Kaye
Mr Moselmane	Mr Veitch	Ms Voltz

Noes, 20

Mr Ajaka	Mr Gallacher	Mr Mason-Cox
Mr Blair	Mr Gay	Mrs Mitchell
Mr Borsak	Mr Green	Mrs Pavey
Mr Brown	Mr Harwin	Mr Pearce
Mr Clarke	Mr Khan	<i>Tellers,</i>
Ms Cusack	Mr Lynn	Mr Colless
Ms Ficarra	Mr MacDonald	Dr Phelps

Pair

Mr Foley

Miss Gardiner

Question resolved in the negative.

The Greens amendments Nos 1 and 2 [C2013-028B] negatived.

Dr JOHN KAYE [5.44 p.m.], by leave: I move The Greens amendments Nos 3 and 4 on sheet C2013-028B in globo:

No. 3 Page 6, schedule 1 [18], line 6. Insert "and (2B)" after "(2A)".

No. 4 Page 6, schedule 1 [18]. Insert after line 23:

- (2B) The budget impact statement is also to show the impact of all the costed policies on the following social and environmental indicators:
 - (a) the creation of jobs,
 - (b) household incomes and expenses for households with incomes in the lowest 10 per cent of all households,
 - (c) greenhouse gas emissions,

- (d) potable and non-potable water usage,
- (e) land clearing,
- (f) loss of wetlands area,
- (g) loss of farmland and loss of value to farmland, and
- (h) air, water and noise pollution.

I can inform the House that The Greens will not be seeking to divide on these amendments. The purpose of these amendments is to take the Parliamentary Budget Office beyond simply looking at the measures around the budget bottom line and looking more broadly at the other social benefits that policies can bring. A broader definition of economics should be used to include: impacts on the creation of jobs; impacts of household incomes and expenses for low-income households; impacts on greenhouse gas emissions; impacts on potable and non-potable water usage; impacts on land clearing; impacts on loss of wetlands area; impacts on loss of farmland and loss of value to farmland; and impacts on air, water and noise pollution. For many policies that would come before the Parliamentary Budget Office only a small subset of these indicators, perhaps none, would be relevant, but in some instances they would be extremely important.

The running of a balanced budget without a strong economy is a meaningless outcome. Government policies impact greatly on the creation of jobs and on the incomes and expenses of households in the lowest tenth percentile of income levels. These are significant social justice issues that ought to be considered together with the impacts on the level of the budget. We have to move beyond the narrow definition of economics and look at economics on the basis that we live in a society and not purely in an economy. We must take into account the impact on greenhouse gas emissions. A policy for power privatisation may look good for the budget bottom line at least in the short term, but in the long term it will have disastrous consequences for greenhouse gas emissions. The impacts on the budget should be considered equally with the environmental impacts on water usage, land clearing, wetlands area, loss of farmland and loss of value to farmland, and air, water and noise pollution.

The Hon. Rick Colless: You hate farmlands, don't you?

Dr JOHN KAYE: If I hated farmlands why would The Greens move an amendment that specifically raises the issue of both loss of farmland and loss of value of farmland? Either The Nationals do not understand the amendments—and that would not surprise me—or, more likely, they have so comprehensively sold out to the minerals body that they would be embarrassed by farmlands being assessed. As The Nationals plough ahead with coalmining and coal seam gas drilling in New South Wales, it is they and their Government that hate farmlands and do not care about the loss of value to farmlands. If The Nationals are serious about that part of their rural constituency that is engaged in primary production then surely they would be concerned to see a Parliamentary Budget Office assess the impacts of policies on farmland. They will not agree and, as always, they will show their real colours when we come to the vote. When The Nationals go into rural New South Wales they talk big about protecting farmers but when it comes to the Cabinet room and party room they roll over.

The Hon. Walt Secord: Cowards.

Dr JOHN KAYE: The Hon. Walt Secord knows they roll over. Do they not roll over?

The Hon. Walt Secord: Tough in the bush; cowards in Sydney.

Dr JOHN KAYE: The honourable member says that they are tough in the bush and cowards in Sydney.

The Hon. Matthew Mason-Cox: Point of order: Firstly, it is disorderly for Dr John Kaye to respond to interjections. Secondly, the member is talking to the Hon. Walt Secord rather than addressing his comments through the Chair.

Dr JOHN KAYE: To the point of order: I never said, "Walt, do you think they are tough in the bush and cowards in Sydney?" I said, "The Hon. Walt Secord knows that" and then the Hon. Walt Secord interjected.

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! Unfortunately due to the level of noise coming from both sides of the Chamber I found it difficult to hear what the member was saying. I therefore do not uphold the point of order. I remind members to keep the noise in the Chamber to a minimum.

Dr JOHN KAYE: Madam Temporary Chair, I thank you for your ruling. If The Nationals were genuinely concerned, and not just putting on a show of being concerned, then the Hon. Rick Colless would be voting for and not against this amendment.

The Hon. Rick Colless: Point of order: I take offence at the assertion made by Dr John Kaye because he is categorically wrong. I ask him to withdraw it.

Dr JOHN KAYE: I would be happy to withdraw the assertion if I knew which assertion the Hon. Rick Colless is referring to. What do you want me to withdraw?

The Hon. Matthew Mason-Cox: Just everything. Sit down.

Dr JOHN KAYE: Everything I have said? Which assertion—

The Hon. Rick Colless: The assertion you made about me about a minute ago.

Dr JOHN KAYE: Without being told which assertion I made I cannot withdraw it.

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! Again, because of the level of noise from both sides of the Chamber, I found it difficult to hear whether an assertion was made against the Hon. Rick Colless. Again, I ask members to keep their voices to a minimum. Dr John Kaye has the call.

Dr JOHN KAYE: For the benefit of the Hon. Rick Colless, I was not seeking to make an assertion against him as an individual. Talking about The Nationals, I said—and I stand by this statement—that if he cares about the bush he will vote for these amendments.

The Hon. Rick Colless: Point of order: That is exactly what I was concerned about. There is no-one in this Chamber who cares more about regional New South Wales—

The Hon. Jeremy Buckingham: Than The Greens.

The Hon. Rick Colless: —than I do. I have worked with these people all my professional career, unlike some members who simply jump on the political bandwagon.

Dr JOHN KAYE: To the point of order—

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! The Hon. Jeremy Buckingham will come to order.

Dr JOHN KAYE: I am pleased to hear that the Hon. Rick Colless cares about the bush because there was no imputation.

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! I rule that the comments made by Dr John Kaye suggesting how a member intends to vote are offensive. I ask him to withdraw them.

Dr JOHN KAYE: I withdraw the comments. I will continue with my assertion that this is about ensuring that farmland and the value of farmland are measured equally with economics. As to members who genuinely care, the Hon. Jeremy Buckingham has a long history of working with rural constituents and has been one of the most vocal agitators to protect farmland from the curse of coal seam gas.

The Hon. Melinda Pavey: You support gas. You told the people of Tenterfield that you support gas.

TEMPORARY CHAIR (The Hon. Natasha Maclaren-Jones): Order! Government members will come to order.

Dr JOHN KAYE: I imagine the Hon. Jeremy Buckingham will probably vote for the amendments, because he has the courage of his convictions. He will stand up for rural New South Wales and vote to ensure that the Parliamentary Budget Office is in a position to assess impacts on farmland and the loss of value of farmland. It is not only rural constituents who need protection; air, water and noise pollution in the urban and rural contexts need assessment. It is unfortunate that The Greens amendments Nos 1 and 2 are not accepted. It is

great to have a Parliamentary Budget Office but it is not good enough that it simply assesses narrow economic values. At election time we need to have assessments. However, we also need an independent assessment across the board of social and environment measures, not just narrow fiscal measures of the budget. I commend the amendments to the Committee.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.53 p.m.]: The Government does not support The Greens amendments.

The Hon. Jeremy Buckingham: We don't support your suit.

The Hon. MATTHEW MASON-COX: I suggest that the Hon. Jeremy Buckingham take off his crazy eyes. Consistent with the committee's recommendation, the bill seeks to focus the role of the Parliamentary Budget Office on costing election commitments. Independent costing of election commitments is to ensure that the electorate is fully informed of their financial implications. It directly addresses the risk of parties over-promising and failing to fully account for the financial consequences of their promises. The indicators included in the bill are those presented by the current and previous governments in their annual budget papers to inform the public about the government's fiscal position, and they are consistent with the focus of the office on assessing the financial implications of commitments.

The Parliamentary Budget Office is focused only on the budget impact of policies—a specialist area for the public sector. It is not asked to assess the wider economic impact of policies. Such matters are canvassed by political parties, industry and stakeholder groups, and commentators. These groups similarly also canvass the social and environmental impacts of policies. These matters are not appropriate for the office. Extending the range of indicators as proposed would also be complex, subjective, costly and a distraction from the core purposes of the office in assessing the financial implications of election commitments. Accordingly, these amendments are not supported.

Dr JOHN KAYE [5.55 p.m.]: The Parliamentary Secretary has given us a weak defence for the Government's failure to support these amendments. First, the Government relied on the findings of the Joint Select Committee on the Parliamentary Budget Office. As I said earlier, I was a member of that committee. That is a dangerous, circuitous argument. The select committee was driven by Government members who were sent in with an agenda to destroy the Parliamentary Budget Office: to reduce it to a six-month office, narrow its ambit and turn it into nothing more than an election weapon. So the Government relying on the committee's findings when all non-government members of the committee opposed the overwhelming majority of the findings and recommendations is indeed the Government simply relying on its own white noise. It does not do the Government any good or credit to rely on those findings.

The Parliamentary Secretary then suggested that extending the range of indicators would prove to be complex, subjective and expensive. Yes, it would be complex to assess these issues, but it is also complex to assess the financial implications. Because something is complex does not mean we should not do it. The Parliamentary Secretary should have argued whether or not it was worth doing, but he failed to do so. He then said it would be subjective. I do not know that the creation of jobs is a subjective measure. Although the O'Farrell Government has boasted about the number of jobs it has created, I do not think there is anything subjective about assessing the creations of jobs. I think it is a highly objective measure.

The Parliamentary Secretary then said that it would be expensive to do so. How expensive is it to put policies before the electorate that are not assessed for their greenhouse gas emissions or their impact on land clearing and loss of wetlands? Assessing policies purely for their impact on the budget is the ultimate expense. Finally, the Parliamentary Secretary said that it does not matter because all these issues are canvassed by outside groups. And indeed they are. There are groups that talk about job creation, low-income households, greenhouse gas emissions, water, land, wetlands and so on. That is absolutely correct.

Once again the Parliamentary Secretary displayed a lack of understanding of what the Parliamentary Budget Office does. The Parliamentary Budget Office provides independent advice on and assessment of these issues. This is about taking it out of the realm of contestable debate and individual views and getting an objective measure of these issues. Without that objective measure or independent voice the people of New South Wales must sort through claims and counterclaims. The Greens commend the amendments to the Committee. We see them as an important step towards a more accountable set of election policies.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [5.58 p.m.]: The Opposition will not be supporting The Greens amendments Nos 3 and 4. We would support them if The Greens amendments Nos 1

and 2 had been carried. We think that in a properly framed legislative context, where all members could bring policies to the independent Parliamentary Budget Officer for costing, The Greens amendments Nos 3 and 4 may well have been appropriate. However, given the flawed and now fundamentally unbalanced nature of the legislative regime, we cannot support The Greens amendments Nos 3 and 4, regrettably.

Dr JOHN KAYE [5.59 p.m.]: While, of course, The Greens are disappointed that the Opposition will not support them, we understand the Opposition's point of view and appreciate that it would have voted for amendments Nos 3 and 4 had amendments Nos 1 and 2 been agreed to. I understand that does make a more consistent whole, which would work. I understand the Opposition's concerns about amendments Nos 3 and 4 in the context of the next election increasing the ambit of things that are being assessed. However, it is disappointing that the Opposition is not prepared to see its policies and the Government's policies being costed against not just their budget impact but the full range of social, environmental and economic impacts on the State.

Question—That The Greens amendments Nos 3 and 4 [C2013-028B] be agreed to—put and resolved in the negative.

The Greens amendments Nos 3 and 4 [C2013-028B] negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

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

That the report be adopted.

Report adopted.

Third Reading

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

That this bill be now read a third time.

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

ASSENT TO BILLS

Assent to the following bills reported:

Racing Legislation Amendment Bill 2013
Small Business Commissioner Bill 2013
Powers of Attorney Amendment Bill 2013

OMBUDSMAN

Report

Deputy-President (The Hon. Paul Green) tabled, pursuant to the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974, a report of the Ombudsman entitled, "Report of Reviewable Deaths in 2010 and 2011—Volume 2—Deaths of people with disabilities in care", dated May 2013, received and authorised to be made public this day.

Ordered to be printed on motion by the Hon. Matthew Mason-Cox.

HEALTH LEGISLATION AMENDMENT BILL 2013**Second Reading**

The Hon. MELINDA PAVEY (Parliamentary Secretary) [6.03 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

I am pleased to introduce the Health Legislation Amendment Bill 2013. As part of the Government's regular review of legislation, the bill seeks to make miscellaneous amendments to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law, the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. I turn firstly to the amendments to the Health Care Complaints Act. As honourable members will be aware, the Health Care Complaints Act establishes the Health Care Complaints Commission as an independent body to assess, investigate and prosecute complaints against health practitioners and health service providers. However, a 2012 Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission* has led to a limitation on when the Health Care Complaints Commission can investigate matters affecting public health or safety.

The structure of the Health Care Complaints Act means that the Health Care Complaints Commission has jurisdiction to investigate a matter only where a valid complaint has been made. Section 7 of the Act sets out whom a complaint can be made about and this list includes health service providers. However, the recent case in the Supreme Court found the Health Care Complaints Commission can investigate only if the complaint shows that the health service in question affects the clinical management or care of an individual client. The judgement has created significant concern that a complaint cannot be investigated by the Health Care Complaints Commission if the matter raises a real likelihood of impact on public health or safety: There must be a specific case where an individual client is affected, thereby limiting the capacity of the Health Care Complaints Commission to act in the public interest.

The bill, therefore, amends section 7 of the Health Care Complaints Act to make clear that a complaint can be made against a health service if the health service affects, or is likely to affect, the clinical management or care of an individual client. Consequential amendments are also made to sections 25, 25A and 80 of the Act so as to ensure the language used is consistent. This important amendment will mean that, if a health service provider is acting in a way that is likely to affect the clinical management or care of a client, even if there is no identified client who has been affected, then the Health Care Complaints Commission will have jurisdiction to investigate a complaint against the health service provider.

I turn to the other amendments to the Health Care Complaints Act which generally follow on from the recommendations of the 2010 joint parliamentary committee report on the operation of the Health Care Complaints Act 1993. The 2010 report considered the operation of the Health Care Complaints Commission with a view to ensuring its continued effectiveness. The report recommended that the power of the Health Care Complaints Commission should be expanded to allow the commission to conduct "own motion" investigations so as to help safeguard the public. The Government has adopted this recommendation in the bill.

The bill amends section 8 of the Act to allow the Commissioner of the Health Care Complaints Commission to make a complaint, and therefore investigate a matter, if it appears to the commissioner that the subject of the complaint raises a significant issue of public health or safety; raises a significant question regarding a health service that affects, or is likely to affect, the clinical management or care of an individual client; and would, if substantiated, be grounds for disciplinary action against a health practitioner or involves gross negligence on the part of the health practitioner. This important amendment will ensure that the Health Care Complaints Commission will be able to proactively initiate its own complaints in respect of serious matters affecting the health or safety of the public.

Another recommendation of the report was that a new section should be included in the Act which would set out the broad principles to govern the work of the Health Care Complaints Commission and other government agencies responsible for the health care complaints system. The Government supports this recommendation and the bill includes a new section 3A (5B) that provides that the Health Care Complaints Commission and other government agencies are to have regard to a range of important principles in carrying out functions under the Act. These principles include accountability, maintaining an acceptable balance between the rights of clients and the rights of healthcare providers, efficiency and flexibility.

The report also recommended, and this Government supports, amending the Act to expressly provide for the Health Care Complaints Commission to provide written reasons in relation to its post-assessment and post-investigation decisions. While it is the Health Care Complaints Commission's practice to provide written reasons, and the Act requires the commission to do so, there are no current requirements to consistently provide information to parties to the complaint. Therefore, the bill amends sections 28 and 45 to expressly provide for the Health Care Complaints Commission to give written information to the parties to the complaint concerning the outcome of its assessment, investigation of the complaint and the reasons for the commission's decision.

Following on from the recommendations of the report, the bill also inserts a new section 16A into the Act in order to allow the Health Care Complaints Commission to give written notice of the making of a complaint to the employer of a health practitioner. Currently, notification to employers is only given following the assessment of a complaint if the Health Care Complaints Commission decides to investigate the complaint. However, as noted in the report, there will be times when early notification to employers is necessary to assist the commission in assessing the complaint properly, or is necessary to protect the health and safety of the public. The report recognised that notifying employers before a complaint has even been assessed may negatively affect health practitioners—for instance, vexatious complaints which may compromise a practitioner's employment.

In order to appropriately balance these two interests the new section requires the Health Care Complaints Commission to notify employers following the making of a complaint against a health practitioner if the Health Care Complaints Commission considers it necessary in order to assess the complaint effectively or to protect the health or safety of the public. However, the mandatory requirement will become discretionary if it appears to the Health Care Complaints Commission that notification would place the complainant or another person at risk of intimidation or harassment or unreasonably prejudice the employment or engagement of the health practitioner.

Another amendment to the Act has been included which is unrelated to the recommendations of the joint parliamentary committee. The amendment relates to section 90B regarding the power of the Director of Proceedings. Following an investigation of a complaint, the Health Care Complaints Commission can refer a complaint to the Director of Proceedings who determines whether or not to prosecute a complaint against a health practitioner before a health professional tribunal. Currently, there is no power to refer the matter back for further investigation if the Director of Proceedings determines that further information is required before deciding whether or not to prosecute a matter. The bill will rectify this problem by amending section 90B to allow the Director of Proceedings to refer a matter back to the Health Care Complaints Commission for further investigation if the director cannot determine whether a complaint should be prosecuted or is of the opinion that further evidence is required in order to enable a prosecution to occur.

Amendments are also made to the Health Practitioner Regulation National Law (New South Wales) (National Law) regarding the Health Care Complaints Commission's duty to investigate matters. Section 150 of the National Law sets out the emergency suspension powers of New South Wales health professional councils with respect to registered health practitioners who are at risk to public health or safety. Section 150D provides that if such an emergency power is exercised under section 150, the matter must be referred to the Health Care Complaints Commission for investigation. Section 150D also provides that such a referral is to be treated as a complaint and must be investigated by the Health Care Complaints Commission.

However, there will be times when a complaint in respect of the same practitioner or matter has already been made to the Health Care Complaints Commission prior to the referral and an investigation may be underway, or completed. Therefore, the amendment to section 150D of the National Law will remove unnecessary administrative burden so further investigation is not required if the matter is already in the process of being investigated, or has been investigated. The bill also includes an amendment to schedule 5C of the National Law to allow the Minister, rather than the Governor, to appoint a person as an acting member of a health professional council which will ease the administrative burden of appointing acting members on short notice, such as when a member becomes ill.

I turn now to the other amendments set out in the bill. Schedule 4 to the bill seeks to amend the Health Services Act to allow staff of the New South Wales health service to be suspended from duty without pay in limited circumstances. Staff employed in the New South Wales health system are employed under the Health Services Act, which is generally silent as to whether or not staff can be suspended from duty without pay, although the Health Services Regulation allows staff in the Ambulance Service to be suspended from duty without pay in limited circumstances. In order to bring the New South Wales health system into line with other

public sector staff employed under the Public Sector Employment and Management Act 2002, such as teachers and police, regarding suspension without pay, the bill inserts a new section 120A into the Health Services Act to allow staff to be suspended without pay in limited circumstances.

The bill limits those circumstances to where an employee has been charged with a serious criminal offence punishable by imprisonment for five years or more; where a staff member who is a registered health practitioner has had their registration suspended or conditions imposed on their registration under section 150 of the Health Practitioner Regulation National Law; or in the case of an unregistered health practitioner, where the Health Care Complaints Commission has imposed an interim prohibition order or placed interim conditions on the unregistered health practitioner under section 41AA of the Health Care Complaints Act. These limited circumstances may suggest that there would be a significant risk in permitting that person to continue in their employment, or being paid while suspended from duty, while criminal proceedings are under way.

Further, in the case of a registered health practitioner who has had an interim suspension order placed on their registration, it may be inappropriate for a public body to use public funds to continue to pay the officer who could not perform their employment role due to a health professional council suspending their registration. I am advised that all relevant unions have had active involvement in the development of draft guidelines around suspension without pay since 2008. This has included discussions about the need to amend relevant legislation. The most recent discussions occurred on 26 March 2013 between the Australian Salaried Medical Officers' Federation [ASMOF], the Health Services Union [HSU], the Nurses Association and officers of the Ministry of Health.

The bill makes minor amendments to section 11 of the Health Administration Act 1982 to allow land held by the Health Administration Corporation [HAC] to be disposed of notwithstanding a Crown grant if approval has been given by the Minister. This will allow the Health Administration Corporation to dispose of surplus land, notwithstanding Crown grant conditions, and use the proceeds towards other health capital works projects that are more suited to the health service needs of the community. This will bring the Health Administration Commission into line with existing provisions under the Health Services Act for land held by local health districts. There are no identified parcels of land that the Health Administration Corporation has currently identified to be disposed of if this bill passes.

The bill also amends the Health Administration Act to change the membership of the Medical Services Committee, which is a ministerial advisory body established to provide advice to the Minister on matters affecting the practice of medicine. Currently schedule 4 to the Act states that members may hold office for a period of four years and can be appointed for up to three consecutive terms. While this is generally appropriate, it is often appropriate to appoint a chairperson with experience. However, if a chairperson is appointed as chair while in their third consecutive term, that person can only serve out the remainder of their term. The current restriction has the potential to result in a loss of experienced members to act as chairperson of the committee. In order to ensure that the committee can have access to an experienced member as chair for a reasonable period of time, the bill amends schedule 4 to allow a person to serve four consecutive terms but only if that person is appointed as chairperson during their third consecutive term.

I turn finally to the amendments to the Mental Health Act and the Mental Health (Forensic Provisions) Act, which are set out in schedules 5 and 6 to the bill. These amendments are generally minor amendments aimed at tidying up or clarifying a number of existing provisions. For example, the bill inserts a new section 76HA into the Mental Health (Forensic Provisions) Act to expressly provide that a forensic patient who is on leave or on conditional release can be detained under the Mental Health Act as a civil patient. Forensic patients on conditional release are released into the community subject to certain conditions and are still subject to a degree of oversight by the Mental Health Review Tribunal and their treating team. However, such patients may become unwell while living in the community such that they need to be scheduled and detained under the Mental Health Act for treatment as with any other person with a mental illness. There is nothing expressly in the Act that would preclude a forensic patient from being scheduled and detained under the Mental Health Act.

However, there has been some concern that the Mental Health Act does not apply to forensic patients. This would clearly not be appropriate as all persons in the community are entitled to appropriate mental care and treatment if and when required. Therefore, the new section 76HA makes it expressly clear that a forensic patient on leave or release can be detained and scheduled under the Mental Health Act. Of course, if a forensic patient is detained as a civil patient, the patient will continue to be a forensic patient and subject to the ongoing oversight of the Mental Health Review Tribunal.

The bill amends section 69 of the Mental Health (Forensic Provisions) Act to clarify that if the tribunal issues an order for apprehension of a forensic patient who has breached their conditions of release or leave, that order authorises the apprehension and detention of the patient. Amendments are also made to section 67 to enable the tribunal to make a community treatment order with respect to a forensic patient at the same time the tribunal is considering releasing the patient and for that community treatment order to continue in effect under the Mental Health Act. This change is aimed at lessening the administrative burden of the tribunal rather than changing practice.

Currently, if the tribunal is proposing to release a forensic patient but is also considering imposing a community treatment order, the tribunal must hold two hearings—one in respect of the release order under the Mental Health (Forensic Provisions) Act and one in respect of the community treatment order under the Mental Health Act. This process is time consuming and administratively burdensome. The amendments to section 67 will overcome this administrative burden and make it easier for the tribunal to consider and make community treatment orders with respect to forensic patients.

The amendment in the bill to section 77A of the Mental Health (Forensic Provisions) Act relates to the power of the Supreme Court on appeal from a decision of the tribunal with respect to forensic patients. Under section 77A a patient and the Minister of Health may appeal a decision of the tribunal on a question of law or fact. The Attorney General also has a right of appeal but only with respect to questions of law. Under section 77A, if an appeal is made on a ground of law, the court or the tribunal may suspend the operation of the order until the court resolves the appeal. The ability to suspend orders does not currently apply with respect to appeals on a question of fact. Should an appeal against a tribunal decision be made, it should be open to the court to suspend the operation of that tribunal order until the court resolves the appeal, regardless of whether or not the appeal is made on a ground of law or fact.

Therefore, the bill amends section 77A to ensure that the court and the tribunal can suspend the operation of an order if an appeal is made on a question of law or fact. Of course, should an appeal be lodged, it will remain the discretion of the court or the tribunal to consider whether or not to suspend the operation of the order while the appeal is heard. The bill before the House seeks to make minor but important amendments to various health Acts. These amendments are not only aimed at ensuring the continued smooth operations of the Acts but also at protecting the health and safety of the public. I commend the bill to the House.

The Hon. SOPHIE COTSIS [6.18 p.m.]: I lead for the Opposition on the Health Legislation Amendment Bill 2013. This bill is part of the ongoing review and update of health-related legislation and amends the Health Administration Act 1982 in schedule 1, the Healthcare Complaints Act 1993 in schedule 2, the Health Practitioner Legislation (Adoption of National Law) Act 2009 in schedule 3, the Health Services Act 1997 in schedule 4, the Mental Health Act 2007 in schedule 5 and the Mental Health (Forensic Provisions) Act 1990 in schedule 6.

The Opposition will not oppose the bill, but I foreshadow that we will move an amendment during the Committee stage. Following the introduction of this bill and the Minister delivering her second reading speech in the other place, my colleague the shadow Minister for Health, the member for Macquarie Fields, Dr Andrew McDonald, was in contact with various health stakeholders, including the Australian Medical Association, the NSW Nurses and Midwives Association, the Health Services Union and the Australian Salaried Medical Officers Federation. The shadow Minister was advised that while those stakeholders acknowledge many uncontentious aspects of this bill, they noted in the absence of any prior formal briefing being provided by the Government that the devil may be in the detail or practical application.

I move now to the Opposition's concern. I refer to schedule 4, which amends the Health Services Act 1997. In particular, new section 120A (2) states:

Any salary payable to a person as a member of staff while the person is suspended from duty under this section is (if the Director-General so directs) to be withheld.

Staff of the NSW Health service can be suspended from duty without a salary in limited circumstances under this new section. Concern about this was noted by the Legislative Review Committee on page 12 of "Legislation Review Digest No. 33/55", which states:

The Committee notes that suspension of a staffer without pay would likely seriously affect his or her livelihood. This would be particularly problematic if the misconduct or serious criminal charges laid against the staffer were later withdrawn, or if the staffer was otherwise exonerated. Although the staffer is to be paid the salary withheld in these circumstances, the Committee still notes the financial and emotional stresses likely placed on the individual during which his or her salary is being withheld.

Those charged with a criminal offence are still innocent until proven guilty. The bill limits those circumstances where an employee has been charged with a serious criminal offence punishable by imprisonment for five years or more, or where a staff member who is a registered health practitioner cannot practice because his or her licence has been suspended or has a condition imposed on his or her practice that, in the opinion of the director general, is inconsistent with the terms of employment. This is an example of the devil being in the detail.

Health differs from other public service entities because external bodies—registration boards—impose conditions of registration that may restrict the ability of clinicians or nurses to do their job but allow them to continue to work in certain circumstances with greater supervision. They may not be fully prevented from clinical practice. There may be conditions placed on their registration that they require close supervision, that they may or may not be allowed to provide medical treatment, and if those conditions are met they would be allowed to obtain extra training in health care to continue with their practice.

Concerns have been raised by many stakeholders that suspension without pay may become the easy way out for a local health district. Even the threat of suspension without pay may discourage staff from using means available to them to clear their name and continue to practise. Therefore, the Opposition asks the Government to guarantee that such money owed to a staff member who is exonerated be paid and his or her entitlements restored. As the legislation is currently drafted, the director general may still have the discretion to withhold pay where a staff member is exonerated.

I understand that when this bill was debated in the other place the Minister undertook to find out whether the Government was prepared to guarantee that a person who is exonerated will have his or her money paid and entitlements restored. The Opposition also asked that the decision of the director general to suspend an employee must not be delegated, for example, to the chief executive or a local health district. Employees should, at the very least, have the opportunity to write to the director general prior to any final decisions regarding suspension without pay, setting out any extenuating circumstances and what other feasible alternatives exist to enable employees to remain in the workplace, perhaps in another clinical setting and, accordingly, continue to earn a living.

The Opposition's proposed amendment will enable staff to access their previously earned leave entitlements once they have been suspended. Having already done the work and accrued the leave, staff deserve to receive their leave entitlements. As my colleague the shadow Minister for Health noted, it is an entitlement. I note that the bill does not mention entitlements; it mentions only salary payable. This needs to be clarified and our amendment does that.

The Hon. CATHERINE CUSACK [6.25 p.m.]: The Health Legislation Amendment Bill 2013 proposes several amendments to the Health Care Complaints Act. As a member of the Parliament's Joint Committee on the Health Care Complaints Commission, it is those issues to which I wish to address my remarks. The new provisions will allow the Health Care Complaints Commission to initiate and investigate on its own motion. This addresses a disappointing situation concerning an organisation known as the Australian Vaccination Network, which is a Bangalow-based organisation that is opposed to childhood immunisation that has successfully undermined many parents' confidence in the benefits of immunisation. The Australian Vaccination Network's former director and founder, Meryl Dorey, has undertaken extensive media interviews across Australia using free national media, radio and print to promote her claims that vaccines are toxic and harmful to children. Ms Dorey claims:

Passing through measles infection is sometimes required, for whatever reason, to strengthen some part of a person's vital force.

Ms Dorey insists that highly infectious childhood illnesses such as measles, mumps, rubella and chicken pox are benign. There are many good reasons to spare our children the illness and scarring that can result from these diseases. The foremost in my mind is to protect unborn children who are exposed to horrific consequences in the event that their unprotected mothers are exposed to and catch rubella. Ms Dorey reportedly insists that whooping cough cannot kill children. Whooping cough is a horrific disease that causes immense distress and suffering to babies and their tiny lungs.

In addition to all the media coverage, there is a website and a quarterly magazine called *Informed Voice*. The zeal and success of the Australian Vaccination Network accumulating scientific fact and truth about immunisation is, sadly, having deadly effects. The Australian Vaccination Network's campaign has been rampant in my community of Northern Rivers, and childhood immunisation rates have fallen below 70 per cent compared with 90 per cent for the rest of Australia. In the Byron shire, which is home to the community of Bangalow, the rate has fallen below 50 per cent.

In 2009 tragedy struck in my community of Lennox Head when four-week old Dana Elizabeth McCaffery died of whooping cough. By all accounts, this newborn baby fought bravely, but in the words of my local paper, the *Northern Star*, she never had a chance. The standard schedule of immunisation at that time was two months, four months and six months. The Northern Rivers Health Service, given the appalling immunisation rates in the region, has brought forward the first round to six weeks, but because Dana was four weeks old this would not have saved her life. Her parents support immunisation, but they never had that chance.

The only things that could have prevented her death would have been if there had been no whooping cough outbreak in the region and if the disease had not been rampaging through the community. That is why our low immunisation rate can be held directly responsible for this tragedy. Following Dana's death responsible and qualified members of the medical and scientific communities formed an organisation called "Stop the AVN". However, the network lodged a complaint about the organisation with the Health Care Complaints Commission. The commission's investigation concluded:

A Health Care Complaints Commission (HCCC) inquiry into Bangalow-based Australian Vaccination Network has found the organisation provides misleading and inaccurate information on vaccinations.

The network has been given 14 days to comply to the following recommendations:

- There should be prominent statement on the network's website explaining its purpose was to provide information against vaccinations;
- The information provided on the network should not be taken as medical advice; and
- A decision about vaccinations should be made in consultation with a healthcare provider.

In addition, the Office of Liquor, Gaming and Racing investigated and cancelled the network's charitable status. The network appealed against the Health Care Complaints Commission ruling and the Supreme Court found deficiencies in the authority of the commission to investigate. That was a disaster. The network had shielded itself from the commission's orders by the clever use of legal technicalities and the decision was presented in the media as a court endorsement of the organisation. I was horrified when I saw the front page of the *Northern Star* featuring a full-page photo of Ms Dorey with the headline "Vindicated!".

I have pursued the problem of the Australian Vaccination Network as a member of the Joint Committee on the Health Care Complaints Commission, and I know that others have also pursued the issue. I am surprised that the commission and NSW Health have not acted more promptly to make these amendments, although I am delighted to see them before the House today. They will close the loopholes that allowed the Australian Vaccination Network to continue issuing its misleading and deceptive information. Countering the dissemination of dangerous information by any non-health care provider is the highest priority. I hope that when this bill is passed the Health Care Complaints Commission will immediately return to its investigation of the Australian Vaccination Network. The whole point of Parliament's passing this legislation is to empower the commission to do just that.

I understand that NSW Fair Trading has ordered the Australian Vaccination Network to change its name. That order has been appealed and it is now being considered by the Administrative Decisions Tribunal. I wish it well. I point out to the Health Care Complaints Commission and the Minister for Health that irrespective of NSW Fair Trading's success it will not be enough. The network will continue its activities and the Government must do whatever it can to protect the lives of our defenceless babies and small children. I call on the Health Care Complaints Commission immediately to stop the Australian Vaccination Network spreading misleading information and I ask the media as a whole not to facilitate the dissemination of such dangerous messages to vulnerable parents who are already bombarded with confusing information and who somehow believe that the network's role in the immunisation debate is evenly balanced. It is not.

Dr John Kaye: Hear, hear!

The Hon. Adam Searle: Hear, hear!

The Hon. CATHERINE CUSACK: It has no support from the scientific and medical communities in Australia. I thank Dr John Kaye and the Hon. Adam Searle for their support. I am horrified that 30 per cent of babies and children in my region are at risk of contracting preventable diseases. I take this opportunity to congratulate the *Daily Telegraph* on the outstanding campaign that it is conducting to counter this sort of

misinformation and to promote a positive message to parents about getting their children immunised. I have no doubt that tens of thousands of babies will be immunised and protected as a result of that campaign. I join with other members in thanking and congratulating the *Daily Telegraph* on conducting the campaign.

I turn now to the Health Care Complaints Commission's power to advise health services that a medical professional practising in a hospital or other facility is the subject of serious allegations and under investigation. I noted with interest the Hon. Sophie Cotsis' comments about this matter. I point out that many of these issues do not come as a complaint to the health providers, particularly when the health provider has referred the complaint to the commission. The problem is that the commission's process is a legal mechanism involving due process and therefore the investigations, prosecutions and outcomes can take many years to be concluded. Meanwhile, the service has an employee who may be the subject of multiple serious complaints—the Butcher of Bega and Doctor Death are good examples of that. That leaves the health service in a dreadful position. The doctors concerned have medical insurance and indemnity and they are locked into a combative legal process. I make the point for the benefit of the Opposition that because a court case is initiated against a medical professional involving serious allegations and the Health Care Complaints Commission loses, it does not mean that the medical professional has been exonerated. In some cases it can result in the most dreadful situation.

While I accept that the process must be fair, it is particularly difficult for a rural health service to stand down a doctor on full pay. Regional health services could be devastated by such a requirement. Medical professionals are paid huge salaries and spending that money on a suspended employee would be detrimental to other services because no funding is provided to the health service to cover that cost. Everyone acknowledges that this is a difficult issue. I believe that the solution is to accelerate the process so that the situation does not drag on for years. I note that the Health Care Complaints Commission is trying to expedite proceedings. That is in the interests of employees, but we are subject to legal process timeframes. The medical profession must also look at its peer-review processes and take more responsibility for the accountability of doctors so that we do not rely on the Health Care Complaints Commission and the legal process to protect patients. Anything that can be done to expedite this process would be fairer to employees, the health services and the patients who depend on their resources to get the care they deserve.

[The Deputy-President (Hon. Natasha Maclaren-Jones) left the chair at 6.37 p.m. The House resumed at 8.00 p.m.]

The Hon. NATASHA MACLAREN-JONES [8.00 p.m.]: I speak in support of the Health Legislation Amendment Bill 2013 and I begin by thanking the Minister for Health for introducing this important legislation. The proposed amendments cover the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (New South Wales), the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. I do not intend to speak on all aspects of the bill, but there are a couple of areas I would like to highlight. The amendments to the Health Care Complaints Act 1993 generally follow the recommendations of the Committee on the Health Care Complaints Commission 2010 report, "Operation of the Health Care Complaints Act 1993".

I note that the chair of the committee was the Hon. Helen Westwood and the committee was tasked with terms of reference to review the operation of the Health Care Complaints Commission and report on any change that the committee considered desirable to improve the functions, structure and procedures of the commission. The committee made 11 recommendations at the time and I note that the previous Government provided a formal response to the report in late 2010. However, since then there has been a change in government—and it is a very good Government—and the passage of time has allowed the response to be reconsidered. The Minister has indicated that the Government is generally supportive of the recommendations made in the report and the bill proposes to enact a range of legislative amendments to support a number of the recommendations.

Recommendation No. 4 is that the Health Care Complaints Act 1993 be amended so that the Health Care Complaints Commission can conduct investigations of its own motion where such investigations relate to an issue of public interest or public safety that relates to the functions of the commission. As mentioned previously, a 2012 Supreme Court decision found that the Health Care Complaints Commission can only investigate a complaint where a direct relationship between the client and the health service practitioner exists. In other words, the health service being investigated must directly affect the clinical management or care of an individual client. If there is no individual client affected then under section 8 no complaint can be made against a health service provider, notwithstanding that the health service may pose a serious risk to members of the public.

The current limitation of the ability of the Health Care Complaints Commission to act in the public interest needs to be addressed, and that is what this bill does. The amendment will mean that if a health service provider is acting in a way that is likely to affect the clinical management or care of a client, even if there is no identified client who has been affected, the Health Care Complaints Commission will have jurisdiction to investigate a complaint against the health service provider. The addition of the words "or is likely to affect" will ensure that the Health Care Complaints Commission can proactively initiate an investigation and respond to complaints against health services that have the potential to pose risks to the health or safety of the public or client without having to wait for such risks to actually eventuate.

The second area I would like to look at is Recommendation No. 1 in the report, which looks at the roles of the commission and related government agencies being governed by the following principles being amended to include a new provision setting out the principles that should guide the work of the commission and other government agencies. The report recommended that the guiding principles be accountability, transparency, fairness, effectiveness, efficiency and flexibility. The report noted that the principles will not always be in harmony and that there may be competing aims that need to be considered where appropriate. However, clearly expressed guiding principles can ensure that the community knows how the Health Care Complaints Commission should operate.

The Government supports the recommendation and has implemented it by the inclusion of a new section 3A into the Health Care Complaints Act. This new section will require the commission and government agencies to have regard to a range of principles in carrying out their functions under the Act. These principles are that the Health Care Complaints Commission and those government agencies are to be accountable to the New South Wales community; decision-making processes should be open, clear and understandable; an acceptable balance should be maintained between protecting the rights and interests of clients and health service providers; the processes of the commission and those government agencies are to be effective in protecting the public from harm; the commission and those government agencies are to strive to improve the efficiency of the administration of those functions so as to benefit the New South Wales community; and the commission and those government agencies are to be flexible and responsive as the health care system evolves and changes. The parliamentary committee at the time noted that the commission's operations are largely in accordance with those principles. However, the committee found the need—and the Government supports it—for the principles to be clearly articulated and formalised so that clients, health practitioners and the greater community are fully aware of the principles that guide the commission's important work.

The final area I want to look at is the Mental Health Review Tribunal. The Mental Health (Forensic Provisions) Act allows the Mental Health Review Tribunal to make community treatment orders with respect to forensic patients and inmates in correctional centres. A community treatment order is an order authorising compulsory treatment of a person. Section 67 (4) of the Act currently provides that if a treatment order is made with respect to a person detained in a correctional centre or another place, the order continues in effect if the person is released from detention. However, the legislation is unclear about the processes that apply when a community treatment order is sought with respect to someone that the tribunal is seeking to unconditionally release and who, therefore, will cease to be a forensic patient but the tribunal considers would benefit from an order.

Currently, the tribunal has instituted a process under which it holds both a forensic hearing into the issue of unconditional release as well as holding a civil community treatment order hearing under the Mental Health Act. This process is time-consuming and administratively burdensome as it requires two hearings with respect to a patient. In order to overcome these difficulties, the bill amends the Mental Health (Forensic Provisions) Act to give the tribunal express power to make an order under the Act with respect to a patient it is proposing to release unconditionally. The amendments also clarify that the order application and unconditional release application can be heard at the same time. Further, the bill provides that any such order commences operation once the unconditional release order takes effect and continues in effect under the Mental Health Act rather than the Mental Health (Forensic Provisions) Act. This amendment will remove unnecessary administrative burden on the tribunal as well smooth the path for the making of orders for forensic patients. Again I commend the Minister for introducing this bill and commend the bill to the House.

The Hon. TREVOR KHAN [8.08 p.m.]: I wish to speak in support of the Health Legislation Amendment Bill 2013 and congratulate all members who have spoken to and supported the bill this evening. I specifically wish to direct my comments to schedule 2 to the bill, that is, the amendments to the Health Care Complaints Act 1993. I note that schedule 2 [1] sets out the principles that are to govern the exercise of functions by the Health Care Complaints Commission and other government agencies in connection with health

care complaints under the Health Care Complaints Act 1993. Schedule 2 [2] to the bill makes it clear that a complaint under the Health Care Complaints Act may be made concerning a health service that is likely to affect the clinical management or care of an individual client in addition to health services that do affect such management or care. Item [10] of schedule 2 makes consequential amendments to the bill. As to schedule 2 [3], the overview of the bill states:

Schedule 2 [3] provides that the Health Care Complaints Commissioner may make a complaint under the HCC Act but only if it appears to the Commissioner that the matter that is the subject of the complaint:

- (a) raises a significant issue of public health or safety, or
- (b) raises a significant question regarding a health service that affects, or is likely to affect, the clinical management or care of an individual client, or
- (c) if substantiated, would:
 - (i) provide grounds for disciplinary action against a health practitioner, or
 - (ii) be found to involve gross negligence on the part of a health practitioner, or
 - (iii) result in the health practitioner being found guilty of an offence under Division 1 or 3 of Part 7 of the *Public Health Act 2010*.

Schedule 2 [4] provides that the commission must give written notice of the making of a complaint, the nature of the complaint and the identity of the complainant to a person who currently employs or engages the health practitioner concerned as a health practitioner, if the commission considers on reasonable grounds that the giving of the notice is necessary to assess the matter effectively or to protect the health or safety of the public or a member of the public. The commission is not required to give the notice if it appears to the commission, on reasonable grounds of course, that the giving of the notice will place the complainant or another person at risk of intimidation or harassment or unreasonably prejudice the employment or engagement of the health practitioner. I note that at least in part the amendments to the Health Care Complaints Act 1993 arose out of a Health Care Complaints Commission investigation into the Australian Vaccination Network in 2009 and 2010. I am sure a number of members of this place, indeed I suspect all, have received various emails from persons who seek to advance the interests of the Australian Vaccination Network.

The Hon. Dr Peter Phelps: Boo!

The Hon. TREVOR KHAN: I note the contribution of the Government Whip. The Australian Vaccination Network publishes a website that could be described as highly sceptical; indeed, far more than that.

The Hon. Dr Peter Phelps: I think "insane" is the word you are looking for.

The Hon. TREVOR KHAN: One could say it is dismissive of the benefits of vaccination. Two separate complaints were made that alleged the Australian Vaccination Network engaged in misleading and deceptive conduct in attempting to persuade people not to vaccinate their children. We know that this is not a mere esoteric exercise and that the complainants had grounds upon which to found their complaints. It is my understanding that in the overall community the level of vaccination of children is of the order of 90 per cent but in areas of the North Coast of New South Wales and in areas of Queensland that level has dropped to something in the order of 70 per cent.

I am not a demographer and I am not able to plot the implications of that very significant drop in the level of immunisation, but we do know that in other areas of infection control that even relatively small drops in the level of infection control and immunisation have profound effects upon the spread of disease among the general community. One should not see a drop from 90 per cent to 70 per cent as being insignificant. It has the potential to ensure that a disease remains recurrent and alive in a community, which at a level of 90 per cent may see it almost disappear.

Returning to the issue of the complaints, following the investigation the Health Care Complaints Commission recommended that the Australian Vaccination Network—a true tautology one might say, or a truly misleading description of what they are engaged in—recommended that the network publish a disclaimer on its website. When the network failed to do so, the commission issued a public warning against the network. The network challenged the jurisdiction of the Health Care Complaints Commission on the basis that the complaints in question did not allege that an individual client was affected by the actions of the network. Let us be plain

about this: we know that they disseminated material in the community that discourages parents from vaccinating their children. Indeed, we know from what has occurred with the drop in levels of immunisation among children, particularly in areas such as the North Coast, that they were in a sense so profoundly disreputable that they were prepared to say that they did not affect an individual client.

Being a lawyer I know that the law is a complicated thing and relies on matters of discrete definition. Regrettably, as we know, the court accepted their view. The network was ultimately successful in its argument. That is why this bill seeks to amend the Health Care Complaints Act to ensure that there does not need to be an individual client affected—let us be clear, one does not have to prove that a specific individual has been affected—before a complaint against a health service can be made. In view of the case, it is vital to emphasise plainly the importance of immunisation. Immunisation of the population is one of the most effective and cost-efficient measures to prevent disease. More importantly, immunisation is one of the most important methods by which we protect our children, the sick and the elderly from dying or being disfigured by disease in our society. This is not a mere technicality; it is not a mere matter of definition; it is not a mere matter of people's lifestyle choices. We are talking about the lives of our children.

Dr John Kaye: And other people's children.

The Hon. TREVOR KHAN: Indeed. I note Dr John Kaye's comment, "And other people's children". We collectively have an obligation to our society to ensure that all of us are healthy and all our children have a chance to grow up strong and capable of contributing to our society. The immunisation programs that successive governments, irrespective of their political flavour, have supported have been fundamental to ensuring that our own children reach their full potential. In the broader international context we know that those immunisation programs are fundamental to assisting and uplifting children in the poor and depressed areas in Third World countries from the degradation in which they live. It is a fundamentally important obligation that we have as rational human beings—

The Hon. Sophie Cotsis: As parents.

The Hon. TREVOR KHAN: —indeed, as parents, to ensure all our children have an opportunity in life. Before immunisation became widely available, many infectious diseases such as diphtheria, measles, polio, tetanus and whooping cough were frequent causes of death or serious illness in New South Wales. Immunisation programs introduced over the past 70 years have resulted in significant reductions in these infectious diseases. But immunisation programs are not just historical: new vaccines introduced in recent years have protected countless children and adults against chickenpox, pneumonia and meningococcal disease, and we know of the important work being done with regard to cervical cancer. We are now seeing an extension of those programs related to cervical cancer not just to young women in our society but to young men to ensure that those viruses are, as far as possible, wiped out.

Vaccination for key vaccines is free for children in New South Wales. Roughly \$136 million is being invested in New South Wales in 2012-13 by both the New South Wales and Commonwealth governments to maintain and improve high vaccination coverage rates for children, adolescents and adults to keep people healthy and out of hospital. While immunisation provides good protection for the individual child who is immunised, as Dr John Kaye said earlier, through herd immunity it will indirectly protect children who are too young to be vaccinated. If we extend that, it protects not only children but also the sick and elderly from the prospect of the same diseases.

Dr John Kaye: And the other vaccinated kids as well.

The Hon. TREVOR KHAN: That is very true; I acknowledge that. Herd immunity means that if immunisation rates increase in the community, there will be a substantially reduced risk to those who are too young to be vaccinated or people who have insufficient immunity to suffer the sometimes terrible effects of disease. As many people as possible should be vaccinated in New South Wales. Sadly, some groups discourage parents from immunising their children. Let there be no doubt, these groups are a danger to the public health of our society. Their unscientific opinions can result in parents not vaccinating their children. They may contract the infections themselves and pass it on to their children. Anti-immunisation groups, such as the Australian Vaccination Network, have touted unscientific propaganda such as the discredited link between the measles vaccine and autism. The name of the Australian Vaccination Network is profoundly misleading; it implies that it supports immunisation.

The Hon. Melinda Pavey: Anthony Roberts acted.

The Hon. TREVOR KHAN: As the Parliamentary Secretary observes, the Commissioner for Fair Trading, at the encouragement of the Minister, has issued a direction under the Associations Incorporation Act for the Australian Vaccination Network to change its unacceptable, misleading and deceptive name. Parents have a right to know the benefits and risk of immunisation. The health strategy of New South Wales is to provide accurate information about the benefits and safety of immunisation, as proven by evidence and research and supported by a myriad of health professionals, not only in Australia but throughout the world.

The Hon. John Ajaka: Over many, many years.

The Hon. TREVOR KHAN: Over many, many decades, as the Hon. John Ajaka says. NSW Health has a comprehensive system for the surveillance of adverse events to ensure the safety of the immunisation program. In 2013 NSW Health will begin a new immunisation awareness campaign to further educate and inform the community, as well as immunisation providers, about the importance of ensuring that our children are fully immunised on time. Among the many speeches that were made in the other place, the speech made by the member for Cessnock, Mr Clayton Barr, led to emails being sent to many of us by members of the community in which they criticised him for his vocal criticism of the Australian Vaccination Network. I congratulate him on his words and on assisting in the protection of our children in New South Wales.

The Hon. Sophie Cotsis: Hear, hear! Go Cessnock.

The Hon. TREVOR KHAN: I congratulate him on having the guts to stand up against an organisation such as the Australian Vaccination Network. I invite members of the community to send emails about my speech. I will happily receive them and respond accordingly.

Dr JOHN KAYE [8.22 p.m.]: Before I formally commence, I congratulate the Hon. Trevor Khan on his contribution, with which I agree 100 per cent. I also congratulate the Parliamentary Secretary, the Minister, and the Minister for Fair Trading, and I particularly congratulate the Hon. Catherine Cusack on her words about her community. To speak out about the vaccination issue, as the Hon. Catherine Cusack has done on the North Coast, is not something that one does lightly. It is done with a sense of moral obligation to the children who will be affected if the vaccination crisis that is emerging is not solved, particularly on the North Coast.

I speak on behalf of The Greens to the Health Legislation Amendment Bill 2013. It is an omnibus bill; it contains a number of different provisions and amends some five or six Acts. Some of the amendments are machinery, others are important and worthy, and there are two about which we raise significant concerns. We will not be opposing the legislation; we will be seeking to address those matters by amendment. The first amendment in the bill relates to the Health Administration Act 1982. The amendment is to section 11, Disposal of land by Corporation. The legislation will now include the ability for the Health Administration Corporation—which, I understand, holds land on behalf of local health districts—to dispose of surplus land with the approval of the Minister, notwithstanding Crown grant conditions.

Many of us would have been involved in the campaign to stop the previous Government from selling Graythwaite to the private school Shore. We were ultimately unsuccessful. The community asset, which was granted to the predecessors of NSW Health by a benefactor for the purposes of public health, ended up in the hands of a private school for the purpose of its operation. We have concerns about a more permissive approach to the disposal of lands. We will be addressing that issue because it does open up the NSW Health assets to further privatisation in a grab-for-cash fire sale with very little public accountability. The Government is already on the record as saying that it wants to sell whatever it can get away with. We are concerned it increases the capacity for the Government to dispose of land.

The second area of concern for The Greens is the amendment to section 120 of the Health Services Act to allow the director general to suspend and withhold pay from a member of staff until the issue that caused their suspension or the placing of practising conditions either changes or is resolved. If the matter is found to be unsubstantiated, the director general may pay the salary amounts withheld but is not required to do so if the director general feels it would be inappropriate to do so. In effect, the director general can withhold pay for a member of staff who has been suspended or has practising conditions imposed upon him or her by the Health Care Complaints Commission. We do not oppose the capacity to suspend an individual. There may be good reasons for doing so. But the individual can have their pay withheld and there is no requirement to refund the salary amounts that were withheld if the cause against the individual is subsequently dismissed, the individual's practising conditions are removed, or the suspension is found to be unjustified.

Our concern is that an individual working for the Department of Health or an agency of the Department of Health, through no fault of their own, may end up having their conditions changed or they will be suspended and will lose their pay. Without their pay, they may find it difficult to survive. If it was subsequently ruled that no serious matter was found against them, they can return to full operation without receiving their lost wages. This violates the fundamental principle of being innocent until proven guilty. It violates the fundamental principle that an individual who presents to work should be paid.

That individual is prevented from working by a decision of the Health Care Complaints Commission or the director general. As the NSW Nurses and Midwives Association stated, to withhold pay pending an investigation or termination is a "fundamental breach of the presumption of innocence, it cannot be justified and is completely punitive". The Greens agree and will move amendments in Committee to that effect. I have no doubt that the Government will say that if someone is not working, they should not be paid. However, if an individual is not working because of something that is not their fault, they should continue to be paid. Both of those matters are serious and The Greens have a number of amendments that address them.

The bill amends the Health Care Complaints Act 1993. The first amendment allows the Health Care Complaints Commission to deal with complaints that have not yet had a direct effect on an individual. The second amendment deals with section 8 of the Act and allows the commissioner to initiate a complaint if the commissioner believes that the subject of the complaint raises a significant public health or safety issue, raises significant questions regarding a health service that affects or is likely to affect the clinical management or care of an individual client, or meets a number of other criteria.

The Greens strongly support both amendments, and particularly those that address the findings of the Supreme Court in the case of the completely misleadingly named Australian Vaccination Network and NSW Health. That case involved a technicality that effectively stopped the action that NSW Health was taking against the network. We strongly support these amendments because they address that technicality. I add my voice and that of The Greens to the fine words of the many members who have contributed to debate on this bill in this place and the other place. I particularly acknowledge the contribution of the member for Cessnock, Clayton Barr, and of the shadow Minister for Health, Andrew McDonald, who dealt with this issue far better than I can. I have noted the interjections from the Government Whip, and I am pleased that he is taking a very sensible approach to this issue.

The Hon. Matthew Mason-Cox: As he always does.

Dr JOHN KAYE: I presume that he is taking the John Stuart Mill approach to liberty, which allows the majority to impinge on the rights of the individual when that person's action does harm to others. Just as he no doubt supports the existence of a police force and other legal entities that restrain individuals from inflicting harm on others, he would be concerned—good for him and I congratulate him—

The Hon. Dr Peter Phelps: It is slightly different.

Dr JOHN KAYE: Perhaps I am verballing him. Nonetheless, there is no doubt that even someone with a strongly libertarian view based on the writings of John Stuart Mill would have reason—

The Hon. Matthew Mason-Cox: It is good to hear you paying respect to the Government Whip.

Dr JOHN KAYE: I am not paying him respect; I am complimenting him on his stand on this matter, just as I compliment all members of Parliament who have supported this legislation.

The Hon. Melinda Pavey: That is because they agree with you.

Dr JOHN KAYE: Yes, they do agree with me, and for good reason. It would perhaps be more accurate to say that I agree with them.

The Hon. Trevor Khan: I am sure they are retrospectively informed by you.

Dr JOHN KAYE: There is no doubt that they read my mind, if not my media releases, which are similarly oriented, and they understand my arguments. The fundamental issue is that parents having their child vaccinated impacts not only on that child but also on every other child.

The Hon. Paul Green: It is like passive smoking in public.

Dr JOHN KAYE: That is a good analogy. As the Hon. Trevor Khan said, this impacts on not only those children who are too young to be vaccinated but also those who have been vaccinated. The epidemiological evidence demonstrates that children who are vaccinated are more likely to reject infection if they are surrounded by other children who are vaccinated. A vaccinated child in a cohort that is largely not vaccinated is much more exposed to disease. This is a very simple Markovian process. Vaccination is not 100 per cent successful; it has a failure rate. However, the greater percentage of the population that is vaccinated the greater is the capacity of each individual to reject infection. It is called the herd effect.

The World Health Organisation suggests that 95 per cent of the community needs to be immunised to achieve herd immunity. Research undertaken by people like J. B. S. Haldane at Oxford University in the 1930s involving the early application of mathematics to biology established that fact and it has been a tenet of public health ever since. To deny that is to deny much of the progress that has been made in ensuring a healthier society. It is one thing for parents to decide that they do not want their child vaccinated because they believe it is dangerous, but it is another thing to go beyond denying the obligation to that child. In that case the parents are going beyond their obligations as citizens of this community and are inflicting ill health on others. Much of this came about as a result of a paper produced by Dr Andrew Wakefield, a British researcher, who had an article published in the *Lancet* in 1988 in which he suggested that there were links between vaccination and autism.

The Hon. Trevor Khan: And he was wrong.

Dr JOHN KAYE: Yes, he was dead wrong. As a result of that notorious paper, measles, mumps and rubella vaccination in United Kingdom plummeted to less than 80 per cent, and that triggered measles outbreaks, including some substantial outbreaks that affected many people and that had a substantial public impact. In 2010—12 years later—the General Medical Council declared Wakefield's research fraudulent and unethical. It was fraudulent because it was misleading and unethical because it caused children to be subjected to a number of unnecessary and unapproved procedures such as colonoscopies.

From our perspective, the key issue is that Wakefield's research has been comprehensively discredited. He was struck off the medical register, in 2010 the editors of the *Lancet* retracted the paper—possibly a little late—and a comprehensive review was conducted. As members would be aware, the *British Medical Journal* is deeply conservative and its editors choose their language extremely carefully. Unlike some members of this Chamber, it is not given to extravagant language. In 2011 it declared Wakefield's research an elaborate fraud. His connection between vaccination and autism has been comprehensively discredited, as has every other piece of so-called research that suggests there are widespread problems with vaccination.

That is not to say that there are not finite risks associated with vaccination. However, there are finite risks associated with walking down the street and with using soap and water; there are finite risks with almost everything we do that is fundamental to the prosecution of our life and the protection of our health. These risks are infinitesimally small compared to the public health risk associated with the extraordinarily low levels of herd vaccination that we are seeing emerging in the northern part of the eastern suburbs of Sydney, on some parts of the North Shore and in some areas of the inner western suburbs of Sydney. I pay tribute to the Health Editor of the *Sydney Morning Herald*, Amy Corderoy, for her article in late April when she comprehensibly blew the whistle on those suburbs where vaccination rates were below 85 per cent. In the past one would have assumed it was a socioeconomic issue—but it is not, as Ms Corderoy identified in her article. It is interesting that areas that one would think have a relatively low socioeconomic status, such as Tamworth, Gunnedah, Lake Macquarie, Wagga Wagga, Penrith, Dubbo, Wyong and the Snowy Mountains, have immunisation rates above 95 per cent. I compliment the public health services in those areas—

The Hon. Trevor Khan: And the general practitioners.

Dr JOHN KAYE: —and the general practitioners and all the providers of public and private health care in those areas for maintaining those vaccination rates. It is on the south coast and in Kempsey surprisingly, the Richmond Valley, the inner suburbs of Sydney, Sydney's eastern suburbs north, North Sydney, Mosman, Manly and the Blue Mountains where the rate is below 85 per cent. We are seeing the emergence of a combination of two groups of people: the vaccine deniers—those who swallow the propaganda being peddled by the so-called Australian Vaccination Network; and the free riders—those who believe it is easier not to get vaccinated.

I do not wish to vilify any particular parent but I do seek to raise serious alarm, as others have, about the behaviour of the Australian Vaccination Network and those who promote the non-science and nonsense of the risks of vaccination. It is all very well to be trendy and to adopt issues that are published on the web but we are serious. This is about the lives of children. Kids die from whooping cough. I do not know if members have seen a child under the age of three years suffering from whooping cough. It is terrible and something that no child should experience. We should be eradicating whooping cough by ensuring we have a vaccination rate of about 95 per cent. I believe that people such as Meryl Dorey from Australian Vaccination Network are behaving in an entirely immoral way. I give my complete support to—

The Hon. Trevor Khan: You will be getting emails now too, John.

Dr JOHN KAYE: I have had plenty of emails, believe me. My Facebook site became a battleground between rationality and irrationality.

The Hon. Trevor Khan: Good on you.

Dr JOHN KAYE: Yes. I urge people like Meryl Dorey to stop this campaign that is leading to the death or permanent impairment of children. Meryl Dorey's campaign is immoral and she ought to stop that happening. She should drop this campaign and understand the damage that she is inflicting on other children. The Hon. Paul Green likened this issue to smoking in public.

The Hon. Paul Green: Passive smoking in public.

Dr JOHN KAYE: Yes, passive smoking in public, and he is right. We should not subject innocent children to theories that are based on non-science and nonsense. I commend the Government, the Opposition and all members of Parliament who stand up for vaccination.

The Hon. PAUL GREEN [8.44 p.m.]: I speak in debate on the Health Legislation Bill 2013, which makes changes to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (New South Wales), the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. The amendments to the Health Administration Act make a number of changes. The first will allow the Health Administration Corporation to seek the Minister's approval to dispose of land held by the Health Administration Corporation notwithstanding a Crown grant, and to use the earnings towards other health capital works projects that are more appropriate to the health service needs of the community.

This brings the disposal of land held by the Health Administration Corporation into harmony with land held by local health districts under the Health Services Act. I note that in the Legislative Assembly the Hon. Brad Hazzard mentioned that the Health Administration Corporation has not identified any parcels of land that are to be disposed of if this bill receives royal assent. Another amendment to the Health Administration Act extends the serving time of the chairperson of the Medical Services Committee. A member of the Medical Services Committee who is appointed chairperson in his or her third term will be allowed to serve an additional term as chair. This will enable the committee to have access to an experienced member as chair for a reasonable time.

The amendments to the Health Services Act will allow staff employed in NSW Health to be suspended without pay in a restricted set of circumstances. Essentially, the director general will be able to suspend a staff member without pay if the staff member is charged with a serious criminal offence. This will also occur in the case of health professionals if an external body such as a Health Professional Council or the Health Care Complaints Commission has taken interim action to prevent the person from practicing as a health practitioner, such as when a Health Professional Council imposes an interim suspension order on a practitioner. I note that in the Legislative Assembly the member for Macquarie Fields stated that the following amendment would be moved in the upper House:

No. 1 Page 11, schedule 4, proposed section 120A, lines 5-9.

Omit all words on those lines. Insert instead:

(7) In this section:

Salary does not include any payment in connection with sick leave, recreation leave or any other leave.

"Serious criminal offence" means an offence committed in New South Wales that is punishable by imprisonment for five years or more or an offence committed elsewhere that, if it had been committed in New South Wales, would be an offence so punishable.

I note the Government is currently seeking advice on the amendment foreshadowed by the member for Macquarie Fields, Dr Andrew MacDonald, and the Christian Democratic Party has had meetings with the Government about that. We will support the amendment, particularly as it relates to the interpretation of conditions and entitlements for persons who may be affected and as it relates to potential inconsistencies with other legislation. I note that in the Legislative Assembly the Hon. Brad Hazzard gave an undertaking that the matter will be further considered if others seek to move the amendment in this Chamber. Just who moves this significant amendment here is not an issue for the Christian Democratic Party.

A number of parents, many of whom are mothers, work as nurses or health care professionals, and if they are asked to stand down without pay, they will suffer unduly because they will not be able to meet their mortgage and car payments and school fees. Families could be crippled based purely on something that is yet to be investigated. It is a wise move not to vindicate anyone who has acted criminally, but certainly everyone should be given the benefit of innocence until proven otherwise.

I recall when I was on the Health Care Complaints Commission that many respondents were found guilty of lesser offences that were not criminal; they would have been penalised heavily if they were forced to sell the family home in order to cope during any period of suspension. Minister Hazzard said also that the Government appreciated the Opposition's thoughts on the matter and indicated that the amendment would be proceeded with in the upper House. Since 2008 all unions have had an active involvement in the development of draft guidelines around suspension without pay. This has included discussions about the need to amend relevant legislation. I would even suggest that the policy relating to police salaries and wages should be changed to reflect that spirit. If police are suspended without pay they could also have the same sort of access to those long-term entitlements.

The amendments to the Health Care Complaints Act, which followed the recommendations of the joint parliamentary committee and a 2012 Supreme Court decision, will strengthen the role of the Health Care Complaints Commission and help to better protect and serve the public. For example, new section 7 amends the Act to allow a complaint to be made against a health service provider where the health service in question affects or is likely to affect the clinical management or care of an individual patient. I sit on the Committee on the Health Care Complaints Commission and the future administration of this amendment will be helped by this. It will mean that the commission will not be constrained to having to wait for actual harm to occur to future patients before it can investigate a complaint. The amendment to section 8 of the Act provides for the commission to initiate its own motion complaint. This will ensure that the commission does not have to wait for a formal complaint to be made in respect of a serious matter. It allows the commissioner to make the complaint himself or herself. This will allow for a more pragmatic approach by the commission to protecting the health and safety of the community.

In my time I have immunised quite a lot of children, and I acknowledge the comments of the Hon. Trevor Khan and Dr John Kaye. Interestingly, my final paper at university addressed the theory gap in immunisation. It was basically a reflection of the Federal Government recommendations made some time later and that Act was aimed at encouraging parents to immunise their children. At that time it was a cost-neutral funding model and the child allowance would be increased only if a child was immunised—part of my paper. I noticed something recently on the television—and I cannot remember the exact terminology—about being acknowledged as the parent who does not want to have his or her child immunised but who is still therefore entitled to an endowment rise. The paper was all about being cost neutral but very encouraging to ensure that children get immunised. In fact, the paper noted that it was similar to the Medicare system where it was recorded and reminders were sent to parents about where their children were up to.

Pleasingly, the immunisation process has come a long way since 1994. I believe that we are on the right track but we can never take away the rights and responsibilities of being a parent and parents may choose not to immunise their child. But, as Dr John Kaye has said, one needs to remember that when one is making a decision about immunisation one is probably parenting the whole daycare centre—it will have an impact on the herd immunisation issues of the whole centre. I can remember immunising my own child but my wife would not let me do any more of our children after that. It is such a cute moment when the needle goes through the fatty thighs of a two-month old child. It is like a hot knife through butter as the needle slides in so sweetly.

It is well documented that a lot of parents think there will be no side effects from having their children immunised. However, the side effects from immunisation include rashes and possibly headaches. There are ways to ameliorate those side effects but there are also other more serious effects from immunisation. The wonderful thing about health care is that there is always someone who breaks the mould of what is acceptable.

I can remember seeing a lady once who had a haemoglobin level of four and, incredibly, she was still walking around and living life. Medical marvels do happen, but so do accidents and fatalities in situations where we are not aware that some children may be allergic to immunisation.

In the end we need to think of the greater good. For example, polio is almost no longer existent in the world. How wonderful would it be if we could get rid of whooping cough, measles, mumps, rubella and all those diseases we can immunise against? It is a no brainer that children who are immunised will be saved from those terrible illnesses that so many who have gone before us have either been incapacitated or died from. The Christian Democratic Party commends the bill to the House.

The Hon. Dr PETER PHELPS [8.55 p.m.]: Up until a short while ago if one went into a reasonable bookstore around Australia one could have bought an anti-vaccination book aimed specifically at children called *Melanie's Marvellous Measles*. That book claimed, despite evidence that measles can kill and cause brain damage, that it is "a good thing" to have measles. On the cover of the book Melanie is happily playing in the garden and showing off a rash on her belly. In the story she is at home with measles and her friend Tina is worried but her mother reassures her, "Firstly, Tina, measles do not run and catch or hurt you; for most children it is a good thing to get measles. Many wise people believe measles make the body stronger and more mature for the future." Tina then asked if she can go and catch measles from Melanie. Her mother responds, "That sounds like a great idea" and suggests some carrot juice and melon might help Melanie recover.

Dr John Kaye said that he did not seek to vilify anyone; I am not going to be so nice. If someone was to give or read that book to their child they would be a bad parent. They would not be merely stupid; they would be putting their child at risk. Dr John Kaye questions my motive for supporting this—

Dr John Kaye: No, I did not.

The Hon. Dr PETER PHELPS: I do not mean that in a pejorative sense. It is not some great libertarian, Millian idea; it is the basic principle that the State stands ultimately in loco parentis where the parent is unable or unwilling to do the right thing. Stupid adults can do what stupid adults like, but the nature of the relationship between a parent and a child means that the State on occasion must intervene where the parent's obvious incapacity puts a child at risk. In other words, it is part of the grand libertarian tradition that no person should initiate harm against another. If people want to educate themselves about vaccination they should not be reading *Melanie's Marvellous Measles*. Instead, I would encourage them to go to the internet and Google "Penn and Teller vaccination". Penn and Teller—two of my favourite libertarian speakers, magicians, comedians—present a wonderful debunking of the whole antivaccers doctrine, and in those three or four minutes they present a more powerful account of why the antivaccers are not only bad but they are mad.

One thing which has been missing in all of this is the question: Why would sensible people do this? Why would reasonable adults choose to turn their back on what is the obvious materially-proven effectiveness of vaccination? It is sad but true to say that there is a growth of neo-primitivism in Australia, a love of return to the primitive, a belief that nature is best, that we should accommodate ourselves to nature and not seek to overcome it. That says that if people wish to accommodate themselves to nature, when a lion runs at them they should stay and be eaten. People should not do anything to give effect to their survival and improvement. Unfortunately, neo-primitivism is gaining more and more influence. There is another group called the National Toxics Network, which is also part of the grand neo-primitivism that is sweeping areas.

Dr John Kaye: That's not fair. It is neither fair nor true.

The Hon. Dr PETER PHELPS: The National Toxics Network recommends that people not have flame-retardant clothing. For any of us who know about this, flame-retardant clothing has done much to save children's lives in Australia. Flame-retardant clothing is necessary. They also have links to anti-fluoridation.

Dr John Kaye: That's not true.

The Hon. Dr PETER PHELPS: It does indeed. The network has links to anti-fluoridation statements. That is a sad example of how it is not merely the antivaccers but neo-primitivism is creeping through our society.

Dr John Kaye: This is wrong.

The Hon. Dr PETER PHELPS: We should not accommodate ourselves to nature. From the primordial slime onwards we have spent our entire time seeking to overcome nature. We do not accommodate; we overcome.

The Hon. Trevor Khan: We shall.

The Hon. Dr PETER PHELPS: And we shall overcome some day. Neo-primitivism also finds its way into things such as crystal therapy, aural healing, osteopathy, herbal medicines or things of that nature. The anti-vaccination movement fits solidly within this bizarre realm of thought. There is a reason it is called "alternative medicine". Because if it actually worked, it would just be called "medicine".

The Hon. HELEN WESTWOOD [9.02 p.m.]: I speak on the Health Legislation Amendment Bill 2013 and in doing so I will restrict my comments—

The Hon. John Ajaka: To the bill.

The Hon. HELEN WESTWOOD: I acknowledge the interjection. I assure the Hon. John Ajaka that I will be restricting my comments to schedule 2 to the bill. He will not be hearing about aromatherapy or crystal therapy from me. Schedule 2 amends the Health Care Complaints Act 1993. I will comment on the 2010 report of the Committee on the Health Care Complaints Commission on the operation of the Health Care Complaints Act 1993. Previous speakers referred to the 2012 decision of the Supreme Court in *Australian Vaccination Network Inc. v Health Care Complaints Commission*. That case led to the development of the provisions in schedule 2. I was the chair of the Committee on the Health Care Complaints Commission when that report was published.

When the Health Care Complaints Commission began its action against the Australian Vaccination Network, as chair of the committee I was concerned that the commission may not have the power to act as it was so doing. As the chair I wrote to the commissioner and asked him whether he thought he had that power. The committee members—Reverend the Hon. Fred Nile was a committee member at that time, as was the Hon. David Clarke, amongst others—had doubts about whether the Health Care Complaints Commission had the power. We sought advice because the committee was willing to recommend to the then Government that amendments were necessary to ensure that the commission had that power. The commissioner wrote back and his advice to the committee at that time was that the commission believed it had the power and it proceeded with the action.

We now know from the 2012 Supreme Court decision that the Health Care Complaints Commission did not have the power; hence these amendments are before the House. It is important to put the issue in that context. There was concern. I believe the Committee on the Health Care Complaints Commission fulfilled its role when it sought advice from the commissioner. Honestly, a number of committee members were concerned that the commission did not have the power and we were willing to advise the Government to make amendments. It was only because the commissioner wrote to the committee and advised that he believed the commission had the power that the committee did not recommend to the then Government to make those amendments.

The bill is important for the same reasons given by previous speakers. I am gravely concerned when organisations misrepresent the facts, and the role and intent of their organisation. That could lead to parents—or for that matter any person looking for accurate, evidence-based material or information that relates to their health or the health of their child—believing that the organisation has information and can fulfil that role based on science and peer-reviewed research. When an organisation represents itself as being able to provide information, that is not only reprehensible but it should be a crime because the consequences for our public health are serious. In addition, not only are the consequences for public health serious; the consequences for children are dire. Children die; infants die from whooping cough. They also die from other childhood diseases, the dangers of which we do not understand because of vaccination. Honestly, people do not believe the serious consequences of childhood diseases such as measles, mumps, chicken pox and whooping cough.

It is in the interests of the whole community that we urge all parents to vaccinate their children against these diseases. Like many other people, I vaccinate my children. I am a great advocate for vaccination. I simply do not accept the arguments against vaccination. They simply do not hold up to any evidence, research or inquiry. They have made such a difference to public health in this community. As many members know, I have an adult daughter who is deaf. Because of my involvement with the deaf community I know a number of children who are deaf as a consequence of measles. People do not realise that.

Childhood diseases cause serious disabilities in children, which they then have to live with for the rest of their lives. They affect the quality of their lives and their family. That is the sort of information about vaccination that parents need. They do not need lies, they do not need misinformation and they do not need organisations such as the Australian Vaccination Network putting themselves forward as advocates for vaccination, as informants of scientific evidence based information that has been tested and peer reviewed. They do not have that information, but they put themselves forward to parents as the providers of that information, and that is a reprehensible lie that has serious consequences for the community, for the public and for children.

No-one should have to lose a child through a disease that is easily prevented by vaccination. Most of us here are parents, but even those who are not would believe that there is nothing worse than losing a child. I could not imagine having my baby and losing her at four weeks or six weeks of age to whooping cough. In 2013 it is absolutely unnecessary—

The Hon. Melinda Pavey: —for that newborn to be put at risk.

The Hon. HELEN WESTWOOD: Yes. Children should not be put at risk, there is no doubt about that. I acknowledge the interjection. I believe that we have a duty to do anything we can as legislators and as community leaders to prevent children dying from childhood diseases that are easily prevented through vaccination. I certainly will be happy to put up my hand for this legislation. When my daughter was 12 she went on a school excursion and came home with whooping cough. I must say I was naïve at that time and did not realise that she needed to have a booster, but I since found out and I make sure that my grandchildren have it. My daughter was a healthy young woman, although she is an asthmatic. She was a very fit 12-year-old and she was debilitated. It was just terrible to see her coughing and coughing, not being able to catch her breath. How that would be for an infant, I cannot imagine. I have heard descriptions of babies' little chests caving in and virtually touching the diaphragm. It is heartbreaking, and it is unnecessary because vaccination really can prevent it.

We must do all that we can to give parents accurate information and let them know that vaccinations are safe. We accept that there are risks, but the risks need to be put into perspective. The risks are miniscule compared to the risks of not vaccinating. I think that is a really important message that all of the community must hear. My greatest concern is that we have organisations such as the one that calls itself the Australian Vaccination Network, and we know that that is an absolute misrepresentation of who and what they are.

The Hon. Trevor Khan: A lie.

The Hon. HELEN WESTWOOD: Yes, it is a lie.

The Hon. Sophie Cotsis: They are anti.

The Hon. HELEN WESTWOOD: They are the anti-vaccination network. They are anti-vaccination and that has serious public health consequences. In addition, it actually risks the lives of children—infants—and we must all do everything we can to prevent that from happening. No parent should lose a little one because they have not been vaccinated, because it is so readily available in our community and it really can make a difference to children's lives. That is the main point I wanted to make. So many other parts of this bill are clearly worthy of our support, but for me this is the most important aspect of it. The Government, to its credit, has addressed the issue of the Australian Vaccination Network having the capacity to use a name that misrepresents who they are, and I think that is a really important action that the Government has taken. I commend it for that as well.

The Hon. Trevor Khan: It is a bipartisan position.

The Hon. HELEN WESTWOOD: Absolutely, yes. I acknowledge the Hon. Trevor Khan's interjection. I believe there will be bipartisan support for this—in fact, I think there will be multipartisan support. I think all of us here are community leaders and we know what is in the interests of the community. We do not want to see little children die from childhood diseases that are so easily prevented because of the wonders of medical science that are available to us in developed, wealthy countries such as Australia in 2013. I commend the bill to the House.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [9.16 p.m.]: I congratulate the members who have spoken to the Health Legislation Amendment Bill 2013, including the Hon. Trevor Khan, Dr John Kaye,

the Hon. Helen Westwood and the Hon. Paul Green. We have heard wonderful contributions across the spectrum in support of the bill, which will make various amendments to the Health Care Complaints Act 1993, the Health Services Act 1997, the Health Administration Act 1982, the Health Practitioner Regulation National Law (New South Wales), the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. The bill has some small amendments, but they will have very profound effects. I congratulate the Minister for Health, and Minister for Medical Research on introducing the bill.

I acknowledge that some of the amendments reflect recommendations made by members of the previous Joint Standing Committee on the Health Care Complaints Commission. One of the amendments will enhance and strengthen the operations of the Health Care Complaints Commission. In particular, the amendment to section 7 (1) (b) to insert ", or is likely to affect" will change the legislation to read:

What can a complaint be made about?

(1) A complaint may be made under this Act concerning ...

(b) a health service which affects, or is likely to affect, the clinical management or care of an individual client.

The commission has received complaints against the Australian Vaccination Network, including one relating to the parents of a four-week-old child who died of whooping cough, alleging that the Australian Vaccination Network provided inaccurate and misleading information about vaccination. Tonight we have heard a lot from members about the Australian Vaccination Network. Dr John Kaye mentioned the impact of whooping cough. I grew up in an era when a lot of the kids in my town were affected by the various diseases we have spoken about. I was born with eczema; I had chronic asthma; I had chicken pox, the mumps and whooping cough; and I had my tonsils out twice—you name it. I spent all my early years in the Orbost district hospital.

The Hon. Rick Colless: And you live to tell the tale, Charlie.

The Hon. CHARLIE LYNN: Yes. When I look back, polio was a big thing in those days and a number of kids in our town suffered tremendously from it. Dr John Kaye said something about the impact of whooping cough. I remember my baby sister once had a bad attack of whooping cough. Mum and dad were throwing her between the two of them. I stood only a metre or so high, and I was just praying to God that something would work. When you experience it and when you see the impact of it on a young child, as the Hon. Helen Westwood said, it is unbelievable. We have a duty to do anything we can to prevent that.

It is good to be able to stand here and listen to the cross-party condemnation of the Australian Vaccination Network and the support for the bill. The Australian Vaccination Network website presents a highly sceptical view of vaccination, which could be interpreted as an anti-vaccination message, which it is. But at first glance its name would imply the exact opposite. The commission investigated and made a recommendation that the Australian Vaccination Network should publish a public statement on its website that, in essence, it provides information against vaccination. The network failed to do so and the Health Care Complaints Commission issued a public warning against the Australian Vaccination Network.

The Australian Vaccination Network challenged the recommendation in the Supreme Court and won the case against the commission. The challenge was based on the argument that the commission did not have jurisdiction to conduct an investigation because a valid complaint had not been made. It also implies that if people take the health provider's advice, even if it is published on the internet, it cannot be responsible for the individual's medical outcome.

Such a limitation on the Health Care Complaints Commission's jurisdiction is fundamentally problematic as complaints cannot be made and the commission cannot investigate matters proactively when there are reasonable grounds that a health service has the potential to affect the clinical management or care of an identified client. Rather, the commission will be required to wait for such risks to materialise. This is not in the best interest of public health. Adding the words "is likely to affect" to section 7 will enable the commission to legitimately investigate a complaint. It will ensure the Health Care Complaints Commission will not be prevented from carrying out an investigation about a serious matter of which the Health Care Complaints Commission is aware purely on the basis that another person has not made a complaint.

The safeguards applying to the amendment are that the subject of complaint made by the commission raises a significant issue of public health or safety, raises a significant question regarding a health service that affects, or is likely to affect, the clinical management or care of an individual, or if substantiated would

provide grounds for disciplinary action against a health practitioner, or involves gross negligence. This amendment will strengthen the role of the Health Care Complaints Commission and will ensure that when the commission is aware of a matter affecting the health or safety of patients, or of the public in general, the commission will not have to wait for a complaint to come to the commission but proactively will be able to investigate a complaint.

The bill inserts a new section 16A into the Health Care Complaints Act that gives notice of the making of a complaint to the current employer of the health practitioner in only the limited circumstance in which the Health Care Complaints Commission considers that giving the notice is necessary to assess the matter effectively or to protect the health or safety of the public. There have been so many incidents involving obstetricians in New South Wales and Queensland that one can only think that a provision similar to new section 16A may have prevented some of the issues from arising. One can only speculate on whether that may have helped. However, the commission has discretion about whether to notify an employer if notifying the employer will place the complainant or another person at risk of intimidation or harassment or will unreasonably prejudice the practitioner.

Once a complaint has been assessed the provisions of this bill will make it mandatory for the commission to notify parties to the complaint and additionally give reasons for the decision. Currently the procedure is somewhat ad hoc. This provision will ensure that both parties to a complaint will receive reasons that have led to the commission's decision. The bill amends section 90B of the Act to allow the director of proceedings to formally refer complaints back to the commission for investigation when further information is required, and provides for reactivation of the investigative powers of the commission. The provision will be a very handy tool for the commission when it progressively receives complaints regarding a practitioner or a service that already has been investigated. This provision will enable the commission to add the new complaints and reopen the investigation. The amendments I have discussed and other amendments will allow for smoother running of the Health Care Complaints Commission. I commend all speakers in the debate and I commend the bill to the House.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [9.23 p.m.], in reply: I thank honourable members for their support for the bill. I genuinely appreciate the comments and the passion that I witnessed in the Chamber this evening. The Legislative Council is a good place to be tonight and I thank all members for their contributions and the passion with which they were delivered. The bill makes changes to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (New South Wales), the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990.

The provisions of the Health Administration Act will allow the Health Administration Corporation to seek the Minister's approval to dispose of land held by the Health Administration Corporation, notwithstanding a Crown grant, and use the proceeds towards other health capital works projects that are more suited to the health service needs of the community. The amendment put forward by The Greens will require the Health Administration Corporation to notify the Minister as to the purposes to which the proceeds of the disposition of land will be allocated. Good practice would require such notice to be given to the Minister. It is the intention of New South Wales Health to support this provision through internal policy and guidelines. Therefore the foreshadowed amendment is not supported.

The bill will bring the disposal of land held by the Health Administration Corporation into line with land held by local health districts under the Health Services Act. There are no identified parcels of land that the Health Administration Corporation has currently identified to be disposed of if this bill passes. Of course, this will occur in the broader context of clinical services planning, and other health planning, that is conducted by local health districts and the Ministry of Health to ensure the needs of local communities are adequately met. The other amendment to the Health Administration Act will allow a member of the Medical Services Committee who is appointed chairperson in their third term to serve an additional term as chair. This will enable the committee to have access to an experienced member as chair for a reasonable period.

The amendments to the Health Services Act will allow staff employed in the New South Wales health service to be suspended without pay in a limited set of circumstances. In essence, the director general will be able to suspend a staff member without pay if the staff member is charged with a serious criminal offence or, in the case of health professionals, if an external body such as a health professional council or the Health Care Complaints Commission has taken interim action to prevent the person from practising as a health practitioner, such as when a health professional council imposes an interim suspension order on a practitioner.

The Greens' proposal to amend the bill to remove the ability to suspend staff in the health service without pay is not supported. Suspension without pay is not uncommon within the public sector as it recognises that there will be limited circumstances where taxpayer money should not continue to be used to pay an employee while they are suspended from duty. Suspension without pay is an option under the Public Sector Employment and Management Act and also applies to teachers and police. While it is an option, suspension without pay should be a limited option and the bill applies an appropriate balance in this respect. The Public Service Commissioner has also indicated that the amendment is inconsistent with the current provisions under the Public Sector Employment and Management Act.

The proposed Labor Party amendment seeks to clarify the ability of a staff member to access previously accrued leave entitlements during a period of suspension. The amendment is not opposed as it was the intention of NSW Health that any staff member suspended without pay would have access to leave entitlements accrued prior to their suspension. While this provision was intended to be supported by NSW Health policy and guidelines, the Government is happy to clarify the ability of staff to access previously accrued leave while suspended without pay.

Regarding the issue raised by the Opposition of returning withheld salary should the employee later be exonerated, this will be at the discretion of the director general. As noted by the Hon. Catherine Cusack, in many cases it is not a question of exoneration. Staff in the health system are often registered health practitioners whose ability to work in the health system is dependent on maintaining their registration under the Health Practitioner Regulation National Law. If a health professional council imposes an interim cancellation order on a practitioner's registration the practitioner is not able to practice. Even if the emergency cancellation order is later lifted this does not change the fact that the practitioner could not legally practice for that period. In such circumstances it may be inappropriate to return any money withheld during the practitioner's suspension from duty.

This situation may be contrasted with the case of an employee who is suspended from duty because they are charged with a serious criminal offence. If the employee is later found not guilty it may be appropriate to return any salary withheld during their suspension as the employee could have worked but for their suspension from duty. The different scenarios that arise in the health service therefore call not for a blanket rule but for discretion in order to deal with each case as it arises on its individual merits. It is important to note that, given that the threshold for suspension without pay under this bill is so high, the provisions are only ever likely to be applicable to an extremely limited proportion of staff.

The Opposition has called for a guarantee that the power to suspend a staff member without pay is not delegated. As is normal practice, the director general delegates many of her powers to other officers within the New South Wales health system, including chief executives of local health districts. As chief executives have the day-to-day management of staff in a local health district this is entirely appropriate. A delegation to the chief executive, if that occurs, will not affect their ability to consider all of the practitioner's circumstances prior to making a decision regarding suspension without pay. This is consistent with the model of devolution across NSW Health whereby local health districts are empowered to make decisions that may impact on the health care of the community and on the provision of quality services.

Noting the concerns raised by the Opposition, not only have all relevant unions had active involvement in the development of draft guidelines around suspension without pay for some time, these discussions will be ongoing. The amendments to the Health Practitioner Regulation National Law, and the Mental Health Act and the Mental Health (Forensic Provisions) Act are generally minor in nature and are aimed at tidying up and clarifying existing provisions. For example, the amendments will clarify that a forensic patient on leave or released into the community can be scheduled and detained under the Mental Health Act.

Further amendments will clarify the role of a health professional council when dealing with impaired practitioners so that legislation accords with current practice. The amendments to the Health Care Complaints Act, which follow on the recommendations of the joint parliamentary committee and a 2012 Supreme Court decision, will strengthen the role of the Health Care Complaints Commission to help better protect the public. For example, the amendment to section 7 of the Act will allow a complaint to be made against a health service provider where the health service in question affects, or is likely to affect, the clinical management or care of an individual patient. This means the commission will not be hamstrung in waiting for actual harm to occur to patients before it can investigate a complaint. Likewise, the amendment to section 8 of the Act, which provides for the commission to initiate an own motion complaint, will ensure that the commission does not have to wait for a formal complaint to be made in respect of a serious matter; the commissioner will be to make the complaint. This will allow for a more proactive approach by the commission to protecting the health and safety of the community. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [9.31 p.m.]: I move The Greens amendment No. 1 on sheet [C2013-023C]:

No. 1 Page 3, Schedule 1 [1]. Insert after line 11:

- (3) The Corporation must, in a request to the Minister under subsection (2), identify the purposes to which the proceeds of the disposition of land are to be allocated.

This amendment inserts a proposed subsection that requires the corporation, when requesting the Minister to dispose of land, to identify the purpose to which the proceeds of the disposition of land are to be allocated. It is a mild amendment. It is asking that when the Health Administration Corporation sells land that it identifies to the Minister where the proceeds of that land go. It is designed to put a brake on privatising the ownership of land to ensure that the disposition of the money is appropriately allocated. I commend the amendment to the Committee.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [9.32 p.m.]: The Government opposes The Greens amendment. The bill proposes to amend section 11 of the Health Administration Act to allow land held by the Health Administration Corporation that is subject to a Crown grant to be disposed of with the approval of the Minister notwithstanding that the use or disposal is contrary to the provision of the Crown grant. The provision, as outlined in the bill, will bring land held by the Health Administration Corporation into line with land held by local health districts under the Health Services Act. It will allow the Health Administration Corporation to use the proceeds towards other health capital works projects that are more suited to the health needs of the community.

The Greens have proposed an amendment to require the Health Administration Corporation in any request to the Minister under section 11 to identify the purposes to which the proceeds of the disposition of land are to be allocated. It would be good practice for any proposal to the Minister to dispose of land subject to a Crown grant to identify where the proceeds from the disposal will be allocated. As it is the intention of NSW Health to ensure this occurs through internal policy and guidelines, the Government does not support The Greens amendment.

The Hon. SOPHIE COTSIS [9.33 p.m.]: The Opposition does not support this amendment.

Question—That The Greens amendment No. 1 [C2013-023C] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2013-023C] negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Dr JOHN KAYE [9.34 p.m.]: I will not move The Greens amendment No. 2 on sheet C2013-023C. I now move The Greens amendment No. 1 on sheet C2013-029:

No. 1 Page 10, Schedule 4, proposed section 120A (2)–(4), lines 1–38. Omit all words on those lines. Insert instead:

- (2) If:
 - (a) a person referred to in subsection (1) (e) is suspended from duty under this section, and
 - (b) the person is subsequently convicted of the serious criminal offence concerned,
 any salary paid to the person as a member of staff while the person was suspended must be repaid to the State unless the Director-General otherwise directs.
- (3) Any salary required to be repaid under this section may be recovered in any court of competent jurisdiction as if it were a debt due to the State.

This amendment ensures that if a person is suspended from duty in the previous subsection and the person is subsequently convicted of a serious criminal offence then salary paid to that staff member while they are suspended must be repaid to the State unless the director general otherwise directs. The proposed section 120A as it stands, as I said during the second reading debate, leaves the discretion to the director general as to whether the salary is withheld or whether it is refunded if the matter is discharged. This amendment allows an individual to be paid, but if the person is subsequently convicted of a serious criminal offence during the suspension period then that salary can be recovered by the State and power is given to take the matter to a court of competent jurisdiction. It is a compromise: on the one hand, the staff member does not forgo their salary; and, on the other hand, any staff member who may be subsequently convicted of a serious criminal offence will have their salary recovered by the State. It is a good compromise between the Government's opposition and our original desire to remove the withholding of salaries. I commend the amendment to the Committee.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [9.37 p.m.]: The Government opposes this amendment. The bill proposes to amend the Health Services Act to allow suspension without pay in limited circumstances where an employee is charged with a serious criminal offence or, in the case of a registered health practitioner, where an interim order by a health professional council has suspended the practitioner's registration or placed conditions on the practitioner's registration that are inconsistent with the inherent requirements of their job. The ability to suspend staff without pay in limited circumstances is common across the public sector. Public sector staff can be suspended without pay under the Public Sector Employment and Management Act, as can teachers and police. The bill recognises that there are circumstances in which it may be inappropriate for a public sector employer to continue to pay taxpayers' money to a staff member who has been suspended from duty.

The Greens proposal would remove the ability to suspend staff in the health service without pay. Rather, The Greens proposal would allow health service staff to be suspended with pay, which already occurs. Under The Greens' proposal a medical practitioner whose registration has been suspended by the Medical Council can be suspended by the health service but must continue to be paid by the taxpayers. The Hon. Catherine Cusack clearly illustrated the impact that that would have on health services across New South Wales. That is notwithstanding that the practitioner in question would have had his or her registration suspended by the Medical Council and therefore could not lawfully practice medicine.

While health practitioners would not be able to be suspended without pay where an external body has found that they cannot practise, The Greens are in effect proposing a reverse suspension without pay for employees charged with a serious criminal offence. Under The Greens' proposal, if an employee is charged with a serious criminal offence the employee can be suspended with pay. However, if the employee is convicted of the offence he or she must repay the salary paid during the suspension unless otherwise directed by the director general. The money paid during the period of suspension would become a debt owing to the State. Expecting a local hospital to recover that money paid is utterly unreasonable, impracticable and would be a waste of the hospital's time, money and resources.

The Public Service Commission has indicated that The Greens' amendment is inconsistent with section 49 (2) of the Public Sector Employment and Management Act 2002, which provides that the departmental head is able to suspend with or without pay. The choice of without pay is based on the seriousness of the issue and is reviewed every 30 days in accordance with the policy dealing with suspension. The purpose of this amendment is to limit the capacity to make a decision based on the seriousness of the matter and to fetter the capacity of the decision-maker to assess and respond to a decision made by an external third party. The Government does not support the amendment.

The Hon. SOPHIE COTSIS [9.41 p.m.]: The Opposition will not support The Greens' amendment. My colleague the shadow Minister for Health, Andrew McDonald, was not given notice of this amendment. If he had been we could have discussed it with the relevant stakeholders, although we have discussed it with Dr Kaye.

The Hon. CATHERINE CUSACK [9.42 p.m.]: I thank the Opposition for the responsible attitude that it is taking. If the onus is placed on the Government to continue to pay medical professionals who have been charged with serious offences none of them will resign and leave the service. They will all stay on and continue to draw a salary while they go through long, drawn out legal proceedings. If this amendment were agreed to the Butcher of Bega would still be drawing his salary for years and the people of Bega would be denied access to resources unless someone found more money. That salary would be paid to someone who was accused of serious offences and who was not working and patients would be abandoned. Let us not forget that salaries are paid to people who provide services to the community.

Under The Greens' amendment, if a doctor were convicted at the end of a long, drawn out legal process the health service would be confronted with the prospect of trying to recover years of salary. I predict that that money would be long gone, having been used to pay legal bills. How much of the money that is desperately needed by patients should we spend on people who in some instances have been killing their patients? That proposition is completely indefensible. There is a gap between what The Greens are proposing and what happens in health services. The Greens must understand that hospitals and area health services are trying to undertake as many operations as they can and as safely as they can within budget constraints.

The last thing we should do is waste those resources and then lose even more trying to recover them. That would inevitably be a hopeless cause, because the convicted person would probably be in jail and would most likely be declared bankrupt. This is a ludicrous amendment. It is definitely not in the interests of patients and it will undermine the budget. Anyone accused of a serious offence will not resign because they will be guaranteed an income for the duration of the legal process. I urge members to reject this amendment.

The Hon. PAUL GREEN [9.44 p.m.]: We have heard some solid arguments from the Government and the Opposition. The Christian Democratic Party never wanted money to be paid for services not rendered. We simply wanted people to have access to their own money to use during the hard times. The Christian Democratic Party opposes the amendment.

Dr JOHN KAYE [9.45 p.m.]: I thank members for their contributions. I apologise to the Opposition, and particularly to Dr Andrew McDonald, for not providing a copy of the amendment. The Hon. Catherine Cusack made a cogent point and she was persuasive. However, under our system of law the Butcher of Bega is not the Butcher of Bega until he is convicted of being the Butcher of Bega. Indeed, he might not be the Butcher of Bega; false accusations might have been made. He remains innocent until he is convicted. That is a fundamental principle.

Without this amendment innocent people will be denied access to their salary through no fault of their own. They are not working but they have been excluded from their profession. I totally accept that there is a risk that money will be lost, and that is a good argument. I have seen outside the health profession a person who I was convinced was guilty of malfeasance continue to be paid after having been suspended from duty. That happens under a number of employment arrangements. The money was probably lost in that case, but that is the price we pay. I respect the member's point of view and I understand it. However, in this case The Greens believe that the principle of a person being deemed innocent until proven guilty overrides the economic notion that money can be denied to someone if they are not delivering a service.

It is not that people in that position are not delivering the service because they are lazy or because they choose not to do so; they are not delivering it because they are prevented from doing so as a result of being accused of an offence by the Health Care Complaints Commission. I acknowledge the argument and its validity. However, it is trumped by the principle that we are innocent until proven guilty. We run the risk of savagely hurting people who through no fault of their own are accused of something and who are subsequently found not guilty.

The Hon. CATHERINE CUSACK [9.47 p.m.]: The Butcher of Bega will be presumed innocent and no member would deny him that presumption. However, the interests of thousands of innocent patients in need of health care must have priority over the income requirements of the Butcher of Bega while he fights his legal case. This Government stands behind patients. The defendant will be presumed innocent in the court system. This bill prioritises the delivery of health services to patients.

Question—That The Greens amendment No. 1 [C2013-029] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2013-029] negatived.

The Hon. SOPHIE COTSIS [9.49 p.m.]: I move Opposition amendment No. 1 on sheet C2013-027:

No. 1 Page 11, Schedule 4, proposed section 120A, lines 5–9. Omit all words on those lines. Insert instead:

(7) In this section:

Salary does not include any payment in connection with sick leave, recreation leave or any other leave.

Serious criminal offence means an offence committed in New South Wales that is punishable by imprisonment for 5 years or more or an offence committed elsewhere that, if it had been committed in New South Wales, would be an offence so punishable.

This amendment will enable staff to access their previously earned leave entitlements once they have been suspended. They have done the work and accrued leave. This is a work entitlement. This amendment will allow these workers to feed their families, access medical treatment and pay their mortgage or rent while due process, which is required for patient safety and fair treatment of staff, occurs. I thank the Government for supporting this amendment. I urge other members to also support it. I have heard some fantastic and passionate contributions from members on all sides about the importance of vaccinating our children and the need to get the message out to the community. I congratulate all members on their contributions.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [9.50 p.m.]: The Government does not oppose this amendment. It was the intention of NSW Health that any staff member suspended without pay would have access to leave entitlements that accrued prior to their suspension. I know that this matter greatly concerned the Hon. Paul Green from the Christian Democratic Party. He spoke with me last week about it and was involved with this amendment. While this provision was intended to be supported by NSW Health policy and guidelines, the Government is happy to clarify the ability of staff to access previously accrued leave whilst suspended without pay.

The Hon. PAUL GREEN [9.51 p.m.]: I have enjoyed the role I have played in the past couple of weeks working with all sides of Parliament to introduce common-sense legislation. I give full credit to the Hon. Melinda Pavey who looked at this proposal on merit and embraced it. I was approached by a member of the Legislative Assembly about his concerns in relation to this matter and now the upper House has addressed those concerns in a multi-platform way. I hope this amendment will be mirrored in the future across all portfolios. The Christian Democratic Party supports the amendment.

Dr JOHN KAYE [9.52 p.m.]: The Greens support this sensible amendment. I note, however, that the first I was aware of this amendment was at 8.02 p.m. No copy was sent to me.

The Hon. Catherine Cusack: And you are still voting for it? Vote against it, John.

Dr JOHN KAYE: Thank you for that advice. That being said, The Greens are capable of analysing this amendment in the time granted to us and we recognise it as a step forward. It possibly does not go far enough. The Greens support the amendment.

Question—That Opposition amendment No. 1 [C2013-027] be agreed to—put and resolved in the affirmative.

Opposition amendment No. 1 [C2013-027] agreed to.

Schedule 4 as amended agreed to.

Schedules 5 and 6 agreed to.

Title agreed to.

Bill reported from Committee with an amendment.

Adoption of Report

Motion by the Hon. Melinda Pavey, on behalf of the Hon. Michael Gallacher, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Melinda Pavey, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendment.

BAPTIST CHURCHES OF NEW SOUTH WALES PROPERTY TRUST AMENDMENT BILL 2013

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

Motion by the Hon. Melinda Pavey 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.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.57 p.m.]: I move:

That this House do now adjourn.

NORTH WEST RAIL LINK

The Hon. PETER PRIMROSE [9.57 p.m.]: I have never opposed the North West Rail Link. The priority it should have in relation to other rail projects has been the issue. But now that the present Government is constructing it, all members should be concerned to ensure that it is constructed effectively and efficiently and delivers the best possible service to the people of New South Wales. That is why I am joining with rail experts and members of the community in north-west Sydney to urge the Premier to rethink the revised decision to construct smaller diameter tunnels on the line. This will have a long-term detrimental effect for the Sydney rail system.

Originally the North West Rail Link was planned to be an extension of the Sydney network. Like the rest of the system, the new line's twin 14 kilometre tunnels were to be built to accommodate the current double-deck suburban fleet. But last year the decision was taken by the O'Farrell Government to privatise the operation of the new line and to opt for single-deck metro-style trains. The tunnels will now be built to a slightly narrower diameter to prevent their ever being used by current New South Wales double-deck trains, or similar trains in the future. Any cost savings from building slightly narrower tunnels will be trivial. This means that the North West rail line and the existing Epping to Chatswood line, which will be converted to suit the narrower single-deck trains, will remain as a stand-alone operation.

One expert has compared this short-sighted decision to that made by the various colonial governments in the nineteenth century to select different gauges when setting up their railways, and so stymie any hope of a unified rail network. The narrower and steeper tunnels proposed under the O'Farrell Government's Sydney Rail Future Plan for the North West Rail Link will prevent double-deck trains from ever using the tunnels. Even if they could fit, the maximum grade has been increased from 3.5 per cent to 4.1 per cent, making the tunnels way too steep for the double-deckers. The folly of this decision will become clear if the Government ever keeps its promise to extend the North West Rail Link through a new crossing under Sydney Harbour and the central business district to link with the existing Bankstown and Illawarra lines.

A privatised North West Rail Link with a different gauge will mean a private second harbour crossing with a different gauge. The smaller loading gauge on a second harbour crossing will not only compromise efficient operation on these lines, it will also prevent any future long-distance high-speed rail network from using this crossing to enter Sydney. Any possible future Liverpool-Parramatta-Epping line also will be compromised by the differing gauges being used and so preventing the lines from interconnecting.

It is not only new lines that will be affected by this crazy decision. For example, it will become impossible to increase the number of much-needed services on existing facilities such as the CityRail Western line. As the trains will no longer be able to use the narrowed Epping to Chatswood link, an increasing number of services on the Northern line and suburban and Central Coast lines will have to be diverted onto the Western line, thereby further clogging the capacity between Strathfield and the city. Perversely, one reason for building the Epping to Chatswood link in the first place as part of the Sydney rail network was to relieve this very congestion on the Western line. That initiative will now be lost. Unless Premier O'Farrell reverses his decision to build a narrow tunnel for the North West rail line, this folly will be remembered by future generations as the decision that destroyed forever the interoperability, capacity and efficiency of Sydney's rail network.

SUSTAINABLE LIVING CHOICES

The Hon. ROBERT BROWN [10.01 p.m.]: Tonight I wish to speak about the concept that being a Green means that you are going out of your way to save the planet.

The Hon. Robert Borsak: No, it doesn't.

The Hon. ROBERT BROWN: Well, let us see at the end of this short dissertation. It would appear from a study undertaken by Professor Peter Newton, a research professor in sustainable urbanism at Swinburne University of Technology, that that statement may not be true. While many Australians are happy to declare their interest in sustainability and reducing their environmental impact, Professor Newtown wanted to find out how many are prepared to reduce what they consume. His team surveyed 1,200 households in Melbourne to determine whether there is an attitude-action gap on environment and consumption, and his findings were very interesting. His survey found that three lifestyle segments emerged: 40 per cent were defined as material Greens, 33 per cent were committed Greens, and 26 per cent were enviro-sceptics.

The committed Greens were strongly pro-environment in their beliefs and behavioural preferences and were prepared to sacrifice economically for an environmental benefit. This was the only group prepared to pay more tax if it helped the environment, including higher power and water prices. Most of this group agreed the environment should be the highest priority, even if it hurts the economy. Material Greens moderately agreed the environment should be a higher priority than the economy and that the balance of nature is delicate and easily upset. However, 56 per cent of them agreed that the expense is probably not worth the benefits and, as a bottom line position, were not willing to pay and in fact were vehemently opposed to paying more taxes or higher utility charges from their household budget. They did not want to be hit in the hip pocket. The enviro-sceptics were not prepared to make higher payments for the environment and agreed the expense would not be worth the benefit. They were not interested in Green choices and 44 per cent believed the environmental crisis was exaggerated.

Interestingly, the committed Greens contained more university graduates and households with higher incomes. They believe that they know what behaviours are likely to be required in a climate and resource constrained future and can pay to make the transition. Where did they live? Interestingly enough, they lived predominantly in the inner-city suburbs where in recent years The Greens party has become politically dominant. They have absolutely no idea what it is like to live in the bush or away from their lattes and basket-weaving evenings. But if they talk the talk about sustainability, do they walk the walk? Professor Newton next looked at the actual levels of household consumption of energy and water from their most recent bills, housing space, urban travel and appliances. What did he find? Surprise, surprise—he found there were no significant differences between the three lifestyle groups in relation to their actual combined level of urban resource consumption. So while card-carrying Greens go on about saving the planet and re-engineering society, standing so far up on the high moral ground that there is no room for anyone else and giving every tree in every forest a name, at the end of the day, on the basis of this Melbourne research, they are doing no more to save and conserve the environment than any other citizen.

FREEDOM OF SPEECH

The Hon. Dr PETER PHELPS [10.04 p.m.]: Freedom of speech is at the heart of individual liberty and democracy. Yet in Australia and around the western world it is under attack on all sides, from regulations to enforce balance on the press to new human rights like the right not to be offended. Chris Berg has recently written an important new book called *In Defence of Freedom of Speech: From Ancient Greece to Andrew Bolt*, which offers a bold reinterpretation of why freedom of speech matters. Only by understanding how the right to free expression and freedom of conscience arose can we understand the magnitude of the threat we now face. The liberty to express our thoughts and opinions is one of the central foundations of western civilisation. When governments threaten that freedom of speech they threaten the foundations of liberty and the democratic system.

Let us be under no misapprehension, freedom of speech in Australia is under attack. Andrew Bolt was hauled before the courts because the articles he wrote offended a group of people. Julia Gillard said that a critical media company she did not like had questions to answer and set up a media inquiry to force them to give those answers. Bob Brown wants governments to license journalists. Alarmingly, in 2011 Reporters without Borders dropped Australia from eighteenth to thirtieth in world rankings for freedom of the press. Labor and The Greens are guilty of an unprecedented attack on freedom of speech and the traditional defenders of this right, the media and academia, are abandoning the field. As Senator George Brandis recently said, "There is a

multi-front war against traditional freedom of opinion and freedom of expression, encouraged by fostering a changing culture in which attitudes to freedom have been supplanted by a greater willingness to accept social control in the name of what the Left views as righteous thinking."

Like Senator Brandis, I was relieved that the Federal Government abandoned its plans to create statutory media regulation and its withdrawal of laws that proposed to make expressions of opinion actionable on the grounds that they might be insulting or offensive to other citizens and to reverse the onus of proof. Section 18C of the Racial Discrimination Act, a Federal Act, goes to the heart of this new anti-free-speech climate. It is the section of the legislation that silenced Andrew Bolt, and it could silence you and me. Freedom of speech means sometimes people will be offended, but the right not to be offended should never trump the right to express your views. There is no natural law right not to be offended and nor should one be fabricated.

At the time the media laws were withdrawn from Federal Parliament new legislation for the Australia Council for the Arts was introduced which removed freedom of artistic expression as one of the values to be protected by the council. The Left is engaged in a war against the traditional liberal concept of freedom of speech, sometimes by overt acts but just as commonly by fostering a climate of opinion in which the centrality of the right to freedom of speech, as one of our society's core values, is increasingly being questioned.

George Orwell dissected such tendencies in *Nineteen Eighty-Four*, which I should not have to go into detail about because I presume everyone here has read it. The world of *Nineteen Eighty-Four* has no place for anybody other than the completely unquestioning, devoted drudges on whom, more even than the Thought Police, the stability of the party depended. The Thought Police curbed dissent at birth and were, as Orwell viciously describes them, "nosers out of unorthodoxy". Language in the land of Newspeak was reduced to glib memorised slogans which everybody had to embrace. Overseeing this brave new world were the Thought Police, who harassed the citizenry to adhere to each of Big Brother's slogans, regardless of how contradictory or ridiculous.

I am dedicated to the proposition that every person is entitled to an individual opinion that can be presented without fear of reprisal. One's opinion is one's greatest possession. It is the essence of a person. The quality of a person is the quality of what he or she thinks. I reject the arrogance of those who have allotted to themselves the right to tell another what to say or write. I believe that where truth is abused or sensibilities are offended there has to be possibility for redress of the victim. But such redress should be through the oxygen of publicity to give an opposite point of view and to set the record straight. Instead, the tendency of the so-called progressives has been to silence and punish.

But there remains a glimmer of hope so long as there are writers of the ilk of Berg or Wilson or Bolt or Blair. We are lucky to have a few brave and imperfect individuals prepared at significant risk to their careers to challenge the spread of insipid dogma. Possibly legal martyrdom is the only solution to overturn laws that perpetuate curbs on free expression, and the writers I have mentioned are the closest this nation has come to martyrdom against cultural tyranny. The day is coming when we can tell Julia Gillard that we value freedom of speech and we expect the incoming Abbott-Truss government to repeal laws that prevent freedom of speech. Australians value their freedom of speech, and on 14 September we will show the censorious and the silencers that we will not let them take it away.

HOMELESSNESS

The Hon. SOPHIE COTSIS [10.09 p.m.]: Tomorrow Wentworth Community Housing is holding the Greater Western Sydney Homelessness Innovations Forum in Penrith to update the community about the activities it has been undertaking across greater western Sydney with regard to homelessness. I will be attending and speaking at the forum. In particular, the forum aims to stimulate ideas and discussion about what further actions need to be taken by governments and community to improve services to homeless people in the region. In January 2011 Wentworth Committee Housing received State Government funding under the NSW Homelessness Action Plan 2009-2014 to facilitate an innovative service system reform program in the Nepean-Blacktown region.

Since January 2011 extensive work has been done by many services in the area to develop innovative ways to reform practice and service delivery for those suffering homelessness. The NSW Homelessness Action Plan was launched by the former Labor Government in 2009. It was the first State strategy developed in New South Wales to deal with homelessness. It is a four-year program that has introduced a new approach to homelessness by involving government agencies working closely with the non-government sector to prevent homelessness. The program, which is still running, continues through to next year.

The former Government and its partners in the non-government sector developed a set of priorities, strategies and actions to achieve three strategic directions: preventing homelessness to ensure that people never become homeless; responding effectively to homelessness to ensure that people who are homeless receive effective responses so that they do not become entrenched in the system; and breaking the cycle to ensure that people who have been homeless do not become homeless again. Homelessness is described in many ways. The Australian Bureau of Statistics defines "homelessness" as:

When a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement: is in a dwelling that is inadequate; or has no tenure, or if their initial tenure is short and not extendable; or does not allow them to have control of, and access to, space for social relations.

Homelessness can be caused by poverty, unemployment and a critical shortage of affordable housing. Some of the most common causes of homelessness are domestic and family violence, family breakdown, mental illness, sexual assault, addiction, financial difficulty, gambling and social isolation. Homelessness affects many people in our community. On census night in 2011, 105,237 people were homeless in Australia. Approximately 39 per cent were living in severely overcrowded dwellings, 20 per cent were living in supported accommodation for the homeless, 17 per cent were staying in boarding houses, 6 per cent were sleeping rough on the streets and 1 per cent were in other temporary lodgings. In New South Wales 28,190 people were homeless in 2011—an increase of 27 per cent over the 2006 census figure. Homelessness does not discriminate by age, gender or ethnicity. For example, 17 per cent of children aged under 12 across the country were homeless in 2011, as were 2 per cent of our fellow citizens aged over 75. However, the largest age group of homeless people are those between 25 and 34 years of age; 18 per cent were homeless at the time of the 2011 census.

Fifty-six per cent are men and 44 per cent are women. In relation to the latter statistic, the majority of homeless women are single and over 60 years of age. There are many reasons for this, but in the main it is the combination of low income due to the gender wage cap; carer responsibilities, which generally fall on women; a lack of affordable housing; the many baby boomers who moved in and out of the workforce; lack of skills; migrant women; and women who suffered domestic violence. Applications for public housing in New South Wales are at a record high. The waiting list for public housing is more than 56,000—the highest ever. None of the figures I have mentioned today are acceptable and it is important that governments—and oppositions and crossbench members—and the community do not let up on the fight against homelessness. On 18 March this year the Federal Minister for Homelessness, Mark Butler, announced an additional \$159 million for the National Partnership Agreement on Homelessness, which expires in June 2013. At the time Minister Butler said:

Service providers need certainty about next year's funding so that they can continue providing critical support to some of our most vulnerable Australians.

I am pleased to note that after many calls the New South Wales Minister has matched this funding injection to ensure that service delivery provided under the current national partnership agreement continues. We must continue to work towards the objective of the National Partnership Agreement on Homelessness. In Sydney we have specific problems with regard to rental affordability. I will continue on that point on another occasion. *[Time expired.]*

WIND FARMS

The Hon. ROBERT BORSAK [10.14 p.m.]: In the past few weeks there have been a couple of interesting articles on wind farms which caught my eye for different reasons. I think that governments, both State and Federal, will need to address the uneconomic and subsidy reliant so-called "renewable energy", which is to replace our natural advantage of cheap power through coal-fired power stations. One article in the *Sydney Morning Herald* quoted developers and suppliers as saying that as much as \$3 billion in wind farm investments may be diverted elsewhere as the New South Wales Government dithers over guidelines and reporting procedures. The companies are waiting for the O'Farrell Government to settle rules on how close to homes turbines can be, and also to rule on what will be acceptable noise limits. I hope the Government takes as long as it needs to get these decisions right. It seems that everyone pushing for wind farms lives in Sydney, where no wind farms will be built.

These people need to go out to the bush and talk to the communities that are being split in two by these developments. I guess the further away from wind turbines one lives the more likely one is to support them. The same story quotes the Vestas Wind Systems people—Vestas Wind Systems is the world's largest maker of turbines—as saying that the O'Farrell Government is introducing a complexity that no other market around the world, or anywhere else in Australia, requires. The Premier deserves praise for his stand, not a veiled criticism from a group that will benefit enormously and economically from wind farms. Another article appeared in the

Age in Melbourne. The Victorian Government is a big proponent of wind farms and—surprise, surprise—the Victorian Department of Health has found that the inaudible sound caused by wind farms is no worse than that from other rural and urban environments and does not affect human health.

This is to counter claims by opponents who say that inaudible noise, known as infrasound, can trigger health problems, including dizziness, headaches and insomnia. Together, the syndromes are apparently described as "wind turbine syndrome". While the department said that infrasound is generated by many sources, such as trains, breaking waves and air conditioners, the evidence showed that wind farms produced no more infrasound than the background level in other environments. This is not true. It said that audible noise, including that from wind farms, can cause annoyance, resulting in prolonged stress and other health effects. Whether health effects are felt from low-level audible noise can depend on an individual's noise sensitivity and attitude to the source. And is that not the whole point? If these turbines cause problems for any citizens, surely they have a right to protest about the fact and to be heard. Perhaps if we have wind farms they can go in our national parks where there are hardly any visitors, and the roads to the turbines could be useful fire trails and fire breaks.

The Hon. Robert Brown: What a great idea. Hear, hear!

The Hon. ROBERT BORSAK: I acknowledge the Hon. Robert Brown's interjection. I think there is a long way to go in the debate on wind farms, and the issues I have highlighted lead me to speak about an event in Canberra next month which will surely catch the eye of our Federal politicians. On Tuesday 18 June there will be a rally at Parliament House, which the organisers say will be a "demonstration against the fraud that is wind energy and the subsidies that prop up the industry". Apparently it is the first rally of its kind, but in the lead-up to the September election it probably will not be the last. The Federal Government and the wind industry like to claim that rural people cannot wait to have a wind farm lobbed in their communities. I guess that the only ones who cannot wait are those who will have the turbines on their land but who live somewhere else.

It has been said that farmers from around the country will travel to Canberra to let all sides of politics know what they really think about the current renewables policies and what they believe is the unjustified support of a carbon market and investment in wind power. The organisers also hope to highlight the increase in power prices and the zero emissions reductions that wind and other energy renewables are creating. I understand the rally will be large and I think the message will be clear. Given the carbon market collapse in Europe, it is hard to argue against the fact that we cannot afford these wind and solar industries at this time, indeed if ever.

RURAL HEALTH SERVICES

The Hon. MELINDA PAVEY (Parliamentary Secretary) [10.19 p.m.]: Just over a quarter of the people in New South Wales live outside the three main cities of Sydney, Newcastle and Wollongong. There has been significant improvement and investment in rural health since the last rural health plan was released in 2002, including a substantial increase in the rural workforce and investment in rural health infrastructure. People in rural New South Wales now receive 87 per cent of their health care within their local health district. In 2002 it was 82 per cent. However, there is much more to be done.

In November 2012 the Minister for Health, and Minister for Medical Research, Jillian Skinner, announced the establishment of a Ministerial Advisory Committee for Rural Health. The committee is made up of clinicians, community members and members of the local health districts from rural, remote and regional New South Wales, with Associate Professor Austin Curtin, a surgeon from northern New South Wales, and me as co-chairs. The establishment of the committee reflects the New South Wales Government's appreciation that issues faced by rural, regional and remote communities in New South Wales are different from those in metropolitan areas. Our next meeting will take place in Tamworth next week, with future meetings scheduled for Orange and Wagga Wagga.

Recently I had the pleasure of launching Paramedic Connect, a program in north-western New South Wales. Buck Reed, a rural New South Wales ambulance paramedic based at Boggabri, has researched international practices associated with community-based paramedicine and documented a model of care known as Paramedic Connect. Paramedic Connect is a model of care reliant on the collaboration between ambulance paramedics and local health stakeholders based on the concept of community paramedicine. The Paramedic Connect program creates a framework for paramedics to more effectively engage with their communities and use their extensive knowledge and skills to contribute to the health of their communities. The concept of community paramedicine is one of the most revolutionary ideas to develop in paramedic practice. Models in Australia, Canada and the United States are finding this a robust and adaptive model for addressing health service inequity and access issues in both rural and underserved metropolitan populations.

I was delighted to launch the program with Kevin Anderson in Boggabri in April, the first remote town in the Hunter-New England area to initiate the program, with Ashford and Barraba soon to follow. Buck Reed has been a strong advocate of this approach and cannot stress enough the value of community paramedic models in reducing health costs, improving patient access to services and improving the health of rural communities. One program in Canada recently stated that the annual cost savings to its health system from community paramedics alone could fund its entire emergency ambulance operations. He believes that New South Wales could be no different in the long term.

This community approach in rural settings to using paramedics, highly qualified professionals, not only has economic and health benefits on a significant scale but also supports rural workforce development. Working in a community paramedicine model is challenging and requires a strong commitment to professional development. These models are constantly developing and empower local health professionals to solve health issues locally, making it rewarding to work in a rural area. Community paramedicine and the Paramedic Connect programs being modelled in New South Wales are rapidly gaining international recognition as best practice. It is an exciting time in the evolution of paramedic medicine.

This week is Heart Week, an initiative organised by the National Heart Foundation to provide an opportunity to focus on specific cardiac health issues. Many Australians lose their lives or live with permanent heart muscle damage because they take too long to seek help. Each year around 55,000 Australians have a heart attack. This equates to one heart attack every 10 minutes. In 2010 heart attacks were responsible for 27 deaths every day in Australia, or more than one death every hour of every day. According to research conducted by the Heart Foundation, most Australians are unaware of the range of heart attack warning signs and one-third would not even call an ambulance if they were experiencing severe chest pain. If blood flow to the heart is restricted, the heart muscle begins to die and after two hours that damage may be irreversible. Restoring blood flow to the heart during the first one to two hours after an event may reduce the death rate by half, but the benefit rapidly declines with delays in treatment.

Emergency ambulance services are best placed to support positive health outcomes in the period immediately following a heart attack by improving the time between the onset of heart attack symptoms and the administration of treatment. The Agency for Clinical Innovation within NSW Health is working with the Ambulance Service of NSW and teams within each local health district to implement the State Cardiac Reperfusion Strategy. This strategy aims to improve care for all patients with acute coronary syndrome and to reduce the time from symptom onset to definitive treatment for patients with an acute ST-elevation myocardial infarction [STEMI]. In its entirety, the State Cardiac Reperfusion Strategy consists of several interconnected components that are designed to tailor care to specific settings so that all patients can benefit from early access to specialist medical advice and appropriate treatment.

I commend the Mid North Coast Local Health District, which recently activated the Pre Hospital Thrombolysis Program, allowing patients with ST-elevation myocardial infarction to receive treatment while en route to the hospital, and is in the process of implementing additional components to best meet the needs of its patients. I note that this program originally came out of the Hunter New England Health District and it is one that should be applauded. It has been driven very much locally— *[Time expired.]*

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

Motion agreed to.

The House adjourned at 10.24 p.m. until Thursday 9 May 2013 at 9.30 a.m.
