

LEGISLATIVE COUNCIL

Tuesday 5 May 2009

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

The President read the Prayers.

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

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

GOVERNOR
MARIE BASHIR

OFFICE OF THE GOVERNOR
SYDNEY 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State on 3 April 2009.

3 April 2009

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Criminal Organisations Control) Bill 2009
Associations Incorporation Bill 2009
Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009
Western Lands Amendment Bill 2008
Appropriation (Budget Variations) Bill 2009
Biofuel (Ethanol Content) Amendment Bill 2009
Surveillance Devices Amendment (Validation) Bill 2009
Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009
Hawkesbury-Nepean River Bill 2009

EDUCATION AMENDMENT BILL 2009

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. John Hatzistergos.

Motion by the Hon. Tony Kelly 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.

CHILDREN LEGISLATION AMENDMENT (WOOD INQUIRY RECOMMENDATIONS) BILL 2009

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

OMBUDSMAN

Report

The President tabled, pursuant to the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974, a report entitled "Report of Reviewable Deaths in 2007—Volume 2: Child Deaths", dated April 2009, received out of session and authorised to be made public on 22 April 2009.

Ordered to be printed on motion by the Hon. Tony Kelly.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

TABLING OF PAPERS

The Hon. John Robertson tabled the following paper:

Law Enforcement (Powers and Responsibilities) Act 2002—Report of the Ombudsman entitled "Review of Certain Functions Conferred on Police under the Law Enforcement (Powers and Responsibilities) Act 2002", dated February 2009.

Ordered to be printed on motion by the Hon. John Robertson.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Sustaining Native Forest Operations: Forests NSW", dated April 2009, received out of session and authorised to be printed on 29 April 2009.

STANDING COMMITTEE ON STATE DEVELOPMENT**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 33, entitled "Nanotechnology in New South Wales", tabled on 29 October 2008, received out of session and authorised to be printed on 29 April 2009.

STANDING COMMITTEE ON LAW AND JUSTICE**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 37, entitled "Review of the Exercise and Functions of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council: First Report", tabled on 30 October 2008, received out of session and authorised to be printed on 4 May 2009.

GENERAL PURPOSE STANDING COMMITTEE NO. 2**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 27, entitled "Management and Operations of the Ambulance Service of NSW", tabled on 20 October 2008, received out of session and authorised to be printed on 4 May 2009.

LEGISLATION REVIEW COMMITTEE**Report**

The Clerk announced the receipt, pursuant to the Legislation Review Act 1989, of a report entitled "Legislation Review Digest No. 5 of 2009", dated 4 May 2009, received out of session and authorised to be printed on 4 May 2009.

PETITIONS**Livestock Health and Pest Authority Rates**

Petition requesting that the Government place an immediate moratorium on current livestock health and pest authority rates, received from the **Hon. Duncan Gay**.

Program of Appliances for Disabled People

Petition requesting that future budgets for the New South Wales Program of Appliances for Disabled People be based upon the fundamental need for the timely provision of equipment, aids and appliances that are essential to improve the health, wellbeing and quality of life of people with a disability, received from **Mr Ian Cohen**.

Marine Parks, Sanctuaries and Habitat Protection Zones

Petition requesting that the Government introduce a moratorium on the creation of all new proposed marine parks, sanctuaries and habitat protection zones, and reject extensions to existing parks, sanctuaries and zones that further restrict fishing activities, received from the **Hon. Duncan Gay**.

BUSINESS OF THE HOUSE**Withdrawal of Business**

Private Members' Business item No. 3 outside the Order of Precedence withdrawn by Reverend the Hon. Fred Nile.

Private Members' Business item No. 158 outside the Order of Precedence withdrawn by Dr John Kaye.

BUSINESS OF THE HOUSE**Postponement of Business**

Business of the House Notices of Motions Nos 1 to 4 postponed on motion by the Hon. Tony Kelly.

CHRISTIAN DEMOCRATIC PARTY**Membership**

The PRESIDENT: I inform the House that the Clerk has received correspondence from Reverend the Hon. Dr Gordon Moyes and Reverend the Hon. Fred Nile concerning the expulsion of Reverend the Hon. Dr Gordon Moyes from the Christian Democratic Party (Fred Nile Group). Reverend the Hon. Dr Gordon Moyes is now an Independent member of the crossbench.

[Personal explanation]

Reverend the Hon. Dr GORDON MOYES [2.43 p.m.], by leave: Members will be aware, as the President announced, that the press has reported I have been expelled from the Christian Democratic Party: That report is true. I was expelled not because of any moral, sexual, financial or any other kind of unacceptable Christian behaviour, but because I have some views different from those of the party's leader, Reverend the Hon. Fred Nile, on recent policy and procedural changes, and because I believe the Christian Democratic Party management committee to be dysfunctional. Having views different from those of the party's leader is regarded as disloyalty, and being critical of the management committee's effectiveness is regarded as grounds for expulsion. I have had a huge sense of relief ever since my expulsion and I will continue to serve my term as an Independent until I otherwise advise this House. In the meantime, I feel free now to be more Christian and more democratic, which was not possible in the past.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Precedence of Business****Motion by the Hon. Tony Kelly agreed to:**

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

Precedence of Business

Motion by the Hon. Tony Kelly agreed to:

1. That General Business take precedence of Government Business until 4.00 p.m. this day.
2. That on Wednesday 6 May 2009 General Business take precedence of Government Business until 5.00 p.m.

HIGH-FRONT ROOF GUTTERS

Debate resumed from 26 March 2009.

Reverend the Hon. FRED NILE [2.45 p.m.]: I am pleased to continue my contribution to debate on the motion moved by Ms Sylvia Hale relating to problems caused by high-front guttering and its method of installation. I have received a number of phone calls from citizens in New South Wales whose properties have been affected by the poor installation of high-front guttering and who have informed me that the guttering has caused flooding in their homes. The callers are concerned to ensure that action is taken, and that is the purpose of the motion.

Ms Hale calls on the Department of Fair Trading to produce a circular advising all relevant building industry personnel of the necessity of complying with the Building Code of Australia and that the provision of slots in high-front guttering is not sufficient to ensure compliance. The Department of Fair Trading has issued circular FTB40 dated January 2009, which provides information concerning gutters for residential properties. The circular consists of a number of pages of diagrams and instructions to assist plumbers and others who install high-front guttering to understand how it must be installed to prevent flooding. The circular states:

The following information is a quick reference guide for NSW building professionals and consumers relating to the installation of high fronted gutters in residential homes.

It does not replace the need to ensure that gutter installation meets the performance requirements of the Building Code of Australia (BCS).

Recent Trends

High fronted gutters are popular among consumers as they hide the lower edge tiles or roof cladding. If a gutter, including high fronted gutters, overflows, it can result in water flowing back into the roof or building. If this occurs over a prolonged period it can permanently damage the internal structure and must be avoided.

That is the problem the motion seeks to overcome. On occasions, high-front guttering has not been installed properly with the result that water flows back into the roof and floods the building. The circular also states:

Prevention measures

Where a gutter overflow can cause water to flow back into a building, including into the eaves, sufficient overflow measures must be included in the design and installation of the guttering system. The installer is responsible for ensuring the gutter system has sufficient drainage, downpipes and adequate overflow measures for the expected rainfall in the area.

The circular gives examples of continuous and non-continuous overflow measures that may be used in combination with each other to meet relevant requirements. It includes a number of diagrams and instructions that I am sure any plumber would be able to follow without difficulty. That there is information available in the form of a circular to remedy installation problems presumes that plumbers have the circular, have taken the trouble to secure a copy and that the Department of Fair Trading has widely distributed the circular to licensed plumbers throughout New South Wales.

The department has also distributed a copy of the document put out by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales and dated 7 March 2008, which gives further detailed instructions on requirements for the installation of eaves gutters and includes a planning circular entitled "High front gutters", which states:

The purpose of this circular is to raise awareness and remind practitioners of the regulatory provisions applying to the design and installation of gutters.

I seek leave to table that circular.

Leave granted.

Document tabled.

I have also had discussions with Mr Ian Higgins, whose name has been mentioned in this debate. I do not think he has any direct involvement in the problem or had a role in causing the problem. Indeed, I understand that he is not involved in installing gutters at this stage. As I said, the Office of Fair Trading has been endeavouring to ensure that the circular is widely distributed. I have been advised that the Office of Fair Trading has held meetings with 16 major stakeholders dealing with this issue, including the Master Plumbers Association, the Master Builders Association, the Housing Industry Association and all major manufacturers and suppliers of high-front guttering. It has also conducted 170 seminars reaching more than 3,800 traders and consumers, asking them if they have had problems with the installation of high-front gutters. The department is also monitoring the websites of major manufacturers and suppliers to ensure that the most accurate information is available.

Information has also been published in industry journals and the Fair Trading journal *Foundation* containing the relevant information. The Department of Water and Energy has also produced an operational circular reminding all plumbers and guttering installers of their obligations to ensure that guttering complies with appropriate standards. I acknowledge the action already taken by the Office of Fair Trading to deal with this serious problem. It is clear that builders need to design a complete guttering system that allows for water that could be expected to fall in a one-in-20-years storm to be diverted away from the dwelling. High-front guttering is one component of a guttering system. I share the concern of Ms Sylvia Hale on this matter, but I believe that some of the matters she has requested be carried out have already been achieved.

Mr IAN COHEN [2.53 p.m.]: I support the motion of my Greens colleague Sylvia Hale. It is timely, given the amount of distress that high-front guttering is causing throughout the community. The Greens take an interest in many issues ranging from climate change to the most basic bread-and-butter issues—in this case, guttering. Interestingly, it is reasonable to say that guttering as a function on a house is extremely important. In terms of greenhouse issues, proper guttering and installing water tanks on site can be an effective way of augmenting water supplies, allowing people to water their gardens without extracting water from the main system. It is extremely important that guttering be set up properly, and any conservation-minded person would take great care about that.

The main issue in this debate is the impact of high-front guttering on established houses. Lack of appropriate and adequate guttering is causing damage to houses of great value; often the house is the most valuable article owned by an individual or a family. The damage caused to houses by these gutters is a serious concern. It lowers the longevity of the house and creates the need for many expensive repairs. As my colleague Sylvia Hale illustrated previously, high-front gutters can overflow. When they do so the water runs over the inside lower edge of the gutter and inside the wall or roof cavity of a house, rather than over the outside edge of the gutter. This can cause severe damage to a house, that is, damp, mould and cracking. The Greens argue that the way in which high-front guttering is designed to be installed is flawed because when water overflows high-front gutters for whatever reason there is no place for that overflow to go except over the back of the gutter and potentially into cavities, eaves and formwork.

Admittedly, manufacturers provide slots in the front of the gutters, ostensibly to cope with the overflow. However, research by Dr Sean Manning of the University of Newcastle has clearly indicated that the slots are ineffective in discharging the overflow and are inherently incapable of providing the continuous overflow demanded by the Building Code of Australia. I contend that high-front guttering systems, when installed as recommended in conformity with the manufacturer's instructions, are inherently unfit for that purpose, largely because of the limitations of the spring clips that affix the back of the gutter tightly to the fascia. It is essential that either a different method of affixing high-front gutters is devised or we revert to low-front gutters. The physical damage to buildings and the massive cost to unsuspecting consumers are too great to allow the Office of Fair Trading to continue to turn a blind eye to the havoc being wrought by condoning the current inherently unsuitable high-front gutter installation systems.

So concerned has my colleague Sylvia Hale been about this issue that she has sent to almost every council across the State a package consisting of an actual sample of high-front guttering attached via a spring clip to metal fascia, as well as detailed background information on the problems that are becoming all too apparent. Not only Greens councillors but councillors of other political persuasions have responded, called for reports and requested council officers to prepare suitable advice to be distributed to the public and building tradespeople and other professionals. This is not surprising as it is almost impossible to raise the issue in any group of people and not have at least one or two who exclaim, "So that's what is causing the damp in my

ceilings and walls. I thought I had a leak which I couldn't trace but now I know where to look." Councils that have debated the issue and called for further action include Ashfield, Auburn, Burwood, Canterbury, Cessnock, Gosford, Kiama, Lake Macquarie, Lane Cove, Leichhardt, Marrickville, North Sydney, Palerang, Strathfield, Sydney, Waverley, Willoughby, Woollahra and Wyong.

Councillors can see that the issue either affects them or their families personally or, more relevantly, they are aware of the legal ramifications of council approving or condoning systems of gutter installation that are inherently incapable of complying with the requirements of the Building Code of Australia. For the benefit of the House, I will read a few of the motions passed by councils. The motion passed by Cessnock council, which was comprehensive, stated:

1. Council's Public Relations Coordinator and Building Services Manager be requested to arrange publicity regarding the issue of high front guttering. This information is to be placed on Council's website, included in Council's page of the local newspaper, issued as media releases, and by the provision of a fact sheet in Council's Library and Front Counter.
2. A letter be sent to the Office of Fair Trading requesting that they issue a direction to all NSW gutter manufacturers and building/plumbing associations to ensure that warnings are provided to all installers and suppliers regarding this issue.
3. The Council facts sheet be included in correspondence to all relevant building development approvals.

RATIONALE

The current prevalent use of 'high front gutters' has the capacity to cause significant building damage via overflows in moments of deluge or blocked down pipes. At these times water which overflows the gutters may penetrate the building and cause internal dampness leading to rot which is not discovered for years.

The Building Code of Australia [BCA] specifically requires that buildings be constructed so as to prevent water penetration into the building. To this end, Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.

Manufacturers have been phasing out the manufacture and supply of traditional "lowerfront" gutters, with almost all new guttering installed on residential and commercial buildings being of the "high-front" design that does not provide continuous overflow but rather encourages water to overflow from the back and not the front of the gutter.

The provision of "slots" in the front of high-front gutters is not recognised by the BCA as an acceptable or adequate means of providing for overflow, because in a heavy downpour a slotted gutter may be inadequate to deal with the overflow. In fact, crossbench members have had discussions about people using some sort of can-opener device to open the gutter overflows adequately. That is not recommended as the work should be carried out by professionals. The design should be professional—and of course an unnerving number people fall from roofs and from ladders. People will be forced to climb onto their roof to rectify a problem that the professional organisations should have dealt with a long time ago.

The Australian Standards AS3500 Plumbing and Drainage Part 3 Stormwater Drainage and Part 5 Domestic Installations provides diagrams indicating that, in the case of high-front gutters, flashing may be inserted between the fascia and the back of the gutter or a gap may be left between the gutter and the fascia and gutters may also be attached lower on the fascia. The method of attaching high-front gutters to metal fascia stipulated by the major manufacturers is the use of spring clips that affix the gutter directly to the top of the fascia, and that manufacturers do not provide any means of fixing gutter to metal fascia other than spring clips. The use of the spring clips does not permit either the insertion of flashing, the provision of a gap, or the lower positioning of the gutter. A failure to install high-front gutters according to the method stipulated by the manufacturer results in the manufacturers' warranty being voided. Waverley Council's motion specifically asked council officers to investigate whether guttering in the local government area was compliant with the Building Code of Australia. The Waverley motion states:

That officers investigate and report to Council within one month on the following:

1. Amendments to the standard conditions of consent to ensure that all new approvals for building works involving new or replacement guttering strictly comply with the Building Code of Australia
2. Any potential liability in cases where Council as the PCA has approved non-compliant guttering.

BACKGROUND

Recent newspaper reports have highlighted problems associated with the early 1990s introduction of high-front guttering.

When attached to buildings, overflow water, from a number of causes, leaves, hail etc., cannot escape over the lower front of the gutter. Instead, water overflows onto the lower back of the gutter and into wall cavities. Over time, this overflow water begins to do damage to the building in a myriad of ways, flowing into wall cavities, eaves or the ceiling.

When attached according to the manufacturer's instructions(essential if it is to be covered by the manufacturer's warranty), it's impossible for the installation to comply with:

- 1) the Building Code of Australia (which specifically requires that buildings be constructed so as to prevent water penetration into the building, or
- 2) Australian Standard AS 3500 ('Plumbing and Drainage' and 'Part 5 Domestic Installations'), which specifies that eaves gutters are to be installed with continuous overflow measures that will prevent water from flowing back into the building.

There is potential for legal action from installation of non-compliant gutters, and any risk to Council should be identified.

This is a very prudent motion. It is perfectly legitimate for councils to ask themselves whether non-compliant gutters could rebound on them in terms of legal action. Randwick Council's motion was to the point:

That Council write to the relevant authority asking that the Building Code of Australia be amended to prevent defective guttering from being allowed under the Code.

Some councillors have sought advice as to the appropriate wording that should be included in conditions of consent. We need not simply to require that installed guttering comply with the Building Code of Australia but to refer to the specific sections and relevant diagrams that illustrate clearly and unambiguously what is wanted. I suggest the appropriate wording regarding roof guttering is that all new or replacement roof guttering systems shall be installed to meet the performance requirements of the Building Code of Australia, and be designed and installed in accordance with Australian Standard AS3500.3 Stormwater Drainage clause 3.2 or AS3500.5 Domestic Installations clause 5.5 so that water will not flow back into the building. The design procedure shall follow the general method of design of the eaves gutters systems flow chart, with appropriate overflow measures. Appendix G, AS3500.3, contains examples of acceptable overflow measures. I support the motion of my colleague Sylvia Hale. It is an important and well-targeted motion that will affect many people in the community. It addresses an issue that can be resolved by appropriate action on the part of the authorities, including the State Government. Their response should be dictated by the amount of damage that is being done to many houses in our community by inappropriate design. I commend the motion to the House.

Debate adjourned on motion by Mr Ian Cohen and set down as an order of the day for a future day.

CRIME PREVENTION

The Hon. TONY CATANZARITI [3.06 p.m.]: I move:

That this House:

- (a) congratulates the Government for its continued efforts to prevent crime in local communities across New South Wales,
- (b) commends the Government for its leadership in bringing together government agencies, local communities and other stakeholders to work together to reduce crime, and
- (c) calls on the Coalition to support the Government's measures to reduce crime.

Whilst crime levels in New South Wales are at historically low levels—thanks in no small part to the efforts of the New South Wales Police Force—it is good to see that the Rees Government is not resting on its laurels. The steps that this Government is taking in crime prevention are aimed at delivering even lower levels of crime and antisocial behaviour in the future. This will occur because the Government has empowered the people of New South Wales to address the issues of crime and antisocial behaviour that concern them as individuals. I congratulate the Government on developing and implementing a local approach to local crime problems through its crime prevention framework and crime prevention partnerships. It also needs to be acknowledged that this Government recognises that addressing crime is about more than just responding to crime; it is also about preventing crime in the first place.

The Government also recognises that crime prevention is more than just a police matter and that for crime prevention to be effective we need to engage local communities and work with all government agencies to target the social, economic and health issues that can contribute to crime. The Government has developed a crime prevention framework that substantially refocusses, strengthens and coordinates activities at both State and local levels that aim to reduce crime levels, deter criminal activities, increase community safety and minimise the occurrence of antisocial behaviour. The framework ensures a coordinated approach to achieving the crime reduction goals identified in the New South Wales State Plan. Under this framework, the Government

has implemented crime prevention partnerships [CPPs] in key locations across New South Wales where analysis of data provided by the Bureau of Crime Statistics and Research has identified a need to coordinate and refocus crime prevention and crime reduction initiatives.

These crime prevention partnerships bring together government agencies and local stakeholders in the development of localised solutions to local problems. The targeting of locations has been based on crime statistics in a number of key areas, and aims to address these issues through strategies developed at a local level. Those crime prevention partnerships already in operation have brought together councils, the New South Wales Police Force local area commands, other government agencies such as Housing, Education, Justice and Community Services, and local community stakeholders to develop and implement processes to address local crime and antisocial problems. The challenges facing each crime prevention partnership are different because of population demographics, the physical environment—be it rural, urban or a mixture of the two—and the fact that each area has its own particular emphasis on antisocial behaviour and crime.

At the level below crime prevention partnerships, the New South Wales Police Force is establishing community safety precinct committees in all local area commands to involve local communities in reducing crime and fear in their neighbourhoods. The precinct committees will replace the police accountability community teams, known as PACTs, and will be made up of representatives of the New South Wales Police Force, local government and local community members with an interest in helping prevent crime in their own backyard. As with the police accountability community teams, every local member of Parliament will be invited by the local New South Wales Police Force commander to join the community safety precinct committee, thereby enabling them to assist in developing a response to issues that constituents have raised.

The Government recognises that no-one is better at identifying grassroots issues in communities than the people living and working within them. Everyone has a role to play in tackling antisocial behaviour and crime. The role of the community precinct safety committees will see them coordinating local crime prevention efforts, identifying actual and potential community safety problems, developing local community safety plans, increasing community awareness of crime risk and prevention strategies, encouraging community involvement in promoting local community safety, and utilising local police services regarding early intervention programs for young children.

That framework and its associated crime prevention partnerships and community precinct safety committees are not the only initiative that the Government has introduced to address any low-level crime and antisocial behaviour that affects the people of New South Wales. Under this Government, the New South Wales Police Force has established the Bizsafe program for small businesses, which is a key component for our local communities. Bizsafe is run by the police in conjunction with NRMA Business Insurance, the New South Wales Attorney General's Department and the New South Wales Chamber of Commerce. Bizsafe serves to increase crime awareness, identification of risks and crime reporting by local businesses. At the same time, it serves to improve their skills in crime prevention and their relationship and collaboration with local police in developing strategies to prevent crime.

The Bizsafe program consists of workshops facilitated by the New South Wales Police Force crime prevention officers, who provide accurate information to business owners and operators about the types and prevalence of crime affecting their local business community. That information extends from shoplifting, burglary, malicious damage and armed robbery to internal and external fraud. The program aims to give businesses the skills to identify and assess the risks to their businesses and knowledge about strategies that can reduce the risk of their businesses being targeted by criminals. Under Bizsafe, business owners and operators can complete a business security assessment or have a New South Wales Police Force crime prevention officer attend their business to undertake the assessment for them.

As part of Bizsafe, business owners and operators are encouraged to report all crimes against their business and provide advice on ways to report crime to police. The crime prevention work that is done at the local community level is of absolute importance to the wellbeing and safety of communities. I draw the attention of members to my adjournment speech of 27 November last year, when I spoke about the impressive efforts being undertaken in my community of Griffith. In that speech I noted the good work of a wide range of agencies, the council and community groups in stabilising and addressing antisocial behaviour and crime in our community. This work includes high-profile activity such as Operation Vikings, as well as the less visible but equally important work of community groups intervening in the lives of at-risk young people and teenagers.

I have no doubts that this new initiative by the New South Wales Government will give all groups the opportunity to further hone their skills, knowledge and resource base, and I personally look forward to

witnessing the changes it will make to our communities. These Government initiatives show that we are working to improve the lives of the people we represent and tackling crime where it affects us most—in our local communities. The New South Wales Government will continue to provide the necessary resources and processes to the communities of New South Wales so that together we can make our society more secure and engender a greater sense of wellbeing. I commend the motion to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.16 p.m.]: If there is one trait that historically flags a bad government it is a penchant for self-congratulation. Just as corrupt kings throughout the ages commissioned statues and portraits of themselves to feed their swollen egos, the New South Wales Labor Government has perfected the art of the self-congratulatory motion. While Government members spent so much time patting themselves on the back, my Opposition colleagues and I catalogued their ineptitudes—and they are hardly worthy of congratulation. The latest police numbers available to the community on the New South Wales Police Force website are for November last year. Under previous police Ministers figures for the previous month were available by the middle of the following month. Under this long-discarded standard of the Government, police numbers for December, January, February, March and April should be available to the community on the website.

In November 2008 the actual number of police was 15,354, and the authorised number was 15,236. In 1995, when the Australian Labor Party came to power in New South Wales, the actual number of police was 13,006, and the authorised number was 13,007. In each of the past 14 years there has been a 1 per cent increase in police numbers. Today 55 local area commands have fewer actual police than they had at their peak in 2003, and some have in excess of 19 fewer police than they had at that time. Some of these police stations are not in sleepy little backwaters that can be dismissed because the town demographics changed and therefore necessitated and validated a change in police numbers. Having listened to the contribution of the Hon. Tony Catanzariti, members might be interested to know some of those areas.

In the Central Metropolitan Command, the City Central region has 55 fewer police than it had in 2003; Botany Bay has 48 fewer police; Harbourside, 43; Surry Hills, 43; and Kings Cross, 20. The decreases are not just in the central business district or the Sydney metropolitan area. In the North West Metropolitan Command, the Penrith Local Area Command has 43 fewer police than it had in 2003, Parramatta has 29, and St Marys has 27 fewer police. In the South West Metropolitan Command, Ashfield has 54 fewer officers than it had in 2003, Burwood has 43 and Campbelltown has 23 fewer police. In the Northern Metropolitan Command, the northern beaches region has 28 fewer police than it had in 2003. That is just a small list of stations that have lost significant numbers of police since 2003.

Today, 40 local area commands are below authorised strength. Harbourside is 23 officers below strength; City Central is 20; Northern Beaches, 19; Kings Cross, 15; Newtown, 15; Parramatta, 14; Bankstown, 14; Macquarie Fields, 13; and St George is 12 officers below strength. It is a bit rich for the Government to suggest that it is on track—that it is, to use its expression, "heading in the right direction"—when police numbers speak for themselves. Yet in this Chamber the Government gives itself a pat on the back. The Government should have used this motion to recognise the contribution made by members of the New South Wales Police Force, working with other agencies.

It was interesting to hear the Hon. Tony Catanzariti's speech, and I look forward to the contributions of the plethora of Government members who will speak to this motion shortly. I ask the Hon. Tony Catanzariti to indicate to the Chamber on what date he signed the Keep our Cops petition. I think it is important for police to know that members are not just standing up in Parliament and saying wonderful things about them but are prepared to sign the petition as an indication of their faith in and support for the members of the New South Wales Police Force.

I ask the same question of those members who will speak after me—the Hon. Kayee Griffin, the Hon. Michael Veitch, the Hon. Henry Tsang, the Hon. Amanda Fazio and the Hon. Lynda Voltz. Each of them should indicate at the outset their earnest and honest support for the police by saying when they signed the petition. That would give us a clear indication of whether we are listening to members who are simply reading prepared speeches or members who are prepared to sign on the bottom line. It is important to note that a few months ago Barry O'Farrell signed the Keep our Cops petition, as did Andrew Stoner. I have signed it, as have other members of the Coalition. Today the Government has brought on this debate so I ask the question of the Hon. Tony Catanzariti and I look forward to his answer when he replies to the debate. He should spell out where and when he signed the petition.

The Keep our Cops website says that 1,421 police have left the New South Wales Police Force since the last State election. I can tell members that there are many more in the system who are ready to go, but a cunning ploy has been used whereby those who wish to leave have been moved to a section where they are left in limbo. The intention is to slow the numbers of those leaving the force. Those who joined under the old system, prior to 1988, were previously given a rails run to leave the Police Force as the Government wanted to get rid of them. Now that the force is haemorrhaging members, the Government is trying to stem the flow of those leaving by moving them into a system that slows the process.

The Coalition supports the campaign of the New South Wales Police Association and the more than 15,000 police to obtain a decent pay rise. Many of our members have written to the Minister for Police and the Premier expressing their support for this campaign, and I do so in the context of this debate. Not only have I signed the petition but I stand today to put my support behind the rank and file police to ensure they get a fair wage for a fair day's work. We have not heard anything from the Government.

In December last year the Premier said New South Wales police had had a 66 per cent increase in pay over the past 10 years. Now the offer is 4 per cent in the first year, 4 per cent in the second year and 2.5 per cent in the third year. That will be lifted to 4 per cent if sufficient offsets in employee-related expenses are found. It is not until you drill down to what the Government means by "savings in offsets" that you get an indication of the direction in which it is going. Members might recall that not so long ago the Hon. Tony Kelly was asked in this Chamber about a reduction in the number of local area commands. He scoffed and said that once again the Opposition was making it all up. We were not making it up. We know and the Government knows that what we said then was correct. This Government is hell-bent on taking police away from communities and centralising them in ever-increasing local area command structures. For communities it means there will be a less visible police presence; for police it means they will have to patrol bigger areas. That will also mean a greater workload.

The Government is looking for offsets and that means police are being put in a position where they are being blackmailed—the offset for the pay increase—because the Government wants to reduce the number of local area commands. Yet it has been telling the community for the past couple of months that that was "an intellectual exercise"—that was the phrase used by Fran McPherson, the head of the New South Wales Police Force. I use that description advisedly because she sees herself as the third deputy commissioner in the New South Wales Police Force. She has put this plan together at the behest of the Government and she is driving it. It is also important to put on the record that I understand she continues to work out of the Premier's department while she is one of the so-called deputies of the New South Wales Police Force. It amazes me that when we have so many problems with serious crime, an increasing road toll and issues about pay disputes that someone who is the so-called third deputy of the New South Wales Police Force and the person who is supposed to look after the human resource side of policing is actually working out of the Premier's department. Of course, no-one ever talks about this, or the fact that she has moved over there to do the job on behalf of the Government.

John Aquilina is one member of the Government who is prepared to put his money where his mouth is. He has written to the Hon. Tony Kelly supporting the police. I look forward to hearing from members opposite when they speak on this motion this afternoon—and when next it comes on for debate, because I suspect it will continue beyond this afternoon—about when they signed the petition. The Opposition has not been sitting idle like the Government, fumbling in the dark trying to work out what to do next as it did in relation to the bikie problem. This afternoon I had the misfortune to turn on the Legislative Assembly in-house television channel and see the Premier rabbiting on about all the great things he has done, and is doing, in relation to bikies. Let us not forget that over the past 12 months Government members have been dragged kicking and screaming to acknowledge there was a problem with bikies. We kept being told, "No, it is fine. The legislation is the toughest in the universe. It is the strongest we have ever seen." It was not until the Government's spin stopped that its position started to fall to pieces.

After the terrible incident at the airport it needed to do something about the problem. What did the Government do? It simply picked up the recommendations and suggestions that the Coalition had made about declaring outlaw motorcycle gangs so that they could be targeted by police. The Government finally started to do something about seizing assets, as recommended and suggested by the New South Wales Coalition. It has now started to take things seriously. Until then the Government had done nothing. It really is quite shameful for the Government to oppose the suggestions put forward by the Coalition over a period of 12 months and then, after it realised it was no longer getting its message across, try to make out they were the Government's own great ideas.

I draw members' attention to the fact that when the debate on the bikies legislation began, the Hon. John Hatzistergos, the Attorney General—who is now seen as the tough guy in relation to this matter obviously because the Minister for Police is not cutting the mustard—did not even bother to stand in this Chamber and read the second reading speech. He incorporated the speech given in the other House. This is the Attorney General who is supposed to be driving the campaign to force bikies off the streets and "crush and kill" them. The fact is he incorporated the speech from the other House. There was absolutely nothing in it; it had no substance and no sincerity. The public has seen through the Government.

The Opposition, on the other hand, has continued to look at initiatives. We have recognised that there needs to be an approach to dealing with serious crime but there also needs to be an approach to day-to-day activities, whether they be antisocial behaviour or something as simple but as important as changing driver behaviour in New South Wales. The Opposition came up with the scheme to reward safe drivers. In February we announced that we would reward safe drivers by cutting driver licence renewal fees by 50 per cent for people with clean driving records for at least five years. The Liberals and The Nationals believe the carrot-and-stick approach could improve road safety outcomes. It is estimated that 1.8 million unrestricted licence holders would be eligible for the discount. A similar scheme has been operating in Victoria since 2006. Labor's position is that it simply refuses to do anything about it.

In December last year the Coalition announced that it would consolidate the highway patrol, traffic police and the Accident Investigation Squad into a standalone highway patrol State command headed by the assistant commissioner for road safety. We want to put highway patrol officers back where they are needed on our roads and streets. A centralised highway patrol State command will allow greater control over the duties that highway patrol officers can undertake and ensure they focus on road safety duties rather than regularly being called upon to fill deficiencies in front-line police support. Once again the Labor Government has refused to follow suit. At least the Commissioner of Police made Traffic Commander John Hartley an Assistant Commissioner, which was part of the Coalition's plan. However, the Government needs to go all the way; it needs to give John Hartley complete control of the Highway Patrol so he is in a position to deploy that patrol where it is needed, that is, working in local communities. The Highway Patrol should form part of a suite of measures to target road safety and errant driver behaviour.

On many occasions the Coalition has said that it supports the rollout of tasers to all front-line police. What has been the response of this Labor Government? In January, Minister Tony Kelly said that he had received an urgent report into tasers from the Commissioner of Police. So far the Minister has refused to release the report and he has refused to commit to issuing front-line police with tasers. We have all the talk but we never have any backup or substance. On 10 March newspaper reports revealed that the Minister for Police had taken a proposal to the Cabinet budget committee to issue every patrol car with a taser. However, we have still heard nothing from the Government, which somehow is suggesting that it is heading in the right direction. The Government needs to take off its blindfold and look at the direction in which it is going because clearly it is not in step with the Opposition.

In December the Minister for Police vigorously denied that the Government had a secret plan to scrap rail network transit officers. In February the shadow Minister for Transport and I revealed that a State Labor cabinet meeting to be held on 24 February would consider a four-stage plan to scrap transit officers. The four-stage plan would involve a re-creation of a revenue protection service, redeployment of officers to other sections of the public service, voluntary redundancies and, for those officers who qualified, the option of joining the New South Wales Police Force. We spelled it all out then and said that that was what the Government was hoping to achieve.

We drew a line in the sand and said that we would not accept the Government's proposal to admit transit officers into the New South Wales Police Force without them fully qualifying by completing the full course at the New South Wales Police Academy in Goulburn. We have heard nothing from the Government despite the fact that in 2007-08, 1,490 people were attacked on public transport in New South Wales. This Government is waiting for an opportunity to make that announcement, given that everybody in New South Wales—people from State Rail, transit officers and the police—knew about its proposal. The Government did not want to announce that proposal; it was waiting to do so at a time of its choosing.

I have continued to raise one important issue in this Parliament, that is, the murder of police officers. I draw that matter to the attention of members of Parliament and members of the public who have an interest in this debate. That is why the New South Wales Coalition has recommended mandatory life sentences for those who murder a police officer. The New South Wales Labor Government has voted against that recommendation.

It has said nice things about it but they are all platitudes. This Government has no answers and it is not prepared to back the New South Wales Police Force. Today we heard about the Government's plans and its new direction. Somehow its plans include the closing of police stations.

The Government talks about community-based policing, precinct committees and all the rest of it, but while people are not looking, it is going about its business of closing stations. Rockdale, Moorebank, Wallsend, Catherine Hill Bay, Annandale, Wangi Wangi, Five Dock, Leichhardt, Morisset and Stockton have all been closed by stealth. Those are just a few of the stations that have been closed. Slowly but surely police stations are being closed, or police offices are being removed and all that remains are the structures. They are not even shopfronts. At least shopfronts have somebody working behind the counter at some stage.

The Government should place cardboard cut-out cops behind the counters of these stations to make it feel good. The other day I visited Leichhardt police station—an area I am sure the Hon. Tony Catanzariti knows well—and was shocked by the graffiti on the walls of that station. I thought I would call in and see the police officers but no police officers were available at that station.

The Hon. Charlie Lynn: Did you have an escort?

The Hon. MICHAEL GALLACHER: I did not need an escort; I knew how to get there. Government members also know how to get to police stations even though they are empty buildings. It is only a matter of time before some of these police stations are boarded up and made ready for sale. Areas like Rockdale, Five Dock and Leichhardt are top dollar items for Government members. As soon as community members take their eyes off those stations police signs will be taken down and for sale signs will be put up. It is one thing for the Hon. Tony Catanzariti and those who stand by him not to sign the petition, but they can rest assured that the moment they try to sell police stations they will be exposed. We will keep the light on Government members and an eye on these police stations until the next State election.

This Government's centralised policing policy is taking police away from the community. The days of Peter Ryan are over. The model adopted by this Government under Carr and Egan was the wrong one for police and the wrong one for the community. Precinct committees and other wonderful terms that make everybody warm and fuzzy when they are announced will fail time and again because police do not form part of the communities that they are expected to police—the communities of which they want to be a part, seven days a week, 24 hours a day, not just when they bundy on at one station, drive somewhere for a couple of hours, get a coffee and drive back. The community is aware of the fact that that is not policing; it is nothing more than a façade. I look forward to hearing from the Hon. Tony Catanzariti and his colleagues that they have signed the petition and that they are prepared publicly to back a fair wage for our cops in New South Wales.

Ms SYLVIA HALE [3.35 p.m.]: On behalf of the Greens I speak in debate on the motion moved by the Hon. Tony Catanzariti. The Greens do not oppose paragraphs (a) and (b) of the motion but do not support paragraph (c). My concern in relation to paragraph (c) is that any government, and most particularly this Government, should not expect, nor should it be given, any sort of open-ended support for its law and order agenda. Unfortunately, the justice debate in New South Wales too frequently has been driven by ill-informed tabloid commentators rather than by the evidence of what works and what does not.

The Greens congratulate the Opposition on the comments of its justice spokesperson, Greg Smith, reported in January this year, that hardline sentencing and prisons policies, including those of his own party, have failed. I think some of Mr Smith's comments constitute the most important contribution to debate about the criminal justice system that has come from either the Government or the Opposition in a long time. In particular, it is worth recalling what Mr Smith is quoted as saying about the prison population and recidivism rates:

It seems to me that our prisons are full of people who suffered learning difficulties in their youth or had a deprived upbringing or have drug addiction or mental problems. There's a lot of those people in our jails. I am not excusing the conduct that got them into jail but I think that some of them need more of a kick along from the system.

He goes on to state:

I think you need to be, society needs to be, conscious of the fact that unless you do something for them after they get out of jail, the more likely they are to hurt society again and commit more crime. That's where my pragmatic view comes in. Our recidivism rates are far too high and this harsh line that we have been taking, with the Government almost proud of the size of the prisons, and proud to build more, in my opinion, shows a lack of care for people in prisons, their families and the community generally, because it is short-sighted.

I will come back in due course to the issues that were raised by Mr Smith but first I would like to comment on the crime figures and what they reveal. The quarterly crime statistics released by New South Wales Bureau of Crime Statistics and Research shows statewide trends over the 24 months to September 2008 and indicate that 16 of the 17 major crime categories were either stable or falling, with decreases of between 4 per cent and 26 per cent recorded in assault, armed robbery, domestic violence, break and enter, motor vehicle theft, and stealing.

The only major category of crime to show an upward trend was fraud, with a significant proportion of the increase reflecting an increase in petrol station fraud, that is, people driving off without paying for their petrol. There were a number of increasing trends outside the 17 major categories, including drug possession, offensive conduct, breach of bail conditions, and transport regulatory offences. The bureau makes the observation that the upward trends in illicit drug offences are likely to reflect a combination of increased illicit drug use and increased drug law enforcement, while to a large extent the increases in offensive conduct, breached bail conditions, fail to appear, and transport regulatory offences are likely to be driven by policing activity. No doubt those figures are encouraging. The Government deserves congratulations on its contribution to the reduction in crime in New South Wales. Members of the New South Wales Police Force also deserve credit for their contributions to these positive trends. However, I suggest that although government legislation and police activities have made a contribution, the major drivers of these trends were the low unemployment rate and growing incomes characteristic of the period.

Ample evidence shows that most people prefer to make an honest living in a secure job than resort to crime. Most blue-collar property crimes—such as break and enter, stealing from a vehicle, stealing from a person, and driving off without paying for petrol—appear to be driven by economic circumstances rather than a perverse desire to steal other people's belongings just for the thrill of it. On the other hand, white-collar property crime—such as fraud—is less easily attributed directly to economic hardship and more often results from gambling, substance addiction or just plain greed. In that light, it is interesting to note that blue-collar property crimes have been declining while white-collar property crimes and crimes relating to drug addiction have been increasing.

This supports the view that economic circumstances are the major driving force behind these trends. Those crimes that people usually are driven to by economic disadvantage have declined as unemployment has fallen and incomes have risen. This co-relation will have serious implications for the next few years. No doubt in recent years the Government and the police have taken a tougher stance against lower-level crimes. The bureau's observation that the increases in offensive conduct, breach of bail conditions, fail to appear and transport regulatory offences are likely to be driven to a large extent by policing activity acknowledges that the police have been more active in chasing up those who do not meet their bail conditions or do not appear in court.

The result from the combination of this increased policing activity and increased difficulty in gaining bail under the Government's harsher bail laws has been growth in the prison population. According to the annual report of the Department of Corrective Services, the New South Wales prison population increased from an average of 8,367 in 2003-04 to 9,634 in 2007-08—about a 15 per cent increase over that four-year period. Not only are more people incarcerated in New South Wales prisons, but this State has the highest re-incarceration rate of 43.5 per cent compared to the national average of 38.4 per cent. This Government now locks up more of its citizens and more often than any government since we were a penal colony.

The increased population in adult and juvenile centres places an enormous strain on the provision of programs for inmates and former inmates; it is hardly surprising that recidivism rates are so poor. As the economic situation rapidly deteriorates the Government faces the problem of what to do about the burgeoning prison population. If, as expected, we see a resurgence in blue-collar property crime in response to a rapid deterioration in employment and incomes, exactly what proportion of the population is the Government willing to incarcerate? On 8 December 2008 Malcolm Knox and Edmund Tadros reported in the *Sydney Morning Herald* that inmate numbers in the State now exceed 10,000 and are forecast to reach 12,300 by 2015, with predictions that a new prison will be required every two years. The *Herald* reported that each prisoner costs the State about \$73,000 each year and, according to the latest Auditor-General's report, the total cost of Corrective Services was \$883 million in 2007-08. The *Herald's* story quotes Premier Nathan Rees saying that he was determined to continue to pursue the State's lock-'em-up policy:

The advice to me is we have still got 500 cells empty, I don't mind if we fill them up, and if we fill them up and have to build another jail, we will build another jail.

This is in stark contrast to the more intelligent and considered contribution from Mr Smith, to which I referred earlier. Clearly, the Premier is proud of locking up a record number of his fellow citizens, most of whom, it should be noted, are from the working class that the Labor Party is so fond of claiming it represents. As the global financial crisis impacts on the State's jobless figures, the question for the Government is: How many people is it willing to lock up and at what economic and social cost?

The Greens' view is that the deteriorating economic situation makes it urgent for the Government to consider an alternative strategy. The Drug Court is one such successful strategy and the Government should look to extending it and adopting other proven mechanisms for alternative and more effective forms of justice to incarceration. The other issue these figures raise is the clear message, yet again, that the Government's policy of treating drug abuse as a policing issue rather than a medical and social issue continues to fail. The figures show a significant increase in arrests for the possession of drugs—no doubt due to increasing usage and high-profile police actions like the now routine sniffer dog harassment of people in pubs, clubs, theatres, trains and walking down the street—but no increase whatsoever in convictions for drug production and distribution.

This demonstrates that the Ombudsman was right to question whether the sniffer dog program ever was likely to lead to any increase in arrests for drug manufacture or dealing, rather than for simple possession. These crime figures make it pretty clear that the sniffer dog program is little more than a high-profile program of police harassment aimed predominantly at young people attending music concerts that has been completely ineffective in lowering either drug use or distribution but has resulted in a large number of otherwise law-abiding young people being given a criminal record.

The Government may consider that a success of its law and order public relations agenda, but I question whether it is successful in costs compared to the benefits to our society. The Government has shown a willingness to explore alternatives such as the Drug Court and heroin injecting rooms to determine if they work in reducing drug abuse and recidivism. Where they have worked they have continued to operate, and for this the Government should be congratulated. These figures show that street level harassment of mainly young people by random public sniffer dog searches does not work, yet the Government ignores that evidence and continues the program.

In the light of these figures the Government should reassess and realign its drug abuse strategies. Harm minimisation for users should be the Government's priority. Drug manufacturers, importers and dealers should be the focus of policing efforts. Overall, the crime trend figures are positive, but they raise serious questions for the Government about the implications of the economic downturn, the social and economic costs arising from public relations-driven rather than strategically directed policing activities, the criminalisation of drug possession and the rapidly escalating incarceration and re-incarceration rates. The Greens welcome the positive contribution of the Opposition's shadow Minister for Justice in trying to raise the level of the debate.

The Greens continue to call for a criminal justice system that protects the community in the immediate and long term, requiring properly and independently evaluated evidence-based programs that are considered objectively rather than through the prism of the more ill-informed tabloid parrots who seek to dictate justice policy.

The Hon. KAYEE GRIFFIN [3.49 p.m.]: I also congratulate the Government on taking steps to bring about a broad and inclusive approach to crime prevention in our community. More and more we are hearing about the stresses placed on communities through antisocial behaviour and crime. Victims of crime suffer greatly, as do their families and the families of offenders. Crime also impacts on the wider community as a whole. Through better cooperation, the more complex economic, social and health issues contributing to crime can be addressed in a more effective manner.

In one far-reaching step, the crime prevention framework will go a long way to re-establishing our communities as places in which people may live without the fear of thugs and criminals. While criminal justice approaches are important, the crime prevention framework is also aimed at working towards crime prevention through changes to services and facilities, and changes in the physical environment in targeted areas. Crime prevention programs can be difficult to coordinate effectively across various agencies and stakeholders, so a need has arisen to substantially refocus and strengthen the coordination of crime prevention initiatives.

Reducing and preventing crime is not simply the responsibility of the New South Wales Police alone, but rather requires a coordinated effort between community stakeholders, police and government agencies. The various factors contributing to criminal activities are complex and challenging, and crime prevention strategies

must employ a range of initiatives in order to address the challenges. As a formal partnership between relevant agencies and stakeholders, crime prevention partnerships play a vital role in coordinating crime prevention planning in targeted areas across New South Wales.

Combining resources, joint decision making and coordinated responses to criminal behaviour is vital in the effort to stamp out antisocial behaviour and crime across New South Wales while at the same time reducing red tape and avoiding the duplication of activities unnecessarily. Crime prevention partnerships foster cooperation between government agencies, local businesses, community members and police to join in a concerted effort to meet the challenges of crime prevention head-on. These partnerships assist in developing and implementing local crime prevention approaches and in addressing key issues contributing to these behaviours.

By using local stakeholders to provide a local perspective through crime prevention partnerships, police will be better placed to develop solutions appropriate to each area to the problems of hoodlum behaviour and crime by addressing local issues that are unique to each community. Now more than ever, with areas of New South Wales experiencing high population growth, it is vital to consider the role of the community and other local stakeholders to create pioneering approaches to crime prevention. Crime prevention partnerships are a prime example of the Government's commitment to ensuring the safety and security of its citizens through innovation and dedicated support and resources.

It is important to recognise that other stakeholders can bring additional resources to crime prevention, rather than just relying solely on police resources. For instance, councils, through their by-laws and judicious use of powers such as the proclamation of alcohol-free zones, can go a long way towards stopping drunken hooligan behaviour on the weekends. I am pleased that the Government recently introduced a new suite of measures involving the application of further sanctions to ensure that drunken louts cannot flout the licensing laws in pubs and hotels. These measures can be particularly effective when combined with a cooperative approach by local businesses, such as pubs, hotels and fast-food outlets.

Measures such as replacing glasses with plastic cups in problem venues, altering the operating hours of licensed premises to reduce alcohol-related antisocial behaviour and using new powers under the new liquor laws to close problem premises will aid in addressing some of the common alcohol-fuelled crime across the State. Along with these measures, other steps to reduce the opportunity for crime and antisocial behaviour can be implemented through the cooperation of local community members, businesses and authorities, such as the rescheduling of transport services to stop people loitering around licensed premises as well as improving lighting and closed-circuit television coverage around nightspots.

The role of crime prevention partnerships will be to bring groups together and ensure that all parties are aware of the steps that are being taken as well as how best to contribute. Communication between various stakeholders regarding the planning and implementation of crime prevention strategies will be vital in combating antisocial behaviour effectively when that occurs in educational facilities, retail, or recreation areas. Crime prevention partnerships bring together a range of knowledge, skills and experience and can be useful in developing a new or improved approach to addressing crime when previous initiatives have failed.

There is a range of benefits to the community in implementing crime prevention partnerships. Coordinating the resources available in order to respond to a specific crime problem maximises the impact of crime prevention efforts through utilising resources in a more effective manner. In turn, this allows for a more successful outcome than one agency could achieve on its own. A local approach to a local problem is easier to achieve through the implementation of crime prevention partnerships by partners providing a range of perspectives to tailor crime prevention measures to specifically suit the local context. Crime prevention partnerships also provide for increased community involvement and engagement. Through accessing local knowledge and resources, locally based networks allow for an increased community involvement in decision-making processes, along with the implementation and evaluation of crime prevention strategies.

As my colleague has mentioned, Community Safety Precinct Committees will be formed through the local police commander comprising representatives from local councils, key government agencies and local stakeholders, including the duly elected parliamentary representative as a formal community consultative arm. Community Safety Precinct Committees will provide a forum where information can be shared, specific local concerns can be identified, and issues can be addressed within a local context with the aim of reducing crime in communities across the State. As well as this, community involvement in the formation of strategies combating criminal behaviour will also provide community members with a sense of responsibility for, and pride in, the

areas where they live. I believe that the people of New South Wales will strongly contribute to this process of crime prevention in their community wherever crime prevention partnerships and Community Safety Precinct Committees are established.

Innovation in crime prevention and record police numbers are benefiting this State more than ever before, and for that we can thank this Government. Community crime partnerships demonstrate an inclusive approach to addressing criminal activity and antisocial behaviour. This is another example of the commitment of the Rees Labor Government to improving the safety of communities in this State.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.56 p.m.]: The Rees Government understands the importance of building strong links with the community to prevent crime. In late January this year the community of Sydney's Chinatown welcomed the Minister for Police to our thriving and vibrant precinct. The Minister for Police, the Hon. Tony Kelly, made the visit to reinforce the already strong link that the Government has with the Chinese community in New South Wales. The Minister wished the community "Gōng Xǐ Fā Cái" for good luck and prosperity to all. Many leaders of the Chinese community in New South Wales attended that day along with police officers from the local area command. Accompanying the Minister for Police was Superintendent Michael Fuller, the local area commander of City Central command.

At the meeting, both Minister Kelly and Superintendent Fuller assured the community leaders present that if crimes are being committed City Central police will be there to enforce the law. The community of Chinatown takes very seriously these messages of assurance and goodwill, as Chinatown and adjacent Darling Harbour are popular with both local people and overseas visitors. The Chinatown precinct is also host to and provides accommodation for a large number of overseas students. The New South Wales Police understand that the Chinatown community is a partner not only in crime prevention but also in keeping Chinatown safe.

The relationship between the community and law enforcement agencies must remain strong. Recent statistics for the City Central Local Area Command provided by the Bureau of Crime Statistics and Research are very encouraging. Over the past 24 months robbery with a weapon not a firearm decreased 34.7 per cent, breaking and entering a non-dwelling decreased 15.4 per cent, stealing from a motor vehicle decreased 15.4 per cent and stealing from a person decreased 19.9 per cent. These trends are apparent in many communities throughout New South Wales, which shows that the cooperative approach to community policing by the New South Wales Police and the Rees Government is working.

The community of Chinatown feels safe on the streets and safe to concentrate on business. We are all living in difficult financial times, but the Rees Government is assisting in stimulation of the economy by the provision of huge infrastructure. Through the Government's crime prevention initiative, small businesses have a great opportunity to flourish and to play their part in our economic recovery.

In the Chinese calendar, 2009 is the year of the Ox. It is said that during the year of the Ox prosperity will come as a result of hard work and commitment. The Rees Government understands this and is rolling up its sleeves to get the job done, unlike the Opposition. Members opposite do not have any policies and they do not work. The hardworking men and women of the New South Wales Police Force are working hard every day, patrolling our streets, making the community safe and proactively preventing crime. Relationships are being built all the time. We are also blessed with a diverse Police Force that can relate to the community it serves. By strengthening the bonds between the community and the Police Force, people are much more inclined to report incidents of suspicious activities. I tell people all the time: If you see something going on that you think should not be happening, or if you think that something is suspicious, pick up the phone and call the police.

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

QUESTIONS WITHOUT NOTICE

HIGHWAY PATROL OFFICER NUMBERS AND ROAD SAFETY

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Minister for Police. Why does the Minister continue to allow highway patrol officers to be diverted from their core road safety duties to participate in operations and task forces targeting criminal activity at a time when the State's road toll has increased by 35 per cent, compared to the same time 12 months ago? How will the Minister address the emerging crisis in road deaths?

The Hon. TONY KELLY: Once again the Leader of the Opposition is misguided. All police officers have a responsibility to respond to incidents on our roads.

The Hon. Michael Gallacher: What about prevention? What about talking about prevention, stopping it happening in the first place?

The PRESIDENT: Order! The Minister has the call.

The Hon. TONY KELLY: Dedicated highway patrol police are highly trained and skilled officers whose duties include enforcing traffic laws and prosecuting traffic offences, deterring inappropriate driving behaviour, maintaining or restoring the safe and free flow of traffic, and the provision of traffic-related education and community awareness programs. The New South Wales Government has committed to an additional 50 highway patrol officers in this term of Government. This will build on the extra 100 officers who have already been allocated to the highway patrol from the January 2007 New South Wales Police Force intake. I am advised that as of February this year there were 1,022 highway patrol officers across New South Wales, compared with 952 in July 1994. It is worth bearing in mind that highway patrol officers are now deployed more strategically and supported by more sophisticated technology and intelligence. It is also worth having a look at the Opposition's view on highway patrol policing and policing in general. In the latest media release the Leader of the Opposition showed again that he is out of touch with modern policing. His policing methods are more than a decade old. He suggested that policing responses have some sort of priority ranking, that is, choosing which case is more important on a daily basis. He said:

Deaths on our roads must be considered a higher law enforcement priority than settling the ongoing violent dispute between the outlaw motorcycle gangs and other organised criminal enterprises.

It is unbelievable that the Opposition thinks the police are only able to do one thing at a time.

The Hon. Michael Gallacher: Why did you send the highway patrol back on full time during Easter? Only because we raised it!

The Hon. TONY KELLY: The Leader of the Opposition has continually talked down the hard work of the highway patrol officers attached to Strike Force Raptor who are cracking down on outlaw motorcycle gangs. I can assure the House that the highway patrol officers attached to Strike Force Raptor are having a significant impact on stopping the criminal activities of our bikie gangs. They are also continuing to take dangerous and reckless drivers off our roads. That is right. While the Opposition talks down their efforts, the highway patrol officers are continuing to make our streets safer. For example, I am advised that at 12.15 a.m. last Saturday highway patrol officers attached to Strike Force Raptor detected a car travelling at 169 kilometres an hour in a 100 kilometres an hour speed zone on the M7. They pulled over the driver and issued him with an infringement notice for exceeding the speed limit by more than 45 kilometres an hour and his licence was immediately suspended. In fact, officers from Strike Force Raptor have conducted 65 vehicle stops and 56 random breath tests, searched 6 vehicles, and issued 27 speeding infringements and 25 traffic infringements. For the Opposition to dismiss the good work of the highway patrol officers attached to Strike Force Raptor simply to get a headline is deplorable.

OUTLAW MOTORCYCLE GANG LEGISLATION

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Police. What action is the Government taking to support front-line police in their ongoing crackdown on outlaw motorcycle gangs?

The Hon. TONY KELLY: The Rees Government continues to support the New South Wales Police Force with the resources and powers it needs to smash criminal gangs and put an end to their violent crimes. In 2006 we introduced tough anti-gang legislation to allow the police to tear down fortifications on clubhouses and to prosecute gang members and their associates involved in organised crime. When Parliament last met we introduced further legislation to smash those bikie gangs apart.

The Hon. Michael Gallacher: You didn't want to. Come on, be honest.

The PRESIDENT: Order! The Leader of the Opposition will cease interjecting.

The Hon. TONY KELLY: The Crimes (Criminal Organisations Control) Act allows the Supreme Court, on application from the Commissioner of Police, to declare gangs as criminal organisations and to make it an offence for their members to associate.

The PRESIDENT: Order! Members should respect the Minister's right to speak in this House. If members continue to be disruptive, the Chair may need to resort to other measures to maintain decorum.

The Hon. TONY KELLY: We introduced new powers to stop gang members holding licences or working in high-risk regulated industries—industries such as the liquor industry—as private inquiry agencies or in the motor trades. These laws will effectively crack down on gang members who try to use legitimate businesses to launder their proceeds of crime. The New South Wales Crime Commission can also take action to seize the assets belonging to anyone suspected of being involved in organised crime. When we introduced these new laws a few weeks ago the Premier made it clear that if Commissioner Scipione needs some refinement to the laws we will do it. That is why we are introducing a second phase of tough anti-gang laws.

The commissioner has asked us for the power to use information gathered using surveillance devices in applications to declare gangs as criminal organisations. Taken care of! The commissioner has asked us for substituted service of control orders to gang members so the police can get on with the job of chasing crooks, not chasing paperwork. Taken care of! The commissioner has asked us for a new type of search warrant for use in organised crime investigations where police can act on reasonable suspicion of criminal activity. Again, taken care of! We are introducing those laws this week. The legislation comes in addition to the resources we have already provided to the New South Wales Police Force. On 27 March this year Commissioner Scipione set up Strike Force Raptor, a high impact, proactive, strategic policing response to the violence and crime perpetrated by outlaw motorcycle gangs and their associates.

As of late this morning Strike Force Raptor officers have made 69 arrests and laid 147 charges. They have executed 12 search warrants, seizing 15 firearms, and laid 39 firearms and weapons-related charges. There is more on the way. Police attached to Strike Force Raptor have also seized quantities of illegal drugs and cash, and gathered valuable intelligence on bikie gangs. The hardworking, dedicated and talented officers of Strike Force Raptor have achieved fantastic results in such a short time. I congratulate the commander of Strike Force Raptor, Detective Superintendent John Alt, and the Raptor officers on a job well done. I have no doubt that we will see more success from Raptor and other strike forces in the future. The Government and the New South Wales Police Force will not rest until these outlaw bikie gangs and other organised crime gangs are brought to their knees. [*Time expired.*]

PARKES HOSPITAL REDEVELOPMENT

The Hon. DUNCAN GAY: I direct my question to the Minister for Health. On 6 April 2005 Premier Morris Iemma said that the Government stood by its commitment of November 2004 that planning for the redevelopment of Parkes Hospital is expected to occur during 2006, with a view to beginning construction in 2007. Will the Minister tell the House why 4½ years on we have not seen any sign of planning or construction? Given that on ABC Central West Radio the Minister said that no decision has been made about when the new hospitals will be built in Parkes and Forbes, why has he gone back on the Government's commitment? What is the Minister's response to the comments made by the mayor of Parkes that the Parkes shire community is absolutely sick and tired of bureaucratic mumbo jumbo?

The Hon. JOHN DELLA BOSCA: The Government has a structured and strategic approach to the planning and delivery of Health capital works. The final form of any capital project is the result of careful research and investigation, and that includes extensive consultation with the community and relevant clinicians. Since 1995 the process has delivered more than 50 major hospital projects and the Government has invested more than \$5 billion in Health capital works for the New South Wales public health system. This Government has upgraded or rebuilt almost every major hospital and emergency department in New South Wales. The Government recognises the desirability and the local commitment to the development of new Health facilities in the Lachlan Valley, something that is reflected in the forward capital works planning.

All capital works proposals are, of course, subject to a careful analysis and evaluation and objective prioritisation processes. Every member of this House would have a request for a capital project in an electorate across this State, or at least should have. Every year, as the Deputy Leader of the Opposition knows, difficult choices have to be made about which projects are undertaken within the available budget. For this reason it is not possible to give a time frame for future works. Construction can only commence once funding has been approved. Funding is announced annually, as the member is absolutely aware, as part of the State budget.

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's answer, will he or will he not build Parkes Hospital this term?

The Hon. JOHN DELLA BOSCA: I refer the member to my previous answer. The simple fact is that the Deputy Leader of the Opposition requires transparency and honesty of the Government. I could not have been more transparent or honest in my answer.

BUS ROUTE 311

Reverend the Hon. Dr GORDON MOYES: My question is directed to the Minister for Health, representing the Minister for Transport. Is the Minister aware of proposed changes by the State Transit Authority to the 311 bus route that will have serious ramifications to the residents of Woolloomooloo, Potts Point, Kings Cross, Darlinghurst and Elizabeth Bay? Is the Minister aware that the revised 311 bus route will remove direct access to William Street, Circular Quay and Central Station and eliminate three important bus stops that will leave many elderly and disabled residents without direct access to public transport? Given that the proposed changes will have significant impact upon the environment, public safety and tourist amenity, will the Minister indicate if he will reverse the decision of the State Transit Authority and retain the current 311 bus route?

The Hon. JOHN DELLA BOSCA: The member's question in relation to the 311 bus route is detailed. The answer from my perspective, representing the Minister for Transport, is that I am not aware of changes to the 311 bus route. I am certain that the Minister for Transport will be aware of that and of all the issues involved. I am sure he will provide an answer at his earliest convenience, which I will provide to the member.

SYDNEY POWER FAILURE

The Hon. HENRY TSANG: My question is addressed to the Minister for Energy. Following the recent power outages in Sydney, what action is the Government taking to ensure the reliability of the State's power supply?

The Hon. IAN MACDONALD: The State Government is taking strong action on this vital issue to the people of Sydney. We are currently rolling out a five-point plan, a comprehensive raft of measures that will comprise the biggest energy program in the State's history and complement the measures already in place that makes Sydney's energy supply one of the most reliable in the world. The five-point plan combines billions of dollars of investment with tough new energy laws and best practice guidelines to ensure that the people of New South Wales have a secure, efficient and reliable electricity service. Already a series of major projects are well underway, right across the State, to put in place the infrastructure needed for major economic growth in the future. The Government is investing almost \$16.7 billion in capital expenditure over the next five years to ensure that around one-third of the State's electricity infrastructure will be replaced, renewed or upgraded.

In Sydney, Energy Australia and the Government are investing \$800 million in the CityGrid project, which will complete the city west cable tunnel and will build three new major zone substations. The Government is also linking Lane Cove to the central business district with 10 kilometres of fibre optic cable, as part of a multimillion dollar project, which will provide next generation protection equipment for the four major transmission cables into the northern part of the city. I also inform the House the city north zone substation will be fully operational at the end of 2010. This will be the biggest zone substation ever for the city. When fully connected it alone can supply 25 per cent of the city's power needs. It will be connected with 50 kilometres of transmission lines via six kilometres of underground tunnels—this means these cables will be protected from cable digs by contractors, like we saw last week. Once this network is complete, our city's electricity network will be the most secure of any city in Australia and up there with the best in the world—equal with New York, Chicago and Paris.

While the Government is building this long-term project it is taking extra steps to protect the central business district electricity supply. EnergyAustralia has doubled its patrols on major transmissions cables feeding the central business district. Security guards have also been deployed to act as extra spotters on these major cable routes and will report any activity to EnergyAustralia. Specialist operators are stationed at key substations and switching yards as an extra precaution. The Government will also put in place tough new laws to protect its vital electricity cables, and increase penalties for those who fail to comply. I point out that the cause of two of the three recent outages was contractors damaging underground cables. In the first instance, on the afternoon of Monday 30 March, which blacked out the central business district, the damage may have occurred up to 10 years ago, with no report ever being made to EnergyAustralia. Just last week, a contractor accidentally drilled straight into a 132,000 KV line at North Sydney causing another blackout. He was lucky to survive.

The Government is taking action. It is strengthening the Electricity Supply Act to make it compulsory for anyone planning excavations to contact the Dial-Before-You-Dig information line for advice on cables in their area. Contractors will be required to work in strict accordance with the information received and established industry practice. Under the proposed changes, it will become mandatory for people to notify the electricity networks if they have damaged a cable. Any person who damages vital electricity cables could face criminal charges or negligence proceedings, especially if they have not sought advice through the Dial-Before-You-Dig hotline. In addition, it will require all government buildings and infrastructure to regularly test and prove back-up power systems are working and it will be putting in place a best practice program for private sector central business district landlords. The five-point program represents a multi-pronged strategy to secure our vital electricity supplies and economic growth for the people of New South Wales.

ADVANCED MEDICAL INSTITUTE PTY LTD

Reverend the Hon. FRED NILE: I direct my question to the Minister for Health, representing the Premier. Is the Minister aware that Advanced Medical Institute Pty Ltd [AMI] has come under investigation from both the New South Wales Office of Fair Trading and the Victorian Consumer Affairs for misleading advertising and dishonest contracts that have led to the ill health and financial exploitation of many of its customers? Is the Minister aware that the Australian Competition and Consumer Commission [ACCC] took legal action against AMI, which was convicted in August 2006 of misleading and deceptive conduct under section 52 of the Trade Practices Act? Is the Minister aware that in 1996 Mr Jack Vaisman, founder of AMI, was acquitted by the Court of Criminal Appeal, on a technicality, of importing unregistered drugs? What action will the Government take to protect the health of emotionally vulnerable men and women in this State from the current exploitive advertisements and actions of AMI?

The Hon. JOHN DELLA BOSCA: Other than the media reports that Reverend the Hon. Fred Nile referred to, I have no further knowledge of the activities of the Advanced Medical Institute or the individuals associated with it. I will consult with the Premier, however, I believe the Minister for Fair Trading is the most appropriate Minister to deal with this question, and I will ask her to respond as soon as possible.

STATE REVENUE

The Hon. GREG PEARCE: My question without notice is directed to the Treasurer. Does the Treasurer recall his statement last September, soon after becoming Treasurer, that "Our revenue—particularly receipts from stamp duty—is falling, and we need to adjust our expenses accordingly"? Does the Treasurer recall also his acknowledgement that expenses growth faster than revenues has been a fundamental problem in the New South Wales budget? Given that in the November mini-budget he projected an increase in expenses of more than \$1.1 billion, just five months after the budget, and he projected a further blow-out of expenses of more than \$680 million in the mid-year review in December, will he explain to the House the action he has taken to ensure that, as he stated in the second paragraph of the mini-budget overview, "the increase in expenses has been curtailed to a large extent"?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his interest in this matter and I welcome his question. Obviously these are very challenging times for the State. Indeed, every government in this country and internationally is finding the same challenges. The situation is caused by the global financial crisis. The Opposition may laugh about it, but we have seen such deterioration right around the world; economies are suffering. The International Monetary Fund and the World Bank have made new forecasts about the contraction in the global economy. Recently there have been comments by the Federal Treasurer, Wayne Swan. Last week at the Council of Australian Governments he clearly outlined the challenges and the increasing deficit faced by the Federal Government. I totally understand what Wayne Swan was referring to when he said that the forthcoming budget would be the most difficult budget ever framed by a government because of where we stand in this global financial crisis or, effectively, in this world recession.

Indeed, we are facing the worst economic situation in the past 75 years. It is within that framework, and in the national and international environment, that the Government is framing its budget. Of course, the budget will deal with issues of falling revenues. A large part of our revenues are derived from land transfer duties, which the Hon. Greg Pearce has acknowledged. Of course, there is also the goods and services tax. We are seeing a massive shrinkage in goods and services tax numbers and at the same time a reduction in payroll tax.

The Hon. Greg Pearce: How much?

The Hon. ERIC ROOZENDAAL: The member will see that in the budget soon enough. That decrease places major challenges on the New South Wales Government and its budget, and the way that the budget is framed. However, I assure members that the Government's priority in the budget will be jobs; it will be about supporting and protecting jobs in New South Wales. The major impact on the economy of the United States of America has already been seen; millions of people out of work this year alone. That impact has been experienced right around the world. Seven out of our 10 trading partners are already in recession, with big blow-outs in their unemployment numbers. The New South Wales Government is about framing the budget to protect jobs in New South Wales, and it will continue to do that.

SWINE INFLUENZA

The Hon. EDDIE OBEID: My question is addressed to the Minister for Health. Will the Minister advise the House what precautions the New South Wales Government has taken to safeguard the community against human swine flu?

The Hon. JOHN DELLA BOSCA: I thank the member for his ongoing interest in public health. No cases of human swine influenza have been confirmed in New South Wales or Australia to date, but it is important for communities to remain vigilant. The latest data from New South Wales Health indicates that 269 people have been assessed by public health experts as meeting the definition of a suspected case of human swine influenza and 250 have been cleared. Currently, 19 people meet the definition of a suspect case. Australia has good communicable disease surveillance and control systems in place to detect and respond to outbreaks of illness. Regular meetings of Commonwealth and State senior health officials—the Australian Health Protection Committee and the Communicable Diseases Network Australia—have occurred to ensure a coordinated national response.

New South Wales Health continues to work closely with the Commonwealth and provides information about the influenza outbreak through the media and by direct communication to public health units, clinicians and laboratories. In addition, New South Wales health professionals are working with our Commonwealth counterparts at the Sydney international airport to assess sick travellers who are detected in aircrafts by thermal scanning or via their health declaration card to determine if they meet the case definition of human swine influenza. A team of doctors, nurses and public health officers are rostered to cover the arrival of passengers at the airport, on the ready to undertake immediate assessment of travellers.

The collective effort is being coordinated from a special operations centre at New South Wales Health's head office in North Sydney, which is staffed by public health and logistic experts as well as the New South Wales chief health officer and the director of communicable diseases. In addition, information has been specifically developed and distributed to schools, childcare workers, government agencies, businesses and, of course, our area health service managers and staff to advise that healthcare facilities should monitor their healthcare workers for any who may meet the case definition for human swine flu. All emergency departments across the State are alert for cases of human swine influenza.

The Australian Government's chief medical officer has alerted all general practitioners in New South Wales of the situation. Regular updates are being issued to general practitioners. New South Wales Health has also issued instructions on appropriate laboratory testing for swine influenza to New South Wales healthcare workers and emergency departments. New South Wales Health will continue to monitor the situation carefully and will collaborate with the Australian Government to issue public health advice as necessary.

Today marks Clean Your Hands Day, the World Health Organization's global call to action on hand hygiene. Given that we are in the midst of a human swine flu outbreak, this is a timely message as hand hygiene is essential in preventing the spread of infection. Today I had the pleasure of visiting Sydney Hospital to announce that New South Wales and the Commonwealth have joined forces to roll out a new hand-hygiene program in the State's public and private hospitals. The aim of the national three-year program is to halve the rate of hospital infections. Hospital staff will receive training and a special observation team will be appointed at each hospital to monitor hygiene levels. Our health professionals are to be commended for the way they have handled this flu outbreak. It is important for people to remain cautious and vigilant not only to human swine flu but also to the regular bout of seasonal influenza, which is almost upon us.

URBAN ENCROACHMENT ON SYDNEY BASIN FARMLAND

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. I raise the issue of farmers in the Sydney Basin who are from culturally and linguistically diverse [CALD] backgrounds who, in

some instances, are facing significant exploitation and hardship due to the lack of secure legal rights in their agricultural activities. Does the Minister have any information on farmers from culturally and linguistically diverse backgrounds occupying properties under leasehold agreements who have been evicted from the land after having invested significant sums of money on farm infrastructure? Will the Minister advise how much prime agricultural land will be swallowed up by the urban encroachment of the South West Growth Centre and what efforts have been made by New South Wales government departments to explain legal rights to those farmers impacted by the growth centre?

The Hon. IAN MACDONALD: I note that this morning a Sydney Food Fairness Alliance Summit was held at Parliament House. Unfortunately, due to prior commitments, I was unable to attend, but I have attended a number of meetings of Sydney Basin farmers. The Sydney Basin is a very important agricultural part of New South Wales with production in the order of \$1 billion a year. Many people forget the size of the production that occurs in the basin. On numerous occasions I have made it clear that, in my view, we need to maintain and enhance our rural production within the Sydney Basin for a whole range of reasons. The most important reason is that it would be a bad idea to convert the whole of the area from the mountains to the sea into tar, macadam and concrete. I have adopted that position on numerous occasions.

I am aware of some problems that some of the ethnic farmers in the basin have and we have attempted to address them in the Department of Primary Industries with the appointment of a number of officers from non-English speaking backgrounds, who are essentially extension officers, to work with members of those communities across a broad range of agricultural and other issues to try to assist them. I have not heard specifically of the lease problem that the member has raised and I would not mind receiving some information in relation to it. It is probably a bit out of my field but I would appreciate receiving the information to see what can be done about it. Clearly we have to take into account in future that there is a significant amount of prime agricultural land in the basin that is being productively used. As well as being productive, it also provides significant green space throughout the basin to enhance the area. I am happy to look at the issues raised by the member.

GENERAL GOVERNMENT LIABILITY MANAGEMENT FUND

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Treasurer. Does the Treasurer recall claims by a former Treasurer, Michael Egan, that the General Government Liability Management Fund, our State's future fund, was set up in June 2002 to protect the future of this State? Can the Treasurer confirm that the balance of this fund is now zero? Is this further evidence of this Government's habit of spending money today and forgetting about tomorrow?

The Hon. ERIC ROOZENDAAL: I see an interesting theme in the honourable member's question in that he seems to share the same view as the Hon. Malcolm Turnbull about the importance of Government spending.

The Hon. Matthew Mason-Cox: Point of order: The Treasurer is debating the question. I ask you to bring him back to the question.

The PRESIDENT: Order! I ask the Treasurer to be generally relevant.

The Hon. ERIC ROOZENDAAL: Of course, the New South Wales Government is undertaking the largest infrastructure spend of any government in Australia—\$56.9 billion over four years. That is part of our commitment to sustaining and supporting jobs in New South Wales and supporting the State's economy. In addition to that, it is worthwhile reviewing some of the other actions the Government has taken in this calendar year to support the New South Wales economy and jobs. There have been a number of decisions and it is worthwhile going through a few of them because the honourable member clearly does not understand the commitment this Government has made to supporting the New South Wales economy.

A number of important decisions have been made. The first, of course, is the decision to alleviate some of the pressure on developer levies to encourage developers to invest in the housing industry. It might interest members to know that there has been a massive increase in the number of first home buyers. I will talk about that another time. In addition, we have brought forward \$220 million worth of maintenance for social housing to ensure we stimulate that sector. That has been brought forward to create jobs and save jobs. In response to the Jobs Summit, we announced a \$70 million incentive program to encourage people—

The Hon. Matthew Mason-Cox: Point of order: My point of order is relevance. The question was about the General Government Liability Management Fund. Perhaps the Treasurer could explain what that fund is and why its balance is now zero.

The PRESIDENT: Order! I ask the Treasurer to be generally relevant.

The Hon. ERIC ROOZENDAAL: As I was saying, the \$70 million investment attraction program is designed to attract businesses to invest in New South Wales. Another job creating strategy of the New South Wales Government is the \$20 million green job sector plan, which is designed to encourage and support green jobs. That is the new growth sector in jobs. This is part of our commitment to continuing to invest in jobs in New South Wales and to supporting the economy of New South Wales.

CORRECTIVE SERVICES REFORMS

The Hon. AMANDA FAZIO: My question is directed to the Minister for Corrective Services, Public Sector Reform, and Special Minister of State. Can the Minister update the House on the progress of New South Wales Corrective Services reforms?

The Hon. JOHN ROBERTSON: I thank the honourable member for her question. After continued dialogue with the Cessnock community, local members of Parliament and other stakeholders, the Government took the decision last week not to outsource operations at Cessnock Correctional Centre. The community of Cessnock has been hit hard by the economic downturn with the closure of Pacific Brands and the loss of 80 local jobs, creating an uncertain future for many Cessnock families. In light of this instability the New South Wales Government took the decision to leave Cessnock Correctional Centre under public sector operation.

The Government is proceeding with plans to outsource the operations of Parklea Correctional Centre. Junee prison in regional New South Wales and Parklea in metropolitan Sydney will provide benchmarks to judge the performance of government-run correctional centres across New South Wales. I can inform the House that the tender documentation for Parklea was made available to prospective tenderers last night.

The Way Forward workplace reforms proposed by the Government will proceed in full. These are the most significant workplace reforms in the history of the Department of Corrective Services and are being rolled out at Cessnock and each of the State's publicly operated correctional centres. These reforms will deliver over \$60 million in savings to New South Wales taxpayers every year. The Way Forward includes the elimination of static officer posts, the introduction of casual officers, centralised rostering, the continued rollout of a new absenteeism policy, and revised workforce management plans. The Department of Corrective Services will consult prisoner escort and court security officers and their union in the coming months to achieve \$5 million in savings per annum. This function will be outsourced in six months time unless savings of \$5 million are achieved through the implementation of industrial reforms.

A number of existing staff at Cessnock prison had already accepted transfer or voluntary redundancy prior to the Government's announcement last week that it would continue to be publicly operated. For those individuals who have accepted a voluntary redundancy and completed the process, including being paid out, the department will consider any application for re-employment. If staff members are re-employed, they will be required to repay the relevant portion of their severance pay if still within the period covered by their separation payment. Additionally, any transferred officers wishing to return to Cessnock will be considered on a case-by-case basis.

Throughout all the public debate concerning the future of Cessnock and Parklea prisons we have not heard a cogent response from the New South Wales Opposition in relation to these reforms. The Opposition has remained very quiet in this entire debate. After four days of hearing evidence, the Hon. Trevor Khan and the Hon. John Ajaka refused to put on the record where they stood on private sector involvement in New South Wales prisons. Luckily, Pru Goward set the record straight. On 10 April, when asked about the Coalition's policy on prison privatisation, she said:

I think I can give a guarantee ... as much as a human being can give a guarantee. Nothing's ever perfect, nothing's ever 1000 per cent. But I think I can give 100 per cent.

More accurately, can the Opposition give any guarantees to the people of New South Wales? Forget about core and non-core promises. From now on all Coalition policies must meet the Goward test. Will they guarantee it 1,000 per cent or is it only 100 per cent? [*Time expired.*]

CESSNOCK AND PARKLEA CORRECTIONAL CENTRES

Ms SYLVIA HALE: I address my question to the Minister for Corrective Services. I refer to the Government's decision not to proceed with the privatisation of Cessnock prison and the Minister's comments linking this change in policy to the effects of the global financial crisis on employment opportunities in Cessnock. In light of this concern for jobs and the latest labour force figures, which show that the unemployment rate in outer western Sydney has jumped from 5 per cent to 8.2 per cent in the last 12 months, why is the Government proceeding with the privatisation of Parklea prison? Is it the Government's view that jobs in Cessnock are worth saving but jobs in western Sydney are not?

The Hon. JOHN ROBERTSON: I referred to this matter earlier, but I will do it again for the sake of those who did not listen and who like to interject. The Government took the decision on Cessnock for the reasons already outlined to the House today. For those who were not listening, let me say it again. The Government took the decision because of the global financial crisis, the impact of job losses because of the closure of Pacific Brands and the social instability that was creating for Cessnock. The Government took the decision to proceed with Parklea because approximately seven other correctional centres are located within about 25 kilometres of Parklea.

I have said on a number of occasions that any officer employed with the Department of Corrective Services will have three options. Their first option is to stay with the department and to transfer to another location. In the case of Parklea, officers can decide to take a transfer to one of any of the other locations in western Sydney. Alternatively, they can take a voluntary redundancy. The third option is that they can stay at Parklea where the new operators will offer them employment preference. Their jobs are secure, unlike the present situation in Cessnock with the financial crisis and the closure of Pacific Brands.

The Government was listening to the concerns of the people of Cessnock—something that I thought Opposition members would have welcomed, but obviously that is not the case. The Government will continue to listen to the community but it is committed to proceeding with the outsourcing of Parklea prison to ensure value for taxpayers' money and a better benchmarking of metropolitan jails against one that is operated by the private sector.

GREATER WESTERN AREA HEALTH SERVICE PATIENT TRANSPORT SYSTEM

The Hon. RICK COLLESS: My question without notice is directed to the Minister for Health. Will the Minister back the guarantee recently issued by Danny O'Connor, chief executive officer of Greater Western Area Health Service, that a patient transport system will be established to transfer patients who have had to travel to Orange Base Hospital for treatment back to their original site of admission once they have been discharged? If so, can the Minister advise when this patient transfer system will be established and whether patients in the central west will have to wait until the opening of the new Orange Base Hospital for this program to commence? Can the Minister further outline the expected costs of the program and where these funds are to come from, given the recent financial troubles that have plagued the Greater Western Area Health Service?

The Hon. JOHN DELLA BOSCA: The member has asked a good question. However, the last part of his question is probably the most important as it gives me a chance to acknowledge that the Greater Western Area Health Service is quickly getting its house in order. It is performing to budget and it is continuing to deliver first-class health services across the greater west, in spite of the difficulties involved in delivering health services across such a diverse area and in a large number of facilities.

The Hon. Duncan Gay: It is too big, is it not?

The Hon. JOHN DELLA BOSCA: The Hon. Rick Colless made mention of Danny O'Connor, the acting chief executive officer of Greater Western Area Health Service, and the job that he is doing. Obviously he is—

The Hon. Charlie Lynn: Getting rid of doctors!

The Hon. Duncan Gay: And nurses.

The Hon. JOHN DELLA BOSCA: No. We are getting more nurses and more doctors right across our health system. The Hon. Rick Colless alluded to a number of important points relating to the patient transport

system. As a result of earlier interjections, all of which I acknowledge, I will make a couple of critical points about the Greater Western Area Health Service. I think the Deputy Leader of the Opposition said that the Greater Western Area Health Service was too big. Of course, he was referring to Mrs Skinner's new policy—the only Opposition health policy in existence at the moment.

The Hon. Mick Veitch: She has a policy?

The Hon. JOHN DELLA BOSCA: She has a policy. The policy is that she will spend—

The Hon. Duncan Gay: Point of order. The Minister is misrepresenting what I said—

The PRESIDENT: Order! There is no point or order. The Deputy Leader of the Opposition will resume his seat.

The Hon. DELLA BOSCA: Opposition members are extremely sensitive. The Opposition's only policy is to spend another \$300 million on bureaucrats. Mrs Skinner, Mr Barry O'Farrell and Opposition members are always saying, "It is terrible; there are too many bureaucrats in the health system", yet they want to spend more money on bureaucrats in the health system. Unfortunately, the Opposition's only policy is to increase health expenditure by \$300 million and to spend every cent of it on administration. In contrast, this Government has allocated \$500 million in response to the Garling inquiry. Under our plan almost \$500 million will be spent on patient care, which is what the health system is all about. We will take the paperwork away from doctors and nurses and put better technology at the disposal of front-line people who are looking after patients.

The Hon. Rick Colless: Point of order. I clearly asked the Minister to let us know when the patient transfer system would be established. That is what we want to know. I ask the Minister to answer that part of my question.

The PRESIDENT: Order! The Minister will be generally relevant.

The Hon. JOHN DELLA BOSCA: The Government acknowledges that people living in rural and remote areas of New South Wales, including the Greater Western Area Health Service, need to travel substantial distances to access specialist health services. Unlike Mrs Skinner, the Government has a transport policy. Transport for Health integrates all non-emergency health-related transport into one program, including the Isolated Patients Travel and Accommodation Scheme. For those members who are interested—and that does not include any Opposition members—the scheme is known as IPTAAS. Transport for Health also integrates community transport, statewide infant screening hearing travel, and inter-facility transport services.

IPTAAS, which operates as a subsidy scheme, is designed to provide eligible patients with a financial subsidy to assist them with meeting the costs of travel and accommodation for specialist medical treatment that is not available to them locally. Recently, as part of the Government's response to the Garling inquiry I announced that IPTAAS eligible pensioners and health cardholders would no longer need to contribute to travel costs to get specialist treatment. These changes will come into effect in the Greater Western Area Health Service, as they will in every other part of the area health system, on 1 July this year. [*Time expired.*]

FIRST HOME BUYERS SCHEME

The Hon. PENNY SHARPE: My question without notice is addressed to the Treasurer. Could the Treasurer update the House on the New South Wales First Home Buyers Scheme?

The Hon. ERIC ROOZENDAAL: As I have stated previously, the New South Wales Government is committed to helping people buy their first homes. I am pleased to inform the House that the New South Wales First Home Buyers Scheme has set an impressive record. More first homeowner grants were paid out in March this year than ever before in the history of the First Home Buyers Scheme. March 2009 was a record month for first home benefits in New South Wales, with more than \$159 million in grants and stamp duty benefits provided to almost 6,500 first home buyers across New South Wales.

The New South Wales Government is getting more young families into their first homes than ever before and it is helping them to get on with establishing their lives. The Government boost to first home buyer grants are proving a major economic stimulus, combined with local interest rates and some of the most generous

stamp duty concessions in Australia. I am advised that the latest figures from the New South Wales Office of State Revenue show that 6,483 first home buyer grants worth \$94 million were paid out in March this year. This compares to 3,361 grants worth \$23.6 million paid out in March 2008. The \$94 million payout was a 52 per cent jump on figures for the earlier month when \$62 million worth of grants were paid out in February 2009.

Stamp duty concessions worth \$65 million were granted in March. This compares to \$32 million worth of concessions in March 2008. This means that the New South Wales Government helped almost 6,500 families get into their first homes, and in one month alone, thanks to the first home buyers grant and stamp duty concessions. The top five suburbs for grants were all in western Sydney, with Liverpool topping the list and receiving benefits worth \$2.95 million. Since the introduction of the first home buyer grants in July 2000, almost 389,000 first home buyers received grants and stamp duty concessions worth almost \$5.4 billion. The housing sector is a vital part of the New South Wales economy. Stamp duty concessions and first home buyer grants mean that benefits of up to \$41,990 are available to first home buyers. That is a big support for families and a big shot in the arm for the economy.

Recent Australian Bureau of Statistics data shows approvals for first home buyers are up 31.8 per cent in New South Wales in the year to January 2009. This compares to a 3.2 per cent increase in Victoria, a 15.8 per cent increase in Queensland, a 13.8 per cent jump in Western Australia, and a 19.7 per cent rise for Australia. In the three months to January 2009 first home buyers made up 37.5 per cent of all home buyers in New South Wales. Currently, benefits of up to \$41,990 are available for first home buyers for a newly constructed home, and up to \$31,990 for an existing home. Further information about first home benefits is available at www.osr.nsw.gov.au or by calling the First Home Benefits hotline on 1300 130 624.

CARBON CAPTURE AND STORAGE

Dr JOHN KAYE: My question is directed to the Minister for Energy. Given, first, the growing body of expert opinion that carbon capture and storage will not be available as a commercially viable technology for at least two decades—if then—and, second, a heavy reliance on the success of this technology in the New South Wales Government's greenhouse strategies, what contingency plans does the Government have in place against the scenario that sequestration does not deliver the necessary and timely reduction in emissions? What is plan B?

The Hon. IAN MACDONALD: The member has forgotten that we have two basic prongs to our strategy. The first is centred around carbon capture and sequestration, which is concentrated at the Munmorah Power Station and is progressing extremely well, and I intend to report to the House on that in due course. Second, a raft of policies exist around renewable energy, demand management, et cetera, and they are administered by the climate change portfolio—the Department of Environment and Climate Change. Together, these two basic approaches cover the technological and demand management side of future carbon energy reduction.

Unfortunately, over the past few years the Greens have decided that in this State we should not be using coal or other forms of energy based on carbon emissions. However, we believe that many great experiments of this type around the world are developing well. The Stumpf development in Germany is a good case in point. The Government of the United States of America has indicated that it will spend \$10.4 billion on carbon capture and storage and the Australian Federal Government has indicated to New South Wales and the other States that it will invest heavily in carbon capture and storage. I have every confidence that people who use the title "doctor" and who really know something about the industry—

The Hon. Duncan Gay: Where is Henry?

The Hon. IAN MACDONALD: Dr Tsang is deserving of his title. The scientists to whom I have spoken are clear that this technology is not only viable; it will also be put in place. The Commonwealth Government has indicated that if we proceed from a pilot plant to a demonstration plant, it will co-invest with us: it will put in around \$50 million on a tripartite basis. We have allocated funding of around \$50 million already for such a plant and the Australian Coal Association has indicated that it will contribute \$50 million to such a plant. We are going ahead with it regardless of what the Greens think because this approach is sensible to reduce carbon whilst ensuring that, in the transitional phase to some pie in the sky proposal about which the Greens talk, at least we can keep the power on in this State. We will be keeping the power on in this State because we will have—

The Hon. Duncan Gay: Point of order: The Minister is misleading the House. He cannot keep the power on.

The PRESIDENT: Order! The Deputy Leader of the Opposition knows that is not a point of order.

The Hon. IAN MACDONALD: We will ensure that future demand can be met with a reduction in carbon. One of those strategies and techniques will be clean coal technology whether Dr Kaye or the Greens like it or not. The world is investing in this technology and it will work. If not, and some countries are not pursuing this course— [*Time expired*].

HEALTH GRANTS

The Hon. MARIE FICARRA: My question is directed to the Minister for Health. Will the Minister ensure that there are no 2008 mini-budget funding cuts to the Combined Pensioners and Superannuants Association's Health Promotion Service for Older People, which provides free health education sessions to groups of older people from different cultures across the State? Will the Minister increase funding to this organisation, given that this service is cost effective and aims to reduce inappropriate use of medicines amongst older people and improve access to information on preventing and managing conditions, thus saving millions of dollars in the health system?

The Hon. JOHN DELLA BOSCA: I thank the member for her question and her very Catholic approach to the organisations on whose behalf she advocates. This year there are no cuts to grants, but as part of our health savings measures from next year we will be limiting new grant agreements to non-government organisations. We are reviewing our grants program to see how it contributes to the health of our community. The Hon. Marie Ficarra has outlined the ways in which the combined pensioners and superannuants peak organisation's programs assist with helping the health of older people, particularly with medication issues. Obviously, that will form part of the ongoing discussions regarding grants. I have asked the non-government peak agencies to work closely with the Department of Health on this aspect; they are working with the most senior of the department's health officers on these matters.

We need to be sure that the grants deliver the type of support that complements the care the New South Wales public health system is geared to provide in the community and in hospitals. This is a challenge and also an opportunity; an opportunity to reduce red tape, to minimise reporting requirements and to provide greater collaboration around the issues of most importance to the health of key community groups that most need health support. Every health dollar counts. We want to ensure that the non-government grants program is preventing illness and disease, promoting good health, and providing community support, information and advice. As I said, the process involves officers of the highest levels in the department and Dr Richard Matthews is chairing a process of working with non-government organisations to achieve the best possible outcomes. Tough economic times have resulted in some difficult but responsible decisions. We will be delivering the best possible front-line services for families. Through a greater degree of collaboration with the excellent network of non-government organisations we are able to achieve that within the New South Wales public health system across the board.

CENTRAL COAST RESEARCH FACILITIES

The Hon. HELEN WESTWOOD: My question is addressed to the Minister for Primary Industries. Could the Minister inform the House what action the State Government is taking to advance research facilities on the Central Coast? What does this mean for local Department of Primary Industries staff?

The Hon. IAN MACDONALD: I thank the member for her question; it is a good one. Yesterday I travelled to the Ourimbah campus of the University of Newcastle, where the Director General of the Department of Primary Industries, Dr Richard Sheldrake, and I signed a memorandum of understanding with Professor Nicholas Saunders, Vice Chancellor of the University of Newcastle. This agreement between the Department of Primary Industries and the university will see the relocation of staff from the department's Narara site to the University of Newcastle's Central Coast campus at Ourimbah. The memorandum of understanding puts in place an exciting collaboration between two great institutions with a track record of success in the fields of research, development and extension.

This cooperative relationship will involve the accommodation of more than 60 Department of Primary Industries staff and the construction of new state-of-the-art facilities at the Central Coast campus, creating about

30 jobs in the process. Staff from the department and the university will be able to undertake research activities at the Somersby field station. The 67 hectares at Somersby station will be retained. This agreement is a milestone and is great news to the people of the Central Coast. This work is in addition to the work planned between the mineral division of the Department of Primary Industries and the university's geology department, and it is forging closer links in geoscience and clean coal technologies, such as carbon capture and geosequestration.

The PRESIDENT: Order! There is too much conversation in the Chamber and in the President's Gallery. If people wish to remain in my gallery, they will cease conversing.

The Hon. IAN MACDONALD: At nearby Munmorah, we have a \$7 million program of investigating clean coal technology and drilling is underway to investigate geosequestration. Both are in addition to the memorandum of understanding [MOU]. I should point out that the Department of Primary Industries is no stranger to the Central Coast community. In fact, in the form of its funding agencies it has existed on the Central Coast for almost 100 years. Over that time the department has carried out pioneering research and has delivered extension and education programs to institute best practice in our primary industries while delivering benefits to the economy along the way.

The Gosford Primary Industries Institute also has created and maintained valuable international trade opportunities for our horticultural sector in citrus, cherries and stone fruit. The science and research capabilities of the New South Wales Department of Primary Industries are strongly enhanced by partnership investment from research and development corporations and cooperative research centres, industry organisations, universities, other government agencies and catchment management authorities. It is on these strong foundations that the State Government is building close relationships with the University of Newcastle—which is the way of the future.

Under this new arrangement new technologies and research findings will reach the primary producers of New South Wales more quickly and efficiently. This will add to the good work already being done by the staff of the Department of Primary Industries on the Central Coast. Staff from the department's Gosford Primary Industries Institute at Narara are leaders in their fields of market access and greenhouse horticultural research and development. The institute has assisted to develop and implement science-based technologies and production systems for horticultural crops, and in 2001 it became the National Centre for Greenhouse Horticulture.

Some examples of recent achievements by Narara-based Department of Primary Industries researchers include the development of integrated pest management or bio-control strategies and reduced-risk pesticides as well as a greater understanding of pesticide dynamics in hydroponic systems that will lead to safer vegetables. In the past five years staff at Gosford have conducted training for farmers in the Sydney Basin totalling more than 10,000 student hours. Department of Primary Industries staff will be in a strong position at the Ourimbah campus to collaborate with University of Newcastle researchers and help to supervise PhD students who are studying plant sciences at the university. I applaud everyone involved in this partnership for their hard work and commitment to important shared goals. I look forward to seeing the fruits of future collaborative efforts in due course.

The Hon. JOHN DELLA BOSCA: If members have further questions, I suggest they place them on notice.

COOMA RENAL DIALYSIS SERVICES

The Hon. JOHN DELLA BOSCA: On 2 April the Hon. Melinda Pavey asked me a question regarding transport arrangements for an elderly patient who resides in Cooma and who requires renal dialysis in Canberra. I advise that the elderly patient involved will continue to receive transport assistance through the Greater Southern Area Health Service to attend his dialysis treatments in Canberra. Arrangements have been made through the area health service for the service to continue. I understand that the Greater Southern Area Health Service provides a transport service three times a week to renal clients in the Cooma area to attend dialysis in Canberra.

The patient's situation has highlighted a significant statewide policy issue. I have asked the area health services and the Department of Health to work with the Australian Government to resolve this issue as quickly as possible. The New South Wales Government is committed to improving health services for people living

throughout New South Wales. This means engaging specific strategies to deal with the challenges of service provision for renal dialysis in a number of rural and remote areas. Renal dialysis is used to treat end-stage kidney failure and the demand for dialysis treatment is growing throughout New South Wales. The demand for dialysis services is a significant issue for rural areas where the proportion of older residents is increasing at a much faster rate than are other age groups.

The availability of renal dialysis services in New South Wales has been increased progressively since the release of the Rural Health Plan in 2002. To date, a total of \$36 million has been provided to enhance renal services in rural New South Wales. The funds have improved access through the creation of newly established services and the expansion of existing renal dialysis services, the provision of funding for the Aboriginal Vascular Health Program, and improved support services for people on dialysis in rural New South Wales.

SYDNEY GAY AND LESBIAN MARDI GRAS ALCOHOL-FREE ZONE

The Hon. TONY KELLY: On 2 April Reverend the Hon. Fred Nile asked me a question concerning the alcohol-free zone on Oxford Street during the 2009 Gay and Lesbian Mardi Gras. In response to that, I inform the House that the New South Wales Police Force conducted Operation Bolten, which was successful, and the large crowd was generally well behaved. The police carried out up to 1,000 alcohol confiscations to maintain the alcohol-free zone, and at the Mardi Gras event 15 arrests were made for alcohol-related assaults, two arrests were made for offensive behaviour, and nine charges were preferred for resisting arrest.

GENERAL GOVERNMENT LIABILITY MANAGEMENT FUND

The Hon. ERIC ROOZENDAAL: Earlier during question time the Hon. Matthew Mason-Cox asked me a question about the General Government Liability Management Fund. The fund was set up to take advantage of available Commonwealth tax credits. It was used to accumulate the Crown's defined benefit superannuation contributions. If the Opposition had done its homework it would have known that there is no purpose to the fund anymore. It has done its job; the tax credits have been utilised. As outlined in the 2008-09 budget papers, the fund may be utilised for other purposes at some point in the future.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

CITYRAIL AND BUS SERVICES WHEELCHAIR ACCESS

On 4 March 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Health, Minister for the Central Coast, and Vice-President of the Executive Council, representing the Minister for Transport, a question without notice regarding CityRail and bus services wheelchair access. The Minister for Transport provided the following response:

I am advised:

The Taxi Transport Subsidy Scheme was introduced in 1981 to assist persons who are unable to use conventional public transport because of a qualifying severe and permanent disability. Under Scheme guidelines participants are able to travel by taxi at a 50% subsidy, up to a maximum allowance of \$30 per trip.

The NSW Taxi Transport Subsidy Scheme is the most generous of all the States and Territories. It currently has no cap on the number of journeys or the total subsidy amount available to an individual participant.

Since 1999, taxi fares have increased just under 45% in urban areas and under 43% in country areas.

In 2007/08 financial year, the average trip subsidy was just over \$11, which is well below the current maximum subsidy cap of \$30. The NSW Government is of the view that the current subsidy remains consistent with the needs of the majority of participants and it is not intended to review the subsidy level at this time.

ENERGY DISTRIBUTORS

On 5 March 2009 Dr John Kaye asked the Minister for Energy a question without notice regarding energy distributors. The Minister for Energy provided the following response:

I can now confirm that this is a matter for the Treasurer as the shareholder of the electricity distributors.

However I have also confirmed that the Department of Water and Energy does not direct the distributors on their capital programs, or their submissions to the Australian Energy Regulator's review of distribution charges.

The distributors are required under their licences to make appropriate investments in the electricity infrastructure to ensure the safety and reliability of the electricity supply to the community. Prior to any such capital investment, the distributors are required to consider options for demand management rather than augmentation of the network's capacity. Where appropriate, cost-effective, non-network proposals are offered, including distributed generation projects.

During 2007-08 distributors spent \$21 million on demand management activities. These activities led to the deferral of \$32 million worth of network capacity expansion projects. The NSW distributors have been leading the development of smart meter technology which has been shown to help consumers manage their demand and thereby reduce the need to increase the capacity of the electricity distribution network.

MATHEMATICS TEACHER SHORTAGE

On 5 March 2009 Reverend the Hon. Dr Gordon Moyes asked the Attorney General, representing the Minister for Education and Training, a question without notice regarding the mathematics teacher shortage. The Minister for Education and Training provided the following response:

The Department of Education and Training undertakes a comprehensive analysis of school teacher supply and demand and is actively working to ensure an adequate supply of teachers to meet the needs of all schools.

Mathematics is one of the areas of potential teacher shortfall, in Australia and internationally.

The Department of Education and Training has been proactive in targeting potential teachers and offering incentives for training in this subject. Initiatives in place to attract people to this area of shortfall include active promotion of teaching as a career through the teach.NSW campaign, teacher education scholarships and retraining programs. There are presently 113 teachers training to become mathematics teachers under these targeted recruitment strategies.

In regards to the statement concerning students not having access to qualified mathematics teachers, I am advised that a report prepared using data from the Department's personnel system in March 2009, showed that of the 2,637 teaching positions identified as mathematics teaching positions, 2,634 or 99.9 per cent were occupied by teachers qualified to teach mathematics.

SYDNEY MARDI GRAS

On 5 March 2009 Reverend the Hon. Fred Nile asked the Minister for Police, representing the Minister for Health, who represents the Premier, a question without notice regarding the Sydney Mardi Gras. The Minister for Police provided the following response:

I am advised that the 2009 Mardi Gras Parade was supported by the NSW Government through Events New South Wales Pty Ltd ("Events NSW"), which was established to attract events that bring significant economic, strategic or community benefits to Sydney and regional New South Wales.

Events NSW is overseen by an independent Board consisting of leading members of the business, sporting, political and cultural communities, and is chaired by John O'Neill AO.

The NSW Government also provided in-kind support to the 2009 Mardi Gras Parade through agencies such as NSW Police, the Roads and Traffic Authority and the NSW Ambulance Service.

Based on information provided by New Mardi Gras Limited, and assumptions made by the Department of State and Regional Development, the total direct and flow-on value to New South Wales from the 2008 Mardi Gras Parade (prior to the deduction of in-kind support provided by the Government) is estimated to be between \$23 and \$32 million.

Until now, the event has relied on limited sponsorship, fundraising, donations and in-kind support to sustain the international focus on Sydney every March. Events NSW invested in the Mardi Gras Parade to ensure that this iconic event continues to develop, and that its economic value to New South Wales increases.

The Events NSW investment is not new money. It is part of the \$85 million investment the NSW Government has made in Events NSW to drive economic, strategic and community benefits for the State.

Events NSW will be undertaking a comprehensive review of the 2009 event to assess its economic impact. The outcome of the review will inform its approach to future investment in the event.

PORT MACQUARIE PUBLIC HOUSING DEVELOPMENTS

On 5 March 2009 the Hon. Melinda Pavey asked the Minister for Primary Industries, Minister for Energy, Minister for Mineral Development, and Minister for State Development, representing the Minister for Housing, a question without notice regarding the Port Macquarie public housing developments. The Minister for Housing provided the following response:

I am aware that Housing NSW plans to develop approximately 97 new residential housing units across three of its sites in the Town Beach Precinct of Port Macquarie to meet local demand for social housing.

The project will include a mix of community housing and public housing, including units specifically designed for elderly residents. Housing NSW is replacing housing in a precinct where it has been a prominent landholder and has had a presence since the 1940s.

I have been advised that there is a concerted campaign being waged by a small number of local residents who are opposed to a redevelopment planned by Housing NSW in Port Macquarie.

Unfortunately, the campaign is based largely on fear and misinformation, despite Housing NSW efforts in educating local residents through consultation and public meetings.

Contrary to what is being rumoured around Port Macquarie, the redevelopment will not dominate the area. The sites will be submitted to Council for consideration and fully comply with Council density regulations and zoning and State and Environment Planning Policies.

Housing NSW has purposely separated the three sites and has purchased additional land from private owners to prevent the social housing developments from overcrowding the precinct.

Only 30% of the department's land in the location will be used for the redevelopment. The rest of the land will be sold to the private sector.

Between 80 and 85% of the people who will live in the new development will be elderly. There will be some younger people, the majority of these will have mobility issues or be confined to wheelchairs. No young families will be allocated housing in this redevelopment.

The people of Port Macquarie can be assured that the new residents will mostly be local people housed off the local waiting list—they are already living in Port Macquarie or close by. Many of them are living in unsuitable accommodation now and many of them are paying more than 50% of their income in rent.

Understandably, the demand for social housing in Port Macquarie is very strong. Most of the people waiting for social housing need a one or two bedroom home and although there are around 900 social housing properties in Port Macquarie, 600 of these are 3-4 bedroom cottages.

So the proposed redevelopment will go a long way to providing the sort of accommodation we desperately need.

Most importantly, this redevelopment is vital in helping people, most of whom are elderly, live somewhere safe and affordable.

LOCAL COUNCIL CHRISTMAS SPENDING

On 10 March 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Police, Minister for Lands, and Minister for Rural Affairs, representing the Minister for Local Government, a question without notice regarding local council Christmas spending. The Minister for Local Government provided the following response:

Under the Local Government Act 1993, councils are established as autonomous bodies with rights and powers conferred by law. They are ultimately accountable to their electors for their actions. This legislation does not give me as Minister, or the Department of Local Government, wide-ranging powers to intervene in the affairs of individual councils. The amount of money that councils spend on their Christmas celebrations is entirely a matter for each council to determine in its discretion.

In relation to your comment regarding the use of council funds for the State health and education systems, council funds are separate from the State and are available to fund the provision of goods, services and facilities and carry out activities appropriate to the current and future needs of the local communities the councils represent.

PACIFIC BRANDS LIMITED FEDERAL FINANCIAL ASSISTANCE

On 10 March 2009 Reverend the Hon. Fred Nile asked the Treasurer a question without notice regarding Pacific Brands limited Federal financial assistance. The Deputy Premier, and Minister for Commerce, provided the following response:

Financial assistance, grants and tax concessions to companies operating in NSW are not determined by the Department of Commerce.

Procurement policy is presently being reviewed by the Government. Requirements as to the conduct of successful tenderers will be considered during the review process. Revisions to this policy will, however, need to abide by a range of national and international requirements that the NSW Government is bound to observe.

WOOD HEATER EMISSIONS

On 10 March 2009 Mr Ian Cohen asked the Minister for Health a question without notice regarding wood heater emissions. The Minister for Health provided the following response:

NSW Health does not set emission limits for wood heaters. It would be anticipated that any change in emissions limits would be subject to a Regulatory Impact Statement that would include the estimation of health impacts from such a change. Currently the NSW Government strategy Action for Air considers ways to mitigate impacts from pollutant emitting sources such as wood heaters.

Questions concerning the evaluation of the Department of Environment and Climate Change Wood Smoke Reduction Program should be directed to the Minister for the Environment.

SEAFORTH TAFE SITE SECURITY

On 11 March 2009 Reverend the Hon. Fred Nile asked the Minister for Health a question without notice regarding Seaforth TAFE site security. The Minister for Education and Training provided the following response:

The Department of Education and Training's Northern Sydney Region Asset Management Unit inspects the former TAFE NSW Seaforth premises and grounds on a regular basis and responds promptly to any reports of damage or vandalism. The Department also undertakes site maintenance relating to security and hazard reduction, such as fire prevention, while action for the site's disposal is progressing.

SPECIAL MINISTER OF STATE RESPONSIBILITIES

On 11 March 2009 the Hon. Matthew Mason-Cox asked the Special Minister of State a question without notice regarding Special Minister of State responsibilities. The Special Minister of State provided the following response:

The allocation of Ministers' budgets is centrally controlled by the Ministerial and Parliamentary Services Division within the Department of Premier and Cabinet.

I refer the honourable member to the Minister responsible for the Department of Premier and Cabinet, the Premier.

SOMERSBY SAND MINING AND SOMERSBY PUBLIC SCHOOL

On 11 March 2009 Ms Lee Rhiannon asked the Minister for Health, and Minister for the Central Coast, a question without notice regarding Somersby sand mining and Somersby Public School. The Minister for Health provided the following response:

NSW Health has reviewed the Somersby Sand Mine proposal and made a number of submissions to the Department of Planning regarding the potential negative health impacts of this proposal.

I am advised that the development application is still being considered by the Department of Planning.

BUILDING THE COUNTRY PACKAGE

On 11 March 2009 the Hon. Melinda Pavey asked the Minister for State and Regional Development a question without notice regarding the Building the Country Package. The Minister for State Development and the Minister for Regional Development provided the following response:

The guidelines and Expression of Interest (EOI) forms for the Local Infrastructure Support Fund are available on the website of the Department of State and Regional Development.

Expressions of interest for the first year of the program closed on 20 March 2009.

POLICE PUBLIC SERVANT POSITIONS

On 12 March 2009 the Hon. Matthew Mason-Cox asked the Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State, a question without notice regarding police public servant positions. The Minister provided the following response:

The question is more appropriately addressed to the Minister for Police.

PORNOGRAPHY

On 12 March 2009 Reverend the Hon. Fred Nile asked the Minister for Health, representing the Premier, a question without notice regarding pornography. The Premier provided the following response:

The sale and screening of X-rated material is strictly prohibited under NSW law and tough penalties apply, including penalties of up to 150 penalty units or 2 years imprisonment for an individual and 300 penalty units for a corporation where X-rated material is shown or sold to a minor.

In addition, last year, the Government introduced the Crimes Amendment (Sexual Offences) Act 2008 implementing recommendations of the Sentencing Council to create a range of new sexual offences including voyeurism and filming for an indecent purpose, and to double the maximum sentence for possessing child pornography from 5 to 10 years.

The NSW Government has also implemented strong laws against sexual violence. Recent measures include the introduction of the Criminal Procedure Amendment (Sexual and Other Offences) Act 2006 which amended criminal procedure and evidence law, improving the responsiveness of the criminal justice system to victims of sexual assault. This implemented key recommendations of the Sexual Assault Taskforce.

SCAFFOLDING SAFETY

On 24 March 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Industrial Relations, representing the Minister for Finance, a question without notice regarding scaffolding safety. The Minister for Finance provided the following response:

WorkCover is continuing its investigation into the cause of the swinging stage failure in Maroubra and the scaffold collapse in Castlereagh Street. Following these incidents, WorkCover issued a media release together with a safety alert to warn industry of the dangers.

WorkCover undertakes proactive measures as part of its prevention role, to promote and secure a high standard of safety in the construction industry in New South Wales. A number of these measures relate to scaffolding, such as targeted inspections of work sites focusing on high risk hazards, including site security, formwork and scaffolding.

STATE TRANSIT AUTHORITY UNIFORMS

On 24 March 2009 Ms Lee Rhiannon asked the Minister for Health, representing the Premier, a question without notice regarding State Transit Authority uniforms. The Deputy Premier provided the following response:

Procurement policy is presently being reviewed by the Government.

The Department of Commerce played no role in the planning or execution of the State Transit Authority uniforms contract.

ELECTRICITY INDUSTRY PRIVATISATION

On 25 March 2009 Dr John Kaye asked the Minister for Energy, representing the Minister for Finance, a question without notice regarding electricity industry privatisation. The Minister for Finance provided the following response:

The Government will conduct the sale of the State-owned electricity retailers in an open and transparent manner with appropriate probity measures to ensure the best result for the people of NSW.

There is a strong consumer protection framework backed by legislation in NSW which applies to all electricity retailers, regardless of ownership.

Customers in NSW can choose their electricity retailer, so if they are dissatisfied with the service offered by a particular company, they can switch their account to another retailer.

BELL MINER ASSOCIATED DIEBACK

On 25 March 2009 Mr Ian Cohen asked the Minister for Primary Industries a question without notice regarding bell miner associated dieback. The Minister for Primary Industries provided the following response:

In 2008-09, NSW DPI has invested approximately \$24,000 to date and it is anticipated that this will increase to \$40,000 by the end of this financial year. In addition, NSW DPI, during the period 2006-08, provided some \$300,000 'in kind' contributions for targeted projects run across agencies.

Forests NSW Ecologically Sustainable Forest Management Plans do not refer to "thinning" as a method of control for BMAD.

AIR QUALITY

On 26 March 2009 Ms Lee Rhiannon asked the Minister for Health a question without notice regarding air quality. The Minister for Health provided the following response:

NSW Health and the Department of Environment and Climate Change have commissioned a report, due the end of this year, determining the current health costs of air pollution to the community.

It is acknowledged that air pollution, at certain concentrations, does affect health and the government through Action for Air is looking at ways to reduce this impact.

Questions regarding overall trends in air pollution are best directed to the Minister for Climate Change and the Environment.

TILLEGRA DAM AND JOBS

On 31 March 2009 Dr John Kaye asked the Minister for Regional Development a question without notice regarding the Tillegra Dam and jobs. The Minister for Regional Development provided the following response:

Modelling carried out by Monash University suggests that the dam will create 280 direct construction jobs and at least 1,850 jobs in total.

SEXUAL ASSAULTS IN PRISONS

On 31 March 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Corrective Services, representing the Minister for Juvenile Justice, a question without notice regarding sexual assault in prisons. The Minister for Juvenile Justice provided the following response:

I am aware that an alleged sexual assault occurred at Frank Baxter Juvenile Justice Centre. As the matter is currently before the courts it would not be appropriate for me to make any further comment.

Any incident of sexual assault is unacceptable and the Government is committed to strategies aimed at reducing violence in custody including sexual violence.

The Government understands that victims of sexual assault often experience physical and psychological difficulties, which can be compounded by the prison environment, making it difficult for an inmate to report an incident. Consequently, it is difficult to be confident that reported rates of sexual assault in prisons reliably measure the true incidence of sexual assault.

This is one of the reasons why the Department has supported research conducted by Justice Health and others using large randomised samples of inmates to get a clearer picture of the prevalence of sexual assault.

The Department of Corrective Services is committed to the safety and welfare of offenders supervised in custody. The one-on-one Case Management System operating in New South Wales means that it is easier for inmates to confide in case-workers and for case-workers to identify inmates at risk. Case Management is a system that allows closer association between inmates and correctional staff. Inmates are encouraged to discuss with their case worker any issues relating to their safety, and staff members can quickly identify changes in the inmate's behaviour, particularly when the inmate is vulnerable to self harm or harm from others.

Inmates can also utilise the Corrective Services Support Line (CSSL), whose function is to record and to promptly refer telephone inquiries, requests and complaints for investigation, intervention or resolution as appropriate. The CSSL also keeps data on categories of complaints to enable analysis of systems, services and procedures and to take remedial action where necessary.

Whenever an incident or allegation of sexual assault is reported, the Department ensures that the inmate has access to appropriate clinical treatment and counselling. All sexual assaults reported in a correctional centre are subject to a police investigation. Alerts are also entered on the Department's electronic Offender Integrated Management System (OIMS) as appropriate.

There is a full induction and reception process for all inmates. This process is designed to ensure that inmates who may be at risk or vulnerable in the correctional system, receive appropriate placement including in protective custody where necessary. It is open to an inmate to request protective custody at any time.

Justice Health also works in partnership with the Department of Corrective Services to respond to sexual assault in custody. Clinic staff are available in every correctional centre and provide an independent, safe and confidential health environment for disclosing information about sexual assault events and for accessing sexual assault services.

ILLEGAL DUMPING IN STATE FORESTS

On 1 April 2009 Mr Ian Cohen asked the Minister for Primary Industries a question without notice regarding illegal dumping in State forests. The Minister for Primary Industries provided the following response:

I have reviewed this matter and note that there are a range of penalties, which can be applied, depending on the severity of the littering offence.

However, as this matter is the responsibility of the Minister for Climate Change and the Environment, the question should be directed to the Deputy Premier, the Hon Carmel Tebbutt, MP.

ENERGY EFFICIENCY TRADING SCHEME

On 1 April 2009 Dr John Kaye asked the Minister for Energy a question without notice regarding the energy efficiency trading scheme. The Minister for Energy provided the following response:

The energy savings targets under the NSW Energy Savings Scheme, as currently proposed, will be 0.4 per cent of NSW electricity sales for 2009, rising to 4.0 per cent of NSW electricity sales in 2014, and maintained at that level until 2020. Targets in each year will be calculated by multiplying the relevant percentage target by electricity sales in that year and are not based on current energy use.

Electricity retailers will meet their target by obtaining and surrendering energy saving certificates which represent delivered energy efficiency actions.

The Energy Savings Scheme will be implemented by an amendment to the Electricity Supply Act 1995. It is expected that the Bill will be introduced during the Budget Session in 2009.

At present, there is no national energy efficiency trading scheme. NSW has repeatedly called for a national energy efficiency scheme and would end the NSW scheme if a satisfactory national scheme were established.

FREEDOM OF INFORMATION APPLICATION DRAFT DETERMINATION PROCEDURE

On 2 April 2009 the Hon. Greg Pearce asked the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development a question without notice regarding the Freedom of Information application draft determination procedure. The Minister provided the following response:

No.

Questions without notice concluded.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) (NEW SOUTH WALES) AMENDMENT BILL 2008

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.04 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008. The use of telephone interception continues to be an important tool of law enforcement. At the same time, the potential impact on the privacy of law-abiding individuals demands that interception is used only in accordance with strict, legislative guidelines. This role is fulfilled by the Commonwealth Telecommunications (Interception and Access) Act 1979. The Commonwealth Act protects the privacy of individuals who use the Australian telecommunications system by making it an offence to intercept communications other than in accordance with the Act. The Commonwealth Act also specifies the circumstances in which it is lawful for an interception to take place. This includes interceptions in connection with the investigation by law enforcement agencies of serious offences.

The Commonwealth Act permits authorised State law enforcement agencies to apply for warrants to intercept the rural telecommunications to assist in the investigation of prescribed offences. To facilitate this, the Telecommunications (Interception and Access) (New South Wales) Act 1987 lays out the administrative procedures that are to be followed by authorised New South Wales agencies such as the keeping and destruction of records. The Commonwealth Act has been amended a number of times in recent years, and this has given rise to concerns that in some respects, the New South Wales Act is no longer consistent with that Act. The Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008 will harmonise the provisions of the New South Wales Act with those of the Commonwealth Act.

I now turn to the detail of the bill. First, the bill will amend the definition of "certifying officer" and substitute the definition of "permitted purpose" so that those definitions correspond with the definitions in the Commonwealth Act in their application to New South Wales. Currently, the definition of "certifying officer" in the New South Wales Act includes the members of the New South Wales Crime Commission, which encompasses the commissioner and any assistant commissioners. However, the Crime Commission does not have assistant commissioners, directors and assistant directors making up its senior executive staff. The Commonwealth definition of "certifying officer" already includes such senior executive staff members. Similarly, the Commonwealth definition of "permitted purposes" for which intercepted material can be used has expanded beyond the definition in the New South Wales Act to include purposes pertaining to a number of New South Wales agencies including the New South Wales Police Force, the Independent Commission Against Corruption and the Police Integrity Commission. These amendments will bring the New South Wales Act into line with the Commonwealth provisions.

Secondly, the amendments will provide for the Inspector of the Police Integrity Commission and the Inspector for the Independent Commission Against Corruption to be eligible authorities for the purposes of the New South Wales Act. Again, the Commonwealth Act already identifies these agencies as eligible authorities, and the amendments will ensure the New South Wales Act is up to date. Thirdly, the amendments will provide for the record-keeping requirements for eligible authorities in New South Wales to be consistent with those for Commonwealth agencies. The record-keeping requirements of the Commonwealth Act have extended beyond what is currently captured by section 5 of the New South Wales Act. A possible consequence of this is that New South Wales authorities may no longer fulfil the preconditions to be declared eligible authorities under the Commonwealth Act. These amendments will rectify that situation.

Fourthly, the bill will provide for the Ombudsman to have comparable powers to the Commonwealth Ombudsman to obtain information or ask questions when conducting an inspection of an eligible authority's records. The new section 3A will outline when information or a question will be relevant to the Ombudsman's inspection. The amendments will also make provision for the New South Wales Ombudsman to exchange information with the Commonwealth Ombudsman in relation to certain matters concerning the administration of the New South Wales Act and the Commonwealth Act. Section 92A of the Commonwealth Act provides for the exchange of information between the Commonwealth Ombudsman and a State Ombudsman regarding eligible authorities from that State, but there is no equivalent provision in the New South Wales Act. These amendments will provide for the exchange of information.

Finally, the amendments will remove the requirement for authorities to provide copies of warrants issued to them to the New South Wales Minister. Section 6 of the New South Wales Act currently requires authorities to provide copies of warrants to the State Minister, with the State Minister required by section 7 of the Act to pass them on to the Commonwealth Minister. Earlier this year, section 59A was inserted into the Commonwealth Act requiring State authorities to forward copies of warrants directly to the Commonwealth Minister. Removing the section 6 requirement will reduce the unnecessary handling of documents. In summary, recent changes to the Commonwealth Telecommunications (Interception and Access) Act have led to differences between the new South Wales and the Commonwealth Acts. These amendments will address those differences. I commend the bill to the House.

The Hon. JOHN AJAKA [5.05 p.m.]: The Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008 seeks to amend the Telecommunications (Interception and Access) (New South Wales) Act 1987 to harmonise the provisions of that Act with provisions of the Commonwealth Telecommunications (Interception and Access) Act 1979. The Opposition does not oppose the bill. The bill proposes six amendments to the principal Act to implement the revisions that have been made to the Commonwealth Act since the principal Act in New South Wales was last amended in 2006.

Firstly, the bill amends the definitions of "certifying officer", "officer", "eligible authority", "part VI warrant" and "permitted purpose" in the New South Wales principal Act to correspond with the definitions in the Commonwealth Act. The Attorney General has outlined already in some detail the particulars of the new definitions. I will not reiterate them, but note that the amendments are needed to ensure greater consistency in the laws governing which persons and authorities are permitted to apply for a warrant to intercept telecommunications in the proceedings of an investigation. The changes to the New South Wales principal Act will also clarify the administrative procedures that are to be followed by authorised New South Wales agencies that apply for warrants to intercept telecommunications under the Commonwealth Act.

Secondly, the bill provides for the Inspector of the Independent Commission Against Corruption and the Inspector of the Police Integrity Commission to be eligible authorities for the purposes of the New South Wales principal Act. At present, the Commonwealth Act identifies those agencies as eligible authorities. The proposed amendments will bring the New South Wales Act into line with the Commonwealth Act. The probative value of intercepted telephone messages and their importance to law enforcement and justice agencies in fulfilling their investigative and prosecutorial functions is clear. However, the importance of oversighting and monitoring mechanisms through bodies such as the Independent Commission Against Corruption cannot be overstated. These roles are to be counterbalanced against the need to allow the police sufficient scope to utilise legitimate tools of law enforcement so that we may strike the correct balance between the right to privacy and the right to ensure public safety.

Thirdly, the bill provides for the New South Wales Ombudsman to have powers comparable to those of the Commonwealth Ombudsman to obtain information or ask questions when conducting an inspection of an eligible authority's records. Fourthly, the bill also brings the New South Wales record-keeping requirements for an eligible authority into line with those stipulated in the Commonwealth Act. The changes to the record-keeping requirements are important to achieving consistency between the Federal and State systems. They will also ensure the accountability of agencies that apply for authorisation to use telecommunications interception as a law enforcement tool. Proper monitoring is essential to ensure that powers of interception are used only when necessary, when they are appropriately authorised, and within the bounds of the law.

Fifthly, the bill removes the requirement for eligible authorities to provide to the Minister copies of warrants issued to them and copies of instruments revoking such warrants. Eliminating this requirement, which presently is stated in section 6 of the New South Wales Act, arguably will save time and resources, allowing investigations to be conducted more efficiently. I understand that concerns have been raised that this amendment may strip away an important accountability mechanism that protects the individual's right to privacy. However, I note also that this is only one of several safeguards in the interception process.

Sixthly, the bill enables the Ombudsman to exchange information with the Commonwealth Ombudsman in relation to certain matters. These changes will facilitate a greater level of information sharing between the New South Wales Ombudsman and his Federal counterpart in relation to, first, the administration of the New South Wales and Commonwealth Acts; and, second, the New South Wales eligible authorities. This will streamline law enforcement procedures and increase the efficiency of the investigative and prosecutorial processes. The right balance must be struck between the right of law-abiding citizens to their privacy and the pressures and demands of law enforcement. The Opposition does not oppose the bill, which seeks to bring our State's legislation into line with the Commonwealth provisions.

Dr JOHN KAYE [5.10 p.m.]: I speak on behalf of the Greens on the Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008. The Greens do not oppose the bill but we have a number of concerns about some of its provisions. Indeed, I foreshadow that the Greens will be moving amendments in Committee. The primary purpose of this bill is to ensure that telecommunications interception and access powers in New South Wales are consistent with the Commonwealth scheme. It is mostly housekeeping to harmonise the New South Wales and Commonwealth systems, and the Greens welcome the sections that strengthen the mechanisms to protect the privacy of individuals. Specifically, the Greens strongly support new section 3A, which gives the New South Wales Ombudsman expanded powers to obtain information or to ask questions when conducting an inspection of an eligible authority's records.

Telecommunications interception warrants significantly reduce an individual's right to privacy. The Greens believe that the protection of privacy should be a fundamental consideration in any legislation providing access to telecommunications for security and law enforcement purposes. The Greens have two principal concerns about the bill. First, I invite the Parliamentary Secretary, in her reply, to confirm whether the extension of the interception powers to matters relating to police employees in schedule 1 [5], new definition (a), is a move to harmonise New South Wales with Commonwealth laws. We were unable to find references to this matter in existing Commonwealth laws. While we may have missed something, it is important to find out that this bill is not simply about making New South Wales laws consistent with Commonwealth laws. Indeed, it appears that it extends powers within New South Wales beyond that which would be required simply to harmonise the laws.

There exists a real risk that this power will open a door for excessive use of interceptions for police human resources matters. We ask the Parliamentary Secretary: Has the police union been consulted with respect to this matter? We understand that the provisions may act as a control over police integrity, but it is important to

balance this imperative with the right to privacy of individual police officers. I ask the Parliamentary Secretary to address this matter in her reply. Secondly, the Greens are concerned that item [13] in schedule 1 to the bill will remove the requirement for authorities to provide copies of telecommunications interception warrants to the New South Wales Minister. Section 6 of the New South Wales Act currently requires authorities to provide copies of warrants to the Minister. The Minister has failed to provide an adequate public policy reason for cutting the New South Wales Government out of the reporting loop and, consequently, for weakening accountability mechanisms that provide a further safeguard on privacy.

Barry Collier, speaking on behalf of the Government in the Legislative Assembly in the agreement in principle speech, stated that removing the reporting requirements to the New South Wales Minister will "reduce the unnecessary handling of documents". Accountability mechanisms can hardly be dismissed as duplication when we are dealing with serious intrusions into privacy. The Greens believe that keeping the Minister informed is an important safeguard and may act as a deterrent against excessive use of these powers. For example, the Minister may at least start asking questions if warrant requests become too frequent or if they are out of the ordinary. Reporting requirements are a useful check and balance and it is simply not good public policy to remove this layer of accountability and scrutiny.

The Australian Privacy Foundation opposed the removal of this level of reporting requirements to State Ministers when this law was passed at the Commonwealth level. The foundation raised a number of serious concerns about removing the State Minister from the reporting loop. I foreshadow that the Greens will move an amendment in Committee to maintain reporting requirements to the New South Wales Minister. In conclusion, the Greens recognise that there is a fine balancing act between public interest in maintaining privacy and the ability of law enforcement agencies to undertake their functions. Over the past 20 years at both the Commonwealth level and the New South Wales level there has been an inexorable trend to extend the power progressively and to weaken the safeguards over telecommunications interception. In its submission to the Senate Legal and Constitutional Affairs Committee, the Australian Privacy Foundation stated:

These previous changes ... mean that any incremental change such as those now proposed have an even greater potential impact than they would otherwise have done ... This is one of the corrosive effects of successive minor amendments, each apparently marginal and reasonable, but which cumulatively change the entire nature and impact of the regime.

The Privacy Foundation is saying that all changes must be assessed in toto, not as individual changes, to assess the cumulative impact on privacy. Similarly, when the Commonwealth bill was introduced into the Senate in 2008 the Law Council stated that the bill was "yet another incremental expansion in the telecommunication interception powers of ASIO and law enforcement agencies". This is a highly worrying trend. The public needs more transparency and accountability when it comes to telecommunications interception, not less. On behalf of the Greens, I thank the Australian Privacy Foundation for its advice on this bill, and acknowledge its continuing advocacy to protect the freedom and privacy of individuals.

Reverend the Hon. FRED NILE [5.16 p.m.]: The Christian Democratic Party supports the Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008. The main purpose of the bill is to make a number of amendments to the Telecommunications (Interception and Access) (New South Wales) Act 1987 to ensure that interception and access powers in New South Wales are consistent with the operation of the Commonwealth Telecommunications (Interception and Access) Act 1979. The fundamental aspects of the Telecommunications (Interception and Access) (New South Wales) Act 1997 are not affected by these amendments. As honourable members know, the powers embodied in this legislation are important to ensure the apprehension of those involved in criminal or terrorist activities. These important powers are used by the New South Wales Police Force, the New South Wales Crime Commission, the Police Integrity Commission and the Independent Commission Against Corruption [ICAC]. The Independent Commission Against Corruption has placed great emphasis on this type of surveillance to acquire evidence.

Time and time again we have seen people—they may be aldermen or council employees, such as those at Wollongong Council, or those involved in corruption in RailCorp—deny any illegal activity until the commission has played back recordings of telecommunications interceptions. Then the person is forced by the evidence to concede that they have broken the law or been guilty of corruption. So these powers are important. As honourable members know, recently this House passed legislation to provide even greater opportunities for this type of surveillance, with covert search warrants providing the ability to put recording devices in the homes of persons involved in alleged criminal activities.

Members who have watched episodes of *Underbelly* will know that this type of surveillance has been used to identify people who are involved in criminal activity. The bill will amend the Telecommunications

(Interception and Access) (New South Wales) Act 1987 in a number of ways, the detail of which I not go into as it has been mentioned by other speakers. The important changes are: to amend the New South Wales Act to allow for the original warrant, or a certified copy of the warrant, to be kept; to amend the New South Wales Act to allow for reporting directly to the Commonwealth Minister; to allow for the exchange of information between the New South Wales Ombudsman and the Commonwealth Ombudsman; and to clarify and amend the definition of "certifying officer" in the New South Wales Act to include the director and assistant director of the New South Wales Crime Commission. The Christian Democratic Party is pleased to support the bill.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.20 p.m.], in reply: I thank all members for their contributions to this debate. I note that there is general support for the bill. Telephone interception is an important tool of law enforcement. The Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008 amends the principal Act to ensure that it continues to be conducted in accordance with strict legislative controls. As discussed by other speakers, it brings it into line with other States and the Commonwealth. Two issues were raised during the debate, the first of which was about employees. I advise that the definition of "permitted purpose" is being amended to mirror the wording used in the Commonwealth Act.

The authority to issue and use warrants stems from the Commonwealth legislation. Even if the definition of "permitted purpose" in the New South Wales Act were to be expanded beyond that in the Commonwealth legislation—and I am advised the current amendments do not do that—New South Wales does not govern the use and issue of warrants; it governs only record keeping and administrative provisions. Extending the definition of "permitted purpose" in the New South Wales Act would not extend police powers—an issue that Dr John Kaye was concerned about. In relation to the matter of who has been consulted, the Ombudsman, the Ministry for Police, the Inspector for the Independent Commission Against Corruption and the New South Wales Crime Commission have all provided feedback on the proposed amendments and are satisfied with the bill in its current form. I advise the House that the Government does not support the Greens amendments, the detail of which I will refer to in Committee. 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 to 4 agreed to.

Dr JOHN KAYE [5.24 p.m.], by leave: I move Greens amendments Nos 1 to 3 in globo:

No. 1 Page 7, schedule 1 [13], lines 8 and 9. Omit all words on those lines.

No. 2 Page 7, schedule 1 [15], lines 12–19. Omit all words on those lines.

No. 3 Page 9, schedule 1 [17], lines 23–25. Omit all words on those lines.

The amendments seek to delete new section 13 in schedule 1 to the bill that would remove the requirement to provide copies of telecommunications interception warrants to the New South Wales Minister—that is to say, they seek to maintain the requirement that all warrants and all information relating to telecommunications interception warrants are provided to the New South Wales Minister. Section 6 of the New South Wales Act as currently written requires authorities to provide copies of warrants to the State Minister, with the State Minister required by section 7 to pass them on to the Commonwealth Minister. Section 59A was recently inserted in the Commonwealth Act and requires State authorities to forward copies of warrants directly to the Commonwealth Minister.

The Greens are concerned about moves to cut the New South Wales Government out of the reporting loop. The Government has failed to advance any reason why that would be good public policy, save and except to say that the removal of the reporting requirement to the New South Wales Minister will "reduce unnecessary handling of documents". Avoiding duplication is not sufficient reason to weaken accountability mechanisms that provide a further safeguard to privacy. Intercepting people's communications is a series intrusion of privacy, and keeping State Ministers informed is just one additional safeguard. It is possible this could act as a deterrent against excessive use. The Australian Privacy Foundation opposed the measures to take away the reporting

requirements to State Ministers when this law was passed at the Commonwealth level. Members who spoke on this bill acknowledged the importance of accountability in protecting privacy, and I hope that in that spirit members will support these amendments. I commend these amendments to the Committee.

The Hon. JOHN AJAKA [5.26 p.m.]: The Opposition does not support the Greens amendments.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.26 p.m.]: The Government does not support Greens amendments Nos 1, 2 and 3. The amendments retain the requirement that New South Wales agencies must forward a copy of a warrant to the New South Wales Attorney General, in addition to more substantive reporting requirements that the amending bill actually retains in the Act. It is important to understand where this change came from. The Commonwealth removed these requirements from its legislation for State agencies to provide copies of warrants to State Ministers. This was based on the findings of the Blum Report of the Review of the Regulation of Access to Communications, which stated:

Whatever else may be said about this elaborate reporting structure it is difficult to see any useful purpose being served by requiring the State Minister to act merely as a conduit.

The existing provisions place an unnecessary administrative burden on New South Wales law enforcement agencies. Most importantly, the amending bill as proposed by the Government retains the more meaningful reporting requirements in the principal New South Wales Act. New South Wales agencies will still be required to produce and forward to the Attorney General reports on the use made by the agency of information obtained under a warrant, and any communication of that information to persons other than officers of the agency. The Government believes that this provides the most appropriate level of information to the New South Wales Attorney General. I think that the concerns of the Greens are unwarranted. The Government is streamlining the process, and the quality of the information that is provided to the Attorney General will remain. The Government opposes the amendments.

Reverend the Hon. FRED NILE [5.28 p.m.]: The Christian Democratic Party does not support Greens amendments Nos 1, 2 and 3. I think the Greens have missed the point that telecommunications is a responsibility of the Commonwealth and that is why the legislation has been drafted in this way.

Dr JOHN KAYE [5.28 p.m.]: In relation to the comments of the Parliamentary Secretary, the Hon. Penny Sharpe, the Greens hope that the Attorney General will act as more than a conduit for passing on information to his Commonwealth colleagues but will look at individual information and ensure that in no case has there been a traversing of the rights of an individual to privacy. The Parliamentary Secretary suggested that sending an additional copy to the New South Wales Minister, which is the effect of the Greens amendments, would place an unnecessary burden on law enforcement agencies.

Surely just running off an additional copy and sending it to the Attorney General's office is not a massive burden on a law enforcement agency. The Parliamentary Secretary also referred to the report that law enforcement agencies are required to deliver to the Attorney General on their use of these provisions. These are two separate issues: the Parliamentary Secretary has confused two separate issues. One issue is individual oversight of each of the warrants, and the other is a statistical report that looks at the way in which the provisions have been used. The Greens support a report to the Attorney General on the way in which the reports are used, and that is absolutely appropriate. However, our amendment refers to an oversight of each individual application of a telecommunications warrant.

Reverend the Hon. Fred Nile suggested that this is a Commonwealth matter, not a State matter. If that were true, why is the House debating this at all? There is State legislation and some powers are ceded to the Commonwealth, but there is no reason in the agreement between the State and the Commonwealth as to why we cannot maintain some degree of oversight of issues on an individual privacy level. Privacy ought to be a matter that all levels of government are concerned to maintain, particularly when it concerns the law enforcement agencies under their control. Therefore, the Greens are not persuaded by the arguments put forward by the Government or Reverend the Hon. Fred Nile, and I doubt whether we would have been persuaded by arguments put forward by the Opposition, although there were not any.

Question—That Greens amendments Nos 1 to 3 be agreed to—put.

The Committee divided.

Ayes, 3

Mr Cohen

Tellers,

Ms Hale

Dr Kaye

Noes, 24

Mr Ajaka
Mr Catanzariti
Mr Clarke
Ms Cusack
Ms Ficarra
Miss Gardiner
Mr Gay
Ms Griffin
Mr Khan

Mr Lynn
Mr Mason-Cox
Reverend Dr Moyes
Reverend Nile
Ms Parker
Mr Pearce
Mr Primrose
Ms Robertson
Ms Sharpe

Mr Tsang
Mr Veitch
Mr West
Ms Westwood

Tellers,

Mr Colless

Mr Donnelly

Question resolved in the negative.

Greens amendments Nos 1 to 3 negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Penny Sharpe agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

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

SUCCESSION AMENDMENT (INTESTACY) BILL 2009

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. John Hatzistergos.

Motion by the Hon. Penny Sharpe 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.

HEALTH LEGISLATION AMENDMENT BILL 2009**Second Reading**

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.42 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to bring before the House the Health Legislation Amendment Bill 2009. The bill proposes a range of minor amendments to a number of pieces of health legislation, being the Drug and Alcohol Treatment Act 2007, the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Services Act 1997, the Medical Practice Act 1992 and the Mental Health Act 2007.

I will firstly address the amendments to the Health Care Complaints Act 1993 which are set out in schedule 1.3 of the bill.

In June 2008 the joint parliamentary Committee on the Health Care Complaints Commission issued a Report on the Investigations by the Health Care Complaints Commission into the complaints made against Mr Graeme Reeves. The report followed an earlier review into the matter of Mr Reeves conducted by retired Federal Court judge Ms Deidre O'Connor. The report noted that two of Ms O'Connor's recommended amendments to the Health Care Complaints Act had not yet been implemented. These recommendations related to strengthening the Health Care Complaints Commission's powers under sections 21A and 34A in relation to the assessment and investigation of complaints. The report supported Ms O'Connor's proposed changes and recommended they proceed.

The investigation of a complaint by the Health Care Complaints Commission has two distinct phases, the assessment phase during which the commission determines if the complaint will be investigated, or managed in some other appropriate manner, and the investigation phase.

During the assessment phase of a complaint, section 21A only gives the commission a limited power to obtain hospital and medical records and documents relating to a health practitioner's practice. During the investigation phase of a complaint, section 34A does not limit the documents and information the commission may obtain, but does provide that the commission is only able to obtain such information from a complainant, the person against whom the complaint was made or a health service provider.

Ms O'Connor recommended amending section 34A to give the Health Care Complaints Commission the power to compel any person to produce documents or information to the commission during the investigation phase of a complaint. In addition, Ms O'Connor recommended amending section 21A to allow the commission to exercise all of the powers under section 34A during the assessment phase of a complaint.

This bill adopts the recommendations concerning sections 21A and 34A of both the joint parliamentary committee and Ms O'Connor. The amendments to section 21A and 34A will assist the commission in the timely assessment and investigation of complaints and will help protect members of the public by ensuring the commission has the power to compel the production of evidence held by any person that may assist in the commission's assessment or investigation of a complaint.

The remaining amendments to the Health Care Complaints Act are of a mainly administrative nature and seek to ensure the efficient and smooth operation of the Health Care Complaints Commission. The first series of amendments concern the power of the commission, under sections 28 and 28A, to provide information to the parties to a complaint and persons whose treatment is the subject of a complaint. As sections 28 and 28A currently stand, different rules apply to the provision of information by the commission to a person who is a party to a complaint and a person whose treatment is the subject of a complaint. Under section 28, the commission must, unless an exemption applies, give the parties to a complaint notice of the action taken or decision made by the commission following an assessment of a complaint. Under section 28A, the commission is to use its best endeavours to notify a person whose treatment is the subject of a complaint of the outcomes of the assessment of the complaint. The bill amends section 28A of the Health Care Complaints Act to bring the relevant provisions into alignment and ensure that the commission can provide, or withhold, information on the same basis to both parties to a complaint and a person whose treatment is the subject of a complaint.

The bill also contains amendments to sections 41 and 45 of the Health Care Complaints Act to provide that the Health Care Complaints Commission may provide the outcomes of an investigation report to any person to whom it could have provided its assessment decision under section 28A and any other relevant person or organisation. Section 45 has also been amended to allow the commission to provide a copy of its report to the complainant.

Section 41A of the Health Care Complaints Act is to be amended to ensure that the commission may issue a prohibition order against an unregistered health practitioner if the practitioner imposes a risk to the health or safety of members of the public, rather than just the health of members of the public which is the case under the current wording of the section.

The bill also sets out a series of amendments to Part 6A of the Health Care Complaints Act. Part 6A establishes the position of the Director of Proceedings and sets out the powers, duties and functions of the Director of Proceedings.

The Director of Proceedings is the independent arbiter of whether complaints about health care practitioners are to be prosecuted before disciplinary bodies. When a decision is made to prosecute a complaint, the Director of Proceedings is also responsible for undertaking that prosecution. The functions of the Director of Proceedings are in some ways analogous to the functions of the Director of Public Prosecutions.

Part 6A was inserted in the Act by the Health Legislation Amendment (Complaints) Act 2004, which commenced operation in 2005. In the intervening four years a number of minor deficiencies with part 6A have been identified. The proposed minor amendments to part 6A will address these deficiencies by allowing the Director of Proceedings to refer matters back to the commission in instances where she declines to prosecute a complaint before a disciplinary body; to allow the director to notify parties of her decision regarding prosecution of a complaint; to allow the director to delegate her functions so as to avoid conflicts of interest; and to allow the director to exercise functions imposed on the commission by Acts other than the Health Care Complaints Act.

The final amendments to the Health Care Complaints Act are intended to ensure that the officers of the Health Care Complaints Commission may not be compelled in any legal proceedings to give evidence or produce documents in respect of any information obtained in exercising a function under the Health Care Complaints Act. The amendments to section 99A of the Health Care Complaints Act afford the commission an exemption from being required to produce documents and information in legal proceedings similar to those enjoyed by other investigative bodies including:

- The Legal Services Commission; The Ombudsman;
- The Police Integrity Commission; and
- The Independent Commission Against Corruption.

Importantly, however, the commission will still be required to produce documents and information in respect of proceedings under the Royal Commissions Act, or an inquiry under the Ombudsman Act, proceedings before the Independent Commission Against Corruption or proceedings under Part 3 of the Special Commissions of Inquiry Act.

While the amendments will ensure that the commission is not compellable in legal proceedings, the bill inserts a new section 99B to give the commission a discretion to disclose information obtained in exercising a function under the Act to a number of relevant person and bodies, such as the Minister for Health; a court or tribunal; the police or a prosecuting authority; any body regulating health service providers in Australia; and a health practitioner the subject of a complaint or the complainant. Importantly, the proposed section 99B only allows the commission to exercise its discretion if it is satisfied that the public interest in disclosing the information outweighs the public interest in protecting the confidentiality of the information and the privacy of the person to whom the information relates.

Schedule 1.1 of the bill amends the Drug and Alcohol Treatment Act 2007. Section 21 of the Drug and Alcohol Treatment Act allows an accredited medical practitioner to grant a leave of absence to a person detained in a treatment centre under the Act if the person is medically fit. Unfortunately, section 21 currently prevents a person being given a leave of absence for medical purposes. The bill rectifies this by amending section 21 so as to ensure that a leave of absence can be granted for the purpose of obtaining medical treatment.

The bill also inserts a new transitional provision into the Drug and Alcohol Treatment Act. The Drug and Alcohol Treatment Act allows for the short-term involuntary detention and treatment of a person with a substance dependence in a declared treatment centre. The Act is being trialled as an alternative to the Inebriates Act 1912 in treating persons with a substance dependence. The Drug and Alcohol Treatment Act only applies to the area prescribed by the regulations and the Inebriates Act will not apply to the prescribed area. The Drug and Alcohol Treatment Act currently applies to the catchment area, apart from Cumberland Hospital, of Sydney West Area Health Service. Cumberland Hospital has been excluded from the prescribed area in order to allow those patients who were receiving treatment under the Inebriates Act prior to the commencement of the Drug and Alcohol Treatment Act to continue their treatment. However, if in the future the prescribed area is expanded, it is important to ensure that patients who will be receiving current treatment under the Inebriates Act are not prevented from continuing their treatment under the Inebriates Act. As such, the bill inserts a new section 55A into the Drug and Alcohol Treatment Act which will allow people who have been detained for treatment under the Inebriates Act, within an area subsequently prescribed, to continue to be treated in accordance with that Act rather than the Drug and Alcohol Treatment Act. This will ensure that patients receive a continuity of care.

Schedule 1.2 of the bill makes a number of amendments to the Health Administration Act 1982 relating to the appointment of members of the Medical Services Committee. The Medical Services Committee is established under section 20B of the Health Administration Act to provide advice to the Minister for Health and the Department relating to matters affecting the practice of medicine in New South Wales, including existing and proposed legislation and administrative arrangements.

Currently, schedule 4 of the Health Administration Act provides that members of the Medical Services Committee may be appointed to a maximum of five two-year terms of office.

The nomination and appointment process for appointment to the committee can take up to 12 months and the requirement to undertake this process every two years means that there is an almost perpetual cycle of appointments underway. The proposed amendments to schedule 4 of the Health Administration Act will allow members of the Medical Services Committee to be appointed for a maximum of three four-year terms. These amendments will reduce the administrative burden associated with the appointment of members of the committee, allow for a more stable membership and bring the terms of office of the committee into line with other similar appointed bodies such as the New South Wales Medical Board.

Schedule 1.4 of the bill amends provisions of the Health Services Act 1997 relating to board governed health corporations and the protections offered to experts who assist in performance and conduct reviews within the New South Wales Health Service.

The Health Services Act establishes a number of board governed health corporations, being the Clinical Excellence Committee, HealthQuest and Justice Health. Section 49 of the Act currently provides that the Minister for Health must appoint a member of staff of the New South Wales Health Services, who is employed in connection with the corporation, to the board of the board governed health corporation. However, in the smaller board governed health corporations, there are a number of difficulties in requiring a member of staff to be appointed to the board. In the smaller corporations, there may not be a staff member with the both the skills and expertise to perform as an effective board member, a staff member may encounter difficulties in maintaining the strict confidentiality of board business and a staff member may experience a conflict of interests between their responsibilities as a board member and their responsibilities as an employee.

As such, the bill amends section 49 of the Act to provide that in the case of a board governed health corporation with less than 50 staff members, the Minister is not required to appoint a member of staff of the New South Wales Health Services. Despite this amendment, it will still be open to the Minister, if appropriate, to appoint a staff member to the board of a board governed health corporation. The bill also amends section 51 of the Health Services Act to clarify that where the position of chief executive for a board governed health corporation is an executive position within the meaning of part 3 of chapter 9 of the Act, all provisions of part 3 of chapter 9 apply to the appointment and the employment of the chief executive.

The final amendment to the Health Service Act relates to section 139. Section 139 was inserted into the Health Services Act in December 2007 and provides protection from personal liability for any person who, in good faith, assists in a review of the performance or conduct of a member of the New South Wales Health Services or a visiting practitioner. Any liability that arises attaches to the public health organisation concerned or the Director-General of the Department of Health. Section 139 assists public health organisations in obtaining the assistance of health practitioners, and other experts, in assessing and reviewing the professional performance or conduct of visiting practitioners and employees within the public health system. However, section 139 currently does not apply to a person who, in good faith, assists in the review of the performance or conduct of an employee of a non-declared affiliated health organisation. This is because, while non-declared affiliated health organisations are part of the public health system, their employees are not members of the New South Wales Health Service. The bill rectifies this by amending section 139 to extend the protection afforded in section 139 to persons who are employed by non-declared affiliated health organisations.

Schedule 1.5 of the bill amends section 177 of the Medical Practice Act. Section 177 deals with issues relating to representation of a medical practitioner and a complainant at proceedings before a professional standards committee. The professional standards committee is a body established under the Medical Practice Act to inquire into complaints of unsatisfactory professional conduct (not amounting to professional misconduct) against medical practitioners. Proceedings before a committee are inquisitorial and, following an inquiry, a committee may take a variety of actions, including reprimanding a practitioner or imposing conditions on a practitioner's licence, but may not cancel or suspend a practitioner's registration. Under section 177 of the Act, neither the complainant (being the Health Care Complaints Commission) or the medical practitioner the subject of the complaint may be represented by a legal practitioner at an inquiry, although a legal practitioner is entitled to be present at the inquiry and may advise the practitioner. The Health Care Complaints Commission generally is represented by a person who has legal training but is not a legal practitioner.

The lack of legal representation before a professional standards committee has caused some concern among the medical profession, particularly in light of the 2008 amendments to the Medical Practice Act, which among other things, amended the Medical Practice Act to require hearings of a professional standards committee to be held in public and decisions of a committee to be published (unless a committee forms the view that it is not in the public interest to do so).

As hearings of a professional standards committee are now held in public and decisions are published, there is a greater need for a medical practitioner and the Health Care Complaints Commission to be able to seek legal representation if required. The proposed amendments to section 177 will achieve this by allowing a practitioner or complainant before a professional standards committee to be represented by a legal practitioner. The proposed amendment assists in protecting people's rights and will bring section 177 into line with section 162, which allows a practitioner or complainant to be legally represented in proceedings before the Medical Tribunal.

However, the Government is keen to ensure that proceedings before the professional standards committee do not become overly legalistic and process driven. Therefore, schedule 1.5 of the bill will commence on proclamation, rather than assent, to allow time for a code of conduct regarding the use of legal practitioners in proceedings before the professional standards committee to be developed.

The final amendments in the bill are contained in schedule 1.6 and concern sections 52 and 141 of the Mental Health Act. Section 52 of the Mental Health Act relates to applications for community treatment orders. When an application for a community treatment order is made, section 52 requires an affected person to be given written notice of the application and a copy of the proposed treatment plan and provides that the application must be heard no earlier than 14 days after the notice is given. Section 52(4) currently provides that where an application is made in respect of a person the subject of a current community treatment order, section 52 does not apply. The bill amends section 52(4) to make it clear that when an affected person is the subject of a current community treatment order, the requirement to give the person written notice of the application and a copy of the treatment plan apply but that the 14 day notice period does not apply. This amendment has been made because when an affected person is the subject of a current community treatment order, the requirement to give a 14 day notice period before determining the application may prevent continuity of care where, for example, an administrative oversight or error results in the 14 day notice period not being complied with. However, regardless of whether the person is the subject of a current community treatment order or not, it is appropriate to provide the person with written notice of the application and provide a copy of the proposed treatment plan.

The proposed amendments to section 141 of the Mental Health Act provide that the President of the Mental Health Review Tribunal may be employed as a full-time or part-time member, which will bring the position of the President into line with the position of the Deputy President who may be appointed on a full-time or part-time basis. As a result of the amendments to section 141, the bill also makes a consequential amendment to the Statutory and Other Offices Remuneration Act 1975.

I commend the bill to the House.

The Hon. JENNIFER GARDINER [5.43 p.m.]: The Health Legislation Amendment Bill 2009 is an omnibus bill that attends to a number of flaws and amendments and requirements for amendments to a series of health-related statutes. It proposes a range of minor amendments to the Drug and Alcohol Treatment Act 2007, the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Services Act 1997, the Medical Practice Act 1992 and the Mental Health Act 2007.

With respect to the amendments to the Health Care Complaints Act, in June last year the Joint Parliamentary Committee on the Health Care Complaints Commission tabled its reports on the investigations by the commission into the complaints made against the infamous Mr Graeme Reeves. The report followed an earlier review into the matter of Mr Reeves conducted by the retired Federal Court judge Deidre O'Connor. The parliamentary committee noted that two of former judge O'Connor's recommended amendments to the Health Care Complaints Act had not yet been implemented. These recommendations from the committee and the former judge related to strengthening the Health Care Complaints Commission's powers in relation to the assessment and investigation of complaints. The parliamentary committee reinforced Ms O'Connor's views that the proposed changes needed to be implemented.

The investigation of a complaint by the Health Care Complaints Commission has two distinct phases—the assessment phase, during which the commission determines if the complaint will be investigated or managed in some other appropriate manner, and the investigation phase. During the assessment phase of a complaint, existing section 21A gives the commission only a limited power to obtain hospital and medical records and documents relating to a health practitioner's practice. During the investigation phase of a complaint, section 34A does not limit the documents and information that the commission may obtain but does provide that the commission is able to provide such information only from a complainant, the person against whom the complaint was made or a health service provider.

Ms O'Connor's recommendation was that section 34A should be amended to give the Health Care Complaints Commission the power to compel any person to produce documents or information to the commission during the investigation phase of a complaint. As well, Ms O'Connor recommended that section 21A be amended to allow the commission to exercise all the powers that exist under section 34A during the assessment phase of a complaint. The bill before the House adopts the recommendations concerning sections 21A and 34A that have been put forward by both the joint parliamentary committee and Ms O'Connor. Those amendments will assist the commission in the timely assessment and investigation of complaints and will protect members of the public by ensuring the commission has the power to compel the production of evidence held by any person that may assist in the commission's assessment or investigation of a complaint. So, the powers are widened.

The other amendments to the Health Care Complaints Act before the House in this bill are mainly of an administrative nature and are aimed at making sure the Health Care Complaints Commission works more efficiently and smoothly. The amendments concern the power of the commission under sections 28 and 28A to provide information to the parties to a complaint and to persons whose treatment is the subject of a complaint. As those sections stand, different rules apply to the provision of information by the commission to a person who is a party to a complaint and a person whose treatment is the subject of a complaint. Under section 28 the commission must, unless an exemption applies, give the parties to a complaint notice of the action taken or a decision made by the commission following assessment of a complaint.

Under section 28A, the commission is to use its best endeavours to notify a person whose treatment is the subject of a complaint of the outcomes of the assessment of the complaint. The bill amends section 28A of the Act to bring the relevant provisions into alignment and to ensure that the commission can provide information to or withhold information from both a party to a complaint and a person whose treatment is the subject of a complaint.

The bill would also amend sections 41 and 45 of the Act to provide that the Health Care Complaints Commission may provide the outcomes of an investigation report to any person to whom it could have provided its assessment decision under section 28A and to any other relevant person or organisation. Section 45 is amended to allow the commission to provide a copy of its report to the complainant. They are minor but important amendments to the Health Care Complaints Act. In addition, the Act is to be amended to ensure that the commission may issue a prohibition order against an unregistered health practitioner if the practitioner poses a risk to the health or safety of members of the public, rather than just the health of members of the public. It widens the provision to include the word "safety".

The bill also sets out a series of amendments to part 6A of the Health Care Complaints Act, which establishes the position of the Director of Proceedings and sets out the director's powers, duties and functions. The director is an independent arbiter of whether complaints about health care practitioners are to be prosecuted before disciplinary bodies. When a decision is made to prosecute a complaint, the Director of Proceedings is also responsible for undertaking that prosecution. The functions of such a director are analogous to the functions of the Director of Public Prosecutions.

In 2004 part 6A was inserted in the Act by the Health Care Complaints Bill, which came into effect in 2005. In the four years since then a number of minor deficiencies to part 6A have been identified. The proposed amendments to part 6A will address those deficiencies by allowing the Director of Proceedings to refer matters back to the commission in instances where she declines to prosecute a complaint before a disciplinary body; to allow the director to notify parties of her decision regarding prosecution of a complaint; to allow the director to delegate her functions so as to avoid conflicts of interest; and to allow the director to exercise functions imposed on the commission by Acts other than the Health Care Complaints Act.

The final batch of amendments to the Health Care Complaints Act are meant to ensure that the officers of the Health Care Complaints Commission may not be compelled in any legal proceedings to give evidence or produce documents in respect of any information obtained in exercising a function under the Health Care Complaints Act. The amendments to section 99A of the Health Care Complaints Act exempt the commission from being required to produce documents and information in legal proceedings similar to those enjoyed by other investigative bodies such as the Legal Services Commission, the Ombudsman, the Police Integrity Commission and the Independent Commission Against Corruption. It is important to note however that the commission will still be required to produce documents and information in respect of proceedings under the Royal Commissions Act, an inquiry under the Ombudsman's Act, proceedings before the ICAC, or proceedings under part 3 of the Special Commissions of Inquiry Act.

While the amendments will ensure that the commission is not compellable in legal proceedings, the bill will insert a new section 99B to give the commissioner discretion to disclose information obtained in exercising a function under the Act to a number of relevant persons and bodies, such as the Minister for Health, a court or a tribunal, the police or a prosecuting authority, any body regulating health service providers in Australia, a health practitioner who is the subject of a complaint, or the complainant. Importantly, section 99B allows the commission to exercise its discretion only if it is satisfied that the public interest in disclosing the information outweighs the public interest in protecting the confidentiality of the information and the privacy of the person to whom the information relates.

The next Act to which amendments are proposed is the Drug and Alcohol Treatment Act 2007. Section 21 of that Act allows an accredited medical practitioner to grant a leave of absence to a person detained in a treatment centre if the person is medically fit, but section 21 currently prevents a person being given a leave of absence for medical purposes. That has been found to be too restrictive. The bill rectifies that by amending section 21 so as to ensure that a leave of absence can be granted for the purposes of obtaining medical treatment. The bill also inserts a new transitional provision into the Drug and Alcohol Treatment Act so that it will allow for the short-term involuntary detention and treatment of a person with substance dependence in a declared treatment centre.

The Drug and Alcohol Treatment Act is being trialled as an alternative to the Inebriates Act in treating persons with substance dependence. The Drug and Alcohol Treatment Act applies only to the area prescribed by the regulations, and the Inebriates Act will not apply to the prescribed area. Currently the Drug and Alcohol Treatment Act applies to the catchment area—apart from Cumberland Hospital—of the Sydney West Area Health Service. Cumberland Hospital has been excluded from the prescribed area to allow those patients receiving treatment under the Inebriates Act prior to the commencement of the Drug and Alcohol Treatment Act to continue their treatment.

However, if in future the prescribed area is expanded it is important to ensure that patients who are currently receiving treatment under the Inebriates Act are not prevented from continuing their treatment under that Act. The bill will insert a new section 55A into the Drug and Alcohol Treatment Act to allow for people who have been detained for treatment under the Inebriates Act within an area subsequently prescribed to continue to be treated in accordance with that Act rather than the Drug and Alcohol Treatment Act. That will mean that patients receive continuity of care.

Next we come to the amendments that the bill makes to the Health Administration Act 1982, specifically those relating to the appointment of members of the Medical Services Committee. That committee, which will be established under section 20B of the Health Administration Act, will provide advice to the Minister for Health and the department relating to matters affecting the practice of medicine in this State, including existing and proposed legislation and administrative arrangements.

Section 4 of the Act provides that members of the Medical Services Committee may be appointed to a maximum of five two-year terms of office. The nomination process for appointment to the committee can take

up to 12 months and the requirement to undertake this process every two years means there is almost a perpetual cycle of appointments at any one time. This will enable members of the Medical Services Committee to be appointed for a maximum of three four-year terms, and these amendments will reduce the administrative burden associated with the appointment of members to the committee to allow for a more stable membership and to bring the terms of office of the committee into line with other similar bodies such as the New South Wales Medical Board.

The next schedule to the bill will amend provisions in the Health Services Act 1997 relating to board-governed health corporations and to protections offered to experts to assist in performance and conduct reviews within NSW Health. The Health Services Act establishes a number of board-governed health corporations, namely, the Clinical Excellence Commission, HealthQuest and Justice Health. The Minister for Health, the Hon. John Della Bosca, hypocritically rails against the Opposition's proposal to establish district health boards, but the New South Wales Government already presides over legislation with board-governed health corporations—those that I have just mentioned—operating under the Health Services Act.

In addition, it is worth noting that the New South Wales Government, and Minister Della Bosca in particular, recently signed off on the establishment of the Albury-Wodonga Health Service, which will be governed by a board of directors and established under the Victorian health legislation to integrate health services across the border of Victoria and New South Wales. That health service, which will have a board, will be administered under the New South Wales system. Half the board members will be nominated by the New South Wales health Minister and the other half will be nominated by the Victorian health Minister, with the chairman to be appointed with the agreement of both the New South Wales and Victorian health Ministers.

There is no point in Minister Della Bosca raving on about the Opposition's policy on breaking up area health services—the mega area health services imposed by Morris Iemma—and replacing them with district health boards when New South Wales is appointing a board for the Albury-Wodonga Health Service.

The Hon. Rick Colless: Hypocrite!

The Hon. JENNIFER GARDINER: Hypocrite! The final amendment to the Health Services Act relates to section 139. That section, which was inserted into the Health Service Act in 2007, provides protection from personal liability for any person who in good faith assists in a review of the performance or conduct of a member of NSW Health or a visiting practitioner. Any liability that arises attaches to the public health organisation concerned or the Director General of the Department of Health. Section 139 assists public health organisations in obtaining the assistance of health practitioners and other experts in assessing and reviewing the professional performance or conduct of visiting practitioners and employees within the public health system.

However, at the moment section 139 does not apply to a person who in good faith assists in the review of the performance or conduct of an employee of a non-declared affiliated health organisation. That is because while non-declared affiliated health organisations are part of the public health system, their employees are not members of NSW Health. The bill aims to rectify that by amending section 139 to extend the protection afforded in that section to persons who are employed by non-declared affiliated organisations.

At this point I draw attention to the fact that the Parliamentary Secretary for Health, Dr Andrew McDonald, in his reply to the speeches in debate on this bill in the other House, made certain comments that are contested. This is the same Parliamentary Secretary for Health who, at the annual general meeting of the Rural Doctors Association, suggested that doctors wanting answers on rural health issues would be better off seeking The Nationals preselection for the 2011 State election. That was very wise advice from the good doctor. Obviously, he had given up on the New South Wales Labor Government; no point asking it, it is a waste of time. Go and see The Nationals.

The Hon. Christine Robertson: Rubbish!

The Hon. JENNIFER GARDINER: It is not rubbish; it is true. Ask the New South Wales Rural Doctors Association. Health service stakeholders are increasingly active in The Nationals seeking solace and refuge from a dysfunctional and distressing New South Wales health system and providing welcome advice on how to fix it. However, the Parliamentary Secretary in his reply to the debate in the other place said:

I thank the Opposition for its support of this legislation, which has been widely discussed with stakeholders.

He said that on 1 April 2009—April Fools' Day. However, the Health Services Association points out that the Government did not consult that association, even though it is a stakeholder, particularly regarding this specific part of the amendments.

The Hon. Amanda Fazio: Oh, rubbish!

The Hon. JENNIFER GARDINER: The Hon. Amanda Fazio says that is rubbish. James McGillicuddy, the Health Services Association's executive director wrote to me, and probably to others in this House, in the following terms:

The effect of the proposed new section would be to protect any person conducting a review on behalf of the Director General of an employee of an Affiliated Health Organisation. The Association, who represents publicly funded health service providers, has no problem with the intent of the proposed amendment.

However, I raised the serious issue that at no stage did the Director General of the Department of NSW Health or a person on behalf of the Director General advise, inform or consult Affiliated Health Organisations regarding this proposed amendment. Affiliated Health Organisations, whose employees would be directly affected by this proposed amendment, were ignored. This may or may not have been intentional.

In response to our concerns, the Parliamentary Secretary advised the Legislative Assembly that the Bill had been widely discussed with stakeholders. One would assume that the Parliamentary Secretary said this on advice from the Department.

I reiterate our point. At no stage were Affiliated Health Organisations consulted in relation to the proposed amendments affecting them. Therefore the advice the Parliamentary Secretary gave to the Legislative Assembly was wrong. The Parliamentary Secretary has inadvertently misled Parliament.

We strongly believe the Department must follow due process and must not be allowed to, through the Health Minister, submit legislation to Parliament in which they have not fully consulted parties directly affected by the proposed legislation. Furthermore, Parliament should not accept the proposition that it is valid for the Department to mislead Parliament. If the Department misleads the Parliament on relatively minor issues, such as this one, what does it do in relation to more serious issues? Parliament should exact higher standards from the Department. It is up to the Parliament to take such a stand.

I am pleased to pass on the association's point. This is a serious matter. Stakeholders affected by a bill should be consulted. Even when they do not oppose a provision in a bill, they should not be taken for granted, as has been the case in this instance.

The Hon. Marie Ficarra: Government members should hang their heads in shame.

The Hon. JENNIFER GARDINER: They should hang their heads in shame. It sums up the attitude of the Government. It takes people for granted throughout the entire health system. The bill amends also section 177 of the Medical Practice Act, which deals with issues relating to representation of a medical practitioner and a complainant at proceedings before a professional standards committee, a body established under the Medical Practice Act to inquire into complaints of unsatisfactory professional conduct not amounting to professional misconduct against medical practitioners. Proceedings before a committee are inquisitorial, and following an inquiry a committee may take a variety of actions, including reprimanding a practitioner or imposing conditions on a practitioner's licence, but may not cancel or suspend a practitioner's registration.

Under that section neither the complainant, being the Health Care Complaints Commission, nor the medical practitioner the subject of a complaint may be represented by a legal practitioner at an inquiry, although a legal practitioner is entitled to be present at the inquiry and may advise the practitioner. The Health Care Complaints Commission is represented generally by a person who has legal training but who is not a legal practitioner. The lack of legal representation before a professional standards committee has caused some concern among the medical profession, particularly in light of the 2008 amendments to the Medical Practice Act which, among other things, amended that Act to require hearings of a professional standards committee to be held in public and decisions of the committee to be published, unless a committee forms the view that it is not in the public interest to do so. As hearings of a professional standards committee are now held in public and decisions are published, there is a greater need for medical practitioners and the commission to be able to seek legal representation if required. To the Opposition, that seems fair enough.

The proposed amendments to section 177 will achieve this by allowing a practitioner or a complainant before a professional standards committee to be represented by a legal practitioner. The amendment assists in protecting people's rights and will bring that section into line with section 162, which allows a practitioner or complainant to be legally represented in proceedings before the Medical Tribunal. The Opposition supports that amendment. The final amendments in the bill are contained in schedule 1.6, and concern sections 52 and 142 of

the Mental Health Act. Section 52 relates to applications for community treatment orders. When an application for a community treatment order is made, section 52 requires an affected person to be given written notice of the application and a copy of the proposed treatment plan. The section provides further that the application must be heard no earlier than 14 days after the notice is given.

The Act currently provides that, where an application is made in respect of a person the subject of a current community treatment order, section 52 does not apply. The bill will amend section 52 (2) to make it clear that when an affected person is the subject of a current community treatment order the requirement to give the person written notice of the application and a copy of the treatment plan applies, but a 14-day notice period does not apply. This amendment is necessary because when an affected person is the subject of a current community treatment order the requirement to give a 14-day notice period before determining the application may prevent continuity of care where, for example, an administrative oversight or error results in the 14-day notice period not being complied with. However, regardless of whether the person is the subject of a current community treatment order or not, it is appropriate to provide the person with written notice of the application and to provide a copy of the proposed treatment plan. The Opposition supports the gist of the series of amendments to the various Acts as outlined in this omnibus bill. The Opposition does not oppose the bill.

Ms SYLVIA HALE [6.07 p.m.]: The Greens support most of the Health Legislation Amendment Bill 2009, although we have reservations particularly about proposed section 99B. The bill amends various health Acts. We have spoken with various groups that have raised concerns about several aspects of the bill, and I will now outline those concerns, which were raised with Ms Jenny Gardiner and the Opposition. The Health Services Association of New South Wales expressed its concern about the lack of consultation with the health sector about new provisions in the Health Services Act 1997 to protect any person conducting a review on behalf of the director general of an employee of an affiliated health organisation. Although the association supported the changes, it was rightly concerned that the Department of Health had not advised, consulted with or informed those affected affiliated health organisations. Despite assurances to the contrary of the Parliamentary Secretary Assisting the Minister for Health in his agreement in principle speech in the other place, I am advised that at no stage were affiliated health organisations consulted in relation to the proposed amendments affecting them.

The Greens support the call by the Health Services Association of New South Wales for the Government and the Department of Health to follow more strict processes when consulting and informing the health sector on proposed changes to health legislation. Indeed, there should be more strict processes and procedures regarding all legislation. Phrases such as "widely consulted with the community" or "widely discussed with stakeholders" are bandied about in this House with such abandon that they have been rendered meaningless. This is one example where the Government claims to be engaging broadly with the community, but in fact it is handpicking those with whom it consults and confers.

For example, the Government is proposing to make significant changes to the planning Acts. We know that the Government consults with the Property Council and with the Urban Taskforce, but it regularly fails to consult with the Local Government and Shires Associations. Similarly, the privatisation of prisons is remarkable in that there had been no consultation with the community—just an announcement. The only consultation with the community came about as a result of an inquiry conducted by General Purpose Standing Committee No. 3.

The Government demonstrates a consistent failure to consult. Another example is that last Wednesday the Minister for Planning announced there would be changes to the Heritage Act 1977, and that amendments would be passed before the Parliament's current session concludes. There are 19 sitting days remaining in this parliamentary session, yet there has been no sign of the amendments or indication of their content, let alone the opportunity even to begin consulting with the community on what people expect. When the Government says that it widely consults with the community, everybody knows that in most cases that is arrant nonsense.

The amendments to the Mental Health Act regarding community treatment orders means that at least 14 days notice is no longer required before an application is heard to renew an existing community treatment order or to issue a further treatment order. The Government advises that this measure is needed to avoid any lack of continuity of care and that clinicians require the flexibility to have an application heard with less than 14 days notice being given. But the Government has assured us that this amendment does not alter the existing requirement that within 14 days patients must be sent a copy of an application for a further community treatment order as well as the proposed treatment plan. The support of the Greens for this amendment is conditional upon the Government confirming in its response that that is indeed the case.

I raise concerns, though, that the effect of this change could be that more hearings will be held when patients are unaware of the hearing and therefore will be unable to participate. Community treatment order

hearings have always been able to take place without the patient being present, but it is important to offer patients the opportunity to stay informed about the case and to attend their hearing, should they wish to do so. The Government's continuity of care argument would cover situations in which an administrative error results in a patient receiving late written notice of a hearing. Nevertheless, the Greens are wary of this change. The Government already has made it much easier to obtain and renew community treatment orders for patients that can now last for 12 months, which is an increase of six months. Further I understand that most patients under an order receive care on at least a fortnightly basis, and so the continuity of care is less of an issue. This change has the appearance of a creeping increase in the powers of the Government. I ask the Parliamentary Secretary to address this concern during her reply.

I turn now to an amendment relating to the Health Care Complaints Commission in response to a review of the commission conducted by retired Federal Court judge Ms Deirdre O'Connor, who recommended additional powers be conferred to investigate claims. Until now the commission has been able to obtain information only from a complainant, the person against whom the complaint had been made, or a health service provider. The amendment gives the Health Care Complaints Commission the power to compel any person, whether or not directly connected to a matter, to provide documents or information to the commission during the investigation of a complaint.

The amendments give the commission power to compel the production of evidence that is held by any person and that may assist in the assessment or investigation of a complaint as well as power to exercise its discretion in disclosing that information, if it is satisfied that the public interest in disclosing it outweighs the public interest in protecting the confidentiality of information and the privacy of the person to whom the information relates. The Greens are extremely concerned that such an increase in the commission's powers could inadvertently trespass on privacy rights. We accept that the intention of the amendments is to strengthen the powers of the Health Care Complaints Commission to seek justice for the public as health consumers, as recommended by the O'Connor inquiry into the failures that led to Mr Graeme Reeves continuing to work as an obstetrician in the Southern Area Health Service, in breach of the 1997 order that he not do so, until finally he was deregistered in 2004. We all know the terrible consequences of that case.

But what about the unintended consequences of these amendments? In this respect the legislation is unclear, and that is why the Greens raise concerns that no consultation has taken place with privacy advocates about giving the commission the discretionary power to compel evidence from individuals and potentially disclose it to the broad range of bodies listed in section 99B. They are:

- (a) the Minister,
- (b) any court, tribunal or other person acting judicially,
- (c) any person or body regulating health service providers in Australia,
- (d) any officer of, or Australian legal practitioner instructed by, any of the following:
 - (i) any authority regulating health service providers in Australia,
 - (ii) the Commonwealth or a State or Territory,
 - (iii) an authority of the Commonwealth or of a State or Territory,
- (e) any investigative or prosecuting authority established by or under legislation,
- (f) a police officer if the Commission suspects on reasonable grounds that the information relates to an offence that may have been committed,
- (g) an investigator carrying out an investigation, examination or audit in relation to a health service provider,
- (h) a health service provider that is the subject of an investigation under this Act,
- (i) a client of a health service provider that has been the subject of an investigation under this Act, but only to the extent the information relates to that client.

That really is quite an extensive array of people and organisations who can acquire the information, if the commission exercises its discretion. We are dealing with information that may consist of allegations that have not been substantiated and may not have been made publicly, but could be distributed widely. It seems to me there is considerable concern that this information could conceivably be misused.

Everybody is prepared to concede that in the case of Mr Reeves the failure to pass on information led to dreadful outcomes for many women by whom he was treated. But all the same, it is appropriate when we have

potential intrusions into privacy that organisations concerned with these issues and with examining their implications in depth should at least have been consulted. Once again, there has been a failure by the Government to talk to the relevant interested parties.

In conclusion I speak to the amendments to the Drug and Alcohol Treatment Act, which is being amended to facilitate the continued operation of the Act as an alternative to the Inebriates Act in relation to severe drug addiction treatment. I understand that these amendments will allow the two-year trial legislation to remain in force and potentially expand without impacting on any existing treatment being undertaken in the trial area under the Inebriates Act. The Greens will support this measure, and we await the Government's review and appraisal of the Drug and Alcohol Treatment Act.

Reverend the Hon. FRED NILE [6.18 p.m.]: The Christian Democratic Party is pleased to support the Health Legislation Amendment Bill 2009, particularly as the main object of the bill is to amend the Health Care Complaints Act 1993 in response to concerns expressed by the Committee on the Health Care Complaints Commission, of which I am a member and which is chaired by the Hon. Helen Westwood. Investigations by that joint committee of the Legislative Assembly and the Legislative Council revealed that there were obstacles confronting the Health Care Complaints Commission in carrying out its role. Criticism often has been directed at the commission for its slowness in conducting investigations, but the committee identified that indeed obstacles have been preventing the commission from carrying out its work. We issued a report entitled "Report on the Investigations by the Health Care Complaints Commission into the Complaints made against Mr Graeme Reeves". In that report we recommended that the powers of the Health Care Complaints Commission be strengthened. That need was also identified by the O'Connor inquiry, which was conducted into matters related to Mr Reeves.

In its report the committee recommended that there be changes to strengthen the powers of the Health Care Complaints Commission under sections 21A and 34A. Currently, during the assessment phase of a complaint section 21A gives the commission only limited power to obtain hospital and medical records and documents relating to a health practitioner's practice. During the investigation phase of a complaint section 34A does not limit the documents and information the commission may obtain but provides that the commission is able to obtain such information only from a complainant, the person against whom the complaint was made or a health service provider.

This legislation was ably presented in the lower House by Dr Andrew McDonald, who was a member of the joint committee before he resigned to take up the position of Parliamentary Secretary. Because of his great medical knowledge he was a great help as a committee member. I am pleased that the Government has implemented the committee's recommendations as I am sure they will be of great benefit to the Health Care Complaints Commission. Indeed, I know they will be of great benefit because at a hearing only in the past week members of the commission said they were looking forward to the amendments being passed by the House to help them carry out their role. The rest of the amendments are of a minor nature. I am pleased to support the bill.

The Hon. MARIE FICARRA [6.22 p.m.]: The Government's transparency and accountability continue to be in question, whatever portfolio we care to examine. On the subject of the bill before us today, the Health Legislation Amendment Bill 2009, it must surely grieve the Minister for Health and his minders that all members of Parliament were emailed twice by Mr James McGillicuddy, Executive Director of the Health Services Association of New South Wales. He sent his first email on 9 April, and then he had to email members again recently because of the lack of response to his earlier email. In the second email, dated 28 April, he drew attention to the incredible arrogance of the Minister for Health and the Government in not consulting the association about the legislation before us today.

The Health Services Association is the largest union representing health service delivery in New South Wales. Established in 1921, the association represents publicly funded health service providers in New South Wales. One would have thought the association was big enough and important enough to be consulted, particularly when the matter was drawn to the Government's attention at the beginning of April. Traditionally—and currently, supposedly—Labor governments in New South Wales are backed by the trade union movement. Yet this Labor Government treats its support base with disdain.

The Hon. Christine Robertson: You are confusing them with the Health Services Association.

The Hon. MARIE FICARRA: Nevertheless, the association represents thousands of workers in the health system.

The Hon. Christine Robertson: No, it does not.

The Hon. MARIE FICARRA: Yes, it does.

The Hon. Greg Donnelly: Is it affiliated with Unions New South Wales?

The Hon. MARIE FICARRA: Many of its members are supporters of this Government. Probably the majority would be Government supporters. It is worth putting the following on the record:

Among other things the Bill seeks to amend Health Services Act 1997 by inserting a new s139(5). The effect of the proposed new section would be to protect any person conducting a review on behalf of the Director General of an employee of an Affiliated Health Organisation.

This Association has no problem with the intent of the proposed amendment.

Having been told back at the beginning of April that the association does not have a problem with the legislation but wanted to talk to the Government about it, and as the association represents thousands of workers in our health system, one would think that someone—the Minister, his minders, the Parliamentary Secretary Assisting the Minister for Health—would have contacted the association. But no. The email stated further:

However, at no stage did the Director General of the Department of NSW Health or a person on behalf of the Director General advise, inform or consult Affiliated Health Organisations regarding this proposed amendment. Affiliated Health Organisations, whose employees would be affected by this proposed amendment, were ignored. This may or may not have been intentional.

At least Mr McGillicuddy gave the Government the benefit of the doubt in the first email. The email continued:

Nevertheless, as you would agree, it is critically important that when proposed legislation is presented to Parliament for consideration the proposed legislation follow due process in its drafting. This means informing—

He is giving the Government a clue as to what should have occurred—

advising and consulting with affected parties. Affiliated Health Organisations should be consulted on this Bill, they were not. No Member of Parliament considering the Bill would be aware that Affiliated Health Organisations were not advised, informed or consulted on the proposed amendment. They have been led to believe that due process would have taken place. Again, the Association does not oppose the proposed measure. We do, however, object to the fact that due process has not been followed in its creation. We believe that consultation on proposed legislation avoids unnecessary unforeseen problems.

We look forward to your prompt reply and support on this matter.

What was the outcome of that conciliatory email? Most Coalition members thought: Okay, this is a bit of criticism but surely the Government will go back and consult its own support base. But the Government did not consult. So from 9 April to when the second email was sent to all members from the same Health Services Association of New South Wales, 28 April, a total of 19 days, almost three weeks, transpired, and this arrogant Government obviously decided that it would not communicate positively with its support base. The majority of Health Services Association members have voted for Labor in the past; I am sure they will think twice about doing so at the next election.

The Hon. Greg Donnelly: Who wrote this?

The Hon. MARIE FICARRA: I will sign it and give the Hon. Greg Donnelly a copy. Only last week all members received another more forceful email from James McGillicuddy, Executive Director of the Health Services Association of New South Wales, which stated:

You will recall that I wrote to you when the Bill was first introduced into the Legislative Assembly by Dr Andrew McDonald, MP, Parliamentary Secretary for Health, on Wednesday 25 March 2009.

However, I raised the serious issue that at no stage did the Director General of the Department of NSW Health or a person on behalf of the Director General advise, inform or consult Affiliated Health Organisations regarding this proposed amendment. Affiliated Health Organisations, whose employees would be directly affected by this proposed amendment, were ignored. This may or may not have been intentional—

By this stage he realised that it had been intentional—

In response to our concerns, the Parliamentary Secretary advised the Legislative Assembly that the Bill had been widely discussed with stakeholders. One would assume that the Parliamentary Secretary said this on advice from the Department—

That is a fairly strong criticism—

I reiterate our point. At no stage were Affiliated Health Organisations consulted in relation to the proposed amendments affecting them. Therefore the advice the Parliamentary Secretary gave to the Legislative Assembly was wrong. The Parliamentary Secretary has inadvertently misled Parliament.

We strongly believe the Department must follow due process—

Not only the Department of Health but all departments should follow due process—

and must not be allowed to, through the Health Minister, submit legislation to Parliament in which they have not fully consulted parties directly affected by the proposed legislation—

That hurts because the Government should have bureaucrats working for Ministers. Naturally they are working on the Government's directions, and obviously they are not directed to do things properly.

The Hon. Catherine Cusack: They don't know what due process is.

The Hon. MARIE FICARRA: That is right. Due process! This is still a democracy. Labor has been in office for 14 years and surely knows how to do things properly. I return to the quote, as it is worthwhile recording in *Hansard*. I will repeat it as often as I can. It continues:

Furthermore, Parliament should not accept the proposition that it is valid for the Department to mislead Parliament. If the Department misleads the Parliament on relatively minor issues, such as this one, what does it do in relation to more serious issues?

That is an interesting question. It goes on:

Parliament should exact higher standards from the Department. It is up to the Parliament to take such a stand.

I thank Mr McGillicuddy. It is shame that members of this House are not of his integrity and are directing bureaucrats. I want to know who advised the Parliamentary Secretary that all stakeholders had been consulted. He is an honourable man; he may not have been aware of the situation and probably made those comments in good faith. Bad advice has been given to him. The buck still stops with the Minister. It is clear that the Minister failed to do his job properly, as was expressed from the earlier communication I quoted. I will be brief with regard to the bill. I intend to touch upon only those aspects of the bill with which I have had experience in the past by way of my membership of the Health Care Complaints Commission [HCCC] committee during my time in the Legislative Assembly or through representations from members of the Australian Medical Association, public health physicians, practising general practitioners and medical specialists.

Retired Federal Court Judge Ms Deidre O'Connor in her review and report concerning the misconduct of Dr Graeme Reeves made necessary recommendations, two of which related to amendments to the Health Care Complaints Act but were not implemented by the Government. A strengthening of the powers of the Health Care Complaints Commission to assess and investigate complaints is required. During the assessment phase the commission requires full powers to obtain all necessary hospital and medical records and all documents needed to investigate a health practitioner's professional conduct and practice. At present the commission's powers of access are too limited and deliberate, and unintentional delays adversely affect the course of justice in this State. Ms O'Connor recommended amending section 34A to give the Health Care Complaints Commission the power to compel any person or medical body to produce documents or information relevant to the assessment and/or investigation of a healthcare provider. There would be exceptions to this power to compel only in very limited instances. Those amendments were supported also by the joint parliamentary Committee on the Health Care Complaints Commission.

It is pleasing to note that the commission's powers to prohibit unregistered practitioners have been extended beyond merely risk to the health of the public to encompass also the safety of the public. This amendment has been based upon cases before the Health Care Complaints Commission where having such an ability would have meant more decisive action could have been taken against unscrupulous bogus so-called healthcare providers who need to be dealt with quickly by the law and closed down. Even though amendments to section 99A of the Health Care Complaints Act give the commission an exemption from being required to produce documents and information in legal proceedings, which is similar to that enjoyed by other investigative bodies such as the Legal Services Commission, the Independent Commission Against Corruption, the Police Integrity Commission and the Ombudsman, the commission will still be required to produce documents and information in respect of proceedings under the Royal Commissions Act, inquiries under the Ombudsman Act and proceedings before the Independent Commission Against Corruption.

The Australian Medical Association has been lobbying for appropriate amendments to the Medical Practice Act—namely section 177—allowing medical practitioners and complainants to be legally represented in proceedings before a professional standards committee and a related code of conduct to be developed to avoid such conduct being overly legalistic. Such proceedings are not in relation to professional misconduct but rather an investigation into complaints of unsatisfactory professional conduct. These proceedings can be quite inquisitorial and although a practitioner's registration cannot be cancelled by such proceedings nevertheless restrictive conditions can be placed upon a practitioner's licence.

For that reason it is only fair that the parties involved are able to have legal representation in the name of justice. The lack of legal representation before a professional standards committee has caused concern among the medical profession, particularly in view of recent amendments last year requiring hearings of the committee to be held in public and decisions of the committee to be published subject to public interest considerations. In summary, the amendments contained in the bill before the House are sensible and the Coalition does not oppose the bill. However, we note with concern the lack of transparency and consultation with all major parties that should have occurred when drafting the legislation. When it comes to healthcare delivery the people of New South Wales deserve better than what this Labor State Government tells them and is recorded in *Hansard*.

The Hon. PENNY SHARPE (Parliamentary Secretary) [6.35 p.m.], in reply: I thank honourable members for their support for the Health Legislation Amendment Bill 2009. I again note that the legislation is broadly supported by all parties in the Chamber, regardless of the crocodile tears that have been shed in the past 10 minutes. The Health Legislation Amendment Bill 2009 makes a number of amendments to a variety of health Acts to ensure that they are up to date, are responsive to the needs of the community and serve effectively the needs of the community. Importantly, the bill picks up the recommendations of the joint parliamentary Committee on the Health Care Complaints Commission regarding sections 21A and 34A. The recommendations followed on from the report of Ms Deidre O'Connor into the matter of Dr Graeme Reeves. I am pleased that members support the proposed changes that will strengthen the role of the commission in the investigation and assessment of complaints, as well as the other amendments in the bill that are mainly of an administrative nature.

Some issues were raised in the debate, which I will turn to briefly. Ms Sylvia Hale, who is not in the Chamber, raised issues about section 99B and disclosure. In terms of the proposed amendment to section 99B of the Health Care Complaints Act, it is proposed to ensure that the commission, despite not being compelled to produce documents, retains the discretion to provide documents or information to a number of persons or bodies. Ms Sylvia Hale provided a list of them. However, it is important to note that the commission can exercise its discretion under section 99B only if it decides that the public interest in disclosing the information outweighs the public interest in protecting confidentiality and the privacy of any person to whom the information relates. Therefore new section 99B will ensure that the commission can disclose information only when it is in the public interest to do so.

I turn briefly to the issue of process. It is true that there has been wide consultation about the bill. Those who have been consulted on this bill include the New South Wales Branch of the Australian Medical Association, the Medical Services Committee, the New South Wales Medical Board, the Health Care Complaints Commission and the Mental Health Review Tribunal. Yes, it is true that the Health Services Association was not consulted during the drafting of the bill. I place on record that the Health Services Association is not the union that represents employees in the health industry. It is an association of hospitals—

The Hon. Marie Ficarra: Workers!

The Hon. PENNY SHARPE: It is primarily hospitals that I presume have people working there. The Health Services Association was not consulted because there is nothing in the bill that detrimentally affects its workforce in any way. It is important to note that the association, despite the ravings of some members in this Chamber, actually supports the bill—as does everyone else. I commend the bill to the House. I thank all members for their support, despite the long-winded and quite misleading and inaccurate description of how the Government has consulted on the bill.

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. Penny Sharpe agreed to:

That this bill be now read a third time.

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

GAS SUPPLY AMENDMENT (OMBUDSMAN SCHEME) BILL 2009

CRIMES (SENTENCING PROCEDURE) AMENDMENT (COUNCIL LAW ENFORCEMENT OFFICERS) BILL 2009

Bills received from the Legislative Assembly.

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

Motion by the Hon. Tony Kelly agreed to:

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

Bills read a first time and ordered to be printed.

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

ADJOURNMENT

The Hon. TONY KELLY (Minister for Police, Minister for Lands, and Minister for Rural Affairs)
[6.41 p.m.]: I move:

That this House do now adjourn.

TAFE NEW SOUTH WALES RIVERINA INSTITUTE GRIFFITH CAMPUS

The Hon. TONY CATANZARITI [6.41 p.m.]: Previously I have made an adjournment speech about the TAFE Riverina Institute, and it gives me considerable pleasure to do so again tonight. I am pleased to inform members that on 20 February this year the Griffith Campus of the Riverina Institute commenced providing the Graduate Certificate in Management (Professional Practice). The program is operated by the Australian Graduate Management Consortium, which is a joint initiative of Charles Sturt University and TAFE NSW. The course is a 12-month, part-time program awarding graduates with a graduate certificate from Charles Sturt University, which will allow students to progress to a Graduate Diploma of Management (Professional Practice), followed by a Master of Management.

The four key subject areas in the program are management skills and concepts, managing operations and change, managing people, and managing financial information. The provision of this course in Griffith will be of great benefit to local businesses and will also place young people on the valuable course of continuing education. I am sure that many who will go on to obtain a Master of Management in the future would never have embarked upon this particular career if the course had not been provided locally. That is because work and family commitments, especially in these difficult financial times, can stop country people taking time off work or moving away from their families.

To date, students have come from a wide range of local businesses, including wineries, health services, rural supplies and manufacturing establishments. I have spoken with business men and women and I know this new course is very welcome. They know how hard it is to attract people with these skills away from capital cities. They know also that locally trained people not only stay local but also have a commitment and loyalty to their community that is very hard to import. Business people are also pleased that they can reward their staff with opportunities that will allow them to progress their careers and it is widely hoped that the success of this course will lead to further university-linked courses being delivered in Griffith.

Griffith campus has come a long way since it was opened in 1955. As at September 2008, the campus had a staggering 2,662 students enrolled. This is especially impressive when one considers that the 2006 Census shows Griffith had a population of 16,182. In the past eight years enrolments at the Griffith campus have increased by 30 per cent and the campus is now the third-largest campus in the Riverina Institute. The course profile at Griffith reflects the needs of the local communities it serves, and meets national training priorities. It of course meets local needs extremely well, together with the Riverina Wine and Food Technology Centre, which has developed a high level of respect throughout those industries with regard to consultancy and advice as well as the quality students that it turns out.

Courses have grown from meeting a rural focus on the traditional metal fabrication, automotive, heavy vehicle, carpentry and joinery required in rural communities to reflect the service economy that our traditional agricultural sectors have attracted. Courses are now offered in business administration, information technology, hairdressing and beauty therapy, child care, welfare, nursing and education. I specifically acknowledge the head of Griffith campus, Anthony McBride; Director of TAFE Riverina Institute, Rosemary Campbell; and Vice Chancellor, Academic, of Charles Sturt University, Professor Ross Chambers. I mention also the work of Griffith City Council with which I am proud to have been associated in the early stages of its work in establishing these courses. Having been there in the early days has allowed me a unique perspective and to recognise the work done by all to provide another valuable opportunity for the people of Griffith and surrounds. I am happy to place these remarks on the record. I wish all who do this course a healthy, happy and prosperous future.

AUSTRALIAN LEBANESE FOUNDATION SCHOLARSHIP PRESENTATION DINNER

The Hon. JOHN AJAKA [6.46 p.m.]: Recently I had the great privilege of attending the Australian Lebanese Foundation Scholarship Presentation Dinner, which recognised and celebrated the academic achievements of 20 young Australian men and women of Lebanese background who are about to embark on what will no doubt be illustrious and rewarding higher education at the University of Sydney. Amongst the distinguished guests present who are also of Lebanese background were Her Excellency Professor Marie Bashir, AC, CVO, Governor of New South Wales and Chancellor of the University of Sydney; Richard Torbay, MP, Speaker of the Legislative Assembly; Barbara Perry, MP, Minister for Local Government and Minister Assisting the Minister for Health (Mental Health); the Hon. Eddie Obeid, MLC; His Excellency Dr John Daniel, Australian Ambassador for Lebanon; Sir Nicholas Shehadie, AC, OBE; Professor Elias Saab, Chairman of the Mathematics Department, University of Missouri, United States of America; and Professor Paula Saab, Professor of Mathematics, University of Missouri, United States of America.

Australia has ever been a nation of hope and opportunity. It has always encouraged the pursuit of excellence, celebrated the strength of its community and nurtured its youth. It has rediscovered its true ethos through embracing diversity and fostering a culture of merit and value, wherein all children are given the opportunity to fulfil their potential. In pursuit of these ends in 2002 the University of Sydney established the Australian Lebanese Foundation. The foundation has, since its inception, encouraged academic excellence and promoted scholarly endeavour through the provision of university scholarships and cultural project competition cash prizes for outstanding Australian-Lebanese students. The academic and student exchange programs that run between the University of Sydney and the University of Lebanon have done much to promote the ties between the peoples of Australia and Lebanon, and to foster academic collaboration and cultural exchange.

The scholarship program has been one of the most important achievements of the Australian Lebanese Foundation. Five years ago the first scholarship was awarded to a young man, the son of a migrant family with limited financial resources. Since that time the overwhelming generosity of the Australian business community has allowed the program to expand, and I have great pleasure in offering my congratulations to the 20 scholarship recipients for 2009: Najee Alameddin, Dana Al-Salti, Zena Anjoul, Michelle Dagher, Pamela El-Aswad, Chantal Faddoul, Rita Fadlallah, Wassim Ghabbar, Stephanie Hanna, Layale Harb, Mary Rose Hatem, George Issa, Abraham Kazzaz, Gemma Khaicy, Omar Kheir, Omar Masri, Elham Moubarak, Tania Saba, Wadad Seklawy and Jonathan Wehbe. Our community is proud of you.

The foundation's membership comprises people from the general community, students, and local businesses. The foundation is self supporting, and the commendable investment that it has made in our young achievers would not have been possible without the generosity of its community sponsors, many of whom are Australians of Lebanese background. I acknowledge the Arab Bank Australia, Aussie Home Loans, Australian Consulting Engineers, Australian World Trading, Brands on Sale, Caltex M4, Cuzeno Pty Limited, DASCO

Construction, Deicorp Pty Limited, Ibrahim Doueihi, Michel Doueihi, Dyldam Developments, European Car Specialist, Ghossayn Group, Holdmark Property Group, Michel Jarjoura, Beshara Kairouz, Masters Civil, Fred Rahi and Stevens Carpets.

I commend the Australian Lebanese Foundation and its president, Professor Fadia BouDagher Ghossayn, and of course all the generous community sponsors for the encouragement and support that they have given to the young Australian-Lebanese students. I wish the scholarship recipients all the best in their studies and future endeavours, and look forward to celebrating their achievements in the years to come. As I have said previously in this Chamber, we must always remember the great contributions made by many Australians of Lebanese heritage in helping our community to grow and thrive. One should not focus only on the very minor negative occurrences that are mentioned frequently in this Chamber. Again, I congratulate the winners.

PERSECUTION OF CONVERTS FROM ISLAM

Reverend the Hon. FRED NILE [6.50 p.m.]: I wish to speak on a very important subject tonight—the death penalty for, and persecution of, Muslim converts to Christianity. I recently met a Muslim convert to the Christian faith who has just arrived in Australia and had previously been an Islamic scholar in Egypt. He was very fearful for his life. Why was he fearful? The majority of Muslim scholars agree that apostasy from Islam is a crime for which God has ordained the death penalty. Apostasy means that they change their religion from being a follower of Islam to being a follower of the Christian faith or another religion. Also, further punishments are laid down in the Islamic sharia law, including losing one's spouse and children. These views are not only held in Muslim majority countries but also found in the West. The following quotes are from an Islamic website based in South Africa and are typical of many other websites:

When any member of a Muslim family abandons his/her faith (May Allah forbid) and adopts the teachings of another creed, he will not be regarded as an heir to the estate of any of his family members. His marriage to a Muslim lady is immediately terminated, thus causing her to become unlawful for him.

The law for the renegade is that firstly Islam will be presented once again to him and if he has any doubts or queries then these should be cleared out and he will be given a respite of 3 days. If he accepts Islam again, then fine otherwise he will be killed.

This understanding of the Islamic law of apostasy creates serious problems for Muslims in the West who have converted to Christianity. On the other hand, many non-Muslims who convert to Islam in the West are publicly celebrated and applauded. They feel secure and are under no threat, able to pursue their lives and careers and follow their new faith. Prominent converts include Cat Stevens, who performed at the Sydney Town Hall some years ago after he had become a Muslim convert, and last week the *Australian* magazine highlighted another convert to the Muslim faith, a Mrs Hutchinson, and gave her a lot of favourable publicity.

Some observers argue that in Western countries with large Muslim populations Muslims feel under pressure from the majority culture and the demand to maintain a Muslim identity is intensified, so generating an even greater reaction against converts—"When identities are precarious, their enforcement will take an aggressive form." Converts may also be put under pressure by the embassies of their former home countries, which warn them that they will be denied entry unless they repent and return to Islam. Some countries prescribe the death penalty for apostasy and the Iranian Parliament recently provisionally approved a bill to add this to its national law. The same bill will also allow the courts to convict Iranians living outside the country of crimes relating to national security, which for most Muslims include apostasy, which is widely viewed as equivalent to treason.

Just as in the Muslim world, many Muslims who convert in the West have to do so secretly, fearing for their lives from family, friends and the local Muslim community. They often use assumed names in order to protect themselves and their families. A convert in the United Kingdom recently reported that people in his local Muslim community had told him that had they all been living in a Muslim country they would have been the first to chop off his head. Many converts face pressure from Islamic radicals in the West. I could give examples of that.

Converts who suffer harassment and persecution often accuse the police, religious authorities and politicians of finding the issue of apostasy from Islam so problematic that they refuse to respond to appeals for help. Some of these converts do need help. For that reason I commend to the House a petition that has just been produced, which is addressed to the House of Representatives, drawing attention to the serious dangers faced by Muslims who choose to leave their faith. It says they should be free to follow their new convictions without fear, in accordance with the United Nations Universal Declaration of Human Rights, which gives people the right to choose their religion. I encourage members to support this petition. I have copies available if any member would like to have one.

PREMATURE BIRTHS

The Hon. KAYEE GRIFFIN [6.54 p.m.]: Around Australia premature, or pre-term, births account for approximately 7 per cent of all births. The outcome for a premature baby depends largely on how early he or she is born. Each year in New South Wales around 1,000 babies are born more than eight weeks early. Almost all of these babies need highly specialised care in a neonatal or newborn intensive care unit until they have developed enough to breathe and feed without clinical help. The shorter the pregnancy, the more immature the baby's organs and tissues will be at birth and the more specialised the medical and nursing care he or she will need.

The causes of premature labour are not fully understood, so prediction and prevention is difficult. There are a range of consequences associated with a baby being born early. Sadly some babies cannot survive, and those babies that do survive often face a raft of complications because their organs are too immature to function properly outside the womb. The odds of survival depend on the degree of prematurity, the level of organ development and the baby's birth weight. Unfortunately, even premature babies who survive as infants are at risk of a range of mild to severe disabilities later in life, including visual impairment, developmental delay and learning difficulties.

Caring for a premature baby is a difficult task for parents and families and can be an extremely upsetting and stressful experience. For parents, having a premature baby can seem to be lonely and frightening. There are very few people who understand the specific problems faced by parents of babies born very early, and families of premature babies can feel extremely isolated. In Australia, and indeed in New South Wales, there are many agencies and organisations that exist to support and assist parents and families who are caring for premature babies. Organisations such as Austprem, the National Premmie Foundation, L'il Aussie Prems, Miracle Babies, Central Coast Prems and Little Wonders are just some of the support groups available to parents of premature babies in New South Wales. Providing a sense of community for families, advice, practical assistance, friendship and detailed information, these types of organisations offer invaluable support and care for families experiencing the complex challenges of parenting a premature infant.

I would like to make special mention of Nepean Neonatal Intensive Care Unit Parents Support Group [NNICUPS], a registered charity based at Nepean Hospital. Members of NNICUPS are parents of babies who have been cared for in Nepean's neonatal intensive care unit. Nepean Neonatal Intensive Care Unit Parents Support Group supports parents before and after the birth of their baby and in particular while the infant is in the neonatal intensive care unit at Nepean Hospital. The support network provided by NNICUPS and similar groups revolves around supporting the families to come to terms with the difficulties faced when caring for a premature baby. Drawing on the experiences of families who have faced similar situations, the parent support group provides a community-like atmosphere for new parents to learn more about the challenges ahead of them.

The Nepean Neonatal Intensive Care Unit Parents Support Group also undertakes fundraising projects and uses the money raised to purchase equipment and provide facilities to assist parents whilst their baby is in hospital. Through the provision of equipment and facilities, ranging from practical advice on caring for premature babies to providing a quiet space within the hospital for families to reflect, the Nepean Neonatal Intensive Care Unit Parents Support Group is extremely supportive of parents of premature babies. Having a sick or premature baby and spending time in the Nepean neonatal intensive care unit places an enormous amount of stress on parents and families of premature babies. The efforts of NNICUPS and similar support networks help to alleviate some of the stress by providing this invaluable support during a very difficult and challenging time. I understand that the Nepean Neonatal Intensive Care Unit Parents Support Group maintains relationships with its members long after their baby has left the hospital, keeping in touch with families as their child grows.

On a personal note, the newest member of our family, Lachlan Alexander Elliott, was born on 26 January 2009, 11½ weeks early, at Nepean Hospital. The journey with Lachlan has been a roller-coaster ride. We are so thankful that he has now come home from hospital; however, obviously concerns still exist about how Lachlan's premature birth may affect him in the future. On behalf of the family, I would like to thank Nepean Hospital for the support and care provided to Lachlan, his parents, grandparents and extended family. Given some of the complications following Lachlan's birth, words cannot describe how wonderful it was to hear that he had come home, although we know he still has to be closely monitored. The exceptional support that neonatal units provide to families of premature babies cannot be overstated. The compassion and consideration shown to parents and families is greatly appreciated and I acknowledge the care and support that the staff of neonatal units across New South Wales provide to premature babies and their families.

L'AQUILA EARTHQUAKE

The Hon. MARIE FICARRA [6.58 p.m.]: I extend my deepest sympathy to the people of L'Aquila and surrounding areas in Italy who lost loved ones, their homes and possessions when a powerful 6.3 magnitude earthquake hit on 6 April 2009. L'Aquila is the capital of the Abruzzo region and is of great heritage significance. The earthquake shook this mountain region, severely damaging the great historic city and tragically causing the deaths of nearly 300 people, injuring thousands and destroying the homes of so many. L'Aquila, with a population of about 70,000, has been left in a state of chaos: hundreds of buildings have collapsed and many others—newer blocks included—have jagged tears down the walls and much structural damage. Some 65,000 people are still homeless, and around 36,000 are still living in tents while others have been put up in nearby hotels.

The tens of thousands of tents, along with field kitchens and mobile hospital units, were rushed to the region in a comprehensive national and international disaster effort. I note with sadness that some surrounding villages, where a greater proportion of homes were older, were also affected by the earthquake. People in Tempera, a few kilometres east of L'Aquila, saw virtually every house in their historic village centre flattened and many deaths as a result. Tragically, the city's main hospitals sustained damage and only parts of them were open, while other hospitals were closed owing to fears for their structural safety. The people most seriously hurt were flown by helicopter to other cities.

I am pleased that Italian Prime Minister, Silvio Berlusconi, has promised that L'Aquila's hospitals will reopen by the end of this month. It has been an incredible national response: all regions of Italy have gelled to quickly rebuild, recover and support families in need. More than 1,000 rescue workers worked diligently to reach those who were trapped in collapsed buildings and tended to those who were injured. Prime Minister Berlusconi last weekend announced that due to concerted construction efforts, half the homes devastated by the earthquake in central Italy can now be lived in again. Technicians have been checking 1,000 homes each day and have judged 53 per cent of them to be safe, with another 15 per cent habitable within a month.

I congratulate all those in Australia who have made generous donations to the victims of the earthquake. In particular there are a number of people and organisations to be acknowledged: Mr Felice Montrone, from the Confederazione Italiani del Mondo and Vice President of the Associazione Puglia NSW, along with his committee for their successful fundraising initiatives, together with the efforts of the San Giorgio Martire Annual Festival held in Kenthurst and organised by Nick Papallo OAM and his hardworking committee a couple of weeks ago. I congratulate the Italian Media Corporation, incorporating *La Fiamma* and *Il Globo* newspapers and Rete Italia radio station on its telethon appeal, which, together with the other dedicated events, have raised in excess of \$1 million in disaster relief funds.

I am pleased to acknowledge that fundraising efforts continue in New South Wales with the former Premier, Morris Iemma, and President of the Italian National Day Committee, John Caputo, OAM, heading the New South Wales Executive Committee of the Australian-Abruzzo Earthquake Appeal Fund, which is coordinating fundraisers across the State. Thanks and praise should also be conveyed to the Italian Ambassador, His Excellency Mr Gian Ludovico De Martino Di Montegiordano, and the Italian Consul-General based in Sydney, Dr Benedetto Latteri, for all the support their respective offices have given to these organisations. I extend my prayers and sympathy to those in Italy and their family members in Australia who have suffered much tragic human loss.

SIR MARCUS LOANE TRIBUTE

Reverend the Hon. Dr GORDON MOYES [7.02 p.m.]: Today I pay tribute to the Most Reverend Marcus Loane, KBE, the former Anglican Archbishop of Sydney, who died on 14 April in Sydney at the age of 97 years. Sir Marcus was ordained in 1935 and became the first Australian-born Anglican Archbishop of Sydney, serving from 1966 to 1982, then as Anglican Primate of Australia from 1978 to 1982. He was born in Tasmania in 1911 but spent most of his ministry years in Sydney. From 1939 to 1953 he was vice-principal of Moore Theological College, and principal from 1954 to 1959. He also served as Chaplain to the Australian Imperial Forces in New Guinea from 1942 to 1944. In 1976 he was appointed a Knight Commander of the Order of the British Empire.

Sir Marcus was known for his engaging preaching and prolific writing, authoring some 27 books on subjects ranging from theology to history to biblical studies to evangelical biography. He was a major influence

in the post-war life of the Anglican Church in Australia. He and his wife, Lady Patricia, celebrated 71 years of marriage in December 2008. His biography, *Marcus L Loane: A biography*, written by Bishop John Reid and published in 2005, is very worthwhile reading. In the foreword Roderick West, former headmaster of Trinity Grammar School, wrote:

Only the Lord knows how many lives this man has refreshed and invigorated. Profoundly respected and loved internationally and throughout his homeland, he has sustained a personal ministry to countless numbers. Everything he was and did has been for the greater glory of God.

I knew Sir Marcus very well. In the 1970s we were both involved in the Billy Graham crusade's organising committee for Mr Graham's visit to Australia. Subsequently we were both invited by Mr Graham to speak at his crusades worldwide, a privilege we both took up. We both also lectured at Wheaton College in Illinois, in the United States of America.

One memory of Sir Marcus that I particularly cherish is our praying for each other's ministries in a small stone chapel near the then Church of England conference centre at Gilbulla, where we had gone for a walk during a break in an Anglican conference at which we were both privileged to address the Anglican clergy of all the dioceses. We talked long and deep as we walked together, sharing insights into God's word and the privilege of proclaiming it. Sir Marcus was a great man of prayer. He has left an indelible legacy in the Anglican Church and the broader community of Australia. I feel very privileged to read into the official history of our nation this tribute to him. He will be greatly missed.

STATE ECONOMY

The Hon. CHRISTINE ROBERTSON [7.06 p.m.]: In the past few weeks New South Wales Nationals members of Parliament have toured selected areas of New South Wales in an air-conditioned coach. At some towns they stopped for half an hour for a scheduled media conference, and in others social functions were mixed with media—not much listening or policy sharing. They talked about and promised many things, but one thing they avoided every time was announcing which services they would cut under the Coalition's economic plan. In an interview with Grant Goldman on 2SM on 25 March, shadow Treasurer, Mike Baird, revealed the Opposition's only economic plan was to either cut services or raise taxes, when he said:

We would never deliver a budget where expense growth grows faster than revenue growth.

That may sound very impressive but the only way this could be achieved would be to cut services or raise taxes. The Rees Government is investing in country New South Wales, creating and protecting jobs. The Coalition's economic plan means it intends to sack nurses and teachers, and slash funding for hospitals, schools and roads. The Coalition's plan would lead to more job losses and cuts to front-line services, and impact on the ability of country New South Wales to recover from this economic downturn, which country New South Wales will feel the nastiest effects of later, because that is how our economy works. Unfortunately, without the work that is currently being put in by the Labor Government to ensure that we pick up as quickly as everyone else, we could stay in a bad situation.

In order to achieve what the Coalition plans to do to our economy it will have to cut \$2 billion in services. So that it is clear, I will spell it out. That means sacking 2,000 police to find \$200 million; sacking 2,000 classroom teachers, worth \$200 million; sacking 2,000 nurses, worth \$200 million; as well as closing 720 acute hospital beds, worth \$200 million. Coalition members in the House are laughing, but that is what they did the last time they were in office, and at that time we did not have such a devastating economic situation as the one we are currently experiencing. The Nationals' leadership must come clean on which hospitals, roads and schools will lose funding under their plan.

By contrast, the New South Wales Government recently held a Jobs Summit, which included discussion on ways to make New South Wales the can-do State—a faster planning system, payroll tax incentives and strengthening regional jobs, not to mention the enormous long-term investment in real training, in proper apprenticeship processes. We already have good ones, but this is to extend them, to ensure the young persons of country New South Wales can move forward when we get to the other side of this economic downturn. Our share of the national and State stimulus packages and programs—of which we have heard nothing but bagging by the Opposition—means that in country New South Wales we are keeping some concrete focus on business and employment for the future. That is very important.

If The Nationals could not organise a decent talking tour of New South Wales, how on earth could they be trusted with any regional economic portfolios? It is incredibly important that the people of New South Wales know and understand what the Rees Government is doing to ensure the future of New South Wales and not take on the drivel and half sentences coming from the Coalition.

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

Motion agreed to.

The House adjourned at 7.10 p.m. until Wednesday 6 May 2009 at 11.00 a.m.
