LEGISLATIVE COUNCIL

Wednesday 9 March 2016

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

The President read the Prayers.

PHOTOGRAPH OF LEGISLATIVE COUNCIL

The PRESIDENT: Order! I advise members that before the House proceeds with business an official photograph will be taken of members and officers of the Legislative Council. For this purpose I ask members and officers to follow the instructions of the photographer.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Honourable Frederick Bathurst, Lieutenant-Governor:

T Bathurst — Government House
LIEUTENANT-GOVERNOR — Sydney 2000

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Wednesday, 9 March 2016

HEALTH PRACTITIONER REGULATION NATIONAL LAW (NSW) AMENDMENT (REVIEW) BILL 2016

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

Motion by the Hon. Duncan Gay, on behalf of the Hon. Niall Blair, 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.

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

CLOSING THE GAP

Motion by Ms JAN BARHAM agreed to:

(1) That this House notes that:

(a) the "Closing the Gap Prime Minister's Report 2016" indicated that although progress toward national targets on infant mortality and some aspects of educational attainment are on track, life expectancy for Aboriginal and Torres Strait Islander peoples remains around 10 years less than non-Indigenous life expectancy and the target to halve the gap in employment by 2018 is also not on track; and

(b) the Close the Gap Campaign Steering Committee's Progress and Priorities Report 2016 recommended additional Closing the Gap targets to reduce imprisonment rates and increase community safety, and a target relating to Aboriginal and Torres Strait Islander people with disability and the exacerbated disadvantage they experience in relation to issues including education and employment.

(2) That this House:

(a) acknowledges that the continuing inequality in outcomes for Aboriginal and Torres Strait Islander peoples across a broad range of issues, including health, employment, justice and community safety, is unacceptable and requires all governments to work with Indigenous communities to support and deliver appropriate opportunities and strategies; and

(b) calls on the Premier to implement a Close the Gap strategy for New South Wales with comprehensive targets that include incarceration rates, community safety, child removal and disability-related issues, and with localised implementation and reporting to ensure that Indigenous disadvantage is being appropriately addressed across all regions and communities in the State.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 629 outside the Order of Precedence objected to as being taken as formal business.

AUSTRALIA'S HUMAN RIGHTS RECORD

Motion by Ms JAN BARHAM agreed to:

(1) That this House notes that the United Nations Universal Periodic Review of Australia took place on 9 November 2015 and 110 States submitted 291 recommendations to improve Australia's human rights record, 55 of which directly related to Australia's treatment of Aboriginal and Torres Strait Islander people, and in particular:

(a) the Holy See recommended Australia "continue its efforts to guarantee the human rights of Indigenous peoples";

(b) Canada recommended Australia "implement the recommendations of the International Conference on Population and Development Programme of Action to close the gap between Indigenous and non-Indigenous Australians in health, education, housing and employment";

(c) Uzbekistan recommended that Australia "take effective legislative and practical measures for the comprehensive protection and promotion of civil, social, economic and cultural rights of Indigenous peoples";

(d) Mexico recommended that Australia "implement policies oriented to the development of remote communities and ensure the full enjoyment of economic, social and cultural rights of Indigenous peoples interested in remaining in their land of origin"; and

(e) Kenya recommended that Australia "intensify efforts in enhancing the rights of Indigenous Australians … by providing opportunities in health, education, housing and employment, and addressing the high rate of their incarceration".

(2) That this House calls on both the Government and the Commonwealth to act on these recommendations to improve Australia's human rights track record concerning Aboriginal and Torres Strait Islander people.

AUNTY CHRIS BURKE

Motion by Ms JAN BARHAM agreed to:

(1) That this House notes the sudden passing of Aunty Chris Burke on 20 January 2016 aged 62.

(2) That this House notes that Aunty Chris Burke:

(a) was born in Sydney in 1953 and raised at Mt Kembla and later in the north-west of Sydney;

(b) trained at Bathurst Teachers College and began her teaching career at Llandilo School in Western Sydney;

(c) left teaching to work at the second feminist women's refuge in Sydney, Essie, at Rooty Hill, and through decades of work and volunteering provided policy advocacy, counselling and education relating to domestic violence, child sexual assault and family and community safety;

(d) participated in the first Sydney Gay and Lesbian Mardi Gras that took place on 24 June 1978 and marched with her fellow 78ers at the head of the thirtieth anniversary parade in 2008, but unfortunately passed away just weeks before the New South Wales Parliament delivered its apology to the 78ers;

(e) was a proud Darug woman whose family was one that had survived the threat of removal by "passing" for white, and upon learning of her Aboriginality as an adult explored and communicated her family history to communicate the impact of colonisation on the Aboriginal peoples of Sydney; and

(f) used her skills in teaching, storytelling, performing and as a self-taught puppeteer to engage children in love of their environment and cultural connections and to promote family and community safety, including by creating the Jannawi Kids puppets representing the diverse cultural groups in the Canterbury area and more recently the Yarramundi Kids representing her Darug ancestry, which have been used in a range of resources and events in schools and communities including remote Aboriginal communities, and which were used as the first children's program commissioned by National Indigenous Television.

(3) That this House:

(a) extends its condolences to Aunty Chris Burke's partner of 29 years, Ms Lesley Laing, and to her many friends and family members; and

(b) acknowledges the great legacy of her contribution to promoting safer communities and families, and to educating children and the broader community about the importance of connecting to country and to each other.

DEPUTY POLICE COMMISSIONER NICK KALDAS, APM

Motion by Mr DAVID SHOEBRIDGE agreed to:

(1) That this House notes that:

(a) one of the most distinguished officers in the NSW Police Force, Deputy Commissioner Naguib "Nick" Kaldas APM, is set to retire after 34 years with the NSW Police;

(b) Deputy Commissioner Kaldas's service as a NSW police officer has included time as the head of the Homicide Squad and the Gangs Squad and as Deputy Commissioner Field Operations and Deputy Commissioner Specialist Operations, including counterterrorism;

(c) Deputy Commissioner Kaldas is a distinguished police investigator who was responsible for a number of successful high-profile murder investigations, including successful prosecutions regarding the killing of Samantha Knight, the murder of John Newman and the murders committed by Sef Gonzales;

(d) Deputy Commissioner Kaldas's career has included significant international postings including:

(i) working for nine months in 2004 to rebuild the Iraqi police for the Coalition Provisional Authority, work that was undertaken at significant personal risk in the dangerous Green Zone of central Baghdad; and

(ii) in 2009 leading the United Nations Special Tribunal for Lebanon investigating the assassination of former Lebanese Prime Minister Rafiq Hariri and 21 connected assassinations, which resulted in the indictment in the Hague of four members of the Hezbollah militia and again included significant personal risk investigating an organisation that had a proven track record of successful assassinations.

(e) Deputy Commissioner Kaldas's legacy with the NSW Police Force also includes crucial work as the police spokesperson on cultural diversity, fostering multiculturalism within the NSW Police Force and connections with diverse communities, a task that is increasingly important for the NSW Police Force in the twenty-first century.

(2) That this House extends its sincere gratitude to Deputy Commissioner Kaldas for his diligent, principled and invaluable service to the people of New South Wales and wishes him well in his future endeavours both at home and abroad.

INTERNATIONAL WOMEN'S DAY

Motion by Dr MEHREEN FARUQI agreed to:

(1) That this House notes that:

(a) 8 March is International Women's Day;

(b) this year's International Women's Day theme is "Pledge for Parity", acknowledging that the pace of gender equality is slowing down around the world and urgent action is required; and

(c) the World Economic Forum has estimated that at the current rate the gender gap will not close entirely until at least 2133.

(2) That this House notes that:

(a) the New South Wales Legislative Council Chamber currently has seven busts of former members along the wall, all of them men, four of whom were former Presidents; and

(b) the late the Hon. Virginia Chadwick, AO:

(i) was the first female President of the Legislative Council and the first woman Minister in a New South Wales Liberal-Nationals Government; and

(ii) went on to head the Great Barrier Reef Marine Park Authority and received the Order of Australia in the 2005 Queen's Birthday Honours for services to conservation and the environment through management of environmental heritage and economic sustainability issues affecting the Great Barrier Reef, and services to the New South Wales Parliament, particularly in the areas of child welfare and education.

(3) That this House calls upon the President of the Legislative Council to consider placing a bust of the first woman President of the Legislative Council, the late the Hon. Virginia Chadwick, AO, in the Chamber as a small but significant step of pledging for parity.

WOMEN IN LOCAL GOVERNMENT RECOGNITION

The PRESIDENT: Order! Is there any objection to Private Members' Business item No. 643 outside the Order of Precedence, standing in the name of Mr David Shoebridge being taken as formal business?

The Hon. Dr Peter Phelps: Point of order: Private Members' Business item No. 643 outside the Order of Precedence contains a visual image within paragraph (1) (c). To the best of my knowledge, I am unaware of any other instance where images have been included in motions. Lovelock and Evans seems to indicate that this has not occurred previously. I could understand if the image was of a geographic locality and had to be defined, but in this instance the wording indicates with clarity the objective of the motion and, therefore, the image is redundant. I do not want a precedent to be set where images are included in motions, which would tend to cut across the essential textual nature of *Hansard* and our proceedings.

The PRESIDENT: Order! While members may want to put their views on the record, I indicate that I will be reserving my position and will make my decision later in the day.

Mr David Shoebridge: To the point of order: In seeking to include the image in the notice of motion, which was read yesterday, I did consider the matter of precedence. In fact, I spoke with the Clerk. I do not intend to verbal the Clerk but—

The PRESIDENT: That in itself would be disorderly.

Mr David Shoebridge: I will explain my intention, which is based upon the precedent that was established with the fish emblem. If members remember, we included in legislation the image of a fish, the name of which currently escapes me, as the State emblem. In that instance, the image was not just to assist the debate. The image of the fish was a key part of the legislation and was part of the record of the House. In this case the image is displayed because it is important to the motion. It is not the same as a member seeking to move a motion about the Rural Fire Service and simply including the Rural Fire Service emblem or moving a motion about the Anzacs and including the Rising Sun symbol. If the Rising Sun symbol was an essential part of the motion then it would be appropriate to include an image of it. I draw that line in the sand.

The Hon. Niall Blair: To the point of order: There is a clear distinction between the use of an image in legislation that is creating a State emblem and the use of an image in the motion we are discussing.

The Hon. Dr Peter Phelps: Further to the point of order: The Minister makes a good point. Where there has to be a statutory definition of a particular symbol, the inclusion of an image is entirely appropriate. In this instance, if everything after "woman" is removed as well as the image, the member would still have an exact representation of what he is seeking to give effect to. By the simplest of Google searches, members can find the image. To include it in the motion is unnecessary and sets a precedent that I do not believe is appropriate.

Mr David Shoebridge: Further to the point of order: The Government Whip has identified the reason it is important to include the symbol. In order to understand the symbol, if the image is not included one would have to go to extrinsic material such as a Google search. I will make one other point. It is 2016 and we have the capacity, where it is considered appropriate, to include a small number of images and use additional methods to make the work we do more relevant. We should tread carefully but we should not be scared of it. The fact that we have not done it before does not mean that we should not do it going forward.

The Hon. Duncan Gay: To the point of order: I understand the argument put in relation to the State fossil. We must be very careful about setting a precedent. We may be setting a precedent for the use of

inoffensive images. I have some support for the inclusion of the image—except where it is coming from. The illustration we are talking about is not offensive but if we allow it we open the gate to images that may be offensive. That is a matter of concern if we allow this image. It is a matter we need to approach carefully. I know, Mr President, that you will weigh the arguments. It may be a matter to be decided by the whole Parliament rather than this House making a short-term decision.

Ms Jan Barham: To the point of order: My comments relate to a background I have in costume design. The illustration in the motion identifies the historical nature of the costume; it sets a period piece to the silhouette. Perhaps my colleague Mr David Shoebridge, in presenting his motion, failed to indicate that the image is recognition of the historical nature of the first woman elected. Paragraph (1) (c) identifies the silhouette of a woman. It could be any woman, but the image clearly identifies the historical costume, which denotes a point in history. It is recognition of an historical context and it can only be portrayed by a silhouette that denotes the costume of the time.

The Hon. Dr Peter Phelps: Further to the point of order: As a way forward, I suggest that for the time being the member might allow us to vote on the motion, subject to granting him the ability to amend the motion to remove all words after "woman" in paragraph (1) (c) and the image itself.

The PRESIDENT: It is a matter for the honourable member.

Mr DAVID SHOEBRIDGE: I would seek to move the motion as is. But noting that any motion I move is subject to your ruling, Mr President—which may include deleting certain elements—I will move the motion subject to your ruling.

The PRESIDENT: Order! I thank all honourable members for their contribution. I note that no objection has been taken to the motion. No suggestion has been made by any member in any of the contributions made so far that there is any objection to the motion or to the image. I thank the Hon. Dr Peter Phelps for taking a point of order. I will reserve my decision. As a number of members mentioned, there are important questions in respect of the form that motions should take. In that respect, I will give consideration to whether this should be a matter also considered by the Procedure Committee. I will leave Private Members' Business item No. 643 outside the Order of Precedence for the moment.

MAITLAND SHOW

Motion by Mr SCOT MACDONALD agreed to:

(1) That this House notes that:

(a) on 20 February 2016, the Hunter River Agricultural and Horticultural Association's 155th Annual Show, known as the Maitland Show, was officially opened;

(b) the Maitland Show is the oldest continuously operating show on the Australian mainland;

(c) the show ran from 19 to 21 February 2016;

(d) major events at the show included cattle judging, poultry judging, a hot rod and speedway display and an Australian Champion whip crackers display;

(e) a plaque was presented to Mr Bernard Saroff, OAM, in recognition of his more than 53 years of service to the Hunter River Agricultural and Horticultural Association; and

(f) it was announced at the show's opening that the long-awaited refurbishment of the C.B. Marheine Grandstand will commence immediately after the conclusion of the show on 22 February.

(2) That this House thanks Mr Bernard Saroff, OAM, for his service to the Maitland community through his contribution to the Hunter River Agricultural and Horticultural Association.

(3) That this House congratulates Mr Tony Lantry, President of the Hunter River Agricultural and Horticultural Association, and the association's members and volunteers who worked tirelessly to run another successful Maitland Show.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 645 and 646 outside the Order of Precedence objected to as being taken as formal business.

NEWCASTLE SURFEST

Motion by Mr SCOT MACDONALD agreed to:

(1) That this House notes that:

(a) Newcastle's Surfest is the largest surfing festival in Australia;

(b) Surfest held a variety of competitions in Newcastle between 6 and 28 February 2016;

(c) major events included:

(i) the Maitland and Port Stephens Toyota Pro, held from 21 to 28 February 2016; and

(ii) the Taggart Women's Pro, a 6000 point Qualifying Status event, held from 22 to 28 February.

(d) the Taggart Women's Pro was crowd funded by 73 businesses, each contributing $1,500 in sponsorship;

(e) for their contribution, the businesses had the opportunity to be drawn for naming rights of the Women's Pro;

(f) Taggart Business Advisers were drawn for the naming rights of the Women's Pro;

(g) Surfest celebrated 31 continuous years of competition and community engagement in Newcastle this year;

(h) Surfest 2016 was coordinated by Mr Warren Smith; and

(i) the event is supported by the Government through its tourism and major events agency, Destination NSW and Newcastle City Council.

(2) That this House congratulates:

(a) Mr Matt Wilkinson for taking first place in the Maitland and Port Stephens Toyota Pro;

(b) Ms Sally Fitzgibbons on winning the Taggart Women's Pro; and

(c) Mr Warren Smith, Surfest Coordinator and the team at Surfest for their contribution to the community through the organisation of this event.

AUSTRALIAN BOWL-RIDING CHAMPIONSHIPS

Motion by Mr SCOT MACDONALD agreed to:

(1) That this House notes that:

(a) the Australian Bowl-Riding Championships is an open skating event established in 2012;

(b) the Australian Bowl-Riding Championships were held at Empire Skate Park, Newcastle from 27 to 28 February 2016;

(c) the event is all inclusive, and includes skateboard riders of every skill level and age;

(d) the Australian Bowl-Riding Championships had four divisions in 2016:

(i) Under 16s;

(ii) Women's;

(iii) Pro/Am Open;

(iv) Masters 40 plus; and

(e) the event is supported by the Government through its tourism and major events agency, Destination NSW and by Newcastle City Council.

(2) That this House congratulates:

(a) Mr Jedd McKenzie, who won the Under 16s division;

(b) Ms Poppy Starr Olsen, who won the Women's division;

(c) Mr Cory Juneau, who won the Pro/Am Open division; and

(d) Mr Renton Millar, who won the Masters 40 plus division.

UNPROCLAIMED LEGISLATION

The Hon. Niall Blair tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 8 March 2016.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 4 postponed on motion by Dr Mehreen Faruqi and set down as an order of the day for a future day.

Business of the House Notice of Motion No. 5 postponed on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

SYDNEY HARBOUR BRIDGE TRAFFIC ACCIDENT

Ministerial Statement

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [11.44 a.m.]: At 5.55 a.m. today a car travelling northbound on the Sydney Harbour Bridge travelled into the southbound lanes hitting a motorcyclist travelling south. The motorcyclist was seriously injured and our thoughts are with the family and friends of the motorcyclist. Two lanes on the bridge were fully blocked and one was partially blocked. Emergency services bridge crews and the Transport Management Centre responded quickly and worked together to reopen all lanes in just over two hours.

When an incident occurs on the bridge the whole of Sydney is affected. As a result of the incident on the bridge bus passengers and motorists were delayed on most approaches, including the M2, Lane Cove Tunnel, Gore Hill Freeway, Warringah Freeway, Parramatta Road, City West Link and Victoria Road. At the time of the incident strong messaging was given to motorists across Sydney advising people to avoid the area, delay their journey and use public transport where possible. The decision was quickly made to change the bridge to give six lanes for southbound traffic and two for northbound traffic. The rider of the motorcycle was treated on site until 7.10 a.m. before being conveyed to hospital. The Crash Investigation Unit from the NSW Police Force was on site at 7.15 a.m. and all northbound traffic was stopped between 7.40 a.m. and 7.55 a.m. so that police investigations could take place.

New South Wales police conducted their investigation in a relatively short period to further minimise the impact. All vehicles were removed by 8.00 a.m., with all lanes opened on the Sydney Harbour Bridge at 8.14 a.m. At the time of opening all lanes on the bridge all approaches from the north were delayed. The maximum queue length from the Sydney Harbour Bridge to the M2 was 12 kilometres for southbound traffic. All approaches from the west, including Parramatta Road and City West Link, were delayed. Queue lengths there were eight kilometres. The reopening of all lanes in two hours was only possible with collaboration between the NSW Police Force, Sydney Harbour Bridge crews and the Transport Management Centre. The bus lane on the bridge was not opened for general traffic as it was still essential to give priority to the buses. Buses heading to the city were delayed by up to 1½ hours. Some buses that normally use the Lane Cove Tunnel were diverted via the Pacific Highway to avoid the delays.

I thank the emergency services and traffic management crews for their work to get the incident cleared as soon as possible this morning. I also thank the motorists of Sydney for their understanding that whilst they were mightily inconvenienced this morning we have to take every possible care when someone is injured. As of 10.30 a.m. traffic volumes approaching the Sydney Harbour Bridge started returning to normal.

The Hon. ADAM SEARLE (Leader of the Opposition) [11.47 a.m.]: We in the Labor Opposition associate ourselves with the comments made by the Leader of the Government. We also thank emergency crews and the Traffic Management Centre for their diligent and hard work in clearing up the matter. Our thoughts are also with the motorcycle rider who was treated by paramedics at the scene and taken to St Vincent's Hospital. This is a terrible event.

The delays caused as a result of the accident have highlighted the continuing vulnerability of Sydney's transport network but it was a testament to the hard work of the Transport Management Centre and emergency

crews that it was cleared as quickly as it was. We do note, as the Minister has said, that the city-bound traffic approaching the Sydney Harbour Bridge extended to 12 kilometres and passengers were delayed by up to 1½ hours.

The Hon. Robert Brown: Victoria Road was 18 kilometres.

The Hon. ADAM SEARLE: I acknowledge that interjection. Buses travelling along Anzac Bridge were delayed by up to 80 minutes. Buses travelling over the Sydney Harbour Bridge were also significantly delayed. Obviously when those things occur people are delayed, but that is nothing compared with those caught up in accidents of the kind that happened this morning. We earnestly hope we will not be hearing about such incidents in the near future.

TRIBUTE TO OLIVIA INGLIS

Ministerial Statement

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) [11.49 a.m.]: I wish to offer my condolences to the Inglis family for the loss of their beloved daughter Olivia, who was tragically killed in an eventing accident earlier this week. Olivia died following a rotational fall off her horse at the Scone Horse Trials on Sunday 6 March 2016. Olivia was a talented horserider who had been involved in the sport since she was a child. She aspired to compete in the Olympic Games. This tragedy has rocked the entire Southern Highlands community, where she was highly regarded, especially the equestrian community. Olivia's loss will be acutely felt at the Frensham School, where she was a student and idolised by many of the girls who looked up to her. Julie Gillick, principal of Frensham, which is part of the Winifred West Schools, wrote in an email to parents:

> The thoughts of the entire WWS community are with Olivia's parents, Arthur and Charlotte, their daughters Antoinette (year 10) and Alexandra (year 4), and their extended family at this unimaginably difficult time.

In recognition of this great loss, Olivia's passing has sparked a social media campaign called "#RideForOlivia". This campaign has spread across the globe to other countries, with people who have never met Olivia showing their support as they were moved by this tragedy. The campaign included those at the highest levels of the equestrian community, such as Australian-based professionals and Olympians Shane Rose and Brett Parbery. The hundreds of photos shared through the social media campaign will be used to create a mosaic of one large photo of Olivia jumping and will be given to her family as a gift. Olivia's grandfather was John Inglis, the manager of the auction house that has sold some of Australia's most famous thoroughbreds such as Heroic and Black Caviar. Her family have been involved in the industry and in the wider horseriding community for many years. Her parents, Arthur and Charlotte, made this statement on the Inglis stables website:

> We have been overwhelmed by the kindness and sympathy from family and friends throughout the school, equestrian and thoroughbred communities. We are so proud of Olivia and the beautiful young woman she was in every way. We are blessed to have had the opportunity to share our passion for horses with our children. This has led us on a great journey where we have been able to spend countless happy moments and special family times. So much to celebrate and a life so joyous and well lived.

This is truly a remarkable response after experiencing such heartbreak. It is a true credit to the family that in the midst of such sadness they are able to express thanks for the joy that Olivia brought into their lives. There are no words we can say today that will take away the pain from Olivia's passing. I support the words of Olivia's parents in thankfulness of Olivia's short time with us and celebrate her life as a life well lived.

On a personal note, as a member of the Southern Highlands community, my family have been former members of the Berrima District Pony Club, and as my wife and son are involved in eventing, I have seen firsthand how this tragedy has affected so many who knew Olivia. I have watched her ride in many events. She was a rising star and a real talent. We all know the risks involved in eventing, and we hope and pray for our loved ones each time they leave the starter's box and breathe a sigh of relief when they cross the finish line safely. With regret, I note that Olivia's horse, Coriolanus, was euthanased yesterday as a result of injuries suffered in the incident. I also add my thoughts to the officials, volunteers, paramedics, and spectators who witnessed and attended the incident on Sunday. It was a truly tragic event that a young life was taken far too soon. Vale Olivia Inglis.

The Hon. ADAM SEARLE (Leader of the Opposition) [11.54 a.m.]: On behalf of the Labor Opposition I respond to the Minister's statement. I associate members on this side of the House with the words

of condolence from the Minister to the Inglis family, the Southern Highlands community and the wider equestrian community regarding the tragic death of Olivia Inglis. The Inglis family are well known in the thoroughbred industry through their bloodstock operation, commencing in 1906. Our thoughts are with her parents, Arthur and Charlotte, and her sisters, Alexandra and Antoinette, who also compete. Having been a participant in eventing circles for more than a decade, Olivia was well known in the equestrian field in her own right. She was described as a careful rider who was mature beyond her years. The chair of Equestrian Australia, Judy Fasher, described her as "one of the best performers at an interschool level" and said that she had a bright, perhaps even Olympic, future ahead of her in this field.

Olivia was a member of the New South Wales junior team and she was also the school equestrian co-captain at her school, Frensham, at Mittagong in the Southern Highlands. Principal Julie Gillick described Olivia as "a much-loved year 12 student who was a passionate, skilled rider and outstanding community member". She remarked upon her "kindness, compassion and quiet, infectious love of life". The many posts on Facebook, which is the social media campaign that the Minister referred to, speak of the high regard and warm affection in which she was held by so many. No words can properly capture the essence of a life or the tragedy of a promising life cut short in circumstances such as these. Those of us on this side of the House join with the Minister, Government members, and I hope all members of this Chamber, in sending our condolences and best wishes to her family, friends and community at this most difficult time.

PUBLIC HEALTH ACT 2010: DISALLOWANCE OF PUBLIC HEALTH AMENDMENT (MISCELLANEOUS) REGULATION 2016

The PRESIDENT: Pursuant to standing orders the question is: That Business of the House Notice of Motion No. 1 proceed as business of the House.

Question resolved in the affirmative.

Motion by the Hon. Walt Secord agreed to:

That the matter proceed forthwith.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [11.56 a.m.]: I move:

That, under section 41 of the Interpretation Act 1987, this House disallows paragraph 7 (1) (b) of schedule 1 of the Public Health Amendment (Miscellaneous) Regulation 2016, published on NSW Legislation website on 19 February 2016.

In summary, this motion is simple. It relates to the legalisation of eyeball tattooing for decorative purposes by the Baird Government and the Minister for Health, Jillian Skinner. My comments will be brief because I believe the will of the community is clear. The will of the community is to strike down this silly and absurd attempt to regulate and give legitimacy to a practice that has a strict and limited place in Australian medicine. Medical experts agree on eyeball tattooing for decorative purposes: They are queueing up to condemn this bizarre act by the Minister for Health, Jillian Skinner.

President of the Australian Society of Ophthalmologists, Dr Michael Steiner, has said that the eye "may well be the most valuable organ we have outside the brain; to tinker with that in this way where there are potential risks is absolutely crazy". He said it was absolutely crazy. There is not a large grey area in that assessment. There is no doubt that that is a clear no to the Minister for Health. Luke Arundel of Optometry NSW/ACT said optometrists would prefer that eyeball tattooing for decorative purposes was not done at all, due to the risks. That is a position I am sure pretty much every person in the community shares. I dare say this is a conservative position, but I think it is appropriate to take a conservative view when we are talking about protecting human eyes. However, this conservative Government could not see the problem with regulating to let people tattoo their eyeballs.

Reverend the Hon. Fred Nile: It is already legal.

The Hon. WALT SECORD: They got to you, Fred. One may ask, "How on earth did we wind up here?" This regulation goes to the heart of the priorities of the Baird Government and the fact that its priorities are wrong. Rather than fixing elective surgery waiting lists and the long waits in emergency departments, the Minister for Health has legalised eyeball tattooing. On 23 February NSW Health said the regulation was passed so that tattooists could carry out eyeball tattooing within the meaning of "skin penetration procedures". The Minister for Health, Jillian Skinner, said she brought in the regulation

because "body piercing procedure should be covered to make sure that there is no infection risk". But the Baird Government had failed to take into consideration the impact on the community when it legalised eyeball tattooing for decorative purposes.

Eyeball tattooing should not be treated like skin tattooing or ear piercing. When eyeball tattooing occurs in New South Wales it should be for strict medical purposes by a trained surgeon, and no-one else. By contrast, on the watch of the Minister for Health, Jillian Skinner, a tattooist can now do eyeball tattooing in New South Wales. All he has to do is have sterilising equipment, wipe down the benches in his premises at Kings Cross or West Ryde, get some ticks from the local council, NSW Health and/or the Department of Fair Trading and the neighbourhood eyeball tattooist is ready to go.

As it stands, a local council will probably have more rigorous questions for potential eyeball tattooists than NSW Health would have. It would be hilarious if it were not serious. The official rationale is that by legalising eyeball tattooing the Baird Government is reducing the risks of infection and transmission of blood-borne viruses. That would be a logical position to take if eyeball tattooing was, otherwise, a fairly innocuous personal choice, but it is not. The Baird Government has shown no regard for what happens in the practice of injecting ink into the eye. Doctors warn that the white part of the eye is extremely thin and highly sensitive. Injecting it with a foreign substance can cause long-term damage, such as inflammation and blindness.

By and large, I am supportive of a person's right to freedom of choice and expression. While I am not into tattooing myself—as Mr Jeremy Buckingham is—I usually regard it as a choice that others are free to make if they want that in their lives and on their person. Yes, it is true that skin tattooing also involves injection into the human body, and it is not without its own health risks. However, there is a great difference between injecting ink into the human skin, which has evolved to form a barrier between the inner and outer body, and injecting ink into the human eye, arguably the most delicate organ we have.

Let us face it: We are talking about unnecessary eye surgery carried out by untrained people. When we see it in that context we would be mad to countenance it. That is why it is also the will of the community that there be an outright ban on the practice of eyeball tattooing for decorative purposes in New South Wales by non-doctors. Members may be surprised to learn that there are, in fact, in very limited circumstances legitimate medical reasons for an eye surgeon to use tattooing techniques as a surgical procedure. I have been advised that there are occasions where an eye surgeon may be required to undertake a procedure to repair an eye if there has been an accidental injury or discolouration, but this would be extremely rare.

There are also treatments for optical purposes, including decreasing circumstantial glare within the iris. Eyeball tattooing by doctors has been used for albinism and after the treatment of cataracts and keratitis. I know of one person who had a dart injury and a small speck of discolouration was removed through a tattooing technique. I also know that there are cases where extreme liver damage and jaundice cause eyeball discolouration, and tattooing procedures can assist in this regard when conducted by a medical doctor.

The regulation before us is not about doctors; it is about colourful characters like Luna Cobra, the self-proclaimed eyeball tattoo king of Melbourne and Miami. He claims that he has perfected the practice. He claims that he has mastered the art of injecting coloured dye beyond the surface of the eyeball. He also says that he has never had a client who has had health problems associated with these injections. He has described it as a "niche market". He has said that eyeball tattooing is safer than drinking or smoking. We should not be passing a broad health regulation to suit a fringe element of the community undertaking such a difficult and, perhaps, dangerous procedure. We should not be opening NSW Health up to additional health costs for the community, as a result of people presenting with injuries.

It is incredible that a Government that has taken such a stern risk-mitigation stance on other health and safety matters—for example, bicycle helmets and other measures for cyclists—cannot see the bizarre hypocrisy of what we are allowing here today. New South Wales should be stopping outright this practice for decorative purposes, not expanding it. Allowing the regulation of eyeball tattooing for decorative purposes is absolutely ludicrous.

My disallowance motion is very specific in its wording. It relates to eyeball tattooing alone and it does not remove other parts of the regulation such as changing the name of the "secretary" of the Ministry of Health to "director-general", the part that deals with Middle East Respiratory Syndrome Coronavirus, and changes to air and water handling in buildings. On 19 February the Minister for Health gazetted a regulation that allows eyeball tattooing to be treated like other forms of tattooing. Properly regulated tattooists will tell you that

eyeball tattooing is irresponsible and that they are against injecting ink into the eye. Any medical practitioner will tell you that injecting ink into your eye is a recipe for disaster. If the Government had its wits about it, it would have simply banned outright eyeball tattooing for decorative purposes.

I have already asked Parliamentary Counsel to begin work on legislation formally banning eyeball tattooing for decorative purposes in New South Wales. It will be specific. In that legislation there will be strict exemptions for medical doctors undertaking the procedure for legitimate medical purposes. It is mindboggling that the Baird Government is legalising eyeball tattooing for decorative purposes in New South Wales when other jurisdictions are banning it. This is why I am using a provision available to the State's House of review—known as a disallowance motion—to overturn negligent decisions by executive government.

The medical profession is solid in its opposition to eyeball tattooing for decorative purposes. When it discovered that the Baird Government was going to legalise it, doctors were horrified. I share that horror, not just for the reasons I have already outlined, but also because New South Wales has so many greater health priorities to address, rather than stuff-ups like this. It is disappointing to stand here today and have to debate the merits of eyeball tattooing when there are so many deficiencies in the New South Wales health and hospital system. If the health Minister and the Baird Government were doing their jobs, we would not be doing this. We would not be resorting to this disallowance motion. Where was the Minister in this? Where were the senior members of this Executive Government? What kind of government legalises this sheer stupidity?

I also reject statements by Government members that sections of the community have the right to be stupid. That is wilfully missing the point—either that, or certain members are irretrievably stupid. There are numerous measures in which the State intervenes in the public's right to be stupid. We usually do so when the cost to prevent their foolishness is low but the costs from supporting it are high and borne publicly. Those opposite might like to note regulations around the wearing of seatbelts, speed limits, cigarette packaging and health warnings, bicycle helmets, and so on.

Indeed, one might like to contrast this right to be stupid, on this occasion enthusiastically endorsed by those opposite, with my very good friend the Hon. Duncan Gay's recent foray into cycling laws. I am not much of a cyclist but on the rare occasions I use a bike I am happy to wear a helmet. Once again, I cannot help but note the contradiction between a Government that now has the world's most stringent prohibitions against riding a bicycle without a helmet, but which reckons eyeball tattooing is okay. People do not have the right to scar themselves forever and drive up health costs.

Eyeball tattooing, unlike other forms of tattooing, is permanent. A recent United Kingdom study found that nearly a third of people with skin tattoos regret getting one. The survey findings, presented at a recent annual meeting of the British Association of Dermatologists, showed that men were more likely to have tattoo regret than women. Tattoo regret was also three times more likely among men if they got their tattoo before reaching age 16. Meanwhile, the demographic least likely to regret a tattoo was women who got their tattoo after age 21. If this data applies to skin tattooing, imagine how many people would regret getting an eye tattoo. Luckily, we have the power as a House of review to fix this monumental act of stupidity by the Minister for Health. On that note, I commend the motion to the House.

The Hon. SARAH MITCHELL (Parliamentary Secretary) [12.09 p.m.]: I speak against this disallowance motion regarding the Public Health Amendment (Miscellaneous) Regulation moved by the Hon. Walt Secord because essentially this disallowance motion is on a regulation that increases protection of the community and public safety. It is important for us to put a few facts on the table. This disallowance motion means that eyeball tattooing—which was legal under the former Labor Government, but was unregulated—will not be subject to appropriate safety measures to ensure that appropriate sterilisation precautions are taken by tattooists.

The honourable member previously said that the Baird Government legalised eyeball tattooing, but it is important to state again—to clear up the spin from the honourable member—that this practice was legal in New South Wales under Labor, but there was no regulatory framework to protect the safety of individuals. There was an instance before this regulation was made of a young adult presenting to an emergency department with subconjunctival haemorrhage following a friend tattooing black ink with a syringe into the sclera. By disallowing this regulation the Hon. Walt Secord is encouraging backyard eyeball tattooing. The President of the Australian Medical Association NSW, Dr Saxon Smith, says the procedure "rates up there with stupidity or idiocy" but agrees banning it is pointless:

> I don't need a law to tell me eyeball tattooing is a crazy thing to do.

This Government's policy is that procedures that carry risks of transmission of blood-borne viruses should be regulated appropriately so as to protect public health. The Public Health Act and regulations aim to ensure appropriate infection control procedures are in place in premises that carry out skin penetration procedures so as to reduce the risk of transmission of blood-borne viruses. The legislation requires premises that undertake skin penetration procedures to notify their local council. This allows local councils to know where skin penetration premises are located and take appropriate measures, such as inspections, to ensure that skin penetration premises comply with the legislation.

The New South Wales Government amended the Public Health Act regulations to include eyeball tattooing earlier this month under the regulations that cover skin penetration as the now emerging issue of eyeball tattooing was previously not captured by the existing definition of "skin penetration" under the Act. Eyeball tattooing would likely involve much the same risk of transmission of blood-borne viruses as other forms of tattooing, as well as potential damage to the eye itself. Eyeball tattooing happens rarely. Recent media reports suggest around 20 people, and maybe even as few as 10 people, have ever had their eyeball tattooed in Australia. It is clear that most people do not wish to have their eyeballs tattooed. However, we must ensure appropriate protections for those undergoing this procedure until further evidence emerges.

The New South Wales Minister for Health has taken a measured and sensible approach to this issue. NSW Health has sought to protect individuals by providing a regulatory framework, and the Minister for Health has asked the Ministry of Health to continue to investigate any risks associated with eyeball tattooing. If these investigations find that eyeball tattooing poses unacceptable risks, the Minister for Health has said she will consider further measures to ensure individuals are protected from such risks. Any further action will be balanced against the need to ensure that eye injections that have real medical benefits are not banned as an unintended consequence. We do not make health policy in New South Wales based upon knee-jerk reactions like we have seen from the Hon. Walt Secord, who is so out of touch with the Health portfolio that he did not even know that eyeball tattooing was legal, and dangerously unregulated, in New South Wales under the former Labor Government. The Government will not support this motion.

The Hon. SHAOQUETT MOSELMANE [12.13 p.m.]: I contribute to the debate on the disallowance motion regarding the Public Health Amendment (Miscellaneous) Regulation moved by my colleague the Hon. Walt Secord. The Hon. Sarah Mitchell said that we do not need a law to tell us that something is stupid. We banned the use of drugs such as crystal methamphetamine, or ice, and although people know using these drugs is stupid they still engage in such behaviour, which shows we need laws to regulate this behaviour. Eyeball tattooing is an abhorrent act that should have no place in our society. As well as being extremely dangerous, the procedure is completely irreversible.

In reality, it is madness. Who would want to have a needle stuck in their eye? Medical experts believe eyeball tattooing can cause blindness and cancer. Imagine someone undergoing eyeball tattooing during which the pupil is damaged and the person is blinded. A stop must be put to this practice. United States-born body modification expert Luna Cobra said that "practitioners have caused vision impairments like blurred vision, spots or floaters even blindness". During the procedure ink is injected into the white of the eye, known as the sclera, permanently colouring it. It is not surprising that society does not want eyeball tattooing to be a normal part of our culture. Some cultures encourage body tattooing, but the practice of eyeball tattooing steps outside the norm. It is absolute madness.

The Hon. Walt Secord: What is she thinking?

The Hon. SHAOQUETT MOSELMANE: I acknowledge the shadow Minister's comment: What is the Minister thinking? I have looked at images of the procedure on the internet. We are told:

> The process involves sticking a needle into the sclera, the protective outer layer of the eyes, and injecting it with ink. Unlike tattoos, which involve intricate designs, tattooing the eyeball is sort of like "dropping paint on the floor and watching it spread" as in, it is literally dropping ink into the eye and watching it spread.

There is an image showing an individual whose eyes have been injected. The look is unacceptable and should not be allowed in our society. Apart from the obvious health risks and ramifications, this really comes down to what kind of society and culture we want to live in and we want our children to continue to live in. Do we want our children growing up in a society in which they or their friends at a certain age may come home with eyeballs tattooed black or any other colour—blue, purple, pink?

The Hon. Walt Secord: Green.

The Hon. SHAOQUETT MOSELMANE: Green or any other colour; you name it and it is possible.

Mr Jeremy Buckingham: Red.

The Hon. SHAOQUETT MOSELMANE: Imagine red. This motion is not about stifling public expression. Coloured contact lenses already add colour to people's eyes, but having ink injected into the eye is irreversible—it is there for life. That is one aspect of why this disallowance motion should be carried. Eyeball tattooing is dangerous and irreversible. There are no second chances and the risk of infection is extremely high. This disgusting practice has no place in New South Wales and should be banned.

Mr JEREMY BUCKINGHAM [12.18 p.m.]: On behalf of The Greens I make a contribution to the debate on the disallowance motion regarding the Public Health Amendment (Miscellaneous) Regulation moved by the Hon. Walt Secord. From the outset I can say that The Greens NSW and I think that eyeball tattooing is abhorrent, crazy, disgusting and confronting. It is a practice that repulses many people. I go as far as to say that it is not tattooing. The fact that it is referred to as tattooing is a mistake; it is actually body modification. I think tattoos are beautiful and that the tattoo industry is a respectable industry with artistic people who add variety to people's lives and contribute to society. I have a significant number of tattoos.

As someone who is tattooed and someone who has spent the last week speaking to tattooists, I think this practice is absolutely abhorrent. The tattooists I talked to all said they want no part of this. They do not think this is part of their industry. Many said that they would never do it. Those responsible, trained and registered tattooists are saying that this is an awful practice. I would say that The Greens would carefully consider, after the review, any proposals to ban eyeball tattooing. I note that the Hon. Walt Secord did not move a motion to ban eyeball tattooing; he moved a disallowance motion that resets and defaults to Labor's position, which was a free-for-all—backyard eyeball tattooing.

The Hon. Walt Secord: Point of order: The honourable member is distorting and misrepresenting my speech. I indicated very clearly that I was bringing forward legislation.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! There is no point of order. The Hon. Walt Secord will resume his seat.

Mr JEREMY BUCKINGHAM: The member said that he was in the process of consulting with Parliamentary Counsel to have legislation drafted. If he is so concerned, why did he not do that at the beginning? It is because he wanted a cheap shot at a Minister who is trying to reduce the harm of an abhorrent practice. Under Labor's regime there would be a return to backyard practitioners blinding kids.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! The Hon. Walt Secord will cease interrupting the member.

Mr JEREMY BUCKINGHAM: If this motion succeeds it will disallow a regulation published in the *Government Gazette* on 19 February 2016, which declared eyeball tattooing to be a skin penetration procedure for the purposes of section 21 of the Public Health Regulation 2012, and therefore subject to the same infection controls and registration requirements as tattooing. The Greens have spoken with the Minister and have an undertaking that a review by NSW Health is occurring. We look forward to that. We have a commitment from NSW Health that:

> The NSW Government will provide a comprehensive briefing to interested crossbench members once the research is complete. We expect the earliest this can occur is early July 2016.

The Greens are open to further restrictions on this industry. The regulation places a restriction on this industry. There was a free-for-all under the former Labor Government, but there are restrictions now. Unlike the Hon. Walt Secord, I am not anti-tattoo. I think that tattooing has a place, but that eyeball tattooing is a disgrace. The Greens will not support this disallowance motion. Our philosophical position is to do no harm. That is the ethical and responsible view of people and medical practitioners: to do less harm. That is what we can do today. Labor would have backyarders operating tomorrow injecting ink into people's eyes with no regulation or prosecution available. It is a disgrace that a member would do that for a cheap political shot. It is irresponsible. The Greens will never be part of that.

The Hon. Walt Secord: You switched your vote this morning.

Mr JEREMY BUCKINGHAM: That is absolute rubbish.

The Hon. Walt Secord: You did a 360 this morning.

Mr JEREMY BUCKINGHAM: Absolutely not. The credibility of the shadow Minister for Health is in absolute tatters. It is a cheap political shot. Rather than do something substantive—such as bring forward a proposal to ban the practice or consult with tattooists—he has aimed for a cheap political shot. The Greens will not support the disallowance motion because it does not stop eyeball tattooing; it makes an abhorrent practice worse. If this motion succeeds today, tomorrow a practice we think is revolting, dangerous and unsafe would be worse. It is irresponsible for members of this House to consider it. We will not support the disallowance motion.

The Hon. COURTNEY HOUSSOS [12.25 p.m.]: I make a brief contribution to debate in support of the disallowance motion with regard to schedule 1 [7] (1) (b) of the Public Health Amendment (Miscellaneous) Regulation 2016 published on the New South Wales legislation website on 19 February 2016. I congratulate my colleague the tireless the Hon. Walt Secord, who uncovered this farcical situation. Let us be clear about what we are discussing today: the practice of injecting permanent ink into the white of your eyeball. The practice has recently re-emerged as a cosmetic procedure. Instead of banning this barbaric practice, as several States in the United States have done, the Baird-Grant Government and Minister for Health, Jillian Skinner, instead sought to regulate the practice. It is effectively legalising what had previously been a procedure that was not recognised by the law.

It is getting a little tired that the Parliamentary Secretary and The Greens resort to blaming Labor after being in government for five long years. In rare cases eyeball tattooing is used for medical purposes. The Parliamentary Secretary and The Greens should be aware that eyeball tattooing has re-emerged within the past 18 months. The shadow Minister referred to self-proclaimed experts such as Lunar Cobra. In response to the recent developments medical professionals have chorused their opposition to eyeball tattooing. Some have said the long-term effects of this irreversible procedure are difficult to establish due to its recent emergence. The American Optometric Association has gone further, unequivocally condemning the practice and saying that it puts the patient at risk of infection, inflammation and blindness. Other medical professionals have said the practice can cause cancer. Again, the results are irreversible.

It is remarkable that one of the main practitioners, the aforementioned Lunar Cobra, cautions patients that they may lose their job as a result. Local eye experts say losing your job could be the least of your problems. Optometry Australia has said the purely cosmetic procedure can put people at risk of pain, infection, inflammation and blindness. We have already seen complications arising from procedures performed overseas. The margin of error when injecting an organ as delicate as the eye is tiny, and is made riskier when performed by people without medical training. Under this regulation those people will be authorised to inject ink into the eye.

The procedure is not the same as conventional tattooing and because it is relatively new there is no guarantee that current cases will not develop complications in the longer term. Members of this House may be familiar with the term "First World problems". It is a popular hash tag on social media and an accurate assessment of this debate. The idea that people in Australia would inject ink into their eyeball, potentially losing their sight, is illogical. Organisations such as the Fred Hollows Foundation work to eliminate preventable and treatable blindness among the 32.4 million people around the world.

The message we should send to the community today is that eyeball tattooing is not safe and the risks are far too great for some strange and obscure cosmetic gain. The prospect of blindness or cancer simply to look cool is plainly absurd, especially when it is our public health system that will be called upon if these likely risks do eventuate. I urge the House to vote to disallow this regulation.

The Hon. LYNDA VOLTZ [12.30 p.m.]: I support the disallowance motion of the Hon. Walt Secord. The world is a changing place. Even a person like me who came out of the age of the punk, which was possibly when tattooing first became popular, could not have envisaged that eyeball tattooing would become part of our society. Nor could we have envisaged Facebook or people's need for infamy—15 minutes of fame—and to be noticed. Over time governments legislate for our changing world. Governments have legislated to ban certain drugs. Those drugs were not always illegal. They appeared and created harm, so governments legislated against those harmful substances in order to say to people, "These drugs are bad for you, they will hurt you and they will cause you irrevocable harm."

On a thousand issues people could argue, "This was not done in the past." Of course, it was not done in the past. But we regulate today to send the public a message that something is terribly dangerous. I will give an example. A friend of mine smoked during pregnancy. I said to her, "Are you crazy, smoking during pregnancy?" Her response was, "If it was really bad for you, Lynda, the government would have banned it." With all the public health messages about smoking during pregnancy, she had the impression that because smoking had not been banned by the government it was okay. Members of this Chamber should consider that the Government, by regulating eyeball tattooing, is sending the message that eyeball tattooing is okay. It is not okay. It can never be changed. The tattoo is done on a part of the body that can never be repaired once it is damaged.

Body tattoos can be removed or fixed; body piercings can be removed. But the eyes are crucial to a person's way of life. The message the Minister for Health is sending to the community is that eyeball tattooing is okay. I accept that this procedure was not regulated and that the Government had to do something about it. But the Government is now sending a message that people can go ahead and have it done. The message we want to send is "Do not do it. It will change your life forever." People at 21 years of age might think that the world has no future and that it is okay to get an eyeball tattoo, but at 50 they will have a completely different view of the world. They will end up devastated, demoralised and depressed. They probably will not have a job and will be living a very poor and lonely life. I ask the Government to give serious consideration to this disallowance motion and send the message to people that this procedure will hurt them and that the Government does not condone it.

The Hon. Dr PETER PHELPS [12.33 p.m.]: It should be very clear what we are talking about today. We are not talking about legalising a procedure. This procedure has been legal for many years, since it was introduced. What we are doing today is creating a framework of safety for this procedure. Allegations from those opposite that the Government is in some way legalising the procedure are completely and utterly false. Let me go further. What would happen if this disallowance was successful today? Eyeball piercing would still be legal but it would be completely unregulated. So there would be no safety or hygiene provisions, nothing to protect the potential consumer of eyeball tattooing from the deleterious effects that may occur due to unsafe environments.

Members opposite have said that eyeball tattooing is silly, and I agree. I think eyeball tattooing is silly. I think a whole range of things are silly. When I was catching the train to the airport I saw a punter who had Amy Winehouse's face tattooed on his left calf. That is silly to me. I love Amy Winehouse, I think Amy Winehouse is fantastic, but I do not love her so much that I am going to get her face tattooed on my left calf. A lot of things are silly. To me, eyebrow and bellybutton piercings are silly. Holes in the earlobes and cheeks, like some hipsters have, strike me as silly. But freedom means nothing if you do not have the freedom to do silly things. Freedom means nothing if you cannot be an idiot.

The second point made by members opposite is that this procedure is abhorrent. There are many things that from your perspective, Mr Assistant-President, you might find abhorrent or that I, from my perspective, might find abhorrent. The danger we face is when we decide it is the role of government to start legislating morality. When the government says, "We want to ban things because we do not like them," we are embarking on a very slippery slope.

The third point made by members opposite is that this procedure is dangerous. I have no doubt that it is dangerous. When the medical profession tells me that something is dangerous I say, "I don't care. It is not your job to tell me how to live my life. It is your job to fix me up when I stuff up my life. It is not your job to set the moral boundaries by which I shall live my life." This public health notion that has crept like a cancer into a whole series of public debates on policy and legislation is horrendous and should be stomped on every time. The idea that doctors say it is bad therefore we should legislate against it is something we should avoid like the plague.

Many things in life are dangerous. A wide range of things are inherently dangerous, but the question is: Is it the Government's role to ban them? There are many things that are inherently dangerous that other people like and engage in which I personally do not engage in. Rugby league is inherently dangerous. Are we going to ban that? Ballet is dangerous; ballet dancers get injuries. Are we to ban things that I do not engage in but other people do because they are inherently dangerous?

We are not going to ban rugby league. We are not going to ban ballet. We are not going to ban anal fisting. These things are dangerous, but we are not going to ban them. Or maybe we are. Maybe we have reached a whole new morality in this State which says, "Because I do not like it and it is a bit dangerous, let's

just ban it all. Ban all those things." That seems to be the motto of the new, moralistic Australian Labor Party. That is what appears to have happened. They have fallen under this aura of moralistic condescension where they say, "We do not like it, therefore it should be banned." It is fair to say that I do not, cannot and will not ever agree with that proposal.

The Hon. DANIEL MOOKHEY [12.38 p.m.]: I commence by commending my colleague the Deputy Leader of the Opposition in this place, the Hon. Walt Secord, for his meticulous attention to detail in spotting the risk to public health inherent in this Government's regulation. The member has a reputation for attaching his eye to these types of matters and making sure that these types of issues never escape his sight. Indeed, tattooed onto his character is an absolute concern for public welfare and the public interest. For that he should be congratulated. The other aspect of my honourable colleague's second reading speech that hit home—

The Hon. Lynda Voltz: It is not a second reading speech.

The Hon. DANIEL MOOKHEY: I note the interjection and thank the member for the correction. The Hon. Walt Secord understands the distinction that is drawn in our policy between pharmaceutical procedures and cosmetic procedures. A great degree of public policy and regulation turns upon that distinction. He understands in respect to pharmaceutical procedures, for example, if eyeball tattooing were necessary for public health reasons that there is necessity attached to the deployment of a medical procedure. Such a medical procedure is undertaken by an expert in a safe environment that is prescribed by regulation, by laws and by the practices of the colleges of medical professionals who undertake the procedure.

Inherently attached to every aspect of a pharmaceutical procedure is a system of review. Arising from that system of review is a system of accountability for wrongdoing. Should a practitioner make a mistake or a hospital or medical facility is found to have delineated from a procedure and that procedure has created a risk, action can be taken. None of those elements exists in respect to eyeball tattooing because eyeball tattooing is inherently a cosmetic procedure as it is currently practised. People make a choice to have the procedure for cosmetic reasons. Such a procedure is not undertaken by a medical professional, certainly not at the level of training of an ophthalmologist or optometrist. It is performed by a tattoo artist who requires no form of medical training or background. It happens under variable conditions and there is no review system, let alone any form of meaningful and timely remedy that can be applied for any wrongdoing, outside of the tort system.

It is for these reasons that the Hon. Walt Secord has cited the experts Dr Michael Steiner from the Royal Australian and New Zealand College of Ophthalmology and Luke Arundel from Optometry Australia. He makes the point that the passing of this disallowance motion will make an improvement in public health. In response, the Government has put two arguments. The first is the straw man argument that the choice before the Parliament is between a backyard procedure and a medical procedure. This argument is always made in these debates, that if we as a Parliament were to act we would be driving the practice underground. The nonsensical aspect of this argument is that it is an argument the Government rejects in respect to every other form of medical procedure that it outlaws and suggests should not occur in this State.

The Hon. Sarah Mitchell did not mount an argument as to why eyeball tattooing is inherently more likely to go underground as opposed to all the other cosmetic procedures that are banned. Not one argument was mounted in that respect. Nor did the Government mount an argument as to why other aspects of our review system are not adequate to check that procedure. Labor's legacy in relation to the banning of cosmetic procedures that are inherently dangerous is the procedural system. For example, in relation to excessive sun tanning we built a procedural system designed to check that very practice. It is one of our many bequests to this Government, yet the Government has not been able to explain why the system would be inadequate when it comes to this procedure and if it is inadequate how it should be reformed—another argument the Government should have mounted.

The Government Whip talked about the right to idiocy. I understand that is a freedom that the Government Whip treasures and arguably practices on multiple occasions—he certainly did in respect to the contribution he just made in this Parliament. He knows as well as I do—as he is perhaps one of the best political philosophers in this House—that the criterion always used when checking idiocy is harm imposed upon others. That is not particularly a Labor principle, it is a principle championed by the Government's man, John Stuart Mill. When it comes to these forms of externalities imposed, let us use the economic lexicon. Cost imposed on others is inherently an issue that we, as the Parliament, act upon. When a practice causes others to pay, the Parliament acts.

The Hon. Dr Peter Phelps: Who pays?

The Hon. DANIEL MOOKHEY: The Government member asks, "Who pays?" Every taxpayer, every single time one of these people presents in an emergency ward. One of the greatest principles of Labor's legacy is a universal health system. The reason we have a health system is to look after those who suffer heart attacks or contract diabetes. It was not set up for those who, out of choice, undergo medical procedures that involve undue risk and then pass the burden on to others.

The Government also has mounted the wonderful "16 years" argument. It raised that argument notwithstanding that this Government has been in power, regrettably, for five years already, and notwithstanding the Minister for Health has been the health spokesperson for 21 years and not once during her 21-year tenure has she ever uttered a single word against eyeball tattooing. The Government's argument would have more impact if in the 16 years of Labor Government its health spokesperson called us on this practice. The reason the Hon. Jillian Skinner in her 16 years as the Opposition health spokesperson never drew attention to it is because the procedure has evolved in the past 16 years, as is inherent with these procedures, and the commercial nature of this writ is much larger now than it was throughout our tenure in government.

That is precisely the reason why the Parliament ought to be acting. It is now a product that is being marketed by tattoo artists for profit. That is happening in the context of growing competition over the various body parts that can be tattooed. There is a great degree of differentiation amongst tattoo artists. They market themselves as being able to perform procedures to obtain commercial advantage over their competition. That creates a race element whereby this practice is becoming more prevalent. On those bases, there is a necessity that was not present before and that this Parliament should act on and recognise. I say to every single member of the Government and The Greens who has stood in this place and said that this practice is abhorrent and should be banned, now is the opportunity to match words with deeds.

The Hon. Dr Peter Phelps: I did not say that.

The Hon. DANIEL MOOKHEY: I exempt the Government Whip from the requirement. Feel free to oppose it should such legislation present. I suggest also in respect to this disallowance motion that the Government overcome its embarrassment. Let us not beat around the bush, the only reason the Government is strenuously opposed to it now is because it was the advocacy of the Hon. Walt Secord that drew its attention to this failure. Had, for example, the Hon. Sara Mitchell spotted this problem in the regulation the Government's attitude would have been different. The Government does not want to have to admit to the media and the public that it got it wrong and that the Hon. Walt Secord got it right. The price for its embarrassment should not be borne by the people of New South Wales. The House should pass this disallowance motion, and I commend the Hon. Walt Secord for his attention to detail in respect to this matter.

Reverend the Hon. FRED NILE [12.47 p.m.]: The Christian Democratic Party is totally opposed to eyeball tattooing under any circumstances and we would support a bill to prohibit it in New South Wales. I understand that eyeball tattooing was legalised in this State under the Labor Government. This regulation is a safety regulation to remove some of the risks and harm. We would prefer to be debating the banning of the practice altogether, but disallowing the regulation would make eyeball tattooing more dangerous than it is currently. The Christian Democratic Party opposes the disallowance motion.

The Hon. ERNEST WONG [12.49 p.m.]: I support the disallowance motion moved by my colleague the Hon. Walt Secord. It is a sensible motion that is designed to convey the right message. I have heard the arguments for and against the disallowance of the regulation. The issue is that this practice is a health hazard and will dominate the tattooing industry if it is not banned. Eyeball tattooing became popular in 2012 and since then only 20 Australians have had the procedure. By regulating it, we convey the message to young people that it is safe and many of them will undergo the procedure. The purpose of the Legislative Council is not only to put in place laws and regulations but also to take a strong stand on issues. The House should not promote this procedure. The law must protect young people who do not know how to protect themselves.

Many medical practitioners do not support the procedure. This leaves it to tattoo artists who have little or no medical training or knowledge. It does not matter how much it is regulated, there are risks involved when someone with little or no medical training inserts a needle into a person's eyeball and injects a permanent coloured fluid. We do not know the long-term effects of eyeball tattooing. Regulating the procedure puts people's eyesight at risk. We should not convey the message that it is okay. It is not okay. I would welcome Reverend the Hon. Fred Nile introducing legislation to ban it altogether. By regulating eyeball tattooing we are sending the message to the community that we think the procedure is safe. We are sending the wrong message.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [12.51 p.m.], in reply: I thank my colleagues the Hon. Sarah Mitchell, the Hon. Courtney Houssos, the Hon. Lynda Voltz, Mr Jeremy Buckingham, the Hon. Daniel Mookhey, and the Hon. Dr Peter Phelps for their contributions. The will of the community is clear but the will of the Chamber is otherwise. I make a final plea to all members to overturn this silly regulation. What was the health Minister thinking when she decided to legalise and regulate eyeball tattooing in New South Wales? The Minister has sent a message to the community that it is okay to tattoo eyeballs. It is not okay. The Baird Government has got its priorities wrong. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 10

Mrs Houssos	Mr Secord	*Tellers,*
Mr Mookhey	Mr Veitch	
Mr Primrose	Ms Voltz	Mr Donnelly
Mr Searle	Mr Wong	Mr Moselmane

Noes, 24

Mr Ajaka	Mr Gallacher	Mr Pearce
Mr Amato	Mr Gay	Mr Pearson
Ms Barham	Mr Green	Mr Shoebridge
Mr Blair	Mr Khan	Mrs Taylor
Mr Buckingham	Mr MacDonald	
Mr Clarke	Mr Mallard	
Mr Colless	Mr Mason-Cox	*Tellers,*
Mr Farlow	Mrs Mitchell	Mr Franklin
Dr Faruqi	Reverend Nile	Dr Phelps

Pairs

Ms Cotsis	Ms Cusack
Ms Sharpe	Mrs Maclaren-Jones

Question resolved in the negative.

Motion negatived.

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

QUESTIONS WITHOUT NOTICE

WILLIAMTOWN LAND CONTAMINATION AND BLOOD TESTS

The Hon. ADAM SEARLE: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that the Federal Government has recognised the seriousness of perflourinated compound leakages in Williamtown and is now offering blood tests to firefighters, will he now reconsider and offer similar testing to residents in the red zone?

The Hon. NIALL BLAIR: I thank the honourable member for his question. As members are well aware, this issue has been raised many times in question time. As I have said before, the lead agency on this issue is the Environment Protection Authority [EPA]. That agency is seeking advice from the expert panel, which has been chaired by the New South Wales Chief Scientist and Engineer. The EPA—not one of my agencies—is the lead agency on this matter. Although it would be prudent for me to direct the member to put his question to the EPA, I am happy to take it on notice and come back to him at a later stage.

PORT MACQUARIE BRIDGE AND ROAD INFRASTRUCTURE

The Hon. BEN FRANKLIN: My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on his recent trip to Port Macquarie and the progress that has been made on the Stingray Creek bridge.

The Hon. DUNCAN GAY: I thank the honourable member for his question and congratulate him on the work that he has been doing on behalf of the community in Ballina. It was fantastic to be in Port Macquarie a couple of weeks ago with a colleague and friend of mine, that great member Leslie Williams, to see the progress being made on the new Stingray Creek bridge. The building of the new bridge could not have come soon enough for the Port Macquarie community, with the old bridge having been built more than 50 years ago. The bridge is in the heart of Port Macquarie. It is an icon and it is one of the most important projects we have on the go right now. We have 4,600 projects underway across the State—in case the Opposition was wondering and forgot to ask. The New South Wales Government has invested $16.4 million towards the $26 million project, which will deliver significant benefits to Port Macquarie and the surrounding areas now and for years to come.

The new bridge will be wider and it will better connect and service communities such as Laurieton, West Haven, North Haven and Lakewood. It will, most importantly, provide a safe crossing for the 8,000 vehicles that use it each day and will provide for future traffic demand. Three hundred locals are employed to supply materials or to work directly on site. That is great for the local economy and will have flow-on benefits for local businesses and residents. We are progressing in leaps and bounds with respect to this bridge and we expect to have a base for the deck in place over the next few months, and a new Stingray Creek bridge open to traffic by the end of this year.

While I was in Port Macquarie we also officially opened the new Ocean Drive roundabout. Ocean Drive is the main road linking growing coastal communities south of Port Macquarie, such as North Haven and Lake Cathie, to the town's centre. The new two-lane roundabout has been built to replace the old T-intersection, reducing congestion at this notorious bottleneck and enabling more motorists to pass through the intersection at once, particularly during peak travel times. The new roundabout has cut travel times for thousands of motorists every day. Locals will benefit from new pedestrian and cycling paths which were built as part of this project. It is expected that the population of Port Macquarie will grow to more than 100,000 by 2036, making these two projects vital to catering for future traffic demand, and for the growing local communities along the mid North Coast.

HAMMERHEAD SHARKS

The Hon. WALT SECORD: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Due to increasing sea temperatures drawing hammerhead sharks to southern waters, what steps has the Department of Primary Industries taken to protect them from being harvested for their meat and valuable fins?

The Hon. NIALL BLAIR: Shark finning was debated by this House towards the end of last year, when the Government brought to this Chamber the amendments to the Fisheries Management Act. During that debate the Government reiterated its commitment to stop the practice of stand-alone shark finning. I think all members of this House would agree that we do not want to see that practice occurring in New South Wales waters, particularly because it may result in sharks suffering. We debated the practice of shark finning during the debate on the amendments to that bill. If people are concerned about issues or problems in relation to particular areas or particular species they should contact our fisheries officers who conduct regular compliance operations with respect to commercial fishing licences and requirements.

As members opposite would know, the Government is going through the process of fulfilling its commitment to restructure and reform the commercial fisheries sector. Some shark species are able to be fished by commercial fishers in this State. We want to ensure that we have a viable sector and that commercial fisheries, which are important for regional communities, are economically sustainable. We also want to make sure that the estuaries are sustainable and that the investment we put into the monitoring of all marine species continues to lead the discussion and the decisions around the quotas attached to particular species. We need to ensure that the commercial fishing industry has a long future in this State. It is an important sector right up and down the coast of New South Wales.

The Hon. Walt Secord: Point of order: My point of order is relevance. I have listened patiently for 90 seconds to the Minister's answer. The question specifically relates to hammerhead sharks and measures to protect them.

The PRESIDENT: Order! It was not immediately apparent to me that the Minister was not in order. However, I remind the Minister of the question asked.

The Hon. NIALL BLAIR: The types of licences and linkages in this State for commercial fishing clearly outline the types of species and quotas that can be harvested. Anything not covered needs to be reported. If the Hon. Walt Secord has concerns that something is being done that is not within the restrictions—

The Hon. Walt Secord: You just released the discussion paper. Are you unaware of this?

The PRESIDENT: Order! The Minister has the call.

The Hon. NIALL BLAIR: If something is happening outside the normal requirements of those licences then the member can report that action, as can any other member of the public, to our fisheries compliance officers and they will take appropriate action. The department spends a lot of time and effort making sure we have sustainable fish stocks in this State, whether it is sharks or any other marine species. The fish stocks are based on science, and we consult regularly with communities within the sector and other stakeholders and we will continue to do so.

SNOWY MOUNTAINS WILD HORSE CULL

The Hon. MARK PEARSON: My question is directed to the Minister for Ageing, representing the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning. Will the Minister confirm that the Government will maintain the current ban on the aerial killing of brumbies in the Snowy Mountains National Park and that this plan will be reflected in the horse management plan? If so, will the plan include more support and funding for passive trapping and rehoming programs, to which the member for Monaro, the Hon. John Barilaro, referred in the other House in June last year:

> If numbers of wild horses are a problem in the Kosciuszko National Park, there are kinder ways to control the wild horse population, such as programs to break in brumbies and offer them for sale.

The Hon. JOHN AJAKA: I thank the honourable member for his question. I am advised that damage caused by an over-abundant wild horse population is a significant threat to the environmental values of Kosciuszko National Park and poses a threat to road safety and grazing properties in the region, such as through livestock competition and infrastructure damage. The Kosciuszko National Park Wild Horse Management Plan 2008 aims to find a balance between reducing the threats of wild horses and accounting for the views of people who value the presence of wild horses for other reasons, such as tourism benefits and the historical context of brumbies in the region. I am advised also that the wild horse management plan is currently undergoing review and this will involve extensive consultation with key stakeholders and the general community. In December 2014 the New South Wales Liberal-Nationals Government ruled out aerial culling and brumby running or roping as wild horse control methods in the revised plan.

ELDER ABUSE

The Hon. SCOTT FARLOW: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the New South Wales Government doing to support the skills of frontline staff to better respond to elder abuse?

The Hon. JOHN AJAKA: I thank the honourable member for his question. As members of the House would be aware, elder abuse is a very serious issue, one that this Government is committed to tackling. Older people have the right to live in the community with safety and dignity, as do all people. They have the right to live free from abuse. The New South Wales Government is determined to help put a stop to elder abuse. I am proud of the fact that it was this Government that was the first to establish and fund the Elder Abuse Helpline and Resource Unit as an outcome of the 2012 Ageing Strategy.

Since it was established in March 2013, the helpline has received more than 4,000 calls. The helpline provides valuable over-the-phone advice, information and referrals to older people or others concerned about elder abuse. The resource unit also plays an important role in increasing awareness of elder abuse throughout the community. This includes training on preventing and responding to abuse for workers who support older people. In November 2015 the resource unit expanded its training program and delivered its first Train the Trainer session. The new train the trainer program gives managers in community service organisations the skills and

knowledge to train their own staff in preventing and respond to elder abuse. The first Train the Trainer session was a great success, with participants now reportedly going on to train others in their own organisations. I was pleased to hear that an organisation based in the Blue Mountains has since run a training session for 20 of its own staff and volunteers who work with older people in their homes.

Elder abuse is not an easy issue to discuss, but community service staff are gaining the skills and confidence to talk about elder abuse and how it can be prevented and stopped. Following the success of the training, last week I announced further funding for the Elder Abuse Helpline and Resource Unit for at least 18 further Train the Trainer sessions in 2016. Training will be delivered in metropolitan areas and in rural and remote areas across New South Wales, from Sydney to Port Macquarie, from Queanbeyan to Broken Hill. Expanding the Train the Trainer program will make it easier for community service staff in rural and remote areas to access training on responding to elder abuse. It is estimated that this program will improve the skills of thousands of community service workers and managers in responding to elder abuse. Helping to prevent abuse and stopping abuse when it does occur must involve the whole community. Government agencies and community organisations each play an important role. Expanding the Train the Trainer program will support community agencies in responding to abuse and will promote a sense of leadership among organisations in helping to protect older people.

I have witnessed the work of the New South Wales Elder Abuse Helpline and Resource Unit and I commend the staff who provide valuable help, advice and training for those concerned about elder abuse. I also recognise General Purpose Standing Committee No. 2 for establishing an inquiry into elder abuse in New South Wales and calling for submissions from those involved with or concerned about elder abuse. Acknowledging elder abuse and talking with people who are impacted by it or who support those who are affected helps us to realise that elder abuse is everyone's business. I look forward to receiving the recommendations of the committee. I have been closely following the work of this committee and, as I have indicated, I look forward to discussing these matters further once the committee has reported to the House.

LOCAL GOVERNMENT AMALGAMATIONS

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Leader of the Government in the Legislative Council, the Hon. Duncan Gay. As Deputy Leader of the Opposition in 2003 the Minister introduced the Local Government (No Forced Amalgamations) Bill, which sought to "require a poll of ratepayers and eligible residents to be taken as part of the consideration of any amalgamation". In his second reading speech he noted that a poll was essential before an amalgamation because:

> We want to ensure that affected communities are given every opportunity to have their say on the proposed reform.

With the Government now proposing 35 forced amalgamations without polls, what exactly has changed?

The Hon. DUNCAN GAY: That did not become election policy.

The Hon. Shaoquett Moselmane: Were they just empty words?

The Hon. DUNCAN GAY: No, they were not just empty words because at the time—

Mr David Shoebridge: Do you want to see your speech from then?

The Hon. DUNCAN GAY: No. At the time the Labor Party was shoving through forced amalgamations. As the shadow Minister for Local Government, I believed that what it was doing was wrong. There is a huge difference between what it was doing and what we are doing now, not the least of which was that my speech never became policy. It was not a policy that was taken to the election because—in case it has escaped the scrutiny of those opposite—we did not win that election. We won the following election. At that stage I was the shadow Minister for Industry. It was a great role and, sadly, a portfolio that that I missed out on. I note the fantastic job that the Hon. Niall Blair is doing and I would hate to face a comparison. As the Minister for Roads, Maritime and Freight I can say this Government is delivering trumps for this State.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. As interesting as the Minister's discussion about the Hon. Niall Blair's current portfolio positions is, will the Minister elucidate his answer by explaining how his position has fundamentally changed in the 12 years that followed his 2003 policy position?

The Hon. DUNCAN GAY: I am happy to answer that. Through the Boundaries Commission it is a more open and democratic process. We are consulting with communities and listening to the people of the State, unlike the Labor Party and its fellow travellers The Greens.

NATIONAL FOREST AGREEMENTS

The Hon. PENNY SHARPE: I direct my question to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister explain to the House the current status of negotiations on the national forest agreements? What discussions have taken place between the Minister, his ministerial staff, the Department of Primary Industries and its Federal counterparts?

The Hon. NIALL BLAIR: I thank the honourable member for her question. The status is that they are still continuing.

RURAL INDUSTRIES RESEARCH AND DEVELOPMENT CORPORATION RURAL WOMEN'S AWARD

The Hon. SARAH MITCHELL: My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the winner of the 2016 Rural Industries Research and Development Corporation Rural Women's Award?

The Hon. NIALL BLAIR: I thank the honourable member for her question. Last night I was delighted to join the Deputy Premier, Troy Grant, at the 2016 New South Wales and Australian Capital Territory Rural Industries Research and Development Corporation Rural Women's Award at Parliament House. The award identifies and supports emerging women leaders who have the desire, commitment and leadership potential to make a contribution to our regions. It was only fitting that the award was held yesterday, on International Women's Day.

Sophie Hansen, from Orange in the State's central west, took out this year's prestigious award. She was presented with a bursary of $10,000 and will participate in an Australian Institute of Company Directors' course. As part of the process each applicant submitted a project initiative which is both innovative and serves to drive regional communities and primary industries' growth and prosperity. Sophie's project titled "My Open Kitchen" focuses on providing an innovative, self-paced, online, social media learning course for Australian farmers and farming communities. It aims to empower others to utilise social media to gain new opportunities and reap long-term benefits to their farming businesses and rural communities. Sophie is an extremely talented woman whose ambition to help others grow their businesses is both inspiring and generous. She is a deserving winner and should be congratulated on her work within her community. On 12 October Sophie will compete for the National Rural Women's Award at Parliament House in Canberra.

I must acknowledge the three incredible finalists: Fiona Mead from Narrabri, Aimee Snowden from Tocumwal and Hannah Wandel from Kingston in the Australian Capital Territory. They were selected from an exceptional field of nominees and are all leaders and role models for regional New South Wales. Each finalist received a $1,000 New South Wales Department of Primary Industries leadership bursary for skills and leadership development. Fiona Mead's initiative—a Rural New Generation Project—aims to introduce younger farmers onto the land by providing ideas on innovative pathways into farming. Aimee Snowden is working to increase agricultural literacy in Australian primary school-aged children using LEGO bricks as a key storytelling tool. Her aim is to tell a positive engaging story about agriculture to children. Hannah Wandel's Project Empower aims to develop and implement a pilot leadership program for year 9 and 10 girls in rural secondary schools that will build skills, boost confidence and develop strategies to take on leadership roles.

I congratulate these women on such unique and inspiring project ideas. I encourage them to continue their work within our regional communities. They join an esteemed group of women who continue to work tirelessly to improve rural communities and primary industries. This award is an important recognition of women who are dedicated to improving our primary industries and rural communities. The award provides financial assistance, mentoring and resources and the award alumni provide peer support via a nationwide network of dynamic business and community leaders. This year, for the very first time, an alumni workshop was held in conjunction with the award presentation in order to facilitate and support the ongoing contribution of the rural women's award alumni members.

The newly formed alumni will provide a platform to network and collaborate and open leadership pathways that provide new opportunities for industry engagement and greater gender diversity within primary

industries. I am so proud the New South Wales Government is involved in this award. I congratulate Sophie Hansen. At one stage Ms Hansen worked for the Leader of the Government. I congratulate all the finalists. I am inspired by their projects. I wish them all the best in their future endeavours and hope to see the projects implemented across New South Wales.

NATIONAL DISABILITY INSURANCE AGENCY BOARD

Ms JAN BARHAM: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. I refer to the Disability Reform Council communique dated 4 March 2016, which indicates that the legislation to expand the National Disability Insurance Agency [NDIA] and the council will, "Further develop consultation processes with all States and Territories to form part of the future recruitment process to appoint board members." Will the States and Territories retain the requirement that they agree to the appointment of board members? What assurance can the Minister give that these procedures will ensure that people with lived experience of disability will continue to be included on the board of NDIA?

The Hon. Sophie Cotsis: Corporate takeover.

The Hon. JOHN AJAKA: I thank the honourable member for her question. I assure the shadow Minister that it is nonsense to allege that this is a corporate takeover.

The Hon. Sophie Cotsis: They have not said that they are not.

The Hon. JOHN AJAKA: What a nonsense. You were not at the meeting; you have no idea what was discussed at the meeting.

The Hon. Lynda Voltz: Point of order: The Minister knows full well that he should direct his comments through the Chair and not aim them at members on this side of the Chamber.

The PRESIDENT: Order! That is true. It is also true that interjections are disorderly at all times and that the Minister should not respond to them. The Hon. Sophie Cotsis will cease interjecting. The Minister has the call.

The Hon. JOHN AJAKA: I thank the member for her excellent question. I am happy to answer it. Let me make it clear: All State Ministers agreed to expand the board for the National Disability Insurance Scheme. We agreed that it was imperative to ensure that the very best directors are sitting on the board. We agreed with the Federal Minister that the States play an active part and are required to consent to any change to the board appointments. This is what occurred on the day. We agreed that the terms of the existing members of the board would be extended. The discussion emerged simply because each board member's term expires on 30 June 2016. We had to discuss the board. We could renew the board members or appoint new members. A third option was to have a combination of some renewed members and some new appointments. It was agreed by the States and the Commonwealth that the best approach was to renew every single board member—some for six months, some for 12 months. We all agreed that it was not a workable arrangement that every single board member's term expired at the same time. We wanted to ensure that there was a continuation of existing board members with new board members being appointed. That is what a good board does. It is logical. That is what we do.

The Hon. Niall Blair: It is like the upper House.

The Hon. JOHN AJAKA: As the Minister says, that is what happens in this House: every four years half get re-elected and half remain. Sadly, some of the half are over there and should not remain, but that is a completely different issue. It was agreed that some members were appointed for six months and some will be reappointed—and I use the word "reappointed"—for 12 months when their terms expire. All the States and the Commonwealth agreed which board members were reappointed for six months and which board members were reappointed for 12 months. Interestingly, the two New South Wales board members—two brilliant board members in John Walsh and Martin Laverty—will both be reappointed for 12 months.

It was agreed also that we needed to expand the board to bring in some more talent to ensure that a board that was going to be delivering a $22 billion budget had the additional expertise that was needed. It was agreed that three new board members would be added to the existing nine board members. That is what is happening. We all agreed with it; nobody dissented. That is what is occurring. We also agreed to the process of

how the new board members are to be appointed, who would be responsible, how we would agree to it, how the shortlist would be forwarded to us and how the long list would be forwarded to each and every State Minister. [*Time expired.*]

Ms JAN BARHAM: I ask a supplementary question. Will the Minister elucidate on the point around whether or not the role of the State will continue after the legislation is introduced?

The Hon. JOHN AJAKA: I thank the member for the supplementary question. Yes, we will continue our role in accordance with our bilateral agreement. It was agreed also that the Commonwealth needs to bring in new legislation. We agreed to this to extend the appointment of the board. That is the legislation that the Federal Minister has been speaking about and will continue. Each State has an active role and continues its role. Our existing board members appointed and nominated by each State remain and have their terms extended. We will have three new board members and the States collectively with the Commonwealth have a final say on who the three new board members will be. We will continue with this arrangement. I suggest those opposite stop the scaremongering. It is an absolute nonsense. We know a Federal election is coming up. They should not use people with disability for political purposes. Shame on you for doing so. People with disability deserve far better. It is interesting to note that the Labor State governments are far more adept at understanding this than those opposite.

MCPHILLAMYS GOLDMINE

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. What is the Minister's response to Bathurst Regional Council's proposal to sell and divert treated wastewater from the Macquarie River to a proposed new goldmine to the detriment of water users such as fishers and farmers as well as to the river environment downstream?

The Hon. NIALL BLAIR: I thank the member for her question. That is an issue that is obviously a decision of Bathurst Regional Council. The council is considering a proposal by Regis Resources, the mining company, to purchase water from the Bathurst water treatment plant for use in the proposed McPhillamys goldmine near Blayney. The council currently holds relevant approvals to take and use water for local water utility purposes from the unregulated Macquarie River. The treated water is returned to the Macquarie River under a licence issued by the Environment Protection Authority [EPA]. There is no regulatory requirement for the treated water to be returned to the Macquarie River.

The Department of Primary Industries Office of Water is providing preliminary advice to council on general assessment and regulatory matters for the wastewater diversion project. At this stage the mining company is yet to develop a final proposal and environmental assessment for the mine itself. When the proposal is completed it will be assessed by the Department of Planning and Environment [DPE] to undergo a comprehensive assessment and regulation process. The Office of Water will undertake a thorough assessment of the proposal against the relevant water management legislation and provide advice to DPE as part of the process. As I said at the start of my answer, it is a matter for council to consider and then to go through the planning processes. However, my department, through the Office of Water, will provide the necessary technical assessments and advice to DPE when the matter comes before it.

SCHOOL ZONE FLASHING LIGHTS

The Hon. DAVID CLARKE: My question is directed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the school zone flashing lights rollout?

The Hon. DUNCAN GAY: I am pleased to have a question on this issue. I thank the member for that timely question because, I have to tell the House, the rollout is complete. In fact the rollout was completed, as promised, in December last year—on time and on budget, as the Government indicated. Every school in New South Wales has at least one set of flashing lights. That means that since 2011 more than 2,400 school zone flashing lights have been installed, making a historic milestone in road safety. From Eden to Tweed Heads, from Bondi to Broken Hill and everywhere in between, the school year is safer than ever—much safer than ever.

As students returned for the 2016 school year, I was pleased to make this announcement alongside Premier Mike Baird and the Minister for Education, Adrian Piccoli, at Coogee Public School, together with the great local member, Bruce Notley-Smith. But with every bit of great news there is a disappointing side. The Hon. Walt Secord—known to many as the road safety Grinch—said we could not do it. It was disappointing to

see the member play politics with this serious road safety initiative. At one stage he said it was a "behind schedule" program. The then Opposition road spokesman Walt Secord said that the Government would have to install three sets of flashing lights a day to honour its promise—a mission he called impossible. This Government makes the impossible possible. We delivered those lights—

The Hon. Walt Secord: Thank you, Uncle Duncan.

The Hon. DUNCAN GAY: Finally. I acknowledge that interjection. That is as close as we will ever get to an apology. The Hon. Walt Secord misled people across the State that these school lights would not happen. He had no evidence of that whatsoever. He misled children and he misled parents. In fact, that is what he does best.

The Hon. Dr Peter Phelps: Apologise to the kiddies.

The Hon. DUNCAN GAY: He should apologise to the children because he scared them. Mission impossible has been delivered. The children of this State are much safer thanks to our road safety policy. The Government is reusing the money obtained from the naughty people who run red lights and go too fast. It is a great way to use the proceeds from people who do the wrong thing. That is a message for our children: If you do the wrong thing you will get into trouble. A good government knows how to recycle and to make good out of bad.

COMPUTERISED OPERATIONAL POLICING SYSTEM

The Hon. ROBERT BORSAK: My question without notice, which is directed to the Minister for Roads, Maritime and Freight, representing the Deputy Premier and Minister for Justice and Police, relates to the report issued by the New South Wales Council for Civil Liberties dated 11 February 2016 following its forum on the Computerised Operational Policing System [COPS] database held late last year. How many cases of falsified data entry were made on COPS during the past four years? What steps have been taken to correct all falsified Computerised Operational Policing System data entries? Will the Minister direct that the Computerised Operational Policing System database be amended to record who viewed and amended records to ensure that changes to entries can be monitored and audited?

The Hon. DUNCAN GAY: I thank the honourable member for his question. It is a detailed question and I am sure he noted my comments on my ability in the electronic area when I spoke with knowledge of the Commodore 64. I am assuming that COPS is not a generic term for police but refers to the program. I will take the member's question on notice and provide a detailed answer.

BROKEN HILL WATER SUPPLY

The Hon. DANIEL MOOKHEY: My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. In light of Essential Water's public apology for its failure to publish Broken Hill's water quality reports as required for two years, will the Minister now require Essential Water to publish these water quality reports quarterly, just as Sydney Water and Hunter Water do for their customers?

The Hon. NIALL BLAIR: I thank the honourable member for his question. This is an issue that arose over the past few weeks in this House and in other forums. I note that in recent times the honourable member found his way out to that part of the world. He has done more travelling across regional New South Wales than any of the members opposite from Country Labor. He has been out to Broken Hill, and as I mentioned I bumped into him in Gunnedah during the week and helped him understand the difference between the Namoi Valley and Naomi Valley, something I was happy to talk to him about. He was even spotted walking a dog in Armidale. He is all over the place and I know that he is keeping those opposite on their feet.

The water quality in Broken Hill is an enduring problem and Essential Water has done everything within its capabilities, including installation of a $15 million reverse osmosis plant, to ensure water supplies continue to meet Australian drinking water guidelines. Essential Water conducts daily operational testing and online monitoring of Broken Hill's water supply in tandem with weekly independent testing. Essential Water's water quality monitoring regime, approved by the Department of Health, includes rigorous testing in rural water supplies and reservoirs, in water treatment plants and at multiple locations throughout the reticulation network.

Recent test results indicate that the quality of Broken Hill's water supply has significantly improved since the installation of the reverse osmosis plant late last year. As I said before, water salinity has improved by 25 per cent, water hardness has dropped by 30 per cent and alkalinity has improved by 40 per cent. These levels are similar to 2012, when reservoirs were last full.

The Hon. Daniel Mookhey: Point of order: My point of order relates to relevance. I asked the Minister quite clearly whether or not he is prepared to require Essential Water to publish these water quality reports quarterly, just as Sydney Water and Hunter Water do. He has 90 seconds left and he has not come close to answering that question.

The PRESIDENT: Order! The Minister was being generally relevant, and I note he was about to move to a different subject. I suggest in the time remaining the Minister directs his attention to those matters that are germane to the question.

The Hon. NIALL BLAIR: Essential Water is part of Essential Energy and is responsible to the Minister for Resources and Energy as the portfolio Minister. However, through my office we have been having discussions with Essential Water in relation to water quality monitoring and testing and I am more than happy to continue those discussions in light of the member's question to raise the issue that he has raised here today.

REFUGEE RESETTLEMENT

The Hon. LOU AMATO: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the Government doing to assist the resettlement of refugees?

The Hon. JOHN AJAKA: I thank the honourable member for his question. The Government is determined to ensure that New South Wales is fully prepared—

[*Interruption*]

The Opposition is not interested in refugees. It is not interested in—

The Hon. ADAM SEARLE: Point of order: The Minister well knows when he says that that he is reflecting on those of us on the other side of the Chamber, who do care deeply about this issue. He is trivialising the issue and I take grave offence at it.

The PRESIDENT: Order! I remind Opposition members that interjections are disorderly at all times. Equally, the Minister should not respond to them because that is also disorderly. The Minister has the call.

The Hon. JOHN AJAKA: The Government is determined to ensure that New South Wales is fully prepared for the additional intake of refugees from Syria and Iraq and at the same time improve the experience of resettlement for all refugees and for the New South Wales community. The Premier appointed the former head of the Australian Public Service Professor Peter Shergold as the New South Wales Coordinator-General for Refugee Resettlement. The Coordinator-General is responsible for organising efforts across the whole New South Wales community to successfully resettle the additional intake of refugees in New South Wales while also ensuring the ongoing success of the broader humanitarian program.

Professor Shergold has consulted widely, maintaining the Government's commitment to bring the community along on this journey. Discussions have occurred with settlement sector non-government organisations, Syrian and Iraqi communities, the vocational education and training and higher education sector, local government representatives across Western Sydney and in select regional areas, and principals and secondary education representatives.

Recently I officially opened a roundtable session with representatives from around one hundred non-government organisations. The shared commitment in the room to ensure New South Wales does more than our fair share was inspiring. On behalf of the Government, Professor Shergold has made significant progress in the education sector, working hard to ensure refugees have the opportunity to receive world-class education. This work resulted in Professor Shergold and representatives from universities across the State announcing generous scholarship commitments for refugees. Furthermore, the Public Service Commission has committed to employing refugees across the New South Wales Public Service. This will not only benefit those people who are employed but also improve service provision across the New South Wales public sector.

Professor Shergold is undertaking his work through the monthly meetings of the New South Wales Government Immigration and Settlement Planning Committee, which is co-chaired by the Department of Premier and Cabinet and my agency Multicultural NSW. Membership of the Immigration and Settlement Planning Committee has been expanded to include other government and non-government stakeholders who will be key to developing a comprehensive New South Wales response.

Supported by a team of officers from the Department of Premier and Cabinet and from Multicultural NSW, Professor Shergold is mapping the services and supports across the State provided by all sectors as well as industry and employment opportunities. When finalised, these will be published for the benefit of settlement workers across the whole community to help improve coordination and cooperation necessary for positive settlement outcomes. New South Wales is working closely also with a number of Commonwealth agencies, including the departments of immigration and border protection, social services, human services and employment, to share data and achieve a coordinated and evidence-based response.

I am pleased to report that Multicultural NSW has also established a settlement portal, which is being continually enhanced in response to advice received in consultations, to help make the services and supports across New South Wales more easily accessible. This will assist in achieving the best outcomes to refugees and to the New South Wales community. The Government takes this commitment seriously. I take this opportunity to congratulate all the organisations and Government departments on the wonderful work they are doing with Professor Shergold.

SERRATED TUSSOCK

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Primary Industries. Is the Minister aware that serrated tussock poses a significant threat to pastures, particularly during dry conditions, and is difficult for livestock to digest? What action has the Government taken in preventing the spread of this noxious weed in the Upper Lachlan shire? What financial assistance is being provided to landholders in the region?

The Hon. NIALL BLAIR: I thank the honourable member for his question. Yes, I am aware of the impact of serrated tussock. The Leader of the Government is also acutely aware of its impact in the Upper Lachlan shire as he has a property there. I understand the impact of serrated tussock because I grew up and still live on the Southern Tablelands. I am also aware of its impact because, as I have said before in this House, as a former parks and recreation manager for a local government area I was responsible for processing weed applications and the implementation of plans for controlling noxious weeds.

The Department of Primary Industries [DPI] continues to work closely with Local Land Services, local government, the Office of Environment and Heritage and members of the former Noxious Weed Advisory Committee to implement the Government's response to the weeds review. The Department of Primary Industries has implemented a risk-based funding model to pinpoint in the New South Wales Weeds Action Program 2015-2020 where funding is most needed. Local Land Services has established 11 regional weeds committees to facilitate coordinated and tenure neutral approaches to weed management across New South Wales. The new committees replace the 14 former weed advisory committees and are in response to the weed review conducted by the Natural Resources Commission. Regional committees will play an important role in providing regional planning under the Biosecurity Act. The DPI is currently working with the Local Land Services cross-regional team to develop a consistent regional weed strategy template for adoption across the State. Nominations have been finalised for the State weeds committee for final approval. It is expected this committee will be in place in the first half of this year.

I will take the specifics of the question that relates to funding with regard to serrated tussock, particularly in the Upper Lachlan shire, on notice and return with a specific answer. Our regional action plans and committees ensure that a risk-based approach is taken across the State but I will not give a generic answer in relation to funding. The Government is managing issues such as weeds across New South Wales in a localised and regionalised way because varied climate and soil conditions produce a different infestation of weeds. The Local Land Services model ensures that the implementation of a localised response. I commend the Local Land Services model. As we have seen in the past, a blanket approach to pest and weed management does not work from region to region; a specific approach is needed. The right people must work with landholders to address the issues that affect them.

CRASH INVESTIGATION UNITS

The Hon. MICK VEITCH: My question is directed to the Minister for Roads, Maritime and Freight. In light of today's incident on the Sydney Harbour Bridge, why are crash investigation units not located closer to the city rather than having to travel from Huntingwood?

The Hon. DUNCAN GAY: I thank the honourable member for his question. As he is aware, crash investigation units are under the control of police, which is not my portfolio. I note, however, that the shadow Minister for Transport—

The Hon. Sophie Cotsis: —is doing a great job.

The Hon. DUNCAN GAY: The Hon. Sophie Cotsis might restrain her comments. The shadow Minister for Transport has said that the relaying of the message was thorough enough. That is not the case. The message about the traffic problem on the bridge was spread across the community. The member indicated also there is a lack of spending in emergency response. He worked in this area during the time of the former Government. This Government operates 14 emergency control crews across four depots and provides a 24-hour, seven-day-a-week service in Sydney and Central Coast areas. They operate between Heathcote in the south, Somersby in the north and from Westwood to Llandilo. The fleet includes five heavy vehicle tow trucks, nine light vehicle tilt-tray trucks and a combination of light and heavy tow trucks. Each team includes a driver and an assistant, which allows for safe and efficient operations.

In 2014-15, the teams attended more than 20,000 incidents and carried out 15,000 tows. The teams achieved an average clearing time of 38 minutes for unplanned incidents. In January 2015, the Government delivered a $1.28 million upgrade to the Roads and Maritime Services [RMS] driver aid emergency response facilities on James Craig Road at Rozelle. This site, which can be seen from the City West Link, provides quick access to Anzac Bridge and the Sydney Harbour Bridge, with upgraded facilities for staff and a storage capacity for operating vehicles. I was updated on the delivery of driver aid services in August last year and asked RMS to advise me further on improvements to be gained with an increased or wider service. A business case is currently being developed. Privately operated motorways, such as the M7, M5, Sydney Harbour Tunnel, Eastern Distributor and M2, separately provide their own emergency response capabilities.

The shadow Minister for Transport has not had a good week; he lost the deputy leadership. His comments were inaccurate about this situation. I will forward the question about police response teams to the Minister for Police and seek a detailed answer.

The Hon. MICK VEITCH: I ask a supplementary question. I thank the Minister for his answer. Will the Minister elucidate his response with regard to the emergency response times and confirm that it took 75 minutes for the units to arrive at the accident scene this morning?

The Hon. DUNCAN GAY: I understand that the response times of the emergency incident response vehicles were not an issue this morning. The treatment required for a very seriously injured motorcyclist meant that the emergency workers were on site for a lengthy period. Off the top of my head, I made a statement to the House earlier which included the time line I had been given. If I am given different information I will come back to the House. As a matter of course, incidents are cleared as quickly as possible. I have a key performance indicator for traffic hold-ups.

Through the Transport Management Centre, we work with police, Fire and Rescue NSW and ambulance officers to make sure, wherever possible, that emergency vehicles do not block lanes on motorways and unnecessarily hold up traffic. At some accident sites that is difficult, particularly where there is an injured person who needs as much care taken as possible. That, of course, was only part of the incident this morning. The member's question related to the Crash Investigation Unit [CIU]. I have indicated I will provide an answer. At every accident, particularly one that involves a change of lanes, there is a need to thoroughly handle the incident. [*Time expired*.]

If members have any further questions, I suggest they place them on notice.

Questions without notice concluded.

TRANSPORT ADMINISTRATION AMENDMENT (AUTHORITY TO CLOSE RAILWAY LINES) BILL 2016

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

IMAGES IN MOTIONS

The PRESIDENT: During formal business this morning the Government Whip took a point of order that Private Members' Business item No. 473 outside the Order of Precedence standing in the name of Mr David Shoebridge contained an image that was contrary to precedent and should be removed from the motion. Members canvassed a range of pertinent issues during debate on the point of order. These issues included: the oral and written tradition of parliamentary business; the potential risks in relation to the possible inclusion of more controversial images in motions if a precedent is established; the recent inclusion of images in legislation; and the nexus between this image and the words contained in the motion in question.

I have considered all of the points raised. I am concerned about the potential risks if a precedent is established, particularly in the absence of careful consideration of this matter by the Procedure Committee. More immediately, however, I am advised that whilst it has been possible to include the image in the Legislative Council *Notice Paper*, it is currently not technically possible to include the image in *Hansard* without a technology upgrade. In those circumstances I direct the Clerk to remove the image and the words ", as shown below" from paragraph (1) (c) of the notice of motion.

WOMEN IN LOCAL GOVERNMENT RECOGNITION

Motion by Mr JEREMY BUCKINGHAM, on behalf of Mr DAVID SHOEBRIDGE, agreed to:

(1) That this House notes that:

(a) in New South Wales there are more than 1,500 councillors who serve on local councils, and only 27 per cent of elected councillors are women;

(b) Lilian Fowler was the first woman in New South Wales to be elected to a local council, the first woman in Australia to serve as mayor, the first woman to be elected to the New South Wales Parliament and the first woman magistrate to preside in court; and

(c) the City of Yarra Council has moved to recognise Victoria's first female councillor Mary Rogers by replacing the "green and red man" at traffic lights with a silhouette of a woman.

(2) That this House calls on the Government to:

(a) recognise Lilian Fowler by working with Marrickville and City of Sydney councils to replace one or more "green and red man" at traffic lights with a silhouette of a woman; and

(b) take action to deliver greater diversity among councillors and local councils to ensure that least 50 per cent of councillors are women.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notices of Motions Nos 2 and 3 postponed on motion by the Hon. Adam Searle and set down as an order of the day for a future day.

Business of the House Notice of Motion No. 6 postponed on motion by Mr Jeremy Buckingham and set down as an order of the day for a future day.

LIMITATION AMENDMENT (CHILD ABUSE) BILL 2016

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.37 p.m.], on behalf of the Hon. John Ajaka: 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.

The Government is pleased to introduce the Limitation Amendment (Child Abuse) Bill 2016.

This bill is an acknowledgment of the abuse suffered by many children and young people in our community, abuse that can forever alter the course of people's lives and continues to cause trauma and hardship for decades later.

This bill cannot, and will not, change the past for those survivors. Legislation is not enough to take away the pain. But, by removing limitation periods for damages claims, this bill will lift one barrier to justice for victims of child abuse.

This reform is the result of extensive work undertaken by the New South Wales Government, which includes community consultation by way of the release in January 2015 of a discussion paper on limitation period reform options. It is also a response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

In September 2015, the royal commission released its final report on redress and civil litigation. One chapter of that report, chapter 14, was devoted to addressing the barrier posed by limitation periods. This report recommended that:

1. State and Territory governments legislate to remove any limitation periods that applies to a claim for damages resulting from child sexual abuse.

2. such amendments should be retrospective in effect and apply regardless of whether or not a claim was subject to a limitation period in the past.

3. the amendments should expressly preserve the courts' existing jurisdictions and powers to stay proceedings.

4. the amendments should be implemented as soon as possible, even before the Royal Commission's recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.

This bill delivers on all of these recommendations of the royal commission.

Statutory limitation periods determine the time by which a claim for damages must commence. The royal commission found that "limitation periods are a significant, sometimes insurmountable, barrier to survivors pursuing civil litigation".

It is now widely understood that, due to the injuries inflicted on them by their abusers, survivors of sexual and other child abuse often take decades to understand and act on the harm arising from the abuse. The royal commission's research has revealed that the average time to disclose childhood sexual abuse is around 22 years.

As the applicable limitation period is currently between three and 12 years (depending on when the abuse occurred), many survivors find the statutory time period in which to commence a claim for damages has passed by the time they are able to commence proceedings. For those survivors who may be able to prove one of the exceptions to the standard limitation period, the process of proving an exception can be expensive, lengthy and traumatic.

In essence, statutory limitation periods often mean that survivors of child abuse are unable to claim any compensation for the harm done to them.

The New South Wales Government has long been committed to ensuring that survivors of child sexual abuse receive the compassion and care they need and deserve.

The Government has already introduced a number of specific interim measures for survivors of child sexual abuse. The Government has:

1. offered unlimited counselling for survivors through the Victims Support Scheme;

2. provided extra resources to the Department of Family and Community Services to improve and fast track access to care records;

3. assisted with establishing a place of recognition at the Parramatta Girls Home; and

4. adopted Guiding Principles to guide New South Wales government agencies on how to appropriately respond to a civil claim for child sexual abuse.

Those Guiding Principles complement the New South Wales Government's Model Litigant Policy and provide, amongst other things, that New South Wales government agencies will not generally raise the passage of time as a defence to a claim.

At the same time, the Department of Family and Community Services determined not to generally rely on limitation period defences in civil claims for the sexual and physical abuse of a child.

The discussion paper released by the Department of Justice in January 2015 received 48 submissions from a wide range of stakeholders including the Law Society of NSW, the New South Wales Bar Association, Care Leavers Australia Network, Barnados, the Alliance for Forgotten Australians, plaintiff law firms, community legal centres, academics, the judiciary, the NSW Ombudsman, Indigenous advocacy groups, religious organisations and the Insurance Council of Australia.

In addition to the recommendations of the royal commission regarding limitation periods—all of which are adopted in this bill—those community submissions have been carefully considered in the development of this bill.

The voices of abuse survivors and the extensive work of the royal commission tell us the removal of limitation periods is only one step toward delivering justice.

The royal commission made 99 recommendations in its final report on redress and civil litigation. Only four of those recommendations related specifically to limitation periods.

Since the royal commission delivered its report in September 2015, the New South Wales Government has been closely considering all of the commission's recommendations. This has allowed the Government to consider the cumulative impact of the mix of reforms to help victims of child abuse.

A holistic approach will ultimately deliver the best justice to survivors.

And so the Government is taking a number of steps to address the other recommendations of the royal commission.

In particular, the Government supports the royal commission's keystone recommendation for the establishment of a single, national redress scheme. A redress scheme will provide a less traumatic alternative to civil litigation for survivors.

At the Law Crime and Community Safety Council meeting in November, the New South Wales and Victorian governments moved a motion urgently calling on the Commonwealth to give effect to the royal commission's recommendation for a single, national redress scheme.

Last month, the Commonwealth Government announced it would lead the development of a "nationally consistent" approach to redress. The New South Wales Government considers that a nationally led and nationally administered scheme is the best way to ensure consistent, accessible justice for survivors regardless of where their abuse occurred. Where abuse occurred and where a survivor may live today should not be an impediment to justice.

The Attorney General looks forward to continuing to engage in constructive discussions with her Commonwealth, State and Territory colleagues on this issue in the coming months.

In addition to removing limitation periods, the royal commission recommended reforms to remove some of the other obstacles to civil litigation for past victims. These include:

1. requiring institutions with proper trusts to nominate a "proper defendant" to respond to claims for compensation, and

2. expanding the legal responsibility of institutions for child abuse.

These reforms are complex. But the New South Wales Government will not shy away from them. In the coming months, the New South Wales Government will release a consultation paper seeking the community's input on these additional important reforms.

I now address the key provisions of the bill.

Currently, the Limitation Act 1969 applies a complex range of limitation periods to actions for damages relating to child abuse, depending on when the abuse took place, and in some cases, the identity of the perpetrator and their relationship to the survivor.

In comparison, this bill will treat all child abuse claims equally, regardless of when the abuse occurred or who perpetrated the abuse.

The bill removes the existing time limitations on commencing a child abuse action, including the "ultimate bar", which is a statutory provision that prevents claims more than 30 years after the abuse.

The amendments will apply equally to any action that relates to death or personal injury resulting from child abuse. This includes actions against the perpetrator of child abuse and actions against a negligent institution with care and custody of the child. This extends to actions that survive on the death of a person and are continued by their estate under part 2 of the Law Reform (Miscellaneous Provisions) Act 1944.

It also includes wrongful death actions brought by the dependants of a deceased survivor under the Compensation to Relatives Act 1897. While these claims rarely arise in relation to child abuse, this provision recognises that the impact of abuse can extend beyond the primary victim to their family and dependents.

The bill defines "child abuse" as abuse perpetrated against a person when the person is under 18 years of age that is sexual abuse, serious physical abuse or other abuse perpetrated in connection with sexual or serious physical abuse.

The threshold for removal of the limitation period is the sexual or serious physical abuse of a child or young person under the age of 18 years. If this threshold has been met, then other forms of abuse connected to the threshold abuse, such as psychological abuse or minor physical abuse, can be considered in determining the claim. This ensures that the court can consider the whole context of abuse when determining the substance of a claim.

"Connected abuse" can be perpetrated by the same person who perpetrated the threshold abuse, or by another person. To avoid doubt, the bill makes it clear that both the "threshold abuse" and "connected abuse" must occur when the victim is under the age of 18 years.

The royal commission's recommendations are limited by their terms of reference to child sexual abuse. However, the royal commission's final report suggests governments could enact reforms covering other types of abuse.

This broader approach recognises that many children who have been maltreated experience multiple forms of abuse. For example, a perpetrator of sexual abuse may also use physical violence, grooming and psychological manipulation to prepare a child for sexual activity or to ensure a child does not report the abuse.

The evidence demonstrates that non-sexual forms of abuse, such as serious physical abuse, can be equally traumatic as child sexual abuse. The key determinants of worse outcomes for survivors of child abuse are not the kind of abuse, but include factors such as the frequency and duration of abuse, the co-occurrence of multiple forms of abuse, the developmental stage of the victim and whether there was a close emotional relationship with the abuser.

The definition in the bill is thus broad enough to cover the kinds of abuse associated with trauma, serious injury, and delayed disclosure, but not so broad as to cover trivial, accidental or other conduct that on its own is unlikely to cause trauma.

To avoid being overly prescriptive, the bill does not exhaustively define what conduct constitutes "sexual abuse" or "serious physical abuse". Rather, the bill requires courts to determine whether or not abuse has occurred having regard to the circumstances of each individual case and the ordinary meaning of the terms.

The term "child abuse" should be interpreted in a beneficial manner. The following examples are indicative of the type of conduct that may constitute child abuse.

"Sexual abuse" of a child has been defined by the royal commission as "any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards". This includes sexual activities that do not involve physical contact with the victim, such as acts of exhibitionism and exposure to pornography.

"Serious physical abuse" should capture non-accidental physical contact with a child that could cause injury. It may consist of a series of relatively minor episodes over a period of time that cause the conduct to become serious, as well as serious, one-off conduct.

The bill is not intended to capture conduct that on its own would not amount to "serious physical abuse", such as a one-off physical altercation between two minors, the reasonable restraint of a violent child, reasonable corporal punishment where a defence of lawful chastisement was available at law at the time of the incident, lawful medical treatments conducted under previous policies, and medical negligence claims.

"Connected abuse" could include psychological abuse where a child is manipulated to feel complicit in the abuse, where a child is threatened to prevent them from reporting the abuse, or where a child is coerced into covering up the abuse. It would also include "grooming", which is defined by the royal commission as "actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child".

"Connected abuse" could also include minor physical abuse that does not meet the threshold of serious physical abuse, such as minor physical assaults.

The bill applies retrospectively, meaning there will be no limitation period for claims regardless of when the abuse occurred.

The transitional provisions balance the retrospective nature of the amendments with the fundamental legal principle of res judicata, meaning that a matter may not generally be re-litigated once it has been judged on the merits.

The bill does not apply to an action where a court has already determined the substantive issues in dispute, or where a matter has been settled between the parties. These actions cannot be re-litigated.

The amendments, however, do provide for some cases to be reopened, including cases:

- that have commenced, but not been determined or settled
- where the limitation period has already expired
- where judgement has been given on the basis that the action is statute barred, meaning the limitation period has expired and the statutory exemptions do not apply
- where a survivor has already commenced proceedings against a former solicitor for professional negligence arising from a failure to provide accurate advice in relation to the limitation period that applies to the abuse claim.

It is fundamental to the rule of law that all parties receive a fair trial. These amendments preserve the existing powers of a court to safeguard the right to a fair trial. The amendments do not restrict a court from dismissing or staying proceedings where it determines that a fair trial is not possible, for example where the passage of time has led to a loss of evidence capable of establishing a case to be tried.

This bill is broadly consistent with similar reforms in other jurisdictions, including the Limitation of Actions Amendment (Child Abuse) Bill 2015 passed by the Victorian Government last year, which removes limitation periods for claims relating to the sexual or physical abuse of a child and psychological abuse that is connected to the sexual or physical abuse.

This bill is only a part of the Government's response to the recommendations of the royal commission.

This Government will continue to deliver on recommendations of the royal commission, consulting with the community as we do.

These are vital, watershed reforms. They are part of a human and generous response to often untold suffering. We cannot remove the past for those who suffered but we can try, as we do through this bill, to provide some justice, some recognition of what has been unspoken for too long. I commend the bill to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [3.38 p.m.]: I lead for the Opposition in this second reading debate on the Limitation Amendment (Child Abuse) Bill 2016. The Opposition supports the bill. That should be a surprise to no-one, given the Opposition introduced a similar bill last year. The current Attorney General spoke against that bill and the Government voted it down by the narrow margin of 39 votes to 36 in the other place. The object of the bill before the House is to amend the Limitation Act 1969 to ensure there is no limitation period for an action for damages that relates to death or personal injury resulting from child abuse.

The term "child abuse" is defined to mean abuse perpetrated against a person, when the person is under 18 years of age, that is sexual abuse, serious physical abuse or other abuse perpetrated in connection with sexual abuse or serious physical abuse. The Opposition does not believe that the current exceptions to limitation periods under the Limitation Act provide a sufficient access to justice for victims of child sexual assault or abuse. We acknowledge and agree with evidence before the Royal Commission into Institutional Responses to Child Sexual Abuse that indicates that many victims have faced a number of barriers to pursuing civil claims over the years, and that of those who have, many have found the process of civil litigation to be traumatic and difficult.

One of the greatest hurdles to pursuing a civil claim for child sexual abuse is the application of the Limitation Act, with which most lawyers who have practised law would be familiar. We understand and agree with the significant difficulties experienced by victims of child sexual abuse in attempting to rely on the exceptions in the Limitation Act. We note also the royal commission's interim report which found that on average it takes a victim 22 years to disclose sexual abuse. We believe it is well documented that there are many reasons why victims of child sexual abuse do not report or disclose abuse for many years, if at all, including shame, an inability to recognise the abuse was a crime, and a lack of access to therapeutic services to help them emotionally prepare to seek redress.

The Opposition notes the submissions, including from the Women's Legal Service, supporting an exemption in the Limitation Act for all matters involving claims of sexual assault regardless of the age of the victim at the time of the assault. We note also the support of that group and other groups for an amendment to recognise the shame and distress caused to victims of sexual assault and the consequent delays in reporting to police and ultimately the taking of any civil action. However, the bill does not go that far. It deals with child sexual abuse only. One of the curious effects of the bill may be that where a person was the subject of systematic and ongoing abuse and mistreatment both before and after his or her eighteenth birthday, this bill will lift the limitation restriction for those acts that occurred before the victim turned 18 but will keep the barrier in place for assaults and abuse post the age of 18.

We understand that this bill is congruent with the explicit recommendations of the interim report of the royal commission, but we think that there is an area where there may be further fruitful attention directed by the Government. We earnestly entreat the Government to examine this area closely because it would be a distressing and artificial situation if only partial justice were made available to people who have suffered as a result of terrible and traumatic behaviour by those in positions of trust and authority. Imagine a situation where abuse goes on over an extended period—whether it is five or 10 years—and the victim finally manages to become resilient enough to seek redress, including in the courts, but only part of his or her claim can be entertained as a result of this bill.

The bill lifts the barrier for acts that occurred before the victim turned 18 but leaves the current restrictions in the Limitation Act in place post the age of 18. I am happy to be wrong in my reading of the bill—nothing would make me happier than to be wrong about that analysis—but I feel that while this is a good step in the right direction there is a problem where abuse covers a number of years, including post the victim turning 18. Returning to the main part of my contribution, there are of course a number of reasons to justify limitation periods in the law. There are benefits to resolving civil proceedings as near as possible to the time of any alleged injury. It avoids what might otherwise be problems with evidence and the difficulty of deciding cases well after the events occurred.

Limitation periods provide certainty on risk to defendants and insurers. On the other hand, many survivors of institutional childhood abuse simply are not able to disclose the abuse until many years later, as

I have already indicated. The royal commission report referred specifically to cases in this State where claims could not be pursued because of limitation periods or could be pursued only after lengthy time-consuming and expensive litigation. The report referred to cases arising out of the Parramatta Training School for Girls, the Institute for Girls at Hay and Bethcar Children's Home. The report also referred to the case of John Ellis. The royal commission report also cited significant stakeholders support for the recommendations it eventually made, which are largely included in this bill.

There are a number of real problems with limitation periods for survivors of child sexual abuse. Often, a large amount of time and effort is expended arguing about the limitation period and whether it should be extended. This happens in particular because victims of child sexual assault usually take very long periods to disclose what has occurred. That is now so widely known and accepted it should not need elaboration, and it is embodied in the interim report of the royal commission. It also suggests that the system of limitation periods and extensions that currently exist has developed without much regard for these types of circumstances. They would more typically have developed in the context of a range of other types of claims. As one survivor told the royal commission, the current limitation regime is designed for someone tripping over in Kmart, not for victims of child sexual abuse.

As the royal commission report noted, limitation periods are a significant and sometimes insurmountable barrier to survivors pursuing civil litigation. As a practical matter, there does seem to be a far lesser reliance by defendants in this jurisdiction on pleading limitation periods than in the past. The Government has made some announcements about its attitude to this. However, whether limitation provisions are relied upon should not simply be decided upon by the policy of a defendant; they should be settled as a matter of principle and a matter of law. The Opposition thinks establishing this principle in legislation is vitally important. When the shadow Attorney General in the other place introduced his bill last year, he noted the Government's policy and that non-reliance on the limitation period by government institutions was occurring. But that is an unsatisfactory way to proceed, and so we believe that this is a good amendment. The genesis of this bill is the royal commission and its recommendations, which included:

> 85. State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.
>
> 86. State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.
>
> 87. State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.
>
> 88. State and territory governments should implement these recommendations to remove limitation periods as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.

The Victorian Government adopted these reforms expeditiously last year and the same should have occurred in this State in accordance with the royal commission report, but it did not. However, this bill does retain the jurisdiction of the court in relation to stay of proceedings and it also has a retrospective application. We note that the royal commission report included broader issues such as redress, which was touched on by the Attorney in her second reading speech. I note that both State and Federal Labor are on the record supporting a national redress scheme. The arguments in favour of that proposition, rather than relying on a State by State or jurisdiction by jurisdiction approach, are clear and overwhelming. We note the Federal Labor Opposition has committed $33 million to fund a national redress scheme. That position was reached in consultation with the Labor Opposition in New South Wales.

I note with regret the apparent reluctance of the current Federal Government to pursue a national scheme. An issue for the Federal Government will arise if there is the pursuit of a separate State by State scheme, which is likely to reveal differences in the quantum of amounts that can be recovered. That would give rise to injustice, particularly in this difficult area where there is belated recognition and even more belated action. It would be adding insult to injury if there were to be a patchy approach to the issue of redress. We hope that the Federal jurisdiction, whoever is in government, will sensibly and appropriately square up and address this issue on a national basis.

However, that is a debate for another time and possibly another place. Labor believes that removing time limitations of the kind that are embodied in the bill is a matter of justice, although significantly delayed. Labor wholeheartedly supports the bill, in so far as it goes. I know there are likely to be amendments dealing

with the issue of "serious" injury. I indicate that the Opposition will be supporting those amendments. We also ask the Government to look closely at the drafting of the bill, in particular, where abuse covers a number of years, including both before and after the age of 18. It is our belief that this bill will only lift the limitation in relation to the pre-18 year-old victims.

Mr David Shoebridge: That is undoubtedly the case.

The Hon. ADAM SEARLE: I acknowledge that interjection. Although we are not able to deal with that issue today, all reasonable members in this place would support remedying that problem in the bill in its current form. With those comments, the Opposition will be supporting the bill.

The Hon. PAUL GREEN [3.51 p.m.]: On behalf of the Christian Democratic Party I speak in debate on the Limitation Amendment (Child Abuse) Bill 2016. The object of the bill states:

> The object of this Bill is to amend the Limitation Act 1969 (the Act) to provide that there is to be no limitation period for an action for damages that relates to death or personal injury resulting from child abuse (a child abuse action).
>
> The amendments define child abuse to mean abuse perpetrated against a person when the person is under 18 that is sexual abuse, serious physical abuse, or other abuse perpetrated in connection with sexual abuse or serious physical abuse.

This important bill aims to acknowledge the abuse suffered by many children and young people. This bill will allow victims who suffered child abuse decades ago to seek civil damages from those responsible for the abuse, including an organisation. In 2013 the Royal Commission into Institutional Responses to Child Sexual Abuse was introduced to investigate how institutional organisations have responded to allegations and instances of child sexual abuse. It is the job of the royal commission to uncover where systems have failed to protect children so it can make recommendations on how to improve laws, policies and practices and to make a safer future for children.

In September 2015 the royal commission released 99 recommendations on redress and civil litigation, including retrospectively removing limitation periods for claims for child sexual abuse. The royal commission was limited in its terms of reference to child sexual abuse but suggested governments could enact reforms covering other types of abuses that are traumatic. There has been widespread concern regarding existing limitation periods that act as barriers to survivor claims of child sexual abuse. At present, the limitation period for personal injury in New South Wales is three years from discovery. In January 2015 the Government released its discussion paper, "Limitation periods in civil claims for child sexual abuse". In this paper the Government reported:

> It is well documented that many victims of child sexual abuse do not disclose their experiences or act on them until decades after the abuse, if ever. For example:
>
> a. The Royal Commission's Interim Report states that, based on private sessions held between 7 May 2013 and 30 April 2014, the average time for a victim to disclose the sexual abuse was 22 years, with men taking longer than women.
>
> b. In a study of sexual abuse allegations by 180 victims against Anglican clergy in Australia, the *average* time from the alleged sexual abuse to making a complaint was 25 years for males and 18 years for females.
>
> As a consequence, the application of statutory limitations periods to child sexual abuse claims can result in many claimants being statute barred and therefore unable to obtain civil remedies.

Statutory limitation periods must strike a fair balance between those considerations and the general right of all people to have breaches of their civil rights determined by a court. Child abuse victims face multiple barriers for pursuing a civil litigation process. Addressing the limitation period and broadening the abuses covered is a significant first step towards a better outcome for victims. In Victoria the Limitation of Actions Amendment (Criminal Child Abuse) Bill 2014 was introduced on 24 February 2015. Its aim was to completely remove the limitation period for all relevant child abuse claims regardless of the time or context of the alleged abuse. That bill was passed in April 2015 and commenced in July 2015.

Victoria has provided a template for national guidance and it is now time for New South Wales to enact the same. Various overseas jurisdictions also have made significant exceptions for civil claims relating to child sexual abuse and other sexual crime. In particular, in Canada, 11 of the 13 provinces and territories have made legislative changes to limitation periods in relation to these matters, with most provinces removing limitation periods entirely. In 2013, I spoke in this House, around 5.00 a.m., to the Victims Rights and Support Bill. The purpose of that bill was to establish a new victims support scheme to replace the existing victims compensation

scheme and provide for a new Commissioner of Victims Rights. Clause 40 of that bill set out the time frames for making application for victims support. The standard time frame is two years after the relevant act of violence has occurred.

The Government provided some exemptions to this rule, such as, an application for recognition payment in relation to domestic violence, child abuse and sexual assault. The application must be made within 10 years after the violence occurred, in some cases 10 years after a juvenile turns 18 years of age. Historically, the Christian Democratic Party was concerned about this being applied to child victims of sexual assault and abuse. We worked with the stakeholders and the Government to agree upon an amendment that ensures victims of child sexual assault are not penalised or dictated to as to when they should come forward with a claim and do not face time limits.

This was an appropriate amendment and one which addresses the reality of child sexual abuse and its lifelong impact. The whole House wisely supported that amendment. I note The Greens amendment to remove the word "serious" from the bill. I received correspondence from the Women's Legal Services NSW relating to the definition of "serious physical abuse." The Women's Legal Services did not support the threshold of serious physical abuse and supported its argument by stating:

> We note that the recent similar Victorian legislation refers to the physical abuse. A criteria of serious physical abuse in New South Wales would mean that a different and higher standard would apply in New South Wales, moving away from national consistency, which is highly desirable for fairness and justice.

Why include "serious physical abuse"? The bill goes beyond the recommendation of the royal commission, which is limited by its terms of reference, by removing limitation periods not only for claims of sexual abuse of a child but also for claims of serious physical abuse of a child. This recognises that serious physical abuse can cause the same severity of harm as sexual abuse, it can be just as traumatic as sexual abuse and it can lead to a delay in disclosure which impacts on a survivor's ability to bring a claim for compensation. The limit on serious physical abuse means that the bill is broad enough to cover the kinds of abuse, trauma and non-reporting but not so broad as to cover trivial, accidental or other conduct about which claims can be expected to be brought within the usual limitation period.

The bill does not exhaustively define the term "serious physical abuse", which leaves it open to the court to determine. The Attorney General's second reading speech offers examples of the type of conduct to be included or excluded to guide the court. For example, a lawful caning of a child by a teacher is excluded but rubbing a child's face in dirty linen because he or she has wet the bed would be included. In regard to connected abuse, once sexual abuse or serious physical abuse has been established, the bill allows the court to consider "any abuse that is connected to the serious physical or sexual abuse". The concept of connected abuse is not defined. This recognises that sexual abuse often occurs in the context of other forms of abuse, such as psychological abuse, and that the level of trauma associated with child abuse is significantly worse where the child experiences many forms of abuse. This avoids a situation where a survivor of abuse can claim for sexual or serious physical abuse but not the other forms of abuse that occurred in connection with it.

I must admit that this bill has had me reflecting on my life a little. It took me to places I did not really want to go. I reflect on it and I look at the opportunity that this bill provides. I think of the important memories of a child. The memories of a child can shape an individual's life—the way individuals relate to their world and the way they relate to others. I am very fortunate that I have landed on my feet and that I am well adjusted, but we are well aware that there are people who have hidden the secrets of their lives and chosen not to bring them into the open because it may be too painful or they do not feel they will have the support of the system, whatever that system of help might be. I say to those people that those experiences need not define us; they can help us build and they can make us. The challenge therefore is not to let some of these experiences define us but rather to let them make us. On many occasions this rebuilding and healing cannot take place until we share our story and receive justice and restoration—or simply have someone to care about where we have been and what that meant in our lives, and to help us make sense of it and give us meaning.

This is a good bill. It is about time the Government came on board to allow victims to access these claims whenever they feel ready to claim. It is important to recognise that different people do that at different times for different reasons. When some people get married they feel confident enough in their relationship to divulge the deep, dark secrets of their life. Others may choose not to divulge those secrets for whatever reason. But at the end of the day there should be a system that gives people confidence to seek help if they want to proclaim their story and learn from their experiences, and that at least gives them every opportunity to thrive in the future. We commend the bill to the House.

Mr DAVID SHOEBRIDGE [4.03 p.m.]: I speak on behalf of The Greens in debate on the Limitation Amendment (Child Abuse) Bill 2016. Victims and survivors of child sexual abuse, like victims of domestic abuse and like those who suffer from awful personal tragedies, look to their elected representatives to do everything in their power to try to right the wrongs. So far as we can, we have an overriding obligation in this place to pass laws that deliver justice. In fact, the only reason I am in this place is that I have a fundamental belief if we do things right, if we work collectively, we can further the course of justice in New South Wales. This bill does that.

By removing the statute of limitations for sexual abuse of minors and for serious physical abuse of minors, this bill goes a long way towards delivering justice for the victims of historical child sexual abuse. It has been a long time coming. We could have passed a law just like this last year without any problems. In fact a bill was presented to this House last year. In a perfect world we would have supported that bill and this law reform would already be done and dusted. Victoria passed the law on 1 July last year to completely remove the statute of limitations for historical sexual abuse of children and historical physical abuse of children. That is an excellent law. We should be replicating it in its entirety today.

This bill is good. This bill delivers real justice. The Greens commend the Attorney General for bringing it to Parliament and we will be supporting it. We do have some concerns and we have put them on the record. The unnecessary limitation of physical abuse to "serious physical abuse" puts in place another legal hurdle that victims and survivors will have to overcome in order to get their claims before the court. It also means that the law that I am quite sure New South Wales will pass today will be inconsistent with the Victorian law. The Victorian law sets out the best potential model for national uniform law reform in this regard. It seems a little bloody-minded for New South Wales to come up with a separate and more difficult test when it comes to historic physical abuse. We have some amendments that we say would go a long way towards fixing that and we hope to discuss that in detail in Committee.

Why do we need this bill? Currently to make a civil claim out of time—that is a civil claim in relation to damages that is more than three years after the damage was occasioned or, in the case of a minor, three years after the child turns 18—requires the leave of the court. It requires a concession from the justice system to allow that case to be brought. In many cases of historical sexual abuse, institutions will choose not to raise the plea of limitations. Some dioceses—for example, the Newcastle-Hunter diocese and the Goulburn diocese in the Catholic Church—have said that they will not raise the statute of limitations. But other dioceses like the diocese we are in at the moment, the Sydney diocese, repeatedly and regularly raise the statute of limitations in order to defeat claims by victims and survivors of historical child sexual abuse. Some parts of the Anglican Church use the statute of limitations; some parts do not. Sometimes the Salvation Army will use it; sometimes it will not.

Traditionally New South Wales regularly abused the statute of limitations defence. As was highlighted in the royal commission, there was appalling behaviour by lawyers paid for by the New South Wales Government to defeat legitimate claims from abuse survivors in New South Wales institutions. We have seen the New South Wales Government deliberately hide evidence that corroborated victims' claims in order to run statute of limitations defences—appalling behaviour from our Government. When that was disclosed a voluntary position was adopted by the New South Wales Government that it would no longer use the statute of limitations defence when it came to defending historical sexual abuse claims. But ultimately The Greens have this fundamental belief: The path to justice should not be determined by the goodwill of the institution that abused somebody, and survivors of historical child abuse, sexual or physical, should not be dependent upon the institution that abused them to determine whether the case will get to court.

It is grossly improper for victims to have to sit opposite the lawyers of the Catholic Church, the Salvation Army or New South Wales, and have it in the gift of the institutions as to whether or not they will be entitled to bring their claim in the court. That is the current state of the law. If an institution chooses to raise or not raise the statute of limitations it can mean the difference between a viable and non-viable claim for victims of historical sexual abuse. Even if the likelihood is that the victim would be able to overcome the statute of limitations plea from the defendant, we know how it operates in practice. The lawyer and the insurance company for the institution that abused the victim will say to the victim and the victim's lawyers, "You may have a claim here, you may be able to establish that 25 years ago you were abused by this priest or this particular supervisor at a camp, you may be able to do that, but half of our witnesses are dead, the perpetrator is now suffering from dementia and we have irremediable prejudice in meeting your claim and we think we will be able to knock it off on the statute of limitations defence."

Even if the institution, as we know happens time and time again, in investigating the claim has come up with a vast amount of corroborating evidence, the argument of prejudice can be run in the courts and can utterly

defeat a victim's legitimate claim. By raising the defence in settlement negotiations the insurance companies and the organisations that abused children are able to beat down legitimate claims and negotiate often quite substantial discounts in the settlements that are ultimately offered. That cannot be the way the law operates. Thankfully, with the passage of this bill, in large part that will no longer be the way the law operates in relation to historical sexual abuse claims.

Why is it that we say the statute of limitations needs to be lifted for historical sexual abuse cases? What is it about historical sexual abuse claims that raises this issue so squarely? When it comes to sexual abuse claims there is all too often very real delay. It is hard for victims to speak about what happened to them as a child. Research gathered by Bravehearts shows that the figures relating to delay are reasonably consistent across Australia. According to Bravehearts in Queensland the Project Axis survey found that of the 212 adult survivors of sexual abuse who were the subject of that study, 25 took five to nine years to disclose it; 33 took 10 to 19 years and 51 took over 20 years. The time taken to disclose can be substantially longer when the perpetrator is a relative. The Queensland Crime and Corruption Commission found that of 3,721 reported offences committed by relatives, 25.5 per cent of survivors, over a quarter, took one to five years to report the facts; 9.7 per cent took five to 10 years; 18.2 per cent took 10 to 20 years and 14.2 per cent took more than 20 years.

My former family law professor at Sydney University, Professor Patrick Parkinson, undertook a detailed study of abuse and delays in reporting abuse in the Anglican Church. His findings were that when it came to men the median delay was 25 years from abuse to reporting. It was slightly shorter for women with the median delay being of the order of 18 years. The consistency in the reports—and I could read a series of other reports onto the record—is clear. We are talking about an average delay of the order of a quarter of a century from the time of abuse to when the victim is, as a general rule, in a position to report it. Of course, these are deeply personal matters. There may be some victims who are in a position to immediately report it and they may have the good fortune to report it to somebody who believes them who then actions it straightaway.

There are many other victims who, quite wrongly I might say—as the Hon. Paul Green pointed out—feel shamed by the fact that they were a victim and by what happened to them and they hide it for years and years and years. I have told this Chamber before of a gentleman who contacted me after a forum that I held with the *Newcastle Herald* in Newcastle. He said it was only when he was in that forum full of hundreds of survivors and their families after hearing other survivors stand and speak that he was able to tell his wife of 40-odd years on the way home that he had been the subject of abuse, which explained to her why he had taken her to the meeting in the first place. He had never been able to talk about it before. He had not been able to tell his wife of 40 years.

When the law as it stands says victims of abuse have three years from turning 18 to make their claim otherwise they are statute barred, the law is wrong; the law needs to be changed and that statute of limitations needs to be removed. That is what the bill does. That is why The Greens support it. That is why in September 2015 the Royal Commission into Institutional Responses to Child Sexual Abuse made 99 recommendations. Recommendation 85 was:

> State and Territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where the claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.

Recommendation 86 was:

> State and Territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.

This bill does that. This bill implements those two recommendations from the royal commission. It then implements in a qualified way a removal of the statute of limitations for physical abuse, limiting it to serious physical abuse. I will not go into detail about the arguments for and against that because we will do that in Committee when the amendments are raised.

I make it clear that this should be only the first part of a series of reforms that this Parliament passes to make good on the royal commission's redress recommendations of 17 September 2015. Removing the statute of limitations is really just dealing in the shallows of what we need to do in relation to redress. We need New South Wales to take a leadership stance redress. We need New South Wales to say it accepts in full the 99 recommendations from the royal commission and that the New South Wales Government is willing to put money behind a national reparation scheme as envisaged and mapped out by the royal commission. We need

New South Wales to then pull together a coalition of State and Territory governments around this country to force the Commonwealth Government to pass legislation so we can have a genuinely comprehensive and fair redress scheme.

We may remove the statute of limitations for victims of abuse but victims of abuse in New South Wales, Victoria and in State and Territory jurisdictions around the country are still facing the Ellis defence where organisations—not limited to but led by the Catholic Church—are running the claim that the assets held in church trusts cannot be accessed by victims of abuse. We know that there are victims and survivors who have legitimate claims but the institution against which they have a claim has ceased to exist or is now bankrupt and therefore those claims are completely non-viable.

We cannot have a situation where victim A has a legitimate claim which he or she can progress in an action in court and get real damages, but victim B, who has suffered almost identical abuse but happens to have had the misfortune of being abused by a different institution still faces serious legal impediments and potentially no viable claim. We need a consistent national redress scheme. There is only one game in town. It has been set up by the Federal royal commission and New South Wales should be taking a leadership role and implementing each and every one of the recommendations of the Federal royal commission.

For many years now I have been working with victims and survivors of child sexual abuse and I have been astounded by their courage, I have been astounded by their commitments, and to be quite honest I have been astounded by their patience because anybody who cared to look would have known this law reform should have been enacted a decade ago, five years ago, four years ago. Anybody who took an interest in this would have known we should have lifted the statute of limitations years ago. So I say to those victims and survivors, today we are doing something, and it is meaningful.

This should be the first step on a rapid road to redress. In 2014 and 2015 the Federal royal commission exposed to us all the extent of institutional child sexual abuse around the country. No-one can pretend there are isolated cases or that a rogue priest, counsellor or camp supervisor was responsible. There have been decades of institutional failings exposing children to appalling abuse. In the past two years the royal commission has confirmed the extent of the problem. We have seen politicians expressing their concern and sorrow with tears. Survivors are grateful for politicians expressing their concerns with tears, but at the end of the day they expect a great deal more than tears and empathy. They expect our laws to be fixed and their justice to be at the forefront of our endeavours.

We have an obligation to make 2016 the year in which we move from showing concern to delivering genuine law reform and a consistent national redress scheme for the survivors and victims of child sexual abuse and physical abuse in institutions. Let us hope this is the start of a collective endeavour by us all to deliver justice for survivors. I commend the bill to the House.

The Hon. BRONNIE TAYLOR [4.21 p.m.]: I support the Limitation Amendment (Child Abuse) Bill 2016. The bill will amend the Limitation Act 1969 to permit an action for damages in relation to child abuse to be brought at any time. Child abuse is the abuse of a child or young person under 18 years of age. Such abuse includes sexual abuse, serious physical abuse and other abuse connected to the sexual or serious physical abuse. It is widely accepted that child abuse can have long-term and far-reaching impacts. Studies have found that child abuse survivors are almost 2½ times more likely to have poor mental health outcomes and four times more likely to be unhappy, even much later in their lives. They have an increased risk of having three or more diseases requiring medical attention, a high prevalence of broken relationships and lower rates of marriage. As well as being associated with suicidal behaviour, they have an increased likelihood of smoking, substance abuse and physical inactivity. Survivors of childhood abuse are also at an increased risk of intergenerational abuse or neglect compared to those who were not maltreated as children and they are at risk of re-victimisation later in life.

The International Violence Against Women survey indicated that 72 per cent of Australian women who experienced either physical or sexual abuse as children also experienced violence in adulthood. They are more likely to experience physical health problems due to the direct effects of physical abuse, the impact of stress on the immune system, and the greater propensity for survivors to engage in high-risk behaviours such as drug and alcohol abuse. They are also more likely to experience homelessness in adulthood and more likely to commit crimes as juveniles and adults.

The Royal Commission into Institutional Responses to Child Sexual Abuse was established in 2013 and Supreme Court Judge McClelland was appointed as chair. Over the past three years the royal commission

has shone a light on the abuse of many children and young people across the nation. The royal commission allowed many survivors to share their heartbreaking stories for the first time. Sadly, many survivors have been unable to pursue civil compensation for the abuse they suffered due to statutory limitation periods. In New South Wales, the limitation period that has previously applied to a claim resulting from child abuse is between three and 12 years, depending on when the abuse occurred.

It is well documented that many survivors of child sexual abuse do not disclose or act on their experiences until decades after the abuse, if ever. In its interim report the royal commission found that the average time for a survivor to disclose abuse was 22 years, with men on average taking longer than women. In its final report on redress and civil litigation, released on 14 September 2015, the royal commission made recommendations about the limitation periods. This bill implements all the recommendations, which include that State and Territory governments legislate to remove any limitation period that applies to a claim for damages resulting from child abuse; that such amendments be retrospective; that such amendments expressly preserve the court's existing jurisdiction to stay or dismiss proceedings; and that the amendments be implemented as soon as possible before the royal commission's recommendations in relation to the duty of institutions and identifying a proper defendant.

As a result of the changes in this bill, all survivors of child abuse will be treated fairly and equally, regardless of where or when the abuse occurred and who perpetrated the abuse. It will assist in making civil litigation a more viable option for survivors although, sadly, it cannot remove all the barriers to justice which are faced by survivors of institutional child abuse. As the Attorney General, the Hon. Gabrielle Upton, said, there should be no use-by date on justice for survivors of child abuse. While we cannot undo the tragedies of the past, this bill is important in acknowledging those tragedies and in aiming to make the paths of those affected a little less difficult. I commend the bill to the House.

The Hon. LYNDA VOLTZ [4.25 p.m.]: I support the Limitation Amendment (Child Abuse) Bill 2016. On behalf of the people of New South Wales the bill delivers some key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse which were outlined in its September 2015 report on redress and civil litigation. It adopts the important reforms already passed in the Victorian Parliament last year and removes potentially unfair barriers to settlements for litigated damages claims by survivors of child sexual abuse in New South Wales courts. The 2014 interim report of the Royal Commission into Institutional Responses to Child Sexual Abuse identified that the average age of people coming forward was 55 years and that the average disclosure period was 22 years, with men taking longer than women. The long latency of the type of psychiatric harm caused by childhood trauma results in delays to damages claims by survivors and creates a significant risk to the success of litigated claims. The purpose of this bill is to remove the unfair denial of access to justice caused by this delay.

It has taken decades for survivors to disclose abuse partly because it has taken decades for society and the justice system to identify the scope of the problem, to challenge the authority of institutions, to properly acknowledge the blameless child, and to understand the long-term effects of child sexual abuse. Survivors of institutional abuse deserve the maximum forms of compensation and redress available from a court judgement as well as to hear the public condemnation of institutions and those responsible when they are found liable for the harm and suffering caused by those crimes. The bill opens the way for the court to better determine compensation amounts for survivors of child sexual abuse for past and future economic loss as well as the economic loss for the pain and suffering they have endured.

I am pleased to place on record my appreciation of the work of the Adults Surviving Child Abuse organisation. This organisation is dedicated to improving the lives of the five million Australian adults who have experienced childhood trauma and abuse. The Adults Surviving Child Abuse organisation is a policy and practice leader in this regard. It has worked closely with the royal commission, particularly with regard to the need for an equitable national redress scheme, which necessitates commitment from all governments and implicated institutions. The awaited commitment from the Commonwealth is critical to this process.

In its 2015 publication, Adults Surviving Child Abuse, together with Pegasus Economics, estimated the cost to governments of unresolved childhood trauma at $9.1 billion per annum and that of child abuse to be $6.8 billion annually. The evidence for comprehensive action includes data from a recent Irish study in the wake of similar revelations related to clergy abuse in that country. It showed that men in their fifties who are victims of child sexual abuse were twice as likely to be out of work due to illness or disability. This bill enables the court to better apportion the cost to victims in society on those who are liable for harm and is part of wider bipartisan efforts to create an equitable and fair system of redress for Australian survivors of child sexual abuse.

In closing, I would particularly like to acknowledge the presence in the public gallery of Simon Cole from the Adults Surviving Child Abuse organisation. Simon is a personal hero of mine. Despite having suffered abuse as a child at the hands of a scout leader who was imprisoned for his offences against children, Simon has continued to offer counselling and representation to adult survivors of sexual abuse. We know that his own pain will never leave him but his continued willingness to help others is particularly brave. On behalf of the Parliament, I would like to thank him for that work. I would like to commend the work of the Adults Surviving Child Abuse. I commend the bill to the House.

The Hon. TREVOR KHAN [4.29 p.m.]: I will speak briefly. Naturally I support the introduction of the Limitation Amendment (Child Abuse) Bill 2016. I congratulate the Attorney General on the introduction of this long-overdue reform. As we all know, the object of the bill is to amend the Limitation Act to provide that there is no limitation period for an action for damages that relates to death or personal injury resulting from child abuse.

Today we have heard repeated references to historical offences and repeated references to the royal commission. I have a friend who has had the opportunity to appear in a private session of the royal commission to give evidence of her abuse over a long time. On a personal level, I know that she would reflect upon the impact that that abuse has had on her life and on her marriage. She reminded me the other day of an incident that occurred when she was involved in some family law proceedings. The panic of being involved in those proceedings was so great that she hid in a room. I was not acting for her, but I had to talk her out of the building because panic had overwhelmed her to such an extent. I was telling her that the building would shortly close and that she would be locked in the building for the night. It was a plain indication that this has affected her profoundly and deeply.

The important thing we should all recognise is that studies demonstrate that one in four girls suffers sexual abuse before the age of 18, and one in six boys suffers sexual abuse before the age of 16. Those are not historical statistics; they are figures from recent times. It is historical in the sense that there is no reason to suggest that the figures were lower in earlier times. This Act provides an opportunity for redress for people who are suffering abuse now—people who are subjected to all the things we have heard about in the royal commission. But what is happening to them is not occurring in the context of some grainy picture in our minds of what occurred in the 1960s and the 1970s; this is happening in 2016. So I invite all members of this House to look at this, not in the context of righting a past wrong but in the context of righting wrongs that are occurring now.

I hope that our society has changed. The Hon. Paul Green spoke of the suppression of matters which occurred because of shame and guilt. One would hope that our more open society allows people to have fewer of those feelings of shame and guilt—but I think that is a hope more than a reality. For kids—now, as much as before—I am sure that the prospect of not being believed and the fear of not being believed would be as great today as it was in the 1950s, 1960s and 1970s. For that reason alone the bill, which amends the Limitation Act, provides some hope for those children into the future. I commend the bill. I commend the Attorney General. I commend this House for moving on this expeditiously. I commend Mr David Shoebridge for all the work that he has done; he has much to be proud of.

The Hon. COURTNEY HOUSSOS [4.34 p.m.]: I will make a brief contribution to the debate on the Limitation Amendment (Child Abuse) Bill 2016. As previously stated, the Opposition will be supporting this bill. Indeed, the shadow Attorney General introduced a similar bill into the other place in November last year, which was sadly voted down by the Government. This is not an issue to play politics with. It is far too important for that. I would like to place on the record my respect for the informed and considered contributions of other members in this debate.

Like many others, I have been shocked and saddened by the testimony from the Royal Commission into Institutional Responses to Child Sexual Abuse. Our children are some of the most vulnerable members of our society, and the stories and the long-lasting effects that this abuse has had on their lives is heartbreaking. This bill will broadly implement the recommendations from the royal commission to remove the limitation period for an action for damages that relates to death or personal injury resulting from child abuse. As other members have noted, Victoria made similar changes over a year ago.

Whilst it may be sensible that most common law claims for damages must be commenced within a specific time period, it is clear that this is entirely inappropriate for sexual abuse victims. They must be given the support but also the time to make disclosures and seek damages in a time frame of their choosing. These are

incredibly traumatic events—ones that can take a lifetime to be able to share and to heal. Whilst this may be a small change, it is a deeply significant one, and one that I am very proud to be supporting. I commend the bill to the House.

Reverend the Hon. FRED NILE [4.36 p.m.]: I put on the record my support for the Limitation Amendment (Child Abuse) Bill 2016. My colleague the Hon. Paul Green has given an excellent speech on the bill, but I would not like people who read *Hansard* in future days to interpret my silence as lack of interest or support. I am very enthusiastic in my support for this bill. I thank the Attorney General, Gabrielle Upton, for proceeding with it. I thank the House for, in due course, adopting it. The bill is long overdue. I also appreciate the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. Its work is excellent. What it has uncovered is very sad, and an indictment of many institutions that children trusted. Children thought that they were safe but, to their sorrow, they were mistaken. I put on record my congratulations to the royal commission for its excellent work. We support the bill.

The Hon. BEN FRANKLIN [4.37 p.m.]: Today I am proud to speak in debate on the Limitation Amendment (Child Abuse) Bill 2016. It is a bill that is so important for addressing the cracks in the system in allowing survivors of abuse a proper hearing, justice and a chance at healing. Especially over the past few years we have learned of so many tragic and horrific instances of abuse that were part of greater conspiracies to hide abuse and to silence victims. In my view there is no measure that could go too far when it comes to protecting children from the abhorrent and devastating evil of child abuse.

The bill before the House will amend the Limitation Act 1969 to retrospectively remove any limitation period for a damages claim for death or personal injury resulting from child abuse. It is part of a raft of measures the New South Wales Government has already taken to address shortcomings in our justice system for child abuse. These measures include provision for unlimited access to free and confidential counselling for child victims of physical or sexual assault through the Victims Support Scheme; the introduction of guiding principles that determine how the New South Wales Government will handle civil claims against New South Wales government agencies involving allegations of child sexual abuse; an active place of recognition for victims of child sexual and physical abuse at Parramatta Girls Home; and increased resources for the Department of Family and Community Services to clear the backlog of applications from victims to access their care records.

This bill recognises that existing limitation periods are a barrier to claims by survivors of child sexual abuse. These people were abused when they were most vulnerable—when they were children—and they usually take some time to disclose the abuse. Of course limitation periods serve a purpose in the wider justice system, but it is also clear that the nature of this crime necessitates the removal of limitation periods for child sexual abuse claims.

Over the past three years the royal commission has exposed the systemic abuse of many children and young people across the nation. It was a long and crushing process but it needed to be done. As of 1 February 2016 the royal commission has handled more than 28,000 calls, received more than 15,000 emails and letters, held more than 4,000 private sessions, referred almost 1,000 matters to the authorities and police, and held public hearings on 36 case studies. While the work of the royal commission has revealed a hurtful chapter in our nation's past, it is good and necessary work. It has given many survivors an opportunity to come forward and share their stories, often for the first time as was acknowledged by the Hon. Lynda Voltz. We all acknowledge the strength and courage shown by the survivors of institutional child sexual abuse and their families to tell their stories. What was done to them is heinous and evil. The biggest thing we owe to them for their bravery is to ensure that we do everything we can to prevent it from happening again.

The royal commission in its final report on redress and civil litigation, released on 14 September 2015, provided 99 recommendations, including retrospectively removing limitation periods for claims arising from sexual abuse of a child. In considering limitation periods we are recognising that there should never be any legal time limit to bring claims. We need to recognise how hard it is for some of these people to share their stories. In the royal commission, for example, the Commonwealth Parliament amended the Royal Commission Act 1902 to provide for a process that allows commissioners to hear from survivors in a private session rather than through traditional public hearings. The private sessions are guided by a trauma-informed approach and are designed to provide a safe and supportive environment where a person can tell their story in confidence to a commissioner.

There is overwhelming evidence from the royal commission that for some survivors telling their story to a commissioner in a private session is the first time they have disclosed their abuse. For others, it is the first time their story has been believed. Deputy-President Maclaren-Jones, I am very honoured to have served on

General Purpose Standing Committee No. 2 with you on its current investigation into reparations for the stolen generations. I was greatly moved by our visit to the Kinchela Boys Home and a discussion with a survivor about his experiences at the home. He was probably in his mid-70s and he told me that it was only in the last two months that he has been able to talk about the appalling sexual abuse he suffered at the hands of those in authority. He told me that he was passed out the window of his dormitory by a staff member to another staff member and then raped every night for years. It was extraordinarily difficult to hear his story, but it was one of many stories that those of us on the committee heard during our deliberations. It was a desperately shameful period in our history, the ramifications of which continue to this day. This abuse did not just happen to Aboriginal people, who were so badly treated in our nation over many years. Similar abuse happened to other members of our society.

I commend the work of the Attorney General, who has done an extraordinarily good job. I also commend the work of Mr David Shoebridge and Reverend the Hon. Fred Nile, who is deeply concerned about this issue particularly with regard to Aboriginal affairs and the stolen generations. This bill will give survivors of childhood abuse the ability to commence a claim for civil compensation and it will help to make civil litigation a more viable option for survivors, particularly those who have strong evidence. It is an important bill and one that I wholeheartedly support. I think today is a proud day for this Chamber.

The Hon. ERNEST WONG [4.44 p.m.]: I speak in support of the Limitation Amendment (Child Abuse) Bill 2016. The repercussions of child sexual abuse for survivors are traumatic and far reaching. This bill recognises the sexual abuse that many young people are subjected to in our community and neighbourhoods. The turmoil and emotional pain this abuse brings are life altering and it can take years—if not decades—for survivors to comprehend the extent of the injury perpetrated upon them. The Limitation Amendment (Child Abuse) Bill 2016 will help survivors of sexual abuse by giving them more time to seek justice and financial redress for the crimes committed against them. In its final report, the royal commission states:

> Limitation periods are a significant, sometimes insurmountable, barrier to survivors pursuing civil litigation.

This is significant as a right to a fair trial underpins our understanding of the Australian legal system. The amendments before us today safeguard these rights to a fair trial. Importantly, the amendments keep the ability of the courts to stay proceedings or dismiss cases in the event a fair trial is not possible. If this is the case then the bill before us is well considered and fair to survivors of sexual and physical abuse committed when they were under the age of 18. In no way can this piece of legislation hope to address the multiple modes of trauma and suffering inflicted upon survivors of child sexual and physical abuse. However, this bill can help by removing a significant barrier to litigation for survivors through a fair trial. I also commend the Government for taking a more serious position on child sexual abuse by introducing life sentencing for the most grievous cases.

That said, in speaking to this bill I know the New South Wales Government is behind other States on the limitations front. Indeed, Victoria passed the Actions Amendment (Child Abuse) Bill in 2015, removing limitation time frames for the sexual and physical abuse of children. This amendment bill was moved by Labor late last year in the Legislative Assembly, but it lapsed. Another bill similar in spirit was also tabled in this Chamber, but the Government decided to delay rather than act. While I am heartened that this bill is being debated today, the fact remains that we could have had this reform in practice sooner.

This bill is about justice for survivors of child physical and sexual abuse. As my colleague the member for Prospect has raised previously, survivors of this type of abuse deserve justice not only by virtue of criminal law but also for their right to compensation. This compensation is not just a figure but also reparation for medical treatment, lost financial potential and a whole range of other areas where their lives may have been adversely affected. Research conducted by the royal commission found the average time a victim of child abuse takes to disclose information about the abuse event is around 22 years. In many cases this means that by the time they are ready and able to apply for financial redress they are unable to proceed. This is not fair. This is not just. It is entirely appropriate that the current limitation period of three to 12 years for damages claims be scrapped for victims of child sexual abuse and that this bill has retrospective effect. As the bill before us allows a path to justice for survivors of childhood abuse I join my colleagues in supporting it. I thank members for their attention.

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [4.48 p.m.]: I speak in debate on the Limitation Amendment (Child Abuse) Bill 2016 as a person who had the privilege of a Catholic education, both when I was at primary school and at high school. My high school offered an all-girls education and I am still in close contact with my class as we are a tightknit group. I will not be a hypocrite: I admit I do not go to mass

routinely. I can also say that of members of my class now, 35 years down the track, not one of us attends mass. We have, as a generation, been devastated by the revelations of the royal commission and the allegations leading up to it. The commission has credibility and it is a mystery to us as to why it has taken so long to expose these allegations. The tragedy in that question is that the time taken to address these allegations has resulted not in dozens or in hundreds but in thousands of young children being victims unnecessarily because the authorities and governance arrangements in place—which is the main topic I will address in my remarks—failed them.

Clearly the position of trust that these people were in was betrayed. We have a royal commission that is making merry of the Catholic and Anglican churches, and the institutions, and they have a full case to bear. I saw the movie—I do not see many movies—*Spotlight* on the weekend. It is an important movie. One line in that movie left me cold, "It takes a village to raise a child. Mark my words, it takes a village to abuse a child." Those children were crying out for help, not only inside the Catholic Church, but also with parents, police and school principals. A remarkable article has been written by Louise Milligan following Cardinal Pell's evidence. I commend this article to everybody in the House. It is the best piece I have read on this issue—and I have read a lot over the years. She refers to the case of a school principal who had a child who came to him and complained that the priest had sexually abused him. The principal went and protested to the local bishop and, basically, his career was ruined.

The impression that the whole Catholic Church closed ranks in support of the perpetrators and there was no help or empathy available for the children is incorrect. It is a complicated story inside the Catholic Church. There are people who sought to do something who ended up destroyed as a result of the process. That is the terrible situation in New South Wales. I do not fully understand it, but my experience is that anybody who is the whistleblower—those heroes we rely on, those people who change the game in the name of ethics and goodness—ends up destroyed as a result of the process. I will not go through the history of that issue, but we have an ethical problem in our State with regards to those people.

I remark that it is not just the Catholic Church. I listened with dismay to the evidence of a former Anglican Bishop of Sydney, Peter Jensen. I quote the evidence he gave to the royal commission in Tasmania, "The clergy did not understand the real nature of perpetrators or the long-term impacts of child sexual abuse." I cannot take that comment in—that people would be aware of child sexual abuse and, in 2016, say that they did not understand that it would have a long-term impact. He said, "Even though I occupied a senior position in the church I still wasn't fully aware of the impact such abuse has on survivors and their families. I wasn't aware of the way in which abuse continues and continues. I wasn't aware of things such as grooming."

I consider this to be devastating. I can tell members that all the Catholic women in my generation—many of whom, like me, are mothers—have been devastated by the full revelation. As Louise Milligan wrote in her article, we understand that people who lived a few kilometres away in a different parish—who are exactly like us, who are in our situation, but through some twist of fate ended up in the hands of a predator—have suffered dreadfully. It is profound. I refer to my parents, who are devout Catholics who have never stopped going to mass, never stopped believing and never stopped the search for solutions.

My godfather was a priest. He married my husband and me. He is now one of the people on that list that Broken Rites has publicised as a predator—not of children, but of vulnerable women. I remember discussing this issue with my parents and the explanation was that the people complaining against him were mentally ill. This was the explanation given. This is a man I knew all my life. To the victims who were assaulted I feel an overwhelming sense of sadness and tragedy. Frankly, as members of Parliament, along with other institutions such as the police, we are all a village. We all bear responsibility for not understanding and taking this in, and for not being able to take this issue on.

This issue was raised with all of us in emails over many years by organisations such as Broken Rites. I asked questions, but it is the Catholic Church. Let us face it: you do not challenge the Catholic Church. I feel devastated by that. In a sense, it reflects the reality, in terms of governance, that it has failed dreadfully. The people who gave me those instructions did so with the best of will, having this enormous faith in the Catholic Church. Father Frank Brennan has written about the fact that the royal commission is potentially beneficial for the church in respect of saving it from its sins. I would like to support what he says, but I do not think that is enough.

I refer to the governance arrangements in relation to the Catholic school education system, of which I am a proud product. I went to an all-girls school and had the privilege of education by the nuns. I look at that system now. I look at the experiences, particularly in relation to the Lismore diocese, where the local parish

priest is still the autocratic governor of the local school. In my situation, I complained against the local priest, who had sacked a fantastic principal at the school for no reason other than that she was trying to implement the law. She notified one of the teachers for potential abuse of a child. The teacher was popular with the priest, so the priest sacked the principal. There was a terrible rift in our school community.

I tried to support the principal, not fully understanding the powers that Catholic priests continue to have. This is a lovely and charismatic man, but he is well into his 70s and has no educational qualifications. I did not understand canon law. We sit in this Parliament and say how fearful we are of sharia law, but the reality is we are funding Catholic schools that are governed by canon law. They are not being governed by the law of this country, but by canon law. This governance arrangement needs to be reviewed and stopped. These schools have to be brought into the modern age. Culturally I empathise with and feel such a member of the Catholic Church, but this situation should never have occurred. The church has failed comprehensively, in a governance sense, to detect and address the issue.

The idea that we did not know that sexually abusing children was harmful to them—which seems to be the shield that everyone is hiding behind—is more devastating than what occurred and tells me that they can never be trusted again. Those organisations are massively subsidised by taxpayers' money. In relation to the complaint I made about the school in Alstonville, I pointed out that funds had been obtained for a capital grant. All of this goes on locally, we are all Catholics and we are all in the club. We never really comment, but this was a serious matter. I am out of the club now because I complained. One of the issues I raised was that the funding for a bus shelter was actually a new porch for the church. It was not a bus shelter. It concerned me because there were other schools in far needier circumstances. I questioned how the capital works were being allocated.

I put in a comprehensive complaint in relation to a number of issues. A few months later, after a lot of paperwork, the head of the Board of Studies came back to me and wanted to have a meeting. That signified, first of all, that I was not going to get an answer in writing. So I already knew what the answer was going to be. The answer was, "Yes, you are right. But if you look at the legislation, these are the limitations. This is the arrangement. There is not a lot we can do. We share your concerns. Thank you for bringing the matter to our attention." That, in a nutshell, is the situation. I was talking about the employment relationship of a school principal and the efficacy and ethical nature of a capital works program. I was left with the sense that—in respect of governance, taxpayers' money and protection of children—this is a completely unsatisfactory situation. I was asked by my leader at the time to desist. As I say, these are not sexual abuse issues and that is not what I was raising, but it shows how the system has worked so well for so long to the benefit of those who abuse their power, and it has to stop.

I understand that the royal commission is doing its work, recommendations will come out of it, and, in the normal course of events, governments will respond. In my opinion we do not need the report of the royal commission to know that these government arrangements are completely unsatisfactory. We have more than enough information to act on now. I would like to see professional, qualified and accredited people in charge of Catholic schools and the power to sack principals and issue directives removed from those with no qualifications. It is not a reflection on the individuals; it is 2016 and that is not how our education system works. Taxpayers would be shocked to find how much money they are pouring into a system over which they have no say.

I commend my parents, who really wish I would not talk about the Catholic Church. They are devastated. My mother's comment to me, which I remember very clearly, was, "We gave them our children but their priests were more important to them than our children." Coming from my mother, who is so devout and so committed to the Catholic Church, as is my father, it was a completely devastating comment—much more devastating than anything I could say as I cannot boast the same level of devotion. An entire generation has turned away from the Catholic Church. This is an opportunity for reform. I no longer believe that the Catholic Church is capable of providing that reform, and everything I hear at the royal commission confirms that belief. The Government should not wait. We need to move now to reform those government arrangements.

The Hon. MATTHEW MASON-COX [5.01 p.m.]: I speak today to be part of a very important debate in this Chamber and to associate myself with the remarks of all the members who have spoken on the Limitation Amendment (Child Abuse) Bill 2016. I do not share the antipathy that my colleague the Hon. Catherine Cusack has expressed about some elements of the Catholic Church but I do understand very deeply her concerns. Like all members of this Chamber, I have been deeply shocked by the findings and the utterances at the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is a terrible and dark stain on the history of this country. It is a shocking and appalling abuse of the most vulnerable in our society. I condemn all those who have participated in these heinous crimes, as does every member in this Chamber. It has shone a light into a very dark place—a light that I trust will liberate some from the bonds and chains that they have suffered for many years. This piece of legislation is a very important part of a journey to ensure that those who have suffered are able to bring claims at any time of their choosing. That is the least we can do.

As other members have indicated, the recommendations of the royal commission are only partly implemented. My understanding is that recommendations 85 and 86 are reflected in this bill. That is an excellent start but there are more steps to be taken on this journey. We need to move on that journey as quickly as possible. I too know people who have been personally affected by institutional child abuse. I will not reflect on that here and now, but I encourage the bringing of these initiatives to this Chamber. The difficult issue of compensation ought to be addressed head on as quickly as possible. Again, I strongly commend this bill to the House.

The Hon. SCOTT FARLOW [5.04 p.m.]: I speak in support of the Limitation Amendment (Child Abuse) Bill 2016. The bill will amend the Limitation Act 1969 to retrospectively remove any limitation period for a damages claim for death or personal injury resulting from child abuse. "Child abuse" is the abuse of a person under 18 years of age that is sexual abuse, serious physical abuse and other abuse connected to the sexual or serious physical abuse. It is important that we get that definition right, that it is not solely "child sexual abuse" but "child abuse". I commend the Attorney General on making sure that the definition is right in the bill.

I note the comments of members on both sides of the Chamber and the deep sympathies that they have expressed to everyone who has experienced child abuse in the past and about the heinous crimes that have been committed. This House needs to be conscious that in retrospectively applying these laws to remove the statute of limitations we are providing a new step for all of those who have been affected to be able to seek the redress they need. The limitations at present are between three years and 12 years. The average time for a person to come forward and reveal that they have been abused as a child is 23 years. We see that in so much of the evidence from the royal commission—it is stirred up in people who have been repressing these feelings for so long. It is the right thing for members to support this bill.

We should not be thinking of this simply as part of our past. We should be alive to the fact that this still happens today. Although there was a culture that nothing was to be said, nothing was to be done and people were to cover up, that culture has largely ended but we should still be alive to the fact that where there is a position of power that power can be abused. There are children today who are still suffering from this abuse and there will continue to be children who suffer from this abuse in the future. That is why it is important that this legislation is not only retrospective but sets the mark for the future so that people can seek the justice they deserve and seek the protection of the law, so that wrongs can be righted and justice can be met.

I commend the Attorney General for her work on this bill, for bringing it to the Parliament and for making sure that New South Wales is the first to respond in this way to the royal commission's findings. I note the comments of members opposite, but the Victorian bill stemmed from a commission of inquiry in the Victorian Parliament. The New South Wales Government is the first to step forward and respond to the royal commission's findings. I commend all members for their contributions and I associate myself with this bill.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.07 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank all members for their contributions to the debate and acknowledge the overwhelming support for the Limitation Amendment (Child Abuse) Bill 2016 by both Houses of this Parliament. This Government has been strongly committed to reform in this area since the Royal Commission into Institutional Responses to Child Sexual Abuse was formed three years ago and began exposing a dark and often unspoken chapter in our nation's history.

The Government's commitment to change is reflected in the interim measures the Government has already introduced to give the survivors of institutional child sexual abuse the compassion and care they need and deserve. The interim measures introduced by the Government in November 2014 included 18 guiding principles to guide New South Wales Government agencies on how to appropriately respond to a civil claim for child sexual abuse. The guiding principles complement the New South Wales Government Model Litigant Policy and are designed to ensure a more compassionate approach by government.

Those guiding principles mean that since November 2014 New South Wales government agencies have not generally raised the passage of time as a defence to a claim for child sexual abuse. The Department of

Family and Community Services determined at the same time not to generally rely on limited period defences in civil claims for the sexual and physical abuse of a child. Of course, these measures can only apply to claims against the State. In January 2015 the NSW Department of Justice released a discussion paper on potential legislative changes to limitation periods in all civil claims for child sexual abuse and serious physical abuse. In response to that discussion paper, the Government received 48 submissions from a wide range of stakeholders. The Government also wants to ensure it takes the right actions and makes the best decisions to address the issues faced by survivors.

The focus of this bill is on children, so that limitation periods will be completely removed in circumstances where a person is abused while under the age of 18 years. The royal commission focused on child sexual abuse. As such, the recommendations were limited to removing limitation periods and claims for child sexual abuse. The evidence shows that children can be particularly vulnerable to abuse. We know abuse can have long-lasting impact, especially when it occurs during a critical stage of a child's development. Like New South Wales, Victoria's recent legislative amendments to remove limitation periods are also restricted to abuse that occurred when the person was under the age of 18 years.

This bill is the culmination of a thorough review by the Government of the submissions to the Department of Justice discussion paper and the consultations and recommendations of the royal commission. This bill implements all of the recommendations of the royal commission in relation to limitation periods and it goes even further to deliver justice to a broader range of survivors. This bill is similar to the Opposition's bill, the Limitation Amendment (Child Abuse Civil Actions) Bill 2014, which was introduced in the other place in November last year. However, this bill is different in a critical aspect that will benefit survivors, that is, the definition of "child abuse".

The definition of "child abuse" in this bill ensures that the whole of the survivor's experience can be considered by the court when determining a claim. The definition recognises that serious physical abuse has the potential to cause the same severity of harm as sexual abuse and that many children who have been maltreated experience multiple forms of abuse. Importantly, this bill does not conclude the Government's work to deliver justice to past and future survivors of child abuse. We know there is much more to be done. Since the royal commission delivered its report in September 2015, the New South Wales Government has been closely considering all 99 of the commission's recommendations. This has allowed the Government to consider the complex interplay of the avenues to justice identified by the royal commission.

The Government is now in a position to act not only on this one recommendation of the royal commission but also its other extensive recommendations. For those survivors who do not want to or cannot commence civil litigation, the Government supports the royal commission's recommendation for a single national redress scheme. A redress scheme will provide a less traumatic alternative to civil litigation for survivors. For those survivors who are experiencing a barrier to justice because of the structure of the institution responsible for the abuse, the Government will be consulting with the public on the royal commission's recommendations to require institutions to nominate a proper defendant to respond to claims for compensation.

At the same time the Government will consult the public on the royal commission's recommendations to expand the future legal responsibility of institutions for child abuse. The royal commission is a call to all of us, communities, governments and institutions to redouble our efforts to better protect our children and young people. The impact of abuse can be devastating and long term and can reach beyond the survivor to their family and even the broader community. This bill does not remove those impacts of abuse but it does remove one significant barrier for justice to survivors. I commend this 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

The CHAIR (The Hon. Trevor Khan): Order! There being no objection the Committee will take the bill as a whole.

Mr DAVID SHOEBRIDGE [5.14 p.m.], by leave: I move The Greens amendments Nos 1 to 4 on sheet C2016-005 in globo:

No. 1 **Definition of "child abuse"**

Page 3, schedule 1 [2], line 14. Omit "serious".

No. 2 **Definition of "child abuse"**

Page 3, schedule 1 [2], line 16. Omit "serious".

No. 3 **Definition of "child abuse"**

Page 3, schedule 1 [2], line 18. Omit "serious".

No. 4 **Definition of "child abuse"**

Page 3, schedule 1 [2], line 20. Omit "serious".

The effect of these amendments taken together is to remove the limitation of "serious" from the forms of sexual abuse. That will satisfy the definition of "child abuse" in the bill and therefore the term "child abuse" will have the benefit of the removal of the statute of limitations. Proposed section 6A (2) states:

(2) In this section, ***child abuse*** means any of the following perpetrated against a person when the person is under 18 years of age:

(a) sexual abuse,

(b) serious physical abuse,

(c) any other abuse (***connected abuse***) perpetrated in connection with sexual abuse or serious physical abuse of the person (whether or not the connected abuse was perpetrated by the person who perpetrated the sexual abuse or serious physical abuse).

The Victorian legislation that passed Parliament on 1 July did not have the qualification of "serious" relating to physical abuse. The Victorian legislation simply said that where a minor suffered from sexual abuse or physical abuse there would be no statute of limitations. There is precedent as well outside Victoria and, indeed, outside Australia. In that regard I am grateful for the submission of 10 March 2015 which the Women's Legal Services NSW made to the Department of Justice in response to the discussion paper on the limitation periods in civil claims for child sexual abuse. At paragraph 43 of its submission it said:

> We do not support the threshold of "serious" physical abuse. Rather the term "physical abuse" should be used. There is precedent for this in the British Columbia legislation in Canada which includes "assault or battery" which happened while the claimant was
>
> (i) a minor, or
>
> (ii) in an intimate and personal relationship or relationship of dependency.
>
> It is also consistent with proposed section 270 (1) (b) of the Limitation of Actions Amendment (Child Abuse) Bill 2015 (Vic).

If for no other reason than to have national consistency in our laws, New South Wales should follow the lead of Victoria. Victoria does not have the qualification of "serious" added to physical abuse in its statute of limitations. We should be striving for national consistency. We have a national royal commission making nationally applicable recommendations for reform. I accept that both the Victorian bill and the New South Wales bill go beyond the recommendation of the royal commission, which spoke about removing the statute of limitations only for sexual abuse. I accept that both the Victorian and the New South Wales bills go beyond that and also deal with physical abuse. The Victorian bill is much clearer and simpler and lifts the statute of limitation for physical abuse, whereas New South Wales has chosen this additional inexplicable qualifier of "serious physical abuse". For consistency, we should be developing the same law in New South Wales as the law that applies in Victoria.

The Attorney General in her second reading speech in the other place attempted to give examples of what she thinks is serious and not serious. The Parliamentary Secretary in his speech to this House pointed out that the Attorney General believes that caning in accordance with a school's disciplinary policy is not serious but rubbing a child's face in soiled laundry is serious physical abuse. Some might think that repeatedly beating a child with a ruler in the course of lessons is serious abuse; some may think it is not. Some may think that

locking a child in a room without water or light for four hours is serious abuse; some may not. Some courts may find that repeatedly slapping a child around the face is serious abuse; other courts may find it is not serious abuse.

The argument put forward by the proponents of this qualifier of serious abuse is "We do not want trivial claims being litigated 30 years later". I find that argument insulting and demeaning to survivors and victims who suffered physical and sexual abuse in institutions. There is not one reported case anywhere on this planet where a survivor or victim of physical or sexual abuse in an institution has run a case 20 or 30 years out of time on the basis that they suffered an utterly trivial physical abuse. It is a straw man argument to justify one bad element in an otherwise good law. It is insulting to victims to suggest in this Parliament that the qualification of "serious" needs to be added. I note we have the support of the Women's Legal Services NSW and some other entities on this issue. For consistency and decency, I commend The Greens amendments to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [5.20 p.m.]: The Opposition supports The Greens amendments. We also think that the spirit of this legislation, which comes from the interim report of the royal commission, is tarnished by this requirement of "serious". It is unnecessary. It is taking two steps forward and one step back. It puts in place another argument and another barrier to those who have already waited too long to be able to seek redress and justice in our legal system because of the Limitation Act. We agree with Mr David Shoebridge; it is a ludicrous idea that 10, 20, 30 or more years later anyone would put themselves through the trauma of litigation over minor or trivial matters. We do not think there is any place in this legislation, given the generous spirit in which it is brought forward, for this restriction to be put in place. We ask all members to join with us and The Greens in removing it so that we properly dismantle one of the long-term barriers to justice in this area.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.22 p.m.]: The Government does not support The Greens amendments. The royal commission recommended:

> State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.

The royal commission recommended that this change should be made retrospectively. Not only does this bill deliver on those recommendations of the royal commission in full, it also goes beyond the recommendations of the royal commission by removing limitation periods for a damages claim resulting from the serious physical abuse of a child. In developing this reform, the Government carefully considered the definition of "child abuse". The Government could have stopped at the recommendation of the royal commission and focused only on sexual abuse of a child. The royal commission was limited by its terms of reference to child sexual abuse, but the Government understands that non-sexual serious abuse can be equally as traumatic as sexual abuse.

The definition of "child abuse" in this bill recognises that serious physical abuse has the potential to cause the same severity of harm as sexual abuse. Serious physical abuse is not accidental physical contact that is capable of causing injury. It may include a serious one-off incident or a series of minor incidents over time. This bill is therefore broad enough to cover the kinds of abuse associated with non-reporting but not so broad as to cover trivial, accidental or other conduct where the usual expectation to bring an action in a timely way continues to apply. The bill also recognises that child sexual abuse frequently occurs in the context of other forms of abuse. For that reason, the bill allows the court to look at abuse, such as psychological abuse or minor physical abuse, which is connected with sexual abuse or serious physical abuse.

It is not necessary for the abuse to have been perpetrated by the same person in order for that connection to be established. The concept of connected abuse is not limited. This reflects the clear evidence that the level of trauma associated with child abuse is significantly worse where the child experiences multiple forms of maltreatment. In practical terms, the inclusion of any connected abuse avoids a situation where a survivor of abuse can claim for sexual abuse and/or serious physical abuse but not the other abuse that occurred in connection with it. This ensures that a court can consider a survivor's whole experience when determining a claim. The bill does not prescribe the terms "child sexual abuse" or "serious sexual abuse". Formulating an exhaustive definition of "child abuse" is likely to inadvertently exclude relevant claims. The intention is instead for the court to make a determination about what constitutes child abuse based on the particular circumstances of a case.

This bill is introduced with regard to the royal commission's emphasis on consistency across Australia in the removal of limitation periods for survivors of child abuse. The intrinsic materials for the equivalent Victorian bill, the Limitations of Actions Amendment (Child Abuse) Act 2015, make it clear that the legislation is intended to cover similar forms of abuse to those covered by this bill. Importantly, New South Wales is the first jurisdiction to respond directly to the royal commission's recommendations on limitation periods. While Victoria legislated to remove limitation periods from child abuse claims in 2015, this reform was not a response to the royal commission's recommendations published in September last year, but rather to a Victorian parliamentary inquiry from 2013.

The CHAIR (The Hon. Trevor Khan): Order! Members who wish to converse should do so outside the Chamber. Laughing is inappropriate while we are dealing with this bill.

Ms JAN BARHAM [5.26 p.m.]: I speak in support of The Greens amendments relating to the use of the word "serious". I regret I was unable to be in the Chamber for the second reading. However, I felt proud to hear the strong emotional words used by members in this place when speaking on such an important issue. It is a proud day when we are able to pass such important legislation. I heard colleagues refer to the inquiry into reparations for the stolen generations, which similarly was a frightening and traumatic experience. In that inquiry we heard about trauma and it did not arise only from sexual abuse. It arose from physical abuse and the lack of love and care that those people deserved to have as children so that they could develop, trust in people in authority and be able to believe what they are told. It is a basic human right to be able to live a good life and to know that others can be trusted.

Like many members in this Chamber, I have lost friends. Governments must change how they view issues of abuse. When we pass legislation to ensure that people have rights to challenge what was done to them we have to take a whole-of-government approach. Many of those people may now be dead or they may be substance abusers because the only way they could survive was to mask the pain and shame and humiliation they have suffered.

So if the Government is going to recognise that those people have rights to make claims and to be heard, recognised and respected for what they have endured, and if the Government is going to recognise that the institutions that did that to them were wrong, then we also have to realise that other parts of Government have to change and to offer services to assist people with counselling, to assist them to overcome their pain and suffering and to assist them with access to education and employment, and all the things that they missed out on because they were abused as children. This changes people's lives.

So I think it is a sad move to define different categories. Reverend the Hon. Fred Nile has heard some of the stories. He knows that some people have the strength and resilience that others do not possess. Those people might be able to survive something regarded as a greater evil or greater abuse, whereas another person might have frailties which result in their being crushed. They can end up taking their own lives because they are not strong enough or because they did not have a sibling or a friend to support them. So to start mounting cases about degrees of abuse is a step in the wrong direction.

There has been some talk about consistency and about what has happened in this regard in other States. It has been said that Victoria set the standard. This morning in the debate on the budget estimates reports people were talking about New South Wales being number one in relation to financial issues. Let us make sure that New South Wales is number one in terms of compassion and respect for people who have suffered at the hands of those who were in supposedly trusted roles but who took away people's lives by abusing them as children.

I commend the Government and everyone who has spoken about the importance of this legislation. I commend my colleague David Shoebridge for years of great work on this issue. He is strong and determined and has put forward a very important amendment, which deletes the word "serious" from the legislation, because all those cases were serious. All the children who lost part of their lives because they lost the ability to trust people were damaged and need the support of Government now and into the future. We changed their lives; let us not diminish that by saying that there are degrees of abuse and pain and suffering. I absolutely support the amendment to remove the word "serious" so that we do not denigrate the good work that has been done with this bill.

The Hon. PAUL GREEN [5.32 p.m.]: I will make a couple of comments with the grace of the House. Firstly, the Christian Democratic Party members are supporting the Government with respect to this bill. Obviously, if the bill as drafted by the Attorney General does not have the outcome intended there is room to go

further and fix the bill. Secondly, some comments were made in this debate by Ms Jan Barham. I just want to put on the record that, as I mentioned before, I landed on my feet. That was because of the church. There are a lot of good people in the church doing wonderful things.

Reverend the Hon. Fred Nile and I see ourselves, to a large degree, as ambassadors for the church. So we say sorry. We apologise deeply for those people who used their awesome privilege in order to carry out evil acts. I want to put on the record that, from the depths of our hearts, we say sorry. But let us not taint the wonderful people across the globe, across the nation and across our State who are dedicating their lives to help people.

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [5.33 p.m.]: I am not sure that I am going to mount the case that the Government would want me to mount. Nevertheless, I wish to support the Government's case by talking about this issue of seriousness. As my colleagues would know, this legislation is an issue I have been anxious about for some time. I congratulate the Government for bringing it forward. I would like to lend my support to the concept of seriousness.

I am a product of an education by the Sisters of Mercy at Mount Carmel. There were a whole range of practices that went on in our school that could be categorised, in hindsight, as child abuse. They were not in the category of sexual abuse as are the cases we have heard before the royal commission. I will give members an example. When I was in third class, Sister Benedicta told us, specifically, to stay in our chairs and not to walk around the class room—a class of nearly 40 kids. I do not know why and I do not even remember doing it, but I stood up and walked around the classroom. Sister Benedicta got a rope and trussed me up like a chook at my desk. She did that every morning for a week to stop me from leaving my desk and walking around.

That kind of conduct is clearly not acceptable in our modern system. It was not so much the physical restraint but the sheer humiliation of that experience that I will never forget. But that conduct is not in the category of offence that the Government is seeking to address in this legislation. As awful as it sounds, that was the standard of the day. Sister Philomena had a case containing six different canes. Very young children would bleed as a result of her punishment. We would be absolutely outraged by those actions today but this was the norm for that generation. Children were given a kick up the bum. It would be a huge kick up the bum that would knock children off their feet. Boys and girls would have their ears boxed. This was not just a church thing; it was an approach to pulling children into line. It did me no harm as a kid.

When I look back on it I see that it was absolutely abhorrent, but that was how things were done in that era. There is an idea that all of that behaviour—looking at it by modern standards of our behaviour—should now be reviewed but that would be logistically impossible. I can guess what Mr Shoebridge is going to say but I need to tell him that I am a product of my generation. We got on with our lives and we lived with what happened to us, but what has occurred to these young people who have been sexually abused by the clergy is in an utterly different category. I thank the Government very much for addressing their concerns.

I also echo the comments of the Hon. Paul Green. All of us in this Parliament, including members of the Government will be monitoring very carefully the application of these provisions, and comparing what happens in Victoria with what happens in New South Wales. I believe that this is a really appropriate way forward. Perhaps the people who are bamboozled by it have not had the experience nor understood the context. Thank goodness those standards have changed, but going back and reopening what was so normal in those days is not at all productive.

Mr DAVID SHOEBRIDGE [5.37 p.m.]: I thank members for engaging in this debate. If you are making a case for a breach of duty of care, you are talking about the duty of care that applied at the time. We do not apply twenty-first century standards to the conduct of a Catholic nun in a classroom in 1960.

[*Interruption*]

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! This is not a conversation.

Mr DAVID SHOEBRIDGE: We look at the context of the time to determine the extent of the duty and to determine whether there was a breach of duty. We do not apply twenty-first century standards to 1960 conduct, 1970 conduct or to 1980 conduct. I did not mean anything before by referring to 1960, Catherine.

The Hon. Catherine Cusack: Thank you.

Mr DAVID SHOEBRIDGE: Let me be clear: that would never be how the law operates. We would never judge the behaviour of a nun in the sixties, seventies or eighties in accordance with the standards that we have in the twenty-first century. That simply misconceives how the law operates. If there are instances of repeated, ritual physical humiliation by nuns there may well be many people—perhaps the overwhelming majority—who got through their lives without being seriously impacted and suffered no ongoing damage from the ritual physical humiliation. There may well be some members here who think it is more serious.

We are fortunate that most people tend to have extraordinary resilience. Despite being humiliated or abused we tend to be resilient beings. But some people are not as resilient as others. Some people's resilience is tested to a point and then it breaks. It is only if an individual has suffered ongoing loss and damage that they have a viable claim. Rather than this Chamber seeking to impose its views about what is serious or is not serious, or pass that job onto a court to judge what they think is or is not serious, the question I ask of the Parliamentary Secretary is: Is it proposed in the bill that the courts are to judge the seriousness of the abuse in accordance with twenty-first century standards or in accordance with the standards of the time of the abuse? The answer is utterly opaque to me, whether the judge is determining seriousness by reference to the standards of the time of the claim being made or by reference to the time at which the abuse occurred.

On a plain reading of the Act I think it is about seriousness at the time the determination is made by the judge, so it is the judge's view in 2016 or 2017 as to whether the past abuse was serious. It would take a rather distorted view of a plain reading of the statute to say the judge is meant to transport themselves back to the time of the abuse to work out whether at the time it would have been considered serious.

The Hon. Adam Searle: That is an objective matter at the time the judge is sitting in court.

Mr DAVID SHOEBRIDGE: I note the contribution of the Leader of the Opposition in the Legislative Council that this is an objective matter to be determined at the time the judge is sitting in court. That would be my reading of it as well. Why are we putting additional complications in a law that is all about removing complications from historical claims? Why are we even having this discussion? As I said before—

Reverend the Hon. Fred Nile: Because you are moving the amendments—that is why we are having the discussion.

Mr DAVID SHOEBRIDGE: —it is belittling for survivors and victims to suggest that they will be seeking to litigate trivial matters decades after they occurred. It does not happen and will not happen. Instead to deal with this false concern—this straw man concern—the Government has put in place a qualification, which we know from past experience will be used by defendants, their insurers and their lawyers to seek to complicate and make difficult proceedings by survivors of historical physical and sexual abuse. Defendants, their insurers and their lawyers will raise arguments that abuse is not serious or an element of the abuse is not serious. There will be arguments about what is and what is not connected abuse. There will be a whole world of unnecessary complications put into the New South Wales law that is not in the Victorian law.

It looks to me that despite the obvious case in favour of consistency a majority in this Chamber want an inconsistent law in New South Wales by retaining this additional hurdle for victims of historical abuse. That is deeply unfortunate. But I hope that other States and Territories will come on board and change their laws. In so doing, I hope they do not look to this law as a precedent but instead see it as an aberration and look to Victorian law as the sensible precedent. In due course I hope there is a majority in this Parliament that will also adopt the Victorian standard as the common national precedent. I commend the amendments to the House.

Question—That The Greens amendments Nos 1 to 4 [C2016-005] be agreed to—put.

The Committee divided.

Ayes, 15

Ms Barham	Mr Searle	Mr Wong
Mr Buckingham	Mr Secord	
Ms Cotsis	Ms Sharpe	
Dr Faruqi	Mr Shoebridge	*Tellers,*
Mrs Houssos	Mr Veitch	Mr Donnelly
Mr Mookhey	Ms Voltz	Mr Moselmane

Noes, 20

Mr Ajaka	Mr Gallacher	Mrs Mitchell
Mr Amato	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mr Pearson
Mr Clarke	Mr MacDonald	Mrs Taylor
Mr Colless	Mrs Maclaren-Jones	*Tellers,*
Ms Cusack	Mr Mallard	Mr Franklin
Mr Farlow	Mr Mason-Cox	Dr Phelps

Pair

Mr Primrose Mr Pearce

Question resolved in the negative.

The Greens amendments Nos 1 to 4 [C2016-005] negatived.

Title agreed to.

Question—That this bill as read be agreed to—put and resolved in the affirmative.

Bill as read agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka, agreed to:

That this bill be now read a third time.

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

ELECTRICITY SUPPLY AMENDMENT (ADVANCED METERS) BILL 2016

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Rick Colless, on behalf of the Hon. John Ajaka.

Second Reading

The Hon. RICK COLLESS (Parliamentary Secretary) [5.54 p.m.], on behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The provisions of the Electricity Supply Amendment (Advanced Meters) Bill 2016 remove responsibility for electricity meters from distribution businesses and establish a metering safety and compliance regime under NSW Fair Trading. This amendment demonstrates this Government's commitment to the principles of a competitive market and support for consumer choice. This bill will support a voluntary, market-led rollout of smart meters in New South Wales by allowing retailers and new metering businesses to install smart meters.

Regulatory language often uses the term "advanced meters" when referring to smart meters. However, I shall use the term smart meters as that is a familiar one. Electricity smart meters frequently measure electricity

flows in both directions, to and from the electricity network. With the right communication technology they can be read remotely. This bill is about supporting consumer choice. A consumer can choose to opt in and have a smart meter installed at their premises. These arrangements are a departure from the approaches taken by other jurisdictions such as Victoria that deployed smart meters on a compulsory basis.

New South Wales is the first jurisdiction nationally to start a competitive metering rollout. We are ahead of the national arrangements, which will not come into effect for almost another two years. Consumers in New South Wales can enjoy the benefits of a competitive rollout of smart meters ahead of any other jurisdiction in Australia. There are approximately 40,000 smart meters installed in New South Wales. With the expiry of the solar bonus scheme at the end of 2016 this number could potentially climb to over 130,000 by the end of this year. With the amendments proposed under this bill, retailers will be in a better position to start competing for market share.

Competition amongst retailers is good for consumers. It leads to innovation in product development and improved service delivery. This bill demonstrates the Government's commitment to providing the appropriate regulatory support for businesses to undertake their activities effectively. This bill carefully balances the need for open competition in metering with the community's expectations regarding safety standards. In order to deliver these benefits the bill will amend State-based energy and consumer laws and regulations as they apply in New South Wales. It will amend the requirements for people authorised to install a meter in New South Wales and consolidate the safety and compliance regime governing meter installations into a single scheme under NSW Fair Trading. The current regulatory regime needs to be reformed to achieve a competitive rollout of smart meters.

Reform is needed for the fundamental reason that the current arrangements no longer accommodate how the electricity industry and market is organised. This bill will prepare industry and market participants to transition to broader structural changes that are occurring in the electricity market. These structural changes are inevitable and are being driven by changes to technology that put the consumer front and centre of decision-making in how they produce, use and consume electricity. Smart meters are one of a number of enabling technologies. They provide detailed, real-time information about customer electricity consumption, and allow greater opportunities for new and enhanced technologies to be leveraged by consumers.

As consumers become increasingly engaged in the electricity market and adopt emerging technologies, the Government must ensure that they can do so safely and cost effectively. The New South Wales Government is committed to the principles of a competitive electricity market. This bill provides the appropriate legislative settings to enable retailers to compete in the market to provide consumers with greater choice in metering at the most competitive price.

I turn first to amendments regarding the role of distribution businesses in meter installations. This bill removes metering from the responsibility of distribution businesses, including responsibility for the safety and compliance of meter installations. Meter installations will no longer be considered to form part of the distributor's network connection assets. In its place, the bill amends the Electricity (Consumer Safety) Act 2004 to include electricity meters as part of the types of electricity installations for which NSW Fair Trading has responsibility for safety and compliance.

This is an important measure to simplify the current regulatory arrangements. Currently, in New South Wales, each distribution business is responsible for the safety and compliance of metering installations on its own network. This means that there are three different bodies responsible for compliance and safety, and in some cases three different sets of costs. This measure will enable economies of scale to develop over time, and will improve the business case for retailers and meter installers in New South Wales. Ultimately, these efficiencies will flow to consumers by way of improved competition and new and innovative products and services.

I now turn to who can be authorised to install a smart meter in New South Wales. The bill provides that a qualified electrician, licensed by NSW Fair Trading, is authorised to install a smart meter after having met strict minimum conditions regarding safety. This differs from the current arrangements where meter installers are selected from a small pool of accredited service providers. The accredited service provider scheme was established in New South Wales in 1998 and covers a range of processes that connect customers to their electricity supply. This scheme was introduced well ahead of a more competitive system for installing electricity meters. Given many years of experience with competition in installing electricity meters in New South Wales and throughout the national market, it is timely to ask whether new rules are needed.

A competitive rollout of smart meters should be supported by a competitive market for qualified meter installers—to help meet demand and drive efficiencies in the market. The effect of the amendments introduced in this bill means that the pool of available meter installers will increase but only under strict conditions to maintain safety. I want to be clear that not any electrician will be able to install a meter. When a customer chooses to have a smart meter installed they will contact their retailer who will arrange for the installation. Retailers will engage an appropriately qualified electrician. This framework means that the installer and the retailer are responsible for ensuring that a meter is correctly and safely installed. The retailer will remain the primary contact for the customer.

Increasing the pool of available qualified electricians for meter installations will prepare the market for new national arrangements that will come into effect on 1 December 2017. The new national arrangements will enhance and formalise competition in metering. The accredited service provider scheme, as it is currently, will not have the flexibility and capacity to accommodate the changes that are on the horizon with regard to metering competition. We expect to see greater demand for metering services as consumers seek tailored solutions to their electricity needs. More competition in metering and the business as usual process of meter replacement require that retailers and metering businesses have better access to qualified meter installers.

The bill clarifies that retailers and meter businesses must have in place a safety management system to guide the meter installation practices. This means that not just any electrician will be authorised to install a smart meter. The safety management system will require a number of obligations on these businesses to ensure that safety is a priority. These measures include engaging appropriately qualified electricians, providing adequate training on safe installation of meters, ensuring that safety standards are met, and ensuring that safety and compliance testing is carried out on each meter installation.

To be clear, this bill ensures that appropriate safety standards continue to apply to meter installations in New South Wales. All meter installers in New South Wales will be required to meet existing safety standards set out in the Australian/New Zealand wiring rules and the Service and Installation Rules of New South Wales. Accountability for ensuring qualified electricians are appropriately trained in safety to meet these standards will extend to all businesses involved in the meter installation process, from the retailer to the metering business that engages the qualified electricians. These are sound measures that will ensure safety standards are not compromised and that the industry and community expectations regarding safety continue to be met.

This bill sets out a path to transition to the new arrangements in an orderly way that reduces risks to installers and customers. The bill provides that NSW Fair Trading will assume its safety and compliance role over two phases. For the first phase, NSW Fair Trading's safety and compliance role will be limited to smart meters only. Distributors will continue in their current compliance and safety role for all other types of residential meters. For the second phase, NSW Fair Trading will take responsibility for all residential meter installations in New South Wales. This two-stage process will give industry and the community confidence in the integrity of the new arrangements and allow for a smooth transition.

The bill clarifies consumer protection measures under the new arrangements. Disputes between a consumer and a retailer relating to smart meters can be referred to the Energy and Water Ombudsman NSW. This means that consumers will still have the same rights and protections whether they receive a smart meter as part of a bundled deal with a retailer, or whether they enter into a separate contract with a retailer for a smart meter. This amendment ensures that early adopters of smart metering technology will not be disadvantaged if there is a dispute with a retailer.

Changes to the role of distributors for meter installations require clarifying changes to the accredited service provider scheme. The consequential amendment clarifies the scope of the accredited service provider scheme. The consequential amendment also provides clearer statutory support for the administration of the accredited service provider scheme. The bill also provides for consequential amendments for powers of entry. With new metering businesses entering the market to provide services, it is necessary to ensure that the powers of entry provisions are adequate. The consequential amendment includes a power of entry for retailers with a meter located on a customer premises. A similar power of entry is also included for metering businesses. The changes in this bill confine these powers of entry for issues relating to meters only.

These reforms are designed to support consumers in exercising choice whilst ensuring that safety standards continue to be met. Increasingly, consumers want a greater say in how they use and consume electricity, including access to the latest technology such as rooftop solar and battery storage. Smart meters are

an important enabling technology that will undoubtedly help consumers in this regard. This bill provides the appropriate legislative settings to allow retailers to move on with the task of delivering innovative and cost-effective products for consumers. I commend the bill to the House.

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

HEALTH PRACTITIONER REGULATION NATIONAL LAW (NSW) AMENDMENT (REVIEW) BILL 2016

Second Reading

The Hon. SARAH MITCHELL (Parliamentary Secretary) [6.07 p.m.], on behalf of the Hon. Niall Blair: 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 Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016.

The bill makes minor amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009 [Adoption Act] so as to amend the New South Wales specific provisions of the Health Practitioner Regulation National Law (NSW).

The Adoption Act implements the National Accreditation and Registration Scheme [NRAS] for health professionals in New South Wales. This was done in New South Wales by adopting the Schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland as a law of New South Wales, subject to various modifications set out in the Adoption Act. The applied Queensland schedule, as modified by the New South Wales specific provision, is known as the Health Practitioner Regulation National Law (NSW) ("NSW National Law").

All States and Territories have implemented the NRAS, generally by applying or adopting Queensland's schedule, which ensures a nationally consistent scheme across Australia in relation to registration and accreditation.

While NRAS operates as a national registration and accreditation scheme, NRAS was established to allow jurisdictions to decide whether to adopt the national provisions relating to conduct, health and performance and complaints handling. If a jurisdiction decided not to adopt these provisions, they would be become a "co-regulatory" jurisdiction. New South Wales has been a "co-regulatory" jurisdiction since the inception of NRAS, with Queensland following suit in 2014.

The New South Wales specific provisions relating to conduct, health and performance and complaints handling, which include the New South Wales health professional councils, the Civil and Administrative Tribunal of New South Wales [NCAT] and the independent Health Care Complaints Commission, are mostly set out in parts 5A and 8 of the New South Wales national law.

In 2014-2015 the Ministry conducted a statutory review of the New South Wales national law in accordance with the requirements in the Adoption Act. The review focused on the New South Wales specific provisions of parts 5A and 8. A report on the review was tabled in Parliament in late 2015.

The report on the review found that the objectives of the New South Wales national law remain valid and that overall the New South Wales national law operates effectively. However, it made a number of recommendations for legislative change which the bill before the House seeks to implement. These changes are minor and designed to promote consistency in the legislation, give more flexibility and ensure the smooth operation of the complaints handling processes. The New South Wales national law establishes 14 health professional councils, such as the Medical Council of New South Wales, to hear complaints in respect of the 14 different registered health professions. Each individual council is an independent statutory body that has its own statutory obligations. These councils are intended to be self-funded through registrants' fees.

However, there is no ability in the legislation to respond if councils become financially unviable. To that end, and following on from a recommendation in the review, the bill includes a new section 41NA of the New South Wales national law. This new section will allow the Minister to issue directions requiring that a financially unviable council delegate its functions to another council or person and allow regulations to be made modifying the functions of a council. The new provisions will "future proof" the legislation by allowing for appropriate action to be undertaken in respect of a financially unviable council. This will help reduce costs and ensure that the council can continue to operate.

The bill makes a number of changes to the provisions relating to professional standards committees. Under the bill, the chairperson of professional standards committees will be able to make interlocutory decisions (such as adjourning matters), which will increase flexibility of the committee. Further, the chairperson will have the deciding vote if the four-person committee is split evenly in its decision. This will ensure that matters do not need to be heard again should the committee be split evenly. The bill includes a new section 171G, which requires all professional standards committee hearings to be audio-recorded, which will assist parties should decisions be appealed.

The bill amends section 152F to allow an Impaired Registrants Panel, which considers complaints that raise health issues in respect of a practitioner, to continue to investigate or take action in respect of a matter that the Health Care Complaints Commission [HCCC] is investigating, but only if the HCCC consents. Currently, an Impaired Registrants Panel is prevented from investigating or taking action in a matter that is before the HCCC, which can cause delays. Allowing a matter to be considered by the panel as well as the HCCC, but only with the consent of the HCCC, will reduce delays and increase flexibility. The bill amends section 155C to allow a health professional council to impose conditions, with the consent of a practitioner, following the receipt of a performance assessor's report. Currently, a council cannot impose conditions following a performance assessor's report, but instead must refer the matter to a performance review panel. The amendment will help reduce costs and inefficiencies.

The bill makes a number of changes in respect of assessment committees, which play a role in relation to conduct matters and performance matters. The bill will require members of an assessment committee to be appointed by the health professional council, rather than the Minister. This will bring assessment committee members into line with the appointment of professional standard committee members. Further, the bill removes section 147B (1) (b) from the New South Wales national law. This section currently requires an assessment committee to encourage a complainant and practitioner to attempt to resolve the complaint by consent. Part 8 of the New South Wales national law is a complaints handling system for the protection of the public and is not aimed at resolving individual disputes. As such, complaints should be handled by bodies established under the national law for the protection of the public. The bill also makes a number of changes in relation to the role of the NCAT.

NCAT hears serious matters involving allegations of professional misconduct and has the power, among other things, to cancel a practitioner's registration. The report on the review recommended a number of changes in relation to the role of NCAT. In particular, the report recommended that NCAT should have the power to make an interim suspension order in limited circumstances. The bill implements this recommendation by amending section 165L to allow NCAT to issue an interim suspension order if particulars of a complaint have been proven and NCAT considers that such an order is necessary to protect the public. This will allow a practitioner, when the particulars of a complaint against the practitioner have been proven, to be suspended while giving NCAT appropriate time to consider what final order should be imposed. Clarifying amendments are also included in the bill to require NCAT to provide written reasons when making orders in circumstances when a complaint has been admitted. Written reasons will assist the practitioner and the public in understanding why a particular order was imposed.

The bill also amends section 151 of the New South Wales national law. Currently this section requires the medical superintendent of a mental health facility to notify the relevant health professional council if a registered health practitioner is detained under the Mental Health Act. The report on the review found that section 151 required a mandatory report to the council at too early a stage and prior to any independent review of the patient under the Mental Health Act. In line with the recommendation in the report, the bill amends section 151 to require a report to be made if the practitioner is found to be a mentally ill person following review of the practitioner under section 27 of Mental Health Act. Of course, if it is clear that the practitioner poses a serious risk to the public before the reviews in section 27, then a notification could be made to the council at any earlier stage.

The bill also makes a number of minor amendments that are aimed at ensuring transparency and consistency of language between similar provisions. For example, the bill amends the various provisions setting out the appeal rights of individuals to ensure that the same language is used throughout part 8 of the New South Wales national law. In addition, the bill amends schedule 5F to require fees in relation to pharmacy premises applications to be set out in the regulations. Currently, the fees are set by the Pharmacy Council. Requiring the fees to be set out in the regulations will increase transparency and regulatory oversight.

The New South Wales national law is an important Act relating to the registration, accreditation and complaints-handling processes in relation to registered health practitioners. Part 8 of the New South Wales national law sets out the New South Wales specific complaints handling processes. With part 8, New South Wales has retained its own independent complaints processes that involve the HCCC, the health professional councils and NCAT. Part 8 provides a strong and fair framework for hearing and addressing complaints. The report on the review found that part 8 was working well, but that minor amendments should be made to ensure that it continued to operate to protect the public. The bill before the House implements these recommendations and I commend the bill to the House.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [6.08 p.m.]: As the Deputy Leader of the Opposition and shadow Minister for Health, I lead for the Opposition on the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016. This bill was introduced in the Legislative Assembly on 24 February by the Assistant Minister for Health, Pru Goward. For the record, Labor will not be opposing the bill, which makes minor amendments to the Health Practitioner Regulation (Adoption of National Law) Act 2009 [Adoption Act] so as to amend the specific provisions of the Health Practitioner Regulation National Law.

The Adoption Act implements the National Registration and Accreditation Scheme [NRAS] for health professionals in New South Wales. The NRAS for health practitioners commenced on 1 July 2010. The NRAS has been established by State and Territory governments through the introduction of consistent legislation in all jurisdictions. This was done in New South Wales by adopting the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland as a law of New South Wales, subject to various modifications set out in the Adoption Act. The applied Queensland schedule, as modified by the New South Wales specific provision, is known as the Health Practitioner Regulation National Law (NSW)—or NSW national law.

National law established 14 health professional councils in relation to their registered health professions—such as the Medical Council of New South Wales, to hear complaints in respect of the 14 different registered health professions. While the National Accreditation and Registration Scheme operates as a national

registration and accreditation scheme, it was established to allow jurisdictions to decide whether to adopt the national provisions relating to conduct, health and performance and complaints handling. If a jurisdiction decided not to adopt those provisions, it would become a "co-regulatory" jurisdiction. New South Wales has been a co-regulatory jurisdiction since the inception of NRAS, with Queensland following suit in 2014.

The New South Wales specific provisions relating to conduct, health and performance, and complaints handling—which involve the New South Wales health professional councils, the New South Wales Civil and Administrative Tribunal [NCAT] and the independent New South Wales Health Care Complaints Commission—are mostly set out in parts 5A and 8 of the New South Wales national law. Under the NRAS the professions generally nationally regulated under the NRAS are Aboriginal and Torres Strait Islander Health Practice, Chinese medicine, chiropractic, dental practice, medicine, medical radiation practice, nursing and midwifery, occupational therapy, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. This bill relates to most of those professions and their activities.

The Baird Government says these amendments are intended to increase flexibility in the complaints processes and ensure these processes continue to respond to community concerns. The Government maintains that many of the matters covered are administrative in nature, such as terminology consistency. This is the case and other aspects are in line with the recommendations of the 2015 report on the statutory review. That review endorsed the national law, but recommended streamlining and more flexibility to ensure a smooth operation of the complaints-handling processes. Many of the amendments relate to that, and I welcome these changes to the complaints-handling processes.

The Baird Government says that it has consulted with the Australian Medical Association NSW, the Health Care Complaints Commission and the NSW and Administrative Tribunal, which I welcome and accept on face value. However, I was concerned about the lack of consultation with healthcare workers so I approached the NSW Nurses and Midwives Association. It agreed that it saw many of the changes as administrative in nature, but it was concerned about proposed changes to section 151 (1)—I will deal with that later.

The object of this bill is to make miscellaneous amendments to the Health Practitioner Regulation National Law (NSW) in respect to the functions, membership and procedure of health professional councils; matters relating to the conduct, and physical and mental capacity of health practitioners; the proceedings and jurisdiction of the NCAT in matters relating to health practitioners; the membership and procedure of assessment committees, impaired registrants panels and professional standards committees; and matters relating to statute law revisions. I welcome these changes as they should improve confidence in the health and hospital complaints process.

This is timely as I understand that the number of complaints has reached an all-time high. The number of complaints to the Health Care Complaints Commission in New South Wales has been increasing yearly. In the 2013-14 to 2014-15 periods the number of complaints had increased by 10.5 per cent. In 2015 there has been an estimated 5,000 complaints in New South Wales—and the overwhelming number relate to the public health system. We only have to look at what is happening at St Vincent's Hospital with the under-dosing of some 70 oncology patients to see how serious this issue can be. It was sad that the matter came to light only when ABC television's investigative journalist Matt Peacock brought the matter to the nation's attention on *7.30*. I have no doubt that if it were not for the work of Mr Peacock this matter would have been swept under the carpet.

That case, while notorious, is not unique. I can attest to the widespread unhappiness with the health and hospital system in New South Wales due to the volume of inquiries and complaints my office receives on a weekly basis. This is no doubt due to the $3 billion in cuts by the Baird Government, which is impacting on the health and hospital system. One cannot tear out that much funding without affecting patient care. Thirty per cent of patients in emergency departments wait longer than four hours, and at Western Sydney hospitals the wait is even longer. In the July to September 2015 quarter at Nepean Hospital 835 patients waited longer than 20 hours. At Westmead Hospital more than 900 patients waited in the emergency department for longer than 16 hours.

Currently 73,000 patients in New South Wales are waiting for elective surgery such as knee and hip replacements, cataract surgery, gall bladder removals and tonsillectomies. Sadly, in Western Sydney the wait from the time of a general practitioner appointment to the cataract removal surgery can be up to four years. We have also seen ambulance response times blow out—especially in the life-threatening category. It is now the highest it has been in five years. Unfortunately, in New South Wales patients wait at every stage of every aspect

of the public health system. They wait for an ambulance; they wait outside the emergency department in an ambulance; they wait inside the emergency department for a bed. They are then rushed out of the hospital to free up a bed before they are ready. They are sent home early, resulting in readmissions and infections.

I return to the specifics of the Health Practitioner Regulation National Law NSW Amendment (Review) Bill 2016. As I said earlier, this bill is a collection of various and miscellaneous measures relating mainly to the registration of health practitioners, such as the complaints processes and requirements. This includes requiring the professional standards committee to audio-record their proceedings, which will assist with appeals from both parties under section 171G of the legislation. It also allows a professional council to impose conditions with a practitioner's consent on a practitioner's registration after receiving a performance assessment report under an amendment to section 155C.

Currently a council cannot impose conditions following a performance assessor's report but instead must refer the matter to a performance review panel. This amendment will help reduce costs and inefficiencies. The bill makes a number of changes in respect of assessment committees, which play a role in relation to conduct and performance matters. The bill will require members of an assessment committee to be appointed by a health professional council rather than by the Minister. This will bring assessment committee members into line with the appointment of professional standard committee members.

The next provision allows the NSW Civil and Administrative Tribunal—the one-stop-shop for specialist tribunal services in New South Wales—to make an interim suspension order where a complaint has been proven and before a final decision has been made. The next provision is allowing the NSW Civil and Administrative Tribunal—the one-stop shop for specialist tribunal services in New South Wales—to make an interim suspension order where a complaint has been proven and before a final decision has been made. This will occur under section 165L. It will occur when the NCAT considers that such an order is necessary to protect the public.

It also stipulates that the NCAT must provide written reasons when making orders in circumstances when a complaint has been admitted. Written reasons will assist the practitioner and the public in understanding why a particular order was imposed. The bill will also allow the Impaired Registrants Panel to deal with a matter that the Health Care Complaints Commission is investigating. For example, a nurse, midwife or student who may have impairment that may affect their capacity to practice or a student's capacity to undertake clinical training as part of an approved program of study or arranged by an education provider. This will occur under section 152F.

The bill will allow an Impaired Registrants Panel, which considers complaints that raise health issues in respect of a practitioner, to continue to investigate or take action in respect of a matter that the Health Care Complaints Commission is investigating but only if the HCCC consents. Currently an Impaired Registrants Panel is prevented from investigating or taking action in a matter that is before the HCCC, and this can cause delays. Allowing a matter to be considered by the panel as well as the HCCC, but only with the consent of the HCCC, will reduce delays and increase flexibility. The bill will also allow the Health Care Complaints Commission and a practitioner body or council to have the right to appear in any review application heard by the NCAT.

The bill also requires a report to be made if the practitioner is found to be mentally ill following review of the practitioner under section 27 of Mental Health Act. The Government advises this will occur if it is clear that the practitioner poses a serious risk to the public. Currently this section requires the medical superintendent of a mental health facility to notify the relevant health professional council if a registered health practitioner is detained under the Mental Health Act. The report on the review found that section 151 required a mandatory report to the council at too early a stage and prior to any independent review of the patient under the Mental Health Act. As I mentioned earlier, this was one of the areas of concern to the NSW Nurses and Midwives Association.

The association said it felt the wording in this particular provision lacked clarity as to when, in the process outlined in section 27 of the Mental Act 2007, the obligation for a notification to be made arises. Section 27 outlines the steps that are taken in order for a person to be found to be a mentally ill or mentally disordered person. In its submission to NSW Health, the Nurses and Midwives Association said it believed that the obligation should arise after the finding is made by the Mental Health Review Tribunal. The proposed wording of section 51 does not specify whether the obligation arises at any time after review by an authorised medical officer or whether it arises after the process is completed.

The bill makes a number of changes to the provisions relating to the Professional Standards Committee. Under the bill, the chairperson of the Professional Standards Committee will be able to make interlocutory decisions such as adjourning matters, which will increase the flexibility of the committee. Further, the chairperson will have the deciding vote if the four-person committee is split evenly in its decision. This will ensure that if the decision of the committee is split evenly, matters will not be heard again. The bill allows the Minister for Health to require a financially unviable council to delegate its functions under section 41NA. The new provisions will further future proof the legislation by allowing for appropriate action to be taken in respect of a financially unviable council.

Finally, the bill updates the terminology used in regard to the pharmacy provisions in the Act. This occurs under amendments to schedule 5F. It also specifies that fees connected to pharmacy premises applications be set out in the regulations. Currently the fees are set by the Pharmacy Council of New South Wales. Requiring the fees to be set out in the regulations will increase transparency and regulatory oversight. In addition to those amendments, the bill removes section 147B (1) (b) from the New South Wales national law. This section currently requires an assessment committee to encourage a complainant and practitioner to attempt to resolve the complaint by consent. Part 8 of the New South Wales national law is a complaints handling system for the protection of the public; it is not aimed at resolving individual disputes. As such, complaints should be handled by bodies established under the national law for the protection of the public. The administrative reforms contained in this bill are an appropriate response to effect a desirable harmonisation in the important areas of accreditation and regulation. Accordingly, Labor will not oppose the bill.

The Hon. SHAOQUETT MOSELMANE [6.21 p.m.]: I speak to the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016. The object of the bill is to make miscellaneous amendments to the Health Practitioner Regulation National Law (NSW). I will not read the elements of the bill because the shadow Minister for Health, the Hon. Walt Secord, has already done so. As my colleague noted, the Opposition will not oppose the bill because it relates to minor parts of the New South Wales health system that require legislative and regulatory improvements. It would be remiss of the Opposition not to remonstrate with the Baird Government and its woeful record on public health administration and its failure to stand up to this heartless Federal Liberal Government and its savage system of cuts.

When the Prime Minister guts the health system, the people of New South Wales need their Premier—so-called Mr Nice Guy Mike Baird—to stand up for them. If the Federal Government wants to savagely cut the health system, it is up to Mike Baird to boldly say, "No, it is not on." While Malcolm Turnbull continues to hack and slash, our Premier is silent. Under the guidance of Prime Minister Turnbull, changes will be introduced to vital tests such as X-rays, blood and urine tests, ultrasounds, magnetic resonance imaging, and Pap smear tests. Premier Mike Baird continues to sit idly. As journalist Andrew Clennell reported recently, while Premier Baird takes the back seat, working families who are already doing it tough and slogging away to keep themselves afloat will be penalised for needing what is considered to be an essential medical test.

We can narrow down how the cuts are affecting people even further. In 2013 the ABC reported that leading surgeon Professor David Morris was told to cut the number of specialised procedures he performs to remove cancer from 12 to six. As a result of the Liberal Government's cuts, only half the number of people who desperately needed this important surgery will receive it. Imagine being one of 12 who needs treatment and suddenly becoming one of the six who will be left out. Those people will be severely impacted because the Federal Government decided to cut resources. For example, the decision may be made that the Hon. Paul Green will not be operated on. It is a disgrace; an absolute disgrace.

What makes this story even more ridiculous is that there appear to be 40 people on the waiting list. They are forced to sit and wait while the Government continues to hack and slash. Let us compare that with Labor's commitment to the St George area. Labor has reaffirmed that if elected a Labor government will pour $300 million into upgrading the St George Hospital, which means more beds, more staff and more capacity for patients. Specifically it will: add an extra storey above the emergency department; build a new intensive care unit and high dependency and cardiac intensive care units; and expand operating theatre capacity as part of a purpose-built critical care floor.

There is a stark contrast between Labor's plans to invest in the local area and its services and the Coalition's continued attacks on public health services. Let us also not forget the following examples of Premier Mike Baird's ineptitude in administering the health system. At St Vincent's Hospital there was the under-dosing of 70 cancer patients, and this was, as the Hon. Walt Secord would say, covered up. There was the mix up of seven babies, who were given to the wrong mothers to be breastfed.

There is the upcoming privatisation of the linen service at Wagga Wagga and Wollongong, which will affect hygiene in hospitals. There was the discovery of limbs at a Hunter tip, which should have been incinerated. The Murwillumbah birthing centre could only be reopened if mothers agreed to leave within four hours of giving birth. That is shameful. This is Australia. It is shameful that we ask mothers to leave hospital four hours after giving birth.

The Hon. Sarah Mitchell: Point of order: I feel compelled to raise a point of order relating to relevance. We are debating the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016, and I think the comments by the Hon. Shaoquett Moselmane are outside the long title of the bill.

The Hon. Walt Secord: To the point of order: I put it to this Chamber that in fact everything the Hon. Shaoquett Moselmane is saying is contained within the purview of the bill. This bill relates to complaints involving the health system. He is being absolutely and entirely relevant.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! There is no point of order. The Hon. Shaoquett Moselmane has the call.

The Hon. SHAOQUETT MOSELMANE: Ambulances queue up outside emergency departments because they are unable to admit patients due to a lack of beds. Ice usage and the violence associated with ice are affecting the health and safety of patients and staff in the State's emergency departments, especially at St Vincent's and at rural, regional and coastal hospitals. Currently 73,000 patients are waiting for elective surgery procedures in New South Wales such as knee and hip replacements, tonsillectomies, gall bladder removals and cataract removals.

In Western Sydney, the wait from general practitioner appointment to cataract removal surgery can be up to four years. Ambulance response times in the life-threatening category rose to the highest level in five years, from 10.8 minutes in 2013-14 to 11.2 minutes in 2014-15. Statewide in our more than 80 emergency departments, 30 per cent of patients waited for longer than four hours in the July to September 2015 reporting quarter. At Nepean and Westmead hospitals, overall 52 per cent of patients waited longer than four hours. At Nepean hospital, 835 patients waited longer than 20 hours in emergency. I ask members to imagine what it would feel like to wait for 20 hours.

The Hon. Trevor Khan: Point of order: I draw to the attention of the Deputy-President to the long title of the bill, and even the overview of the bill. This is plainly a bill that deals with a variety of miscellaneous amendments to the Health Practitioner Regulation National Law (NSW). What we have heard from the Hon. Shaoquett Moselmane is really a regurgitation of a speech that he gave in respect of a motion moved by the Hon. Walt Secord relating to health services in New South Wales. He is talking about ambulance response times and the like that have nothing to do with the subject matter of this bill. I ask you to bring the member back to the long title of the bill.

Mr Jeremy Buckingham: To the point of order: Paragraph (b) of the overview of the bill clearly refers to matters relating to the conduct and physical and mental capacity of health practitioners. That is exactly what the member is referring to. He is referring to the mental and physical capacity, or lack thereof, of people in the health space. That is clearly what he was referring to. He was being generally relevant to the long title and overview of the bill.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Members might want an early mark tonight. I draw the member back to the subject matter of the bill and ask him to confine his remarks to the leave of the bill. He put forward some examples, but I draw his attention to the bill. I ask that the member be heard in silence.

The Hon. SHAOQUETT MOSELMANE: I thank members for listening. I place on the record the facts of the matter. Federal and State Coalition governments have ripped the heart out of the health system, and the people of New South Wales ought to know that.

Mr JEREMY BUCKINGHAM [6.31 p.m.]: The Greens will be supporting the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016, which will make minor amendments to the Health Practitioner Regulation National Law (NSW), as recommended by the 2015 report on the statutory review. The national law is a nationally consistent law with respect to the registration of health practitioners, including registered health practitioners such as nurses, dentists and pharmacists. The amendments will increase

flexibility in the complaints processes and ensure that these processes continue to protect the public. The amendments are mainly administrative in nature and are in line with the recommendations of the statuary review, which found that the law was working effectively, but that minor changes could be made to streamline the complaints-handling processes. The Greens appreciate the consultation that was had with the Minister and the Minister's staff in relation to this legislation. We raised a significant number of issues and gained some more clarity.

The amendments include: amendments to the professional standards committees, which hear low-level conduct matters, to require hearings to be audio-recorded; amendments to allow a council to impose conditions, with a practitioner's consent, on a practitioner's registration after receiving a performance assessment report; amendments to allow the NSW Civil and Administrative Tribunal [NCAT] to make an interim suspension order when a complaint has been proven and before a final decision has been made; amendments to allow an Impaired Registrants Panel to deal with a matter the NSW Health Care Complaints Commission [HCCC] is investigating; amendments to allow the Minister to require a financially unviable council to delegate its functions; amendments to clarify that the HCCC and a council have a right to appear in any review application heard by NCAT; and amendments to update the terminology used in respect of the pharmacy provisions in the national law. The Greens support all these amendments.

The only concern the Greens had regarding this bill is that it does not address the in-principle recommendation by the review that New South Wales should have the legal right to accept or reject changes to the Schedule of Health Practitioner Regulation National Law Act (2009), Queensland, by making any changes disallowable. This position is supported by the Royal Australasian College of Surgeons. The review states:

> … the Health Practitioner Regulation National Law (NSW) should be amended to provide that regulations or a Governor's order must be made before any changes to the Queensland law apply in NSW. It is considered that this should be a power to require regulations/orders to be made prior to any changes taking effect in NSW rather than a power to dis-applying any changes to the Queensland law. This is because the former will allow for proper scrutiny by ensuring that the NSW Parliament can decide whether it agrees to the changes or not.

We have since been assured by the Minister as follows:

> The report on the statutory review gave in principle support to the Health Practitioner Regulation National Law (NSW) being amended to require regulations or a Governor's order to be made before any changes to the Schedule of the Queensland Law take effect in NSW. However, it also noted that the Ministry needs to work to address any issues in relation to the interaction between the Health Practitioner Regulation National Law (NSW) and the Queensland Law.
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> While in-principle support has been given to Health Practitioner Regulation National Law (NSW) being amended to require regulations or a Governor's order to be made before any changes to Queensland law, the Ministry is still considering how to put this recommendation into practice. In this regard it is important to ensure that any changes to the New South Wales national law do not affect the current process in which a person registered in New South Wales is, by virtue of the national consistent registration provisions, registered in all other States and Territories (and a person registered in another jurisdiction is registered in NSW).

The Greens accept this explanation and are pleased that the Minister has indicated that she will address this in her reply. The Greens will be supporting the bill without amendment.

The Hon. COURTNEY HOUSSOS [6.35 p.m.]: I speak to the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016. I note that the Opposition does not oppose this bill, which is a measure to improve governance and oversight of health practitioners and to streamline the complaints processes for patients around the State. It seems obvious to me that the Government has found these changes to be necessary because of the significant increase in the number of complaints to the Health Care Complaints Commission [HCCC] each year. Indeed, the HCCC saw a 10.5 per cent increase in complaints in 2013-14 alone. This year, there have been an astonishing 5,000 complaints already made to the HCCC.

It is clear to members on this side of the House that the astounding increase in complaints recently are related directly to the irresponsible cuts to the health system made by this Government and the Coalition Government in Canberra. Of course, if billions of dollars are cut from health and hospitals, healthcare workers are forced into a perilous situation. Without the right resources and the proper backing of government, doctors and nurses are sometimes forced into a perilous situation where they are simply too ill-equipped to offer the desired level of care. I suggest that the Government reflect on its healthcare cuts when considering the need to streamline the complaints process.

This bill, in a general sense, points to a deeper issue with this Government in the context of a health system in New South Wales that is facing serious challenges. I note that $3 billion has been ripped out of health

and hospital budgets, and that emergency workers are being assaulted at our hospitals. We have an ageing population, an ice epidemic with frightening consequences for our State, particularly in rural and regional New South Wales, and an obesity problem that is getting worse. Instead of the Government addressing those very significant issues, we are served up yet another tidying up bill that only tinkers around the edges while serious issues such as eyeball tattoos are given a light touch of regulation.

One has to question whether the Minister truly understands that our health system is facing serious challenges right now that are affecting the quality of health care available to the people of New South Wales. Bed block, emergency wait times and surgery waiting lists result in our residents being sicker for longer. Sadly, we have to question the Minister's capacity to tackle these issues when in this place we are only ever offered miscellaneous amendment bills that completely ignore the various challenges I have mentioned. It is affronting that since the last election this bill is one of only five health-related bills that have come before this House. The single most significant legislative achievement this Government has done in the health space during this Parliament has been to ban e-cigarettes. And not to downplay that issue, we supported it.

The Hon. Niall Blair: Point of order: Interjections, particularly from the Deputy Leader of the Opposition across the Chamber, are disorderly and they make it difficult for Hansard to report the words of the Hon. Courtney Houssos. I ask that the Hon. Walt Secord be called to order. I reiterate the point of order that was taken earlier in relation to the long title of the bill and ask that Opposition members be at least generally relevant.

The Hon. Walt Secord: To the point of order: I know that the Hon. Duncan Gay has taken the Hon. Niall Blair under his wing, but it is not about taking phantom interjections—

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! There is no point of order. Let he who is without sin cast the first stone. All members will remain silent. The Hon. Walt Secord will not interject. The Hon. Courtney Houssos has the call.

The Hon. COURTNEY HOUSSOS: The single most significant legislative achievement this Government has done in the health space during this Parliament has been banning e-cigarettes. I do not downplay that issue at all. The Hon. Walt Secord, as shadow health Minister, did a lot of work on the issue and Labor supported the bill. But in the face of the current health system, which is struggling under the weight of this incompetent Government, surely the people of New South Wales can expect a lot more from the Government than banning e-cigarettes, privatising whatever it can and, today, streamlining a complaints process.

For the record, the other health bills I referred to, first, concerned the definition of the word "paramedic", secondly, allowed private ambulances, and, thirdly, offered miscellaneous amendments to tidy up current laws. This Government and the health Minister are missing in action when it comes to the serious issues facing our healthcare system. As I said, Labor will not be opposing this bill, but I long for the day when we will be presented with substantive legislation that relates to the care of patients and healthcare workers and deals with the serious challenges our health system is facing as a result of this Government.

The Hon. SARAH MITCHELL (Parliamentary Secretary) [6.41 p.m.], on behalf of the Hon. Niall Blair, in reply: I thank honourable members for their contribution to the debate on the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016. The bill is an important piece of legislation that sets out the nationally consistent provisions relating to the registration of health practitioners. In addition, it provides for the New South Wales specific complaints handling regime, under which New South Wales has retained the role of the independent Health Care Complaints Commission and the health professional councils. This regime provides for a strong, robust and fair complaints handling process to deal with complaints made against a registered health practitioner.

In 2015 a statutory review of the New South Wales-specific provisions under the Health Practitioner Regulation National Law was undertaken. The review found that the objectives of the law remained valid and appropriate. However, it made a number of recommendations for change. Most of the recommendations of the statutory review related to minor changes to the New South Wales national law, which are designed to streamline the complaints-handling processes and increase flexibility. The bill before the House implements these recommendations, which will help to ensure the smooth operation of complaints handling in New South Wales.

I note that some of the recommendations of the statutory review relate to giving in-principle support to a number of quite substantive changes to the national law, such as, consolidating the nine smaller health professional councils into one combined council and having a process requiring a Governor's order or regulations to be made before changes to Queensland law take effect in New South Wales. These proposals are not being pursued in the bill as further work is required before any final decision is made in relation to these recommendations. In relation to consolidation of the smaller councils, further consideration of the issues in consultation with stakeholders is required before a final decision is made as to whether to consolidate the smaller councils.

In respect of how changes to the Queensland law are applied in New South Wales, Parliamentary Counsel has raised a number of issues in relation to the interaction between the New South Wales national law and the Queensland law, and further consultation is required before a final decision is made. The bill, while making minor changes, is important legislation that will assist in ensuring that the complaints-handling processes for registered health practitioners remains robust, up to date and continues to protect the public. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Sarah Mitchell, on behalf of the Hon. Niall Blair, agreed to:

That this bill be now read a third time.

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

ADJOURNMENT

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) [6.45 p.m.]: I move:

That this House do now adjourn.

NEW SOUTH WALES COMMUNITY MEMBERS

The Hon. COURTNEY HOUSSOS [6.45 p.m.]: This evening I will speak about the wonderful, diverse community that we are lucky to represent in this place and will spend a few minutes talking about some of the extraordinary people I have been fortunate to meet with recently. They are all contributing in their own way to the great State of New South Wales. It is an incredible privilege to be in this Chamber, representing them all. The first are Col McPherson and Trevor Urquhart from Wagga Wagga. These two gentlemen are long-respected members of the New South Wales Labor Party, both having been country members for more than 40 years. At this year's Labor State Conference they were among the many recipients awarded the prestigious Life Membership of the Australian Labor Party. Other recipients included several former members of the other place such as Andrew Refshauge and David Campbell, among others.

Col McPherson stood as the Labor candidate three times in the electorate of Wagga Wagga, in 1995, 1999 and 2003. Those were difficult and demanding campaigns out in the bush in a Coalition stronghold, but the Labor Party and its values of fairness and opportunity were in his blood. Col's father, Hubert McPherson, served in this place for 17 years and inspired Col to join the party at the age of 17 in 1967. Trevor Urquhart has likewise been a steadfast and loyal member of the Labor Party for decades. He has also been a Shop, Distributive and Allied [SDA] Employees Association organiser for 32 years, fighting for fairness for some of our country's lowest-paid workers. I was delighted to see Trevor awarded life membership. I have known Col and Trevor for close to a decade. They have been stalwarts of the Wagga Wagga branch, tireless campaigners

for the Labor movement and, importantly, they have both played a crucial mentoring role to the many young people who have joined the Labor Party in the Riverina. I pay tribute tonight to their service to both the Australian Labor Party and their local community.

I also had the privilege to hear Bridget Whelan speak at Morning Teal at Parliament House, which was organised to raise money for and awareness of ovarian cancer. Bridget is a young woman who was diagnosed with ovarian cancer almost six years ago, when she was just 36 years old. Her powerful story moved many of us to tears, as she showed us her incredible strength and resilience. I remember Bridget as a talented and hardworking senior Labor staffer, and a role model to many young women. But she has maintained her strength and poise to become an advocate for better diagnosis and support for women suffering from this insidious disease. I will wholeheartedly support her.

During the last sitting week I was delighted to welcome Vivienne Al-Malah, a young student leader from Banksia Road Primary School, to Parliament House. Vivienne is a young and inspiring Muslim girl with a huge amount of potential. In preparation for her visit she compiled a series of questions for me, which showed her already mature and insightful mind. Considering yesterday was International Women's Day, I think it is incredibly important that we ensure that young women like Vivienne will one day be representatives in this Parliament. Finally, I pay tribute to the Rail, Tram and Bus Union Women's Campaign Committee, who I spoke to yesterday on International Women's Day. Every day these incredibly humble and dedicated train and bus drivers are breaking down barriers and advocating for women's participation in some of today's most male-dominated roles. I was inspired by them and the valuable work they do for not just our community but all women.

EASTER

The Hon. PAUL GREEN [6.50 p.m.]: Recently I saw the movie *Risen*. It is an epic biblical story of the resurrection as told through the eyes of non-believer Clavius—a powerful Roman military tribune who was tasked with solving the mystery of what happened to Jesus in the weeks following the crucifixion. Today I will speak about the significance of Easter and address why Christians commemorate the day.

Easter is a reminder of who we want to lead our world. As humans we can rely on creating our own social constructs and we can choose whether it be good or evil. Unfortunately much of our moral barometer outside God is influenced by rapidly shifting retail politics that is based on public opinion and cultural changes. In one part of the Easter story Jesus answered Pontius Pilot that his kingdom was not of this world. The kingdom Jesus spoke of is an unshakeable kingdom and it is for those who love him, and those who follow and acknowledge him as their personal saviour. I am thankful that Jesus offers eternal protection, a protection that no matter what happens in this world there is a way through it.

Many Australians acknowledge that Jesus died on the cross and that he died for all of us, therefore his love is unconditional; but, to follow him is conditional. One must carry their own cross and burdens. He died carrying our sins and guilt with him so we can have a life full of freedom, love compassion and mercy for others. This is why in Lent many Christians give something up. It is a way of serving and acknowledging our God Jesus as he gave up his life for us. Another reason the resurrection is vital to the Christian faith is that it reminds us that light overcomes the darkness. God is light. This also means that without the light and faith in the light the darkness will overcome it. Without light how can we, as humans, get through some of the darkest moments in our daily lives? That is why we use encouraging phrases such as, "there is always light at the end of the tunnel". I acknowledge that in our lives some tunnels are longer than others, although that light is still at the end of them.

As a result of the risen Lord, Christians understand that there is a consequence for our wrongdoings, for example, our sins. Jesus paid for our sins and our guilt by dying on the cross for us. This is a personal message from a loving God to each human being. You do not have to carry the burden of sin, but many will still travel all over the world looking for something to address that crack or emptiness in their heart, while all the time it is a simple prayer of forgiveness away. It is the same sort of forgiveness that we receive when we ask our loved ones to forgive us for our wrongs. It unlocks the burden of our heart and frees us up to continue living. This personal message from God is for everybody. It has the same outcome, that is, forgiveness.

Recently I met a mum who lost her son when he was nine years old. I cannot begin to describe the deep sadness, hurt and excruciating pain in her eyes. Her heart was breaking. I listened to her story. She recounted her memories of his precious life. She celebrated every little memory. Those memories became so valuable because

that is all she had left. I thought about the Gospel message and the movie *Risen*, and it inspired me to give this adjournment speech. Every time I watch the crucifixion of Jesus I cannot help but feel deep in my heart the pain that God our Father would experience watching his Son, who had done no wrong, but chose through love that all humans be reconciled to him at Easter. The pain of seeing his Son pierced with a crown of thorns, stabbed in the side with a spear, accused of being a criminal and being crucified because of hate speech from the Pharisees is unimaginable. Jesus' condemnation of them was a great threat. Easter is a significant time for Christians and a time to reflect on the sacrifice that the Lord has made for us.

TUMBARUMBA AND TUMUT COUNCILS MERGER PROPOSAL

The Hon. MATTHEW MASON-COX [6.55 p.m.]: Over the past few weeks I have toured southern New South Wales and had the pleasure of catching up with old friends and meeting many others residing in this important region. I have always highly valued the views of country people and sought to represent those views diligently in this place. I have rarely seen communities so galvanised against some of the council amalgamations proposed by this Government. Residents of Harden and Cootamundra signed on to the local government reform process in good faith and agreed to merge only to be told they had chosen the wrong partners! Tumbarumba, the strongest rural council in New South Wales, was assured it would stand alone only to fall to a late predatory merger bid from Tumut council. Whilst no final decision has been made on either of these mergers, the affected communities feel betrayed and bewildered by the Government's proposed response.

Most fair-minded people I have spoken to agree that local government is desperately in need of reform. The reform process began in March 2012 with the appointment of the Independent Local Government Review Panel to consider options for local government structures, governance models and boundary changes in close consultation with local communities. Contemporaneously, NSW Treasury Corporation conducted the first comprehensive financial sustainability and benchmarking assessment of all 152 New South Wales general purpose councils. The Government also appointed the Independent Pricing and Regulatory Tribunal to assess how council amalgamation proposals met the Government's Fit for the Future criteria. This report was published on 20 October 2015, with the Government response delivered just before Christmas. The Government's amalgamation proposals are now being considered by appointed delegates. Their reports will be submitted to the Minister and to the independent boundaries commission. The boundaries commission will then provide its comments to the Minister, after which a final decision on each merger proposal will be made. That final decision is expected mid-year.

In the case of the proposed Tumbarumba-Tumut merger, the case for the negative is persuasively made in Tumbarumba's comprehensive response dated January 2016, supported by an independent review by Crowe Howarth Albury. It makes the following points: the NSW Treasury Corporation report assessed Tumbarumba's financial sustainability as strong—the only other council with this assessment was the Council of the City of Sydney; the Independent Pricing and Regulatory Tribunal assessed Tumbarumba as Fit for the Future as a rural council; the Independent Local Government Review Panel said it was debatable whether a merger was a realistic option; the asserted financial benefits of merging are overstated and based on incorrect financial data and incorrect assumptions; and there are no communities of interest between the two councils—Tumut looks to Wagga Wagga for its services while Tumbarumba looks predominately to Albury and Victoria; they do not look to each other.

Tumut is in the Murrumbidgee catchment while Tumbarumba is in the Murray catchment. The shires are separated by the Bago Range, long distance and difficult driving conditions, particularly in winter, all of which explains why the NSW Electoral Commission placed them in separate State electorates. Service delivery in these two shires is driven by very different environments. In Tumut shire the private sector delivers most community services to a few major population centres, whilst in Tumbarumba the council delivers a huge range of community services and facilities in close collaboration with the community due to its geographic isolation and dispersed population. Tumbarumba has a strong vibrant economy, low unemployment, strong representation and excellent leadership, particularly on its council, all of which will be put at risk by the proposed merger. The community of Tumbarumba passionately opposes the proposed merger, with 93 per cent of residents demanding to stand alone. Finally, the response states that Tumut now also opposes the proposed merger of the two councils.

The merger of these two councils would be a perverse outcome from what has otherwise been a comprehensive and consultative local government reform process. Accordingly, I call on the delegate, the boundaries commission, the Minister and the Premier to strongly consider Tumbarumba's compelling response. For sound, rational reasons, Tumbarumba must be permitted to stand alone. The future of this vibrant, beautiful shire may well depend on it.

VOCATIONAL EDUCATION AND TRAINING

The Hon. GREG DONNELLY [7.00 p.m.]: In Parliament as in life silence sometimes speaks louder, indeed a lot louder, than words. It is with this in mind that I invite honourable members and the public at large to reflect on the Government's deliberate decision to not discuss or examine in this House the recent inquiry report of General Purpose Standing Committee No. 6 into vocational education and training in New South Wales. The inquiry, the most comprehensive examination of TAFE and vocational education in this State in recent time, was undertaken by General Purpose Standing Committee No. 6 in the second half of 2015.

The committee received 278 submissions, visited TAFE campuses in northern New South Wales, Newcastle, Wollongong and the Illawarra, and heard from 82 witnesses who gave testimony at eight public hearings. The hearings were all well attended by members of the community wherever the committee went. The inquiry report was tabled in the Legislative Council on 15 December 2015. When debate on the committee report took place on Tuesday 23 February I deliberately waited until the Chair of the committee, the Hon. Paul Green, had spoken to see what the Government's comments and reflections would be regarding this most important inquiry.

The Government had three of its members on the committee who played a serious and engaging role in its deliberations. They also played a thoughtful role in the deliberative meeting that finalised the inquiry report and its recommendations, and none of them submitted dissenting statements. However, when it came to speaking frankly in public about what the inquiry had uncovered about what was happening to TAFE and vocational education in this State, it was a case of: All please move along. There is nothing to see here. I encourage all members in this House and in the other place to read this inquiry report of General Purpose Standing Committee No. 6. I say this because all is not well with TAFE and vocational education in this State.

TAFE has been a traditional pillar of our education system in this State. In particular it has trained our tradespeople to a very high standard over many decades. Employers in particular knew that if their apprentice had been trained by TAFE he or she was properly qualified and held the requisite skills to competently carry out their job. The other aspect of TAFE that I specifically mention is its "second chance" programs that have opened up so many doors for so many people over the years in this State who for one reason or another were not able to undertake the Higher School Certificate or needed to go back and "do again" so they could achieve the marks they needed to enter their chosen field of study.

The fundamental problem facing TAFE and vocational education is the ideological position adopted by the Government towards them. In summary, the Government would like to vacate the field with respect to the funding and support of TAFE and vocational education. Through its actions the Government is demonstrating that the once bipartisan political support for one of our key institutions in this State is definitely over. This Government wants to extricate itself as far as possible from both TAFE and vocational education. It believes that government involvement in these areas should be minimised as far as practicable. It believes that the market-based model for this type of education must be strongly encouraged to the point at which it becomes the norm.

Unfortunately, applying this free market approach—as applies to, say, the delivery of pizzas—to TAFE and vocational education is having some diabolical consequences. Indeed it is fair to say that a good proportion of the inquiry's time was spent looking at and reviewing these consequences. As the report outlines, the list is long but includes large fee increases, reductions in teacher-to-student contact hours, abolition of courses, retrenchments of teaching and support staff, plummeting enrolments, cuts to counselling, library and student services, and preparation of key assets for sale, and the list goes on.

It is no secret that 27 sites have already been earmarked for sale by this Government to the highest bidder. It must also be said that regional and rural New South Wales are really feeling the pain of this Government's disengagement with TAFE and vocational education. Once again they see the Government walking away from providing a key service that in most instances will not be picked up by the private sector because it is not profitable to do so. There are many people feeling desperately let down by The Nationals. Instead of speaking out and highlighting the terrible impact the current policy is having on country communities, The Nationals remain silent as if nothing is happening. It is a dreadful case of wilful blindness.

Recently released data revealed that the number of people undertaking apprenticeships and traineeships in New South Wales in September 2015 was 82,600. In September 2010 the number was 146,200. This is a

massive decline and clearly indicates that all is not well at TAFE. The Government does not have a mandate to run TAFE down and flog it, and it should stop acting as if it does. Unless the Government takes immediate steps to address the range of issues identified in the report, this exceptional institution may not recover.

JOHN DINES AND UNDERCOVER POLICING

Mr DAVID SHOEBRIDGE [7.05 p.m.]: In 1968 a young boy called John Barker, only eight years old, died from leukaemia. Nineteen years later an undercover United Kingdom police officer called John Dines stole John Barker's identity. Using the stolen identity of a dead boy, and with a complete lack of principles, John Dines then sought to infiltrate British environmental and left-wing movements. John Dines was not working alone. He was just one of a number of undercover police employed by the UK Special Demonstration Squad [SDS] using the stolen identities of dead children to infiltrate protest groups. The SDS was established in 1968 and operated until 2008. Its purpose was to infiltrate left-wing groups using undercover police officers who provided intelligence to MI5. It has been revealed that the SDS used the names of at least 80 dead children to create the false identities for its agents. Many of these agents then entered into long-term personal and sexual relationships with protest organisers and activists to gain trust and increase their access to information.

John Dines started attending Greenpeace meetings in 1987 as a member of the squad, using the name of John Barker. As part of his undercover activities, he and other members of this squad entered into close, and often intimate, relationships with the activists whom they were spying on. In 1990 John Dines entered into a serious relationship with activist Helen Steel that continued until 1992, when he simply disappeared. Helen, who is present in the gallery tonight, spent years searching for Dines. In 2011 Helen was informed that he had been an undercover police officer. The first case similar to this that came to public attention was portrayed by the police as just involving a rogue officer, but this was not an isolated incident. Eight women, including Helen, then took legal action against the police as a result of being deceived into relationships with five different undercover officers who infiltrated environmental and left-wing movements over a period spanning 25 years, strongly suggesting an institutional practice.

Theirs are not the only cases being taken over these relationships. There have been a large number of legal challenges to the Metropolitan Police Service as a result of the SDS actions. They include a £425,000 payment to a woman whose child was fathered by undercover police officer Bob Lambert when she was a 22-year-old activist. When her child was two years old his father vanished. She only found out his real identity 25 years later through reading a newspaper article. The Metropolitan Police Service now accept that this practice was morally and legally offensive. In a public apology issued in November 2015 it said:

> Officers, acting undercover whilst seeking to infiltrate protest groups, entered into long-term intimate sexual relationships with women which were abusive, deceitful, manipulative and wrong.

It is hard to truly understand the impact that this would have on someone's life. In Helen Steel's own words:

> I certainly feel violated by what they have done. It is about power. We didn't consent, and would not have consented if we had known who they were.
>
> They've allowed this to happen in a unit of mainly male officers, in a culture where sexism is undoubtedly at play. Politicians and police officers have tried to justify it on the basis that it's "necessary", or that we deserved it in some way The whole thing just demonstrates institutional sexism. The assumption is that, as a woman, you haven't got the right to make a fully informed decision about who you want a relationship with, or have sex with—and that basically it's not a problem for police to use women in this way.

Why am I raising this case in the New South Wales Parliament? The answer is disturbingly simple: John Dines is now teaching police in Sydney. He is currently attached to Charles Sturt University. Since at least 2012 he has been at the Australian Graduate School of Policing and Security at that university, and is now course director for the Mid Career Training Program. That program is intended to provide senior-level guidance to police officers. The learning outcomes of the unit include providing students with advanced knowledge in areas including identifying and sharing good practice, human rights and gender sensitivity.

It is offensive in the extreme that John Dines can be involved in teaching these matters to police in this State. This is a man who professionally and systematically abused human rights as a police officer in the United Kingdom and showed a culpable lack of gender sensitivity. He has no place teaching police in New South Wales or in any country that says it respects human rights. We must ensure that similar abusive

political undercover policing tactics are not replicated here or abroad. This must start with an investigation into whether New South Wales police have been trained by any officers from these offensive United Kingdom units. As part of the Metropolitan Police Service's public apology, a spokesperson said:

> I acknowledge that these relationships were a violation of the women's human rights, an abuse of police power and caused significant trauma. I unreservedly apologise on behalf of the Metropolitan Police Service. I am aware that money alone cannot compensate the loss of time, their hurt or the feelings of abuse caused by these relationships.
>
> The Metropolitan Police recognizes that this should never happen again and the necessary steps must be taken to ensure that it does not.

Was Charles Sturt University aware of John Dines' past when it employed him? Are the New South Wales police aware of the history of this man? Whatever their knowledge before now, this much is clear: He must cease any involvement with teaching police in this State before a similar apology is needed by the New South Wales police.

VOLUNTARY EUTHANASIA

The Hon. TREVOR KHAN [7.10 p.m.]: I speak tonight about Anthony Virgona. An article appeared in the *Age* newspaper on 7 February this year written by Mr Beau Donelly. Anthony Virgona spent more than a third of his life in residential care. He had multiple sclerosis. By February of this year he could no longer walk and his organs were failing. His short-term memory was gone and a team of carers looked after him, including washing, dressing, feeding and toileting him. Mr Virgona wished to die. He said this:

> My bones are starting to buckle. My spine hurts. I'm in too much pain for too many hours of the day … I've been fighting this disease for 20 years and I've just had enough.

On Monday, following the writing of the article, a nurse was to wake Anthony Virgona at the normal time of 5.30 a.m. so that he could travel to Royal Melbourne Hospital for kidney dialysis, which had kept him alive for five years. But on that Monday he had made the decision that he would have no more renal dialysis. He packed his belongings into cardboard boxes, along with the framed photo of his mother and sister, and other memorabilia that had been scattered around the room at the end of the corridor. He placed them all away. He had spoken to his ex-wife and his children, and told them of his decision. His sister particularly had considerable trouble dealing with the decision he had made but he said this of his decision:

> It's not the coward's way out … I've spoken to a lot of medical staff including psychiatrists and they all think I'm in the right frame of mind. Most have been quite moved and tell me I've been so brave.

On the Monday when he did not have the dialysis it marked the point where he knew that within three weeks he was likely to be dead. On Tuesday of that week he said:

> I had a really bad night … I was up vomiting a lot. I've been told to expect some difficult times in the next day or so because the toxins are building up.

By 14 February, blessedly, he had died. I raise this matter because it brings on the horrible reality of people with such conditions as multiple sclerosis and the choices that they face in their life and their death. Anthony Virgona could have lived for a considerable period and he knew that, but he knew also that by the end the options that were available to him were extraordinarily limited. He knew that by the end he would have been faced with a complete incapacity to move and would probably either have suffocated or choked to death. That was the future he faced. Anthony Virgona made a decision—a lawful decision—to take his own life through removal of medical care. Not everyone has that choice; not everyone is lucky enough, by the removal of medical treatment, to die within a week.

I inform honourable members that during this year a bill will come before this House, a bill to allow people, with the assistance of the medical profession, to take their own life. I raise this issue now because no doubt there will be great concern about and discussion of this matter. But I ask people when the bill comes before this House to consider it carefully, to consider it dispassionately, to consider it free from the politics that have invaded this issue so many times in the past and to give those people who wish to have the choice—who wish to take control of the final days, weeks or months of their life—the opportunity to have some final act of dignity.

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

Motion agreed to.

The House adjourned at 7.15 p.m. until Thursday 10 March 2016 at 10.00 a.m.